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THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

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IN THE MATTER OF THE APPLICATION
BY CROWNED RIDGE WIND II, LLC FOR
A PERMIT OF A WIND ENERGY FACILITY
IN GRANT AND CODINGTON COUNTIES

EL19-003
ORIGINAL

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Transcript of Proceeding
June 11, 2019
1:00 p.m.

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BEFORE THE PUBLIC UTILITIES COMMISSION,
GARY HANSON, CHAIRMAN
CHRIS NELSON, VICE CHAIRMAN
KRISTIE FIEGEN, COMMISSIONER

COMMISSION STAFF

Karen Cremer
Greg Rislov
Adam de Hueck
Darren Kearney
Kaitlyn Baucom

A P P E A R A N C E S

Miles Schumacher and Brian Murphy,
appearing on behalf of Crowned Ridge Wind II;

David Ganje,
appearing on behalf of the Intervenors;

Kristen Edwards and Mikal Hanson,
appearing on behalf of Staff.

Reported By Cheri McComsey Wittler, RPR, CRR
Precision Reporting, 213 S. Main, Onida, South Dakota
cwittler@venturecomm.net

1 The following transcript of proceedings was
2 held in the above-entitled matter at the South Dakota
3 State Capitol, 500 East Capitol Avenue, Pierre,
4 South Dakota, on the 11th day of June, 2019, commencing
5 at 1:00 p.m.

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1 CHAIRMAN HANSON: Ladies and gentlemen, I'll
2 call the meeting to order. My name is Gary Hanson. I'm
3 the Chair of the Commission. With me today are
4 Commissioner Nelson and -- excuse me. Commissioner Chris
5 Nelson and Commissioner Kristie Fiegen.

6 We are considering one motion in the docket of
7 EL19-003, one question on that docket. And at this time
8 we've had discussions and we're ready for a motion.
9 There was an order basically given to the parties and
10 we'll see whether those have been met.

11 I'd first like to hear from Staff on that.

12 MS. EDWARDS: This is Kristen Edwards for Staff.
13 I believe that -- or Staff believes that the directive of
14 the Commission from last week was satisfied.

15 CHAIRMAN HANSON: Thank you.

16 I don't know that there's a need for information
17 from either of the parties. However, we're open to
18 suggestion.

19 Mr. Schumacher.

20 MR. SCHUMACHER: Thank you, Chair Hanson.

21 We would concur with Staff. We believe that
22 Applicant is fully satisfied the condition the Commission
23 asked us to meet.

24 CHAIRMAN HANSON: Thank you.

25 And Mr. Ganje.

1 MR. GANJE: Thank you, Chair Hanson.

2 I did receive on Friday, late in the afternoon,
3 a revised map which I understand to be the represented
4 final map as regards to the location of real estate
5 agreements with the various property owners, whether
6 easement or option or similar agreement. I appreciate
7 them submitting that.

8 I also did ask at that time that I be given
9 copies of the agreements that evidence satisfaction of
10 the change in the map -- or the changes in the map. I
11 have not received those documents.

12 MR. SCHUMACHER: The position of Applicant is
13 that those agreements are confidential.

14 CHAIRMAN HANSON: Mr. Murphy, do you have
15 something to add?

16 MR. MURPHY: We have copies for the Commission
17 or Staff if you want to satisfy that we have executed
18 these agreements, but they are confidential and we have
19 not entered into a nonconfidential disclosure agreement
20 with the Intervenors, even though we've offered.

21 CHAIRMAN HANSON: Thank you.

22 Are there any questions by the Commission?
23 Commissioner Nelson.

24 COMMISSIONER NELSON: I have one for the
25 Applicant. Based on Friday's filing, I understand that

1 you dropped turbine 79. My question is, have you chosen
2 an alternate replacement for that turbine? And then I
3 guess the follow-up question is the filings we've
4 received this morning, you've dropped more turbines.
5 Have you designated additional alternate turbines or are
6 you just going to forego those completely? And I ask
7 these questions so I can try to zero in on what map it is
8 we're dealing with.

9 MR. MURPHY: Appreciate it and understood, and
10 we came prepared to walk the Commission through the
11 different changes and why they were made so you can
12 understand them. Mr. Wilhelm, who's a project manager,
13 can speak better.

14 We haven't chosen what alternative turbine we
15 will use. We've modeled in a way that we can choose any
16 of them and not violate sound or shadow flicker issues.

17 COMMISSIONER NELSON: So then perhaps my
18 follow-up question would be a correct understanding for
19 each turbine that you have dropped, there will be one
20 alternative that you will use; we just don't know which
21 one at this time. Is that correct?

22 MR. MURPHY: Correct. It's fair to say there
23 are two alternatives that were on what we hoped was a
24 participant's land that would -- we would like to keep
25 the idea open if they knock on our door tomorrow and want

1 to participate. But with that said, we understand that
2 the map is final and we're moving forward in that
3 direction.

4 COMMISSIONER NELSON: Very good. That satisfies
5 me for now.

6 CHAIRMAN HANSON: Any further questions of the
7 Commission -- by the Commission? Is there a motion?

8 COMMISSIONER NELSON: Mr. Chair, I move that the
9 Commission deny the Intervenors' second Motion to Deny
10 and Dismiss.

11 CHAIRMAN HANSON: Discussion on the motion.

12 COMMISSIONER NELSON: As I think I said last
13 week, I think Mr. Ganje raised an incredibly pertinent
14 point with his motion. Things were way too fluid at that
15 point considering how close we were to this hearing. The
16 Intervenors didn't know the situation for certain, and
17 nor did we.

18 Great progress took place between Thursday and
19 Friday. Frankly, maybe greater progress than I expected.
20 And so I appreciate that. I appreciate your speedily
21 getting the map to us Friday afternoon so that we could
22 consider that. And, with that, I think this does not
23 rise to the level of dismissing the entire Application;
24 hence, my motion.

25 CHAIRMAN HANSON: Thank you.

1 Any further discussion?

2 As I said previously, accuracy is extremely
3 important as we go through this process. And it does
4 place a disadvantage on the Intervenors from a standpoint
5 if the information that's provided is dilatory, they need
6 to have the opportunity to go through the process. And,
7 frankly, I was teetering -- I hate to go through the
8 process all over again and have it -- have everyone go
9 through the entire amount of work that they've already
10 gone through, but we're going to see how it progresses.

11 We're going to make certain that the Intervenors
12 have every opportunity to participate and that they have
13 not been harmed in any way from this process. So
14 accuracy is extremely important to us.

15 Any further discussion on the motion?

16 Hearing none, Commissioner Nelson.

17 COMMISSIONER NELSON: Aye.

18 CHAIRMAN HANSON: Commissioner Fiegen.

19 COMMISSIONER FIEGEN: Fiegen votes aye.

20 CHAIRMAN HANSON: Hanson votes aye. The motion
21 carries.

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1 STATE OF SOUTH DAKOTA)

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CERTIFICATE

3 COUNTY OF SULLY)

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5 I, CHERI MCCOMSEY WITTLER, a Registered
6 Professional Reporter, Certified Realtime Reporter and
7 Notary Public in and for the State of South Dakota:

8 DO HEREBY CERTIFY that as the duly-appointed
9 shorthand reporter, I took in shorthand the proceedings
10 had in the above-entitled matter on the 11th day of June,
11 2019, and that the attached is a true and correct
12 transcription of the proceedings so taken.

13 Dated at Onida, South Dakota this 29th day of
14 June, 2019.

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18 /s/ Cheri McComsey Wittler
19 Cheri McComsey Wittler,
20 Notary Public and
Registered Professional Reporter
Certified Realtime Reporter

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