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 IN SUPPORT OF REQUEST FOR APPROVAL OF TURBINE ADJUSTMENT GREATER THAN 250 FEET

EL18-026

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF BON HOMME)

- I, Peter Pawlowski, being first duly sworn on oath, depose and state as follows:
- 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. Since issuance of the Order, Prevailing Wind Park has determined that one (1) turbine adjustment greater than 250 feet from the location approved by the Commission is needed for the Project. Turbine No. 81 has been adjusted 492 feet to the west to avoid a transmission line easement. **Exhibit A** attached hereto contains an updated Project constraints map and a map showing the turbine location approved by the Commission and the proposed turbine location.
- 4. **Exhibit A** identifies the locations of environmental avoidance areas, including wetlands and cultural resource survey corridors, in relation to the turbine adjustment. No cultural resources were identified within these survey corridors. In addition, **Exhibit B** provides a chart showing the distance of the turbine from residences, property lines, and roads. As shown in **Exhibits A** and **B**, the proposed turbine adjustment complies with county and state setback requirements and avoids cultural resource impacts. Documented habitats

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.

for listed species are avoided and wetland impacts are avoided or are in compliance with applicable U.S. Army Corps of Engineers regulations.

- 5. The turbine adjustment complies 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.
- 6. All modifications are located on land under lease/easement for the Project.
- 7. With respect to the Project, including the adjustment described herein, Prevailing Wind Park will comply with the Commission's Order, and all other applicable regulations and requirements.
- 8. Based on the foregoing, Prevailing Wind Park requests approval of the one (1) proposed turbine adjustment greater than 250 feet.

FURTHER AFFIANT SAYETH NOT.

Dated this 6th day of August, 2019.

State of South County of Bon Homme

Subscribed and sworn (or affirmed) to before me on this _____ day of _____ in the year 2019, by Peter Pour lower ...

Witness my hand and official seal

Card D. Eggere

Notary Public