

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

IN THE MATTER OF THE APPLICATION)	NOTICE OF APPLICATION; ORDER
BY PREVAILING WINDS, LLC, FOR A)	FOR AND NOTICE OF PUBLIC
WIND ENERGY FACILITY PERMIT FOR)	INPUT HEARING; NOTICE OF
THE PREVAILING WINDS WIND)	OPPORTUNITY TO APPLY FOR
ENERGY FACILITY)	PARTY STATUS
)	
)	
)	EL16-022

On June 28, 2016, Prevailing Winds, LLC filed with the South Dakota Public Utilities Commission (Commission) an Application for a wind energy facility permit (Application) to construct the Prevailing Winds Wind Energy Facility (Project), a 201-megawatt (MW) nameplate capacity wind energy facility located on the Dry Choteau Creek Coteau, an upland divide that rises 300 to 350 feet above the Choteau Creek Valley along its western boundary and then gradually descends for several miles to the east (Project Area), near Avon, South Dakota in Bon Homme and Charles Mix Counties. The Project Area is approximately 36,000 acres. The proposed Project includes 100 wind turbines, associated access roads, an underground electrical power collector system and collector substation, an operations and maintenance (O&M) facility, and associated transmission interconnection facilities. The Project would interconnect at a new Western Area Power Administration (Western)-owned switching station to be constructed within the Project Area adjacent to Western's Fort Randall to Utica Junction 230-kilovolt (kV) double-circuit transmission line, or alternatively at Western's existing Utica Junction 230-kV switching station, approximately 22 miles east of the Project Area. The Project would generate up to 860,000 megawatt-hours (MWh) annually of utility scale electric power for residential, commercial, and industrial consumers within South Dakota and the Southwest Power Pool (SPP). The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-41B and ARSD Chapter 20:10:22.

Pursuant to SDCL 49-41B-15 and 49-41B-16, the Commission will hold a public input hearing on the Application on August 24, 2016, at 6:30 P.M. CDT at the Avon School, 210 Pine St., Avon, S.D.

The purpose of the public input hearing will be to hear public comments regarding the permit Application and the Project. At the hearing, Applicant will present a brief description of the Project, following which interested persons may appear and present their views, comments, and questions regarding the Application. A copy of the Application is on file with the Bon Homme and Charles Mix Counties Auditor pursuant to SDCL 49-41B-15(5) and at the Commission's office in Pierre. The Application and all other documents in the case, including detailed maps of the Project, may be accessed on the Commission's web site at www.puc.sd.gov under Commission Actions, Commission Dockets, Electric Dockets, 2016 Electric Dockets, EL16-022 or by contacting the Commission in person at the Capitol Building, 500 E. Capitol Ave., Pierre, SD, or by phone at (605) 773-3201 or (800) 332-1782.

Pursuant to SDCL 49-41B-17 and ARSD 20:10:22:40, the parties to this proceeding are currently the Applicant and the Commission. Any person residing in the area of the Project; each municipality, county, and governmental agency in the area where the Project is proposed to be sited; any non-profit organization formed in whole or in part to promote conservation or natural beauty, to protect the environment, personal health or other biological values, to preserve historical sites, to promote consumer interests, to represent commercial and industrial groups, or to promote the orderly development of the area in which the Project is to be sited; or

any interested person, may be granted party status in this proceeding by making written application to the Commission. Applications for party status will be available at the public input hearing or may be obtained from the Commission's web site or by contacting the Commission. **Applications for party status must be received by the Commission on or before 5:00 P.M. CDT on August 29, 2016.**

Following the public input hearing, the Commission may schedule a formal evidentiary hearing conforming to SDCL Chapter 1-26 to consider any issues raised by any intervening party, the Commission's staff, or the Commission itself. At such formal hearing, all parties will have the opportunity to appear, present evidence, and cross-examine the other parties' witnesses and exercise all other rights afforded by SDCL Chapters 1-26, 49-1, and 49-41B and ARSD Chapters 20:10:01 and 20:10:22, including rights of appeal to the courts. Absent a contested issue, the Commission will schedule the matter for decision at a regular or ad hoc meeting of the Commission.

In order to receive a wind energy facility permit from the Commission, the Applicant must show that the proposed Project will: 1) comply with all applicable laws and rules, 2) will not pose a threat of serious injury to the environment nor to the social and economic condition of inhabitants or expected inhabitants in the siting area, 3) will not substantially impair the health, safety or welfare of the inhabitants, and 4) will not unduly interfere with the orderly development of the region with due consideration having been given to the views of governing bodies of affected local units of government. Based upon these criteria, the Commission will decide whether the wind energy facility permit should be granted, denied, or granted upon such terms, conditions, or modifications of the construction, operation, or maintenance as the Commission finds appropriate. It is therefore

ORDERED, that the Commission will hold a public input hearing on **August 24, 2016, at 6:30 P.M. CDT at the Avon School, 210 Pine St., Avon, S.D.** It is further

ORDERED, that pursuant to **SDCL 49-41B-17 and ARSD 20:10:22:40, applications for party status must be filed on or before 5:00 P.M. CDT on August 29, 2016.**

Pursuant to the Americans with Disabilities Act, this hearing will be held in a physically accessible location. Please contact the Public Utilities Commission at (605) 773-3201 or (800) 332-1782 at least 48 hours prior to the public input hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 7th day of July, 2016.

CERTIFICATE OF SERVICE
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.
By: <u>Karen E. Cremer</u>
Date: <u>July 7, 2016</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson
CHRIS NELSON, Chairman

Kristie Fiegen
KRISTIE FIEGEN, Commissioner

Gary Hanson
GARY HANSON, Commissioner