

**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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**CROCKER WIND FARM, LLC'S
RESPONSES TO INTERVENORS
FIRST SET OF DATA REQUESTS**

EL17-055

Below please find Crocker Wind Farm, LLC's Responses to Intervenors First Set of Data Requests.

- 1-1) Provide copies of all data requests submitted to or by Crocker Wind Farm, LLC and copies of all responses provided to those data requests. Provide this information to date and on an ongoing basis.**

Mollie Smith: Crocker has received three sets of data requests from PUC Staff. The requests and Crocker's public responses to the first two sets of data requests have been posted to the PUC's electronic docket. Crocker will provide the third set of data requests and responses when complete, and will provide additional data requests on an ongoing basis as requested. Non-public information would be provided pursuant to a protective agreement.

- 1-2) SD codified law, ASDR 20:10:22:07 requires a named project manager of the proposed facility. Provide the name of this individual and a copy of that individual's resume.**

Melissa Schmit: Jay Hesse is the Crocker Project Manager. His resume is attached.

- 1-3) The pre-filed testimony of two Geronimo executives, Mr. Fladeboe and Ms. Engelking, state that Geronimo has satellite offices in a number of states including South Dakota. Please provide the following date for South Dakota office(s): Address, telephone & fax numbers and daily office hours.**

Jay Hesse: Geronimo's South Dakota office has been located in at 925 29th St SE, Watertown, SD 57201 at National American University. Geronimo began renting the Watertown office space in February of 2016. However, we were informed on January 19, 2018 that this location of National American University was to close on 2/28/2018, so we are currently evaluating our options for different office space going forward.

Geronimo has been working on multiple projects in South Dakota and this Watertown office has been centrally located for our work on these projects. This office is not utilized as a retail office space with set office hours for the general public; rather, it is a location for employees and

contractors to work from and to host meetings with landowners and other stakeholders as scheduled by Geronimo staff. Landowners and stakeholders are provided contact information directly to Geronimo personnel or contact information to Geronimo Energy Headquarters where communications are directed appropriately. Geronimo Energy Headquarters is located at 7650 Edinborough Way, Suite 725, Edina, MN 55435 (Phone: 952-988-9000 Fax 952-988-9001).

Geronimo Energy also has an employee, Michael Binder, who works from a home office in Bristol, SD. Bristol is about 20 miles north of the Crocker Project area, which enables Mr. Binder to work closely with Crocker landowners and stakeholders. Michael Binder's contact information is: Email: mbinder@geronimoenergy.com; Phone: 605-590-1017.

Once the Project is operational, an office will be established on site and will hold regular business hours.

- 1-4) Page 135 of the application for permit indicates "Complete" for FCC and NTIA. For each of those agencies, please provide a copy of permit application as submitted by Crocker and a copy of the permit issued by those agencies.**

Melissa Schmit: A permit application is not required for the FCC and NTIA. Crocker commissioned Comsearch to conduct telecommunication studies for the Project, which included a non-federal Microwave Study (refer to Appendix G of the Application). NTIA consultation occurred on March 14, 2016 and again on November 16, 2017 to include the expanded Project boundary. A response was received by the NTIA on May 16, 2016 (refer to Appendix H of the Application) and January 12, 2018 (refer to updated correspondence from NTIA and WAPA posted to EL17-055 on January 25, 2018). Additional information on coordination with the NTIA can be found in response to PUC Staff's Data Request 2-4 (see responses to second set of data requests).

- 1-5) In the December 15, 2017 direct testimony of Ms. Engelking (page 6), it states: "The Project was qualified for the Federal PTC at the end of 2015, and thus needs to be operating by the end of 2019 to receive credits". Please explain how the project qualifies for the PTC prior to the start of construction.**

Betsy Engelking: The IRS has determined that there are two methods to qualify for the start of construction requirement in order to receive the Federal Production Tax Credits for wind energy. The first method is by investing at least five percent of the capital in the project, purchasing items such as turbine components or other capital items. The second is to begin "Physical Work of a Significant Nature." IRS notice 2013-29 stated the following, among other things, regarding what constitutes Physical Work of a Significant Nature: "[P]hysical work on a custom-designed transformer that steps up the voltage of electricity produced at the facility to the voltage needed for transmission is physical work of a significant nature with respect to the facility because power conditioning equipment is an integral part of the activity performed by the

facility.” Geronimo contracted for construction of a custom-designed transformer for Crocker prior to the end of 2015.

- 1-6) For the Vestas V110 and Vestas V136 turbines, please provide a copy of any manuals or guidelines that have been issued by the manufacturer which include safety information.**

Melissa Schmit: Crocker does not have operation manuals for any of the turbine models under consideration as a turbine supply agreement has not yet been executed. Also, we object to the use of the term “guidelines” as vague.

- 1-7) When did Crocker first learn of the Lone Tree Airport and does Crocker contend that the currently proposed turbine siting of six turbines one plus miles northwest of the airport meet FAA minimum standards.**

Michael Morris: Crocker became aware of an airstrip owned by Mr. Sheldon Stevens in early 2016 as we were evaluating land acquisition opportunities in the area. At the time, this was an unregistered private airstrip and was not present either on aeronautical charts or the FAA’s master airport record. Mr. Stevens petitioned the FAA to establish a private use airport in May 2016 (<https://oeaaa.faa.gov/oeaaa/external/searchAction.jsp?action=displayNRACase&locationID=293392501&row=0>), and the airport was added to the FAA’s master database in December 2016. Since Lone Tree was established as a private use airport, it is not afforded FAA airspace protections per 14 CFR Part 77.

- 1-8) Page 109 of the Application states: "turbines have been sited in a manner that avoids all identified microwave beam paths and communication systems". Referencing Figure 5, Project Setbacks, a turbine (#155) appears to intercept a microwave beam path. Please explain the apparent discrepancy.**

Melissa Schmit: Turbines are not drawn to scale on the Application maps. Turbine 155 does not intercept the microwave beam path and, during final micrositing, Crocker will ensure the turbine location is set back appropriately to avoid any potential beam path interference.

- 1-9) Produce all written communications, electronic or otherwise, between Crocker (including its affiliate, Geronimo) and the USFWS related to the project.**

Melissa Schmit: Substantive communications other than those included in Appendix H of the Application with the USFWS related to the entire Project are attached. Crocker has proposed Project infrastructure on USFWS easements, which will require an easement exchange if approved by the USFWS. This is Federal Action under the National Environmental Policy Act (NEPA) and Crocker has prepared an Environmental Assessment (EA), which is expected to be

released for public comment the week of March 12th. The EA was developed in coordination with the USFWS, is the USFWS's document and analysis of the Project, and includes a summary of coordination between Crocker and the USFWS with respect to the proposed easement exchange. Once released, the public will have the opportunity to provide input on the USFWS's analysis of the Project – a process independent from the SD PUC permitting process.

1-10) Produce all written communications, electronic or otherwise, between Crocker (including its affiliate, Geronimo) and the SDGFP related to the project.

Melissa Schmit: Communication with the SDGFP is attached.

1-11) Provide a copy of all environmental study data and reports prepared by "West" for Crocker Wind Farm, LLC, to date and through completion of their study.

Melissa Schmit: A number of WEST reports are publicly available, as they were filed with the Application in PUC Docket No. EI 17-028, and the reports include environmental study data collected. Additional WEST reports for the Project are attached. Please note that we identified a formatting problem with the Figures section of the 2017 Dakota skipper and Poweshiek skipperling Survey Report. We are requesting corrected figures, and will provide them following receipt.

1-12) Produce a copy of the landowner easement agreement used for this project. To the extent more than one standard agreement was used, produce a copy of each agreement.

Mollie Smith: Memorandums of Land Lease and Wind Easement and Memorandums of Transmission Easement Agreements executed for the Project have been recorded with the Clark County Recorder's Office and may be obtained by members of the public, including Intervenors, through that office. A document providing recording information for each memorandum is attached. With respect to the easement agreements, Crocker objects to providing said documents because they are nonpublic documents, which contain proprietary and confidential terms. Further, the publicly-available memoranda provide confirmation of the existence of the agreements.

1-13) Identify those properties/landowners that received or will receive a one-time payment.

Melissa Schmit: Only landowners with an easement for the transmission line had the option to select reoccurring or one-time payments under the terms of the lease. Crocker objects to providing this information, as payment information is confidential, and the requested information is not relevant to this proceeding.

1-14) Identify all other wind projects for which Geronimo has been involved with the development thereof in the past 10 years. For each project, state whether Geronimo continues to be involved therein and, if so, briefly explain in what capacity.

Jay Hesse: Geronimo was established in 2005 and developed its first wind project on land owned by Geronimo's founder. Historically, Geronimo has partnered with corporations and utilities that own and operate the projects. Geronimo maintains appropriate relationships with project owners and stakeholders. Below is a list of wind and solar projects developed by Geronimo over the last 10 years.

Project	Project Size (MW)	Online Date	Power Purchaser	Ownership
Odin Wind	20	2008	Missouri River Energy	Corporation/Utility - not affiliated with Geronimo
Marshall Wind	19	2008	Missouri River Energy	Corporation/Utility - not affiliated with Geronimo
Prairie Rose Wind	200	2012	Northern States Power - MN (Xcel)	Corporation/Utility - not affiliated with Geronimo
Odell Wind	200	2016	Northern States Power - MN (Xcel)	Corporation/Utility - not affiliated with Geronimo
Aurora Solar	100	2016	Northern States Power - MN (Xcel)	Corporation/Utility - not affiliated with Geronimo
Grande Prairie Wind	400	2016	Omaha Public Power District	Corporation/Utility - not affiliated with Geronimo
Walnut Ridge Wind	212	2016	US General Services Agency	Corporation/Utility - not affiliated with Geronimo

Project	Project Size (MW)	Online Date	Power Purchaser	Ownership
Community Solar Gardens 1	98	2017 & 2018	Northern States Power - MN (Xcel)	Corporation/Utility - not affiliated with Geronimo
Black Oak Wind	78	2016	Minnesota Municipal Power Agency	Corporation/Utility - not affiliated with Geronimo
Courtenay Wind	200	2016	Northern States Power - MN (Xcel)	Corporation/Utility - not affiliated with Geronimo
Pierre Solar	1	2016	Missouri River Energy	Affiliate of Geronimo
Apple Blossom Wind	100	2017	Consumers Energy (CMS)	Corporation/Utility - not affiliated with Geronimo
South Fork Wind	13	2016	Muscatine Power and Water	Corporation/Utility - not affiliated with Geronimo
Nordic Solar	55	2017 & 2018	Northern States Power - MN (Xcel)	Affiliate of Geronimo
Green River Wind	194	2018	Confidential	Affiliate of Geronimo
TOTAL	1,890			

Although Geronimo has not always maintained ownership of projects it developed, Geronimo has maintained ownership of projects in recent years. Geronimo is affiliated with Geronimo Investment Management, an investment firm that invests solely in renewable energy assets. As a result, going forward, Geronimo plans to own and operate the projects it develops, including the Crocker Wind Farm. However, even if a different company were to acquire and operate the Crocker Wind Farm in the future, it is important to note that the owner would acquire the Project subject to existing agreements and permit requirements.

1-15) Explain why Jesse and Tara Huber, who live adjacent to the footprint, were not notified by certified letter regarding the Public Input Hearing. Further explain why their residence (15686-422nd Avenue) is not shown in maps of project setbacks.

Melissa Schmit: SDCL 49-41B-5.2 provides that notice be sent to “the owner of record,” which “is limited to the owner designated to receive the property tax bill sent by the county treasurer.” In accordance with SDCL 49-41B-5.2, Crocker compiled the list of addresses to be sent a copy of the Public Input Hearing Notice based on Clark County Parcel GIS data obtained from Clark County, which provides the requisite information for “the owner of record.” All residences identified from those files were notified by certified mail of the Public Input Hearing.

The setback maps in the Application submitted on December 15, 2017 highlighted the residences and setbacks for residences that were once within 3,960’ (3/4 mile setback) of a turbine location. The updated map series provided in response to Data Request 1-17 below, and the map series posted to Docket EL17-055 on March 1, 2018, include Jesse and Tara Huber’s residence located at 15686- 422nd Avenue, Crocker, SD 57217 and confirm compliance with the setback from non-participating residences.

1-16) Explain why Gale Paulson’s residence, 16304- 423rd Avenue, is not included on the maps showing project setbacks.

Melissa Schmit: The setback maps in the Application submitted on December 15, 2017 highlighted the residences and setbacks for residences that were within 3,960’ (3/4 mile setback) of a turbine location. The updated map series provided in response to Data Request 1-17 below, and the map series posted to Docket EL17-055 on March 1, 2018, include Gale Paulson’s residence at 16304-423rd Avenue Crocker SD 57217, and confirm compliance with the setback from non-participating residences.

1-17) Figures 2a-d and 5a-d map series show that they overlap and allow alignment to view entire project yet they do not properly align. Maps a and c overlap and b and d overlap, but there is missing portions of information because maps a and b, and c and d do not overlap (despite corner insert depicting that they do.) Please provide map series that allow full viewing of project when printed.

Melissa Schmit: Refer to attached maps.

1-18) Identify the number of times a proposed access road will cross the Northern Border Pipeline. Please provide a map showing approximately where such crossing will occur.

Jay Hesse: One access road crossing of the Northern Border Pipeline is proposed. This crossing is on the access road north of Turbine 94 (see Figure 5a Project Setback Detailed 1). Crocker is coordinating with Northern Border Pipeline and will only construct this access road with the

appropriate coordination and crossing agreement with Northern Border Pipeline Company (refer to the Northern Border Pipeline Communications posted to EL17-055 on February 27, 2018). Crocker has included multiple access road options to access the turbines in this area. Crocker can either access the turbines in this area with the access road to the north of Turbine 94 over the pipeline or access the turbines from the south with the access road between Turbine 94 and Turbine 13.

Dated this 12th day of March, 2018.



Melissa Schmit