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THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

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IN THE MATTER OF THE APPLICATION  
BY PREVAILING WIND PARK, LLC FOR  
A PERMIT OF A WIND ENERGY FACILITY  
IN BON HOMME COUNTY, CHARLES MIX  
COUNTY, AND HUTCHINSON COUNTY,  
SOUTH DAKOTA, FOR THE PREVAILING  
WIND PARK PROJECT  
EL18-026  
ORIGINAL  
==  
Transcript of Proceedings  
August 7, 2018  
9:30 a.m.  
==

BEFORE THE PUBLIC UTILITIES COMMISSION,  
KRISTIE FIEGEN, CHAIRWOMAN  
GARY HANSON, VICE CHAIRMAN  
CHRIS NELSON, COMMISSIONER

COMMISSION STAFF  
Adam de Hueck  
Karen Cremer  
Kristen Edwards  
Amanda Reiss  
Greg Rislov  
Jim Mehlhaff  
Joseph Rezac  
Brittany Mehlhaff  
Lorena Reichert  
Eric Paulson  
Patrick Steffensen  
Jon Thurber  
Darren Kearney  
Deb Gregg  
Katlyn Gustafson

A P P E A R A N C E S

Lisa Agrimonti,  
appearing on behalf of Prevailing Wind Park.

Reported By Cheri McComsey Wittler, RPR, CRR  
Precision Reporting, 213 S. Main, Onida, South Dakota

1                   The following transcript of proceedings was  
2 held in the above-entitled matter at the South Dakota  
3 State Capitol Building, 500 East Capitol Avenue, Pierre,  
4 South Dakota, on the 7th day of August, 2018, commencing  
5 at 9:30 a.m.

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1           CHAIRWOMAN FIEGEN: That brings us to EL18-026,  
2 In the Matter of the Application of Prevailing Winds Park  
3 for a Permit of a Wind Energy Facility in Bon Homme  
4 County, Charles Mix County, Hutchinson County,  
5 South Dakota for the Prevailing Winds Park Project.

6           The question before the Commission is shall the  
7 Commission grant intervention for any person that may  
8 have filed? And shall the Commission grant the Motion  
9 for Adoption of a Procedural Schedule? Or how shall the  
10 Commission proceed?

11           First of all, we do have a group of Intervenors.  
12 So we will go to the Intervenor -- first of all, you  
13 know, I'm just going to go to Prevailing Winds first to  
14 see if they have any objections to any of the  
15 Intervenors. Then I'll go to Staff and see if they have  
16 any objections. And if none, I don't think the  
17 Intervenors will have to speak very long, but we'll see  
18 how it goes.

19           Also you can speak on the Motion for the  
20 Procedural Schedule. We're going to go with Prevailing  
21 Winds.

22           Go ahead.

23           COMMISSIONER NELSON: Madam Chair, I might  
24 suggest we vote on the intervention first. That will  
25 determine whether or not those folks are allowed to speak

1 on the schedule.

2 CHAIRWOMAN FIEGEN: Correct. So we will have  
3 two different motions. But if you could speak to both,  
4 that will be great, and we'll have two different motions.

5 Go ahead, Prevailing Winds.

6 MS. AGRIMONTI: Thank you, Chair. Lisa  
7 Agrimonti on behalf of Prevailing Wind Park, LLC. The  
8 Applicant has no objections to the intervention.

9 CHAIRWOMAN FIEGEN: And no objection to the  
10 procedural schedule?

11 MS. AGRIMONTI: No, Madam Chair. We did make a  
12 filing supporting the Staff's proposed procedural  
13 schedule.

14 CHAIRWOMAN FIEGEN: Thank you.  
15 Staff.

16 MS. EDWARDS: Thank you.

17 This is Kristen Edwards for Staff. We have no  
18 objections to any of the property Intervenors. I did  
19 talk to Sherman Fuerniss who, unfortunately, was unable  
20 to be on the phone today. But we have no objection to  
21 any of the interventions.

22 The procedural schedule that we submitted I  
23 e-mailed out to every potential Intervenor so they would  
24 have time to look at it, and I haven't had any issues  
25 from any of them raised anyway.

1           The only new thing that we're offering to try is  
2 that lay witnesses would not be required to submit  
3 rebuttal testimony. They would merely have to disclose  
4 their identification, the subject matter upon which they  
5 would testify, and any exhibits they will have.

6           Because the identifying information is  
7 disclosed, should a party want to depose someone and have  
8 that prefiled testimony, that's their option. However,  
9 it should take some of the onus off these lay people.

10           Thank you.

11           CHAIRWOMAN FIEGEN: Thank you.

12           We're looking at the first motion, Intervenors,  
13 on granting the intervention to any party.

14           Nobody objects so I don't -- I mean, unless you  
15 want to say something, we will bring you back for the  
16 procedural schedule after you get party status.

17           So is there a motion?

18           COMMISSIONER NELSON: Madam Chair, in EL18-026 I  
19 move that all of those who have requested intervention be  
20 granted.

21           CHAIRWOMAN FIEGEN: Comments to the motion.

22           Hearing none, all in favor say aye; opposed,  
23 nay.

24           Commissioner Nelson.

25           COMMISSIONER NELSON: Aye.

1 CHAIRWOMAN FIEGEN: Commissioner Hanson.

2 COMMISSIONER HANSON: Aye.

3 CHAIRWOMAN FIEGEN: Commissioner Fiegen votes  
4 aye.

5 Motion carries.

6 I believe, Crocker [sic], do you have anything  
7 else on the procedural schedule?

8 MS. AGRIMONTI: No, Chair. Lisa Agrimonti on  
9 behalf of the Applicant. Nothing further.

10 CHAIRWOMAN FIEGEN: Oh, man. Prevailing Winds  
11 that was.

12 Thank you. We're going to -- the Staff just  
13 made a comment so we're going to go to Intervenors next.

14 Intervenors, go ahead.

15 MR. HUBNER: This is Gregg, and I have no  
16 objection to the schedule so I don't have anything else  
17 to say.

18 CHAIRWOMAN FIEGEN: So, Gregg, could you state  
19 your first and last name for the record of the court  
20 reporter.

21 MR. HUBNER: Gregg, G-R-E-G-G, Hubner, spelled  
22 H-U-B-N-ER.

23 CHAIRWOMAN FIEGEN: Thank you. Any other  
24 Intervenors that would like to speak on the procedural  
25 schedule?

1           Hearing none, is there a motion on the  
2 procedural schedule?

3           COMMISSIONER NELSON: Questions?

4           CHAIRWOMAN FIEGEN: Oh, sorry. Questions.  
5 Go ahead.

6           COMMISSIONER NELSON: Thank you. A couple  
7 questions for Staff.

8           Ms. Edwards, if I was listening carefully as you  
9 were just speaking on explaining kind of the new thing  
10 that you're trying out here -- and, first of all, I think  
11 it's a great step forward. I hope it works.

12           But did I hear you say that rebuttal witnesses  
13 would not have to file prefiled testimony? Or is this  
14 all lay witnesses?

15           MS. EDWARDS: I think I did say that so I should  
16 correct myself on the record. It is all lay witnesses.  
17 That was a misstatement.

18           Thank you.

19           COMMISSIONER NELSON: Okay. And that was my  
20 understanding. And, again, I think this is a good step.  
21 Let's try it, see how it works.

22           The question I've got then, the second question,  
23 does involve rebuttal witnesses. And so is it my  
24 understanding that rebuttal -- we are not limiting who  
25 can be a rebuttal witness as long as they are, in fact,

1       rebutting information that has been presented; is that  
2       correct?

3               MS. EDWARDS: Exactly. Correct. Any party has  
4       the option to file rebuttal testimony, as long as it's  
5       rebuttal.

6               COMMISSIONER NELSON: I'm not talking about  
7       file. I'm talking about presenting in the hearing.

8               MS. EDWARDS: To present. Thank you.

9               COMMISSIONER NELSON: Very good. That's all my  
10      questions.

11              Thank you.

12              CHAIRWOMAN FIEGEN: Other Commission questions  
13      on the Motion for Adoption of a Procedural Schedule?

14              Hearing none, is there a motion?

15              In EL18-026 I move that the Commission grant the  
16      Motion for Adoption of the Procedural Schedule.

17              Is there discussion on the motion?

18              And I certainly appreciate what the Staff has  
19      tried to do with our lay witnesses. Just like  
20      Commissioner Nelson has said, it is a short time frame,  
21      and we're thankful that you've given them some grace.

22              Other comments on the motion?

23              All in favor say aye; opposed, nay.

24              Commissioner Nelson.

25              COMMISSIONER NELSON: Aye.



1                   CHAIRWOMAN FIEGEN: Commissioner Hanson.  
2                   COMMISSIONER HANSON: Aye.  
3                   CHAIRWOMAN FIEGEN: Commissioner Fiegen votes  
4 aye.  
5                   Motion carries.  
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1 STATE OF SOUTH DAKOTA)

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CERTIFICATE

3 COUNTY OF SULLY )

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5 I, CHERI MCCOMSEY WITTLER, a Registered  
6 Professional Reporter, Certified Realtime Reporter and  
7 Notary Public in and for the State of South Dakota:

8 DO HEREBY CERTIFY that as the duly-appointed  
9 shorthand reporter, I took in shorthand the proceedings  
10 had in the above-entitled matter on the 7th day of  
11 August, 2018, and that the attached is a true and correct  
12 transcription of the proceedings so taken.

13 Dated at Onida, South Dakota this 23rd day of  
14 August, 2018.

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/s/ Cheri McComsey Wittler  
Cheri McComsey Wittler,  
Notary Public and  
Registered Professional Reporter  
Certified Realtime Reporter

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