



August 23, 2021

Mr. Steve Kahl
Executive Director
North Dakota Public Service Commission
600 E. Boulevard Avenue, Dept. 408
Bismarck, ND 58505-0480

Dear Mr. Kahl:

Re: Wind Energy Conversion Lighting System - Waiver Request

Basin Electric Power Cooperative (**Basin Electric**) owns and operates the PrairieWinds ND1 wind project (**PWND1**), located south of Minot. The Project was commissioned in 2009 and consists of 77 wind turbines that generate approximately 120 MW electricity. Section 49-22-16.4 of the North Dakota Century Code (**NDCC**) and chapter 69-06-11 of the North Dakota Administrative Code (**NDAC**) require Basin Electric to install light-mitigating technology at PWND1 by December 31, 2021. I am writing to request a waiver of the statutory and administrative requirements due to safety concerns.

Basin Electric submitted to the Air Force a description of the light-mitigating technologies that Basin Electric has considered installing to comply with the requirements. In the enclosed memorandum, Major General Michael J. Luton, Commander of the Twentieth Air Force, responded that the light mitigating technology would "jeopardize flight safety and security in and around [intercontinental ballistic missile] complexes." He further noted that he supports Basin Electric's efforts to obtain a waiver of the requirements. For this reason, Basin Electric requests a waiver of the requirement that light mitigating technology be installed at PWND1.

For inquiries or questions regarding this request, please contact Kevin Solie, senior environmental compliance administrator, at ksolie@bepc.com or at 701.557.5495.

Sincerely,

Troy L. Tweeten
Senior VP of Operations

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Enclosure

By email: Mr. Patrick Fahn, Director of Compliance, ND PSC, pfahn@nd.gov

cc: Joe Fiedler
Kevin Solie
Anine Merkens
Jean Schafer
Amanda Wangler

19 PU-09-692 Filed 08/25/2021 Pages: 2
Request for waiver with attachment from USAF in support of waiver request

111 PU-08-75 Filed 08/25/2021 Pages: 2
Request for waiver with attachment from USAF in support of waiver request

1717 East Interstate Avenue | Bismarck, ND 58505 | www.bepc.com | 701.557.5495
1 PU-21-375 Filed 08/25/2021 Pages: 2
Request for waiver with attachment from USAF in support of waiver request



**DEPARTMENT OF THE AIR FORCE
HEADQUARTERS TWENTIETH AIR FORCE (AFGSC)**

MEMORANDUM FOR BASIN ELECTRIC POWER COOPERATIVE

20 Jan 21

FROM: 20 AF/CC
6610 Hap Arnold Drive
F. E. Warren AFB WY 82005-3943

SUBJECT: PrairieWinds ND Light Mitigation Installation

Thank you for your letter dated 11 December 2020. The USAF Intercontinental Ballistic Missile (ICBM) force is foundational to the national security of the United States as the most responsive leg of the nuclear triad, and the security of the ICBM missile complex is a top national priority. USAF helicopter operations form an integral part of the day-to-day security operations and specific security incident response within the ICBM missile complex.

An automatic light detection system at your PrairieWinds project in North Dakota would jeopardize flight safety and security in and around ICBM missile complexes. As such, I support your efforts to obtain a light mitigation system waiver. My point of contact for this matter is Lt Col Adam Ackerman, Chief, Helicopter Operations Division, at (307) 773-5444.

MICHAEL J. LUFFTON
Major General, USAF
Commander

Attachment:
Basin Electric Prairie Winds Letter, dtd 11 Dec 20