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<b>PARTIES UNREPRESENTED BY COUNSEL</b>	
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SECTION B.

TIMELINESS OF APPEAL

1. The Memorandum Decision was filed on the 29<sup>th</sup> of October, 2018, by the trial court.
2. The Notice of Entry of the judgment or order was filed and served on the 13<sup>th</sup> 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 10<sup>th</sup> day of December, 2018.

WILES & RYLAND



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Attached is a copy of any memorandum opinion and findings of fact or conclusions of law supporting the judgment or order appealed from. See SDCL § 15-26A-4(2).

**CERTIFICATE OF SERVICE**

I, John C. Wiles, hereby certify that true and correct copies of the "APPELLANT'S DOCKETING STATEMENT" were served electronically and by First Class United States Mail to all Parties listed below on the 10<sup>th</sup> day of December, 2018:

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