

**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
CLARIFICATION OF PROCEDURAL
SCHEDULE COMMUNICATION**

CE22-001

Commissioners and All Concerned,

Mr. Thurber, representing staff, told the Commission during the March 28, 2023 Commission meeting, that they (Staff) had mentioned to Complainants in December that he envisioned possibly having a half day to a full day hearing. He said once Staff figured out we were looking at it (the complaint hearing) differently, with more witnesses, he in January told Complainants that we should submit a proposal for a procedure schedule. And then he said this... “And we didn’t hear anything for the past two months. So that’s where the schedule is at.” (quoted from the recorded meeting archive of 3/28/23)

Kristin Edwards followed by telling you that Staff, specifically Mr. Thurber, has been ‘asking for feedback for months’ and that Mr. Thurber put a lot of time and effort into getting everyone to come to the table.

The above is what Staff, via Mr. Thurber and Ms. Edwards, communicated to the Commission during the March 28th meeting. Staff implied to the Commission that Complainants were not responding nor cooperating with Staff to move toward a procedural schedule.

I am compelled to enlighten the Commission, to set the record straight, so to speak, so that Complainants are not painted in such a harsh light.

- There was no attempt by anyone in Staff to set an evidentiary hearing procedural schedule in December.
 - In December, the procedural schedule all parties were emailing about concerned ONLY Crowned Ridge’s Motion to Dismiss, not the Complaint evidentiary hearing. And as for that Motion to Dismiss procedural schedule exchange between all parties, we all agreed very quickly on a mutually agreeable schedule.
- On **January 11, 2023**, Mr. Thurber for the first time, emailed all parties concerning the evidentiary hearing and said based on Crowned Ridge’s response (concerning the Complaint negotiation vs having a hearing in front of the Commission), the next step would be to schedule a hearing. Mr. Thurber said with legislature going on, options for

the hearing dates for the next couple of months would be limited and offered February 27 from 1 to 5, which would have been a 1/2 day scheduled hearing.

- That same day, **January 11th**:
 - Mr. Tornow replied to Mr. Thurber (and all) that a half day hearing did not seem long enough and he expected to need a day to a day and a half.
 - I emailed that I concurred with Mr. Tornow.
 - Mr. Murphy replied to our statement of anticipating to need 1 to 1 1/2 days by asking why did we need that much time, and wanted to know why before he would commit.

- On the following day, the **12th of January**, I emailed to all that I propose Staff work toward proposing a procedural schedule for the end of May or beginning of June and that would alleviate the issue of congestion during legislature.

I received no response to that email of me requesting Staff work toward a procedural schedule.

- **January 19th** was the next contact (email) by Mr. Thurber, or anyone, a full week later, asking Complainants to respond to Crown Ridge. He also asked our intentions for the hearing and said Staff would wait for a response before they searched for more hearing dates.
 - Mr. Tornow responded that same day with his vision of how he anticipated to present the case before the commission.
 - I also responded that same day to Mr. Thurber and all, that I did not understand Crowned Ridge's response when they said they didn't want to commit to a full day and I asked if Mr. Murphy was suggesting they are withdrawing their request for a hearing? And that his ask was confusing to me. (I never received a clarifying response to that question.)
 - I also said that I was waiting for the procedural schedule I had requested Staff to work on so I could submit data requests and that since we were requesting a winter sound study, the time pressure we were under at the end of 2022 was off. I apologized for the slow response of a week, and said I thought Staff was working on the procedural schedule that we had requested.
 - The above is a summary of all of the correspondence between parties on the 19th of January.

My January 12th and January 19th emails here for the Commission's review:



amber.christenson@yahoo.com <amber.christenson@yahoo.com>
To: Thurber, Jon, TLO P.C., Murphy, Brian J. (Brian.J.Murphy@nexteraenergy.com), Miles Schumacher
Cc: Edwards, Kristen, Reiss, Amanda, Kearney, Darren

Thu, Jan 12 at 3:28 PM ☆

All,

I agree with my co-complainants, that a half day hearing will not provide adequate time for full presentation of facts and witness testimony. I propose Staff work toward proposing a procedural schedule with the hearing then being scheduled for the end of May or beginning of June. That also alleviates the issue of congestion of legislature.

Thank you,

Amber Christenson



amber.christenson@yahoo.com <amber.christenson@yahoo.com>
To: Thurber, Jon, Murphy, Brian J., TLO P.C., Miles Schumacher
Cc: Edwards, Kristen, Reiss, Amanda, Kearney, Darren

Thu, Jan 19 at 5:23 PM ☆

I apologize, I didn't hit 'reply all' earlier.

All,

I guess I don't understand his inquiry. Crowned Ridge asked for the Commission to hear the complaint, and we believe it will be longer to present our facts than a four hour hearing would allow. Is Mr. Murphy suggesting they are withdrawing their request for a hearing by saying he wants to know our case before he commits? His ask is confusing to me.

As for me, once we set a procedural schedule so that I can submit data requests, I will have a better understanding of everything I need to present to the Commission. And since the Complainants are requesting a January sound study, the time pressure we were under at the end of 2022 is off, so I am happy to present my case to the Commission as fully as I can.

I apologize for the slow response. I just thought Staff would work on the procedural schedule as we requested.

Amber Christenson

- **On the 20th of January**, Mr Thurber replied that discovery can be sent at any time and asked Complainants to file a motion for a procedural schedule and said Staff would wait for our filing before determining next steps.

Complainants sensed no sense of urgency in any email from Staff regarding the submission of a motion for a procedural schedule. The above mentioned dates (January 11th, 12th, 19th and 20th) are the only time the evidentiary or procedural schedule were discussed.

Please keep in mind the email we had received from Mr. Thurber telling us about the Commission being busy during legislature. There was no sense of urgency sent to us at any time regarding setting a procedural schedule. There was no 'asking for feedback for months'.

- **On March 6th**, I submitted my first data request to the Respondent. Three days later, without any other correspondence from Crowned Ridge or Staff, Crowned Ridge filed the motion for the Commission to set a procedural schedule.

I have listened to the Commission discuss complaint dockets while waiting my turn in front of the Commission during regularly scheduled meetings. I heard other complainants and respondents cite statute that there just needs to be some movement on a complaint in a year

timeframe. We weren't close to that. And Complainants were working on to move our complaint forward via our first data request.

In fact, if there *was* to be a sense of urgency in our complaint docket, it should have been at the beginning of the complaint process, when Complainants were requesting a January sound study. I reviewed complaint dockets filed with the Commission; I looked back through the past fourteen years and Staff *always* sent the Notice of Complaint to the respondent the same day, or the following day, after it was received by the Commission. In contrast, the Notice of Complaint for our docket, the complaint this Commission asked us to file in light of the issues discussed at the Commission meeting in 2022, was not sent to Crowned Ridge (the respondent) until almost *three weeks later*... one day shy of three weeks. The Complainants were not responsible for the slow movement on our Complaint. Instead, as complainants, we needed to wait for Staff to facilitate the timing and movement of the docket.

At the last commission meeting, the implication by staff to the Commission was that Complainants are being difficult and not trying to move forward. That was not, and is not, the case at all. Complainants have worked hard to be before the Commission and have strived to move forward. Comments made by Commission at the April 13th meeting, showed that the Commission did get the impression of Complainants being non-responsive by Staff's distortion of what had transpired in emails between the parties. (I will gladly submit all of the emails if the Commission deems further review necessary.)

As to the procedural schedule, it was very easy to agree on the procedural schedule.

I know the Commission relies on what is being presented to them are the facts, not distortion. As a Complainant about a very serious issue in our state, I appreciate the opportunity provided here to defend the truth of the matter because I did not get an opportunity to speak after Staff's implication on the 13th and the Commission's time was precious on the 28th.

Thank you for your time today.

/s/Amber Christenson
Amber Christenson
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