

**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 MITIGATION PLAN EL19-003
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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