

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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

Case No. PU-05-47

ORDER ON MOTION FOR EXTENSION

June 9, 2021

Preliminary Statement

On October 3, 2005, the Commission adopted the Findings of Fact, Conclusions of Law, and Order, and granted Certificate of Site Compatibility Number 5 for the Rugby Wind Farm.

On March 22, 2021, PPM Energy, Inc. (PPM) filed with the North Dakota Public Service Commission (Commission) a request for extension, from December 31, 2021, to December 31, 2022, of the deadline under North Dakota Century Code section 49-22-16.4 and North Dakota Administrative Code section 69-06-11-02 for the installation of a functioning light-mitigating technology system at the Rugby Wind Farm.

On April 20, 2021 an informal hearing was held on the request for extension.

May 10, 2021, Commission Staff filed a Memorandum supplementing the record regarding the approval status of Light Intensity Dimming Solution (LIDS) technology by the Federal Aviation Administration (FAA).

Discussion

PPM makes its request for an extension based on economic considerations under North Dakota Century Code (N.D.C.C.) 49-22-16.4(3), and North Dakota Administrative Code 69-06-11-02(2), both which allow for an extension based on technical or economic feasibility considerations.

The petition did not give actual cost savings but stated LIDS costs less and does not require annual maintenance expenses. During the informal hearing PPM testified the cost of Aircraft Detection Lighting System (ADLS) would be approximately 1.5 million

dollars with an annual maintenance cost of 50 to 100 thousand dollars. LIDS would cost less than half a million dollars and have no annual maintenance costs.

PPM states a lead time of 7 months would be required to acquire the LIDS equipment and install it if approval should occur. PPM asked for an extension of the deadline to install light mitigation by December 31, 2021, to December 31, 2022. PPM stated they would need to make a decision by May of 2021 in order to have ADLS installed by the December 31, 2021 deadline.

Commission Staff made inquiries to the FAA and to Senator Hoeven's office to the status of FAA's approval of LIDS technology.

Senator Hoeven staff's discussion with the FAA revealed safety concerns regarding light output and visibility with LIDS technology in its present form. The FAA informed Senator Hoeven's staff that the manufacturer of LIDS has a new prototype to address the light output and visibility concerns. This prototype must be installed and tested prior to an FAA determination. The FAA indicated testing and potential approval would not occur in time for PPM to be able to install LIDS by December 31, 2022

Order

The Commission orders PPM Energy, Inc.'s request for an extension of the time to install a light-mitigating technology system at the Rugby Wind Farm is denied.

PUBLIC SERVICE COMMISSION


Randy Christmann
Commissioner


Julie Fedorchak
Chair


Brian Kroshus
Commissioner