

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Public Service Commission
Wind Decommissioning
Compliance

Case No. PU-17-251

AFFIDAVIT OF SERVICE BY REGULAR AND ELECTRONIC MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Geralyn R. Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **28th** day of **December, 2017**, she deposited in the United States Mail, Bismarck, North Dakota, **4** envelopes by first class mail, fully prepaid and **50** addressees electronically mailed a copy of:

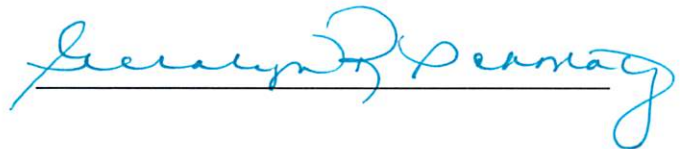
- **Notice Regarding Compliance With Decommissioning Rules**

The envelopes and electronic mails respectively were addressed as follows:

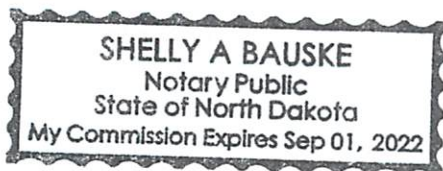
See attached list.

Each post office address shown is the respective addressee's last reasonably ascertainable post office address and each email address is the respective addressee's last reasonably ascertainable electronic mailing address.

Subscribed and sworn to before me
this **28th** day of **December, 2017**.



Notary Public



SEAL



Public Service Commission

State of North Dakota

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RE: Public Service Commission
Wind Decommissioning
Compliance
Case No. PU-17-251

NOTICE REGARDING COMPLIANCE WITH DECOMMISSIONING RULES

This is a notice issued by the North Dakota Public Service Commission (“Commission”) to owners and operators of commercial wind energy conversion facilities in the State of North Dakota (“Wind Farms”) regarding compliance with North Dakota Administrative Code Chapter 69-09-09 (“Decommissioning rules”). Due to recent changes, the Commission suggests that companies review the decommissioning rules and this notice to ensure current and future compliance.

Action Requested

The Commission requests that by July 1, 2018, owners of wind farms:

1. File a compliant decommissioning plan and cost estimate with the Commission; and
2. File a financial assurance acceptable to the Commission for existing wind farms whose commercial operations began prior to January 1, 2008.

Discussion

A number of changes to the decommissioning rules became effective on July 1, 2017, including new requirements for decommissioning plans and cost estimates,¹ and a requirement of financial assurances for existing facilities after the tenth year of operation.² It is the desire of the Commission to have

¹ N.D. Admin. Code § 69-09-09-06 (Prior to commencement of operation of a wind farm, the owner must have an approved decommissioning plan and cost estimate).

² N.D. Admin. Code § 69-09-09-07 (The owner of an existing facility shall provide financial assurance after the tenth year of operation sufficient to complete decommissioning).

approved decommissioning plans and cost estimates for all wind farms — new and existing — to assist in the monitoring of risks relating to decommissioning and restoration of permitted sites. As a result, the Commission is requesting that all wind farms have a decommissioning plan and cost estimate filed with the Commission by July 1, 2018 for Commission approval.³ Furthermore, as of January 1, 2018, existing wind farms without financial assurances approved by the commission whose commercial operations began prior to January 1, 2008 will be out of compliance with the decommissioning rules. The Commission is requesting that existing wind farms whose commercial operations began prior to January 1, 2008 take immediate action to become compliant and file financial assurances that are acceptable to the Commission by July 1, 2018.

If you are unable to comply with the filing requirements, please contact the North Dakota Public Service Commission for further instruction.

We thank you again for your attention to this matter. If you have further questions or concerns, please do not hesitate to contact us.

Dated: December 28, 2017

Best Regards,



John M. Schuh
Special Assistant Attorney General

³ If a decommissioning plan or cost estimate has already been approved pursuant to current N.D. Admin. Code ch. 69-09-09, this request does not apply.

PU-Rules PU-WG

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