

August 29, 2022

VIA ELECTRONIC FILING

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

RE: In the Matter of the Application of Wild Springs Solar, LLC for a Permit of a Solar Energy Facility in Pennington County, South Dakota Docket EL 20-018

Dear Ms. Van Gerpen:

On August 10, 2022, Wild Springs Solar, LLC (“Wild Springs”) submitted to the South Dakota Public Utilities Commission (“Commission”) requests for approval of an updated decommissioning cost estimate and surety bond form (“Motions”) for the Wild Springs Solar Project (“Project”). As discussed further below, after discussion with Commission Staff, Wild Springs hereby withdraws its previously-filed Motions.

As noted in the August 10, 2022 filing, the Project is subject to decommissioning financial security requirements imposed by both the Commission and Pennington County (“County”). While Wild Springs has taken steps to align the requirements to the extent possible, the requirements are different in the following respects:

- The Commission requires decommissioning financial security to be in place prior to the Project beginning commercial operations, while the County requires decommissioning financial security to be in place prior to beginning Project construction; and
- The Commission allows the County to be named as an additional beneficiary in the surety bond, while the County requires both the Commission and County to be named as beneficiaries.

As a result, in order to meet the County’s decommissioning financial assurance timing/beneficiary requirements, Wild Springs must provide a surety bond naming both the County and the Commission as beneficiaries prior to beginning Project construction. Currently, Wild Springs is planning to begin construction of the Project in early October 2022.

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Originally, Wild Springs planned to satisfy both the Commission's and the County's requirements at once by submitting an updated decommissioning cost estimate and surety bond form for Commission approval in advance of starting Project construction. However, after submitting the August 10, 2022 filing, Wild Springs learned that the inverter selected for the Project may have to change due to supply chain issues, which would, in turn, change the Project's design and decommissioning cost estimate. Given the timing of the inverter change, it would be difficult to finalize the decommissioning cost estimate in time to allow for Commission review/approval prior to construction.

Given the situation, Wild Springs sought input from Commission Staff on potential options. Commission Staff suggested waiting to submit an updated decommissioning cost estimate to the Commission until prior to commercial operations, when the Project's design would be certain, and to just focus on satisfying the County's decommissioning financial security requirement pre-construction. In accordance with this suggestion, Wild Springs is withdrawing its Motions for approval of the decommissioning cost estimate and surety bond form submitted on August 10, 2022.

To satisfy the County's decommissioning requirement, Wild Springs will obtain a surety bond naming the County and the Commission as beneficiaries prior to beginning Project construction. Since Wild Springs must name the Commission as a beneficiary, Wild Springs will file a copy of the surety bond with the Commission. Then, prior to the Project becoming commercially operational, Wild Springs will comply with the Commission's decommissioning financial security requirements by filing an updated decommissioning cost estimate and an updated surety bond in the amount and form approved by the Commission.

Wild Springs appreciates Commission Staff's input and cooperation regarding this matter. Should the Commission have any questions, please let me know.

Sincerely,

/s/ Mollie M. Smith

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cc: Certificate of Service/Service List (via e-mail)