

FILED

APR 02 2019

STATE OF SOUTH DAKOTA
COUNTY OF BON HOMME

IN CIRCUIT COURT
FIRST JUDICIAL CIRCUIT
JSS Heather Humphrey
Bon Homme County Clerk of Courts
First Judicial Circuit Court of SD

GREGG AND MARSHA HUBNER,
APPELLANTS,

04CIV18-000084

vs.

ORDER DISMISSING APPEALS AND
JUDGMENT OF AFFIRMANCE

SOUTH DAKOTA PUBLIC UTILITIES
COMMISSION;
PREVAILING WIND PARK, LLC;
SOUTH DAKOTA PUBLIC UTILITIES
COMMISSION STAFF;
PAUL AND LISA SCHOENFELDER;
SHERMAN FUERNISS; KELLI
PAZOUR; KAREN JENKINS; AND
CHARLES MIX COUNTY, SOUTH
DAKOTA,
APPELLEES.


Sherman Fuerniss, Kelli Pazour, and Karen Jenkins filed a Notice of Withdrawal of Appeal on March 18, 2019. The court held oral argument at the Bon Homme County Courthouse on April 1, 2019 as to the appeal of Gregg and Marsha Hubner. At the April 1, 2019 hearing, the Hubners were personally present, as was their attorney Reece Almond, and representatives of Prevailing Wind Park, LLC were present, along with their attorneys Lisa Agromonti and Joseph Erickson. After hearing oral argument, the court made its oral ruling which is incorporated herein by reference. Based upon that oral ruling,

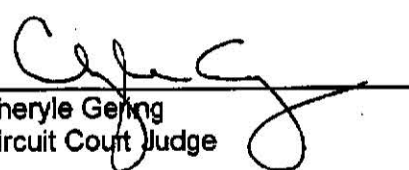
IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the appeals of Sherman Fuerniss, Kelli Pazour, Karen Jenkins, and Gregg and Marsha Hubner are dismissed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Public Utilities Commission's Final Decision and Order Granting Permit to Construct Facilities dated November 28, 2018 is affirmed.

Dated the 2nd day of April, 2019.

BY THE COURT:

ATTEST:
Heather Humphrey
Bon Homme County Clerk of Courts
By 


Cheryle Gering
Circuit Court Judge

