

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

IN THE MATTER OF THE APPLICATION)	ORDER FOR AND NOTICE OF
BY TRIPLE H WIND PROJECT, LLC FOR)	EVIDENTIARY HEARING
A PERMIT OF A WIND ENERGY FACILITY)	
IN HYDE COUNTY, SOUTH DAKOTA)	EL19-007

On February 6, 2019, the South Dakota Public Utilities Commission (Commission) received a Facility Permit Application for an Energy Facility Permit (Application) from Triple H Wind, LLC (Triple H or Applicant), a wholly-owned subsidiary of ENGIE North America, Inc. Triple H proposes to construct a wind energy facility to be located in Hyde County, South Dakota (Project). The Project would be located on 27,247.5 acres of privately held land, approximately 3.2 miles southwest of Highmore in the townships of Eagle, Chapelle, Highmore, and Holabird, South Dakota (Project Area). The total installed capacity of the Project would not exceed 250.24 megawatts (MW) of nameplate capacity. The proposed Project includes up to 92 wind turbine generators, access roads to turbines and associated facilities, underground 34.5-kilovolt (kV) electrical collector lines, underground fiber optic cable, a 34.5-kV to 345-kV collection substation, one permanent meteorological tower, a 345-kV interconnection switching station, a Sonic Detection and Ranging Unit, and an operations and maintenance facility. The Project will interconnect to the high-voltage transmission grid via the Leland Olds to Fort Thompson 345-kV transmission line, which crosses the Project Area. Applicant has entered into two 30-year power purchase agreements, one with Walmart for 150 MW and one for 48 MW with a confidential institutional buyer. The remaining 52 MW will be sold on a merchant basis. The Project is expected to be completed in 2020. Applicant estimates the total cost of the Project to be \$300 million.

On February 7, 2019, the Commission electronically transmitted notice of the filing and the intervention deadline of April 8, 2019, to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. On March 19, 2019, the Commission held a public input hearing in Highmore, South Dakota. No applications for Party Status were received by the Commission. On May 21, 2019, Commission staff (staff) and Triple H filed a Joint Motion for Approval of Settlement Stipulation and a Settlement Stipulation resolving all issues except for the funding for the decommissioning of the Project and the risks associated with ice throw. On May 21, 2019, staff filed its Memorandum in Support of the Settlement Stipulation. On May 28, 2019, the Commission considered the Settlement Stipulation and voted unanimously to grant the Joint Motion for Approval of Settlement Stipulation and approve the Settlement Stipulation with the exception of proposed conditions 35 and 38. On May 29, 2019, staff filed its prefiled direct testimony and exhibits. On June 11, 2019, the parties agreed that Triple H will submit its prefiled testimony no later than June 14, 2019.

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 2:00 p.m., CDT, Thursday, June 27, 2019, in Room 414, State Capitol Building, 500 E. Capitol Ave., Pierre, South Dakota.

At the hearing, each party will be permitted to present an opening statement regarding the funding for the decommissioning of the Project, the risk associated with ice throw, the risk to whooping cranes, and to summarize the evidence that such party will offer into evidence 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. 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 offered 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 2:00 p.m., CDT, Thursday, June 27, 2019, in Room 414, State Capitol Building, 500 E. Capitol Ave., 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 12th day of June 2019.

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: Karon E. Cramer

Date: 06/13/19

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Chris Nelson
CHRIS NELSON, Commissioner

Kristie Fiegen
KRISTIE FIEGEN, Commissioner