

LAW OFFICES

Lynn, Jackson, Shultz & Lebrun, P.C.

LAWYERS ALSO ADMITTED IN MINNESOTA, IOWA, NORTH DAKOTA, AND WYOMING

110 N. MINNESOTA AVENUE
SUITE 400
SIOUX FALLS, SD 57104
605-332-5999
FAX 605-332-4249

www.lynnjackson.com
Member of Lex Mundi
A Global Association of 125 Independent Law Firms

135 E. COLORADO BOULEVARD
SPEARFISH, SD 57783-2755
605-722-9000
FAX 605-722-9001

909 ST. JOSEPH STREET
SUITE 800
RAPID CITY, SD 57701-3301
605-342-2592
FAX 605-342-5185

REPLY TO: Sioux Falls 605-332-5999
From the office of Miles F. Schumacher
e-mail address: mschumacher@lynnjackson.com

July 29, 2019

Ms. Patricia Van Gerpen, Executive Director
South Dakota Public Utilities Commission
Capitol Building, 1st Floor
500 East Capitol Avenue
Pierre, SD 57501-5070

Re: Docket #EL19-027
Application to the SD PUC for a Facility Permit to Construct
a 300 Megawatt Wind Facility

Dear Ms. Van Gerpen:

We are filing with this letter the following items:

1. A copy of the landowner letter sent to the relevant landowners, along with Attachments referenced in the letter;
2. An Affidavit of Landowner Mailings; and
3. Confidential Landowner Listing as Referenced in the Affidavit of Sarah Sappington, which list the names and addresses of the landowners the letters were sent to.

Pursuant to ARSD20:10:01:41 I would ask that the Confidential Landowner Listing as Referenced in the Affidavit of Sarah Sappington be filed Confidential since it includes the names and addresses of persons who may prefer that information not be made public. As required, we have marked the document name Confidential as well as each page of the document.

If you have any questions, please contact me. Thank you.

Yours very truly,

LYNN, JACKSON, SHULTZ & LEBRUN, P.C.



Miles F. Schumacher
MFS:kab
Enclosures

001159

July 22, 2019

Subject: Notice of Public Hearing for the Crowned Ridge Wind II Facility

The South Dakota Public Utilities Commission (SD PUC) will hold a public hearing on a proposed up to 300.6 megawatt ("MW") Crowned Ridge Wind II Facility (the "Project") requesting a Facility Permit (Commission Docket EL19-027). The hearing will be held on August 26, 2019 at 5:30 p.m., CDT, at the Whitewood Room, Watertown Event Center, 1901 Ninth Avenue SW, Watertown, South Dakota. (Attachment 1 SD PUC Notice)

Crowned Ridge Wind II, LLC's Project is proposed to be located in Codington, Deuel, and Grant Counties, South Dakota, and in the townships of Waverly, Kranzburg, Troy, Rome, Goodwin, and Havana (Project Area). The total installed capacity of the Project would not exceed 300.6 MW of nameplate capacity with up to 132 wind turbine generators, access roads to turbines and associated facilities. (Attachment 2 is a map of the Project, which is also included in Figure 7 to the Application).

You are receiving this notice because South Dakota state law requires that landowners within 1/2 mile of a proposed project be notified of this public hearing. If you wish to review the Facility Permit application in person, copies will be on file with the Auditors of Codington, Deuel, and Grant Counties. You can also access the application online at the South Dakota Public Utilities Commission website: <https://puc.sd.gov/Dockets/Electric/2019/EL19-016.aspx>

For more information, you can contact the following:

| | |
|--|---|
| Tyler Wilhelm Crowned Ridge Wind II, LLC 1-561-694-3193 | Amanda Reiss South Dakota Public Utilities Commission 1-800-332-1782 1-605-773-3201 |
|--|---|

Regards,



Tyler Wilhelm
Project Developer
Crowned Ridge Wind II, LLC

Enclosures

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

| | |
|---|---|
| IN THE MATTER OF THE APPLICATION) BY CROWNED RIDGE WIND II, LLC FOR) A PERMIT OF A WIND ENERGY FACILITY) IN DEUEL, GRANT AND CODINGTON) COUNTIES)))) | NOTICE OF APPLICATION; ORDER) FOR AND NOTICE OF PUBLIC) INPUT MEETING; NOTICE OF) OPPORTUNITY TO APPLY) FOR PARTY STATUS) EL19-027 |
|---|---|

On July 9, 2019, the South Dakota Public Utilities Commission (Commission) received an Application for a Facility Permit (Application) from Crowned Ridge Wind II, LLC (Crowned Ridge or Applicant), a wholly-owned, indirect subsidiary of NextEra Energy Resources, LLC. Crowned Ridge proposes to construct a wind energy conversion facility to be located in Deuel, Grant, and Codington Counties, South Dakota (Project). The Project would be situated within approximately 60,996-acres in the townships of Waverly, Kranzburg North, Kranzburg South, Troy, Rome, Goodwin, and Havana, South Dakota (Project Area). The total installed capacity of the Project would not exceed 301 megawatts (MW) of nameplate capacity. The proposed Project includes up to 132 wind turbine generators, access roads to turbines and associated facilities, underground 34.5-kilovolt (kV) electrical collector lines, underground fiber-optic cable, a 34.5-kV to 230-kV collection substation, two permanent meteorological towers, and an operations and maintenance facility. The Project will utilize the Crowned Ridge Wind II 5-mile 230-kV generation tie line and the Crowned Ridge Wind II collector substation to transmit the generation to the dead-end transmission structure adjacent to the Crowned Ridge Wind, LLC project's collector substation and conjoined to the Big Stone South 230-kV Substation, which is owned by Otter Tail Power Company. Applicant has executed a purchase and sale agreement with Northern States Power Company (NSP) to sell NSP the Project and the Facility Permits once constructed. The Project is expected to be completed in 2020. Applicant estimates the total cost of the Project to be \$425 million.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-41B and ARSD Chapter 20:10:22.

Pursuant to SDCL 49-41B-15 and 49-41B-16, the Commission will hold a public input meeting on the Application on Monday, August 26, 2019, at 5:30 p.m., CDT, at the Whitewood Room, Watertown Event Center, 1901 9th Ave. SW, Watertown, South Dakota.

The purpose of the public input meeting will be to hear public comments regarding the Application and the Project. At the meeting, Crowned Ridge will present a brief description of the Project, after which interested persons may appear and present their views, comments, and questions regarding the Application. A copy of the Application is on file with the Deuel, Grant, and Codington County Auditors pursuant to SDCL 49-41B-5.2 and at the Commission's office in Pierre. The Application and all other documents in the case, including detailed maps of the Project, may be accessed on the Commission's website at www.puc.sd.gov under Commission Actions, Commission Dockets, Electric Dockets, 2019 Electric Dockets, EL19-027 or by contacting the Commission in person at the Capitol Building, 500 E. Capitol Ave., Pierre, SD, or by phone at (605) 773-3201 or (800) 332-1782.

Pursuant to SDCL 49-41B-17 and ARSD 20:10:22:40, the parties to this proceeding are currently the Applicant and the Commission staff. Each municipality, county, and governmental agency in the area where the facility is proposed to be sited; or any person residing in the area where the facility is proposed to be sited, or any directly interested person, may be granted party status in this proceeding by making timely written application to the Commission. Applications for

party status will be available at the public input meeting or may be obtained from the Commission's website or by contacting the Commission. **Applications for party status must be filed with the Commission on or before 5:00 p.m., CDT, September 9, 2019.** The Commission will also be accepting comments in writing from anyone, either by mail, personal delivery, or e-mailing the Commission right up until the time of the decision. You only need to apply for party status if you want to participate formally in the case by putting on actual testimony or other factual evidence, conducting discovery, cross-examining witnesses, making legal arguments, and to preserve your right to appeal to the courts if you do not believe the Commission's decision is legally correct.

Following the public input meeting, the Commission may schedule a formal evidentiary hearing conforming to SDCL Chapter 1-26 to consider any issues raised by any intervening party, the Commission's staff, or the Commission itself. At such a formal hearing, all parties will have the opportunity to appear, present evidence, cross-examine the other parties' witnesses, and exercise all other rights afforded by SDCL Chapters 1-26, 49-1, and 49-41B and ARSD Chapters 20:10:01 and 20:10:22, including rights of appeal to the courts.

For approval, Crowned Ridge must show that the proposed Project will comply with all applicable laws and rules, will not pose a threat of serious injury to the environment nor to the social and economic condition of inhabitants or expected inhabitants in the siting area, will not substantially impair the health, safety or welfare of the inhabitants, and will not unduly interfere with the orderly development of the region with due consideration having been given to the views of governing bodies of affected local units of government. Based upon these factors, the Commission will decide whether a permit to construct should be granted, denied, or granted upon such terms, conditions, or modifications of the construction, operation, or maintenance as the Commission finds appropriate. It is therefore

ORDERED, that the Commission will hold a public input meeting on the Application and Project on **Monday, August 26, 2019, at 5:30 p.m., CDT, at the Whitewood Room, Watertown Event Center, 1901 9th Ave. SW, Watertown, South Dakota.** It is further

ORDERED, that pursuant to SDCL 49-41B-17 and ARSD 20:10:22:40, **applications for party status must be filed on or before 5:00 p.m., CDT, on September 9, 2019.**

Pursuant to the Americans with Disabilities Act, these meetings will be held in physically accessible locations. Please contact the Public Utilities Commission at (605) 773-3201 or (800) 332-1782 at least 48 hours prior to the meeting if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 11th day of July 2019.

| |
|---|
| CERTIFICATE OF SERVICE |
| The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically or by mail. |
| By: <u>Karen E. Bremer</u> |
| Date: <u>07/11/19</u> |
| (OFFICIAL SEAL) |

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Chris Nelson
CHRIS NELSON, Commissioner

Kristie Fiegen
KRISTIE FIEGEN, Commissioner

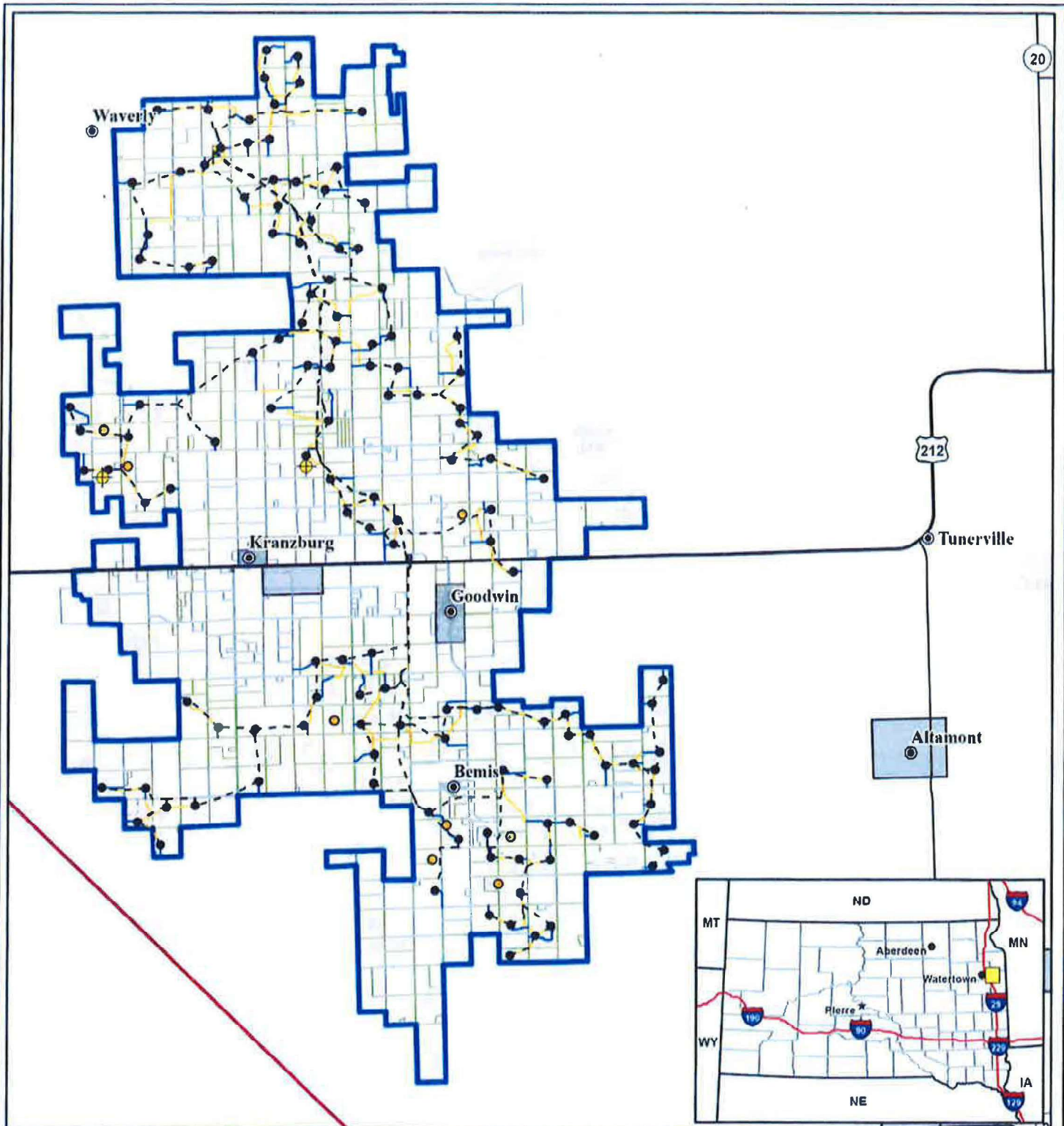


Figure 7. Constraints Map

Crowned Ridge II Wind Farm

- ⊕ MET Tower
- Turbine
- Alternate Turbine Location
- ⊙ City
- - Collector Line
- Proposed Turbine Access Road
- Crane Path
- Interstate Highway
- U.S. Highway
- State Highway
- Substation
- O&M Facility
- Batch Plant
- Available Land
- ▭ Town Boundary
- ▭ Project Boundary
- Land Status
- ▭ Lease, Signed
- ▭ Pending Approval
- ▭ Parcel Boundary



Base Map: World Light Gray Canvas Base
 Sources: Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community
 Codington, Deuel, and Grant Counties, South Dakota

Projection: NAD 1983 UTM Zone 14N



AFFIDAVIT OF LANDOWNER MAILINGS

STATE OF NORTH DAKOTA :
: SS:
COUNTY OF BURLEIGH :


I, Sarah Sappington, being first duly sworn on oath, depose and state as follows:

- 1. I am the Director of SWCA Environmental Consultants, the company that provides mailing services to Crowned Ridge Wind II, LLC;
- 2. I mailed by certified mail a letter giving notice to the landowners within a half mile of the proposed Crowned Ridge Wind II project by depositing the same in the Certified U.S. Mail on July 23, 24, 25, 2019.

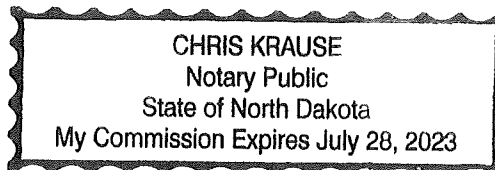
Dated this 25 day of July, 2019.

/s/ 
Sarah Sappington
Director - Bismarck
SWCA Environmental Consultants

Subscribed and sworn to before me,
a Notary Public in and for said County
and State, this 25 day of July 2019.

/s/ 

Notary Public
My commission expires on 07/28/23.



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

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

EL19-027

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of a letter to the Landowners with attachments and an Affidavit of Landowner Mailings in this matter were served electronically to the parties listed below on the 29th day of July, 2019, addressed to:

Ms. Patricia Van Gerpen
Executive Director
patty.vangerpen@state.sd.us

Ms. Kristen Edwards
Staff Attorney
Kristen.Edwards@state.sd.us

Ms. Amanda Reiss
Staff Attorney
Amanda.reiss@state.sd.us

Mr. Mikal Hanson
Staff Attorney
mikal.hanson@state.sd.us

Mr. Darren Kearney
Staff Analyst
Darren.kearney@state.sd.us

Mr. Jon Thurber
Staff Analyst
Jon.thurber@state.sd.us

Mr. Eric Paulson
Staff Analyst
Eric.paulson@state.sd.us


Mr. Brian J. Murphy
Senior Attorney
NextEra Energy Resources, LLC
Brian.j.murphy@nee.com

Mr. Tyler Wilhelm
Associate Project Manager
NextEra Energy Resources, LLC
Tyler.Wilhelm@nexteraenergy.com

Ms. Cindy Brugman
Auditor
Codington County
cbrugman@codington.org

Ms. Karen Layher
Auditor
Grant County
Karen.Layher@state.sd.us

Ms. Mary Korth
Auditor
Deuel County
dcaudit1@itctel.com



Miles F. Schumacher
Attorneys for Applicant
Lynn, Jackson, Shultz & Lebrun, PC
110 N. Minnesota Ave., Suite 400
Sioux Falls, SD 57104