



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](http://www.puc.sd.gov)

(605) 773-3201

Consumer Hotline  
1-800-332-1782

Email  
[puc@state.sd.us](mailto:puc@state.sd.us)

May 26, 2020

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

**RE: Docket EL20-002, In the Matter of Commission Staff's Request for an Order to Show Cause regarding Crowned Ridge Wind, LLC**

Ms. Van Gerpen,

On April 14, 2020, the Commission approved a Settlement Stipulation ("Stipulation" or "Settlement") between Commission Staff and Crowned Ridge Wind, LLC ("Crowned Ridge" or "Company") that resolved all aircraft detection lighting system ("ADLS") compliance issues with SDCL 49-41B-25.2 and Condition 33 of the Permit. As part of the Stipulation, Crowned Ridge made the following commitments regarding the operational timeline of the ADLS:

While Crowned Ridge is working to install and operate the ADLS by May 20, 2020, it may take until June 30, 2020, to *install, test, and fully operate* the ADLS. (*emphasis added*)

As part of the Settlement, Crowned Ridge agreed to make the following payments to the Permanent School Fund based on when the ADLS became operational:

- A. Crowned Ridge agrees to deposit into the permanent school fund a check for \$170,000 within 14 business days following the approval of the Stipulation by the Commission.
- B. If the ADLS is not operational at the Crowned Ridge Wind Project by May 20, 2020, Crowned Ridge further agrees to deposit a second check in the permanent school fund, the sum of which will be calculated by \$2,000 times the number of calendar days that have elapsed after May 20, 2020 until the ADLS is operational. The second check, if required, shall be deposited within 14 business days following the date the ADLS is operational.

On May 1, 2020, Crowned Ridge filed a letter in Docket EL19-003 indicating the ADLS system was operational on April 27, 2020. On May 12, 2020, Crowned Ridge filed a letter in Docket EL20-002 confirming that the ADLS was fully operational, indicating a payment of \$170,000 was made to the Permanent School Fund, and stating all actions required of Docket EL20-002 were completed.

On May 18, 2020, the Crowned Ridge public liaison officer, Brian Riniker, notified Commission Staff of an informal complaint asserting that the ADLS was not working properly and the lights rarely turn off.

Commission Staff promptly contacted Crowned Ridge to inquire about the ADLS. On May 20, 2020, Crowned Ridge confirmed the ADLS is currently activated by movements other than aircraft, and Crowned Ridge is adjusting the radar to mitigate false positives. On May 21, 2020, Commission Staff requested a weekly report from Crowned Ridge regarding the daily amount of time the warning lights are on at night and a summary of the outstanding radar issues.

Commission Staff will analyze the information provided by Crowned Ridge and residents near the wind facility to determine if the ADLS is operational consistent with the terms and conditions of the Settlement Stipulation. The Stipulation is designed to assess additional payments based on the operational date, and Item 7 of the Stipulation identifies the process for a dispute of the operational date under the Stipulation.

Commission Staff will notify the Commission of our findings at the conclusion of our review. Please let us know if you have any questions.

Sincerely,

Jon Thurber  
Staff Analyst