

May 5, 2020

**VIA E-MAIL AND FEDERAL EXPRESS**

Mr. Steven Kahl  
Executive Director  
North Dakota Public Service Commission  
600 E. Boulevard, Dept. 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:

During the March 4, 2020 regular meeting of the North Dakota Public Service Commission (“Commission”), a motion to adopt an order issuing a Certificate of Site Compatibility to Ruso Wind Partners, LLC (“Ruso Wind”) for the Ruso Wind Project (“Project”) failed. Ruso Wind submits this letter to address comments made during the Commission’s discussion on the motion and to request an abeyance of the above-referenced cases, as set forth below.

First, in discussion on the motion, Commissioner Christmann asked about the potential for partial installation of an aircraft detection lighting system (“ADLS”). As set forth in Late-Filed Exhibit No. 51(c), filed on October 11, 2019, the Minot Air Force Base is against partial installation of ADLS at the Project: “We are against the employment of ADLS *and partial implementation* and advocating for full-time [night vision goggle] NVG compatible lighting on projects in the missile field [geographic areas of interest] GAOIs” (emphasis added). Thus, partial installation of ADLS is not an option for the Project.

Attorneys & Advisors  
main 612.492.7000  
fax 612.492.7077  
fredlaw.com

131 PU-19-29 Filed 05/05/2020 Pages: 3  
Request for abeyance of decision until after completion of 2021 legislative session  
Ruso Wind Partners, LLC  
Mollie Smith - Fredrikson & Byron, P. A.  
5  
OFFI 163 PU-19-28 Filed 05/05/2020 Pages: 3  
Minr Request for abeyance of decision until after completion of 2021 legislative session  
Ruso Wind Partners, LLC  
Mollie Smith - Fredrikson & Byron, P. A.

Mr. Steven Kahl  
May 5, 2020  
Page 2

Second, during discussion on the motion, Commissioners Christmann and Kroshus indicated a legislative amendment to North Dakota Century Code (“NDCC”) § 49-22-16.4 would be needed for them to support issuance of a Certificate of Site Compatibility to Ruso Wind for the Project as proposed in the motion. Further, Commissioner Christmann discussed a potential abeyance of the application proceedings until after the 2021 legislative session, if formally requested by Ruso Wind.

Given the circumstances, Ruso Wind hereby formally requests an abeyance of a decision regarding its application in Case No. PU-19-028 until after the completion of the 2021 North Dakota legislative session. Additionally, because the two dockets are related, Ruso Wind also formally requests an abeyance of the proceedings and issuance of a decision in Case No. PU-19-029 until after completion of the 2021 North Dakota legislative session.

An original and ten (10) copies of this letter are enclosed. Electronic copies of the same are being filed with the Commission via e-mail.

If you or the Commission have any questions, please let me know.

Sincerely,



MOLLIE M. SMITH

MMS/69931429

cc: Service List  
Elizabeth Wash (via e-mail only)  
Morgan Berry (via e-mail only)

**STATE OF NORTH DAKOTA**

**PUBLIC SERVICE COMMISSION**

**Ruso Wind Partners, LLC  
Ruso Wind Project – Ward and McLean Counties  
Siting Application**

**Case No. PU-19-28**

**Ruso Wind Partners, LLC  
230 kV Transmission Line – McHenry and Ward Counties  
Siting Application**

**Case No. PU-19-29**

**CERTIFICATE OF SERVICE**

Mollie M. Smith, being first duly sworn, does depose and state that on May 5, 2020, this Certificate of Service and a true and correct copy of Ruso Wind Partners, LLC's Letter Requesting Abeyance were sent by electronic mail and mailed via Federal Express to:

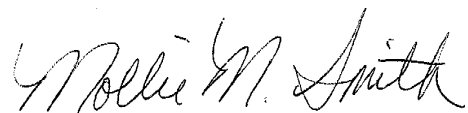
Steven Kahl  
Executive Director  
North Dakota Public Service Commission  
600 E. Boulevard, Dept. 408  
Bismarck, ND 58505-0480  
ndpsc@nd.gov  
(original and 10 copies)

Hope L. Hogan  
Administrative Law Judge  
Office of Administrative Hearings  
2911 North 14<sup>th</sup> Street, Suite 303  
Bismarck, ND 58503  
hlhogan@nd.gov  
(1 copy)

Zachary E. Pelham  
Special Assistant Attorney General  
Pearce & Durick  
314 East Thayer Avenue  
Bismarck, ND 58501  
zep@pearce-durick.com  
(1 copy)

Kevin Pranis  
Labors District Council of Minnesota  
& North Dakota  
81 East Little Canada Road  
St. Paul, MN 55117  
kpranis@liunagroc.com  
(1 copy)

Brian Johnson  
Advocacy Staff  
Special Assistant Attorney General  
North Dakota Public Service Commission  
600 E. Boulevard, Dept. 408  
Bismarck, ND 58505  
brljohanson@nd.gov  
(1 copy)



---