

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

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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

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AMENDED  
RESPONSE TO  
STAFF'S FIRST SET OF DATA  
REQUESTS TO INTERVENORS  
EL18-026

Below, please find my amended responses:

Below, please find my response to Staff's  
First Set of Data Requests to Intervenors. Thank you for allowing me the extension to submit  
my response by August 24, 2018, at 5:00 pm.

1-1) Provide copies to Staff of all data requests served on Applicant at the time of service.  
**I will provide this information.**

1-2) Provide copies to Staff of all of your answers to data requests from Applicant at the  
time they are served on Applicant.  
**I will provide this information.**

1-3) Refer to SDCL 49-41B-22. Please specify particular aspect/s of the applicant's burden  
that the individuals granted party status intend to personally testify on.  
**I am in the process of reviewing the Application to find if it is sufficient  
to provide for the conditions set forth SDCL 49-41B-22. I have not  
decided if I will testify or not.**

I amend this to section to include:

I am confused about and would appreciate clarification on the process of  
developing this project which ultimately brought us here to the SDPUC. The  
developer Prevailing Winds, LLC., submitted an application to the SDPUC for  
100 turbines and after the required public hearing was held, withdrew the  
application. The developer then split the project into 13 different projects for the  
purpose of selling electricity, under what I believe is related to PURPA, yet the  
SDPUC considered it one project during that process. After it was split up, how  
was it or how is it still one project? If the Commission does not have the  
authority or jurisdiction to determine or explain this, I ask that my question be  
referred to the proper authority before the Commission makes a decision on the  
Application.



1-4) Refer to SDCL 49-41B-25. Identify any “terms, conditions, or modifications of the construction, operation, or maintenance” that the Intervenor would recommend the Commission order. Please provide support and explanation for any recommendations. **To be clear, I recommend that the Commission deny this application. I recommend this from my experience of the Beethoven Wind Farm from permitting, construction, to the operation of it, to date.**

**If the Commission will not deny the application, I recommend the condition of a 4-mile setback. My support is the fact that I live 3 miles from six Beethoven Wind Farm Industrial Wind Turbines and the height of 586 foot turbines as the Applicant has chosen is unprecedented and I believe will negatively impact my husband and myself without the 4 mile setback.**

I amend this condition to:

If the Commission will not deny the application, I request a 4-mile setback from my home (not property line, my actual home) and ask that any turbines planned within 4 miles of my home be removed from the project.

A 4-mile set back, would help to diminish the cumulative effect on us, of the existing Beethoven Wind Farm and the proposed Prevailing Winds Park. The risk of negative health effects, loss of enjoyment of our property, loss of the residence to be inhabitable, and the loss of the property to be marketable may be somewhat alleviated by a 4-mile set back.

A 4-mile set back would possibly allow us to remain on our property and negate the need for us to attempt to relocate.

Additionally, of great concern to us, is the potential for future industrial wind farm projects around us. Less than a 4-mile set back will set precedence for future industrial wind farms around us that I believe are most likely in the planning stage now.

**I request the ALDS which eliminates the alarming red blinking lights at night. If the FAA does not approve them, I recommend the application be denied.**

**The red blinking lights are meant to alarm. The red blinking lights on the Beethoven Wind Farm are a nuisance. To have an additional 57 turbines, many with the alarming red blinking lights will be result in a much bigger nuisance. The Applicant should be prevented from creating a nuisance.**

I amend this to include:

I request the FAA approval of the actual use of the ALDS on this project prior to the approval of this Application or the Application be denied. If unable to obtain

FAA approval of the actual use of the ALDS on this project prior to the approval deadline of this Application, I ask the Application be denied. If the use of the ALDS on this project is in question, the project should not go forward. The cumulative effect of red blinking lights from the Beethoven Wind Farm and Prevailing Winds Park would disturb the peacefulness of the rural landscape views from within nearby residences and cause alarm. The cumulative effect of Beethoven Wind Farm and Prevailing Winds Wind Park would destroy the nighttime peacefulness of the rural landscape outside for residences nearby at night and as well as for residents and those traveling for miles and miles and miles, changing the setting from rural to industrial.

**I request a Bat Detection and Shutdown System be installed on all Industrial Wind Turbines in this project. Bat fatalities negatively affect agriculture and the environment.**

I withdraw my request for a Bat Detection and Shutdown System.

**I request a decommissioning bond, paid for up front. Once the Industrial Wind Turbines are up, they are up. Whether or not the proposed Industrial Wind Farm will be lucrative enough to produce the income to provide for a bond in ten years is not and cannot be proven.**

**I request a liaison person to monitor the project as it is being built to insure compliance and an avenue for those in the footprint to voice concerns and complaints. A project of this size must have a liaison.**

**I request a liaison person to monitor the project from the commencing of operation through the decommissioning. I have not been able to reach anyone to assist me when I have had concerns with the existing Beethoven Wind Farm.**

I withdraw my request for a liaison person to monitor the project from commencing of operation through the decommissioning.

**I request there be no shadow flicker on non-participating residences, as shadow flicker presents a nuisance and the Applicant should be prevented from creating a nuisance.**

**I request a Guarantee of Property Value to be funded and developed by the Applicant, subject to approval of the Property Owner to protect residents in the footprint and buffer zone from financial loss should the residence become unlivable**

**and / or unmarketable. The Applicants project will have serious financial implications on many of the residents in the footprint and the buffer zone.**

I amend this to withdraw my request for a Guarantee of Property Value.

- 1-5) Is there a specific objection (example health, blinking lights, sound) you have with respect to the Project? Please briefly explain.

I amend this section to include:

I stated in my comments at the Public Hearing for this docket in Avon, SD on July 12, 2018 that as the Commissioners consider “the views of governing bodies of affected local units of government” to please consider this: **We have not been represented properly by our local government.** When asked by Commissioner Nelson which county I was referring to I responded Bon Homme.

The Applicant makes direct reference to the Bon Homme County Zoning in the Application and is using that zoning to substantiate its fulfillment of burden of proof of the SDPUC requirement of the Applicant;

#### Applicant Responsibility

Applicant Responsibility The applicant that seeks the PUC’s approval must show its proposed project:

- will comply with all applicable laws and rules;
  - will not pose a threat of serious injury to the environment nor to the social or economic condition of inhabitants or expected inhabitants in the siting area;
  - will not substantially impair the health, safety or welfare of the inhabitants;
- and
- will not unduly interfere with the orderly development of the region with due consideration having been given to the views of

The Bon Homme County Zoning does not adequately protect the resident’s health, safety, and welfare and should not be considered or relied upon to establish or substantiate the Applicants required burden of proof is being met.

I amend this section to include:

I object to the Cumulative Effect of the existing Beethoven Wind Farm and the proposed Prevailing Winds Wind Park.

Cumulative Effect discussed in the Application Section 20 states:

“The Prevailing Wind Park Project, in combination with the 80-MW Beethoven Wind Project, would result in the construction and operation of up to 104 wind turbines and associated access roads, collector lines, and other facilities in Bon Homme, Hutchinson, and Charles Mix counties. The projects would result in an estimated 70 acres of cumulative ground disturbance during the life of the projects. This disturbance acreage represents less than 0.2 percent of the combined acreage of both project areas. As discussed in this Application, impacts to the physical environment, hydrologic resources, terrestrial and aquatic ecosystems, and socioeconomic and community resources have been avoided or minimized during the siting and design of the Project. Furthermore, implementation of the mitigation measures identified in this Application would minimize potential impacts of the Project on all resources. Therefore, the cumulative effects of siting the proposed Project in combination with the Beethoven Wind Project on resources within Bon Homme, Hutchinson, and Charles Mix counties are not expected to be significant.”

I am very concerned that the Commission will rely on it to use it as grounds to approve the Application as it did in the decision on Crocker EL17-055 under:

## **FINDINGS OF FACT**

### **I. PROCEDURAL**

“48. Crocker has demonstrated that it will minimize and/or avoid impacts to visual resources. 86 For example, consistent with the South Dakota Bat Working Group’s and GFP’s Siting Guidelines for Wind Power Projects in South Dakota for reducing impacts to visual resources, Crocker has collocated linear Project features such as access roads, crane paths, and collector and communication systems with existing disturbances to the extent practicable. 87 “

I refer specifically to this sentence:

**“Due to the presence of existing wind farms in the vicinity of the Project Area, significant adverse impacts to visual resources are not anticipated.88”**

Clearly, the addition of another industrial wind farm will have a negative Cumulative Effect , not only by changing the current view shed negatively for those in the footprint and the buffer zone, it will affect the view shed for miles, and miles, and miles.. It will change our visual of a rural setting to an industrial setting. This is not an insignificant change.

This project would, as planned, would introduce 57 (this is the amount of turbines to be in the project at the time of this writing) more industrial wind turbines onto what is now a beautiful rural countryside. The industrial wind turbines will be sited from twelve miles north to south on the projects eastern border, nine miles from east to west on the north and south borders, and seven miles from north to south on the western border. This Cumulative Effect will certainly negatively affect residents in three Counties. This will not be insignificant.

As for our property and home; it will all encompass the west, southwest, and south of our view shed. This will substantially impair the welfare of my husband and I by most likely causing us to try to relocate, if we could sell our home and property.

I amend this section to include:

As I witnessed with the developers of the Project, who were the same for the Beethoven Wind Farm Project, I am concerned and object to the Prevailing Winds Wind Park being another stepping stone, to infiltrate the areas surrounding our home with additional industrial wind parks thus changing our dream of rural living, that we were fortunate to realize, into a nightmare of living in one huge Industrial Wind Park or worse, of having to relocate, possibly with little means to do so.

From the Application: 23.0 FUTURE ADDITIONS AND MODIFICATIONS (ARSD 20:10:22:25) ARSD 20:10:22:25. Future additions and modifications. The applicant shall describe any plans for future modification or expansion of the proposed facility or construction of additional facilities which the applicant may wish to be approved in the permit. No future additions and modifications are anticipated. Prevailing Wind Park does request the turbine location flexibility and other facility flexibility specified in Section 8.1.

The Project was being planned as early as or earlier than the year 2014. I am concerned a third phase is being planned.

**The nuisance of red blinking lights as mentioned above in section 1-4. If the FAA will not approve the use of the ALDS the application should be denied.**

**Most concerning is sound, both audible and infrasound. There are many complaints about both audible and inaudible noise from Industrial Wind Turbines, they are well documented. The result of negative health effects to some residents from both audible and inaudible noise is also well documented.**

I amend this to include LFN and sound pressure.

**Health, again the size of the Industrial Wind Turbines the Applicant has chosen is unprecedented. The area and range they will impact is unknown and will likely cause the loss of enjoyment of property, loss of use of property, loss of the residence to be inhabitable, and the marketability of property will be greatly diminished.**

What, if anything, do you feel could be done to remedy that issue?

**Deny the Application.**

**If the Commissioners will not deny the application, the Commission must then approve the Application with conditions that will truly protect the health, safety, and welfare of all of the residents living in and near the footprint.**

I amend this to emphasize: truly protect the health, safety, and welfare of all of the residents living in and near the footprint. While I have specific experience of living near Beethoven Wind Farm I have asked for the set -back I believe to be a minimum to satisfy our particular situation. I am not prepared to recommend an appropriate set back of others, although I would not recommend anything closer than 4 miles.

**Sound should not exceed 35 decibels for non-participating residences.**

I amend this to sound should not exceed 35 dB A for non-participating residences and participating residences.

**Setbacks should be 4-miles from a non-participating residence.**

I amend this to request a 4 mile setback from our residence (not our property

line, specifically our home) and I request that any turbines located within 4 miles from our home be removed from the project plans.

While I have specific experience of living near Beethoven Wind Farm I have asked for the setback I believe to be a minimum to satisfy our particular situation.

**An ALDS must be installed. If the FAA does not approve an ALDS the application should be denied.**

I amend this to include: I request the FAA approval of the actual use of the ALDS on this project prior to the approval of this Application or the Application be denied. If unable to obtain FAA approval of the actual use of the ALDS on this project prior to the approval deadline of this Application, I ask the Application be denied.

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

**I am still reviewing the Application and have not decided if I will call witnesses.**

I amend this to:

I reserve the right to call witnesses or testify on behalf of myself during this hearing.

**1-6) Do the you intend to take depositions? If so, of whom? Not at this time.**

I amend this to I do not intend to take depositions.

Dated this 1st day of October, 2018

Karen Jenkins  
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