

November 30, 2023

**VIA ELECTRONIC FILING**

Ms. Patricia Van Gerpen  
Executive Secretary  
South Dakota Public Utilities Commission  
500 E. Capitol Avenue  
Pierre, SD 57501-5070

**RE: In the Matter of the Application by Deuel Harvest Wind Energy LLC for a Permit of a Wind Energy Facility in and a 345-kV Transmission Line in Deuel County, South Dakota, for the Deuel Harvest North Wind Farm Project Docket EL18-053**

**Compliance Filing, Condition No. 8e**

Dear Ms. Van Gerpen:

In accordance with Permit Condition No. 8e approved by the South Dakota Public Utilities Commission (“Commission”) and included in Attachment A to its May 30, 2019 Final Decision and Order Granting Permit to Construct Facilities; Notice of Entry (“Order”) in the above-referenced docket, Deuel Harvest Wind Energy LLC (“Deuel Harvest”) submits the following documents:

1. Final completion certificates, bond release statements and/or acceptance, receipt and release agreements from the following townships and Deuel County:
  - a. Altamont Township;
  - b. Antelope Township;
  - c. Glenwood Township;
  - d. Herrick Township;
  - e. Lowe Township;
  - f. Portland Township; and
  - g. Deuel County.

Ms. Patricia Van Gerpen  
November 30, 2023  
Page 2

Thank you for your attention to this matter.

Sincerely,

/s/ Lisa Agrimonti

Lisa Agrimonti

*Attorney at Law*

**Direct Dial:** 612.492.7344

**Email:** [lagrimonti@fredlaw.com](mailto:lagrimonti@fredlaw.com)

Enclosures

cc: Certificate of Service/Service List

**FINAL COMPLETION CERTIFICATE**

This **Final** Completion Certificate (the "Certificate") is provided in accordance with the AGREEMENT FOR ROAD USE, REPAIR, AND IMPROVEMENTS by and between Deuel Harvest Wind Energy LLC ("Owner") and Altamont Township ("Township") and dated December 09, 2019 (the "Agreement").

Capitalized terms used in this Certificate and not otherwise defined herein have the meanings specified in the Agreement.

In accordance with Article 3 of the Agreement, the Owner hereby certifies that all of the requirements to achieve **Final** Completion as defined in the Agreement have been achieved.

Executed this \_\_\_\_ day of \_\_\_\_\_, 2022.

**Deuel Harvest Wind Energy LLC**

By:

Name:

Title:

Acceptance

In accordance with Article 3 of the Agreement, Owner on this 26<sup>th</sup> day of October, 2022 hereby indicates its acceptance of the achievement of **Final** Completion.

**Altamont Township, Deuel County**

By: Brodie Dailey \_\_\_\_\_

Name: Brodie Dailey -

Title: Supervisor -

Altamont Township, SD

Brodie Dailey      Supervisor, Altamont Township      47441 174<sup>th</sup> St.  
Clear Lake, SD, 57226

Attn: Emilio Andretta  
Chubb Surety  
525 W. Monroe Street, Suite 700  
Chicago IL, 60661

Bond:            No. K40385095  
Obligee:        Altamont Township  
Principal:      Deuel Harvest Wind Energy LLC  
Surety:         Westchester Fire Insurance Company  
Amount:        \$66,750.00

October 25, 2022


Mr. Emilio Andretta,

Reference is made to the above referenced bond K40385095 issued on behalf of Deuel Harvest Wind Energy LLC (the "Bond"). The undersigned, as Obligee under the Bond, considers the Bond to be null and void and hereby releases Westchester Fire Insurance Company from all past, present, and future liabilities of any kind arising under or in connection with this Bond.

The Obligee further represents to Westchester Fire Insurance Company that the representative signing on its behalf has the authority to bind the Obligee to the terms of this letter.

Sincerely,

Altamont Township

By:   
Name: Brodie Dailey  
Title: Supervisor

Altamont Township, SD

Brodie Dailey      Supervisor, Altamont Township      47441 174<sup>th</sup> St.  
Clear Lake, SD, 57226

Attn: Emilio Andretta  
Chubb Surety  
525 W. Monroe Street, Suite 700  
Chicago IL, 60661

Bond:            No. K40385095  
Obligee:        Altamont Township  
Principal:      Deuel Harvest Wind Energy LLC  
Surety:         Westchester Fire Insurance Company  
Amount:        \$66,750.00

October 25, 2022


Mr. Emilio Andretta,

Reference is made to the above referenced bond K40385095 issued on behalf of Deuel Harvest Wind Energy LLC (the "Bond"). The undersigned, as Obligee under the Bond, considers the Bond to be null and void and hereby releases Westchester Fire Insurance Company from all past, present, and future liabilities of any kind arising under or in connection with this Bond.

The Obligee further represents to Westchester Fire Insurance Company that the representative signing on its behalf has the authority to bind the Obligee to the terms of this letter.

Sincerely,

Altamont Township

By:   
Name: Brodie Dailey  
Title: Supervisor

Antelope Valley Township, SD

Lyndon Limberg

Supervisor, Antelope Valley Township

16858 485<sup>th</sup> Ave  
Reville, SD, 57259

Attn: Emilio Andretta  
Chubb Surety  
525 W. Monroe Street, Suite 700  
Chicago IL, 60661

Bond: No. K15463132  
Obligee: Antelope Valley Township  
Principal: Deuel Harvest Wind Energy LLC  
Surety: Westchester Fire Insurance Company  
Amount: \$5,250.00

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October 26, 2022

Mr. Emilio Andretta,

Reference is made to the above referenced bond K15463132 issued on behalf of Deuel Harvest Wind Energy LLC (the "Bond"). The undersigned, as Obligee under the Bond, considers the Bond to be null and void and hereby releases Westchester Fire Insurance Company from all past, present, and future liabilities of any kind arising under or in connection with this Bond.

The Obligee further represents to Westchester Fire Insurance Company that the representative signing on its behalf has the authority to bind the Obligee to the terms of this letter.

Sincerely,

Antelope Valley Township

By: Roger Krautner  
Name: Roger Krautner  
Title: Supervisor

Glenwood Township  
Supervisor, Glenwood Township

Mark Schmidt

48575 177<sup>th</sup> St.  
Gary, SD, 57237

Attn: Emilio Andretta  
Chubb Surety  
525 W. Monroe Street, Suite 700  
Chicago IL, 60661

Bond: No. K1546303A  
Obligee: Glenwood Township  
Principal: Deuel Harvest Wind Energy LLC  
Surety: Westchester Fire Insurance Company  
Amount: \$705,000.00

July 6<sup>th</sup>, 2022


Mr. Emilio Andretta,

Reference is made to the above referenced bond K1546303A issued on behalf of Deuel Harvest Wind Energy LLC (the "Bond"). The undersigned, as Obligee under the Bond, considers the Bond to be null and void and hereby releases Westchester Fire Insurance Company from all past, present, and future liabilities of any kind arising under or in connection with this Bond.

The Obligee further represents to Westchester Fire Insurance Company that the representative signing on its behalf has the authority to bind the Obligee to the terms of this letter.

Sincerely,

Glenwood Township

By:   
Name: MARK S. SCHMIDT  
Title: Supervisor

FINAL COMPLETION CERTIFICATE

This **Final** Completion Certificate (the "Certificate") is provided in accordance with the AGREEMENT FOR ROAD USE, REPAIR, AND IMPROVEMENTS by and between Deuel Harvest Wind Energy LLC ("Owner") and Herrick Township ("Township") and dated August 02, 2021 (the "Agreement").

Capitalized terms used in this Certificate and not otherwise defined herein have the meanings specified in the Agreement.

In accordance with Article 3 of the Agreement, the Owner hereby certifies that all of the requirements to achieve **Final** Completion as defined in the Agreement have been achieved.

Executed this 02 day of August, 2021.

**Deuel Harvest Wind Energy LLC**

By: Tom Johnson

Name: 

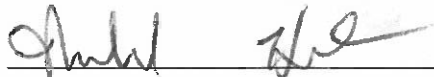
Title: CM

Acceptance

In accordance with Article 3 of the Agreement, Owner on this 02 day of August, 2021, hereby indicates its acceptance of the achievement of **Final** Completion.

**Herrick Township, Deuel County**

By: Michael Hunt

Name: 

Title: Supervisor



Herrick Township, SD

Monte Winrow  
Michael Hunt

Chairman Herrick Township  
Supervisor Herrick Township

18224 486th Ave Gary, SD 57237  
17927 484 Ave Gary, SD 57237

Attn: Joseph Gaskill, IV  
Chubb Surety  
525 W. Monroe Street, Suite 700  
Chicago IL, 60661

Bond: No. K15463028  
Obligee: Herrick Township  
Principal: Deuel Harvest Wind Energy LLC  
Surety: Westchester Fire Insurance Company  
Amount: \$49,250.00

09/16/2021

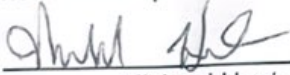
Mr. Joseph Gaskill IV,

Reference is made to the above referenced bond K15463028 issued on behalf of Deuel Harvest Wind Energy LLC (the "Bond"). The undersigned, as Obligee under the Bond, considers the Bond to be null and void and hereby releases Westchester Fire Insurance Company from all past, present, and future liabilities of any kind arising under or in connection with this Bond.

The Obligee further represents to Westchester Fire Insurance Company that the representative signing on its behalf has the authority to bind the Obligee to the terms of this letter.

Sincerely,

Herrick Township

By:   
Name: Michael Hunt  
Title: Supervisor Herrick Township  
Phone: 605-520-5097

Charles Meyer

Lowé Township, SD  
Supervisor, Lowé Township

Attachment E

16765 482<sup>nd</sup> Ave.  
Reville, SD, 57259

Attn: Emilio Andretta  
Chubb Surety  
525 W. Monroe Street, Suite 700  
Chicago IL, 60661

Bond: No. K40385411  
Obligee: Lowé Township  
Principal: Deuel Harvest Wind Energy LLC  
Surety: Westchester Fire Insurance Company  
Amount: \$372,000.00

06/28/2022

Mr. Emilio Andretta,

Reference is made to the above referenced bond K40385411 issued on behalf of Deuel Harvest Wind Energy LLC (the "Bond"). The undersigned, as Obligee under the Bond, considers the Bond to be null and void and hereby releases Westchester Fire Insurance Company from all past, present, and future liabilities of any kind arising under or in connection with this Bond.

The Obligee further represents to Westchester Fire Insurance Company that the representative signing on its behalf has the authority to bind the Obligee to the terms of this letter.

Sincerely,

Lowé Township

By: Charles Meyer  
Name: CHARLES MEYER  
Title: TOWNSHIP SUPERVISOR

**FINAL COMPLETION CERTIFICATE**

This **Final** Completion Certificate (the "Certificate") is provided in accordance with the AGREEMENT FOR ROAD USE, REPAIR, AND IMPROVEMENTS by and between Deuel Harvest Wind Energy LLC ("Owner") and Portland Township ("Township") and dated December 02, 2019 (the "Agreement").

Capitalized terms used in this Certificate and not otherwise defined herein have the meanings specified in the Agreement.

In accordance with Article 3 of the Agreement, the Owner hereby certifies that all of the requirements to achieve **Final** Completion as defined in the Agreement have been achieved.

Executed this 12 day of August, 2022.

**Deuel Harvest Wind Energy LLC**

By: \_\_\_\_\_


Name: \_\_\_\_\_

Title: \_\_\_\_\_

Acceptance

In accordance with Article 3 of the Agreement, Owner on this 12 day of August, 2022 hereby indicates its acceptance of the achievement of **Final** Completion.

**Portland Township, Deuel County**

By: Portland township 

Name: Casey Mersolize

Title: township supervisor

Portland Township, SD

Casey Magedanz

Supervisor, Portland Township

47705 US Hwy 212  
Reville, SD, 57259

Attn: Emilio Andretta  
Chubb Surety  
525 W. Monroe Street, Suite 700  
Chicago IL, 60661

Bond: No. K15463144  
Obligee: Portland Township  
Principal: Deuel Harvest Wind Energy LLC  
Surety: Westchester Fire Insurance Company  
Amount: \$407,500.00

07/26/2022


Mr. Emilio Andretta,

Reference is made to the above referenced bond K15463144 issued on behalf of Deuel Harvest Wind Energy LLC (the "Bond"). The undersigned, as Obligee under the Bond, considers the Bond to be null and void and hereby releases Westchester Fire Insurance Company from all past, present, and future liabilities of any kind arising under or in connection with this Bond.

The Obligee further represents to Westchester Fire Insurance Company that the representative signing on its behalf has the authority to bind the Obligee to the terms of this letter.

Sincerely,

Portland Township

By:   
Name: Casey Magedanz  
Title: Township Supervisor

Deuel County, SD

Jamie Broksieck  
(605) 874-2751

Highway Superintendent, Deuel County

18028 SD Hwy 15  
Clear Lake, SD, 57226

Attn: Emilio Andretta  
Chubb Surety  
525 W. Monroe Street, Suite 700  
Chicago IL, 60661

Bond: No. K15462875  
Obligee: Deuel County  
Principal: Deuel Harvest Wind Energy LLC  
Surety: Westchester Fire Insurance Company  
Amount: \$718,250.00

September 20, 2022

Mr. Emilio Andretta,

Reference is made to the above referenced bond K15462875 issued on behalf of Deuel Harvest Wind Energy LLC (the "Bond"). The undersigned, as Obligee under the Bond, considers the Bond to be null and void and hereby releases Westchester Fire Insurance Company from all past, present, and future liabilities of any kind arising under or in connection with this Bond.

The Obligee further represents to Westchester Fire Insurance Company that the representative signing on its behalf has the authority to bind the Obligee to the terms of this letter.

Sincerely,

Deuel County

By: *Jamie Broksieck*  
Name: Jamie Broksieck  
Title:  Hwy Supt.

*9/26/2022 Jennifer Mewherter*

*Expires 8/12/2025*



*Deuel County*

**Acceptance, Receipt, and Release Agreement**

This Acceptance, Receipt, and Release Agreement (this "Agreement"), is entered into effective as of September  
7, 2022, by and between the Board of County Commissioners on behalf of Deuel County, South Dakota (the "County"), and Deuel Harvest Wind Energy LLC (the "Wind Operator"). The County and Wind Operator are referred to herein as the "Parties", and each a "Party" and hereby agree as follows:

WHEREAS, the Agreement for Use and Restoration of Contractor's Haul Road, dated October 19, 2019, by and between the Deuel County Highway Department and Wind Operator (the "RUA") provides that the Wind Operator shall perform certain repairs at its own costs to Deuel County Roads (as defined in the RUA) (the "Roads").

WHEREAS, the County has agreed to accept a lump sum payment rather than performance of repairs in full satisfaction of all of the Wind Operator's obligations under the RUA, and Wind Operator desires to make such payment in exchange for the County's acceptance of the Roads and full release of Wind Operator's obligations under the RUA.

NOW THEREFORE, in consideration of the forgoing premises, the mutual covenants made herein, and other good and valuable consideration, the Parties agree as follows:

The County hereby acknowledges receipt of \$6,000,000 from the Wind Operator, and hereby accepts such payment in full satisfaction of the Wind Operator's obligations under the RUA, and the County does hereby release and forever discharge the Wind Operator, its affiliates and its and their agents, employees, contractors, directors, officers, parents, subsidiaries, successors and assigns (collectively, "Releasees") of and from any and all existing or possible actions, including but not limited to those relating to causes of action, claims, cross-claims, demands, damages, and expenses of any kind whatsoever in law or equity, on account of, or in any way arising from the RUA and the Roads.

This Agreement contains all the promises, agreements, conditions, inducements and understanding between the Parties hereto relative to the subject matter hereof, and there are no promises, agreements, conditions, understandings, inducements, warranties or representations, oral or written, express or implied, between them other than as set forth in this Agreement. No subsequent agreement, or any amendment of this Agreement, shall be binding upon a Party hereto unless it is contained in a written document executed by properly authorized representatives of such Party.

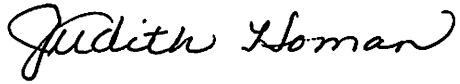
Each of the undersigned hereby represents and warrants that he/she has the necessary power and authority to execute this Agreement on behalf of the Party for which he/she has signed this letter agreement and that such action has been duly authorized by all necessary action of such Parties.

[Signature Page Follows]

**COUNTY**

Board of County Commissioners, Deuel County, South Dakota

[signature block]

A handwritten signature in cursive script that reads "Judith Homan".

**WIND OPERATOR**

Deuel Harvest Wind Energy LLC

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_