



November 12, 2021

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

Re: Basin Electric Power Cooperative, Case No. PU-21-375
PrairieWinds ND 1, Light-Mitigating Technology System - Waiver

Dear Mr. Kahl,

On August 23, 2021, Basin Electric Power Cooperative (**Basin Electric**) submitted to the Public Service Commission (**Commission**) its application for a waiver of the statutory and regulatory requirements to install light-mitigating technology at PrairieWinds ND 1 (**PWWD1**). As noted in the enclosed update to the Commission, Basin Electric has put forth considerable effort since 2017 to research light-mitigating technologies that may be installed at PWWD1.

In 2019, Basin Electric reached out to the United States Air Force (**USAF**) because approval of the USAF was a known condition to receive approval from the Federal Aviation Administration. Per North Dakota Century Code subsection 49-22-16.4(1), "[t]he commission[s] . . . rules must be consistent with the federal aviation administration regulations [14 CFR 1.1 et seq.]". The North Dakota Administrative Code section 69-06-11-03 further provides that "[e]ach light-mitigating technology system must be installed . . . in accordance with United States department of transportation federal aviation administration regulations [14 CFR 1.1. et. seq.]". The USAF identified their concerns for flight safety and security throughout the discussions with Basin Electric. In January of 2021, the USAF provided a memorandum expressly documenting their concerns and supporting Basin Electric's pursuit of a waiver of the requirement to install light-mitigating technology at PWWD1. The USAF's position makes installation of light-mitigating technology at PWWD1 technically infeasible.

Enclosed please find copies of Basin Electric's application letter and two maps that Basin Electric will use at the hearing on Thursday, November 18. Please don't hesitate to contact me with questions at 701/557-5080 or amerkens@bepc.com.

Best regards,

A handwritten signature in blue ink that reads "Anine A. Merkens".

Anine Merkens
Attorney I

/sw
By Email and Hand Delivery
Enclosures

15 PU-21-375 Filed 11/12/2021 Pages: 7
Additional Information regarding request for waiver filing
Basin Electric Power Cooperative
Anine Merkens, Attorney



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

January 14, 2020

Dear Commissioners:

As you know, Basin Electric Power Cooperative (**Basin Electric or Basin**) is a regional, consumer-owned, generation and transmission cooperative formed in 1961 to supply supplemental power to a consortium of rural electric distribution cooperatives. Basin Electric's core business is generating and delivering electricity to wholesale customers, primarily our member systems. As of 2019, Basin Electric operates 7,051 MW of electric generating capacity including coal, wind, natural gas, and nuclear. Basin Electric supplies 141 rural electric member cooperative systems with wholesale electric power who in turn serve approximately 3 million consumers in a nine-state area.

The purpose of this letter is to provide an update on Basin Electric's compliance with North Dakota Administrative Code Chapter 69-06-11-Wind Energy Conversion Facility Lighting Systems. This rule would retroactively apply to the PrairieWinds ND 1 owned by Basin Electric located south of Minot. This project went online in late 2009 and consists of 77 turbines that generate approximately 120 MW of wind energy. The deadline for compliance for PrairieWinds ND 1 as directed under the administrative rules would be December 31, 2021.

Since 2017, Basin Electric staff have been in the process of gathering information for the possible installation of the Aircraft Detection Lighting System. Basin has spent considerable effort researching potential technology solutions and investigating how they may integrate into PrairieWinds ND1. Basin staff has reached out to multiple vendors and others in the industry to gain as much understanding as possible on the current technologies. This work will enable Basin to install a system as quickly and efficiently as possible, if and when a permit from the Federal Aviation Administration is received.

As you also know, further complicating this process for Basin Electric is the fact that the PrairieWinds ND 1 project surrounds a ballistic missile command center that includes a helicopter pad, and is within close proximity to the Minot Air Force Base (MAFB), therefore changing the lighting system on this project also requires approval from the U.S. Air Force (USAF).

The following contacts have been made to date with the MAFB:

July 31, 2019 - Basin sent a letter to the MAFB requesting a meeting to discuss a potential lighting change.

Aug 5, 2019 - Basin received a call from MAFB officials indicating the letter was received and a response would be available after review of the issue.

Oct. 1, 2019 - Basin staff contacted USAF attorney Mike Toomer. All requested information was sent to Lt Col. Toomer. Lt. Col. Toomer indicated that the USAF was working on a global solution and would not be making determinations on a per project basis. Basin was instructed to wait for further direction from the MAFB.

Currently, approval of this technology for PraireWinds 1 now rests with the USAF and would be submitted to the FAA following that determination. If the USAF does not approve the installation of this technology it is very likely that the FAA will not approve it as well. Basin will continue to engage the MAFB on this issue.

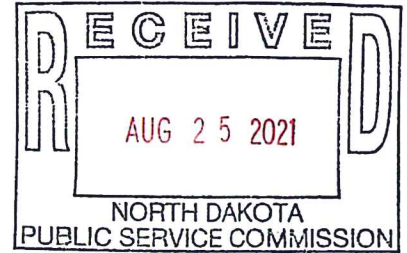
Basin Electric owns two small wind projects- Minot Wind (known as Willy and Wally), which consists of two 1.3-MW turbines, and Minot Wind 2 which consists of three 1.5 MW turbines, with a separate interconnection into Verendrye Electric's distribution system. Both projects would be eligible for a waiver under 69-06-11-02 (3) as they are not capable of generating more than 5 MW. Once Basin Electric has further direction and resolution from the MAFB, Basin Electric will provide further information to the Commission on Basin Electric's compliance with North Dakota Administrative Code Chapter 69-06-11 for these small projects.

Basin Electric appreciates the opportunity to provide a status update and welcomes additional dialogue and conversations with the Commission regarding this and any other administrative issues.

Respectfully,

A handwritten signature in black ink, appearing to read 'Jean Schafer', with a large, sweeping flourish extending to the right.

Jean Schafer
Senior Legislative Representative



August 23, 2021

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

Dear Mr. Kahl:

Re: Wind Energy Conversion Lighting System - Waiver Request

Basin Electric Power Cooperative (**Basin Electric**) owns and operates the PrairieWinds ND1 wind project (**PWND1**), located south of Minot. The Project was commissioned in 2009 and consists of 77 wind turbines that generate approximately 120 MW electricity. Section 49-22-16.4 of the North Dakota Century Code (**NDCC**) and chapter 69-06-11 of the North Dakota Administrative Code (**NDAC**) require Basin Electric to install light-mitigating technology at PWND1 by December 31, 2021. I am writing to request a waiver of the statutory and administrative requirements due to safety concerns.

Basin Electric submitted to the Air Force a description of the light-mitigating technologies that Basin Electric has considered installing to comply with the requirements. In the enclosed memorandum, Major General Michael J. Lutton, Commander of the Twentieth Air Force, responded that the light mitigating technology would "jeopardize flight safety and security in and around [intercontinental ballistic missile] complexes." He further noted that he supports Basin Electric's efforts to obtain a waiver of the requirements. For this reason, Basin Electric requests a waiver of the requirement that light mitigating technology be installed at PWND1.

For inquiries or questions regarding this request, please contact Kevin Solie, senior environmental compliance administrator, at ksolie@bepc.com or at 701.557.5495.

Sincerely,

A handwritten signature in blue ink that reads "Troy L. Tweeten".

Troy L. Tweeten
Senior VP of Operations

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Enclosure

By email: Mr. Patrick Fahn, Director of Compliance, ND PSC, pfahn@nd.gov

cc: Joe Fiedler
Kevin Solie
Anine Merkens
Jean Schafer
Amanda Wangler

1 PU-21-375 Filed 08/25/2021 Pages: 2

Request for waiver with attachment from USAF in support of waiver request
Basin Electric Power Cooperative
Troy Tweeten, Sn. VP of Operations



**DEPARTMENT OF THE AIR FORCE
HEADQUARTERS TWENTIETH AIR FORCE (AFGSC)**

MEMORANDUM FOR BASIN ELECTRIC POWER COOPERATIVE

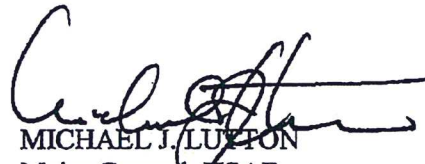
20 Jan 21

FROM: 20 AF/CC
6610 Hap Arnold Drive
F. E. Warren AFB WY 82005-3943

SUBJECT: PrairieWinds ND Light Mitigation Installation

Thank you for your letter dated 11 December 2020. The USAF Intercontinental Ballistic Missile (ICBM) force is foundational to the national security of the United States as the most responsive leg of the nuclear triad, and the security of the ICBM missile complex is a top national priority. USAF helicopter operations form an integral part of the day-to-day security operations and specific security incident response within the ICBM missile complex.

An automatic light detection system at your PrairieWinds project in North Dakota would jeopardize flight safety and security in and around ICBM missile complexes. As such, I support your efforts to obtain a light mitigation system waiver. My point of contact for this matter is Lt Col Adam Ackerman, Chief, Helicopter Operations Division, at (307) 773-5444.


MICHAEL J. LUPTON
Major General, USAF
Commander

Attachment:
Basin Electric Prairie Winds Letter, dtd 11 Dec 20

USAF ICBM Sites Near PrairieWinds ND 1



**BASIN ELECTRIC
POWER COOPERATIVE**

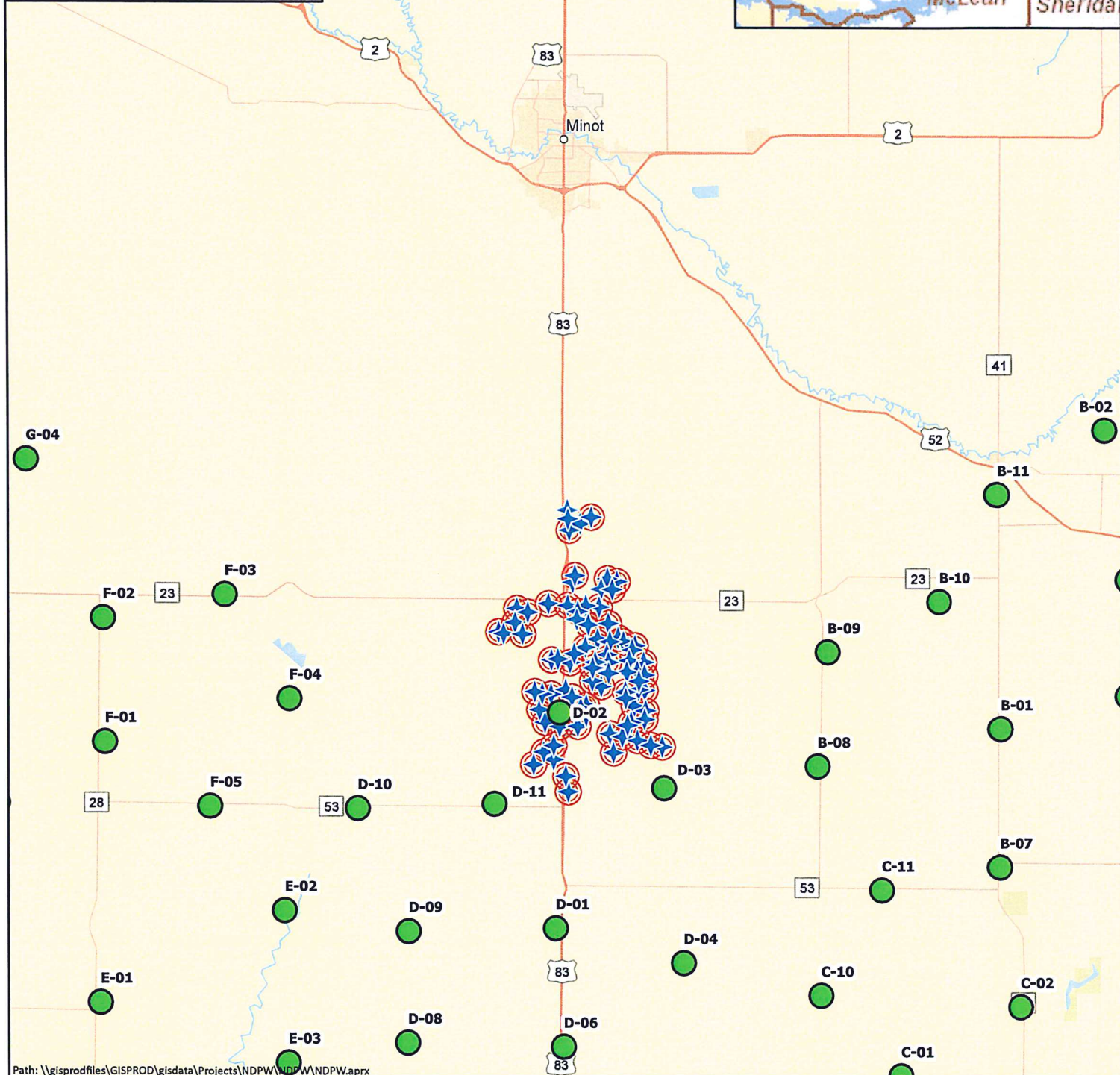
A Touchstone Energy® Cooperative

Map Features

- BEPC Wind Turbines
- FAA Lit BEPC Turbines
- ICBM Sites

Date Exported: 10/12/2021


Project Vicinity

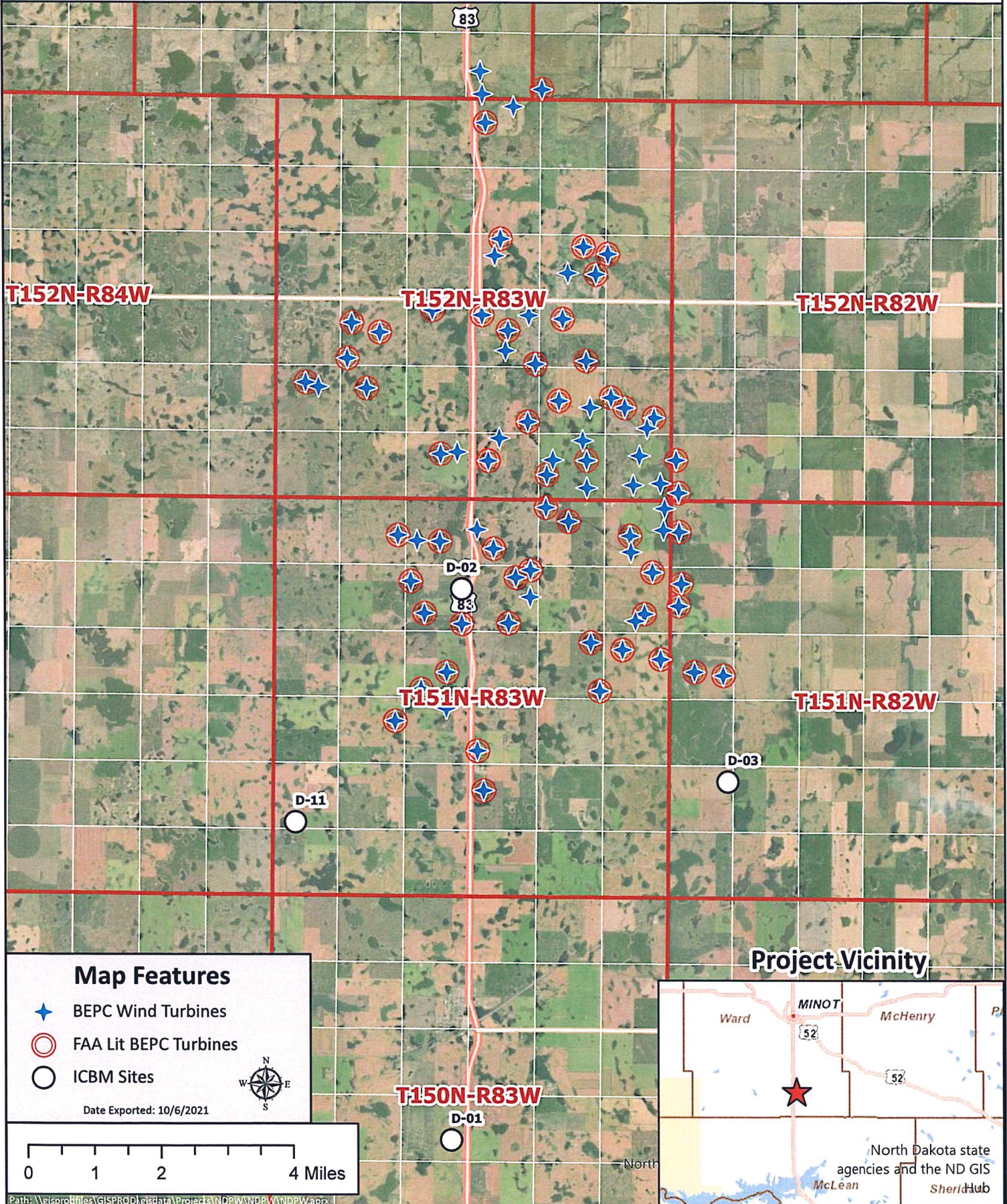


USAF ICBM Sites Near PrairieWinds ND 1






**BASIN ELECTRIC
POWER COOPERATIVE**

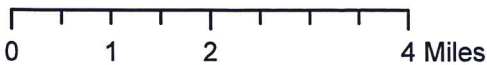
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Map Features

-  BEPC Wind Turbines
-  FAA Lit BEPC Turbines
-  ICBM Sites

Date Exported: 10/6/2021



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Project Vicinity

