

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

**IN THE MATTER OF THE APPLICATION)
BY CROWNED RIDGE WIND II, LLC FOR)
A PERMIT OF A WIND ENERGY)
FACILITY IN DEUEL, GRANT AND)
CODINGTON COUNTIES)**

**ORDER GRANTING, IN PART,
MOTION TO STRIKE**

EL19-027

On July 9, 2019, the South Dakota Public Utilities Commission (Commission) received an Application for a Facility Permit (Application) from Crowned Ridge Wind II, LLC (Crowned Ridge or Applicant), a wholly-owned, indirect subsidiary of NextEra Energy Resources, LLC. Crowned Ridge proposes to construct a wind energy conversion facility to be located in Deuel, Grant, and Codington Counties, South Dakota (Project). The Project would be situated within approximately 60,996-acres in the townships of Waverly, Kranzburg North, Kranzburg South, Troy, Rome, Goodwin, and Havana, South Dakota (Project Area). The total installed capacity of the Project would not exceed 301 megawatts (MW) of nameplate capacity. The proposed Project includes up to 132 wind turbine generators, access roads to turbines and associated facilities, underground 34.5-kilovolt (kV) electrical collector lines, underground fiber-optic cable, a 34.5-kV to 230-kV collection substation, two permanent meteorological towers, and an operations and maintenance facility. The Project will utilize the Crowned Ridge Wind II 5-mile 230-kV generation tie line and the Crowned Ridge Wind II collector substation to transmit the generation to the dead-end transmission structure adjacent to the Crowned Ridge Wind, LLC project's collector substation and conjoined to the Big Stone South 230-kV Substation, which is owned by Otter Tail Power Company. Applicant has executed a purchase and sale agreement with Northern States Power Company (NSP) to sell NSP the Project and the Facility Permits once constructed. The Project is expected to be completed in 2020. Applicant estimates the total cost of the Project to be \$425 million.

On July 11, 2019, the Commission electronically transmitted notice of the filing and the intervention deadline of September 9, 2019, to interested persons and entities on the Commission's PUC Weekly Filings electronic listserv. On July 11, 2019, the Commission issued a Notice of Application; Order for and Notice of Public Input Meeting; Notice of Opportunity to Apply for Party Status. On July 31, 2019, the Commission issued an Order Assessing Filing Fee; Order Authorizing Executive Director to Enter into Consulting Contracts; Order Granting Party Status (Amber Christenson, Kristi Mogen, Allen Robish). On August 26, 2019, the Commission issued an Order Granting Party Status (Garry Ehlebracht, Steven Greber, Mary Greber, Richard Rall, Amy Rall, and Laretta Kranz). On August 26, 2019, a public input meeting was held as scheduled. On September 20, 2019, the Commission issued an Order Granting Motion Establishing Procedural Schedule and an Order Denying Request for Confidentiality. On October 1, 2019, the Commission issued an Order for and Notice of Evidentiary Hearing. On December 2, 2019, the Commission issued an Order Granting Motion to Appear Telephonically. On January 14, 2020, Applicant filed a Motion to Strike. On January 15, 2020, Intervenors filed a Reply to Motion to Strike Testimonial Excerpts. On January 22, 2020, the Commission issued an Order for and Notice of Motion Hearing. On January 31, 2020, Commission staff filed its Partial Joinder of Motion to Strike.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 15-6, 49-41B, and ARSD Chapters 20:10:01 and 20:10:22. The Commission may rely upon any or all of these laws or other laws of this state in making its determination.

On February 5, 2020, the Commission considered this matter. Having thoroughly reviewed the filings and after making further inquiry of the parties, the Commission voted unanimously to grant, in part, Applicant's Motion to Strike. In particular, the following lines in the Ehlebracht Affidavit were redacted: page 3, lines 16-17 beginning with "as" and ending with "(SDCL 11-2-14)"; page 4, lines 14-15 beginning with "having" and ending with "counsel"; lines 20-22 beginning with "This" and ending with "property"; lines 24-25 beginning with "Neither" and ending with "Non-participant." Redacted from the Greber Affidavit is the following: page 3, lines 18-26, beginning with "including" and ending with "rights"; page 4, lines 6-11 beginning with "I" and ending with "thwarted"; lines 29-30 beginning with "I" and ending with "uniform"; page 5, lines 1-3 beginning with "This" and ending with "County." It is therefore

ORDERED, that Applicant's Motion to Strike as it pertains to the Ehlebracht Affidavit and the Greber Affidavit is hereby granted, in part, as set forth above.

Dated at Pierre, South Dakota, this 14 day of February 2020.

<p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically or by mail.</p> <p>By: <u>Karen E. Cremer</u></p> <p>Date: <u>02/14/20</u></p> <p style="text-align: center;">(OFFICIAL SEAL)</p>

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Chris Nelson
CHRIS NELSON, Commissioner

Kristie Fiegen
KRISTIE FIEGEN, Commissioner