

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

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

Complaint, by Intervener, Kristi Mogen, CRW local agency violations. CRW is in Violation of Condition No. 2 the ORDER Granting Permit to Construct Facility (ORDER)

On July 26, 2019 the South Dakota Public Utilities Commission (Commission) filed the Final Decision and Order Granting Permit to Construct Facility (ORDER) including Procedural History, Findings of Fact, including No.5 "...The Project is situated within an approximately 53, 186-acre Project Area and will include the following: (i) up to 130 GE 2.3 MW wind turbine generators; ..." and 45 Conditions, including Condition No.2 "**Applicant shall construct, operate, and maintain the Project in a manner consistent** with (1) descriptions in the Application, (2) Application supplements and corrections, (3) commitments made by Applicant in response to data requests, (4) the Final Decision and Order Granting Permit to Construct Facility, and attached Permit Conditions, (5) all applicable industry standards, (6) all applicable permits issued by a federal, state, or local agency with jurisdiction over the Project, and (7) evidence presented by Applicant at the evidentiary hearing."

On August 12, 2019, CRW filed Notice for Start of Construction Letter with the PUC. The Letter stated "Crowned Ridge Wind, LLC (CRW) plans to commence construction ... located in Grant and Codington County, South Dakota no earlier than **August 29, 2019.**"

According to CRW documents filed on December 13, 2019, CRW is in violation of local agency, Codington, Grant County CUPs, and is violation requirements of Condition No. 2 of the ORDER.

On December 13, 2019, CRW filed Attachment 1- Sound Modeling Table (curtailment) and Attachment 2 – Sound Modeling Table (with LNTE).

This table shows all turbines in the CRW Facility are 2.3MW

In Exhibit A20-18 and A20-19 CRW presented Codington County with 13 - 1.7MW 103 RD (rotary diameter) 80-meter hub height turbines. These turbine numbers are CRI-153, 155, 169, 172, 173,178, 180, 181, 185, 187, 188, 192, and 194

Not one of the above-mentioned 13 turbines were constructed as stated in the CUP Application. Instead according to documents filed by CRW on December 13, 2019 CRW only constructed 2.3 MW 116RD with varying hub heights.

In Exhibit A20-5 CRW presented Grant County with CRI-120 as a 1.7 MW turbine. During the recorded Grant CUP hearing CRW representative Tyler Wilhelm stated the 1.7 MW turbine was need to be in compliance with Grant County sound and flicker ordinance.

The above-mentioned CRI-120 turbine CRW did not construct the turbine as stated in the CUP Application. Instead according to documents filed by CRW on December 13, 2019 CRW only constructed 2.3 MW 116RD with varying hub heights

In both counties Findings of Fact, the local, Codington and Grant Board of Adjustments relied on the information in CRW CUP Applications to grant approval of the CUPs. The CRW Application in both counties became part of the Findings of Fact and Conditions. Neither Codington nor Grant County CUPs allow CRW to change the size of turbines from what CRW presented in the CUP Applications.

CRW has CUPs with the local agencies, the State PUC, the FAA, DENR to name a few. **One Permit does not supersede another Permit. CRW must each permits requirements and conditions.**

According to Condition No. 2 of the ORDER,

“Applicant shall construct, operate, and maintain the Project in a manner consistent with (1) descriptions in the Application, (2) Application supplements and corrections, (3) commitments made by Applicant in response to data requests, (4) the Final Decision and Order Granting Permit to Construct Facility, and attached Permit Conditions, (5) all applicable industry standards, (6) **all applicable permits issued by a federal, state, or local agency with jurisdiction over the Project**, and (7) evidence presented by Applicant at the evidentiary hearing.”

The Commission should remind CRW that local control is important to South Dakotans. The Commission should Sanction CRW and Initiate an Onsite

Compliance Investigation by a Third Party (approved by the Intervenors) and in Accordance with SDCL 49-41B-33 Revocation of the ORDER filed July 26, 2019