

**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 Kristi Mogen, CRW did not construct the Facility in a manner consistent with the Findings of Fact and/or Condition No.2 of the ORDER. CRW is in Violation of Condition No. 2 the ORDER Granting Permit to Construct Facility (ORDER) and SDCL 49-41B-4 “Any Facility, with respect to a permit required, shall thereafter be constructed, operated, and maintained in conformity with such permit including any terms, conditions, or modifications contained therein.”

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 photographic evidence, CRW constructed an unknown amount of 2.7MW wind turbine generators. CRW in violation with the 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).

Portions of these two tables are attached with Exhibit A22-1 and Exhibit A22-3 as **Mogen 12-13-2019 & Exhibit A22-1 & A22-3.**

Until the CRW Waiver Request, Exhibit A22-1 and Exhibit A22-3 were the last complete tables presented by CRW that shows turbine locations, **size**, hub height, and sound profile.

In the Findings of Fact “III. PROJECT DESCRIPTION. 5. The Project is up to 300 MW wind facility ... will include the following: (i) **up to 130 GE 2.3 MW wind turbine generators;**”

Mogen Attachments 1-4, affidavit and photos of information affixed to the nacelles in the CRW Project, provided by Kristi Mogen. CRW used an unknown number of unauthorized 2.7 MW wind turbine generators in the Facility.

Mogen Attachment 5, GE information on 2.7 MW turbines provides information consistent with information in the photographs taken by Kristi Mogen during the construction phase of the CRW Facility.

Nowhere in the CRW in the Application, Application supplements and corrections, responses to data requests, and/or evidence presented by CRW at the evidentiary hearing did CRW ever mention the use of 2.7 MW wind turbine generators

Nowhere in the local agency CUP Applications did CRW ever mention the use of 2.7 MW wind turbine generators in the CRW Facility.

Nowhere in the ORDER allows for changes in Wind turbine generator size. Condition 22 allows for change in location In addition, change in model... but not a change in size of wind turbine generators.

CRW is not authorized to use 2.7 MW wind turbine generators in the Facility

CRW may argue that it is permitted to construct up to 300 MW, however Finding of Fact III, 5 states (i) up to 130 GE 2.3 MW wind turbine generators. The **ORDER only permits GE 2.3 MW wind turbine generators.**

The CRW change in wind turbine generator size not only brings questions concerning noise levels exceeding condition No. 26. but also is **CRW trying to**

cheat State of South Dakota out of Revenue based on nameplate and production. The change in wind generator size demonstrates CRW disregard to the Commission, Staff, Intervenors, the Public and the permitting process, and the Conditions of permits granted by the Federal, State, and Local Regulatory Agencies.

CRW has removed all possibility the Intervenors received a fair tribunal and CRW has cause harm denying the Intervenors due process rights during the SDPUC permitting process. CRW has removed the Commissions ability to meet SDCL requirement “to ensure that the location, construction, and operation of the facilities will produce minimal adverse effects on the environment or the citizens of this state...” SDCL 49-41B-1.

The Commission should act swiftly and harshly because of CRW clear and deliberate violations of the ORDER and laws of South Dakota. The Commission must send a message to all Permit Applicants and Holders, the Commission is not only a Permitting Agency of the State of South Dakota; **The Commission is a REGULATORY AGENCY and it will not put up with such disregard to the State and its laws, rules and conditions. The Commission should Sanction CRW, 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.**