

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

**IN THE MATTER OF THE
APPLICATION BY DAKOTA RANGE I,
LLC AND DAKOTA RANGE II, LLC
FOR A PERMIT OF A WIND ENERGY
FACILITY IN GRANT COUNTY AND
CODINGTON COUNTY, SOUTH
DAKOTA, FOR THE DAKOTA RANGE
WIND PROJECT**

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

EL18-003

Submitted by Teresa Kaaz on 4/27/2018

Below, please find Staff's First Set of Data Requests to Intervenors. Please submit responses within 10 business days, or promptly contact Staff to discuss an alternative arrangement.

- 1-1) Provide copies of all data requests submitted to or by you 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 you intend to call a witness to testify on.

We are still evaluating the Application and Dakota Range I, LLC and Dakota Range II, LLC ability to satisfy the provisions of SDCL-49-41B-22. At the present time, we the Intervenors intent to illicit testimony on all four points of SD-49-41B-22 already identified by Dakota Range I. LLC and Dakota Range II, LLC and the PUC Staff (via subpoenas). We the intervenors are still evaluating whether to call additional witnesses.

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

I recommend the Commission require a decommission plan prior to the approval of the application., also that the Commission require a performance bond of \$200,000 per turbine., with periodic increases for inflation, decommissioning, and reclamation. I 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.

I recommend the Commission order proof of liability insurance in the amount of 10 million dollars, minimum. Due to recent settlement that resulted in a fatality.. and \$6.7million settlement. Article published

I recommend the Commission require the Applicant provide a Property Value Guarantee Surety, PVS, for all properties located within two miles of the footprint. Applicant to be responsible for all appraisal costs, and must be completed a minimum of 6 months prior to any construction. This would allow affected homeowners to recoup their loss if they elect to relocate away from the turbine project and cannot sell for pre-project market value of their properties.

I recommend another rapture nest survey be completed, recorded, and turbine sites adjusted, as the last survey was completed June 20th 2017 is fast approaching and many new young eagles have been spotted in the immediate area, also I have a Great Horned Owl nesting in my immediate area for several years that is not shown to be recorded in the 2017 study. I believe the study is gravely understated.

I recommend the Commission require the installation, the only lighting, and use of an Aircraft Detection Lighting System which meets FAA standards.

I recommend the commission establish a 3-mile wind turbine free zone around Punished Women Lake and town of South Shore to protect migratory birds, eagles, pelicans, and many other wildlife species, and historical value.

Conditional Use Permits granted Dakota Range I and II, do not match Application to PUC as to the number of turbines to be sited. The Grant County Conditional Use Permit says up to 150 turbines in Grant County. Is this an open door to add many more turbines with no permitting process.

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

See response to Request 1-2.

- 1-5) Do you intend to take depositions? If so, of whom?

Not at this time

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Submitted by Kristi Mogen on 4/27/2018

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I recommend the Commission require a decommission plan prior to the approval of the application, also that the Commission require a performance bond of \$200,000 per turbine, with periodic increases for inflation, decommissioning, and reclamation. I 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.

I recommend the Commission require a study on industrial standards on cement specks for Turbines in this project. Lincoln County MN, turbines are being decommissioned.

I recommend the Commission order proof of liability insurance in the amount of 10 million dollars, minimum. Due to recent settlement that resulted in a fatality... and \$6.7million settlement. Article published

I recommend the Commission require turbine installation and operating manuals to better evaluate the safety of Industrial Wind Turbines to employees, near by residents, EMS workers, fire fighters and the environment.

I recommend the Commission require “no sale” homes and homes abandoned, within 2 miles of an Industrial Wind Turbine, to be included in the Property Value Studies.

I recommend the Commission require the Applicant provide a Property Value Guarantee, for all properties located within two miles of an Industrial Wind Turbines. Applicant to be responsible for all appraisal costs and must be completed a minimum of 6 months prior to any construction. This would allow affected homeowners to recoup their loss if they elect to relocate away from the turbine project and cannot sell for pre-project market value of their properties.

I recommend the Commission require a Socioeconomic Study of the unique rural lifestyle, requiring the confidentiality agreement in landowner contracts be void for a full and true evaluation, beginning 3 years prior to continue until 3 years after the last turbine installation is completed.

I recommend the Commission require an economic study (net tax report) of the costs to South Dakota taxpayers including but not limited to the production tax credits, payment in lieu of taxes, rate reductions compared to AG production taxes, tax dollars received from taxpayers through economic development, loss of AG production taxes and property value losses.

I recommend the Commission work to protect the participating landowners from contracts allowing Dakota Range to mortgage or collaterally assign or otherwise encumber and grant security interest of Dakota Range Property. (State of Illinois, Docket 14-09577, 12/19/2014)

I recommend the Commission require Dakota Range provide the methods used to determine the flicker and noise studies, so that the submitted study can be fully evaluated.

I recommend the Commission require noise levels at non-participatory landowner’s property line not to exceed 35 dB(A) and 50 dB(C).

I recommend the Commission require studies by noise control engineers and acousticians.

I recommend the Commission, based on Roberts exhibit 4 pages 8-9, require studies and testimony on human health effects from Industrial Wind Turbines. Shirley Wind Farm, WI and more.

I recommend the Commission require the installation, the only lighting, and use of an Aircraft Detection Lighting System which meets FAA standards.

I recommend the Commission require a study on the effects of massive amounts of cement being poured into the aquifers of South Dakota.

I recommend the Commission require a Cradle to Grave Carbon Footprint study of the Dakota Range Project and its true cost to the native prairies and unique South Dakota Environment.

I recommend the Commission investigate the Codington County and Grant County Conditional Use Permits as they do not align with the Dakota Range PUC application. One instance, The Dakota Range PUC application page 44, 10.2 points to some of the changes, that then leads to changes in noise and flicker to non-participating landowners.

I recommend the Commission request clarification concerning letter of support from Grant County Commissioners, (March 20th, 2018 Commissioner minutes), letter of support from the Punished Women Lake Association and the statements to the public in Waverly concerning the amount of taxes to the schools and property value stability.

I recommend the Commission uphold US Constitution Article [V] and South Dakota Article VI, Bill of Rights and allow no trespass of flicker, noise, vibration, air turbulence, wake, electromagnetic, and any other effects, including but not limited to, electrical and radio frequency interference, attributed to the Wind Farm on non-participatory landowner's property ("effects easement" in participating landowner contracts). A 2-mile property line setback from non-participating landowners, allowing a waiver exception. This will mitigate many concerns, and level the playing field for all residents living near Industrial Wind Turbines, by having Dakota Range negotiate the cost of doing business with impacted land owners.

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See response to Request 1-2.

- 1-5) Do you intend to take depositions? If so, of whom?

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