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December 27, 2019

Patricia Van Gerpen
Executive Director
SD Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501

RE: EL19-003, In the Matter of the Application by Crowned Ridge Wind, LLC for a Permit of a Wind Energy Facility in Grant and Codington Counties

Ms. Van Gerpen,

On December 20, 2019, the Commission considered the Applicant's request for a limited and temporary waiver pertaining to Condition 2 of the Permit so that Crowned Ridge Wind, LLC may install low noise trailing edge attachments on each wind turbine blade when weather conditions permit. At the Commission meeting, Intervenor Kristie Mogen asserted that Commission Staff's memorandum and associated map inaccurately evaluated turbine curtailments as described by Crowned Ridge through its affidavits. In addition, Ms. Mogen argued the following for the Intervenor's request for deferral:

"We did have consultants for noise. It is hard to reach back out once you've said, OK, we're done with this part of it, and now they've got to pick everything back up and refresh and get back in the game on this. We have not had enough time. Ten days requirement is almost a sample [sic] in every part of South Dakota statute for notice and we should have that to evaluate and to consult people that we need to consult with."

At the request of the Intervenor, the Commission deferred this matter to a December 30, 2019 Ad Hoc Meeting.

After the December 20, 2019 Commission meeting, Commission Staff issued discovery to Ms. Mogen to better understand her concerns regarding Commission Staff's memorandum and associated map, so Commission Staff could correct any errors that we made. Ms. Mogen stated that Mr. Kearney's response at the Commission meeting addressed her concerns regarding the accuracy of Commission Staff's memorandum and she provided no reference to any factual inaccuracies in Commission Staff's memorandum. See response to Commission Staff data request 1-1 attached.

Commission Staff also inquired about the results of Ms. Mogen's sound consultants' analysis so Commission Staff's sound consultant, Mr. David Hessler, could review their analysis and consider their findings. In response to Commission Staff data request 1-2, Ms. Mogen stated that she misspoke and did not have an expert reviewing Crowned Ridge Wind, LLC's waiver request.

Commission Staff stands by the memorandum as submitted on December 18, 2019. In addition, the Public Liaison Officer, Brian Riniker, will be on the phone for the December 30 meeting.

Sincerely,

Jon Thurber
Staff Analyst