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**SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION**

PUC Docket EL18-003

Please consider my demand for denial of the proposed Dakota Range Wind energy project.

In the application that has been presented to you, Apex is proposing to use Vestas V136-4.2 MW turbines throughout the project. They are not varying turbine heights or capacity for best use throughout the project.

Apex has used only A-weighted scale to determine noise. A C-weighted scale (dBC) should also be applied to measure low frequency sound to the property line on this project to protect the health and safety of adjoining property owners. A maximum of 20 dBC at the property line should be the maximum threshold.

Presenting at the PUC hearing in Waverly SD on March 21 of this year, Apex stated that wind energy lowered energy prices. As proof of the contrary, on 4/20/18, Ottertail Power Company has asked for a 10.10% rate increase (see Docket EL18-021) citing 3 reasons, the third of which is the Merricourt Wind Project entering their service in 2019.

Foremost, the health and safety of our county residents is definitely at risk with the proposed project.

NON-participating land owners, who have NOT agreed to turbines on their property, nor are they being compensated or contacted in any regard, are having their properties trespassed by these turbines and their effects.

Trespass of these turbines include: flicker which causes illness, sound (torture due to sleep deprivation), and especially infrasound (which can travel over 1.5 miles and drive people from their homes at an even farther distance than that). These industrial turbines, placed in agricultural/residential areas are dangerous.

These trespasses are not just to homes, but to homeowners' entire properties and our homeowners must be protected by your commission. A participant should keep any effects of his wind turbine on his property. Our officials do not have the authority to mandate a non-participant's property rights away.

South Dakota's State Constitution, Article VI, Bill of Rights:

§ 1. Inherent rights. All men are born equally free and independent, and have certain inherent rights, among which are those of **enjoying and defending life and liberty, of acquiring and protecting property and the pursuit of happiness.** To secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

Our Constitution of The United States, Article [V] (Amendment 5 - Rights of Persons) provides:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, **nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.**

[www.tort.laws.com](http://www.tort.laws.com) gives us a clear understanding of our private property law:

“Under private property law, a person will be held liable for creating a nuisance whether the wrongdoing was created intentionally or unintentionally. As long as the act substantially interferes with the use and enjoyment of land by the plaintiff, it is enforceable. If it is found that a nuisance was created due to the defendant's reckless behavior or lack of care, then it is said that the nuisance was caused negligently.

The right to the use and enjoyment of land is a broad category that generally includes four different types of harm: physical harm to the plaintiff's property, such as damage to the lawn or buildings on the property; physical harm to the person or persons who are occupying the property; **mental disturbance or annoyance of the persons occupying the property; and interference that causes economic loss or depreciation of the property.**”

I demand you protect my neighbors and me from the detrimental health and safety issues, and the inevitable loss of property value associated with these massive industrial turbines in our residential agricultural area. Through the powers of your commission, you can provide the protection our state and federal constitutions dictate.

Sincerely,



Amber Christenson

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Strandburg, SD 57265  
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