

August 26, 2024

VIA ELECTRONIC FILING

Ms. Patricia Van Gerpen
Executive Secretary
South Dakota Public Utilities Commission
500 E Capitol Ave
Pierre, SD 57501-5070

RE: 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

Docket EL24-023

Dear Ms. Van Gerpen:

In connection with the above-referenced matter, Deuel Harvest Wind Energy South LLC (“South Deuel Wind”) submits this reply to the application for party status filed by Arla Hamann Poindexter. Ms. Hamann Poindexter filed the application dated August 14, 2024, and an additional comment related to the application on August 15, 2024. South Deuel Wind will rely solely on this reply for purposes of the Commission’s consideration of Ms. Hamann Poindexter’s petition on August 27, 2024.

In her additional comments, Ms. Hamann Poindexter states that Hamann Family Farms LLC owns property within the proposed project area as well as parcels adjacent to the project area. Ms. Hamann Poindexter indicates that “Hamann Family Farms is owned by Herbert Hamann Living Trust (an unsettled estate) and Beverly A. Hamann,” and that Ms. Hamann Poindexter is the trustee of the Herbert Hamann Living Trust and the power of attorney for Beverly A. Hamann. Ms. Hamann Poindexter lists Hamann Family Farms LLC on her application as the name of her organization.

South Deuel Wind does not object to Ms. Hamann Poindexter intervening in this proceeding on her own behalf, on behalf of her mother, Beverly A. Hamann or on behalf of the Herbert Hamann Living Trust. However, South Deuel Wind does not believe it is appropriate for Ms. Hamann Poindexter to represent Hamann Family Farms LLC in this proceeding because she is not an attorney. SDCL § 49-13-9.1.¹

¹ SDCL § 49-13-9.1 identifies very limited circumstances when a business entity can be represented without counsel: “Corporations and business entities may appear without counsel in certain cases,” and provides that “In any complaint to the commission by any person claiming to be damaged by any telecommunications company or motor carrier in

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Sincerely,

FREDRIKSON & BYRON, P.A.

/s/ Lisa M. Agrimonti

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which damages in the amount of three thousand dollars, or less, are claimed, any corporation, cooperative corporation, limited liability company, or limited liability partnership may represent itself through a designated employee without any requirement of representation by legal counsel.”