

July 16, 2021

VIA E-MAIL AND FEDERAL EXPRESS

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

**RE: Ruso Wind Partners, LLC
Ruso Wind Project – Ward and McLean Counties
Siting Application
Case No. PU-19-28**

and

**Ruso Wind Partners, LLC
230 kV Transmission Line – McHenry and Ward Counties
Siting Application
Case No. PU-19-29**

Dear Mr. Kahl:

On May 5, 2020, Ruso Wind Partners, LLC (“Ruso Wind”) submitted a letter to the North Dakota Public Service Commission (“Commission”) requesting abeyance of the above-referenced Ruso Wind Project (“Project”) and Transmission Line siting cases pending completion of the 2021 North Dakota legislative session to allow time for a legislative change to NDCC § 49-22-16.4, which specifies light-mitigating technology installation requirements. On May 27, 2020, the Commission issued an Order on Request for Abeyance of Decision (“Order”), granting Ruso Wind’s request for abeyance of the proceedings and a decision in Case Nos. PU-19-28 and PU-19-29. The Order further stated that Ruso Wind should advise the Commission within 60 days of completion of the 2021 North Dakota legislative session whether it would proceed with the two cases.

Since issuance of the Order, Ruso Wind was acquired by ALLETE Clean Energy (“ACE”), and ACE is now assisting Ruso Wind with development of the Project. The requirement in the Order to update the Commission was recently brought to ACE’s attention, which prompted this

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letter from Ruso Wind advising the Commission of its intent with respect to Case Nos. PU-19-28 and PU-19-29. We apologize for the delay.

During the 2021 North Dakota legislative session, NDCC § 49-22-16.4(2) was amended to explicitly authorize the Commission to grant a waiver of the light-mitigating technology requirement. This amendment will be effective August 1, 2021. Therefore, Ruso Wind requests the Commission lift the abeyance in Case Nos. PU-19-28 and PU-19-29 and allow proceedings to resume. After the amendment to NDCC § 49-22-16.4 goes into effect on August 1, 2021, Ruso Wind plans to submit a request to the Commission for waiver of the light-mitigating technology requirement. Ruso Wind will also provide the Commission with a general update on the status of the Project and associated Transmission Line.

An electronic version of this letter was filed today with the Commission via e-mail, with this original and two hard copies following via Federal Express.

If you have any questions, please let me know.

Sincerely,



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Encl.

cc: Wells McGiffert
Matt Pohl
Lyssa Supinski