

Arla Hamann Poindexter
18280 480th Ave
Clear Lake, SD 57226

Public Utilities Commission
Capitol Building, 1st floor
500 E. Capitol Ave.
Pierre, SD 57501-5070

July 13, 2025

Dear SD Public Utilities Commission:

I appreciate the opportunity to object to Invenergy's request for partial exemptions. I hope that you deny the request based on the following points:

Condition 4 states that landowners be given 14 days notice prior to construction. I believe this is a reasonable condition and would not substantially delay the project. If Invenergy follows through on this condition, the company provides transparency and good faith measures to the community. Furthermore, it provides local traffic a better chance to plan their commutes. SD Highway 15, which Invenergy plans to exclusively use, is currently under construction; local people need a chance to plan safe contingency routes.

The exemption from Condition 7 would bypass Deuel County and Brandt Township's approval for road use. I understand that Invenergy doesn't anticipate using any of these roads. But what happens if conditions exist where they must (a detour for SD15 construction, accident, or extreme weather event)? By allowing an exemption from this condition, the Commission is setting a precedent that their decisions supersede any local government decision.

Exempting Condition 14 Stormwater Pollution Prevention Plan seems reasonable until we consider the current conditions of soil in the project area. On June 28, 2025, parts of the project area received over 4 inches of rain in about 2 hours. The project area has had ample rainfall since that storm. Although Invenergy will file a SPPP specific to the site, I would encourage the Commission to expand the area required. Coupling the current conditions with the common practice of tiling farmground for production purposes, I would encourage the Commission to not approve this exemption as proposed.

Condition 29 is mostly an administrative requirement more for the benefit of oversight than livability in the project area. I don't believe an exemption to this condition is damaging to the environment or the people in the project area. However, if Invenergy would abide by this condition, it would be a show of good faith to the community.

Condition 44 states that Invenergy submit reports in a timely manner. It seems reasonable to file monthly reports on 2 sites during construction. Once mud mats are installed, it seems reasonable that quarterly reports be resumed until full construction begins.

In the Supplement to Request document filed July 11, 2025, Invenergy notes that recent staff changes at the federal level have resulted in FAA and DoD approval being delayed. They did not state that approval has been granted, just that progress has been made. If these 2 locations have not been approved, there is no justification for the Commission to approve ANY of the exemptions.

Invenergy's request for exemption states "These activities will help maximize the Project's ability to qualify for federal tax credits that will lower the cost of the Project and the energy it produces, to the benefit of ultimate consumers." The request is a direct result of recently enacted federal legislation.

I don't believe that this legislation was passed as a death blow to wind industry. I believe this legislation was passed to promote free enterprise and inspire innovation. However, Invenergy has made their request for exemption about tax credits, and by extension about company profitability. Throughout this process, Invenergy has promoted the company's commitment to community and environment. This request for exemption seems to disprove Invenergy's stated goals.

I hope the Commission also views denial of these exemptions as a chance to promote free enterprise, inspire innovation, and foster community in South Dakota.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Arla Hamann Poindexter", with a stylized flourish at the end.

Arla Hamann Poindexter