



**MONTANA-DAKOTA**

**UTILITIES CO.**

*A Subsidiary of MDU Resources Group, Inc.*

400 North Fourth Street  
Bismarck, ND 58501  
(701) 222-7900

September 30, 2019

Executive Secretary  
North Dakota Public Service Commission  
State Capitol Building  
Bismarck, ND 58505-0480

Re: Public Service Commission Rulemaking  
Case No. PU-19-122 Solar Decommissioning  
Case No. PU-19-290 Energy Conversion Facility Siting Criteria  
Case No. PU-19-291 Wind Decommissioning

Montana-Dakota Utilities Co. (Montana-Dakota), herewith submits comments regarding the Commission’s proposed rulemakings in the above referenced cases.

**Case No. PU-19-122 Solar Decommissioning**

69-09-10-01. Definitions 8. Facility:

Montana-Dakota suggests that inverters be added to the definition of “Facility”.

69-09-10-03. Abandonment and useful life – Certificate of operation 2.

A 5 percent capacity factor should be considered in determining useful life given that solar in North Dakota only has an 18% annual capacity factor as compared to wind facilities with a much higher annual capacity factor and a 10% threshold.

69-09-10-05. Decommissioning Requirements 1.

Montana-Dakota suggests adding inverters to the list and providing the depth applicable to foundations that must be removed. Montana-Dakota also suggests adding transformers and substations to the list describing the facility, but list this equipment as optional, as it could be used for other uses after the decommissioning of the facility.

69-09-10-05. Decommissioning Requirements 3.

Montana-Dakota proposes that an exception be added to address landowner preference or lease arrangements rather than specifying the restoration and reclamation must be to the approximate original topography only.

69-09-10-05. Decommissioning Plan 3.a.

Montana-Dakota proposes that a qualified contractor with experience in Facility decommissioning be added as an option for providing a cost estimate for decommissioning the Facility.

69-09-10-08. Financial Assurance. 1.

The reference to 69-09-09-08(2) appears should be changed to 69-09-10-08(2).

**Case No. PU-19-290 Energy Conversion Facility Siting Criteria**

69-06-08-01. 4. Additional avoidance areas for wind energy conversion facilities.

Montana-Dakota requests the Commission reconsider lowering the maximum sound level present within one hundred feet of an inhabited residence or a community building down to forty-five dBA. An alternative would be to lower the threshold to forty-five dBA for non-participating landowners and retaining the fifty dBA maximum level for participating landowners as discussed at the September 19, 2019 rules hearing.

**Case No. PU-19-291 Wind Decommissioning**

Montana-Dakota provides the following comments regarding sections of the Rules that were not changed by the Commission in this Rulemaking for consideration now or as part of a future rulemaking as deemed appropriate.

69-09-09-05. Decommissioning requirements 1.

Include substations in the list describing the facility, but list the transformers and substations as optional, as this equipment could be used for other uses after the decommissioning of the facility.

69-09-09-05. Decommissioning Requirements 4.

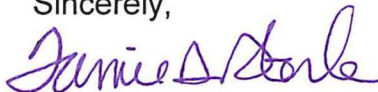
Montana-Dakota proposes that an exception be added to address landowner preference or lease arrangements rather than specifying the restoration and reclamation to the approximate original topography only.

69-09-09-06. Decommissioning Plan 3.a.

Montana-Dakota proposes that a qualified contractor with experience in Facility decommissioning be added as an option for providing a cost estimate for decommissioning the Facility.

Montana-Dakota appreciates the opportunity to provide comments for the Commission's consideration. Please contact me at (701) 222-7856 or at [Tamie.Aberle@mdu.com](mailto:Tamie.Aberle@mdu.com) with any questions regarding the above comments.

Sincerely,



Tamie A. Aberle  
Director of Regulatory Affairs