

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

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<b>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</b>	<b>MOTION TO HAVE WITNESSES APPEAR TELEPHONICALLY</b>  <b>EL 18-026</b>
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Intervenors Gregg Hubner, Marsha Hubner, Lisa Schoenfelder, and Paul Schoenfelder (“Intervenors”), by and through counsel, hereby request permission from the Commission to allow their expert witnesses, Richard James, Jerry Punch, and Mariana Alves-Pereira, to appear telephonically or via video conference for the Evidentiary Hearing scheduled in this matter beginning October 9, 2018, through October 12, 2018.

Richard James is from Okemos, Michigan; Jerry Punch is from Okemos, Michigan; and Mariana Alves-Pereira is from Portugal. Thus, traveling to Pierre, South Dakota, for the Evidentiary Hearing is a major inconvenience for these witnesses, who have obligations unrelated to providing testimony before the Commission.

Moreover, the calendar of this proceeding made it very difficult to plan for travel arrangements. The Application was filed May 30, 2018. On August 7, 2018, the Commission granted party status to Intervenors and ordered that all expert pre-filed testimony be filed by September 10, 2018, and that the Evidentiary Hearing would take place October 9-12, 2018. Intervenors had very little time to even locate experts, let alone experts who readily available and willing to travel to South Dakota on such short notice.

If these experts are required to travel to South Dakota, Intervenor, as is the custom, would be expected to pay for the experts' time and expense involved with such travel, which is anticipated to be thousands and thousands of dollars.<sup>1</sup> That would be very costly for Intervenor and, frankly, puts an undue and unfair burden on those persons of limited means wanting to participate as intervenors in Commission proceedings.

Finally, expert witnesses have been permitted to testify telephonically in other proceedings, and the telephonic testimony did not create any significant or substantial issues in that proceeding. *See* EL 17-055.

For the foregoing reasons, Intervenor, in accordance with their due process rights, request permission from the Commission to allow Richard James, Jerry Punch, and Mariana Alves-Pereira to appear telephonically or via video conference for the Evidentiary Hearing scheduled in this matter beginning October 9, 2018, through October 12, 2018.

Dated this 13th day of September, 2018.

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



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<sup>1</sup> Richard James has congestive heart failure and does not fly. Therefore, if he were to travel to the Evidentiary Hearing, it would be by car, which would be even greater costs to Intervenor.

### 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 Motion to Have Witnesses Appear Telephonically was served on September 13, 2018, via email, upon the following persons listed on the South Dakota Public Utilities Commission's docket service list:

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Dated this 13th day of September, 2018.



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