

Telephonically and Kilby filed a Motion to Compel Deuel Harvest's Responses and Production of Documents. On April 3, 2019, Applicant filed a letter to amend its Motion to Exclude Portions of Testimony and/or Exhibits of Intervenors dated March 28, 2019. On April 4, 2019, Staff filed a Response to Deuel Harvest's Motion to Exclude Testimony Related to Local Land Use Decisions, a Response Deuel Harvest's Motion to Exclude Portions of Testimony and/or Exhibits of Intervenors, and a Response to Allow Telephonic Testimony. On April 9, 2019, Kilby filed a response to the Motion to Compel and an Opposition to Motion to Exclude Testimony Related to Local Land Use Decisions; Deuel Harvest filed a letter regarding telephonic testimony and a Response to the Motion to Compel.

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.

At an ad hoc hearing on April 10, 2019, the Commission considered this matter. According to the parties, the following Kilby data requests are still unresolved: 1-7, 1-8, 1-45, 1-54, 1-55, and 1-59. Having heard the arguments and admissions of the parties, having considered all the written and oral arguments of the parties and counsel, the Commission unanimously voted to grant the Motion to Compel as to 1-8 and to grant the Motion to Compel with modifications to 1-7, 1-54, 1-55, and 1-59. Further, the Commission unanimously voted to deny 1-45. It is therefore

ORDERED, that Kilby's Motion to Compel 1-7 is granted to the extent that Deuel Harvest shall provide the information, as modified by Ms. Kilby to only those communications that have occurred since the previous disclosure. It is further

ORDERED, that Kilby's Motion to Compel 1-8 is hereby granted. It is further

ORDERED, that Kilby's Motion to Compel 1-45 is hereby denied. It is further

ORDERED, that Kilby's Motion to Compel 1-54 is granted to the extent that Deuel Harvest shall provide the information requested for the past five years. It is further

ORDERED, that Kilby's Motion to Compel 1-55 is granted to the extent that Deuel Harvest shall provide the information requested for reported and/or logged complaints. It is further

ORDERED, that Kilby's Motion to Compel 1-59 is granted to the extent that Deuel Harvest shall provide the information requested for reported and/or logged complaints for the past five years. It is further

ORDERED, that Deuel Harvest shall provide the above-referenced information by 12:00 p.m., CDT, on Friday, April 12, 2019.

Dated at Pierre, South Dakota, this 12th day of April 2019.

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: Karen E. Cremer

Date: 4/12/19

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Gary Hanson

GARY HANSON, Chairperson

Chris Nelson

CHRIS NELSON, Commissioner

Kristie Fiegen

KRISTIE FIEGEN, Commissioner