

**HAND COUNTY
BOARD OF COMMISSIONERS**

415 W. 1st Avenue
Miller, South Dakota 57362
Phone: (605) 853-2182 ~ FAX: (605) 853-2769

RECEIVED

AUG 09 2018

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

August 8, 2018

South Dakota Public Utilities Commission
500 East Capital Avenue
Pierre, SD 57501-5070

RE: Sweetland Wind Farm, LLC

Commissioners:

Attached is a copy of the letter received from Patricia Van Gerpen regarding Sweetland Wind Farm, LLC.

The Hand County State's Attorney and the Sully County State's Attorney have collectively looked at this file and have corresponded with the South Dakota Attorney General's staff, as well as the U.S. Attorney's office. No action has been taken at the County level based upon relayed concerns regarding the applicable burden of proof. We have continued concerns about the overlapping impact and precedence set for the entire state, as well as the use of federal funds.


Although we have not taken any action locally on the matter we certainly do not oppose, and would encourage, further direct investigation or legal action by PUC legal staff, and therefore defer to your office. As to any potential federal misuse of funds or tax credits, it has been recommended that the PUC refer the matter for investigation by the FBI or appropriate branch of the inspector general.

Thank you for bringing this matter to our attention and for your time and consideration of this issue.

It is the Hand County Board of Commissioner's position that this is more an issue of statewide concern, and/or a federal tax issue, and better suited to be handled at your level.

Sincerely,

Hand County Board of Commissioners

BY: 
Luke Wernsmann, Chairman



Kristie Fiegen, Chairperson
Gary Hanson, Vice Chairperson
Chris Nelson, Commissioner

South Dakota

PUBLIC UTILITIES COMMISSION

500 East Capitol Avenue
Pierre, South Dakota 57501-5070
www.puc.sd.gov

Capitol Office
(605) 773-3201

Grain Warehouse
(605) 773-5280

Consumer Hotline
1-800-332-1782

Email
puc@state.sd.us

November 22, 2017

Mr. Elton Anson, Attorney at Law
Hand County State's Attorney
214 North Broadway Ave.
Miller, SD 57362

Dear Mr. Anson:

On September 26, 2017, Sweetland Wind Farm, LLC ("Sweetland") filed with the Public Utilities Commission a letter indicating that Sweetland performed work on a wind energy conversion facility known as Sweetland Wind Farm ("Project"), with an anticipated capacity of up to 200 Megawatts ("MW"). The work was performed in Hand County, South Dakota. The letter specifically stated that "During December 13-22, 2016, Sweetland contracted with a third party to excavate three planned turbine foundation sites and to construct approximately 2,300 linear feet of 14-foot-wide access road between the three excavations."

SDCL Chapter 49-41B-4 requires that no utility may begin construction of a facility in the state without having first obtained a permit from the Public Utilities Commission. SDCL 49-41B-34 provides that a violation of the permit requirements is a Class 1 misdemeanor and subject to a civil penalty.

Given the potential criminal implications of this matter, the Public Utilities Commission hereby informs the Hand County State's Attorney of the matter.

Please do not hesitate to contact me if you have any questions or concerns related to this issue.

Sincerely,

Patricia Van Gerpen, Executive Director

Enclosures