

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Meadowlark Wind I LLC**  
**New Frontier Wind Project – McHenry County**  
**Siting Application**

**Case No. PU-11-69**

**ORDER OF CONTINUING SUITABILITY**

March \_\_\_\_, 2017

**Appearances**

Commissioners Randy Christmann and Julie Fedorchak.

Mollie M. Smith, Fredrikson & Byron, P.A., 200 South 6th Street, Suite 4000, Minneapolis, Minnesota 55402, appearing on behalf of Meadowlark Wind I LLC.

John Schuh, Legal Counsel, Public Service Commission, State Capitol, 600 E. Boulevard Avenue, Bismarck, North Dakota 58505, appearing on behalf of the Public Service Commission Staff.

**Preliminary Statement**

On April 25, 2012, the North Dakota Public Service Commission (Commission) issued Certificate of Site Compatibility No. 29 to Meadowlark Wind I LLC (Meadowlark) for the New Frontier Wind Project (Project), in McHenry County, North Dakota.

On November 22, 2016, Meadowlark filed with the Commission a Certification of Continuing Suitability with supporting documentation (Certification), certifying that the site designated for the Project continues to meet the conditions upon which Certificate of Site Compatibility No. 29 was issued.

On December 14, 2016, the Commission issued a Notice of Opportunity for Hearing (Notice). The Notice states as follows:

The issues to be considered in this matter are whether the site continues to meet the evaluation requirements and conditions under which Certificate of Site Compatibility Number 29 was issued and if so then during what time period should construction be authorized to begin.

The Commission held an informal hearing at 1:30 pm on February 7, 2017 CST in the Commission Hearing Room, State Capitol, 12th Floor, Bismarck, North Dakota 58505.

The Commission has reviewed the filing and all information provided by Meadowlark addressing the issues identified in the Notice and finds:

1. The Commission has jurisdiction over this proceeding under Chapter 49-22 of the North Dakota Century Code.
2. The site designated in Certificate of Site Compatibility No. 29 for the New Frontier Wind Project continues to meet the conditions upon which said Certificate was issued.
3. The site designated in Certificate of Site Compatibility No. 29 continues to meet the evaluation requirements of Chapter 49-22 of the North Dakota Century Code and Article 69-06 of the North Dakota Administrative Code.

From the foregoing, the Commission makes the following:

### **Order**

The Commission orders:

1. Meadowlark Wind I LLC is authorized to begin construction of the New Frontier Wind Project pursuant to Certificate of Site Compatibility No. 29 as early as the Third Quarter 2017 and no later than the Second Quarter 2020.
2. The site designated under Certificate of Site Compatibility No. 29 is modified to correspond to the updated Figure 1 presented by Meadowlark at the February 7, 2017 informal hearing.
3. Within the designated site, Meadowlark is authorized to site, construct, operate, and maintain wind turbines and associated equipment, electrical collection and communication lines, access roads, an operations and maintenance building, a Project substation, meteorological towers, and any other associated facilities identified in the Certification and documents referenced therein, at the informal hearing, and in any supplemental filings.
4. Meadowlark shall comply with the following commitments:
  - a. Meadowlark will construct no more than 49 turbines and no more than 102 MW within the designated site.

- b. Meadowlark will comply with the siting criteria set forth in the version of Section 69-06-08-01 of the North Dakota Administrative Code in effect as of the date of this Order.
- c. Meadowlark will site turbines at least 1,400 feet from currently occupied residences.
- d. Meadowlark will site Project turbines so as to meet a shadow flicker goal of 30 hours per year or less at each currently occupied residence, considering site-specific conditions, unless a written acknowledgment is obtained from the landowner.
- e. Meadowlark will use commercially reasonable efforts to install an aircraft detection and lighting system or other suitable lighting technology on the Project as soon as practicable after commercial operation, subject to availability and Federal Aviation Administration approval.
- f. Meadowlark has executed and will comply with the March 10, 2017 Certification Relating to Order Provisions – Wind Energy Conversion Facility, with accompanying Tree and Shrub Mitigation Specifications.

5. If modifications are made to the Project layout, Meadowlark shall complete a Class III cultural resource survey for any previously unsurveyed portions of the designated site affected by Project-related construction activities, in accordance with SHPO guidance; shall submit cultural resource findings to SHPO for review; and shall obtain and file a copy of SHPO's response with the Commission prior to beginning construction in said areas.

6. If modifications are made to the Project layout, Meadowlark shall complete a wetland delineation of any previously unsurveyed areas affected by Project-related activities, as necessary, and file the report with the Commission.

7. In the event Project modifications occur that are not covered by its current sound analysis, Meadowlark shall conduct a sound analysis and file a report with the Commission to ensure that the Project complies with the Commission's Avoidance Area Sound Requirement.

8. In the event Project modifications occur that are not covered by its current shadow flicker analysis, Meadowlark shall conduct a shadow flicker analysis and file a report with the Commission to ensure that the Project complies with the commitment in Order Paragraph No. 4(d).

9. The December 8, 2011 Certification Relating to Order Provisions – Energy Conversion Facility Siting, with accompanying Tree and Shrub Mitigation Specifications,

is superseded in its entirety by the March 10, 2017 Certification Relating to Order Provisions – Wind Energy Conversion Facility Siting, with accompanying Tree and Shrub Mitigation Specifications, and the latter is incorporated by reference and attached to this Order.

10. Except to the extent superseded or modified by this Order, the Conclusions of Law and Order provisions of the Commission's April 25, 2012 Order issuing Certificate of Site Compatibility No. 29 remain in effect.

**PUBLIC SERVICE COMMISSION**

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**Julie Fedorchak**  
**Commissioner**

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**Randy Christmann**  
**Chairman**

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**VACANT**  
**Commissioner**