

Email: ndpsc@nd.gov

Mailing Address:

North Dakota Public Service Commission
600 E. Boulevard Ave., Dept. 408
Bismarck, ND 58505

November 30, 2020

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

Dear Commissioners:

We are participating landowners in the Ruso Wind Project in Ward County, North Dakota. We understand the Commission has proposed a change to its siting rules that could negatively affect the project and are providing these comments regarding the proposed rule change.

The project has been under development since 2016, and we understand it has conducted extensive site analysis and has nearly completed the Commission's permitting process. We also understand the project coordinated with the Minot Air Force Base and the Department of Defense to avoid impacts to the military's operations. At this point, the project is nearing the finish line – something we have been looking forward to for a while.

If the proposed change making the area within two nautical miles of an intercontinental ballistic missile (ICBM) launch or launch control an "avoidance area" is adopted and applied to the project, we understand that further analysis and project adjustments would be needed to comply. Given all the work that has been done to date to complete the Commission's permitting process, it seems the rules shouldn't change so late in the process. Also, given the sign-off that has already received from the Minot Air Force Base and the Department of Defense on the project, it also doesn't seem necessary to apply such setbacks to the project.

We also ask the Commission to consider the impact the proposed rule change would have on North Dakota landowners' rights to use and develop their land. The proposed rule change would potentially preclude landowners within a 16.5 square mile area around a single ICBM launch or launch control facility from using their land for wind development. We also understand that there are a significant number of ICBM facilities in North Dakota, so a significant number of acres and landowners would be affected by this rule. The developers of the Ruso Wind Project informed us about the proposed rule change because of the potential effect on the project, but a lot of affected landowners likely aren't aware of the proposed rule change or its potential impact.

As participating landowners, we see the benefits of the Ruso Wind Project for ourselves, our county, and our state. The project will provide a steady income source, a new tax source, and job opportunities within our community. We also believe that the developers of the project have responsibly sited the project to meet the Commission's rules and has done so in coordination with the

Minot Air Force Base and the Department of Defense. For these reasons, we encourage the Commission to consider the impact of the proposed rule change on the Ruso Wind Project.

Sincerely,

Howard Rodgers

Janet Rodgers

Daniel Babenko

Cynthia Babenko

Dawn Kauf

Ray Scherby

Ronald J. Sauck

Francis Sauck

Bria Berg

Diana Berg

Jayce Berg

Will Berg

Denis Berg

Terre Berg

M. A. Krueger

Lisa Krueger