

**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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**CHRISTINA KILBY'S RESPONSES
TO STAFF'S FIRST SET OF DATA
REQUESTS TO INTERVENORS**

EL18-053

Below, please find Intervenor Christina Kilby's Responses to Staff's First Set of Data Requests.

1-1) Provide copies of all data requests submitted to or by you and copies of all responses provided to those data requests. Provide this information to date and on an ongoing basis.

These will be served simultaneously.

1-2) Refer to SDCL 49-41B-22.

a. Please specify particular aspect/s of the applicant's burden that you intend to personally testify on.

I intend to personally testify that:

- 1) Deuel Harvest is unable to meet its burden of proving it will comply with all applicable laws and rules;**
- 2) Deuel Harvest cannot meet its burden of proving that the facility will not pose a threat of serious injury to the environment, economic conditions of inhabitants; and**
- 3) Deuel Harvest cannot meet its burden of proving that the facility will not substantially impair the health, safety, and welfare of the inhabitants.**

There is significant evidence, evidence that continues to build about the harms caused by industrial wind turbines: harms from the noise, infrasound, sleep deprivation, dangers of ice throw and fire.

Deuel Harvest must prove that the project will not substantially impair health, safety, and welfare, or pose a threat of serious injury. It is not the Intervenor's burden to prove harm from the project. Deuel Harvest must present scientifically sound evidence proving that turbines and the noise and infrasound they produce will not substantially impair the health, safety, and welfare of the inhabitants, nor pose a threat of serious injury to the

environment, and economic conditions of inhabitants. I do not believe Deuel Harvest will be able to meet its burden.

See attached studies and reports served simultaneously. More may follow.

- b) Please specify particular aspect/s of the applicant's burden of proof that you intend to call a witness to testify on.

Unknown at this time.

- 1-3) Refer to SDCL 49-41B-25. Identify any “terms, conditions, or modifications of the construction, operation, or maintenance” that you would recommend the Commission order. Please provide support and explanation for any recommendations.

I ask that setbacks for non-participating landowners be set at two miles with the option of a waiver. This is because of the characteristics of and problems caused by infrasound that turbines are known to produce.

As an alternative to two-mile setbacks, sound levels should not be allowed to exceed any level that can cause sleep disturbance, annoyance, or stress. Nonparticipating landowners should not be forced to sacrifice their enjoyment, comfort, or health for the profits of the applicant.

I feel Deuel Harvest should be required to pay for independent testing of sound and infrasound at all residences both prior to construction, and again when the project is fully operational to ensure compliance.

I feel upon any reliable complaint made to a PUC liason, Deuel Harvest should be required to shut down the possibly offending turbine until an independent test done at Deuel Harvest’s expense can prove no violation exists.

I ask that I be allowed to modify these requests later as I become of aware of new information.

- a. Specifically, what mitigation efforts would you like to see taken if this Project is constructed.

I believe the only effective solution to the problems created by turbines is setbacks sufficient to prevent the loss of enjoyment of the property. I believe property owners have the right to the quiet enjoyment of all of their property, so setbacks should be from property lines. I do not think landowners should have to sacrifice the enjoyment of their property to maximize profits to Invenergy. Mitigation is not sufficient. Long term and continuous harassment and health effects from noise, flicker and infrasound is unjustified and a serious harm. It should not be allowed.

1-4) Please list with specificity the witnesses that you intend to call. Please include name, address, phone number, credentials and area of expertise.

Unknown at this time.

Do you intend to take depositions? If so, of whom?

Unknown at this time, but it is unlikely because of time constraints.

Dated this 26th day of February 2019.

 /S/ Christina Kilby
Christina Kilby
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