

## **SOUTH DAKOTA ENERGY FACILITY PERMIT ACT BOND**

Bond No. SU 1188761

Bond Amount: \$500,000.00

Docket No. EL 19-012

Sweetland Wind Farm, LLC, 5775 Flatiron Parkway, Suite 120, Boulder, CO 80301 as Principal (the "Principal") and Arch Insurance Company, a corporation duly organized under the laws of the State of Missouri, as Surety (the "Surety"), are held and firmly bound unto the South Dakota Public Utilities Commission ("PUC"), and those townships, counties, or other governmental entities in South Dakota whose property is crossed by the transmission line referenced herein, as Obligees (individually referred to herein as "Obligee" and collectively referred to as the "Obligees") in the amount of Five Hundred Thousand & No/100 Dollars (\$500,000.00)-----lawful money of the United States for the payment of which sum the Principal and the Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally.

### **WHEREAS:**

- A. The Principal is undertaking a wind farm and transmission line project known as Sweetland Wind Farm and 230 KV transmission line in Hand County, SD;
- B. The PUC has approved the Principal's application for the Project;
- C. The Principal has been granted the necessary permits by the PUC to carry out the Project;
- D. Chapter 49-41B-38 of the South Dakota Energy Facility Permit Act requires the Principal to provide the PUC with a bond to ensure the Principal complies with its obligation to ensure that any damage to roads and bridges (beyond normal wear) as a result of the Project is repaired;

Therefore, the condition of this obligation is such that if the Principal shall repair any damage beyond normal wear to public roads, highways, bridges, or other related facilities caused by the Principal during the construction of the Project (the "Damage") then this obligation shall be void; otherwise to remain in full force and effect, subject to the following conditions:

- 1. In the event the Principal fails to repair any Damage within a reasonable period of time after an Obligee has made written demand on the Principal to repair such damage (a "Default"), such Obligee shall notify the Surety in writing prior to the expiration of the term of this bond as defined in paragraph 6.
- 2. Following a Default and written notice thereof to the Surety by the Obligee, the Surety shall pay to such Obligee the actual cost of repairing the Damage, not to exceed the Bond Amount.
- 3. Regardless of the number of Obligees hereunder, in no event shall the aggregate liability of the Surety hereunder exceed the Bond Amount.
- 4. No right of action shall accrue on this Bond, to or for the use of, any person or corporation other than the Obligees named herein.

Bond No. SU 1188761

5. It is a condition of this Bond that any suit or action hereunder must be commenced before the expiration of two (2) years from the date of the Oblige's cause of action hereunder has accrued.
6. This bond shall remain in effect until released by the PUC in accordance with Condition #09 of the permit for the Project and shall not be cancelled by the Surety prior to such time.
7. For the purpose of providing any notice required pursuant to this Bond, the addresses of the Principal, the Surety and the PUC are as follows:

Sweetland Wind Farm, LLC  
5775 Flatiron Parkway, Suite 120  
Boulder, CO 80301

South Dakota Public Utilities Commission  
Capitol Building 1<sup>st</sup>, Floor  
500 East Capitol Avenue  
Pierre, SD 57501-507

Arch Insurance – Surety Division  
3 Parkway, Suite 1500  
Philadelphia, PA 19102

This bond shall become effective the 9th day of February, 2023.

IN WITNESS WHEREOF, the Principal and the Surety have signed and sealed this bond the 16th day of February, 2023

Principal:

Sweetland Wind Farm, LLC

By: 

Name: Michael Rucker

Title: President and CEO

Surety:

Arch Insurance Company

By: 

Name: Mark W. Edwards, II

Title: Attorney-in-Fact

Bond No. SU 1188761

### ACKNOWLEDGMENT OF PRINCIPAL

STATE OF Colorado

§

COUNTY OF Boulder

§

§

On this 17th day of February, 2023, before me a notary public, the undersigned officer, personally appeared Michael Rucker, who acknowledged himself to be the PRESIDENT and CEO of SWEETLAND WIND FARM, LLC, and that he as such officer, being authorized to do so, executed the foregoing instrument for the purpose therein contained by signing the name of the company by himself as PRESIDENT on behalf of such company.

CEO

In witness whereof, I hereto set my hand and official seal.

Colton Michael Sorrells

Notary Public

State of Colorado

[SEAL]

My commission expires:

02/03/2025

Colton Michael Sorrells

NOTARY PUBLIC

STATE OF COLORADO

NOTARY ID# 20214004397

MY COMMISSION EXPIRES 02/03/2025

Bond No. SU 1188761

### ACKNOWLEDGEMENT OF SURETY

STATE OF Alabama                   §  
   §  
COUNTY OF Jefferson           §

On this 16<sup>th</sup> day of February, 2023, before me a notary public, the undersigned officer, personally appeared Mark W. Edwards, II, who acknowledged himself to be the attorney-in-fact, of ARCH INSURANCE COMPANY, and that he as such officer, being authorized to do so, executed the foregoing instrument for the purpose therein contained by signing the name of the company by himself as Mark W. Edwards, II, attorney-in-fact on behalf of such company.

In witness whereof, I hereto set my hand and official seal.



Anna Keith Childress  
Notary Public  
State of Alabama

[SEAL]

My commission expires:  
10/03/2023



*This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated. Not valid for Note, Loan, Letter of Credit, Currency Rate, Interest Rate or Residential Value Guarantees.*

# POWER OF ATTORNEY

## Know All Persons By These Presents:

That the Arch Insurance Company, a corporation organized and existing under the laws of the State of Missouri, having its principal administrative office in Jersey City, New Jersey (hereinafter referred to as the "Company") does hereby appoint:

**Alisa B. Ferris, Anna Childress, Jeffrey M. Wilson, Mark W. Edwards II, R. E. Daniels, Richard H. Mitchell, Robert M. Verdin, Robert R. Freel, Shelby E. Daniels and William M. Smith of Birmingham, AL (EACH)**

its true and lawful Attorney(s)in-Fact, to make, execute, seal, and deliver from the date of issuance of this power for and on its behalf as surety, and as its act and deed: Any and all bonds, undertakings, recognizances and other surety obligations, in the penal sum not exceeding One Hundred Fifty Million Dollars (\$150,000,000.00). This authority does not permit the same obligation to be split into two or more bonds in order to bring each such bond within the dollar limit of authority as set forth herein.

The execution of such bonds, undertakings, recognizances and other surety obligations in pursuance of these presents shall be as binding upon the said Company as fully and amply to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at its principal administrative office in Jersey City, New Jersey.

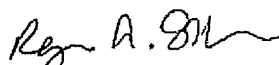
This Power of Attorney is executed by authority of resolutions adopted by unanimous consent of the Board of Directors of the Company on August 31, 2022, true and accurate copies of which are hereinafter set forth and are hereby certified to by the undersigned Secretary as being in full force and effect:

"**VOTED**, That the Chairman of the Board, the President, or the Executive Vice President, or any Senior Vice President, of the Surety Business Division, or their appointees designated in writing and filed with the Secretary, or the Secretary shall have the power and authority to appoint agents and attorneys-in-fact, and to authorize them subject to the limitations set forth in their respective powers of attorney, to execute on behalf of the Company, and attach the seal of the Company thereto, bonds, undertakings, recognizances and other surety obligations obligatory in the nature thereof, and any such officers of the Company may appoint agents for acceptance of process."

This Power of Attorney is signed, sealed and certified by facsimile under and by authority of the following resolution adopted by the unanimous consent of the Board of Directors of the Company on August 31, 2022:

**VOTED**, That the signature of the Chairman of the Board, the President, or the Executive Vice President, or any Senior Vice President, of the Surety Business Division, or their appointees designated in writing and filed with the Secretary, and the signature of the Secretary, the seal of the Company, and certifications by the Secretary, may be affixed by facsimile on any power of attorney or bond executed pursuant to the resolution adopted by the Board of Directors on August 31, 2022, and any such power so executed, sealed and certified with respect to any bond or undertaking to which it is attached, shall continue to be valid and binding upon the Company. **In Testimony Whereof**, the Company has caused this instrument to be signed and its corporate seal to be affixed by their authorized officers, this 19<sup>th</sup> day of December, 2022.


## Attested and Certified

  
Regan A. Shulman, Secretary

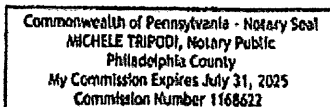
STATE OF PENNSYLVANIA SS  
COUNTY OF PHILADELPHIA SS

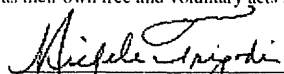


Arch Insurance Company

  
Stephen C. Ruschak, Executive Vice President

I, **Michele Tripodi**, a Notary Public, do hereby certify that Regan A. Shulman and Stephen C. Ruschak personally known to me to be the same persons whose names are respectively as Secretary and Executive Vice President of the Arch Insurance Company, a Corporation organized and existing under the laws of the State of Missouri, subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that they being thereunto duly authorized signed, sealed with the corporate seal and delivered the said instrument as the free and voluntary act of said corporation and as their own free and voluntary acts for the uses and purposes therein set forth.

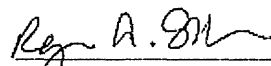


  
Michele Tripodi, Notary Public  
My commission expires 07/31/2025

## CERTIFICATION

I, **Regan A. Shulman**, Secretary of the Arch Insurance Company, do hereby certify that the attached **Power of Attorney dated December 19, 2022** on behalf of the person(s) as listed above is a true and correct copy and that the same has been in full force and effect since the date thereof and is in full force and effect on the date of this certificate; and I do further certify that the said Stephen C. Ruschak, who executed the Power of Attorney as Executive Vice President, was on the date of execution of the attached Power of Attorney the duly elected Executive Vice President of the Arch Insurance Company.

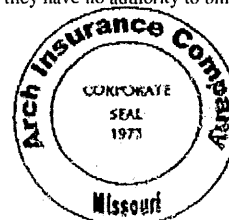
**IN TESTIMONY WHEREOF**, I have hereunto subscribed my name and affixed the corporate seal of the Arch Insurance Company on this 16<sup>th</sup> day of February, 2023.

  
Regan A. Shulman, Secretary

This Power of Attorney limits the acts of those named therein to the bonds and undertakings specifically named therein and they have no authority to bind the Company except in the manner and to the extent herein stated.

**PLEASE SEND ALL CLAIM INQUIRIES RELATING TO THIS BOND TO THE FOLLOWING ADDRESS:**

Arch Insurance - Surety Division  
3 Parkway, Suite 1500  
Philadelphia, PA 19102



**To verify the authenticity of this Power of Attorney, please contact Arch Insurance Company at [SuretyAuthentic@archinsurance.com](mailto:SuretyAuthentic@archinsurance.com)**  
**Please refer to the above named Attorney-in-Fact and the details of the bond to which the power is attached.**