
From: PUC

Sent: Wednesday, October 24, 2018 12:00 PM

To: [REDACTED]

Subject: EL18-026

Ms. Walkes,

Thank you for your comment regarding Prevailing Wind Park and the South Dakota Public Utilities Commission's wind siting authority. Your message will be posted under Comments and Responses in the EL18-026 docket along with this response.

This is to address some of your statements. You write that the PUC should place a moratorium on wind turbine projects until the state legislature can amend SDCL 43-13-24.

43-13-24. Large wind energy system set back requirement--Exception. Each wind turbine tower of a large wind energy system shall be set back at least five hundred feet or 1.1 times the height of the tower, whichever distance is greater, from any surrounding property line. However, if the owner of the wind turbine tower has a written agreement with an adjacent land owner allowing the placement of the tower closer to the property line, the tower may be placed closer to the property line shared with that adjacent land owner.

Source: SL 2009, ch 221, § 4.

The commission does not have the authority by law to enact such a moratorium. That can only be done by the South Dakota Legislature.

The PUC processes permit requests for wind siting projects of 100 megawatts or more, but has no jurisdiction over smaller projects or wireless towers. The tower zoning guidelines created a decade ago – before SDCL 43-13-24 was enacted by the legislature in 2009 – are out-of-date as PUC staff members have relayed numerous times. Tower technology has been further developed during the past decade and with it, the size and capabilities of wind and cell towers changed significantly.

When reviewing wind siting permit requests, the commission relies on facts provided by the applicant as well as additional facts and information gathered by PUC staff, expert witnesses

and intervenors in each siting docket, and by the state's laws including SDCL 43-13-24. The state's laws are the standards the commission must follow.

If you haven't already done so, I encourage you to review the complete Prevailing Wind docket: <http://puc.sd.gov/Dockets/Electric/2018/EL18-026.aspx>. This allows you to follow the review process that is done for each siting docket filed with the commission with up-to-date research and information applicable to each project's permit request.

Here is a link to the commission's Siting Information Guide on its website that you may also find helpful, <http://puc.sd.gov/commission/Publication/sitinghandout.pdf>.

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South Dakota Public Utilities Commission
www.puc.sd.gov