BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

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IN THE **MATTER** OF THE **APPLICATION OF DAKOTA RANGE III, LLC FOR A PERMIT OF A WIND ENERGY FACILITY AND A 345-KV** TRANSMISSION LINE IN GRANT AND ROBERTS **COUNTIES.** SOUTH DAKOTA

- **AFFIDAVIT OF JONATHAN KOEHN** * **IN SUPPORT OF REQUEST FOR APPROVAL OF TURBINE MODEL** *
 - CHANGE
 - EL 18-046

STATE OF CALIFORNIA) SS. COUNTY OF SANTA BARBARA)

I, Jonathan Koehn, being first duly sworn on oath, state and allege as follows:

- 1. I am the Vice President of Dakota Range III, LLC ("Dakota Range III"), which is the owner of the Dakota Range III Project ("Project"), currently under development in Grant and Roberts Counties, South Dakota. I have the authority and knowledge to provide this affidavit on behalf of Dakota Range III.
- 2. I am providing this Affidavit pursuant to Condition 22 of the Settlement Stipulation approved by the South Dakota Public Utilities Commission ("Commission") in its February 22, 2019 Order Granting Joint Motion for Approval of Settlement Stipulation and Granting Permits to Construct Facilities ("Order") in the above-referenced docket.
- In its Facility Permit Application ("Application"), Dakota Range III stated that a specific 3. turbine model had not been selected and, at that time, Dakota Range III was considering turbines in the 3.6 megawatt ("MW") to 4.5 MW range with a hub height of up to 105 meters, a rotor diameter of up to 150 meters, and a tip height of up to 180 meters. Dakota Range III provided a preliminary proposed layout based on the Vestas V136-4.2 MW turbine (105-meter hub height, 136-meter rotor diameter, and 173-meter tip height). In its September 4, 2019 pre-construction compliance filing pursuant to Condition 29 of the Settlement Stipulation, Dakota Range III indicated it intended to utilize up to 42 Goldwind 136-4.2 model turbines with a hub height of 110 meters and a tip height of 178 meters.
- 4. Since submitting its September 4, 2019 compliance filing, Dakota Range III has identified a different turbine model that it intends to use: the Nordex N149-4.8 turbine model with an output of 4.8 MW, a hub height of 108 meters, a rotor diameter of 149 meters, and a tip height of 182.5 meters. Using the Nordex N149-4.8 turbine model, the Project would install 32 turbines. A map showing the primary and alternate turbine locations for the Nordex N149-4.8 layout ("Proposed Layout") is attached hereto as Exhibit A.
- 5. The turbine locations identified in **Exhibit** A have not changed from those approved by the Commission and modified by Dakota Range III's September 5, 2019 turbine adjustment

filing. Additionally, Dakota Range III has confirmed that using the proposed Nordex N149-4.8 at the designated turbine locations will comply with all applicable county and state setback, noise, and shadow flicker requirements and commitments.

- 6. Since the turbine model change does not meet the non-material turbine adjustment limitations specified in Condition 22 of the Settlement Stipulation, the turbine model change constitutes a "material change," requiring Dakota Range III to file a request for approval containing the information set forth in Condition 22 of the Settlement Stipulation. The requisite information is provided in the following paragraphs:
 - a. Attached as **Exhibit A** is a figure showing the Proposed Layout, including the 32 turbine locations proposed for the Nordex N149-4.8 turbine model.
 - b. Attached as **Exhibit B** is an updated Sound Level Assessment Report for the Proposed Layout, which demonstrates compliance with the sound level requirements set forth in Condition 27 of the Settlement Stipulation.
 - c. Attached as **Exhibit C** is an updated Shadow Flicker Analysis Report for the Proposed Layout. As indicated in **Exhibit C**, two participating receptors in Roberts County and three participating receptors in Grant County were modeled to potentially exceed 30 hours of shadow flicker per year. Attached as **Exhibit D** are shadow flicker waivers executed by the owners of these receptors. Therefore, the Project meets the shadow flicker level requirements set forth in Condition 29(c) of the Settlement Stipulation.
 - d. No shifts of the previously approved turbine locations are proposed; therefore, the third bullet point of Condition 22 is not applicable.
- 7. The Project turbines continue to be located on land under lease/easement by Dakota Range III for the Project.
- 8. With respect to the Project, including the proposed turbine model change described herein, Dakota Range III will comply with the Commission's Order and all other applicable regulations and requirements.
- 9. Based on the foregoing, Dakota Range III requests approval of the proposed turbine model change.

FURTHER AFFIANT SAYETH NOT,

DAKOTA RANGE III, LLC

Dated this 21 day of January, 2020.

Jonathan Koehn, Vice President

Subscribed and sworn to before me on this ____ day of January, 2020.

Notary Public

My Commission Expires:

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CALIFORNIA JURAT WITH AFFIANT STATEMENT

See Attached Document (Notary to cross out lines 1–6 below) □ See Statement Below (Lines 1–6 to be completed only by document signer[s], not Notary) Signature of Document Signer No. 1 Signature of Document Signer No. 2 (if any) A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document. State of California Subscribed and sworn to (or affirmed) before me County of Santa Barbara on this 27th day of January Month Date by (1) Jonathan S. Koehn e., (and (2) Name(s) of Signer(s) KATHERINE A. DOWLING Notary Public - California Santa Barbara County proved to me on the basis of satisfactory evidence Commission # 2166825 to be the person(s) who appeared before me. My Comm. Expires Nov 1, 2020 Signature Signature of Notary Public Seal Place Notary Seal Above **OPTIONAL** Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document. **Description of Attached Document**

Title or Type of Document:

Document Date:

Number of Pages: _____ Signer(s) Other Than Named Above: __

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