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THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

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

EL19-027
ORIGINAL

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Transcript of Proceedings
November 26, 2019

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BEFORE THE PUBLIC UTILITIES COMMISSION,
GARY HANSON, CHAIRMAN (via teleconference)
CHRIS NELSON, VICE CHAIRMAN
KRISTIE FIEGEN, COMMISSIONER (via teleconference)

COMMISSION STAFF
Karen Cremer
Greg Rislov
Adam de Hueck
Darren Kearney
Jon Thurber
Patrick Steffensen
Joseph Rezac
Lorena Reichert
Kaitlyn Baucom
Deb Gregg

A P P E A R A N C E S

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

A.J. Swanson,
appearing on behalf of the Intervenors;

Amanda Reiss and Kristen Edwards,
appearing on behalf of Staff.

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

1 The following transcript of proceedings was held
2 in the above-entitled matter at the South Dakota State
3 Capitol, 500 East Capitol Avenue, Pierre, South Dakota,
4 on the 26th day of November, 2019.

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1 ACTING CHAIRMAN NELSON: EL19-027, In the Matter
2 of the Application by Crowned Ridge Wind 2, LLC for a
3 Permit of a Wind Energy Facility in Deuel, Grant, and
4 Codington Counties.

5 The question is shall the Commission grant
6 Intervenor's Motion for Examination or Admission Upon
7 Stipulation of Counsel? Or how shall the Commission
8 proceed?

9 And we are going to go first to Mr. Swanson
10 representing the Intervenors.

11 MR. SWANSON: Thank you, Mr. Chairman. The
12 motion that I filed on November the 16th was intended to
13 preserve the opportunity to have my Intervenor and
14 witness Steven Greber -- the opportunity to present his
15 testimony in Affidavit form.

16 My motion is supplemented then by letters of
17 November 21 and November 22. Basically what is happening
18 or what I have attempted to clarify is that I think
19 having Mr. Greber stand cross-examination remotely by
20 phone right now or tomorrow is no longer necessary.

21 He assures me as long as attention is paid to
22 the fact that he is 12 hours preceding us on average --
23 the ship will tend to move around in the sea so it could
24 be 11 hours or 13 hours. As long as we attend to that
25 from Pierre during the course of the hearing that is now

1 scheduled for February 4 through 7, he should be able to
2 participate by telephone.

3 ACTING CHAIR NELSON: And so this is
4 Commissioner Nelson. Are you withdrawing your motion?

5 MR. SWANSON: As long as there's nothing else to
6 discuss that's on the table now. I guess if
7 Mr. Schumacher is taking the position that he is going to
8 require personal attendance by Mr. Greber, then I would
9 like to hear that statement today because Mr. Greber is
10 going to be on a vessel leased to the U.S. government and
11 will not be available during the February setting.

12 ACTING CHAIR NELSON: Okay. Then, given that,
13 we'll play this out. Anything else at this point,
14 Mr. Swanson?

15 MR. SWANSON: No.

16 ACTING CHAIR NELSON: And we'll go to
17 Mr. Schumacher with Crowned Ridge.

18 MR. SCHUMACHER: Thank you, Mr. Chairman.

19 We don't see any reason to compel personal
20 attendance under the circumstances. We have some history
21 working with witnesses testifying telephonically before
22 the Commission and believe this is a circumstance where
23 that is appropriate. So we have no objection to that.

24 ACTING CHAIR NELSON: And Staff.

25 MS. REISS: Thank you. This is Amanda Reiss for

1 Staff. And Staff would have no objection to allowing
2 Mr. Greber to testify via telephone.

3 ACTING CHAIR NELSON: And just give me a moment.
4 I want to consult with counsel for a moment.

5 (Pause.)

6 ACTING CHAIR NELSON: So I don't think,
7 Mr. Swanson, there is any need for rebuttal. Upon
8 consulting counsel here, we can proceed either of two
9 ways. We can either have you on the fly turn this into a
10 motion to allow for telephonic testimony, or you can
11 simply withdraw this today and file that motion sometime
12 later.

13 MR. SWANSON: Well, I'd be happy to turn it into
14 a motion without further ado to allow this witness to
15 appear telephonically. Mr. Greber also stated that he
16 didn't think the captain would allow Miles Schumacher to
17 try and join the ship during the course of the hearing so
18 I guess present by an appearance by telephone is the only
19 option I have left.

20 ACTING CHAIR NELSON: Well, if they're sailing
21 in the South Pacific, maybe we all want to join them.
22 I'm not sure.

23 Mr. Schumacher, anything for you to weigh in?

24 MR. SCHUMACHER: Thank you. No, Chairman
25 Nelson.

1 ACTING CHAIR NELSON: And Staff.

2 MS. REISS: No, thank you.

3 ACTING CHAIR NELSON: Okay. With that, I'm
4 going to open it up to Commissioners for any questions or
5 comments. Obviously, we're kind of changing things up
6 here.

7 Questions or comments from the Commissioners?

8 CHAIRMAN HANSON: Sounds like everything has
9 been resolved. Thank you, Mr. Chair.

10 ACTING CHAIR NELSON: And I will simply say I'm
11 pretty well on record as being leery of telephonic
12 testimony because we've had some bad experiences in the
13 past, and it's particularly difficult for our court
14 reporter sometimes to follow that testimony.

15 Given this circumstance, I'm willing to risk it
16 one more time. My apologies to Cheri in advance. But
17 it's with the caveat that if the connection is not good
18 and such that the court reporter cannot follow the
19 communication, you know, we'll pull the plug on it at
20 that point. That's the risk that he runs.

21 MR. SWANSON: Well, it is a phone connection
22 provided by the U.S. government. What can go wrong?

23 ACTING CHAIR NELSON: We'll see. Thank you.
24 Additional discussion.

25 COMMISSIONER FIEGEN: You know, I appreciate

1 Commissioner Nelson's comment about if it's not working,
2 we have to stop the flexibility and make sure our record
3 is correct and complete. So I agree with Commissioner
4 Nelson.

5 ACTING CHAIR NELSON: Additional discussion?

6 Seeing none, I will move in EL19-027 that we
7 grant an alternative motion to allow for telephonic
8 testimony, with the condition that it is of a quality
9 that those of us in person and the court reporter can
10 follow.

11 Discussion on the motion.

12 Hearing none, all those in favor will vote aye;
13 those opposed, nay.

14 Commissioner Fiegen.

15 COMMISSIONER FIEGEN: Fiegen votes aye.

16 ACTING CHAIR NELSON: Commissioner Hanson.

17 CHAIRMAN HANSON: Aye.

18 ACTING CHAIR NELSON: And Nelson votes aye.

19 Motion carries.

20 We appreciate all the parties working together
21 to kind of help make this happen, and we're hoping for
22 great audio that day.

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STATE OF SOUTH DAKOTA)

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CERTIFICATE

COUNTY OF SULLY)

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

DO HEREBY CERTIFY that as the duly-appointed shorthand reporter, I took in shorthand the proceedings had in the above-entitled matter on the 26th day of November, 2019, and that the attached is a true and correct transcription of the proceedings so taken.

Dated at Onida, South Dakota this 12th day of December, 2019.

Cheri McComsey Wittler,
Notary Public and
Registered Professional Reporter
Certified Realtime Reporter

1	1:21, 1:23 APPLICATION [1] - 1:4 Application [1] - 3:2 appointed [1] - 8:8 appreciate [2] - 6:25, 7:20 appropriate [1] - 4:23 assures [1] - 3:21 attached [1] - 8:11 attempted [1] - 3:18 attend [1] - 3:24 attendance [2] - 4:8, 4:20 attention [1] - 3:21 audio [1] - 7:22 available [1] - 4:11 Avenue [1] - 2:3 average [1] - 3:22 aye [4] - 7:12, 7:15, 7:17, 7:18	4:20 clarify [1] - 3:18 Codington [1] - 3:4 CODINGTON [1] - 1:5 comment [1] - 7:1 comments [2] - 6:5, 6:7 Commission [3] - 3:5, 3:7, 4:22 COMMISSION [3] - 1:1, 1:10, 1:12 Commissioner [5] - 4:4, 7:1, 7:3, 7:14, 7:16 COMMISSIONER [3] - 1:11, 6:25, 7:15 Commissioners [2] - 6:4, 6:7 communication [1] - 6:19 compel [1] - 4:19 complete [1] - 7:3 condition [1] - 7:8 connection [2] - 6:17, 6:21 consult [1] - 5:4 consulting [1] - 5:8 correct [2] - 7:3, 8:12 counsel [3] - 3:7, 5:4, 5:8 COUNTIES [1] - 1:5 Counties [1] - 3:4 COUNTY [1] - 8:3 course [2] - 3:25, 5:17 court [3] - 6:13, 6:18, 7:9 Cremer [1] - 1:13 cross [1] - 3:19 cross-examination [1] - 3:19 CROWNED [1] - 1:4 Crowned [3] - 1:20, 3:2, 4:17 CRR [1] - 1:24 cwittler@venturecomm.net [1] - 1:25	difficult [1] - 6:13 discuss [1] - 4:6 discussion [3] - 6:24, 7:5, 7:11 DO [1] - 8:8 duly [1] - 8:8 duly-appointed [1] - 8:8 during [3] - 3:25, 4:11, 5:17	Greg [1] - 1:13 Gregg [1] - 1:17 guess [2] - 4:6, 5:18
2	B	E	H	
2 [1] - 3:2 2019 [4] - 1:8, 2:4, 8:11, 8:14 21 [1] - 3:17 213 [1] - 1:24 22 [1] - 3:17 26 [1] - 1:8 26th [2] - 2:4, 8:10	bad [1] - 6:12 Baucom [1] - 1:17 BEFORE [1] - 1:10 behalf [3] - 1:20, 1:21, 1:23 BY [1] - 1:4	East [1] - 2:3 Edwards [1] - 1:22 either [2] - 5:8, 5:9 EL19-027 [3] - 1:4, 3:1, 7:6 energy [1] - 3:3 ENERGY [1] - 1:5 entitled [2] - 2:2, 8:10 examination [2] - 3:6, 3:19 experiences [1] - 6:12	HANSON [3] - 1:10, 6:8, 7:17 Hanson [1] - 7:16 happy [1] - 5:13 hear [1] - 4:9 hearing [3] - 3:25, 5:17, 7:12 held [1] - 2:1 help [1] - 7:21 HEREBY [1] - 8:8 history [1] - 4:20 hoping [1] - 7:21 hours [3] - 3:22, 3:24 Hueck [1] - 1:14	
4	C	F	I	
4 [1] - 4:1	cannot [1] - 6:18 Capitol [2] - 2:3 captain [1] - 5:16 carries [1] - 7:19 caveat [1] - 6:17 CERTIFICATE [1] - 8:2 Certified [2] - 8:6, 8:19 CERTIFY [1] - 8:8 CHAIR [14] - 4:3, 4:12, 4:16, 4:24, 5:3, 5:6, 5:20, 6:1, 6:3, 6:10, 6:23, 7:5, 7:16, 7:18 Chair [1] - 6:9 Chairman [3] - 3:11, 4:18, 5:24 CHAIRMAN [5] - 1:10, 1:11, 3:1, 6:8, 7:17 changing [1] - 6:5 CHERI [1] - 8:5 Cheri [3] - 1:24, 6:16, 8:18 CHRIS [1] - 1:11 circumstance [2] - 4:22, 6:15 circumstances [1] -	facility [1] - 3:3 FACILITY [1] - 1:5 fact [1] - 3:22 favor [1] - 7:12 February [2] - 4:1, 4:11 Fiegen [2] - 7:14, 7:15 FIGEN [3] - 1:11, 6:25, 7:15 file [1] - 5:11 filed [1] - 3:12 first [1] - 3:9 flexibility [1] - 7:2 fly [1] - 5:9 follow [3] - 6:14, 6:18, 7:10 following [1] - 2:1 FOR [1] - 1:4 form [1] - 3:15	II [2] - 1:4, 1:20 IN [2] - 1:4, 1:5 intended [1] - 3:12 Intervenor [1] - 3:13 Intervenor's [1] - 3:6 Intervenors [2] - 1:21, 3:10	
5		G	J	
500 [1] - 2:3		GARY [1] - 1:10 given [2] - 4:12, 6:15 government [2] - 4:10, 6:22 Grant [1] - 3:3 GRANT [1] - 1:5 grant [2] - 3:5, 7:7 great [1] - 7:22 Greber [6] - 3:14, 3:19, 4:8, 4:9, 5:2, 5:15	join [2] - 5:17, 5:21 Jon [1] - 1:15 Joseph [1] - 1:16	
7			K	
7 [1] - 4:1			Kaitlyn [1] - 1:17 karen [1] - 1:13 Kearney [1] - 1:14 kind [2] - 6:5, 7:21 Kristen [1] - 1:22 KRISTIE [1] - 1:11	
A			L	
A.J [1] - 1:21 able [1] - 4:1 above-entitled [2] - 2:2, 8:10 ACTING [15] - 3:1, 4:3, 4:12, 4:16, 4:24, 5:3, 5:6, 5:20, 6:1, 6:3, 6:10, 6:23, 7:5, 7:16, 7:18 Adam [1] - 1:14 additional [2] - 6:24, 7:5 admission [1] - 3:6 ado [1] - 5:14 advance [1] - 6:16 Affidavit [1] - 3:15 agree [1] - 7:3 allow [4] - 5:10, 5:14, 5:16, 7:7 allowing [1] - 5:1 alternative [1] - 7:7 Amanda [2] - 1:22, 4:25 AND [1] - 1:5 apologies [1] - 6:16 appear [1] - 5:15 appearance [1] - 5:18 appearing [3] - 1:20,			leased [1] - 4:10 leery [1] - 6:11 left [1] - 5:19 letters [1] - 3:16 LLC [2] - 1:4, 3:2 Lorena [1] - 1:16	
			M	
			Main [1] - 1:24 MATTER [1] - 1:4 matter [3] - 2:2, 3:1, 8:10	
		D		
		DAKOTA [2] - 1:2, 8:1 Dakota [5] - 1:24, 2:2, 2:3, 8:7, 8:13 Darren [1] - 1:14 Dated [1] - 8:13 de [1] - 1:14 Deb [1] - 1:17 December [1] - 8:14 Deuel [1] - 3:3 DEUEL [1] - 1:5		

<p>MCCOMSEY ^[1] - 8:5 McComsey ^[2] - 1:24, 8:18 Miles ^[2] - 1:19, 5:16 moment ^[2] - 5:3, 5:4 motion ^[10] - 3:6, 3:12, 3:16, 4:4, 5:10, 5:11, 5:14, 7:7, 7:11, 7:19 move ^[2] - 3:23, 7:6 MR ^[7] - 3:11, 4:5, 4:15, 4:18, 5:13, 5:24, 6:21 MS ^[2] - 4:25, 6:2</p>	<p>PERMIT ^[1] - 1:5 permit ^[1] - 3:3 person ^[1] - 7:9 personal ^[2] - 4:8, 4:19 phone ^[2] - 3:20, 6:21 Pierre ^[2] - 2:3, 3:25 play ^[1] - 4:13 plug ^[1] - 6:19 point ^[2] - 4:13, 6:20 position ^[1] - 4:7 preceding ^[1] - 3:22 Precision ^[1] - 1:24 present ^[2] - 3:14, 5:18 preserve ^[1] - 3:13 pretty ^[1] - 6:11 proceed ^[2] - 3:8, 5:8 proceedings ^[3] - 2:1, 8:9, 8:12 Proceedings ^[1] - 1:7 Professional ^[2] - 8:6, 8:19 provided ^[1] - 6:22 Public ^[2] - 8:7, 8:18 PUBLIC ^[2] - 1:1, 1:10 pull ^[1] - 6:19</p>	<p>RIDGE ^[1] - 1:4 risk ^[2] - 6:15, 6:20 Rislov ^[1] - 1:13 RPR ^[1] - 1:24 runs ^[1] - 6:20</p>	<p>4:21, 5:15 tend ^[1] - 3:23 testify ^[1] - 5:2 testifying ^[1] - 4:21 testimony ^[5] - 3:15, 5:10, 6:12, 6:14, 7:8 THE ^[5] - 1:1, 1:2, 1:4, 1:10 Thurber ^[1] - 1:15 today ^[2] - 4:9, 5:11 together ^[1] - 7:20 tomorrow ^[1] - 3:20 took ^[1] - 8:9 transcript ^[1] - 2:1 Transcript ^[1] - 1:7 transcription ^[1] - 8:12 true ^[1] - 8:11 try ^[1] - 5:17 turn ^[2] - 5:9, 5:13 two ^[1] - 5:8</p>
N		S	
<p>nay ^[1] - 7:13 necessary ^[1] - 3:20 need ^[1] - 5:7 NELSON ^[16] - 1:11, 3:1, 4:3, 4:12, 4:16, 4:24, 5:3, 5:6, 5:20, 6:1, 6:3, 6:10, 6:23, 7:5, 7:16, 7:18 Nelson ^[4] - 4:4, 5:25, 7:4, 7:18 Nelson's ^[1] - 7:1 none ^[2] - 7:6, 7:12 Notary ^[2] - 8:7, 8:18 nothing ^[1] - 4:5 November ^[6] - 1:8, 2:4, 3:12, 3:17, 8:11</p>		<p>sailing ^[1] - 5:20 scheduled ^[1] - 4:1 SCHUMACHER ^[2] - 4:18, 5:24 Schumacher ^[5] - 1:19, 4:7, 4:17, 5:16, 5:23 sea ^[1] - 3:23 see ^[2] - 4:19, 6:23 seeing ^[1] - 7:6 setting ^[1] - 4:11 shall ^[2] - 3:5, 3:7 ship ^[2] - 3:23, 5:17 shorthand ^[2] - 8:9 simply ^[2] - 5:11, 6:10 sometime ^[1] - 5:11 sometimes ^[1] - 6:14 sounds ^[1] - 6:8 SOUTH ^[2] - 1:2, 8:1 South ^[6] - 1:24, 2:2, 2:3, 5:21, 8:7, 8:13 SS ^[1] - 8:2 staff ^[4] - 4:24, 5:1, 6:1 Staff ^[1] - 1:23 STAFF ^[1] - 1:12 stand ^[1] - 3:19 STATE ^[2] - 1:2, 8:1 State ^[2] - 2:2, 8:7 statement ^[1] - 4:9 Steffensen ^[1] - 1:15 Steven ^[1] - 3:14 stipulation ^[1] - 3:7 stop ^[1] - 7:2 SULLY ^[1] - 8:3 supplemented ^[1] - 3:16 Swanson ^[4] - 1:21, 3:9, 4:14, 5:7 SWANSON ^[5] - 3:11, 4:5, 4:15, 5:13, 6:21</p>	<p style="text-align: center;">U</p> <p>U.S ^[2] - 4:10, 6:22 under ^[1] - 4:20 up ^[2] - 6:4, 6:5 UTILITIES ^[2] - 1:1, 1:10</p>
O	Q		V
<p>objection ^[2] - 4:23, 5:1 obviously ^[1] - 6:5 OF ^[6] - 1:2, 1:4, 1:5, 8:1, 8:3 one ^[1] - 6:16 Onida ^[2] - 1:24, 8:13 open ^[1] - 6:4 opportunity ^[2] - 3:13, 3:14 opposed ^[1] - 7:13 option ^[1] - 5:19 ORIGINAL ^[1] - 1:5</p>	<p>quality ^[1] - 7:8 questions ^[2] - 6:4, 6:7</p>		<p>vessel ^[1] - 4:10 via ^[3] - 1:10, 1:11, 5:2 VICE ^[1] - 1:11 vote ^[1] - 7:12 votes ^[2] - 7:15, 7:18</p>
P	R		W
<p>Pacific ^[1] - 5:21 paid ^[1] - 3:21 participate ^[1] - 4:2 particularly ^[1] - 6:13 parties ^[1] - 7:20 past ^[1] - 6:13 Patrick ^[1] - 1:15 Pause ^[1] - 5:5</p>	<p>Realtime ^[2] - 8:6, 8:19 reason ^[1] - 4:19 rebuttal ^[1] - 5:7 record ^[2] - 6:11, 7:2 Registered ^[2] - 8:5, 8:19 Reichert ^[1] - 1:16 Reiss ^[2] - 1:22, 4:25 REISS ^[2] - 4:25, 6:2 remotely ^[1] - 3:19 Reported ^[1] - 1:24 Reporter ^[4] - 8:6, 8:19, 8:19 reporter ^[4] - 6:14, 6:18, 7:9, 8:9 Reporting ^[1] - 1:24 representing ^[1] - 3:10 require ^[1] - 4:8 resolved ^[1] - 6:9 Rezac ^[1] - 1:16 Ridge ^[3] - 1:20, 3:2, 4:17</p>		<p>ways ^[1] - 5:9 weigh ^[1] - 5:23 willing ^[1] - 6:15 Wind ^[2] - 1:20, 3:2 WIND ^[2] - 1:4, 1:5 wind ^[1] - 3:3 withdraw ^[1] - 5:11 withdrawing ^[1] - 4:4 witness ^[2] - 3:14, 5:14 witnesses ^[1] - 4:21 WITTLER ^[1] - 8:5 Wittler ^[2] - 1:24, 8:18</p>
		T	
		<p>table ^[1] - 4:6 teleconference ^[2] - 1:10, 1:11 telephone ^[3] - 4:2, 5:2, 5:18 telephonic ^[3] - 5:10, 6:11, 7:7 telephonically ^[2] -</p>	