

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

**IN THE MATTER OF THE APPLICATION)
BY CROCKER WIND FARM, LLC FOR A)
PERMIT OF A WIND ENERGY FACILITY)
AND A 345 KV TRANSMISSION LINE IN)
CLARK COUNTY, SOUTH DAKOTA, FOR)
CROCKER WIND FARM)**

**ORDER GRANTING MOTION TO
DENY AND DISMISS CROCKER
WIND FARM'S APPLICATION**

EL17-028

On July 25, 2017, the South Dakota Public Utilities Commission (Commission) received an application from Crocker Wind Farm LLC (Crocker) for a wind energy facility and transmission facility permit (Application) to construct the Crocker Wind Farm and a 345 kV Transmission Line in Clark County (Project). The proposed Project is a 400 megawatt nameplate capacity wind energy facility located on approximately 29,331 acres of privately owned land in Clark County, South Dakota, approximately eight miles north of Clark, South Dakota. The proposed Project includes up to 200 wind turbines, associated access roads, a new collector substation, an operations and maintenance facility and associated 345 kV transmission line in Clark County, South Dakota. The Project will result in the installation of approximately six and a half miles of overhead transmission line that will be wholly located within the Wind Farm's boundary. The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-41B. Specifically, 49-41B-13 and ARSD 20:10:22:05 and 20:10:22:33.02.

On July 27, 2017, the Commission electronically transmitted notice of the filing and the intervention deadline of September 25, 2017, to interested persons and entities on the Commission's PUC Weekly Filings electronic listserv. On August 7, 2017, the Commission issued a Notice of Application, Order for and Notice of Public Input Hearing, and Notice of Opportunity to Apply for Party Status.

A Public Input Hearing was held on Wednesday, September 13, 2017, in Clark South Dakota.

On September 28, 2017, the Commission granted party status to 44 persons represented by the law firm of Davenport, Evans, Hurwitz & Smith LLP (Intervenors), and issued a procedural schedule as submitted in Commission staff's Proposal for Procedural Schedule. On October 13, 2017, the Commission granted party status to Luke Holzwarth.

On October 10, 2017, the Intervenors, through counsel, filed a Motion to Deny and Dismiss Crocker Wind Farm's Application (Motion). Commission staff and Crocker responded to the Motion on October 20, 2017.

At its ad hoc meeting on October 25, 2017, the Commission considered the Motion. After hearing from the parties, the Commission unanimously voted to grant the Motion and deny the Application pursuant to 49-41B-13 (2). The Commission found that the Application failed generally in the form and content required under 20:10:22:33.02. Specifically, the Commission found that the Application included multiple wind turbine configurations instead of a singular configuration. Furthermore, because of the uncertainty surrounding the programmatic agreement between the U.S. Fish & Wildlife Service and Crocker regarding grassland easements, the Commission also found that the Application failed to accurately state the number of wind turbines in the Project.

It is therefore

ORDERED, that the Intervenor's Motion is granted and Crocker's Application is denied for failing to file an application generally in the form and content required in ARSD 20:10:22:05 and 20:10:22:33.02.

Dated at Pierre, South Dakota, this 1st day of November, 2017.

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 or by mail.

By: Karen E. Bremer

Date: Nov 1, 2017

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Kristie Eiegen

KRISTIE EIEGEN, Chairperson

Gary Hanson

GARY HANSON, Commissioner

Chris Nelson

CHRIS NELSON, Commissioner