



- 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.) Whether Appellee Commission and Appellee Applicant erred and, specifically, committed prejudicial error by and through its error of law by (basing the underlying Application on and/or) relying upon an erroneous version of the local Grant County ordinance (Grant County Ordinance 2016-01C adopted December 28, 2018, effective date of January 28, 2019), which was *not* the governing ordinance for the Grant County Conditional Use Permit as granted by the Grant County Board of Adjustment.
- 7.) Appellants also hereby jointly incorporate and state, to any extent applicable herein, Appellants (as other Intervenor) Statement of Issues on Appeal (May 7, 2020, Deuel Co.) in 19CIV20-000021.

Dated this 15th day of May, 2020.

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CERTIFICATE OF SERVICE:

I, R. Shawn Tornow, as counsel for Appellants herein, do hereby certify that on this the 15th 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 Intervenor either individually (as also listed on following page) and/or by and through their respective counsel, including, A.J. Swanson, for Intervenor Garry Ehlebracht, Steven Greber, Mary Greber, Richard Rall, Amy Rall and Laretta Kranz (as noted within 19CIV20-000021).

/s/ R. Shawn Tornow

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