

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Badger Wind, LLC
251.6 MW Badger Wind Project – Logan & McIntosh
Siting Application

Case No. PU-22-86

SECOND ORDER ON PROTECTION OF INFORMATION

OAH File No. 20220071

Preliminary Statement

[1] On August 26, 2022, Badger Wind, LLC. (Badger) filed an Application for Protection of Information to protect certain information contained in late-filed exhibits submitted by Badger on August 26, 2022.

[2] The information for which Badger seeks protection includes cultural resource location information along with the associated GIS data and contained in:

- Figures 3, 12, 17, 27, 32, 45, 51, 56, 59, and 64, Maps 2, 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, and 2.7, and the figure included at the end of Appendix B of Late-Filed Exhibit 33-4 (Updated Class III Cultural Resources Inventory, dated June 27, 2022);

- Figure 1, Maps A-H of Late-Filed Exhibit 33-C (Supplemental 2022 Intensive Cultural Resources Inventory, dated June 27, 2022); and

- Table 3 of Late-Files Exhibits 33-E (Intensive Cultural Resource Inventory of Collection Line Reroutes, dated August 2, 2022).

Discussion

[3] N.D.C.C. § 49-22-26 allows the Commission to limit access to, and release of, information that contains data that specifically identifies the location of cultural, archaeological, historical, or paleontological sites.

[4] N.D.A.C. § 69-02-09-03 provides “the commission staff shall examine the information and application, and file and serve a response that includes a recommendation on whether the information qualifies for protection.”

[5] In a response dated August 29, 2022, Commission Staff states it believes that the application satisfies the requirements of the law, which allows the Commission to grant protection of information in this proceeding.

[6] The undersigned Hearing Officer has fully reviewed and considered Badger’s application and the recommendations of Commission Staff and has determined Badger’s application satisfies the requirements of the North Dakota Century Code for protection of the information which is the subject of this request.

IT IS HEREBY ORDERED:

[7] The June 10, 2022 application of Badger Wind LLC for protection of information is **GRANTED.**

Dated at Bismarck, North Dakota this 30 day of August 2022.

State of North Dakota
Public Service Commission

By: Hope Hogan
Hope L. Hogan
Administrative Law Judge
Office of Administrative Hearings
2911 North 14th Street – Suite 303
Bismarck, North Dakota 58503
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CERTIFICATE OF SERVICE

OAH File No. 20220071

The undersigned certifies that the original of the **ORDER ON PROTECTION OF INFORMATION** was mailed, inside mail, at the State Capitol, on the 30 day of August 2022, to:

John Schuh
Public Service Commission
State Capitol
600 East Boulevard Avenue, Dept. 408
Bismarck, ND 58505-0480

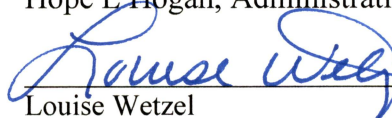
and that true and correct copies of the above document were mailed, regular mail, on the 30 day of August 2022, to:

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Hope L Hogan, Administrative Law Judge


Louise Wetzel