

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

**IN THE MATTER OF THE
APPLICATION BY CROWNED RIDGE
WIND, LLC FOR A PERMIT OF A
WIND ENERGY FACILITY IN GRANT
AND CODINGTON COUNTIES**

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**MOTION FOR PROCEDURAL
SCHEDULE**

EL19-003

COMES NOW, Staff (“Staff”) of the South Dakota Public Utilities Commission (“Commission”) and hereby files this Motion for Procedural Schedule.

This docket was opened on January 30, 2019, with the filing by Crowned Ridge Wind, LLC (Applicant), for a permit of a wind energy facility Grant and Codington counties in South Dakota. The parties to this proceeding are currently Staff and Applicant as well as four intervening parties. Staff did seek input on the procedural schedule from each of these parties prior to filing this motion. One additional individual filed a request for party status on March 25, 2019 and Staff will communicate this proposal with that individual and any other person to request party status as the requests are filed.

Under SDCL 49-41B-25, the Commission must issue a decision on this matter within six months of the filing. As such, a final Commission order is required by the end of July. To accommodate this time constraint, Staff reviewed available hearing dates that would allow for the parties to engage in meaningful discovery and prepare for, and hold, an evidentiary hearing. Additionally, Staff attempted to prepare a proposal which would allow time following the evidentiary hearing for the parties to review the hearing transcript and prepare and file post hearing briefs as well as any necessary post hearing motion. Staff also considered that the schedule must allow time for the Commission to review these items, make a final decision, and prepare a written order within the allowable statutory time frame to review the application.

Given the time constraints in this docket, Staff proposes the Commission order that all responses to discovery requests are due 10 business days after service, unless otherwise agreed to, in writing, by the inquiring and responding parties. Allowing additional time to respond to discovery requests will significantly interfere with the number of rounds of discovery the parties may issue. Staff does recognize that certain discovery requests may take additional time to complete and recommends that the response deadline be flexible to allow additional response time upon agreement by the party issuing and the party answering the discovery request.

In addition, Staff proposes the following procedural schedule be adopted in this docket:

Applicant Supplemental Testimony Due	April 8, 2019
Staff/Intervenor Testimony Due	May 10, 2019
Rebuttal Testimony Due	May 24, 2019
Final Discovery to All Parties	May 28, 2019
Responses to Final Discovery Due	June 4, 2019
Witness and Prefiled Exhibits Due	June 10, 2019
Evidentiary Hearing	June 11-14, 2019

Staff did receive feedback from all parties on the proposed schedule that indicated that the parties were not supportive of the proposal. The applicant indicated that a June 11-14 evidentiary hearing is unworkable due to witness availability and proposed a hearing either the week of June 3, 2019 or June 18, 2019. The intervenors indicated that Staff's proposed hearing date was too soon and requested a four-day hearing be held the week of July 8, 2019. Upon receiving this feedback, Staff did review the proposed schedule and looked into accommodating these requests. Unfortunately, it was evident that the requests of the parties were in conflict and no adjustments made to Staff's proposal would alleviate the concerns of the parties. As a result, Staff made the decision to present our original proposal to the Commission as a starting point for the parties to provide input and allow for discussion before the Commission.

Staff believes that holding a hearing the week of July 8, 2019 is just not possible. While Staff would certainly prefer having additional time to conduct discovery and prepare for an evidentiary hearing, holding a hearing the second week of July would allow less than three weeks between the end of the hearing and the statutory deadline for a Commission decision. Staff also considered the applicant's suggested hearing dates. There is no availability for a hearing the week of June 18. There is availability to hold a hearing June 5-7. However, this would only allow for a three-day hearing and would provide less time for the parties to engage in discovery and prepare for a hearing, so Staff does not support such a change.

Although Staff always prefers to come to an agreement on a procedural schedule prior to requesting the Commission set a schedule, based on the comments received from the parties, an agreement does not appear possible. Staff believes the schedule proposed in this motion is the best available option in order to complete a review of the application within the required timeframe.

WHEREFORE, Staff respectfully requests the Commission issue an order adopting Staff's proposed procedural schedule as detailed in this Motion and establishing a ten-business day deadline for responses to discovery requests, with the exception of final discovery, which Staff requests be due as provided in the schedule above.

Dated this 26th day of March 2019.

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