

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE APPLICATION
BY NORTH BEND WIND PROJECT, LLC
FOR A PERMIT TO CONSTRUCT AND
OPERATE THE NORTH BEND WIND
PROJECT IN HYDE COUNTY AND
HUGHES COUNTY, SOUTH DAKOTA.

EL21-018

**RESPONSE TO BOLLWEG'S
AMENDED OBJECTION TO
APPLICANT'S MOTION TO
EXTEND DEADLINE**

Applicant is in receipt of the Intervenor's Objection and makes the following response for the Commission's benefit.

The actions of Hughes County and the required discretionary permits sought are very much integrated into the process and permits sought in this proceeding. Applicant made application for a Conditional Use Permit under the ordinances of Hughes County in June of 2021. Since that time Applicant has been in constant contact with Hughes County officials seeking to have its application heard by the Planning and Zoning Board. The county commission has chosen to not schedule that hearing and instead focus on obtaining a road use agreement from the Applicant prior to scheduling a hearing. That process is unprecedented in my experience and has been extended because the requirements for a road use agreement include construction decisions and engineering of locations among other things, which are normally developed leading up to the road use agreement, not in conjunction. It's been extensive to date, but we do feel like we are making incremental progress in discussions with the County. We hope for a permit hearing at the end of March but there's none set at present.

For perspective, Hyde County took Applicant's CUP application at the same general time, held a hearing in July 2021, and issued a permit forthwith. Hyde County removed a single tower location from the request. That act or one like it, if occurring after the PUC proceeding,

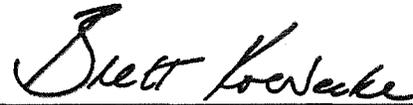
might well result in Applicant having two permits at odds with one another, and with no clear avenue to amend a PUC facility permit, might well result in deep prejudice to the Applicant with no clear remedy.

The scheduling concerns in the Intervenor's filing are well taken and the Applicant has the same general issues. Applicant has witnesses with existing schedules also. It would be patently unfair for us to wait further into March and then ask for a rescheduling as outlined here. Fortunately, this hearing is substantially based on paper which a great deal has been submitted. We trust that the Commission can adjust those concerns through the rescheduling process. We see no good way around the potential prejudice other than to raise it now and proceed accordingly.

Dated this 2nd day of March, 2022.

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