



Public Service Commission

State of North Dakota

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NOTICE OF NONCOMPLIANCE

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

And

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

North Dakota Century Code ("N.D.C.C") 49-22-16.4(3) and North Dakota Administrative Code (N.D.A.C.) 69-06-11-02(2) state that, by December 31, 2021, every wind energy conversion facility for which the Public Service Commission issued a certificate of site compatibility before June 5, 2016, must be equipped with a functioning light mitigating technology.

N.D.A.C. 69-06-11-02(5) provides that written notice to the Commission is required upon implementation of light-mitigating technology.

Based on the documentation on file at the Commission, Staff concludes that a light mitigating technology system was not functioning at the Courtenay Wind Farm as of December 31, 2021. Therefore, the Courtenay Wind Farm is not in compliance with North Dakota law.

N.D.C.C. 49-22-21(3)(b-c) sets forth the following penalty provisions for non-compliance:

3. Any person who willfully engages in any of the following conduct is subject to a civil penalty of not to exceed ten thousand dollars for each such violation for each day the violations persist, except that the maximum penalty may not exceed two hundred thousand dollars for any related series of violations:

...

- b. Constructs, operates, or maintains an electric energy conversion facility or an electric transmission facility other than in compliance with the certificate or permit and any terms, conditions, or modifications contained therein.
- c. Violates any provision of this chapter or any rule adopted by the commission pursuant to this chapter.

In addition to the civil penalty, the Commission may suspend or revoke the Certificate of Site Compatibility issued for the Courtenay Wind Farm for operation in violation of N.D.C.C., N.D.A.C, or provisions of the Commission's Order issuing the Certificate.

Commission Staff asks that Northern States Power Company provide written notice to the commission upon implementation of a functioning light-mitigating technology and, as soon as possible after such written notice, begin discussions with Staff regarding a resolution of the noncompliance.

You may contact me at 701-328-4077 with any questions concerning this letter.

Best regards,



Patrick Fahn
Director, Public Utilities Division