

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

**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)**

**ORDER FOR
AND NOTICE OF
AD HOC MOTIONS HEARING**

EL18-026

On May 30, 2018, the South Dakota Public Utilities Commission (Commission) received an Application for a Facility Permit for a wind energy facility (Application) from Prevailing Wind Park, LLC to construct the Prevailing Wind Park Project (Project), a wind energy facility located on approximately 50,364 acres of land in Bon Homme, Charles Mix, and Hutchinson counties, South Dakota, between the towns of Avon, Tripp, and Wagner, South Dakota. The total installed capacity of the Project would not exceed 219.6 MW nameplate capacity. The proposed Project includes up to 61 wind turbine generators, access roads to turbines and associated facilities, underground electrical power collector lines connecting the turbines to the collection substation, an operation and maintenance facility, and temporary construction areas, including crane paths, public road improvements, a laydown yard, and a concrete batch plant(s) (as needed), and four permanent meteorological towers. The Project would interconnect at Western Area Power Administration's existing Utica Junction Substation, located approximately 27 miles east of the project.

On May 31, 2018, the Commission electronically transmitted notice of the filing and the intervention deadline of July 30, 2018, to interested persons and entities on the Commission's PUC Weekly Filings electronic listserv. On June 1, 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 July 12, 2018, a public input hearing was held as scheduled and the Commission received applications for party status from six individuals and one local government. On July 20, 2018, Commission Staff submitted a Motion for Adoption of Procedural Schedule. On August 2, 2018, Prevailing Wind Park filed a Response Motion for Adoption of Procedural Schedule. On August 9, 2018, the Commission adopted the proposed procedural schedule and granted party status to Gregg Hubner, Marsha Hubner, Paul Schoenfelder, Charles Mix County, Serman Fuerniss, and Karen Jenkins. On August 17, 2018, Reece Almond, of Davenport, Evans, Hurwitz & Smith, L.L.P, filed a Notice of Appearance on behalf of Gregg Hubner, Marsha Hubner, Paul Schoenfelder, and Lisa Schoenfelder (Intervenors). Kelli Pazour filed an application for party status on August 28, 2018.

On September 9, 2018, Intervenors submitted Disclosure of Lay Witnesses and Direct Testimonies and Exhibits. Kellie Pazour filed Letter Regarding Testimony on September 11, 2018. On September 13, 2018, Intervenors filed a Motion to Have Witnesses Appear Telephonically. On September 14, 2018, Prevailing Wind Park filed Letter Regarding Answer to the Application for Party Status of Kelli Pazour and Motion to Exclude Lay Testimony, to Quash Subpoenas and to Require Further Disclosures.

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

An ad hoc hearing will be held by the Commission beginning at 9:00 a.m., CDT, Friday, September 21, 2018, in Room 413 of the Capitol Building, 500 E. Capitol Ave., Pierre, South Dakota.

It is therefore

ORDERED, that a motions hearing will be held by the Commission beginning at 9:00 a.m., CDT, Friday, September 21, 2018, in Room 413 of the Capitol Building, 500 E. Capitol Ave., Pierre, South Dakota.

Dated at Pierre, South Dakota, this 14th day of September 2018.

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:	<u>Adam De Hueck</u>
Date:	<u>9/14/18</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Kristie Fiegen
KRISTIE FIEGEN, Chairperson

Gary Hanson
GARY HANSON, Commissioner

Chris Nelson
CHRIS NELSON, Commissioner