

The PUC has the right to consider and decide whether or not to provide a permit for Deuel Harvest Wind Farm (EL18-053). Normally permits of this type are considered by the PUC after the developer has obtained the required approval, such as a Special Exception, from the county. However, in this particular case county approval has not been granted. As a result, in this case, the PUC will have to decide whether to proceed at this time, or deny this permit until a Special Exception is obtained.

This is not a normal situation in many ways. A Special Exception had been granted by Deuel County's Board of Adjustment. However, the Board's decision was challenged in court and the issuance of the Special Exception was overturned. The facts that surfaced in the court proceedings are disturbing; inappropriate conduct by County Commissioners, Staff and Members of the Board of Adjustment.

The developer Invenergy was not lily white in this matter. They had contracts with many of these individuals and had paid them money per those contracts. They had the opportunity and I believe a duty to speak up. Their actions or lack of action was inappropriate.

Before making a decision on the Motion for Denial, I would encourage the PUC Commissioners to review the tapes provide on the Public Hearing and finding of facts, and the depositions and court transcripts; or have PUC Staff provide an accurate assessment of such documents.

When reconsidering the Special Exception Permit in the future, hopefully Deuel County will make sure that their Board of Adjustment listens to their citizens and reaches a proper and fair decision. Such a decision may produce a product that could be very different from the project currently being considered, which may result in a lot of rework for the PUC and others.

Allowing the PUC process to proceed without county approval, signals South Dakota Counties that their part in this overall permitting process is relatively meaningless (ceremonial). In addition, moving forward with this project, when the PUC has evidence of inappropriate actions by the developer and county officials, is unconscionable.