

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Basin Electric Power Cooperative
Wind Energy Facility Lighting Waiver – 69-06-11
Application

Case No. PU-21-375

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Geralyn R. Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **17th day of December 2021** she deposited in the United States Mail at Bismarck, North Dakota, **two** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

- **Order on Motion for Waiver**

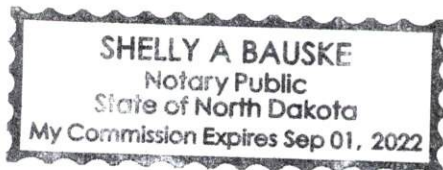
The envelopes were addressed as follows:

Troy Tweeten
Senior VP of Operations
Basin Electric Power Company
1717 E Interstate Ave.
Bismarck, ND 58503
Cert. No. 7020 1290 0000 1334 4222

Kevin Sorlie
Sr. Environmental Compliance Administrator
Basin Electric Power Company
1717 E Interstate Ave
Bismarck, ND 58503
Cert. No. 7020 1290 0000 1334 4215

Each address shown is the respective addressee's last reasonably ascertainable post office mail address.

Subscribed and sworn to before me
this **17th day of December 2021**.



Notary Public

SEAL

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Basin Electric Power Cooperative
Wind Energy Facility Lighting
Waiver Application**

Case No. PU-21-375

ORDER ON MOTION FOR WAIVER

December 15, 2021

Preliminary Statement

On December 31, 2009, Basin Electric Power Cooperative (Basin) was issued First Reissued Certificate of Site Compatibility No. 14 for the PrairieWinds ND1 (PrairieWinds) wind energy conversion facility.

On, August 25, 2021, Basin requested a waiver under North Dakota Century Code (NDCC) 49-22-16.4 regarding the requirement to install light mitigation technology at PrairieWinds by December 31, 2021.

On September 22, 2021, the Commission issued a notice for a public hearing for the case captioned above.

On November 18, 2021, the Commission held the public hearing as scheduled.

Discussion

1. Basin Electric Power Cooperative is a generation and transmission cooperative with principal address of 1717 East Interstate Ave, Bismarck, ND 58503.
2. Basin testified that they have been working with the United States Air Force (USAF) in Minot North Dakota. The USAF ballistic missile wing operates in the area of PrairieWinds and is tasked with the maintenance and protection of Intercontinental Ballistic Missile (ICBM) sites. The USAF utilizes aircraft in the security and defense of ICBM sites and the implementation and use of radar based light mitigation interferes with the safety and security of ICBM sites and military personnel responding to threats at ICBM sites.
3. Radar based light mitigation and the impact of its use regarding the safety and the protection of military assets is a concern for the USAF. Currently Aircraft Detection Lighting System (ADLS), which is a radar-based system that activates the turbine lights is approved by the Federal Aviation Administration (FAA). ADLS is the only approved light mitigation technology at this time. With the USAF in opposition to a ADLS lighting system, the FAA approval is unlikely.

4. The Commission finds Basin has established a technical infeasibility to grant an extension based on the concerns of the USAF.

Order

1. The Commission grants a waiver based upon current technical infeasibility, conditioned upon the continued technical infeasibility.
2. Basin shall review FAA approved light mitigation technology every three years and report to the commission to determine if the waiver should be continued based on a continued technical infeasibility, or if an acceptable light mitigation technology can be installed.

PUBLIC SERVICE COMMISSION


Randy Christmann
Commissioner


Julie Fedorchak
Chair


Brian Kroshus
Commissioner