

July 6, 2018

**VIA ELECTRONIC FILING**

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

**RE: In the Matter of the Application by Dakota Range I, LLC and Dakota Range II, LLC for to the for an Energy Facility Permit in Grant County and Codington County, South Dakota, for the Dakota Range Wind Project EL 18-003**

Dear Ms. Van Gerpen:

In connection with the above-referenced matter, enclosed please find the following documents:

1. Applicants' Response to Staff's Objection to Confidential Treatment;
2. Applicants' Recommended Permit Condition 40 and Proposed Finding of Fact 65; and
3. Certificates of Service.

If you have any questions, please let me know.

Sincerely,

/s/ Mollie M. Smith

Mollie M. Smith  
*Attorney at Law*  
**Direct Dial:** 612.492.7270  
**Email:** msmith@fredlaw.com

Enclosures

cc: Certificate of Service/Service Lists (*via e-mail*)

Attorneys & Advisors  
main 612.492.7000  
fax 612.492.7077  
fredlaw.com

Fredrikson & Byron, P.A.  
200 South Sixth Street, Suite 4000  
Minneapolis, Minnesota  
55402-1425

Ms. Patricia Van Gerpen  
July 6, 2018  
Page 2

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA**

---

**IN THE MATTER OF THE  
APPLICATION BY DAKOTA RANGE  
I, LLC AND DAKOTA RANGE II, LLC  
FOR A PERMIT OF A WIND ENERGY  
FACILITY IN GRANT COUNTY AND  
CODINGTON COUNTY, SOUTH  
DAKOTA, FOR THE DAKOTA RANGE  
WIND PROJECT**

---

\*  
\*  
\*  
\*  
\*  
\*  
\*

**DAKOTA RANGE I, LLC AND  
DAKOTA RANGE II, LLC'S  
RESPONSE TO STAFF'S OBJECTION  
TO CONFIDENTIAL TREATMENT**

**EL18-003**

Dakota Range I, LLC and Dakota Range II, LLC (together, "Dakota Range") submit to the South Dakota Public Utilities Commission ("Commission") their response to Staff's Objection to Confidential Treatment, filed on July 5, 2018. Dakota Range agrees that their Recommended Condition 40 and Proposed Finding of Fact 65 may be disclosed publicly. Therefore, a document containing Recommended Condition 40 and Proposed Finding of Fact 65 has been filed publicly herewith.

Dated this 6th day of July, 2018.

By /s/ Mollie M. Smith  
Mollie M. Smith  
Lisa A. Agrimonti  
FREDRIKSON & BYRON, P.A.  
Attorneys for Applicants  
200 South Sixth Street, Suite 4000  
Minneapolis, MN 55402  
Phone: (612) 492-7270  
Fax: (612) 492-7077

64326786.1

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA**

---

**IN THE MATTER OF THE  
APPLICATION BY DAKOTA RANGE  
I, LLC AND DAKOTA RANGE II, LLC  
FOR A PERMIT OF A WIND ENERGY  
FACILITY IN GRANT COUNTY AND  
CODINGTON COUNTY, SOUTH  
DAKOTA, FOR THE DAKOTA RANGE  
WIND PROJECT**

---

\*  
\*  
\*  
\*  
\*  
\*  
\*

**DAKOTA RANGE I, LLC AND  
DAKOTA RANGE II, LLC'S  
RECOMMENDED CONDITION 40 AND  
PROPOSED FINDING OF FACT 65**

**EL18-003**

**RECOMMENDED CONDITION 40:**

Applicant will use two methods to detect icing conditions on turbine blades: (1) sensors that will detect when blades become imbalanced or create vibration due to ice accumulation; and (2) meteorological data from on-site permanent meteorological towers, on-site anemometers, and other relevant meteorological sources that will be used to determine ice accumulation is occurring. These control systems will either automatically shut down the turbine(s) in icing conditions (per the sensors) or the Applicant will manually shut down turbine(s) if icing conditions are identified (using meteorological data). Turbines will not return to normal operation until the control systems no longer detect an imbalance or when weather conditions either remove icing on the blades or indicate icing is no longer a concern.

**PROPOSED FINDING OF FACT 65:**

Dakota Range provided evidence that the potential for ice to be thrown from turbines is a very rare occurrence.<sup>1</sup> The Project meets both the state and county non-participating property line setback requirements.<sup>2</sup> The concern for ice shedding is typically within 300 feet of the turbine. While there is the potential for ice to be thrown further, impacts are not anticipated at 620 feet from a turbine (the closest distance of a turbine to a nonparticipating property line).<sup>3</sup> The record also demonstrates that Dakota Range has in place appropriate operational mechanisms to minimize and avoid the potential for ice throw. In addition, turbines have ice detection systems that will detect icing conditions from a remote control center, enabling the turbines to be paused remotely in the event that icing is taking place.<sup>4</sup> Further, Dakota Range has committed to the following condition: Applicant will use two methods to detect icing conditions on turbine blades: (1) sensors that will detect when blades become imbalanced or create vibration due to ice

---

<sup>1</sup> Evid. Hrg. Tr. at 424 (Gunderson) (CONFIDENTIAL); Evid. Hrg. Tr. at 434-435 (James) (CONFIDENTIAL).

<sup>2</sup> SDCL 43-13-24. Codington County, Ordinance 65 §5.22.03(1)(d)(c) and Grant County Compiled Zoning Ordinances, § 1211.04(2)(c).

<sup>3</sup> Evid. Hrg. Tr. at 435 (James) (CONFIDENTIAL).

<sup>4</sup> Evid. Hrg. Tr. at 432 (James) (CONFIDENTIAL).

accumulation; and (2) meteorological data from on-site permanent meteorological towers, on-site anemometers, and other relevant meteorological sources that will be used to determine ice accumulation is occurring. These control systems will either automatically shut down the turbine(s) in icing conditions (per the sensors) or the Applicant will manually shut down turbine(s) if icing conditions are identified (using meteorological data). Turbines will not return to normal operation until the control systems no longer detect an imbalance or when weather conditions either remove icing on the blades or indicate icing is no longer a concern.

64301060.3

**PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA**

---

**IN THE MATTER OF THE  
APPLICATION BY DAKOTA RANGE  
I, LLC AND DAKOTA RANGE II,  
LLC FOR AN ENERGY FACILITY  
PERMIT IN GRANT COUNTY AND  
CODINGTON COUNTY, SOUTH  
DAKOTA, FOR THE DAKOTA  
RANGE WIND PROJECT**

---

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

**CERTIFICATE OF SERVICE**

**EL 18-003**

Mollie M. Smith, of Fredrikson & Byron, P.A., hereby certifies that on the 6th day of July, 2018, true and correct copies of the following documents were served electronically on the persons listed below:

1. Applicants' Response to Staff's Objection to Confidential Treatment;
2. Certificate of Service.

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	Mr. Mark Mauersberger - Representing: Dakota Range I, LLC and Dakota Range II, LLC Senior Development Manager Apex Clean Energy Holdings, LLC 8665 Hudson Blvd. N, Ste. 110 Lake Elmo, MN 55402 mark.mauersberger@apexcleanenergy.com

Mr. Scott Koziar - Representing: Dakota Range I, LLC and Dakota Range II, LLC Vice President of Development, West Apex Clean Energy Holdings, LLC 8665 Hudson Blvd. N, Ste. 110 Lake Elmo, MN 55402 scott.koziar@apexcleanenergy.com	Ms. Mollie Smith - Representing: Dakota Range I, LLC and Dakota Range II, LLC Fredrikson & Byron, P.A. 200 S. 6th St., Ste. 4000 Minneapolis, MN 55402 msmith@fredlaw.com
Ms. Jennifer Bell - Representing: Dakota Range I, LLC and Dakota Range II, LLC Senior Environmental Scientist Burns & McDonnell Engineering Company, Inc. 9785 Maroon Circle, Ste. 400 Centennial, CO 80112 jbell@burnsmcd.com	Ms. Lisa M. Agrimonti - Representing: Dakota Range I, LLC and Dakota Range II, LLC Fredrikson & Byron, P.A. 200 South Sixth Street, Suite 4000 Minneapolis, MN 55402-1425 lagrimonti@fredlaw.com
Ms. Karen Layher Auditor Grant County 210 E. Fifth Ave. Milbank, SD 57252 karen.layher@state.sd.us	Ms. Cindy Brugman Auditor Codington County 14 First Ave., SE Watertown, SD 57201 cbrugman@codington.org
Teresa Kaaz 15610 459 <sup>th</sup> Avenue South Shore, SD 57263 teresakaaz@yahoo.com	Linda Lindgren 16050 464 <sup>th</sup> Avenue South Shore, SD 57263 lpedersen.pace@gmail.com
Vincent Meyer 15452 486 <sup>th</sup> Avenue Milbank, SD 57252 vpmeyerfarms@yahoo.com	Diane Redlin 305 W. Lakefront Drive South Shore, SD 57263 jdredlin@sstel.net
Jared Krakow 16460 470 <sup>th</sup> Avenue Strandburg, SD 57265 jaredkrakow@hotmail.com	Kevin Krakow 16462 470 <sup>th</sup> Avenue Strandburg, SD 57265 kcjmkrakow@sstel.net
Matt Whitney 16450 462 <sup>nd</sup> Avenue Watertown, SD 57201 whitneywelding@hotmail.com	Timothy Lindgren 16050 464 <sup>th</sup> Avenue South Shore, SD 57263 timlindgren009@yahoo.com
Kelly Owen 15629 468 <sup>th</sup> Avenue Stockholm, SD 57264 kocattle@gmail.com	Kristi Mogen 15160 471 <sup>st</sup> Avenue Twin Brooks, SD 57269 mogensmark@mogensmark.com
Wade Bauer 15371 459 <sup>th</sup> Avenue South Shore, SD 57263 bauwade88er@gmail.com	Patricia Meyer 15452 486 <sup>th</sup> Avenue Milbank, SD 57252 vpmeyerfarms@yahoo.com

/s/ Mollie M. Smith

Mollie M. Smith

64330344.1