

**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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**APPLICANT'S FIRST SET OF DATA
REQUESTS TO INTERVENOR
SHERMAN FUERNISS**

EL18-026

Below, please find Prevailing Wind Park, LLC's ("Applicant") First Set of Data Requests to Intervenor Sherman Fuerniss. Please submit responses within 10 business days or promptly contact the undersigned to discuss an alternative arrangement.

1-1) Provide copies of all data requests submitted by the PUC Staff to you in this proceeding and copies of all responses to those data requests. Provide this information to date and on an ongoing basis.
See attachment.

1-2) With respect to the Project, please:

- a) Identify, if any, concerns you have regarding the Project's satisfaction of the criteria for the Project to receive a facility permit from the South Dakota Public Utilities Commission; and
 - 1) Concerns about the legality of depriving property owners of the full traditional and customary use of the full extent of their private property due to the proximity of the proposed wind turbines.
 - 2) Concerns about the negative economic impact on property owners resulting from the inability to make full traditional and customary use of the full extent of their private property due to the proximity of the proposed wind turbines.
 - 3) Concerns about diminished quality of life and impaired health, safety, and welfare from the proximity of the proposed wind turbines sited according to outdated recommendations.
- b) Identify any other concerns you have regarding the Project.
Concerns include increased acoustic energy from all directions from this project, potential exacerbation of sleeping problems leading to detrimental health issues, and detrimental effects on quality of life and welfare that have not been quantified now or after continuous and prolonged exposure to increased acoustic energy.

1-3) Identify whether you own property or reside in the vicinity of the Prevailing Wind Park Project ("Project") and, if so, the location (by section, township, and range) of such property and/or residence.

My immediate family owns 320 acres in 14-96-62 of Choteau Creek Township South and 40 acres in 18-96-61 of Choteau Creek Township South. My extended family owns 160 acres in 10-96-62 of Choteau Creek Township South which is managed by myself as an integral part of our operation.

Our family resides in the east one-half of 14-96-62 of Choteau Creek Township South.

1-4) If you have a residence in the vicinity of the Project, identify whether you live at the residence throughout the entire year and, if not, how many months of the year you reside at the residence.

Our family lives and works on our property twelve months of the year.

1-5) Identify how you use your land, including, but not limited to, whether you use your land for agricultural purposes.

Our land is used primarily for animal husbandry making extensive use of intensive and rotational grazing by means of portable break-wires and frequent movement of livestock requiring continual maintenance of both perimeter and internal fencing. Cattle movement and fencing are both accomplished mainly on foot on all areas of the property. Land not used for grazing is hayed and a small amount is used for crop production.

1-6) Identify any sensitive or unique features of your property that you assert would be impacted by the Project.

The vast majority of our property is grassland including native prairie and land replanted to native prairie grasses. Our prime native prairie would be bracketed on all sides by wind turbines.

Our farm is also home to a bow-truss barn built in 1923 by my grandfather which is still in use.

The herd of Braunvieh cattle we raise is unique to the area, perhaps to state of South Dakota.

1-7) Describe any mitigation measures that could address your concerns with respect to the Project. Preventative measures could include, but are not limited to, not building the project, requiring 2 mile setbacks from nonparticipating residences or 2 kilometer setbacks from nonparticipating property owners perimeter property lines - whichever is greater - as measured to the nearest reach of the turbine rotor, and 40dBA max daytime levels not to be exceeded more than 10% of the time and 30dBA max nighttime levels not to be exceeded more than 10% of the time as measured at nonparticipating property owners perimeter property lines.

- 1-8) Identify any documents, information, education, training, or professional experience you have relied upon to form your opinions concerning the Project. Where you have relied upon documents or other tangible materials, please provide such documents and/or materials.

Prevailing Wind Park, LLC application for a permit to the South Dakota Public Utilities Commission; three years experience living 1.25 miles from the Beethoven wind project; Bryce, R. (2010) Power Hungry, New York, NY, Public Affairs, Perseus Books Group; Hansen, C., Doolan, C. and Hansen, K. (2017) Wind Farm Noise: Measurement, Assessment and Control, Chichester, UK, John Wiley and Sons Ltd.; Crampton, G. (Ed.) (1990) Motion and Space Sickness, Boca Raton, Florida, USA, CRC Press Inc.; Salt, A. and Kaltenbach, J. (2011) Infrasound From Wind Turbines Could Affect Humans, Bulletin of Science Technology & Society 2011 31: 296, online version <http://bst.sagepub.com/content/31/4/296>; Punch, J. and James, R. (2016) Wind Farm Noise: A Four-Decade History of Evidence that Wind Turbines Pose Risks, from <https://hearinghealthmatters.org/hearingnews/watch/2016/wind-turbine-noise-health/>; Thorson, P., Persson Waye, K., Ogren, M., Smith, M., Pedersen, E., Forssin, J. (2018), Creating sound immission mimicking real-life characteristics from a single wind turbine, from <https://sciencedirect.com/science/article/pii/S003682X17312008>; McMurtry, R. and Krogh, C., (2014) Diagnostic criteria for adverse health effects in the environs of wind turbines, from https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4221978/#_ffn_sectitle; www.masterresource.org; <https://www.researchgate.net>; Salt, A. and Lichtenhan, J. (2014) How Does Wind Turbine Noise Affect People? Acoustics Today, winter 2014, <http://www.windturbinesyndrome.com/wp-content/uploads/2014/04/Salt-et-al.-on-Wind-TurbineSyndrome>.

- 1-9) Identify any expert witnesses you plan to have testify on your behalf, and for each expert witness, describe the subject matter regarding which the witness will testify.

None.

- 1-10) Are you asserting the Project will negatively impact property value? If so, provide copies of any appraisals that have been conducted for your property within the last ten (10) years.

The value of anything is determined by agreement between a willing seller and a willing buyer. It would seem logical that the pool of willing buyers who intended to reside on a small farm surrounded in close proximity by multiple wind turbines would be smaller than the pool of willing buyers for such a property not surrounded by wind turbines. While the pool of willing buyers who would not reside there may be larger, the pool of willing sellers to such buyers in this case would be zero. The smaller the pool of potential buyers the less likely agreement of value would be found. There have not been any appraisals of which I am aware.

1-11) Identify any communications, written or otherwise, you have had with units, officials, and/or representatives of local, state, and/or federal governments or agencies concerning the Project.

- a) For any written communications, provide a copy of the communication; and
See attachments.
- b) For any unwritten communications, provide the date of the communication, the persons involved, and the subject matter of the communication.

Dated this 30th day of August 2018.

By /s/ Lisa Agrimonti
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