

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Badger Wind, LLC
Amend - Badger Wind Project - Logan & McIntosh
Siting Application**

Case No. PU-24-87

ORDER ON REQUEST FOR PARTIAL WAIVER

_____, 2025

Preliminary Statement

On November 20, 2022, in Case No. PU-22-86, the North Dakota Public Service Commission (Commission) issued Certificate of Site Compatibility No. 64 to Badger Wind, LLC (Badger Wind) for a wind energy conversion facility known as the Badger Wind Project, to be located in Logan and McIntosh Counties, North Dakota (Project).

On September 11, 2024, in Case No. PU-24-87, the Commission issued Amended Certificate of Site Compatibility No. 64 to Badger Wind for the Project.

On April 16, 2025, Badger Wind requested a partial waiver under North Dakota Century Code (NDCC) Section 49-22-16.4 regarding the requirement to install light-mitigating technology on nine (9) of the 92 turbines currently anticipated to be constructed on the Project.

On May 19, 2025, the Commission issued a notice for a public hearing.

On June 13, 2025, the North Dakota Department of Environmental Quality filed comments.

On June 27, 2025, Badger Wind filed its proposed public hearing presentation.

On July 1, 2025, the Commission held a hearing as scheduled.

On July 2, 2025, the Commission issued a notice for a public hearing.

On July 15, 2025, Badger Wind filed information requested during the July 1, 2025 hearing and a proposed Order.

On July __, 2025, Badger Wind filed its updated proposed public hearing presentation.

On July 24, 2025, the Commission held the public hearing as scheduled.

Discussion

1. Badger Wind, LLC is a Delaware limited liability company authorized to do business in the State of North Dakota and is a wholly owned, indirect subsidiary of Ørsted Onshore North America, LLC.

2. The Federal Aviation Administration (FAA) initially denied the use of an aircraft detection lighting system (ADLS) on 19 of the turbines anticipated to be constructed for the Project and required that the standard synchronized red lights be utilized on those turbines. Badger Wind coordinated with the FAA to reduce the number of turbines required to utilize standard lighting to nine (9), thereby maximizing the use of ADLS on the Project.

3. The FAA approved the use of an ADLS on 83 of the turbines anticipated to be constructed for the Project, but did not approve the use of an ADLS on the remaining nine (9) turbines and is requiring that the standard synchronized red lights be utilized on those turbines.

4. ADLS is the only light-mitigating technology currently approved by the FAA.

5. Badger Wind testified that denial of the waiver is expected to result in the loss of at least 10 additional turbine locations, reducing the total number turbines constructed from 92 to 82 and reducing the Project capacity by 28 megawatts. The loss of 19 turbines would reduce turbine payments to landowners, with nine (9) landowners no longer hosting any turbines, and would also reduce the amount of tax revenue generated by the Project.

6. At the hearing, a representative of Badger Wind's parent company, Orsted Onshore North America, LLC, committed to not site any future wind turbines within 3.15 nautical miles of a public-use airport in North Dakota.

7. The Commission finds Badger Wind has established a technical infeasibility to grant a waiver from the requirement to install a light-mitigating technology system on nine (9) turbines based on the FAA's denial of ADLS on those turbines.

Order

The Commission orders:

1. The Commission grants a waiver from the requirement to install a light-mitigating technology system on nine (9) turbines based upon current technical infeasibility, conditioned upon the continued technical infeasibility.

2. Badger Wind shall review FAA-approved light-mitigating technology systems and report the results to the Commission every three years to determine if the waiver should be continued based on continued technical infeasibility, or if an acceptable light-mitigating technology system could be approved by the FAA and installed on the nine (9) turbines.

PUBLIC SERVICE COMMISSION

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