

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

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| IN THE MATTER OF THE COMPLAINT FILED |) | ORDER FOR AND NOTICE |
| BY AMBER CHRISTENSON, LINDA LINDGREN |) | OF EVIDENTIARY HEARING |
| AND TIMOTHY LINDGREN AGAINST |) | |
| CROWNED RIDGE WIND LLC REGARDING |) | |
| PROJECT SOUND LEVEL COMPLIANCE |) | CE22-001 |

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 Pre-filed Testimony. On April 19, 2023, the Commission issued an Order Establishing Procedural Schedule. On May 1, 2023, the Commission issued an Order Granting Motion for Protective Order.

The Commission has jurisdiction over this matter pursuant to SDCL 1-26, 15-6, and 49-1, and ARSD Chapter 20:10:01. 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., CDT, Wednesday, October 11, 2023, through Thursday, October 12, 2023, in Room 414 of the State Capitol Building, 500 East Capitol Avenue, 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 are:

1. Whether Crowned Ridge Wind, LLC and its affiliates and/or partners failed to comply with the Conditions of the Order granting a permit for the construction and operation of Crowned Ridge Wind, LLC (SDPUC Docket EL19-003)? And

2. Whether Crowned Ridge Wind, LLC failed to comply with the Mitigation Plan of the Sound Study conducted in November 2021? And

3. Whether the Commission shall order any or all of the Complainant's requested remedies as to any of the issues raised by the Complaint?

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, 15-6 and 49-1, and ARSD Chapters 20:10:01. 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., CDT, Wednesday, October 11, 2023, through Thursday, October 12, 2023, in Room 414 of the State Capitol Building, 500 East Capitol Avenue, 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 21st day of September 2023.

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| 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>[Signature]</u> |
| Date: <u>21 Sept 2023</u> |
| (OFFICIAL SEAL) |

BY ORDER OF THE COMMISSION:

[Signature]

KRISTIE FIEGEN, Chairperson

[Signature]

GARY HANSON, Commissioner

[Signature]

CHRIS NELSON, Commissioner