

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

**IN THE MATTER OF THE APPLICATION BY)
DEUEL HARVEST WIND ENERGY SOUTH)
LLC FOR ENERGY FACILITY PERMITS OF)
A WIND ENERGY FACILITY AND A 345-KV)
TRANSMISSION FACILITY IN DEUEL)
COUNTY, SOUTH DAKOTA, FOR THE)
SOUTH DEUEL WIND PROJECT)**

**ORDER FOR AND NOTICE OF
EVIDENTIARY HEARING**

EL24-023

On June 28, 2024, the Commission received an Application for Energy Facility Permits (Application) from Deuel Harvest Wind Energy South LLC (Deuel Harvest or Applicant), an affiliate of Invenergy LLC. Deuel Harvest proposes to construct a wind energy facility and a 345 kilovolt (kV) transmission line (Gen-Tie Line) located in Deuel County, South Dakota, known as the South Deuel Wind Project (Project). The Project would be situated within an approximately 34,339-acre project area, in the townships of Blom, Brandt, Clear Lake, Norden, and Scandinavia. The total installed capacity of the Project would not exceed 260 megawatts (MW) of nameplate capacity and deliver up to 250 MW to the point of interconnection. The proposed Project includes up to 68 wind turbines, electrical collection and supervisory control and data acquisition systems, a 34.5 kV to 345 kV collector substation, an approximately six-mile long 345 kV generator transmission tie line, improvements to enable the interconnection of the Project into the existing 345 kV Astoria interconnection switchyard, an operations and maintenance facility, up to two aircraft detection lighting system towers; access roads, and up to three meteorological towers. The Project will also include temporary construction areas: crane paths, public road improvements, a general construction laydown yard, staging areas, and a concrete batch plant, as needed. The Gen-Tie Line will transmit electricity approximately six miles from the collector substation to the point of interconnection at the existing Astoria 345 kV interconnection switchyard owned by Otter Tail Power Company. The Project is expected to be in commercial operation in December 2026.

On July 9, 2024, the Commission issued a Notice of Application; Order for and Notice of Public Input Meetings; Notice of Opportunity to Apply for Party Status. Pursuant to ARSD 20:10:22:40, the deadline to file an application for party status was August 27, 2024. A public input meeting was held on August 22, 2024, in Clear Lake, South Dakota. The Commission has granted party status to Matthew Holden, Arla Hamann Poindexter, the Lake Cochrane Improvement Association, Inc., Jay Grabow, and Josh Bekaert.

Pursuant to the procedural schedule agreed upon by the Parties and set by the Commission's order dated September 25, 2024, Order Granting Motion for Procedural Schedule, an evidentiary hearing will be held in this matter beginning at 9:30 a.m., CST on January 21, 2025, continuing as needed through January 24, 2025, at the Matthews Training Center located in the Foss Building, 523 East Capitol Avenue, Pierre, South Dakota.

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

At the hearing, each party will be permitted to present an opening statement, limited to five minutes.

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;¹
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.²

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 an adversary contested case proceeding conducted pursuant to SDCL Chapter 1-26. Pursuant to ARSD 20:10:01.02, the rules of civil procedure as used in circuit court apply to this proceeding except to the extent that they are in conflict with 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, 15-6, and 49-41B, and ARSD Chapter 20:10:01. All Parties have the right to be present and to be represented by an attorney. Under South Dakota Law, all entities must be represented by an attorney authorized to practice in this state.

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 State Supreme Court as provided by law. It is therefore

ORDERED, that a hearing will be held by the Commission beginning at 9:30 a.m. CST on January 21, 2025, and continuing as needed through January 24, 2025, in the Matthews Training Center located in the Foss Building, 523 East Capitol Avenue, Pierre, South Dakota. It is further

ORDERED, that all persons testifying must be personally present at the evidentiary hearing unless otherwise ordered by the Commission.

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

¹ Pursuant to SDCL 49-41B-22(2), An applicant for "a wind energy facility that holds a conditional use permit from the applicable local units of government is determined not to threaten the social and economic condition of inhabitants or expected inhabitants in the siting area."

² Pursuant to SDCL 49-41B-22(4), An applicant for "a wind energy facility that holds a conditional use permit from the applicable local units of government is in compliance with this subdivision."

Dated at Pierre, South Dakota, this 13th day of December 2024.

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: *Kristie Fiegen*

Date: 13 Dec 2024

BY ORDER OF THE COMMISSION:

Kristie Fiegen

KRISTIE FIEGEN, Chairperson

Gary Hanson

GARY HANSON, Commissioner

Chris Nelson

CHRIS NELSON, Commissioner