

STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

COUNTY OF GRANT

THIRD JUDICIAL DISTRICT

IN THE MATTER OF THE APPLICATION BY DAKOTA RANGE I, LLC AND DAKOTA RANGE II, LLC FOR A PERMIT OF A WIND ENERGY FACILITY IN GRANT COUNTY AND CODINGTON COUNTY, SOUTH DAKOTA, FOR THE DAKOTA RANGE WIND PROJECT PUC DOCKET EL18-003

Case No. 25CIV18-000070

**AFFIDAVIT OF MOLLIE M. SMITH  
IN SUPPORT OF DAKOTA RANGE  
I, LLC AND DAKOTA RANGE II,  
LLC’S MOTION TO DISMISS**

STATE OF MINNESOTA )  
 ) SS.  
COUNTY OF HENNEPIN )


I, Mollie M. Smith, being first duly sworn on oath, depose and state as follows:

1. I am an attorney with the law firm of Fredrikson & Byron, P.A., which represented Dakota Range I, LLC and Dakota Range II, LLC (together, “Dakota Range”) in *In the Matter of the Application by Dakota Range I, LLC and Dakota Range II, LLC for a Permit of a Wind Energy Facility in Grant County and Codington County, South Dakota for the Dakota Range Wind Project (EL 18-003)* before the South Dakota Public Utilities Commission (“PUC”). I am providing this affidavit in support of Dakota Range’s Motion to Dismiss the appeal in the above-captioned case.
2. Attached hereto as **Exhibit A** is a true and correct copy of the Motion to Extend Briefing Schedule filed in *In the Matter of PUC Docket No. HP14-002, Dakota Access Pipeline LLC*, Civ. 16-20.
3. Attached hereto as **Exhibit B** is a true and correct copy of the Joinder of Motion to Extend Briefing Schedule filed in *In the Matter of PUC Docket No. HP14-002, Dakota Access Pipeline LLC*, Civ. 16-20.
4. Attached hereto as **Exhibit C** is a true and correct copy of the Order filed in *In the Matter of PUC Docket No. HP14-002, Dakota Access Pipeline LLC*, Case No. Civ. 16-20.
5. Attached hereto as **Exhibit D** is a true and correct copy of the Motions and Stipulation For Consolidation and Extension of Time to File Opening Briefs filed in *In the Matter of PUC Docket HP 14-001, Petition of TransCanada Keystone Pipeline, LP For Order Accepting Certification of Permit Issued in Docket HP 09-001 to Construct the Keystone XL Pipeline*, Civ. 16-33, 16-34, 16-36, 16-37, 16-38, 16-39 (consolidated).

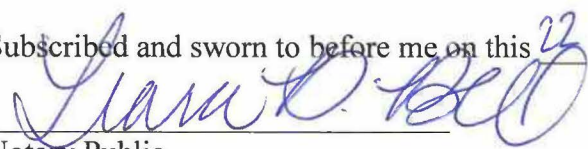
- 6. Attached hereto as **Exhibit E** is a true and correct copy of the Order Granting Motion for Consolidation and Extension of Time to File Opening Briefs filed in *In the Matter of PUC Docket HP 14-001, Petition of TransCanada Keystone Pipeline, LP For Order Accepting Certification of Permit Issued in Docket HP 09-001 to Construct the Keystone XL Pipeline*, Civ. 16-33, 16-34, 16-36, 16-37, 16-38, 16-39 (consolidated).
- 7. Attached hereto as **Exhibit F** is a true and correct copy of the Order Extending Briefing Dates filed in *In the Matter of PUC Docket HP 14-001, Petition of TransCanada Keystone Pipeline, LP For Order Accepting Certification of Permit Issued in Docket HP 09-001 to Construct the Keystone XL Pipeline*, Civ. 16-33, 16-34, 16-36, 16-37, 16-38, 16-39 (consolidated).

FURTHER AFFIANT SAYETH NOT.

Dated this 22<sup>nd</sup> day of October, 2018.

  
Mollie M. Smith

Subscribed and sworn to before me on this 22 day of October, 2018.

  
Notary Public

My Commission Expires: January 31, 2022

