Public Service Commission
State of North Dakota

COMMISSIONERS
Julie Fedorchak
Randy Christmann
Brian Kroshus

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

August 2, 2021

Mark Bring, Otter Tail Power Company
215 South Cascade Street, PO Box 496
Fergus Falls, MN 56538-0496

NOTICE AND REQUEST FOR STATUS UPDATES

RE: **Project**: Otter Tail Power Company – Merricourt Wind Project
Case No. PU-08-932 & PU-19-144
Aircraft Detection Lighting System

North Dakota Century Code ("N.D.C.C") section 49-22-16.4(3) states that, by December 31, 2021, every wind energy conversion facility for which the commission issued a certificate of site compatibility before June 5, 2016, must be equipped with a functioning light-mitigating technology system. The statute further states that, after public hearing, the commission may grant a waiver or an extension of time based on technical or economic feasibility considerations.

North Dakota Administrative Code (N.D.A.C.) 69-06-11-02(5) states that the owner shall provide written notice to the commission is required upon implementation of light-mitigating technology.

N.D.C.C. 49-22-21(3)(b-c) sets forth the following penalty provisions for non-compliance:

3. Any person who willfully engages in any of the following conduct is subject to a civil penalty of not to exceed ten thousand dollars for each such violation for each day the violations persist, except that the maximum penalty may not exceed two hundred thousand dollars for any related series of violations:

. . .

b. Constructs, operates, or maintains an electric energy conversion facility or an electric transmission facility other than in compliance with the certificate or permit and any terms, conditions, or modifications contained therein.

c. Violates any provision of this chapter or any rule adopted by the commission pursuant to this chapter.

277 PU-08-932 Filed 08/02/2021 Pages: 2
Notice and Request for Status Updates
Public Service Commission

In addition to the civil penalty, the Commission may suspend or revoke the Certificate of Site Compatibility issued for operation in violation of N.D.C.C., N.D.A.C, or provisions of the Commission's Order issuing the Certificate.

Request for Status Updates:
Please file with the Commission monthly updates on the status of implementation of light-mitigating technology for the Project beginning the first week of September 2021.

Please feel free to contact me with any questions.

Best regards,

Patrick Fahn
Director, Public Utilities Division