

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

**IN THE MATTER OF THE APPLICATION OF
CROWNED RIDGE WIND II, LLC FOR A FACILITIES PERMIT TO
CONSTRUCT A 230 KV TRANSMISSION LINE**

Docket No. EL18-

**DIRECT TESTIMONY AND EXHIBITS
OF JASON UTTON**

April 10, 2018

INTRODUCTION AND QUALIFICATIONS

Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.

A. Jason Utton, 700 Universe Blvd., Juno Beach FL 33408.

Q. BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?

A. I am employed by NextEra Energy Resources, LLC ("NEER") as Vice President – Renewable Energy Development. NEER is a principal affiliate of NextEra Energy, Inc. ("NextEra"). NEER, through its affiliated entities, is the world's largest generator of renewable energy from the wind and sun, generating over 19,000 megawatts ("MW") in 29 states and Canada. NextEra, through its subsidiaries, also owns approximately 8,500 circuit miles of high-voltage transmission lines and 770 substations in North America. NEER affiliates in the State of South Dakota own the following wind facilities: Day County Wind, South Dakota Wind Energy Center, and Wessington Springs Wind.

Q. WHAT IS THE ORGANIZATIONAL RELATIONSHIP BETWEEN NEER AND CROWDED RIDGE WIND II, LLC?

A. Crowned Ridge Wind II, LLC ("the Applicant") is an indirect, wholly-owned subsidiary of NEER.

Q. WHAT ARE YOUR RESPONSIBILITIES FOR THE PROJECT?

A. I manage the Applicant's permitting of an approximately 7-mile 230-kilovolt ("kV") generation tie line ("the Project") from the collector substation at Crowned Ridge Wind II ("CRW II") to a dead-end transmission structure adjacent to the collector substation at

1 Crowned Ridge Wind ("CRW"). In this role, I supervise and am responsible for project
2 development, community outreach, regulatory compliance, and bringing the Project into
3 commercial operations.

4
5 **Q. PLEASE DESCRIBE YOUR CURRENT POSITION AND PROFESSIONAL**
6 **BACKGROUND.**

7 A. I have been employed by NEER since 2008, in the capacity of Project Developer, and
8 Vice President – Renewable Energy Development on NEER's Continental Renewable
9 Energy Development team, which is responsible for renewable development in states
10 such as North and South Dakota, and the Midwest. As a Vice President of Renewable
11 Energy Development, I direct all renewable energy development efforts in the North
12 Continental region. Since 2008, I have developed over 1,400 MW of generation projects.
13 Prior to joining NEER, I spent over 9 years in the U.S. Army as a commissioned officer,
14 including four tours in the middle-east, two tours to Egypt, and two tours to the Baghdad
15 area in support of Operation Iraqi Freedom. I was subsequently awarded two Bronze
16 Stars and a Meritorious Service Medal for my work in Iraq.

17
18 **Q. HAS THIS TESTIMONY BEEN PREPARED BY YOU OR UNDER YOUR**
19 **DIRECT SUPERVISION?**

20 A. Yes.

1 **Q. HAVE YOU PREVIOUSLY TESTIFIED BEFORE THE PUBLIC SERVICE**
2 **COMMISSION OF SOUTH DAKOTA?**

3 A. I submitted testimony in Docket No. EL-17-050.
4

5 **PURPOSE OF TESTIMONY**

6 **Q. PLEASE DESCRIBE THE PURPOSE OF YOUR TESTIMONY.**

7 A. The purpose of my testimony is to: (1) address the need for the Project; (2) provide an
8 overview of the stakeholder, community, local governmental, and tribal outreach
9 associated with the Project; (3) provide an overview of the status of obtaining local
10 government permits for the Project; and (4) describe the benefits of the Project.
11

12 **NEED FOR THE PROPOSED PROJECT**

13 **Q. PLEASE DESCRIBE THE PROPOSED PROJECT.**

14 A. The Project will run from the collector substation at CRW II to a dead-end transmission
15 structure adjacent to the collector substation at CRW. Utilizing a breaker position at the
16 CRW collector substation, the 300 megawatts ("MW") from CRW II will be aggregated
17 with the 300 MWs from the CRW collector substation and conjoined to the Crowned
18 Ridge 230 kV generation tie line which will terminate at the Big Stone South substation.
19 See Exhibit JU-1. As shown in Exhibit JU-2, the Project is located in Codington County.
20

21 **Q. WHY IS THE PROPOSED 230 KV TRANSMISSION LINE NEEDED?**

22 A. The Project is needed to deliver the 300 MW from CRW II to the Big Stone South
23 Substation. CRW II has executed a purchase and sale agreement under which it will

1 permit and construct CRW II and this Project, and, thereafter, transfer the CRW II and
2 this Project, along with its Facility Permits to Northern States Power Company ("NSP")
3 at the commercial operations date. On July 6, 2017, the Minnesota Public Utilities
4 Commission approved NSP's Petition for Approval of the Acquisition of Wind
5 Generation from the Company's 2016-2030 Integrated Resource Plan, which included
6 approval of the power purchase agreement ("PPA") with CRW and NSP's acquisition of
7 CRW II. NSP's PPA with CRW and acquisition of CRW II is currently under
8 consideration at the North Dakota Public Utilities Commission.¹

9
10 **Q. WHAT IS THE PROJECTED COMMERCIAL OPERATIONS DATE?**

11 A. The projected commercial operations date for the Project as well as CRW and CRW II is
12 on or before December 31, 2019.

13
14 **Q. WITHOUT THE PROJECT, CAN CRW II CONNECT TO THE BIG STONE**
15 **SOUTH SUBSTATION?**

16 A. No. As explained by Applicant Witness Mark Thompson, the Project is required to
17 connect the generation from CRW II to the transmission grid, and, thus, it is not possible
18 to deliver the wind power to the grid without the construction of the Project.

19
20
21

¹ *Northern States Power Advance Prudence – 1550 MW Wind Application*, North Dakota Public Service Commission, Case No. PU-17-120. On March 19, 2018, NSP and Staff of the North Dakota Public Service Commission have requested that the proceeding be postponed until the record can be updated to reflect the impact of the 2017 Federal Tax Cuts and Jobs Act.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

OUTREACH ACTIVITIES

Q. PLEASE PROVIDE AN OVERVIEW OF THE APPLICANT’S STAKEHOLDER AND COMMUNITY OUTREACH.

A. Stakeholder engagement began in 2013. Stakeholders have been approached directly to address concerns with the proposed routing and placement of the Project’s infrastructure. Crowned Ridge has also conducted informational events on April 25, 2017 in the town of Gary located in Deuel County, on October 2, 2017 and November 16, 2017 in the city of Watertown located in Codington County. At these events stakeholders were provided an update on the Project and the associated wind farms at CRW and CRW II. The feedback from these outreach activities has resulted in changes to the placement of the transmission line. For example, it is proposed that the siting of the transmission line be as close as reasonably possible to existing county right-of-way (“ROW”) to minimize impacts to current and future farming operations in Codington County.

Q. PLEASE PROVIDE AN OVERVIEW OF THE OUTREACH CONDUCTED WITH RESPECT TO CODINGTON COUNTY?

A. The Applicant met with the Codington County Planner and First District Association of Local Governments on February 9, April 5, May 23, and August 31 of 2017 to discuss the requirements of the Codington County siting ordinances and the Project’s compliance

with local expectations. As a result of these outreach activities, it is the Applicant's understanding the Project is compliant with Codington County's siting ordinance.

Q. PLEASE PROVIDE AN OVERVIEW OF THE OUTREACH CONDUCTED WITH RESPECT TO TRIBAL STAKEHOLDERS?

A. Although there is no federal nexus that mandates Tribal consultations, the Applicant has voluntarily consulted with the Sisseton Wahpeton Oyate ("SWO") tribe. As a result of these consultations, the SWO tribe and the Applicant's team have successfully worked together on the following issues: (1) siting transmission structures to avoid direct impacts to lands containing cultural sensitivities; (2) minimizing construction impacts by proposing to span areas of sensitivity and limit construction activities to foot-traffic only during the construction processes; and (3) shifting the transmission line away from lands that may contain cultural sensitivities.

OTHER PERMITS

Q. WHAT OTHER PERMITS ARE REQUIRED FOR THE PROJECT?

A. The following table which is included in Section 24 of the Application provides an overview of the other permits, approvals or coordination associated with the Project:

Agency	Type of Permit, Approval, or Coordination	Status*	Need
Federal			
U.S. Fish and Wildlife Service Waubay Wetland Management District	Special Use Permit or Right-of-Way Permit	2	If construction in wetlands within wetland easements or in grassland easements, then compatibility analysis is required. A Permit may be needed for disturbance to land subject to a grassland easement.
State of South Dakota			
Public Utilities Commission	Facility Permit	1	This Application; required for transmission lines greater

Agency	Type of Permit, Approval, or Coordination	Status*	Need
			than 115 kV
Department of Environment & Natural Resources	Section 401 Water Quality Certification	2	Required for fill in jurisdictional waters of the U.S.
	NPDES Permit: General Permit for Storm Water Discharges Associated with Construction Activities	2	Required for disturbance of over one acre of land. Must prepare a Storm Water Pollution Prevention Plan.
	Temporary water use permit for construction activities	2	Compliance with the Water Pollution Control Act. Temporary permits for the use of public water for construction, testing, or drilling purposes. Construction contractors will obtain as necessary.
	General Permit for Temporary Dewatering	2	Compliance with the Water Pollution Control Act. Temporary permit for the discharge of water for construction dewatering. Construction contractors will obtain as necessary.
South Dakota State Historical Society	SDCL 1-19A-11.1	2	Compliance required for state permits.
Department of Transportation	Highway Access Permit; Road Crossing Agreements	2	Permit required for construction of access roads from state highways.
	Utility Permit	2	Permit required for utility crossings on state highway ROW, as necessary.
	Oversize/overweight Permit	2	Required for heavy hauling construction equipment and materials on state highways. Construction contractor will obtain, as necessary.
	Air Quality Permit	2	Required for a process or fuel burning unit that emits a pollutant into the ambient air.
Local			
Codington County	Building Permits or Conditional Use Permits; Road Crossing Agreements; Oversize/overweight Permit	2	Permit required for a transmission line.
Townships	Road Crossing Agreements; Oversize/overweight Permit	2	The Project will require crossing agreements.
*Status Explanation: 1: Applied – decision pending 2: Final design will determine whether the permit/approval is required, or final layout is needed for permit application.			

1

2

1 **Q. PLEASE ELABORATE ON THE STATUS OF THE COUNTY CONDITIONAL**
2 **USE PERMITS.**

3 A. The Applicant is in the process of preparing applications for building permits and/or
4 conditional use permit with Codington County. The Applicant anticipates filing this
5 application in a timely manner such that they are reviewed and approved prior to the
6 commencement of construction on the Project.

7
8 **Q. ARE ALL OTHER PERMITS, APPROVALS, AND PERMITS PROGRESSING**
9 **IN A MANNER THAT SUPPORTS THE COMMERCIAL OPERATIONS OF**
10 **THE PROJECT BY THE END OF 2019?**

11 A. Yes. The timing of the other permits, approvals, and coordination supports the ability of
12 the Applicant to construct and operate the Project by the end of 2019.

13
14 **BENEFITS OF THE PROJECT**

15 **Q. ARE THERE ANY BENEFITS ASSOCIATED WITH THE PROJECT FOR**
16 **SOUTH DAKOTA?**

17 A. Yes, South Dakota will benefit from the proposed Project. Specifically, the Project will
18 produce the following benefits: (1) the delivery of 300 MWs of zero-emissions wind
19 energy; (2) the creation of 50 temporary construction jobs, which will include employing
20 local workers if qualified and available; (3) supporting the local economy through the
21 purchase of regional goods and services, including increasing the use of hotels and
22 restaurants in Codington Counties; (4) the creation of two permanent operation and
23 maintenance jobs; (5) increasing sales/use tax and contractor excise tax revenues; and (6)

1 as explained in the Application, approximately \$10 million in capital investment within
2 the state of South Dakota.

3

4 **Q. HOW MANY HOMES CAN BE SERVED BY THE CLEAN ENERGY THAT THE**
5 **PROJECT WILL DELIVER?**

6 A. The Project will deliver enough energy to power more than 150,000 homes.

7

8 **Q. HOW WILL THE PROJECT INCREASE THE CONTRIBUTIONS TO**
9 **SALES/USE TAX AND CONTRACTOR EXCISE TAX?**

10 A. Under the Applicant's understanding of current South Dakota sales and use tax law, the
11 Applicant estimates the amount of sales/use tax revenue increases that will be associated
12 with the construction of the Project is approximately \$1.5 million.

13

14 **CONCLUSION**

15

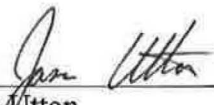
16 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

17 A. Yes, it does.

18

STATE OF FLORIDA)
) ss
COUNTY OF PALM BEACH)

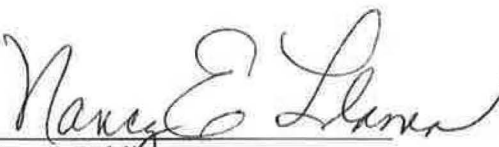
I, Jason Utton, being duly sworn on oath, depose and state that I am the witness identified in the foregoing prepared testimony and I am familiar with its contents, and that the facts set forth are true to the best of my knowledge, information and belief.



Jason Utton

Subscribed and sworn to before me this 10 day of
April 2018.

SEAL



Notary Public

My Commission Expires _____

