



Public Service Commission

State of North Dakota

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December 11, 2019

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RE: Case No. PU-17-284
Foxtail Wind, LLC – Foxtail Wind Energy Center
Aircraft Detection Lighting System Status Update

On January 31, 2018, in Case No. PU-17-284, the Commission issued Certificate of Site Compatibility No. 53 to Foxtail Wind, LLC for the Foxtail Wind Energy Center located in Dickey County, North Dakota.

North Dakota Century Code (“N.D.C.C”) 49-22-16.4(2) and North Dakota Administrative Code (N.D.A.C.) 69-06-11-02(1) state that, by December 31, 2019, every wind energy conversion facility for which the Public Service Commission issued a certificate of site compatibility after June 5, 2016, must be equipped with a functioning light mitigating technology. N.D.C.C. 49-22-16.4 and N.D.A.C. 69-06-11 do not allow for an extension of this deadline. Also, N.D.A.C. 69-06-11-02(5) states that the Owner of a wind conversion facility shall provide written notice to the commission upon implementation of light-mitigating technology.

Under N.D.A.C. 69-06-11-01(4), “light-mitigating technology system” means aircraft detection lighting system, lighting intensity dimming solution technology, or a comparable solution capable of reducing the impact of nighttime lighting while maintaining night conspicuity sufficient to assist aircraft in identifying and avoiding collision with the facilities.

By December 31, 2019, please provide an update of the status of the light-mitigating technology installation on the Foxtail Wind Energy Center.

Please feel free to contact me with any questions.

Best regards,

Patrick Fahn
Director, Public Utilities Division

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Request for information