

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
Company
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

AFFIDAVIT OF SERVICE BY REGULAR AND ELECTRONIC 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 **20th** day of **December 2021**, she deposited in the United States Mail, Bismarck, North Dakota, **11** envelopes by first class mail, fully prepaid, securely sealed each containing a photocopy of:

- **Order on Request for Extension**

The envelopes were addressed as follows:

See attached list

Geralyn R. Schmaltz further deposes and says that on the **20th day of December 2021**, she sent an electronic message to **49** addressees, each including an electronic copy in portable document format of the same document.

The electronic mails were addressed as follows:

See attached list

136 PU-08-797 Filed 12/20/2021 Pages: 8
Affidavit of Service by Regular & Electronic Mail - Order on Request for Extension
Public Service Commission

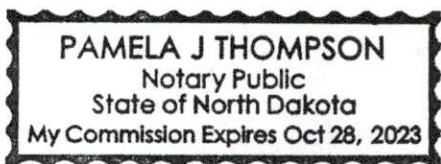
97 PU-13-64 Filed 12/20/2021 Pages: 8
Affidavit of Service by Regular & Electronic Mail - Order on Request for Extension
Public Service Commission

118 PU-15-174 Filed 12/20/2021 Pages: 8
Affidavit of Service by Regular & Electronic Mail - Order on Request for Extension
Public Service Commission

41 PU-17-362 Filed 12/20/2021 Pages: 8
Affidavit of Service by Regular & Electronic Mail - Order on Request for Extension
Public Service Commission

The addresses shown are the respective addressee's last reasonably ascertainable post office and electronic mail addresses.

Subscribed and sworn to before me
this **20th day of December 2021**.



(SEAL)

A handwritten signature in blue ink, appearing to read "Gregory Schmag", written over a horizontal line.

A handwritten signature in blue ink, appearing to read "Pamela J Thompson", written over a horizontal line. Below the signature, the words "Notary Public" are printed.

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Sequoia Energy US Inc. Case No. PU-08-797
150MW Border Winds Energy Project – Rolette County
Siting Application

Border Winds Energy / Northern States Power Co. Case No. PU-17-362
Transfer of Site Certificate
Siting Application

Courtenay Wind Farm, LLC Case No. PU-13-64
200.5 MW Wind Energy Conversion Facility-Stutsman
Siting Application

Northern States Power Company / Courtenay Wind Case No. PU-15-174
Transfer of Site Certificate
Siting Application

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 and 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

ndaero@nd.gov
Gaye Niemiller
Aeronautics Commission
PO Box 5020
Bismarck ND 58502-5020

masagsve@nd.gov
Matt Sagsveen
Attorney General's Office

todd.j.lindquist@usace.army.mil
Todd Lindquist
Corp of Engineers
PO Box 527
Riverdale ND 58565-0527

cte@nd.gov
Dept of Career and Technical Education
State Capitol
Bismarck ND 58505

governor@nd.gov
Doug Burgum
Governor's Office
State Capitol
Bismarck ND 58505

bruce.johnson.25@us.af.mil
Bruce Johnson
Minot AFB

Minot ND

trev.albright@us.af.mil
Trev Albright
Minot AFB

Minot ND

stevebest@nd.gov
Steve Best
N D Water Commission
900 E Boulevard
Bismarck ND 58505

christi.fisher@nd.usda.gov
Christi Fisher
NATURAL RESOURCE CONSERVATION SVC
PO BOX 1458
BISMARCK ND 58502-1458

commerce@nd.gov
ND Commerce Department

goehring@nd.gov
Doug Goehring
Agriculture Department
State Capitol
Bismarck ND 58505

BLM MT North Dakota FO@blm.gov
Bureau of Land Management
North Dakota Field Office

dhseo@nd.gov
Department of Human Services

energyimpact@nd.gov
Energy Infrastructure and Impact Office

nathan.davis@nd.gov
Nathan Davis
Indian Affairs Commission
State Capitol - 1st Floor J Wing INSIDE
Bismarck ND 58505

joey.specht@us.af.mil
Joey Specht
Minot AFB

Minot ND

lauren.kinker@us.af.mil
Lauren Kinker
Minot AFB

Minot ND

gheiser@nd.gov
Gerald Heiser
N D Water Commission
900 E Boulevard
Bismarck ND 58505

ndascd@lincolnoakes.com
ND Assoc of Soil Conservation Dist
3310 University Drive
Bismarck ND 58504-7564

ksonsalla@nd.gov
Kevin Sonsalla
ND Department of Commerce

mdockter@nd.gov
Monte Dockter
ND Department of Transportation
State Highway Building
Bismarck ND 58505

dtlRequest@nd.gov
Jodi Smith
ND Dept. of Trust Lands

caboyd@nd.gov
Clint Boyd
ND Geological Survey

sjarntson@nd.gov
Sara Arntson
ND Job Service
P.O. Box 5507 INSIDE MAIL
Bismarck ND 58506-5507

mhumann@nd.gov
Mike Humann
ND Land Department

menelson@nd.gov
Marvin E. Nelson
ND State Assembly
P.O. Box 577
Rolla ND 58367-0577

atravnicek@nd.gov
Andrea Travnicek
North Dakota Parks & Rec
1600 E Century Ave, Ste. 3 INSIDE MAIL
Bismarck ND 58503-0649

dglatt@nd.gov
Dave Glatt
State Health Department

pwax@nd.gov
Peter Wax
State Health Department

tboe@nd.gov
Tracy Boe
State Representative
5125 89th St
Mylo ND 58353-9438

dglatt@nd.gov
David Glatt
ND Dept. of Environmental Quality

jwilliam@nd.gov
Jeb Williams
ND GAME & FISH DEPT
INSIDE MAIL

emurphy@nd.gov
MR ED MURPHY
ND GEOLOGICAL SURVEY

labor@nd.gov
ND Labor Department

jjkringstad@ndpipelines.com
ND Pipeline Authority

ndicinfor@nd.gov
North Dakota Industrial Commission

thomas.claeys@ndsdu.edu
Thomas Claeys
NSDU North Dakota State Forest Service

krockema@nd.gov
Karl Rockeman
State Health Department

lbmeidinger@nd.gov
Lorna Meidinger
State Historical Society

theadland@nd.gov
CRAIG HEADLAND
STATE REPRESENTATIVE
4950 92ND AVE SE
MONTPELIER ND 58472-9630

cpollert@nd.gov
CHET POLLERT
STATE REPRESENTATIVE
151 Crossroads Estates Drive
CARRINGTON ND 58421-8919

tmwanzek@nd.gov
TERRY WANZEK
STATE SENATOR
900 7TH AVE SW
JAMESTOWN ND 58401-4542

sschwenke@fs.fed.us
Sherri Schwenke
U S Forest Service
240 W Century Ave
Bismarck ND 58501-1494

cenwo-de@usace.army.mil
District Engineer
US Army Engineer District Omaha
1616 Capitol Ave
Omaha NE 68102

ndfieldoffice@fws.gov

US FISH & WILDLIFE SERVICE
3425 MIRIAM AVE
BISMARCK ND 58501-7926

rmarcellais@nd.gov
Richard Marcellais
State Senator
RR 1 Box 267A
Belcourt ND 58316-9787

wendy ross@nps.gov
Wendy Ross
Theodore Roosevelt Nat'l Park
PO Box 7
Medora ND 58645

gjwiche@usgs.gov
District Chief
U S Geological Survey
821 E Interstate Ave
Bismarck ND 58501

jessica n johnson@fws.gov
Jessica Johnson
US Fish & Wildlife Service
3425 Miriam Ave
Bismarck ND 58501

Federal Aviation Administration 2301 University Avenue Building 23B Bismarck, ND 58504	Chair- County Commission Rolette County 102 NE 2 nd St. Rolla, ND 58367-7144
County Auditor Rolette County 102 NE 2 nd St. Rolla, ND 58367-7144	County Auditor Stutsman County 511 2 nd Ave SE Jamestown, ND 58401
Chair - County Commission Stutsman County 511 2 nd Ave SE Jamestown, ND 58401	Mayor City of Rolette 304 Main St. Rolette, ND 58366
City Government City of Belcourt Belcourt, ND 58316	Mayor City of Dunseith 13 1 st St NW Dunseith, ND 58329
Mayor City of Courtenay Courtenay, ND 58426	Mayor City of Rolla Rolla, ND 58367
Mayor City of Jamestown 102 3 rd Ave SE Jamestown, ND 58401	