

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

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**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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**INTERVENORS' RESPONSES TO  
STAFF'S FIRST SET OF DATA  
REQUESTS**

**EL17-055**

Below, please find Intervenor's responses to Staff's First Set of Data Requests.

- 1-1) Provide copies of all data requests submitted to or by the Interveners and copies of all responses provided to those data requests. Provide this information to date and on an ongoing basis.**

This information will be provided.

- 1-2) Refer to SDCL 49-41B-22.**
- a. Please specify particular aspect/s of the applicant's burden that the individuals granted party status intend to personally testify on.**
  - b. Please specify particular aspect/s of the applicant's burden of proof the Interveners intend to call a witness to testify on.**

Intervenors are still evaluating the Application and Crocker Wind Farm, LLC's ability to satisfy the provisions of SDCL 49-41B-22. At the present time, Interveners intend to illicit testimony on all four points of SDCL 49-41B-22 from witnesses already identified by Crocker Wind Farm, LLC and the PUC Staff (via subpoenas). Interveners are still evaluating whether they will call additional witnesses.

- 1-3) Refer to SDCL 49-41B-25. Identify any "terms, conditions, or modifications of the construction, operation, or maintenance" that the Interveners would recommend the Commission order. Please provide support and explanation for any recommendations.**

Intervenors recommend the Commission order proof of liability insurance in the amount of 10 million dollars, minimum. (Attached: Newspaper article - \$6.7 million settlement; WindAction – Wind Energy and Aviation Safety, Fatalities)

Intervenors recommend the Commission require a decommissioning plan prior to approval of the application. Further, Intervenors recommend the Commission require a performance bond of \$200,000 per turbine, with periodic increases for inflation, for decommissioning and reclamation. Intervenors also recommend the Commission require the decommissioning and reclamation of any turbine that remains nonfunctional or out of compliance for more than 12 consecutive months. (Attached: Eva's Decommissioning Estimate for Pleasant Ridge Wind Farm)

Intervenors recommend the Commission require the installation and use of an Aircraft Detection Lighting System which meets FAA standards, the study of which was required by the Clark County Board of Adjustment. (See Written Findings, Item 19 of the Clark County Board of adjustment for support and explanation.)

Intervenors recommend the Commission require proof of a signed written agreement between the Applicant and Interstate Telecommunications Cooperative before approval of this permit. (See Application 9.5.7.3)

Intervenors recommend the Commission require a signed written agreement regarding crossings of pipeline between the Applicant and Northern Border Pipeline before approval of this permit.

Intervenors recommend the Commission require the Applicant to provide a Property Value Guarantee (PVG) surety bond for all properties located within two miles of the footprint, Applicant to be responsible for all appraisal costs. This would allow affected homeowners to recoup their loss if they elect to relocate away from the turbine project and cannot sell for the pre-project market value of their properties.

Intervenors recommend the Commission establish a 3-mile buffer around Reid Lake State Waterfowl Refuge to protect migrating waterfowl and eagles. (See Application Appendix H, Agency Correspondence: Scott Larson, USFWS and Silka Kempema, SDGFP.)

This response may be supplemented as Intervenors learn of other potential concerns regarding the Project.

**1-4) Please list with specificity the witnesses the Intervenors intend to call. Please include name, address, phone number, credentials and area of expertise.**

See response to Request 1-2.

**1-5) Do the Intervenors intend to take depositions? If so, of whom?**

Not at this time.



