

## MEMO

**Lake Region State College  
Wind Decommissioning Plan and Cost  
Request for Waiver  
Case No. PU-19-96**

**Executive Summary:**

Lake Region State College (Lake Region) requests a waiver of N.D. Admin. Code §§ 69-09-09-03, 69-09-09-06, and 69-09-09-08. Staff recommends approval of the waiver.

**Issue:**

Should the Commission grant Lake Region a waiver of certain decommissioning requirements?

**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 March 11, 2019, Lake Region filed a request for waiver of North Dakota Administrative Code sections 69-09-09-03, 69-09-09-06, and 69-09-09-08.

**Analysis:**

Pursuant to N.D. Admin. Code Chapter 69-09-09, a person who holds a certificate of site compatibility is subject to a number of decommissioning and financial assurance requirements. However, N.D. Admin. Code section 69-09-09-10, the Commission may grant a waiver of sections 69-09-09-03, 69-09-09-06, or 69-09-09-08 for a commercial wind energy conversion facility with a nameplate generating capacity of no more than five megawatts. These sections relate to the annual filing of the certificate of operation, the filing of a decommissioning plan, and the requirement to provide financial assurances.

A small facility with a single turbine was the type of facility contemplated when considering the rulemaking to allow for a waiver. Cost of engineering consultants, financial assurances and additional staff to monitor the facility would require additional legislative appropriation. If the commission approves the waiver, Lake Region is

responsible for decommissioning at the end of the useful life subject. Considering the following, Staff believes that good cause for a waiver has been shown. However, Staff would like to note that the Commission should retain the discretion to request a decommissioning plan at a later date.

**Recommendation:** Staff recommends the commission approve the waiver while retaining discretion to have Lake Region file a decommissioning plan at a later date.

**Other options:**

1. Deny the request for waiver.
2. Approve or deny individual sections of the waiver request.