

November 19, 2018

VIA ELECTRONIC FILING

Ms. Patricia Van Gerpen
Executive Secretary
South Dakota Public Utilities Commission
500 E. Capitol Avenue
Pierre, SD 57501-5070

RE: 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 Docket EL18-026

Dear Ms. Van Gerpen:

In connection with the above-referenced matter, Prevailing Wind Park, LLC (“Applicant”) and the South Dakota Public Utilities Commission Staff (“Staff”) have agreed to the enclosed revised joint proposed Condition 29 regarding turbine flexibility and, in response to the first recommended condition in Staff’s Post-Hearing Brief, a new joint proposed condition regarding decommissioning of a non-operating turbine. The additions to Condition 29 of Applicant’s and Staff’s Revised Joint Proposed Conditions (filed as Attachment A to Applicant’s Post-Hearing Brief) are indicated in highlighted text.

If you have any questions, please contact me.

Sincerely,

/s/ Lisa Agrimonti

Lisa Agrimonti
Attorney at Law

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Enclosure

cc: Certificate of Service/Service List

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Applicant's and Staff's Revised Joint Proposed Condition 29 and New Joint Proposed Condition, Docket No. EL18-026

29. Not less than 30 days prior to commencement of construction work in the field for the Project, Applicant will provide to Commission staff the following information:

- a) the most current preconstruction design, layout, turbine model and plans;
- b) a sound level analysis showing compliance with the applicable sound level requirements;
- c) a shadow flicker analysis showing the anticipated shadow flicker levels will not exceed 30 hours per year and/or 30 minutes per day at any non-participating residence and an affidavit from the Applicant identifying the turbine numbers that will be operationally controlled in order to meet the shadow flicker requirements;
- d) such additional Project preconstruction information as Commission staff requests; and
- e) should Applicant decide at a later point to use a different lower megawatt turbine model, it shall provide the information required in parts a-d above. Applicant shall also demonstrate that in selecting locations for the small turbines, it considered how to reduce impacts on non-participating landowners.

New: Should any installed wind turbine not be operated for a consecutive 12-month period, Applicant shall remove and decommission the non-operating turbine within the subsequent 12-month period.

**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**

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CERTIFICATE OF SERVICE

EL18-026

Bridget Duffus, of Fredrikson & Byron, P.A., hereby certifies that on the 19th day of November, 2018, true and correct copies of the following documents and this Certificate of Service were served electronically on the persons listed below:

- Applicant’s and Staff’s Revised Joint Proposed Condition 29 and New Joint Proposed Condition; and
- Filing letter.

Ms. Patricia Van Gerpen Executive Director South Dakota Public Utilities Commission 500 E. Capitol Ave. Pierre, SD 57501 patty.vangerpen@state.sd.us	Ms. Kristen Edwards Staff Attorney South Dakota Public Utilities Commission 500 E. Capitol Ave. Pierre, SD 57501 Kristen.edwards@state.sd.us
Ms. Amanda Reiss Staff Attorney South Dakota Public Utilities Commission 500 E. Capitol Ave. Pierre, SD 57501 amanda.reiss@state.sd.us	Mr. Darren Kearney Staff Analyst South Dakota Public Utilities Commission 500 E. Capitol Ave. Pierre, SD 57501 darren.kearney@state.sd.us
Mr. Jon Thurber Staff Analyst South Dakota Public Utilities Commission 500 E. Capitol Ave. Pierre, SD 57501 jon.thurber@state.sd.us	Ms. Mollie Smith - Representing: Prevailing Wind Park, LLC Fredrikson & Byron, P.A. 200 S. 6th St., Ste. 4000 Minneapolis, MN 55402 msmith@fredlaw.com

<p>Ms. Bridget Canty - Representing: Prevailing Wind Park, LLC Permitting Project Manager sPower 201 Mission St., Ste. 540 San Francisco, CA 94105 bcanty@spower.com</p>	<p>Ms. Lisa M. Agrimonti - Representing: Prevailing Wind Park, LLC Fredrikson & Byron, P.A. 200 South Sixth Street, Suite 4000 Minneapolis, MN 55402-1425 lagrimonti@fredlaw.com</p>
<p>Ms. Tamara Brunken Auditor Bon Homme County PO Box 605 Tyndall, SD 57066 Tamara.Brunken@state.sd.us</p>	<p>Ms. Diane Murtha Auditor Hutchinson County 140 Euclid, Rm. 128 Olivet, SD 57052 auditor@gwtc.net</p>
<p>Ms. Sara Clayton Auditor Charles Mix County PO Box 490 Lake Andes, SD 57356 sclayton@charlesmixcounty.org</p>	<p>Mr. Reece M. Almond - Representing: Gregg C. Hubner, Marsha Hubner, Paul M. Schoenfelder and Lisa A. Schoenfelder Davenport, Evans, Hurwitz & Smith LLP 206 W. 14th St. PO Box 1030 Sioux Falls SD 57101-1030 ralmond@dehs.com</p>
<p>Ms. Kelli Pazour 29668 402nd Ave. Wager, SD 57380 kepazour@hotmail.com</p>	<p>Mr. Keith Mushitz Chairperson Charles Mix County Commission PO Box 490 Lake Andes, SD 57356 sclayton@charlesmixcounty.org</p>
<p>Ms. Karen D. Jenkins 28912 - 410th Ave. Tripp, SD 57376 jenkinskd55@gmail.com</p>	<p>Mr. Sherman Fuerniss 40263 293rd St. Delmont, SD 57330 sol@midstatesd.net</p>

/s/ Bridget Duffus

Bridget Duffus