BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

*

*

*

*

IN THE MATTER OF THE APPLICATION BY PREVAILING WIND PARK, LLC FOR A PERMIT OF A WIND ENERGY FACILITY IN BON HOMME COUNTY, CHARLES MIX COUNTY AND HUTCHINSON COUNTY, SOUTH DAKOTA, FOR THE PREVAILING WIND PARK PROJECT

AFFIDAVIT OF PETER PAWLOWSKI PROVIDING NOTICE OF TURBINE ADJUSTMENTS UP TO 250 FEET

EL18-026

STATE OF UTAH)) SS.COUNTY OF SALT LAKE)

I, Peter Pawlowski, being first duly sworn on oath, depose and state as follows:

- 1. I am the Vice President of Wind for FTP Power, LLC dba sPower, which is assisting Prevailing Wind Park, LLC ("Prevailing Wind Park") in the development of the Prevailing Wind Park ("Project"). I have the authority to provide this affidavit on behalf of Prevailing Wind Park.
- 2. I am providing this Affidavit pursuant to paragraph 23 of the Permit Conditions approved by the South Dakota Public Utilities Commission ("Commission") and included as Attachment A to its November 28, 2018 Final Decision and Order Granting Permit to Construct Facilities and Notice of Entry ("Order") in the above-referenced docket.
- 3. Prevailing Wind Park has determined that two turbine adjustments within 250 feet of the locations approved by the Commission are needed for the Project. **Exhibit A** attached hereto contains an updated Project constraints map and maps showing the turbine locations approved by the Commission and the current turbine locations.
- 4. A summary of the modifications is provided below:
 - A. Turbine 1^1 has been adjusted 30 feet to the east to avoid potential cultural resources.
 - B. Turbine 47 has been adjusted 147 feet to the northeast to avoid potential cultural resources.

¹ The turbine identifier used in this Affidavit is the turbine number ("Turbine No.") as included on Exhibit A14-2 and Exhibit I-29, Attachment 4-2. *See* Exhibit A38 (Turbine Number Key) for the Construction ID numbers as included in Exhibit A3-2 and Exhibit A10-2.

- 5. **Exhibit** A identifies the locations of environmental avoidance areas, including wetlands and cultural resource survey corridors, in relation to the turbine adjustments. No cultural resources were identified within these survey corridors. In addition, Exhibit B provides a chart showing the distances of the turbines from residences, property lines, and roads. As shown in Exhibits A and B, the turbine adjustments comply with county and state setback requirements and avoid cultural resource impacts. Documented habitats for listed species are avoided and wetland impacts are avoided or are in compliance with applicable U.S. Army Corps of Engineers regulations.
- 6. The turbine adjustments comply with the specified noise and shadow flicker requirements set forth in paragraphs 27 and 28 of the Permit Conditions. Spreadsheets providing the updated noise and shadow flicker modeling results for the entire Project are attached as Exhibit C and Exhibit D, respectively. See also the March 29, 2019 Affidavit of Randy Corey Identifying Turbines That Will Be Operationally Controlled for a list of the turbines that will be operationally controlled to meet the shadow flicker requirements set forth in paragraphs 28 and 29 of the Permit Conditions, unless a waiver is obtained.
- 7. The modifications are located on land under lease/easement for the Project.
- With respect to the Project, including the adjustment described herein, Prevailing Wind 8. Park will comply with the Commission's Order, and all other applicable regulations and requirements.

FURTHER AFFIANT SAYETH NOT.

Dated this ² Stlay of July, 2019.

State of Ulnh County of Salf Lalce

2019, by Peter Pawlowsky



(Seal)

Peter Pawlowski

Subscribed and sworn (or affirmed) to before me on this 25 day of 3419 in the year

Witness my hand and official seal

Kust Kincheng

Notary Public