

BEFORE THE PUBLIC UTILITIES COMMISSION
STATE OF SOUTH DAKOTA

In the Matter of the Application by)
CROWNED RIDGE WIND II, LLC *for a*) Docket EL19-016
Permit of a Wind Energy Facility in)
Deuel, Grant and Codrington Counties)

APPLICATION FOR PARTY STATUS
PURSUANT TO SDCL § 49-41B-17(3)
(Application of Garry Ehlebracht, Steven Greber, Mary Greber,
Richard Rall, Amy Rall and Laretta Kranz, “Protestants”)

The above named and within identified Protestants seek their allowance of party status in the above-referenced facility permit proceeding now pending before this Commission, pursuant to the provisions of SDCL § 49-41B-17(3), and ARSD 20:10:22:40, said Protestants having submitted this request by their counsel, undersigned.

<i>Protestant’s Name:</i>	<i>Address:</i>	<i>E-mail:</i>
Garry Ehlebracht	17539 468 th Ave., Goodwin, SD 57238	bean94@hotmail.com
Steven Greber	17165 468 th Ave., Goodwin, SD 57238	smgreber@itctel.com
Mary Greber	17165 468 th Ave., Goodwin, SD 57238	smgreber@itctel.com
Richard Rall	17192 469 th Ave., Goodwin, SD 57238	arall1@hotmail.com
Amy Rall	17192 469 th Ave., Goodwin, SD 57238	arall1@hotmail.com
Laretta Kranz	17553 468 th Ave., Goodwin, SD 57238	N/A

Each of the Protestants owns real property at the respective address shown above, and maintains his or her principal residence upon and at such address. Each address, furthermore, is within the boundaries of the proposed “wind energy facility” as has been outlined and defined by the wind developer, Crowned Ridge Wind II, LLC. (“Applicant”). None of the Protestants are in privity of contract with Applicant.

Protestants collectively state that (a) the facility will substantially impair the health, safety and welfare of the inhabitants; (b) the proposed operation of the facility violates or impairs the constitutionally protected rights of these Protestants in the exclusive ownership and enjoyment of their respective properties (including the use of roads and highways); and (c) the facility poses a threat of serious injury to the environment, and the social and economic condition of the inhabitants. Related thereto, Protestants maintain that neither the local governmental authority (Deuel County Board of Adjustment), nor this Commission, have the power and authority to permit Applicant to construct a large number of oversized industrial devices

(Industrial Wind Turbines, “IWT”), and to thereafter operate such IWT so as to necessarily dispose of shadow flicker upon the residences and properties of Protestants, along with the enveloping emission of both audible noise and Infrasound. Such ingrained IWT operational features are obnoxious and unpleasant, materially disturbing to Protestants’ possession, enjoyment, and right to use their respective properties, and to reside therein. Applicant seeks to take from Protestants a series of rights long associated with the ownership of property, inherent in title, and of considerable monetary value. Applicant now requiring only the imprimature of this Commission – together with that of the Board of Adjustment, already issued – to accomplish such ends, a taking of or an infringement upon such rights and interests without compensation.

Each of the identified Protestants is a petitioner in the case now pending in Circuit Court, Third Judicial Circuit, Deuel County, 19CIV18-000061, *Ehlebracht, et al. vs. Deuel County Planning Commission, sitting as the Deuel County Board of Adjustment, et al.*, contesting, *inter alia*, the power and authority of the Deuel County Planning Commission, sitting as the Deuel County Board of Adjustment, to grant the certain special exception permit that has been referenced in the application now within Docket EL19-016. The verified pleading (specifically, the petition for writ) within the identified court file, and all matters of discovery now or hereafter submitted therein, are also relied upon as grounds for the opposition of each Protestant to the matter now pending in this Docket EL19-016. Protestants assert the Legislature cannot delegate (whether to the County or to this Commission) any power, whether ostensibly as zoning or siting permit powers, which the State itself could not directly exercise absent the payment of fair and adequate compensation to those harmed by the action.

Protestants, as named herein, seek the right to gain party status, and as a consequence thereof, to further appear and participate in this proceeding, whether by and through undersigned counsel, or other counsel who may then appear on their behalf, reserving also the right, as persons having a direct, pecuniary and personal interest in the outcome of this matter, to appear personally, without counsel, as they may hereafter choose and elect to do, as a matter of convenience and privilege.

Dated at Canton, South Dakota, this 9th day of April, 2019.

Respectfully submitted,

A.J. Swanson
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/s/ A.J. Swanson

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Attorney for Persons Seeking Recognition of Party Status,
GARRY EHLEBRACHT, STEVEN GREBER,
MARY GREBER, RICHARD RALL, AMY
RALL, and LARETTA KRANZ, *Protestants*