

	Lee Schoenbeck & Joseph B. Erickson Schoenbeck Law, P.C. 1200 Mickelson Drive, Suite 310 P.O. Box 1325 Watertown, SD 57201
Dakota Range II, LLC	Mollie M. Smith & Lisa M. Agrimonti Fredrikson & Bryon, P.A. 200 South Sixth Street, Suite 4000 Minneapolis, MN 55402-1425 Lee Schoenbeck & Joseph B. Erickson Schoenbeck Law, P.C. 1200 Mickelson Drive, Suite 310 P.O. Box 1325 Watertown, SD 57201
South Dakota Public Utilities Commission	Karen E. Cremer Special Assistant Attorney General South Dakota Public Utilities Commission 500 E. Capitol Ave. Pierre, SD 57501
South Dakota Public Utilities Commission Staff	Kristen Edwards & Amanda Reiss Staff Attorneys South Dakota Public Utilities Commission 500 E. Capitol Ave. Pierre, SD 57501
PARTIES UNREPRESENTED BY COUNSEL	
Karen Layher Grant County Auditor 210 E. Fifth Ave. Milbank, SD 57252	Cindy Brugman Codington County Auditor 14 1 st Ave. SE Watertown, SD 57201
Vincent E. Meyer 15452 486 th Ave. Milbank, SD 57252	Patricia Meyer 15452 486 th Ave. Milbank, SD 57252
Jared Krakow 16460 470 th Ave. Strandburg, SD 57265	Kevin Krakow 16462 470 th Ave. Strandburg, SD 57265
Diane Redlin 305 Lakefront Dr. South Shore, SD 57263	Timothy J. Lindgren 16050 464 th Ave. South Shore, SD 57263
Linda M. Lindgren 16050 464 th Ave. South Shore, SD 57263	Kelly Owen 15629 486 th Ave. Stockholm, SD 57264

Wade Bauer
15371 459th Ave.
South Shore, SD 57263

Matt Whitney
16450 462nd Ave.
Watertown, SD 57201

SECTION B.

TIMELINESS OF APPEAL

1. The Memorandum Decision was filed on the 29th of October, 2018, by the trial court.
2. The Notice of Entry of the judgment or order was filed and served on the 13th of November, 2018.
3. State whether either of the following motions was made:
 - a. Motion for judgment n.o.v., SDCL 15-6-50(b): YES NO
 - b. Motion for new trial, SDCL 15-6-59: YES NO

NATURE AND DISPOSITION OF CLAIMS

4. State the nature of each party's separate claims, counterclaims of cross-claims and the trial court's disposition of each claim.

On August 22, 2018, Appellants, Teresa Kaaz and Kristi Mogen, filed a Notice of Appeal from the South Dakota Public Utilities Commission Final Decision and Order Granting Permit to Construct Wind Energy Facility entered July 23, 2018. On September 7, 2018, Appellees, Dakota Range I, LLC and Dakota Range II, LLC, filed a Motion to Dismiss the appeal pursuant to SDCL 15-6-12(b)(1) and (4). The PUC joined Appellees' Motion.

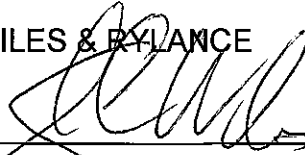
A hearing was held before the Honorable Robert L. Spears on October 15, 2018. The Court filed its Memorandum Decision on October 29, 2018, granting Appellee's Motion and dismissed the appeal for lack of jurisdiction. The Court's Order granting Appellee's Motion was dated November 7, 2018. Notice of Entry of the Order was filed November 13, 2018.

Appellant Kristi Mogen is withdrawing from the appeal of Judge Spears' November 7, 2018 order.

5. Appeals of right may be taken only from final, appealable orders. See SDCL § 15-26A-3 and 4.
- a. Did the trial court enter a final judgment or order that resolves all of each party's individual claims, counterclaims, or cross-claims?
 YES NO
- b. If the trial court did not enter a final judgment or order as to each party's individual claims, counterclaims, or cross-claims, did the trial court make a determination and direct entry of judgment pursuant to SDCL 15-6-54(b)?
 YES NO N/A
6. State each issue to be presented for review. (Parties will not be bound by these statements.)
- a. Whether the circuit court erred when it granted Appellee's Motion to Dismiss pursuant to SDCL 15-6-12(b)(1) and (4).
- b. Whether the Appellant timely filed Notice of Appeal with proof of service in the office of the Grant County Clerk of Courts.
- c. Whether Dakota Range I, LLC, Dakota Range II, LLC and PUC Staff were timely served with Appellants' Appeal.
- d. Whether the Court's Order is supported by its Findings of Facts and Conclusions of Law.
- e. Whether the Court's Findings of Facts and Conclusions of Law are supported by evidence of the record.
- f. Whether some or all of Appellant's proposed Findings of Fact and Conclusions of Law should have been adopted.
- g. Whether some or all of Appellant's objections should have been granted by the Court.

Dated this 12th day of December, 2018.

WILES & RYLAND



John C. Wiles
Attorneys for Appellant
3 East Kemp, Suite 200
P. O. Box 227
Watertown, SD 57201-0227
(605) 886-5881

Attached is a copy of the Memorandum Opinion, the Findings of Fact and Conclusions of Law, Order and Notice of Entry. See SDCL § 15-26A-4(2) and SDCL § 15-26A-15.

CERTIFICATE OF SERVICE

I, John C. Wiles, hereby certify that true and correct copies of the "APPELLANT'S AMENDED DOCKETING STATEMENT" were served electronically and by First Class United States Mail to all Parties listed below on the 12th day of December, 2018:

Patricia Van Gerpen
Executive Director
South Dakota Public Utilities
Commission
500 E. Capitol Ave
Pierre, South Dakota 57501
patty.vangerpen@state.sd.us

Mollie M. Smith
Attorney
Fredrikson & Byron, P.A.
200 South Sixth St., Ste. 40000
Minneapolis, MN 55402
msmith@fredlaw.com

Kristen Edwards
Staff Attorney
South Dakota Public Utilities
Commission
500 E. Capitol Ave
Pierre, South Dakota 57501
kristen.edwards@state.sd.us

Lisa M. Agrimonti
Attorney
Fredrikson & Byron, P.A.
200 South Sixth St., Ste. 40000
Minneapolis, MN 55402
lagrimonti@fredlaw.com

Amanda Reiss
Staff Attorney
South Dakota Public Utilities
Commission
500 E. Capitol Ave
Pierre, South Dakota 57501
Amanda.reiss@state.sd.us

Lee Schoenbeck
Attorney
Schoenbeck Law, PC
PO Box 1325
Watertown, SD 57201
lee@schoenbecklaw.com

Karen E. Cremer
Special Assistant Attorney General
South Dakota Public Utilities
Commission
500 E. Capitol Ave
Pierre, SD 57501
Karen.cremer@state.sd.us

Joe Erickson
Schoenbeck Law, PC
PO Box 1325
Watertown, SD 57201
Joe@schoenbecklaw.com

Vincent E. Meyer
15452 486th Ave
Milbank, SD 57252
vpmeyerfarms@yahoo.com

Diane Redlin
305 W. Lakefront Drive
South Shore, SD 57263
jredlin@sstel.net

Jared Krakow
16460 470th Ave
Strandburg, SD 57265
jaredkrakow@hotmail.com

Matt Whitney
16450 462nd Ave
Watertown, SD 57201
whitneywelding@hotmail.com

Linda M. Lindgren
16050 464th Ave
South Shore, SD 57263
lpedersen.pace@gmail.com

Wade Bauer
15371 459th Ave
South Shore, SD 57263
bauwade88er@gmail.com

Kevin Krakow
16462 470th Ave
Strandburg, SD 57265
kcjmkrakow@sstel.net

Timothy J. Lindgren
16050 464th Ave
South Shore, SD 57263
timlindgren009@yahoo.com

Kelly Owen
15629 468th Ave
Stockholm, SD 57264
kocattle@gmail.com

Patricia Meyer
15452 486th Ave
Milbank, SD 57252
vpmeyerfarms@yahoo.com

WILES & RYLANCE



John C. Wiles
Attorneys for Appellant
3 East Kemp, Suite 200
P. O. Box 227
Watertown, SD 57201-0227