

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 started construction of the Facility, specifically the OM building before obtaining a Permit by the PUC. Condition No. 4 requires at least a 14-day notice to landowners prior to commencement of construction and SDCL 49-41B-4 “Permit required before construction of facility after certain date. No utility may begin construction of a facility in the state on or after July 1, 1979, without first having obtained a permit issued with respect to such facility by the Public Utilities Commission pursuant to this chapter. No such permit is required for an associated facility to be constructed for the purpose of transporting water if the water management board has issued a permit to appropriate water for the use to be made by that facility. Any facility, with respect to which a permit is required, shall thereafter be constructed, operated, and maintained in conformity with such permit including any terms, conditions, or modifications contained therein”

On April 25, 2019, Intervenors filed a Motion to Dismiss, based on CRW failed to follow the law. In the Motion to Dismiss, paragraph four, an applicant is required to disclose ... ARSD 20: 10:22:33:02 “(11) of the Rule. The Application did not disclose the conductor configuration and size, length of span between structures, and number of circuits per pole or tower for any electric interconnection facilities pursuant to subsection”

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.**”

Because CRW did not provide descriptions of interconnection facilities in the CRW Application for a PUC Permit, the Intervenor could not discern if the CRW Construction started on July 12, 2019 was part of the interconnection facilities or part of the CRW Facility in Docket 19-003.

Using the Codington County CRW OM Building Permit information (attached), Kristi Mogen believes based on photographic evidence taken on July 12, 2019 by her daughter. CRW did in fact start construction of the OM building before obtaining a permit for the Facility by the Commission. See the four attachments, Katie July 12, 2019.

These photographs show the excavation of the Codington County Permitted OM building site. In the Codington County OM building permit, the OM building site is north of the Substation with a driveway in-between the OM building and the Substation. In the attachment, labeled “om building” there is a driveway in the middle of both excavated sites. The photographs were taken on July 12, 2019 from the north side, and show excavation of the OM Building.

CRW started construction of the OM Building Site for the CRW Wind Turbine Facility on July 12, 2019. CRW obtained a PUC Permit on July 26, 2019, with the condition No. 4 requiring CRW to notify landowners at least 14 days prior to commencement of construction. CRW notified landowners commencement of construction would be August 29, 2019, even though CRW had already started construction.

On May 14, 2019 an well publicized <https://www.inforum.com/news/government-and-politics/1022562-SD-Public-Utilities-Commission-issues-30000-max-fine-for-southeastern-wind-farms->

[permit-violation](#) the Commission Fined Prevailing Winds for starting construction earlier than allowed.

I, Kristi Mogen ask the Commission to fine CRW the maximum fine for starting construction earlier than allowed, August 29, 2019.