

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

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

Case No. PU-18-219

AFFIDAVIT OF SERVICE BY CERTIFIED 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 **21st day of November 2024**, she deposited in the United States Mail, at Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

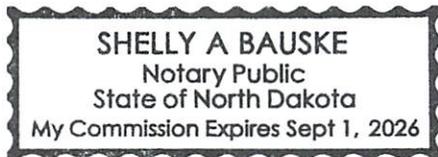
- **Order on Continuing Suitability**

The envelope was addressed as follows:

Mollie Smith
Attorney for Harmony Solar ND, LLC
Fredrikson & Byron, P. A.
60 S 6th Street Suite 1500
Minneapolis, MN 55402-1425
Cert. No. 9589 0710 5270 0129 6619 05

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me
this **21st day of November 2024**.



Shelly A Bauske

Notary Public

SEAL

STATE OF NORTH DAKOTA
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ORDER ON CONTINUING SUITABILITY

November 20, 2024

Preliminary Statement

On June 29, 2018, Harmony Solar ND, LLC (Harmony Solar) filed an Application for a Certificate of Site Compatibility for a 200 megawatt (MW) solar energy conversion facility to be located in Cass County, North Dakota.

On February 26, 2019, the North Dakota Public Service Commission (Commission) adopted its Findings of Fact, Conclusions of Law and Order (Order) issuing Certificate of Site Compatibility Number 58 (Certificate) to Harmony Solar for the construction, operation and maintenance of a solar energy conversion facility with a nameplate capacity up to 200 MW in Cass County, North Dakota (Project).

On July 31, 2024, Harmony Solar filed with the Commission an Application for an Order on Continuing Suitability (Application), certifying that the site designated on February 26, 2019, continues to meet the conditions upon which the Certificate was issued.

On August 28, 2024, the Commission issued a Notice of Opportunity for Hearing (Notice), providing until October 11, 2024, for receiving comments and requests for hearing. No requests for hearing were received. The Notice identified the issues to be considered in this matter are:

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.

The Commission received comments in favor of the Project from five separate commenters between October 8, 2024, and October 11, 2024.

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 18, 2024, the Commission discussed this matter with Harmony Solar during an Informal Hearing.

Discussion

North Dakota Century Code Section 49-22-17 requires a utility to certify to the Commission that a site or route continues to meet the conditions upon which the certificate or permit were issued if construction commences more than four years after a certificate or permit for the site or route was issued.

Harmony Solar did not commence construction of the Project within four years after February 26, 2019, the date that Certificate Number 58 was issued.

By the affidavit of Amber Miller, Permitting Director, Harmony Solar certifies that the Project continues to meet the conditions upon which Certificate Number 58 was issued.

Harmony Solar intends to begin construction of the Project as early as the second quarter of 2025 and no later than the second quarter of 2027.

Harmony Solar's Application included an updated Project design and layout. The updated design maintains the same site as approved in the Commissions February 26, 2019, Order.

Harmony Solar's Application provided updates of the following studies, surveys and consultations:

- a. Studies/Surveys. (1) Environmental Report, (2) Cultural Resource Inventory, (3) Wetland and Waterbody Delineation, and (4) Vegetation Management Plan.
- b. Consultations. (1) North Dakota Department of Agriculture, (2) State Historical Society of North Dakota, (3) North Dakota Game and Fish Department, (4) US Fish and Wildlife Service, and (5) North Dakota Department of Environmental Quality.

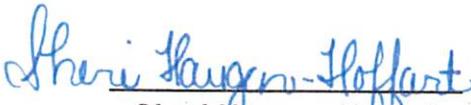
Harmony Solar obtained an updated CUP for the Project from Harmony Township in 2023, which was included with its Application.

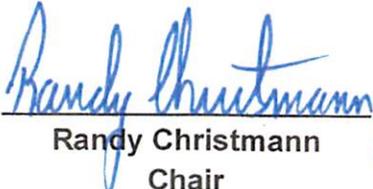
Order

The Commission Orders:

1. Harmony Solar ND, LLC's Application for an Order on Continuing Suitability is granted.
2. Harmony Solar ND, LLC is authorized to begin construction of the Project pursuant to Certificate of Site Compatibility Number 58 as early as the second quarter of 2025, and no later than the second quarter of 2027.
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 Number 58 remain in effect.

PUBLIC SERVICE COMMISSION


Sheri Haugen-Hoffart
Commissioner


Randy Christmann
Chair


Julie Fedorchak
Commissioner