



Gary Hanson, Chairman
Chris Nelson, Vice Chairman
Kristie Fiegen, Commissioner

South Dakota

PUBLIC UTILITIES COMMISSION

500 East Capitol Avenue
Pierre, South Dakota 57501-5070
www.puc.sd.gov

(605) 773-3201

Consumer Hotline
1-800-332-1782

Email
puc@state.sd.us

July 1, 2020

Patricia Van Gerpen
Executive Director
South Dakota 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

Dear Ms. Van Gerpen,

On January 30, 2019, the Commission received an Application for a Facility Permit for a wind energy facility (Application) from Crowned Ridge Wind, LLC (Crowned Ridge or Applicant) to construct a wind energy conversion facility to be located in Grant County and Codington County, South Dakota (Project). Applicant has executed a power purchase agreement with Northern States Power Company (NSP) to sell NSP the full output of the Project. Applicant estimates the total cost of the Project to be \$400 million. On July 26, 2019, the Commission issued a Final Decision and Order Granting Permit to Construct Facility; Notice of Entry (Permit). On January 9, 2020, the Commission issued an Order Approving Temporary Waiver of Condition 2 of the Permit as it relates to the requirement to install low noise trailing edge (LNTE) attachments on all turbine blades. On June 29, 2020, Crowned Ridge filed its progress report explaining the status of the LNTE attachment installation. In the report, Crowned Ridge further identified that it would no longer curtail certain turbines due to LNTE attachments being installed on turbines 21, 29, 33, 37, 41, 44, 46, 48, 50, 52, 61, 63, 64, 66, and 95. On June 30, 2020, intervenor Amber Christenson filed a response to Crowned Ridge's progress report demanding the PUC to enforce the Order Approving Temporary Waiver and Permit and not allow Crowned Ridge to stop curtailment of the turbines until all turbine blades are fitted with LNTEs.

Upon receiving the June 29, 2020 and June 30, 2020 letters, Commission Staff (Staff) reviewed the Commission's January 9, 2020 Order Approving Temporary Waiver of Condition 2 of the Permit (Order) and believes the Order does not clearly state what actions end the curtailment. Likewise, Staff listened to the applicable discussion and motions from the January 7, 2020 Commission meeting and was unable to find any clarification of when curtailment would end.

Beyond the written order and the comments made at the January 7, 2020 Commission meeting, Staff has no knowledge of the Commission's intent as to whether the curtailment was intended to last the full length of the temporary LNTE waiver, or whether the curtailment could end once LNTE attachments were affixed to the specified turbines.



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Staff requested Crowned Ridge provide a sound study reflecting no curtailments and the turbines with LNTE attachments currently installed. Staff may provide further input upon reviewing that study. However, at this point, Staff believes both Crowned Ridge and Ms. Christenson present plausible arguments for what actions end the turbine curtailment, one action focused on sound level compliance and the other action focused on permit compliance. Based on the ambiguity in the order, Staff recommends the Commission issue a clarification of the Order.

Thank you for your time and attention to this matter,

Amanda M. Reiss

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