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South Dakota Public Utilities Commission Meeting
July 10, 2018, at 1:30 p.m. CDT
Room 414, Capitol Building
Pierre, South Dakota

MINUTES OF THE AD HOC COMMISSION MEETING

Chairperson Kristie Fiegen called the meeting to order. Present were: Commissioners: Gary Hanson and Chris Nelson; Commission Attorneys: Karen Cremer and Adam de Hueck; Commission Advisor: Greg Rislov; Staff Attorneys: Amanda Reiss and Kristen Edwards; Staff Analysts: Darren Kearney and Jon Thurber; and Staff: Joy Lashley.

Present were:

Mollie Smith, Fredrikson & Byron, P.A., representing Dakota Range I, LLC and Dakota Range II, LLC; Steve Kolbeck, Northern States Power Company dba Xcel Energy; Bob Mercer, newspaper reporter; Teresa Kaaz, self; Kristi Mogen, self; and Brenna Gunderson, Dakota Range I, LLC and Dakota Range II, LLC.

Joining the meeting by telephone were:

Lisa Agrimonti, Fredrikson & Byron, P.A., representing Dakota Range I, LLC and Dakota Range II, LLC.

Electric

1. EL18-003 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 (Staff Analysts: Darren Kearney, Jon Thurber; Staff Attorneys: Kristen Edwards, Amanda Reiss)

A lengthy discussion took place for docket EL18-003. An audio of the discussion can be found on the PUC website under Commission Actions, Commission Meeting Archives, 2018, July 10, 2018, recording located at: <http://puc.sd.gov/commission/media/2018/puc07102018pm.mp3>.

Commissioner Hanson moved to grant the permit with conditions as recommended in the attachment to Applicant's post-hearing brief.

Commissioner Nelson moved to amend the recommended conditions as detailed in [Amendments Proposed by Commissioner Nelson to Applicants' Recommended Permit Conditions](#). At the same time Commissioner Nelson moved to amend the main motion to amend Condition 4 to require Applicant to provide each landowner in the project footprint the information required to be provided by Condition 4.

Commissioner Nelson accepted a friendly amendment from Commissioner Fiegen to Condition 11 to require Applicant notify the commission. Amendment passed 3-0.

Commissioner Fiegen moved to remove the word reasonable from proposed condition 28. Amendment carries 3-0.

Commissioner Hanson moved to amend the amended conditions to add a subpart seven to proposed condition 2 to state "and evidence presented by the Applicant during the evidentiary hearing" as a separate subsection to the condition. Amendment carries 3-0.

Commissioner Hanson moved to amend recommended permit condition 34 to require two years of independently conducted post-construction avian mortality studies. Amendment carries 3-0.

Commissioner Hanson moved to amend condition 22 to replace 325 feet with 250 feet for turbine shifts absent commission approval. Amendment carries 2-1 with Commissioner Nelson dissenting.

The main motion to grant the permit subject to the conditions as amended passed 3-0.

There being no further business, at the hour of 3:17 p.m., the South Dakota Public Utilities Commission meeting adjourned.

/s/Joy Lashley .

Joy Lashley

Administrative Assistant

[PUC Email](#)

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