

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

IN THE MATTER OF THE APPLICATION BY CROWNED RIDGE WIND, LLC FOR A PERMIT OF A WIND ENERGY FACILITY IN GRANT AND CODINGTON COUNTIES)	ORDER APPROVING POST CONSTRUCTION NOISE COMPLIANCE TEST PROTOCOL
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)	EL19-003

On January 30, 2019, the South Dakota Public Utilities Commission (Commission) received an Application for a Facility Permit for a wind energy facility (Application) from Crowned Ridge Wind, LLC (Crowned Ridge or Applicant) to construct a wind energy conversion facility to be located in Grant County and Codington County, South Dakota (Project). The Project would be situated on approximately 53,186-acres in the townships of Waverly, Rauville, Leola, Germantown, Troy, Stockholm, Twin Brooks, and Mazeppa, South Dakota. The total installed capacity of the Project would not exceed 300 megawatts (MW) of nameplate capacity. The Project includes up to 130 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 345-kV collection substation, one permanent meteorological tower, and an operations and maintenance facility. The Project will utilize the Crowned Ridge 34-mile 230-kV generation tie line and a new reactive power compensation substation to transmit the electricity from the Project's collector substation to the Project's point of interconnection located at the Big Stone South 230-kV Substation, which is owned by Otter Tail Power Company. Applicant has executed a power purchase agreement with Northern States Power Company (NSP) to sell NSP the full output of the Project. The Project is expected to be completed in 2020. Applicant estimates the total cost of the Project to be \$400 million. On July 26, 2019, the Commission issued a Final Decision and Order Granting Permit to Construct Facility; Notice of Entry (Permit). On January 9, 2020, the Commission issued an Order Granting Temporary Waiver that approved Crowned Ridge to operate temporarily without low noise trailing edge blade attachments installed on all turbines, subject to the curtailment of certain turbines, and Crowned Ridge conducting post construction noise compliance testing in accordance with Condition 26 of the Permit. Condition 26 of the Permit requires the post construction noise compliance test protocol (Noise Test Protocol) to be approved by the Commission. On February 13, 2020, Crowned Ridge filed a proposed Noise Test Protocol for Commission approval.

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-41B.

On February 18, 2020, at its regularly scheduled meeting, the Commission considered whether to approve the Noise Test Protocol as submitted by Crowned Ridge. After hearing oral presentations from the parties, the answers given to Commission questions, and having thoroughly reviewed the filings in the docket, the Commission, after public discussion, voted unanimously to approve the proposed Noise Test Protocol and also require the Public Liaison Officer to assist in contacting non-participating landowners for permission to test noise levels on their property. It is therefore

ORDERED, that Applicant's request for approval of the Noise Test Protocol as required in Condition 26 of the Permit is hereby granted. It is further

ORDERED, that the Public Liaison Officer will assist in contacting non-participating landowners for permission to test noise levels on their property.

Dated at Pierre, South Dakota, this 19th day of February 2020.

<p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>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.</p> <p>By: <u>Karen E. Cromer</u></p> <p>Date: <u>02/19/20</u></p> <p style="text-align: center;">(OFFICIAL SEAL)</p>

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Chris Nelson
CHRIS NELSON, Commissioner

Kristie Fiegen
KRISTIE FIEGEN, Commissioner

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

<p>IN THE MATTER OF THE APPLICATION BY CROWNED RIDGE WIND, LLC FOR A PERMIT OF A WIND ENERGY FACILITY IN GRANT AND CODINGTON COUNTIES</p>	<p>)))))</p>	<p>ORDER APPROVING SOUND LEVEL MESUREMENT PROGRAM PROTOCOL</p> <p align="center">EL19-003</p>
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On January 30, 2019, the South Dakota Public Utilities Commission (Commission) received an Application for a Facility Permit for a wind energy facility (Application) from Crowned Ridge Wind, LLC (Crowned Ridge or Applicant) to construct a wind energy conversion facility to be located in Grant County and Codington County, South Dakota (Project). On July 26, 2019, the Commission issued a Final Decision and Order Granting Permit to Construct Facility; Notice of Entry (Permit). On January 9, 2020, the Commission issued an Order Granting Temporary Waiver that approved Crowned Ridge to operate temporarily without low noise trailing edge blade (LNTE) attachments installed on all turbines, subject to the curtailment of certain turbines, and Crowned Ridge conducting post construction noise compliance testing in accordance with Condition 26 of the Permit. Condition 26 of the Permit requires the post construction noise compliance test protocol (Noise Test Protocol) to be approved by the Commission. On September 21, 2020, Crowned Ridge filed a 2020 Sound Level Measurement Program Protocol dated September 16, 2020, for sound testing to be completed post-LNTE installation.

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-41B.

On September 29, 2020, at its regularly scheduled meeting, the Commission considered whether to approve the 2020 Sound Level Measurement Program Protocol dated September 16, 2020, as submitted by Crowned Ridge. After hearing oral presentations from the parties, the answers given to Commission questions, and having thoroughly reviewed the filings in the docket, the Commission, after public discussion, voted unanimously to approve the proposed 2020 Sound Level Measurement Program Protocol. It is therefore

ORDERED, that Applicant's request for approval of the 2020 Sound Level Measurement Program Protocol dated September 16, 2020, is hereby granted.

Dated at Pierre, South Dakota, this 2nd day of October 2020.

<p>CERTIFICATE OF SERVICE</p> <p>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.</p> <p>By: <u><i>Kronig E. Bremer</i></u></p> <p>Date: <u>10/03/20</u></p> <p align="center">(OFFICIAL SEAL)</p>
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BY ORDER OF THE COMMISSION:

<p><u><i>Gary Hanson</i></u></p> <p>GARY HANSON, Chairman</p>
<p><u><i>Chris Nelson</i></u></p> <p>CHRIS NELSON, Commissioner</p>
<p><u><i>Kristie Fiegen</i></u></p> <p>KRISTIE FIEGEN, Commissioner</p>

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

**IN THE MATTER OF THE APPLICATION BY) ORDER APPROVING
CROWNED RIDGE WIND, LLC FOR A) MITIGATION PLAN
PERMIT OF A WIND ENERGY FACILITY IN)
GRANT AND CODINGTON COUNTIES) EL19-003**

On January 30, 2019, the South Dakota Public Utilities Commission (Commission) received an application from Crowned Ridge Wind, LLC (Crowned Ridge or Applicant) for a permit to construct a wind energy conversion facility to be located in Grant County and Codington County, South Dakota (Project). Applicant has executed a power purchase agreement with Northern States Power Company (NSP) to sell NSP the full output of the Project. On July 26, 2019, the Commission issued a Final Decision and Order Granting Permit to Construct Facility; Notice of Entry (Permit). On January 9, 2020, the Commission issued an Order Granting Temporary Waiver that approved Crowned Ridge to operate temporarily without low noise trailing edge (LNTE) blade attachments installed on all turbine blades subject to the curtailment of certain turbines and that Crowned Ridge conduct post-construction noise compliance testing in accordance with Condition 26 of the Permit. On January 15, 2021, Crowned Ridge filed its Sound Level Compliance Evaluation Report. On February 16, 2021, Commission staff (staff) filed a letter and technical report titled Crowned Ridge Wind Final Operational Sound Test Data Review and Assessment (Assessment) completed by staff's expert witness Mr. David Hessler. At the February 19, 2021, Commission Meeting, Commissioner Nelson and Commissioner Fiegen requested that Mr. Hessler appear at a future commission meeting to answer questions regarding his Assessment. On March 5, 2021, Mr. Hessler appeared before the Commission and answered Commissioner questions. On March 18, 2021, Crowned Ridge filed a Motion for Approval of Mitigation Plan in order to verify compliance with Condition 26 of the Permit. On March 23, 2021, Crowned Ridge filed a letter stating that it held executed Waivers from landowners at Locations 1-3. On March 29, 2021, staff a letter in support of Crowned Ridge's Mitigation Plan.

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-41B.

On April 1, 2021, at its regularly scheduled meeting, the Commission considered this matter. Crowned Ridge summarized its Mitigation Plan for addressing the limited and temporary sound exceedances. The Mitigation Plan consists of 1) acquiring waivers form the three impacted landowners, 2) the use of Winter Ice Operations Mode in order to prevent reoccurrence, and 3) conducting an additional sound study in the Fall of 2021. Ms. Amber Christenson, intervenor, opposed the Mitigation Plan and stated that the Mitigation Plan doesn't go far enough. Further, Ms. Christenson recommended that a sound study be completed at the Lindgren residence and that a sound study should be completed in the spring, summer, fall, and winter. Mr. R. Shawn Tornow provided comment that his client, Mr. Robert J. Welder, is one of the impacted landowners and the waiver his client signed with Crowned Ridge is not a valid contract. Staff provided comment in support of the Mitigation Plan. After considering comments received orally during the Commission meeting and in writing prior to the meeting, the Commission voted unanimously to approve Crowned Ridge Wind's Mitigation Plan, with the inclusion of the Lindgren property as a test location in the follow-up sound study. It is therefore

ORDERED, that Crowned Ridge's proposed Mitigation Plan is hereby approved with the inclusion of the Lindgren property as a test location in the follow-up sound study. It is further

ORDERED, that in accordance with the Mitigation Plan, Crowned Ridge shall:

- 1) work to obtain waivers of Condition No. 26 from the affected landowners;
- 2) utilize Winter Ice Operations Mode on the wind turbines at all times;
- 3) conduct an additional sound study during the Fall of 2021 during similar weather patterns as to those experienced during the Fall of 2020 sound study; and
- 4) include the Lindgren residence in the additional sound study to be completed in Fall of 2021.

Dated at Pierre, South Dakota, this 9th day of April 2021.

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>Adam DeHueck</u>
Date: <u>4/9/21</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson
CHRIS NELSON, Chairman

Kristie Fegen
KRISTIE FEEN, Commissioner

Gary Hanson
GARY HANSON, Commissioner

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

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

) **ORDER GRANTING PETITION**
) **FOR RECONSIDERATION**
) **AND ORDER GRANTING**
) **MOTION TO AMEND SOUND**
) **STUDY MITIGATION PLAN IN**
) **PART ON**
) **RECONSIDERATION**
)
) **EL19-003**

On January 30, 2019, the South Dakota Public Utilities Commission (Commission) received an application from Crowned Ridge Wind, LLC (Crowned Ridge or Applicant) for a permit to construct a wind energy conversion facility to be located in Grant County and Codington County, South Dakota (Project). On July 26, 2019, the Commission issued a Final Decision and Order Granting Permit to Construct Facility; Notice of Entry (Permit). On January 9, 2020, the Commission issued an Order Granting Temporary Waiver that approved Crowned Ridge to operate temporarily without low noise trailing edge (LNTE) blade attachments installed on all turbine blades subject to the curtailment of certain turbines and that Crowned Ridge conduct post-construction noise compliance testing in accordance with Condition 26 of the Permit. On January 15, 2021, Crowned Ridge filed its Sound Level Compliance Evaluation Report. On March 18, 2021, Crowned Ridge filed a Motion for Approval of Mitigation Plan in order to verify compliance with Condition 26 of the Permit. On April 9, 2021, the Commission issued an Order Approving Mitigation Plan. On July 29, 2021, Intervenor Christenson filed a Motion to Amend Mitigation Plan of the Sound Study Protocol of Crowned Ridge Wind, LLC Fall 2021 (Motion). On August 26, 2021, the Commission issued an Order Denying Motion to Amend Sound Study Mitigation Plan. On August 30, 2021, Amber Christenson and Allen Robish filed a Petition for Reconsideration. On September 2, 2021, Crowned Ridge filed its Answer to the August 30, 2021, Petition for Reconsideration.

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-41B and ARSD 20:10:01:29.

On September 14, 2021, at its regularly scheduled meeting, the Commission considered the Petition for Reconsideration. The Commission voted unanimously to reconsider its Order Denying Motion to Amend Sound Study Mitigation Plan. After hearing and considering the arguments of the Parties received orally during the Commission meeting and in writing prior to the meeting, the Commission, with Commissioner Fiegen dissenting, voted 2-1 to grant Amber Christenson's original Motion, in part, to include a sound test location within 25 feet of Ms. Christenson's residence during the Fall 2021 sound study and that turbines within 1.75 miles of that location be included in the turbine on/off tests for the sound study. It is therefore

ORDERED, that Amber Christenson's and Allen Robish's Petition for Reconsideration is hereby granted. It is further

ORDERED, that Amber Christenson's Motion to Amend Mitigation Plan of the Sound Study Protocol of Crowned Ridge Wind, LLC, Fall 2021 is granted in part. It is further

ORDERED, that the Fall 2021 sound study to be conducted by Crowned Ridge shall include a test location within 25 feet of Ms. Christenson's residence and that all turbines within 1.75 miles of that location, including Crowned Ridge Wind II turbines, shall be included in the on/off tests for the sound study.

Dated at Pierre, South Dakota, this 20th day of September 2021.

<p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>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.</p> <p>By: <u>Karen E. Cremer</u></p> <p>Date: <u>09/20/21</u></p> <p style="text-align: center;">(OFFICIAL SEAL)</p>

BY ORDER OF THE COMMISSION:

Chris Nelson

CHRIS NELSON, Chairman

KRISTIE FIEGEN, Commissioner, Dissenting
in Part

Gary Hanson

GARY HANSON, Commissioner