

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

**IN THE MATTER OF THE APPLICATION
BY PREVAILING WIND PARK, LLC FOR
A PERMIT OF A WIND ENERGY
FACILITY IN BON HOMME COUNTY,
CHARLES MIX COUNTY AND
HUTCHINSON COUNTY, SOUTH
DAKOTA, FOR THE PREVAILING
WIND PARK PROJECT**

**SUBPOENA DUCES TECUM
TO BON HOMME COUNTY**

EL 18-026

THE SOUTH DAKOTA PUBLIC UTILITIES COMMISSION TO BON HOMME COUNTY,
SOUTH DAKOTA:

Pursuant to SDCL § 15-6-45, you are hereby commanded to produce at the offices of
Davenport, Evans, Hurwitz & Smith, LLP, 206 West 14th Street, Sioux Falls, South Dakota
57104, by September 28, 2018, the following documents for inspection and copying:

1. All meeting minutes and agendas related to the November 3, 2015 amendment to the Bon Homme County zoning ordinances.
2. All documents the County relied upon in adopting the November 3, 2015 amendment to the Bon Homme County zoning ordinances.
3. All correspondence involving the County related to the November 3, 2015 amendment to the Bon Homme County zoning ordinances.
4. All correspondence the County has had with Brian McGinnis, Ron Hornstra, Roland Jurgens, and any representative of Prevailing Winds, sPower, Prevailing Wind Park, LLC or any other entity involved with the proposed wind energy system currently being proposed in Bon Homme County that is the subject of the above-captioned proceeding.
5. All meeting minutes and agendas related to the wind energy system currently being proposed in Bon Homme County that is the subject of the above-captioned proceeding.

As used herein, the term “document” is used in the broadest sense and shall include all originals (and every copy of any original or copy that differs in any way from any original) and all drafts of any tangible items, writings, or recordings of any kind of description, whether handwritten, typed, drawn, printed, or recorded by any physical, mechanical, electronic or electrical means whatsoever, including, without limitation, memoranda, letter or other correspondence, travel logs, service logs, records, papers, notes, reports, appointment books,

diaries, telephone bills and toll call records, contracts, agreements, written memorials of oral communications, advertisements, specifications, blue prints, drawings, sketches, models, molds, graphics, plans, laboratory or engineering summaries, audits, inventories, work papers, profit and loss statements, cash flow statements, financial statements, registrations, licenses, permits, applications, purchase orders, invoices, receipts, photographs, photographic slides or negatives, and all retrievable information in computer or other electronic storage.

“Communication” shall mean and include any discussion, conversation, meeting, conference, correspondence, memoranda, telephone call or message, facsimile transmission, email transmission, or any other form of transmittal of information of any kind.

Alternatively, the information may be mailed or electronically transmitted to Attorney Reece M. Almond at the below address or email address so that it is received in his office by the date and time referenced above.

You are further advised that failure by any person without adequate excuse to obey a subpoena served on that person may be deemed to be in contempt of the Court from which the subpoena is issued.

Issued in the name of the South Dakota Public Utilities Commission, this 7th day of September, 2018.

Dated at Sioux Falls, South Dakota, this 7th day of September, 2018.

DAVENPORT, EVANS, HURWITZ &
SMITH, L.L.P.



Reece M. Almond

ralmond@dehs.com

206 West 14th Street, P.O. Box 1030

Sioux Falls, SD 57101-1030

Telephone (605) 336-2880

Facsimile (605) 335-3639

*Attorneys for Intervenors Gregg Hubner,
Marsha Hubner, Paul Schoenfelder and
Lisa Schoenfelder*

CERTIFICATE OF SERVICE

The undersigned, one of the attorneys for Intervenor Gregg C. Hubner, Marsha Hubner, Paul M. Schoenfelder and Lisa A. Schoenfelder, certifies that a true and correct copy of the Subpoena Duces Tecum to Bon Homme County was served on September 7, 2018, via email, upon the following persons listed on the South Dakota Public Utilities Commission's docket service list:

Ms. Patricia Van Gerpen
Executive Director
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
patty.vangerpen@state.sd.us

Ms. Bridget Canty
Permitting Project Manager
sPower
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San Francisco, CA 94105
bcanty@spower.com

Ms. Kristen Edwards
Staff Attorney
South Dakota Public Utilities Commission
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Pierre, SD 57501
kristen.edwards@state.sd.us

Ms. Mollie M. Smith
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Mr. Darren Kearney
Staff Analyst
South Dakota Public Utilities Commission
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Ms. Lisa M. Agrimonti
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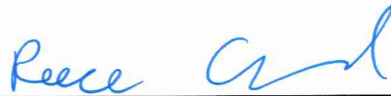
Ms. Tamara Brunken
Bon Homme County Auditor
PO Box 605
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tamara.brunken@state.sd.us

Ms. Diane Murtha
Hutchinson County Auditor
140 Euclid, Rm. 128
Olivet, SD 57052
auditor@gwtc.net

Attachment A

Ms. Sara Clayton Charles Mix County Auditor PO Box 490 Lake Andes, SD 57356 sclayton@charlesmixcounty.org	Mr. Keith Mushitz, Chairperson Charles Mix County Commission PO Box 490 Lake Andes, SD 57356 sclayton@charlesmixcounty.org
Mr. Sherman Fuerniss 40263 293rd Street Delmont, SD 57330 sol@midstatesd.net	Ms. Karen D. Jenkins 28912 – 410th Street Tripp, SD 57356 jenkinskd55@gmail.com
Mr. Gregg C. Hubner 29976 – 406th Avenue Avon, SD 57315-5446 gregghubner@gmail.com	Ms. Marsha Hubner 29976 – 406th Avenue Avon, SD 57315-5446 mjhubner@gmail.com
Mr. Paul M. Schoenfelder 40228 – 296th Street Wagner, SD 57380 paullisa5@msn.com	Ms. Lisa A. Schoenfelder 40228 – 296th Street Wagner, SD 57380 paullisa5@msn.com

Dated this 7th day of September, 2018.



Reece M. Almond

*Attorneys for Intervenors Gregg Hubner,
Marsha Hubner, Paul Schoenfelder and
Lisa Schoenfelder*

**BEFORE THE PUBLIC UTILITIES COMMISSION
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DAKOTA, FOR THE PREVAILING
WIND PARK PROJECT**

**SUBPOENA DUCES TECUM
TO CHARLES MIX COUNTY**

EL 18-026

THE SOUTH DAKOTA PUBLIC UTILITIES COMMISSION TO CHARLES MIX COUNTY,
SOUTH DAKOTA:

Pursuant to SDCL § 15-6-45, you are hereby commanded to produce at the offices of Davenport, Evans, Hurwitz & Smith, LLP, 206 West 14th Street, Sioux Falls, South Dakota 57104, by September 28, 2018, the following documents for inspection and copying:

1. All correspondence the County has had with Brian McGinnis, Ron Hornstra, Roland Jurgens, and any representative of Prevailing Winds, sPower, Prevailing Wind Park, LLC or any other entity involved with the proposed wind energy system currently being proposed in Charles Mix County that is the subject of the above-captioned proceeding.
2. All meeting minutes and agendas related to the wind energy system currently being proposed in Charles Mix County that is the subject of the above-captioned proceeding.
3. All documents the County has relied upon in any decision it has made related to the wind energy system currently being proposed in Charles Mix County that is the subject of the above-captioned proceeding.

As used herein, the term “document” is used in the broadest sense and shall include all originals (and every copy of any original or copy that differs in any way from any original) and all drafts of any tangible items, writings, or recordings of any kind of description, whether handwritten, typed, drawn, printed, or recorded by any physical, mechanical, electronic or electrical means whatsoever, including, without limitation, memoranda, letter or other correspondence, travel logs, service logs, records, papers, notes, reports, appointment books, diaries, telephone bills and toll call records, contracts, agreements, written memorials of oral communications, advertisements, specifications, blue prints, drawings, sketches, models, molds, graphics, plans, laboratory or engineering summaries, audits, inventories, work papers, profit and loss statements, cash flow statements, financial statements, registrations, licenses, permits,

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You are further advised that failure by any person without adequate excuse to obey a subpoena served on that person may be deemed to be in contempt of the Court from which the subpoena is issued.

Issued in the name of the South Dakota Public Utilities Commission, this 7th day of September, 2018.

Dated at Sioux Falls, South Dakota, this 7th day of September, 2018.

DAVENPORT, EVANS, HURWITZ &
SMITH, L.L.P.



Reece M. Almond

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*Attorneys for Intervenors Gregg Hubner,
Marsha Hubner, Paul Schoenfelder and
Lisa Schoenfelder*

CERTIFICATE OF SERVICE

The undersigned, one of the attorneys for Intervenor Gregg C. Hubner, Marsha Hubner, Paul M. Schoenfelder and Lisa A. Schoenfelder, certifies that a true and correct copy of the Subpoena Duces Tecum to Charles Mix County was served on September 7, 2018, via email, upon the following persons listed on the South Dakota Public Utilities Commission's docket service list:

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Ms. Sara Clayton
Charles Mix County Auditor
PO Box 490
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sclayton@charlesmixcounty.org

Mr. Keith Mushitz, Chairperson
Charles Mix County Commission
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Lake Andes, SD 57356
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Mr. Sherman Fuerniss
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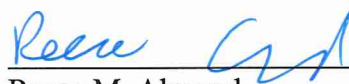
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Dated this 7th day of September, 2018.



Reece M. Almond

*Attorneys for Intervenors Gregg Hubner,
Marsha Hubner, Paul Schoenfelder and
Lisa Schoenfelder*

**BEFORE THE PUBLIC UTILITIES COMMISSION
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HUTCHINSON COUNTY, SOUTH
DAKOTA, FOR THE PREVAILING
WIND PARK PROJECT**

**SUBPOENA DUCES TECUM
TO HUTCHINSON COUNTY**

EL 18-026

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SOUTH DAKOTA:

Pursuant to SDCL § 15-6-45, you are hereby commanded to produce at the offices of Davenport, Evans, Hurwitz & Smith, LLP, 206 West 14th Street, Sioux Falls, South Dakota 57104, by September 28, 2018, the following documents for inspection and copying:

1. All correspondence the County has had with Brian McGinnis, Ron Hornstra, Roland Jurgens, and any representative of Prevailing Winds, sPower, Prevailing Wind Park, LLC or any other entity involved with the proposed wind energy system currently being proposed in Hutchinson County that is the subject of the above-captioned proceeding.
2. All meeting minutes and agendas related to the wind energy system currently being proposed in Hutchinson County that is the subject of the above-captioned proceeding.
3. All documents the County has relied upon in any decision it has made related to the wind energy system currently being proposed in Hutchinson County that is the subject of the above-captioned proceeding.

As used herein, the term “document” is used in the broadest sense and shall include all originals (and every copy of any original or copy that differs in any way from any original) and all drafts of any tangible items, writings, or recordings of any kind of description, whether handwritten, typed, drawn, printed, or recorded by any physical, mechanical, electronic or electrical means whatsoever, including, without limitation, memoranda, letter or other correspondence, travel logs, service logs, records, papers, notes, reports, appointment books, diaries, telephone bills and toll call records, contracts, agreements, written memorials of oral communications, advertisements, specifications, blue prints, drawings, sketches, models, molds, graphics, plans, laboratory or engineering summaries, audits, inventories, work papers, profit and loss statements, cash flow statements, financial statements, registrations, licenses, permits,

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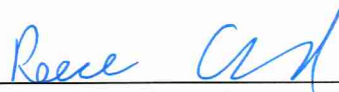
Alternatively, the information may be mailed or electronically transmitted to Attorney Reece M. Almond at the below address or email address so that it is received in his office by the date and time referenced above.

You are further advised that failure by any person without adequate excuse to obey a subpoena served on that person may be deemed to be in contempt of the Court from which the subpoena is issued.

Issued in the name of the South Dakota Public Utilities Commission, this 7th day of September, 2018.

Dated at Sioux Falls, South Dakota, this 7th day of September, 2018.

DAVENPORT, EVANS, HURWITZ &
SMITH, L.L.P.



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ralmond@dehs.com

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Facsimile (605) 335-3639

*Attorneys for Intervenors Gregg Hubner,
Marsha Hubner, Paul Schoenfelder and
Lisa Schoenfelder*

CERTIFICATE OF SERVICE

The undersigned, one of the attorneys for Intervenor Gregg C. Hubner, Marsha Hubner, Paul M. Schoenfelder and Lisa A. Schoenfelder, certifies that a true and correct copy of the Subpoena Duces Tecum to Hutchinson County was served on September 7, 2018, via email, upon the following persons listed on the South Dakota Public Utilities Commission's docket service list:

Ms. Patricia Van Gerpen
Executive Director
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Ms. Mollie M. Smith
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Staff Analyst
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Ms. Jennifer Bell
Senior Environmental Scientist
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9785 Maroon Circle, Ste. 400
Centennial, CO 80112
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Ms. Tamara Brunken
Bon Homme County Auditor
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tamara.brunken@state.sd.us

Ms. Diane Murtha
Hutchinson County Auditor
140 Euclid, Rm. 128
Olivet, SD 57052
auditor@gwtc.net

Attachment A

Ms. Sara Clayton Charles Mix County Auditor PO Box 490 Lake Andes, SD 57356 sclayton@charlesmixcounty.org	Mr. Keith Mushitz, Chairperson Charles Mix County Commission PO Box 490 Lake Andes, SD 57356 sclayton@charlesmixcounty.org
Mr. Sherman Fuerniss 40263 293rd Street Delmont, SD 57330 sol@midstatesd.net	Ms. Karen D. Jenkins 28912 – 410th Street Tripp, SD 57356 jenkinskd55@gmail.com
Mr. Gregg C. Hubner 29976 – 406th Avenue Avon, SD 57315-5446 gregghubner@gmail.com	Ms. Marsha Hubner 29976 – 406th Avenue Avon, SD 57315-5446 mjhubner@gmail.com
Mr. Paul M. Schoenfelder 40228 – 296th Street Wagner, SD 57380 paullisa5@msn.com	Ms. Lisa A. Schoenfelder 40228 – 296th Street Wagner, SD 57380 paullisa5@msn.com

Dated this 7th day of September, 2018.



Reece M. Almond

*Attorneys for Intervenors Gregg Hubner,
Marsha Hubner, Paul Schoenfelder and
Lisa Schoenfelder*

**BEFORE THE PUBLIC UTILITIES COMMISSION
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FACILITY IN BON HOMME COUNTY,
CHARLES MIX COUNTY AND
HUTCHINSON COUNTY, SOUTH
DAKOTA, FOR THE PREVAILING
WIND PARK PROJECT**

**SUBPOENA DUCES TECUM
TO BRIAN McGINNIS**

EL 18-026

THE SOUTH DAKOTA PUBLIC UTILITIES COMMISSION TO: Brian McGinnis
Planning & Development/
District III
P.O. Box 687
Yankton, SD 57078

Pursuant to SDCL § 15-6-45, you are hereby commanded to produce at the offices of Davenport, Evans, Hurwitz & Smith, LLP, 206 West 14th Street, Sioux Falls, South Dakota 57104, by September 28, 2018, the following documents for inspection and copying:

All communications and correspondence you have had with Bon Homme County, Hutchinson County, Charles Mix County, Ron Hornstra, Roland Jurgens, and any representative of Prevailing Winds, sPower, Prevailing Wind Park, LLC or any other entity involved with the proposed wind energy system being proposed in Bon Homme, Hutchinson, and Charles Mix Counties, that is the subject of the above-captioned proceeding.

As used herein, the term “document” is used in the broadest sense and shall include all originals (and every copy of any original or copy that differs in any way from any original) and all drafts of any tangible items, writings, or recordings of any kind of description, whether handwritten, typed, drawn, printed, or recorded by any physical, mechanical, electronic or electrical means whatsoever, including, without limitation, memoranda, letter or other correspondence, travel logs, service logs, records, papers, notes, reports, appointment books, diaries, telephone bills and toll call records, contracts, agreements, written memorials of oral communications, advertisements, specifications, blue prints, drawings, sketches, models, molds, graphics, plans, laboratory or engineering summaries, audits, inventories, work papers, profit and loss statements, cash flow statements, financial statements, registrations, licenses, permits, applications, purchase orders, invoices, receipts, photographs, photographic slides or negatives, and all retrievable information in computer or other electronic storage.

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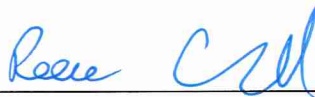
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Dated at Sioux Falls, South Dakota, this 7th day of September, 2018.

DAVENPORT, EVANS, HURWITZ &
SMITH, L.L.P.



Reece M. Almond

ralmond@dehs.com

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Sioux Falls, SD 57101-1030

Telephone (605) 336-2880

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*Attorneys for Intervenors Gregg Hubner,
Marsha Hubner, Paul Schoenfelder and
Lisa Schoenfelder*

CERTIFICATE OF SERVICE

The undersigned, one of the attorneys for Intervenor Gregg C. Hubner, Marsha Hubner, Paul M. Schoenfelder and Lisa A. Schoenfelder, certifies that a true and correct copy of the Subpoena Duces Tecum to Brian McGinnis was served on September 7, 2018, via email, upon the following persons listed on the South Dakota Public Utilities Commission's docket service list:

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Executive Director
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
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Ms. Bridget Canty
Permitting Project Manager
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Dated this 7th day of September, 2018.



Reece M. Almond
*Attorneys for Intervenors Gregg Hubner,
Marsha Hubner, Paul Schoenfelder and
Lisa Schoenfelder*