

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

**IN THE MATTER OF THE APPLICATION )  
BY PREVAILING WIND PARK, LLC FOR A )  
PERMIT OF A WIND ENERGY FACILITY )  
IN BON HOMME COUNTY, CHARLES MIX )  
COUNTY AND HUTCHINSON COUNTY, )  
SOUTH DAKOTA, FOR THE PREVAILING )  
WIND PARK PROJECT )**

**ORDER GRANTING EXTENSION  
OF TIMELINE DUE TO COVID-19**

**EL18-026**

On May 30, 2018, Prevailing Wind Park, LLC (Applicant) filed an application to construct the Prevailing Wind Park Project (Project), a wind energy facility located in Bon Homme, Charles Mix and Hutchinson counties, South Dakota. The Project includes up to 61 wind turbine generators, access roads to turbines and associated facilities, underground electrical power collector lines connecting the turbines to the collection substation, an operation and maintenance facility, and temporary construction areas, including crane paths, public road improvements, a laydown yard, and a concrete batch plant(s) (as needed), and four permanent meteorological towers. The Commission issued a Final Decision and Order Granting Permit to Construct Facilities (Permit) on November 28, 2018. On April 21, 2020, Applicant filed a letter requesting extensions due to COVID-19. Specifically, Applicant requests that the timeline for applicable compliance periods per the Permit conditions be tolled until travel restrictions throughout the country due to COVID-19 are eased and that the period for compliance testing required by Condition 42 be extended from 60 days to 120 days. Condition 42 requires Applicant to submit verification of compliance with sound level requirements within 60 days of the wind farm becoming fully operational.

The Commission has jurisdiction over this matter pursuant to SDCL 49-41B.

On April 29, 2020, the Commission considered Applicant's request. Due to the difficulties presented by COVID-19, the Commission found good cause to extend the timeline required by Condition 42, but found that a more definite timeline than requested by Applicant was necessary. With Chairman Hanson dissenting, the Commission voted to set the compliance period to begin on July 1, 2020 but to deny the request to extend the time period from 60 to 120 days. It is therefore

ORDERED, that the time period for testing required by Condition 42 shall begin on July 1, 2020. It is further

ORDERED, that Applicant's request to extend the time period for testing required by Condition 42 is denied. It is further

ORDERED, that nothing in this Order shall indemnify Applicant from compliance with any permit conditions.

Dated at Pierre, South Dakota, this 5<sup>th</sup> day of May 2020.

<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 DeHueck</u>
Date: <u>05/05/2020</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

GARY HANSON, Chairman (Dissenting)

Chris Nelson  
CHRIS NELSON, Commissioner

Kristie Fiegen  
KRISTIE FIEGEN, Commissioner