

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

**IN THE MATTER OF THE APPLICATION OF  
CROWNED RIDGE WIND, LLC FOR A FACILITIES PERMIT TO  
CONSTRUCT A 230 KV TRANSMISSION LINE  
AND NEW REACTIVE POWER COMPENSATION SUBSTATION**

**Docket No. EL17-**

**DIRECT TESTIMONY AND EXHIBITS  
OF JASON UTTON**

**October 27, 2017**

**INTRODUCTION AND QUALIFICATIONS**

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**Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

A. Jason Utton, 700 Universe Blvd., Juno Beach FL 33408.

**Q. BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?**

A. I am employed by NextEra Energy Resources, LLC (“NEER”) as an Executive Director – Business Development. NEER is a principal affiliate of NextEra Energy, Inc. (“NextEra”). NEER, through its affiliated entities, is the world’s largest generator of renewable energy from the wind and sun, generating over 19,000 megawatts (“MW”) in 29 states and Canada. NextEra, through its subsidiaries, also owns approximately 8,500 circuit miles of high-voltage transmission lines and 770 substations in North America. NEER affiliates in the State of South Dakota own the following wind facilities: Day County Wind, South Dakota Wind Energy Center, and Wessington Springs Wind.

**Q. WHAT IS THE ORGANIZATIONAL RELATIONSHIP BETWEEN NEER AND CROWDED RIDGE WIND, LLC?**

A. Crowned Ridge Wind, LLC (“the Applicant”) is an indirect, wholly-owned subsidiary of NEER.

**Q. WHAT ARE YOUR RESPONSIBILITIES FOR THE PROJECT?**

A. I manage the Applicant’s permitting of the approximately 34-mile, 230 kilovolt (“kV”) proposed transmission line (also referred to as a generation tie line) and new reactive power compensation substation (the “Project”). In this role, I supervise and am

1 responsible for project development, community outreach, regulatory compliance, and  
2 bringing the Project into commercial operations.  
3

4 **Q. PLEASE DESCRIBE YOUR CURRENT POSITION AND PROFESSIONAL**  
5 **BACKGROUND.**

6 A. I have been employed by NEER since 2008, in the capacity of Project Developer, and  
7 Executive Director – Business Development on NEER’s Midcontinent Wind  
8 Development team. As an Executive Director of Business Development, I direct all  
9 wind energy development efforts in the Midcontinent region. Since 2008, I have  
10 developed over 1,100 MW of generation projects. Prior to joining NEER, I spent over 9  
11 years in the U.S. Army as a commissioned officer, including four tours in the middle-  
12 east, two tours to Egypt, and two tours to the Baghdad area in support of Operation Iraqi  
13 Freedom. I was subsequently awarded two Bronze Stars and a Meritorious Service  
14 Medal for my work in Iraq.  
15

16 **Q. HAS THIS TESTIMONY BEEN PREPARED BY YOU OR UNDER YOUR**  
17 **DIRECT SUPERVISION?**

18 A. Yes.  
19

20 **Q. HAVE YOU PREVIOUSLY TESTIFIED BEFORE THE PUBLIC SERVICE**  
21 **COMMISSION OF SOUTH DAKOTA OR ANY OTHER REGULATORY**  
22 **COMMISSION?**

1 A. I have not testified before the South Dakota Public Utilities Commission. I have testified,  
2 however, before the North Dakota Public Service Commission in Case Nos. PU-15-690,  
3 PU-15-797, PU-16-122 and PU-16-123

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**PURPOSE OF TESTIMONY**

7 **Q. PLEASE DESCRIBE THE PURPOSE OF YOUR TESTIMONY.**

8 A. The purpose of my testimony is to: (1) address the need for the Project; (2) provide an  
9 overview of the stakeholder, community, local governmental, and tribal outreach  
10 associated with the Project; (3) provide an overview of the status of obtaining local  
11 government permits for the Project; and (4) describe the benefits of the Project.

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13

**NEED FOR THE PROPOSED PROJECT**

14 **Q. PLEASE DESCRIBE THE PROPOSED PROJECT.**

15 A. The Project involves a generation tie line that would connect two 300 megawatt (MW)  
16 wind projects (Crowned Ridge Wind (“CRW”) and Crowned Ridge Wind, II (“CRW  
17 II”)) to the Big Stone South Substation owned by Otter Tail Power Company. See  
18 Exhibit JU-1. As shown in Exhibit JU-2, the Project is located in Grant and Codington  
19 Counties.

20

21 **Q. WHY IS THE PROPOSED 230 KV TRANSMISSION LINE NEEDED?**

22 A. The Project is needed to deliver the energy from CRW and CRW II to the Big Stone  
23 South Substation. CRW has executed a Power Purchase Agreement (“PPA”) with

1 Northern States Power (“NSP”) to sell NSP the full output of CRW, while CRW II will  
2 be acquired by NSP and transferred at the commercial operations date. On July 6, 2017,  
3 the Minnesota Public Service Commission approved NSP’s Petition for Approval of the  
4 Acquisition of Wind Generation from the Company’s 2016-2030 Integrated Resource  
5 Plan, which included approval of the PPA with CRW and NSP’s acquisition of CRW II.  
6 NSP’s PPA with CRW and acquisition of CRW II is currently under consideration at the  
7 North Dakota Public Utilities Commission.<sup>1</sup>

8  
9 **Q. WHAT IS THE PROJECTED COMMERCIAL OPERATIONS DATE?**

10 A. The projected commercial operations date for the Project as well as CRW and CRW II is  
11 on or before December 31, 2019.

12  
13 **Q. WITHOUT THE PROJECT, CAN CRW AND CRW II CONNECT TO THE BIG  
14 STONE SOUTH SUBSTATION?**

15 A. No. As explained by Applicant Witness Dan Mayers, the Project is required to connect  
16 the generation from CRW and CRW II to the transmission grid, and, thus, it is not  
17 possible to deliver the wind power to the grid without the construction of the Project.

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<sup>1</sup> *Northern States Power Advance Prudence – 1550 MW Wind Application*, North Dakota Public Service Commission, Case No. PU-17-120.

**OUTREACH ACTIVITIES**

1  
2 **Q. PLEASE PROVIDE AN OVERVIEW OF THE APPLICANT’S STAKEHOLDER**  
3 **AND COMMUNITY OUTREACH.**

4 A. Stakeholder engagement began in 2013. Stakeholders have been approached directly to  
5 address concerns with the proposed routing and placement of the Project’s infrastructure.  
6 Crowned Ridge has also conducted informational events on April 25, 2017 in the town of  
7 Gary located in Deuel County, and on October 2, 2017 in the city of Watertown located  
8 in Codington County. At these events stakeholders were provided an update on the  
9 Project and the associated wind farms at CRW and CRW II. The feedback from these  
10 outreach activities has resulted in changes to the placement of the transmission line. For  
11 example, it is proposed that the siting of the transmission line be as close as reasonably  
12 possible to existing county right-of-way (“ROW”) to minimize impacts to current and  
13 future farming operations in both Grant and Codington Counties.

14  
15 **Q. PLEASE PROVIDE AN OVERVIEW OF THE OUTREACH CONDUCTED**  
16 **WITH RESPECT TO GRANT COUNTY?**

17 A. The Applicant conducted meetings with Grant County officials (the Grant County  
18 Commissioners, the Grant County Planning and Zoning Officer and the Grant County  
19 Auditor) on November 8, 2016 and December 20, 2016 as well as on January 17, April 4,  
20 June 6 and June 20 in 2017. As a result of these outreach activities, the transmission line  
21 has been routed and designed to be consistent with future development of known  
22 transmission projects within Grant County. Also, while the County supports the  
23 transmission line, it also requested that it not be sited within the County’s ROW. See



1 Exhibit JU-3. As explained more by Applicant Witness Mayers, the Project route design  
2 and siting criteria takes into account Grant County's request. Also, with information  
3 gained from these outreach activities, it is the Applicant's understanding that Project is  
4 compliant with Grant County's siting ordinance.

5  
6 **Q. PLEASE PROVIDE AN OVERVIEW OF THE OUTREACH CONDUCTED**  
7 **WITH RESPECT TO CODINGTON COUNTY?**

8 A. The Applicant met with the Codington County Planner and First District Association of  
9 Local Governments on February 9, April 5, May 23, and August 31 of 2017 to discuss  
10 the requirements of the Codington County siting ordinances and the Project's compliance  
11 with local expectations. As a result of these outreach activities, it is the Applicant's  
12 understanding the Project is compliant with Codington County's siting ordinance.

13  
14 **Q. PLEASE PROVIDE AN OVERVIEW OF THE OUTREACH CONDUCTED**  
15 **WITH RESPECT TO TRIBAL STAKEHOLDERS?**

16 A. Although there is no federal nexus that mandates Tribal consultations, the Applicant has  
17 voluntarily consulted with the Sisseton Wahpeton Oyate ("SWO") tribe. As a result of  
18 these consultations, the SWO tribe and the Applicant's team have successfully worked  
19 together on the following issues: (1) siting transmission structures to avoid direct impacts  
20 to lands containing cultural sensitivities; (2) minimizing construction impacts by  
21 proposing to span areas of sensitivity and limit construction activities to foot-traffic only  
22 during the construction processes; and (3) shifting the transmission line away from lands  
23 that may contain cultural sensitivities.

**OTHER PERMITS**

**Q. WHAT OTHER PERMITS ARE REQUIRED FOR THE PROJECT?**

A. The following table which is included in Section 24 of the Application provides an overview of the other permits, approvals or coordination associated with the Project:

Agency	Type of Permit, Approval, or Coordination	Status*	Need
<b>Federal</b>			
U.S. Fish and Wildlife Service Waubay Wetland Management District	Special Use Permit or Right-of-Way Permit	2	If construction in wetlands within wetland easements or in grassland easements, then compatibility analysis is required. A Permit may be needed for disturbance to land subject to a grassland easement.
U.S. Army Corps of Engineers	Section 404 of the Clean Water Act	2	Nationwide Permit 12 required for dredging or fill in jurisdictional waters of the U.S. for utility line projects.
Federal Aviation Administration (FAA)	FAA Form 7460-1, Notice of Proposed Construction or Alteration	C	Required for structures that will be 200 ft above ground level (AGL) or higher or any other structure that may represent an aircraft hazard at specified distances from runways and/or airports. The FAA reviews and will issues a determination that construction of the Transmission Facility does not constitute a hazard to air navigation.
FAA	FAA Form 7460-2 - Notice of Actual Construction or Alteration	C	Notifies FAA of actual constructed or altered structures.
U.S. Department of Agriculture - Natural Resources Conservation Service	Easement Modifications	C	Easement modification needed to span two easements, as needed
<b>State of South Dakota</b>			
Public Utilities Commission	Facility Permit	1	This Application; required for transmission lines greater than 115 kV
Department of Environment & Natural Resources	Section 401 Water Quality Certification	2	Required for fill in jurisdictional waters of the U.S.



Agency	Type of Permit, Approval, or Coordination	Status*	Need
	NPDES Permit: General Permit for Storm Water Discharges Associated with Construction Activities	2	Required for disturbance of over one acre of land. Must prepare a Storm Water Pollution Prevention Plan.
	Temporary water use permit for construction activities	2	Compliance with the Water Pollution Control Act. Temporary permits for the use of public water for construction, testing, or drilling purposes. Construction contractors will obtain as necessary.
	General Permit for Temporary Dewatering	2	Compliance with the Water Pollution Control Act. Temporary permit for the discharge of water for construction dewatering. Construction contractors will obtain as necessary.
South Dakota State Historical Society	SDCL 1-19A-11.1	2	Compliance required for state permits. Compliance with Section 106 of the National Historic Preservation Act is also required if a federal permit (USFWS, Individual Permit from USACE) is required for the Project.
Department of Transportation	Highway Access Permit; Road Crossing Agreements	2	Permit required for construction of access roads from state highways.
	Utility Permit	2	Permit required for utility crossings on state highway ROW, as necessary.
	Oversize/overweight Permit		Permit required for heavy hauling construction equipment and materials on state highways. Construction contractor will obtain, as necessary.
<b>Local</b>			
Codington County	Building Permits or Conditional Use Permits; Road Crossing Agreements; Oversize/overweight Permit	2	Permit required for a transmission line.
Grant County	Building Permits or Conditional Use Permits; Road Crossing Agreements; Oversize/overweight Permit	2	Permit required for a transmission line.
Townships	Road Crossing Agreements; Oversize/overweight Permit	2	The Project will require crossing agreements.
<p>*Status Explanation:  1: Applied – decision pending  2: Final design will determine whether the permit/approval is required, or final layout is needed for permit application.</p>			

1 **Q. PLEASE ELABORATE ON THE STATUS OF THE COUNTY CONDITIONAL**  
2 **USE PERMITS.**

3 A. The Applicant is in the process of preparing applications for building permits and/or  
4 conditional use permits with Codington and Grant Counties. The Applicant anticipates  
5 filing these applications in a timely manner such that they are reviewed and approved  
6 prior to the commencement of construction on the Project.

7

8 **Q. ARE ALL OTHER PERMITS, APPROVALS, AND PERMITS PROGRESSING**  
9 **IN A MANNER THAT SUPPORTS THE COMMERCIAL OPERATIONS OF**  
10 **THE PROJECT BY THE END OF 2019?**

11 A. Yes. The timing of the other permits, approvals, and coordination supports the ability of  
12 the Applicant to construct and operate the Project by the end of 2019.

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**BENEFITS OF THE PROJECT**

15 **Q. ARE THERE ANY BENEFITS ASSOCIATED WITH THE PROJECT FOR**  
16 **SOUTH DAKOTA?**

17 A. Yes, South Dakota will benefit from the proposed Project. Specifically, the Project will  
18 produce the following benefits: (1) the delivery of 600 MWs of zero-emissions wind  
19 energy; (2) the creation of 50 temporary construction jobs, which will include employing  
20 local workers if qualified and available; (3) supporting the local economy through the  
21 purchase of regional goods and services, including increasing the use of hotels and  
22 restaurants in Grant and Codington Counties; (4) the creation of two permanent operation  
23 and maintenance jobs; (5) increasing sales/use tax and contractor excise tax revenues; and

1 (6) as explained in the Application, approximately \$38 to \$48 million in capital  
2 investment within the state of South Dakota depending on whether the single or double  
3 circuit option is implemented.

4  
5 **Q. HOW MANY HOMES CAN BE SERVED BY THE CLEAN ENERGY THAT THE**  
6 **PROJECT WILL DELIVER?**

7 A. The Project will deliver enough energy to power more than 300,000 homes.

8  
9 **Q. HOW WILL THE PROJECT INCREASE THE CONTRIBUTIONS TO**  
10 **SALES/USE TAX AND CONTRACTOR EXCISE TAX?**

11 A. Under the Applicant's understanding of current South Dakota sales and use tax law, the  
12 Applicant estimates the amount of sales/use tax revenue increases that will be associated  
13 with the construction of the Project is approximately \$1 million to \$1.5 million.

14  
15 **CONCLUSION**

16  
17 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

18 A. Yes, it does.

STATE OF FLORIDA                    )  
  ) ss  
COUNTY OF PALM BEACH         )

I, Jason Utton, being duly sworn on oath, depose and state that I am the witness identified in the foregoing prepared testimony and I am familiar with its contents, and that the facts set forth are true to the best of my knowledge, information and belief.

  
\_\_\_\_\_  
Jason Utton

Subscribed and sworn to before me this 26<sup>th</sup> day of October 2017.

SEAL

  
\_\_\_\_\_  
Notary Public

My Commission Expires 11/14/19

