

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

IN THE MATTER OF COMMISSION)	EL20-002
STAFF’S REQUEST FOR AN ORDER TO)	
SHOW CAUSE REGARDING CROWNED)	COMMISSION STAFF’S PETITION
RIDGE WIND, LLC)	FOR ORDER TO SHOW CAUSE
)	

COMES NOW, Staff of the South Dakota Public Utilities Commission (Commission) and hereby files this Petition pursuant to SDCL Chapter 49-41B, including but not limited to SDCL 49-41B-25 and 49-41B-25.2. Specifically, Staff requests the Commission issue an Order to Show Cause pursuant to ARSD 20:10:01:45 requiring Crowned Ridge Wind, LLC (Crowned Ridge) to come forward and show cause as to why Crowned Ridge should not be found to be in violation of state law and Condition 2 of the permit requiring the Crowned Ridge Wind facility (the Project) be equipped with an aircraft detection lighting system (ADLS).

In support of its Petition, Staff states as follows:

1. Crowned Ridge was issued a permit (Permit) for the Project in Docket EL19-003 on July 26, 2019.
2. Permit Condition 2 requires the Applicant to construct, operate, and maintain the Project in a manner consistent with the Application.
3. In its Application, Crowned Ridge asserted that the “wind energy facilities comply with applicable laws and rules.”¹
4. SDCL 49-41B-25.2 is applicable to the Project and provides

For any wind energy facility that receives a permit under this chapter after July 1, 2019, the facility shall be equipped with an aircraft detection lighting

¹ See Application at Page 117.

system that meets the requirements set forth by the Federal Aviation Administration for obstruction marking and lighting in Chapter 14 of FAA Advisory Circular (AC) 70/7460-1L, "Obstruction Marking and Lighting," dated December 4, 2015. Any cost associated with the installation, operation, or maintenance of a system under this section is solely the responsibility of any owner of the wind energy facility.

5. By letter dated January 10, 2020, filed in Docket EL19-003, Crowned Ridge acknowledges that the Project is not currently equipped with an operating ADLS.
6. Staff believes Crowned Ridge does not plan on equipping the Project with an operating ADLS prior to operation.

If the Commission issues an Order to Show Cause and after a hearing on that Order finds Crowned Ridge to be in violation of state law or permit conditions, it may impose penalties pursuant to SDCL 49-41B-33 and 49-41B-34.

WHEREFORE, Staff requests the Commission issue an Order to Show Cause requiring Crowned Ridge to come forward at such date as shall be set by the Commission, and show cause as to why Crowned Ridge should not be found to be in violation of state law and Permit Condition 2 requiring the Project issued a permit in Docket EL19-003 be equipped with an ADLS.

Dated this 13th day of January 2020.



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