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THE PUBLIC UTILITIES COMMISSION

FEB 11 2005

OF THE STATE OF SOUTH DAKOTA SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

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IN THE MATTER OF THE FILING BY
NAVITAS ENERGY REGARDING ITS
NOTIFICATION OF INTENT TO APPLY
FOR A PERMIT FOR AN ENERGY CONVERSION
FACILITY

EL05-001

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Transcript of Proceedings
February 8, 2005

ORIGINAL

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BEFORE THE PUBLIC UTILITIES COMMISSION,
GARY HANSON, CHAIRMAN
BOB SAHR, VICE CHAIRMAN
DUSTY JOHNSON, COMMISSIONER

COMMISSION STAFF
Rolayne Ailts Wiest
John Smith
Karen Cremer
Greg Rislov
Harlan Best
Keith Senger
Dave Jacobson
Michele Farris
Tina Douglas
Heather Forney
Pam Bonrud
Martin Bettmann
Steve Wegman

Reported By Cheri McComsey Wittler, RPR, CRR

PRECISION REPORTING
L I M I T E D

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APPEARANCES BY TELEPHONE

David Fierst
Marcus DaCuna
Donna Collins
Mary Lohnes
Gary Miners
Melaine Acord
Suzan Stewart
Colleen Sevold
John Miller
Al Koeckeritz
John Burke
Mark Stacy

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TRANSCRIPT OF PROCEEDINGS, held in the
above-entitled matter, at the South Dakota State
Capitol, Room 468, 500 East Capitol Avenue, Pierre,
South Dakota, on the 8th day of February 2005,
commencing at 1:30 p.m.

1 CHAIRMAN HANSON: EL05-001, In the
2 matter of the filing of Navitas Energy regarding
3 its notification of intent to apply for a permit
4 for an energy conversion facility.

5 The question before the Commission today is
6 shall the Commission designate a local review
7 committee and, secondly, what areas shall be
8 designated as the affected area.

9 Representatives from Navitas, Mr. DaCuna.

10 MR. DACUNA: Yes, Mr. Chairman.
11 Thank you for taking our call and possibly
12 accepting our filing. Our only comment is in
13 response to the proposal to make the affected area
14 for the permitting to encompass all the surrounding
15 townships around the project, and provided that it
16 is in line with the Commission's questionable
17 support for renewable energy, mainly wind energy, I
18 think it would work for us.

19 CHAIRMAN HANSON: All right. Thank
20 you for that, sir. You understand what we are
21 proceeding with today is to designate a local
22 review committee.

23 MR. DACUNA: Correct, yeah. The
24 local review committee as of last week I assumed
25 was going to be 10 miles radius from a certain

1 point in the middle of the footprint of the wind
2 farm, and as of this morning I received notice that
3 it would probably be changing to the surrounding
4 eight townships of the project and would call for
5 many more people to collect inputs from, more
6 school districts, more cities.

7 CHAIRMAN HANSON: That will be the
8 second question that we will be examining at this
9 time and probably should be the first item. We
10 will receive a recommendation from staff and, yes,
11 we've been looking at the parameter, just how wide
12 an area that we would cover and we'll be going over
13 that in a minute. I don't know that it will be
14 a -- it sounds from your voice inflection that you
15 might be concerned with it being a little
16 cumbersome. I certainly don't believe that the
17 action by the Commission today will make it so. We
18 just want to make certain that we abide by the law
19 and that we do provide for an opportunity for those
20 persons who are in the area to have the sufficient
21 opportunity to make comment.

22 MR. DACUNA: That's correct, sir.

23 CHAIRMAN HANSON: All right. Is
24 there anyone from staff to address this item?

25 MS. FARRIS: Yes. Thank you,

1 Chairman Hanson. This is Michelle Farris. On
2 January 13, 2005 Navitas Energy filed a notice of
3 intent to construct a 200 megawatt wind farm. The
4 footprint for a wind farm is significantly
5 different than an energy conversion facility. A
6 lot more area is encompassed by their siting area.

7 And generally when we do look at an affected
8 area we do use a 10-mile radius. However, in this
9 case since the footprint is more of a square, we
10 have looked at the map and I provided a map for
11 each of you and it is staff's opinion that a more
12 square affected area is better in this case. And
13 what we've looked at doing is encompassing all of
14 the townships that are on the perimeter of the
15 Sherman Township and those townships would be the
16 Argo Township, Afton Township, Aurora Township,
17 Alton Township, Richland Township, and
18 Lake Hendricks Township, and Oak Lake Township.
19 They're all around the periphery of the siting
20 area.

21 And included in those townships would be three
22 school districts; the Deubrook, the Brookings, and
23 the Elkton School Districts. All of those
24 townships are located in Brookings County. And
25 there would be four communities that would be

1 included in that area, which would be the cities of
2 White, Brookings, and Aurora, and the town of
3 Bushnell, and that's what staff would recommend as
4 the affected area.

5 CHAIRMAN HANSON: Thank you,
6 Michele. Are there any questions by members of the
7 Commission at this juncture?

8 If not, thank you. Mr. DaCuna, did you have
9 anything to add at this time?

10 MR. DACUNA: No, sir.

11 CHAIRMAN HANSON: All right. Thank
12 you. I have a Motion to read before the Commission
13 at this time.

14 The Motion is I move that the Commission
15 designate the affected area for Navitas Energy
16 Incorporated's proposed wind farm energy conversion
17 facility to be the area in Brookings County
18 encompassing that portion of Argo Township not
19 located within the Estelline School District and
20 all of Afton, Aurora, Alton, Richland, Lake
21 Hendricks, Oak Lake, and Sherman Townships, and the
22 City of Brookings which is adjacent to Aurora
23 Township. Included in this area are the cities of
24 Aurora, Brookings, Bushnell, and White, and
25 portions of Brookings, Elkton, Deubrook School

1 Districts.

2 I further move that the Commission designate
3 the persons holding the following offices to serve
4 as ex officio as local review committee for Navitas
5 Energy's proposed project: Chairman of the
6 Brookings County Commission, presidents of the
7 school boards of Brookings School District 05-1,
8 Elkton School District 05-3, and Deubrook School
9 District 05-6, the mayors of the cities of Aurora,
10 Brookings, Bushnell, and White, and lastly a person
11 appointed by Navitas Energy, Incorporated.

12 I further move that any person on the
13 committee who ceases to hold such office or
14 appointment shall be replaced on the committee by
15 his or her successor who shall promptly notify the
16 Commission of such succession.

17 Is there a second?

18 VICE CHAIRMAN SAHR: Second.

19 COMMISSIONER JOHNSON: I concur.

20 CHAIRMAN HANSON: The Motion
21 carries.

1 STATE OF SOUTH DAKOTA)

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CERTIFICATE

3 COUNTY OF HUGHES)

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5 I, CHERI MCCOMSEY WITTLER, a Registered
6 Professional Reporter and Notary Public in and for the
7 State of South Dakota:

8 DO HEREBY CERTIFY that as the duly-appointed
9 shorthand reporter, I took in shorthand the proceedings
10 had in the above-entitled matter on the 8th day of
11 February 2005, and that the attached is a true and
12 correct transcription of the proceedings so taken.

13 Dated at Pierre, South Dakota this 11th day
14 of February 2005.

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18 Cheri McComsey Wittler,
19 Notary Public and
20 Registered Professional Reporter