

October 31, 2024

VIA E-MAIL AND FEDERAL EXPRESS

Mr. Steven Kahl
Executive Secretary
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480

**RE: Harmony Solar ND, LLC's Application for a Certificate of Site Compatibility for the Harmony Solar Project in Cass County, North Dakota
Case No. PU-18-219**

Dear Mr. Kahl:

Harmony Solar ND, LLC submits an original and six (6) copies of this letter and the following documents in connection with the above-referenced case:

1. Proposed Order of Continuing Suitability; and
2. Energy Assessment Summary.

Electronic copies of the above-referenced documents and this letter were filed with the Commission today via e-mail.

If you have any questions, please let me know.

Sincerely,



MOLLIE M. SMITH

MMS/84335704

Enclosures

cc: Alia Mohammad (w/ encls. via e-mail)
Monika Davis (w/ encls. via e-mail)

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Harmony Solar ND, LLC
Harmony Solar Project – Cass County
Siting Application**

Case No. PU-18-219

ORDER OF CONTINUING SUITABILITY

November __, 2024

Preliminary Statement

On February 26, 2019, the Public Service Commission (Commission) issued its Findings of Fact, Conclusions of Law and Order (Order) granting Certificate of Site Compatibility No. 58 (Certificate No. 58) to Harmony Solar ND, LLC (Harmony Solar) for the Harmony Solar Project (Project) located in Cass County, North Dakota.

On July 31, 2024, Harmony Solar filed with the Commission a Certification of Continuing Suitability with supporting documentation (Certification), certifying that the site designated for the Project continues to meet the conditions upon which Certificate No. 58 was issued and requesting an order authorizing construction pursuant to North Dakota Century Code (NDCC) Section 49-22-17 and North Dakota Administrative Code (NDAC) Chapter 69-06-09.

On August 28, 2024, the Commission issued a Notice of Opportunity for Hearing (Notice) setting a deadline of October 11, 2024 for receipt of comments and requests for hearing. The Notice stated the following issues to be considered:

1. Whether the site continues to meet the evaluation requirements and conditions under which the Certificate was issued?
2. If so, during what time period should construction be authorized to begin?

On September 18, 2024, the North Dakota Department of Environmental Quality filed comments.

No other comments or requests for hearing were received.

On October 15, 2024, Harmony Solar submitted an updated conditional use permit (CUP) from Harmony Township and additional correspondence with the North Dakota Game and Fish Department (NDGF) and the United States Fish and Wildlife Service (USFWS).

On October 16, 2024, Harmony Solar submitted an electronic copy of its presentation for the October 18, 2024 informal hearing.

The Commission held an informal hearing at 8:30 a.m. on October 18, 2024 CST in the Commission Hearing Room, State Capitol, 12th Floor, Bismarck, North Dakota, 58505.

The Commission has reviewed the Certification and all information provided by Harmony Solar addressing the issues identified in the Notice and notes the following:

Discussion

1. Harmony Solar ND, LLC is a Delaware limited liability company and is a wholly owned, indirect subsidiary of National Grid Renewables, LLC, formerly known as Geronimo Energy, LLC.

2. Harmony Solar is authorized to do business in the State of North Dakota.

3. Certificate No. 58, issued to Harmony Solar on February 26, 2019, designated a site for the Project.

4. In the Certification filed by Harmony Solar on July 31, 2024, Harmony Solar requested an order confirming continuing suitability and authorizing Project construction to begin as early as the Second Quarter 2025 and no later than the Second Quarter 2027.

5. In the Certification, Harmony Solar included information regarding updates made to the preliminary Project design, including updated figures (Exhibit 1, Environmental Report (Figures)).

6. Harmony Solar confirmed that while the Project design has been updated, the Project Area remains the same as the site designated in Certificate No. 58.

7. In support of the Certification, Harmony Solar provided updated environmental information or confirmed the applicability of previously provided information (Exhibit 1, Environmental Report and Exhibit 2, Certificate of Site Compatibility Chart).

8. In support of the Certification, Harmony Solar had an updated Class I Cultural Resources Inventory completed in August 2023 to determine whether any additional cultural resource field inventories have been completed for the Project Area and the Study Area. One additional Class III inventory was completed in 2022 that includes portions of the Project Area and Study Area, and no cultural resources were identified within the Project Area. The entire Project Area has been inventoried for the existence of cultural resources and no cultural resources were identified.

9. Harmony Solar has prepared an unanticipated discoveries plan that will be implemented in the event a cultural resource or human remains are identified during Project construction.

10. Harmony Solar confirmed no exclusion areas are present within the Project Area, and the Project continues to comply with the Exclusion Area criteria identified in NDAC Section 69-06-08-01(1).

11. In support of the Certification, an updated wetland and waterbody delineation was conducted for the Project Area in 2023 and three wetlands were identified. The Project avoids permanent impacts to the identified wetlands, and temporary impacts will be restored following construction.

12. The closest residence is approximately 1,033 feet from the closest edge of a solar array. No occupied residences are located within 500 feet of the Project.

13. Harmony Solar confirmed no Avoidance Areas other than wetlands are present in the Project Area and the Project continues to comply with the Avoidance Area criteria identified in NDAC Section 69-06-08-01(3).

14. Harmony Solar engaged in additional consultation with federal, state, and local agencies and entities regarding the Project.

15. Harmony Solar received and incorporated feedback from the North Dakota Department of Agriculture in an updated Vegetation Management Plan for the Project.

16. Harmony Solar consulted with the NDGF and USFWS regarding the Project, including additional surveys and studies. Based on feedback from the agencies, Harmony Solar developed a site-specific post-construction fatality monitoring plan for the Project focused on waterfowl-sized birds. The monitoring is proposed for one year during the fall migration season, after which Harmony Solar will coordinate with both the NDGF and the USFWS on the results. While Harmony Solar anticipates that the results will confirm low levels of impact, Harmony Solar will consider adjustments to monitoring (which may include an additional year of monitoring) in coordination with NDGF and USFWS should the results not align with expectations.

17. Harmony Solar also voluntarily completed a bird use pre-construction study and plans to conduct a bird use post-construction study to gather data to help inform future guidance for solar development and provide a better understanding of the potential impacts and/or benefits of solar development on wildlife.

18. Harmony Solar committed to complying with the solar energy conversion facility decommissioning requirements set forth in NDAC Chapter 69-09-10 in lieu of its prior decommissioning commitments, which were made prior to the Commission adopting solar decommissioning rules.

19. Harmony Solar obtained an updated CUP for the Project from Harmony Township in 2023.

Conclusions of Law

Based on the information provided, the Commission concludes as follows:

1. The Commission has jurisdiction over this proceeding under NDCC Chapter 49-22.
2. The site designated in Certificate of Site Compatibility No. 58 for the Harmony Solar Project continues to meet the conditions upon which said Certificate was issued.
3. The site designated in Certificate of Site Compatibility No. 58 continues to meet the evaluation requirements of NDCC Chapter 49-22 and NDAC Article 69-06.

From the foregoing, the Commission issues the following:

Order

The Commission orders:

1. Harmony Solar ND, LLC is authorized to begin construction of the Harmony Solar Project pursuant to Certificate of Site Compatibility No. 58 as early as the Second Quarter 2025 and no later than the Second Quarter 2027.
2. Within the designated site, Harmony Solar is authorized to site, construct, operate, and maintain the solar facility identified in the Certification and documents referenced therein, at the informal hearing, and in any supplemental filings.
3. Except to the extent superseded or modified by this Order, the Conclusions of Law and Order provisions of the Commission's February 26, 2019 Order issuing Certificate of Site Compatibility No. 58, including the attached Certification Relating to Order Provisions Solar Energy Conversion Facility Siting, remain in effect.

PUBLIC SERVICE COMMISSION

Sheri Haugen-Hoffart
Commissioner

Randy Christmann
Chairman

Julie Fedorchak
Commissioner

MEMO

Date: 30 August 2024

Re: Energy Assessment Summary for Harmony Solar

DNV has completed their energy production assessment report for Harmony Solar. The project was assessed using the following equipment configuration, per the 30% design package dated April 12, 2024:

<i>Parameter</i>	<i>PV Array</i>
<i>Tilt angle [°]</i>	0.0
<i>Azimuth angle [°]</i>	0.0
<i>Mounting structure</i>	ATI
<i>Tracker rotation range [°]</i>	-52 / 52
<i>Ground Coverage Ratio (GCR)</i>	0.33
<i>PV module model</i>	First Solar FS-6470A-P-B
<i>Module quantity</i>	560,088
<i>Inverter model</i>	SMA SC4200-UP-US
<i>Inverter power [kWac]</i>	4,200
<i>Inverter quantity</i>	57
<i>DC power [kWp]</i>	263,241
<i>AC capacity [kWac]</i>	239,400
<i>POI Injection Limit [kWac]</i>	200,000

Monthly energy production profile to be used in the project’s financial model is as follows:

<i>Month</i>	<i>MWh</i>	<i>Capacity Factor</i>	<i>Percent of Annual Total</i>
<i>Jan</i>	15,566	10.46%	3.73%
<i>Feb</i>	23,981	17.84%	5.75%
<i>Mar</i>	34,529	23.20%	8.27%
<i>Apr</i>	42,194	29.30%	10.11%
<i>May</i>	51,260	34.45%	12.28%
<i>Jun</i>	54,950	38.16%	13.17%
<i>Jul</i>	56,920	38.25%	13.64%
<i>Aug</i>	49,666	33.38%	11.90%
<i>Sep</i>	36,279	25.19%	8.69%
<i>Oct</i>	25,905	17.41%	6.21%
<i>Nov</i>	14,355	9.97%	3.44%
<i>Dec</i>	11,729	7.88%	2.81%