

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

<b>IN THE MATTER OF THE COMPLAINT FILED )</b>	<b>ORDER GRANTING MOTION</b>
<b>BY AMBER CHRISTENSON, LINDA LINDGREN )</b>	<b>TO DISMISS FORMAL</b>
<b>AND TIMOTHY LINDGREN AGAINST )</b>	<b>COMPLAINT</b>
<b>CROWNED RIDGE WIND LLC REGARDING )</b>	
<b>PROJECT SOUND LEVEL COMPLIANCE )</b>	<b>CE22-001</b>

On September 21, 2022, the South Dakota Public Utilities Commission (Commission) received a Complaint from Amber Christenson, Linda Lindgren, and Timothy Lindgren (Complainants) against Crowned Ridge Wind LLC (Crowned Ridge) alleging Crowned Ridge failed to comply with conditions of the permit issued by the Commission and alleging deficiencies in sound testing previously conducted by Crowned Ridge.

On September 22, 2022, the Commission electronically transmitted notice of the filing and the answer deadline of October 11, 2022, to interested persons and entities on the Commission's PUC Weekly Filings electronic listserv. Notice of the Complaint was sent to Crowned Ridge on October 11, 2022, with a revised answer deadline of October 31, 2022. On October 28, 2022, Crowned Ridge filed a Motion and Brief in Support of Motion to Dismiss Formal Complaint, including attachments. On December 22, 2022, Crowned Ridge filed an Answer to the Complaint. On December 27, 2022, the Commission issued an Order Excluding Attachments; Order Denying Motion to Dismiss Formal Complaint. On April 3, 2023, the Commission issued an Order Granting Request for Procedural Schedule; Order Granting Extension of Time to Respond to Data Request; Order Granting Motion to Require Prefiled Testimony. On April 19, 2023, the Commission issued an Order Establishing Procedural Schedule and set October 11-12, 2023, as dates for the evidentiary hearing. On May 1, 2023, the Commission issued an Order Granting Motion for Protective Order. On July 5, 2023, Amber Christenson filed prefiled testimony and then supplemented that prefiled testimony on July 7, 2023. On August 7, 2023, Crowned Ridge filed prefiled testimony of Richard Lampeter and Stefan Martinsen. On September 6, 2023, Amber Christenson filed prefiled rebuttal testimony.

On September 18, 2023, Crowned Ridge filed a Motion in Limine to exclude certain portions of Amber Christenson's direct, rebuttal, and oral testimony and exhibits. On September 21, 2023, the Commission issued an Order For and Notice of Hearing on Motion in Limine and also issued an Order for and Notice of Evidentiary Hearing. On October 2, 2023, Amber Christenson filed an Oppositional Response to Motion in Limine. On October 4, 2023, Crowned Ridge filed a Reply to Christenson's Response to Motion in Limine. On October 12, 2023, the Commission issued an order granting Crowned Ridge's Motion in Limine in Part, finding that the Motion in Limine should be granted as requested by Crowned Ridge with the exception of Complainant Christenson's Exhibits AC12, AC19, and portions of Complainant Amber Christenson's Prefiled Rebuttal Testimony to include the paragraphs numbered 1 and 2 on page 2 and the third full paragraph on page 8.

On October 11, 2023, the evidentiary hearing was called to order at 9:00 A.M. in Room 414 of the South Dakota State Capitol building. Chairperson Fiegen, Commissioner Hanson, and Commissioner Nelson were present at the hearing.

Chairperson Fiegen made an introductory statement and asked the parties to make their appearances for the record. Brian J. Murphy, of NextEra Energy Resources, LLC, 700 Universe Boulevard, Juno Beach, FL 33408, appeared *Pro Hac Vice* on behalf of Crowned Ridge. Miles

Schumacher, of Lynn, Jackson, Shultz and Lebrun, PC, 110 N. Minnesota Ave., Ste. 400, Sioux Falls, SD 57104, also appeared on behalf of Crowned Ridge. The Complainants failed to appear at the evidentiary hearing.

Based on the absence of the Complainants, Crowned Ridge made a motion to dismiss the Complaint. In its motion, Crowned Ridge stated that the Complainants bear the full burden of proof in this matter. Crowned Ridge argued that by failing to prefile sufficient expert testimony and by failing to appear at the hearing, the Complainants failed to meet their burden of proof and the complaint should therefore be dismissed. The Complainants were not present to oppose the motion.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 15-6, 49-1, and ARSD Chapter 20:10:01. Crowned Ridge having made a Motion to Dismiss the Formal Complaint, Complainants having failed to appear, and hearing no objection to Crowned Ridge's Motion to Dismiss, the Commission voted unanimously to grant the motion.

It is therefore

ORDERED, that Crowned Ridge's Motion to Dismiss Formal Complaint is granted with prejudice.

Dated at Pierre, South Dakota, this 13th day of October 2023.

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.	
By:	<u><i>Kristie Fiegen</i></u>
Date:	<u>13 October 2023</u>

BY ORDER OF THE COMMISSION:

*Kristie Fiegen*

KRISTIE FIEGEN, Chairperson

*Gary Hanson*

GARY HANSON, Commissioner

*Chris Nelson*

CHRIS NELSON, Commissioner