
From: PUC
Sent: Friday, July 16, 2021 8:58 AM
To: [REDACTED]
Subject: EL21-018

Mr. Knox,

This response is from the South Dakota Public Utilities Commission staff, aiming to answer the questions you asked in your follow up email to the commission about the North Bend Wind Project siting permit application filing, docket EL21-018.

You asked who provides the evidence or lack thereof. In processing the North Bend application requesting a siting permit to build a wind farm of 100 MW or greater, the evidence will be provided by the parties to the docket. These formal parties will include the applicant which is the wind farm developer, any intervenors to the docket – none have filed to request party status yet and therefore, none have been acted on by the commission – and the PUC’s staff members that will analyze the docket. Anyone requesting intervenor status must prove a direct interest in the project by law in order for the commission to accept them as a formal intervenor. The evidence presented by the parties must be facts and evidence as allowed by law, much the same as for any formal court case. For example, hearsay without facts or evidence to back it up is not deemed evidence in a court or before the commission.

Ultimately, South Dakota law places the burden of proof on the applicant to demonstrate their project complies with the standards established by the legislature. See [SDCL 49-41B-22](#). This means the applicant must provide evidence to support their proposed development, including studies on expected environmental and archaeological impacts. PUC staff reaches out to other state agencies with the appropriate expertise, such as the South Dakota Department of Game, Fish and Parks and the State Historic Preservation Office, to review these studies and inform staff of any issues or concerns with the study methodologies or findings. As such, the commission vets the evidence presented by the applicant through subject matter experts.

The Siting Guide in the docket provides information on the PUC’s processing of a siting permit docket. Another way to learn more about the PUC’s processing of wind siting dockets and see examples of evidence is to read through other siting dockets. You can find these via this link, <https://puc.sd.gov/energy/Wind/windenergysitingdockets.aspx>.

We encourage you to contact the PUC staff members working on the North Bend Wind Project. As Chairman Nelson relayed, these individuals can be found via the docket's Service List or by calling 605-773-3201. We look forward to seeing you at the public input meeting on August 11.

South Dakota Public Utilities Commission Staff

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