

Individual Report for Docket Number : EL18-026c

Docket Title:

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

Open Date : 05/30/2018

Close Date : 11/09/2023

Days Open : 1989

Reopened Date : 06/13/2019

Filing Type :

EL

Tax ID # :

Attorney :

AR;KE

Staff :

DK;JT

Date Of Final Decision :

07/08/2020

Memo :

7/8/20; 4/29/20; 5/14/19; 2/15/19; 11/20/18;10/31/18; 9/21/18; 9/18/18; 8/7/18; 6/12/18

Primary Appeal Information

Appeal Date :

Appellant :

Decision Date :

Appeal Location :

Current Status :

Description of Above Decision :

Secondary Appeal Information

Appeal Date :

Appellant :

Decision Date :

Appeal Location :

Current Status :

Description of Above Decision :

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Docket Notes :

04/17/19 - Continuation of Part 2
03/29/19 - Prevailing Wind Park, LLC's Letter regarding Conditions No. 14, 15, 23 and 29 – M:/ltr032919.pdf
03/29/19 - Architectural Resources Survey (Condition 14) Confidential (not available to the public) - N:/Internet/electric/2019/el18-026/ArchitecturalResourcesSurvey.pdf
03/29/19 - Level III Intensive Archaeological Survey (Condition 14) Confidential (not available to the public) - N:/Internet/electric/2019/el18-026/levelIII.pdf
03/29/19 - Stormwater Pollution Prevention Plan (“SWPPP”) (Condition 15) – M:/stormwater.pdf
03/29/19 - Affidavit of Randy Corey Providing Notice of Turbine Adjustments Up to 250 Feet (Condition 23) – M:/affidavitcorey2.pdf
03/29/19 - Exhibit A - Maps of Turbine Adjustments (Condition 23) – M:/exhibita032919.pdf
03/29/19 - Exhibit B - Summary of Turbine Adjustment Requirement Compliance (Condition 23) – M:/exhibitb032919.pdf
03/29/19 - Exhibit C - Updated sound level analysis (Conditions 23 and 29(b)) – M:/exhibitc032919.pdf
03/29/19 - Exhibit D - Updated shadow flicker analysis (Conditions 23 and 29(c)) – M:/exhibitd032919.pdf
03/29/19 - Figure showing the most current preconstruction design, layout, and plans (Condition 29(a)) – M:/figures.pdf
03/29/19 - Affidavit of Randy Corey Identifying the Turbines that will be Operationally Controlled – M:/affidavitcorey.pdf
03/29/19 - Certificate of Service – M:/certificateofservice032919.pdf

04/23/19 - Prevailing Wind Park, LLC's Letter regarding Condition No. 40 - M:/ltr042319.pdf
04/23/19 - Escrow Agreement with Exhibits Confidential (not available to the public) - N:/Internet/electric/2018/el18-026/agreement.pdf
04/23/19 - Certificate of Service - M:/certificateofservice042319.pdf
04/25/19 - Prevailing Wind Park, LLC's Letter regarding Condition No. 29 with Photos - M:/ltr042519.pdf
04/25/19 - Certificate of Service - M:/certificateofservice042519.pdf
04/29/19 - Prevailing Wind Park, LLC's Corrected Letter regarding Condition No. 29 - M:/ltr042919.pdf
04/29/19 - Certificate of Service - M:/certificateofservice042919.pdf
04/29/19 - Sherman Fuerniss' Comments on Prevailing Wind Park, LLC's Letters Dated April 25, 2019 and April 29, 2019 M:/fuerniss.pdf
04/29/19 - Email Comment to Kristen Edwards - M:/fuerniss2.pdf
04/29/19 - Email Comment to Patricia Van Gerpen - M:/fuerniss3.pdf
04/29/19 - Certificate of Service - M:/certificateofservice042919.pdf
04/29/19 - Prevailing Wind Park, LLC's Letter regarding Condition No. 1 – M:/ltr042919.pdf
04/29/19 - United States Fish and Wildlife Service Finding of No Significant Impact for the Prevailing Wind Park Energy Facility Project – M:/usfws.pdf
04/29/19 - South Dakota Department of Environment and Natural Resources Grant of Coverage to Prevailing Wind Park under General Permit Authorizing Stormwater Discharges Associated with Construction Activities, Permit No. SDR10J380 – M:/denr.pdf
04/29/19 - Bon Homme County, Large Wind Energy System Permit Approval (Bon Homme County Commission Meeting Minutes, August 21, 2018) – M:/bonhomme4.pdf
04/29/19 - Bon Homme County, Building Permits Nos. BP 2019-007 through BP 2019-039 (Turbines) – M:/bonhomme3.pdf
04/29/19 - Bon Homme County, Building Permit No. BP 2019-040 (O&M/Substation) – M:/bonhomme2.pdf
04/29/19 - Bon Homme County, Utility Permit – M:/bonhomme.pdf

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04/29/19 - Charles Mix County, Building Permits Nos. 2477 through 2499 (Turbines) With Approval of Extensions – M:/charlesmix3.pdf
04/29/19 - Charles Mix County, Building Permit No. 2598 (Meteorological Tower) – M:/charlesmix2.pdf
04/29/19 - Charles Mix County, Utility Permit – M:/charlesmix.pdf
04/29/19 - Hutchinson County, Utility Permit – M:/Hutchinson.pdf
04/29/19 - Certificate of Service – M:/certificateofservicec.pdf

05/14/19 - Prevailing Wind Park, LLC's Letter regarding Construction Figure - m:/ltr051419.pdf
05/14/19 - Construction Figure Map - M:/construction1.pdf
05/14/19 - Certificate of Service - M:/certificateofservice051419.pdf
05/15/19 - Sherman Fuerniss' Handout at the May 14, 2019, Commission Meeting - M:/pictures051419.pdf
05/15/19 - Order Granting Settlement of Permit Violation - M:/puc/web/internet/commission/orders/electric/2019/el18-026violation.pdf
05/16/19 - Docket Closed - M:/close.pdf
05/16/19 - Intervenors Gregg C. Hubner, Marsha Hubner, Paul M. Schoenfelder and Lisa A. Schoenfelder's Letter regarding Supplemental Comments of Richard R. James - M:/ltr051619.pdf
05/16/19 - Supplemental Comments of Richard R. James - M:/supplementaljames.pdf
05/16/19 - Certificate of Service - M:/certificateofservice051619.pdf
05/09/19 - Prevailing Wind Park, LLC's Letter and Civil Penalty Payment - M:/ltr052919.pdf
05/16/19 - Comments of Vickie May to Commissioner Hanson - M:/comments/may.pdf
05/16/19 - Comments of Vickie May to Commissioner Hanson Confidential (not available to the public) - N:/Internet/electric/2018/el18-026/comments/may.pdf
05/16/19 - Comments of Vickie May to Commissioner Fiegen - M:/comments/may2.pdf
05/16/19 - Comments of Vickie May to Commissioner Fiegen Confidential (not available to the public) - N:/Internet/electric/2018/el18-026/comments/may2.pdf
05/17/19 - Commissioner Hanson's Response to Vickie May - M:/comments/mayresponse.pdf
05/17/19 - Commissioner Hanson's Response to Vickie May Confidential (not available to the public) - N:/Internet/electric/2018/el18-026/comments/mayresponse.pdf
05/17/19 - Commissioner Fiegen's Response to Vickie May - M:/comments/mayresponse2.pdf
05/17/19 - Commissioner Fiegen's Response to Vickie May Confidential (not available to the public) - N:/Internet/electric/2018/el18-026/comments/mayresponse2.pdf
07/08/19 - Prevailing Wind Park, LLC's Letter regarding Condition No. 23 - M:/ltr070819.pdf
07/08/19 - Affidavit of Peter Pawlowski Providing Notice of Turbine Adjustment Up to 250 Feet - M:/pawlowskiaffidavit.pdf
07/08/19 - Exhibit A - Map of Turbine Adjustment (Turbine 40) - M:/exhibita070819.pdf
07/08/19 - Exhibit B - Summary of Turbine Adjustment Requirement Compliance (Turbine 40) - M:/exhibitb070819.pdf
07/08/19 - Exhibit C - Updated Sound Level Analysis Results - M:/exhibitc070819.pdf
07/08/19 - Exhibit D - Updated Shadow Flicker Analysis Results - M:/exhibitd070819.pdf
07/08/19 - Level III Intensive Archaeological Survey Addendum Report (Turbine 42) Confidential (not available to the public) - N:/Internet/electric/2019/el18-026/addendum.pdf
07/08/19 - Turbine 42 Constraints Map - M:/map070819.pdf
07/08/19 - Updated Project Layout Constraints Maps - M:/maps070819.pdf
07/08/19 - Certificate of Service - M:/certificateofservice070819.pdf
07/18/19 - Prevailing Wind Park, LLC's Letter regarding Condition No. 23 Confidential (not available to the public) - N:/Internet/electric/2019/el18-026/ltr071819.pdf

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07/18/19 - Affidavit of Peter Pawlowski Providing Notice of Turbine Adjustment Up To 250 Feet Confidential (not available to the public) - N:/Internet/electric/2019/el18-026/exhibita071819.PDF

07/18/19 - Exhibit A - Map of Turbine Adjustment and Updated Project Constraints Map Confidential (not available to the public) - N:/Internet/electric/2019/el18-026/exhibita071819.PDF

07/18/19 - Exhibit B - Summary of Turbine Adjustment Requirement Compliance Confidential (not available to the public)N:/Internet/electric/2019/el18-026/exhibitb.pdf

07/18/19 - Exhibit C - Updated Sound Level Analysis Results Confidential (not available to the public) - N:/Internet/electric/2019/el18-026/exhibitc.PDF

07/18/19 - Exhibit D - Updated Shadow Flicker Analysis Results Confidential (not available to the public) - N:/Internet/electric/2019/el18-026/exhibitd.PDF

07/18/19 - Certificate of Service - M:/certificateofservice071819.pdf

07/25/19 - Prevailing Wind Park, LLC's Letter regarding Condition No. 23 - m:/ltr072519.pdf

07/25/19 - Affidavit of Peter Pawlowski Providing Notice of Turbine Adjustments Up To 250 Feet - M:/affidavit2.pdf

07/25/19 - Exhibit A - Maps of Turbine Adjustments and Updated Project Constraints Map - M:/exhibita072519.pdf

07/25/19 - Exhibit B - Summary of Turbine Adjustment Requirement Compliance - M:/exhibitb072519.pdf

07/25/19 - Exhibit C - Updated Sound Level Analysis Results - M:/exhibitc072519.pdf

07/25/19 - Exhibit D - Updated Shadow Flicker Analysis Results - M:/exhibitd072519.pdf

07/25/19 - Certificate of Service - M:/certificateofservice072519.pdf

07/29/19 - Prevailing Wind Park, LLC's Letter regarding Withdrawal of Turbine Shifts - M:/ltr072919.pdf

07/29/19 - Certificate of Service - M:/certificateofservice072919.pdf

08/06/19 - Prevailing Wind Park, LLC's Letter regarding Condition 23 (Turbine No. 8) - M:/ltr080619.pdf

08/06/19 - Affidavit of Peter Pawlowski in Support of Request for Approval of Turbine Adjustment Greater Than 250 Feet- M:/affidavit2.pdf

08/06/19 - Exhibit A - Map of Turbine Adjustment and Updated Project Constraints Map - M:/exhibita080619.pdf

08/06/19 - Exhibit B - Summary of Turbine Adjustment Requirement Compliance - M:/exhibitb080619.pdf

08/06/19 - Exhibit C - Updated Sound Level Analysis Results - M:/exhibitc080619.pdf

08/06/19 - Exhibit D - Updated Shadow Flicker Analysis Results - M:/exhibitd080619.pdf

08/06/19 - Addendum to Level III Intensive Archaeological Survey Confidential (not available to the public) - N:/Internet/electric/2019/el18-026/addendum2.pdf

08/06/19 - Certificate of Service - M:/certificateofservice080619.pdf

08/30/19 - Comments of Sherman Fuerniss - M:/comments/fuerniss3.pdf

08/30/19 - Comments of Sherman Fuerniss Confidential (not available to the public) - N:/Internet/electric/2018/el18-026/comments/fuerniss3.pdf

09/03/19 - Prevailing Wind Park, LLC's Letter regarding Wind Park Turbine 8 Material Deviation - M:/ltr090319.pdf

09/03/19 - Attachment - Map - M:/map090319.pdf

04/03/20 - Intervenor Gregg Hubner's Letter to the Commission - M:/Hubner04032020.pdf

04/03/20 - Attachment - M:/HubnerAttach040320.pdf

04/03/20 - Chairman Hanson's Response to Gregg Hubner - M:/HubnerResponse040320.pdf

04/06/20 - Intervenor Gregg Hubner's Response to Chairman Hanson's Response - M:/hubner040620.pdf

04/20/20 - Intervenor Gregg Hubner's Email to Chairman Hanson - M:/Hubner042020.pdf

04/20/20 - Chairman Hanson's Response to Gregg Hubner - M:/HubnerResponse1.pdf

04/20/20 - Chairman Hanson's Additional Response to Gregg Hubner - M:/HubnerResponse042020.pdf

04/21/20 - Commission Staff's Response to Gregg Hubner - M:/Hubner0420202.pdf

04/21/20 - Prevailing Wind Park, LLC's Letter regarding Condition 41 Request for Exemption for Condition 42 due to COVID-19 - M:/LTR042120.pdf

04/21/20 - Certificate of Service - M:/COS042120.pdf

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04/23/20 - Prevailing Wind Park, LLC's Letter regarding the Status of Project Construction - M:/LTR042320.pdf
04/23/20 - Certificate of Service - M:/COS042320.pdf
05/05/20 - Order Granting Extension of Timeline Due to Covid-19 -
M:/puc/web/internet/commission/orders/electric/2020/el18-026050120.pdf
05/14/20 - Intervenor Gregg Hubner's Email to the Commission - M:/hubner051420.pdf
05/26/20 - Prevailing Wind Park, LLC's Letter regarding Condition 1 - M:/ltr052720.pdf
05/26/20 - Federal Aviation Administration Determinations of No Hazard - M:/FAAdetermination.pdf
05/26/20 - FAA Marking & Lighting Recommendations - M:/FAArecommendations.pdf
05/26/20 - U.S. Army Corps of Engineers Clean Water Act Section 404 Coverage - M:/Section404.pdf
05/26/20 - S.D. Department of Transportation Utility Permits - M:/SDDOTUtilityPermits.pdf
05/26/20 - S.D. DOT Highway Access Permits - M:/SDDOTAccessPermits.pdf
05/26/20 - S.D. Electrical Commission Electrical Inspection/Permits - M:/SDECInspectpermit.pdf
05/26/20 - Bon Homme County Condition Use Permit No. BP 2019043CU (ADLS tower) -
M:/BonHommeUsePermit.pdf
05/26/20 - Bon Homme County Building Permit No. BP 2019-081 (permanent meteorological tower) - Replacement
filed 05/27/20
05/26/20 - Bon Homme County Road Approach Permits - M:/BonHommeApproachPermits.pdf
05/26/20 - Bon Homme County Utility Permit - M:/BonHommeUtilityPermit.pdf
05/26/20 - Charles Mix County Utility Permit - M:/CharlesMixUtilityPermit.pdf
05/26/20 - Charles Mix County Approach Permit - M:/CharlesMixApproachPermit.pdf
05/26/20 - Hutchinson County Conditions Use Permits and 509 Approvals - M:/HutchinsonUsePermit.pdf
05/26/20 - Hutchinson County Ingress/Egress Permits - M:/HutchinsonIngressEgress.pdf
05/26/20 - Hutchinson County Building Permits - M:/HutchinsonBuildingPermits.pdf
05/26/20 - Certificate of Service - M:/cos052720.pdf
05/27/20 - Prevailing Wind Park, LLC's Letter regarding Condition 1 - M:/ltr052720b.pdf
05/27/20 - Bon Homme County Building Permit No. BP 2019-081 (permanent meteorological tower) -
M:/BonHommeBuilding.pdf
05/27/20 - Certificate of Service - M:/cos052720b.pdf
06/29/20 - Prevailing Wind Park, LLC's Letter regarding Condition 42 - M:/LTR062920.pdf
06/29/20 - Sound Monitoring - M:/Condition42.pdf
06/29/20 - Certificate of Service - M:/COS062920.pdf
07/09/20 - Order Confirming Requirements of Permit Condition 42 -
M:/puc/web/internet/commission/orders/electric/2020/el18-026permitcondition42.pdf
07/21/20 - Prevailing Wind Park, LLC's Letter regarding Condition 30 - M:/LTR072120.pdf
07/21/20 - Summary Memorandum - M:/Cond30.pdf
07/21/20 - As-Built Maps - M:/AttachA072120.pdf
07/21/20 - Certificate of Service - M:/COS072120.pdf
08/31/20 - Prevailing Wind Park, LLC's Letter regarding Condition 42 - M:/LTR083120.pdf
08/31/20 - Sound Level Compliance Report - M:/Cond42.pdf
08/31/20 - Certificate of Service - M:/COS083120.pdf
10/01/20 - PUC Staff's Letter regarding Condition 42 - M:/LTR100120.pdf
10/01/20 - Prevailing Wind Park Sound Testing Data Review and Assessment by Hessler Associates, Inc.
- M:/Dhessler.pdf
11/17/20 - Intervenor Gregg Hubner's Email to PUC - M:/Hubner111720.pdf
11/17/20 - Attachment - M:/HubnerAttach111720.pdf
01/04/21 - Intervenor Gregg Hubner's Email to PUC - M:/Hubner010421.pdf

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01/04/21 - Attachment - M:/HubnerAttach010421.pdf
01/21/21 - Prevailing Wind Park, LLC's Letter regarding Condition 28 - M:/LTR012121.pdf
01/21/21 - Certificate of Service - M:/COS012121.pdf
01/22/21 - Prevailing Wind Park, LLC's Letter regarding Condition 32 - M:/LTR012221.pdf
01/22/21 - Emergency Response Plan - M:/ERP012221.pdf
01/22/21 - Certificate of Service - M:/COS012221.pdf
04/12/21 - Prevailing Wind Park, LLC's Letter regarding Condition 9€ - M:/LTR041221.pdf
04/12/21 - Certificates of Completion - M:/AttachA041221.pdf
04/12/21 - Certificate of Service - M:/COS041221.pdf
06/01/21 - Prevailing Wind Park, LLC's Letter regarding Escrow Statements of Account - M:/LTR060121.pdf
06/01/21 - Account for Year 1 - M:/Year1.pdf
06/01/21 - Account for Year 2 - M:/Year2.pdf
06/01/21 - Certificate of Service - M:/COS060121.pdf
05/17/22 - Prevailing Wind Park, LLC's Letter regarding Condition 34 - M:\LTR051722.pdf
05/17/22 - Post-Construction Bird and Bat Fatality Monitoring Study - March 2020 - March 2021 Confidential
(not available to the public) - N:\N:\Internet\electric\2018\el18-026\FinalReport051722.pdf
05/17/22 - Certificate of Service - M:\COS051722.pdf
11/09/23 - Docket Re-closed - M:\re-closed.pdf

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Docket Synopsis :