

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 changed turbine locations of Wind Turbines in the Facility. CRW is in Violation of Condition No. 2 and may be in violation of Condition No. 34 of 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.**”

CRW changed turbine locations. CRW does not comply with the requirements of Condition No.2 and Condition No. 22 of the ORDER and SDCL 49-41B-4.

On June 11, 2019, CRW filed Exhibit A55 showing proposed turbine drops and shifts. CRW did not provide UTM coordinate for proposed turbine location adjustments. The December 13, 2019 is the first time the coordinates for turbines CRI-50 and CRI- ALT 22 have been revealed to the Commission, Intervenors, the Public.

On September 7, 2019 CRW filed a revised turbine location for CRI-C62.

On September 23, 2019 CRW filed a revised turbine location for CRI-52.

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 **Mogen 12-13-2019 & Exhibit A22-1 & A22-3.**

Until the CRW Waiver Request on December 13, 2019 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.

Comparing Attachment 1- Sound Modeling Table (curtailment) and Attachment 2 – Sound Modeling Table (with LNTE) to Exhibit A22-1 and Exhibit A-22-3, **Turbine UTM coordinates have changed for turbines CRI-50 and CRI-ALT 22.**

It is unknown if the turbine location adjustments comply with Condition No. 22, as **it is unknown if the turbine location adjustments are under 250 feet.**

CRW does not comply with Condition No. 22 of the ORDER as it did not give proper prior notice.

Has CRW notified and received a DNH from the FAA, which only allows moves of 1 degree, or in our area around 100 feet?

It is concerning CRW made turbine location adjustments without meeting the prior notice requirements, not only turbine location adjustments affect noise and flicker but unauthorized turbine location adjustments can have serious consequences. At the June 11, 2019 evidentiary hearing Mr. Ganje on behalf of the Intervenors “Has any NextEra facility in the State of South Dakota ever been involved in an aeronautical accident where an airplane flew into one of the towers owned or operated by NextEra?” CRW representative, NEER employee, Tyler Wilhelm “I am aware of such an incident. I do know that it took place in South Dakota.”

The Commission must tell CRW that unknown turbine adjustments may affect the health safety and welfare of people and it will not be tolerated. The

Commission should Initiate an Onsite Compliance Investigation by a Third Party (approved by the Intervenors) to confirm CRW constructed Turbines in locations provided to the Commission.