

September 24, 2020

**VIA E-MAIL**

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

**RE: Aurora Wind Project, LLC  
Aurora Wind Project – Williams County  
Siting Application  
Case No. PU-18-352**

Dear Mr. Kahl:

Aurora Wind Project, LLC (“Aurora”) is currently in the process of constructing the Aurora Wind Project (“Project”) in Williams County, North Dakota. At this time, Aurora is planning for the Project to be commercially operational by the end of December 2020. As such, Aurora is also planning to have the Project’s aircraft detection and lighting system (“ADLS”) operational by the end of December 2020. While Aurora is hopeful that both goals can be achieved, as discussed further below, Aurora’s receipt of an Antenna Structure Registration from the Federal Communications Commission (“FCC”) has been delayed, which has, in turn, delayed Aurora’s construction of the communications tower required to install and operate the ADLS.

In order to construct the ADLS communications tower, Aurora must receive a registration from the FCC. On May 8, 2020, Aurora’s consultant, Burns & McDonnell, submitted a Tower Construction Notification System form (“FCC Notification”) to the FCC to initiate the registration process. As a federal agency, the FCC must comply with Section 106 of the Historic Preservation Act, including conducting tribal consultation. Thus, upon submittal of the FCC Notification, potentially interested tribes were notified of the licensing request via an online system. If a tribe communicates interest in further review, the tribe must then be provided with an information packet regarding the proposed tower installation. Once a tribe is provided the information packet, the tribe has a 30 day review period. If no response is received within the 30 days, the FCC typically allows an additional 15 day period during which the FCC will attempt to contact the tribe and secure a response. If no response is received, the FCC typically allows the consultation with that tribe to be closed. Once consultation with all interested tribes is closed and the remainder of the registration process is complete, the structure will receive an Antenna Structure Registration and, with that, approval for commencement of construction and operation.

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With respect to Aurora's FCC Notification, three tribes responded to the initial notification with an e-mail stating that they had suspended Section 106 reviews until further notice due to COVID-19. Additionally, per emergency procedures published by the Advisory Council on Historic Preservation, the FCC considered tribal Section 106 reviews "paused" while interested tribes' offices were closed or unable to carry out their Section 106 duties in a timely fashion (see <https://www.achp.gov/digital-library-section-106-landing/section-106-and-coronavirus-impacts> (last updated July 23, 2020)). As a result, the review period for three tribes was paused until the tribes reopened their offices and commenced Section 106 reviews on September 8, 2020. Due to this delay, the earliest the FCC will issue a registration to Aurora for its ADLS communications tower is October 30, 2020.

Currently, Aurora is planning to construct the ADLS communications tower the beginning of November 2020. However, this timing is dependent on receipt of the FCC registration and favorable weather conditions, which are both outside of Aurora's control. Following construction of the ADLS communications tower, the system will need to be installed and tested before it can be operational. Given the work to be completed and the limited timeframe, there is the potential that the ADLS system may not be operational by the Project's anticipated commercial operation date.

Aurora is hopeful that it will be able to complete all tasks required to have the ADLS operational on schedule and is proceeding under that plan. However, given the circumstances and the potential for further delay, Aurora is providing this letter so the Commission has advance notice of the situation. Aurora will plan to provide another update in early November 2020.

Should the Commission have questions or wish to discuss the matter further, please let me know.

Sincerely,



MOLLIE M. SMITH

MMS/70985176

cc: Jerry Lein (via e-mail, w/o enclosure)  
Patrick Fahn (via e-mail, w/o enclosure)  
Jennifer Dean (via e-mail, w/o enclosure)  
Jeremy Price (via e-mail, w/o enclosure)