

STATE OF SOUTH DAKOTA
COUNTY OF CODINGTON

IN CIRCUIT COURT
THIRD JUDICIAL DISTRICT

TIMOTHY LINDGREN and LINDA
LINDGREN,

Plaintiffs,

vs.

CODINGTON COUNTY, *a political
subdivision of the State of South Dakota,*
CODINGTON COUNTY BOARD OF
ADJUSTMENT, *an agency of Codington
County, having issued a certain
Conditional Use Permit, # CU018-007,*
CROWNED RIDGE WIND, LLC,
CROWNED RIDGE WIND II, LLC,
BOULEVARD ASSOCIATES, LLC,
*all other Persons having present or future
interests in #CU018-007, and*
SOUTH DAKOTA PUBLIC UTILITIES
COMMISSION, *having issued a certain
Facility Siting Permit, Docket EL19-003, and
all other Persons having
present or future interest in a certain
Energy Facility Permit issued by the
South Dakota Public Utilities Commission in
Docket EL19-003,*

Defendants.

Case No. 14CIV1-000303

**DEFENDANT'S RESPONSE TO
PLAINTIFFS' OBJECTIONS TO
COSTS OR DISBURSEMENTS**

Defendant South Dakota Public Utilities Commission (Commission), by and through its Staff Attorney, Kristen N. Edwards, hereby files this Response to Plaintiffs' Objections to Costs or Disbursements (Objection).

Plaintiffs' filed the Objection on or about January 13, 2020. In the Objection, Plaintiffs argue that travel expenses are not taxable costs. After reading the relevant caselaw, the Commission cannot disagree.

In addition, while Plaintiffs did not make the argument, it appears from the caselaw that attorney fees are likewise not recoverable as costs when costs are awarded pursuant to SDCL 21-24-11. See, *Public Entity Pool for Liability v. Score*, 2003 S.D. 17, ¶ 8.

Therefore, the disbursements total \$0.00 at this time.

Respectfully submitted this 25th day of February 2020.



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