

NextEra Energy Resources, LLC  
700 Universe Boulevard  
Juno Beach, FL 33408

May 26, 2017

Darrell Nitschke, Executive Secretary  
North Dakota Public Service Commission  
State Capitol  
Bismarck, ND 58505

In re: Case No. PU-17-23  
Wind Decommissioning Rulemaking

Dear Mr. Nitschke,

This letter is being filed pursuant to North Dakota Public Service Commission Case No. PU-17-23.

NextEra Energy Resources, LLC and its subsidiaries that operate wind facilities in North Dakota (collectively referred to as “NextEra”) respectfully request that the Commission allow all existing facilities to file their revised decommissioning plans by December 31, 2017.<sup>1</sup> NextEra additionally requests that the Commission allow existing facilities whose commercial operations began prior to January 1, 2008 to file their decommissioning financial assurance by December 31, 2017.<sup>2</sup> Creating a decommissioning plan that meets the decommissioning rules’ requirements and providing financial assurance will entail several steps that will challenge an existing facility’s ability to file by the rules’ effective date of July 1, 2017.

In order to comply with the Commission’s requirements for decommissioning plans and decommissioning cost estimates set forth in N.D. Admin. Code § 69-09-09-06, NextEra will need to obtain a decommissioning estimate and decommissioning plan from an engineer licensed in the state of North Dakota. While NextEra routinely obtains decommissioning estimates and decommissioning plans prior to commercial operations for each of its projects, the estimates and plans for NextEra’s existing facilities were not provided by a North Dakota-licensed engineer. Bidding and procuring the decommissioning plan from an engineer who meets the rule’s requirements will require at least several weeks to complete. Once NextEra has established a contract with an engineer, the engineer will require sufficient time to perform the decommissioning cost estimate. Once the cost estimate is completed, NextEra will require additional time to draft the decommissioning plan.

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<sup>1</sup> NextEra’s existing wind facilities in North Dakota are: Ashtabula Wind, LLC; Ashtabula Wind II, LLC; Ashtabula Wind III, LLC; Baldwin Wind, LLC; Brady Wind, LLC; Brady Wind II, LLC; FPL Energy Burleigh County Wind, LLC; FPL Energy North Dakota Wind, LLC; FPL Energy Oliver Wind I, LLC; FPL Energy Oliver Wind II, LLC; Langdon Wind, LLC; Oliver Wind III, LLC; and Wilton Wind II, LLC.

<sup>2</sup> NextEra’s existing wind facilities that began commercial operations prior to January 1, 2008 are: FPL Energy North Dakota Wind, LLC; FPL Energy Burleigh County Wind, LLC; FPL Energy Oliver Wind I, LLC; FPL Energy Oliver Wind II, LLC; and Langdon Wind, LLC.

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Additional steps are added to this process for existing facilities that are also required to place a financial assurance with the Commission. Once the engineer has performed the decommissioning cost estimate and NextEra has drafted a decommissioning plan, NextEra will then need to obtain and provide financial assurance, pursuant to N.D. Admin. Code § 69-09-09-07. The process for securing the required financial assurance cannot begin until NextEra has received the decommissioning cost estimate. Obtaining appropriate financial assurance will then require time to secure all required corporate approvals.

NextEra respectfully requests that the Commission approve the proposed compliance timeline of December 31, 2017.

Thank you for your attention to this matter. Please feel free to contact Brian Duncan at (561) 304-5641 should you have any questions.

Sincerely,  
Brian Tobin



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