



BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

**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**

**INTERVENORS' RESPONSES TO
APPLICANT'S SECOND SET OF
DATA REQUESTS TO
INTERVENORS MARSHA HUBNER,
GREGG HUBNER, PAUL
SCHOENFELDER, AND
LISA SCHOENFELDER**

EL 18-026

Intervenors Gregg Hubner, Marsha Hubner, Paul Schoenfelder, and Lisa Schoenfelder ("Intervenors"), through counsel, provide the following Responses to Applicant Prevailing Wind Park, LLC's ("Applicant") Second Set of Data Requests to Intervenors.

- 2-1) Reference Attachment 1, did the law firm of Davenport, Evans, Hurwitz & Smith, LLP send this May 27, 2015 letter to Mr. Roland Jurgens on one or more of the Intervenors' behalf? If so, identify the intervenor(s) on whose behalf the letter was sent.

RESPONSE: Objection. This data request seeks information which is irrelevant and is protected by the attorney-client privilege.

- 2-2) Reference Attachment 1, do all Intervenors agree with the statements contained in the letter? If not, explain why not.

RESPONSE: Objection. This data request is vague and ambiguous as to the phrase "agree with the statements contained in the letter."

- 2-3) Reference Attachment 1, identify all intended recipients of the letter.

RESPONSE: Objection. This data request seeks information which is irrelevant. Without waiving that objection, the intended recipient of the letter is Roland Jurgens.

- 2-4) Reference Attachment 1, has any one of the Intervenors or any lawyer on one of the Intervenors' behalf sent a letter to any other person that similarly purports to put the recipient "on notice" of alleged medical concerns with wind turbines? If the answer is yes, provide copies of all such letters and any responses provided by recipients.

RESPONSE: Objection. This data request seeks information which is irrelevant.

- 2-5) Reference Attachment 1, has any one of the Intervenor(s) commenced a lawsuit or participated as a witness or party in litigation relating to wind turbines? If so, provide the case name and docket number. Also, provide copies of all pleadings and any statements made by one or more Intervenor(s).

RESPONSE: Objection. The data request is vague and ambiguous as to its reference to Attachment 1. Subject to that objection, no Intervenor has commenced a lawsuit or participated as a witness or party in litigation relating to wind turbines.

- 2-6) Reference Mr. Gregg Hubner's role as President of South Dakotans for Safe and Responsible Renewable Energy ("SDSRRE"), identify any Intervenor(s) who are members of SDSRRE. For each identified Intervenor, describe how the Intervenor participates in SDSRRE.

RESPONSE: SDSRRE does not have members.

- 2-7) Describe any financial or in-kind support SDSRRE has provided to any Intervenor in this docket.

RESPONSE: Objection. This data request seeks information which is irrelevant. Without waiving that objection, none.

- 2-8) Provide copies of any documents regarding the Prevailing Wind Park that SDSRRE has distributed since its formation in March 2018, including, but not limited to, documents distributed to members of SDSRRE.

RESPONSE: Objection. This data request seeks information which is irrelevant. Without waiving that objection, none.

- 2-9) Provide copies of all written communications Mr. Hubner sent to residents and elected officials within the Project area regarding the Project.

RESPONSE: Objection. This data request seeks information which is irrelevant. Subject to and without waiving that objection, see those communications previously provided.

Dated this 3rd day of October, 2018.

DAVENPORT, EVANS, HURWITZ &
SMITH, L.L.P.



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CERTIFICATE OF SERVICE

The undersigned, one of the attorneys for Intervenors Gregg C. Hubner, Marsha Hubner, Paul M. Schoenfelder, and Lisa A. Schoenfelder, certifies that a true and correct copy of the foregoing was served on October 3, 2018, via email, upon the following:

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