

December 2, 2020

**VIA E-MAIL (ndpsc@nd.gov)**

North Dakota Public Service Commission  
c/o Mr. Steven Kahl, Executive Secretary  
600 East Boulevard Avenue, Department 408  
Bismarck, ND 58505-0480

**RE: Public Service Commission  
Energy Conversion Facility Siting Criteria Rulemaking  
Case No. PU-20-422**

Dear Mr. Kahl:

Attached for filing in the above-referenced rulemaking docket is National Grid Renewables Development, LLC's comments. If you have any questions, please let me know.

Sincerely,



Mollie M. Smith

**Direct Dial:** 612.492.7270

**Email:** msmith@fredlaw.com

MMS:rg:71610251

Encl.

cc: Melissa Schmit (w/ encl.)

14 PU-20-422 Filed 12/02/2020 Pages: 3  
Comments from National Grid Renewables Development, LLC regarding proposed Rules  
Fredrikson & Byron P.A.  
Mollie Smith



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**RE: Public Service Commission  
Energy Conversion Facility Siting Criteria  
Rulemaking  
Case No. PU-20-422**

Dear Commissioners:

National Grid Renewables Development, LLC (which acquired Geronimo Energy, LLC) (“NG Renewables”), provides the following comments regarding the change proposed by the North Dakota Public Service Commission (“Commission”) to N.D.A.C. § 69-06-08-01(3) in the above-referenced rulemaking docket.

As background, NG Renewables is a farmer-friendly and community focused company that develops projects that provide positive economic impact for landowners and community members. NG Renewable’s portfolio includes solar, wind, and energy storage projects throughout the United States in various stages of development, construction, and operation. In North Dakota, NG Renewables developed the Courtenay Wind Project (now owned by Xcel Energy), and is currently developing the Harmony Solar Project and the Prosperity Wind Project.

The Commission is proposing to add a new Avoidance Area for energy conversion facilities to N.D.A.C. § 69-06-08-01(3): “g. Areas within 2 nautical miles of the geographic center of an intercontinental ballistic missile (ICBM) launch or launch control facility.” NG Renewables has two concerns regarding this proposed rule change.

First, in NG Renewable’s experience, GIS data, official maps, or other documentation showing the location of launch or launch control facilities have not been made available by the U.S. Air Force. Rather, consultation occurs by providing proposed project facilities to the U.S. Air Force to review, and then the U.S. Air Force identifies any potential issues in relation to military assets. In other words, based on NG Renewable’s past experience, developers do not have access to official maps or data showing the location of ICBM launch and launch control facilities, so would not be able to identify whether the proposed Avoidance Area was present at a potential site until well into project development. Therefore, if the Commission adds N.D.A.C. § 69-06-08-01(3)(g) as an Avoidance Area, NG Renewables respectfully requests that the Commission ask the U.S. Air Force to make readily available to developers maps and other information

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North Dakota Public Service Commission  
Page 2  
December 2, 2020

regarding the location of ICBM launch and launch control facilities so that the location of Avoidance Areas can be identified early in project siting.

Second, as currently proposed, the addition to N.D.A.C. § 69-06-08-01(3) would apply to all energy conversion facilities. However, we are not aware of any concerns raised by the U.S. Air Force regarding non-wind energy conversion facilities, such as solar energy facilities. Thus, if the proposed rule change is adopted, NG Renewables respectfully requests that the Commission limit its application to wind energy facilities.

NG Renewables appreciates the opportunity to provide these comments. If you have any questions, please let me know.

Sincerely,

A handwritten signature in black ink that reads "Melissa Schmit". The signature is written in a cursive, flowing style.

Melissa Schmit,  
Director, Permitting