

July 8, 2019

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 EL18-026

Compliance Filing, Condition No. 23

Dear Ms. Van Gerpen:

On behalf of Prevailing Wind Park, LLC (“Prevailing Wind Park”), I make this submission relating to Turbine Nos. 42, 35, 53 and 40. The first three turbines were specifically discussed in Prevailing Wind Park’s March 29, 2019 filing and an update is provided here. Turbine 40 is proposed to be shifted less than 250 feet and the requisite information required by Permit Condition 23, including the Affidavit of Peter Pawlowski Providing Notice of Turbine Adjustment Up to 250 Feet (*Enclosure 1*) (“Pawlowski Affidavit”), is enclosed.

Turbine Nos. 42, 35 and 53

In its March 29, 2019 filing, Prevailing Wind Park indicated that it was working with two (at that time) non-participating landowners affected by two of the turbines identified in that filing as turbines to be moved within 250 feet to comply with the applicable sound requirements at non-participant residences. Prevailing Wind Park has entered into agreements with the two landowners, changing their statuses to “participants”. Accordingly, Turbine Nos. 35 (also referred to by its Construction ID 4B.53) and 53 (Construction ID 4B.52) will be constructed in the locations approved by the South Dakota Public Utilities Commission (“Commission”) in its November 28, 2018 Final Decision and Order Granting Permit to Construct Facilities and Notice of Entry (“Order”).

- Updated sound and shadow flicker analysis results are being provided in support

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of the move for Turbine No. 40 (below) and reflect the original locations for Turbine Nos. 35 and 53 as well as the new location for Turbine No. 42 submitted in the March 29, 2019 filing. (*Enclosure 1c - Updated Sound Level Analysis Results*) and (*Enclosure 1d - Updated Shadow Flicker Analysis Results*).

- Also enclosed with this filing is the **Confidential** Level III Intensive Archaeological Survey Addendum Report which demonstrates that no cultural resources have been identified that would be affected by the shifted location of Turbine No. 42. (*Enclosure 2*). A figure showing the additional surveyed area for Turbine 42 is shown on *Enclosure 3*.

Turbine No. 40

In accordance with Permit Condition 23 approved by the Commission and included in Attachment A to its November 28, 2018 Order in the above-referenced docket, Prevailing Wind Park provides the Pawlowski Affidavit with the following exhibits:

- Exhibit A – Map of Turbine Adjustment (Turbine 40) (*Enclosure 1a*)
- Exhibit B – Summary of Turbine Adjustment Requirement Compliance (Turbine 40) (*Enclosure 1b*)
- Exhibit C – Updated Sound Level Analysis Results. (*Enclosure 1c*)
- Exhibit D – Updated Shadow Flicker Analysis Results. (*Enclosure 1d*)

As explained in the Affidavit of Peter Pawlowski Providing Notice of Turbine Adjustment up to 250 feet, Turbine No. 40 has been shifted to comply with property line setbacks pursuant to an ALTA survey. All work related to construction of Turbine No. 40 will take place within the originally surveyed area. Accordingly, no additional surveys were conducted for the new location of Turbine No. 40. As demonstrated in the enclosed documents, the shifted location of Turbine No. 40 will comply with the Commission's Order and all other applicable regulations and requirements.

Constraints Map

For the Commission and Commission's Staff's reference, also enclosed are updated constraints maps of the current Project layout. (*Enclosure 4*).

Closing

As demonstrated in the enclosed documents, the Project will comply with the Commission's Order and all other applicable regulations and requirements.

Please contact me with any questions.

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Sincerely,

/s/ Lisa M. Agrimonti

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Enclosures

1. Affidavit of Peter Pawlowski Providing Notice of Turbine Adjustment Up to 250 Feet
 - 1a. Map of Turbine Adjustment (Turbine 40)
 - 1b. Summary of Turbine Adjustment Requirement Compliance (Turbine 40)
 - 1c. Updated Sound Level Analysis Results
 - 1d. Updated Shadow Flicker Analysis Results
2. **Confidential** Level III Intensive Archaeological Survey Addendum Report (Turbine 42)
3. Turbine 42 Constraints Map
4. Updated Project Layout Constraints Map
5. Certificate of Service

cc: Certificate of Service/Service List

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