

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

IN THE MATTER OF THE APPLICATION)	Staff's Motion to Dismiss Petition of
BY CROWNED RIDGE WIND II, LLC FOR)	Ehlebracht, Et Al. To Commission
A PERMIT OF A WIND ENERGY)	Staff Concerning Applicant's
FACILITY IN DEUEL, GRANT AND)	Burden of Proof
CODINGTON COUNTIES)	
)	EL19-016

COMES NOW, Staff of the South Dakota Public Utilities Commission (Commission) and hereby files Motion to Dismiss Petition of Intervenor for failure to state a claim on which relief can be granted.

On April 15, 2019, Intervenor¹ filed Petition of Ehlebracht, Et Al. To Commission Staff Concerning Applicant's Burden of Proof (Petition).

A petitioner's "obligation to provide the grounds of his entitlement to relief requires more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do." *Sisney v. Best*, 2008 SD 70, ¶ 7, 754 N.W.2d 804 (citing *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 127 S.Ct. 1955, 1964-65, 167 L.Ed.2d 929 (2007) (internal citations omitted)). Specifically, SDCL 15-6-12(b)(5) requires a petitioner to state a claim upon which relief can be granted. Additionally, SDCL 15-6-8(a) requires a showing that the pleader is "entitled" to relief. What relief does this pleader desire?

While Staff is willing to discuss any procedural questions Intervenor has, the Petition, unfortunately, fails to state a clear question to which Staff can respond. Therefore, we are at a disadvantage and unable to respond to this petition.

Staff requests that the Petition be dismissed.

¹ Intervention has not been granted at this time, but for brevity, Staff refers to the persons who filed the Petition and have also filed for party status as "Intervenor".

Dated this 16th day of April 2019.

A handwritten signature in blue ink that reads "Kristen Edwards". The signature is written in a cursive style and is positioned above a horizontal line.

Kristen N. Edwards
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