

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

**IN THE MATTER OF LOOKOUT SOLAR)
PARK I, LLC'S PETITION FOR)
DECLARATORY RULING REGARDING)
WHETHER A PERMIT IS REQUIRED FOR)
AN ENERGY CONVERSION FACILITY)**

**DECLARATORY RULING
REGARDING THE LOOKOUT
SOLAR PROJECT**

EL17-056

On December 20, 2017, the South Dakota Public Utilities Commission (Commission) received a Petition for Declaratory Ruling (Petition) from Lookout Solar I, LLC (Lookout Solar) seeking a determination from the Commission as to whether a permit is required for a 110 MW solar facility to be located on the Pine Ridge Indian Reservation. In addition to the solar facility, Lookout Solar intends to construct an electric transmission line routed through the South Dakota counties of Custer and Oglala Lakota. The transmission facility of approximately 11 miles in length would consist of 18 individual cables, each at 34.5 kV.

On December 21, 2017, the Commission electronically transmitted notice of the filing and the intervention deadline of January 5, 2018, to interested individuals and entities on the Commission's PUC Weekly Filings listserv. No parties sought intervention.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-1, and 49-41B, specifically 1-26-15, 49-1-11, 49-41B-1, 49-41B-2 (6), 49-41B-4, and ARSD 20:10:01:34 and 20:10:01:35. The Commission may rely upon any or all of these or other laws of this state in making its determination.

At its regularly scheduled meeting on January 16, 2018, the Commission considered this matter. Having reviewed the filed documents and having listened to the oral presentations of the parties, the Commission determined that Lookout Solar's proposed 110 MW solar facility to be located on the Pine Ridge Indian Reservation does meet the definition of an energy conversion facility pursuant to 49-41B-2 (6) and therefore a permit to construct under 49-41B-4 is required in this matter. The Commission voted unanimously that: 1) the Commission does have jurisdiction over the 110 MW solar facility to be located on the Pine Ridge Indian Reservation; and 2) a permit to construct is required. The Commission also noted that the proposed electric transmission line routed through the South Dakota counties of Custer and Oglala Lakota, consisting of 34.5 kV transmission lines does not require a permit to construct. It is therefore

DECLARED, that Lookout Solar's proposed 110 MW solar facility to be located on the Pine Ridge Indian Reservation requires a permit to construct.

Dated at Pierre, South Dakota, this 17th day of January 2018.

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:	<u>Adam Hoffbeck</u>
Date:	<u>1/17/18</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Kristie Fiegen
KRISTIE FIEGEN, Chairperson

Gary Hanson
GARY HANSON, Commissioner

Chris Nelson
CHRIS NELSON, Commissioner