

May 24, 2022



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: Badger Wind, LLC's Application for a Certificate of Site Compatibility for the Badger Wind Project in McIntosh and Logan Counties, North Dakota
Case No. PU-22-086**

Dear Mr. Kahl:

NDCC Section 49-22-16(4) states, in relevant part, as follows:

A state agency with jurisdiction over any aspect of a proposed facility shall present the position of the agency at least thirty days before the public hearing on an application for a certificate, a permit, or a waiver, which position clearly must state whether the site, corridor, or route being considered for designation will be in compliance with the agency's rules. For purposes of this chapter it is presumed a proposed facility will be in compliance with a state agency's rules if the agency fails to present its position on the proposed site, corridor, or route at least thirty days before the appropriate public hearing.

Badger Wind, LLC ("Badger Wind") agrees to waive this requirement and to accept comments from agencies regarding the Badger Wind Project up until the date of the public hearing, which is scheduled for June 28, 2022.

An electronic copy 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.

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If you have any questions, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Mollie M. Smith". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

MOLLIE M. SMITH

MMS/ms/76165570
Enclosure

cc: Victor Schock
Mitchell Armstrong
Sarah Aftergood