

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE APPLICATION OF BUFFALO RIDGE II LLC, A SUBSIDIARY OF IBERDOLA RENEWABLES, INC., FOR AN ENERGY CONVERSION FACILITY PERMIT FOR THE CONSTRUCTION OF THE BUFFALO RIDGE II WIND FARM AND ASSOCIATED COLLECTION SUBSTATION AND ELECTRIC INTERCONNECTION SYSTEM.	EL08-031  <b>MOTION TO APPROVE BOND</b>
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Pursuant to prior Commission order, The applicant, Buffalo Ridge II LLC hereby moves the Commission for an order approving the attached bond. Applicant states that the bond form is consistent with prior commission orders and is in the required amount, and ready for approval.

Dated this 2nd day of December, 2021.

MAY, ADAM, GERDES & THOMPSON LLP

BY:



BRETT KOENECKE

*Attorneys for Buffalo Ridge II LLC*

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2200 Renaissance Blvd., Suite 400  
King of Prussia, PA 19406  
Ph. (610) 832-8240

## DECOMMISSIONING BOND

Bond Number: 019080821

KNOW ALL MEN BY THESE PRESENTS, that we Buffalo Ridge II LLC as principal (the "Principal"), and Liberty Mutual Insurance Company, a Massachusetts stock insurance company, as surety (the "Surety"), are held and firmly bound unto Public Utilities Commission of the State of South Dakota, as obligee (the "Obligee"), in the penal sum of Ten Million Eight Hundred Seventy Thousand Five Hundred Twenty-Three and 00/100 Dollars (\$ 10,870,523.00), for the payment of which sum well and truly to be made, the Principal and the Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a Decommissioning Plan for a Wind Project subject to the Permit issued to Principal on April 23, 2009 and approved by the Obligatee. (the "Plan").

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the Principal shall comply with the Plan submitted and approved in connection with its, Permit then this obligation shall be null and void; otherwise to remain in full force and effect.

PROVIDED AND SUBJECT TO THE CONDITIONS PRECEDENT:

Notwithstanding any contrary term in this Bond, the Plan or South Dakota Statute to the contrary, this Bond shall be effective for one (1) year from the date below and shall be renewable annually at the sole option of Surety, by the issuance of a continuation certificate. In the event that the Surety elects to cancel or non-renew the Bond, it shall provide ninety (90) days advance written notice of such effective date to both the Principal(s) and Obligatee by certified mail. Upon the effective date of such notice the Surety shall be discharged from all liability under this Bond for any act or omission of the Principal occurring after such termination date, but same shall not discharge the liability of the Surety for any default prior to the effective date of cancellation, unless replacement security acceptable to the Obligatee is provided. In the event Principal does not replace the bond at least thirty (30) days before such effective date of cancellation, the Obligatee may make a claim hereunder.

The liability of the Surety hereunder shall in no event exceed the penal sum of this Bond as stated above, regardless of the number of years the bond shall continue in force.

The Obligatee may assign the obligations of the Plan to another beneficiary but shall provide the Surety notice of such assignment to the address listed above. Upon such notice, the Surety shall issue a rider acknowledging such assignment to a new obligee, if any.

Any claim under this bond must be presented in writing to the Surety to the attention of Liberty's Claims Department [HOSCL@libertymutual.com](mailto:HOSCL@libertymutual.com) and to the address above.

DATED as of this 21<sup>st</sup> day of October, 2021

WITNESS / ATTEST

WA Reed

Buffalo Ridge II, LLC  
(Principal)  
By: [Signature] (Seal)  
Title: AUTHORIZED REPRESENTATIVE

LIBERTY MUTUAL INSURANCE COMPANY  
(Surety)  
By: [Signature] (Seal)  
Francesca Kazmierczak, Attorney-in-Fact



This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Liberty Mutual Insurance Company  
The Ohio Casualty Insurance Company  
West American Insurance Company

Certificate No: **8205735-015009**

## POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Aklima Noorhassan, Anne Potter, Cynthia Farrell, Debra A. Deming, Frances Rodriguez, Francesca Kazmierczak, Jennifer L. Jakonis, Kemal Brkanovic, Nancy Schnee, Pablo Garcia Horeajo, Peter Healy, Sandra Diaz, Susan A. Welsh, Valerie Spates

all of the city of New York state of NY each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 11th day of June, 2021.



Liberty Mutual Insurance Company  
The Ohio Casualty Insurance Company  
West American Insurance Company

By:

*David M. Carey*  
David M. Carey, Assistant Secretary

State of PENNSYLVANIA ss  
County of MONTGOMERY

On this 11th day of June, 2021 before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.



Commonwealth of Pennsylvania - Notary Seal  
Teresa Pastella, Notary Public  
Montgomery County  
My commission expires March 28, 2025  
Commission number 1126044  
Member, Pennsylvania Association of Notaries

By:

*Teresa Pastella*  
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

### ARTICLE IV - OFFICERS: Section 12. Power of Attorney.

Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

### ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

**Certificate of Designation** - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

**Authorization** - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 21st day of October, 2021.



By:

*Renee C. Llewellyn*  
Renee C. Llewellyn, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

For bond and/or Power of Attorney (POA) verification inquiries, please call 610-832-8240 or email HOSUR@libertymutual.com.