

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

**IN THE MATTER OF THE APPLICATION)
BY TATANKA RIDGE WIND, LLC FOR A)
PERMIT OF A WIND ENERGY FACILITY IN)
DEUEL COUNTY)**

**ORDER FOR AND NOTICE OF
EVIDENTIARY HEARING**

EL19-026

On June 17, 2019, the South Dakota Public Utilities Commission (Commission) received an Application for a Facility Permit (Application) from Tatanka Ridge Wind Farm, LLC (Tatanka or Applicant), a subsidiary of Avangrid Renewables, LLC. Tatanka proposes to construct a wind energy facility to be located in Deuel County, South Dakota, known as the Tatanka Ridge Wind Farm Project (Project). The Project would be situated within an approximately 27,900-acre project area, located near the Towns of Toronto and Brandt (Project Area). The Project Area is in Blom, Brandt, Grange, Hidewood, and Scandinavia Townships. The total installed capacity of the Project would be approximately 155 megawatts (MW) of nameplate capacity. The proposed Project includes up to 56 wind turbine generators, access roads to turbines and associated facilities, above/underground electrical collector lines, communication systems, a collection substation, one permanent meteorological tower, less than 0.5-mile long 345-kV gen-tie line connecting the Project, and an operations and maintenance facility. The Project would interconnect to the regional electric grid via the Astoria substation, a new Otter Tail Power Company interconnection substation scheduled to be operational in 2020, located in Scandinavia Township. Tatanka has entered into two purchase power agreements, one with Google for 98 MW and one with Dairyland Power Cooperative for the balance. The Project is expected to be completed in 2020. Applicant estimates the total construction cost to be \$216 million.

On June 20, 2019, the Commission electronically transmitted notice of the filing and the intervention deadline of August 16, 2019, to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. On August 7, 2019, the Commission held a public input meeting in Toronto, South Dakota. No applications for Party Status were received by the Commission. On October 4, 2019, Commission staff (staff) and Tatanka filed a Joint Motion for Approval of Settlement Stipulation and a Settlement Stipulation resolving all issues except for the funding for the decommissioning of the Project. On October 9, 2019, staff filed its Memorandum in Support of the Settlement Stipulation. On October 15, 2019, the Commission considered the Settlement Stipulation and voted unanimously to grant the Joint Motion for Approval of Settlement Stipulation and approve the Settlement Stipulation with the exception of proposed conditions 26 and 36. The Commission also reserved for future consideration the issue of a permit condition related to protection of whooping cranes.

The Commission finds it has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-41B and ARSD Chapters 20:10:01 and 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 beginning at 9:00 a.m., CST, Monday, November 4, 2019, in Room 413, State Capitol Building, 500 E. Capitol Ave., Pierre, South Dakota.

At the hearing, each party will be permitted to present an opening statement regarding the funding for the decommissioning of the Project, cumulative noise impacts, the risk associated with ice throw, the risk to whooping cranes, and to summarize the evidence that such party will offer into evidence in the case.

The issues to be determined by the Commission, as set forth in SDCL 49-41B-22, are:

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 or 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.

The hearing will be a quasi-judicial adversarial proceeding conducted pursuant to SDCL Chapter 1-26. All parties will have the opportunity to appear, present evidence, cross-examine the other parties' witnesses, and exercise all other rights afforded by SDCL Chapters 1-26, 49-1, 49-41B, and ARSD Chapters 20:10:01 and 20:10:22. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights will 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 the testimony and evidence offered and received into 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 issues 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 beginning at 9:00 a.m., CST, Monday, November 4, 2019, in Room 413, State Capitol Building, 500 E. Capitol Ave., Pierre, South Dakota.

Pursuant to the Americans with Disabilities Act, this hearing is being held in physically accessible location. 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 22nd day of October 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:	<u>Adam DeHueck</u>
Date:	<u>10/22/19</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Gary Hanson

GARY HANSON, Chairman

Chris Nelson

CHRIS NELSON, Commissioner

Kristie Fiegen

KRISTIE FIEGEN, Commissioner