

**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 )**

**MOTION FOR ADOPTION OF  
PROCEDURAL SCHEDULE**

**EL21-018**

COMES NOW, Staff of the South Dakota Public Utilities Commission (Staff) and hereby files this Motion for Adoption of Procedural Schedule.

This docket was opened on June 23, 2021, with the filing by North Bend Wind Project, LLC for a permit of a wind energy facility in Hyde County and Hughes County, South Dakota. The parties to this proceeding are North Bend Wind, LLC, Staff, Judi Bollweg, individually and on behalf of Tumbleweed Lodge and Bollweg Family LLLP, and Michael Bollweg, individually and on behalf of Bollweg Family, LLLP.

Under SDCL 49-41B-25, the Commission must issue a decision on this matter within nine months of filing, so the Commission must issue a decision in March of 2022. Staff attempted to prepare a proposal which met that time constraint and allowed sufficient time during the process to engage in meaningful discovery. Additionally, Staff worked to ensure the proposed schedule allowed time following the hearing for the parties to review the transcript, submit post-hearing briefs, file necessary motions, and give the Commission sufficient time to issue a final decision within the time frame required by statute. Staff did share the following proposed procedural schedule with the parties and received no objection to the schedule.

<b>ACTION</b>	<b>DUE DATE</b>
Applicant Supplemental Testimony Due	November 1, 2021
Staff/Intervenor Testimony Due	December 6, 2021
Rebuttal Testimony Due	December 20, 2021
Final Discovery to All Parties	January 3, 2022
Responses to Final Discovery	January 18, 2022
Witness/Exhibit Lists Due	January 24, 2022
Evidentiary Hearing	February 2-4, 2022

Staff also proposes all exhibits be marked and filed prior to the hearing date to promote efficiency. In following past Commission hearing procedure, Staff also proposes the Commission require that all witnesses must submit prefiled testimony in order to be eligible to testify during the evidentiary hearing.

Additionally, given that state statute requires the Commission to issue a decision within nine months of receiving an application for a wind energy facility, Staff requests the Commission establish a ten-business day deadline for responses to discovery requests, with the exception of final discovery, which Staff request be due as provided in the proposed schedule.

WHEREFORE, Staff proposes this procedural schedule and respectfully requests the Commission 1) grant the Motion and adopt the procedural schedule as detailed in this Motion, 2) require all witnesses submit prefiled written testimony, 3) require exhibits be marked and filed prior to the Evidentiary Hearing, and 4) establish a ten-business day deadline for responses to discovery requests, with the exception of final discovery.

Dated this 18<sup>th</sup> day of October 2021.




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