

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

**IN THE MATTER OF THE APPLICATION
BY WILD SPRINGS SOLAR, LLC FOR A
PERMIT OF A SOLAR ENERGY
FACILITY IN PENNINGTON COUNTY,
SOUTH DAKOTA**

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**MOTION FOR PARTIAL
EXEMPTION FROM
CONDITION NO. 38**

EL 20-018

Applicant Wild Springs Solar, LLC (“Wild Springs”), by and through counsel, files this motion requesting that the South Dakota Public Utilities Commission (“Commission”) approve a partial exemption from Condition No. 38 of the Commission’s Order Granting Motion to Approve Decommissioning Condition and Final Decision and Order Granting Permit to Construct Facility; Notice of Entry, dated December 4, 2020. Wild Springs makes this request pursuant to Condition No. 34, which authorizes requests for exemption from Permit terms and conditions.

Condition No. 38 provides, in relevant part, that “[o]nce the Project’s design is finalized, Wild Springs must prepare and submit an updated decommissioning cost estimate to the Commission for review and approval. At least 60 days prior to commencement of commercial operation, Wild Springs shall file a surety bond with the Commission for Commission approval in the total amount of the approved decommissioning cost estimate naming the Commission as beneficiary.” Wild Springs originally planned to commence commercial operation on May 1, 2024, but due to the final phase of construction progressing ahead of schedule, Wild Springs recently learned the Project may be able to begin commercial operation as early as March 15, 2024. In order to commence commercial operation as early as March 15, 2024, Wild Springs respectfully requests an exemption from Condition 38’s requirement that the form of surety bond be submitted at least 60 days prior to commencement of commercial operation.

In support of this request, Wild Springs notes that the Commission has already reviewed and accepted Wild Springs' form of surety bond. In conjunction with Wild Springs' request that the Commission approve a surety bond as the form of decommissioning financial security for the Project, the Commission reviewed the form of surety bond that Wild Springs now proposes to use (included as **Exhibit A**).¹ Additionally, on October 14, 2022, Wild Springs filed a copy of the surety bond naming Pennington County and the Commission as beneficiaries that Wild Springs obtained in order to comply with Pennington County's decommissioning financial security and timing requirements.

Based on the final as-built design, Wild Springs prepared an updated decommissioning cost estimate, which was filed for Commission review and approval in the same filing as this request, and that amount is included in the surety bond in Exhibit A. However, except for the updated amount of the surety bond, the form of surety bond is the same as was previously reviewed and accepted by the Commission and is consistent with the terms of Condition No. 38. Once approved, the executed version will be filed with the Commission.

For the aforementioned reasons, Wild Springs respectfully requests that the Commission grant its motion for a partial exemption at the Commission's March 12, 2024 regularly scheduled meeting.

Dated: February 16, 2024

WILD SPRINGS SOLAR, LLC

By: /s/ Mollie M. Smith

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¹ See Supplemental Rebuttal Testimony of Christopher Morgan and accompanying exhibit (Draft Surety Bond), filed by Wild Springs on November 11, 2020.