

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Rugby Wind, LLC
Rugby Wind Farm – Pierce County
Siting Application

CASE NO. PU-23-313

**AMENDED APPLICATION OF RUGBY WIND, LLC TO AMEND ORDER AND
CERTIFICATE AND VARIANCE REQUEST**

I. Introduction.

Pursuant to N.D.C.C. § 49-22-08(5), Rugby Wind, LLC (“Rugby Wind”) submits this amended application (this “Application”) to the North Dakota Public Service Commission (“Commission”) requesting an amendment of the Commission’s Findings of Fact, Conclusions of Law and Order filed under PU-05-47, dated October 3, 2005 (Docket No. 87) (“Order”), along with Certificate of Site Compatibility No. 5 (Docket No. 86) and First Reissued Certificate of Site Compatibility No. 5 (Docket No. 112) (collectively, the “Certificate”) issued to Rugby Wind for the Rugby Wind Farm located in Pierce County, North Dakota (“Facility”). Specifically, Rugby Wind requests that the Commission amend the Order and Certificate to remove the 1.5 to 3.0 megawatt (“MW”) per turbine limitation remove the overall 150 MW limitation. Furthermore, Rugby Wind requests that that the Commission grant a variance pursuant to N.D.A.C. § 69-06-08-01(2)(a)(5) with respect to the location of one (1) nonparticipating landowner.

II. Procedural History.

A brief overview of relevant procedural history is provided below:

- On October 3, 2005, the Commission issued its Order granting Certificate of Site Compatibility No. 5 to PPM Energy, Inc. (“PPM”) for the Facility. *See* PU-05-47 Docket Nos. 86 and 87.

- On December 3, 2008, the Commission issued First Reissued Certificate of Site Compatibility No. 5 to Rugby Wind, LLC. *See* PU-05-47 Docket No. 112.
- The Facility was constructed between 2008 and 2009 with commercial operations commencing in December 2009.
- On September 20, 2023, Rugby Wind filed a Certification of Jeffrey Reinkemeyer (“Original Certification”) and an Application to Amend Order and Certificate (“Original Application”) to amend the Certificate of Site Compatibility No. 5 pursuant to N.D.C.C. § 49-22-03(3)(a)(4) regarding planned equipment upgrades at the Facility (“Project”). *See* Docket No. 1, Case No. PU-23-313.
- Since submitting the Original Certification and Original Application for the planned equipment updates at the Project, Rugby Wind has learned of changes to the turbine specifications. To ensure the Commission has a complete record, Rugby Wind is providing additional information in this Application and accompanying Amended Certification of Jeffrey Reinkemeyer, together with supporting documentation and studies pursuant to N.D.C.C. § 49-22-03(3)(a)(4).

III. Planned Upgrade Project.

The Project plans to retrofit all 71 existing Suzlon 2.1 MW turbines by replacing the existing turbine rotors (nose, cone, hub, and blades), replacing the nacelle and its interior elements (gearbox, oil cooler, drive shaft, pitch drive), adding an adapter section to the tower, replacing the nameplate capacity from 2.1 MW per turbine up to 2.2 MW per turbine, reinforcing turbine foundations with upgraded collars, as needed, replacing pad-mounted transformers and pads, and installing new 34.5-kilovolt (“kV”) collector line system (aboveground and underground), as needed. There will be no changes to the existing turbine locations, meteorological tower, collection substation, or the associated 230 kV transmission line under Case No. PU-05-305. As a result of the retrofit and increase to 2.2 MW per turbine, the Facility’s total nameplate generating capacity would increase from 149.1 MW up to 156.2; however, the Facility’s net output at the point of interconnection would remain 147 MW in accordance with the Facility’s Interconnection Agreement with Otter Tail Power Company.

IV. Amendment Request – Removal of Capacity Limitation.

As set forth in order paragraph no. 3 of the Commission’s Order, Rugby Wind is authorized to “site and construct up to 150 MW of wind turbines ranging in size from 1.5 to 3.0 MW.” Certificate of Site Compatibility No. 5 and First Reissued Certificate of Site Compatibility No. 5 are silent with respect to per turbine and overall MW limitations for the Facility, but said certificates were issued “subject to the conditions and limitations in [the Order].” *See* Docket No. 112.

As noted above, when repowered, the Facility’s nameplate capacity will increase up to 156.2 MW, even though the net output at the point of interconnection will be limited to 147 MW. Based on review of prior repower dockets, Rugby Wind understands that the Commission has previously concluded that order and certificate amendments are required where a megawatt limitation is specified.¹ Therefore, Rugby Wind requests that the Commission amend the Order and Certificate to remove the per turbine megawatt limitation and the overall nameplate megawatt limitation.

V. Variance Request.

Pursuant to N.D.A.C. § 69-06-08-01(2)(a)(5), Rugby Wind requests that the Commission grant a variance with respect to the one (1) nonparticipating landowner identified in the Amended Certification of Jeffrey Reinkemeyer (the “Amended Certification”) filed herewith. A variance is appropriate because Rugby Wind has obtained a waiver from the nonparticipating owner identified in the Amended Certification.

¹ *See* Order, dated December 3, 2019, Ashtabula Wind Energy Center Repower (Case No. PU-19-284); Order, September 5, 2018, Langdon Wind Energy Center Upgrade Project (Case No. PU-18-186); and Order, dated October 27, 2022, Border Winds Energy Project Repower (Case No. PU-22-173).

VI. Conclusion.

For the reasons set forth above, Rugby Wind respectfully requests that the Commission (i) amend the Order and Certificate to remove the per turbine megawatt limitation and overall nameplate capacity limitation set forth in the Order, and (ii) grant a variance with respect to the nonparticipating landowner identified in the Amended Certification.

Dated this 6th day of February, 2024.

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