

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

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

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**AMBER CHRISTENSON’S
OPPOSITIONAL RESPONSE TO
CROWNED RIDGE WIND, LLC’S
MOTION IN LIMINE**

CE22-001

Complainant Amber Christenson hereby files her Oppositional Response to the Motion in Limine filed by Respondent Crowned Ridge Wind, LLC.

I oppose this motion for so many reasons. Let me start with Crowned Ridge pointing out that my Rebuttal Testimony had no exhibits. True. I filed no exhibits because I had data request responses still due to me by Crowned Ridge. Of course I will need to supplement my testimony, rebuttal testimony and exhibits during the evidentiary hearing because there is more to add after receiving my discovery from the respondent. The Procedural Schedule shown here, clearly shows more information would be, or could be available to the parties after the filing of testimonies:

ORDERED, that the procedural schedule shall be set as follows:

Pre-filed testimony on behalf of Complaints:	July 7, 2023
Respondent and Staff Pre-filed testimony:	August 7, 2023
Notice of depositions no later than:	August 11, 2023
Rebuttal testimony:	September 7, 2023
All depositions to be conducted by:	September 14, 2023
Final discovery to all Parties and Staff:	September 21, 2023
Responses to all final discovery:	October 4, 2023
Evidentiary Hearing dates:	October 11-12, 2023

I can't speak to the minds of the Commission, but when you asked me for pre-filed testimony, I doubt you were expecting nothing else would be presented during the hearing from any witness. You have the bulk of the testimony to review, and your reasoning for pre-filed testimony was because there could be a lot of technical information and you wanted the chance to review that before the hearing. If there is any testimony or exhibit that you find too complicated at the hearing, we certainly would address that at that time.

The testimony and exhibits I present will also be able to be discussed by the respondent at the time of the hearing, just like in any court. They can object to, and give their reasons for objection as the hearing progresses.

This legal wrangling was part of the reason, as I explained to you when you asked for pre-filed testimony, Crowned Ridge doesn't want you to 'hear' me. As you can see by my exhibits I will be filing, Crowned Ridge continues to stonewall the citizens of South Dakota. In any SD court, I would be allowed to give my testimony and exhibits, the pre-filing was for the Commission's benefit, not for Crowned Ridge to block me. The Commission and I have shared countless hearings and meetings pertaining to this wind 'farm'. In fact, Commissioner Fiegen said that I was one of the top five people in the state who are knowledgeable about wind energy. I believe all three members of the Commission respect my knowledge when it comes to wind energy, and especially when it comes to the Crowned Ridge Wind project. I know it. I live it. I have heard Crowned Ridge and their witness's testimony. I relied on their testimonies when I wrote my testimony and rebuttal in this Compliant docket. Are they asking you, the Commission, and me, to disregard the information they have given and testified to in the past? It seems so.

The Commission is quasi-judicial, and we have seen the Commission exercise that authority in recent weeks/months. Crowned Ridge keeps telling you that I am just a lowly lay person. This lay person wants to hold their feet to the fire. This lay person wants you, the Commission, to remedy the noise problem here where we live. WIOM doesn't solve it, and I don't have to be an expert to read the spec sheet. I don't have to be an expert to know that when turbines run at full power, they are louder than when they run at low power; not only is that common sense, that has been testified to you in hearings.

I have to believe our South Dakota Commissioners want the truth in this issue. I have to believe our Commissioners want what is best for the residents of South Dakota. I have to believe you meant what you said and ordered when you allowed Crowned Ridge to be permitted and built.

I have lived on my property for 29 years. Tim Lindgren, my co-complainant has lived on his property his entire life. We know our properties. We know our noise levels. We know when something is not right with our property. Country people are very aware. We have to be aware because there is no one else to care for our property if something is wrong, just us. Crowned Ridge wants to preclude us from protecting our homes and property by silencing me in this complaint. I am counting on you to not let that happen. You are my only line of defense.

In my opinion, if it was up to Crowned Ridge, they wouldn't let us 'little people' have a voice at all, and that's what they are trying to do here. Because I don't have thousands to hire an expert, and because the PUC staff did not make the expert they hired to evaluate the 2020 and 2021 sound studies available to the Commission for this hearing, Crowned Ridge thinks they can gag

me. If only the state of South Dakota would give the citizens 13 million dollars, like it gave Crowned Ridge, I could hire experts and attorneys, too. Alas, that is not the case. We are on our own here, that's why we need you to hear us.

In their Argument II, on page two of Crowned Ridge's motion, they prove my point, my perception is important, I can clearly help you understand the failings of the sound study according to what Crowned Ridge and their witnesses present to you. I can read, I can discern. The Commissioners can, too, that's why you are there, to see through the weeds and distill the distortions, just like the residents do. We are here for truth.

Crowned Ridge Wind didn't want to resolve this amicably with the Complainants. Crowned Ridge didn't want to 'come to the table' with the Complainants and find a solution. Instead, here is Crowned Ridge wanting to squash the South Dakota residents like a bug. I want the Commission to recall Xcel Energy, who when they heard a citizen complain, OFFERED to do a study. Xcel Energy does want to be a good neighbor, not just pretend they want to be in front of the Commission.

In conclusion, Crowned Ridge wants you to go through my testimony line by line and silence the truth before we ever get to the hearing, before I ever get to speak my testimony in front of you, before they ever ask me a question at the hearing. This is the problem I warned you about. I want you to hear me, they don't. They know I am right. They know they can't meet the Conditions of the permit, that's why we are here today.

I ask the Commission to please deny the Motion in Limine.

Dated this 1st day of October, 2023.

/s/Amber Christenson
Amber Christenson
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