

**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 FOR A WIND ENERGY FACILITY IN BON HOMME, CHARLES MIX,
AND HUTCHINSON COUNTIES, SOUTH DAKOTA, FOR PREVAILING WIND
PARK ENERGY FACILITY**

SD PUC DOCKET EL18-026

**PRE-FILED SUPPLEMENTAL DIRECT TESTIMONY OF PETER PAWLOWSKI
ON BEHALF OF PREVAILING WIND PARK, LLC**

August 10, 2018

1 **I. INTRODUCTION AND QUALIFICATIONS**

2

3 **Q. Please state your name, employer, and business address.**

4 A. My name is Peter Pawlowski. I am Vice President, Wind, at Sustainable Power
5 Group, LLC ("sPower"), 2180 South 1300 East, Suite 600, Salt Lake City, Utah
6 84106.

7

8 **Q. Please describe your educational and professional background.**

9 A. In my current position, I am responsible for sPower's wind business plan and
10 implementation.. I have held this position since 2017. In 2016, I was a project
11 manager with sPower, where I oversaw the construction of the 80-megawatt Pioneer
12 Wind Park in Glen Rock Wyoming. Prior to that, I worked with two renewable
13 energy companies developing wind projects. Overall, I have approximately 20 years
14 working in energy development. I have a Bachelor of Science in Aerospace
15 Engineering from the University of Maryland, College Park.

16

17 **Q. What is your role with respect to the Prevailing Wind Energy Project**
18 **("Project")?**

19 A. I supervise the sPower team working on the Project and am directly responsible for
20 planning and implementation of all aspects of Project development.

21

22 **Q. Did you previously provide prefiled testimony in this docket?**

23 A. No. However, as noted below, I am adopting James Damon's Direct Testimony as
24 my own going forward, since Mr. Damon recently left sPower.

25

26 **II. PURPOSE OF TESTIMONY**

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28 **Q. What is the purpose of your Direct Testimony?**

29 A. The purpose of my testimony is to provide updates to certain information in the
30 Application. Specifically, I will:

- 31
 - Discuss the current status of local permitting for the Project;

- 32 • Provide an update on turbine model selection for the Project; and
- 33 • Describe commitments the Applicant is making with respect to the Project.

34
35 In addition, I am adopting Mr. Damon’s Direct Testimony and am sponsoring the
36 associated Application sections with the exception of Section 20.1.2.3, Property
37 Value Impacts, which is being addressed by Michael MaRous in his supplemental
38 direct testimony. Mr. MaRous is also supporting Appendix P (2009 Berkeley
39 Property Values Study) and Appendix Q (2013 Berkeley Property Values Study).

40

41 **Q. What exhibits are attached to your Supplemental Testimony?**

42 A. The following Exhibits are attached to my Supplemental Testimony:

- 43 • Exhibit 1: Resume
- 44 • Exhibit 2: Example of a Federal Aviation Administration (“FAA”) Determination
45 of No Hazard for a Project turbine location

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47 **III. LOCAL PERMITTING UPDATE**

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49 **Q. Please provide an update regarding the status of the Project’s local permitting.**

50 A. Since submitting the Application in May 2018, Prevailing Wind Park has continued to
51 pursue the local permits that will be required for the Project. An update on the
52 permitting status in each county where Project facilities are proposed follows:

- 53 • Bon Homme: Prevailing Wind Park submitted its application for a wind energy
54 system approval to the Bon Homme County Board of Commissioners on
55 August 2, 2018, and expects a decision on that application in August 2018.
- 56 • Hutchinson: Prevailing Wind Park plans to submit applications for conditional
57 use permits for the Project to Hutchinson County in mid-August 2018.
- 58 • Charles Mix: Charles Mix County does not currently have a zoning ordinance,
59 but does issue building permits. Prevailing Wind Park received building
60 permits for the Project in July 2018. Prevailing Wind Park submitted an
61 affidavit making setback and other commitments for the Project facilities
62 located in Charles Mix County. The Charles Mix County Board of

63 Commissioners formally accepted the affidavit at its meeting on August 9,
64 2018 noting that the commitments were responsive to the county's concerns.
65 In addition, Prevailing Wind Park will be seeking appropriate approvals this fall from
66 Yankton County for a substation and portion of the 115 kV transmission line that will
67 interconnect the Project with the transmission system.

68

69 **IV. TURBINE MODELS**

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71 **Q. Has Prevailing Wind Park selected the turbine model it will use for the Project?**

72 A. Yes. Prevailing Wind Park has selected the GE 3.8-137 wind turbine model for the
73 Project.

74

75 **Q. At the July 12, 2018 public input hearing, some members of the public**
76 **expressed concern over the height of the proposed turbine models being**
77 **considered for the Project. Do you have a response?**

78 A. Yes. I understand that some commenters expressed concern regarding the height
79 of the turbine models under consideration for the Project. However, it is important to
80 understand that the Project has been designed to comply with all applicable
81 requirements, including setbacks, noise, shadow flicker, and FAA requirements.
82 Therefore, while the turbines may be taller than other turbines in the area, they must
83 meet the same – or even more stringent – requirements.

84

85 **Q. Has Prevailing Wind Park sought FAA review and approval of the proposed**
86 **turbine locations accounting for the height of the proposed turbine model?**

87 A. Yes. Prevailing Wind Park filed Notices of Proposed Construction (Form 7460-1)
88 with the FAA for all wind turbine and permanent meteorological tower locations. In
89 accordance with its requirements for structures of the height of the proposed turbine,
90 on May 17, 2018, the FAA issued a public notice advising that it was undertaking an
91 aeronautical study that includes all 63 proposed turbine sites. The notice provided a
92 comment period through June 23, 2018, and stated:

93

94 *Preliminary FAA study indicates that the above-mentioned*
95 *structure would:*

- 96 • *have no effect on any existing or proposed arrival,*
97 *departure, or en route instrument flight rules (IFR)*
98 *operations or procedures.*
- 99 • *not exceed traffic pattern airspace.*
- 100 • *have no physical or electromagnetic effect on the*
101 *operation of air navigation and communications*
102 *facilities.*
- 103 • *have no effect on any airspace and routes used by*
104 *the military.*

105
106 After its study and the comment period, on June 28, 2018, the FAA issued a
107 Determination of No Hazard to Air Navigation (“DNH”) for each of the proposed
108 turbine sites. An example DNH is attached as Exhibit 2.

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110 **V. AIRCRAFT DETECTION LIGHTING SYSTEM**

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112 **Q. What is ADLS?**

113 A. ADLS involves the installation of radar units around the perimeter of a wind project.
114 So long as the radar does not detect an aircraft it sends a signal to the wind turbine
115 lighting telling them to stay off. When the radar detects aircraft, it stops sending the
116 stay off signal and the wind turbine lighting activates. At other times, the wind
117 turbine lighting remains off. ADLS continues to be a relatively new technology, and
118 use of ADLS at a wind project requires FAA approval. sPower, under my direction,
119 installed the first ADLS system on the Pioneer Wind Park in Wyoming which became
120 operational in October 2016. As I noted during my presentation at the public input
121 hearing, Prevailing Wind Park intends to install ADLS on the Project, provided that
122 the FAA approves the use of this technology for the Project.

125 **VI. OTHER PROJECT COMMITMENTS**

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127 **Q. Is Prevailing Wind Park willing to make other commitments related to the**
128 **design, construction, and operation of the Project?**

129 A. Yes. After reviewing the permit conditions the South Dakota Public Utilities
130 Commission imposed on the Dakota Range Project in Docket No. EL 18-003,
131 Prevailing Wind Park has determined that it is generally willing to accept the same
132 permit conditions for this Project. We plan to coordinate with Commission Staff to
133 develop a specific list of conditions to propose at the evidentiary hearing, but I will
134 highlight a few specific commitments:

- 135 • Prevailing Wind Park is committed to funding an escrow account to set aside
136 funds for decommissioning that is based on the decommissioning cost
137 estimate set forth the Decommissioning Cost Analysis provided with the
138 Supplemental Direct Testimony of Daniel Pardo.
- 139 • Prevailing Wind Park is committed to having a public liaison officer appointed
140 for the Project.
- 141 • Prevailing Wind Park is committed to addressing potential blade icing
142 concerns via the same methods outlined in paragraph 40 of the Dakota
143 Range Permit conditions.
- 144 • As noted above, Prevailing Wind Park is committed to installing ADLS on the
145 Project, provided that the FAA approves the use of this technology for the
146 Project.

147

148 **VII. CONCLUSION**

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150 **Q. Does this conclude your Supplemental Direct Testimony?**

151 A. Yes.

152

153 Dated this 10th day of August, 2018.

154

155

156

157 Peter Pawlowski

