

July 15, 2025

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
Amend – Badger Wind Project – McIntosh & Logan Counties
Siting Application
Case No. PU-24-087**

Dear Mr. Kahl:

Badger Wind, LLC (“Badger Wind”) provides this letter in response to requests for additional information by the North Dakota Public Service Commission (“Commission”) and Commission Staff at the July 1, 2025 hearing held on Badger Wind’s Request for a Partial Waiver of the Requirement to Install a Light-Mitigating Technology System (“Waiver Request”) for nine (9) turbines to be constructed as part of the Badger Wind Project (“Project”).

As discussed at the hearing, in 2021, the Legislature amended North Dakota Century Code (“NDCC”) 49-22-16.4(2) to explicitly authorize the Commission to grant a waiver or an extension of time from the requirement to install a functioning light-mitigating technology system based on technical or economic feasibility considerations to projects such as this. Badger Wind’s Waiver Request is consistent with this grant of statutory authority.

At the hearing, the Commission and Commission Staff requested that Badger Wind provide the following additional information in writing: (1) summary of the consequences of denying the Waiver Request; and (2) the distances between the Wishek Airport and the nine (9) turbines that are the subject of the Waiver Request, and the additional ten (10) turbines initially denied Aircraft Detection Lighting System (“ADLS”). This information is provided in **Attachments 1 and 2**, respectively.

As discussed at the hearing and detailed in **Attachment 1**, denying the Waiver Request would have a significant, detrimental effect on the Project as well as on the associated economic benefits to landowners and the community. Additionally, as discussed at the hearing and in **Attachment 2**, Badger Wind could not have anticipated the Federal Aviation Administration’s (“FAA”) partial denial of ADLS for the Project, although it will inform siting of future Ørsted Onshore North America, LLC (“Ørsted”) wind projects. Specifically, Ørsted commits to not to site any future turbines within 3.15 nautical miles of a public-use airport in North Dakota.

Mr. Steven Kahl
July 15, 2025
Page 2


Granting the Waiver Request will not set a precedent, as future project developers will have the ability to take the FAA's decision on Badger Wind's lighting plan into consideration in project siting, thereby avoiding the need for a waiver. Given this, and the significant impacts that would result to not just Badger Wind, but to landowners and the community, granting the Waiver Request is appropriate.

Given the status of Project construction, Badger Wind respectfully requests that the Commission issue a decision on the Waiver Request as soon as possible following the July 24, 2025 public hearing. To that end, Badger Wind requests that the Commission hold a special meeting immediately following the conclusion of the public hearing, or as soon as possible thereafter, to issue a decision on the Waiver Request. Badger Wind encloses a proposed Order in support of this request.

An original and six (6) copies of this letter and the above-referenced documents are enclosed. Electronic copies of this letter and the above-referenced documents were filed with the Commission today via e-mail.

If you have any questions, please let me know.

Sincerely,


MOLLIE M. SMITH

MMS/bad/86777419

Enclosures

cc: Rob Frank (via e-mail)
Brian Johnson (via e-mail)
Nick Gebauer (via e-mail)
Andrew Krieger (via e-mail)