

February 27, 2023

VIA E-MAIL AND FEDERAL EXPRESS

Mr. Steven Kahl
Executive Secretary
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480

**RE: Bowman Wind, LLC's Application for a Certificate of Site Compatibility for the
Bowman Wind Project, Bowman County, North Dakota
Case No. PU-21-121**

Dear Mr. Kahl:

Bowman Wind, LLC (“Bowman Wind”) received a conditional use permit (“CUP”) from Bowman County (“County”) for the Bowman Wind Project (“Project”) on July 7, 2022. In that CUP, the County identified certain decommissioning-related requirements as conditions that generally exceed the North Dakota Public Service Commission’s (“Commission”) decommissioning rules. Bowman Wind submits this letter to the Commission requesting the Commission’s confirmation that the County’s decommissioning-related conditions are acceptable, subject to Bowman Wind’s compliance in other respects with NDAC Ch. 69-09-09. Bowman Wind provides the information below in support of its request.

The County’s zoning ordinance includes wind energy facility decommissioning rules that differ from the Commission’s decommissioning requirements in NDAC Ch. 69-09-09. To avoid potentially inconsistent decommissioning requirements, Bowman Wind submitted a decommissioning requirement variance request to the County with its CUP application. In essence, Bowman Wind requested that the County allow Bowman Wind to comply with the Commission’s decommissioning rules, with the following exceptions: Prior to beginning Project construction, Bowman Wind would provide the Commission with decommissioning financial surety in the amount of 125 percent of the estimated removal and restoration costs for the Project based on a Commission-approved decommissioning plan, and the financial surety would name the County as a secondary beneficiary with the right to make a claim if the Commission did not complete decommissioning in accordance with its rules.

The County granted Bowman Wind’s variance request, explicitly conditioned upon the County being named as a secondary beneficiary in the financial surety, except that the County specified that the decommissioning plan must state that decommissioning would begin within nine

months of the triggers specified in the Commission's decommissioning rules, rather than 12 months. These two requirements are stated as conditions to the CUP.

Bowman Wind is in the process of preparing its submittal to the County for an Alternative Energy Construction Permit ("AECP"), which is similar to a building permit in other counties. As part of that submittal, Bowman Wind would like to inform the County that the decommissioning conditions in the CUP are acceptable to the Commission. To that end, Bowman Wind requests that the Commission confirm that the decommissioning conditions set forth in the County's CUP are acceptable to the Commission, subject to Bowman Wind otherwise complying with the Commission's decommissioning requirements in NDAC Ch. 69-09-09.

An electronic copy of this letter was filed with the Commission today via e-mail, and an original and one (1) copy of this letter were sent to the Commission via Federal Express.

If you have any questions, please let me know.

Sincerely,



MOLLIE M. SMITH

MMS/ms/78446605
Enclosures

cc: Adam Renfandt (via e-mail)
Brian Johnson (via e-mail)
Kevin Pranis (via e-mail)
Brenna Gunderson (via e-mail)
Scott Jansen (via e-mail)

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Case No. PU-21-121

**IN THE MATTER OF BOWMAN WIND, LLC'S
APPLICATION FOR A CERTIFICATE OF SITE
COMPATABILITY FOR THE BOWMAN WIND
PROJECT, BOWMAN COUNTY, NORTH
DAKOTA**

CERTIFICATE OF SERVICE

Alicia P. LaValla, being first duly sworn, does depose and state that on February 27, 2023, this Certificate of Service and a true and correct copy of Bowman Wind, LLC's Letter Requesting Confirmation of County Decommissioning CUP Condition were sent by electronic mail to:

Steven Kahl
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Adam Renfandt
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Mr. Kevin Pranis
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and sent via Federal Express to:

Steven Kahl
Executive Secretary
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480
(7 copies)

/s/ Alicia P. LaValla