

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

**IN THE MATTER OF THE APPLICATION )  
BY MERIDIAN WIND PROJECT, LLC )  
FOR A PERMIT OF A WIND ENERGY )  
FACILITY AND A 345-kV TRANSMISSION )  
FACILITY IN HYDE COUNTY, SOUTH )  
DAKOTA )**

**MOTION TO COMPEL  
DISCOVERY**

**EL20-013**

Staff hereby files this Motion to Compel Discovery (Motion) requesting the Commission require Applicant to provide responses to discovery sought by Staff. In support of its Motion, Staff states the following.

1. Data requests (DRs) 1 through 4 were sent to Applicant on May 15, May 21, May 27, and June 4, 2020, respectively.
2. Pursuant to SDCL 15-6-33(a), the party upon whom the interrogatories have been served shall serve a copy of the answers, and objections, if any, within thirty days after the service of the interrogatories. A shorter or longer time may be directed by the court or, in the absence of such order, agreed to in writing by the parties.
3. On Friday, July 10, 2020, Staff contacted Applicant to inquire about the following interrogatories that were not responded to within the statutory timeframe: 1-1, 1-4, 1-6, 1-9, 1-15, 1-19, 1-20, 1-21, 1-22, 1-23, 1-24, 1-25, 2-3, 2-4, 2-5(a), 2-8, 2-10, 2-15, 2-18, and 4-3. Staff requested responses to the above interrogatories be provided by Friday, July 17.

Staff also requested Applicant to explain its process it will utilize going forward to ensure all interrogatories are responded to pursuant to SDCL 15-6-33(a).

4. On Friday, July 17, 2020, four interrogatories remained unanswered, and Applicant did not have any communications with Staff explaining the additional delay or requesting an extension.
5. The following interrogatories remain outstanding:

1-22) Referring to Appendix D and Appendix E of the Application, were the Triple H wind turbines and SD Wind Energy Center turbines included in the modeling to account for cumulative effects? If not, please provide modeling results that include the Triple H and SD Wind Energy Center turbines in order to analyze the project's impacts on residences located in the western portion of the project area.

2-8) Please quantify the indirect impacts and estimated habitat loss or displacement for grassland nesting birds and waterfowl.

2-10) Pursuant to ARSD 20:10:22:18, please identify if the project area contains any 1) existing and potential extractive nonrenewable resources and 2) municipal water supply and water sources for organized water systems.

4-3) Referring to the response to DR1-5, since the transmission line will not be incorporated into the transmission grid does Meridian plan to decommission the transmission line at the end of the Project's useful life? If yes, please provide a discussion on the decommissioning of the line. If no, please provide support for not needing to decommission the transmission line.

6. Applicant did not provide the process it will utilize going forward to ensure all interrogatories are responded to pursuant to SDCL 15-6-33(a).

SDCL 15-6-37(a) provides the process for a motion to compel. Staff made a good faith effort to obtain the necessary information without filing a motion to compel. Applicant has not objected to the data requests, but rather has simply failed to respond. Failure to timely provide information requested by Staff impacts our ability to process the Application within the statutory timeframe, and could result in a motion to deny the Application pursuant to SDCL 49-41B-13(2).

WHEREFORE, Staff requests the Commission compel Applicant to respond to the outstanding data requests listed in this Motion, and compel Applicant to provide the process it will utilize going forward to ensure all interrogatories are responded to pursuant to SDCL 15-6-33(a).

Dated this Monday, July 20, 2020.



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