

From: PUC

Sent: Wednesday, May 15, 2019 9:26 AM

To: [REDACTED]

Subject: EL18-053

Ms. Kolbeck,

Thank you for sharing your view of the Deuel Harvest siting permit request, docket EL18-053, that was before the South Dakota Public Utilities Commission for final decision on May 14, 2019.

As you heard via the webcast, my fellow commissioners and I take several factors into account when considering whether or not to grant a wind siting permit. The primary duty of the commission is to ensure the location, construction, and operation of the facilities will produce minimal adverse effects to the health, safety, and welfare of the environment and citizens. The standards we must follow are defined in South Dakota Codified Laws and Administrative Rules.

Regarding conflict of interest concerns, I will consider evidence presented to the commission regarding conflict of interest in areas that fall under the responsibilities of the commission. However, that evidence must be presented to the commission by a party in the docket during and leading up to the evidentiary hearing. Closing arguments insinuating conflicts of interest at the county level do not rise to the level of admissible evidence.

SDCL 49-41B-22 states the four requirements of the applicant in order to receive a siting permit from the PUC. If there is evidence that the applicant cannot or will not comply with any one of these four requirements, then I believe they should not receive a permit. However, I emphasize that evidence must be presented regarding conflict of interest if the commission is to consider the issue. Any concerns you have regarding the Deuel County commissioners and the potential of a conflict of interest, are matters you should refer to the State's Attorney or the Attorney General's Office. A circuit court has direct jurisdiction regarding these issues. The statutes

addressing conflicts of interest are found in South Dakota law, Chapter 6-1, and in particular 6-1-17 through 6-1-21, <http://sdlegislature.gov/statutes>.

Your message and my response will be posted under Comments and Responses in the docket so my fellow commissioners and other interested individuals can access them. Here is a link: <http://puc.sd.gov/Dockets/Electric/2018/EL18-053.aspx>.

This Siting Guide explains the commission's processing of dockets such as this, <http://puc.sd.gov/commission/dockets/electric/2018/e118-053/e118-053sitinghandout.pdf>.

Gary Hanson, Chairman
South Dakota Public Utilities Commission
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