

April 3, 2019

VIA ELECTRONIC FILING

Ms. Patricia Van Gerpen
Executive Secretary
South Dakota Public Utilities Commission
500 E Capitol Ave
Pierre, SD 57501-5070

**RE: In the Matter of the Application by Deuel Harvest Wind Energy LLC for Energy Facility Permits of a Wind Energy Facility and a 345-kV Transmission Line in Deuel County, South Dakota for the Deuel Harvest North Wind Farm Project
Docket EL18-053**

Dear Ms. Van Gerpen:

Deuel Harvest Wind Energy LLC (“Deuel Harvest”) submits this letter to amend its March 28, 2019 Motion to Exclude Portions of the Testimony and/or Exhibits of Intervenors (“Motion”) to request that the Commission also exclude the following additional exhibits submitted with intervenors’ rebuttal testimony:

- Garrett Homan Exhibit B: COPA / SMS Report No. 1101 “Aviation Safety-risk Assessment of The Effect of Wind Turbines on General Aviation Aircraft.”
- Garrett Homan Exhibit F: Confidential Safety Manual (from the Ohio Seneca Wind docket).
- Kilby Exhibit R2: William G. Acker, Some of the Case Studies That Have Convinced Me That Industrial Wind Turbines Make People Sick, Which Supports My Belief That We Can Prove In A Court Of Law That These Wind Turbines Are Causing Annoyance and Illnesses.
- Kilby Exhibit R3: Schmidt JH, Klokker M (2014) Health Effects Related to Wind Turbine Noise Exposure. A Systematic Review. PLoS ONE 9(12); e114183. Doi:10.1371/journal.pone.0114183.

Attorneys & Advisors
main 612.492.7000
fax 612.492.7077
fredlaw.com

Fredrikson & Byron, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, Minnesota
55402-1425

- Kilby Exhibit R4: Comments on the Cooper Study at the Cape Bridgewater Wind Farm and Wind Turbine Infrasonnd by George Hessler, 3/9/2015.
- Kilby Exhibit R5: Paul D. Schomer, Review of this Study and Where It Is Leading: The Results of an Acoustic Testing Program, Cape Bridgewater Wind Farm Prepared for Energy Pacific by Steve Cooper, The Acoustic Group.
- Kilby: Marcillo, O., S. Arrowsmith, P. Blom, and K. Jones (2015), On infrasound generated by wind farms and its propagation in low-altitude tropospheric waveguides, *J. Geophys. Res. Atmos.*, 120, 9855–9868, doi:10.1002/2014JD022821, Abstract (Kilby Response to Staff’s Data Requests, Att. 3). Note that although this document was not submitted as an exhibit to Intervenor Kilby’s rebuttal testimony, she incorporated her Responses to Staff’s Second Set of Data Requests, which included this document.
- Kilby: Kenneth Hume et. al, Effects of Environmental Noise on Sleep, Noise & Health, November-December 2012, Volume 14:61, 297-30, p. 297. (Kilby Response to Staff’s DR 2, Att. 1). Note that although this document was not submitted as an exhibit to Intervenor Kilby’s rebuttal testimony, she incorporated her Responses to Staff’s Second Set of Data Requests, which included this document.
- John Homan: Charles R. Loesch et al., Effect of Wind Energy Development on Breeding Duck Densities in the Prairie Pothole Region.
- John Homan: Jill A. Shaffer and Deborah A. Buhl, Effects of wind-energy facilities on breeding grassland bird distributions.

These documents constitute or contain hearsay and are not based on personal knowledge, and therefore are inadmissible for the reasons set forth in Deuel Harvest’s March 28, 2019 Motion.

Ms. Patricia Van Gerpen
April 3, 2019
Page 3

If you have any questions, please let me know.

Sincerely,

/s/ Lisa Agrimonti

Lisa Agrimonti
Attorney at Law

Direct Dial: 612.492.7344

Email: lagrimonti@fredlaw.com

Enclosures

cc: Service List

66371622.1