

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

**IN THE MATTER OF THE APPLICATION BY)
CROCKER WIND FARM, LLC FOR A)
PERMIT OF A WIND ENERGY FACILITY)
AND A 345 KV TRANSMISSION LINE IN)
CLARK COUNTY, SOUTH DAKOTA, FOR)
CROCKER WIND FARM)**

**ORDER FOR
AND NOTICE OF
EVIDENTIARY HEARING**

EL17-055

On December 15, 2017, Crocker Wind Farm, LLC filed with the South Dakota Public Utilities Commission (Commission) an Application for an energy facility permit and a 345 kV Transmission Line (Projects) to construct the Crocker Wind Farm, a wind energy facility located on located on approximately 29,331 acres of privately owned land in Clark County, South Dakota, approximately 8 miles north of Clark, South Dakota. The proposed Projects includes up to 120 wind turbines, associated access roads, a new collector substation, an operations and maintenance facility, and associated 345 kilovolt ("kV") transmission in Clark County, South Dakota. The Projects will result in the installation of approximately 5.2 miles of overhead transmission that will be wholly located within the Wind Farm's boundary. The Transmission Line Route will run from a substation in Section 30 of Township 119N, Range 58W to the Point-of-Interconnect ("POI"), which is located approximately 2 miles north of the town of Crocker in Section 9 of Township 119N, Range 58W. Two routing options from the substation in Section 30 are under consideration. At the POI, the power will transfer to the Basin Electric Groton-to-Watertown 345 kV transmission line, part of the Southwest Power Pool, Inc. / Western Area Power Administration Transmission line portfolio in Clark County, South Dakota. The Projects would generate utility scale electric power for residential, commercial, and industrial consumers.

On February 5, 2018, the Commission held a public input hearing regarding the Projects. On February 26, 2018, the Commission issued a procedural schedule and granted party status to 64 individuals, each represented by a law firm. On March 28, 2018, 62 individuals moved to withdraw their party status.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-41B and ARSD Chapter 20:10:22. The Commission may rely upon any or all of these or other laws of this state in making its determination.

A hearing will be held by the Commission on Wednesday, May 9, 2018, through Friday, May 11, 2018, beginning at 9:00 A.M. CDT, with marking exhibits to begin 8:00 A.M. CDT, on May 9, 2018, in the Matthew Training Center, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota.

At the hearing, each party will be permitted to present an opening statement summarizing the evidence that such party will offer into evidence and to briefly and concisely state the issues involved in the case.

The issue at the hearing, as set forth in SDCL 49-41B-22 is determining:

1. Whether the proposed Project will comply with all applicable laws and rules;
2. Whether the Project will 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;
3. Whether the Project will substantially impair the health, safety or welfare of the inhabitants; and
4. Whether the Project will 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. Based upon these factors, the Commission will decide whether the

permit should be granted, denied, or granted upon such terms, conditions, or modifications of the construction, operation, or maintenance as the Commission finds appropriate.

Based upon these factors, the Commission will decide whether the permit should be granted, denied, or granted upon such terms, conditions or modifications of the construction, operation or maintenance as the Commission finds appropriate, including the appropriate bond amount under SDCL 49-41B-38.

The hearing will be a quasi-judicial adversarial proceeding conducted pursuant to SDCL Chapter 1-26. At such formal hearing, all parties will have the opportunity to appear, present evidence, and cross-examine the other parties' witnesses and exercise all other rights afforded by SDCL Chapters 1-26, 49-1, and 49-41B and ARSD Chapters 20:10:01 and 20:10:22, including rights of appeal to the courts. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights may be forfeited if not exercised at the hearing. All persons testifying will be subject to cross-examination. The Commission's final decision will be based solely on testimony and evidence introduced and received in evidence at the hearing. If a party or its representative fails to appear at the time and place set for the hearing, a decision may be issued by default pursuant to SDCL 1-26-20. As a result of this hearing, the Commission will make a decision, including findings of fact and conclusions of law, on the issue set forth above. The Commission's final decision may be appealed by the parties to the Circuit Court and the Supreme Court as provided by law. It is therefore

ORDERED, that a hearing will be held by the Commission on Wednesday, May 9, 2018, through Friday, May 11, 2018, beginning at 9:00 A.M. CDT, with marking exhibits to begin 8:00 A.M. CDT, on May 9, 2018, in the Matthew Training Center, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota.

A copy of the Application is on file with the Clark, Day, and Spink County Auditors pursuant to SDCL 49-41B-15(5) and at the Commission's office in Pierre. The Application and all other documents in the case, including detailed maps of the Projects, may be accessed on the Commission's web site at www.puc.sd.gov under Commission Actions, Commission Dockets, Electric Dockets, 2017 Electric Dockets, EL17-055 or by contacting the Commission in person at the Capitol Building, 500 E. Capitol Ave., Pierre, SD, or by phone at (605) 773-3201 or (800) 332-1782.

Pursuant to the Americans with Disabilities Act, these hearings will be held in physically accessible locations. Please contact the Public Utilities Commission at (605) 773-3201 or (800) 332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 11th day of April 2018.

CERTIFICATE OF SERVICE	
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically or by mail.	
By:	<u>Adam DeHueck</u>
Date:	<u>4/11/18</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Kristie Fiegen

KRISTIE FIEGEN, Chairman

Gary Hanson

GARY HANSON, Commissioner

Chris Nelson

CHRIS NELSON, Commissioner