

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

**IN THE MATTER OF THE APPLICATION )  
OF DEUEL HARVEST WIND ENERGY )  
LLC FOR A PERMIT OF A WIND ENERGY )  
FACILITY AND A 345 KV TRANSMISSION )  
LINE IN DEUEL COUNTY )  
)  
)**

**ORDER FOR AND  
NOTICE OF  
EVIDENTIARY HEARING**

**EL18-053**

On November 30, 2018, the South Dakota Public Utilities Commission (Commission) received an Application for Facility Permits (Application) from Deuel Harvest Wind Energy LLC (Deuel Harvest or Applicant), an affiliate of Invenergy LLC. Deuel Harvest proposes to construct a wind energy facility and a 345-kilovolt (kV) transmission line with an associated 345-kV interconnection substation to be located in Deuel County, South Dakota, known as the Deuel Harvest North Wind Farm (Project). The Project would be situated within an approximately 48,730-acre project area, in the townships of Portland, Lowe, Altamont, Glenwood, and Herrick (Project Area). The total installed capacity of the Project would not exceed 310.1 megawatts (MW) of nameplate capacity. The proposed Project includes up to 112 wind turbine generators, access roads to turbines and associated facilities, underground 34.5-kV electrical collector lines, underground fiber-optic cable, a 34.5-kV to 345-kV collection substation, up to four permanent meteorological towers, a 345-kV interconnection substation, an approximately 150-foot long 345-kV transmission line connecting the Project substation and the Interconnection substation, and an operations and maintenance facility. The Project would interconnect to the regional electric grid along the Big Stone to Brookings 345-kV transmission line via a new 345-kV Interconnection Substation located in Glenwood Township and be able to deliver 300 MW of electricity. Deuel Harvest is negotiating a Generator Interconnection Agreement with Otter Tail Power Company and Midcontinent Independent System Operator, Inc. The Project is expected to be completed in 2020. Applicant estimates the total construction cost to be \$400 million.

On December 6, 2018, the Commission electronically transmitted notice of the filing and the intervention deadline of January 29, 2019, to interested persons and entities on the Commission's PUC Weekly Filings electronic listserv. On December 12, 2018, the Commission issued a Notice of Application; Order for and Notice of Public Input Hearing; Notice of Opportunity to Apply for Party Status. On January 24, 2019, a public input hearing was held as scheduled in Clear Lake, South Dakota. On January 25, 2019, Commission staff submitted a Motion for Adoption of Procedural Schedule. The Commission received applications for party status from ten individuals. On February 5, 2019, the Commission issued an Order Granting Party Status; Order Establishing Procedural schedule. On March 6, 2019, the Commission issued an Order Granting Withdrawal of Party Status to Nancy Henslin, Ruby Holborn, and George Holborn.

The Commission finds it has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-41B and ARSD Chapters 20:10:01 and 20:10:22. The Commission may rely upon any or all of these or other laws of this state in making its determination.

A hearing will be held by the Commission beginning at 9:00 a.m., CDT, [8:00 a.m., MDT] Monday, April 15, 2019, through Thursday, April 18, 2019, with the marking of exhibits to begin at 8:30 a.m., CDT, [7:30 a.m., MDT] on April 15, 2019, in the Drifters Event Center, 325 E. Hustan Ave., Fort Pierre, South Dakota.

At the hearing, each party will be permitted to present an opening statement summarizing the evidence that such party will offer into evidence and to briefly and concisely state the issues involved in the case.

The issues to be determined by the Commission, as set forth in SDCL 49-41B-22, are:

1. Whether the proposed Project will comply with all applicable laws and rules;
2. Whether the Project will pose a 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 Project will substantially impair the health, safety or welfare of the inhabitants; and
4. Whether the Project will unduly interfere with the orderly development of the region with due consideration having been given to the views of governing bodies of affected local units of government.

Based upon these factors, the Commission will decide whether the permit should be granted, denied, or granted upon such terms, conditions, or modifications of the construction, operation, or maintenance as the Commission finds appropriate.

The hearing will be a quasi-judicial adversarial proceeding conducted pursuant to SDCL Chapter 1-26. At such formal hearing, all parties will have the opportunity to appear, present evidence, cross-examine the other parties' witnesses, and exercise all other rights afforded by SDCL Chapters 1-26, 49-1, 49-41B, and ARSD Chapters 20:10:01 and 20:10:22. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights will be forfeited if not exercised at the hearing. All persons testifying will be subject to cross-examination. The Commission's final decision will be based solely on the testimony and evidence introduced and received into evidence at the hearing. If a party or its representative fails to appear at the time and place set for the hearing, a decision may be issued by default pursuant to SDCL 1-26-20. As a result of this hearing, the Commission will make a decision, including findings of fact and conclusions of law, on the issues set forth above. The Commission's final decision may be appealed by the parties to the circuit court and the Supreme Court as provided by law. It is therefore

ORDERED, that a hearing will be held by the Commission beginning at 9:00 a.m., CDT, [8:00 a.m., MDT] Monday, April 15, 2019, through Thursday, April 18, 2019, with the marking of exhibits to begin at 8:30 a.m., CDT, [7:30 a.m., MDT] on April 15, 2019, in the Drifters Event Center, 325 E. Hustan Ave., Fort Pierre, South Dakota.

Pursuant to the Americans with Disabilities Act, this hearing is being held in physically accessible location. Please contact the Public Utilities Commission at (605) 773-3201 or (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 11<sup>th</sup> day of March 2019.

<b>CERTIFICATE OF SERVICE</b>	
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>Karen E. Bremer</u>
Date:	<u>03/11/19</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Gary Hanson  
GARY HANSON, Chairman

Chris Nelson  
CHRIS NELSON, Commissioner

Kristie Fiegen  
KRISTIE FIEGEN, Commissioner