

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

IN THE MATTER OF THE APPLICATION BY)	ORDER ASSESSING
PREVAILING WINDS, LLC FOR A WIND)	FILING FEE
ENERGY FACILITY PERMIT FOR THE)	
PREVAILING WINDS WIND ENERGY)	EL16-022
FACILITY)	

On June 28, 2016, the South Dakota Public Utilities Commission (Commission) received an application from Prevailing Winds, LLC (Prevailing Winds) for a wind energy facility permit (Application) to construct the Prevailing Winds Wind Energy Facility (Project), a 201-megawatt (MW) nameplate capacity wind energy facility located on the Dry Choteau Creek Coteau, an upland divide that rises 300 to 350 feet above the Choteau Creek Valley along its western boundary and then gradually descends for several miles to the east (Project Area), near Avon, South Dakota, in Bon Homme and Charles Mix Counties. The Project Area is approximately 36,000 acres. The proposed Project includes up to 100 wind turbines, associated access roads, an underground electrical power collector system, a collector substation, an operations and maintenance (O&M) facility, and associated transmission interconnection facilities. The Project would interconnect at a new Western Area Power Administration (Western)-owned switching station to be constructed within the Project Area adjacent to Western's Fort Randall to Utica Junction 230-kilovolt (kV) double-circuit transmission line, or alternatively at Western's existing Utica Junction 230-kV switching station, approximately 22 miles east of the Project Area. The proposed Project would generate up to 860,000 megawatt-hours (MWh) annually of utility scale electric power for residential, commercial, and industrial consumers within South Dakota and the Southwest Power Pool (SPP).

On June 30, 2016, the Commission electronically transmitted notice of the filing and the intervention deadline of August 29, 2016, to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. On July 7, 2016, the Commission issued a Notice of Application; Order for and Notice of Public Input Hearing; Notice of Opportunity to Apply for Party Status.

SDCL 49-41B-12 authorizes the Commission to assess a maximum fee not to exceed one-quarter of one percent of the first one hundred million dollars of estimated construction costs of the facility plus one-twentieth of one percent of all additional estimated construction costs of the facility. However, the minimum total fee chargeable may not be 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 pursuant to SDCL Chapter 49-41B, specifically SDCL 49-41B-12 and 49-41B-26, and ARSD Chapter 20:10:22.

At its regularly scheduled meeting on July 19, 2016, the Commission considered this matter. Commission Staff requested that the Commission assess a filing fee not to exceed \$353,500 with an initial deposit of \$8,000 and to authorize the executive director to enter into consulting contracts needed for review of the Application. Prevailing Winds stated it did not object to the fee assessment. The Commission voted unanimously to assess Prevailing Winds a filing fee in an amount not to exceed \$353,500, with a minimum filing fee of \$8,000, and to authorize the executive director to enter into necessary consulting contracts. It is therefore

ORDERED, that Prevailing Winds shall be assessed a filing fee not to exceed \$353,500.
It is further

ORDERED, that Prevailing Winds shall make an initial deposit with the Commission in the amount of the minimum filing fee 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.

Dated at Pierre, South Dakota, this 21st day of July, 2016.

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: Adam Huet

Date: 7/21/16

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson

CHRIS NELSON, Chairman

Kristie Fiegen

KRISTIE FIEGEN, Commissioner

Gary Hanson

GARY HANSON, Commissioner