

**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**

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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.**

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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.**

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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.)

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153 V. CONCLUSION

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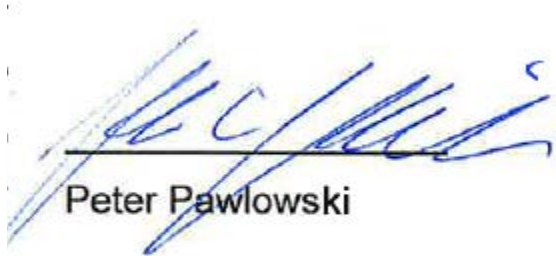
155 Q. Does this conclude your Rebuttal Testimony?

156 A. Yes.

157

158 Dated this 26th day of September, 2018.

159



Peter Pawlowski

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