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June 5, 2019

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

RE: EL19-003, In re Application of Crowned Ridge I

Ms. Van Gerpen,

Staff did not submit a response to Intervenors' Second Motion to Deny and Dismiss. However, on June 4, 2019, Staff received Applicant's Response to Staff's Sixth Data Request. The portions of that data request which are relevant to the Motion are attached to this letter.

Sincerely,

Kristen N. Edwards
Staff Attorney

setbacks of wind turbines. See Attachment 1. The ice detection that will be used for the Crowned Ridge Wind is explained in MT-R-2.

Respondent: Mark Thompson, Manager of Wind Engineering

- 6-3) Referring to Mr. Haley's rebuttal testimony and exhibits, please explain why the Lindgren residence and property was not analyzed as a non-participant for the opinions offered in Mr. Haley's testimony.

Response: Crowned Ridge Wind witness Haley rebuttal testimony considered the Lindgren receptor as a participant who was unlikely to resign their option easement agreement.

Respondent: Tyler Wilhelm, Project Manager;
Jay Haley, Wind Engineer

- 6-4) Since the Lindgrens, receptor CR1-C37-P, will be treated as non-participants for all regulatory and compliance purposes, including but not limited to noise, shadow flicker, and setbacks, please identify all turbines that will be affected by this change in participation status.

Response: Turbines CR-56 and CR-57 will be affected as they will not be sited on the Lindgren property. Other turbines that may be affected include turbines CR-48, CR-49 and CR-50. The Applicant could elect either of the following options to ensure compliance with noise, shadow flicker, and setbacks requirements: (1) drop CR1-48 or CR1-50 or (2) drop CR-49 and make a minor shift to CR-48 or CR-50.

Respondent: Tyler Wilhelm, Project Manager

- 6-5) Please explain how the Lindgren's modeled noise of 46.5 dbA at the residence complies with the Codington County zoning ordinance and, further, how the modeled 46.5 dbA is consistent with past permits issued by the PUC that required a noise limit of 45 dbA for non-participating residences.

Response: Please see response to 6-3.

For clarity, the 46.5 dBA referenced in the question pertains to the noise level at the occupied structure on the property. There is no Codington noise ordinance limiting the noise level at the structure.

Respondent: Jay Haley, Wind Engineer

- 6-6) For each of four landowners listed as “pending participation”, if the landowner chose not to renew the easement, which turbines would be effected if the landowner were to be treated as a non-participant as described in the previous question? For any landowner listed as a pending participant for whom Applicant can provide assurance of participation and/or project support, Applicant need not answer this question with respect to that landowner.

Response: The turbines that will no longer be used if the pending landowners do not resign are Alt 19 and Alt 20. The Applicant is still evaluating what other turbines may need to be moved or dropped if the pending landowners do not resign.

Respondent: Tyler Wilhelm, Project Manager

- 6-7) Other than those five landowners identified in attachments to the rebuttal testimony of Jay Haley, are there any other landowners with easements that will expire prior to September 1, 2019¹.

Response: The following are landowners who have easement options that will expire prior to September 1, 2019:

Darrell and Coleta Logeman;

Dennis D. Thyen;

Kyro R. LantsBerger;

Dean A. Bruinsma; and

La Verne B and Barbara J Stricherz.

¹ Given the deadline for the Commission’s final Order (if the permit is granted) and typical conditions requiring 30-day notice prior to construction, this date is identified as it is the earliest construction might occur.