

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Public Service Commission**  
**Public Utilities**  
**Rulemaking**

**Case No. PU-17-339**

**STAFF TESTIMONY**  
**January 3, 2018**

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 wind energy conversion facilities, Article 69-06 of the North Dakota Administrative Code promulgated under N.D.C.C. Chapter 49-22.

The Commission is proposing to amend the North Dakota Administrative Code section 69-06-08-01(2)(a)(5) to reflect the changes from the 2017 legislative session to North Dakota Century Code section 49-22-05.1 establishing a minimum wind turbine setback of three times the height of the turbine from an inhabited residence of a nonparticipating landowner.

The Commission is further proposing a new Chapter 69-06-11 to implement House Bill 1378 enacted during the 2017 legislative session as North Dakota Century Code section 49-22-16.4 providing that the Commission shall adopt rules relating to the implementation of light-mitigating technology systems on wind energy conversion facilities. In summary the new chapter would provide that a wind energy conversion facility permitted after June 5, 2016 must be equipped with a functioning USDOT/FAA approved light-mitigating technology by December 31, 2019. Facilities permitted before

June 5, 2016 must be so equipped by December 31, 2021. The proposed rule provided may grant a waiver for facilities with up to five MW of generating capacity and could grant extensions for facilities where the deadlines are not obtainable.

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