

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

<b>IN THE MATTER OF THE APPLICATION BY ) BUFFALO RIDGE II LLC, A SUBSIDIARY OF ) IBERDROLA RENEWABLES, INC. FOR AN ) ENERGY CONVERSION FACILITY PERMIT ) FOR THE CONSTRUCTION OF THE BUFFALO ) RIDGE II WIND FARM AND ASSOCIATED ) COLLECTION SUBSTATION AND ELECTRIC ) INTERCONNECTION SYSTEM )</b>	<b>ORDER FOR AND NOTICE OF HEARING  EL08-031</b>
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On October 31, 2008, Buffalo Ridge II LLC, a subsidiary of Iberdrola Renewables, Inc. (Buffalo Ridge) filed an application with the Public Utilities Commission (Commission) for an Energy Conversion Facility Permit for the Construction of the Buffalo Ridge II Wind Farm and Associated Collection Substation and Electric Interconnection System. The applicant proposes to construct and operate a wind farm on up to 77 acres dispersed throughout portions of up to 77 sections of land in Brookings and Deuel Counties as well as a 13-mile long 115 kilovolt overhead transmission line. The proposed wind farm could have a name plate capacity of up to 306 megawatts.

On November 6, 2008, the Commission electronically transmitted notice of the filing and the intervention deadline of December 30, 2008, to interested individuals and entities.

The parties to this docket requested an extension of the notice and public hearing time frame pursuant to SDCL 49-41B-16 due to scheduling and notice complications and to set the hearing for January 5, 2009. Commission Staff requested waivers of SDCL 49-41B-15 and 49-41B-16 and also requested that the intervention deadline be extended to January 16, 2009, to give interested parties sufficient time to seek intervention. On November 25, 2008, at its regularly scheduled meeting, the Commission unanimously voted to grant the request for an extension of the notice and public hearing time frame and to set the hearing for January 5, 2009, granted waivers of SDCL 49-41B-15 and 49-41B-16 and extended the intervention deadline to January 16, 2009.

On December 3, 2008, the Commission received an Application for Party Status from the Deuel County Commission (Deuel). On December 24, 2008, the Commission received a Petition to Intervene from South Dakota Rural Electric Association (SDREA). On December 29, 2008, the Commission received Petitions to intervene from Sioux Valley Energy (Sioux Valley) and (H-D Electric Cooperative, Inc. (H-D Electric). On January 13, 2009, the Commission received an Application for Party Status from the Brookings County Commission (Brookings). On January 15, 2009, The Commission received an Application for Party Status from Ralph Terrell Spence and Catherine D. Carter (Spence/Carter). On January 16, 2009, the Commission received a Motion for Entry of Protective Order from Buffalo Ridge. At its regularly scheduled meeting of January 27, 2009, the Commission granted intervention to Deuel, SDREA, Sioux Valley, H-D Electric, Brookings and Spence/Carter and granted the Motion for Entry of Protective Order.

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-41B, specifically 49-41B-1, 49-41B-2, 49-41B-2.1, 49-41B-4, 49-41B-6, 49-41B-7, 49-41B-8, 49-41B-9, 49-41B-10, 49-41B-11, 49-41B-12, 49-41B-13, 49-41B-14, 49-41B-15, 49-41B-16, 49-41B-17, 49-41B-17.1, 49-41B-19, 49-41B-20, 49-41B-21, 49-41B-22, 49-41B-24, 49-41B-26, 49-41B-33, 49-41B-35, 49-41B-36, 49-41B-38, and ARSD Chapter 20:10:22.

A hearing shall be held commencing at 1:00 p.m., on Wednesday, April 15, 2009, at 824 32<sup>nd</sup> Avenue, Swiftel Center, Daktronics Banquet Room A, Brookings, South Dakota. The hearing is open to the public. All persons testifying shall be subject to cross-examination.

In accordance with SDCL 49-41B-22 and 49-41B-24, the issues to be addressed at the hearing include:

1. Whether the proposed facility will comply with all applicable laws and rules?
2. Whether the facility will pose an unacceptable threat of serious injury to the environment or to the social and economic condition of inhabitants or expected inhabitants in the siting area?
3. Whether the facility will substantially impair the health, safety or welfare of the inhabitants?
4. Whether the facility will unduly interfere with the orderly development of the region with due consideration having been given the views of governing bodies of affected local units of government?
5. Whether a permit for the facility should be granted, denied, or granted upon such terms, conditions or modifications of the construction, operation, or maintenance as the commission may deem appropriate?
6. If granted subject to terms, conditions or modifications of the construction, operation, or maintenance of the facility, what terms, conditions or modifications shall the Commission determine are appropriate to attach to the permit?

The hearing shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights shall be forfeited if not exercised at the hearing. If you or your representative fail to appear at the time and place set for the hearing, the Final Decision will be based solely on the testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearing the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. As a result of this hearing, the Commission will resolve issues listed above and order any appropriate relief. The Commission's Final Decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED, that the hearing shall commence at 1:00 p.m., on Wednesday, April 15, 2009, at 824 32<sup>nd</sup> Avenue, Swiftel Center, Daktronics Banquet Room A, Brookings, South Dakota.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 3rd day of April, 2009.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically.

By: *Melaine Kolbo*

Date: 4/3/09

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

*Dustin M. Johnson*  
DUSTIN M. JOHNSON, Chairman

*Steve Kolbeck*  
STEVE KOLBECK, Commissioner

*Gary Hanson*  
GARY HANSON, Commissioner