

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

**IN THE MATTER OF THE APPLICATION)
BY PREVAILING WIND PARK, LLC FOR A)
PERMIT OF A WIND ENERGY FACILITY)
IN BON HOMME COUNTY, CHARLES MIX)
COUNTY AND HUTCHINSON COUNTY,)
SOUTH DAKOTA, FOR THE PREVAILING)
WIND PARK PROJECT)**

**ORDER CONFIRMING
REQUIREMENTS OF PERMIT
CONDITION 42**

EL18-026

On May 30, 2018, Prevailing Wind Park, LLC (Applicant) filed an application to construct the Prevailing Wind Park Project (Project), a wind energy facility located in Bon Homme, Charles Mix and Hutchinson counties, South Dakota. The Project includes up to 61 wind turbine generators, access roads to turbines and associated facilities, underground electrical power collector lines connecting the turbines to the collection substation, an operation and maintenance facility, and temporary construction areas, including crane paths, public road improvements, a laydown yard, and a concrete batch plant(s) (as needed), and four permanent meteorological towers. The Commission issued a Final Decision and Order Granting Permit to Construct Facilities (Permit) on November 28, 2018. On June 29, 2020, Applicant filed a letter requesting confirmation that sound measurements do not have to be taken at the Hubner or Fuerniss residences to comply with Condition 42 of the Permit. Condition 42 requires Applicant to verify compliance with sound level requirements at the residences of the Intervenor.

At its regularly scheduled meeting on July 8, 2020, the Commission considered this matter. Applicant requested confirmation that sound testing does not need to be completed at the Hubner and Fuerniss residences and that Applicant can have flexibility to work with a certain intervenor to select a testing location preferable to that landowner. Staff supported the requests. Finding that a workable solution could be reached with respect to the Fuerniss residence, finding that the landowner did not want testing at the Hubner residence, and finding that flexibility was reasonable with respect to the Schoenfelder residence, the Commission voted unanimously to confirm that sound testing does not need to be conducted at the Hubner residence and that flexibility shall be afforded for testing at the Schoenfelder residence.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-41B.

It is therefore

ORDERED, that it is confirmed that sound testing does not need to be conducted at the Hubner residence and that flexibility shall be afforded for testing at the Schoenfelder residence.

Dated at Pierre, South Dakota, this 9th day of July 2020.

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| CERTIFICATE OF SERVICE | |
| The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically or by mail. | |
| By: | <u>Adam deHueck</u> |
| Date: | <u>7/9/20</u> |
| (OFFICIAL SEAL) | |

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Chris Nelson
CHRIS NELSON, Commissioner

Kristie Fiegen
KRISTIE FIEGEN, Commissioner