

February 23, 2024

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:

Enclosed for filing on behalf of Badger Wind, LLC ("Badger Wind") are two (2) copies of this letter and the following documents:

1. Application for Protection of Information; and
2. Archaeological Reconnaissance Survey Report (NON-PUBLIC).

A USB drive containing the associated cultural resource GIS data (NON-PUBLIC) is also enclosed. Electronic copies of this letter and the enclosed documents were filed with the Commission today via e-mail. Electronic and hard copies of the redacted public version of the above-referenced report are being provided under separate cover.

If you have any questions, please let me know.

Sincerely,



MOLLIE M. SMITH

MMS/ms/81535495
Enclosures

cc: Judge Hope L. Hogan (via e-mail)
Victor Schock (via e-mail)
Mitchell Armstrong (via e-mail)
Mark Crawl (via e-mail)
Andrew Krieger (via e-mail)

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Badger Wind, LLC Badger Wind Project Siting Application – McIntosh and Logan Counties	Case No. PU-22-086 BADGER WIND, LLC’S APPLICATION FOR PROTECTION OF INFORMATION
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Pursuant to North Dakota Administrative Code (“NDAC”) § 69-02-09-01, Badger Wind, LLC (“Badger Wind”) submits this application to protect from disclosure certain confidential information filed with the North Dakota Public Service Commission (“Commission”) in the above-captioned matter. The purpose of this application for protection of information is to protect from public disclosure cultural resource location information pursuant to North Dakota Century Code (“NDCC”) § 49-22-26 (“The [C]ommission may limit access to, and release of, information that contains data that specifically identifies the location of cultural, archaeological, historical, or paleontological sites.”).

Specifically, Badger Wind requests that protection be given to the cultural resource location information contained on pages 8-10, Exhibits 1, 2, 2a – 2f, and 3, and Photos 12 – 20 (in Appendix A) to the *Archaeological Reconnaissance Survey Report*, along with associated GIS data. Specifically, Badger Wind requests that the information be available only to the Commission, the Commission’s counsel, the Commission’s siting analysts, and the Administrative Law Judge (should one be designated).

Two (2) hard copies and an electronic version of the unredacted, nonpublic version of *Archaeological Reconnaissance Survey Report* are being provided with this request. Also provided is a USB drive containing nonpublic GIS data. The redacted public version of *Archaeological*

Reconnaissance Survey Report is provided in Appendix L to Badger Wind's Application for an Amended Certificate of Site Compatibility, filed concurrently.

Dated this 23rd day of February, 2024.

FREDRIKSON & BYRON, P.A.

By 

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STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**IN THE MATTER OF 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

CERTIFICATE OF SERVICE

Alicia P. LaValla, being first duly sworn, does depose and state that on February 23, 2024, this Certificate of Service and true and correct copies of Badger Wind, LLC's Filing Letter, Application for Protection of Information, and Archaeological Reconnaissance Survey Report (NON-PUBLIC) were sent by electronic mail to:

Steven Kahl
Executive Secretary
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480
ndpsc@nd.gov

Victor Schock
Director, Public Utilities Division
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480
vschock@nd.gov

Mitchell Armstrong
Special Assistant Attorney General
ND Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480
marmstrong@smithporsborg.com

Hope L. Hogan
Administrative Law Judge
Office of Administrative Hearings
2911 North 14th Street, Suite 303
Bismarck, ND 58503
hlhogan@nd.gov

and sent via Federal Express to:

Steven Kahl
Executive Secretary
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480
(two (2) copies)

Signed: /s/ Alicia P. LaValla

Fredrikson & Byron, P.A.
60 South Sixth Street
Suite 1500
Minneapolis, MN 55402