

October 8, 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: Flickertail Solar Project, LLC's Application for a Certificate of Site
Compatibility for the Flickertail Solar Project in Richland County, North
Dakota
Case No. PU-24-___**

Dear Mr. Kahl:

Enclosed for filing on behalf of Flickertail Solar Project, LLC are two (2) copies of this letter and the following documents:

1. Application for Protection of Information; and
2. Class III Cultural Resource Inventory for Archaeology and Architectural History (NON-PUBLIC).

A USB drive containing the associated GIS data (NON-PUBLIC) is also enclosed. Electronic copies of this letter and the enclosed Application for Protection of Information 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/84005620
Enclosures

cc: Christina Martens (via e-mail)
Nick Schuler (via e-mail)

2 PU-24-351 Filed 10/08/2024 Pages: 3
Application for Protection of Information
Flickertail Solar Project, LLC
Mollie Smith, Fredrikson&Byron, P.A.

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Flickertail Solar Project, LLC Flickertail Solar Project Siting Application – Richland County	Case No. PU-24-____ FLICKERTAIL SOLAR PROJECT, LLC’S APPLICATION FOR PROTECTION OF INFORMATION
--	---

Pursuant to North Dakota Administrative Code (“NDAC”) § 69-02-09-01, Flickertail Solar Project, LLC (“Flickertail”) 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, Flickertail requests that protection be given to the cultural resource location information contained on pages i – ii, 14 – 17, 23 – 24, Figures 2, 3, and 4-A1 – 4-D3 (in Appendix A), and Maps 2 – 10 (in Appendix B) to the *Class III Cultural Resource Inventory for Archaeology and Architectural History*, along with associated GIS data. Specifically, Flickertail 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 of the unredacted, nonpublic version of *Class III Cultural Resource Inventory for Archaeology and Architectural History* are being provided with this request. Also provided is a USB drive containing nonpublic GIS data. The redacted public version of *Class III*

Cultural Resource Inventory for Archaeology and Architectural History is provided in Appendix F to Flickertail's Application for a Certificate of Site Compatibility, filed concurrently.

Dated this 8th day of October, 2024.

FREDRIKSON & BYRON, P.A.

By 
MOLLIE M. SMITH, ND Bar #06714
BRIDGET A. DUFFUS, ND Bar #09235
Attorneys for Flickertail Solar Project, LLC
60 South Sixth Street, Suite 1500
Minneapolis, MN 55402-4400
(612) 492-7270
msmith@fredlaw.com
bduffus@fredlaw.com