

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

**IN THE MATTER OF THE
APPLICATION BY CROCKER WIND
FARM, LLC FOR A PERMIT OF A
WIND ENERGY FACILITY AND A 345
KV TRANSMISSION LINE IN CLARK
COUNTY, SOUTH DAKOTA, FOR
CROCKER WIND FARM**

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**STAFF'S THIRD SET OF DATA
REQUESTS TO CROCKER WIND
FARM, LLC**

EL17-028

Below, please find Staff's Third Set of Data Requests to Crocker Wind Farm, LLC. Please submit responses by September 11, 2017, or promptly contact Staff to discuss an alternative arrangement. In addition, please specify the responder when answering each interrogatory. Should any response have subparts answered by more than one individual, identify the respondent by subpart.

- 3-1) Refer to SDCL 49-41B-28 regarding the supersession of local land use controls. Does Crocker Wind Farm, LLC agree that the Public Utilities Commission cannot supersede or preempt any county land use, zoning, or building rules, regulations, or ordinances in issuing a permit for a wind energy facility. If no, please explain and cite the appropriate statutory authority.**

Crocker reads Section 28 as limited to linear transmission facilities. Crocker believes, as stated on many occasions, that the project is subject to the Clark County zoning ordinance and any applicable Conditional use or other permits obtained from Clark County, or as the courts direct. In this regard, Crocker seeks nothing more from the PUC than a permit condition requiring the project to meet those requirements as either the county or the circuit court determine.

- 3-2) Refer to SDCL 49-41B-22(4) regarding the applicant's burden of proof. Explain how due consideration has been given to the views of governing bodies of affected local units of government when the proposed Crocker Wind facility violates the county's conditional use permit.**

Crocker objects to the presumptions and characterizations in the question. Furthermore, the question cites not the entire statute but only parts of it. Answering anyway, Crocker seeks a permit from the PUC as stated in the answer to 1-1 (sic) above. The Board of County Commissioners has taken no official action with respect to this matter; the Board of Adjustment has, but it isn't a governing body. It instead is a quasi-judicial board established by the governing body, which is the Board of County Commissioners. SDCL 11-2-1(4).

3-3) For those documents which were filed as confidential, specifically Appendix D, please provide a letter noting which pages of the public version contain redacted information. For the ease of the Commission and the public in viewing these documents, please file the letter in the docket.

Applicant has filed two Appendix D's to the application. Appendix B of the confidential version contains sound power level data, that is noise emission data, from Vestas, GE, and Gamesa which the manufactures consider confidential or proprietary information. RSG used that information in its study. As such, the public version contains the label that proprietary information is excluded from Appendix B.

Dated this 20st day of September, 2017.



Melissa Schmit