

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Public Service Commission
Public Utilities
Rulemaking**

Case No. PU-16-775

STAFF TESTIMONY
February 27, 2017

My name is Jerry Lein. I am a Public Utility Analyst with the Public Service Commission. The purpose of my testimony is to explain the proposed changes to the Commission's administrative rules pertaining to the siting of energy conversion and transmission facilities, Article 69-06 of the North Dakota Administrative Code promulgated under N.D.C.C. Chapter 49-22.

The purpose for the rule changes are to update and codify the Commission's existing energy conversion facility siting criteria to add the impact on light sensitive land uses to the selection criteria, which must be at an acceptable minimum. The Commission is further proposing to add new policy criteria to allow preference to be given to wind energy projects that commit to installing aircraft detection and lighting systems subject to Federal Aviation Administration approval.

The FAA requires flashing red warning lights on wind turbines to avoid aircraft collisions with turbines. These flashing lights have long been a source of light pollution on the rural night sky. Aircraft detection and lighting systems are a new technology coming available that uses radar to detect when an aircraft is in the vicinity so the flashing lights can be turned on only when needed.

The Commission is already giving consideration to the use of aircraft detection and lighting systems subject to FAA approval when siting wind energy projects. The rule changes proposed here would codify that existing practice.

Please note that Commission counsel has advised that the selection criteria change proposed in subsection 69-06-08-01(5)(c)2) should be in a new subsection and it is likely this edit will be made in drafting a final rule.

This concludes my testimony. I would be happy to answer any questions at this time. Thank you.