

**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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STAFF’S RESPONSE TO AMBER  
CHRISTENSON’S FIRST DATA  
REQUEST

Staff makes the following responses to Amber Christenson’s First Data Request to PUC Staff, received on April 24, 2023. Staff objects to directions and definitions and directions in answering the request to the extent such definitions and directions deviate from the applicable Rules of Civil Procedure. Staff does not deem this Request continuing nor will it be supplement except as required by SDCL 15-6-26(e)<sup>1</sup>.

Staff further objects to this Request as improper as the dispute in this Complaint is between Complainants and Crowned Ridge Wind, LLC (Crowned Ridge). While Staff does not typically participate in complaint dockets where Staff was not the complainant, Staff has participated in this docket due to an apparent desire for Staff’s consultant to offer an opinion. However, because the dispute lies between the Complainants and Crowned Ridge, discovery served upon Staff lacks relevance.

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<sup>1</sup> 15-6-26(e). **Supplementation of responses.**

A party who has responded to a request for discovery with a response that was complete when made is under a duty to supplement or correct the response to include information thereafter acquired if ordered by the court or in the following circumstances:

- (1) A party is under a duty to supplement at appropriate intervals the party's response to a discovery request authorized under subdivision (a) if the party learns that in some material respect the response is incomplete or incorrect and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process or in writing. With respect to testimony of an expert, the duty extends to information contained in any expert report, discovery response concerning expert's opinions and any deposition of the expert.
- (2) A party is under a duty seasonably to amend a prior response to an interrogatory, request for production, or request for admission if the party learns that the response is in some material respect incomplete or incorrect and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process or in writing.
- (3) A duty to supplement responses may be imposed by order of the court, agreement of the parties, or at any time prior to trial through new requests for supplementation of prior responses.

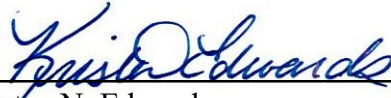
- 1-1) Please provide any and all emails, texts, notes, records of phone calls placed and/or received, and records and communication of any kind between Staff and Crowned Ridge Wind, LLC, NextEra, and anyone representing those entities, pertaining to CE22-001 that have not included the Complainants.

OBJECTION. In addition to the general objections previously noted, Staff objects to Request 1-1 for the following reasons:

- A. This request is irrelevant. Complainants have the burden of proof in this docket, and no Staff communications are relevant to satisfying that burden. The issue in this docket is technical and fact-based, and nothing Staff could have communicated would affect those facts, i.e. no communications could effect the sound level of the project. Furthermore, Staff communications, if any, are irrelevant because Staff is not the decisionmaker in this proceeding and, therefore, Staff communications are not ex parte and cannot be seen to affect the outcome of the proceeding and are not pertinent to the matter at hand and cannot be conceived to lead to the discovery of admissible evidence.
- B. The request is overly broad and burdensome. The request is unlimited in its scope of time and would require Staff to recover or obtain phone records and compile lists which do not currently exist detailing those communications. Because Staff communications are not relevant, there is not a substantial need for those communications in order to justify the hardship it would create to compile such a list. The request for “communications of any kind” is oppressively overbroad.
- C. Staff also objects because, while Staff can conceive of no probative value that could be derived from Staff communications, any perceived probative value is greatly outweighed by the burden placed on Staff and its ability to efficiently process dockets if Staff is required to respond to such a discovery request. Staff relies heavily on its ability to have an open line of communication with other parties in its many dockets and allowing a scavenger hunt through communications would have a chilling effect on our ability to do our jobs.

ANSWER: Subject to and without waiving its objections, including its general objections, Staff responds that the only witness from Staff is David Hessler, and Mr. Hessler has not, to Staff’s knowledge, had any communications with Crowned Ridge regarding this Complaint.

Dated this 10th day of May 2023.



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Objections to the Requests for Production of Documents were made by Staff Attorney Kristen Edwards.

Dated this 10th day of May 2023.



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