

April 20, 2020

VIA ELECTRONIC FILING

Ms. Patricia Van Gerpen
Executive Secretary
South Dakota Public Utilities Commission
500 E. Capitol Avenue
Pierre, SD 57501-5070

RE: In the Matter of the Application by Prevailing Wind Park, LLC for a Permit of a Wind Energy Facility in Bon Homme County, Charles Mix County and Hutchinson County, South Dakota, for the Prevailing Wind Park Project Docket EL 18-026

Condition 41 Request for Exemption for Condition 42 Due to COVID-19

Dear Ms. Van Gerpen:

Prevailing Wind Park, LLC (“Prevailing Wind Park”) respectfully requests an exemption to Condition 42 due to the COVID-19 pandemic and resulting travel restrictions and safety concerns. This request is made pursuant to Condition 41 approved by the South Dakota Public Utilities Commission (“Commission”) and included in Attachment A to its November 28, 2018 Final Decision and Order Granting Permit to Construct Facilities and Notice of Entry (“Order”) in the above-referenced docket.

Condition 42 requires Prevailing Wind Park to submit, within 60 days of full wind farm operation, verification of compliance with the sound level requirement set forth in Condition 27 at the residences of the seven intervenors (“Intervenors”) in the docket. Full operation of the wind farm is expected to be achieved at the end of April. It is unknown when COVID-19 related restrictions and concerns will be eased, making it impracticable to establish a schedule for monitoring and safely coordinate with landowners at this time. Prevailing Wind Park has retained acoustician Mark Bastasch, P.E., to conduct the verification analysis. He lives in Oregon which is under a stay at home order issued by the Governor in Executive Order 20-12. In addition, he has an immediate family member who is an RN, CMSRN (Certified Medical Surgical Registered Nurse) who works at units/wards, including COVID units, at multiple hospital locations. Consequently, he is not currently doing any work travel. We understand that

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Commission Staff's expert acoustician, David Hessler, also resides out-of-state, in Utah and is also under a Stay Safe, Stay Home Directive.

Collecting the data at the homes of the Intervenors will require coordination with the landowners, which may be complicated by COVID-19 restrictions and Intervenor concerns.

Given these unique public health considerations, Prevailing Wind Park believes it would be prudent to delay the timeline for completion of this Condition 42. Prevailing Wind Park specifically requests that the Commission:

1. Delay the start of the compliance period until COVID-19 travel restrictions are eased. Prevailing Wind Park proposes that it coordinate with Commission Staff to determine when it is safe and reasonable to "start the clock" on this condition; and
2. Extend the compliance period from 60 to 120 days to address the fact it is not practicable to coordinate data collection with the Intervenors in advance of the time the new clock start is established.

Prevailing Wind Park believes that delaying the time to commence the sound level measurements and extending the time for performing the measurements from 60 days to 120 days is in the best safety interests of the acousticians, the Intervenors whose sound levels are to be measured, and the communities into which the out-of-state acousticians must travel to perform the sound level measurements.

Prevailing Wind Park respectfully requests the requests be granted by the Commission at its April 29, 2020 regularly scheduled meeting.

Please contact me with any questions.

Sincerely,

/s/ Lisa M. Agrimonti

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