

December 3, 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 are Ruso Wind Partners, 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:71619379

Encl.

cc: Wells McGiffert (w/ encl.)
Matt Pohl (w/ encl.)
Lyssa Supinski (w/ encl.)

December 3, 2020

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

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

Dear Commissioners:

The North Dakota Public Service Commission (“Commission”) has proposed changes to N.D.A.C. Article 69-06 in the above-referenced rulemaking docket. Ruso Wind Partners, LLC (“Ruso Wind”) respectfully provides the following comments regarding the proposed change to N.D.A.C. § 69-06-08-01(3).

Ruso Wind, which was recently acquired by ALLETE Clean Energy (“ACE”), is developing the Ruso Wind Project (“Project”) in Ward County, North Dakota. Ruso Wind currently has a Certificate of Site Compatibility Application (“Application”) for the Project pending before the Commission (*see* Case No. PU-19-028). As background, Ruso Wind filed its Application on January 21, 2019, a public hearing was held on the Project’s Application on June 17, 2019, and a Notice of Opportunity for Hearing was issued on November 7, 2019 with no comments or requests for hearing submitted in response. On March 4, 2020, the Commission considered a motion to issue an order granting a permit to Ruso Wind, which failed 2-1 due to differences of opinion on the application of the light-mitigating technology statute. On May 5, 2020, Ruso Wind requested that the Application be held in abeyance until after completion of the 2021 North Dakota legislative session to allow time for a legislative change to the light-mitigating technology statute, and the Commission granted that request on May 27, 2020. At this time, Ruso

Wind understands that the only remaining siting-related issue for the Project concerns light-mitigation.

In the current rulemaking process, the Commission proposes to add the following to N.D.A.C. § 69-06-08-01(3) as an avoidance area: “g. Areas within 2 nautical miles of the geographic center of an intercontinental ballistic missile (ICBM) launch or launch control facility.”

During the November 24, 2020 public hearing on the proposed changes to N.D.A.C. Article 69-06, the Commission indicated that Ruso Wind's Project may have led the U.S. Air Force ("USAF") to request the proposed setback. Wells McGiffert with ACE noted during the November 24th public hearing that Ruso Wind did consult with the USAF and the Federal Aviation Administration ("FAA") in developing the Project, and the Commission encouraged Ruso Wind to submit additional information regarding its coordination efforts and its concerns regarding the proposed rule change.

An overview of Ruso Wind's coordination efforts with the FAA, USAF, and the Department of Defense ("DoD") is provided below (copies of referenced filings from Case No. PU-19-028 are attached):

- March 13, 2018: Ruso Wind submitted a layout to the FAA for turbines up to 600 feet in height located across the original Project footprint. *See Attachment 1* (Hearing Exhibit 21 – FAA Correspondence). As part of the FAA's review, the FAA initiates formal review of the proposed turbine locations by the DoD Clearinghouse, which consults with applicable groups within the DoD.
- August 24, 2018: Ruso Wind sent agency consultation letters, including a map of the Project study area, to multiple agencies/entities seeking input. Letters were sent to Daniel Lewis and Cy Munos with the Minot Air Force Base ("Minot AFB"), as well as to the Grand Forks Air Force Base. *See Attachment 2* (Appendix C to Application).
- August 31, 2018: Ruso Wind sent a second agency consultation letter with a revised study area that included the proposed 230-kilovolt transmission line. The letter was sent to the same recipients as the August 24, 2020 letter. *See Attachment 2* (Appendix C to Application).
- September 10, 2018: In e-mail correspondence, the USAF noted that certain turbine locations were within 1,200 feet of the launch facilities, and noted concerns with interactions between Project facilities and HICS cables. The USAF also stated that the Project had been sent to the DoD Clearinghouse, and that the information needed to be presented to the Installation Encroachment Management Team for input. Multiple USAF representatives were included on the e-mail, including Daniel Lewis with the Minot AFB. *See Attachment 2* (Appendix C to Application).
- September 13, 2018: In e-mail correspondence, Cy Munos with the Minot AFB provided requirements for the transmission line (90 degree crossing of USAF buried cable and preferred 100 feet separation of poles). *See Attachment 2* (Appendix C to Application).

- October 2, 2018: The FAA issued Determinations of No Hazards (“DNHs”) for each turbine location submitted. *See Attachment 1* (Hearing Exhibit 21 – FAA Correspondence). During the FAA process, the DoD Clearinghouse did not identify objections to the proposed turbine locations.
- November 20, 2018: Ruso Wind sent a third consultation letter with a revised Project layout. The letter was sent to the same recipients as the August 24 and 31, 2018 letters. *See Attachment 2* (Appendix C to Application).
- December 18, 2018: In e-mail correspondence, Ruso Wind provided a revised layout to the USAF. Multiple USAF representatives were included on the e-mail, including Daniel Lewis with the Minot AFB. *See Attachment 2* (Appendix C to Application).
- December 20, 2018: In e-mail correspondence, the USAF provided additional comments regarding the Project layout. Multiple USAF representatives were included on the e-mail, including Daniel Lewis and Cy Munos with the Minot AFB. No turbine-specific concerns were identified. *See Attachment 2* (Appendix C to Application).
- February 26, 2019: Ruso Wind submitted revised turbine locations to the FAA for turbines up to 600 feet in height and terminated the previously-issued DNHs. The revised turbine locations were within the Project footprint. *See Attachment 1* (Hearing Exhibit 21 – FAA Correspondence). As part of the FAA review, the FAA initiated another formal review by the DoD Clearinghouse.
- June 10, 2019: In connection with the FAA’s review of the revised turbine locations and the DoD Clearinghouse’s formal review, Ruso Wind received a notice of presumed risk letter (dated June 6, 2019) from the Office of the Assistant Secretary of Defense stating that the Project will have an adverse impact on helicopter flight missions, missile launch operations and Weather Radar (NEXRAD) operations conducted by the USAF if constructed as proposed. *See Attachment 1* (Hearing Exhibit 21 – FAA Correspondence).
- July 17 and 25, 2019: Ruso Wind engaged in mitigation response team (“MRT”) discussions organized by the DoD Siting Clearinghouse with USAF representatives from Global Strike Command, helicopter and security forces from Minot and F.E. Warren Air Force Bases regarding the Project. During those discussions, Ruso Wind agreed to remove five turbine locations. The USAF also requested night vision goggle

- (“NVG”) compatible lighting, and Ruso Wind agreed to this request. *See Attachment 3* (Late-Filed Exhibit 51(a)).
- August 8, 2019: With removal of five turbines, the DoD Clearinghouse released the remainder of the proposed wind turbines to the FAA with a response of “No Objection, with Provisions” (NVG compatible lighting). *See Attachment 3* (Late-Filed Exhibit 51(a)).
 - August 9, 2019: In a letter, the Office of the Assistant Secretary of Defense thanked Ruso Wind for its participation in the MRT, and stated that, as a result of those discussions, “construction of the Ruso wind project, as proposed, will not present an adverse impact to military operations.” The letter also stated that this finding had been provided to the FAA. *See Attachment 3* (Late-Filed Exhibit No. 51(a)).
 - November 1, 2019: The FAA issued DNHs for all turbine locations, conditioned on use of NVG compatible lighting and standard lighting. *See Attachment 3* (Late-Filed Exhibit No. 51(e)).

To summarize the timeline detailed above, Ruso Wind:

- Submitted preliminary turbine locations to the FAA in March 2018, for which the FAA issued DNHs in October 2018 – no objections were noted during the DoD Clearinghouse’s formal review;
- Corresponded via letter and e-mail directly with the USAF, including with Minot AFB representatives, in August-December 2018, with no turbine-specific issues raised;
- Submitted a revised turbine layout to the FAA in February 2019, which resulted in a notice of objection from the USAF/DoD in June 2019 during the DoD Clearinghouse’s formal review;
- Immediately engaged in the MRT process with the USAF/DoD in July 2019, and adjusted the Project layout to address USAF/DoD concerns; as a result, in August 2019, the USAF/DoD issued a finding that the Project as proposed “will not present an adverse impact to military operations,” and the FAA issued DNHs in November 2019.

Thus, Ruso Wind coordinated directly with the USAF and the Project received DNHs from the FAA in 2018. Further, when concerns regarding the Project were raised by the USAF/DoD, Ruso Wind took steps to promptly address those concerns to the satisfaction of the USAF, the DoD, and the FAA.

If the proposed change to N.D.A.C. § 69-06-08-01(3) is adopted and applied to Ruso Wind's Project, it will require modifications to the Project's layout and potentially affect the viability of the Project. Given the extensive coordination Ruso Wind has undertaken with the USAF (including the Minot AFB) and the DoD to-date, the USAF/DoD's determination that the Project's current layout "will not present an adverse impact to military operations," and where the Project is in the siting process, imposing the proposed setback on the Project at this point would result in unnecessary negative impacts to the Project. For these reasons, Ruso Wind requests that the Commission consider the following alternatives:

1. Not adopt the proposed change to N.D.A.C. § 69-06-08-01(3) and, instead, add consultation with the USAF/DoD to the policy criteria in N.D.A.C. § 69-06-08-01(6). Doing so would emphasize the importance of consulting with these entities, but would also provide the Commission with the flexibility to consider the specific circumstances of each project and balance all interests when issuing a siting decision. Further, since some generation projects (e.g., solar projects) are not anticipated to be of concern to the USAF/DoD, including consultation with these entities in the policy criteria provides the Commission with more flexibility to determine whether the criterion applies to a particular type of generation project.
2. Postpone a decision on the proposed change to N.D.A.C. § 69-06-08-01(3) to allow input from a broader group of stakeholders. Given the number of ICBM facilities in North Dakota, a four nautical mile setback around such facilities would preclude landowners across a large swath of the state from utilizing their land for wind development (or, as written, potentially any energy facility generation development). We understand the Commission has engaged with the USAF and the wind industry on the proposed rule, but many landowners who would be affected may not be aware of or understand the implications of the proposed setback. Engaging in further discussions with a broader group of stakeholders would help ensure all viewpoints are considered before a final decision is made.
3. If a proposed change to N.D.A.C. § 69-06-08-01(3) is adopted, clarify either in the rules or in the order adopting the rules that the rule changes do not apply to siting applications pending as of the date the notice of rulemaking was issued in Case No. PU-20-422. As an example, the siting application for Ruso Wind's Project has been pending since early 2019, a public hearing has been conducted, a subsequent notice of opportunity for hearing was issued with no requests or comments, and only one issue remains unresolved. Applying the proposed rules to the Project at this point in the process would essentially start the process over, even though Ruso could not have known or planned for the proposed rule changes at the time it submitted its Application. As written, it is not clear that the proposed rule changes would not apply to pending applications; therefore, Ruso Wind requests that the Commission clarify that the rules do not apply to siting applications pending as of the date the rulemaking notice was issued.



Ruso Wind appreciates the opportunity to provide these comments and would be happy to address any questions the Commission may have.

Sincerely,

A handwritten signature in blue ink that reads "Wells McGiffert". The signature is written in a cursive style.

Wells McGiffert
Business Development Vice President

Attachment 1

Hearing Exhibit 21 - FAA Correspondence

From: [Bowker, Alexandria C. \(SPC\)](#)
To: [Ashley Ross; Mikayla Boche](#)
Cc: [Wash, Elizabeth H. \(SPC\)](#)
Subject: Ruso PSC Permit-FAA Update
Date: Wednesday, April 24, 2019 9:14:43 PM
Attachments: [image001.gif](#)
[Project Submission Success br Project Name SOUTH-000506709-19.pdf](#)

Ashley and Mikayla,

On February 26, 2019, I submitted our revised turbine locations to the FAA and terminated the previous locations. The turbines have been assigned aeronautical study numbers 2019-WTE-1173-OE through 2019-WTE-1238-OE. I have reached out to the FAA asking for a status update and a timeline on when we can expect to receive a determination.

Thanks,

Alex

Alex C. Bowker

Business Development

Southern Power

O: 205.992.0163

M: 205.915.9519

southernpowercompany.com



66 PU-19-29 Filed 06/17/2019 Pages: 14
Exhibit 21 - FAA correspondence
Ruso Wind Partners, LLC

74 PU-19-28 Filed 06/17/2019 Pages: 14
Exhibit 21 - FAA correspondence
Ruso Wind Partners, LLC



Project Submission Success

Project Name: SOUTH-000506709-19

Project SOUTH-000506709-19 has been submitted successfully to the FAA.

Your filing is assigned Aeronautical Study Number (ASN):

- 2019-WTE-1173-OE
- 2019-WTE-1174-OE
- 2019-WTE-1175-OE
- 2019-WTE-1176-OE
- 2019-WTE-1177-OE
- 2019-WTE-1178-OE
- 2019-WTE-1179-OE
- 2019-WTE-1180-OE
- 2019-WTE-1181-OE
- 2019-WTE-1182-OE
- 2019-WTE-1183-OE
- 2019-WTE-1184-OE
- 2019-WTE-1185-OE
- 2019-WTE-1186-OE
- 2019-WTE-1187-OE
- 2019-WTE-1188-OE
- 2019-WTE-1189-OE
- 2019-WTE-1190-OE
- 2019-WTE-1191-OE
- 2019-WTE-1192-OE
- 2019-WTE-1193-OE
- 2019-WTE-1194-OE
- 2019-WTE-1195-OE
- 2019-WTE-1196-OE
- 2019-WTE-1197-OE
- 2019-WTE-1198-OE
- 2019-WTE-1199-OE
- 2019-WTE-1200-OE
- 2019-WTE-1201-OE
- 2019-WTE-1202-OE
- 2019-WTE-1203-OE
- 2019-WTE-1204-OE
- 2019-WTE-1205-OE
- 2019-WTE-1206-OE
- 2019-WTE-1207-OE
- 2019-WTE-1208-OE
- 2019-WTE-1209-OE
- 2019-WTE-1210-OE
- 2019-WTE-1211-OE
- 2019-WTE-1212-OE
- 2019-WTE-1213-OE
- 2019-WTE-1214-OE
- 2019-WTE-1215-OE
- 2019-WTE-1216-OE
- 2019-WTE-1217-OE
- 2019-WTE-1218-OE
- 2019-WTE-1219-OE
- 2019-WTE-1220-OE
- 2019-WTE-1221-OE
- 2019-WTE-1222-OE
- 2019-WTE-1223-OE
- 2019-WTE-1224-OE
- 2019-WTE-1225-OE
- 2019-WTE-1226-OE
- 2019-WTE-1227-OE
- 2019-WTE-1228-OE
- 2019-WTE-1229-OE
- 2019-WTE-1230-OE
- 2019-WTE-1231-OE
- 2019-WTE-1232-OE
- 2019-WTE-1233-OE
- 2019-WTE-1234-OE
- 2019-WTE-1235-OE
- 2019-WTE-1236-OE
- 2019-WTE-1237-OE
- 2019-WTE-1238-OE

Please refer to the assigned ASN on all future inquiries regarding this filing.

Please return to the system at a later date for status updates.

It is the responsibility of each e-filer to exercise due diligence to determine if coordination of the proposed construction or alteration is necessary with their state aviation department. Please use the link below to contact

2/6/2019

Project Submission Success
Project Name: SOUTH-000506709-19

your state aviation department to determine their requirements:
State Aviation Contacts

To ensure e-mail notifications are delivered to your inbox please add noreply@faa.gov to your address book. Notifications sent from this address are system generated FAA e-mails and replies to this address will NOT be read or forwarded for review. Each system generated e-mail will contain specific FAA contact information in the text of the message.



Mikayla Boche

From: Bowker, Alexandria C. (SPC) <acbowker@southernco.com>
Sent: Thursday, April 25, 2019 8:19 AM
To: Ashley Ross; Mikayla Boche
Cc: Wash, Elizabeth H. (SPC)
Subject: RE: Ruso PSC Permit-FAA Update
Attachments: RE: Status Update for 2019-WTE-1173-OE through 2019-WTE-1238-OE

From: Bowker, Alexandria C. (SPC)
Sent: Wednesday, April 24, 2019 9:15 PM
To: Ashley Ross <Ashley.Ross@kljeng.com>; Mikayla Boche <Mikayla.Boche@kljeng.com>
Cc: Wash, Elizabeth H. (SPC) <ewash@southernco.com>
Subject: Ruso PSC Permit-FAA Update

Ashley and Mikayla,

On February 26, 2019, I submitted our revised turbine locations to the FAA and terminated the previous locations. The turbines have been assigned aeronautical study numbers 2019-WTE-1173-OE through 2019-WTE-1238-OE. I have reached out to the FAA asking for a status update and a timeline on when we can expect to receive a determination.

Thanks,
Alex

Alex C. Bowker
Business Development
Southern Power
O: 205.992.0163
M: 205.915.9519
southernpowercompany.com



From: Lan.Norris@faa.gov
To: [Bowker, Alexandria C. \(SPC\)](mailto:Bowker, Alexandria C. (SPC))
Cc: rick.coles@capitolairspace.com; [Berry, Morgan L. \(SPC\)](mailto:Berry, Morgan L. (SPC)); [Crutch, Anthony \(SPC\)](mailto:Crutch, Anthony (SPC))
Subject: RE: Status Update for 2019-WTE-1173-OE through 2019-WTE-1238-OE
Date: Thursday, April 25, 2019 7:56:38 AM
Attachments: [image001.gif](#)

EXTERNAL MAIL: Caution Opening Links or Files

Alex,

We are waiting on responses from the USAF and DOD. I expect they will complete their analysis soon. Feel free follow-up periodically with the FAA Technician, Cesar.CTR.perez@faa.gov for updates/status.

VR,

Lan M. Norris

Federal Aviation Administration
AJV-15 / Obstruction Evaluation Group
Wind Turbine Specialist
AOR: AZ, KS, MA, NV, NM, ND, OR, PA, SD, WA
1701 Columbia Avenue
College Park, GA 30337
Lan.norris@faa.gov
(404) 305-6645
<https://oeaaa.faa.gov> [oeaaa.faa.gov]

From: Bowker, Alexandria C. (SPC) <acbowker@southernco.com>
Sent: Wednesday, April 24, 2019 3:54 PM
To: Norris, Lan (FAA) <Lan.Norris@faa.gov>
Cc: Rick Coles <rick.coles@capitolairspace.com>; Berry, Morgan L. (SPC) <MLBERRY@southernco.com>; Crutch, Anthony (SPC) <ACRUTCH@southernco.com>
Subject: Status Update for 2019-WTE-1173-OE through 2019-WTE-1238-OE

Lan,

I submitted the revised turbine locations to the FAA for the Ruso Wind Partners, LLC project and terminated the previous locations. The turbines were assigned aeronautical study numbers 2019-WTE-1173-OE through 2019-WTE-1238-OE. Please provide a status update and a timeline on when we can expect to receive a determination.

Thanks,
Alex

Alex C. Bowker
Business Development
Southern Power

O: 205.992.0163

M: 205.915.9519

southernpowercompany.com



From: [Bowker, Alexandria C. \(SPC\)](#)
To: [Ashley Ross](#); [Mikayla Boche](#); [Smith, Mollie](#)
Cc: [Wash, Elizabeth H. \(SPC\)](#)
Subject: RE: Ruso PSC Permit-FAA Update
Date: Tuesday, May 7, 2019 1:41:04 PM
Attachments: [image001.gif](#)

Ashley and Mikayla,

On March 13, 2018, Ruso Wind Partners submitted a layout to the FAA that included turbines above 600 feet placed across the entire project footprint. I have added our submittal to the data room. On October 2, 2018, we received Determinations of No Hazard for each location. On February 6, 2018, I submitted our revised turbine locations to the FAA and terminated the previous locations. The turbines were assigned aeronautical study number which can be found in the submittal information in the data room.

Thanks,
Alex

From: Bowker, Alexandria C. (SPC)
Sent: Tuesday, April 30, 2019 9:26 AM
To: Ashley Ross <Ashley.Ross@kljeng.com>; Mikayla Boche <Mikayla.Boche@kljeng.com>
Cc: Wash, Elizabeth H. (SPC) <ewash@southernco.com>
Subject: FW: Ruso PSC Permit-FAA Update

Ashley and Mikayla,

I have attached an email from the FAA providing a status update.

Thanks,
Alex

From: Bowker, Alexandria C. (SPC)
Sent: Thursday, April 25, 2019 8:19 AM
To: Ashley Ross <Ashley.Ross@kljeng.com>; Mikayla Boche <Mikayla.Boche@kljeng.com>
Cc: Wash, Elizabeth H. (SPC) <ewash@southernco.com>
Subject: RE: Ruso PSC Permit-FAA Update

From: Bowker, Alexandria C. (SPC)
Sent: Wednesday, April 24, 2019 9:15 PM
To: Ashley Ross <Ashley.Ross@kljeng.com>; Mikayla Boche <Mikayla.Boche@kljeng.com>
Cc: Wash, Elizabeth H. (SPC) <ewash@southernco.com>
Subject: Ruso PSC Permit-FAA Update

Ashley and Mikayla,

On February 26, 2019, I submitted our revised turbine locations to the FAA and terminated the previous locations. The turbines have been assigned aeronautical study numbers 2019-WTE-1173-OE through 2019-WTE-1238-OE. I have reached out to the FAA asking for a status update and a timeline on when we can expect to receive a determination.

Thanks,
Alex

Alex C. Bowker
Business Development
Southern Power
O: 205.992.0163

M: 205.915.9519

southernpowercompany.com





Federal Aviation
Administration

<< OE/AAA

Project Submission Success
Project Name: SOUTH-000460319-18

Project SOUTH-000460319-18 has been submitted successfully to the FAA.

Your filing is assigned Aeronautical Study Number (ASN):

- 2018-WTE-2964-OE
- 2018-WTE-2965-OE
- 2018-WTE-2966-OE
- 2018-WTE-2967-OE
- 2018-WTE-2968-OE
- 2018-WTE-2969-OE
- 2018-WTE-2970-OE
- 2018-WTE-2971-OE
- 2018-WTE-2972-OE
- 2018-WTE-2973-OE
- 2018-WTE-2974-OE
- 2018-WTE-2975-OE
- 2018-WTE-2976-OE
- 2018-WTE-2977-OE
- 2018-WTE-2978-OE
- 2018-WTE-2979-OE
- 2018-WTE-2980-OE
- 2018-WTE-2981-OE
- 2018-WTE-2982-OE
- 2018-WTE-2983-OE
- 2018-WTE-2984-OE
- 2018-WTE-2985-OE
- 2018-WTE-2986-OE
- 2018-WTE-2987-OE
- 2018-WTE-2988-OE
- 2018-WTE-2989-OE
- 2018-WTE-2990-OE
- 2018-WTE-2991-OE
- 2018-WTE-2992-OE
- 2018-WTE-2993-OE
- 2018-WTE-2994-OE
- 2018-WTE-2995-OE
- 2018-WTE-2996-OE
- 2018-WTE-2997-OE
- 2018-WTE-2998-OE
- 2018-WTE-2999-OE
- 2018-WTE-3000-OE
- 2018-WTE-3001-OE
- 2018-WTE-3002-OE
- 2018-WTE-3003-OE
- 2018-WTE-3004-OE
- 2018-WTE-3005-OE
- 2018-WTE-3006-OE
- 2018-WTE-3007-OE
- 2018-WTE-3008-OE
- 2018-WTE-3009-OE
- 2018-WTE-3010-OE
- 2018-WTE-3011-OE
- 2018-WTE-3012-OE
- 2018-WTE-3013-OE
- 2018-WTE-3014-OE
- 2018-WTE-3015-OE
- 2018-WTE-3016-OE
- 2018-WTE-3017-OE
- 2018-WTE-3018-OE
- 2018-WTE-3019-OE
- 2018-WTE-3020-OE
- 2018-WTE-3021-OE
- 2018-WTE-3022-OE
- 2018-WTE-3023-OE
- 2018-WTE-3024-OE
- 2018-WTE-3025-OE
- 2018-WTE-3026-OE
- 2018-WTE-3027-OE
- 2018-WTE-3028-OE
- 2018-WTE-3029-OE
- 2018-WTE-3030-OE
- 2018-WTE-3031-OE
- 2018-WTE-3032-OE

2018-WTE-3033-OE
2018-WTE-3034-OE

Please refer to the assigned ASN on all future inquiries regarding this filing.

Please return to the system at a later date for status updates.

It is the responsibility of each e-filer to exercise due diligence to determine if coordination of the proposed construction or alteration is necessary with their state aviation department. Please use the link below to contact your state aviation department to determine their requirements:

State Aviation Contacts

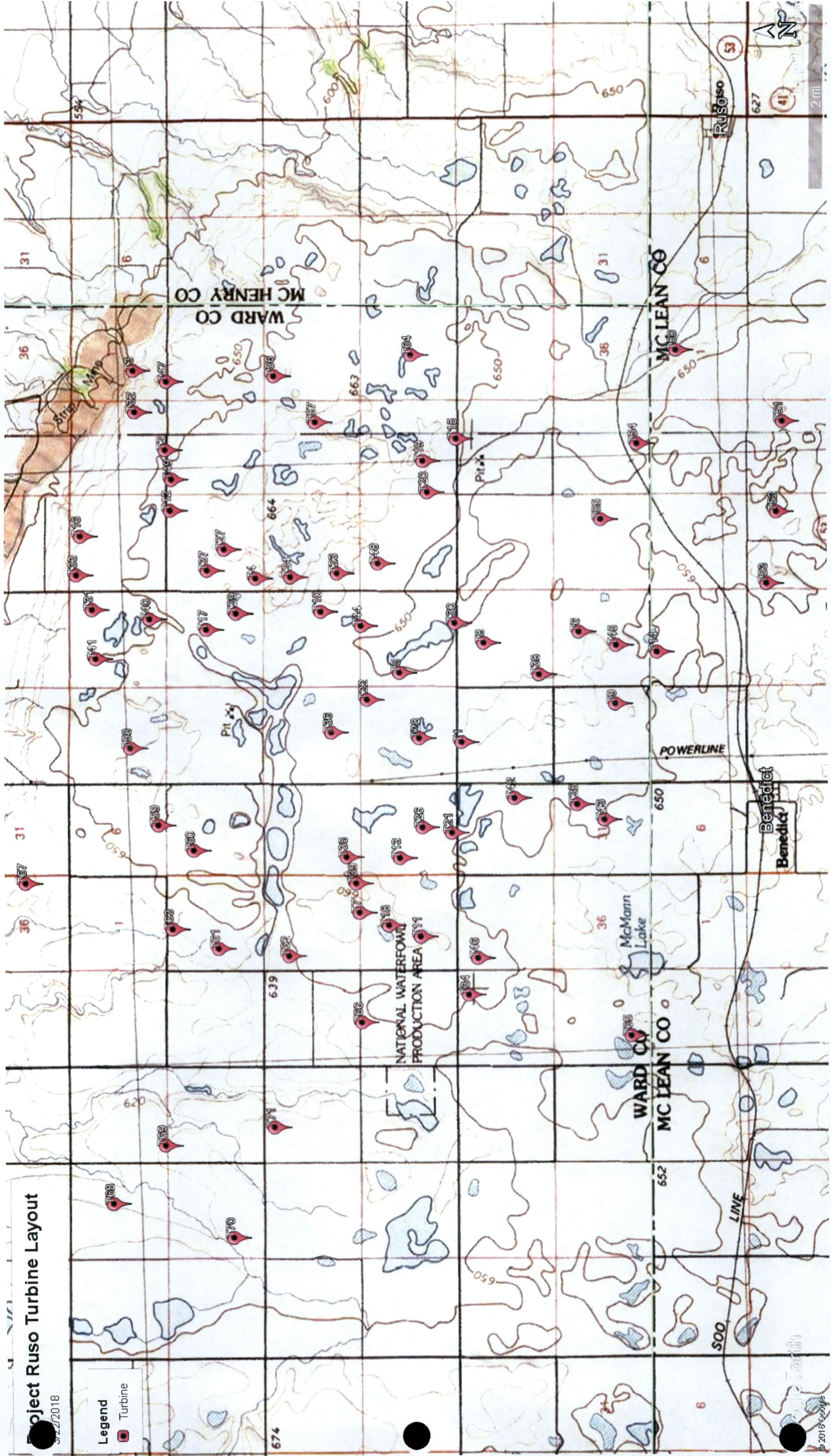
To ensure e-mail notifications are delivered to your inbox please add noreply@faa.gov to your address book. Notifications sent from this address are system generated FAA e-mails and replies to this address will NOT be read or forwarded for review. Each system generated e-mail will contain specific FAA contact information in the text of the message.

Project Ruso Turbine Layout

3/22/2018

Legend

- Turbine

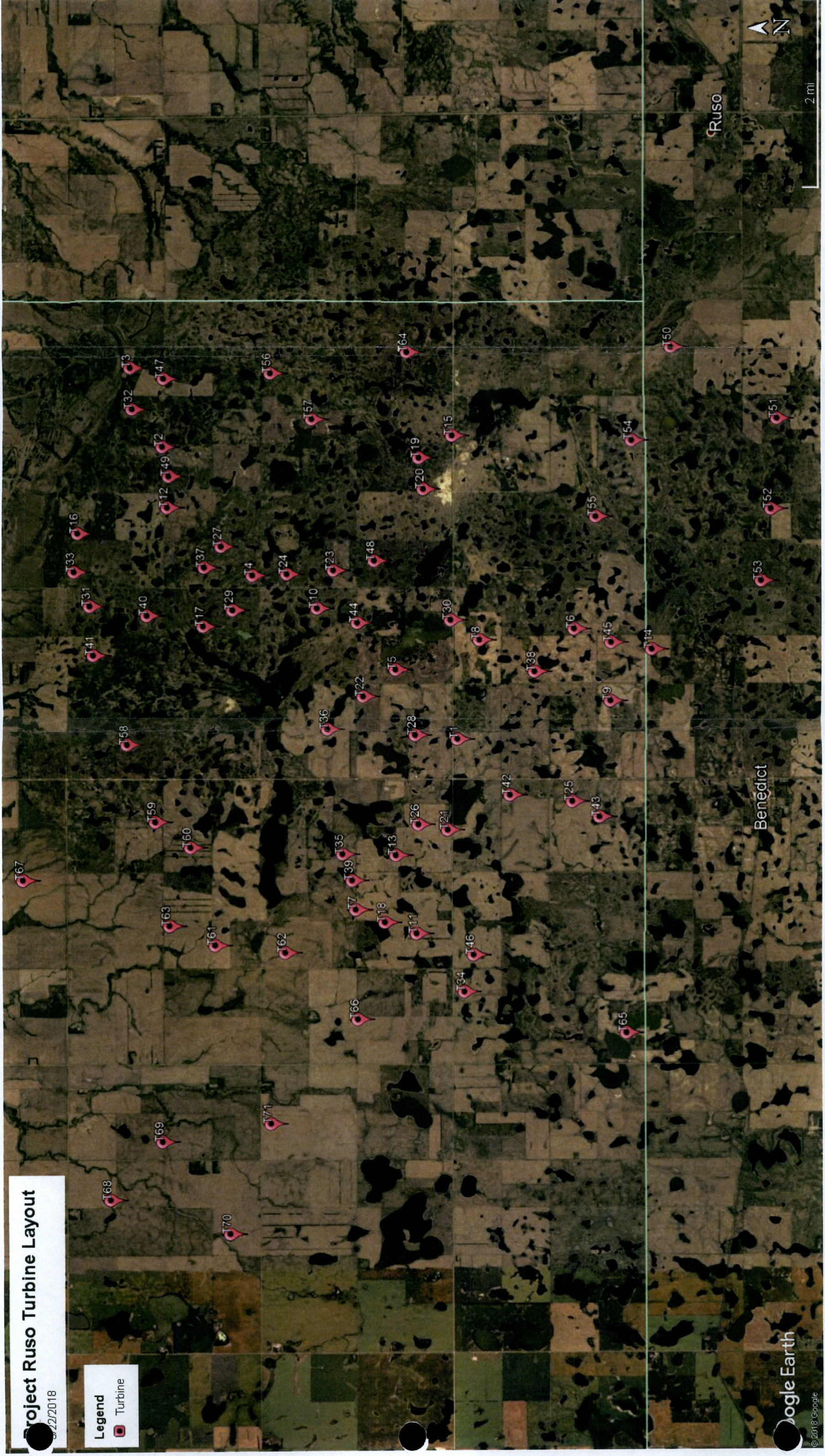


Project Ruso Turbine Layout

8/22/2018

Legend

Turbine



MEMO

TO: FILE

FROM: Alex C. Bowker

DATE: June 13, 2019

SUBJECT: Ruso PSC Permit – FAA Update

On 3/13/2018, Ruso Wind Partners, LLC submitted a layout to the FAA that included turbines up to 600 feet placed across the entire project footprint. On 10/2/2018, we received Determinations of No Hazard for each location. On 2/26/2019, Ruso Wind Partners, LLC submitted our revised turbine locations to the FAA and terminated the previous locations. The revised turbine locations were within the original project footprint and the height of the turbines did not change from the March 2018 FAA submission (up to 600 ft). The turbines have been assigned aeronautical study numbers 2019-WTE-1173-OE through 2019-WTE-1238-OE. On 6/10/2019, Ruso Wind Partners, LLC received a Notice of Presumed Risk letter from the Office of the Assistant Secretary of Defense notifying us that the project will have an adverse impact on helicopter flight missions, missile launch operations and Weather Radar (NEXRAD) operations conducted by the US Air Force, if constructed as proposed. The Notice of Presumed Risk letter was also sent to the North Dakota State Governor. The Department of Defense (DOD) had an opportunity to review our March 2018 layout submittal and did not raise any of the adverse impacts to the US Air Force during the FAA's initial findings or the Determination of No Hazard issuance. On 6/10/2019, Ruso Wind Partners, LLC's consultant, Capitol Airspace Group, had a call with the DOD and the Minot Airforce Base. The Minot Airforce Base representative did not have detailed information on the issues with him. Capitol Airspace informed both parties that Ruso Wind Partners, LLC's project boundary does not directly include any missile silos, but is nearly adjacent to one and about half a mile from a second one. Additionally, per the Minot Airforce Base's instructions, Ruso Wind Partners, LLC used a setback of 1200 feet from the missile silos, plus space for the turbine blades. Ruso Wind Partners, LLC's current layout has turbine foundations no closer than 2400 feet to a missile silo, so about 950 extra feet of buffer (given blade length of less than 250 feet). Capitol Airspace also requested to kick off the MRT (Mitigation Resource Team) process on behalf of Ruso Wind Partners, LLC. Since the meeting on 6/10/2019, Ruso Wind Partners, LLC nor Capital Airspace has heard from the DOD or Minot Airforce Base on next steps. Additionally, on 6/13/2019, Ruso Wind Partners, LLC left a message with Governor Burgum's office. Ruso Wind Partners, LLC will be communicating with the Governor our intent to enter into mitigation discussions with the Minot Air Force through the MRT process and will also be providing our contact information should the office have any questions or concerns.



OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
3500 DEFENSE PENTAGON
WASHINGTON, DC 20301-3500

SUSTAINMENT

June 6, 2019

Ms. Rachel Garrett
Southern Power - Ruso, ND
3535 Colonnade Parkway, BIN S-855-EC
Birmingham, AL 35243

Reference – Aeronautical Study Number: 2019-WTE-1173-OE

Dear Ms. Rachel Garrett,

The Department of Defense (DoD) Military Aviation and Installation Assurance Siting Clearinghouse has received notice from the Federal Aviation Administration pursuant to section 44718 of title 49, United States Code, of an energy project, the Southern Power - Ruso, ND project. Based on our preliminary review of your wind energy project, we have found that it will have an adverse impact on helicopter flight missions, missile launch operations and Weather Radar (NEXRAD) operations conducted by the US Air Force, if constructed as proposed.

This notice of presumed risk for the wind project, required by section 183a(c) of Title 10, United States Code, requests that you enter into discussions of possible mitigation actions with the Department of the Air Force.

Please let us know within 30 days from receipt of this letter if you are willing to enter into mitigation discussions. As also required by section 183a(c), DoD is providing a copy of this letter to the North Dakota Governor's office and requesting any comments the Governor believes of relevance to the application.

If you agree to enter into mitigation discussions, the Clearinghouse will task the US Air Force to establish a mitigation response team and will provide you the contact information for the primary Air Force point of contact. The Clearinghouse contact is Mr. Steven Sample, phone 703-571-0076, or email steven.j.sample4.civ@mail.mil.

Ronald E. Tickle
Executive Director
Military Aviation and Installation Assurance Siting
Clearinghouse

Copy to:
ODASD(FE&T)
SAF/IEI
FAA OE

Attachment 2

Appendix C to Application - USAF Correspondence

Appendix C. Scoping Package and
Responses



August 24, 2018

«First_Name» «Last_Name», «Title»
«Department»
«Agency»
«Address»
«City», «State» «Zip»

Re: Ruso Wind Project
Ruso Wind Partners, LLC
Ward, McLean and McHenry Counties, North Dakota

Dear «Salutation» «Last_Name»:

On behalf of Ruso Wind Partners, LLC, KLJ is preparing applications for the Ruso Wind Project pursuant to the North Dakota Energy Conversion and Transmission Facility Siting Act for consideration by the North Dakota Public Service Commission. The applications include the development of a wind farm and associated transmission line in Ward, McLean and McHenry Counties, North Dakota. Please refer to the enclosed ***Project Location Map***.

The Ruso Wind Project is expected to include approximately 52 turbines capable of generating approximately 200 megawatts of electric power. The power is expected be interconnected to the grid via a new 230-kilovolt transmission line approximately 6 to 8 miles in length. Construction of the project is expected to begin during the fall of 2020, with the wind farm expected to become operational by the end of 2021. No federal funding is anticipated.

We are soliciting your views and comments on the proposed project. We are particularly interested in any property within the project area that your agency may own or have an interest in. We would also appreciate being made aware of any proposed development your agency may be contemplating within or near the project area. Any information that might help us with the applications would be appreciated.

We request that you please provide any comments or information you may have regarding the Ruso Wind Project to our office on or before September 24, 2018. If you have any questions or need further information, please contact me at 701-250-5961 or ashley.ross@kljeng.com. Thank you for your time and cooperation.

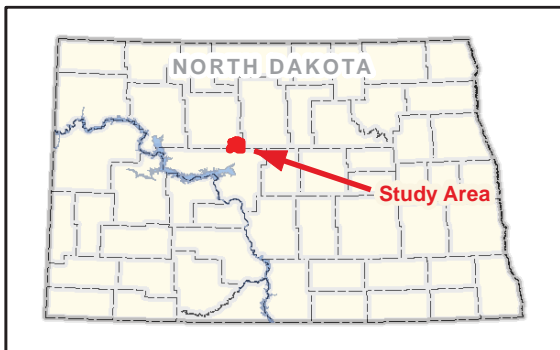
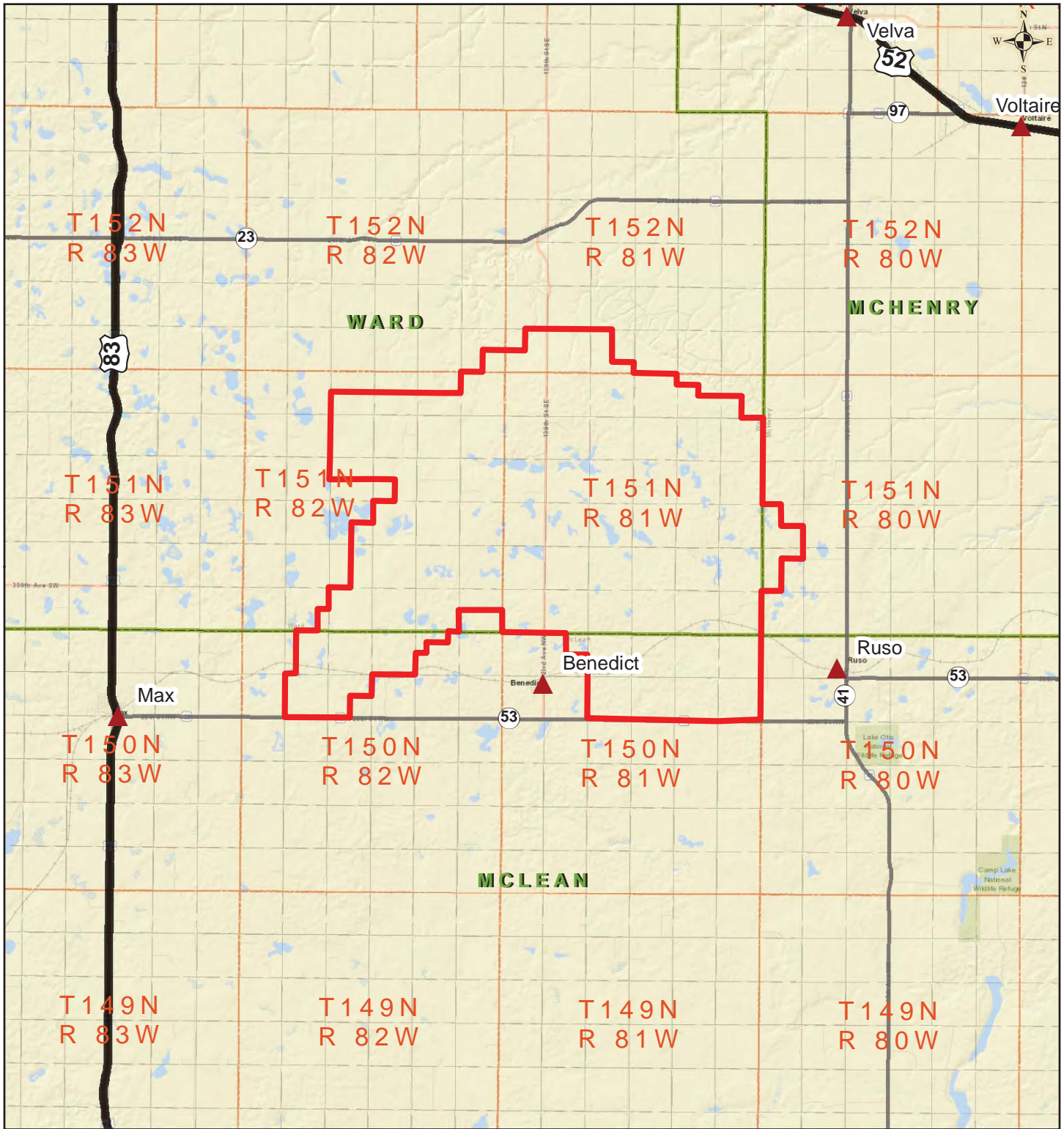
Sincerely,

KLJ

A handwritten signature in blue ink that reads "Ashley Ross". The signature is written in a cursive, flowing style.

Ashley Ross, Project Manager

Enclosure: Project Location Map



Ruso Wind Project

Ward, McLean & McHenry Counties,
North Dakota

- US Highways
- ND Highways
- County Boundary
- PLSS Townships
- PLSS Sections
- Cities
- Study Area



8/22/2018



August 31, 2018

«First_Name» «Last_Name», «Title»
«Department»
«Agency»
«Address»
«City», «State» «Zip»

Re: Ruso Wind Project
Ruso Wind Partners, LLC
Ward, McLean and McHenry Counties, North Dakota

Dear «Salutation» «Last_Name»:

In a letter dated August 24, 2018, sent on behalf of Ruso Wind Partners, LLC, we announced the preparation of applications for the Ruso Wind Project pursuant to the North Dakota Energy Conversion and Transmission Facility Siting Act for the development of a wind farm and associated transmission line in Ward, McLean and McHenry Counties, North Dakota. This letter is intended to inform you of the revised study area to account for the proposed 230-kilovolt transmission line. The transmission line is expected to be approximately 6 to 8 miles long within Ward County and McHenry Counties. Please refer to the enclosed **Project Location Map**.

We are soliciting your views and comments on the proposed project. We are particularly interested in any property within the study area that your agency may own or have an interest in. We would also appreciate being made aware of any proposed development your agency may be contemplating within or near the study area. Any information that might help us with the applications would be appreciated.

We request that you please provide any comments or information you may have regarding the Ruso Wind Project to our office on or before September 24, 2018, in effort to maintain the projects existing timeline. If you have any questions or need further information, please contact me at 701-250-5961 or ashley.ross@kljeng.com. Thank you for your time and cooperation.

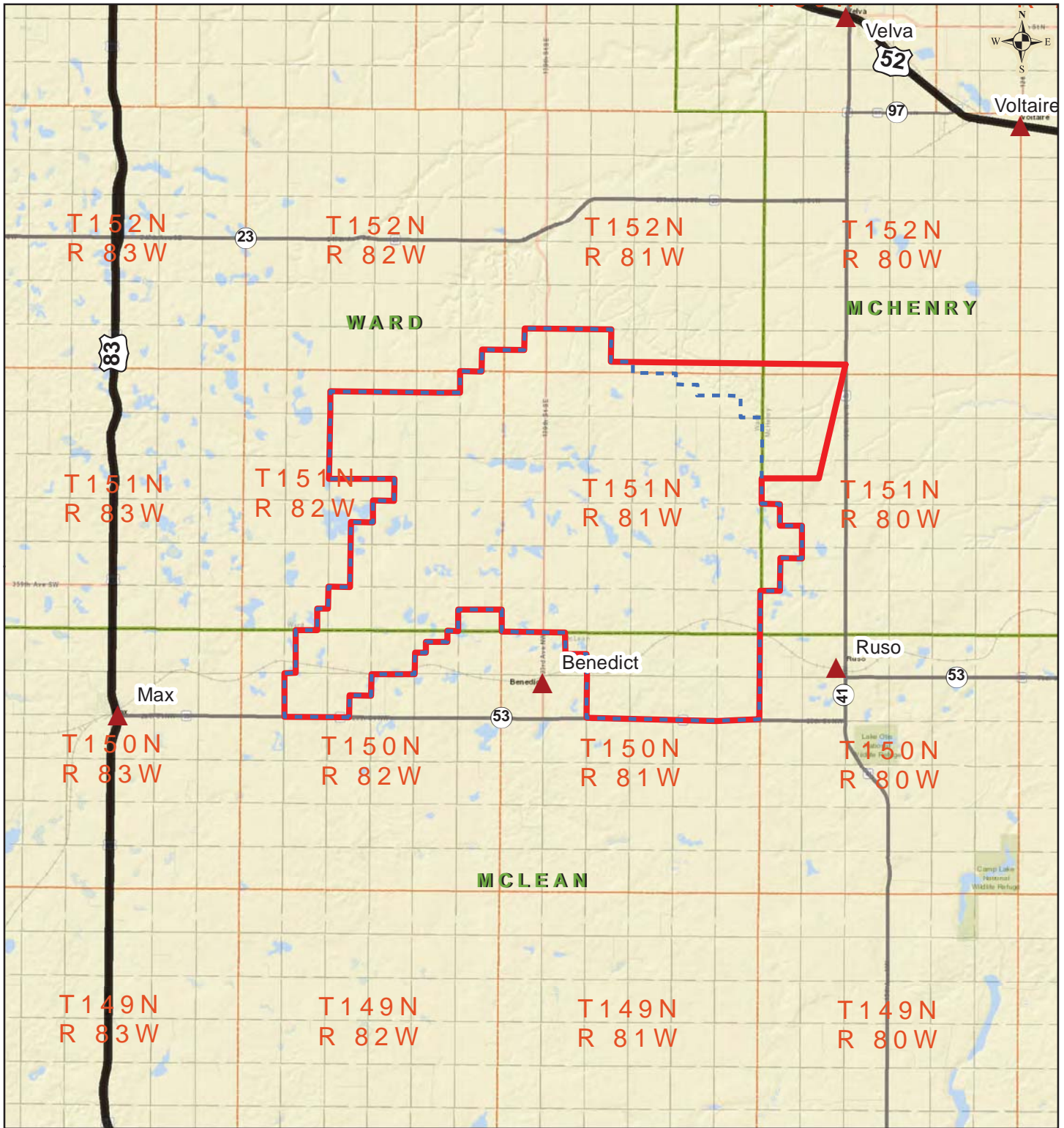
Sincerely,

KLJ

A handwritten signature in blue ink that reads "Ashley Ross". The signature is written in a cursive, flowing style.

Ashley Ross, Project Manager

Enclosure: Project Location Map



Ruso Wind Project

Ward, McLean & McHenry Counties, North Dakota

- Revised Study Area
- Previous Study Area
- ▲ Cities
- County Boundary
- US Highways
- ND Highways
- PLSS Townships
- PLSS Sections



8/31/2018



November 20, 2018

«First_Name» «Last_Name», «Title»
«Department»
«Agency»
«Address»
«City», «State» «Zip»

Re: Ruso Wind Project
Ruso Wind Partners, LLC
Ward, McLean and McHenry Counties, North Dakota

Dear «Salutation» «Last_Name»:

In a letter dated August 24, 2018, sent on behalf of Ruso Wind Partners, LLC, we announced the preparation of applications for the Ruso Wind Project pursuant to the North Dakota Energy Conversion and Transmission Facility Siting Act for the development of a wind farm and associated transmission line in Ward, McLean and McHenry Counties, North Dakota. In a second letter dated August 31, 2018, we provided a revised study area to account for the proposed 230-kilovolt transmission line. This letter is intended to inform you of an additional revision to the study area to account for a revised project layout. Please refer to the enclosed ***Project Location Map***.

We are soliciting your views and comments on the proposed project. We are particularly interested in any property within the study area that your agency may own or have an interest in. We would also appreciate being made aware of any proposed development your agency may be contemplating within or near the study area. Any information that might help us with the applications would be appreciated.

We request that you please provide any comments or information you may have regarding the Ruso Wind Project to our office on or before December 20, 2018, in effort to maintain the projects existing timeline. If you have any questions or need further information, please contact me at 701-250-5961 or ashley.ross@kljeng.com. Thank you for your time and cooperation.

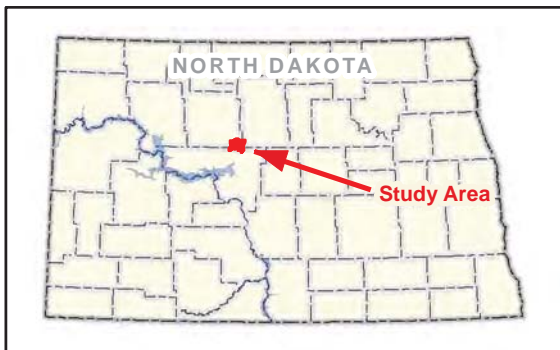
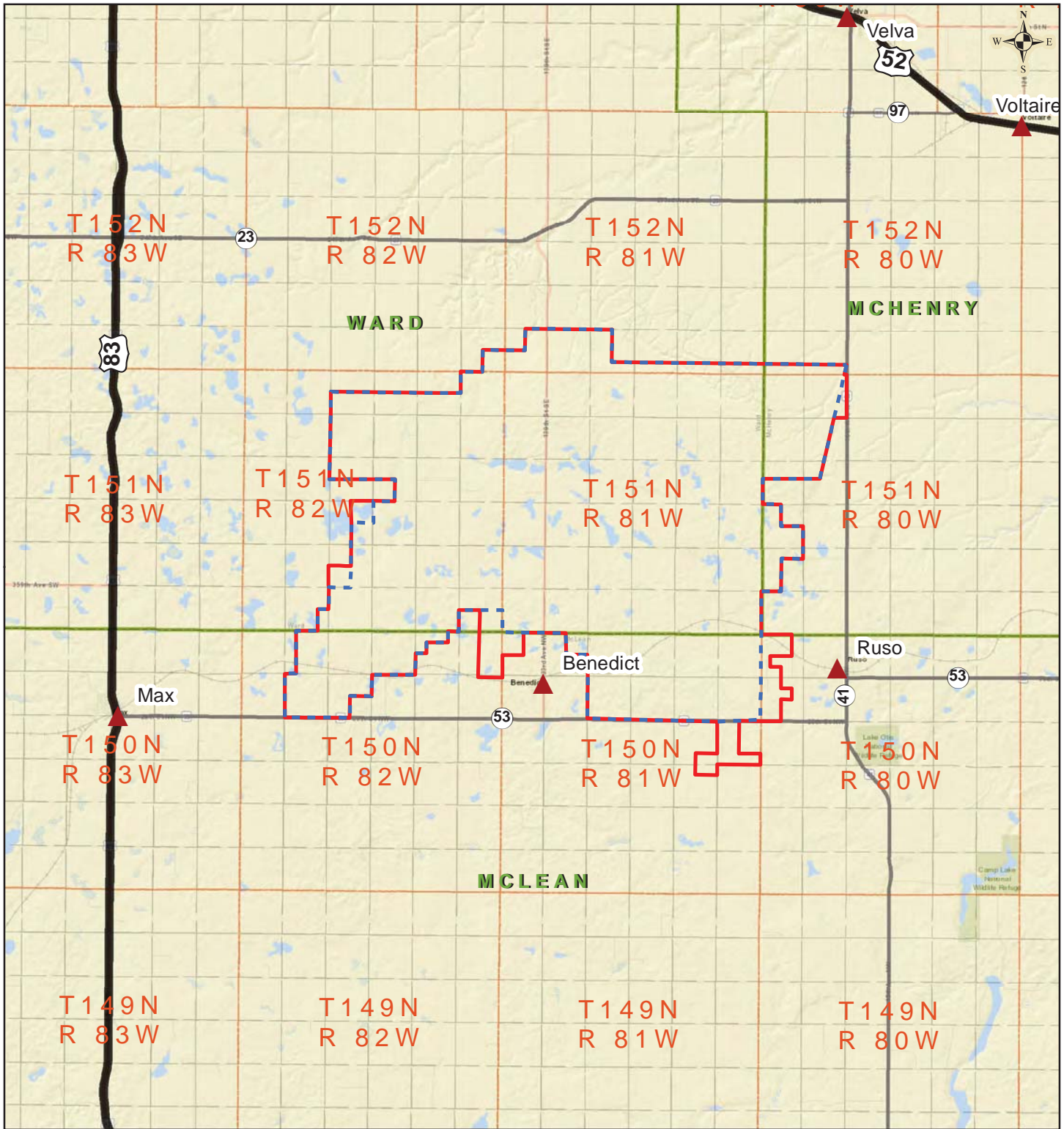
Sincerely,

KLJ

A handwritten signature in blue ink that reads "Ashley Ross". The signature is written in a cursive, flowing style.

Ashley Ross, Project Manager

Enclosure: Project Location Map



Ruso Wind Project

Ward, McLean & McHenry Counties, North Dakota

- Revised Study Area
- Previous Study Area
- County Boundary
- PLSS Townships
- PLSS Sections
- ▲ Cities
- US Highways
- ND Highways



11/19/2018

Ruso Wind Project Scoping Letter Mailing List

Salutation	First Name	Last Name	Title	Department	Agency	Address	City	State	Zip
Mr.	Kyle	Wanner	Director		ND Aeronautics Commission	PO Box 5020	Bismarck	ND	58502-5020
Mr.	Wayne	Stenehjem	Attorney General		Office of Attorney General	600 E Boulevard Ave, Dept 125	Bismarck	ND	58505
Mr.	Doug	Goehring	Agriculture Commissioner		ND Department of Agriculture	600 E Boulevard Ave, Dept 602	Bismarck	ND	58505-0020
Mr.	Dave	Glatt	Chief	Environmental Health Section	ND Department of Health	918 E Divide Ave	Bismarck	ND	58501-1947
Mr.	Christopher	Jones	Executive Director		ND Department of Human Services	600 E Boulevard Ave, Dept 325	Bismarck	ND	58505-0250
Ms.	Michelle	Kommer	Commissioner of Labor		ND Department of Labor & Human Rights	600 E Boulevard Ave, Dept 406	Bismarck	ND	58505-0340
Mr.	Wayde	Sick	Director and Executive Officer		ND Department of Career & Technical Education	600 E Boulevard Ave, Dept 270	Bismarck	ND	58505-0610
Mr.	Jay	Schuler	Commissioner		ND Department of Commerce	1600 E Century Ave, Suite 2	Bismarck	ND	58503
Ms.	Jodi	Smith	EIO Director & Commissioner of University and School Lands		ND Department of Trust Lands	PO Box 5523	Bismarck	ND	58506-5523
Mr.	Steve	Dyke	Conservation Supervisor	Conservation Section	ND Game & Fish Department	100 N Bismarck Expressway	Bismarck	ND	58501-5095
Ms.	Karlene	Fine	Executive Director		ND Industrial Commission	600 E Boulevard Ave, Dept 405	Bismarck	ND	58505-0840
Governor	Doug	Burgum	Governor		Office of Governor	600 E Boulevard Ave	Bismarck	ND	58505-0001
Mr.	Jim	Redding	District Engineer	Minot District Office	ND Department of Transportation	1305 Highway 2 Bypass E	Minot	ND	58701-7922
Ms.	Claudia	Berg	Director		State Historical Society of ND	612 E Boulevard Ave	Bismarck	ND	58505
Mr.	Scott	Davis	Executive Director		ND Indian Affairs Commission	600 E Boulevard Ave	Bismarck	ND	58505
Ms.	Michelle	Kommer	Interim Executive Director		Job Service ND	PO Box 5507	Bismarck	ND	58506-5507
Ms.	Melissa	Baker	Director		ND Parks & Recreation Department	PO Box 5594	Bismarck	ND	58506-5594
Mr.	Dennis	Renner	Chairperson		ND State Soil Conservation Committee	4530 Highway 6	Mandan	ND	58554
Mr.	Garland	Eberle	Chief Engineer and Secretary		ND State Water Commission	900 E Boulevard Ave, Dept 770	Bismarck	ND	58505-0850
Sir or Madam			Deputy Base Civil Engineer	319 CES/CD	Grand Forks Air Force Base	525 Tuskegee Airmen Blvd.	Grand Forks AFB	ND	58205-6434
Mr.	Daniel	Lewis	PE	Chief Missile Engineering	Minot Air Force Base	445 Peacekeeper Pl	Minot AFB	ND	58705
Mr.	Cy	Munos	Cable Affairs Officer	91st Missile Maintenance Squadron	Minot Air Force Base	300 Minuteman Dr	Minot AFB	ND	58705
Mr.	Todd	Frerichs	Refuge Manager	Audubon Wetland Management District	US Fish & Wildlife Service	3275 11th St NW	Coleharbor	ND	58531-9419
Mr.	Frank	Durbian	Refuge Manager	J. Clark Salyer Wetland Management District	US Fish & Wildlife Service	681 Salyer Rd	Upham	ND	58789-0066
Mr.	Kevin	Shelley	Field Supervisor	ND Field Office	US Fish & Wildlife Service	3425 Miriam Ave	Bismarck	ND	58501-7926
Ms.	Patricia	McQueary	ND State Regulatory Program Manager	ND Regulatory Office	US Army Corps of Engineers	3319 University Drive	Bismarck	ND	58504
Ms.	Laurie	Suttmeier	Manager	Dakota-Minnesota Airports District Office, BIS-ADO-600	Federal Aviation Administration	2301 University Dr, Bldg 23B	Bismarck	ND	58504
Mr.	Barry	Suydam	Chairperson		McLean County Commission	1612 39th Ave NW	Garrison	ND	58540-9237
Mr.	Alan	Walter	Chairperson		Ward County Commission	805 Bavaria Dr	Minot	ND	58703-1548
Mr.	David	Medalen	Chairperson		McHenry County Commission	1349 77th St NE	Willow City	ND	58384-9106
Mr.	John	Weeda	Director	ND Transmission Authority	ND Industrial Commission	600 E Boulevard Ave, Dept 405	Bismarck	ND	58505-0840
Mr.	Justin	Kringstad	Director	ND Pipeline Authority	ND Industrial Commission	600 E Boulevard Ave, Dept 405	Bismarck	ND	58505-0840

From: WARREN, SAMUELE M CIV USAF AFGSC 5 CES/CENP
To: [Ashley Ross](#)
Cc: [SPECHT, JOEY R GS-12 USAF AFGSC 5 CES/CEMD](#); [LEWIS, DANIEL S GS-12 USAF AFGSC 5 CES/CEMC](#); [JOHNSON, BRUCE A GS-12 USAF AFGSC 5 CES/CENP](#); [ALBRIGHT, TREV A GS-13 USAF AFGSC 5 CES/CEN](#); [LONNING, GARY G GS-13 USAF AFGSC 5 CES/CEM](#)
Subject: Ruso Wind Project
Date: Monday, September 10, 2018 4:15:10 PM

Ms. Ross

I've plotted information that was received and there are some concerns.

First has this project been pushed to the DoD Clearing House <https://www.acq.osd.mil/dodsc/>.

It appears that a couple of the windmills are within the 1200 ft easement the launch facilities. There should be no facilities within these 1200 ft areas.

With so many windmill locations there will be a concern of the HICS cables.

The request needs to go in front of the Installation Encroachment Management Team for their input.

sam

Sam Warren
Community Planner
DSN 483-4894 or Comm. 701-723-4894

From: MUNOS, CY I GS-11 USAF AFGSC 91 MMXS/MMXSFK
To: [Ashley Ross](#)
Subject: Ruso Wind Project
Date: Thursday, September 13, 2018 2:59:59 PM

Ashely,

The Minot AFB has assets in the project area. Our requirements for transmission lines are as followed

- 90 degree crossing of USAF buried cable
- preferred 100ft separation of poles

Could you please send me the proposed route when it becomes available? If you have a shape file, it would be better. Thanks.

Cy Munos
Chief, Cable Affairs
91 MMXS/MMXSFK
Minot AFB, ND
DSN: 453-6053
COMM.: 701-723-6053
CELL: 701-720-8274

From: [JOHNSON, BRUCE A GS-12 USAF AFGSC 5 CES/CENP](#)
To: [Bowker, Alexandria C. \(SPC\)](#); [SPECHT, JOEY R GS-12 USAF AFGSC 5 CES/CEMD](#); [LEWIS, DANIEL S GS-12 USAF AFGSC 5 CES/CEMC](#); [ALBRIGHT, TREV A GS-13 USAF AFGSC 5 CES/CEN](#); [LONNING, GARY G GS-13 USAF AFGSC 5 CES/CEM](#); [PEARSON, RENETTA J GS-14 USAF AFGSC 5 CES/CD](#)
Cc: [Ashley Ross](#); [Mikayla Boche](#); [MUNOS, CY I GS-11 USAF AFGSC 91 MMXS/MMXSEK](#); [MCMAHON, ROXANNE M GS-13 USAF AFGSC 5 BW/JA](#)
Subject: RE: Ruso Wind Project
Date: Thursday, December 20, 2018 4:14:33 PM
Attachments: [image001.gif](#)

Ms. Bowker,

Mr. Cy Munos previously sent you his comments on the planned layout. Only one other comment has been made regarding the layout. All comments are as follows:

- There are 9 collector crossings. We have regulations on collector cable crossings and a few of them will have to be modified to be within our regulations. Some access roads will have to be modified as well.
 - No dirt moved on our cable easement (16.5') without AF personnel on site.
 - Minimum 2' of separation, incased in metallic conduit the width of our cable easement (16.5)'
 - 90 degree crossing is mandatory
 - No cable crossing within 50ft of our buried splices
 - Access roads will cross our cable at a minimum of 45 degrees (90 preferred)
 - Will not allow access road to run in USAF easement
 - We will not allow any ditch cutting for access roads on our easement without approval.
 - We require a 48hr notice prior to cable crossing or any construction on USAF easement. (Cable Affairs Office 701-723-6053)
 - Must maintain a 1200 foot separation from any LF. Restrictive easement.

If you have any further questions, please feel free to contact me.

V/r,
Bruce

Bruce Johnson
Chief, Portfolio Optimization
DSN: 453-4693
Comm: (701) 723-4693

From: Bowker, Alexandria C. (SPC) [mailto:acbowker@southernco.com]
Sent: Tuesday, December 18, 2018 11:16 AM
To: WARREN, SAMUELE M CIV USAF USAFE 48 CES/PMO <samuele.warren.1@us.af.mil>; SPECHT, JOEY R GS-12 USAF AFGSC 5 CES/CEMD <joey.specht@us.af.mil>; LEWIS, DANIEL S GS-12 USAF AFGSC 5 CES/CEMC <daniel.lewis.23@us.af.mil>; JOHNSON, BRUCE A GS-12 USAF AFGSC 5 CES/CENP <bruce.johnson.25@us.af.mil>; ALBRIGHT, TREV A GS-13 USAF AFGSC 5 CES/CEN

<trev.albright@us.af.mil>; LONNING, GARY G GS-13 USAF AFGSC 5 CES/CEM
<gary.lonning@us.af.mil>; PEARSON, RENETTA J GS-14 USAF AFGSC 5 CES/CD
<renetta.pearson@us.af.mil>

Cc: Ashley Ross <Ashley.ross@kljeng.com>; Mikayla Boche <Mikayla.Boche@kljeng.com>

Subject: [Non-DoD Source] Ruso Wind Project

All,

Since our last discussion, Southern Power has revised the Ruso Wind Project layout. I have attached the turbine layout, road and collector system, and gen tie route. The project will generate up to 200 megawatts of electricity and will result in up to 66 wind turbines. The current project layout includes up to 53 primary turbine locations and 13 alternate turbine locations. SPC plans to utilize two turbine models, with an output between 2.415 MW – 4.8 MW. The maximum number of Siemens 2.415-108 is 11 and the maximum number of Siemens 4.2-145 is 42. The planned project layout is designed to accommodate both of the turbine models under consideration. The turbine specifications are as follows:

Turbine Type	Rotor Diameter (meters - feet)	Rotor Swept Area (meters ² - feet ²)	Cut-in Wind Speed (m/s)	Rated Power (MW)	Cut-out Wind Speed (m/s)	Blade Length (meters - feet)	Hub Height (meters - feet)	Blade Height (Highest) (meters - feet)	Blade Height (Lowest) (meters - feet)	Max # of Project Turbines
Siemens SWT-2.415-108	108 – 354.3	9,144 – 98,425.2	3.0	2.415	25.0	52.6 – 172.6	80 – 262.5	134 – 439.6	26 – 85.3	11
Siemens SG 4.2-145	145 – 475.7	16,506 – 177,669.1	3.0	4.2	27.0	71 – 232.9	107.5 – 352.7	180 – 590.6	35 – 114.8	42

Please let me know if you need any additional information. We are planning to submit a permit application to the North Dakota Public Service Commission on December 28, 2018 and would appreciate any input before that date.

Thanks,

Alex Bowker

Alex C. Bowker

Siting

Southern Power Company

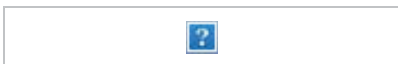
3535 Colonnade Parkway, BIN S-855-EC

Birmingham, AL 35243

O: 205.992.0163

M: 205.915.9519

southernpowercompany.com



From: [JOHNSON, BRUCE A GS-12 USAF AFGSC 5 CES/CENP](#)
To: [Bowker, Alexandria C. \(SPC\)](#); [SPECHT, JOEY R GS-12 USAF AFGSC 5 CES/CEMD](#); [LEWIS, DANIEL S GS-12 USAF AFGSC 5 CES/CEMC](#); [ALBRIGHT, TREV A GS-13 USAF AFGSC 5 CES/CEN](#); [LONNING, GARY G GS-13 USAF AFGSC 5 CES/CEM](#); [PEARSON, RENETTA J GS-14 USAF AFGSC 5 CES/CD](#)
Cc: [Ashley Ross](#); [Mikayla Boche](#); [MUNOS, CY I GS-11 USAF AFGSC 91 MMXS/MMXSEK](#); [MCMAHON, ROXANNE M GS-13 USAF AFGSC 5 BW/JA](#)
Subject: RE: Ruso Wind Project
Date: Thursday, December 20, 2018 4:14:33 PM
Attachments: [image001.gif](#)

Ms. Bowker,

Mr. Cy Munos previously sent you his comments on the planned layout. Only one other comment has been made regarding the layout. All comments are as follows:

- There are 9 collector crossings. We have regulations on collector cable crossings and a few of them will have to be modified to be within our regulations. Some access roads will have to be modified as well.
 - No dirt moved on our cable easement (16.5') without AF personnel on site.
 - Minimum 2' of separation, incased in metallic conduit the width of our cable easement (16.5)'
 - 90 degree crossing is mandatory
 - No cable crossing within 50ft of our buried splices
 - Access roads will cross our cable at a minimum of 45 degrees (90 preferred)
 - Will not allow access road to run in USAF easement
 - We will not allow any ditch cutting for access roads on our easement without approval.
 - We require a 48hr notice prior to cable crossing or any construction on USAF easement. (Cable Affairs Office 701-723-6053)
 - Must maintain a 1200 foot separation from any LF. Restrictive easement.

If you have any further questions, please feel free to contact me.

V/r,
Bruce

Bruce Johnson
Chief, Portfolio Optimization
DSN: 453-4693
Comm: (701) 723-4693

From: Bowker, Alexandria C. (SPC) [mailto:acbowker@southernco.com]
Sent: Tuesday, December 18, 2018 11:16 AM
To: WARREN, SAMUELE M CIV USAF USAFE 48 CES/PMO <samuele.warren.1@us.af.mil>; SPECHT, JOEY R GS-12 USAF AFGSC 5 CES/CEMD <joey.specht@us.af.mil>; LEWIS, DANIEL S GS-12 USAF AFGSC 5 CES/CEMC <daniel.lewis.23@us.af.mil>; JOHNSON, BRUCE A GS-12 USAF AFGSC 5 CES/CENP <bruce.johnson.25@us.af.mil>; ALBRIGHT, TREV A GS-13 USAF AFGSC 5 CES/CEN

<trev.albright@us.af.mil>; LONNING, GARY G GS-13 USAF AFGSC 5 CES/CEM
<gary.lonning@us.af.mil>; PEARSON, RENETTA J GS-14 USAF AFGSC 5 CES/CD
<renetta.pearson@us.af.mil>

Cc: Ashley Ross <Ashley.ross@kljeng.com>; Mikayla Boche <Mikayla.Boche@kljeng.com>

Subject: [Non-DoD Source] Ruso Wind Project

All,

Since our last discussion, Southern Power has revised the Ruso Wind Project layout. I have attached the turbine layout, road and collector system, and gen tie route. The project will generate up to 200 megawatts of electricity and will result in up to 66 wind turbines. The current project layout includes up to 53 primary turbine locations and 13 alternate turbine locations. SPC plans to utilize two turbine models, with an output between 2.415 MW – 4.8 MW. The maximum number of Siemens 2.415-108 is 11 and the maximum number of Siemens 4.2-145 is 42. The planned project layout is designed to accommodate both of the turbine models under consideration. The turbine specifications are as follows:

Turbine Type	Rotor Diameter (meters - feet)	Rotor Swept Area (meters ² - feet ²)	Cut-in Wind Speed (m/s)	Rated Power (MW)	Cut-out Wind Speed (m/s)	Blade Length (meters - feet)	Hub Height (meters - feet)	Blade Height (Highest) (meters - feet)	Blade Height (Lowest) (meters - feet)	Max # of Project Turbines
Siemens SWT-2.415-108	108 – 354.3	9,144 – 98,425.2	3.0	2.415	25.0	52.6 – 172.6	80 – 262.5	134 – 439.6	26 – 85.3	11
Siemens SG 4.2-145	145 – 475.7	16,506 – 177,669.1	3.0	4.2	27.0	71 – 232.9	107.5 – 352.7	180 – 590.6	35 – 114.8	42

Please let me know if you need any additional information. We are planning to submit a permit application to the North Dakota Public Service Commission on December 28, 2018 and would appreciate any input before that date.

Thanks,

Alex Bowker

Alex C. Bowker

Siting

Southern Power Company

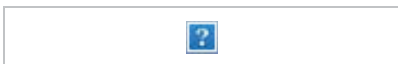
3535 Colonnade Parkway, BIN S-855-EC

Birmingham, AL 35243

O: 205.992.0163

M: 205.915.9519

southernpowercompany.com



Attachment 3

Late-Filed Exhibit No. 51(a), (b), and (e)

Ruso Wind Partners, LLC
Ruso Wind Project and Gen-Tie Line Project
Docket Nos. PU-19-28/PU-19-29

**Late-Filed Exhibit No. 51 – Update on Resolution of Potential Concerns Raised by
Department of Defense/Minot Air Force Base**

At the public hearing, a request was made for updates on the resolution of the potential concerns raised by the Minot Air Force Base in the Department of Defense’s June 6, 2019 letter. As testified to at the public hearing, Ruso Wind Partners, LLC (“Ruso Wind”) had committed to engaging in the formal Mitigation Response Team (MRT) process to coordinate with the Department of Defense and the Minot Air Force Base to reach a resolution. Following the hearing, Ruso Wind participated in the MRT with the Department of Defense and the Minot Air Force Base and, in that process, agreed to remove five turbine locations (T12, T13, T14, T26 and ALT-62) to address Minot Air Force Base’s concerns. The Air Force also cited safety and operational concerns with installation of an aircraft detection lighting system near the existing nuclear facilities, and indicated a standard lighting system should be installed on the Project. A copy of an August 9, 2019 letter from the Office of the Assistant Secretary of Defense and minutes from the MRT meetings are attached as **Late-Filed Exhibit No. 51(a)**.

In lieu of primary turbines T12, T13, T14 and T26, Ruso Wind has activated the following turbines (previously alternates): T48, T51, T53 and T54. An updated version of the Project layout is attached as **Late-Filed Exhibit No. 51(b)**.



OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

3500 DEFENSE PENTAGON
WASHINGTON, DC 20301-3500

SUSTAINMENT

AUG 09 2019

Ms. Rachel Garrett
Southern Power
3535 Colonnade Parkway, BIN S-855-EC
Birmingham, AL 35243

Reference: Federal Aviation Administration (FAA) Study Number: 2019-WTW-1173-OE and 60 associated structures

Dear Ms. Garrett,

Thank you for your participation in the Mitigation Response Team (MRT) to assess and overcome military impacts from your proposed Southern Power – Ruso wind farm project in Ruso, North Dakota. In a letter dated June 6, 2019, the Department of Defense (DoD) described the potential impacts to military operations for the project.

As a result of discussions between Southern Power and the U.S. Air Force, the construction of the Ruso wind project, as proposed, will not present an adverse impact to military operations.

We have notified the FAA of our finding. Our response to the FAA included a notification that further expansion beyond the current project area may be problematic. We encourage you to engage DoD prior to any proposed expansion.

If you have any further concerns, please contact Mr. Steven Sample, phone (703) 571-0076, or email steven.j.sample4.civ@mail.mil.

A handwritten signature in blue ink, appearing to read "RE Tickle".

Ronald E. Tickle
Executive Director
Military Aviation and Installation
Assurance Siting Clearinghouse



Capitol Airspace Group

5400 Shawnee Road, Suite 304
Alexandria, VA 22312

703-256-2485
capitolairspace.com

August 9th, 2019

Elizabeth Wash
Southern Power Company
3535 Colonnade Pkwy, Birmingham, AL 35243

Re: Ruso Wind Project

To whom it may concern:

Capitol Airspace Group, along with partners from Southern Power Company, conducted two mitigation response team (MRT) discussions as organized by the DoD Siting Clearinghouse (Clearinghouse). The two MRTs were conducted on July 17 and July 25, 2019. The DoD Clearinghouse organized the calls and the attendees included Air Force representatives from Global Strike Command, as well as the helicopter and security forces from Minot and F.E. Warren (Wyoming) Air Force Bases (AFB).

During the course of the two MRTs, the discussion focused on the Air Force's concerns for six proposed turbine locations that were in the vicinity of launch facilities controlled by Minot AFB. After the first MRT, and hearing the DoD partner's concerns, Southern Power agreed to remove, and terminate through the FAA, five of these proposed turbine locations. Upon commencing the second MRT discussion, the Air Force agreed with Southern Power's five turbine removal/termination, and found this mitigation to be acceptable. The only additional request from the Air Force, which is standard practice for tall structures in the vicinity of military facilities, was to include Night Vision Goggle (NVG) compatible lighting on the turbines. Southern Power agreed to this additional stipulation. The DoD Clearinghouse released the remainder of the proposed wind turbines to the FAA on August 8th, 2019 and responded with a "No Objection, with Provisions" (the provision being the requirement for NVG compatible lighting).

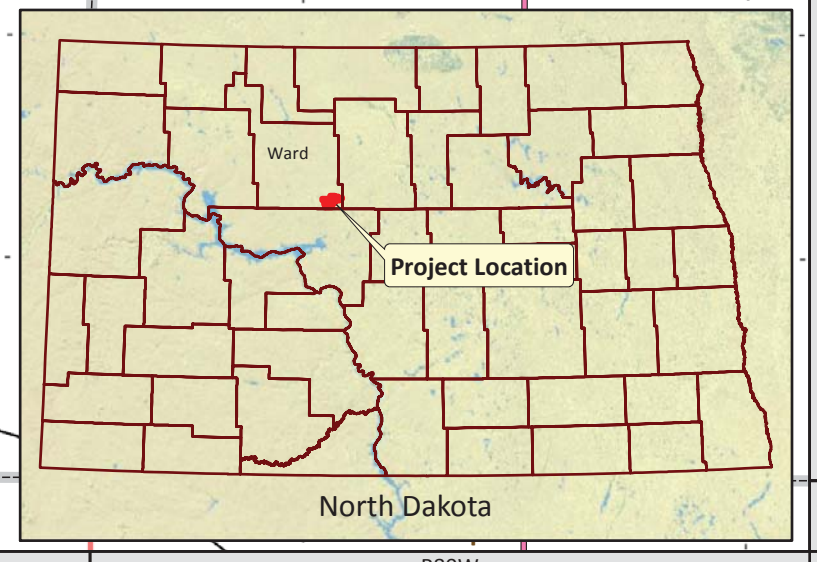
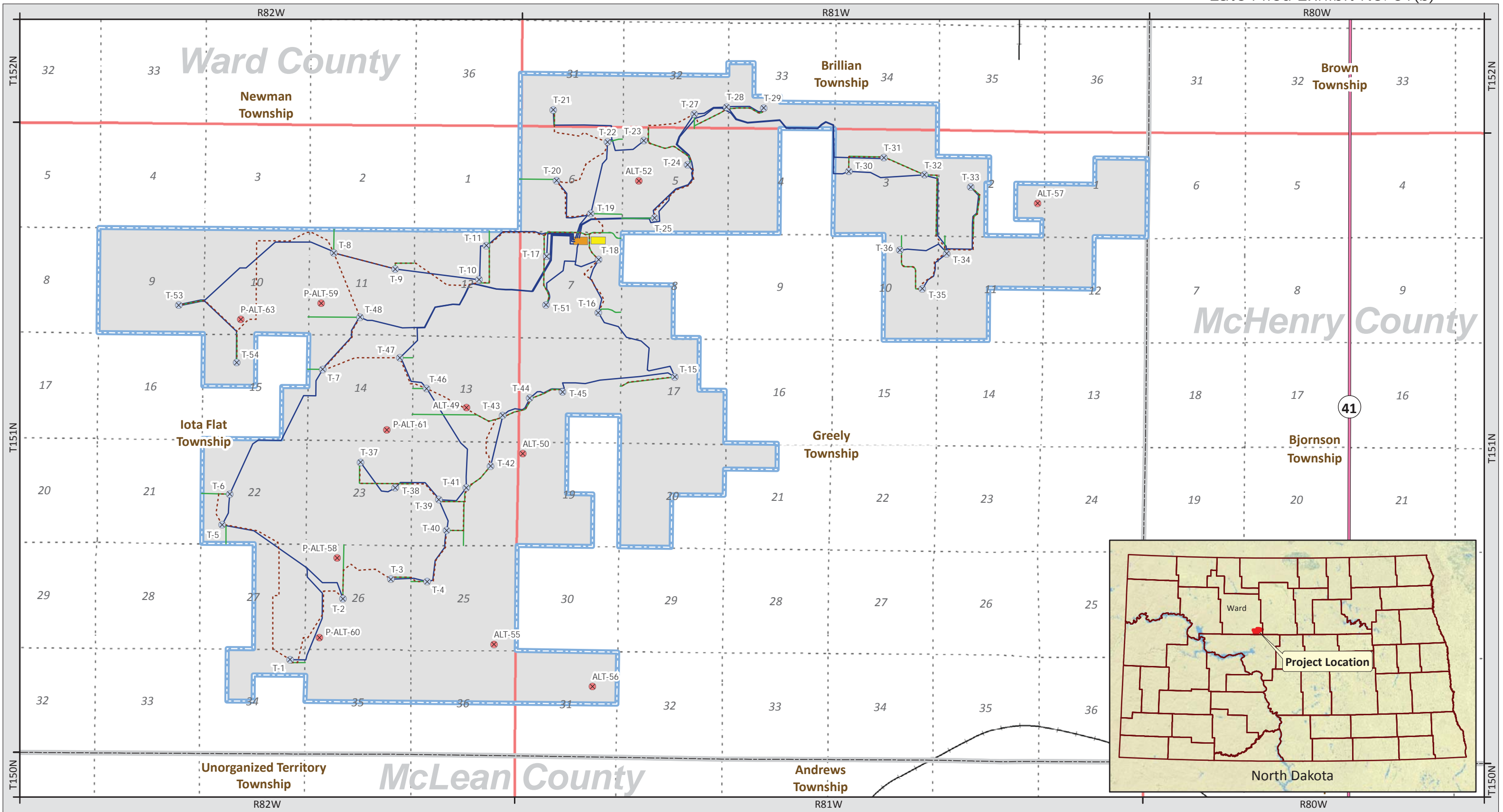
Additionally, the Air Force, through the 582nd Helicopter Group and 37th Helicopter Squadron Operations Group, has determined that full-time lighting should be required when in proximity to nuclear facilities for safety and operational concerns. This Air Force assessment, based on the Air Force's safety and operational concerns, should result in the FAA requiring installation of standard lighting, rather than an Aircraft Detection Lighting System (ADLS), on the Project.

If you have any questions regarding the results of these discussions, please do not hesitate to contact me directly at (703) 256-2485 or Dan.Underwood@capitolairspace.com.

Sincerely,

A handwritten signature in blue ink that reads "Dan Underwood". The signature is fluid and cursive, with the first name being more prominent.

Dan Underwood
Project Manager / Military Lead
Capitol Airspace Group



KLJ **Southern Power**

0 0.5 1 2 Miles

1:55,000

KLJ Project Number: 1809-00886
Date Created: 8/9/2019 Created By: JDP

Final Wind Project Layout
Ruso Wind Project
Ward County, ND

- Project Area
- Primary Turbine (Layout 27)
- Alternate Turbine (Layout 27)
- Cranewalk
- Collector Line
- Access Road
- O&M Facility
- Substation
- State Highway
- Railroad
- Section
- Township
- County Boundary

Ruso Wind Partners, LLC
Ruso Wind Project
Docket No. PU-19-28

Supplement to Late-Filed Exhibit No. 51 – Issuance of Determinations of No Hazard

Since filing Late-Filed Exhibit No. 51 regarding interactions with the Department of Defense and the Federal Aviation Administration (“FAA”), Ruso Wind Partners, LLC (“Ruso”) received final Determinations of No Hazard (“DNHs”) from the FAA for its currently proposed turbine array. A copy of one of the DNHs is attached as **Late-Filed Exhibit No. 51(e)**. As noted in the DNH, the DNH was final on December 11, 2019 unless a petition for review was filed with the FAA on or before December 1, 2019. Attached as **Late-Filed Exhibit No. 51(f)** is a copy of e-mail correspondence from the FAA on December 4, 2019 confirming no valid petitions were filed and, thus, the Project’s DNHs are final.

The DNHs also state the Project “would be located within or near a military training area and/or route” that the FAA’s Determinations are conditioned upon use of standard turbine lighting for the Project: “As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 L Change 2, Obstruction Marking and Lighting, white paint/synchronized red lights - Chapters 4,12&13(Turbines).” Additionally, the Determinations note that the Department of Defense and the United States Air Force requested that all Project turbines be installed with night vision goggle (“NVG”) compatible lighting due to the Project’s proximity to a military training route or military training area, and Ruso will comply with this request.



Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 10101 Hillwood Parkway
 Fort Worth, TX 76177

Issued Date: 11/01/2019

Rachel Garrett
 Southern Power
 3535 Colonnade Parkway
 BIN S-855-EC
 Birmingham, AL 35243

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine T50
 Location: Ruso, ND
 Latitude: 47-51-49.66N NAD 83
 Longitude: 101-06-15.39W
 Heights: 2119 feet site elevation (SE)
 600 feet above ground level (AGL)
 2719 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 L Change 2, Obstruction Marking and Lighting, white paint/synchronized red lights - Chapters 4,12&13(Turbines).

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 60 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

While the structure does not constitute a hazard to air navigation, it would be located within or near a military training area and/or route.

This determination expires on 05/01/2021 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is subject to review if an interested party files a petition that is received by the FAA on or before December 01, 2019. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Airspace Policy Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Room 423, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on December 11, 2019 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Airspace Policy Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

This determination cancels and supersedes prior determinations issued for this structure.

If we can be of further assistance, please contact Lan Norris, at (404) 305-6645, or Lan.norris@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2019-WTE-1222-OE.

Signature Control No: 395837111-421565219

(DNH -WT)

Mike Helvey

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

Additional information for ASN 2019-WTE-1222-OE

Abbreviations:

AGL, Above Ground Level

AMSL, Above Mean Sea Level

ARTCC, Air Route Traffic Control Center

ASN, Aeronautical Study Number

CFR, Code of Federal Regulations

MVA, Minimum Vectoring Altitude

NM, Nautical Mile

This notice is for 61 proposed wind turbines as a part of a wind farm project that would be located approximately 17.05 - 24.14 NM northeast of the Airport Reference Point for the Garrison Municipal Airport (D05), Garrison, ND. The ASNs with AGL heights, AMSL heights and coordinates for each turbine are listed on page one. The proposed structures would exceed the obstruction standards of 14 CFR Part 77 as follows:

Section 77.17(a)(1) by 101 feet; a height that exceeds 499 feet AGL.

Section 77.17(a)(3); A height that increases a minimum instrument flight altitude within a terminal area. The following structures would increase the MVA for Minneapolis ARTCC (ZMP), Minneapolis MN; ZMP_TAV_2016, Sector PDVL01 from 3500 feet AMSL to _____feet AMSL.

- 3500 feet to 3700 feet

2019-WTE-1194-OE

2019-WTE-1199-OE

2019-WTE-1201-OE

2019-WTE-1204-OE

2019-WTE-1205-OE

2019-WTE-1228-OE

2019-WTE-1233-OE

2019-WTE-1238-OE

- 3500 feet to 3800 feet

2019-WTE-1182-OE

2019-WTE-1183-OE

2019-WTE-1184-OE

2019-WTE-1188-OE

2019-WTE-1189-OE

2019-WTE-1190-OE

2019-WTE-1191-OE

2019-WTE-1192-OE

2019-WTE-1193-OE

2019-WTE-1195-OE

2019-WTE-1197-OE

2019-WTE-1198-OE

2019-WTE-1200-OE

2019-WTE-1202-OE

2019-WTE-1203-OE

2019-WTE-1206-OE

2019-WTE-1207-OE
2019-WTE-1208-OE
2019-WTE-1217-OE
2019-WTE-1226-OE
2019-WTE-1227-OE
2019-WTE-1236-OE

In order to facilitate the public comment process, the studies were circularized under ASN 2019-WTE-1173-OE on 09/24/2019, to all known aviation interests and to non-aeronautical interests that may be affected by the proposal. No letters of objection were received as a result of the circularization concluding on 10/31/2019.

The aeronautical study disclosed that the proposed structures would have the adverse effect as described above on instrument flight procedures. MVAs are not circulated for public comment as they are solely used by ATC and not published for public use. The aeronautical study disclosed that increasing the MVA in the area of the turbines would not impact a significant number of operations. The proposed structures would have no other effect on any existing or proposed arrival, departure, or en route IFR operations or procedures.

Study for possible VFR effect disclosed that the proposals would have no effect on existing or proposed VFR arrival or departure operations. The proposals are beyond traffic pattern airspace. Therefore, the proposal would not have an adverse effect on VFR traffic pattern operations at D05 or any other known public use or military airports. At 600 feet AGL, the structures would extend upwards into altitudes commonly used for en route VFR flight, however no information was received to indicate they would be located within any regularly used VFR routes. Therefore, they would not have a substantial adverse effect on en route VFR flight operations.

The proposed structures would be appropriately obstruction marked/lighted to make them more conspicuous to airmen should circumnavigation be necessary.

The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

Therefore, it is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation providing the conditions set forth in this determination are met.

Additional conditions:

As a condition of this determination it is required that Notice of Actual Construction or Alteration (7460-2 Part 1) be E-filed at least 60 full days prior to the start of construction so that appropriate action can be taken to amend the effected procedure(s) and/or altitude(s).

NOTE: The Department of Defense and the United States Air Force identified the structures as being located within the confines or near a military training route or military training area. They request that all turbines associated with this project be installed with night vision goggle (NVG) compatible lighting.

