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South Dakota

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March 31, 2021

Patricia Van Gerpen
Executive Director
SD Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501

RE: Docket RM19-001, PUC Staff's Comment on Proposed Rule 20:10:22:33.02(5)

Ms. Van Gerpen,

Commission Staff (Staff) reviewed the updated draft rules posted by the Commission on March 26, 2021, and recommends a revision be made to ARSD 20:10:22:33.02(5). As currently written, the proposed revision to ARSD 20:10:22:33.02(5) reads as if the Commission is interested in knowing the anticipated sound level at only the nearest occupied residence to a wind turbine or a solar project's inverter. However, in practice Staff reviews the anticipated sound levels at all occupied residences within the affected area of a project when considering the project applicant's burden of proof under SDCL 49-41B-22. In order to account for this, Staff recommends ARSD 20:10:22:33.02(5) be revised as set forth below.

(5) Anticipated noise levels at the exterior of all occupied residences located within the affected area during construction and operation;

Thank you for considering Staff's comment.

Sincerely,

Darren Kearney
Utility Analyst
SD PUC Staff