

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

IN THE MATTER OF THE)	
APPLICATION OF CROWNED)	
RIDGE WIND, LLC FOR A)	ANSWER
A WIND ENERGY)	
FACILITY IN GRANT)	
AND CODINGTON COUNTIES)	
		EL-19-003

**ANSWER OF
CROWNED RIDGE WIND, LLC**

I. Introduction

1. Pursuant to ARSD 20:10:01:30.02, Crowned Ridge Wind, LLC (“CRW”) respectfully submits an answer to the July 29, 2021 Motion of Ms. Amber Christenson (“Motion”) requesting the Commission rehear its April 4, 2021 Order approving Crowned Ridge Wind, LLC’s (“CRW”) Mitigation Plan with the following conditions:

- 1) work to obtain waivers of Condition No. 26 from the affected landowners;
- 2) utilize Winter Ice Operations Mode on the wind turbines at all times;
- 3) conduct an additional sound study during the Fall of 2021 during similar weather patterns as to those experienced during the Fall of 2020 sound study; and
- 4) include the Lindgren residence in the additional sound study to be completed in Fall of 2021.

Specifically, Ms. Christenson seeks to have her residence added in the 2021 Fall sound study. However, on its face, the Motion is legally defective, and, therefore, should be denied.

II. The Motion is legally defective

2. Under the Commission’s rules, a motion for rehearing is due within 30 days of the issuance of the Commission decision or order. *See*, ARSD 20:10:01:30.01. The instant Motion, which was filed almost 3 months past the deadline to submit a motion to rehear the Commission’s

April 4, 2021 decision, seeks to rehear the Commission's decision to not include Ms. Christenson's residence as a location to be studied in the 2021 Fall sound study. Thus, on its face, the Motion cannot be squared with the clear deadline mandated by ARSD 20:10:01:30.01. Furthermore, Ms. Christenson acknowledges that she was part of the Commission's April 1, 2021 discussion on the Mitigation Plan (Motion at 1). Therefore, Ms. Christenson had notice and an opportunity to address the Commission on the locations in the Mitigation Plan, which further underscores the inappropriateness of the Motion seeking to take the Commission back to the April 1, 2021 to rehear those deliberations. For these reasons, the Motion should be denied.

III. The Motion is technically deficient

3. Even if the Motion was not required to be denied because it is out of time, it has no technical foundation and should be denied. It is undisputed that Ms. Christenson is not a sound study expert, and, therefore, again on their face, her assertions related to the technical sufficiency of the upcoming sound study have no foundation. For example, she claims that Crowned Ridge Wind II wind turbines should be shut down during any shutdown of the CRW wind turbines. That assertion is overly board and not technically correct. Not all CRW and Crowned Ridge Wind II wind turbines are implicated by the upcoming sound study, and, therefore, it is incorrect to infer that all wind turbines need to be shutdown. As in the past studies, Richard Lampeter of Epsilon Associates will determine which CRW, and, if needed, Crowned Ridge Wind II wind turbines need to be curtailed to ensure the sound study can isolate a wind turbine only sound. Also, as in the past, Richard Lampeter will consult with Staff's sound expert Mr. Hessler to ensure there is a mutual understanding of the implementation of the sound study protocols approved by the Commission.

4. Further, much of Ms. Christenson's Motion relates to a concern with the placement of the sound equipment during the Fall of 2020 sound study, a sound study report that was filed over 6 months ago on January 15, 2021. Again Ms. Christenson comments are untimely. The January 15, 2021 sound study report was considered as part of the April 1, 2021 deliberations on the Mitigation Plan. To raise the issue now is not only untimely, it fails to recognize that the placement of the sound measuring equipment in the 2020 Fall sound study was closer to the wind turbine, which, in turn, produced a higher wind turbine only sound result. In fact, even with the ambient sound levels of vegetation rustle conservatively considered, during the 38 periods of the 2020 sound study, which satisfied all of the evaluation criteria, the total sound levels (ambient + wind turbines) were at or below the Commission's threshold for sound at a non-participant's residence. Thus, there is no valid technical basis to include Ms. Christenson's residence in the Fall 2021 sound study due to the placement of sound measuring equipment in the 2020 Fall sound study.

5. Additionally, the April 4, 2021 Order requires the studying of locations based on the results of the Fall 2020 sound study report showing an atypical exceedance. Unlike the Fall of 2020 sound study, the Fall 2021 sound study requires that an acoustical consultant frequently visit the sound study locations to make observations to assist in the analysis of the sound study data. Adding Ms. Christenson's residence would result in less observations of the locations in which the Fall 2020 study indicated an atypical exceedance, which, in turn, could dilute the upcoming sound study. As shown in CRW's March 8, 2021 filing, Ms. Christenson residence is at least 2 miles away from the three locations that showed an exceedance in the Fall 2020 sound study, which further shows a lack of a technical basis upon which to include her residence in the sound study. Accordingly, the Motion is without technical merit.

III. Conclusion

6. For the reasons set forth herein, the Motion should be denied. If the Commission considers the Motion during a meeting, CRW will make Mr. Lampeter available to address questions from the Commission on the technical deficiencies of the Motion.

August 3, 2021

/s/ Miles Schumacher

Miles Schumacher
Lynn, Jackson, Shultz & Lebrun, P.C.
110 N. Minnesota Ave., Suite 400
Sioux Falls, SD 57104

Brian J. Murphy
Managing Attorney
NextEra Energy Resources, LLC
700 Universe Boulevard
Juno Beach, Florida 33408
Brian.J.Murphy@nee.com
Office (561) 694-3814
Admitted Pro Hac Vice

Attorneys for Crowned Ridge Wind, LLC