

**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**

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**MOTION FOR PROCEDURAL
SCHEDULE**

EL24-023

COMES NOW, Staff (“Staff”) of the South Dakota Public Utilities Commission (“Commission”) and hereby files this Motion for Procedural Schedule.

This docket was opened on June 28, 2024, with the filing by Deuel Harvest Wind Energy South LLC (Applicant), for a permit for a Wind Energy Facility and a 345-kV Transmission Facility in Deuel County, South Dakota. The parties to this proceeding are currently Staff and Applicant as well as intervenors Matthew Holden, Arla Hamann Poindexter, Jay Grabow, Josh Bekaert and Lack Cochrane Improvement Association.

Under SDCL 49-41B-25, the Commission must issue a decision on the wind facility portion of this docket within nine months of the filing. As such, a final Commission order is required by the end of March 2025. To accommodate this time constraint, Staff reviewed available hearing dates and prepared this proposed procedural schedule to allow sufficient time for the parties to engage in meaningful discovery and prepare for an evidentiary hearing within that timeframe. Staff did reserve time in the schedule to allow for filing of post-hearing briefs after the evidentiary hearing, however Staff does not propose a specific post-hearing briefing schedule at this time.

Staff did reach out to the parties with this schedule and have not received objection to date, therefore Staff requests the Commission adopt the following procedural schedule in this docket:

Staff/Intervenor Testimony Filed	November 13, 2024 (by noon)
Rebuttal Testimony Filed	December 5, 2024 (by noon)
Final Discovery Sent	December 11, 2024 (Sent by 5pm Central)
Responses to Final Discovery Due	December 23, 2024
Exhibits and Witness/Exhibit Lists Filed	January 14, 2025 (by noon)
Pre-hearing Conference	January 16, 2025 (2:00 pm Central)
Evidentiary Hearing	January 21-24, 2025

Given the time constraints in this docket, Staff proposes the Commission order that all responses to discovery requests are due 10-business days after service, excluding the final round as specified in the schedule and unless otherwise agreed to, in writing, by the inquiring and responding parties. Allowing additional time to respond to discovery requests will significantly interfere with the number of rounds of discovery the parties may issue prior to submitting testimony.

Staff also proposes the Commission require that all witnesses must submit prefiled testimony in accordance with the deadlines specified in the proposed procedural schedule in order to be eligible to testify during the evidentiary hearing. Additionally, Staff proposes all exhibits, including testimony, be marked and prefiled prior to the evidentiary hearing in accordance with the proposed schedule to promote efficiency at the hearing.

WHEREFORE, Staff respectfully requests the Commission issue an order 1) adopting Staff's proposed procedural schedule as detailed in this Motion, 2) establishing a ten-business day deadline for responses to discovery requests, 3) requiring all witnesses to submit prefiled written testimony, and 4) requiring all exhibits be marked and filed prior to the evidentiary hearing.

Dated this 13th day of September 2024.

A handwritten signature in blue ink that reads "Amanda M. Reiss". The signature is written in a cursive style and is positioned above a horizontal line.

Amanda M. Reiss
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