

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

IN THE MATTER OF THE APPLICATION ) OF FLYING COW WIND, LLC FOR A ) FACILITY PERMIT TO CONSTRUCT A ) 345 KV TRANSMISSION LINE AND ) ASSOCIATED FACILITIES IN DEUEL ) COUNTY ) )	NOTICE OF APPLICATION; ORDER FOR AND NOTICE OF PUBLIC INPUT HEARING; NOTICE OF OPPORTUNITY TO APPLY FOR PARTY STATUS  <b>EL18-045</b>
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On October 24, 2018, the South Dakota Public Utilities Commission (Commission) received a facility permit application (Application) from Flying Cow Wind, LLC (FCW or Applicant), a wholly-owned subsidiary of Roaring Fork Wind, LLC, the joint venture formed by subsidiaries of its affiliate Renewable Energy Systems Americas, Inc. and Vestas Wind Systems A/S. FCW proposes to construct approximately 10.42 miles of 345-kilovolt (kV) overhead transmission line, a substation, and associated facilities (Project) located entirely within Deuel County, South Dakota. The starting point of the transmission line for the Project is proposed to be located in Government Lot 2 of Section 34 in Township 114N, Range 47W, Norden Township. The ending point will be in the NW 1/4 of Section 22, Township 113N, Range 48 West, Scandinavia Township. The Project is expected to be in service by the third quarter of 2020. FCW estimates the total construction cost of the proposed Project to be approximately \$19.85 million.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-41B and ARSD Chapter 20:10:22.

Pursuant to SDCL 49-41B-15 and 49-41B-16, **the Commission will hold a public input hearing on Tuesday, December 18, 2018, at 5:30 p.m., CST, at the Deubrook Elementary School Gymnasium, 695 Palisades Avenue, Toronto, South Dakota.**

The purpose of the public input hearing will be to hear public comments regarding the Application and the Project. At the hearing, FCW will present a brief description of the Project, after which interested persons may appear and present their views, comments, and questions regarding the Application. A copy of the Application is on file with the Deuel County Auditor 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 Project, may be accessed on the Commission's web site at [www.puc.sd.gov](http://www.puc.sd.gov) under Commission Actions, Commission Dockets, Electric Dockets, 2018 Electric Dockets, EL18-045 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 SDCL 49-41B-17 and ARSD 20:10:22:40, the parties to this proceeding are currently the Applicant and the Commission. Any person residing in the area of the Project; each municipality, county, and governmental agency in the area where the Project is proposed to be sited; any non-profit organization formed in whole or in part to promote conservation or natural beauty, to protect the environment, personal health or other biological values, to preserve historical sites, to promote consumer interests, to represent commercial and industrial groups, or to promote the orderly development of the area in which the Project is to be sited; or any interested person, may be granted party status in this proceeding by making written application to the Commission. Applications for party status will be available at the public input hearing or may be obtained from the Commission's web site or by contacting the Commission. **Applications for party status must be received by the Commission on or before 5:00 p.m.,**

**CST, December 26, 2018.** The Commission will also be accepting comments in writing from anyone, either by mail, personal delivery, or e-mail right up until the time of the decision. You only need to apply for party status if you want to participate formally in the case by putting on actual testimony or other factual evidence, conducting discovery, cross-examining witnesses, making legal arguments, and to preserve your right to appeal to the courts if you do not believe the Commission's decision is legally correct.

Following the public input hearing, the Commission may schedule a formal evidentiary hearing conforming to SDCL Chapter 1-26 to consider issues raised by any intervening party, the Commission's staff, or the Commission itself. At such a 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.

For approval, FCW must show that the proposed Project will comply with all applicable laws and rules, 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, will not substantially impair the health, safety or welfare of the inhabitants, and 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. Based upon these factors, the Commission will decide whether a permit to construct should be granted, denied, or granted upon such terms, conditions, or modifications of the construction, operation, or maintenance as the Commission finds appropriate. It is therefore

**ORDERED**, that the Commission will hold a public input hearing on the Application and Project on **December 18, 2018, 5:30 p.m., CST, at the Deubrook Elementary School Gymnasium, 695 Palisades Avenue, Toronto, South Dakota.** It is further

**ORDERED**, that pursuant to SDCL 49-41B-17 and ARSD 20:10:22:40, **applications for party status must be filed on or before 5:00 p.m., CST, on December 26, 2018.**

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 27<sup>th</sup> day of October 2018.

<b>CERTIFICATE OF SERVICE</b>
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 de Huelk</u>
Date: <u>10/26/18</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Kristie Fiegen  
KRISTIE FIEGEN, Chairman

Gary Hanson  
GARY HANSON, Commissioner

Chris Nelson  
CHRIS NELSON, Commissioner