

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

**IN THE MATTER OF THE
APPLICATION OF DEUEL HARVEST
WIND ENERGY LLC FOR A PERMIT
OF A WIND ENERGY FACILITY AND
A 345-KV TRANSMISSION LINE IN
DEUEL COUNTY**

* **APPLICANT’S SECOND SET OF DATA**
* **REQUESTS TO JOHN HOMAN**
* **EL18-053**
*
*
*

Below, please find Deuel Harvest Wind Energy LLC’s (“Applicant”) Second Set of Data Requests to John Homan. Please submit responses within 10 business days or promptly contact the undersigned to discuss an alternative arrangement.

- 2-1) Identify the basis for the statement in your direct testimony that “[a] large part of the project area is designated as duck nesting habitat by the United States Department of Agriculture,” and provide all related documentation.

- 2-2) Identify the basis for the statement in your direct testimony that “[a]ccording to studies, the longer time frame a wind project exists, the more damage to birds and other species,” and provide all related documentation.

- 2-3) With respect to the statement in your direct testimony that “fire caused by electrical problems from transmission lines, that caused devastating damage to a large portion of my creek property,” please identify the source of the fire, damage that occurred, time it occurred, and any remedies provided or offered to you.

- 2-4) With respect to your request for a setback from “Homan Field,” describe any efforts you have undertaken to acquire avigational easements with respect to the requested setbacks.

- 2-5) With respect to your request for a setback from “Homan Field,” describe any communications, whether written or oral, with the landowner who would be impacted by your requested setback.

- 2-6) Admit that the Special Exception Permit issued for “Homan Field” stated “on the condition that the applicant (John Homan) signs a letter of assurance acknowledging that if he needs unrestricted access to the air space over the neighbor’s property, applicant is required to secure those rights from the adjacent property owners. . . .”

- 2-7) Identify all facts that support the statement in your direct testimony that “Invenergy attorneys . . . argued in opposition to my permit,” and provide all related documentation.

- 2-8) In several places in your direct testimony, you state that you “will testify” or “will show.” Is it your intention to present testimony at the evidentiary hearing that is different or in addition to your written direct testimony? If so, what subjects do you intend to address?

- 2-9) Provide any and all correspondence to or from the Federal Aviation Administration (“FAA”) concerning “Homan Field.”

- 2-10) Refer to your response to Applicant’s Data Request 1-2. Identify the parcel on which the following structures are built or being built: “House under construction, a 48’ x 70’ building, includes office, shop, and storage.”

- 2-11) Provide a map depicting the location of the “House under construction, a 48’ x 70’ building, include[ing] office, shop, and storage” in relation to the “landing strip” that you are currently constructing (“Homan Landing Strip”) (refer to your response to Applicant’s Data Request 1-7).

- 2-12) Provide the distance, if any, between the “House under construction, a 48’ x 70’ building, includes office, shop, and storage” and the Homan Landing Strip.

- 2-13) Describe any concerns you have with regard to the location of the above-described house with respect to the Homan Landing Strip.

- 2-14) In response to Applicant DRs 1-5 and 1-6, you stated that portions of your property in Section 32 are used for agricultural purposes. Please provide a diagram showing which portions of your property in Section 32 are used for agricultural purposes, and specify for which agricultural purposes (i.e., row crops, pasture, etc.).

- 2-15) Provide any hydrology studies you have conducted to determine the depth of aquifers or fresh water springs under your property.

- 2-16) Did representatives from Invenergy and/or Deuel Harvest meet with you multiple times beginning in 2015 to discuss the Project, and see if you were interested in participating in the Project?

With respect to your witness, George Holborn:

- 2-17) Identify the address of Mr. Holborn's current permanent residence (where he resides).

- 2-18) Identify the address of Mr. Holborn prior to February 28, 2019.

- 2-19) Identify all property Mr. Holborn owns within the vicinity of the Project Area and the location (by section, township, and range) of such property. Are there any habitable buildings on the property?

- 2-20) If Mr. Holborn has a residence in the vicinity of the Project, identify whether Mr. Holborn lives at the residence throughout the entire year and, if not, how many months of the year he resides at the residence.

- 2-21) Describe what mitigation measures Mr. Holborn believes would address the concerns he identified in his direct testimony and whether any of the mitigation measures identified by the Applicant in its Application could address any of the concerns.
- 2-22) Identify any documents, information, education, training, or professional experience Mr. Holborn relied upon to form his opinions concerning the Project. Where he has relied upon documents or other tangible materials, please provide such documents and/or materials.
- 2-23) Mr. Holborn asserts in his testimony, page 6, that he “lost in excess of 250k” on the sale of your home. Provide all facts and documents that support this claim.
- 2-24) Does Mr. Holborn have any medical training, medical education or medical experience? If yes, please describe.
- 2-25) Describe Mr. Holborn’s educational and professional background.
- 2-26) Identify any other wind-related proceedings in which you and/or Mr. Holborn have participated, formally or informally and provide copies of all documents submitted by you in such proceedings.

Dated this 27th day of March 2019.

By /s/ Lisa Agrimonti

Mollie M. Smith

Lisa M. Agrimonti

FREDRIKSON & BYRON, P.A.

Attorneys for Applicant

200 South Sixth Street, Suite 4000

Minneapolis, MN 55402

Phone: (612) 492-7000

Fax: (612) 492-7077

66087404.1

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

**IN THE MATTER OF THE
APPLICATION OF DEUEL HARVEST
WIND ENERGY LLC FOR A PERMIT
OF A WIND ENERGY FACILITY AND
A 345-KV TRANSMISSION LINE IN
DEUEL COUNTY**

* **APPLICANT’S THIRD SET OF DATA**
* **REQUESTS TO JOHN HOMAN**
* **EL18-053**
*
*
*

Below, please find Deuel Harvest Wind Energy LLC’s (“Applicant”) Third Set of Data Requests to John Homan. Please submit responses within 10 business days or promptly contact the undersigned to discuss an alternative arrangement.

- 3-1) Identify all facts supporting the statement in your rebuttal testimony that: “We understand that setbacks for safety has been given by another wind energy project to a private airport,” including but not limited to the name of the wind project, name of project developer, setback distances, and number of turbine locations moved.

Dated this 4th day of April, 2019.

By /s/ Lisa Agrimonti
Mollie M. Smith
Lisa M. Agrimonti
FREDRIKSON & BYRON, P.A.
Attorneys for Applicant
200 South Sixth Street, Suite 4000
Minneapolis, MN 55402
Phone: (612) 492-7000
Fax: (612) 492-7077

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH.**

**IN THE MATTER OF THE
APPLICATION OF DEUEL HARVEST
WIND ENERGY LLC FOR A PERMIT
OF A WIND ENERGY FACILITY AND
A 345-KV TRANSMISSION LINE IN
DEUEL COUNTY**

*
*
*
*
*
*
*
*
*

**JOHN HOMAN’S RESPONSE TO
APPLICANT’S 2ND AND 3RD SET OF
DATA REQUEST
EL18-053**

Below please find John Homan’s response to Applicant’s 2nd and 3rd set of data requests.

2. 1). Included here is the map showing duck nesting habitat.

2. 2). See the Loesch study, included.

2. 3). October, 2012. Burned several acres of trees, shrubs and grassland. No remedies offered.

2. 4). Not applicable to these proceedings. The applicant has not taken any action to acquire the wind rights over our property nor taken the proper action to provide safe usage of our landing strip.

2. 5). I have a permit for a landing strip on Homan property. The applicant, Deuel Harvest North, is requesting a permit that would negatively impact the safe use of the landing strip. The applicant is the party that should now grant the setbacks, or the removal or the moving of turbines.

2. 6). The letter of assurance states that we understand the law. We gave up none of our rights under the law.

2. 7). Invenergy attorneys attended the hearings for my landing strip. They made arguments why I should not be granted the permit because of air rights. I believe they unduly influenced the zoning board to affect the outcome. They were in contact with John Knight during this time period in regards to the letter of assurance. At this same time period, John Knight was, I believe negotiating wind contracts with Darold Hunt, the adjacent landowner where turbines are now sited, turbines that will cause unsafe use of our landing strip. The same landowner Invenergy refers to in 2.5).

2 8) I retain the right to expand testimony on subjects already addressed.

2. 9). FAA papers included here.

2 10). Section 32 Of Glenwood township.

2. 11). Map included- Maps available from Deuel County Zoning Board.

2. 12). From building- office- shop - approximately 1,400 feet.

From house- approximately 400 feet.

2. 13). No concerns.

2. 14). Crop maps would be available from the Deuel County ASCS office. Map with designation included, also in response to 2.11)

2. 15). No studies have been done. We have requested these studies to be furnished by applicant or staff. There are numerous surface springs over much of the project area.

2 16). I believe one meeting.

2. 17). I defer to Mr Holborns Testimony.

2. 18). 2856 Edgewater Drive, Gary, SD 57237

2. 19). I defer to testimony from Mr. Holborn.

2. 20). I don't think Mr Holborn has a residence in the vicinity at this time.

2. 21). Refer to Mr Holborn's responses.

2. 22). I refer to Mr Holborn's responses.

2. 23). I refer to Mr Holborn's responses.

2. 24). I refer to Mr Holborns responses.

2 25). I refer to Mr Holborns responses. I believe he has a college degree, and a businessman.

2. 26). I cannot speak for Mr. Holborn, I have spoken at the Deuel County meeting for the Deuel Harvest permit, and the PUC public input meeting in Clear Lake, that was submitted to the docket. I also testified at the PUC hearing on our motion to deny the Deuel Harvest permit.

Date: April 9,2019

_/S/ John Homan

John Homan

Intervenor

4114 12th Avenue NE

Watertown, SD 57201

Homan1971@gmail.com