

**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**

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* **APPLICANT’S THIRD SET OF DATA**
* **REQUESTS TO CHRISTINA KILBY**
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* **EL18-053**
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Below, please find Deuel Harvest Wind Energy LLC’s (“Applicant”) Third Set of Data Requests to Christina Kilby. Please submit responses within 10 business days or promptly contact the undersigned to discuss an alternative arrangement.

- 3-1) Identify specifically which data request responses you intend to incorporate into your testimony.
- 3-2) Provide a copy of your current resume or statement of qualifications.
- 3-3) With respect to each data request identified in response to 3-1 above, identify your training and/or qualifications to testify regarding the subject matter of each request.
- 3-4) Identify your training and/or qualifications regarding the topics in the documents attached to your rebuttal testimony.
- 3-5) With respect to your statement that “The study may not have included enough of an area surrounding the project to see the difference in symptoms between those affected by infrasound from the wind turbines and those who are not exposed to infrasound”: (a) identify the basis for this statement, including any supporting documents; and (b) identify your training and/or qualifications with respect to the subject matter of this statement.
- 3-6) Identify your education, training and/or qualifications with respect to property valuation.
- 3-7) Identify your education, training and/or qualifications with respect to wind turbine operations.
- 3-8) Identify any administrative or civil proceedings in which you have qualified as and provided testimony as an expert witness.

- 3-9) Provide copies of any other expert testimony submitted by Mr. Rand in other proceedings.
- 3-10) Provide any orders of any court or agency referring to testimony or research of Mr. Rand.
- 3-11) Identify and describe Mr. Rand's medical training or education.
- 3-12) Provide all documents and describe all information Mr. Rand relied upon for drafting his testimony.
- 3-13) Has Mr. Rand visited the Project area or Deuel County?
- 3-14) Identify and describe Mr. Rand's legal training or education.
- 3-15) Referring to page 17 of Mr. Rand's testimony, did the Acoustical Society of America respond to Rand's recommendations and if so, how?
- 3-16) Did Mr. Rand conduct noise modeling for the Project?
- 3-17) Are you claiming that wind turbines caused health effects to you? If so, please provide any medical records supporting your claim.
- 3-18) How many nights have you spent within a wind farm where wind turbines were operating?
- 3-19) Describe in detail the symptoms you allege you experienced as a result of being near wind turbines.
- 3-20) Provide the "copy of his biography, work history, cases where he has been accepted as an expert witness in the field of acoustics, and a list of papers published" referenced on page 37 of Mr. Rand's testimony.

Dated this 4th day of April, 2019.

By */s/ Lisa Agrimonti* _____

Mollie M. Smith

Lisa M. Agrimonti

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**CHRISTINA KILBY'S RESPONSES
TO APPLICANT'S THIRD SET OF
DATA REQUESTS**

EL18-053

3-1) Identify specifically which data request responses you intend to incorporate into your testimony.

Christina Kilby: Most likely everything that has not been excluded.

3-2) Provide a copy of your current resume or statement of qualifications.

Christina Kilby: I object to this question as irrelevant. I am not claiming to be an expert.

3-3) With respect to each data request identified in response to 3-1 above, identify your training and/or qualifications to testify regarding the subject matter of each request.

Christina Kilby: I object to this question as irrelevant. I am not claiming to be an expert.

3-4) Identify your training and/or qualifications regarding the topics in the documents attached to your rebuttal testimony.

Christina Kilby: I object to this question as irrelevant.

3-5) With respect to your statement that "The study may not have included enough of an area surrounding the project to see the difference in symptoms between those affected by infrasound from the wind turbines and those who are not exposed to infrasound": (a) identify the basis for this statement, including any supporting documents; and (b) identify your training and/or qualifications with respect to the subject matter of this statement.

Christina Kilby: I simply stated a possibility.

3-6) Identify your education, training and/or qualifications with respect to property valuation.

Christina Kilby: I have no training with respect to property valuation.

3-7) Identify your education, training and/or qualifications with respect to wind turbine operations.

Christina Kilby: None.

3-8) Identify any administrative or civil proceedings in which you have qualified as and provided testimony as an expert witness.

Christina Kilby: None

3-9) Provide copies of any other expert testimony submitted by Mr. Rand in other proceedings.

Christina Kilby: I object to this request as overly broad, unduly burdensome and equally within Deuel Harvest's capability to determine.

3-10) Provide any orders of any court or agency referring to testimony or research of Mr. Rand.

Christina Kilby: I object to this request as overly broad, unduly burdensome and equally within Deuel Harvest's capability to determine.

3-11) Identify and describe Mr. Rand's medical training or education.

Robert Rand: No formal medical education. As an INCE Member, I am required to hold paramount the safety, health and welfare of the public. See Ex K6.

3-12) Provide all documents and describe all information Mr. Rand relied upon for drafting his testimony.

Robert Rand: See Professional Opinion of Robert W. Rand, Ex K1.

3-13) Has Mr. Rand visited the Project area or Deuel County?

Robert Rand: No.

3-14) Identify and describe Mr. Rand's legal training or education.

Robert Rand: No formal legal education. As an INCE Member, I am required to hold paramount the safety, health and welfare of the public. See Ex K6.

3-15) Referring to page 17 of Mr. Rand's testimony, did the Acoustical Society of America respond to Rand's recommendations and if so, how?

Robert Rand: The graph represents information that had been previously published publicly. Because we continued to receive information and had prioritized work, we were unable to complete the paper prior to the ASA's publishing deadline. We hope to complete the paper when time allows but have prioritized other work.

3-16) Did Mr. Rand conduct noise modeling for the Project?

Robert Rand: See Attach 8, Figure 8.4 of Ex K 1.

3-17) Are you claiming that wind turbines caused health effects to you? If so, please provide any medical records supporting your claim.

Christina Kilby: It is unclear to whom this question is directed. I object to this question as directed to either myself or Mr. Rand as irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

3-18) How many nights have you spent within a wind farm where wind turbines were operating?

Christina Kilby: It is unclear to whom this question is directed. None.

Robert Rand: Several nights.

3-19) Describe in detail the symptoms you allege you experienced as a result of being near wind turbines.

Christina Kilby: It is unclear to whom this question is directed. I object to this question as directed to either myself or Mr. Rand as irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

3-20) Provide the “copy of his biography, work history, cases where he has been accepted as an expert witness in the field of acoustics, and a list of papers published” referenced on page 37 of Mr. Rand’s testimony.

Christina Kilby: Refer to Ex K6.

Dated: April 12, 2019

/S/ Christina Kilby
Christina Kilby
Intervenor
112 Geneva Blvd.
Burnsville, MN 55306
952-913-6771