

## **STAFF'S PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

### **FINDINGS OF FACT**

#### **I. PROCEDURAL HISTORY**

1. On June 28, 2024, the South Dakota Public Utilities Commission (Commission) received an Application for a Facility Permit (Application) from Deuel Harvest Wind Energy South, LLC (South Deuel or Applicant) to construct a wind energy conversion facility and a 345 kV generator tie line in Deuel County, South Dakota (Project). Also on June 28, 2024, Applicant filed the prefiled testimony and exhibits of Aidan O'Connor, Monica Monterrosa, Michelle Phillips, Alexandra Thompson, Michael Hankard, JoAnne Blank, Michael MaRous, and David Loomis.
2. On July 1, 2024, Applicant filed a Certificate of Service attesting the Application, along with prefiled testimony and exhibits were served on the Deuel County Auditor pursuant to SDCL 49-41B-5.2.
3. On July 3, 2024, the Commission electronically transmitted notice of the filing and intervention deadline of August 27, 2024, to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv.
4. On July 9, 2024, the Commission issued a Notice of Application: Order for and Notice of Public Input Meeting: Notice of Opportunity to Apply for Party Status, scheduling a public input meeting for August 22, 2024, at 5:30 p.m., CDT, at the Clear Lake Community Center, 218 Third Avenue South, Clear Lake, South Dakota. Commission Counsel also filed a Certificate of Service attesting this Notice was sent to all governing bodies within the area where the proposed facility is to be constructed.
5. On July 24, 2024, Applicant filed an Affidavit of Landowner Notification pursuant to SDCL 49-41B-5.2.
6. On July 24, 2024, the Commission issued an Order Assessing Filing Fee; Order Authorizing Executive Director to Enter Into Consulting Contracts.
7. On August 16, 2024, the Commission issued an Order Granting Party Status to Matthew Holden.
8. On August 22, 2024, the public input meeting was held as noticed, at the Clear Lake Community Center, 218 Third Avenue South, Clear Lake, South Dakota.
9. On August 22, 2024, Affidavits of Publication were filed confirming that the Notice of Public Meeting was published in the *Brooking Register* and the *Clear Lake Courier* on July 17, July 31, and August 14, 2023, in accordance with SDCL 49-41B-16.

10. On August 29, 2024, the Commission issued an Order Granting Party Status to Arla Hamann Poindexter.
11. On September 11, 2024, the Commission issued an Order Granting Party Status to Lake Cochrane Improvement Association, Jay Grabow, and Josh Bekaert.
12. On September 13, 2024, Applicant files a Revised Appendix W- Unanticipated Discovery Plan.
13. On September 13, 2024, Public Utilities Commission staff (Staff) filed a Motion for Procedural Schedule.
14. On September 25, 2024, the Commission issued an Order Granting Motion for Procedural Schedule.
15. On November 13, 2024, Staff filed the prefiled Direct Testimony and Exhibits of David M. Hessler, Chad Switzer, and Jon Thurber.
16. On November 13, 2024, pro se Intervenor Hamann Poindexter filed her Direct Testimony and Exhibits.
17. On December 5, 2024, Applicant filed the Rebuttal Testimony of Monica Monterrosa, Michelle Phillips, Alexandra Thompson, Michael Hankard, and Christopher Harrington.
18. On December 13, 2024, the Commission issued an Order for and Notice of Evidentiary Hearing scheduling an evidentiary hearing to begin on January 21, 2025.
19. On January 13, 2025, pro se Intervenor Hamann Poindexter filed her prefiled Testimony and Exhibits.
20. On January 14, 2024, Applicant and Staff each filed their prefiled Testimony and Exhibits.
21. On January 16, 2024, Staff filed a Supplemental Exhibit.
22. On January 21, 2025, the evidentiary hearing commenced as noticed and concluded on this day.
23. On January 29, 2025, the Commission issued an Order for and Notice of Post-Hearing Briefing Schedule and Decision Date.

## II. **PARTIES**

24. Deuel Harvest Wind Energy South LLC., is a subsidiary of Invenergy Wind Development North America LLC and an affiliate of Invenergy LLC (Invenergy).<sup>1</sup> Invenergy is a privately held company that has developed more

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<sup>1</sup> EH Exhibit A-1, Section 1.3, page 11.

than 200 project and 32 gigawatts of generating capacity in the Americas, Europe, and Asia.<sup>2</sup>

25. The South Dakota Public Utilities Commission staff (Staff) fully participated as a party in this matter in accordance with SDCL 49-41B-17(1).
26. Pro se Intervenor Hamann Poindexter was granted party status and fully participated as a party in this matter.
27. Matthew Holden, Jay Grabow, Josh Bekaert and Lake Cochrane Improvement Association were each granted party status in this matter. None of these parties filed testimony or appeared at the evidentiary hearing in this matter.

### III. PROJECT DESCRIPTION

28. The proposed Project is an up to 260-megawatt wind energy conversion facility to be located on approximately 29,258-acres of land in Deuel County, in the townships of Blom, Brandt, Clear Lake, Norden, and Scandinavia South Dakota. The Project would deliver up to 250 megawatts via an approximately 6-mile long 345 kV generator tie line (Gen-Tie Line) to the point of interconnection at the existing Astoria Interconnection switchyard<sup>3</sup>, owned by Otter Tail Power Company.<sup>4</sup>
29. The proposed Project would include up to 68 wind turbines, electrical collection and supervisory control and data acquisition systems, a 34.5-kV to 345-kV collection substation, 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.
30. The estimated cost to construct the proposed project is \$621 million based on indicative construction and wind turbine pricing cost estimates and including lease acquisition, permitting, engineering, financing, procurement, and construction of the Project Facilities.<sup>5</sup>
31. Applicant explained the Project is actively submitting bids for power purchase agreement opportunities and the energy from the proposed Project will be transmitted onto the MISO grid where it will contribute to meeting electricity demand across the MISO service territory.<sup>6</sup>
32. Applicant has entered into long-term, voluntary lease and easement agreements with private landowners within the Project area for placement of the Project

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<sup>2</sup> EH Exhibit A-1, section 1.3, page 11.

<sup>3</sup> EH Exhibit A-1, Section 1.1, page 1.

<sup>4</sup> EH Exhibit A-1, Section 4.2.11, page 33.

<sup>5</sup> EH Exhibit A-1 Section 3, page 27.

<sup>6</sup> EH Exhibit A-1, Section 2, page 24.

facilities that provide for a total operating period of 50 years.<sup>7</sup> Applicant anticipates that the life of the project will be approximately 30 years.<sup>8</sup>

33. The record demonstrates that the Applicant has appropriate and reasonable plans for decommissioning.<sup>9</sup> The Project will be decommissioned in accordance with applicable state and county regulations.<sup>10</sup> Applicant has agreed to Permit Conditions for purposes of decommissioning the Project, including an escrow account condition and a commitment to remove foundations to 48 inches.<sup>11</sup>

#### IV. **APPLICABLE STATUTES AND REGULATIONS FOR A WIND ENERGY FACILITY PERMIT AND A TRANSMISSION FACILITY PERMIT**

34. The following South Dakota statutes are applicable: SDCL 49-41B-1, 49-41B-2, 49-41B-2.1, 49-41B-4, 49-41B-5.2, 49-41B-11 through 49-41B-19.1, 49-41B-22, 49-41B-24, 49-41B-25, 49-41B-25.2, 49-41B-26, 49-41B-35, 49-41B-36, 49-41B-38, 49-41B-39, and applicable provisions of SDCL Chapters 1-26 and 15-6.
35. The following South Dakota administrative rules are applicable: ARSD Chapters 20:10:01 and 20:10:22.
36. Pursuant to SDCL 49-41B-22, Applicant has the burden of proof to establish that:
- a) The proposed facility will comply with all applicable laws and rules;
  - b) The facility will not pose a threat of serious injury to the environment nor to the social and economic condition of the inhabitants or expected inhabitants in the siting area. An applicant for an electric transmission line, a solar energy facility, or 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;
  - c) The facility will not substantially impair the health, safety or welfare of the inhabitants; and
  - d) The facility will not unduly interfere with the orderly development of the region with due consideration having been given the views of governing bodies of affected local units of government. An applicant for an electric transmission line, a solar energy facility, or a wind energy facility that holds a conditional use permit from the applicable local units of government is in compliance with this subdivision.

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<sup>7</sup> EH A-1, Section 4.3, page 34.

<sup>8</sup> EH A-1, Section 1.1, page 9.

<sup>9</sup> EH A-1, Appendix X.

<sup>10</sup> EH A-1, Section 18, pages 127 through 128.

<sup>11</sup> EH A-18, Conditions 35 and 40; EH Transcript page 164 line 22 through page 165 line 8.

37. SDCL 49-41B-24 provides that the Commission shall make a finding that the construction of the transmission line meets all of the requirements of Chapter 49-41B.
38. SDCL 49-41B-25 provides that the Commission shall make a finding that the construction of the wind energy facility meets all of the requirements of Chapter 49-41B.
39. The Commission finds there is sufficient evidence in the record for the Commission to assess the proposed Project, including the Gen-Tie Line, using the criteria set forth above.

V. **SATISFACTION OF REQUIREMENTS FOR THE ISSUANCE OF A WIND ENERGY FACILITY AND TRANSMISSION LINE**

A. **The proposed facility will comply with all applicable laws and rules.**

40. The Commission finds the Application was filed in accordance with SDCL 49-41B-11.
41. The Commission finds Applicant provided notification of area landowners by mail in accordance with SDCL 49-41B-5.2. On July 24, 2024, Applicant filed a Letter regarding Landowner Notification, along with the letter sent to Landowners and Confidential Mailing List. No evidence was submitted that the Applicant failed to meet this requirement.
42. The evidence submitted by Applicant demonstrated that the Project will comply with applicable laws and rules. Applicant committed that it will obtain all governmental permits which reasonably may be required by any township, county, state agency, federal agency, or any other governmental unit for the construction and operation activity of the Project prior to engaging in the particular activity covered by that permit.<sup>12</sup>
43. The Commission finds that the record demonstrates that construction and operation of the Project, subject to the Permit Conditions, meets all applicable requirements of SDCL Chapter 49-41B and ARSD Chapter 20:10:22.<sup>13</sup>

B. **The proposed facility will not pose a threat of serious injury to the environment nor to the social and economic condition of inhabitants or expected inhabitants in the siting area.**

44. The Commission finds the Facility will not pose a threat of serious injury to the environment nor to the social and economic condition of inhabitants or expected inhabitants in the siting area.

i. **Environment**

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<sup>12</sup> EH A-18 Conditions 1 and 2.

<sup>13</sup> EH A-1 through A-18, EH S3, S4, S6, S8 and S10.

45. The evidence demonstrates that the Project does not pose a threat of serious injury to the environment in the Project Area.<sup>14</sup> The Evidence shows Applicant will implement reasonable avoidance and mitigation measures, as well as commitments to further limit potential environmental impacts.<sup>15</sup>
46. The evidence demonstrates that construction of the Project will not pose a threat of serious injury to geological resources in the Project Area.<sup>16</sup> According to the USGS 2014 Seismic Hazard Map, the risk of seismic activity in the Project area is extremely low to negligible.<sup>17</sup> The evidence further shows that the impact to geological resources from the Project will be minimal.<sup>18</sup>
47. The evidence in the record demonstrates that the Project does not pose a threat of serious injury to soil resources.<sup>19</sup> Table 7.2.1.4 of the Application identifies temporary and long-term ground impacts to farmland from the Project.<sup>20</sup> Applicant committed to implement a number of mitigation measures, including best management practices (BMP) and a Storm Water Pollution Prevention Plan (SWPPP) to minimize the impacts to soil resources.<sup>21</sup> Additionally, Applicant committed that during construction, it will protect topsoil and minimize soil erosion. Soil areas disturbed during construction will be decompacted and returned to preconstruction contours to the extent practicable and in accordance with landowner agreements.<sup>22</sup>
48. The evidence in the record demonstrates that the Project does not pose a threat of serious injury to hydrological resources. The Project is not anticipated to have long-term impacts on groundwater resources and only minimal impacts to wetlands and streams.<sup>23</sup> Applicant has committed to implement BMPs and provide the SWPPP to minimize impacts to hydrological resources.<sup>24</sup>
49. The evidence in the record demonstrates that the Project does not pose a threat of serious injury to terrestrial ecosystems.<sup>25</sup>
50. The evidence demonstrates that there are no anticipated material impacts to existing air and water quality, and the Project will comply with applicable air and

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<sup>14</sup> EH A-1 Sections 6, 7, 8, 9, 10, 11, 13, and 14, pages 47 through 111.

<sup>15</sup> EH A-1 Sections 6, 7, 8, 9, 10, 11, 13, and 14, pages 47 through 111.

<sup>16</sup> EH A-1 Section 7.1 pages 49 thorough 52.

<sup>17</sup> EH A-1 Section 7.1.1.5, page 51.

<sup>18</sup> EH A-1 Section 7.1 pages 49 thorough 52.

<sup>19</sup> EH A-1 Section 7.2, pages 52 through 57.

<sup>20</sup> EH A-1 Section 7.2, page 56.

<sup>21</sup> EH A-1 Section 7.2, pages 52 through 57; EH A-18 Condition 14.

<sup>22</sup> EH A-18 Condition 15.

<sup>23</sup> EH A-1, Section 8, pages 58 through 63.

<sup>24</sup> EH A-1, Section 8, pages 58 through 63; EH A-18 Condition 14.

<sup>25</sup> EH A-1, Section 9, pages 64 through 91.

water quality standards and regulations.<sup>26</sup> Applicant committed to implement a number of BMPs to mitigate any impact of the Project on air and water quality.<sup>27</sup>

51. The evidence in the record demonstrates that the Project does not pose a threat of serious injury to wildlife. Applicant has conducted extensive studies and consulted relevant studies to understand the potential impact to wildlife.<sup>28</sup> Applicant coordinated with USFWS and the SDGFP since 2016 and has considered agency comments in designing the Project.<sup>29</sup> Applicant will implement an avoidance and minimization measures to lessen the impact the Project has on wildlife.<sup>30</sup> Additionally, Applicant agreed to establish a procedure for preventing whooping crane collisions with turbines<sup>31</sup> and agreed to undertake a minimum of two years of independent postconstruction avian and bat mortality monitoring in the Project area.<sup>32</sup>
52. The evidence demonstrates that the Project does not pose a threat of serious injury to aquatic ecosystems.<sup>33</sup>
53. Applicant will install and use lighting required by the Federal Aviation Administration (FAA).<sup>34</sup> Applicant will equip the Project with a FAA-approved Aircraft Detection Lightning System (ADLS) in accordance with SDCL 49-41B-25.2 to minimize visual impact of the Project starting with the commercial operation date and for the life of the Project, subject to normal maintenance and forced outages.<sup>35</sup>
54. The evidence in the record, including the Permit conditions, demonstrates Applicant will minimize or avoid impacts to cultural resources. Applicant has undertaken extensive studies, surveys, and consultation with the SD SHPO and Tribes in the vicinity of the Project area to identify and avoid sites of cultural, archaeological, and historical importance.<sup>36</sup> The Project will not result in direct physical impacts to any National Register of Historic Places listed or eligible resources.<sup>37</sup> Applicant agrees to avoid direct impacts to cultural resources not previously identified and evaluated or notify the Commission and the SD SHPO if avoidance cannot be achieved so to coordinate minimization and/or treatment measures.<sup>38</sup> Applicant will develop a plan to address any unanticipated discovery

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<sup>26</sup> EH A-1, Sections 13 and 14, page 109 through 111.

<sup>27</sup> EH A-1, Sections 13 and 14, page 109 through 111.

<sup>28</sup> EH A-1 Exhibits E, F, G, H, I, J, K, L; EH A-1 Section 22.2.1.

<sup>29</sup> EH A-1 Section 22.2.1, pages 136 through 139.

<sup>30</sup> EH A-1 Section 9.4.2, pages 89 through 91.

<sup>31</sup> EH A-18 Condition 37.

<sup>32</sup> EH A-18 Condition 46.

<sup>33</sup> EH A-1 Section 10, page 91 through 94.

<sup>34</sup> EH A-1 Section 4.2.15, page 34.

<sup>35</sup> EH A-1 Section 4.2.15, page 34; EH A-18, Condition 36.

<sup>36</sup> EH A-1 Section 15.5, pages 120 through 125.

<sup>37</sup> EH A-1, Section 15.5.3, pages 124 through 125.

<sup>38</sup> EH A-18, Condition 11.

of cultural resources, consistent with SDCL 34-27-25, 34-27-26, and 34-27-28.<sup>39</sup> Applicant will file with the Commission the final cultural resources report prior to commercial operation.<sup>40</sup>

**ii. Social and Economic**

55. On September 11, 2023, Applicant was granted a conditional use permit by Deuel County for the South Deuel Wind Project, including the Gen-Tie Line.<sup>41</sup>
56. SCDL 49-41B-22(2) specifies “[a]n applicant for an electric transmission line, a solar energy facility or a wind energy facility that holds a conditional used permit from the applicable local units of government is determined not to threaten the social and economic condition of the inhabitants or expected inhabitants in the siting area.”
57. Given the Applicant holds a conditional use permit from the affected local unit of government, the Project, pursuant to SDCL 49-41B-22(2), is determined not to threaten the social and economic condition of the inhabitants or expected inhabitants of the project area.

**C. The proposed facility will not substantially impair the health, safety or welfare of the inhabitants.**

58. The weight of the evidence in the record demonstrates that the Project will not substantially impair human health, welfare or safety of the inhabitants.
59. The record demonstrates that Applicant has committed to ensure the sound level produced from the Project to 45 dBA at non-participating residences in accordance with Deuel County ordinance.<sup>42</sup> Applicant also committed to take all reasonable efforts to minimize the impact of sound throughout construction.<sup>43</sup> The modeling methodology was satisfactory and consistent with good industry practice, resulting in realistic predictions.<sup>44</sup> Additionally, Applicant agreed to conditions supporting the commitment to adhere to the 45 dba cumulative sound limit.<sup>45</sup>
60. The record demonstrates that Applicant has appropriately minimized the shadow and flicker for the Project to no more than 30 hours for all participating and non-participating residences in accordance with Deuel County ordinance.<sup>46</sup> Applicant used conservative assumptions including the assumptions that all turbines with each model are operations and that there is no vegetation or obstacle present to

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<sup>39</sup> EH A-18, Condition 12.

<sup>40</sup> EH A-18, Condition 13.

<sup>41</sup> EH Exhibit A-1, Appendix B, page 2-3.

<sup>42</sup> EH A-1, Section 11, page 100; EH A-1 Appendix M.

<sup>43</sup> EH A-1, Section 11, page 100. EH A-1 Appendix M.

<sup>44</sup> EH S-1, page 4, lines 1 through 8.

<sup>45</sup> EH A-18 Conditions 27 and 48.

<sup>46</sup> EH A-1, Appendix N, page 5.



reduce the effect of shadow flicker, which, in turn, produces conservative modeling results.<sup>47</sup> Additionally, Applicant agreed to conditions supporting the commitment to adhere to the 30 hour shadow flicker standard.<sup>48</sup>

61. Applicant will use two methods to detect icing conditions on turbine blades in order to shut down turbines when they are accumulating ice.<sup>49</sup>
62. Applicant will mail to participating and non-participating landowners detailed safety information, including safety precautions, 14 days prior to the commencement of construction.<sup>50</sup>
63. Applicant will cooperate with agricultural spray applicators in shutting down turbines as needed to facilitate safe and effective spray operation and application.<sup>51</sup>
64. The evidence in the record demonstrates that the Project is not expected to adversely impact communication systems, such as microwave, AM, FM, cellular, TV, and aviation towers.<sup>52</sup> Applicant committed to take action to minimize interference the Project causes to radio, television, and other licensed communication transmitting or receiving equipment.<sup>53</sup>
65. The record demonstrates that Applicant will avoid and/or minimize impacts to transportation.<sup>54</sup> Applicant will coordinate with the South Dakota Department of Transportation (SDDOT), Deuel County, and Project area townships to manage construction traffic, and to ensure that equipment and components are delivered safely to the Project. Applicant will also obtain SDDOT Highway Access and Utility Permits prior to construction, and contractors will be required for right-of-way occupancy, utility crossings, road approaches, and overweight haul permits. Applicant will obtain any required county road permits, right-of-way occupancy, utility crossings, road approaches, and overweight loads from Deuel County prior to beginning construction activities for which the permit is required. Applicant will obtain applicable road use agreements and implement specific road protection practices. Applicant will develop a Temporary Traffic Control Plan in accordance with the most recent edition of the Manual on Uniform Traffic Control Devices as published by the Federal Highway Administration.

**D. The proposed facility will not 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.**

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<sup>47</sup> EH A-1, Appendix N, page 10.

<sup>48</sup> EH A-18 Condition 28 and 29.

<sup>49</sup> EH A-18, Condition 42.

<sup>50</sup> EH A-18, Condition 4.

<sup>51</sup> EH A-18, Condition 43.

<sup>52</sup> EH A-1, Section 11, pages 106 through 108.

<sup>53</sup> EH A-18, Condition 25.

<sup>54</sup> EH A-18, Section 15.4, pages 116 through 119.

66. The Commission must give due consideration to the views of the affected local units of government pursuant to SDCL 49-41B-22(4), though “[a]n applicant for an electric transmission line, a solar energy facility, or a wind energy facility that holds a conditional use permit from the applicable local units of government is in compliance with this subdivision.”
67. The Project will be built in Deuel County, SD.<sup>55</sup>
68. On September 11, 2023, Applicant was granted a conditional use permit by Deuel County for the South Deuel Wind Project, including the Gen-Tie Line.<sup>56</sup> Given Applicant holds a conditional use permit from the affected local unit of government, Applicant has demonstrated, pursuant to SDCL 49-41B-22(4), that the Project will not unduly interfere with the orderly development of the region.

**E. GENERAL**

69. Applicant has furnished all information requires by the applicable statutes and Commission regulations.
70. Applicant has satisfied their burden of proving all of the requirements imposed by SDCL 49-41B-22 for issuance of the permit to construct by the preponderance of the evidence.
71. The Commission finds that the Permit Conditions attached hereto and incorporated herein by reference are supported by the record, are reasonable, and will help ensure that the Project will meet the standards established in SDCL 49-41B-22 for approval of a construction permit. The Commission finds the Permit Conditions should be adopted.
72. The Commission finds that the Project, if constructed in accordance with the Permit Conditions of this decision, will comply with all applicable laws and rules, including all requirements of SDCL Chapter 49-41B and ARSD Chapter 20:10:22.
73. The Commission finds that the Project, if constructed in accordance with the Permit Conditions of this decision, will not pose an unacceptable threat of serious injury to the environment nor to the social and economic conditions of inhabitants or expected inhabitants in the siting area.
74. The Commission finds that the Project, if constructed in accordance with the Permit Conditions of this decision, will not substantially impair the health, safety or welfare of the inhabitants in the siting area.
75. The Commission finds that the Project, if constructed in accordance with the Permit Conditions of this decision, will not unduly interfere with the orderly

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<sup>55</sup> EH A-1 page 9, paragraph 1.

<sup>56</sup> EH A-1, Appendix B, page 2-3.

development of the region with due consideration having been given to the views of the governing bodies of the affected local units of government.

76. The Commission finds that the Intervenor has not presented evidence sufficient to deny a permit under the applicable statutes and Commission regulations.
77. The Commission finds that a permit to construct the Project should be granted subject to the attached Permit Conditions.
78. To the extent that any Conclusion of Law set forth below is more appropriately a finding of fact, that Conclusion of law is incorporated herein by reference as a Finding of Fact as if set forth in full herein.
79. To the Extent that any Finding of Fact in this decision is determined to be a Conclusion of Law or a mixed finding of fact and conclusion of law, the same is incorporated herein by this reference as a Conclusion of Law as if set forth in full herein.

Based on the foregoing Findings of Fact and the entire record in this proceeding, the Commission hereby makes the following:

#### **CONCLUSIONS OF LAW**

1. The Commission has jurisdiction to consider the Application under SDCL Chapter 49-41B.
2. The South Deuel Wind Project proposed by Applicant is a wind energy facility as defined by SDCL 49-41B-2(13).
3. The approximately 6-mile, 345 kV Gen-Tie Line included in the Application for the Project is a transmission line as defined by SDCL 49-41B-2.1(1).
4. The Application, submitted by the Applicant, as amended and supplemented throughout the proceedings in this matter, meets the criteria required by SDCL 49-41B-24 and 49-41B-25, and ARSD Chapter 20:10:22.
5. The Commission concludes that it possessed the authority under SDCL 49-41B-24 and 49-41B-25 to impose conditions on the construction, operation, and maintenance of the Project, that the Conditions set forth in the attached Permit Conditions are supported by the record, are reasonable, and will help ensure that the Project will meet the standards established for approval of a construction permit for the Project, including the Gen-Tie Line, as set forth in SDCL 49-41B-22 and that the Permit Conditions are hereby adopted.
6. The Commission concludes that it needs no other information to assess the impact of the proposed Project, including the Gen-Tie Line, or to determine if Applicant has met its burden of proof.

7. The Commission satisfied the hearing and notice requirements in SDCL Chapter 49-41B.
8. Applicant satisfied the Applicable notice requirements in SDCL Chapter 49-41B.
9. All other applicable procedural requirements in SDCL Chapter 49-41B have been met.
10. Applicant has demonstrated the proposed Project, including the Gen-Tie Line, will comply with all applicable laws and rules.
11. When considered with all Permit Conditions, Applicant has demonstrated that the Project, including the Gen-Tie Line, will not pose a threat of serious injury to the environment nor to the social and economic condition of the inhabitants or expected inhabitants in the siting area.
12. When considered with all Permit Conditions, Applicant has demonstrated that the Project, including the Gen-Tie Line, will not substantially impair the health, safety or welfare of the inhabitants.
13. When considered with all Permit Conditions, Applicant has demonstrated that the Project, including the Gen-Tie Line, will not unduly interfere with the orderly development of the region with due consideration having been given to the views of the governing bodies of the affected local units of government.
14. Applicant must comply with the applicable requirements in the Deuel County ordinance.
15. The standard of proof is by a preponderance of the evidence. Applicant has met its burden of proof imposed by SDCL 49-41B-22 for the issuance of the permit to construct by the preponderance of the evidence and is entitled to a permit to construct as provided in SDCL 49-41B-24 and 49-41B-25.
16. Based on the preponderance of the evidence in the record, the Commission concludes that all of the requirements of SDCL 49-41B-22 have been satisfied.
17. The Commission thus concludes that the Application should be granted, and a facility permit should be issued for the Project, including the Gen-Tie Line. For the reasons stated in these Findings of Fact and Conclusions of Law, the Commission grants the permit to construct requested in the Application, subject to the Permit Conditions.