

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Public Service Commission
Energy Conversion Facility Siting Criteria
Rulemaking

Case No. PU-19-36

STAFF TESTIMONY
March 13, 2019

My name is Patrick Fahn. I am the Director of Public Utilities with the Public Service Commission. My testimony introduces proposed changes to the Commission's administrative rules pertaining to the Energy Conversion Facility Siting Criteria, Section 69-06-08-01 of the North Dakota Administrative Code, which implements North Dakota Century Code Chapter 49-22 and Chapter 49-22.1.

Section 69-06-08-01 identifies the criteria that guides and governs the Commission's site suitability evaluation process. The criteria includes exclusion areas, avoidance areas, selection criteria and policy criteria. Exclusion areas are geographic areas that *must* be excluded in the consideration of a site for an energy conversion facility.

The Commission is proposing to amend Section 69-06-08-01 to delete prime farmland, unique farmland, and irrigated land from the list of areas that must be excluded from consideration of a site. The change is intended to allow discretion in the siting process regarding prime farmland, unique farmland, and irrigated land; and does not eliminate consideration of a project's effects on agricultural production, family farms and ranches, land economically suitable for irrigation, and the agricultural quality of cropland; which are selection criteria under Section 69-06-08-01.

The Commission is also proposing to amend Subsection 2 of Section 69-06-08-01 to be more clear that “Additional exclusion areas for wind energy conversion facilities” are one and one-tenth times the height of the turbine from “the nearest edge of an” interstate or state roadway right of way, from “the nearest edge of a” railroad right of way, and from “the nearest edge of a” 115 kV or higher transmission line “right of way.”

This concludes my testimony. I would be happy to answer any questions at this time. Thank you.