

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

**IN THE MATTER OF THE APPLICATION)
BY CROWNED RIDGE WIND II, LLC FOR)
A PERMIT OF A WIND ENERGY)
FACILITY IN DEUEL, GRANT AND)
CODINGTON COUNTIES)**

**ORDER FOR AND NOTICE OF
EVIDENTIARY HEARING**

EL19-027

On July 9, 2019, the South Dakota Public Utilities Commission (Commission) received an Application for a Facility Permit (Application) from Crowned Ridge Wind II, LLC (Crowned Ridge or Applicant), a wholly-owned, indirect subsidiary of NextEra Energy Resources, LLC. Crowned Ridge proposes to construct a wind energy conversion facility to be located in Deuel, Grant, and Codington Counties, South Dakota (Project). The Project would be situated within approximately 60,996 acres in the townships of Waverly, Kranzburg North, Kranzburg South, Troy, Rome, Goodwin, and Havana, South Dakota (Project Area). The total installed capacity of the Project would not exceed 301 megawatts (MW) of nameplate capacity. The proposed Project includes up to 132 wind turbine generators, access roads to turbines and associated facilities, underground 34.5-kilovolt (kV) electrical collector lines, underground fiber-optic cable, a 34.5-kV to 230-kV collection substation, two permanent meteorological towers, and an operations and maintenance facility. The Project will utilize the Crowned Ridge Wind II 5-mile 230-kV generation tie line and the Crowned Ridge Wind II collector substation to transmit the generation to the dead-end transmission structure adjacent to the Crowned Ridge Wind, LLC project's collector substation and conjoined to the Big Stone South 230-kV Substation, which is owned by Otter Tail Power Company. Applicant has executed a purchase and sale agreement with Northern States Power Company (NSP) to sell NSP the Project and the Facility Permits once constructed. The Project is expected to be completed in 2020. Applicant estimates the total cost of the Project to be \$425 million.

On July 11, 2019, the Commission electronically transmitted notice of the filing and the intervention deadline of September 9, 2019, to interested persons and entities on the Commission's PUC Weekly Filings electronic listserv. On July 11, 2019, the Commission issued a Notice of Application; Order for and Notice of Public Input Meeting; Notice of Opportunity to Apply for Party Status. On July 31, 2019, the Commission issued an Order Assessing Filing Fee; Order Authorizing Executive Director to Enter into Consulting Contracts; Order Granting Party Status (Amber Christenson, Kristi Mogen, Allen Robish). On August 26, 2019, the Commission issued an Order Granting Party Status (Garry Ehlebracht, Steven Greber, Mary Greber, Richard Rall, Amy Rall, and Laretta Kranz). On August 26, 2019, a public input meeting was held as scheduled. On September 20, 2019, the Commission issued an Order Granting Motion Establishing Procedural Schedule and an Order Denying Request for Confidentiality.

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, Tuesday, February 4, 2020, through Friday, February 7, 2020, with the marking of exhibits to begin at 8:30 a.m., CST, on February 4, 2020, in the Matthew Training Center, Foss Building, 523 E. Capitol Ave., 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 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 State 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, Tuesday, February 4, 2020, through Friday, February 7, 2020, with the marking of exhibits to begin at 8:30 a.m., CST, on February 4, 2020, in the Matthew Training Center, Foss Building, 523 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 1st 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>Karol E. Crema</u>
Date:	<u>10/01/19</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Chris Nelson
CHRIS NELSON, Commissioner

Kristie Fiegen
KRISTIE FIEGEN, Commissioner