

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Rugby Wind, LLC**  
**Rugby Wind Farm – Pierce County**  
**Siting Exclusion Certification**

**CASE NO. PU-23-313**

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**AMENDED CERTIFICATION OF JEFFREY REINKEMEYER**

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The undersigned, Jeffrey Reinkemeyer, states and alleges as follows:

1. I am Jeffrey Reinkemeyer, Mid Continent Development Senior Director for Avangrid Renewables, LLC, the sole owner of Rugby Wind, LLC (“Rugby Wind”) which owns and operates the Rugby Wind Farm (“Facility”) located in Pierce County, North Dakota. The Facility is the subject of the October 3, 2005 Findings of Fact, Conclusions of Law and Order (“Order”) of the North Dakota Public Service Commission (“Commission”) and Certificate of Site Compatibility No. 5 and First Reissued Certificate of Site Compatibility No. 5 issued in Case No. PU-05-47 for the Facility (collectively, the “Certificate”). I am familiar with the planned Facility modification (“Project”) that is the subject of this Certification and have the authority to bind Rugby Wind with respect to the certifications made herein.

2. The Facility is an existing electric energy conversion facility pursuant to North Dakota Century Code (“N.D.C.C.”) § 49-22-03(5)(a) and currently has a total nameplate generating capacity of 149.1 megawatts (“MW”).

3. As set forth in the Certificate, the Facility footprint is comprised of approximately 46,080 acres in Pierce County, North Dakota more particularly described as follows (the “Footprint”):

Township 157 North, Range 71 West  
Sections 5, 6, 7 and 8

Township 157 North, Range 72 West  
Sections 1-12

Township 157 North, Range 73 West  
Sections 1 and 12

Township 158 North, Range 71 West  
Sections 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31 and 32

Township 158 North, Range 72 West  
Sections 1-36

Township 155 North, Range 73 West  
Sections 1, 12, 13, 24, 25 and 36

4. Rugby Wind is proposing to repower the Facility for the purpose of improving wind turbine efficiency, energy output and prolonging the operating life of the wind farm. 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 nacelles and their interior elements (gearbox, oil cooler, drive shaft, pitch drive), adding an adapter section to towers, replacing the nameplate capacity from 2.1 MW per turbine up to 2.2 MW per turbine, reinforcing turbine foundations with upgraded collars, 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. Additional details concerning the Project are included in the project summary attached hereto as Exhibit A.

5. All retrofitting activities associated with the Project will occur entirely within the Footprint designated for the Facility utilizing access and other rights granted to Rugby Wind in existing easement and lease agreements. No additional participating landowner easements are required in connection with the construction of the Project.

6. Rugby Wind will minimize temporary disturbance by making use of previously disturbed construction areas such as turbine pads, electrical collection line easements, and permanent access roads. The turbine pads and permanent access roads will be widened to facilitate equipment removal and installation. Temporary crane paths may also be required. A temporary laydown yard and staging area will be established to support equipment parking, staging, and construction trailers. All proposed work will be completed within the Facility's Footprint.

7. The current capacity of each turbine is 2.1 MW. The new turbine equipment to be installed will have a capacity of up to 2.2 MW. Rugby Wind anticipates that the Facility's total nameplate generating capacity would increase from 149.1 MW up to 156.2 MW. The Facility currently has an Interconnection Agreement ("IA") with Otter Tail Power Company which allows for generation up to 147 MW net at the point of interconnection. Rugby Wind will require an IA amendment to retrofit equipment but the Facility will continue to cap the net output at the point of interconnection to 147 MW. In the future, Rugby Wind may submit a surplus interconnection request with Midcontinent Independent System Operator ("MISO") to increase its net output at the Facility to accommodate the nameplate capacity pursuant to processes and standards established in the MISO Tariff.

8. The current length of each rotor diameter is 88 meters (289 feet). The existing turbines will be replaced with a rotor diameter that is up to 120 meters (394 feet) in length. Due to the increase in rotor diameter and current turbine technology, the overall turbine tip height will also increase from 124 meters (407 feet) up to approximately 145 meters (475 feet). For purposes of this amended Application, Rugby Wind is requesting a tip height up to approximately 146 meters (480 feet) to allow for slight variations in total tip height as engineering continues to be refined between the time of this Application and the Project's implementation.

9. The replacement of the turbine nacelles and rotor blades will require a tower adapter section that will allow the existing tower infrastructure to join with the proposed equipment. Therefore, the existing 79-meter (259-foot) rotor hub height of each tower will increase up to approximately 85 meters (278 feet).

10. Rugby Wind has re-evaluated the Project for environmental and regulatory compliance and is provided as Exhibit A. Except as specifically set forth herein, the Project complies with the exclusion and avoidance criteria set forth in N.D.A.C. Ch. 69-06-08. As set forth on Exhibit A:

- (a) Exclusion Areas. The re-evaluation assumed a 480-foot tip height. Turbines A8, Q4, J2 and J3 are located within the setbacks required by N.D.A.C. § 69-06-08-01(2)(a)(2) with respect to distance from the centerline of any county or maintained township roadway. However, the county roadway exclusion area was established in 2013 (Administrative Rules Supplement 2013-348), four years following the Commission's final approval of the layout on May 22, 2009 (See PU-05-47, Docket 124). Furthermore, Rugby Wind will remain in compliance with the setbacks required by Pierce County after the retrofitting process is complete. Rugby Wind has identified one (1) nonparticipating landowner that falls within the exclusion set forth in N.D.A.C. § 69-06-08-01(2)(a)(5). Rugby Wind has obtained a waiver from said non participating landowner regarding any claims relating to the Project, including, without limitation, claims arising from noise, audio, visual, view, light, vibration, air turbulence, wake, electromagnetic, television reception, and other effects of

any kind whatsoever resulting from the Project. Accordingly, as set forth in the Amended Application to Amend Order and Certificate and Variance Request submitted herewith, Rugby Wind requests that the Commission grant a variance pursuant to N.D.A.C. § 69-06-08-01(2)(a)(5) with respect to said nonparticipating landowner.

- (b) Avoidance Areas. Rugby Wind has conducted a sound level analysis in connection with the Project. The results of the sound analysis are provided as an attachment to Exhibit A. Based on the sound analysis, the Project will not result in sound levels exceeding the 50 dBA noise standard adopted by the Pierce County Board of County Commissioners. The predicted sound level of 45 dBA is exceeded within 100 feet of nine occupied residences. Rugby Wind anticipates obtaining waivers, maintaining existing Suzlon turbines, or operating turbines at a lower electrical and sound output mode in order to reduce the sound level to less than 45 dBA within 100 feet of occupied residences. Thus, the Facility will be in compliance with the noise standards adopted by the Commission.
- (c) Shadow Flicker. Rugby Wind has also conducted shadow flicker assessment in connection with the Project. The results of the shadow flicker assessment are provided as an attachment to Exhibit A. With the exception of one occupied residence, predicted shadow flicker levels from the Project will not exceed 30 hours per year at occupied residences. Rugby Wind has obtained a waiver from the participating residence as of the date of this Application.

(d) SHPO Consultation. A Class I cultural resources inventory, a Class III cultural resources survey, and consultation with the North Dakota State Historic Preservation Office (“SHPO”) was conducted for the original Certificate of Site Compatibility. Rugby Wind contracted SWCA Environmental Consultants to ascertain if any newly discovered resources or changes to the Project could potentially impact cultural resources. SWCA Environmental Consultants completed a Class I background research review, a Class II architecture history survey in October 2023, and a Class III archaeological survey in October and November 2023. Rugby Wind continues to progress in determining its construction limits and anticipates that development for the repower activities will take place in the previously surveyed areas; however, should construction limits impact areas outside of previously surveyed areas, additional cultural resources survey and consultation with SHPO be completed prior to any ground disturbance. Rugby Wind initiated consultation with SHPO in September 2023.

11. Rugby Wind will apply for and obtain all necessary state and local permits required in connection with the Project.

12. Rugby Wind will notify surrounding landowners prior to commencement of the Project.

In accordance with N.D.C.C. § 49-22-03(3)(a)(4), Rugby Wind certifies as follows:

13. The activities associated with the Project will not affect any known exclusion or avoidance areas. *See* N.D.C.C. § 49-22-03(3)(a)(4)(a).

14. The activities are for the construction to improve the existing electric energy conversion facility known as the Rugby Wind Farm. *See* N.D.C.C. § 49-22-03(3)(a)(4)(b).

15. Rugby Wind will comply with all applicable conditions and protections in siting laws and rules and Commission orders previously issued for any part of the Facility. *See* N.D.C.C. § 49-22-03(3)(a)(4)(c).

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*JEFFREY REINKEMEYER* 2/5/2024  
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Jeffrey Reinkemeyer

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