

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

PPM Energy, Inc.  
Rugby Wind Farm – Pierce County  
Siting Application

Case No. PU-05-47

AFFIDAVIT OF SERVICE BY REGULAR MAIL

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

Geralyn R. Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **10th day of May 2021** she deposited in the United States Mail at Bismarck, North Dakota, **one** envelope by first class mail, fully prepaid, securely sealed each containing a photocopy of:

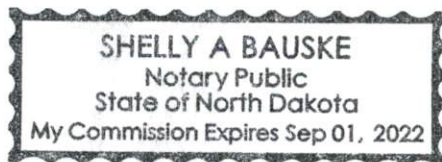
- Letter
- Memorandum

The envelope was addressed as follows:

Peter Landoni  
1125 NW Couch Street  
Portland, OR 97209

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me  
this **10th day of May 2021**.



Notary Public

SEAL



## Public Service Commission State of North Dakota

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### COMMISSIONERS

Julie Fedorchak  
Randy Christmann  
Brian Kroshus

600 East Boulevard Avenue Dept. 408  
Bismarck, ND 58505-0480  
Web: [www.psc.nd.gov](http://www.psc.nd.gov)  
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PPM Energy, Inc. PU-05-47  
Rugby Wind Farm – Pierce County  
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Peter Landoni  
1125 NW Couch Street  
Portland OR 97209

Re: In the Matter of the Application of Rugby Wind LLC for Extension of Light Mitigation  
Deadline for the Rugby Wind Farm

Mr. Landoni,

Attached is a memorandum regarding the application for the extension of light mitigation  
for Rugby Wind LLC.

The Commission will be placing this memorandum in the record and using it in its  
decision on the petition requesting extension.

If the company disagrees with the memorandum and wishes to respond, it must  
respond within 10 days from the receipt of this letter. The company may respond in  
writing or request a hearing.

Please feel free to contact me with any questions.

A handwritten signature in black ink, appearing to read "Brian Johnson".

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Brian Johnson  
Special Assistant Attorney General Bar ID 07397  
North Dakota Public Service Commission  
600 East Boulevard Avenue Dept. 408  
Bismarck ND, 58505  
701-328-2407

## MEMORANDUM

To: Commissioners Kroshus, Fedorchak, and Christmann

From: Brian Johnson

Date: May 7, 2021

PPM Energy, Inc. PU-05-47  
Rugby Wind Farm – Pierce County  
Siting Application

Re: PPM Energy Inc., Rugby Wind Farm – Pierce County Siting Application, Petition for Extension of Light Mitigation Deadline

On March 22, 2021 PPM Energy submitted a petition for extension of the light mitigation deadline. The petition is based on the assumption that the light intensity dimming system known as LIDS would be approved by the FAA in the near future allowing the technology to be installed on the Rugby Wind Farm.

On April 14, 2021 an informal hearing was held, and PPM Energy Inc made a presentation on their proposed extension.

Multiple attempts to contact the FAA were made to determine where in the approval process LIDS was at. None of these attempts received a response.

I had contacted Tyler Hardy who is a staffer for Senator Hoeven to see if Senator Hoeven's office could obtain an answer from the FAA. On May 6, 2021 I received a phone call from Tyler regarding LIDS and its approval status with the FAA.

Tyler was contacted by the FAA and updated on the LIDS approval status. Tyler relayed to me that the FAA has serious concerns with the safety of the LIDS system in its current configuration. The FAA is working with the manufacturer on a new LIDS configuration to address the concerns about the light output which is the main safety concern with the LIDS as currently configured. The FAA relayed to Tyler that the company is developing an updated system. This system would be installed on the windfarm in Oklahoma for further flight testing. Tyler stated that the LIDS approval would be delayed during this testing. When I enquired if this testing would likely be finished in a year, Tyler stated that it did not appear likely that the testing of the new LIDS system would be completed within a year, as the system would have to be installed and test flights would have to be conducted and the safety of the system evaluated.

Based on the information provided to Senator Hoeven's office by the FAA it does not appear that LIDS will be approved in time for PPM Energy Inc. to install LIDS if given the requested extension.

Based on the above I recommend that the petition for extension submitted by PPM Energy Inc. be denied.