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

* **DEUEL HARVEST WIND ENERGY** * SOUTH LLC'S REQUEST FOR * PARTIAL EXEMPTION FROM ORDER * **GRANTING PERMITS TO** * **CONSTRUCT FACILITIES** * * **EXPEDITED REVIEW REQUESTED** * * EL24-023 *

Deuel Harvest Wind Energy South LLC ("South Deuel Wind") submits this request for partial exemptions from certain conditions included in the South Dakota Public Utilities Commission's ("Commission") Order Granting Permits to Construct Facilities ("Order") for South Deuel Wind's wind energy facility and associated transmission facility in Deuel County (collectively, "Project"). The Commission issued the Order on March 10, 2025, which authorizes South Deuel Wind to construct and operate the Project, subject to 52 conditions.

The Order includes 13 conditions regarding agreements, filings, and approvals that must be submitted to the Commission prior to commencing construction.¹ South Deuel Wind requests exemptions from five of those conditions: Nos. 4, 7, 14, 29, and 44, to enable commencement of construction on two turbine sites, Turbine Nos. 37 and 38, as shown on Application Appendix A, Figure 2, A1. Specifically, South Deuel Wind seeks to excavate the two turbine sites and install mud mats, which consist of several inches of concrete as a work surface for later construction of a full wind turbine foundation.

¹ Conditions expressly relating to pre-construction filings, approvals, or compliance include Condition Nos. 1, 4, 5, 7, 8h, 12, 14, 29, 33, 34, 39, 44, and 45a.

These activities will help maximize the Project's ability to qualify for federal tax credits that will lower the cost of the Project and the energy it produces, to the benefit of ultimate consumers.

South Deuel Wind makes this request in accordance with Order Condition No. 38 which allows for South Deuel Wind to request an exemption from Order conditions, providing as follows:

> The Permit Conditions shall be uniform conditions of construction and operation, subject only to an affirmative written request for an exemption addressed to the Commission. A request for an exemption shall clearly state which particular Permit Condition should not be applied and the reason for the requested exemption. The Commission shall evaluate such requests on a case-by-case basis, which evaluation shall be completed within sixty days unless exigent circumstances require action sooner.

This request is prompted by recently enacted federal legislation that includes a phase out

of investment and production credits for certain projects including wind generation. Given the current project schedule, commencing construction on an expedited basis is possible, which would qualify the Project for full federal tax credits. Therefore, South Deuel Wind respectfully requests that the Commission review this request on an expedited basis.

South Deuel Wind will supplement this request by mid-day July 11, 2025, with additional information requested by Commission Staff.

Dated this 9th day of July 2025.

By <u>/s/ Lisa Agrimonti</u>

Lisa M. Agrimonti Haley L. Waller Pitts Patrick D.J. Mahlberg FREDRIKSON & BYRON, P.A. Attorneys for Applicant 60 South Sixth Street, Suite 1500 Minneapolis, MN 55402 Phone: (612) 492-7000 Fax: (612) 492-7077