

MEMO

**Lake Region State College
Wind Energy Facility Lighting
Request for Waiver
Case No. PU-19-95**

Executive Summary:

Lake Region State College (Lake Region) requests a waiver of N.D. Admin. Chapter 69-06-11. Staff recommends approval of the waiver.

Issue:

Should the Commission grant Lake Region a waiver of light mitigation technology?

Background:

On December 7, 2011, Lake Region filed an application for a certificate of site compatibility to authorize construction of a single 1.6 MW wind turbine three miles north of campus. Lake Region planned to use the turbine for training technicians and as a source of power to the campus. On March 6, 2012, the Commission granted site certificate No. 28 to Lake Region.

On February 13, 2019, Lake Region filed a request for a waiver of Chapter 69-06-11.

Analysis:

N.D. Admin. Code Chapter 69-06-11 was enacted in response to legislation during the 2017 legislative session. Chapter 69-06-11 requires that a wind energy conversion facility with a certificate of site compatibility issued prior to June 5, 2016 must be equipped with light mitigation technology.

N.D. Admin. Code § 69-06-11-02(3) provides that “the commission may grant a waiver of this chapter for a wind energy conversion facility designed for or capable of generating no more than five megawatts of electricity upon a motion demonstrating good cause for a waiver.”

A small facility with a single turbine was the type of facility contemplated when considering the rulemaking to allow for a waiver. Lake Region asserts that adding light mitigation technology is cost prohibitive and will cost in excess of \$100,000 and possibly up to \$400,000 for one turbine. Lake Region also explains that the turbine is 3 miles

from the Devil's Lake airport and they are interested in keeping the turbine well lit for air traffic.

Staff has reviewed the request. The facility is under 5 MW and Staff believes, at least for the Aircraft Detection Lighting Systems, that the cost estimate is a reasonable assumption. Considering that Lake Region is a state funded school, the expense of a new system, the minimal effects this small lighting effects that this facility likely causes, and proximity to the airport, Staff believes that good cause for a waiver has been shown.

Recommendation: Staff recommends the commission approve the waiver.

Other options:

Deny the request for waiver.

By: John M. Schuh

March, 14, 2019