

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

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| IN THE MATTER OF THE APPLICATION BY |) | ORDER GRANTING JOINT |
| WIND QUARRY OPERATIONS, LLC, FOR A |) | MOTION FOR APPROVAL OF |
| WIND ENERGY FACILITY PERMIT FOR THE |) | STIPULATION AND ADOPTING |
| WILLOW CREEK WIND ENERGY FACILITY |) | STIPULATION |
| AND ASSOCIATED FACILITIES |) | |
| |) | EL15-020 |

On May 27, 2015, Wind Quarry Operations, LLC (Wind Quarry), filed with the South Dakota Public Utilities Commission (Commission) an Application for a Wind Energy Facility Permit (Application) to construct the Willow Creek Wind Energy Facility (Project), a 103-megawatt (MW) nameplate capacity wind energy facility located on approximately 40,000 acres of privately-owned land in Butte County, South Dakota (Project Area), approximately 10 miles northeast of Newell, South Dakota. The proposed Project includes approximately 45 wind turbines, associated access roads, a new collector substation, an operations and maintenance (O&M) facility, and associated transmission interconnection facilities. The Project would interconnect to the U.S. Department of Energy Western Area Power Administration's Maurine to Rapid City 115-kilovolt (kV) transmission line, which extends through the Project Area. The Project would generate utility scale electric power for residential, commercial, and industrial consumers.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-41B, specifically, 49-41B-1, 49-41B-4, 49-41B-22, 49-41B-25 and ARSD 20:10:01:19 and Chapter 20:10:22.

On May 27, 2015, the Commission electronically transmitted notice of the filing and the intervention deadline of July 27, 2015, to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. On July 9, 2015, the Commission held a public input hearing in Newell, South Dakota. No petitions to intervene or applications for party status were filed. On November 16, 2015, the Commission issued an Order Granting Joint Motion for Approval of Settlement Stipulation and Granting Permit to Construct Facilities. On October 17, 2018, Willow Creek Wind Power LLC, filed a Motion for Approval of Transfer of Permit and Acceptance of Turbine and Layout Changes, which was approved by the Commission by order dated November 21, 2018, and the permit was transferred to Willow Creek Wind Power, LLC (Willow Creek) with Pattern Renewables 2 LP having 100% of the membership interest in Willow Creek. On July 17, 2019, Willow Creek filed a motion for approval of transfer of the permit to Lincoln Clean Energy, LLC, as a result of Lincoln Clean Energy acquiring 100% of the membership interest in Willow Creek and the motion was approved by the Commission in its August 8, 2019 order. On August 8, 2019, Commissioner Nelson filed a letter in the docket requesting Willow Creek and Commission Staff (Staff) to consider revising the language in condition 32 of the Settlement Stipulation to clarify that participating landowners have access to the decommissioning bond proceeds. On September 4, 2019, Staff and Willow Creek filed a Joint Motion for Approval of Stipulation and a Stipulation revising condition 32.

At its regularly scheduled meeting on September 17, 2019, the Commission considered whether to grant the Joint Motion for Approval of Stipulation and adopt the Stipulation revising condition 32. Finding that the revised condition 32 language in the Stipulation properly clarified that participating landowners can access decommissioning bond proceeds and having received

a commitment from Lincoln Clean Energy that the decommissioning bond would remain in effect for the life of the project; the Commission voted unanimously to grant the Joint Motion for Approval of Stipulation and adopted the Stipulation.

It is therefore

ORDERED, that the Joint Motion for Approval of Stipulation is granted, and the Commission adopts the Stipulation revising condition 32. The Stipulation is incorporated by reference into this Decision and Order the same as if it had been set forth in its entirety herein. Further, the Stipulation adopted herein only replaces condition 32 of the Settlement Stipulation approved by the Commission on November 16, 2015, with the remainder of the Settlement Stipulation being left intact.

Dated at Pierre, South Dakota, this 23rd day of September 2019.

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| 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. |
| By: <u>Adam DeHueck</u> |
| Date: <u>9/23/19</u> |
| (OFFICIAL SEAL) |

BY ORDER OF THE COMMISSION:

Gary Hanson

GARY HANSON, Chairman

Chris Nelson

CHRIS NELSON, Commissioner

Kristie Fiegen

KRISTIE FIEGEN, Commissioner