

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

IN THE MATTER OF THE APPLICATION
OF DEUEL HARVEST WIND ENERGY LLC
FOR A PERMIT OF A WIND ENERGY
FACILITY AND A 345-kV TRANSMISSION
LINE IN DEUEL COUNTY

EL18-053

STIPULATION

Applicant Deuel Harvest Wind Energy LLC (“Deuel Harvest”) has filed an application seeking energy facility permits (the “Application”) in the above captioned docket for the Deuel Harvest North Wind Farm (“Project”). Deuel Harvest, Intervenor Otter Tail Power Company (“Otter Tail”), and the Commission Staff (“Staff”) stipulate to the following facts and conclusions of law. Deuel Harvest, Otter Tail, and Staff also jointly request that if the Public Utilities Commission of the State of South Dakota (the “Commission”) grants the permits sought by Deuel Harvest in this docket, that the Commission include the following stipulated facts and conclusions of law in its final decision and order granting the permits.

STIPULATED FACTS

1. Otter Tail will construct, own, and operate a switching station (“Switching Station”) needed to interconnect Deuel Harvest’s project substation (“Project Substation”) and Gen-Tie (defined below) to the Big-Stone South to Brookings 345-kV transmission line. Otter Tail also will construct, own, and operate a segment of a 345-kV transmission line between the Gen-Tie and the Switching Station. Specifically, Otter Tail will own and operate that portion of the 345-kV transmission line located from the Switching Station to the first structure outside the Switching Station. The transmission line owned by Otter Tail will be less than one-half mile long, it will not cross a public highway, and Otter Tail will not utilize eminent domain to acquire

the right-of-way for the transmission line. The Switching Station and the portion of the 345-kV transmission line owned by Otter Tail are collectively referred to as Otter Tail's Facilities.

2. Deuel Harvest will construct, own and operate a 345-kV transmission line ("Gen-Tie") between Otter Tail's Facilities and Deuel Harvest's Project Substation. The Gen-Tie will be less than one-half mile long, it will not cross a public highway, and eminent domain will not be used to acquire the right-of-way for the Gen-Tie.

3. The Otter Tail Switching Station and Deuel Harvest's Gen-Tie area, Project Substation are depicted on Exhibit A attached hereto. .

4. The Application only requests a facility permit for facilities owned by Deuel Harvest, and is not seeking a facility permit for Otter Tail's Facilities. No permit is required for the owning, operating, or constructing of Otter Tail's Facilities.

CONCLUSIONS OF LAW

1. SDCL 49-41B-2.1 defines a "transmission facility" as "an electric transmission line and associated facilities with a design of more than one hundred fifteen kilovolts. However, if such a transmission line is less than two thousand six hundred forty feet, does not cross any public highway, and eminent domain is not used to obtain right of way, the transmission line is not a transmission facility for purposes of this chapter."

2. The Gen-Tie is not a "transmission facility" pursuant to SDCL 49-41B-2.1 because it will be less than one-half mile long, it will not cross a public highway, and eminent domain will not be used to acquire the right-of-way for the Gen-Tie. Therefore no permit needs to be issued by the Commission for construction, ownership, and operation of the Gen-Tie or Otter Tail's Facilities.

Dated: April 14, 2019

OTTER TAIL POWER COMPANY

By /s/ Thomas J. Welk

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Dated: April 14, 2019

DEUEL HARVEST WIND ENERGY LLC

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Dated: April 14, 2019

COMMISSION STAFF




By /s/ Kristen N. Edwards

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Exhibit A

Section 12, Township 116N, Range 48W

Legend

-  OTP 345 kV Line and Gen-Tie Siting Area
-  Otter Tail Preliminary Proposed Switching Station Site
-  Project Substation Siting Area

