STATE OF SOUTH DAKOTA)	IN CIRCUIT COURT
:SS COUNTY OF CODINGTON )	THIRD JUDICIAL CIRCUIT
* * * * * * * * * * * * * * * * * * * *	* * * * * * * * * * * * * * * * * * * *
In the Matter of PUC Docket EL 19-027,	*
Application of Crowned Ridge Wind II, LLC	*
for a Permit of a Wind Energy Facility in	*
Deuel, Grant and Codington Counties	* 14CIV20-000174
,	*
AMBER CHRISTENSON,	*
and ALLEN ROBISH,	* STATEMENT OF
Appellants,	* ISSUES and
,	* CERTIFICATE OF SERVICE
vs.	*
	*
SOUTH DAKOTA PUBLIC UTILITIES	*
COMMISSION and CROWNED RIDGE	*
WIND II, LLC,	*
Appellees.	*
Appended.	*
*********	* * * * * * * * * * * * * * * * * * * *

COME NOW Appellants in the above-captioned matter, Amber Christenson and Allen Robish, and, pursuant to SDCL § 1-26-31.4, herewith state and file their appellate issues to the circuit court as follows:

- 1.) Whether substantial rights of Appellants were prejudiced by the South Dakota Public Utilities Commission (hereinafter "Commission") as a result of a number of administrative findings, inferences, conclusions and/or decisions below being decided and ruled upon contrary to the provisions of SDCL § 1-26-36.
- 2.) Whether Appellee Commission's findings of fact were clearly erroneous insofar as Applicant failed to meet its burden of proof and/or its burden of going forward as specifically required by SDCL § 49-41B-22 and/or ARSD 20:10:01:15.01.
- 3.) Whether Appellee Commission, in violation of SDCL § 1-26-36, failed to receive and consider Appellee Crowned Ridge Wind II, LLC's complete and truthful application for a wind energy facility permit through the time of the evidentiary hearing herein contrary to the requirements of South Dakota law and ARSD 20:10:22:04, including, but not limited to, the submission for review of a pre-construction sound study in all counties.
- 4.) Whether Appellee Commission committed prejudicial error in violation of statutory provisions insofar as Applicant failed to meet the statutory requirements of SDCL § 49-41B-25.2 by and through its failure, at the time of the Commission's hearing on the merits

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of its wind energy facility permit, of being equipped with - or even having applied for - the necessary and statutorily required aircraft detection lighting system.

- 5.) Whether Appellee Commission committed prejudicial error in violating Intervenor/Appellants constitutional right to due process by privately having in-person meeting(s) and negotiations with Applicant, and in excluding Intervenor/Appellants, prior to the evidentiary hearing in order to pre-discuss conditions for approval for Applicant before even conducting such evidentiary hearing.
- 6.) Appellants also hereby jointly incorporate and state, to any extent applicable herein, Appellants (as other Intervenors) Statement of Issues on Appeal (May 7, 2020, Deuel Co.) in 19CIV20-000021.

Dated this 11th day of May, 2020.

/s/ R. Shawn Tomow

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Attorney for Appellants, Christenson & Robish

## CERTIFICATE OF SERVICE:

I, R. Shawn Tornow, as counsel for Appellants herein, do hereby certify that on this the 11th day of May, 2020, a copy of the attached *Statement of Issues and Certificate of Service* was sent and served by electronic filing via UJS's Odyssey File and Serve program as well as, if requested, by regular mail, (USPS) first class postage prepaid, and by regular e-mail transmission to opposing counsel for Appellees, South Dakota Public Utilities Commission, Crowned Ridge Wind II, LLC, by and through their respective counsel (as listed on the following page), including S.D. PUC Commission Staff attorneys, as well as by regular (USPS), mail, if requested, and/or by e-mail transmission to all other interested person Intervenors either individually (as also listed on following page) and/or by and through their respective counsel, including, A.J. Swanson, for Intervenors Garry Ehlebracht, Steven Greber, Mary Greber, Richard Rall, Amy Rall and Laretta Kranz (as noted within 19CIV20-000021).

/s/ R. Shawn Tomow

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