

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

**IN THE MATTER OF THE APPLICATION BY)
CROWNED RIDGE WIND, LLC FOR A PERMIT OF)
A WIND ENERGY FACILITY IN GRANT AND)
CODINGTON COUNTIES)**

**ORDER GRANTING
TEMPORARY WAIVER**

EL19-003

On January 30, 2019, the South Dakota Public Utilities Commission (Commission) received an Application for a Facility Permit for a wind energy facility (Application) from Crowned Ridge Wind, LLC (Crowned Ridge or Applicant) to construct a wind energy conversion facility to be located in Grant County and Codington County, South Dakota (Project). The Project would be situated on approximately 53,186-acres in the townships of Waverly, Rauville, Leola, Germantown, Troy, Stockholm, Twin Brooks, and Mazeppa, South Dakota. The total installed capacity of the Project would not exceed 300 megawatts (MW) of nameplate capacity. The proposed Project includes up to 130 wind turbine generators, access roads to turbines and associated facilities, underground 34.5-kilovolt (kV) electrical collector lines, underground fiber-optic cable, a 34.5-kV to 345-kV collection substation, one permanent meteorological tower, and an operations and maintenance facility. The Project will utilize the Crowned Ridge 34-mile 230-kV generation tie line and a new reactive power compensation substation to transmit the electricity from the Project's collector substation to the Project's point of interconnection located at the Big Stone South 230-kV Substation, which is owned by Otter Tail Power Company. Applicant has executed a power purchase agreement with Northern States Power Company (NSP) to sell NSP the full output of the Project. The Project is expected to be completed in 2020. Applicant estimates the total cost of the Project to be \$400 million. On July 26, 2019, the Commission issued a Final Decision and Order Granting Permit to Construct Facility; Notice of Entry (Final Order).

On December 13, 2019, Applicant filed a Request for Limited and Temporary Waiver (Temporary Waiver), requesting, that due to weather, Applicant be granted a temporary waiver of Condition 2 as it relates to the requirement to install low noise trailing edges (LNTE) on all turbine blades. Through curtailment of turbines, Applicant stated it will comply with the sound limits found in Condition 26 of the Final Order. Applicant stated in its Temporary Waiver that it plans to have the LNTE blades installed on all turbines in late spring or early summer of 2020.

On December 16, 2019, Amber Christenson, Patrick Lynch, Melissa Lynch, Kristi Mogen, and Allen Robish (Intervenors) filed a Notice of Insufficient Notice for Action and Request to Postpone Crowned Ridge Wind, LLC's Request for a Limited and Temporary Waiver to Condition No. 2. On December 17, 2019, Applicant filed its Opposition to Intervenors' Request to Postpone Consideration of Waiver. On December 18, 2019, Commission staff filed a Memorandum on Request for a Limited and Temporary Waiver of Crowned Ridge Wind, LLC.

On December 20, 2019, at its regularly scheduled meeting, and on December 30, 2019, at an Ad Hoc Meeting, the Commission considered the Temporary Waiver and deferred it requesting further information from the parties. Following the Commission's request, the parties filed documents on January 2, 3, 6, and 7, 2020.

The Commission has jurisdiction over this matter pursuant to SDCL 49-41B.

On January 7, 2020, at its regularly scheduled meeting, the Commission considered this matter. Commission staff did not object to the Temporary Waiver subject to the recommendations made in its January 6, 2020 Memorandum. Intervenor's opposed the Temporary Waiver. After hearing oral argument from the parties, the answers given to Commission questions, commitments made by Applicant, and having thoroughly reviewed the filings in the docket, the Commission, after public discussion, voted 2-1, with Commissioner Hanson dissenting, to grant the Temporary Waiver subject to the following conditions:

- 1) The temporary waiver expires September 15, 2020;
- 2) Applicant shall file with the Commission beginning April 1, 2020, monthly progress reports explaining the status of the LNTE installation;
- 3) Applicant shall curtail 16 turbines at wind speeds above 6 meters per second in accordance with the sound model using a 0.3 ground attenuation factor; and
- 4) Applicant shall conduct post-construction sound compliance testing in accordance with Condition 26 of the Final Order during the Temporary Waiver period and again after LNTEs are installed on all turbines.

It is therefore

ORDERED, that Applicant's request for a Temporary Waiver is hereby granted subject to the conditions set forth above.

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

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>Karen E. Bremer</u>
Date: <u>01/09/20</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

GARY HANSON, Chairman, dissenting

Chi Nelson

CHRIS NELSON, Commissioner

Kristie Fiegen

KRISTIE FIEGEN, Commissioner