

**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**

**EL 17-055**

**MOTION TO EXCLUDE EXHIBITS**

Crocker Wind Farm, LLC (“Crocker”) moves to exclude certain proposed hearing exhibits of Intervenors. Specifically, Crocker moves to exclude the following exhibits on the grounds noted for each:

1. I-10. Wind Energy Facility Comparison Table: Object based on relevance, hearsay, foundation, and outside of the scope of testimony.
2. I-11. White Wind Farm vegetation and land use map (Figure 8): Object based on relevance, hearsay, foundation, and outside of the scope of testimony.
3. I-18. South Dakota Wind Resource Map (EL15-020 – Application, App’x A, Figure 2): Object based on relevance, hearsay, foundation, and outside of the scope of testimony.

This Motion is made pursuant to SDCL 1-26-19, which provides that “[i]rrelevant, incompetent, immaterial, or unduly repetitious evidence shall be excluded.” See also SDCL 19-19-102 (providing that statute should be construed to, among other things, eliminate delay); SDCL 19-19-402 (irrelevant evidence inadmissible); SDCL 19-19-701 (opinion testimony by lay witnesses); SDCL 19-19-802 (rule against hearsay). We understand per discussions with Intervenors’ counsel that Exhibits I-4 and I-5 are being withdrawn, and that a written explanation of foundation will be provided for any photographic evidence. Crocker reserves the right to make further objections, should they be needed.

Dated: May 4, 2018

CROCKER WIND FARM, LLC



By: \_\_\_\_\_

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  
E-mail: msmith@fredlaw.com

AND

Brett Koenecke  
Kara C. Semmler  
MAYADAM  
503 S Pierre St  
Pierre SD 57501  
Phone: 605-224-8803  
E-mail: brett@mayadam.net