

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

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

\* **CE22-001**  
\* **COMPLAINANT CHRISTENSON'S**  
\* **OPPOSITION TO**  
\* **MOTION TO DISMISS AND**  
\* **JOINDER OF LINDGREN AND**  
\* **LINDGREN OPPOSITION OF MOTION**  
\* **TO DISMISS**

Complainant Amber Christenson hereby files her Opposition to the Motion to Dismiss filed by Respondent Crowned Ridge Wind, LLC and Complainant Christenson includes in this filing, her Joinder of Lindgren and Lindgren Opposition of Motion to Dismiss filed by Crowned Ridge Wind, LLC and her Opposition to the Joinder of the Motion to Dismiss by the Staff of the Public Utilities Commission.

The Complainants lay out a large number of issues in their formal complaint filed with the Public Utilities Commission. The Complaint was filed as a result of me (Amber Christenson) filing to docket EL19-003 asking to be put on the agenda to discuss the problems of the 2021 sound study while the docket EL19-003 was still a contested case, but my request was ignored. Subsequently, I made a motion to the docket and was then told that the Commission could not 'hear' the issue, and that there was a complaint process for me (and the Lindgren's) to use to advance our complaint the 'right way' before the Commission. We followed the process as proffered by PUC Staff and submitted our Formal Complaint, which was accepted without errors. (We were told we would be notified if there were any errors in our Complaint and its submission.) We were also told how the process works and that Staff would try to mediate between the parties for a resolution. Now that our Complaint is filed, CRW and Staff are trying to summarily have our complaint dismissed in the legally wrong way and I trust that the Commission will allow our complaint to proceed so that the citizens who live in the Crowned Ridge Wind project can receive an unbiased, accurate and thorough sound study.

In our complaint, we point out that especially problematic for CRW, is that the project was curtailed by 50% during 10 of the 14 days of the 2021 sound study. To remind the Commission, the first sound study ordered by the Commission for the project was during a commission ordered curtailment of the project because the project was not built as permitted, i.e. the project was supposed to have all turbines fitted with low noise trailing edge blades when built. Because of the developer not fitting all turbines with LNTE blades, the commission ordered a sound study be conducted while approximately 20% of the turbines were curtailed to reduce the anticipated noise exceedances. The Commission concluded at the beginning of the project, that curtailment equals noise reduction, thus their curtailment order until the turbines were all retrofitted with LNTE blades. It follows then, that a 50% curtailment of the project

would SUBSTANTIALLY change the noise profile of the project and impact the sound study conducted in 2021.

CRW and Staff seem to intimate that there has been study after study and there was is no reason to revisit the issue. I remind the Commission:

- Study One—the study was conducted during CURTAILMENT of the project, with a follow up study ordered to determine compliance after LNTE blades were installed on all turbines.
- Study Two—an epic failure for the project’s sound compliance. 50% of the homes studied resulted in a failure by the project to stay within sound limits as required by Condition 26 of the permit.
- Study Three—not only did CRW *fail to shut down during the required periods*, but the project was CURTAILED by 50% on 10 of the 14 days of the sound study. That one issue alone, warrants an additional sound study to determine compliance. However, as laid out in our Complaint, there were multiple problems with the last sound study.
  - “The MISO curtailments limited the electrical output of the site as a whole and *substantially* impacted the typical operations of the wind turbines when these curtailments occurred.” –Epsilon Report (see page 11 of Complaint). Curtailment (power reduction) substantially contributes to noise reduction.
  - The three homes that were out of compliance in Study 2, were NOT restudied in Study 3 to ensure compliance.

The Comments by Richard Lampeter (Complainants are unsure of the author of that document, but assume Mr. Lampeter contributed to some of the thoughts expressed therein) address some of the issues brought to the attention of the Commission in our Complaint, but not all. Even though that document tries to explain away some of our issues, important issues still remain problematic for the project’s failed third sound study. *IF*, as CRW states, the Complainants have a “failure to state a claim upon which relief can be granted”, CRW would not have had to submit 19 pages of ‘comments’ attributed to Mr. Lampeter. Even with 19 pages of comments submitted, there are still many issues not addressed by that document or CRW and PUC Staff.

The Commission should also be particularly troubled by Mr. Hessler’s ‘averaging’ of sound during a prolonged shutdown period to bring the sound at the Lindgren’s down to the 45 dBA limit. (see Complaint page 9)

I also direct the Commission’s attention to the WIOM documents submitted with our complaint, showing that WIOM would not rectify the noise issues that were present in Sound Study 2. (see Complaint page 3 and attachments referenced)

As a result, while joining and also in conjunction with Lindgren’s Opposition to Motion to Dismiss, such improper motion must be dismissed by the Commission.

Sincerely,

/s/ Amber Christenson  
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