

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

**IN THE MATTER OF THE
APPLICATION BY CROCKER WIND
FARM, LLC FOR A PERMIT OF A
WIND ENERGY FACILITY AND A 345
KV TRANSMISSION LINE IN CLARK
COUNTY, SOUTH DAKOTA, FOR
CROCKER WIND FARM**

*
*
*
*
*
*
*

**CROCKER WIND FARM, LLC'S
RENEWED MOTION FOR RELEASE
OF ROAD AND PUBLIC
INFRASTRUCTURE RESTORATION
BOND**

EL 17-055

As set forth in more detail below, Crocker Wind Farm, LLC (“Crocker”) respectfully requests that the South Dakota Public Utilities Commission (“Commission”) grant its Renewed Motion for Release of Road and Public Infrastructure Restoration Bond (“Motion”).

On June 12, 2018, the Commission issued a Final Decision and Order Granting Permit to Construct Facilities (“Permit”) to Crocker for the Crocker Wind Farm and 345 kV Transmission Line (“Project”). Condition 9(i) of the Permit required Crocker to furnish an indemnity bond to comply with the requirements of SDCL 49-41B-38. On September 25, 2018, Crocker filed Bond No. 190040806 (“Bond”) to fulfill the requirements of Condition 9(i).

On January 8, 2021, Crocker filed a Motion for Release of Road and Public Infrastructure Bond, with accompanying Exhibit A (Certificates of Completion from Clark County, Woodland Township, Ash Township, Warren Township, and Spring Valley Township). At the Commission’s regular meeting on January 19, 2021, Crocker and Commission Staff requested that the motion be deferred to a future Commission meeting pending completion of newly identified township road reclamation issues.

Condition 9(i) provides that “[t]he bond shall remain in effect until released by the Commission, which release shall not be unreasonably denied following completion of the construction and repair period.” Crocker has completed restoration of any road damages

associated with Project construction, and has received the attached executed Certificates of Completion from Clark County, Woodland Township, Ash Township, Warren Township, and Spring Valley Township (*see Exhibit A*) and additional correspondence (*see Attachment 1 to Exhibit B* (Affidavit of James Simmons)), which acknowledge that all roads have been repaired to the satisfaction of each the road authority and in accordance with the requirements of the Road Use and Repair Agreements entered into with each road authority. As a result, Crocker respectfully requests an order from the Commission releasing the Bond.

Dated this 7th day of September, 2021.

Respectfully Submitted,

By */s/ Mollie M. Smith*

Mollie M. Smith
Lisa M. Agrimonti
FREDRIKSON & BYRON, P.A.
Attorneys for Crocker Wind Farm, LLC
200 South Sixth Street, Suite 4000
Minneapolis, MN 55402
Phone: (612) 492-7270
Fax: (612) 492-7077