

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

**IN THE MATTER OF THE APPLICATION)
OF FLYING COW WIND, LLC FOR A)
FACILITY PERMIT TO CONSTRUCT A)
345 KV TRANSMISSION LINE AND)
ASSOCIATED FACILITIES IN DEUEL)
COUNTY)
)**

**ORDER ASSESSING
FILING FEE; ORDER
AUTHORIZING EXECUTIVE
DIRECTOR TO ENTER INTO
CONSULTING CONTRACTS**

EL18-039

On September 27, 2018, the South Dakota Public Utilities Commission (Commission) received a facility permit application (Application) from Flying Cow Wind, LLC (FCW or Applicant), a wholly-owned subsidiary of Roaring Fork Wind, LLC, the joint venture formed by subsidiaries of its affiliate Renewable Energy Systems Americas Inc. and Vestas Wind Systems A/S. FCW proposes to construct approximately 10.42 miles of 345-kilovolt (kV) overhead transmission line, a substation, and associated facilities (Project) located entirely within Deuel County, South Dakota. The starting point of the transmission line for the Project is proposed to be located in Government Lot 2 of Section 34 in Township 114N, Range 47W, Norden Township. The ending point will be in the NW 1/4 of Section 22, Township 113N, Range 48 West, Scandinavia Township. The Project is expected to be in service by the third quarter of 2020. FCW estimates the total construction cost of the proposed Project to be approximately \$19.85 million.

SDCL 49-41B-12 authorizes the Commission to assess a maximum fee not to exceed one-quarter of one percent for the first one hundred million dollars of estimated construction costs plus one-twentieth of one percent of all additional estimated construction costs of the Project, with a minimum total fee chargeable of not less than eight thousand dollars. The fee shall be deposited in a subfund in the Commission's Regulatory Assessment Fee Fund to defray Commission expenses incident to analyzing and ruling upon the Application.

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-41B, specifically 49-41B-12, 49-41B-26, and ARSD Chapter 20:10:22.

At its regularly scheduled meeting on October 16, 2018, the Commission considered this matter. Commission staff requested that the Commission assess a filing fee not to exceed \$49,625 with an initial deposit of \$8,000, and to authorize the executive director to enter into consulting contracts needed for review of the Application. Applicant stated it did not object to the fee assessment. The Commission voted unanimously to assess FCW a filing fee in an amount not to exceed \$49,625, with a minimum filing fee of \$8,000 to account for actual expenses incurred in review of this filing commencing from the filing date. The Commission further voted unanimously to authorize the executive director to enter into necessary consulting contracts. It is therefore

ORDERED, that FCW shall be assessed a filing fee not to exceed \$49,625 with an initial deposit of \$8,000 and shall from time to time make such additional deposits up to the total amount of the assessment as requested by the Commission's Finance Manager. It is further

ORDERED, that the executive director is authorized to enter into necessary consulting contracts.

Dated at Pierre, South Dakota, this 23rd day of October 2018.

<p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>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.</p> <p>By: <u>Karen E. Cremer</u></p> <p>Date: <u>10/23/18</u></p> <p style="text-align: center;">(OFFICIAL SEAL)</p>

BY ORDER OF THE COMMISSION:

Kristie Eiegen
KRISTIE EIEGEN, Chairperson

Gary Hanson
GARY HANSON, Commissioner

Chris Nelson
CHRIS NELSON, Commissioner