



May 7, 2026

Mr. Brian Johnson  
Executive Director  
North Dakota Public Service Commission  
600 East Boulevard Ave., Dept. 408  
Bismarck, ND 58505-0480

Re: PrairieWinds – ND 1 Wind Energy Facility  
Amended Expedited Request for Approval  
Of Temporary Variance for Construction Activities  
Case No. PU-25-253

Dear Mr. Johnson:

Basin Electric Power Cooperative (Basin Electric) plans to upgrade the PrairieWinds – ND 1 Wind Energy Facility (Upgrade Project) located in Ward County, North Dakota. This filing seeks to expand the existing temporary construction variance to include temporary road and approach widening, additional aggregate placement, and grading of temporary workspaces. Basin Electric has separately submitted an application to the Commission in Case No. PU-26-164 for approval of the Upgrade Project.

Enclosed for filing are:

1. Amended Expedited Request for Approval of Temporary Variance for Construction:
  - a. Exhibit A – Prairie Winds Layout
  - b. Exhibit B – Affidavit in Support

Electronic copies of the enclosed documents and this letter were filed with the Commission today via email. One original and seven hard copies will be hand-delivered to your office.

Please do not hesitate to contact me if you have any questions regarding this filing.

Respectfully submitted,

A handwritten signature in blue ink that reads "Maggie Olson".

Maggie Olson  
Senior Staff Counsel

By email: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
[cjmartens@nd.gov](mailto:cjmartens@nd.gov)

5 PU-25-253 Filed 05/07/2026 Pages: 44  
Amended Expedited Request for Approval of  
Temporary Variance for Construction Activities

Basin Electric Power Cooperative  
Maggie Olson, Sr Staff Counsel

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

**Basin Electric Power Cooperative  
Temporary Construction Variance  
Siting Temporary Approval**

**Case No. PU-25-253**

**BASIN ELECTRIC POWER COOPERATIVE  
AMENDED EXPEDITED REQUEST FOR APPROVAL OF TEMPORARY VARIANCE  
FOR CONSTRUCTION ACTIVITIES PURSUANT TO N.D.C.C. § 49-22-25**

Pursuant to North Dakota Century Code (N.D.C.C.) § 49-22-25, Basin Electric Power Cooperative (Basin Electric) hereby submits this Amended Expedited Request for Approval of Temporary Variance for Construction Activities to modify and expand the existing temporary variance approved by the North Dakota Public Service Commission (Commission) in Case No. PU-25-253 on September 24, 2025. Specifically, Basin Electric seeks authorization to expand the scope of previously approved construction activities to include temporary road and approach widening, additional aggregate placement, and grading of temporary workspaces associated with the PrairieWinds – ND 1 Wind Energy Facility (Facility) upgrade project (Upgrade Project) (referred to as the “Repower Project” in prior filings) located in Ward County, North Dakota.

Basin Electric has separately submitted an application to the Commission in Case No. PU-26-164 for approval of the Upgrade Project, and the activities requested herein are limited interim construction measures that will occur in advance of, and remain subject to, Commission action on that application.

**I. Background**

Basin Electric is a regional wholesale electric generation and transmission cooperative organized under the laws of the State of North Dakota, and headquartered at 1717 East Interstate Avenue in Bismarck, North Dakota. Basin Electric provides power to over 130 member cooperatives serving approximately three million consumers in nine states.

A brief overview of relevant procedural history is provided below:

1. In March 2009, Basin Electric submitted to the Commission an application for a Certificate of Site Compatibility for the Facility.
2. On August 12, 2009, the Commission issued its Findings of Fact, Conclusion of Law, and Order in Case No. PU-08-75 (2009 Order and Certificate) granting Certificate of Site Compatibility No. 14 for the Facility, allowing Basin Electric to construct a wind energy facility comprised of 77 turbines with a capacity of up to 115.5 MW.

3. The Facility was constructed and commenced commercial operation in accordance with the 2009 Order and Certificate.
4. The Certificate of Site Compatibility for the Facility was subsequently reissued in the name of its wholly owned subsidiary, PrairieWinds ND 1, Inc., and later returned to Basin Electric as a result of a corporate merger of the subsidiary into Basin Electric in early 2018, at which time Basin Electric became the successor certificate holder.
5. On September 12, 2025, in Case No. PU-25-253, Basin Electric filed a request for a temporary construction variance under N.D.C.C. § 49-22-25. Basin Electric represented that an application to amend would be submitted in 2026 and that it would not begin the Upgrade Project until it received Commission approval. In its regular meeting on September 24, 2025, the Commission passed a motion to approve the requested temporary variance. The Commission's September 24, 2025, order limited activities to surface improvements on existing roadways.
6. On May 1, 2026, Basin Electric submitted to the Commission: (1) an application to amend the 2009 Order and Certificate; and (2) certification notifying the Commission of the Upgrade Project. This submittal has been docketed as Case No. PU-26-164.

## **II. Description of the Upgrade Project**

The Upgrade Project includes upgrading the 77 existing wind turbines to increase the lifespan of the turbines. The existing General Electric (GE) 1.5-77 wind turbine generators (WTGs) will be upgraded to GE 1.6-97 WTGs, utilizing the GE Vernova repowering kits. The kit includes a new blade set that will increase the overall blade lengths from 77 meters to 97 meters, complete hub, main shaft, main bearing assembly, gearbox, and generator refurbishment. The existing foundation and tower will remain in place.

The Upgrade Project will increase the maximum output capacity of each WTG from 1.5 megawatts (MW) to 1.6 MW and will generate a more efficient power curve, providing increased MW at lower wind speeds when compared to non-repowered turbines.

## **III. Scope of Request**

The existing temporary construction variance approved in Case No. PU-25-253 for the Upgrade Project allows Basin Electric to complete surface road improvements along all access roads of the Facility layout. These road improvements are limited to adding approximately four inches of aggregate to road surfaces. The scope of this request was restricted to existing road surfaces only, and no widening of roads and approaches or grading of temporary workspaces was included.

Basin Electric submits this amended request to expand the scope of the existing variance in compliance with the provisions of N.D.C.C. Ch. 49-22. Specifically, N.D.C.C. § 49-22-25(1) states:

*The commission may approve . . . a temporary variance from approved construction, operation, or maintenance of facilities upon a showing of good cause and receipt of a utility certification that the activities will have no adverse impacts upon the welfare of the citizens of this state or the environment.*

Basin Electric respectfully requests that the Commission modify and expand the existing variance to allow Basin Electric to complete additional road improvements beyond those authorized in the existing variance and to allow Basin Electric to complete soil grading within the temporary workspaces around each turbine location.

The road improvements include road and approach widening in areas deemed necessary to allow long, oversized deliveries to turbine locations. The road radii and approaches proposed to be widened are outlined in **Exhibit A**.

Grading of temporary workspaces is necessary because many turbines are located on hill crests with challenging surrounding topography, requiring temporarily leveling to accommodate material delivery and crane pad set up. Such grading activities include topsoil stripping and piling and subsoil grading. The 300-foot radius temporary workspaces are also outlined in **Exhibit A**.

As noted above, Basin Electric has separately submitted an application to the Commission in Case No. PU-26-164 for approval of the Upgrade Project. Except for the limited activities requested herein, the Upgrade Project will only occur after Basin Electric receives the necessary authorization from the Commission to proceed.

#### **IV. Demonstration of Good Cause**

Good cause exists to support expansion of the existing temporary construction variance. First, construction season is limited in North Dakota, frequently being dictated by weather. The existing gravel access roads and approaches are not in proper condition to allow heavy equipment and crane travel, especially in wet conditions such as spring. The requested activities are necessary to ensure safe and reliable access for heavy construction and crane equipment. By approving this request and allowing additional road improvements and grading of temporary workspaces, Basin Electric will maintain the schedule within North Dakota's narrow construction period.

Second, the recent passage of the One Big Beautiful Bill Act (OBBA) accelerates the phase-out of wind tax credits. Several stipulations that must be met for Basin Electric to take advantage of the tax credits. These stipulations include when a project begins construction and when a project is placed in service. Because guidance is still being developed, Basin Electric

seeks to begin construction promptly to minimize uncertainty and avoid potential loss of tax benefits.

In addition, the timing of this request is influenced by unanticipated delays in related federal approval processes, which were outside of Basin Electric's control and contributed to a later-than-anticipated submission of the Upgrade Project application. These delays have further compressed the already limited construction schedule, increasing the importance of completing preparatory activities at the earliest practicable time to maintain the overall project timeline.

## **V. No Adverse Impacts**

Because the limited activities requested herein will occur on or immediately adjacent to previously disturbed land that has been subject to natural resources and cultural resources surveys, no adverse impacts are anticipated. Specifically, all road and approach widening will occur along existing access roads, most of which were constructed as part of the original Facility. Temporary workspaces at turbine locations will be sited within or immediately adjacent to areas that were previously disturbed during initial construction. Prior to the original road construction in 2009, natural resources and cultural resources surveys were completed for the project area, and adjustments were made to avoid sensitive resources.

In 2025, additional natural resources and cultural resources surveys were performed in connection with the application submitted in Case No. PU-26-164. These natural resources surveys, conducted by Western Ecosystems Technology, Inc. (WEST), evaluated wetlands and waterbodies and endangered and threatened species habitat. All wetlands and waterbodies along the access roads and within the temporary workspaces around each turbine have been mapped and will be avoided during all phases of construction for the Upgrade Project. Because the turbines are already in place and the proposed work is confined to previously disturbed immediately adjacent areas within the established Facility footprint, any impacts to threatened and endangered species are expected to be insignificant, based on survey results and the implementation of avoidance measures.

The 2025 cultural resources surveys included a Class III cultural resources inventory and an architectural Class II reconnaissance. Avoidance has been recommended for 22 resources within the proposed temporary workspaces, and each resource will be staked prior to the start of any construction activities. The Class II and Class III Cultural Resources Inventories report was submitted to the North Dakota State Historic Preservation Office in April 2026, and concurrence is expected by the end of May 2026.

Area landowners use these roads to access fields for agriculture and livestock purposes. The road improvements are not expected to adversely impact landowners and will benefit them by providing improved access. Temporary travel delays may occur during construction but are expected to be minor and short in duration.

Local oversight by Ward County and the affected townships further ensures that the Upgrade Project will not result in adverse impacts. Ward County requires a conditional use permit prior to commencement of the Upgrade Project activities covered by this request. Basin Electric submitted that application in March 2026. On April 16, 2026, Basin Electric received first reading approval from the Ward County Planning and Zoning Commission. The second reading is scheduled for May 21, 2026, with final approval anticipated from the Ward County Commission on June 2, 2026. No county road or approach widening will occur prior to such approval.

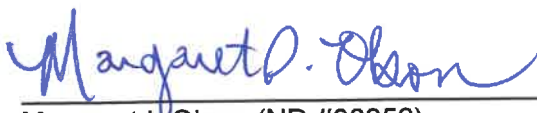
Additionally, the three townships in which the Upgrade Project is located (Gasman, Iota Flat, and Newman) requested specific provisions regarding road use and maintenance during and after construction. Following consultation, each township approved Basin Electric's road use and maintenance agreements.

Accordingly, the road and approach widening and temporary workspace grading outlined in this request are not anticipated to adversely affect the environment or the citizens of North Dakota. Consistent with N.D.C.C. § 49-22-25, an affidavit in support of this request is attached as **Exhibit B**.

**VI. Conclusion**

For the reasons set forth above, Basin Electric respectfully requests that the Commission grant this Amended Expedited Request for Approval of Temporary Variance for Construction Activities expanding the existing temporary construction variance previously approved in Case No. PU-25-253 to authorize the activities described herein. Timely Commission approval is requested to ensure that Basin Electric is in a position to proceed immediately upon receipt of Ward County's approval, thereby avoiding delays and preserving the project schedule within North Dakota's limited construction season.

Sincerely,

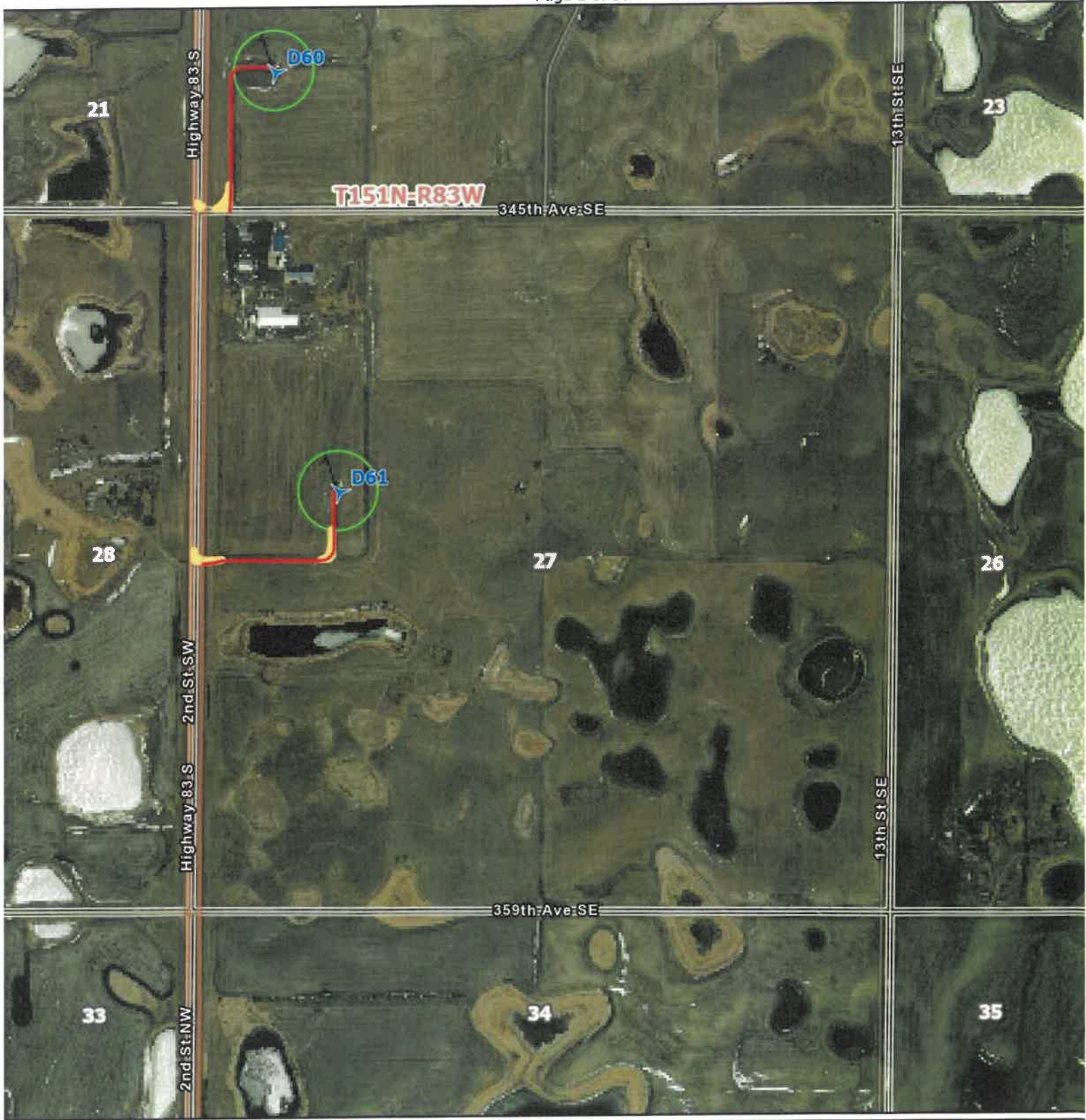


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Margaret I. Olson (ND #06352)  
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Bismarck, ND 58503  
701.557.5719  
[molson@bepc.com](mailto:molson@bepc.com)

*Attorney for Basin Electric Power Cooperative*




**EXHIBIT A – Prairie Winds Layout**

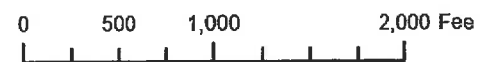


### Map Features

-  Turbine Locations
-  Access Roads



-  Temporary Road Expansion
-  Temporary 300' Work Space

-  Delineated Wetlands
-  Townships
-  Sections



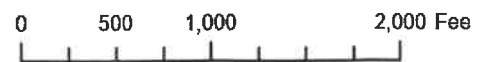


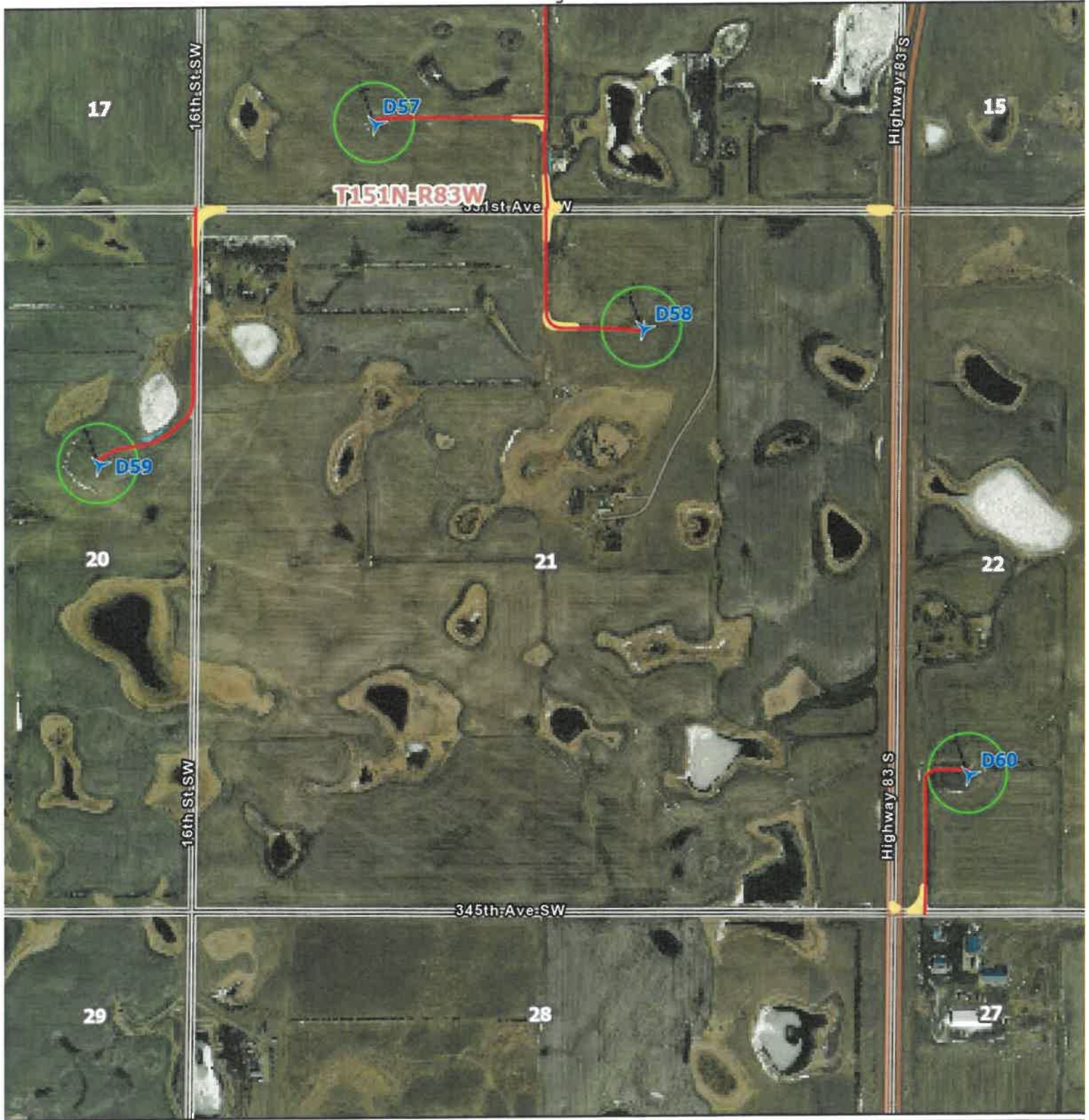
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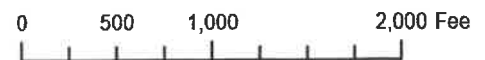


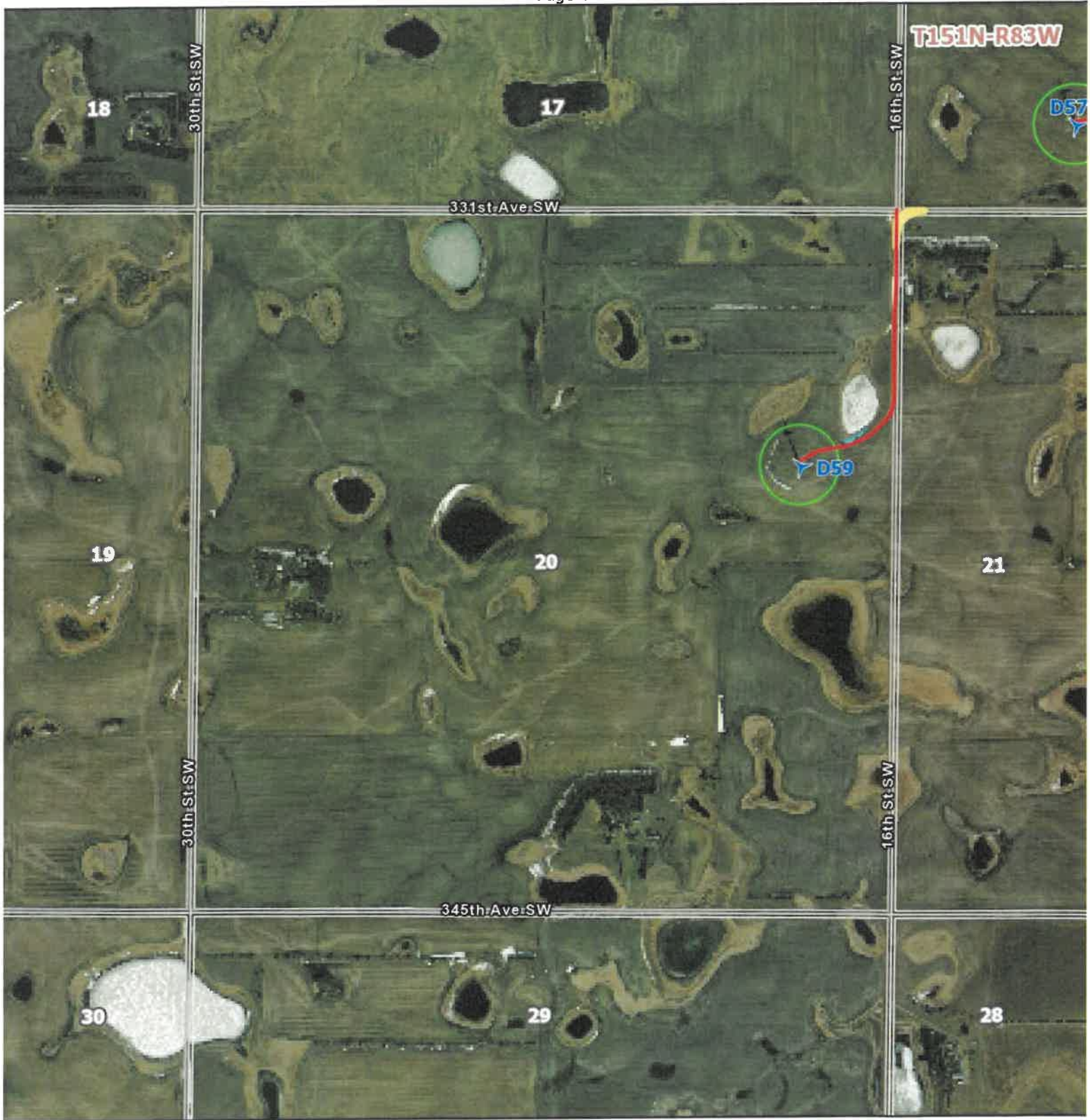
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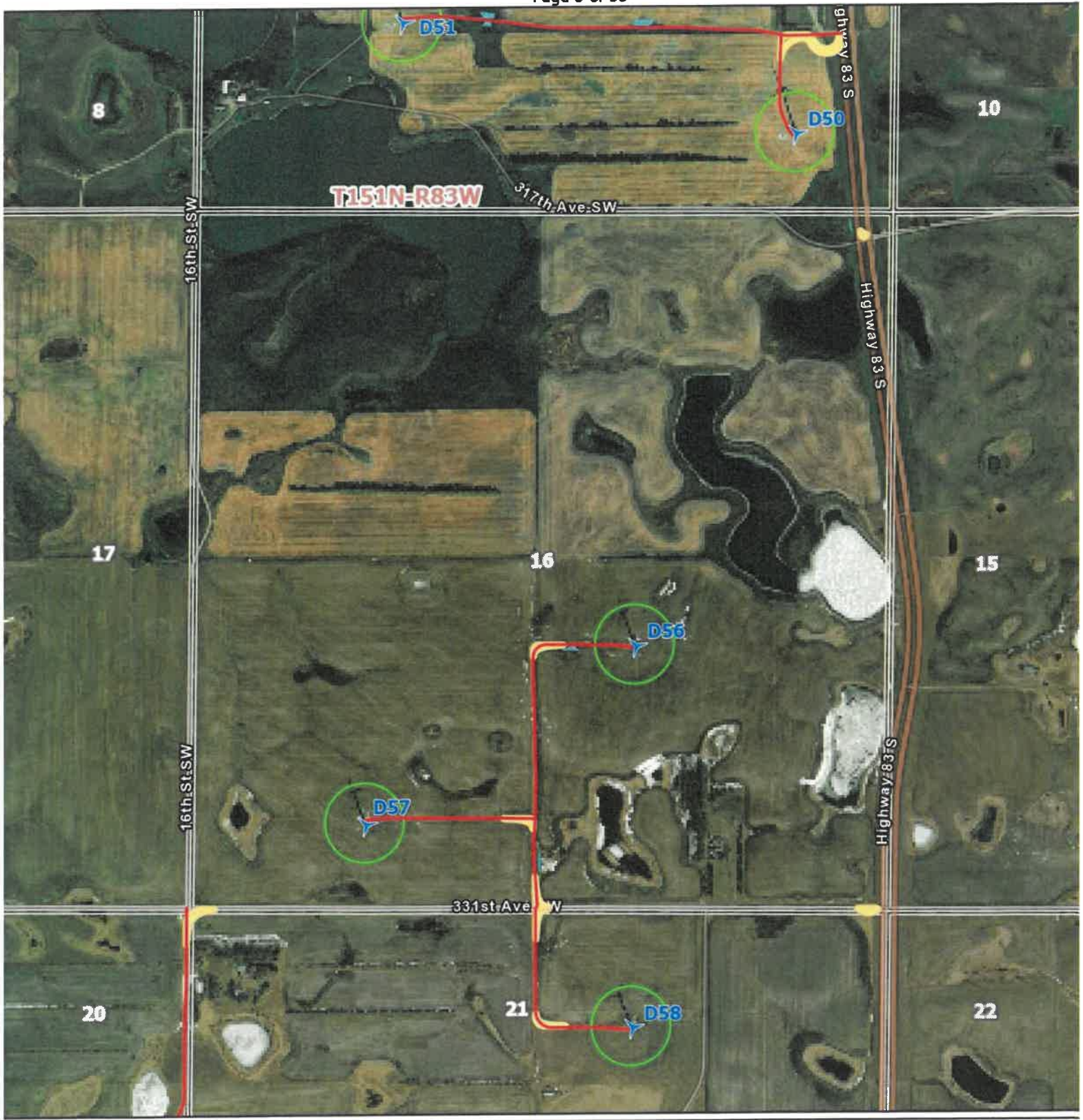
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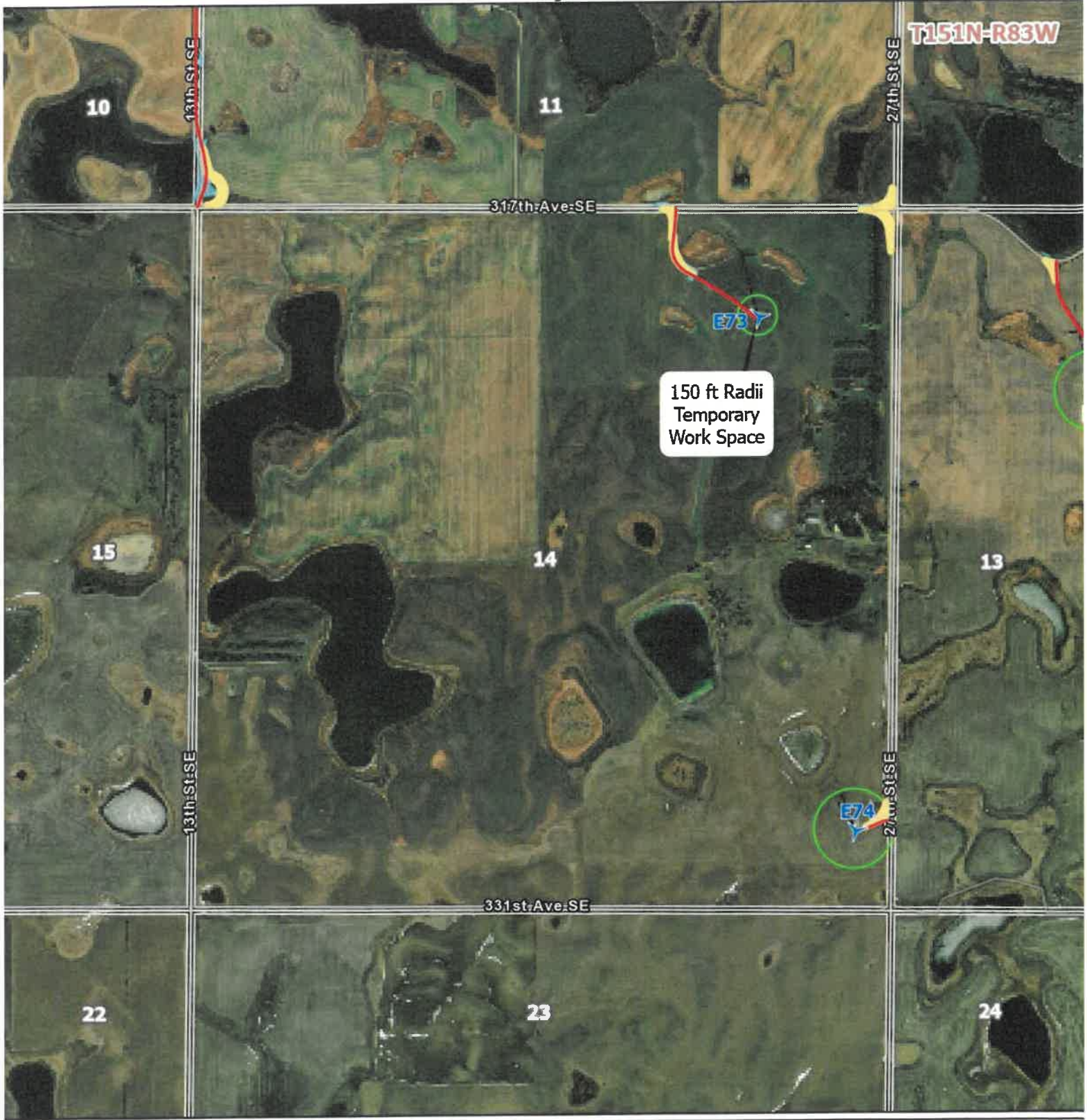
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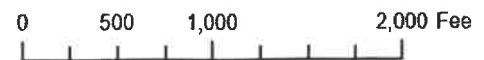
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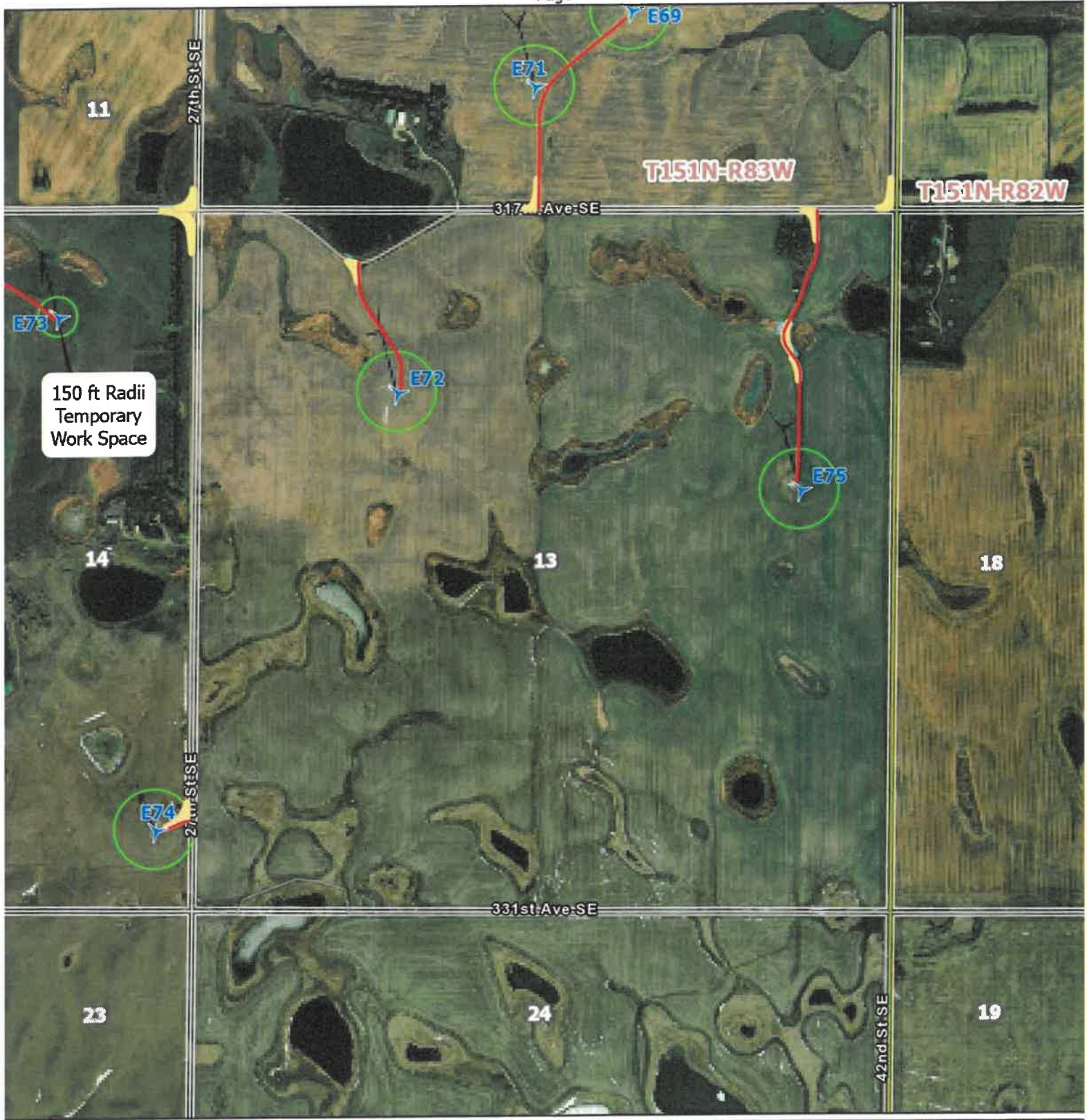






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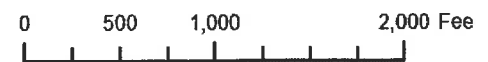


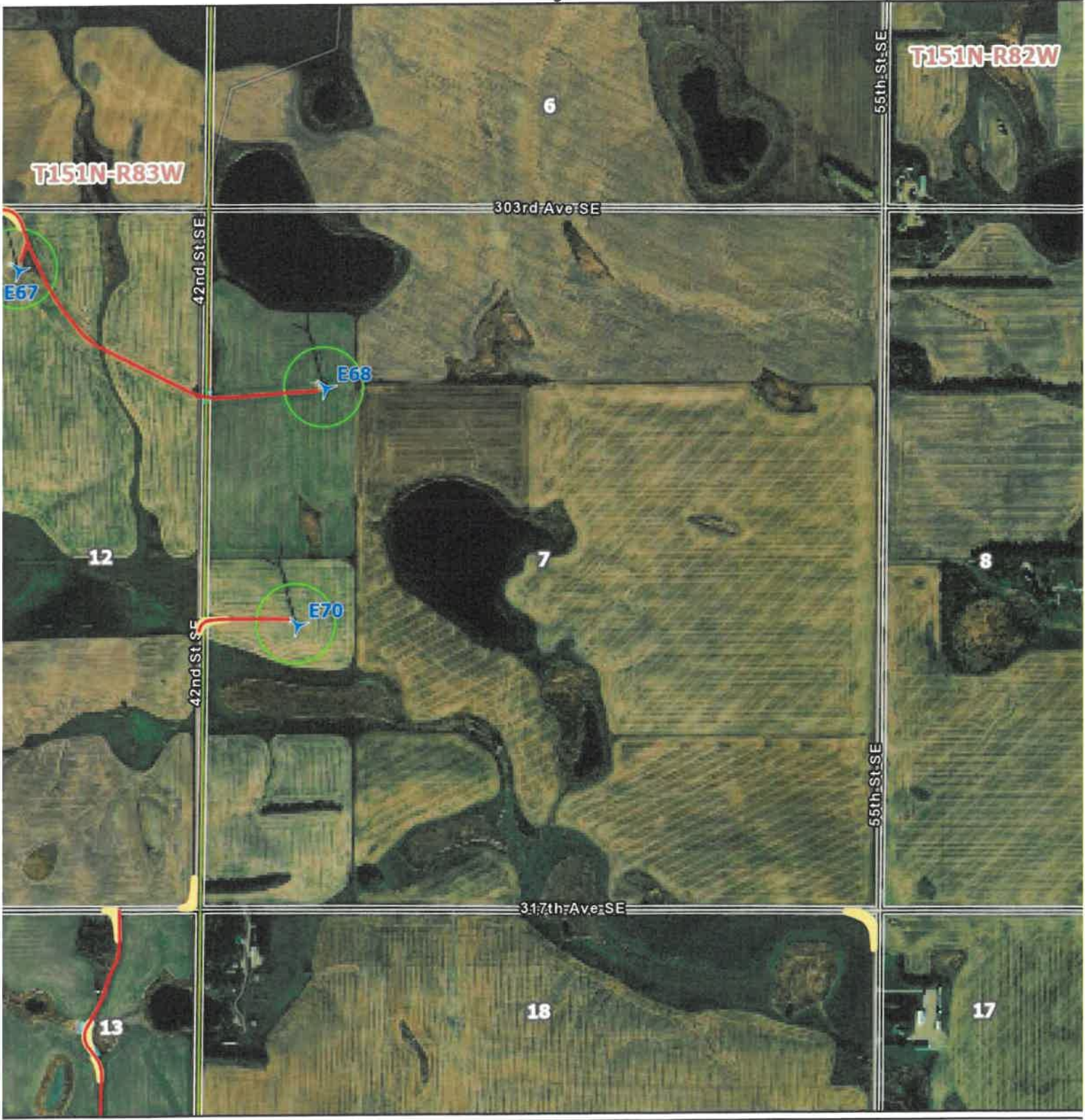
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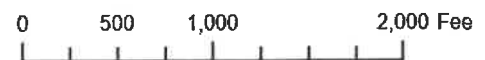


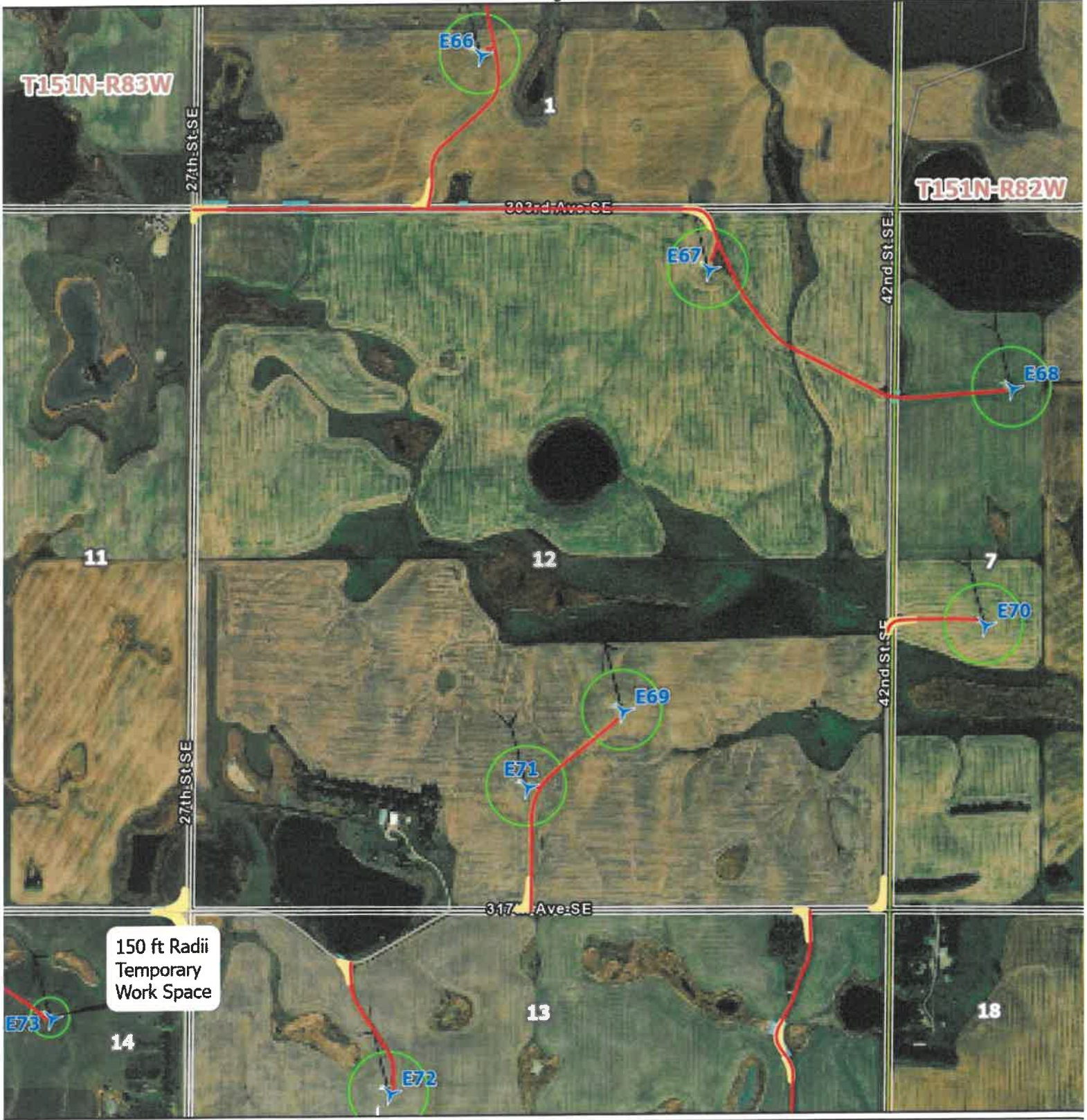
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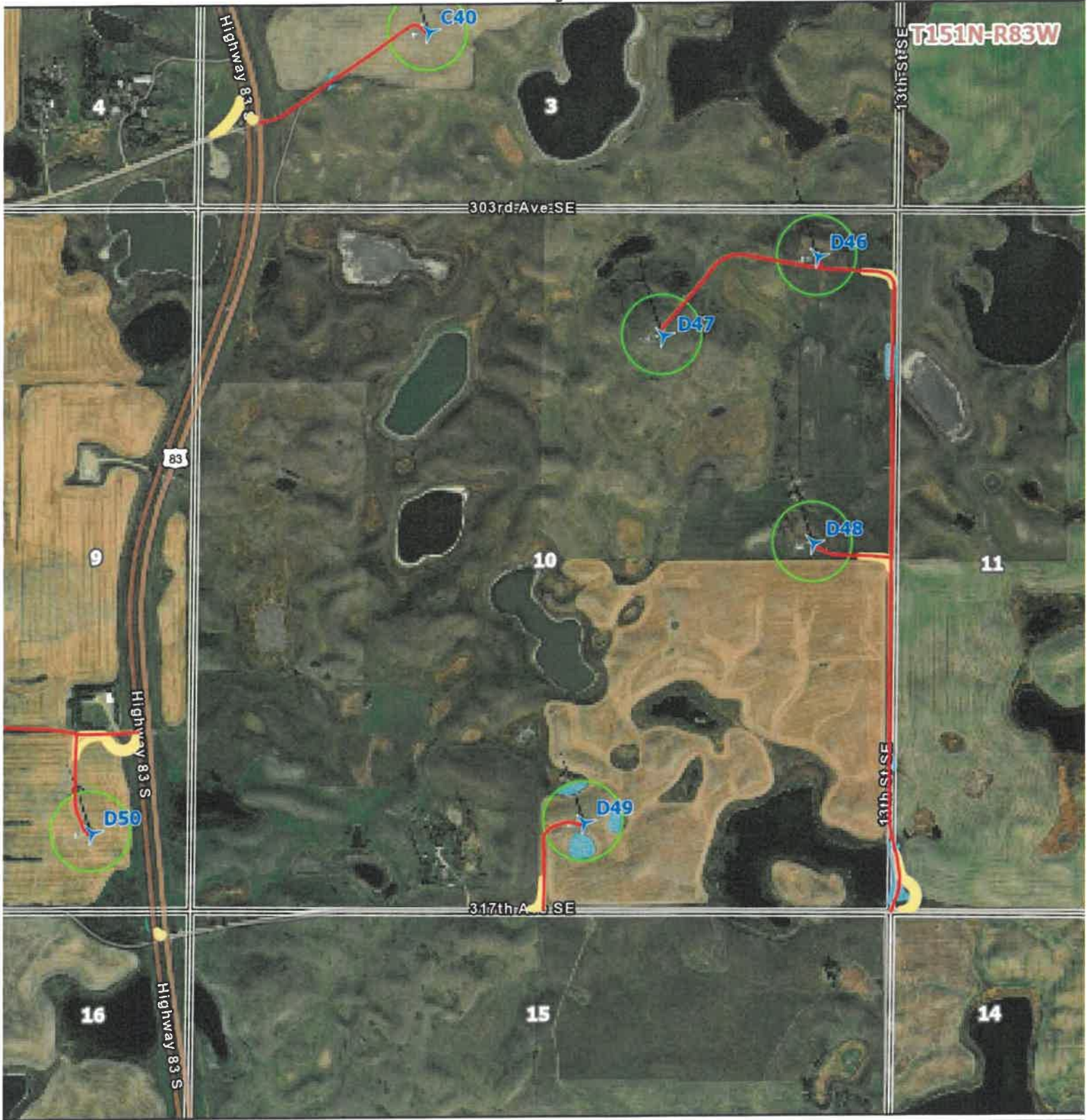
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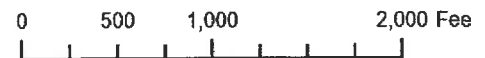


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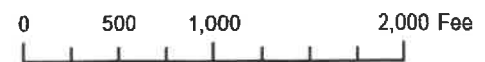


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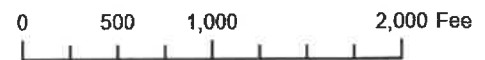


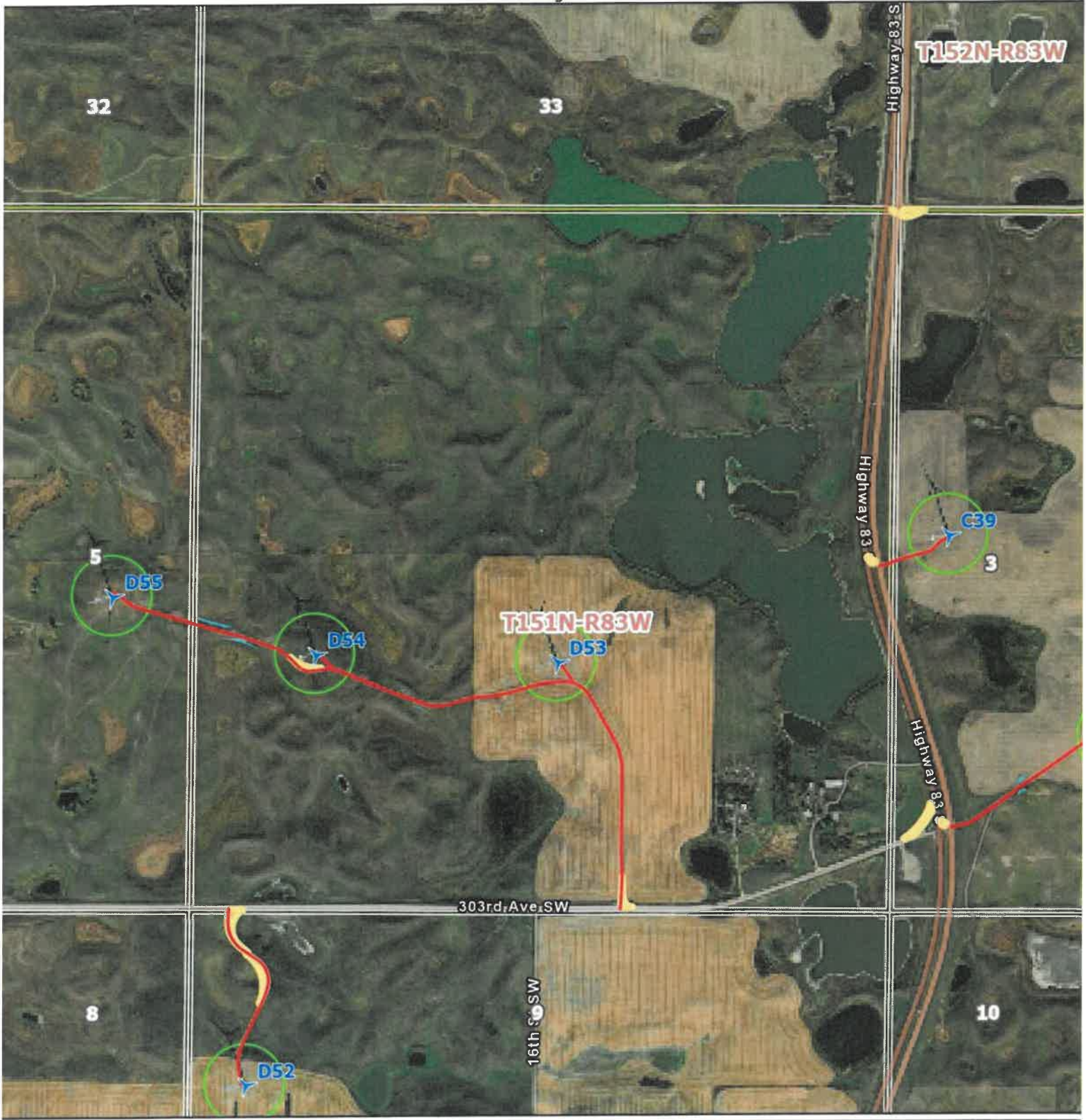
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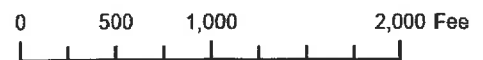


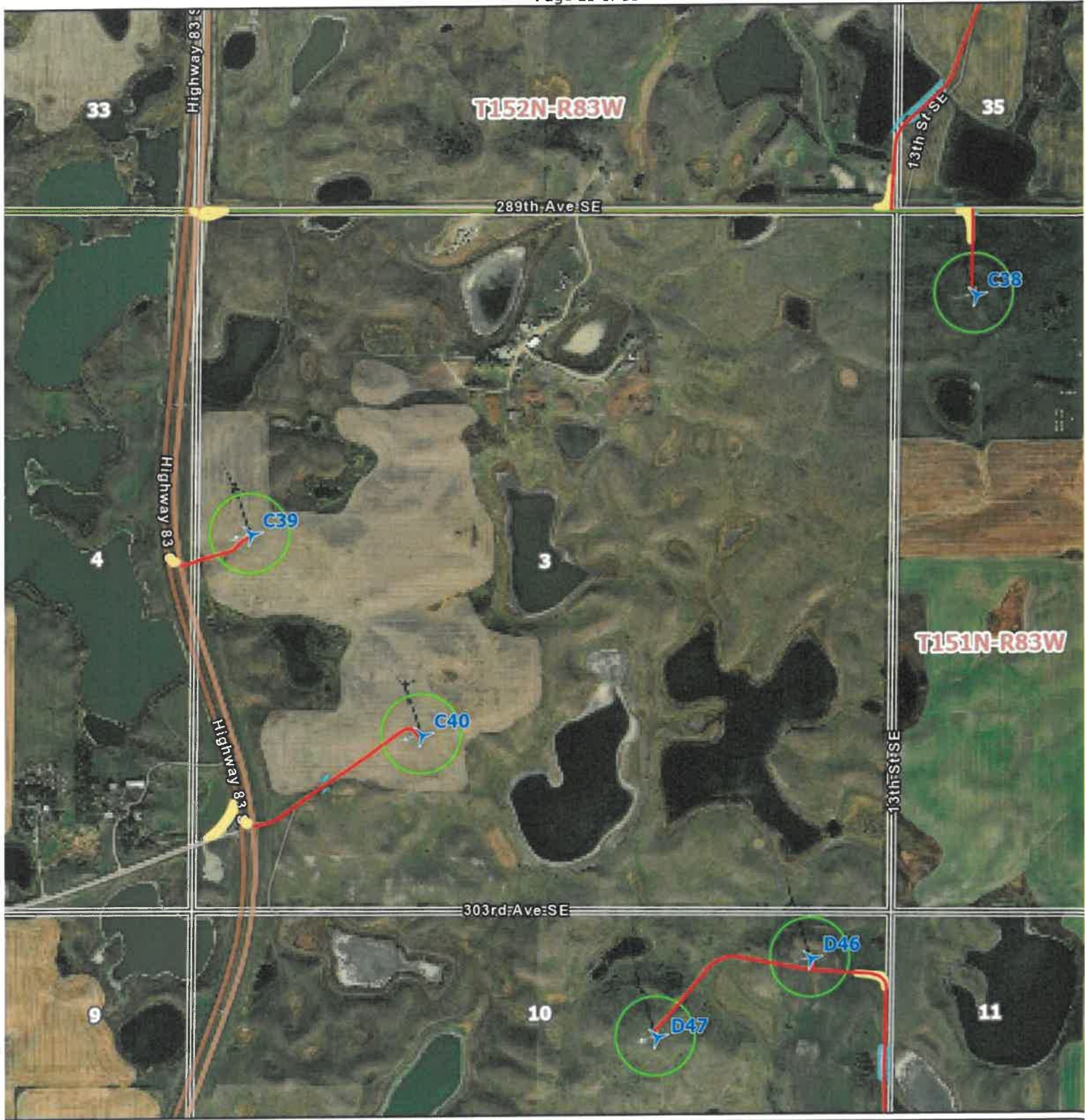
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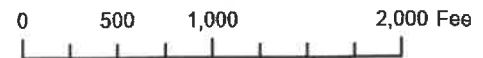


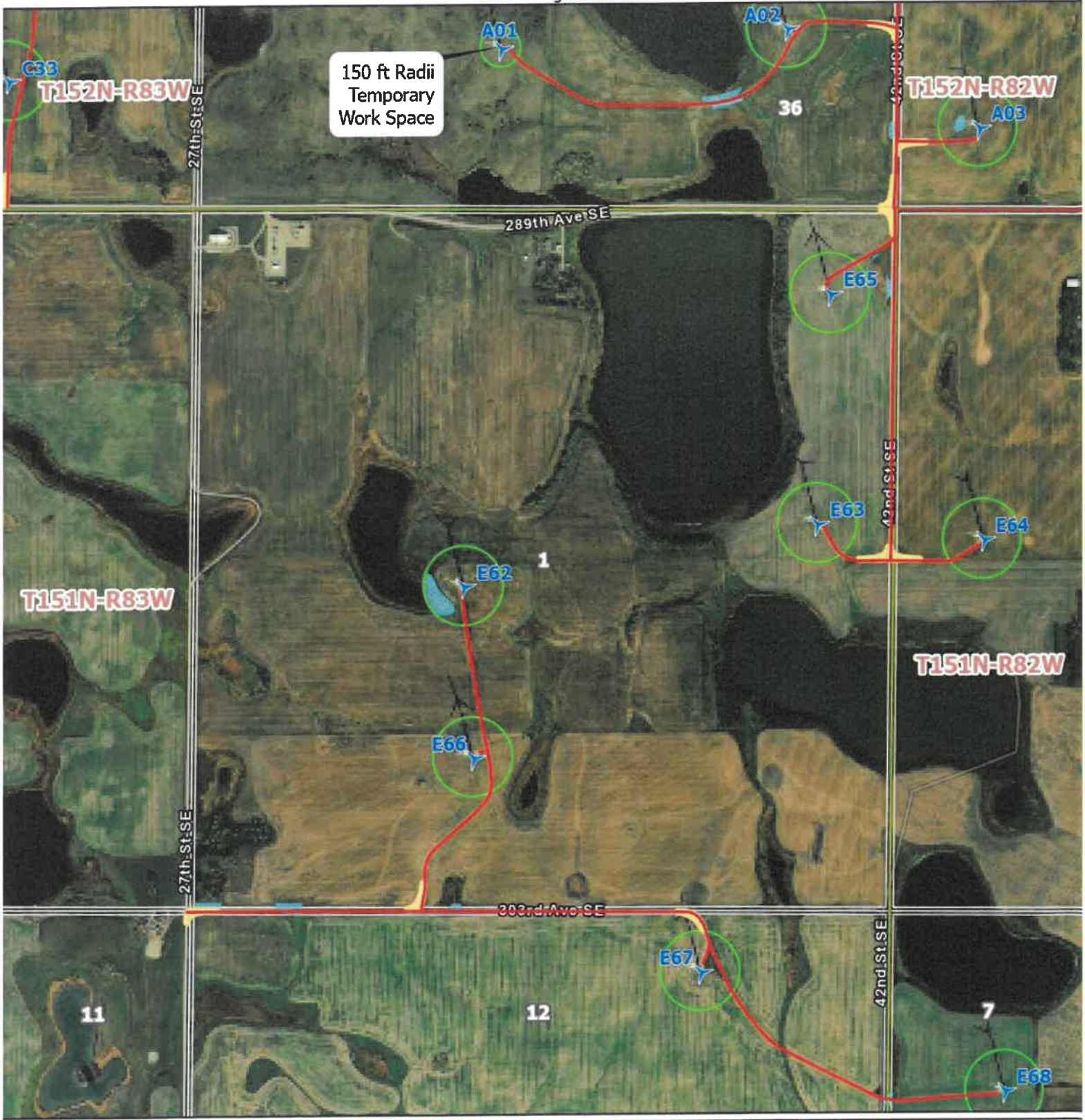
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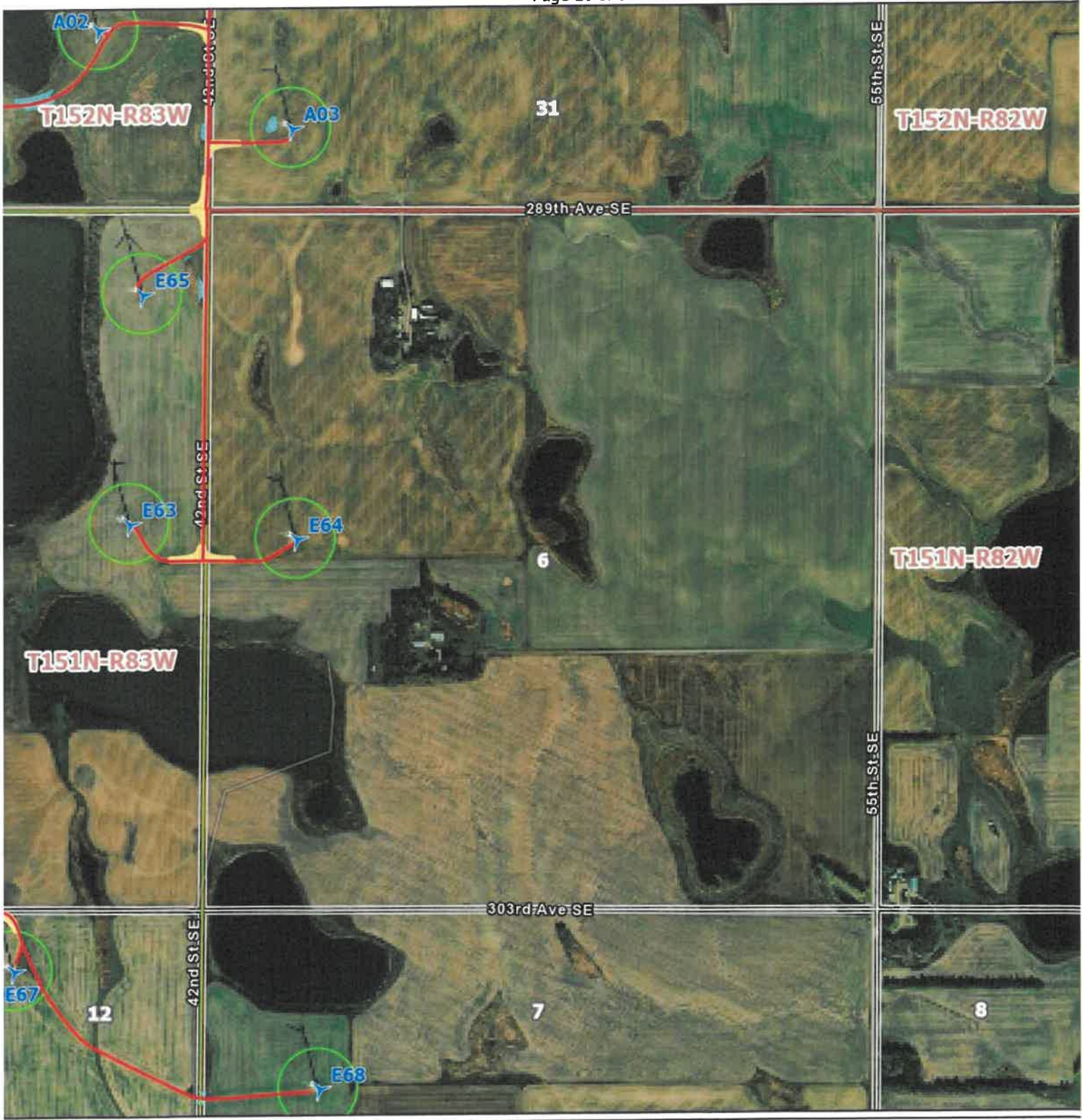


150 ft Radii  
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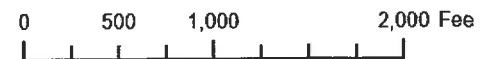


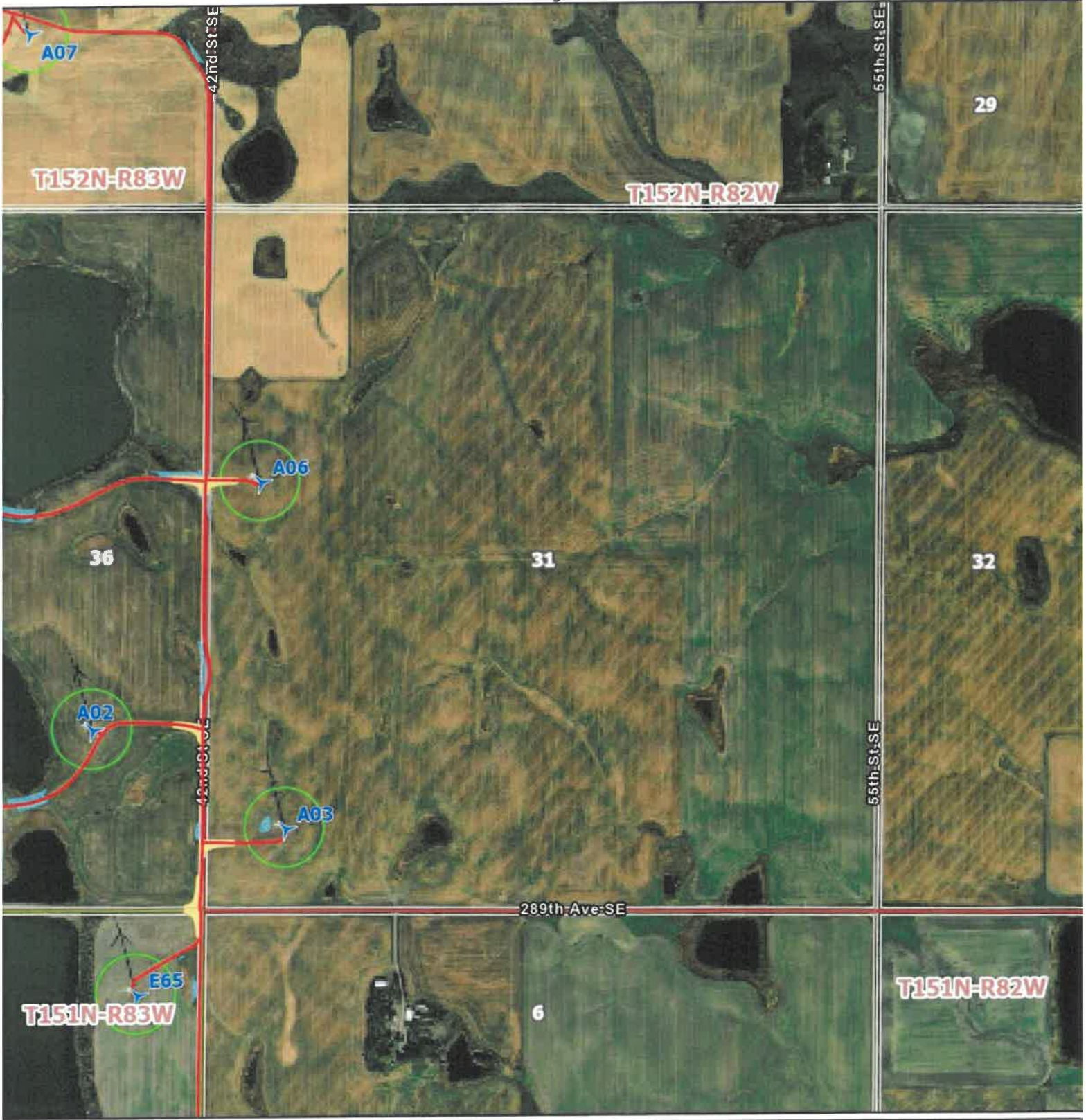
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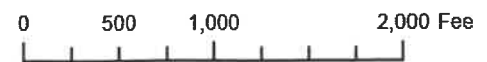


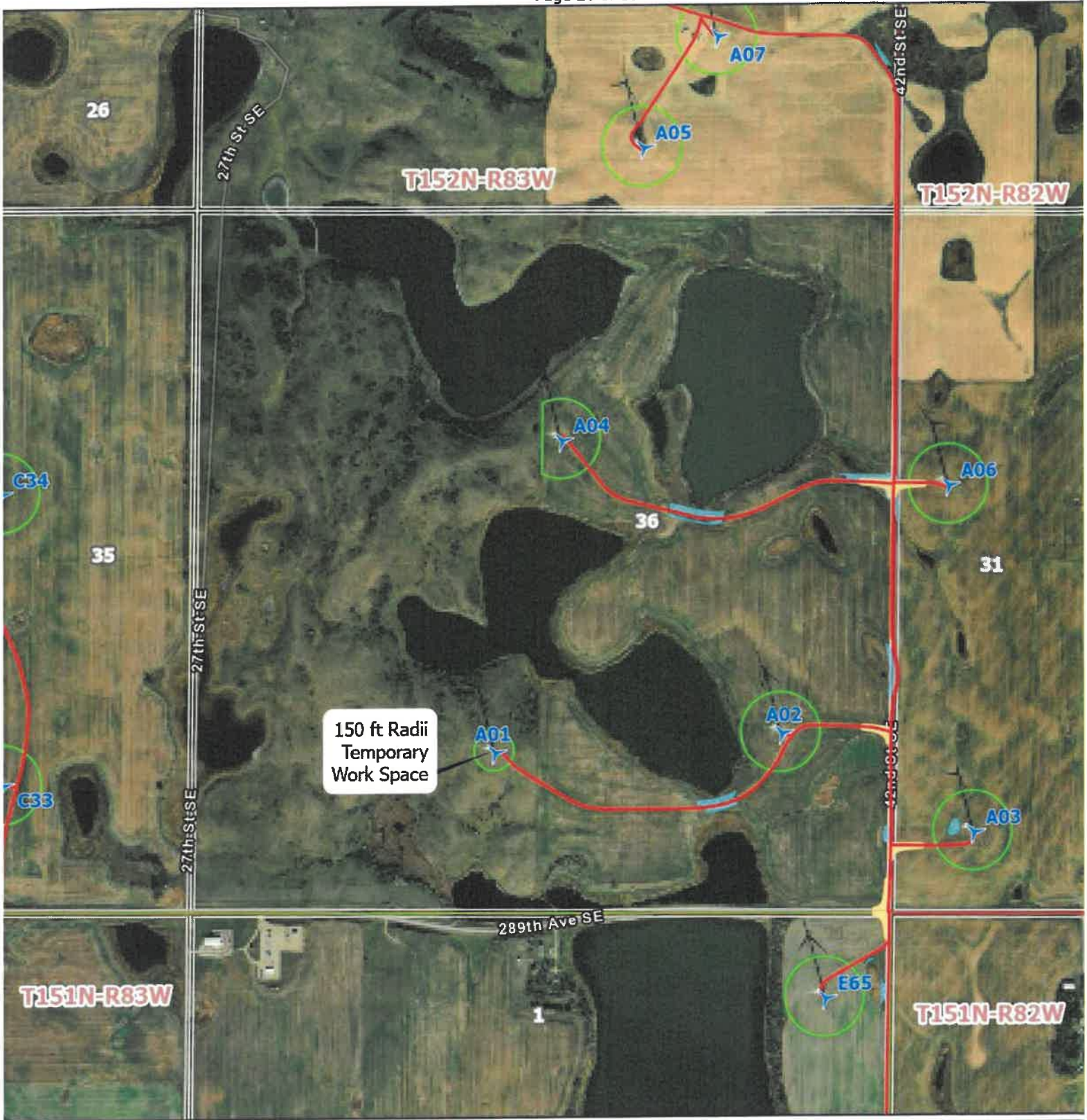
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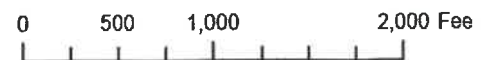


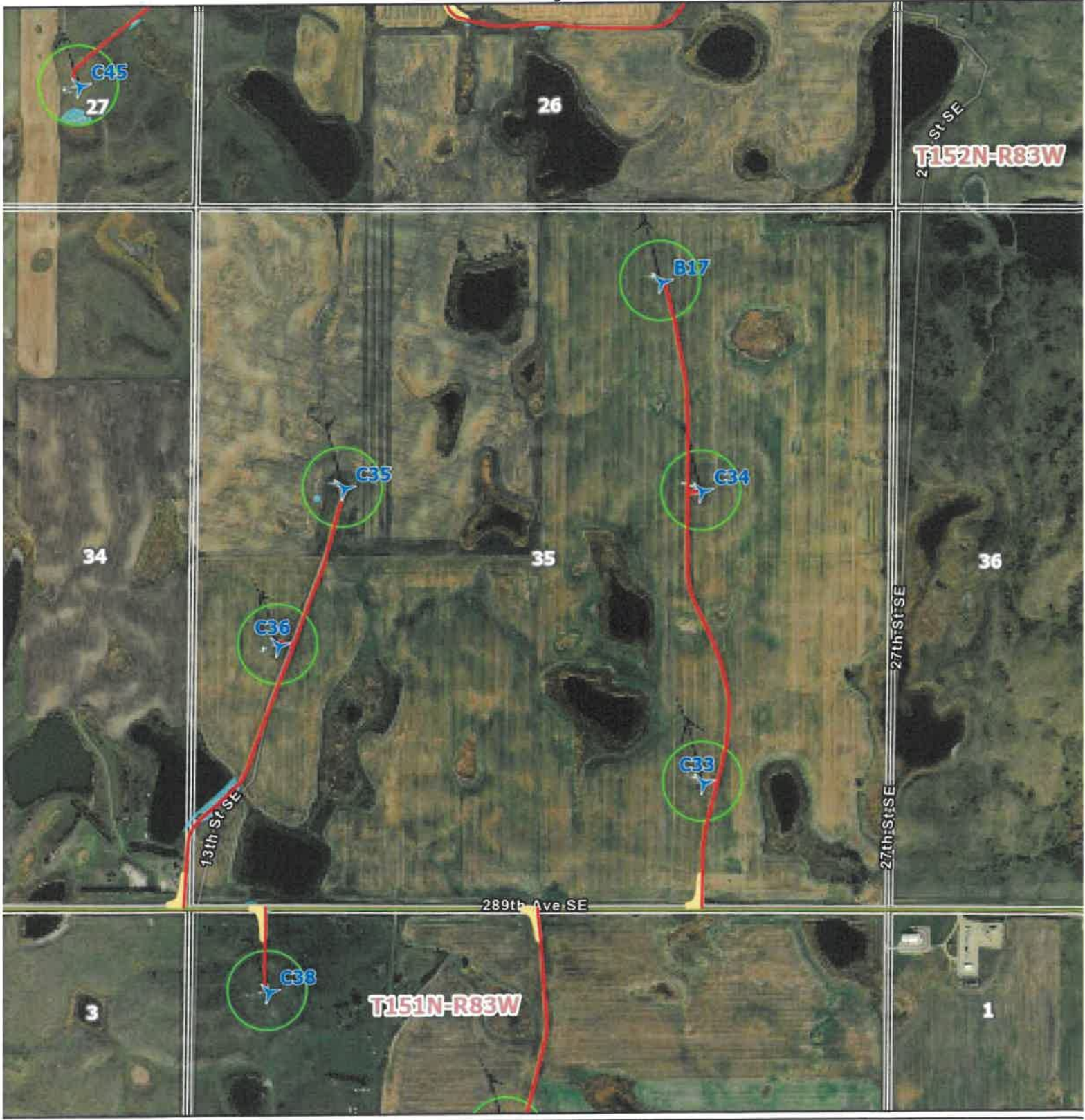
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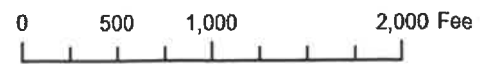
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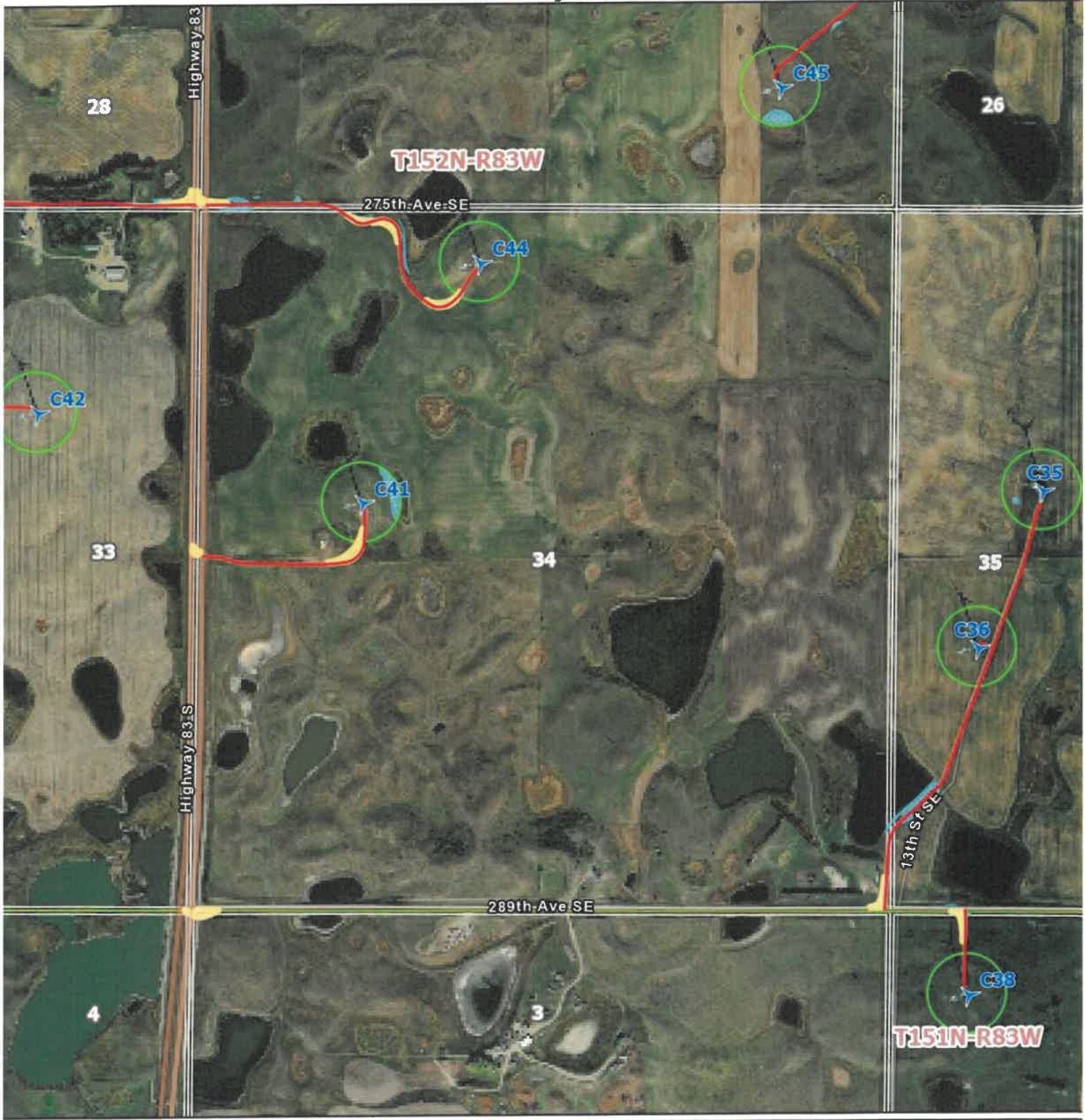




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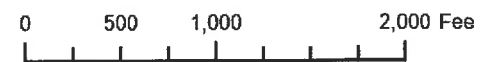


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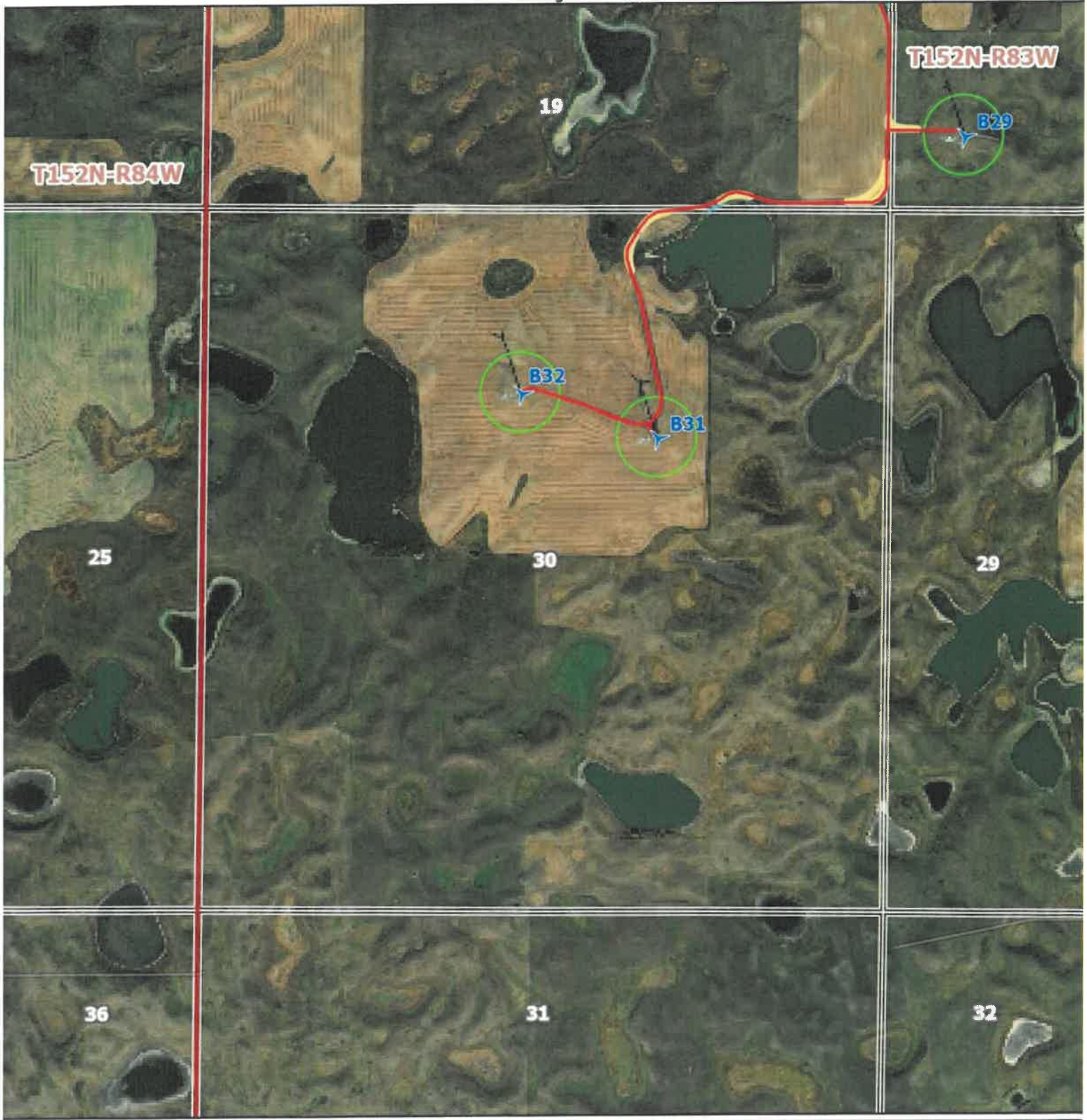
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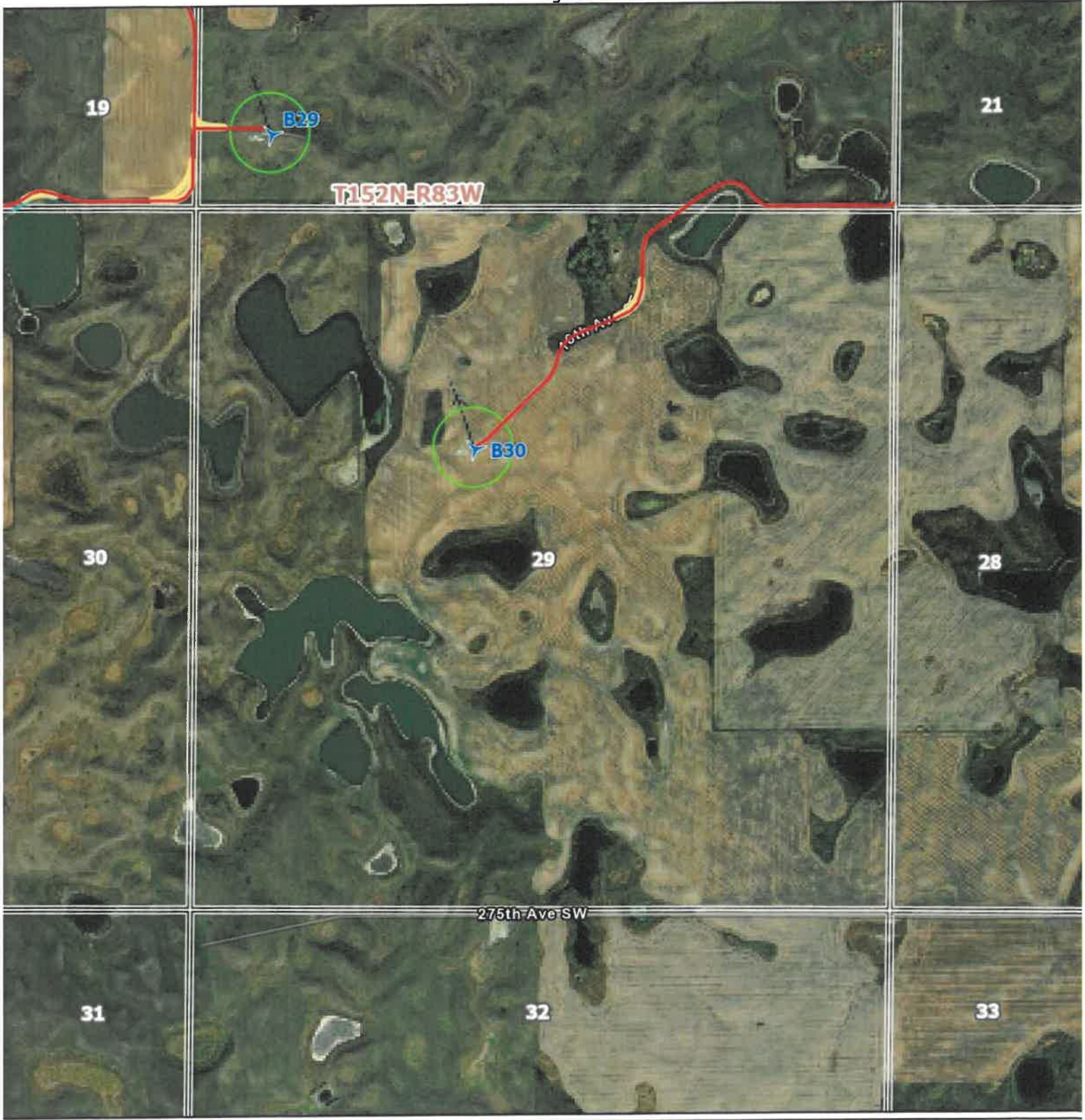
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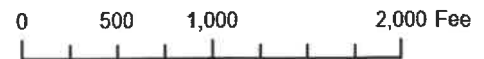


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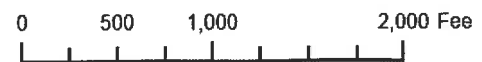


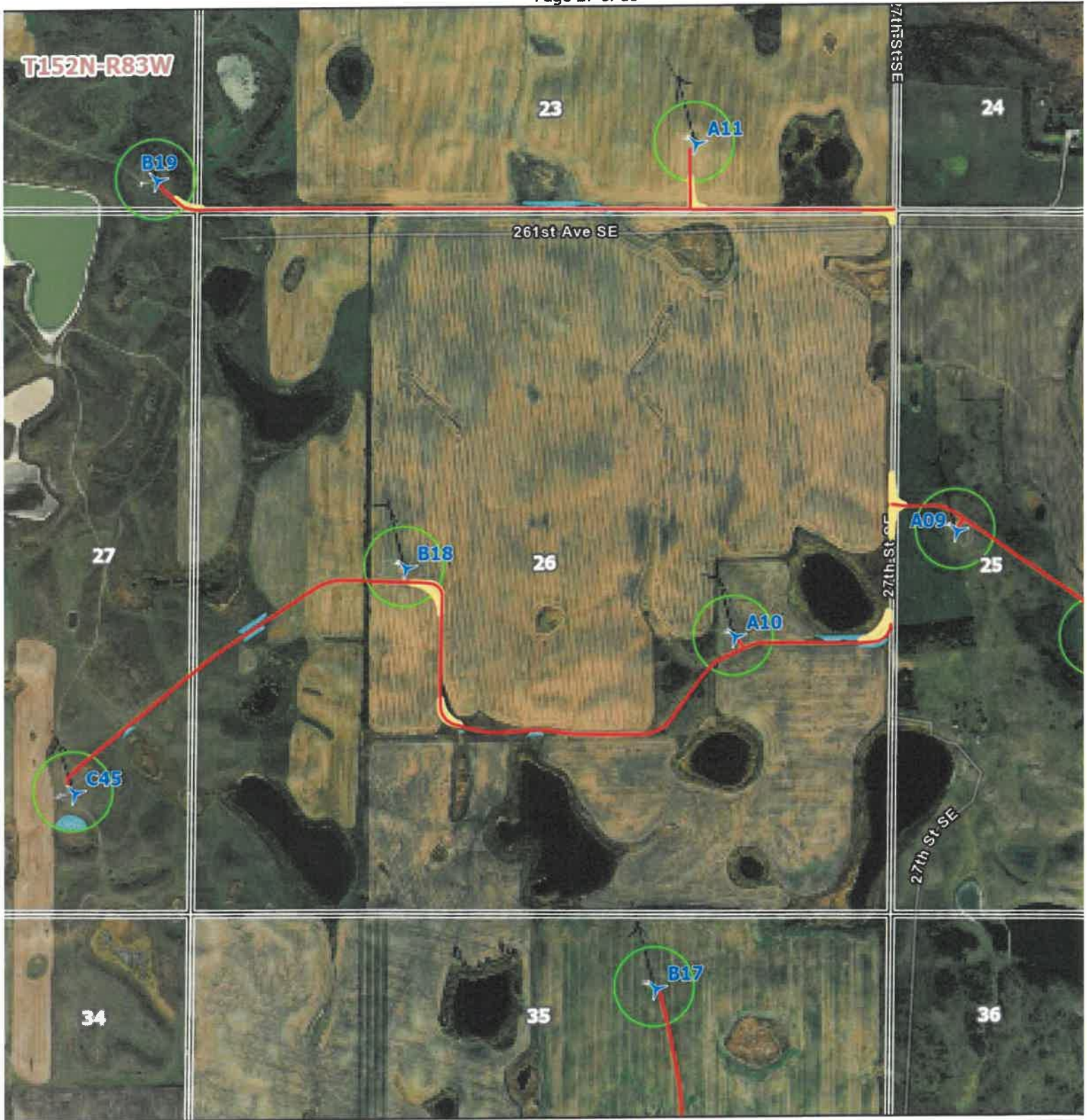
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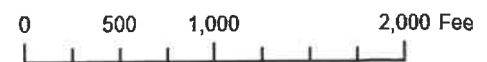


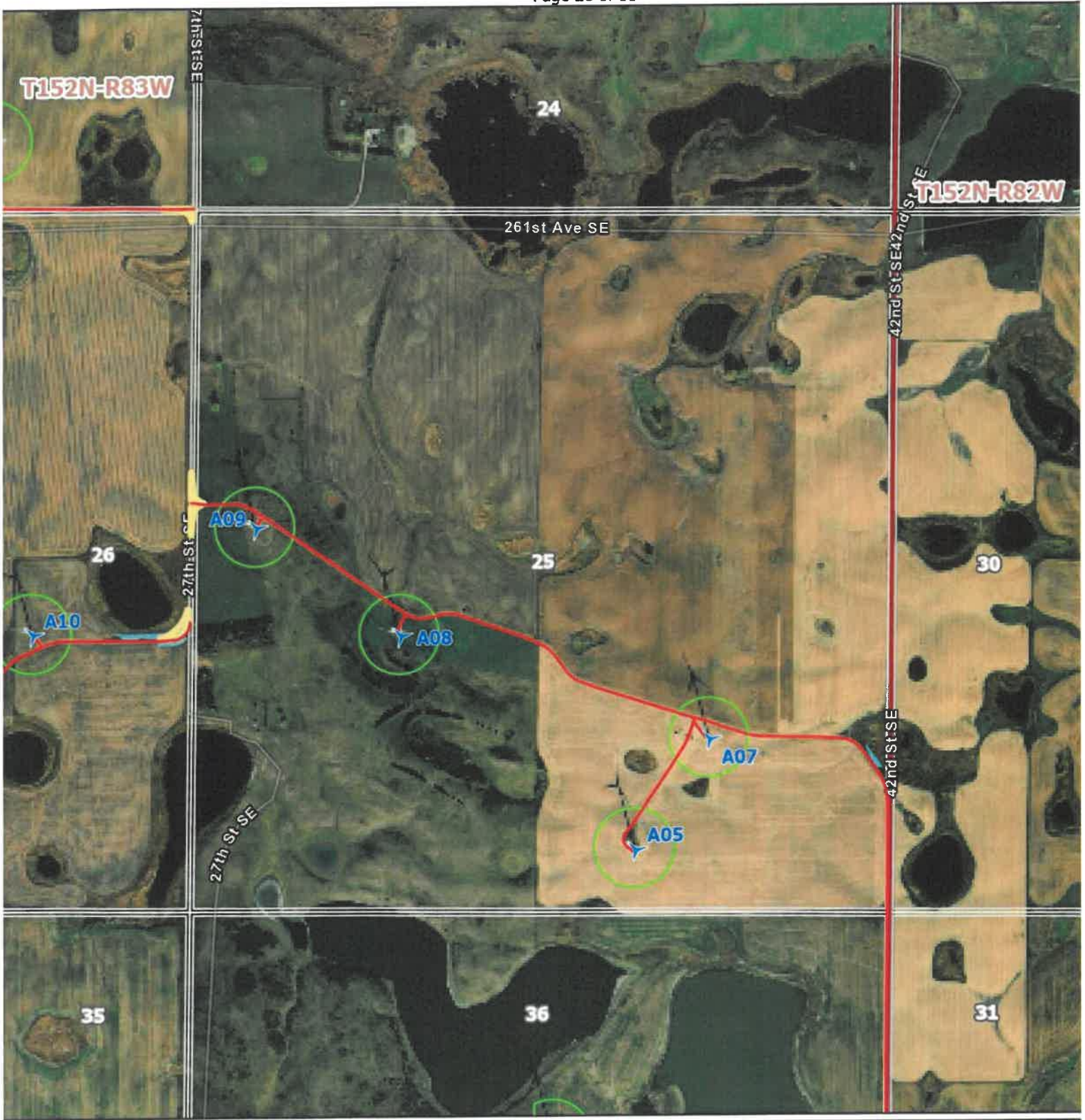
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- Access Roads



- Temporary Road Expansion
- Temporary 300' Work Space

- Delineated Wetlands
- Townships Sections



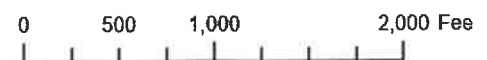


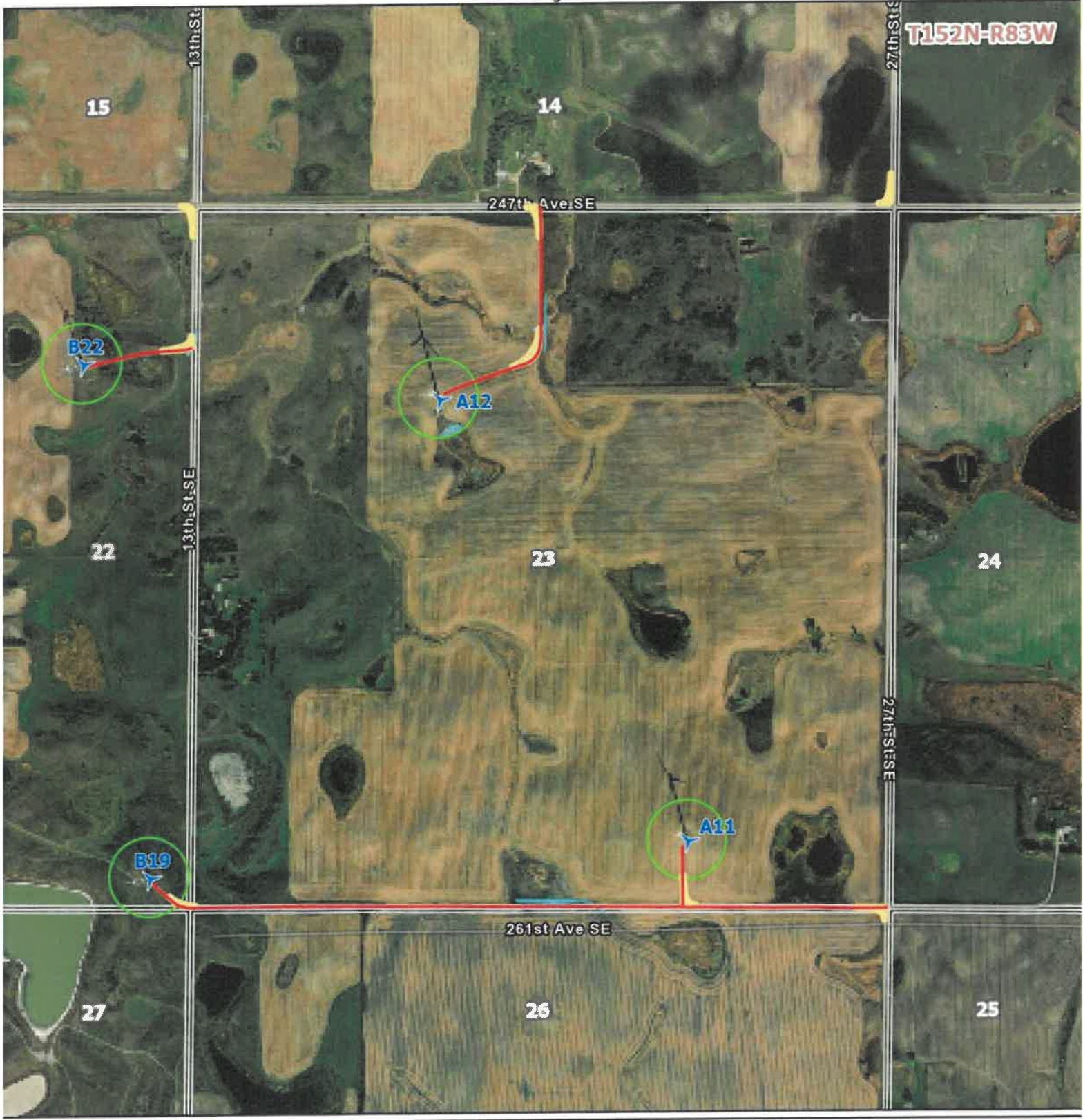
### Map Features

-  Turbine Locations
-  Access Roads



-  Temporary Road Expansion
-  Temporary 300' Work Space

-  Delineated Wetlands
-  Townships
-  Sections








### Map Features

-  Turbine Locations
-  Access Roads

-  Temporary Road Expansion
-  Temporary 300' Work Space

-  Delineated Wetlands
-  Townships
-  Sections





### Map Features

- Turbine Locations
- Access Roads

- Temporary Road Expansion
- Temporary 300' Work Space

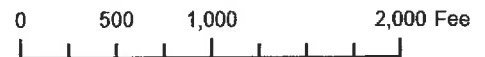
- Delineated Wetlands
- Townships  
Sections

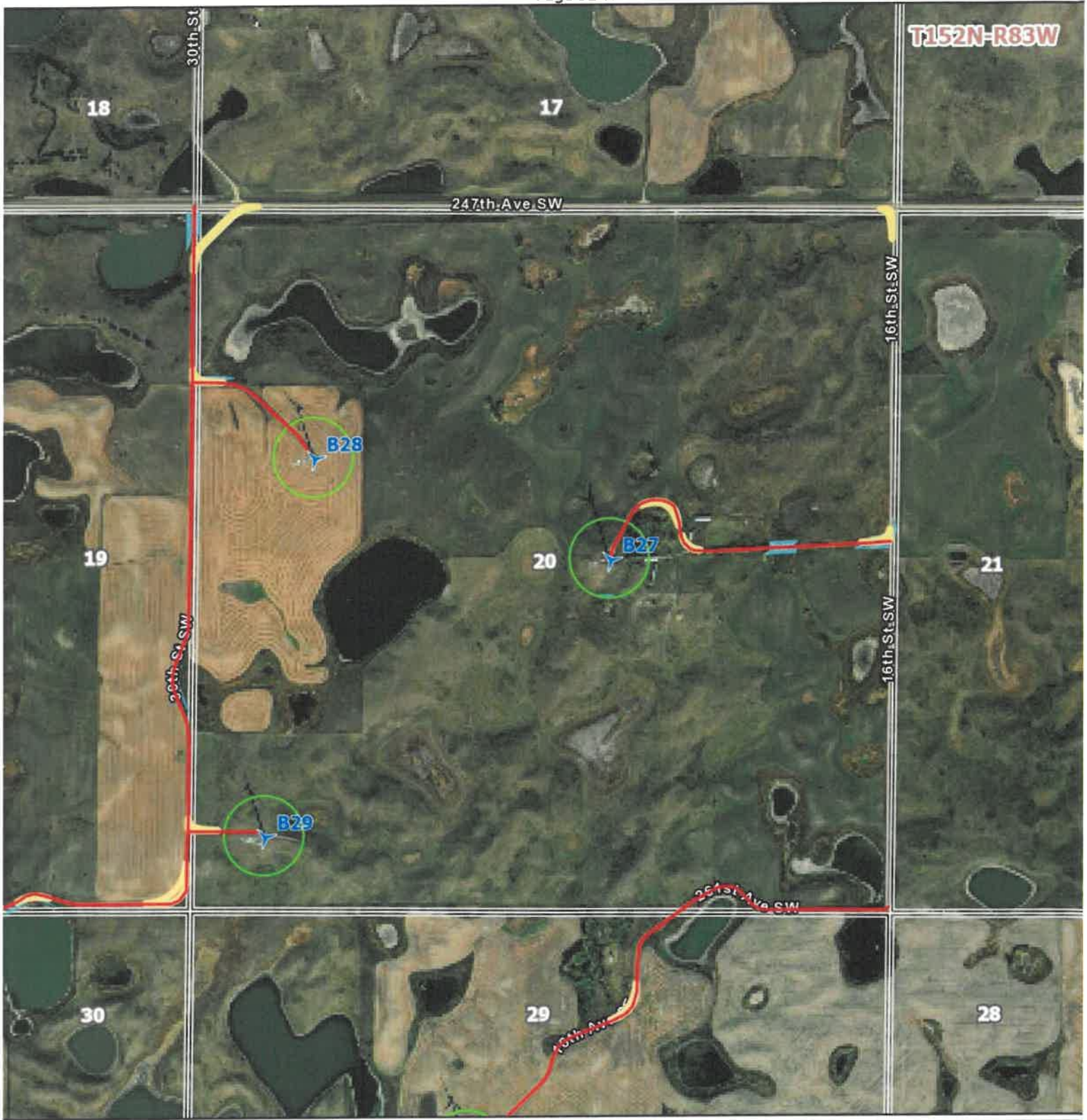






**Map Features**

-  Turbine Locations
-  Temporary Road Expansion
-  Delineated Wetlands
-  Access Roads
-  Temporary 300' Work Space
-  Townships  
Sections






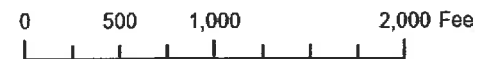


### Map Features

-  Turbine Locations
-  Access Roads



-  Temporary Road Expansion
-  Temporary 300' Work Space

-  Delineated Wetlands
-  Townships
-  Sections








### Map Features

-  Turbine Locations
-  Access Roads







-  Temporary Road Expansion
-  Temporary 300' Work Space

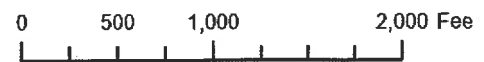
-  Delineated Wetlands
-  Townships
-  Sections

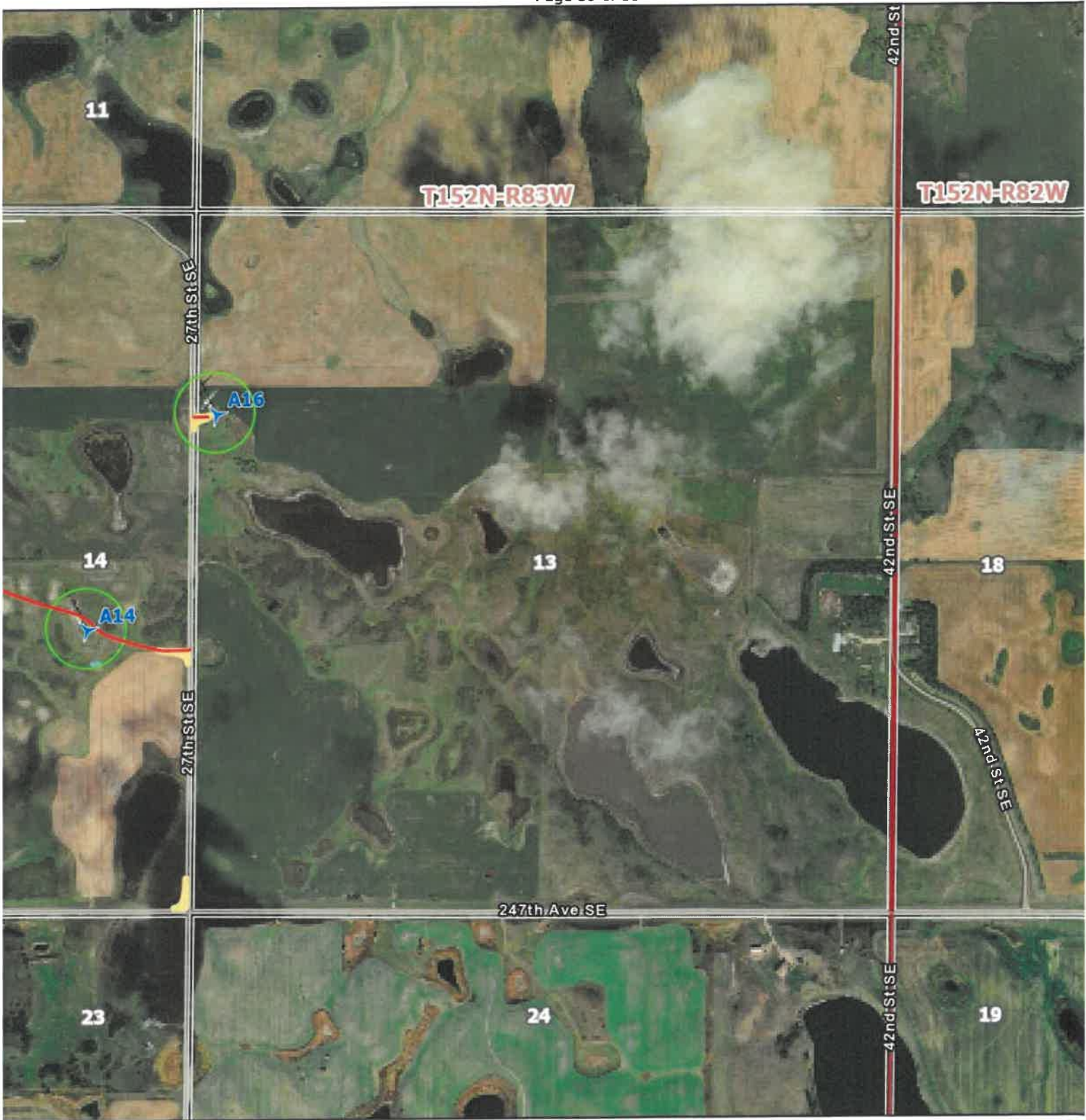











### Map Features

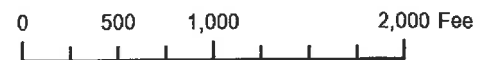
-  Turbine Locations
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### Map Features

-  Turbine Locations
-  Access Roads
-  Temporary Road Expansion
-  Temporary 300' Work Space
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-  Sections



**EXHIBIT B – Affidavit in Support**

