

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA**

<b>IN THE MATTER OF LOOKOUT SOLAR</b>	)	
<b>PARK I, LLC’S PETITION FOR A</b>	)	<b>Petition for Declaratory Ruling</b>
<b>DECLARATORY RULING REGARDING</b>	)	
<b>A LOOKOUT SOLAR PROJECT ENERGY</b>	)	<b>Docket No.</b>
<b>FACILITY PERMIT</b>	)	
	)	
	)	

Lookout Solar Park I, LLC (“Lookout Solar”) petitions the Public Utilities Commission (“Commission”) to issue a declaratory ruling that resolved the following issue: (1) Does the Commission have jurisdiction over the Lookout Solar Project (“Project”), a 110 megawatt (“MW”) energy conversion facility to be located on the Pine Ridge Indian Reservation in South Dakota? (2) If so, is an energy facility permit required for the Project?

In support of its Petition, Lookout Solar submits the following information as required by ARSD 20:10:01:34.

**1. Statutes in Question**

SDCL 49-41 B-2 defines an “energy conversion facility” as: any new facility, or facility expansion, designed for or capable of generation of one hundred megawatts or more of electricity, but does not include any wind energy facilities. Under SDCL 49-41 B-2, the definition of “facility” includes an “energy conversion facility.”

SDCL49-41 B-4 states that no utility may begin construction of a facility in the state on or after July 1, 1979, without first having obtained a permit issued with respect to such facility by the Commission. Any facility, with respect to which a permit is required, shall thereafter be constructed, operated, and maintained in conformity with such permit including any terms, conditions, or modifications contained therein.

**2. Facts and Circumstances which Give Rise to the Issue**

The facts and circumstances which give rise to this Petition are discussed in the attached letter.

**3. The Precise Issue to be Answered**

Lookout Solar respectfully requests the Commission determine whether the Commission has jurisdiction over the Project located on the Pine Ridge Indian Reservation. In addition, Lookout Solar respectfully requests the Commission determine whether an energy conversion facility permit is required for the Project pursuant to the requirements of SDCL49-41 B-4.

Dated this 7 day of December, 2017.



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Christian Bohn  
Lookout Solar Park I, LLC  
c/o Orrick LLP  
1152 15th Street NW  
Washington, DC 20005