

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

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IN THE MATTER OF THE APPLICATION )  
BY CROWNED RIDGE WIND, LLC FOR A )  
PERMIT OF A WIND ENERGY FACILITY )  
IN GRANT AND CODINGTON COUNTIES )

EL19-003

**APPLICANT'S RESPONSES  
TO INTERVENOR'S FOURTH  
SET OF DATA REQUESTS TO  
CROWNED RIDGE WIND, LLC**

Attached, please find Applicant's Responses to Intervenor's Fourth Set of Data

Requests to Crowned Ridge Wind, LLC.

4-1) Please submit resumes and a description of current state licenses held for the following people:

Tyler Wilhelm  
Sam Massey  
Mark Thompson  
Kimberly Wells  
Sarah Sappington  
Jay Haley

**Response:** See Attachment 1.

**Respondents:** Tyler Wilhelm Project Manager; Sam Massey Director of Renewable Development; Mark Thompson Manager Wind Engineering ; Kimberly Wells Environmental Services Manager; Sarah Sappington, Director; Jay Haley Wind Engineer.



4-2) Please provide the annual balance sheet and annual profit and loss statement for the Applicant for the last 3 years. The undersigned counsel will sign an appropriate protective agreement on this matter.

**Response:** There is no balance sheet or annual profit and loss statement for Crowned Ridge Wind, LLC.

**Respondent:** Sam Massey, Director of Renewable Development

4-3) Please provide the project's capacity factor or explain why the project's capacity factor remains confidential when the actual energy production will be reported to FERC on a regular basis and public basis.

**Response:** The Project estimates an average net capacity factor of approximately [REDACTED] annually for the life of the Project.

**Respondent:** Tyler Wilhelm, Project Manager

4-4) Please provide GE safety manual or explain how the manual could be considered a proprietary trade secret when it is available to any purchaser of a GE turbine.

**Response:** On May 13, 2019 Crowned Ridge Wind provided counsel for Intervenors a standard protective agreement. Crowned Ridge Wind sought and obtained the express consent from GE to provide the safety manual to Intervenors' counsel for his eyes only, provided he executes the protective agreement. The protective agreement is attached as Attachment 1. The GE safety manual will only be provided after counsel for Intervenors executes the protective agreement.

The GE safety manual contains the proprietary and confidential work product of GE, and, therefore, falls within the definition confidential information set forth in SDCL 15-6-26(c)(7); and Commission Rule 21:10:01:39: “. . . a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way.” SDCL 37-29-1 defines a trade secret as

. . . information, including a formula, pattern, compilation, program, device, method, technique or process, that:

(i) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and

(ii) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

GE has expended time, money, and resources to develop the safety manual, and, therefore it has independent economic value to GE. To publicly disclose the manual would harm the competitive position of GE in that it would give providers of similar competitive services information useful in making their own decisions, without expending the time and money necessary to gather and develop the data, and would allow providers of competitive services to profit or otherwise derive benefits at the expense of GE. Further, the GE safety manual explicitly prohibits the copying or disclosure of the manual to others without the express consent of GE, and, therefore, GE is taking reasonable steps to maintain its secrecy. Consistent with GE's protection of its proprietary and confidential information, GE has only consented for Intervenors' counsel to obtain a “for his eyes only” copy of the safety manual if he executes the attached protective agreement.

**Respondent:** Miles Schumacher, Attorney

4-5) Provide the Findings of Fact for the April 8<sup>th</sup> CUP permit approval.

**Response:** Please see Attachment 1.

**Respondent:** Miles Schumacher, Attorney

4-6) Will crane paths cross any Prairie Pothole Region Fens?

**Response:** Review of the Construction Easement and crane path locations reveals that the crane paths do not cross Prairie Pothole Region Fens.

**Respondents:** Tyler Wilhelm, Project Manager and Sarah Sappington, Director.

4-7) Has NextEra or any affiliates of NextEra in the United State caused a lien to be placed on land owned by landowners, because of nonpayment or dispute over payment concerning construction contracts?

**Response:** Crowned Ridge Wind objects to the question on the grounds that it is overly broad and not relevant to the proceeding. Subject to and without waiving this objection, Crowned Ridge Wind provides the following answer:

No.

**Respondent:** Sam Massey, Director Renewable Development

4-8) Why does neither map show rural water lines in the project boundary?

**Response:** There is no requirement to provide a map showing rural water lines within the project boundary. ARSD 20:10:22:18(1)(k) does require that groundwater sources be shown on a map, which is represented as undifferentiated glacial outwash deposits shown in Application Exhibit 9a.

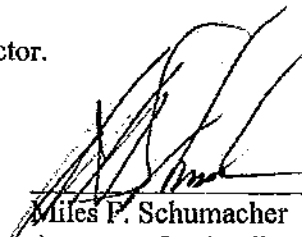
Also, review of SDDENR drillers logs reveals that the Grant-Roberts Rural Water System wells are located to the east of the project boundary.

The South Dakota Association of Rural Water Systems (SDARWS) website (<http://www.sdarws.com/rural-water-systems.html>) lists the following systems as serving communities in the project boundary:

- The Brookings – Deuel Rural Water System serves several communities within Brookings and Deuel Counties, and portions of Grant County, but none of the communities lie within the project boundary.
- The Sioux Rural Water System serves several communities within Codington, Clark, Deuel, and Hamlin Counties, with the Town of Waverly being the only community within the project boundary.

Review of the Shallow Groundwater Protection Zones and Wellhead Protection Area (WHPA) Maps for Codington and Grant Counties reveals that an approximately 42.7-acre triangle-shaped parcel of land within the project boundary overlies a declared WHPA in Grant County that is located in the SE¼ Section 33, T120N, R51W. The closest point of the Construction Easement for CRI Wind Turbine 13 is approximately 312 feet to the southwest of the WHPA boundary, while the tower itself is located approximately 545 feet southwest of the boundary.

**Respondent:** Sarah Sappington, Director.



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