

**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**

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\*  
\* **AFFIDAVIT OF PETER PAWLOWSKI**  
\* **PROVIDING NOTICE OF TURBINE**  
\* **ADJUSTMENT UP TO 250 FEET**  
\*  
\*  
\* **EL18-026**  
\*

STATE OF Utah )  
  ) SS.  
COUNTY OF Salt Lake )

I, Peter Pawlowski, being first duly sworn on oath, depose and state as follows:

1. I am the Vice President of Wind for FTP Power, LLC dba sPower, which is assisting Prevaling Wind Park, LLC (“Prevaling Wind Park”) in the development of the Prevaling Wind Park (“Project”). I have the authority to provide this affidavit on behalf of Prevaling Wind Park.
2. I am providing this Affidavit pursuant to paragraph 23 of the Permit Conditions approved by the South Dakota Public Utilities Commission (“Commission”) and included as 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.
3. Prevaling Wind Park has determined that one (1) additional turbine adjustment within 250 feet of the location approved by the Commission is needed for the Project. Turbine No. 40<sup>1</sup> has been adjusted twenty (20) feet to the east to comply with property line setbacks pursuant to an ALTA survey. A map showing the turbine location approved by the Commission and the current turbine location with the adjustment is attached hereto as **Exhibit A**.
4. **Exhibit A** identifies the locations of environmental avoidance areas, including wetlands, and the cultural resource survey corridors, in relation to the turbine adjustment. No cultural resources were identified within these survey corridors. In addition, **Exhibit B** provides a chart showing the distances of the turbine from residences, property lines, and roads. As shown in **Exhibits A** and **B**, the proposed turbine adjustment complies with county and state setback requirements and avoids cultural resource impacts. Documented

<sup>1</sup> The turbine identifier used in this Affidavit is the turbine number (“Turbine No.”) as included on Exhibit A14-2 and Exhibit I-29, Attachment 4-2. See Exhibit A38 (Turbine Number Key) for the Construction ID numbers as included in Exhibit A3-2 and Exhibit A10-2.

habitats for listed species are avoided, and wetland impacts are avoided or are in compliance with applicable U.S. Army Corps of Engineers regulations.

- 5. The turbine adjustment complies with the specified noise and shadow flicker requirements set forth in paragraphs 27 and 28 of the Permit Conditions. Spreadsheets providing the updated noise and shadow flicker modeling results for the entire Project are attached as **Exhibit C** and **Exhibit D**, respectively. *See also* the March 29, 2019 Affidavit of Randy Corey Identifying Turbines That Will Be Operationally Controlled for a list of the turbines that will be operationally controlled to meet the shadow flicker requirements set forth in paragraphs 28 and 29 of the Permit Conditions, unless a waiver is obtained.
- 6. The modification is located on land under lease/easement for the Project.
- 7. With respect to the Project, including the adjustment described herein, Prevailing Wind Park will comply with the Commission's Order, and all other applicable regulations and requirements.

FURTHER AFFIANT SAYETH NOT.

Dated this 8 day of July, 2019.



Peter Pawlowski

State of Utah  
 County of Salt Lake

Subscribed and sworn (or affirmed) to before me on this 8 day of July, in the year 2019, by Kristi Kruckenberg

Witness my hand and official seal

(Seal)




Notary Public