

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

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

IN THE MATTER OF THE)
STAFF’S PETITION FOR)
A SHOW CAUSE ORDER) **EL 20-002**
REGARDING)
CROWNED RIDGE WIND, LLC)

**INTERVENOR’S IMMEDIATE OPPOSITION TO CROWNED RIDGE WIND LLC’S
RESPONSE and ITS UNSUPPORTED REQUEST TO DISMISS**

On May 26, 2020, CRW submitted its unsupported “Response and Request to Dismiss [Intervenor’s] Complaint.” Contrary to Crowned Ridge Wind’s affidavit-less response earlier today, however, the long-required/mandated ADLS system for the wind facility in question was (admittedly) not (in April or May, nor any time since the commencement of commercial operations) fully compliant with South Dakota’s requirements for aircraft detection lighting systems. As required:

For any wind energy facility that receives a permit under this chapter after July 1, 2019, the facility shall be equipped with an aircraft detection lighting system that meets the requirements set forth by the Federal Aviation Administration for obstruction marking and lighting in Chapter 14 of FAA Advisory Circular (AC) 70/7460-1L, “Obstruction Marking and Lighting,” dated December 4, 2015. [Emphasis added]. See, SDCL 49-41B-25.2.

Attached, in turn, are the ADLS requirements, as related to what has been required by South Dakota law since July 1, 2019. As noted, the (attached) FAA requirements appear to specifically mandate that the required ADLS system activate warning lights (only) when aircraft enter into a three-dimensional area around the wind turbines. Despite Crowned Ridge Wind’s false assurances to the contrary, as of April 27, 2020 and after, the ADLS system in question was *not* properly operational based on the attached requirements in either April or May 2020. That is to say, as specifically noted at pages 14-1 and 14-2, the time of correct operational illumination would be either, seven (7) minutes for a single obstruction; or, as noted, x 90 seconds for multiple/groups of obstructions. Crowned Ridge’s unreasonable and nonsensical feigned argument to the contrary that having such (intrusive and annoying) lighting illuminated for up to over eight (8) hours on or during a nine (9) hour overnight time-period defies even the most elemental logic – and almost certainly cannot be squared-up with supposed “false positive activations”, as unsupportedly alleged.

Moreover, even though Mr. Schumacher attempts to advance his unmeritorious “even though it’s not at all working correctly - it’s nevertheless operational” obviously asinine argument on a clear hearsay-based (alleged) “Table 1” (with absolutely no explanation of who supposedly compiled it nor any reference to when or how any such alleged data was compiled or where submitted from); even from Crowned Ridge’s unsupported and, almost certainly, pro-wind generous “Table” timings – even such timing shows that the ADLS lighting is, contrary to FAA regulations, not operating correctly for, on average, over a whopping four (4) hours a night, for the 27-days claimed. Over four (4) hours of incessant and annoyingly intrusive blinking/flashing red lights in the area when – under the governing regulations – that should most likely/typically be somewhere in the 7-14-21-28 minute range of operation on an “average” night. Fortunately for Crowned Ridge, this table begins at 4/28; now, imagine had Crowned Ridge chronicled the additional 4-5 hours of blinking lights we endured during the long winter nights when the sun set at 5 pm.

Suffice it to say, that at this late date - from and after July 1, 2019, and, even after April 27, 2020 - to now claim, absent any supporting affidavit or factual support whatsoever, that Crowned Ridge should somehow hereafter be claiming some type of supposed *need* to be allowed even MORE time (until at least August 1st?) is outrageous, offensive, unreasonable and entirely unacceptable to ALL persons to live everyday – and night – with this belated non-operational mess.

Respectfully submitted,

/s/Amber K. Christenson
Intervenor