

**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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**DEUEL HARVEST WIND ENERGY
SOUTH LLC’S RESPONSE TO MS.
HAMANN POINDEXTER**

EL24-023

Deuel Harvest Wind Energy South LLC (“South Deuel Wind”) submits this response to Arla Hamann Poindexter’s letter in opposition to South Deuel Wind’s 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”). South Deuel Wind appreciates Ms. Hamann Poindexter’s review of South Deuel Wind’s materials it filed related to this request. Her filing provides South Deuel Wind the opportunity to clarify its request and to address her concerns.

Condition No. 4

Ms. Hamann Poindexter expresses concern that landowners in the construction area and within a .5-mile radius would not receive 14 days’ notice of the construction. South Deuel Wind is mindful of the timing of written orders from the Commission, which prompted its request for a partial exemption from Condition No. 4. If the Commission were to grant South Deuel Wind’s request, South Deuel Wind will mail notice to landowners within one-half mile of the construction

areas for Turbine Nos. 37 and 38 no later than July 18, 2025.¹ This will meet the 14-day timeline in the condition.

Condition No. 7

Ms. Hamann Poindexter expresses concern that South Deuel Wind may use township or Deuel County roads without coordinating with these local units of government. As noted in the request, only State roads will be used. These roads include Interstate 29, State Highway 22, and State Highway 15. South Deuel Wind is coordinating with the South Dakota Department of Transportation regarding the work. South Deuel Wind notes further that it is not performing any work in the roadways and is utilizing an existing field entrance off of State Highway 15. In the very unlikely event township or County road use is required, South Deuel Wind will coordinate with and obtain any requisite approval prior to such use.

Condition No. 14

Ms. Hamann Poindexter raises a concern about Condition No. 14 regarding the scope of the Stormwater Pollution Prevention Plan (SWPPP) required for the limited scope of work for installation of mud mats at Turbine Nos. 37 and 38. Because there will not be construction done outside of the limited construction area footprint depicted in Appendix A to South Deuel Wind's supplemental request, South Deuel Wind maintains that a SWPPP for its construction activities is appropriate and that implementing a SWPPP for areas outside of its construction activities is unnecessary.

¹ South Deuel Wind will also mail written notice to Ms. Hamann Poindexter, whose residence is located approximately 5.5 miles away from the proposed construction activities.

Condition No. 29

Ms. Hamann Poindexter does not object to the requested narrow exemption. South Deuel Wind has provided the information applicable to the subgrade work for the mud mats.²

Federal Aviation Administration (FAA) and Department of Defense (DoD)

Ms. Hamann Poindexter notes that FAA determinations of no hazard and an agreement with the DoD agreements are outstanding. Because none of the proposed mud mat work involves the erection of towers, the FAA and DoD processes are not relevant to the request for exemptions.

Federal Legislation

Lastly, Ms. Hamann Poindexter raises questions regarding the benefit of tax credits to South Deuel Wind. The Project's commitments to the community and its desire to preserve tax credits are fully consistent. South Deuel Wind's goals are to minimize the cost of the Project and the energy it produces to ensure it becomes fully operational and the Project's economic benefits accrue to the State and Deuel County.

² The closest non-participating residence is 3,790 feet from Turbine No. 37; and 3,488 feet from Turbine 38.

CONCLUSION

South Deuel Wind respectfully requests that the Commission grant its request for partial exemptions, as indicated in its prior filings, on an expedited basis.

Dated this 14th day of July 2025.

By /s/ Lisa M. Agrimonti

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