

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

<b>IN THE MATTER OF THE APPLICATION BY</b>	)	<b>ORDER FOR AND NOTICE</b>
<b>NORTH BEND WIND PROJECT, LLC FOR A</b>	)	<b>OF EVIDENTIARY HEARING</b>
<b>PERMIT TO CONSTRUCT AND OPERATE</b>	)	
<b>THE NORTH BEND WIND PROJECT IN</b>	)	
<b>HYDE COUNTY AND HUGHES COUNTY,</b>	)	
<b>SOUTH DAKOTA</b>	)	<b>EL21-018</b>

On June 23, 2021, the South Dakota Public Utilities Commission (Commission) received a filing from North Bend Wind Project, LLC (North Bend Wind or Applicant) for an application for a permit to construct the North Bend Wind Project, a wind energy facility located on approximately 46,931 acres of land in Hyde County and Hughes County, South Dakota, in the townships of Butte, Chapelle, Harrold, Holabird, Pleasant Valley, Pratt, and Webster (Project). The total installed capacity of the Project would not exceed 200 megawatts nameplate capacity. The proposed Project includes up to 71 wind turbine generators, access roads to turbines and associated facilities, underground 34.5-kilovolt (kV) electrical collector lines, underground fiber-optic cable, a 34.5-kV to 230-kV collection substation, a 230-kV interconnection switching station, an aircraft detection lighting system and one permanent meteorological tower. The Project will interconnect to Western Area Power Administration's Fort Thompson-Oahe 230-kV transmission line, which crosses the southern portion of the project area. The Project, at the time of filing this application, has not executed a purchase power agreement. Applicant estimates the total cost of the Project to be between \$265 and \$285 million.

On June 24, 2021, the Commission electronically transmitted notice of the filing and the intervention deadline of August 23, 2021, to interested persons and entities on the Commission's PUC Weekly Filings electronic listserv. On July 2, 2021, the Commission issued a Notice of Application; Order For and Notice of Public Input Meeting; Notice of Opportunity to Apply for Party Status. On August 11, 2021, the Commission held a public input meeting in Pierre, South Dakota. On September 17, 2021, the Commission granted party status to Judi Bollweg, individually and on behalf of Tumbleweed Lodge and Bollweg Family, LLLP, and Michael Bollweg, individually and on behalf of Bollweg Family, LLLP (Intervenors). On November 11, 2021, the Commission issued an Order Granting Motion for Procedural Schedule. On November 24, 2021, the Commission issued an Order Granting Motion to Extend Deadline. On December 14, 2021, the Commission issued an Order Granting Motion to Adopt Revised Procedural Schedule. On March 8, 2022, the Commission issued an Order Granting Motion to Extend Deadline. On August 17, 2022, North Bend filed a Motion for Scheduling Order and the executed Hughes County Board of Adjustment Conditional Use Permit. On September 29, 2022, the Commission issued an Order Granting Joint Stipulation and Motion to Adopt Second Revised Procedural Schedule.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 15-6, and 49-41B and ARSD Chapters 20:10:01 and 20:10:22. The Commission may rely upon any or all of these or other laws of this state in making its determination.

A hearing will be held by the Commission beginning at 9:00 a.m., CST, Tuesday, December 13, 2022, through Wednesday, December 14, 2022, with the marking of exhibits to begin at 8:30 a.m., CST, Tuesday, December 13, 2022, in Room 414, State Capitol Building, 500

E. Capitol Ave., Pierre, South Dakota.

At the hearing, each party will be permitted to present an opening statement summarizing the evidence that such party will offer into evidence and to briefly and concisely state the issues involved in the case.

The issues to be determined by the Commission, as set forth in SDCL 49-41B-22, are:

1. Whether the proposed Project will comply with all applicable laws and rules;
2. Whether the Project will pose a threat of serious injury to the environment or to the social and economic condition of inhabitants or expected inhabitants in the siting area;
3. Whether the Project will substantially impair the health, safety or welfare of the inhabitants; and
4. Whether the Project will unduly interfere with the orderly development of the region with due consideration having been given to the views of governing bodies of affected local units of government.

Based upon these factors, the Commission will decide whether the permit should be granted, denied, or granted upon such terms, conditions, or modifications of the construction, operation, or maintenance as the Commission finds appropriate.

The hearing will be a quasi-judicial adversarial proceeding conducted pursuant to SDCL Chapter 1-26. All parties will have the opportunity to appear, present evidence, cross-examine the other parties' witnesses, and exercise all other rights afforded by SDCL Chapters 1-26, 49-1, 49-41B, and ARSD Chapters 20:10:01 and 20:10:22. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights will be forfeited if not exercised at the hearing. All persons testifying will be subject to cross-examination. The Commission's final decision will be based solely on the testimony and evidence offered and received into evidence at the hearing. If a party or its representative fails to appear at the time and place set for the hearing, a decision may be issued by default pursuant to SDCL 1-26-20. As a result of this hearing, the Commission will make a decision, including findings of fact and conclusions of law, on the issues set forth above. The Commission's final decision may be appealed by the parties to the circuit court and the Supreme Court as provided by law. It is therefore

ORDERED, that a hearing will be held by the Commission beginning at 9:00 a.m., CST, Tuesday, December 13, 2022, through Wednesday, December 14, 2022, with the marking of exhibits to begin at 8:30 a.m., CST, Tuesday, December 13, 2022, in Room 414, State Capitol Building, 500 E. Capitol Ave., Pierre, South Dakota.

Pursuant to the Americans with Disabilities Act, this hearing is being held in physically accessible location. Please contact the Public Utilities Commission at (605) 773-3201 or (800) 332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 2<sup>nd</sup> day of November 2022.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically or by mail.

By: Adam DeHueck

Date: 11/2/22

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson

CHRIS NELSON, Commissioner

Kristie Fiegen

KRISTIE FIEGEN, Commissioner

Gary Hanson

GARY HANSON, Commissioner