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March 18, 2020

*Via USPS & E-mail*

Mr. Patrick Fahn  
Director, Public Utilities Division  
North Dakota Public Service Commission  
600 E. Boulevard, Dept. 408  
Bismarck, ND 58505-0480

pfahn@nd.gov  
ndpsc@nd.gov

In re: Emmons-Logan Wind, LLC  
Emmons-Logan Wind Energy Center  
Case No. PU-18-280  
Aircraft Detection Lighting System  
Our File No. 035218-00046

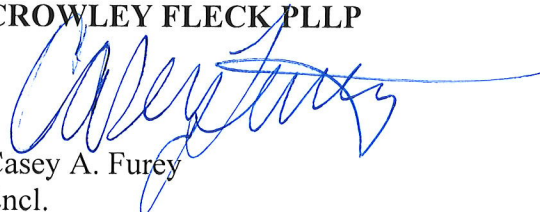
Dear Mr. Fahn:

Enclosed for filing in the above-referenced matter are eight copies of the Affidavit of Daniel Gerard, Vice President of Emmons-Logan Wind, LLC. The enclosed Affidavit is provided to set forth the history and timeline of Emmons-Logan Wind, LLC's efforts to install an Aircraft Detection Lighting System at the Emmons-Logan Wind Energy Center, and in response to the Notice of Noncompliance filed in Case No. PU-18-280 as Docket No. 159.

Please do not hesitate to contact me with any additional questions.

Sincerely,

**CROWLEY FLECK PLLP**

  
Casey A. Furey  
Encl.

cc: Tracy Davis (via email)  
John Schuh (via email)  
Brian Johnson (via email)



6. In June 2019, Emmons-Logan commenced construction on the Facility.
7. During the Facility construction process, Emmons-Logan undertook activities to install the ADLS components, which included the following activities: site mobilization; installation of FAA control boxes and ADLS-compliant lights on 102 turbines and two meteorological towers; construction of the radar tower and associated access road; trenching work and cable pulls; installation of radar generator sets; and installation of the radar unit on the radar tower.
8. Based on its estimated timeframe for construction, Emmons-Logan believed it had sufficient time to install the ADLS by December 31, 2019. However, during the ADLS construction process, Emmons-Logan experienced certain critical delays including the delivery of the radar tower and unit by the vendor to the site.
9. Emmons-Logan's ADLS vendor's overseas supplier experienced significant delays in manufacturing the ADLS radar unit, which impacted the timing of its delivery. In November 2019, the vendor informed Emmons-Logan that it would not deliver the radar unit to the site until 2020.
10. On November 25, 2019, Emmons-Logan proactively notified the Commission that, due to difficulties with its ADLS vendor's supply chain, the radar unit for the ADLS was pending delivery from an overseas supplier. At this time, all work for ADLS installation had been completed except for installation of the radar system and associated components. Based on estimates from its ADLS vendor, Emmons-Logan anticipated it would take several months for the radar system to be delivered, installed, and tested, and that the system would not be activated until the first quarter of 2020. Docket No. 152.
11. On December 6, 2019, Staff responded to Emmons-Logan's November 25 ADLS notification. Staff acknowledged Emmons-Logan's efforts to provide advance notice of the issues Emmons-Logan was experiencing in implementation of its ADLS system. Staff responded that Emmons-Logan will be in noncompliance with N.D.C.C. § 49-22-16.4 and N.D. Admin. Code § 69-06-11-02 unless the radar system was installed and the ADLS system was functioning by December 31, 2019. Staff requested that, beginning December 13, 2019, Emmons-Logan provide weekly updates regarding the status of ADLS until such time as the ADLS was installed and functioning. Docket 154.
12. Starting December 13, 2019, Emmons-Logan filed weekly ADLS status updates with the Commission pursuant to Staff's December 6 request. Docket No. 156. On December 13, Emmons-Logan notified Staff that construction of all wind turbines, the transmission line, and associated facilities was completed and the Facility would be commercially operational within one week. Emmons-Logan installed ADLS-compliant lights on each of the turbines and two meteorological towers and poured the concrete foundation to install the radar control system.

Emmons-Logan notified the Commission that the Facility was equipped with and would be operated with traditional obstruction lighting until ADLS construction activities and radar installation was completed.

13. On December 20, 2019, Emmons-Logan notified the Commission the remaining concrete foundation necessary for the radar control system generator skid had been poured and that the Facility was declared commercially operational on December 16, 2019. Delivery of the radar tower and radar system components to the site was still pending. Docket No. 157.

14. On December 27, 2019, Emmons-Logan notified the Commission that delivery of the radar tower and radar system components to the site was still pending. Docket No. 158.

15. On January 3, 2020, Staff issued the Notice to Emmons-Logan alleging noncompliance with the provisions of N.D.C.C. § 49-22-16.4(2) and N.D. Admin Code § 69-06-11-02(1). Docket No. 159.

16. On January 3, 2020, Emmons-Logan notified the Commission delivery of the radar tower and radar system components to the site was still pending. Docket No. 160.

17. On January 10, 2020, Emmons-Logan notified the Commission that the 30-foot radar control tower had been delivered to the site and was installed. Docket No. 161.

18. On January 17, 2020, Emmons-Logan notified the Commission the ADLS server rack and panel had been delivered and was installed. Emmons-Logan also notified the Commission that the ADLS radar system had arrived in the United States and was pending processing by U.S. Customs. Docket No. 164.

19. On January 24, 2020, Emmons-Logan notified the Commission that the ADLS radar system had cleared U.S. Customs and had been received by the ADLS vendor. Docket No. 165.

20. On January 31, 2020, Emmons-Logan notified the Commission that the radar system, generator skid, and additional system components had been delivered to the site and were installed, and that test flights were scheduled to occur the week of February 3. Docket No. 166.

21. On February 7, 2020, Emmons-Logan notified the Commission that Emmons-Logan had activated the ADLS, conducted preliminary test flights with local pilots, conducted software testing and fine-tuning, and planned to conduct a second round of test flights for the week of February 10, 2020. Emmons-Logan also notified the Commission that the Notice to Airmen ("NOTAM") of the ADLS had been issued. Docket No. 167.

22. On February 11, 2020, Emmons-Logan completed the additional test flights. Later this evening, Emmons-Logan fully activated the ADLS following these test flights.

23. On February 13, 2020, Emmons-Logan notified the Commission ADLS had been fully activated at the Facility as of February 11. Docket No. 168.

24. The above timeline demonstrates Emmons-Logan's diligent and good faith efforts to install and fully activate ADLS at the Facility by December 31, 2019. However, due to circumstances outside the control of Emmons-Logan, delivery of the radar unit from the ADLS vendor's overseas manufacturer was significantly delayed, making it impossible for Emmons-Logan to comply with the December 31, 2019 deadline.

Dated this 18 day of March, 2020.



Daniel Gerard  
Vice President  
Emmons-Logan Wind, LLC

STATE OF FLORIDA                    )  
  ) ss.  
COUNTY OF PALM BEACH        )

This instrument was signed and attested before me on March 19, 2020, by Daniel Gerard, Vice President, Emmons Logan Wind, LLC, on behalf of said corporation.



Notary Public

SEAL

