

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Rugby Wind LLC
Rugby Wind Farm – Pierce County
Siting Application**

Case No. PU-05-47

ORDER ON MOTION FOR EXTENSION

December 29, 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.

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).

On June 9, 2021, the Commission denied the first extension request.

On November 2, 2021, PPM filed a second extension request to extend the deadline from December 31, 2021, to May 31, 2022, 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 November 17, 2021, the Commission issued a notice for public hearing on the second application for extension in the above captioned case.

On December 17, 2021, the Commission held a public hearing as noticed.

Discussion

1. PPM is an independent power producer who operates the Rugby Wind farm which is a 150-megawatt wind farm located in Pierce County.
2. PPM made its second request for an extension based on technical feasibility 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.
3. North Dakota Century Code (NDCC) § 49-22-16.4 was added in the 2017 Legislative Session and became effective August 1, 2017.
4. Under NDCC 49-22-16.4 the commission may grant a waiver or extension of time based on technical or economic feasibility considerations after holding a public hearing.
5. In May of 2021 PPM transitioned from the option of Light Intensity Dimming Solution (LIDS) and procured ADLS technology with the equipment estimated to be delivered in October of 2021.
6. On November 2, 2021, PPM testified they are only waiting on the electronics cabinet. PPM stated the cabinet is in Denmark and testing should be completed on December 17, 2021, and shipping to occur on December 20, 2021.
7. PPM commenced construction of the road and gate for the tower and the tower foundation has been poured. PPM testified that installation of power and fiber to the tower base was to begin on December 20, 2021 and scheduled to be completed on December 24, 2021.
8. PPM testified all 58 of the ADLS compliant lights should be installed by December 21, 2021.
9. PPM testified all components should be on site for installation by the first week of January 2022.
10. PPM testified that it expects the receipt of the FCC license to operate in January of 2022.
11. PPM testified that it expects commissioning and testing of the ADLS system to take 3 weeks after completion of the installation of ADLS.
12. Given ten facilities using the same available vendors and under the same deadline and the four-year time frame have completed their installation of ADLS, waiting for the approval of LIDS, and 2021 supply chain issue impacts do not equate to a technical feasibility consideration acceptable to the Commission to grant an extension of the December 31, 2021, deadline.

Order

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

PUBLIC SERVICE COMMISSION



Randy Christmann
Commissioner



Julie Fedorchak
Chair



Brian Kroshus
Commissioner