

Casey A. Furey
100 West Broadway, Suite 250
P.O. Box 2798
Bismarck, ND 58502-2798
701.223.6585
cfurey@crowleyfleck.com

October 11, 2018

Via E-mail and Hand Delivery

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



In re: Oliver Wind III, LLC
Oliver III Wind Energy Center
PSC Case No. PU-16-123
Our File No. 035218-00029

Dear Mr. Nitschke:

On behalf of Oliver Wind III, LLC, enclosed for filing in the above-referenced matter is an original and seven copies of an update letter regarding the status of installation of light-mitigating technology at the Oliver III Wind Energy Center.

Please call should you have any questions.

Sincerely,

CROWLEY FLECK PLLP

A handwritten signature in blue ink, appearing to read "Casey A. Furey".

Casey A. Furey

CAF:drh

Enc.

152 PU-16-123 Filed: 10/11/2018 Pages: 3
Update regarding lighting technology

October 11, 2018

Mr. Darrell Nitschke
Executive Director
PUBLIC SERVICE COMMISSION
12th Floor, State Capitol
600 E. Boulevard Ave.
Bismarck, ND 58505-0480

**Re: Oliver Wind III, LLC – Update Regarding Lighting technology at Oliver III
Wind Energy Center (PU-16-123)**

Dear Mr. Nitschke:

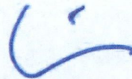
On June 22, 2016, in Case No. PU-16-123, the Commission issued Certificate of Site Compatibility No. 49 to Oliver Wind III, LLC (“Oliver Wind III”) for the construction, operation, and maintenance of the Oliver III Wind Energy Center in Oliver and Morton Counties, North Dakota. Finding of Fact 46 in the Commission’s order required that “[s]ubject to [Federal Aviation Administration (‘FAA’)] approval, Oliver Wind III will use commercially reasonable efforts to install an Aircraft Detection and Lighting System [(“ADLS”)] or other technology suitable to the Commission on the Project as soon as practicable after commercial operation, and in any event by no later than December 31, 2018.” Subsequent to the June 22, 2016 order, North Dakota Century Code Section 49-22-16.4 was enacted, which requires that “[b]y December 31, 2019, every wind energy conversion facility for which the commission issued a certificate of site compatibility after June 5, 2016, must be equipped with a functioning light-mitigating technology system that complies with rules adopted by the commission.” *See also* North Dakota Administrative Code Chapter 69-06-11.

Oliver Wind III provides the following update to the Commission regarding the installation of the ADLS at the Oliver III Wind Energy Center. Oliver Wind III has continued to work toward receiving the required FAA approval of ADLS lighting mitigation system at the Oliver III Wind Energy Center. Oliver Wind III has contracted with DeTech, a vendor of ADLS systems, to procure an ADLS for the Oliver III Wind Energy Center. On July 10, 2018, DeTech received a Technical Note from the FAA, approving DeTech’s ADLS technology. On July 26, 2018, Oliver Wind III submitted an application to the FAA requesting a site-specific approval for the installation of the ADLS at the Oliver III Wind Energy Center, which was assigned aeronautical study numbers 2017-WTE-5465 through 5513-OE. Currently, this request is still pending. Once the FAA issues this site-specific approval, and once weather conditions permit the start of

installation activities, Oliver Wind III estimates that it will take approximately six months to install the ADLS at the Oliver III Wind Energy Center.

Oliver Wind III is willing to provide any additional information that the Commission may request regarding this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'AR' with a flourish.

Alex Rubio
Vice President, Business Management
Oliver Wind III, LLC