

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

IN THE MATTER OF THE APPLICATION)	
BY CROWNED RIDGE WIND, LLC FOR A)	Docket
PERMIT OF A WIND ENERGY FACILITY IN)	
GRANT AND CODINGTON COUNTIES)	EL19-003
)	

Notice of Insufficient Notice for Action and Request to Postpone CRW Request for a Limited and Temporary Waiver to Condition No. 2

Notice to Staff and Commissioners by Intervenors, Amber Christenson, Patrick Lynch, Melissa Lynch, Kristi Mogen and Allen Robish, *insufficient notice* for action in regard to CRW Request for a Limited and Temporary Waiver to Condition No. 2 listed on the Commissioners agenda for the regularly scheduled meeting on December 20, 2019.

On Friday December 13, 2019 Crowned Ridge Wind, LLC (CRW) filed a request for Limited and Temporary Waiver to Condition No. 2 of the South Dakota Public Utilities Commissions (Commission) Final Decision and Order Granting Permit to Construct a Facility, issued July 26, 2019.

The Request for a Limited and Temporary Waiver to Condition No. 2 included 2 technical sound modeling tables and 2 affidavits as well as a letter and the Request for a Limited and Temporary Waiver to Condition No. 2. With just 6 days until the regularly scheduled Commissioners agenda, CRW asked to be placed on the December 20, 2019 Commissioners agenda.

On Friday December 13, 2019 at the Public Utilities Commission notified the Intervenors of the Commissioners agenda for the December 20, 2019 which included CRW request for a Waiver to Condition No. 2 of the South Dakota Public Utilities Commissions (Commission) Final Decision and Order Granting Permit to Construct a Facility, issued July 26, 2019.

The Intervenors first became aware of the Request for a Limited and Temporary Waiver to Condition No. 2, less than 6 hours before December 13, 2019 notification of the Commissions agenda schedule.

The December 13, 2019 notification of the Commissioners agenda schedule, including CRW Request for a Limited and Temporary Waiver to Condition No. 2 for December 20, 2019 is only a 6-day notification to the intervenors. This is insufficient notice and does not meet the 10-day notification standards in South Dakota Codified Law.

Of note, the CRW Emergency Action Plan, filed on December 12, 2019 was not listed for approval on the Commissioners agenda for December 20, 2019. Why would that be, if a filing on December 13, 2019 made it on the Commissioners agenda?

A six-day notice is insufficient time for the Intervenor to evaluate the impacts and technical issues that will arise from CRW Request for a Limited and Temporary Waiver to Condition No. 2.

Many places in South Dakota State Statutes require 10 days' notice including rules of the Commission which follow rules of civil procedure found in SDCL chapter 15-6. There is an exception allowed in ARSD 20:10:01:22:02 "unless the commission determines a shorter or longer period of notice for good cause." CRW filed a WES Application with the PUC on January 30, 2019 and in that application committed to using low noise trailing edge blades in the CRW Facility. On April 25, 2019 in response to Staff's third data request 3-11, CRW affirmed that LNTE blades would be used in the Facility as modeled in Appendix H.

CRW failure to plan for almost a year, is not a "good cause" that should shortchange the Intervenor due process and time to evaluate the changes proposed and impacts.

The Commission did not file an Order for Good Cause and/or a Notice of Motion for Exception to Procedural Schedule Less Than 10 Days' Notice. Even if the Commission had or is considering, the Commission should consider that CRW filed the Request for a Limited and Temporary Waiver to Condition No. 2 the very same day the Notice of Agenda was given, only 6 days before the next Commissioner Agenda, which was not timely.

CRW states that CRW has installed LNTE on 8 blades of the 87. Postponing CRW Request for a Limited and Temporary Waiver to Condition No. 2, until the January Commissioners regularly scheduled meeting will allow the intervenors and the PUC staff adequate time to evaluate CRW Request for a Limited and Temporary Waiver to Condition No. 2.

This is not a request because of an emergency, there is no time restraint here, CRW has 8 operational turbines in compliance and can meet the commercial operation date, CRW has four years to construct as pointed in the letter for 100MW deferment. We ask the Commission to resist the untimely request for hearing and action for a Limited and Temporary Waiver to Condition No. 2, at the regularly scheduled Commissioner meeting on December 20, 2019.

Due to lack of proper notice, lack of insufficient time to review and evaluate the CRW Request for a Limited and Temporary Waiver to Condition No. 2, the Intervenor request the Commission resist CRW Request for a Limited and Temporary Waiver to Condition No. 2 and postpone hearing and action until the January Commissioners regularly scheduled meeting.

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