

October 29, 2017

VIA ELECTRONIC FILING

Ms. Patricia Van Gerpen
Executive Secretary
South Dakota Public Utilities Commission
500 E Capitol Ave
Pierre, SD 57501-5070

**RE: Informational Filing – Sweetland Wind Farm, LLC
2017 Info EL9**

Dear Ms. Van Gerpen:

Sweetland Wind Farm, LLC, submits the enclosed Affidavit of Michael Rucker as a supplement to the above-referenced informational filing.

If the Commission or Commission Staff have any questions, please let me know.

Sincerely,

/s/ Mollie M. Smith

Mollie M. Smith
Direct Dial: 612.492.7270
Email: msmith@fredlaw.com

Enclosure

cc: Matt Heck (*via e-mail*)
Patrick Landess (*via e-mail*)

Attorneys & Advisors
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fax 612.492.7077
fredlaw.com

Fredrikson & Byron, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, Minnesota
55402-1425

**AFFIDAVIT OF MICHAEL RUCKER
ON BEHALF OF SWEETLAND WIND FARM, LLC**

STATE OF COLORADO)
) SS
COUNTY OF BOULDER)

Michael Rucker, being first duly sworn on oath, states as follows:

1. I am the Manager for the Sweetland Wind Farm (“Project”), a wind energy conversion facility being developed by Sweetland Wind Farm, LLC (“Sweetland”), in Hand County, South Dakota. I have the authority to bind Sweetland with respect to commitments made herein.

2. Sweetland has leased approximately 14,000 acres southeast of Miller, South Dakota, for the Project to-date. The Project is currently anticipated to be up to 200 megawatts (“MW”).

3. The Project area was previously part of the Titan Wind Project, a 5,050 MW project proposed by Clipper Windpower and BP Wind Energy that was to interconnect to a proposed high voltage direct current transmission line extending to Chicago. An initial 25 MW project (located outside of the Project area) was completed in 2009, but the larger project was subsequently abandoned by Clipper Windpower and BP Wind Energy.

4. After the Titan Wind Project was abandoned, Sweetland analyzed the potential to develop a smaller-scale project in the area originally considered for Titan, and decided to pursue a project in late 2016.

5. In consultation with the United States Fish and Wildlife Service (“USFWS”), Sweetland identified a location southeast of Miller, South Dakota, that would allow development of an up to 200 MW wind project, while minimizing potential impacts to environmental resources.

6. The Project area is crossed by an existing transmission line, which provides the Project with access to the electric grid without the construction of an interconnecting above-ground transmission line. Sweetland filed a Generator Interconnection Request for the Project with Southwest Power Pool, Inc., on May 24, 2017.

7. Since the initial stages of Project development, Sweetland has been in contact with Hand County and has provided multiple updates regarding the Project, most recently on October 3, 2017.

8. In addition to consulting with USFWS in 2016, Sweetland and its environmental consultant met with South Dakota Game, Fish and Parks (along with USFWS) in August 2017 to discuss the Project and provide updates regarding associated survey work. Sweetland plans to continue consultation with both agencies as Project development continues.

9. In order to qualify the Project for the full federal Production Tax Credit (“PTC”), Sweetland performed certain work in December 2016. Specifically, during December 13-22, 2016, Sweetland contracted with a third party to excavate three planned turbine foundation sites and to construct approximately 2,300 linear feet of 14-foot-wide access road between the three excavations. No turbine foundations were installed, and no structures were erected.

10. Other than routine maintenance work, such as fence repair around the excavation sites, implementing weed and erosion control measures, and reseeding temporarily disturbed areas, no additional work has been conducted since December 22, 2016.

11. At the time of undertaking the PTC-qualification work, Sweetland was not aware that an energy facility permit from the South Dakota Public Utilities Commission (“Commission”) was required before conducting such work. Sweetland recently learned that a

permit should have been obtained from the Commission prior to conducting the work when counsel was retained to assist with permitting for the Project.

12. After learning a permit should have been obtained, Sweetland asked its permitting attorney to contact Commission Staff to inform them of the situation. Sweetland met with Commission Staff on October 4, 2017, to provide additional information regarding the Project and the work conducted.

13. Although Sweetland did not obtain a permit from the Commission, the following actions were taken prior to conducting the PTC-qualification work:

a. Sweetland had a critical issues analysis of the site prepared by an environmental consulting firm to confirm the absence of environmental issues that would prohibit Project development.

b. Sweetland obtained other approvals required for the PTC-qualification work. Specifically, Sweetland obtained coverage under the South Dakota Department of Environment and Natural Resources' General Permit for Storm Water Discharges Associated with Construction Activities, and fully implemented the requirements of a Stormwater Pollution Prevention Plan prior to, during, and after the work.

c. Sweetland confirmed with Hand County that county permits were not required for the PTC-qualification work, and provided the Board of County Commissioners and other County representatives with updates both prior to and after the work.

d. Sweetland's contractor requested utility locates prior to conducting the PTC-qualification work.

e. Sweetland secured easements for the land, and the work was done with the prior consent of the landowners (“Landowners”). The Landowners continue to have no objections to the work completed, as evidenced by the letters from the Landowners attached hereto as **Exhibit A**.

14. Sweetland currently plans to move forward with Project permitting in 2018. Hand County is in the process of amending its zoning ordinance to include wind energy system-specific provisions, and Sweetland plans to apply for a permit from Hand County for the Project following enactment of those amendments. Either after or concurrent with submitting an application to Hand County for the Project, Sweetland plans to submit an energy facility permit application for the Project to the Commission.

15. Going forward, Sweetland makes the following commitments regarding the Project:

a. Until requisite permits have been obtained for the Project, including permits from Hand County and the Commission, Sweetland commits to not engaging in any further construction (as defined under S.D.C.L. § 49-41B-2(5)) on the Project.

b. Sweetland will continue to perform routine maintenance where the PTC-qualification work was performed, such as fence repair around the excavation sites, and implementing weed and erosion control measures, as needed.

c. If Sweetland does not obtain an energy facility permit from the Commission for the Project by December 21, 2020, Sweetland commits to restoring the areas affected by the PTC-qualification work to their prior condition, to the extent practicable. Further, under the terms of its wind energy lease and easement agreements with the Landowners, if a project is not developed, Sweetland is obligated to restore the

surface of the land affected by the PTC-qualification work to a condition and contour reasonably similar to that existing on the land when the agreements were executed (provided that the Landowners may request access roads remain in place).

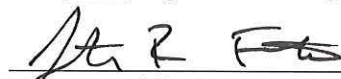
16. Sweetland regrets the mistake made with respect to permitting for the PTC-qualification work, and appreciates the cooperation Commission Staff has shown. Sweetland looks forward to further engagement with the Commission and the Commission Staff as Project development continues.

FURTHER AFFIANT SAYETH NOT.

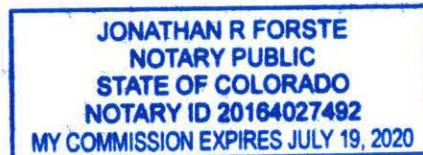


Michael Rucker

Subscribed and sworn to before me
this 23 day of October, 2017.



Notary Public



62439691.3

Exhibit A

October 16, 2017

Ms. Patricia Van Gerpen
Executive Secretary
South Dakota Public Utilities Commission
500 E Capitol Ave
Pierre, SD 57501-5070

Re: Sweetland Wind Farm – Production Tax Credit Qualification Work

Dear Ms. Van Gerpen:

We own land in Sections 10 and 11, Township 110 North, Range 66 West, Hand County, South Dakota and in Section 20, Township 111 North, Range 66 West, Hand County, South Dakota (“Land”), that we have leased to Sweetland Wind Farm, LLC (“Sweetland”), who is developing the Sweetland Wind Farm (“Project”). In December 2016, Sweetland conducted work on our Land, including excavating planned turbine foundation sites and installing access roads between the excavation sites. Sweetland obtained our consent in advance of doing the work, and we continue to have no objection to the work that Sweetland completed.

We are excited to be a part of the Project, and look forward to continuing to work with Sweetland to make the Project a reality.

Sincerely,

Jerrit T. Mehling

By:  _____

Stephanie L. Mehling

By:  _____

October 13, 2017

Ms. Patricia Van Gerpen
Executive Secretary
South Dakota Public Utilities Commission
500 E Capitol Ave
Pierre, SD 57501-5070

Re: Sweetland Wind Farm – Production Tax Credit Qualification Work

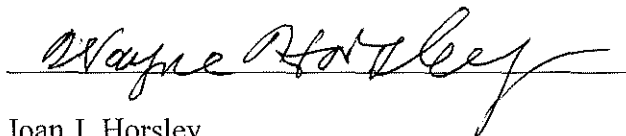
Dear Ms. Van Gerpen:

We own land in Sections 4, 9, 10 and 16, Township 110 North, Range 66 ~~West~~^{EAST}, Hand County, South Dakota (“Land”), that we have leased to Sweetland Wind Farm, LLC (“Sweetland”), who is developing the Sweetland Wind Farm (“Project”). In December 2016, Sweetland conducted work on our Land, including excavating planned turbine foundation sites and installing access roads between the excavation sites. Sweetland obtained our consent in advance of doing the work, and we continue to have no objection to the work that Sweetland completed.

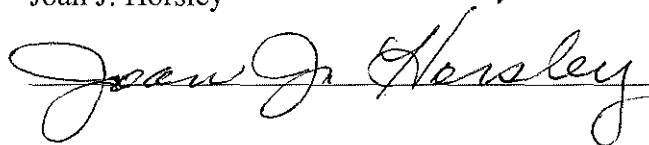
We are excited to be a part of the Project, and look forward to continuing to work with Sweetland to make the Project a reality.

Sincerely,

Wayne B. Horsley

A handwritten signature in cursive script, reading "Wayne B. Horsley", written over a horizontal line.

Joan J. Horsley

A handwritten signature in cursive script, reading "Joan J. Horsley", written over a horizontal line.