

**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 EL-18-026

**PREFILED REBUTTAL TESTIMONY OF PETER PAWLOWSKI
ON BEHALF OF PREVAILING WIND PARK, LLC**

September 26, 2018

1 **I. INTRODUCTION**

2

3 **Q. Please state your name.**

4 A. My name is Peter Pawlowski.

5

6 **Q. Did you provide Direct Testimony in this Docket?**

7 A. Yes. I submitted Supplemental Direct Testimony on August 10, 2018.

8

9 **Q. What is the purpose of your Rebuttal Testimony?**

10 A. The purpose of my Rebuttal Testimony is to: (1) provide an update regarding the
11 Project's county-level permits; (2) provide an update regarding the specifications of
12 the GE 3.8-137 wind turbine model that Prevailing Wind Park, LLC ("Prevailing Wind
13 Park") proposes to use for the Project; and (3) respond to the testimony of Darren
14 Kearney on behalf of South Dakota Public Utilities Commission ("Commission") Staff
15 with respect to setbacks, the shadow flicker commitment, and decommissioning
16 funding for the Prevailing Wind Park Project ("Project").

17

18 **II. LOCAL PERMITTING UPDATE**

19

20 **Q. In your Supplemental Direct Testimony, you provided an update regarding the
21 status of the Project's local permitting. Do you have further updates?**

22 A. Yes. The current permitting status in each county where Project facilities are
23 proposed is as follows:

- 24 • Bon Homme: Bon Homme County granted a Large Wind Energy System
25 approval for the Project on August 21, 2018.
- 26 • Hutchinson: Hutchinson County granted conditional use approvals for the
27 Project on September 4, 2018.
- 28 • Charles Mix: As I discussed in my Supplemental Direct Testimony, the
29 Project received building permits in July 2018, and Prevailing Wind Park
30 has worked with Charles Mix County to address any concerns regarding
31 the Project.

32 In addition, Prevailing Wind Park is also constructing a substation and 115 kilovolt
33 transmission line that will interconnect the Project with the transmission system and
34 is in the process of seeking appropriate approvals from Yankton County and Bon
35 Homme Counties.

36

37 **III. TURBINE MODEL SPECIFICATIONS**

38

39 **Q. Do you have any updates to the turbine model specifications that Prevailing**
40 **Wind Park proposes to use for the Project?**

41 A. Yes. As stated in Prevailing Wind Park’s response to Staff Data Request (“DR”) 1-3,
42 Prevailing Wind Park has selected the GE 3.8-137 wind turbine model for the
43 Project. While Table 8-3 in the Project’s Application for a Facility Permit indicated
44 that the hub height of this turbine model would be 110 meters (586 feet), Prevailing
45 Wind Park has chosen to use a taller hub for the turbine. The taller hub height is
46 111.5 meters (590 feet, 5.5 inches).

47

48 **Q. Why did Prevailing Wind Park select a taller hub?**

49 A. By increasing the hub height from 110 meters to 111.5 meters, the turbine can
50 house the transformer within the turbine tower. With the 110-meter hub, the
51 transformer must be placed on a base external to the turbine tower. Thus, the slight
52 increase in height 1.5 meters (4.9 feet) enables Prevailing Wind Park to use an
53 internal – rather than external – transformer.

54

55 **Q. Have any of the other turbine model specifications changed?**

56 A. No.

57

58 **Q. With the increased hub height, does the Project still comply with all applicable**
59 **requirements and Prevailing Wind Park’s prior commitments?**

60 A. Prevailing Wind Park has confirmed that, with one exception, the layout using the
61 updated turbine height will comply with all highway and property line setbacks. For
62 one turbine location, T28, the turbine location was adjusted 10 feet to the west to

63 meet the property line setback requirement. Bridget Canty describes this move
64 and two smaller moves in her Rebuttal Testimony.

65
66 Prevailing Wind Park also conducted updated noise and shadow flicker modeling
67 with the taller hub. The results of that analysis show that for noise, as described in
68 Chris Howell’s Rebuttal Testimony, the modeled level at occupied residences
69 remains below 43 A-weighted decibels (“dBA”) as stated in the Application. The
70 highest predicted level at an occupied residence is 41.9 dBA.

71
72 The updated shadow flicker analysis is described in Aaron Anderson’s Rebuttal
73 Testimony and discussed further below.

74

75 **IV. RESPONSE TO TESTIMONY OF DARREN KEARNEY**

76

77 **A. Setbacks.**

78

79 **Q. Mr. Kearney discusses Intervenors’ comments regarding a 2-mile setback**
80 **from non-participating residences. What is your response?**

81 A. I agree with Mr. Kearney that there is no evidence supporting a 2-mile setback for
82 the Project. Rather, as Applicant’s witnesses’ testimony demonstrate, the Project
83 meets the Commission’s siting requirements applying the current setbacks, as well
84 as Prevailing Wind Park’s voluntary commitments.

85

86 Further, I agree with Mr. Hessler’s observation that a 2-mile setback would have the
87 effect of leaving few or no viable locations for turbines, making it impossible to site
88 most projects. (Hessler Direct at 5-6.) A setback of this distance would effectively
89 eliminate the ability to develop a wind farm in the Project area.

90

91 **Q. Mr. Kearney also discusses Intervenor’s comments regarding a 1,500 foot**
92 **setback from property lines. What is your response?**

93 A. For the same reasons noted in response to the prior question, I agree with Mr.
94 Kearney that there is no evidence supporting such a setback. Scott Screech
95 addresses this setback in more detail in his Rebuttal Testimony.

96

97 **B. Shadow Flicker Commitment.**

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99 **Q. Mr. Kearney states that “Staff has one concern regarding shadow flicker that**
100 **is expected to occur at a nonparticipant (receptor REC-076).” Has Prevailing**
101 **Wind Park reviewed this issue?**

102 A. Yes. As an initial matter, I note that Prevailing Wind Park has committed to shadow
103 flicker being less than 30 hours per year and/or 30 minutes per day at currently
104 inhabited, non-participating residences in Charles Mix County. Mr. Kearney
105 correctly notes that the initial modeling for Charles Mix County REC-076 in the
106 Application estimated more than 30 hours of shadow flicker per year. The updated
107 shadow flicker modeling conducted for the current turbine specifications and with the
108 additional receptors indicates that REC-076 remains the only non-participant
109 residence expected to experience more than 30 shadow flicker per year with 33.82
110 hours per year. (See also the Rebuttal Testimony of Aaron Anderson and the
111 Rebuttal Testimony of Bridget Canty.) There are also six other non-participants in
112 Charles Mix County for which shadow flicker is modeled at more than 30 minutes
113 per day.

114

115 Prevailing Wind Park will be installing turbine control equipment on the Project’s
116 turbines that will allow for shutting down individual turbines as necessary to ensure
117 that the shadow flicker experienced by the non-participant receptors does not
118 exceed the levels committed to by Prevailing Wind Park.

119

120 **C. Decommissioning Fund.**

121

122 **Q. Mr. Kearney states that “one permit condition that Prevailing Wind Park and**
123 **Staff may differ on is the amount of funding required to be set aside in an**
124 **escrow account for the decommissioning of wind turbines.” Has Prevailing**
125 **Wind Park proposed a permit condition related to a decommissioning fund?**

126 A. Yes. After reviewing Mr. Kearney’s testimony, Prevailing Wind Park has determined
127 that it will propose a decommissioning condition consistent with the Staff’s
128 recommendation. Specifically, Prevailing Wind Park proposes the following
129 condition:

130

131 At least 30 days prior to the start of construction, or as otherwise
132 approved by the Commission, Applicant shall submit an escrow plan
133 for Commission approval that is consistent with the escrow plan
134 approved by the Commission in In the Matter of the Application by
135 Crocker Wind Farm, LLC for a Permit of Wind Energy Facility and a
136 345 kV Transmission Line in Clark County, South Dakota, for Crocker
137 Wind Farm, Docket EL17-055, Order Approving Escrow Plan
138 (August 3, 2018).

139

140 Pursuant to the escrow plan, the escrow account shall be funded by
141 the Applicant annually at a rate of \$1,718 per turbine for a period of 30
142 consecutive years.

143

144 If the Applicant fails to execute the decommissioning requirement
145 found in this Section ___ of the Conditions, the account is payable to
146 the landowner as the landowner incurs and pays decommissioning
147 costs.

148

149 The level of funding proposed in the above condition is based on the no resale cost
150 estimate provided in the Decommissioning Cost Analysis prepared by DNV GL for
151 the Project. (See the Supplemental Direct Testimony of Daniel Pardo, Exhibit 2.)

152

153 **V. CONCLUSION**

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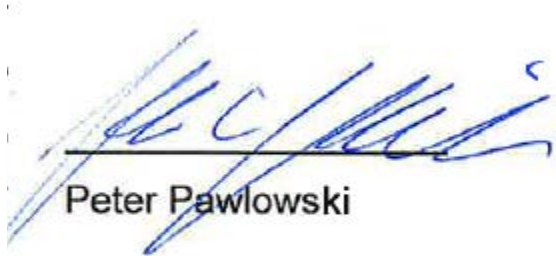
155 **Q. Does this conclude your Rebuttal Testimony?**

156 A. Yes.

157

158 Dated this 26th day of September, 2018.

159



Peter Pawlowski

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