

6. Subsequent to issuance of the Commission's Order, N.D.C.C. § 49-22-16.4 was enacted and became effective on August 1, 2017. Section 49-22-16.4 established a new compliance deadline, requiring that facilities permitted by the Commission after June 5, 2016 be "equipped with a functioning light-mitigating technology system" by December 31, 2019.
7. On July 10, 2018, the FAA issued a technical note to an ADLS vendor (DeTect). Oliver III contracted with DeTect shortly thereafter to procure ADLS.
8. On July 26, 2018, Oliver III submitted a request for site-specific approvals to the FAA.
9. Up until this time, Oliver III had been communicating with Commission staff and counsel informally regarding the status of ADLS permitting and installation. In accordance with their recommendations and request, Oliver III began filing periodic updates with the Commission, which began in October 2018.
10. On January 28, 2019, the FAA issued the site-specific approval to Oliver III to utilize ADLS.
11. In early July 2019, Oliver III commenced construction on the Facility's ADLS. Based on its estimated timeframe for construction, Oliver III believed this was more than sufficient time to install the ADLS by the end of the year.
12. The installation process included the following activities: site mobilization; installation of FAA control boxes on 48 turbines; construction of two radar towers; construction of two access roads; trenching work and cable pulls; installation of radar generator sets; and installation of the radar units on the radar towers.
13. During the ADLS construction process, Oliver III experienced certain critical delays including the delivery of the radar units to the site.
14. In August 2019, Oliver III's ADLS vendor was originally scheduled to deliver the radar units to the sites. However, the vendor's overseas supplier experienced significant delays in manufacturing the radar units which impacted the timing of their delivery. As a result, the radar units were not delivered to the Facility until mid-November.
15. On December 19, 2019, Staff inquired as to the status of light-mitigating technology at the Facility, requesting information to be provided by December 31, 2019.
16. On December 26, 2019, all construction items were completed. Oliver III immediately began to work with its ADLS vendor to test the system. At this time, Oliver III activated the ADLS and the system detected its first aircraft.

17. The FAA requires certain testing before an ADLS can be fully implemented and traditional obstruction lighting can be switched off.

18. On December 31, Oliver III filed an update with the Commission indicating that test flights had occurred and final software tuning was occurring that afternoon. Following initial testing, local pilots conducted test flights over the sites on December 30. During these flights, the ADLS fully tracked the aircraft and operated the lights as expected. Following these test flights, the ADLS was capable of fully functioning in accordance with FAA requirements. Attached hereto as Exhibit 1 is a copy of Oliver III's ADLS vendor's Commissioning Certificate that certifies ADLS installation and commissioning was complete as of December 30, 2019.

19. In an abundance of caution, Oliver III's ADLS vendor recommended some additional further testing and fine-tuning of software to establish a redundant communications path (referred to as a "heart beat" signal) to provide a secondary means of ensuring that the turbine communications systems were fully engaged. Oliver III sought to take extra precautionary measures to ensure the system was operating to control the turbine lights.

20. On December 31, Oliver III elected to manually deactivate the ADLS until the heart beat signal could be established and an additional round of test flights could be completed.

21. On January 2, 2020, Oliver III notified the Commission that it was completing additional fine-tuning of the ADLS to ensure the system's functionality. The additional testing did not stem from issues identified during the December 30 test flights. Oliver III voluntarily undertook additional testing out of an abundance of caution and as a redundant safety measure.

22. On January 2, 2020, the Commission held a work session to discuss the status of ADLS compliance at the Facility.

23. On January 3, 2020, Oliver III established the heart beat signal and completed the additional test flights. Later this day, Oliver III left the ADLS fully activated following these flights.

24. On January 3, 2020, Staff issued the Notice to Oliver III alleging noncompliance with the provisions of N.D.C.C. § 49-22-16.4(2) and N.D. Admin Code § 69-06-11-02(1).

25. On January 6, 2020, Oliver III notified the Commission that ADLS had been fully activated at the Facility on January 3.

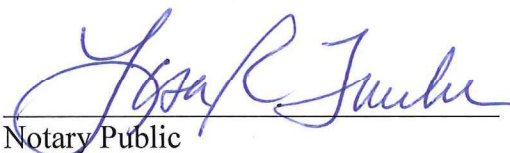
Dated this 7 day of February, 2020.



Daniel Gerard
Vice President
Oliver Wind III, LLC




STATE OF FLORIDA)
) ss.
COUNTY OF PALM BEACH)

This instrument was signed and attested before me on February, 7, 2020, by Daniel Gerard, Vice President, Oliver Wind III, LLC, on behalf of said corporation.


Notary Public

SEAL



	Project: Oliver III - HARRIER Aircraft Detection Lighting System
COMMISSIONING CERTIFICATE	
SUPPLIER:	DeTect, Inc.
CLIENT:	Oliver Wind III
<p>MILESTONE DESCRIPTION: Completion of Installation & Commissioning</p> <p>This certificate confirms that all system components have been supplied, assembled, configured, and tested in accordance with the scope per Purchase Order: 2000221453.</p> <p>Delivery of all components was supplied by: DeTect, Inc</p> <p>HARRIER Aircraft Detection Lighting System ("ADLS") with propane backup generators. The Aircraft Detection Lighting System was tested with aircraft flights in coordination with NexTera in an effort to demonstrate aircraft activating the lights per the FAA ADLS standards.</p> <p>To: Oliver III</p> <p>3259 County Road 140 Mandan, ND 58554 POC: Chase Dauenhauer or Perry Oberg</p>	
SIGNED ON BEHALF OF Oliver III: <u>Chase Dauenhauer</u>	
SIGNED ON BEHALF OF DeTect, Inc: <u>Jesse Lewis</u>	
DATE: 12/30/2019	