

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

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**AMBER CHRISTENSON,  
LINDA LINDGREN AND  
TIMOTHY LINDGREN  
v.  
CROWNED RIDGE WIND LLC**

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\*                   **AMBER CHRISTENSON’S**  
\*                   **RESPONSE AND OPPOSITION TO**  
\*                   **CROWNED RIDGE WIND, LLC’S**  
\*                   **MOTION FOR PROTECTIVE ORDER**

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**CE22-001**

Below, please find Complainant Amber Christenson’s Response and Opposition to the Motion for Protective Order submitted by Crowned Ridge Wind, LLC.

Complainant Amber Christenson opposes & objects to being subjected to a Protective Order.

First, Crown Ridge Wind’s request for a Protective Order is premature. This Commission does not enter protective orders for hypothetical future information.

That is, a recent data request submitted by this Complainant requested the maintenance records/logs for ONE turbine which Crowned Ridge Wind had specified as being shut down for a period of time during the most recent sound study. As I understand, that data request was the impetus for the proposed Protective Order. Complainant, however, specifically points out to the Commission that that previously withheld information – because of the claimed need for a Protective Order – has now been provided to me. In fact, that turbine-related information has been provided by Crowned Ridge Wind prior to this hearing. Within that previously provided information about the turbine in question, it appears from a review of the 20 entries listed that there is no such proprietary information as to that GE turbine; instead, it shows regular maintenance, similar to your auto’s regular maintenance and routine upkeep. Once again, my request was related to ONE lone turbine – *not* the entire maintenance and operations details of the entire project.

Second, I am a lay person with absolutely no intention of involving myself with Crowned Ridge Wind or NextEra maintenance plans. However, such information as may be related to unplanned and/or intentional shutdowns of turbines so as to intentionally alter or affect sound study results is not only discoverable as part of my Complaint; but also, not in any way proprietary such that it shouldn’t be public information for local citizens and taxpayers within earshot, so to speak, of the invasively noisy and clunky turbines as part of their normal operation. If, however, a potential future data request may be issued in the future and, at that time, Respondent may legitimately be concerned about actual proprietary information, I would be willing to discuss the prospect of any such *reasonable and necessary* protective order provisions at that time. Given the limited nature of present or future data requests, however, a more reasonable possibility would be for Crowned Ridge Wind to plan to merely redact proprietary information, or the Complainants

could then agree to working with the Respondent on an appropriately modified protective order or allowing a modified answer to the now hypothetical question. Otherwise, however, the draft Protective Order proposed by the Respondent to the Commission in this Complaint action advanced to a lay person, like myself, is at a minimum, bureaucratic overkill by Respondents since it is overly burdensome and onerous, on me especially, considering that the Draft Protective Order can only be referenced to or for a future potential or hypothetical issue.

That is, Crowned Ridge Wind seemingly wants to place Complainants in some type of legal straight-jacket by and through what appears to be an unnecessary and a potentially weaponized claimed protective order in this matter where, once again, Complainant is a non-technical lay person who has in good faith requested only one general document on ONE turbine. For instance, I point to the unnecessary and what sure appears to be excessive and/or overkill draft language within paragraphs 14 & 15, as well as paragraphs 11 and/or 6 in the draft proposal.

By way of an additional brief response to Respondent, I would note that the two dockets the Respondent found that had otherwise issued protective orders were, in fact, applications submitted to the PUC and appeared to seek production of much information, technical and otherwise, as was to be requested and answered in the much more significant discovery process.

The Draft Protective Order and the accompanying letter submitted for review here, were copied from the two dockets mentioned (and added as examples) to the copied letter. Crowned Ridge cites EL08-031 which has a Commission order establishing a protective order on February 5<sup>th</sup>, 2009. HP22-002 has an order signed by this Commission establishing a protective order on March 2<sup>nd</sup>, 2023, which is recent, but also is a docket of a highly technical and confidential nature, considering it is an application for a pipeline...a pipeline not yet approved, or in operation and would most definitely need to have information held close to the vest at this stage of the permitting process. Both of the cited dockets reason that a protective order would be beneficial in case of confidential material being requested and the order would move the docket along.

Docket EL08-031 excerpt:

Should there be discovery disputes of a confidentiality nature during the pendency of the pre-hearing discovery and testimony filing stages, it will be difficult to get them resolved in time to keep the schedule. Therefore, the Applicant offers this draft for the Commission's consideration and possible Order in order to keep the matter on schedule.

Docket HP22-002 excerpt:

the parties in this proceeding. In the course of discovery to date, Navigator has identified responsive documents that contain confidential and proprietary information. Protecting that information will allow discovery to proceed in an orderly and expeditious way. The proposed

Finally, it's important to keep in mind that, by way of contrast, the evidentiary hearing here is scheduled for mid-October, with final responses to discovery, one week prior. Complainant will of course keep in mind those deadlines and plan to agree that if a confidential answer is potentially or possibly involved regarding a potential future discovery request by Complainants less than a month before the anticipated evidentiary hearing, I understand the confidentiality issue would otherwise need to be reviewed and/or resolved prior to, or at the time of the scheduled administrative hearing.

Dated this 24th day of April, 2023.

/s/Amber Christenson  
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