

**From:** PUC

**Sent:** Tuesday, July 27, 2021 1:17 PM

**To:** [REDACTED]

**Subject:** EL21-018

Ms. Riffel,

Thank you for your message regarding the North Bend Wind siting permit request, docket EL21-018. My fellow commissioners and I base our decisions on evidence as required by law and filed in the docket. The primary determination in a siting docket is whether or not the location, construction and operation of the project's facilities will produce minimal adverse effects on the health, safety and welfare of South Dakota's environment and citizens. The standards with which to make these determinations are set forth in South Dakota's Codified Laws and Administrative Rules.

Given your reference to decommissioning, I encourage you to review the laws and prior commission orders specifying decommissioning of wind projects. See SDCL 49-41B-39, pasted below.

***49-41B-39. Financial security for decommissioning of wind turbines.***

*All right and title in any financial security required by the commission for the decommissioning of wind turbines shall be controlled by the commission in accordance with the terms of the financial security agreement or instrument until the commission by order releases the security. The financial security of the person required to provide it may not be cancelled, assigned, revoked, disbursed, replaced, or allowed to terminate without commission approval.*

*The commission may require, accept, hold, or enter into any agreement or instrument for the provision of financial security, including any funds reserved or held by any person to satisfy or guarantee the obligation of an owner of wind turbines permitted under this chapter, to decommission and remove the wind turbines. The form, term, and conditions of the financial security are subject to the approval of the commission. The commission shall determine any claim upon the financial security made by any landowner for decommissioning and removal of turbines.*

*Any financial security provided under this chapter may not be pledged or used as security for any other obligation of the wind turbine owner, and is exempt from attachment or mesne process, from levy or sale on execution, and from any other final process issued from any court on behalf of third party creditors of the owner of the wind turbines. Any commission decision based on any claim made by the owner of the wind turbines for refund or return of the financial security, or for actual expenses of decommissioning, or any related agreements may be appealed.*

*In any case, the commission may appear in court and defend the integrity and viability of the financial security for purposes of decommissioning and removal of wind turbines. The commission may not require any financial security from an owner of wind turbines who is also a public utility as defined in subdivision 49-34A-1(12).*

A list of wind dockets the commission has or is processing is available via our website, under the [Wind Energy](#) tab. The commission's orders for each project permitted are posted in that project's docket.

Your message and this response will be posted under Comments and Responses in the [EL21-018 docket](#). The [Siting Guide](#) posted in the docket helps explain the commission's processing of siting dockets such as this.

I appreciate hearing your concerns about this siting permit request and encourage you to attend the public input meeting on the project's siting application to be held at 6:30 p.m. CDT on Wednesday, August 11, at the Capitol Lake Visitors Center, 650 E. Capitol Ave., in Pierre.

Chris Nelson, Chairman  
South Dakota Public Utilities Commission  
[PUC.sd.gov](http://PUC.sd.gov)