

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

**IN THE MATTER OF THE APPLICATION)
BY DAKOTA RANGE I, LLC AND)
DAKOTA RANGE II, LLC FOR A PERMIT)
OF A WIND ENERGY FACILITY IN)
GRANT COUNTY AND CODINGTON)
COUNTY, SOUTH DAKOTA, FOR THE)
DAKOTA RANGE WIND PROJECT)**

**MOTION FOR ADOPTION OF
PROCEDURAL SCHEDULE**

EL18-003

COMES NOW, Staff (“Staff”) of the South Dakota Public Utilities Commission (“Commission”) and hereby files this Motion for Adoption of Procedural Schedule.

This docket was opened on January 24, 2018, with the filing by Dakota Range I, LLC and Dakota Range II, LLC (Dakota Range), for a permit of a wind energy facility in Grant County and Codington County, South Dakota, for the Dakota Range Wind Project. The parties to this proceeding are currently Staff and Dakota Range. To date, seventeen individuals filed applications for Party Status in this docket which are scheduled to be considered at the April 3, 2018 Commission Meeting.

Under SDCL 49-41B-25, the Commission must issue a decision on this matter within six months of the filing. Given the time constraints of this docket, Staff recommends the Commission adopt a procedural schedule at this time in order to facilitate timely discovery and allow all parties to plan for the proposed evidentiary hearing.

While Staff is cognizant of the fact that this Motion is before the Commission at the same meeting as applications for party status, that is an unfortunate necessity of the short time frame for processing these dockets. In order to mitigate any difficulty that might create, Staff reached out to intervenors in advance of filing this Motion. However, the burden created by delaying establishment of material deadlines far outweighs the advantages of waiting two weeks to establish a schedule.

Therefore, Staff requests the Commission adopt the following procedural schedule:

Applicant Supplemental Direct Testimony Due	April 6, 2018
Staff and Intervenor Testimony Due	May 4, 2018
Applicant Rebuttal Testimony Due	May 21, 2018
Final Discovery to All Parties	May 24, 2018
Final Discovery Due	June 7, 2018
Witness and Exhibit Lists Due	June 8, 2018
Deadline for Prehearing Motions	June 11, 2018
Final Pre-Hearing Conference	June 12, 2018
Evidentiary Hearing	June 13-15, 2018

Staff requests that answers to discovery be due ten business days from receipt of a discovery request unless otherwise agreed to, in writing, by the inquiring and responding parties. Given the time constraints of this docket, allowing additional time to respond to discovery requests will significantly interfere with the number of rounds of discovery the parties may issue. Staff does recognize that certain discovery requests may take additional time to complete and recommends that the response deadline be flexible to allow additional response time upon agreement by the party issuing and the party answering the discovery request.

Staff does not support holding the evidentiary hearing earlier than June and would not be able to adequately prepare a case with pre-filed testimony in the time that would provide. Staff and other parties need the ability to engage in discovery and work with witnesses in order to present a meaningful case.

WHEREFORE, Staff respectfully requests the Commission issue an order adopting Staff's proposed procedural schedule set forth above and establishing a ten-business day deadline for responses to discovery.

Dated this 28th day of March 2018.

Amanda M. Reiss

Amanda M. Reiss
Staff Attorney
Public Utilities Commission
500 East Capitol Ave.
Pierre, SD 57501