

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Sequoia Energy US Inc.
150MW Border Winds Energy Project – Rolette County
Siting Application**

Case No. PU-08-797

**Border Winds Energy / Northern States Power Co.
Transfer of Site Certificate
Siting Application**

Case No. PU-17-362

**Courtenay Wind Farm, LLC
200.5 MW Wind Energy Conversion Facility-Stutsman
Siting Application**

Case No. PU-13-64

**Northern States Power Company / Courtenay Wind
Transfer of Site Certificate
Siting Application**

Case No. PU-15-174

Order on Request for Extension

December 15, 2021

Preliminary Statement

On September 10, 2021, Northern States Power Company, doing business as Xcel Energy, (NSP) filed with the Commission a request for an extension of time to equip the Border Winds energy conversion facility with a functioning light-mitigating technology system.

On January 10, 2018, Boarder Winds was issued 2nd Reissued First Amended Certificate Number 21 which it currently operates under.

On August 24, 2014, Courtney Winds was issued the First Reissued Certificate of Site Compatibility Number 36 which it currently operates under.

On September 10, 2021, NSP filed with the Commission a request for an extension of time to equip the Courtenay Wind energy conversion facility with a functioning light-mitigating technology system. NSP requests an extension of the deadline from December 31, 2021, to June 30, 2022.

ON September 22, 2021, the Commission issued a notice for a consolidated public hearing on the above captioned cases.

On November 16,2021, the Commission held the hearing as noticed.

Discussion

1. NSP is an investor-owned utility headquartered in Minneapolis, Minnesota, authorized to provide public utility service in North Dakota under the regulatory jurisdiction of the Commission.
2. North Dakota Century Code (NDCC) § 49-22-16.4 was added in the 2017 Legislative Session and became effective August 1, 2017.
3. 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.
4. NSP provided technical reasons for its extension request and has not provided any economic feasibility considerations.
5. NSP selected its Aircraft Detection Lighting System (ADLS) vendor in May of 2021.
6. Plans for the siting, grading, access road and conduit for the radar tower were not final until June of 2021. These plans were delayed beginning in July 2021 due to landowner concerns over the access road to the radar tower.
7. The delay also affected NSP's ability to order the tower until the site was finalized.
8. Given ten facilities using the same available vendors and under the same timeline have completed their installation and the four-year time frame NSP had to install ADLS, delays due to landowner negotiations in the third quarter of 2021 do not equate to a technical reason acceptable to the Commission to justify an extension of the December 31, 2021, deadline.

Order

The Commission denies NSP's extension request.

PUBLIC SERVICE COMMISSION


Randy Christmann
Commissioner


Julie Fedorchak
Chair


Brian Kroshus
Commissioner