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From the office of Miles F. Schumacher
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May 11, 2022

Ms. Patricia Van Gerpen, Executive Director
South Dakota Public Utilities Commission
Capital Building, 1st Floor
500 East Capital Avenue
Pierre, SD 57501-5070

Re: Docket #EL19-003; Application to the SD PUC for a Facility Permit to Construct
A 300 megawatt Wind Facility

Dear Ms. Van Gerpen:

On February 4, 2022, Crowned Ridge Wind, LLC (“Crowned Ridge Wind”) submitted a Sound Level Compliance Evaluation Report (“Sound Report”) showing Crowned Ridge Wind is in compliance with the Commission’s sound thresholds. On April 11, 2022, Commission’s Staff’s expert David Hessler submitted a report, which also concluded that Crowned Ridge Wind is in compliance with the Commission’s sound thresholds. On April 21, 2022, Amber Christenson submitted data requests to Crowned Ridge Wind and its third-party consultant Epsilon Associates, Inc. related to the Sound Report. On April 27, 2022 Allen Robish, by and through his attorney Shawn Tornow, submitted data requests to Crowned Ridge Wind.

Data requests are only properly served in a contested case under SDCL Chapter 1-26. Commission Docket EL19-003 is no longer a contested case. Accordingly, Crowned Ridge Wind objects to the data requests submitted by Christenson and Robish because there is no legal obligation on Crowned Ridge Wind to respond. Subject to and without waiving this general objection and specific objections set forth in the responses, Crowned Ridge Wind submits the attached responses to the data requests of Christenson and Robish. Crowned Ridge Wind submits the attached responses for the sole purpose of facilitating, to the extent needed, the Commission’s review of the Sound Report.

Yours very truly,

LYNN, JACKSON, SHULTZ & LEBRUN, P.C.


Miles F. Schumacher

Responses

Christenson Requests

- 1-1) To Epsilon: Sound levels in your report are presented as whole decibels. Please provide sound levels including the fractions in the Wind Turbine Only sound profiles.

Response: Crowned Ridge Wind objects to the information requested in 1-1 as not relevant to the determination of compliance in the Sound Report. Crowned Ridge Wind also objects to 1-1 as burdensome, because the requested information that does not exist, and Crowned Ridge Wind and Epsilon are under no obligation to create the information. Subject to and without waiving these objections, Crowned Ridge Wind and Epsilon respond that no rounding of decibel levels impacted the Sound Report's determination that Crowned Ridge Wind is in compliance with the Commission's sound thresholds (*i.e.*, evaluation of compliance with the Commission's wind turbine only sound level). For additional context, sound levels are typically reported in whole decibels in sound studies and is consistent with the presentation of results in the Technical Report submitted by Staff's expert Hessler Associates, Inc. For example, final values are rounded to the nearest whole value: 40.5 dBA is presented as 41 dBA and 40.1 dBA is presented as 40 dBA.

- 1-2) To Epsilon: Please list the five turbines you determined to be closest to each test location in the Crowned Ridge Wind project.

Response: The five closest wind turbines to each location are identified in Appendix D of the Epsilon report. For convenience, the five closets wind turbines are listed per location:

- Location 3A – Wind Turbines 21, 23, 22, 24, 14
- Location 6 – Wind Turbines 38, 37, 28, 36, 51
- Location 7 – Wind Turbines 33, 34, 32, 43, 42
- Location 8 – Wind Turbines 81, 75, 76, 80, 82
- Location 9 – Wind Turbines 26, 25, 35, 34, 22

- 1-3) To Epsilon: Please explain the difference in equipment 377B20 vs 377C20. Please explain why each version was chosen for the specific location.

Response: Crowned Ridge Wind objects to the information requested in 1-3 as not relevant to the determination of compliance in the Sound Report. Subject to and without waiving these specific objections, Crowned Ridge Wind and Epsilon respond that the manufacturer of these microphones, PCB, discontinued the model 377B20 microphone and replaced it with the model 377C20. Both models are random-incidence ½-inch

microphones with comparable specifications. Both sound level meter setups, (*i.e.*, the meters with the 377B20 mic and the meters with the 377C20 mic) meet the “Type 1 Precision” requirements set forth in American National Standards Institute S1.4-2014 (R2019) standard for sound level meters. All meters were calibrated and certified as accurate to standards set by the National Institute of Standards and Technology by an independent laboratory within the past 12 months of the measurement period. Microphone use and selection was based on availability of equipment at Epsilon. The use of either mic would not impact the findings with respect to Crowned Ridge Wind’s compliance the 45 nonparticipant and 50 participant dBA sound level limits.

- 1-4) Please provide the data showing when WIOM activated, specifically which turbines and the times WIOM was being utilized.

Response: Please see Attachment 1.

- 1-5) Please describe the operation of WIOM. In your response, please include in the explanation if the function of WIOM to feather blades, but not shut down a turbine due to icing? Please explain.

Response: Crowned Ridge Wind objects to the information requested in 1-5 as not relevant to the determination of compliance in the Sound Report and as vague in that WIOM does not result in the shutdown of a wind turbine. Subject to and without waiving these objections, Crowned Ridge Wind responds: Please see Attachment 2.

- 1-6) Please identify any other project owned or operated by NextEra which utilizes WIOM technology.

Response: Crowned Ridge Wind objects to the information requested in 1-6 as not relevant to the Sound Report. Subject to and without waiving this objection Crowned Ridge Wind responds there are other wind projects owned and operated by NextEra Energy Resources subsidiaries that utilize WIOM.

- 1-7) Please provide a list of the turbines which were shut down for maintenance reasons during the sound testing period, 11/2/22-11/18/22. Specifically provide which turbines, dates and times each of the turbines was out of service.

Response: Crowned Ridge Wind objects to the information requested in 1-7 as not relevant to the determination of compliance in the Sound Report. Only the five closest wind turbines to the selected locations are applicable for the purpose of measuring compliance with the Commission’s sound thresholds. Subject to and without waiving this object Crowned Ridge Wind and Epsilon respond: Epsilon’s evaluation of the periods without maintenance were sufficient to determine compliance for the Commission’s sound

thresholds. Please see Attachment 3, which lists the maintenance on wind turbines within 1.75 miles of the selected locations, which conservatively extends beyond the five closest wind turbines and is consistent with the distance utilized when shutting down wind turbines for background measurements.

- 1-8) Please provide wind turbine output ranges for each of the 5 closest turbines to each test location during the sound study testing in November 2021. Also provide the output ranges for the 5 closest turbines to the test locations which were part of the October 2020 sound study. Specifically focus on power output one hour before and after each shutdown and during the shutdown periods.

Response: Crowned Ridge Wind objects to the information requested in 1-8 as not relevant to the determination of compliance in the Sound Report. Subject to and without waiving this objection, Crowned Ridge Wind responds that the information requested was not calculated and Crowned Ridge Wind is under no obligation to create information that does not exist. Therefore, there is no information to provide in response to 1-8.

- 1-9) Please provide the specific output of turbines during MISO curtailments. Be turbine specific as to which turbines were shut down or reduced in power, dates and times.

Response: Crowned Ridge Wind objects to the information requested in 1-9 as not relevant to the determination of compliance in the Sound Report. Subject to and without waiving this objection, Crowned Ridge Wind responds: Please see Appendix D to the Sound Report.

Robish Requests

1. During the Fall 2021 Sound Study, there were numerous times where Crowned Ridge Wind alleges that MISO requested a curtailment of turbines – in doing so, who specifically determined which turbines were to be curtailed and to what level was each such turbine curtailed?

Response: Crowned Ridge Wind objects to the information requested in 1 as not relevant to the determination of compliance in the Sound Report. Subject to and without waiving this objection, Crowned Ridge Wind responds that MISO implemented full site curtailments. For a full site curtailment, all of the Crowned Ridge Wind turbines were curtailed, with the understanding that 1 or 2 wind turbines continue to operate.

2. Knowing that the ordered mitigation plan required that the 2021 Study be conducted during similar weather patterns as present during the October 2020 Sound Study, Intervenor Robish respectfully requests to be provided weather data/patterns comparing October 2020 to the November 2021 study timeframe of said weather data/patterns. Be specific.

Response: Please see Appendix A of the Sound Report and the following link for weather data for the Watertown, SD:

<https://www.wunderground.com/history/weekly/us/sd/watertown>

3. Please identify who, when and why were the initial three (3) properties selected to be Sound Study tested in 2021 and, as such, why was an unoccupied property selected for testing as opposed to such Sound Study testing at a location like Robert Welder's property which has otherwise been determined to be out of compliance? Be specific.

Response: Crowned Ridge Wind objects to the information requested in 3 as not relevant to the determination of compliance in the Sound Report. Subject to and without waiving this objection, Crowned Ridge Wind responds: Please see Section 6.2 of the Sound Report.