

In The Matter Of:

*THE APPLICATION BY CROWNED RIDGE WIND FOR A PERMIT OF A
WIND ENERGY FACILITY IN GRANT AND CODINGTON COUNTY, SD*

PUBLIC INPUT HEARING

March 20, 2019



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THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

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IN THE MATTER OF THE APPLICATION EL19-003
BY CROWNED RIDGE WIND, LLC
FOR A PERMIT OF A WIND ENERGY
FACILITY IN GRANT COUNTY
AND CODINGTON COUNTY, SOUTH DAKOTA. ORIGINAL
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Transcript of Proceedings
March 20, 2019
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BEFORE THE PUBLIC UTILITIES COMMISSION,
GARY HANSON, CHAIRMAN
CHRIS NELSON, VICE CHAIRMAN
KRISTIE FIEGEN, COMMISSIONER
KAREN CREMER, COMMISSIONER ATTORNEY

COMMISSION STAFF
Brittany Olson
Darren Kearney
Eric Paulson

APPEARANCES

Tyler Wilhelm, Sam Massey, Mark Thompson
Kimberly Wells, and Jay Haley,
appearing on behalf of Crowned Ridge.

Proceedings recorded by electronic sound recording;
transcript produced by Glacial Lakes Court Reporting.

1 The following transcript of proceedings was
2 held in the above-entitled matter at the Waverly-South Shore
3 School Gymnasium, 319 Mary Place, Waverly, South Dakota, on
4 the 20th day of March, 2019, commencing at 5:30 p.m.

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1 CHAIRMAN HANSON: Call the meeting to order. Good
2 evening, everyone. We appreciate you stopping by this
3 evening to chat with us and give us information on your
4 concerns and questions regarding the proposed wind facility.

5 My name is Gary Hanson. I am the Chairman of the
6 Public Utilities Commission. With me this evening are
7 Commissioners Chris Nelson and Kristie Fiegen.

8 (Audio feedback.)

9 I was waiting for the vibration to subside a little
10 bit there.

11 I have a number of things I have to go through from
12 a standpoint of just rules and laws pertaining to how we're
13 administrating this. They're not as complicated as the NFL
14 rules, but they are probably more important to you than those
15 rules.

16 We appreciate very much and thank Jon Meyer, the
17 superintendent of Waverly-South Shore School District for all
18 of his help. And I arrived a little late. I'm not certain
19 if Jon is here, but we appreciate his work for this evening
20 very much.

21 Our purpose this evening is to hold a public input
22 hearing in docket EL19-003 titled In the Matter of the
23 Application by Crowned Ridge Wind, LLC for a Permit of a Wind
24 Energy Facility in Grant and Codington Counties.

25 On January 30, 2019, Crowned Ridge Wind filed an

1 application to construct a wind energy facility, with
2 associated facilities, to be located in Grant and Codington
3 Counties.

4 The proposed project would be situated on
5 approximately 53,186 acres in the townships of Waverly,
6 excuse me if I mispronounce, Rauville, Leola, Germantown,
7 Troy, and Stockholm, Twin Brooks, and Mezeppa. The total
8 installed capacity of the proposed project would not exceed
9 300 megawatts of nameplate capacity. The proposed project
10 includes up to 130 wind turbine generators, access roads,
11 underground electrical collector lines, a collection station,
12 one permanent meteorological tower, and an operations and
13 maintenance facility. Crowned Ridge has executed a power
14 purchase agreement with Northern States Power Company to sell
15 its electricity the full output of the project.

16 The project, if approved, is expected to be
17 completed in 2020. Crowned Ridge estimates the total cost of
18 the proposed project to be \$400 million. A copy of the
19 application is filed with both the Grant and Codington County
20 Auditors. It is also available on the Commission's website
21 under "EL19-003" or by calling, writing, or stopping by the
22 Commission office.

23 At tonight's public input meeting, Crowned Ridge
24 will provide information to the public about the proposed
25 project and to hear public comments about the project.

1 Interested persons have the right to present their views and
2 comments regarding the application, and we encourage you to
3 do so.

4 Please note that no PUC permit decisions are being
5 made tonight or in the immediate future. By law, the parties
6 to the proceeding at this time are Crowned Ridge, the
7 Commission staff, and three other persons who have been
8 granted party status.

9 MS. CREMER: There's four now.

10 COMMISSIONER NELSON: Four.

11 CHAIRMAN HANSON: Now there are four. Do I hear
12 five?

13 (Laughter.)

14 CHAIRMAN HANSON: Under South Dakota law, each
15 municipality, county, and governmental agency in the area
16 where the facility is proposed to be constructed, or any
17 interested person or organization, may be granted party
18 status in this proceeding by making written application to
19 the Commission on or before 5:00 p.m. on April 1st, 2019; no
20 fools.

21 We have applications for party status forms
22 available here this evening if you would like to apply for
23 party status. The form is also available on the Commission's
24 website or by contacting the Commission. However, you do not
25 need to become a party to the docket in order for your voice

1 to be heard by the Commission.

2 The Commissioners are here this evening to hear
3 your comments and your concerns about the proposed project.
4 We will also be accepting comments in writing from anyone
5 either by mail, personal delivery, or emailing the Commission
6 right up until the time of the decision. You only need to
7 apply for party status if you want to participate formally in
8 the case by presenting actual testimony or other factual
9 evidence, conducting discovery, cross-examining witnesses,
10 making legal arguments, and in order to preserve your right
11 to appeal to the courts if you do not believe our decision is
12 legally correct.

13 South Dakota law requires us to base our decision
14 on evidence. Evidence is primarily gathered at the
15 evidentiary hearing. This meeting is not an evidentiary
16 hearing. It is a public input meeting. The Commissioners
17 and staff will use the information you provide this evening
18 and the concerns and questions that you express as
19 foundations for questions that we ask at the evidentiary
20 hearing, along with all the other questions we normally ask.
21 Each of the Commissioners and staff assigned to this docket
22 thoroughly read all of the comments submitted by the public,
23 and they are also filed in the docket.

24 Please listen carefully to this particular
25 paragraph: For the permit to be approved, State law requires

1 that Crowned Ridge must show the proposed wind facility will
2 comply with all applicable laws and rules, and it will not
3 pose a threat of serious injury to the environment nor to the
4 social and economic condition of inhabitants or expected
5 inhabitants in the siting area. Additionally, the facility
6 will not substantially impair the health, safety, or welfare
7 of the inhabitants and it will not unduly interfere with the
8 orderly development of the region with due consideration
9 given to the views of governing bodies of affected local
10 units of government.

11 Based on these requirements, the Commission will
12 decide whether the permit for the project should be granted,
13 denied, or granted upon such terms, conditions, or
14 modifications of the construction, operation, or maintenance
15 of the facilities as the Commission finds appropriate. State
16 law requires that we issue our decision within six months of
17 the filing of the application. That deadline date is
18 July 30, 2019.

19 Our court reporter this evening is Cheryl Kruse.
20 So, if you are going to address the Commission or ask
21 questions or address the applicants, please use the
22 microphone. When you speak, please introduce yourself, spell
23 your name when you speak so we can get it on the record
24 property, and speak slowly, especially if you are reading.

25 To ensure fairness and impartiality throughout the

1 six months allotted to this process, the Commissioners and
2 their advisors are not allowed to engage in private ex parte
3 conversations with anyone regarding this project.

4 The Commission's attorney, Karen Cremer, is also
5 here this evening. She is not allowed to speak with you
6 regarding the docket and neither, of course, are the
7 Commissioners unless we are in an open meeting, such as the
8 meeting we are in presently.

9 Some of the Commission staff are allowed to speak
10 with you and answer your questions outside of an open
11 meeting. I believe three of those Commissioners' staff
12 members are here tonight: Darren Kearney; Eric Paulson; and
13 Brittany Olson. You may speak with them if you have
14 questions or need help with anything either tonight or as we
15 go through the permitting process.

16 Before we start, please make sure to put your
17 information on the sign-in sheets so we have a record of who
18 attended. Please mute your cell phones.

19 We're going to begin this evening by having the
20 representatives of Crowned Ridge make a presentation to
21 explain the project. Following that presentation, we will
22 open the floor to you. This will be your opportunity to make
23 comments, to ask questions, and we strongly encourage you to
24 do so.

25 To help us this evening, excuse me, ascertain how

1 much time to allot to each speaker, because we don't have all
2 of today and tomorrow to do this, we would like to see a show
3 of hands of how many people believe they will be addressing
4 us this evening. Please hold -- keep them -- keep them up
5 for us.

6 MS. CREMER: I counted 10. So, we'll figure 12.

7 COMMISSIONER NELSON: I got 11.

8 CHAIRMAN HANSON: Oh, and 12 would be there.

9 MS. CREMER: Oh, there. Okay, yes.

10 COMMISSIONER NELSON: A dozen, so five -- four and
11 five. Okay.

12 We've taken a private vote here, forgive us.

13 Five minutes, will that work for everyone? If not,
14 someone with four minutes can give one of their minutes to
15 someone else, I guess.

16 We will begin this evening, then. I'll turn the
17 floor over to the applicant. And please make presentation
18 and introduce your folks to us.

19 MR. WILHELM: Thank you, Chairman Hanson.

20 I would like to say thank you all for attending
21 tonight's public input meeting on behalf of the Crowned Ridge
22 Wind project. My name is Tyler Wilhelm. I'm the project
23 developer of Crowned Ridge Wind. I'm accompanied here
24 tonight with: Sam Massey, who is a part of NextEra's
25 development team; Mark Thompson, who's a part of engineering

1 and construction; Kimberly Wells, who's a part of
2 environmental services; and, Jay Haley, who is our sound and
3 shadow flicker consultant.

4 Okay. Starting off about the applicant. The
5 applicant, Crowned Ridge Wind, LLC, is a wholly owned,
6 indirect subsidiary of NextEra Energy Resources or NEER.
7 American-owned and operated company, NEER is the world's
8 largest generator of renewable energy from the wind and sun.
9 NEER affiliates own 118 wind farms across the U.S. and
10 Canada, three of which are located and operating, currently,
11 in the state of South Dakota.

12 Crowned Ridge Wind, LLC submitted a facility permit
13 application on January 30th, 2019, seeking Facility Permit
14 approval to construct, own, and operate the up to
15 300 megawatt Crowned Ridge Wind project.

16 The Crowned Ridge Wind project is -- project areas
17 is depicted to the right there (indicating.). It is
18 comprised of roughly 53,000 acres and located in Codington
19 and Grant County, South Dakota.

20 Crowned Ridge Wind does possess a Power Purchase
21 Agreement with Northern States Power, which is an affiliate
22 of Xcel Energy, and also reflects a \$400 million investment
23 in the state of South Dakota. The project has a proposed
24 Commercial Operations Date in December of 2019.

25 The purpose of the project is to satisfy energy

1 demands within NSP's service territory within the MISO
2 regional grid. Such demand has been recognized by both the
3 Minnesota and North Dakota Public Service Commissions and the
4 project also supplements Northern States Power's pursuit of a
5 higher renewable ener- -- sorry -- pursuit of a higher
6 renewable energy generation mix.

7 The project is also intended to deliver a safe and
8 reliable project in Codington and Grant County compatible
9 with existing land uses, providing additional revenue
10 streams, creating jobs, and yielding local benefits.

11 So, why now? Codington County and Grant County
12 have successfully codified new siting requirements for wind
13 energy systems. Crowned Ridge Wind has completed the
14 necessary field surveys and micrositing of project
15 infrastructure, and adopted changes to the project site plan
16 to ensure compliance with these newly codified codes.

17 Land easements have been obtained for 99 percent of
18 the project's proposed infrastructure and the South Dakota
19 PUC's six-month-approval timeline does support the project's
20 proposed COD of December 2019.

21 The project site plan is depicted on the right of
22 this page (indicating.) and reflects the project size of
23 roughly 300 megawatts. The project area is comprised of
24 53,186 acres and 45,935 of those acres are participating,
25 which makes up roughly 86 percent of all acreage within the

1 project area. In total, 130 GE 2.3 megawatt turbines are
2 proposed. 117 of those turbines will have 116-meter rotor
3 diameter and a 90-meter hub height, which creates a total
4 height of roughly 485 feet. And 13 turbines will have
5 116-meter rotor diameter, 80-meter hub height, and a total
6 height of 452 feet.

7 There is also 20 alternate turbine locations that
8 are proposed within the project area. The breakdown between
9 the two counties is roughly 95 turbines that are proposed in
10 Codington County and 35 turbines proposed in Grant. Other
11 project facilities to note are: Access roads to project
12 facilities; underground collection cabling; and, an
13 operations and maintenance facility are all in that building.

14 With the project comes both short and long-term
15 community benefits and -- which will result in a boost to the
16 local economy. During the construction process, 250
17 temporary jobs will increase the local spend drastically,
18 including: Hotel stays; places to dine; and, places to --
19 for general business to be conducted. In the long term,
20 there will be 7 to 12 full-time O&M jobs, which will be
21 created for the life of the project. As noted earlier, this
22 is a \$400 million investment in the state of South Dakota and
23 there will be approximately \$40 million in payments to
24 landowners over the life of the projects. We'll also see
25 improvements to existing county and township roads that are

1 -- that will result from the mobilization of project
2 infrastructure and deliveries.

3 This table below (indicating.), for those in
4 attendance who can see, reflects a breakdown of tax revenues
5 that will be generated and circulated within the State
6 totally roughly \$37.3 million over the 25-year operating life
7 of the project.

8 Since we've been developing the Crowned Ridge
9 projects for roughly 10 years, we've had the opportunity to
10 get involved with local support of organizations, groups, and
11 events. The picture at the top there that you can see
12 (indicating.), we did sponsor the Crystal Springs Rodeo. We
13 donated funds to help create the South Dakota Wind for
14 Schools program. We've participated for two years now in the
15 Kite Day at the Capitol where we've donated over 500 plus
16 kites.

17 We've partnered with the South Dakota
18 State University Wind Application Center, as well as we'll be
19 donating turbine equipment from decommissioning projects
20 within the region to both Mitchell Tech and Lake Area Tech,
21 so the students have some hands-on material to work on moving
22 forward.

23 One of the bigger stories that we've been a part of
24 is -- with this project, there was a large turbine purchase
25 order that was placed with General Electric. That turbine

1 purchase order allowed Molded Fiber Glass to keep their doors
2 open for at least another three-quarters of 2018, and they
3 are still open today, and which saved roughly 490 jobs. And
4 it's something that we're very happy to be a part of.

5 INDIVIDUAL IN AUDIENCE: Can you speak up better so
6 we can hear you?

7 MR. WILHELM: Yes.

8 INDIVIDUAL IN AUDIENCE: Thank you.

9 MR. WILHELM: So, some of the stakeholder outreach
10 that has been done has been in coordination with
11 Codington County and Grant County Planning and Zoning Boards.
12 We've worked very closely with the Sisseton Wahpeton Oyate
13 Tribe, as well as some of the others in the area.
14 Coordination with the U.S. Fish & Wildlife Service,
15 South Dakota Game, Fish, and Parks. And we've also conducted
16 a couple of open houses since development has commenced. All
17 of these stakeholder outreach activities have resulted in 99
18 percent completion of land acquisition with no eminent domain
19 utilized.

20 The general project location was selected based off
21 of four main items. The first one being the available wind
22 energy resource in the area. We have over ten-plus years of
23 wind data that's been collected from our meteorological
24 towers, and those have confirmed that there's a viable wind
25 resource that is suitable to support a project of this

1 magnitude.

2 There is access to viable transmission
3 interconnection. The project area is situated with adequate
4 proximity to the Big Stone South Substation where there is
5 suitable infrastructure and available transmission capacity.

6 There's also been a large amount of support for the
7 wind energy development. We have voluntary participation
8 from approximately 80 perc- -- 86 percent of all lands within
9 the project area, some of which have had active wind leasing
10 agreements for ten-plus years. Also, the land use and
11 environmental resource compatibility has been confirmed,
12 wherein we've also been able to avoid and/or minimize the
13 impacts of natural and cultural resources.

14 Crowned Ridge Wind has worked diligently to make
15 the necessary changes to the project site -- to the project
16 site plan, excuse me, to meet and exceed local and state
17 siting requirements. In 2018, both Codington and
18 Grant County considered making changes to their existing
19 siting requirements. The most current county siting
20 requirements are depicted on the board up here (indicating.).
21 One of the more notable ones are: The increased setbacks for
22 non-participating occupied residences, which is 1500 feet;
23 the adoption of a one-mile setback from municipal boundaries
24 at the time of the Conditional Use Permit application; and,
25 then, also, the limitation for noise and shadow flicker not

1 being able to exceed 50 dBA sound pressure levels at the
2 property line within Codington; and, also, implementing 30
3 hours per year of shadow flicker allowance.

4 This page represents Grant County (indicating.).
5 As noted for Codington, there's a 1500-foot setback from
6 residences. This is for both participating and non. The
7 one-mile setback from municipal boundaries was also adopted
8 -- a little bit different in Grant County is these -- the
9 noise thresholds for non-participating and participating.
10 45 dBA is measured from 25 feet from the perimeter of the
11 existing non-participating residences. And the same -- I'm
12 sorry. And 50 dBA, 25 feet from the perimeter of
13 participating residences and businesses. Similar to
14 Codington County, the 30 hours of shadow flicker allowance
15 has been adopted.

16 I'll go ahead and pass this over to Mark Thompson
17 with the engineering construction.

18 MR. THOMPSON: Thanks, thanks, Tyler. So, I'll
19 take this opportunity to walk you through the major aspects
20 of the wind farm and the construction process associated with
21 these major aspects of the farm.

22 The turbines that, as you know, is the generating
23 portion of the project. These consist of 117 GE 2.3 megawatt
24 turbines and 13, 2.3 megawatt GE turbines. The collector
25 substation is located at the geographic center of the

1 project, in most cases. It's a 34.5kV to 230Kv is the actual
2 transmission voltage that we have to set up to transmit the
3 power. And this is a fenced area that has breakers,
4 switches, major -- a main power transformer. All of these
5 components are used to transmit or transform the voltage,
6 then transmit it to the power system that we're connected to.

7 The underground collection system, the 34.5kV power
8 cables, of course, these are the cables that you use to
9 connect the turbines to the substation that I mentioned
10 before, and these are buried at a minimum of 36 inches below
11 the ground. And, of course, the O&M facility. This facility
12 house the technicians that will maintain and operate the
13 site.

14 As far as the construction process is concerned,
15 the turbine foundation, once the location is identified, the
16 area is stripped of the topsoil. We excavate to about eight
17 feet in depth, and then we make preparations to install the
18 bolt cages, rebar cages, concrete to support. And then once
19 we pour concrete and it's cured, we start the erection
20 process. I want to mention that the concrete is either from
21 an onsite batch plant or a plant that is located offsite.

22 The erection of the tower are -- is done in stages.
23 The first stage, or your first section of the tower, is
24 attached to the foundation, that I mentioned earlier, via
25 anchor bolts. Once those are torqued, the remaining two

1 sections of tower are installed using specialized cranes.
2 These cranes are sometimes capable of lifting up to 1800 tons
3 and can reach -- have a reach of about 107 meters. It's
4 about 350 feet.

5 The crane is capable of lifting the nacelle that's
6 affixed to the top of the tower, and also the rotor and hub
7 that's needed to complete the turbine erection.

8 The underground collection lines that I mentioned
9 earlier, the installation of these is a quite interesting
10 process. The previously identified collection routes are cut
11 with trenches, open trenches, and the cables -- and
12 communication cables and power cables are simultaneously laid
13 while the trench is being cut. Once these cables are
14 installed, the trench is backfilled and compacted to mitigate
15 erosion during the rainy season.

16 The substation construction process is usually
17 taking place at the same time that they are laying collection
18 cables. It's a similar process to the turbine foundation:
19 Meaning, the location is identified; the area is cleared;
20 it's compacted; and, the necessary foundations are put in
21 place. Once those are cured, then the steel structures are
22 installed, along with other equipment.

23 As it pertains to the operation of the site, it's a
24 fairly simple process. What it involves is a SCADA system,
25 or a control system, if you may, that takes inputs from the

1 various entities or from the various equipment and uses set
2 points that we put in to make sure that the plant is operated
3 efficiently, reliably, and it's meeting all the requirements
4 from the various compliance entities, such as NERC.

5 In addition to monitoring the site 24 hours, a
6 24-hour operation from a centralized control site, we have
7 local technicians, wind techs, that is usually onsite during
8 the daytime and they will provide the necessary maintenance
9 rehabilitation that is needed to make sure the plant is
10 operated safely and reliably.

11 So, what happens after the plant has reached its
12 useful life? The Crowned Ridge project will be responsible
13 for decommission of the project and all costs will be borne
14 by the project. Just to go into detail as to what will
15 happen: Removal of the 130 turbines that exist and all
16 above-ground facilities will also be removed; the roads and
17 staging areas not desired by the land owner to remain in
18 place will also be removed; the properties will be restored
19 to pre-construction condition, including the vegetation, the
20 drainage, and the environmental features -- features, sorry;
21 the roads will be repaired as needed to pre-construction
22 condition.

23 MR. WILHELM: Okay. I'm going to take the time to
24 walk everybody through the project timeline. When developing
25 commenced back in 2006, we began the wind data analysis in

1 capturing the process, as well as our initial steps in the
2 landowner outreach process. Over ten years later in 2017, we
3 were able to execute a power purchase agreement with
4 Northern States Power. We entered into the local permitting
5 process in June of 2018. Completed the wind farm design
6 through the end of 2018. Submitted our state application
7 with the Public Utility Commission in January of '19.
8 Material procurement was completed in February of '19 and we
9 will proceed with construction activities in the August
10 timeframe in support of an in-service operations date of
11 December 2019.

12 Here is some contact information for the applicant,
13 Crowned Ridge Wind, LLC, and you can also find additional
14 information on the application submitted in the project site
15 plan by visiting the South Dakota PUC website as noted on the
16 slide here (indicating.). Thank you.

17 CHAIRMAN HANSON: Are you okay?

18 THE REPORTER: Yes.

19 CHAIRMAN HANSON: Well, thank you very much for the
20 presentation.

21 Folks, this is your opportunity now to address the
22 applicant and tell us what your concerns are and ask them
23 whatever questions you might have. So, we're looking forward
24 to hearing from you. So, who is going to break the ice this
25 evening for us?

1 Welcome.

2 MR. NICHOLS: Thank you. Can you hear me?

3 CHAIRMAN HANSON: Would you check and make sure the
4 mic is on?

5 MR. NICHOLS: Is that better?

6 CHAIRMAN HANSON: That's great. Thank you, sir.

7 MR. NICHOLS: Can you hear me back there?

8 Thank you very much. My name is Jim Nichols,
9 J-i-m, N-i-c-h-o-l-s. I've farmed all my life at
10 Lake Benton, Minnesota, and I don't work for anyone or
11 represent anyone. I'm here because it's been such a great
12 success for us as -- success for us in Lincoln County and
13 Lake Benton.

14 After we got the law passed, Lake Benton became the
15 largest wind farm in the world. And we started this 25 years
16 ago in 1994 and the original project was bought a couple of
17 years later by NextEra, which means Florida Power & Light,
18 that's how you started; NextEra's your parent company and
19 it's been a great project. We have a lot of local jobs and
20 great payments to farmers and a lot of property taxes, and I
21 will refer to that.

22 I also want to commend -- I taught school here in
23 South Shore. None of you remember that, it was a long time
24 ago. When I came home from Vietnam, my first job was in
25 South Shore; great school, great kids, good years. And we

1 had good teams, but nothing like you've had here. So, I've
2 watched you on TV. I usually get Sioux Falls TV.
3 Lake Benton is just a couple of miles where my farm, a couple
4 miles into Minnesota. And Elkton, South Dakota, is actually
5 my home. I went to South Dakota State and started teaching
6 here. I don't have a clue how I ever got elected in
7 Minnesota, but I served 20 years as a State Senator and State
8 Secretary of Agriculture.

9 And just quickly about that. I wasn't a part --
10 member of any party. I'm not into politics, but we needed to
11 make some advances after the 1980's, and I know some of you
12 went through that. We sure went through it in Minnesota; it
13 was tough times. We needed to find new markets. Back then,
14 we were importing 65 percent of our oil from Saudi Arabia and
15 I felt, and others felt, that we needed to make our own fuel,
16 so we passed it in 1991. And I did a lot of work to get that
17 passed as the Secretary of Agriculture, our ethanol
18 requirement. And now, we have 20 ethanol plants, produce 1.4
19 billion gallons of ethanol and Minnesota farmers deliver
20 almost 500 million bushels of corn to our 20 ethanol plants.

21 All my corn goes to an ethanol plant. I have a
22 wind turbine on my farm. Because of that success of ethanol,
23 then, I worked hard to pass our wind energy law in 1994 and
24 then we started -- and that was with Xcel Energy needed to
25 store their nuclear waste. My proposal was, then, to start a

1 nuclear waste if they go into renewable energy. I started
2 small. I only got 400 megawatts in the beginning. Now, 25
3 percent of all wind -- all the energy in Minnesota has to
4 come from renewable, and mostly wind, by 2025. Congress
5 passed our Minnesota ethanol law in 2007 and we're hoping
6 that Congress passes our Minnesota law for wind energy, soon
7 would be nice.

8 It's, truthfully, as a farmer, one of the best
9 things that ever happened. My best crop is my turbine. It
10 runs 24 hours a day. I call it my "combine in the sky" and I
11 deliver my product at the speed of light to Minneapolis and
12 St. Paul. My contract's with Xcel Energy. At the beginning,
13 Xcel Energy didn't like me for getting the law passed, but
14 now they are the largest buyer of wind energy in the
15 United States. They're buying your power here. And the
16 original ethanol plants were built on the State line because
17 Minnesota was your market.

18 It's amazing to me, I've gone back many times to
19 this, via the Capitol with my old colleagues, that the
20 government relation's guy from Xcel Energy poses we're always
21 trying to get more wind energy. But he was very honest and
22 said the best thing that ever happened to us was that we --
23 you passed the law because now Xcel Energy has all these
24 cheap energy and 20-year contracts.

25 So, just very quickly, and I know I got to get out

1 of here. This -- and I have this handout and I hope you'll
2 refer to that because I couldn't -- one minute, okay.

3 This -- wind turbines produce more energy than an
4 oil well. The average oil well produces 10.3 barrels per
5 day. My turbine, which is 1.5 megawatt, produces 12 on
6 average and 20 at full production. These turbines will
7 produce 20 barrels a day on average and 30 barrels at full
8 production. When you put up a wind turbine, you have struck
9 oil, but the difference is you don't have to put up with all
10 those trucks hauling oil, pipelines. And whenever you'd
11 like, I get to deliver my crop at the speed of light to my
12 customers in Minneapolis and St. Paul.

13 Now, very quickly, we now have 25 counties
14 participating. We have 300 turbines with my County. Almost
15 3,000 in the State. We collect 2 million dollars in property
16 taxes from turbines when I was the County Commissioner, in
17 addition to the State Senator and the Secretary of
18 Agriculture.

19 We've been able to lower our property taxes because
20 our budget, when I was on the board, was 5 million and we get
21 2 million from the turbines. All of our taxes have gone
22 down. We have three more projects coming and we'll be
23 collecting 4 million in taxes. So, most of our property
24 taxes were paid. Better than that, look what it does for
25 your school district. And I know it's a little bit of a

1 struggle, I used to teach here. This does --

2 COMMISSIONER HANSON: Stop.

3 MR. NICHOLS: Okay.

4 INDIVIDUAL IN AUDIENCE: Can you do something with
5 that P-A, I mean, so there's no echo up here?

6 CHAIRMAN HANSON: Please, you're going -- we're
7 going to use the --

8 INDIVIDUAL IN AUDIENCE: (Indiscernible.)

9 CHAIRMAN HANSON: Sir, you're going to have to use
10 the microphone because in this meeting we do need to have it
11 on record. So, if you wish to say something, we -- would you
12 please come down and speak to -- through the microphone.

13 COMMISSIONER FIEGEN: We can't hear it.

14 CHAIRMAN HANSON: Sir, we're going to put you down
15 as a supporter; is that correct? All right.

16 COMMISSIONER FIEGEN: I think he just -- So, you
17 can't hear the mic?

18 CHAIRMAN HANSON: Are you having trouble hearing?

19 COMMISSIONER FIEGEN: Yes.

20 CHAIRMAN HANSON: The gentleman sitting there?

21 INDIVIDUAL IN AUDIENCE: There's a little bit of an
22 echo.

23 ANOTHER INDIVIDUAL IN AUDIENCE: Yeah, a lot of
24 people are --

25 CHAIRMAN HANSON: Okay, thank you.

1 COMMISSIONER FIEGEN: Is it because of the fan?

2 CHAIRMAN HANSON: When he had -- when he was
3 speaking away from the mic like this (indicating.), was it
4 more difficult?

5 Okay. So, let's remember that and speak into the
6 microphone and not turn to the audience. It will be helpful.

7 Who is next, please? And if you have something in
8 writing, after you're done, could you give that to the
9 reporter, the stenographer? Thank you very much. That would
10 be much appreciated.

11 MR. LYNCH: Will do. My name is Patrick Lynch and
12 I live in Rauville Township in Codington County.

13 So, dear Commissioners, I would like to speak on
14 two topics. The first concern is for the health and safety
15 of my family if the project proceeds as proposed. I have
16 attached a study contained in the U.S. National Library of
17 Medicine and the National Institute of Health. In this, they
18 recommend a nighttime noise level, which should not --

19 CHAIRMAN HANSON: Excuse me, I think you're
20 vibrating a little bit. A little softer, maybe?

21 MS. CREMER: And slower.

22 COMMISSIONER NELSON: Slower.

23 MS. CREMER: Slower.

24 COMMISSIONER FIEGEN: We'll give you some extra
25 time.

1 MR. LYNCH: Test, test. Test.

2 CHAIRMAN HANSON: A little slower and little
3 softer. I see a lot of people straining.

4 MR. LYNCH: Test. Better? All right.

5 So, I would like to speak on two topics. The first
6 is a concern for the health and safety of my family if the
7 project proceeds as proposed. I have attached a study
8 contained in the U.S. National Library of Medicine and the
9 National Institute of Health. In this, they recommend a
10 nighttime noise level which should not exceed 30 dB(A).
11 They, along with the World Health Organization, recommend
12 this because it can attribute to increased cardiovascular
13 risk, higher cortisol levels, sleep disturbance such as
14 awakenings and shallower sleep stages. And they say these
15 are the most severe health effects of noise in the sleep
16 study.

17 My property is CR1-C27-NP in the Updated Appendix H
18 Noise Report attached to the edocket. My property is going
19 to experience a noise level of 42.2 dB(A) at my property and
20 40 dB(A) at my home. Both of these exceed these noise level
21 recommendations. In looking at the maps, most if not all
22 properties participating or non-participating will exceed
23 these levels.

24 Also, according to the shadow flicker report, my
25 home will experience 6 hours and 58 minutes of shadow flicker

1 a year. Not a lot, but I did hear testimony at the
2 Codington County public hearing that this also can cause
3 sleep disturbance. It is my belief that I should not have to
4 live or raise my children in an environment where we are
5 unable to sleep soundly or possibly suffer any long-term
6 health impacts.

7 My second topic is the violation of my property
8 rights. I, ultimately, desire to move my home into a
9 different area on my property. Unfortunately, this would be
10 moving my family into an area where I would experience even
11 more noise and shadow flicker according to the maps. I
12 believe I have the right to enjoy my entire property to its
13 fullest. I feel the turbine projecting noise and flicker
14 onto my land and affecting the way I use it is an illegal
15 taking of my property rights.

16 I ask that you either deny the permit or curtail
17 the placement of turbines so that all the non-participating
18 property owners should experience zero shadow flicker and
19 noise levels of less than 30 dB(A).

20 And then, also, going back to the sound study in
21 the noise and flicker maps, is somebody from E-A-P-C here?

22 MR. WILHELM: Jay.

23 MR. LYNCH: Jay. Jay, are you a P-E, a
24 professional engineer? Are you certified?

25 MR. HALEY: I'm a professional engineer.

1 MR. LYNCH: Okay. And did you --
2 I'm allowed to ask him these questions, right?
3 And did you stamp these drawings or did you put
4 your professional engineer -- is there a copy that's stamped?

5 MR. HALEY: To answer your first question, yes, I
6 am a registered professional engineer. No, I did not stamp
7 those studies because it's not a requirement.

8 MR. LYNCH: Okay. So, in my experience, when the
9 companies I have worked for, when we were doing structural or
10 electrical drawings and we wanted to know that they were
11 being done correctly and certified, we send them to a P-E and
12 the P-E puts their stamp on them. And what that basically
13 means is that they're guaranteeing or betting, you know, to
14 the best of their ability, that those drawings are correct
15 and accurate.

16 I see in very fine print on all these drawings at
17 the bottom of these, it says, neither E-A-P-C nor any person
18 acting on their behalf makes any warranty, expressed or
19 implied, with respect to the use of any information disclosed
20 on this drawing or assumes any liability with respect to the
21 use of any information or methods disclosed on the drawing.

22 So, I just take that to mean that the drawing
23 doesn't have to be accurate and it doesn't have to be a
24 correct representation. They can, basically, put whatever
25 they want out there and it doesn't really mean anything.

1 I'd feel much better if we required at least a
2 stamped drawing for these types of projects. I mean, if
3 we're really doing our due diligence to making sure that --
4 we're getting correct information.

5 COMMISSIONER FIEGEN: Can I ask -- I didn't get his
6 name or where that tower was.

7 COMMISSIONER NELSON: Your name is Patrick Lynch;
8 is that correct?

9 COMMISSIONER FIEGEN: And could you ask him where,
10 because, the tower was opposed to his place?

11 COMMISSIONER NELSON: Patrick, could you remain at
12 the mic for a moment? A question from Commissioner Fiegen
13 was where is that tower located --

14 COMMISSIONER FIEGEN: What tower number?

15 COMMISSIONER NELSON: -- which tower were you
16 referring to?

17 MR. LYNCH: I can't -- I don't know the tower off
18 the top of my head.

19 COMMISSIONER NELSON: Okay.

20 MR. LYNCH: I guess I can't -- if you can name it,
21 yes, I can.

22 COMMISSIONER FIEGEN: Can you show it to us on this
23 map (indicating.)?

24 MR. LYNCH: (Complies.)

25 COMMISSIONER FIEGEN: So, it's CR-79?

1 COMMISSIONER NELSON: CR-79. Thank you. Any other
2 questions at this juncture?

3 Just for your information, when the applicant comes
4 before us for the evidentiary hearing, they are required to
5 take an oath swearing to that their testimony is accurate and
6 go through that process just as if they were in a courtroom.
7 So, they will -- I appreciate that question because it's --
8 of your concern because it's very important that everything
9 is, from a standpoint of qualifying as evidence as if it --
10 as an evidentiary hearing because that's what it is. So,
11 it's a good point and we appreciate that.

12 MR. LYNCH: I appreciate that.

13 COMMISSIONER NELSON: Yes, sir.

14 Other questions or concerns, please come on down
15 and -- I see a familiar face up there raising a hand. Come
16 on down.

17 Good morning. Or excuse me, good evening, sir.

18 MR. EHLEBRACHT: Good evening. My name is
19 Garry Ehlebracht, E-h-l-e-b-r-a-c-h-t. I'm from Goodwin,
20 South Dakota, and I'm reading the comments here from
21 Isaac Orr.

22 "Dear Esteemed Commissioners of the South Dakota
23 Public Utilities Commission. My name is Isaac Orr, and I am
24 a policy fellow specializing in energy and environmental
25 policies at [the] Center of American Experiment, a think tank

1 located in Golden Valley Minnesota. I have written
2 extensively about the negative impact[s] wind energy has the
3 reliability and affordability of our electric system.

4 "Electricity prices in Minnesota have increased 26
5 percent faster than the national average since our State
6 enacted its 25 percent renewable energy mandate in Minnesota
7 in 2007...

8 "Despite the massive costs associated with wind
9 energy on our grid, we have reaped no benefits in terms of
10 reliability. In fact, our wind projects were a liability,
11 not an asset, during the Polar Vortex that caused the
12 temperatures to plummet to less than -24 degrees... in
13 January of 2019.

14 "The graph below... shows electricity production
15 from wind turbines plummeted due to the fact[s] that wind
16 turbines automatically shut off in temperatures below...
17 [-]20 degrees Fahrenheit and low wind speeds. In fact,...
18 the wind turbines consumed approximately 2 megawatts of
19 energy to keep the oil in the gearbox... from freezing.

20 "The bitter cold resulted in wind generation to be
21 far less than the day-ahead forecast, forcing [the] MISO to
22 declare a Max Generation event[s], calling on all available
23 coal, natural gas, and nuclear plants to ensure adequate
24 electricity supplies were available.

25 "The lack of wind on the system was increasingly

1 problematic because it increased the demand for natural gas
2 for electricity generation.

3 "The lack of electricity generation from wind,
4 coupled with high natural gas demand for home heating[s], led
5 to natural gas shortage[s] in Minnesota, and Xcel Energy
6 implored all of its 460,000 natural gas customers to turn
7 their thermostats down to 63 degrees to ensure there was
8 no[t] a widespread shortage of natural gas. Even though Xcel
9 asked its customers to turn down their thermostats, more than
10 150 homes lost natural gas service during some of the coldest
11 temperatures seen in years.

12 "The polar vortex had the potential to be deadly,
13 but thanks to reliable sources of energy like coal, natural
14 gas, and nuclear, it was not. Wind simply cannot provide the
15 same availability and reliability attribute[d] to these
16 generation sources. As a result, we will always need these
17 sources of power regardless of how many wind turbines are
18 built.

19 "Minnesota pursuit of wind energy has been all pain
20 and no gain. Higher energy prices have hurt our agriculture,
21 education, healthcare, manufacturing, and mining industries
22 by raising the cost of doing business in Minnesota.

23 "There will be no doubt [to] people that benefits
24 from having wind turbines on their property, but there is no
25 such thing as a free lunch. These benefits will come at the

1 cost to every South Dakota family and business as they pay
2 higher costs on their electric bills.

3 "As Public Utilities Commissioners, your duty is to
4 protect ratepayers from imprudent capital expenditures and
5 costs increase. Therefore, the facts dictates that you
6 will... be acting in the public's interest by approving these
7 wind turbine projects, and these permits should be denied."

8 Thank you very much.

9 COMMISSIONER NELSON: Thank you, sir. And, yes,
10 please. Thank you.

11 Come on down, whoever is -- wishes to speak. By
12 all means, there are spots down here for those who would like
13 to speak. Come on down and wait.

14 Good evening, sir.

15 MR. STREET: Good evening, Commissioners.

16 Okay. I'm here to talk about property rights for
17 non-participants.

18 COMMISSIONER NELSON: Your name, please?

19 MR. STREET: Bill Street, a farmer from
20 Grant County, not representing anything except our own
21 interests, I guess.

22 Okay. I feel non-participant property rights
23 within a wind energy system footprint are as important as the
24 participants. There are issues of: Sound that we hear; the
25 infrasound that we don't hear, but can feel; shadow flicker;

1 and, the intrusion of the safety zones from the turbine onto
2 other people's property.

3 In the instance of the safety zone, which extends
4 out from the turbine, say 1500 feet depending on the turbine
5 size, because -- and because distance requirement in
6 Grant County is the height of the turbine plus 10 percent,
7 the safety zone can extend onto neighboring property 700 feet
8 or more. In certain instances, this might prevent the
9 non-participant resident from having a building project in
10 that area. He's not going to build within that safety zone.

11 I'm going to suggest to you PUC members,
12 Commissioner Hanson, Commissioner Nelson, and
13 Commissioner Fiegan, to take a good look to what Clark County
14 has done, and maybe you have, to take a hard look at their
15 3/4 mile setback from non-participating residents' homes.
16 That's with waivers, of course. They got waivers there.
17 Clark County already had experience with turbines north of
18 town. The Clark County Board of Adjustment's experience with
19 these turbines give them cause to go with the 3/4-mile
20 setback. The energy company didn't go away. They're still
21 there. They're building. They have signed some waivers with
22 certain individuals, but it would certainly help the feelings
23 in the area amongst people.

24 I feel we would have less problems in our counties
25 if the PUC would give us more direction with decent setback

1 distances. Instances of absentee landowners having a turbine
2 on their property within 1500 feet of an adjacent resident
3 and giving problems to a resident is shameful.

4 We aren't dealing with 200-foot towers anymore.
5 We're dealing with the 500 and 600-foot towers. The wings --
6 just the blades are 200-feet long now.

7 Almost as long as your tower is tall, Jim.

8 Where did Jim go?

9 CHAIRMAN HANSON: Please --

10 MR. STREET: Oh, there he is (indicating.).

11 INDIVIDUAL IN THE AUDIENCE: You were at my farm,
12 sir.

13 MR. STREET: I was, yes.

14 INDIVIDUAL IN THE AUDIENCE: Thank you for coming.

15 MR. STREET: It's a monetary benefit for one person
16 at the expense of someone else in that type of a situation.
17 My wife and I have signed a contract for a transmission line
18 in 2010. We were totally ignorant of the downside of wind
19 farms. In one -- in the situation of easements, in our case,
20 we were given a verbal statement that the transmission line
21 would be next to the south property line. We found out later
22 the lessee has sole discretion as to where it can go.

23 Last July, they had the power line moved in 70 feet
24 from our property line. We didn't want to have to farm
25 around them and objected to this change. They said -- then

1 said they could run it through our pasture with only -- and
2 have only one post in our field, which was an improvement.
3 We didn't want that either. And, of course, we found out in
4 an addend that reads that the wind energy system has an
5 easement on our entire quarter. These contracts are written
6 to the benefit of the wind energy system, not the property
7 owners.

8 In the end, I urge you, the PUC Board, to place
9 that condition of the 3/4 mile setback to residents and 1500
10 feet from neighboring property lines unless waivers are
11 signed. Please make this a condition for Crowned Ridge
12 because in Grant County we have never experienced 500 or
13 600-foot turbines.

14 Granted, we do have new ordinances in Grant County
15 set up. We're -- thank you.

16 CHAIRMAN HANSON: Finish your sentence --

17 MR. STREET: I'm out of words anyway.

18 COMMISSIONER FIEGEN: Because we're going to have
19 some questions for you.

20 CHAIRMAN HANSON: -- go ahead and finish your
21 sentence there, sir.

22 MR. STREET: I just feel the zoning ordinances
23 sometimes we've never -- we don't know what to expect from
24 these things. You aren't going to put a 600-foot tower here
25 in the quarter this year. And if it's causing problems with

1 a neighbor, you aren't going to pick that up and move it
2 1,000 feet where it won't cause a problem. That ain't going
3 to happen. Once they're in, they're in.

4 CHAIRMAN HANSON: Just wait one moment there,
5 please, sir. I believe Commissioner Fiegan --

6 Is it the location that you --

7 Commissioner Fiegan would like to know where your
8 location is on the map. Could you show her, please?

9 MR. STREET: We're not in the footprint of the wind
10 towers. We're in the footprint of the transmission line.

11 CHAIRMAN HANSON: Okay. Thank you. Thank you.

12 MR. STREET: We're about half-way between where the
13 substation will be and Big Stone City in Grant County.

14 COMMISSIONER FIEGEN: Can you ask for his address?

15 CHAIRMAN HANSON: And would you give us your
16 address, please?

17 MR. STREET: It's 15761 477th Avenue, Milbank,
18 57252.

19 CHAIRMAN HANSON: Thank you very much for your
20 testimony. We appreciate your passion.

21 I do need to point out to everyone that State law
22 provides that the setbacks are set by the counties, that the
23 Public Utilities Commission does not have the authority to
24 set the setbacks. And there has been attempt -- well, there
25 was legislation during this last legislative session, I don't

1 recall the name of the --

2 COMMISSIONER FIEGEN: Lee Qualm.

3 CHAIRMAN HANSON: Lee Qualm introduced
4 legislation --

5 Thank you, Commissioner Fiegen.

6 -- to make that a farther back setback, a larger
7 setback, and that failed in the legislature.

8 But just to let you to know, it is a State law that
9 provides that the counties determine what the setback is.
10 The Public Utilities Commission does not have that authority.

11 MR. STREET: Okay. We, as a group in Grant County,
12 did visit wind towers last fall. Much shorter than the
13 proposed ones being planned. We had a 1,000-foot setback.
14 Grant County, in the new ordinance, has gone to a 1500-foot
15 setback. But mine, you know, we're doubling and tripling the
16 size of these towers and they're going to be massive towers
17 now. Totally different than what we've had in the past.

18 CHAIRMAN HANSON: Understood, sir. Thank you,
19 Mr. Street.

20 COMMISSIONER FIEGEN: I have one more question.

21 CHAIRMAN HANSON: Okay. Commissioner Fiegen has
22 another question.

23 COMMISSIONER FIEGEN: I didn't -- I know this gym
24 is hard and it echoes --

25 MR. STREET: Pardon?

1 COMMISSIONER FIEGEN: -- the gym is hard and we
2 can't all hear. And I'm really struggling, so I'm sorry to
3 have to ask you this question.

4 But the question was, you talked about an easement
5 that you did and then -- I didn't quite hear what you said.
6 You talked about the wind now has an easement on your
7 property?

8 MR. STREET: The transmission line, Crowned Ridge
9 does have an easement on our property. Yeah, for the
10 transmission line; not a wind turbine, but the transmission
11 line.

12 COMMISSIONER FIEGEN: Okay.

13 MR. STREET: But we don't have a signed contract
14 for a turbine.

15 COMMISSIONER FIEGEN: Okay. Thank you.

16 MR. STREET: We weren't --

17 CHAIRMAN HANSON: Thank you, Mr. Street.

18 Next. Good evening.

19 MR. LINDGREN: Tim Lindgren, L-i-n-d-g-r-e-n. I
20 live in Waverly Township and I'd like to thank the PUC for
21 coming to our community even though it was on a Wednesday
22 evening during Lent.

23 Okay. My wife and I are currently signed up with
24 the NextEra Crowned Ridge I project. When signing up with
25 the project, we were convinced that we were doing the right

1 thing, having the chance to produce so-called "Green Energy."

2 In the past year, we have read the book Paradise
3 Destroyed by Gregg Huebner and have done research on the
4 effects of shadow flicker and infrasound on human health and
5 the health of wildlife and domestic animals; also, the
6 dangers of ice throw, not to mention the amount of fossil
7 fuel, steel, and concrete used to construct the turbines and
8 the lowering of property values of homes within the wind
9 projects.

10 We don't like the fact that we would be making for
11 money off of other people's property. We would be taking our
12 neighbor's property rights by inflicting flicker, audible
13 noise and infrasound, and all the health effects on their
14 animals and themselves. Good neighbors don't put up
15 industrial wind turbines. We want to be good neighbors.
16 Please protect the health and safety of our people on the
17 Coteau ridge.

18 Let's ask ourselves two questions. Even if you are
19 a strong support of wind energy, what is wrong with having at
20 least a 3/4 mile setback from homes? The worst that could
21 happen is we may not get a wind turbine on our land. Is
22 having money in our pockets going to offset the depopulation
23 of rural communities, constant migraine headaches, sleep
24 deprivation, and even suicide?

25 We are currently locked into a 30-year contract

1 that we will probably cannot get out of. And one clause in
2 the contract mentions that in the event that NextEra ever
3 files for bankruptcy, their creditors can put a lien on any
4 property where a wind turbine, substation, or a transmission
5 line is located, which means that someday a bank in a foreign
6 country could end up owning Codington, Deuel, and
7 Grant Counties.

8 Okay. And then, I also have with me a letter from
9 NextEra inviting us to the meeting tonight; and then county
10 -- the Grant County Board of Adjustment hearing on April 8th,
11 and before the meeting you are also invited to be wined and
12 dined at Speedway Bar and Grill. And we also got three
13 copies of these cards being -- to be sent both to the PUC and
14 the Grant County Board of Adjustment.

15 CHAIRMAN HANSON: Thank you, sir.

16 COMMISSIONER FIEGEN: I'm sorry, can you just ask
17 him his address?

18 CHAIRMAN HANSON: Okay.

19 Tim, excuse me, could you show us where your
20 property is? Thank you.

21 COMMISSIONER FIEGEN: Right here?

22 MR. LINDGREN: Uh-huh.

23 COMMISSIONER FIEGEN: Okay. Thanks.

24 CHAIRMAN HANSON: Thank you.

25 Good evening. You'll have to move that.

1 MS. LINDGREN: Hi. My name is Linda Lindgren, wife
2 of Tim Lindgren, 16050 464th Avenue, South Shore.

3 Wind energy easement contracts are unfair for all
4 involved. Unfortunately, when we signed our contract, we
5 were not informed about all the negative effects of wind
6 turbines. We were told that the wind turbines are definitely
7 coming to our area. Everyone else has signed, so we might as
8 well get the money for having wind turbines on our property.

9 As far as we knew, these might be not much
10 different than the old-fashioned windmills that were used to
11 pump water for the livestock when electricity was not
12 available on the farms. We were not informed of their height
13 or the number of these turbines that were planned. We were
14 not informed that each wind turbine takes up 1.5 acres of
15 valuable cropland.

16 The 5.2 Effects Easement section of our contract
17 should have been a red flag to us. Even this does not
18 include the health effects of infrasound, damage to water
19 tables, the negative effects on animal life and livestock,
20 oil leaks, turbines catching on fire, ice throw, blades
21 flying off, and small pieces falling off and contaminating
22 the soil, the damage from compaction from heavy equipment,
23 and the list goes on.

24 The only way this is included is with the phrase,
25 "And any other effects attributable to the wind farm or

1 activity located on the owner's property or on adjacent
2 properties over and across the owner's property." At the
3 very least, the other effects should have been listed instead
4 of just included in the phrase "any other effects." Why
5 weren't we informed of these effects? If we had been
6 informed, we certainly wouldn't have signed.

7 Construction has begun on our property and no
8 permit has been granted. Last fall, heavy equipment went
9 through our unharvested crop land destroying crops and
10 creating irreparable damage from compaction. At the very
11 least, they could have waited a few days to avoid wasting
12 valuable food. Legally, no notice needs to be given. Common
13 sense would tell you, that for the protection of all
14 involved, that giving us notice would be a good idea.

15 The state of South Dakota does not require
16 insurance for wind farms. Are we, the land owners, going to
17 be sued if the wind farms don't pay up for damages? Will we
18 be driven from our homes by the negative effects of these
19 wind turbines and/or being sued? The little amount of money
20 we would receive is nothing compared to the negative effects
21 of these wind turbines. We cannot sue them and they are not
22 required to attempt to do anything to alleviate the effects
23 to us.

24 And also, I'd like to mention that they said
25 something about 86 percent of the landowners were in favor of

1 the wind turbines. I'm wondering if they include people like
2 us who signed years ago and can't get out of them.

3 Please deny this permit. And I'd also like to
4 submit a copy of the contract and I have it stapled, both
5 because the stapler won't go through everything and I was
6 told only 20 pages per person. So, I got up to 19 pages and
7 the rest can be from my husband, but I want to keep it all
8 together so we don't get confused. That's it.

9 CHAIRMAN HANSON: Thank you for helping us out and
10 not confusing us. You can give it to her. Thank you very
11 much.

12 COMMISSIONER FIEGEN: I know, you guys have to help
13 me --

14 CHAIRMAN HANSON: Did you have some questions?
15 Would you wait just one second.

16 COMMISSIONER NELSON: I have just a couple of
17 questions, if I could.

18 CHAIRMAN HANSON: Linda, go ahead with --

19 COMMISSIONER NELSON: You'd like the microphone?
20 You mentioned the issue of liability insurance.
21 Are you telling us that the contract you signed does not
22 contain any clause regarding insurance?

23 THE REPORTER: Can we hold on for just a moment and
24 go off the record, sorry.

25 COMMISSIONER NELSON: Okay, thanks.

1 Just hold up. Okay.

2 MS. LINDGREN: Well, I know --

3 CHAIRMAN HANSON: Just one second, she's --

4 MS. LINDGREN: Okay.

5 CHAIRMAN HANSON: All right. That's all right.

6 When you're ready.

7 COMMISSIONER NELSON: Sorry.

8 THE REPORTER: Go ahead. Thank you.

9 CHAIRMAN HANSON: Would you -- do you need him to
10 repeat the question?

11 THE REPORTER: Pardon?

12 CHAIRMAN HANSON: Do you need to have
13 Commissioner Nelson repeat the question?

14 THE REPORTER: Yes.

15 CHAIRMAN HANSON: Okay. Thank you.

16 If you would.

17 COMMISSIONER NELSON: You mentioned liability
18 insurance. Are you telling us that the contract that you
19 signed does not contain any clause regarding insurance?

20 MS. LINDGREN: I am not sure. All I know is
21 Minnesota and Wisconsin requires liability insurance for the
22 wind --

23 COMMISSIONER NELSON: Yeah, we're not dealing with
24 those states.

25 MS. LINDGREN: -- companies.

1 COMMISSIONER NELSON: All I'm interested in this.

2 MS. LINDGREN: But South Dakota does not require
3 it. I am not sure if it's in the contract and I did give you
4 a copy of it, so you can check that out.

5 COMMISSIONER NELSON: The second question, you
6 mentioned that construction has begun on your property. Do
7 you have an easement for the transmission line or are you
8 telling us construction on the wind farm has started?

9 MS. LINDGREN: Actually, we have an easement for
10 both, unfortunately, but --

11 COMMISSIONER NELSON: So, the construction was for
12 the transmission line that has begun?

13 MS. LINDGREN: No, it was for the wind turbines.

14 COMMISSIONER NELSON: And can you tell me exactly
15 what type of construction activity took place for the wind
16 turbine --

17 MS. LINDGREN: Tell them what they did.

18 COMMISSIONER NELSON: -- because, obviously, we
19 haven't issued a permit for construction, so I'm interested.

20 MR. LINDGREN: Okay. There was a big track machine
21 that came on to do soil testing.

22 MS. LINDGREN: And what else?

23 MR. LINDGREN: And then they did set stakes where
24 the turbines are supposed to be located. And, let's see, one
25 -- at first they had a piece of that up that had a number of

1 the turbine on it. And then, and after they were doing soil
2 testing, they put a small PVC pipe in the ground. And then
3 on the other location, there was nothing. And then, they
4 came in later with another deal. I was told that on one
5 location they hit solid rock 17 feet down; apparently, they
6 came back with another thing that was able to drill through
7 the rock and then the -- I was also told, on the other place
8 where they put a PVC pipe in, that no -- took away the
9 turbine number, they were supposed to have hit water, but I
10 haven't heard that from NextEra.

11 COMMISSIONER NELSON: Okay. Thank you.

12 MR. ROBISH: Good evening. Can you hear me okay?
13 It's not too loud.

14 My name is Allen Robish, Strandburg, South Dakota.

15 THE REPORTER: Can you spell that, please?

16 MR. ROBISH: What's that?

17 THE REPORTER: Can you spell your last name,
18 please?

19 MR. ROBISH: R-o-b-i-s-h.

20 I'm not sure why we're here since NextEra has been
21 denied their permit in Grant County for half of the
22 Grant County portion of this project. Currently, there are
23 three lawsuits at the local level.

24 But since we are here, I would like to talk about a
25 safety issue. The safety issue that concerns me is my

1 personal experience with a wind turbine throwing chunks of
2 ice. It happened in February of 2018 on Highway 59, south of
3 Barrett, Minnesota. I haul milk to Perham, Minnesota, and
4 drive by a field with ten turbines operating. One of those
5 turbines threw ice over a tree grove and a house onto the
6 highway ahead of me. When the ice hit the highway, the
7 chunks shattered into many pieces. The distance of the throw
8 was 520 yards, or 1560 feet.

9 There were two other instances in Freeborn County,
10 Minnesota, of ice throws hitting a semi-tractor and a
11 farmer's stock trailer. And I'm also aware of livestock
12 being hit with a 400-pound chunks of ice. And I have a
13 picture of the semi in Freeborn County that got hit and a
14 warning sign that the wind companies have put up by one of
15 their projects. And I see many, many more of these that I
16 can find on other projects. I only brought one
17 (indicating.).

18 And I'm wondering who will be liable for the damage
19 after the turbines are built. The State does not require
20 liability insurance cover by wind farms. The court calls
21 this "allocation of liability." A landowner, farmer, or
22 rancher on whose land a wind farm sits is the odd-manned out
23 under the State's current wind farm permitting process. I am
24 giving credit to David Ganje of Ganje Law Office for this
25 information from the article "Naked in the Wind," published

1 in the Capital Journal.

2 I checked with two insurance companies I have
3 policies with about having a turbine on my property. One
4 said they would not cover any liability from a turbine. The
5 other said if I sited a turbine on my property, they would
6 cancel my insurance. They won't have any to do with them.

7 I did some research and Farmer's Insurance has a
8 supplement for wind turbine liability that is 25 pages.

9 Our county officials have failed to protect us. I
10 encourage anyone with wind turbines on their land to protect
11 themselves. I would like the PUC Commission to contact all
12 insurance companies in South Dakota and determine their
13 policy on turbines. Most of these people who signed up had
14 no idea of the dangers and no idea they could not be insured.
15 I thank you very much.

16 CHAIRMAN NELSON: Sir? Mr. Robish? I've got one
17 question that Commissioner Hanson may have.

18 The ice throw that you witnessed 520 yards, can you
19 -- and I know it's hard, but can you give me an estimate?
20 Are we talking a softball size or -- how big was it?

21 MR. ROBISH: They looked to be between 4 and 6-feet
22 long. When they come, there was multiple of them. And when
23 they hit, they just scattered all over.

24 COMMISSIONER NELSON: Okay. So, a 6-foot piece
25 traveling 520 yards.

1 MR. ROBISH: Well, that's what they looked like.

2 COMMISSIONER NELSON: Okay. Thank you.

3 MR. ROBISH: Uh-huh.

4 CHAIRMAN HANSON: Sir, I was just curious how you
5 measured that.

6 MR. ROBISH: Oh. The next day, I found a digital
7 range finder and stopped there and measured it because I
8 couldn't believe that that could happen. So, that's why I
9 wanted to find out how far they were because I know we're
10 only putting them 1500 feet from people here. And I thought
11 that's way too close. You can't have them that close.

12 CHAIRMAN HANSON: Thank you, sir. Thank you, sir.
13 I remember your testimony from the last time, but I didn't
14 ask that. Thank you.

15 MR. ROBISH: I'm glad you guys asked and I'll place
16 them all.

17 COMMISSIONER HANSON: Good evening.

18 MS. MOGEN: Hi.

19 COMMISSIONER HANSON: Hi, again.

20 MS. MOGEN: I'm Christi Mogen. That's M-o-g-e-n,
21 my last name.

22 This month, the AmericanExperiment.org reported
23 that El Nino caused -- the electricity generated from wind to
24 plummet by 14 percent. NextEra told Bloomberg that the wind
25 resources were the worst in 30 years despite the fact that

1 this year El Nino is relatively weak.

2 In 2012, Boulevard Associates, NextEra affiliate,
3 sent letters to local contracted landowners stating that one
4 of the reasons to terminate wind farm agreements was based on
5 wind resources. I provided this letter.

6 On page 15 of the application, it states, "The
7 applicant over a period of 10 years within the project area
8 indicated the project area is one area of South Dakota with
9 premier wind sources."

10 Which statement is true? I ask why NextEra is
11 applying for a permit to install 130 wind turbines. During
12 the committee hearing for HB1226, a bill updating safe
13 setbacks, a state senator was honest and he said, "Yes, it is
14 all about the money."

15 In February 25th in a committee hearing for SB16, a
16 PUC Commissioner said each developer is getting about
17 \$300,000 PTC, production tax credit, not counting the energy
18 they produce. This is per turbine per year.

19 I wanted to be factual, so I ran the numbers. For
20 Crowned Ridge project, based on the production tax credit
21 alone at 40 percent efficiency, the developer will receive
22 \$193,420.80 per turbine per year of the tax payer dollars.
23 Over 10 years, this is a little over 250 million dollars,
24 which equals -- oh, excuse me. And that will go on for 10
25 years. This does not include the energy produced, the sold

1 carbon credits, the subleases that are allowed through
2 fence-to-fence easements, payments in lieu in taxes
3 incentives given by the State, or benefits of accelerated
4 depreciation.

5 Did the contract landowners get a fair deal on
6 their contract? Are the most impacted, the local
7 communities, getting a fair deal?

8 According to the application Appendix B, NextEra
9 has been working on the project since 2007. Tonight they
10 said 2006. They had plenty of time to apply for the
11 application. On page 16, the application, last line, says,
12 "To receive the production tax credit, the project must be
13 constructed by December 31st 2020." Again, what statement is
14 correct: The one in the application or the one tonight at
15 2000- -- when it said 2019? Also, it has been stated at the
16 county level 2019.

17 Earlier in my presentation, I was factual. I have
18 included the method so they may be checked. I have asked the
19 PUC to make sure that NextEra approves the vague statements
20 in this application, such as on page 114, "considered to be
21 safe based on the developers experience." What is their
22 experience?

23 I ask the PUC to demand records, incident reports,
24 and safety manuals, manufacturer setback requirements, as
25 well as other manuals and documentation needed to fully

1 evaluate the safety of the industrial wind turbines built
2 near homes.

3 I ask you to deny this permit and not strap
4 South Dakotans with the dangers of living in a wind project,
5 higher electric rates, and tax for an intermittent,
6 unreliable energy source built just because of production tax
7 credits.

8 CHAIRMAN HANSON: Thank you. Next up.

9 Good evening, sir.

10 THE REPORTER: Just a moment, please.

11 (Court Reporter confers with Ms. Mogen regarding
12 papers.)

13 CHAIRMAN HANSON: Excuse me.

14 (Discussion held off the record.)

15 CHAIRMAN HANSON: Ladies and gentlemen, we're going
16 to take a break after we -- the papers are sorted and figured
17 out. We're going to start that break for our stenographer.
18 And it looks like we're ready -- we're going to take a
19 10-minute break, then. So, we have a 10 -- in 10 minutes,
20 we'll be back here at two minutes after.

21 (Break.)

22 CHAIRMAN HANSON: Thank you, ladies and gentlemen,
23 for being so prompt. I just learned that, for those of you
24 who have handed papers to us, if you want those to appear
25 online, you will need to sign your name and place your

1 address on them so that they can be placed online. So, if
2 you want the papers that you're handing in this evening to be
3 on the website, please sign your name and put your address on
4 them. You can do that after the -- after we're done here
5 or --

6 COMMISSIONER FIEGEN: Eric suffer the stands.

7 CHAIRMAN HANSON: Excuse me.

8 Eric, no, that's fine, Eric.

9 COMMISSIONER FIEGEN: That's good.

10 CHAIRMAN HANSON: If you want to go around with
11 papers and have people sign them, that would be wonderful.

12 All right. We're back on, looking for presenters.
13 Who is up next?

14 Good evening.

15 MR. BORGHEIINCK: Good evening. Am I too loud?

16 CHAIRMAN HANSON: You're doing well so far.

17 MR. BORGHEIINCK: Test. I don't -- I can hear you.

18 My name is Wayne Borgheiinck. That's spelled
19 B-o-r-g-h-e-i-i-n-c-k. I have not heard anybody come up
20 tonight and say this yet, but in the past, I've heard
21 landowner -- turbine landowners say they have a right to do
22 what they want on their property without giving any concern
23 for the right of other landowners.

24 You know, as a number of these wind turbine
25 landowners in this area, as part of the Citizens Against

1 Waverly Dairy, they successfully fought to protect their
2 health, safety, quality of life, and property values against
3 the effects of the activities on another property. Now, most
4 of these owners live much further away than the one mile or
5 the 1500 foot -- slow down?

6 CHAIRMAN HANSON: Just slow down a smidge.

7 MR. BORHEIINCK: Okay. They live at -- more than
8 one mile or 1500 feet, the distance being allowed in these
9 permit for turbines. Some of them lived as far away as 8,
10 10, or 15 miles. And I found that since 1994, the human
11 deaths from wind turbines has had a steady annual increase.
12 And the highest number is caused by projectiles, as Al talked
13 about ice throw, and other pieces of turbines flying off.

14 I have a friend, who just told me last week, he's
15 been hauling turbines for over 10 years and he says these are
16 a whole lot more dangerous than any of the public realizes,
17 he said, because over the years I've seen many people getting
18 killed off of these. He's aware of a lot of other health
19 issues, but he don't dare say this because he works with the
20 -- with this business, so -- and he's not going to give up
21 his 30 pieces of silver and risk to losing his job.

22 But, you know, that dairy, with that, you know that
23 the threat imposed by this industrial wind turbine project
24 makes that Waverly dairy look like minor league. The dairy
25 also promised money for better schools, and roads, jobs, but

1 our community decided the health, and safety, and the quality
2 of life, and property-value protection was believed to be,
3 and it is, more essential to the health of the community.
4 Now, NextEra Energy showed up with 30 pieces of wind turbine
5 silver and the people grabbed it and threw their neighbors
6 under the bus and took the money, which I hear tonight a lot
7 of them are regretting today for doing that.

8 I also watched a Grant County Zoning Commissioner
9 oppose a longer setback. When you talk about letting the
10 counties set setbacks, this Commissioner refused to -- they
11 wanted longer setbacks, but she argued that the longer
12 setback with a waiver would imp- -- would not be worth it.
13 She did not believe non-participants had a right to be
14 compensated for living with the threats posed by wind
15 turbines over them while the neighbors get paid. Of course,
16 this Commissioner, this woman, has contracts for numerous
17 wind turbines on her property. She's got her 30 pieces of
18 silver and it's -- that's silver's more important to her than
19 her duty to protect the public. So, the counties are kind of
20 short on this.

21 And we know what happened to Judas after he got his
22 30 pieces. Well, the same thing happens to a lot of
23 communities after they get wind turbines there. It -- they
24 regret it.

25 Now, every party in this chain who accepts those 30

1 pieces of silver owns on this project, owns that
2 responsibility for re- -- placing others at risk without
3 consent. Are them people prepared to compensate for the
4 deaths, ill health, loss of property values, lost livestock,
5 and numerous other perils involved to other people? Well, it
6 appears not to me.

7 Our county officials, I have witnessed, relied
8 mostly on the wind turbine industry to tell them what to put
9 in the ordinances because they're not really -- they don't
10 really know this and they don't bother to get outside
11 consulting to do this. Okay. And wind energy had to write
12 them to meet -- wind energy needs for profit rather than
13 public safety. There is more than sufficient information to
14 support the inefficiencies of our county ordinances to
15 protect the rights of non-participating landowners. To
16 correct that, the PUC must deny this permit.

17 CHAIRMAN HANSON: Thank you, sir.

18 Please approach if you are interested in making a
19 presentation this evening. Approaching.

20 MS. CHRISTENSON: Is that okay?

21 CHAIRMAN HANSON: Great.

22 COMMISSIONER NELSON: Yep.

23 MS. CHRISTENSON: Okay. Amber Christenson,
24 Strandburg. I lived in the project. I wonder how many
25 people in this room had no idea what they were signing up for

1 and still don't.

2 For many, it was all about the money. It is not
3 about the money for me. I am in the project boundary. I was
4 offered money. I was offered even more money when I
5 declined. I knew I never wanted to give up one bit of my
6 property rights.

7 Many of my neighbors signed up years ago and want
8 desperately to get out of contracts. When you see the maps
9 of participators, keep in mind there are many who are not
10 willing participators. They are prisoners to a piece of
11 paper signed many years ago, not realizing the gravity of
12 that signature.

13 Speaking of the maps, tell me why there is a
14 gerrymandered boundary. Is it to skew the perception of area
15 support? That is the only apparent reason. Other wind
16 projects that have the full support of local communities are
17 a nice rectangular map, not a map that looks like ours: A
18 map drawn by a drunken sailor. So, 86 percent support in the
19 project area, if you draw the map like they do, it may be 86
20 percent signed up, but I think that's why they do the math
21 the way they do.

22 Because of our little time restriction, I am just
23 going to throw out some random information for you and the
24 public. How many people here have researched living in a
25 large-scale industrial wind energy plan? Do you know your

1 body fights the infrasound? You can't hear it, but the wall
2 of your heart thickens by 20 percent. There is vertigo,
3 tinnitus, migraines, sinus pressure.

4 The multitude of problems that come from sleep
5 deprivation. You don't get to turn off the noisy power plant
6 in your backyard if you can't sleep. You have no recourse.
7 You suffer. I've heard that only 30 percent of people are
8 actually affected by infrasound. That's a huge number.
9 Those are the 30 percent who realize they are affected. I,
10 personally, get motion sickness so I know that I'm going to
11 be affected. I -- even blowing snow in my tractor, I can get
12 motion sickness, so I know it will affect me with my inner
13 ear.

14 The other 70 percent won't know until it's too late
15 to reverse the effects. Of course, if you're one of the many
16 absentee landowners, you don't care. Your wind welfare check
17 will come to your mailbox. No worries for you.

18 Landowners, did your contract tell you the access
19 roads can be 200-feet wide? Did they lead you to believe
20 they would only be 16 feet? Did they tell you about the wide
21 crane path going through your property on the way to build a
22 turbine on someone else's property? That's going to compact
23 your land and diminish your crop production forever. Do you
24 think you got paid enough for that?

25 As a business owner, I can attest to the shallow

1 labor pool here in this area. It's already extremely
2 difficult to find employees. Valley Queen Cheese factory
3 can't find truck drivers. So, NextEra will come in and throw
4 some taxpayer cash around and offer short-term jobs because
5 they have a PTC deadline. Where does that leave the local
6 businesses? That leaves the local business owner in a bind,
7 that's where. Stack onto that, all of the people who are
8 vowing to move away, which I hear everyday. Even less of a
9 labor pool. We need people to move here, not move away.

10 I ask the Commission to survey every participating
11 landowner -- it's easy. We have a list -- and ask them if
12 they're willing to go forward, or if they want this project
13 to stop, if they want to get off the ride so they can be
14 removed from the nightmare they find themselves in. They
15 should have that opportunity to withdraw now that the real
16 damage has been revealed.

17 Since I have a little more time -- I noticed I have
18 one whole minute -- I noticed in my water magazine today,
19 they tell us in here that the State has already assessed our
20 source of water. The relative susceptibility is high. So,
21 we already have a possible water problem, and digging and
22 vibration is going to add to that.

23 You -- they talked about starting construction
24 earlier. I have photos of crop damage. I have photos of
25 them driving all over with this track vehicle. I have photos

1 that I sent in to the paper and the paper published an
2 article about the track vehicle that ripped up the chip seal
3 on the highway. That's it. Thank you.

4 CHAIRMAN HANSON: Yes, you may always finish your
5 sentence from here.

6 MS. CHRISTENSON: Okay.

7 CHAIRMAN HANSON: Thank you.

8 COMMISSIONER FIEGEN: Can you tell us --

9 CHAIRMAN HANSON: And would you point out where
10 your property is?

11 MS. CHRISTENSON: Sure. (Complies.)

12 CHAIRMAN HANSON: Thank you.

13 MR. PETERSON: Hi, my name is Tim Peterson. I grew
14 up in La Bolt, South Dakota. As a young child, I graduated
15 high school from Milbank and I currently reside in
16 Minneapolis, Minnesota. And I'm going to ask these guys just
17 a couple questions because we've been patiently listening to
18 a lot of testimony and, I think, some of -- a lot of
19 good-spirited conversation from people herein.

20 CHAIRMAN HANSON: Please --

21 MR. PETERSON: I apologize if I don't recognize
22 more of you here, but it's good to be back and I'm glad I
23 grew up in this community.

24 CHAIRMAN HANSON: You're trailing off a little bit.
25 Please just --

1 MR. PETERSON: Can you hear me better?

2 CHAIRMAN HANSON: Please just -- you know, a little
3 here, like this is fine with.

4 MR. PETERSON: All right. All right. So, I'm
5 actually a landowner within the project footprint. I'm happy
6 to be participating in the project. I actually worked with a
7 group of community landowners several years ago in an attempt
8 to develop our own community wind project, which
9 unfortunately didn't see the light of day. There was
10 entities that made sure that didn't happen, unfortunately.
11 But I'm happy to be working with NextEra. I'm here to say
12 that publicly.

13 But I do have a couple questions just regarding the
14 general approach to your contract with some of the due
15 diligence exploration that's been done. I think that's been
16 some of the confusion about construction activity; that's
17 actually due diligence work, I understand, is happening.

18 What is -- what are -- what is your current
19 timeline for payment for those crop damages that have been
20 done to date from some of the due diligence studies done?
21 I've had a landowner or a farmer-operators that are renting
22 our land ask that question that had damage done last year to
23 their crops.

24 MR. WILHELM: For crop comp, we've been working
25 with our surveyors oil tag and we do it in a number of ways

1 depending on where we're at within the project and what we're
2 mobilizing with. We'll start subdividing and making those
3 calculations and making payments. Oftentimes, we'll wait an
4 extended period of time until we could sit down and see the
5 total impacts to crop -- to crops in the field, again,
6 because we have to go back out there numerous times depending
7 on what studies -- study results happen.

8 So, we have started the crop compensation process.
9 We haven't really defined a -- defined timeline as far as
10 when we actually are required to deliver the compensation. I
11 do know that with the construction process there is a defined
12 timeline by which we have to provide that compensation.

13 MR. PETERSON: And there's also a defined timeline
14 in the current easement agreements, the -- but I think you
15 are beyond. It's either 90 days or 120 days past the time
16 the damage was done. So, I'm just wondering at you're doing
17 to rectify being past that timeline for the damage you've
18 done last growing season.

19 MR. WILHELM: If we are beyond any of that timeline
20 that's been -- that you've referenced, we're only as good as
21 being identified and -- so we can correct that issue. I'm
22 not aware of any complaints from delayed payments at this
23 time, but we're happy to address that moving forward.

24 MR. PETERSON: I don't believe that's a true
25 statement because I've heard of the conversations that

1 happened at the Township board level asking the same
2 questions. So, those conversations I know have been
3 happening in the community and asking NextEra when they'll be
4 made whole in that damage.

5 MR. WILHELM: I was not present at those meetings.
6 Do you recall if I was there?

7 MR. PETERSON: I wasn't there. I live in
8 Minneapolis. Again, I'm --

9 MR. WILHELM: Okay. I can -- yeah, again, I have
10 not been personally approached about delayed crop
11 compensation.

12 MR. PETERSON: Yeah.

13 MR. WILHELM: But, again, if anybody has delayed
14 compensation that has not been delivered, please contact us.
15 We'd love to be able to address that moving forward.

16 MR. PETERSON: Okay. And then my only other
17 question is, as far as the turbine locations and access to
18 locations within the landowner's property, how are you
19 working with those landowners as far as where those access
20 roads get placed to those turbines, especially when they are
21 -- actively farm the tillable fields, so that they don't
22 impact, you know, the farming operations for the life of that
23 farmer?

24 MR. WILHELM: Sure. And so, our in-field surveys
25 will help us identify where a concerns lie on the actual

1 grounds. At that point, we design a preliminary access road
2 to the turbine location. Oftentimes, we will try to place
3 that access road parallel to the current farming operations
4 to help with that. We do provide information and updates in
5 exhibits to landowners as far as where the access roads are
6 laid out. If there is issues with that, we encourage
7 landowners to talk to us and we will, then, further provide
8 comment as to what we can and cannot do based off of
9 field-verified constraints.

10 MR. PETERSON: Okay, because I have not seen any of
11 those conversations yet. The notice for this hearing was the
12 first I've seen anything from NextEra since the development
13 rights were bought from Next- -- from Geronimo Energy on our
14 property, so I just wanted to -- because from what I could
15 tell from those maps that, again, I only saw from the PUC
16 mailing at a very small scale, it appears those roads are not
17 currently parallel to the current farming operations.

18 MR. WILHELM: We've been active since June 2018 at
19 the county levels through the permitting process. We've
20 delivered site plans and we've had several conversations with
21 our landowners. Happy to get in contact with you with any
22 questions that you have concerning the property and seeing
23 what we can do moving forward.

24 MR. PETERSON: Okay. I thank you.

25 MR. WILHELM: All right. Thank you.

1 CHAIRMAN HANSON: Miles, we will be interested in
2 that as well. During the evidentiary hearing, we'll want to
3 know about the late crop payments and making sure they're
4 taking care of. Thank you.

5 Good evening, sir.

6 MR. FOX: I am John Fox from Stockholm Township in
7 Grant County. I am within the footprint of the project,
8 although I haven't signed up for a wind tower. I don't have
9 an ax to grind, plus or minus.

10 THE REPORTER: Could you spell your name, please?
11 Could you spell your last name, please?

12 MR. FOX: F-o-x. So, I am pretty -- I mean, I'm
13 pretty neutral as far as the benefits or the tractors of the
14 wind towers in the local area. But I do have a couple of
15 questions. The first one is for Crowned Ridge and
16 specifically for Jay Haley.

17 You did say you were a professional engineer?

18 MR. HALEY: Yes, I've been a professional engineer
19 for, I don't know how many -- 15, 20 years.

20 MR. FOX: I'm not questioning that. I just wanted
21 to make sure I had the right guy. When I listened to your
22 presentation on the construction of the wind towers
23 themselves, it said in the verbiage that the foundations of
24 those were going to go down to 8 feet.

25 MR. HALEY: Wrong guy.

1 MR. FOX: Okay.

2 MR. MASSEY: This is the right guy there.

3 MR. FOX: Is -- and when I first heard about the
4 wind project, I heard that those foundations were going to go
5 down 15 to 20 feet. So, I'm wondering which is correct.

6 MR. MASSEY: The 8 feet is correct based on
7 information that we have now; 8 feet is correct.

8 MR. FOX: And how tall are those towers going to
9 be?

10 MR. MASSEY: Those towers will -- we'll have two
11 heights: 90 meters and 80 meters.

12 THE REPORTER: Nine and eight?

13 MASSEY: Ninety and eighty.

14 MR. FOX: Well, I'm not a professional engineer, so
15 I won't try to bamboozle anyone that way, but I have put in a
16 few fence posts. And I know that when you put an 8-foot post
17 down to 3 feet and stretch the wire, it tips over. And if
18 you've got a 90-foot lever on that 8-foot foundation, I think
19 that's going to tip over, too. That's just what I think.
20 I'm not saying it will, but I question that science that's in
21 that wind tower pole, if you will. I'll leave it at that.

22 Some of my neighbors have signed up for wind towers
23 and they are ambivalent as I am, I guess, but their main
24 reason for signing up for them was the money. Taxes have
25 increased in Grant County farmland three-fold. That's not 30

1 percent. That's three-fold in 10 years, so they're stressed.
2 They're looking for a way to pay the taxes. Some of them
3 have said we need this to pay the taxes.

4 And my question to the Utilities Commission is:
5 Where are the taxes from the wind company actually going to
6 be paid? Are they going to the State? Are they going to the
7 Counties? Are they going to the Townships? Which?

8 COMMISSIONER NELSON: Yes. They present -- I'm not
9 the one to explain this; however, I believe one-half of the
10 taxes will go to the State and the other half is divided
11 where the school receives a portion of that, but that portion
12 decreases every year, and the other portion goes to the
13 County. And if there is no -- if there are no townships,
14 then, then it goes to the County. But it goes to the -- it's
15 split between the Townships and the County.

16 MR. FOX: So, is that written into the tax laws or
17 is it just something that's a figment of the imagination at
18 the moment?

19 CHAIRMAN HANSON: It's -- I wish it were a figment
20 of my imagination. No, it's State law. It's changed
21 numerous times. In 2003, it was completely different. As a
22 matter of fact, 2002 was different than 2003. So, it's up to
23 the legislature. It has to go through the process as to how
24 they divide it.

25 MR. FOX: From what I understand, though, you're

1 saying that right now half goes to the State and the other
2 half goes, somehow, to the County and the Townships.

3 CHAIRMAN HANSON: And to the school.

4 MR. FOX: To the school.

5 CHAIRMAN HANSON: It starts out, I believe, with
6 half -- with one-quarter of the entire amount going to the
7 schools, but then that decreases every year. And the other
8 -- and the portion that decreases from the schools goes to
9 the County and the Townships.

10 MR. FOX: Now, I'm really confused.

11 CHAIRMAN HANSON: Yeah, well -- I --

12 COMMISSIONER NELSON: And that's not right there --

13 COMMISSIONER FIEGEN: I have a question of NextEra
14 anyway --

15 CHAIRMAN HANSON: Okay.

16 COMMISSIONER FIEGEN: -- about this.

17 CHAIRMAN HANSON: Does NextEra have that
18 information?

19 COMMISSIONER FIEGEN: I'm going to have a question
20 for you guys in a little bit about your tax structure.

21 So, hopefully, they'll be able to answer that.

22 CHAIRMAN NELSON: There should -- there had no --

23 CHAIRMAN HANSON: Okay.

24 MR. WILHELM: So, our understanding of the tax
25 distributions is limited. I think it's consistent,

1 generally, with what the Chairman said, but I couldn't
2 comment with precisely how the taxes are distributed.

3 MR. FOX: Okay. Well, I got the general idea that
4 half goes to the State and half that's supposed to remain
5 locally somehow, but that can be changed, I'm sure. And so,
6 we'll have to let it lay that way at the moment.

7 What my concern is is that the tax money for these
8 wind towers and their production and whatnot will end up
9 going to the State and staying there. That's what I think
10 will happen eventually. So, that's my concern. And I'm
11 done. Thank you very much.

12 CHAIRMAN HANSON: There are some questions of you,
13 sir.

14 MR. FOX: Go ahead.

15 CHAIRMAN HANSON: Mr. Fox, Mr. Nelson,
16 Commissioner.

17 COMMISSIONER NELSON: I'm looking at a
18 landownership map that the company provided and they refer to
19 it as "Figure 3A." They show a John L. Fox as a participant
20 in this project. Is that you?

21 MR. FOX: That's me.

22 COMMISSIONER NELSON: So, you are a participant;
23 correct?

24 MR. FOX: Yeah, but not for a wind tower. I am --
25 I did let them come through with their transmission line.

1 COMMISSIONER NELSON: Thank you.

2 MR. FOX: Any other questions? Next.

3 CHAIRMAN HANSON: Would you show
4 Commissioner Fiegan where your --

5 COMMISSIONER FIEGEN: Because I don't have good
6 eyes, sir.

7 MR. FOX: (Complies.)

8 CHAIRMAN HANSON: Good evening.

9 MR. FRANSEN: Good evening. Mark Fransen,
10 F-r-a-n-s-e-n. I'm in the -- 2 miles east of here. I'm in
11 the middle of this. And I'm just for it. I think it's a big
12 financial boost to the farmer's right now. I rent my ground
13 out, but they're struggling right now. Prices are low and
14 the city of Watertown could use it. Also, they are losing
15 stores left and right, so I think we should have it approved.

16 I went to the first meeting in 1996 for -- it
17 started this and I said, government works kind of slow, but I
18 hope it gets done. Thank you.

19 CHAIRMAN HANSON: Thank you. And we're not the
20 developers, but thank you.

21 Good evening.

22 MS. RAML: My name is Anita Raml, R-a-m-l. And my
23 husband and I, we are not participants in Crowned Ridge I.
24 We are in Crowned Ridge II. And we think this is a very good
25 opportunity. For one thing, I do believe in global warming

1 and the wind tower is renewable energy and it's clean. And
2 for one reason -- that is one big reason we should approve
3 this.

4 Another thing is, like they said, taxes. Have you
5 been driving out on -- this winter was hard and the roads --
6 the Counties and the Townships do not have the money to fix
7 the roads and this will help them. And people with concerns,
8 it's justified, but this is not NextEra's first wind farm.
9 They have people who are experts at this. They have gone
10 through how many different wind farms, so they know what
11 they're doing. Yes, there's people that are concerned; they
12 have questions, too. But like I said, this is not their
13 first wind power plant and farm.

14 And the people are talking about how they go
15 through the -- they've been going through their land. Well,
16 they're doing surveys and they are doing a lot of surveys.
17 They've been drilling to see how the land is. We've had
18 Indians go through because -- for artifacts. We've had
19 environmentalists go through because they don't know don't if
20 there's a frog -- a certain frog in this water or if there's
21 a certain flower that they can't go, you know -- and then, my
22 husband says, well, we would like to have the -- if you build
23 one, we would like to have the road here. Oh, no, there's an
24 eagle nest up there. We have to stay away from that.

25 So, I know that, you know, they're doing their job

1 that way and we have always been informed when they're coming
2 in. You know, when they're going to do these surveys, Terry
3 has always let us know beforehand when they're going to come.

4 And then they say about the ice. Well, years ago
5 when my kids were still little, we had just bought a new van.
6 And we were going down the road, we were going to grandma's
7 for Christmas, and we met a milk truck and it let out an ice
8 chunk that took out the windows in our van. And you would
9 not -- all these little things. And the one thing is, the
10 kids weren't in back seat. So, it would not -- but, you
11 know, yeah, there is going to be situations, but it's not
12 going to be all the time. But we were told -- we went to the
13 milk company and they go, oh, that's just a plan of nature.
14 We're not going to cover that, you know. But, again, it was
15 their fault, and then it was just ice coming off.

16 So, yeah, there's different things about this wind
17 tower that are great. And all these concerns, like the ice,
18 I just -- I don't know why people aren't -- I know why.
19 They're concerned about their health and everything. But,
20 again, like I said, these are experts. They say they have
21 experts. But, this is not NextEra's first wind farm and I'm
22 hoping that you guys, as the UPC [sic] grant them this
23 because this is going to be good for our Country, for global
24 warming. It's new energy, clean energy, renewable. It's
25 going to help us with taxes, hopefully, and our schools.

1 Like you said, half of it's going to go there, but it's going
2 to decrease.

3 But it's going to put a lot -- you know, like it's
4 -- like Mark said, people are hurting and every little bit's
5 going to help. And we would -- you know, people get hurried.
6 They were signing their names quick because they're going to
7 get -- make some money, you know. Well, that's what happens,
8 you know. We all have to take that step and say, "Oh, I
9 shouldn't have done that." But those are the consequences.
10 Life has it's consequences and we have to deal with them.
11 Thank you.

12 CHAIRMAN HANSON: Thank you.

13 Good evening, sir.

14 MR. KANNAS: Good evening. My name is Leo Kannas,
15 L-e-o K-a-n-n-a-s, and I have been with NextEra since 2007 or
16 '06, whatever they say. I had the first metro power, I
17 think, on my land or to test the wind. And I've had good
18 working relationships. I think it's a good deal for the
19 Townships, the schools. Everybody's going to benefit a
20 little bit. Is there some problems? There isn't anything
21 that's perfect. You know, you work through them. And I
22 guess I'm -- hope that they continue to stay with it and get
23 over the hurdles and that you guys pass it. I'm only 3 miles
24 from South Shore, or the land is. And I've got some people
25 that live on farm sites that -- of right -- within the

1 Section that -- just bordering the Section that I farm on.
2 So, that setbacks and stuff like that that's really -- I'm
3 really listening to that. That's going to affect me quite a
4 load if they change it, a great deal. That's all I have.
5 Thank you.

6 CHAIRMAN HANSON: Thank you.

7 Next up.

8 Good evening.

9 MR. LARSON: Good evening. My name is Paul Larson.
10 I live in Stockholm, South Dakota. Yes, I'm an advocate for
11 the wind farm things.

12 THE REPORTER: Could you spell your name, please?

13 MR. LARSON: L-a-r-s-o-n.

14 THE REPORTER: L-a-r-s-o-n. Thank you.

15 MR. LARSON: I am an advocate for the wind farms.
16 There is a lot of profit in it and some of these -- I get,
17 through those people that come up and they're against it for
18 whatever little reason that they didn't get explained to them
19 very well, that's lame on the company. They're not
20 explaining to their people what's going on.

21 I don't think anybody's going to lose their land
22 because the wind farm goes bankrupt. You need to explain
23 that better to them.

24 The elected officials from the State also need to
25 be a little more forethinking, too. I don't think 1500-feet

1 setback is legitimate. I think 500 and 1,000 feet is just
2 fine. Telling other people what they can and can't do with
3 their property is kind of like a communist state.

4 Some of you have been elected officials before. I
5 don't think the PUC is doing their job, either, because
6 there's brochures that says it doesn't pay. It does pay. It
7 pays very handsomely.

8 When I find people that will have these statistics,
9 I think they will sue the State for them because they're --
10 they're -- so, yes, I am 100 percent in favor of the wind
11 farm. There is a huge amount of profit there. I don't know
12 what the Counties and the State think they're going to do for
13 taxes in running the State and building roads and bridges if
14 they don't bring in more business, and getting electricity
15 cheaper than what presently is or keep it the same would
16 definitely benefit the state of South Dakota.

17 The PUC, I think, should be giving statistics of
18 what other states pay for electricity, so people here know
19 just how good a deal they have on electricity and how high it
20 could get if they don't get more people bringing in and being
21 more customers to their power grid. That's all I have to say
22 today.

23 CHAIRMAN HANSON: Paul, --

24 MR. LARSON: Yes.

25 CHAIRMAN HANSON: -- if you would wait just one

1 second, please.

2 You mentioned a number of things that are,
3 obviously, of interest to us. Frankly, the information on
4 the cost of electricity varies dramatically, depending upon
5 whether it's industrial or commercial or et cetera,
6 et cetera, and residential, large users, there's step
7 increases and things of that nature, all of that is online.
8 If someone wants to look it up, they can see it and they can
9 find it.

10 We are not promoters of our developers --

11 MR. LARSON: I understand that.

12 CHAIRMAN HANSON: -- or commercial. So, when you
13 said a "brochure," that is -- I think you said that there's a
14 brochure that states that --

15 MR. LARSON: Yes, I have one at home --

16 CHAIRMAN HANSON: -- wind --

17 MR. LARSON: -- and it states that wind does not
18 pay and that's inaccurate.

19 CHAIRMAN HANSON: And who published that?

20 MR. LARSON: The PUC.

21 CHAIRMAN HANSON: Okay, I --

22 COMMISSIONER FIEGEN: That State, I'm assuming.

23 CHAIRMAN HANSON: -- yeah, we --

24 MR. LARSON: South Dakota PUC. I have it at home.
25 I will, eventually, at some point, probably give it to

1 somebody.

2 CHAIRMAN HANSON: I'd appreciate it if you would
3 make a copy and send it to us. You can do that through a
4 .pdf on an email or make a copy and mail it on snail mail.

5 MR. LARSON: Yeah.

6 CHAIRMAN HANSON: I've been with the PUC for 16
7 years and I've never heard of anything like that.
8 Frankly, --

9 MR. LARSON: Well, it was you that handed it to me
10 at the State Fair, so.

11 CHAIRMAN HANSON: And just for your information,
12 all three of us, all the Commissioners are elected, so when
13 we sent --

14 MR. LARSON: Yes, I know that.

15 CHAIRMAN HANSON: Okay. You had said some of us
16 had been elected. I'm not --

17 MR. LARSON: Some of you have been elected
18 officials in the State legislature, I said.

19 CHAIRMAN HANSON: Oh. Okay. Thank you.

20 COMMISSIONER FIEGEN: Thank you for sending that to
21 us. We look forward to seeing that in the next week,
22 hopefully.

23 CHAIRMAN HANSON: Thank you, Paul.

24 MR. LARSON: You're welcome.

25 CHAIRMAN HANSON: Further presenters, questions,

1 concerns. The auction's going to close up here. Looking for
2 one final bidder.

3 All right, then. We appreciate --

4 Well, there are some questions that we would like
5 to ask of the -- generally, we don't do this, but
6 occasionally we have one or two questions for the applicant.
7 And this evening, if you'd like to start out,
8 Commissioner Nelson.

9 COMMISSIONER NELSON: Commissioner Hanson is
10 correct. We will ask most of our questions at the
11 evidentiary hearing, but I've got two that I want to ask
12 tonight.

13 We've got a couple of comments about liability
14 insurance and, obviously, one of the folks has given us a
15 copy of the contract, but I'd just like you folks to lay it
16 on the table tonight: Does your contract contain language
17 regarding liability insurance or indemnifying landowners?

18 MR. WILHELM: So, without seeing the specific
19 contract, it's hard for me to say. They're also bound by
20 confidentiality. But, in generally, yes, we do indemnify our
21 landowners for any actions attributable to the operator.

22 COMMISSIONER NELSON: Thank you. And we will,
23 obviously, review the one contract that's been given to us.

24 Would it be fair to say that an indemnification
25 clause would be per uniform among all of your contracts?

1 MR. WILHELM: Absolutely.

2 COMMISSIONER NELSON: Thank you. And the second
3 question, on February 7th, you all submitted to us an updated
4 Figure 3A of the project map with the land ownership. Has
5 there been any updates to that since February 7th?

6 MR. WILHELM: No, sir.

7 COMMISSIONER NELSON: Thank you. And I guess,
8 then, the only other comment I would make is, if there are
9 updates to that before we get to the evidentiary hearing,
10 we'd like to have a further update so that at that hearing
11 we've got an up-to-date map.

12 MR. WILHELM: Absolutely.

13 COMMISSIONER NELSON: Thank you.

14 COMMISSIONER FIEGEN: Thank you. What I'd like to
15 do, and I don't really have a question for you, but I want to
16 make sure the public understands your tax structure.

17 So, Tyler, are you the project manager, right,
18 or --

19 MR. WILHELM: Yes, ma'am, I am.

20 COMMISSIONER FIEGEN: Okay. Perfect. Could you
21 bring out that slide? And I, you know, I was trying to write
22 it down quick and I want to make sure that the public can see
23 your taxes.

24 MR. WILHELM: (Brings up slide on projection
25 screen.)

1 COMMISSIONER FIEGEN: So, obviously, this is your
2 slide. You guys did the projections on taxes, which is
3 always good because it's good for our community to know what
4 that looks like. What I want you to do is talk a little bit
5 about the policy in South Dakota on the tax structure,
6 especially with the schools' formula and -- because you have
7 the amount that comes to the school district.

8 But I want to make sure the public understands the
9 tax policy in South Dakota and if you could explain -- I
10 don't know if you can make that any bigger; you probably
11 can't. But if you could read it and especially talk about
12 the school aid -- let's see. The school district you have --
13 I can't even read it from here, if it's 20- -- whatever.
14 Could you just tell us what it says and, then, can you tell
15 us the South Dakota policy on that? Thank you.

16 MR. WILHELM: Right. So, to summarize this, what
17 this table shows is the 25-year expected tax revenue that
18 Crowned Ridge Wind will pay. And so, what's listing here is
19 it's the Counties, the Townships, and the school districts
20 that will receive those tax revenues. I can speak to any
21 specific points if you wanted to see them,
22 Commissioner Fiegan, but I think you were asking about the
23 school districts, specifically.

24 So, the Waverly School is expected to receive
25 \$26.15 million and the Milbank School District is expected to

1 receive \$3.19 million. And so, the aggregate amount is
2 \$37.37 million across all those entities.

3 COMMISSIONER FIEGEN: Okay. And can you clarify --
4 I don't know if you -- I assume that -- can you clarify the
5 tax policy on education and how that impacts the school aid
6 formula, so that these people know the policy that
7 South Dakota has regarding those taxes, because I assume
8 that's the local effort; is that correct?

9 MR. WILHELM: So, Commissioner, I can't speak to
10 the specifics that you're referring to. I would appreciate
11 the opportunity to go back to our tax experts. I don't want
12 to say anything incorrectly.

13 I can attest to the accuracy of these numbers on
14 this table and anything we put in our application. But as
15 far as the specifics to the tax policy, I would ask --

16 COMMISSIONER FIEGEN: Oh, I --

17 MR. WILHELM: -- for the opportunity to get back to
18 you.

19 COMMISSIONER FIEGEN: So, I'm going to ask you,
20 when you get back to us, if you can put that online because I
21 don't know. I ask this at every meeting, so this is no new
22 question from Commissioner Fiegen, to make sure the audience
23 knows what that tax on the school means.

24 Most often, not always, but most developers put the
25 entire amount of school taxes, and then they will explain the

1 school aid formula which says, "Okay, yes, your school gets
2 this amount. But in year one, you get 100 percent. All of a
3 sudden, it goes 20 percent down. So, in five years, your
4 school district really is -- the local effort has taken that
5 down. So, your school doesn't have any additional taxes
6 anymore from the wind project."

7 So, I want to make sure that the public understands
8 that and that you can put that online because sometimes
9 that's a confusion. So, most of our developers, kind of,
10 explain that. And if they don't, they explain it when I ask
11 them the question. Thank you.

12 CHAIRMAN HANSON: Well, ladies and gentlemen, thank
13 you very much for your attendance this evening and for the
14 information that you received that you provided to us and the
15 questions. We will include those within our questions in our
16 pursuit of making certain that all the t's are crossed and
17 i's are dotted. And you may continue to contact us through
18 email or mail or calling. And I appreciate very much your
19 attendance. Please drive home safely.

20 COMMISSIONER FIEGEN: Thank you.

21 COMMISSIONER NELSON: Thank you.

22 (End of public meeting at 7:45 p.m.)
23
24
25

1 STATE OF SOUTH DAKOTA)
2 :SS
3 COUNTY OF CODINGTON)

4 CERTIFICATE OF REPORTER

5 I, CHERYL L. KRUSE, Certified Reporter and
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7 DO HEREBY CERTIFY that as the duly-appointed
8 court reporter, I took in electronic format the proceedings
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