

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

---

**IN THE MATTER OF THE  
APPLICATION OF DAKOTA RANGE  
III, LLC FOR A PERMIT OF A WIND  
ENERGY FACILITY AND A 345-KV  
TRANSMISSION LINE IN GRANT  
AND ROBERTS COUNTIES**

---

\* **DAKOTA RANGE III, LLC’S MOTION**  
\* **FOR RELEASE OF ROAD AND**  
\* **PUBLIC INFRASTRUCTURE BOND**  
\* **EL18-046**  
\*  
\*  
\*

As set forth in more detail below, Dakota Range III, LLC (“Dakota Range III”) respectfully requests that the South Dakota Public Utilities Commission (“Commission”) grant its Motion for Release of Road and Public Infrastructure Restoration Bond (“Motion”).

On February 22, 2019, the Commission issued an Order Granting Joint Motion for Approval of Settlement Stipulation and Granting Permits to Construct Facilities (“Settlement Stipulation”) to Dakota Range III for the Dakota Range III Wind Project and 345 kV Transmission Line (“Project”). Condition 8.h of the Settlement Stipulation required Dakota Range III to furnish an indemnity bond to comply with the requirements of SDCL 49-41B-38. On April 2, 2020, Dakota Range III filed Bond No. K40402779 (“Bond”) to fulfill the requirements of Condition 8.h.

Condition 8.h provides that “[t]he bond shall remain in effect until released by the Commission, which release shall not be unreasonably denied following completion of the construction and repair period.” Dakota Range III has completed restoration of any road damages associated with Project construction, and has received the attached executed Certificates of Completion from Grant County, Roberts County, Blooming Valley Township, Farmington Township, Lura Township, Mazeppa Township, Summit Township, and Ortley Township, including signed acknowledgments of completion of road repairs in accordance with side agreements with Roberts County, Blooming Valley Township, Summit Township, and Ortley Township (*see Exhibit A*). Collectively, the documentation in Exhibit A demonstrates that all roads have been

repaired in accordance with the requirements of the Road Use and Repair Agreements entered into with each road authority. As a result, Dakota Range III respectfully requests an order from the Commission releasing the Bond.

Dated this 20th day of February 2023.

By /s/ Mollie M. Smith

Mollie M. Smith

FREDRIKSON & BYRON, P.A.

Attorneys for Dakota Range III, LLC

200 South Sixth Street, Suite 4000

Minneapolis, MN 55402

Phone: (612) 492-7270

Fax: (612) 492-7077