

From: Gregg Hubner [REDACTED]

Sent: Saturday, July 7, 2018 12:28 PM

To: PUC-PUC <PUC@state.sd.us>

Subject: [EXT] public comments

Please post attached on Prevailing Winds Docket EL18-026

thanks

--

Gregg C. Hubner

[REDACTED]
Avon, SD 57315

001334

This will be your last opportunity to voice your opinion in person about this wind energy project that will change our community forever.

1. There are 61 turbines planned. Beethoven already has 43 turbines, which are 405 ft. tall. The new turbines are 590 ft. tall and 21 of them are located between Avon and Highway 46. Are you concerned about what 104 red blinking lights will do for our night skies? You will be able to hear at least 21 turbines when the wind and humidity are right. Are you ready for that?
2. Although they like to make it look local, Prevailing Winds is now owned by SPower, and they describe themselves as: "Owned by a joint venture partnership between AES Corporation, a worldwide energy company headquartered in Arlington, Virginia, and the Alberta Investment Management Corporation, one of Canada's largest and most diversified institutional investment fund managers." So much for "our friends and neighbors". These corporations now have property rights on tens of thousands of acres of land our grandfathers worked so hard for.
3. Legally, a 590 ft. turbine can be placed 1000 ft. from your home. You can thank the Bon Homme County Commission for this.
4. A few weeks ago, our Governor gave Prevailing Winds (S Power) 4.3 million dollars in economic development money (our tax money).
5. In August 2016, the PUC held a similar meeting for the same project in Avon. After a lot of opposition, a week or so later PW withdrew their project, saying "the motion to withdraw the application cited misinformation surrounding the project. The organizers said they plan to better inform the community on the wind project and allow Prevailing Winds to revisit their options regarding the project" (Yankton Press and Dakotan). They also said in that article that they would not break up the project into smaller units. But in December 2016 they formed 13 different LLC's and did break up the project. They had no public information meetings.
6. But after 2 years, they finally admitted the truth, on page 6, lines 133-137 of James Damon 's testimony in the present application, they stated they didn't have all the private land rights secured nor did they have a buyer for the electricity.

(page 1 of 2)

7. So, we see that the whole meeting in August of 2016 was about a bluff. The map was a bogus map, the projections of money were bogus, and the tower

locations were bogus. It was all a bluff. They were bluffing the community, the county officials and the PUC. Now they are coming back again. Is there any more reason to believe them now than two years ago?

8. Prevailing Winds estimates annual revenue to Bon Homme County at \$201,000 annually. The total taxable value in the county is \$832million dollars. So the county could receive the same amount of money if they just raised taxes 50 cents an acre (land assessed at \$2,000/acre.) Or a house assessed at \$50,000 would have a tax increase of \$12 a year. If the county really needed the money this bad, wouldn't they better do this than what another 61 wind turbines will do? Is turning the west side of our county into an industrial wind generator and some day a junkyard of wind turbines worth it, when we can keep the beautiful place we have for 50 cents an acre? Has anybody thought it through?
9. It's obvious who's making the money here, for the production tax credit for a 200 MW wind project over 10 years is \$150-160 million dollars. This goes to SPower.
10. For those of you that signed up for wind turbines and now discover you aren't going to get what you thought, maybe you should be looking at your quality of life for the next 30 years. For they have moved you into the category of "you'll have to live under them and not get paid", which is what they told you when you signed up.
11. It's all about saving the community. As I said from the beginning, wind energy is a taxpayer scam and nothing more. Nobody that gets electricity from a wind turbine doesn't already have it. I've never seen a price decrease in utility rates, only increases. The benefits are for the multinational corporations and the investors. They use us, and they use our land to get what they want.

Gregg Hubner

[REDACTED] Avon, SD 57315

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Please post on Prevailing Wind Docket EL18-026

Executive Director
South Dakota Public Utilities Commission
500 E. Capital Ave.
Pierre, SD 57501-5070

I am strongly opposed to the Prevailing Wind Project. It would forever alter and destroy the pristine environmentally stable landscape and affect every resident and landowner in the area. This would only benefit the investors.

Granting this permit would be very damaging to the area's wildlife. It would disrupt the migratory pattern of the birds and be deadly to multitudes as they fly into the blades. The many species of wildlife would be negatively impacted by turbines.

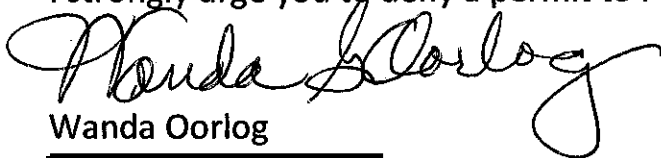
The project would cause devaluation of the land. No one would want to live in an area dotted with 590 foot turbines.

Turbines would have a negative effect on residents such as noise, health and safety issues.

It would destroy the beautiful and peaceful landscape FOREVER.

This project will only benefit the investors who don't even live in the proposed footprint. It certainly will not benefit the residents. These investors withdrew an application two years ago because of much opposition, and now are again trying to destroy this same area.

I strongly urge you to deny a permit to Prevailing Winds.



Wanda Oorlog

[REDACTED]
Frisco, TX 75034

From: Gregg Hubner [REDACTED]
Sent: Monday, July 9, 2018 3:56 PM
To: PUC-PUC <PUC@state.sd.us>
Subject: [EXT] EL18 026

I am attaching a document I would like Staff and the Commissioners to read. It takes place in Freeborn County, Minnesota, near Albert Lea. There were originally 3 families with health and noise complaints, the third one took a substantial loss on her home and moved her and her two children out. The Hagen home had the closest turbine at 1400-1500 ft. and the Langrud home was 1000 ft. away. There were 20 turbines within a mile of these homes.

Unless the PUC or the state initiates minimum 2 mile setbacks, the PUC will be flooded with complaints to deal with. As President of SDRRE, I received 3 calls about complaints in the last 4 days, one from Campbell Co, one from Coddington County and one from Charles Mix County. I should probably be sending them to the PUC.

There are health issues with wind turbines because of the noise, but mostly because of the INFRASOUND. The wind industry is trying to cover it up by always trying to get us to focus our attention on something else, like decibels. They are the masters of deceit. Will the PUC be able to guarantee our health with wind industry setbacks as they want them? NO. So then when people get sick, have to move and leave their homes, then who is to blame? The wind industry or the PUC?

Someone has to protect us. The people of South Dakota and the whole midwest are standing up against this takeover of our land and forcing us to live in unsafe environments.

--

Gregg C. Hubner

[REDACTED]
Avon, SD 57315

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Nancy Lange	Chair
Dan Lipschultz	Commissioner
Matthew Schuerger	Commissioner
Katie J. Sieben	Commissioner
John A. Tuma	Commissioner

In the Matter of the Site Permit Issued to the Wisconsin Power and Light Company for the Bent Tree Wind Project in Freeborn County, Minnesota

ISSUE DATE: June 5, 2018

DOCKET NO. ET-6657/WS-08-573

ORDER DISMISSING COMPLAINT
AND FEBRUARY 18, 2018 MOTION
WITH CONDITIONS

PROCEDURAL HISTORY

On October 20, 2009, the Commission issued a large wind energy conversion system (LWECS) site permit to Wisconsin Power and Light Company (WPL) for the approximately 200-megawatt first phase of the Bent Tree Wind Project (the Project), located in Freeborn County. The Project commenced commercial operation in February 2011.

On August 24, 2016, the Commission issued an order requiring noise monitoring and a noise study at the Project site.

During the period of September 2016 through February 2018, Bernie and Cheryl Hagen, landowners within the Project area, filed approximately 20 letters regarding health effects that they claim were caused by the Project. David Langrud, another landowner within the Project area, filed five letters during that time, two in conjunction with the Hagens (the Hagens and the Langruds are jointly referred to as the Landowners).

On September 28, 2017, Department of Commerce Energy Environmental Review and Analysis Unit (EERA) filed a post-construction noise assessment report for the Project (Phase 1 Report)¹ identifying 16 hours of non-compliance with Minnesota Pollution Control Agency (MPCA) ambient noise standards during the two-week monitoring period.

On October 11, 2017, WPL filed a letter disputing the analysis in the Phase 1 Report and arguing the Project remains in compliance with noise requirements.

On February 7, 2018, EERA filed a Phase 2 post-construction noise assessment report (Phase 2 Report) concluding that certain Project turbines are a significant contributor to exceedances of MPCA ambient noise standards at certain wind speeds.

¹ The Phase 1 and Phase 2 Noise Assessment Reports were prepared by DNV-GL.

On February 8, 2018, WPL filed a letter informing the Commission that it would respond to the Phase 2 Report at a later date and would immediately curtail three turbines that are part of the Project, two that are identified in the Phase 2 Report as T132 and T397, and located in the vicinity of the Hagen Property and one that is identified as T362 and located in vicinity of the Langrud property.

On February 20, 2018, the Landowners filed a *Motion for Order to Show Cause and for Hearing*, requesting that the Commission issue an Order to Show Cause why the site permit for the Project should not be revoked, and requesting a contested-case hearing on the matter.

On March 23, 2018, the Commission issued an *Order to Show Cause, Requiring Further Review by the Department of Commerce, and Continuing Curtailment*.

On April 19, 2018, WPL filed with the Commission a *Notice of Confidential Settlement Agreement and Joint Recommendation and Request*, under which, among other provisions: (1) WPL shall purchase each Landowner's property; (2) each Landowner shall enter into a Neighbor agreement and Easement that shall be binding on any future owners of the property; and (3) each Landowner shall release any and all past, present, and future claims against WPL. The Confidential Settlement Agreement provides that it is contingent on the Commission issuing a written order specifying the terms under which WPL agrees to take possession of the properties.

On April 30, 2018, WPL filed a response to the *Order to Show Cause*.

On May 1, 2018, the EERA filed comments on the Confidential Settlement Agreement, indicating no opposition to the request to dismiss the Complaint and terminate curtailment, nor to the condition that further noise monitoring related to Turbine Nos. T132, T397, and T362 not be required based upon the Phase 1 and Phase 2 Reports.

On May 17, 2018, the Commission met to consider the matter.

FINDINGS AND CONCLUSIONS

I. The Confidential Settlement Agreement

WPL has entered into a Confidential Settlement Agreements with each Landowner, by which the parties agree to the terms of sale of their properties to WPL, execution of easements on the property, and a release of all the Landowners' claims against WPL. The Agreement also outlines the terms by which the Agreement would be executed. The finality of the Confidential Settlement Agreements is conditioned on the Commission making specific findings on which the parties and the Department agree. These findings include, among others:

- Dismissal of the Landowners' February 20, 2018 motion and all noise-related complaints filed in this matter;
- Termination of the required curtailment of turbines T132, T397, and T362 based on the Phase 1 and 2 Reports;

- Transfer of possession of each property to WPL; and
- Requiring a compliance filing be filed with the Commission.

Finally, the settlement states that the Commission will require no further sound monitoring at any location pertaining to Bent Tree on the basis of the Phase 1 and Phase 2 Reports.

II. EERA Comments

After review and analysis of the parties' April 19, 2018 filing, the EERA did not object to the proposed Confidential Settlement Agreement. The EERA noted, however, that any new residents could not waive WPL's duty to meet noise standards even if they may be willing to live with violations of the Minnesota Pollution Control Agency's ambient noise standard in exchange for payment or through some other agreement. The EERA cautioned that the noise compliance issue would likely need to be reopened if the Hagen or Langrud properties were returned in the future to residential use.

III. Commission Action

After its own review, and with modifications set forth below related to the possibility of the potential future sale of the properties for residential use, the Commission finds that resolving this dispute and the terms of the Confidential Agreement are in the public interest and will result in a reasonable and prudent resolution of the issues raised in the Landowners' Complaints. While WPL stated at the hearing that it had no plans to occupy or sell the properties in the immediate future, it would not object to conducting a new noise study in the future prior to residential occupancy should the likelihood of such use arise. Therefore, the Commission will add the conditions listed in Ordering Paragraphs 6 (A)-(D) below.

Finally, in resolving this matter the Commission recognizes that under the terms of the Confidential Settlement Agreement, no party has made any admissions of law and/or fact. Accordingly, the Commission will approve the Confidential Settlement Agreement as filed, with the modifications as set out below.

ORDER

1. The prior and current Langrud and Hagen complaints are deemed resolved under the terms of Wisconsin Power and Light's Site Permit for the Bent Tree Wind Project Phase I Project. At the request of the settling parties, the complainants' February 20, 2018 Motion and all of the Landowners' complaints in this matter are dismissed.
2. The required curtailment of turbines T132 and T397 based on the Phase 1 and 2 Sound Reports shall terminate on the date on which the Hagens transfer possession of their property to WPL.
3. The required curtailment of turbine T362 based on the Phase 1 and 2 Sound Reports shall terminate on the date on which the Langruds transfer possession of their property to WPL.

4. WPL shall file with the Commission within 30 days of the transfer of possession of each property a compliance filing indicating the date of commencement of operations of the turbines associated with that property.
5. The Commission will not require any further sound monitoring at any location pertaining to Bent Tree on the basis of the Phase 1 and Phase 2 Reports.
6. Upon the sale of either the Langrud or Hagen property, WPL shall file with the Commission notification of the sale and indicate whether the property will be used as a residence. If the property is intended to be used as a residence after sale or upon lease, the permittee shall file with the Commission:
 - A. Notification of the sale or lease;
 - B. Documentation of present compliance with noise standards of turbines T132, T397, and T362;
 - C. Documentation of any written notice to the potential residence of past noise studies alleging noise standard exceedances, and if applicable, allegations of present noise standard exceedances related to the property; and
 - D. Any mitigation plans or other relevant information.
7. This order shall become effective immediately.

BY ORDER OF THE COMMISSION



Daniel P. Wolf
Executive Secretary



This document can be made available in alternative formats (e.g., large print or audio) by calling 651.296.0406 (voice). Persons with hearing loss or speech disabilities may call us through their preferred Telecommunications Relay Service or email consumer.puc@state.mn.us for assistance.

From: Alan Meiers [REDACTED]

Sent: Monday, July 9, 2018 4:23 PM

To: PUC-PUC <PUC@state.sd.us>

Subject: [EXT] EL 18-026 Post Comment

Please post the attached public comments to Docket EL 18-026

Thank you.

Alan Meiers

001343

July 9, 2018

To: South Dakota PUC

From: Alan Meiers-**Please Post My Comments to Docket EL 18-026**

My land is located in the middle of the Prevailing Wind Park Farm proposal. I am **unequivocally against** this project. The beautiful and bountiful land located in this footprint is likely each landowner's most valuable and precious asset, and in many cases the plan is to keep the land in the family and pass it on to future generations.

Enter the Wind Farm proponents with their smooth marketing plan designed to capture the interest of the eager but innocent landowner with the promise of an easy additional source of income which they are told would be foolish to refuse. The landowner then gives in to this ploy and is led into signing a **FIXED RENT Wind Farm Lease/Easement contract that will encumber their land for 30 years!** In essence they are signing away complete control of their land to a big foreign or multinational company for almost half a century! A contract entirely in the corporation's favor that is non-negotiable with a fixed rent for 30 years meaning there is no rent escalation provision clause at any point. Would you ever consider for a moment of entering into a 30 year fixed cash rent lease on local farmland? In addition, there is reportedly a confidentiality clause in the contract that forbids the landowner from discussing any of the terms of the contract.

Even more disturbing is a growing number of people are being forced to live near these Wind Farms and are suffering from debilitating health problems. It is difficult for me to comprehend how a participating landowner can live with a clear conscience knowing that the decision he or she made to participate, for just a small increase in annual income, has subjected their non-participating neighbors and friends to potential health hazards from exposure to these turbines.

The wind turbines of this proposal are reported to be 590 ft. high and likely even higher when the blade length (up to 350 ft.) is included. This is well over two football fields tall. A turbine of this size would dwarf the Statue of Liberty which is only 305 ft. tall. The vertical airspace of the blade alone is calculated to be larger than an acre of land!

With the turbines being built larger, combined with the escalating cases of people reporting ill health issues, makes the setback distance for these turbines an even more crucial issue for each county where they are being proposed. The 500 ft. setback that was approved by Bon Homme County officials is meager considering that the new wind turbines for this project are approaching an astronomical height. A 2 mile setback would at least provide the non-participating landowner a decent safeguard zone and some comfort knowing that their health and well-being is at least a concern to the County officials. This should outweigh the self-indulgent demands of the Wind Farm proponents.

The fact is Wind Farms cannot exist without the support of heavy monetary subsidies from our tax dollars approved by Congress. Politicians, lobbyist, investors, multinational and foreign companies are the main beneficiaries. They don't hesitate to consider any future negative consequences of these Wind Farm factories and appear to be in a race against time (for funding) to get their share of money to fatten their pockets and bottom line. This greedy mentality obviously ignores and cares little about the constant battle of survival for small rural communities like Avon, which once was tight knit, but now has been so severely divided by this issue it is likely permanently scarred beyond repair.

I respectfully urge you to Deny This Permit!!!

Cordially,

Alan Meiers



Scottsdale. AZ

From: David Brouwer <davidbrouwer@msn.com>

Date: July 8, 2018 at 3:00:33 PM MST

To: Gary Hanson

Subject: [EXT] Industrial Wind Farm Applications

Mr. Hanson,

I have visited with you on a couple occasions and have appreciated the discussions that we have had.

I do have a question for you regarding wind farm applicatinos and what is needed for you to deny an application. I understnd that there are the easy denials if it isn't in compliance with a state or local law. What I am having a difficult time understanding is other than that what will guide you to deny a permit? When looking at the recent filing for the Crocker project there was testimony by the applicants that was certainly at the very least questionable and quite likely they were being dishonest in some of what was stated. In addition there was testimony during this process by numerous parties, including some at the State level, that felt that the application was not in the best interest of the area. It would appear that the applicant could not satisfy what needed to be satisfied and the permit should have been denied. Yet, that wasn't the case.

I guess I am questioning if any application will be denied unless there is something so grossly negligent within the application?

Thanks in your help to try and understand this process further. I would be happy to have coffee sometime and discuss this in person when you are in the Sioux Falls area.

David Brouwer

President, We-Care

davidbrouwer@msn.com

Sent from Windows Mail

From: [Stewart](#)

Sent: Monday, July 9, 2018 6:22 AM

To: [PUC](#)

Subject: Re: EL18-026

Thanks for the reply. My address is [REDACTED]
Kennewick, Wa. 99337

Stewart Sharpe

From: [REDACTED]

Sent: Friday, July 06, 2018 5:33 PM

To: Fiegen, Kristie

Subject: [EXT] Prevailing Wind Park Project - EL18-026

Dear Chairperson Kristie Fiegen;

My name is Stewart D. Sharpe and I am a trustee of the Douglas S. Sharpe Trust which owns land within the outlines of Prevailing Wind Park as described in the electronic docket EL18-026.

My first concern is who is actually the owner of this project. In the docket it states that the application was made on May 30, 2018 by Prevailing Wind Park, LLC. But it is also noted that Prevailing Wind Park, LLC sold this project to S-POWER in October of 2017. I have been getting correspondence from both entities and I am not really sure who to respond to.

Opinions of this Prevailing Wind projects remain the same as when presented to during electric docket EL16-022 in July of 2016.

- Land valuation
- Offset distance from turbines to residents
- Location of turbines on properties that impacts how much of crop producing land is used for constructing turbines and egress roads.
- Noise pollution, especially for residents living within the Wind Park.
- Liability issues of damage to farm lands near the construction of the Wind Park.
- Responsibility of removal of turbines after useful life. I believe I read in a lease agreement they remove it to ground level. What happens to the concrete foundation?
- Aerial spraying restrictions

Is their public information available on how (if any) of the economic benefits being advertised by the Project Owners has been paid out on the current operating Wind Parks in this area?

Because I live in the state of Washington, I will not be able to attend this July 12, 2018 Public Hearing. Will results and recommendations be made public through the South Dakota Public Utilities Commission?

Thank you in advance for listening to m concerns.

Sincerely,

Stewart D. Sharpe, Trustee
Douglas S. Sharpe Trust

Cc: Jennifer Bell, Burns & McDonnell (burnsmcd.com)

Sent from [Mail](#) for Windows 10