

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

IN THE MATTER OF THE)	
APPLICATION OF CROWNED)	
RIDGE WIND, LLC FOR A)	REQUEST FOR LIMITED
PERMIT OF A WIND ENERGY)	AND TEMPORARY WAIVER
FACILITY IN GRANT)	
AND CODINGTON COUNTIES)	
		EL-19-003

**REQUEST FOR LIMITED AND TEMPORARY WAIVER
OF
CROWNED RIDGE WIND, LLC**

1. Crowned Ridge Wind, LLC (“CRW”)¹ respectfully requests a limited and temporary waiver pertaining to Condition No. 2 of the South Dakota Public Utilities Commission (“Commission”) Final Decision and Order Granting Permit to Construct Facility, issued July 26, 2019 in the above-captioned matter (“Final Order”), so that CRW may install the low noise trailing edge (“LNTE”) attachments on each wind turbine blade when weather conditions permit.
2. Condition No. 2 of the Final Order requires that CRW construct, operate, and maintain its wind project consistent with the descriptions in the Application and its commitments in response to data requests. In Appendix H of its Application, CRW modelled sound assuming the installation of LNTE attachments on each of the wind turbine blades “to reduce the sound pressure levels in order to achieve compliance with county regulations by increasing the flexibility in turbine locations to meet setback requirements.” In response to Staff Data Request 3-11, CRW confirmed that it would use LNTE blades on all wind turbines as modeled in Appendix H.

¹ Crowned Ridge Wind is an indirect wholly-owned subsidiary of NextEra Energy Resources, LLC.

3. Due to weather conditions that were less than optimal, CRW has installed LNTE on only 8 of the 87 wind turbines that comprise the 200 megawatts under construction and expected to be in commercial operations by the end of December 2019. In less than optimal temperatures, there is a potential the LNTE attachment will not adhere to the wind turbines, which could result in safety and operational issues. *See* Affidavit of Joshua Tran. Thus, while CRW fully intends to install LNTE on all CRW turbine blades, it requests a limited and temporary waiver pertaining to Condition No. 2 in order to install LNTE when weather conditions permit. As the ability to install LNTE on wind turbine blade is weather dependent, the installation of LNTE on all wind turbine blades may take until late spring of 2020 or early summer 2020. *Id.* CRW commits to provide the Commission with quarterly updates (starting on April 1, 2020) explaining the progress on the installation of LNTE. The updates will continue until LNTE installation is complete on all turbine blades.
4. Given the delay in the installation of LNTE, CRW has determined that it needs to curtail wind turbines 21, 29, 37, 44, 48, and 95 at wind speeds above 9 meters per second to ensure full compliance with the sound requirements set forth in the Final Order. Tables showing CRW will be compliant with the sound requirements in the Final Order when these wind turbines are curtailed is provided as Attachment 1. *See also* Affidavit of Jay Haley. CRW commits it will curtail wind turbines 21, 29, 37, 44, 48, and 95 at wind speeds above 9 meters per second prior to the installation of LNTE on those wind turbine blades needed to ensure compliance with the sound requirements set forth the Final Order.²

² The wind turbines that already have LNTE installed are 20, 22, 24, 25, 31, 32, 36, and 53. *See* Affidavit of Joshua Tran. The wind turbines that require LNTE to ensure compliance with sound thresholds in the Final Order are 21, 29, 33, 37, 41, 44, 46, 48, 50, 61, 63, 64, 66, and 95. *See* Affidavit of Jay Haley and Attachment 2, tables showing compliance with sound requirements when LNTE attachments are installed on these wind turbines.

5. Accordingly, for the reasons set forth herein, CRW requests the Commission grant it a limited and temporary waiver of the requirement to install LNTE on all wind turbine blades until weather conditions permit. CRW respectfully requests the waiver be granted by the Commission at its December 20, 2019 regularly scheduled meeting.

December 13, 2019

/s/ Miles Schumacher

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