

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Allete, Inc.
Bison 1 Wind Project – Oliver / Morton Counties
Siting Application**

Case No. PU-09-151

**Allete, Inc.
Bison 2 Wind Project – Oliver-Morton Counties
Siting Application**

Case No. PU-11-57

**Allete, Inc.
Bison 3 Wind Project – Oliver - Morton Counties
Siting Application**

Case No. PU-11-162

**Allete Clean Energy, Inc.
100 MW Clean Energy #1 Wind Pjc – Mercer & Morton
Siting Application**

Case No. PU-11-662

**Allete, Inc.
210MW Bison 4 Wind Project – Oliver Cty
Siting Application**

Case No. PU-13-127

Order on Request for Extension

December 15, 2021

Preliminary Statement

On December 15, 2010 Bison 1 was issued First Amended Certificate of Site Compatibility Number 15 which it currently operates under.

On August 10, 2011, Bison 2 was issued Certificate of Site Compatibility Number 24 which it currently operates under.

On October 12, 2011, Bison 3 was issued Certificate of Site Compatibility Number 25 which it currently operates under.

On September 25, 2013, Bison 4 was issued Certificate of Site Compatibility Number 34 which it currently operates under.

On September 19, 2019, Clean Energy was issued Corrected Certificate of Site Compatibility Number 30 which it currently operates under.

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On August 12, 2021, Allete, Inc. (Allete) filed with the Commission a request for an extension of time to equip the wind energy conversion facilities enumerated above with a functioning light-mitigating technology system. Allete intends to develop a joint radar-based light-mitigating technology system across all the projects with a proposed target date for completing the system of April 30, 2022.

On September 1, 2021, the Commission issued a notice for a consolidated public hearing on the above captioned cases.

On October 13, 2021, the Commission held a public hearing as noticed.

Discussion

1. Minnesota Power, an operating division of ALLETE, Inc., is a Minnesota corporation and Minnesota public utility as defined under Minn. Stat. § 216B.02, subd. 4.
2. ALLETE, Inc. is registered to conduct business in the State of North Dakota, as evidenced by a Certificate of Good Standing issued by the North Dakota Secretary of State.
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. ALLETE provided technical reasons for its extension request, and has not provided any economic feasibility considerations.
6. ALLETE provided the following timeline for its implementation of Aircraft Deception Lighting System (ADLS) for the above captioned cases:
 - 2017 - Q3: Initial contact with Laufer Wind regarding their ADLS product. At the time, this was the only Light Mitigating Technology (“LMT”) vendor known to ALLETE. Laufer Wind ultimately exited the LMT market.
 - 2018 - Q3: Initial proposal for ADLS received from Terma.
 - 2019 - Q2: Initial proposal for LIDS received from Technostrobe.
Q3 : Ordered TWR LCM (light control module) components
 - 2020 - Q1: Initial proposal for ADLS received from DeTect.
Q3: With LIDS FAA approval still not in place, ALLETE decided that ADLS from either Terma or DeTect was the path forward. Both vendors indicated

that 6-8 months of lead time were needed for product delivery, installation, and commissioning.

- 2020 - Q3/4: Minnesota Power (“MP”) and ALLETE Clean Energy (“ACE”) agreed to purchase a jointly-owned ADLS system from DeTect.
- 2021 - Q1: MP and ACE finalized contracts and Purchase Orders for DeTect to furnish and install the ADLS.
 - Q2: MP purchased all required upgraded obstruction lights from TWR Lighting.
 - Q2: MP personnel began installing upgraded obstruction lights in the Bison turbines.
 - Q3: All required land lease agreements signed.
 - Q3: All required Conditional Use and Building permits obtained.
 - Q4: Radar and generator foundations poured

7. In late July 2021, DeTect notified ALLETE that their radar manufacturer was facing supply chain instability and that the delivery of the radar equipment would be delayed until December 2021. This does not leave enough time to install and commission the overall ADLS project. As of early October, all necessary project components are on schedule to be complete such that the radar equipment can be installed immediately on arrival and commissioning initiated.

8. On November 30, 2021, ALLETE filed a letter stating an ADLS system from another project was redirected and installation should be complete early December 2021 with commissioning work to follow and a filing provided to the Commission upon completion.

9. Given ten facilities using the same available vendors and under the same deadline have completed their installation and the four-year time frame ALLETE had to install ADLS, 2021 supply chain issue impacts do not equate to a technical issue acceptable to the Commission to justify an extension of the December 31, 2021, deadline.

Order

The Commission denies ALLETE’s extension request.

PUBLIC SERVICE COMMISSION


Randy Christmann
Commissioner


Julie Fedorchak
Chair


Brian Kroshus
Commissioner