

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

**IN THE MATTER OF THE APPLICATION BY DEUEL HARVEST WIND ENERGY
SOUTH LLC FOR ENERGY FACILITY PERMITS OF A WIND ENERGY FACILITY
AND A 345 KV TRANSMISSION FACILITY IN DEUEL COUNTY, SOUTH DAKOTA
FOR THE SOUTH DEUEL WIND PROJECT**

SD PUC DOCKET EL24-023

**PRE-FILED REBUTTAL TESTIMONY OF MONICA MONTERROSA
ON BEHALF OF DEUEL HARVEST WIND ENERGY SOUTH LLC**

December 5, 2024

I. INTRODUCTION

Q. Please state your name.

A. My name is Monica Monterrosa.

Q. Have you previously provided testimony in this docket?

A. Yes. I submitted Direct Testimony in this docket on behalf of Deuel Harvest Wind Energy South LLC (“South Deuel Wind”) in support of its Facility Permit Application (“Application”) to the South Dakota Public Utilities Commission (“Commission”) on June 28, 2024.

II. PURPOSE OF TESTIMONY

Q. What is the purpose of your Rebuttal Testimony?

A. The purpose of my Rebuttal Testimony is to describe South Deuel Wind’s outreach and coordination efforts with intervenors in this proceeding and other landowners since the filing of the Application, provide an update on the Road Use Agreement between South Deuel Wind and Deuel County for the South Deuel Wind Project (“Project”). I also respond to the direct testimony of Commission Staff (“Staff”) witness Mr. Jon Thurber and Intervenor Ms. Arla Hamann Poindexter.

I note that Mr. Chris Harrington of Capitol Airspace Group responds to the concerns presented by the Lake Cochrane Improvement Association (“LCIA”) and Mr. Matt Holden. Mr. Michael Hankard addresses Mr. David Hessler’s testimony regarding sound. Ms. Michelle Phillips responds to Ms. Arla Hamann Poindexter’s testimony regarding potential environmental impacts. Ms. Alexandra Thompson responds to Mr. Thurber’s testimony regarding turbine model flexibility and a proposed condition regarding determinations made by the Federal Aviation Administration.

29 **III. OUTREACH AND ROAD USE AGREEMENT UPDATE**

30 **Q. Has South Deuel Wind engaged in additional outreach with Mr. Bekaert, Ms.**
31 **Hamann Poindexter, and the LCIA since the public input meeting?**

32 **A. Yes.**
33

34 **Q. Please describe the substance of your discussions with Mr. Bekaert.**

35 **A.**After the public input meeting, South Deuel Wind further investigated the
36 construction activities that would occur near Mr. Bekaert's home. The road that
37 leads to his residence is anticipated to be used for the delivery of turbine
38 components and construction equipment, and personnel access for one turbine,
39 turbine location 75. South Deuel Wind received specifications from the Deuel
40 County engineer for the culvert near Mr. Bekaert's property and determined that
41 the culvert would be left in place because it is capable of supporting the projected
42 loads for construction equipment and delivery.

43
44 South Deuel Wind provided an overview of the construction process to Mr. Bekaert
45 and informed him that due to large vehicles and equipment, the roadway may be
46 blocked for five to 20 minutes at a time. South Deuel Wind committed to provide
47 Mr. Bekaert a construction timeline at least one week prior to the commencement
48 of work on turbine location 75. South Deuel Wind expects that during construction,
49 Mr. Bekaert will have full access to his property, with inaccessibility limited to at
50 most 20 minutes that would occur during large load vehicle and equipment road
51 use, barring any delays from unforeseen circumstances like weather or equipment
52 breakdown. South Deuel Wind also provided Mr. Bekaert with an explanation of
53 anticipated shadow flicker for his residence and an overview of Project tax
54 allocation per township.

55

56 **Q. What communications has South Deuel Wind had with Ms. Hamann**
57 **Poindexter?**

58 A. South Deuel Wind reached out to Ms. Hamann Poindexter to discuss her concerns,
59 but she declined to meet.

60

61 **Q. What additional outreach has South Deuel Wind undertaken with landowners**
62 **in the Project area?**

63 A. South Deuel Wind has continued to contact landowners in the Project Area. As a
64 result of those communications, four additional landowners have become
65 participants in the Project. These landowners are identified as receptors R-305, R-
66 306, R-212 and R-322 in the noise and flicker studies for the Project.¹

67

68 **Q. What is the current status of a road use agreement between Deuel County**
69 **and South Deuel Wind?**

70 A. South Deuel Wind has been in continuing contact with Deuel County to negotiate
71 the terms of the Road Use Agreement. South Deuel Wind and Deuel County met
72 most recently on December 4, 2024 and are seeking to execute the Road Use
73 Agreement in early 2025.

74

75 **IV. RESPONSE TO STAFF TESTIMONY**

76

77 **Q. Did you review the Direct Testimony of Commission Staff witness Mr. Jon**
78 **Thurber?**

79 A. Yes. South Deuel Wind appreciates Mr. Thurber's and Staff's thorough review of
80 the Application, appendices, and the responses to data requests submitted in this
81 proceeding.

¹ The R-322 agreement is pending receipt through the U.S. Postal Service.

82

83 **Q. Do you have a response to Mr. Thurber's Direct Testimony?**

84 A. Yes. Mr. Thurber addresses several aspects of the Project and makes
85 recommendations in his Direct Testimony that I will address relating to
86 decommissioning, costs and financial assurance, aerial spraying, and construction
87 and milestone reporting obligations.

88

89 **Q. On pages 5-6, Mr. Thurber describes that the number of alternate turbine**
90 **locations "may be excessive." Do you agree with this characterization?**

91 A. No. South Deuel Wind developed a Project Layout with 73 proposed turbine
92 locations of which up to 68 will be constructed, enabling the Project to avoid or
93 minimize potential impacts to natural resources and to work around potential
94 issues that may arise during construction, while allowing for the flexibility to site
95 turbines where they will be the most efficient.

96

97 **Q. On pages 7-8, Mr. Thurber states it is unclear if the Project will comply with**
98 **Deuel County's shadow flicker regulation. What is your response?**

99 A. No receptor will experience more than 30 hours of shadow flicker per year from
100 the Project. Because the Shadow Flicker Analysis presumed all turbine locations
101 were operational, there were some instances where modeling showed more than
102 30 hours of shadow flicker per year. Once the final turbine locations and model(s)
103 are selected, South Deuel Wind will perform an updated shadow flicker analysis
104 and demonstrate that no residence will experience more than 30 hours of shadow
105 flicker per year from the Project.

106

107 **Q. On page 9, Mr. Thurber recommends that South Deuel Wind remove turbine**
108 **foundations to a depth of four feet below grade upon decommissioning.**
109 **What is your response?**

110 A. South Deuel Wind is agreeable to removing turbine foundations to a depth of four
111 feet upon decommissioning.

112

113 **Q. On page 9, Mr. Thurber suggests that the decommissioning amount should**
114 **presume 68 turbines may be constructed. Do you agree?**

115 A. South Deuel Wind agrees that the Commission could use cost for
116 decommissioning the GE 3.8-154 since it includes the most turbines, 68. South
117 Deuel Wind submitted an updated Decommissioning Plan to Staff in response to
118 discovery on November 18, 2024. At that time, South Deuel Wind also provided
119 an updated Appendix X Decommissioning Plan for the V164-4.5 turbines to include
120 removal of 40 junction boxes.

121

122 **Q. On page 10, Mr. Thurber reviews South Deuel Wind's decommissioning cost**
123 **estimates and concluded that they "appear low"? Do you agree with this**
124 **characterization?**

125 A. While these costs differ from other projects, South Deuel Wind does not concur
126 that they are "low." South Deuel Wind retained an experienced consultant to
127 prepare the decommissioning plans, which determined they are reasonable
128 estimates of the potential cost for decommissioning and that these costs are
129 influenced by recent higher salvage values. South Deuel Wind does agree with Mr.
130 Thurber's recommendation on page 10 of his testimony that the Commission
131 review the Project in 10 years and then every five years thereafter to ensure that
132 sufficient security is provided to cover the cost of decommissioning.

133

134 **Q. On pages 10-11, Mr. Thurber discusses South Deuel Wind's surety bond**
135 **proposal. Does South Deuel Wind still agree a surety bond is appropriate**
136 **financial assurance for decommissioning costs?**

137 A. Yes. South Deuel Wind maintains that a surety bond is appropriate. South Deuel
138 Wind would propose as an amount, \$50,000 per turbine for the initial 10-year

period. This would be comparable to \$5,000 per turbine per year escrow requirement the Commission has imposed on prior dockets.²

Q. On pages 13-15, Mr. Thurber discusses aerial spraying and describes South Deuel Wind's suggestion that an aerial applicator needs to provide three separate notices prior to application may be excessive and burdensome. What is your response?

A. Aerial spraying is extremely weather dependent and can change at the last moment which does impact predictive and reactive site work as well as production. In framing the proposed condition, we looked primarily at the safety of our staff, keeping them away from contact with potentially harmful chemicals and out of turbines in the proximity of the spraying. Having the three-day notice allows us to shift work, to minimize human exposure and minimize impacts to production.

We included a 12-hour notice because we have seen in the past spraying companies cancel or shift work to other areas with no notice leaving the wrong turbines shut down and our staff in harm's way. The one- to two- hour notice allows us to minimize production loss and ensure the correct turbines are shut down protecting the sprayer and our staff.

These notices can be made by email or phone, which we do not believe is unduly burdensome.

Q. On page 15, Mr. Thurber discusses construction progress reports and recommends that South Deuel Wind provide a periodic progress report on the status of Project construction, with monthly reports during construction, and quarterly reports prior to construction and after the date of commercial

² See, e.g., *In the Matter of the Application by North Bend Wind Project, LLC for a Permit to Construct and Operate the North Bend Wind Project in Hyde County and Hughes County, South Dakota* (EL21-018); *In the Matter of the Application by Sweetland Wind Farm, LLC for Facility Permits for a Wind Energy Facility and a 230-kV Transmission Facility in Hand County, South Dakota for the Sweetland Wind Farm Project* (EL 19-012).

operations until reclamation is complete. Do you agree with this recommendation?

A. South Deuel Wind is agreeable to providing period reports.

Q. Have you reviewed Exhibit JT-5 accompanying Mr. Thurber's Direct Testimony, referenced on page 15 of Mr. Thurber's testimony?

A. Yes.

Q. Does South Deuel Wind agree the report template in Exhibit JT-5 is reasonable and will be used to provide construction progress updates?

A. South Deuel Wind appreciates the need for the Commission and Staff to be apprised of Project construction progress. South Deuel Wind proposes a condition that requires construction progress updates, but does not require a specific format. The progress reports would contain a) a summary of the work completed to date; b) a summary of the activates to be completed for the project and an associated timeline; c) a summary of consumer contacts, indicating the issue raised in the contact and the action the Applicant took to address the issue; and d) a permit condition checklist including the status of all required filings to the Commission and any other permitting agency. This is consistent with the construction reporting obligations of the applicant in a recent wind docket.³ South Deuel Wind requests that it provides this information in a format of its choice.

Q. On page 16, Mr. Thurber also recommends other milestones that South Deuel Wind should report to the Commission, including that South Deuel Wind file notifications with the Commission to report the date construction will commence as soon as it is known, but no later than five business days prior to commencement; report the date construction was completed within

³ See *In the Matter of the Application by North Bend Wind Project, LLC for a Permit to Construct and Operate the North Bend Wind Project in Hyde County and Hughes County, South Dakota*, Docket No. EL21-018.

five business days of completion; report the date of commercial operation within five business days of operation; report the date reclamation was completed within five business days of completion. Do you agree with these reporting conditions?

A. South Deuel Wind agrees with these reporting milestones.

V. RESPONSE TO INTERVENORS

Q. Have you reviewed the Direct Testimony and responses to data requests submitted by Ms. Hamann Poindexter?

A. Yes.

Q. Do you have a response to the tax and economic benefits issues Ms. Hamann Poindexter raised?

A. Yes. Ms. Hamann Poindexter's criticisms of the economic benefits through tax payments from the Project are unfounded. First, I note that the tax figures discussed in my testimony are estimates and may change based on final Project specifications and other factors, including the final nameplate capacity, actual electrical production, number of turbines constructed, and final Project turbine locations. The Project is anticipated to pay a total of approximately \$13.17 million to school districts over the life of the Project. Under SDCL Sections 13-13-10.1(15) & 13-16-26, the school districts in which the Project is located will see a total increase in revenue of approximately \$3 million in the first nine years of Project operations and the remainder will be considered "local effort" for purposes of the state funding formula (meaning these amounts offset/reduce the amounts the school district receives in aid from the state). Taxes for Deuel County are anticipated to be approximately \$9.2 million over the life of the Project. The total amount of taxes allocated to townships over the life of the Project is approximately \$3.95 million and will vary depending on the final Project Layout. Finally, the taxes for the state of South Dakota are anticipated to be approximately \$11.9 million over

the life of the Project. This data demonstrates that the Project will have a positive economic impact at the local level and the state level through the payment of taxes.

Q. Does the amount of property taxes paid by other individuals or companies impact the property taxes that the Project will pay?

A. No. The amount of taxes paid by others does not affect the amount of taxes the Project pays.

Q. Ms. Hamann Poindexter claims that the Project will negatively impact soil health. What is your response to this concern?

A. Over the years of development of the Project, South Deuel Wind has conducted extensive environmental surveys to inform the siting of the Project. The surveys included analysis of the soil in and around the Project Area. Soil resources are discussed in Section 7.2 of the Application. South Deuel Wind used this information in designing the Project Layout to minimize construction cut and fill requirements, and limit construction in areas with steep slopes, while maintaining optimal turbine locations. This will help to minimize soil impacts, while allowing soil in the Project Area to continue to be used for agricultural purposes.

Q. Ms. Hamann Poindexter suggests that the Project may reduce water quality in the area. What is your response to this concern?

A. Excavation and exposure of soils during construction can cause an increase in stormwater runoff and sedimentation in receiving waters during storm events. Construction of the Project will require coverage under the South Dakota Department of Environment and Natural Resources General Permit for Storm Water Discharges Associated with Construction Activities. To maintain compliance with provisions of this General Permit, South Deuel Wind will prepare a Storm Water Pollution Prevention Plan to identify potential sources of stormwater pollution from the Project site and specify Best Management Practices ("BMPs") to control erosion and sedimentation and minimize negative impacts caused by

stormwater discharges from the Project. The BMPs may include silt fence, wattles, erosion control blankets, temporary stormwater sedimentation ponds, revegetation, and/or other features and methods designed to control stormwater runoff and mitigate erosion and sedimentation. Impacts to water quality are not expected to be significant for the construction, operation, and decommissioning of the Project.

Q. In discovery response 1-4, contained in Exhibit JT-3, Ms. Hamann Poindexter suggests the Project may impact “calciferous” fens, freshwater springs, and unbroken sod located on land owned by Ms. Hamann Poindexter’s family farm. What is your response?

A. I respectfully disagree with Ms. Hamann Poindexter that the Project will impact her land. No Project Facilities are proposed to be located on any property owned by Ms. Hamann Poindexter or her family. Should Ms. Hamann Poindexter provide more information about how she believes off-site facilities may impact her property, I can provide an additional response.

VI. CONCLUSION

Q. Does this conclude your testimony?

A. Yes.

Dated this 5th day of December, 2024

A handwritten signature in blue ink, appearing to read "Monica Monterrosa", is written over a horizontal line.

Monica Monterrosa