

September 21, 2026

Via Electronic Mail & Hand Delivery

Mr. Brian Johnson
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480
ndpsc@nd.gov

**In re: Basin Electric Power Cooperative
PrairieWinds ND 1 Project – Ward County
Case No. PU-26-164
OAH File No. 20260248**

Dear Mr. Johnson:

I am writing on behalf of my client Basin Electric Power Cooperative (Basin Electric) to provide an update regarding the above-captioned matter. This update is submitted to provide the Commission with the most current information regarding the PrairieWinds ND 1 Wind Energy Facility Upgrade Project since the August 20, 2026, public hearing.

Determinations of No Hazard

At the public hearing, Basin Electric testified it is working through the Federal Aviation Administration's (FAA) notice process to obtain Determinations of No Hazard (DNH) for installation of longer turbine blades associated with the upgrade project. Since the public hearing, Basin Electric representatives have continued to pursue assessment through the DNH process. This process has identified 26 turbines as ineligible for height increases from longer blade installation. These turbines include C36, C37, C38, C39, C40, C41, C42, C43, D46, D47, D48, D49, D50, D51, D52, D53, D54, D55, D56, D57, D58, D59, E73, E75, E76, E77. As a result, Basin Electric no longer proposes to install longer blades on the 26 turbines identified above.

Basin Electric is evaluating other options for the 26 turbines identified. If modifications are proposed for the 26 turbines, Basin Electric will submit a separate filing with the Commission.

Setbacks

Basin Electric's pre-filed testimony included an assessment of the Project with respect to the Commission's current setbacks, which were not in effect when the Project was originally sited. The below chart has been updated to reflect the most recent information since the public hearing.

Current Commission Wind Project Setback Distances		
Setback Type	Setback Distance	Discussion
Commission		
Interstate and state road right-of-way	1.1 x height of the turbine (= 464 feet)	One turbine (D50) is currently located within this setback from US Hwy 83 ROW. The NDDOT has indicated the Upgrade Project will have no adverse impacts on NDDOT highways. Basin Electric no longer proposes installing longer blades on D50, consistent with the DNH process.
Centerline of any county or maintained township roadway	1.1 x height of the turbine plus 75 feet (= 539 feet)	Four turbines (A09, A16, B24, and E74) are currently within the county road setback. A09 487.67 feet, A16 166.18 feet, B24 394.92 feet, and E74 255.36 feet. As originally constructed, all four turbines did not meet the current setback. Ward County has issued a CUP for the Upgrade Project.
Railroad right-of-way	1.1 x height of the turbine (= 464 feet)	N/A
115 kV or higher transmission lines	1.1 x height of the turbine (= 464 feet)	One turbine (A09) is located 335 feet from a Western Area Power Administration (WAPA) 115-kV distribution line. As originally constructed, A09 did not meet the current setback. Since the hearing, Basin Electric has obtained an agreement whereby WAPA provides it does not object to the proposed upgrade activities as it relates to their existing

Current Commission Wind Project Setback Distances		
Setback Type	Setback Distance	Discussion
		infrastructure. A copy of this agreement is provided as Attachment 1 hereto.
Property line of non-participating landowners	1.1 x height of the turbine (= 464 feet)	Three turbines, B19, B31, and D52 are within the property line setback. B19, 222.28 feet; B31, 401.69 feet; and, D52, 450.43 feet. As originally constructed, these turbines did not meet the current setback. Basin Electric has attempted to secure waivers from the nonparticipating landowners. Since the hearing, Basin Electric has continued its discussions with the ND Dept. of Trust Lands (NDDTL) regarding the Turbine B19 and is in the process of finalizing an easement whereby NDDTL does not object to the proposed upgrade activities for Turbine B19. A copy of correspondence with the NDDTL regarding the status of this easement is provided as Attachment 2 hereto. Basin Electric was unable to secure a waiver from the landowner implicated by Turbine B31 and no longer proposes installing longer blades on this turbine. Basin Electric no longer proposes installing longer blades on D52 consistent with the DNH process.

Current Commission Wind Project Setback Distances		
Setback Type	Setback Distance	Discussion
Non-participating residences	3 x height of the turbine (= 1265 feet)	N/A
Geographic center of an intercontinental ballistic missile launch or launch control facility	1,200 feet	N/A

In addition to Attachments 1 and 2 referenced in the above chart, also enclosed for filing are Late-filed Exhibit Nos. 7 and 8.

Late-filed Exhibit No. 7 is an updated Appendix B of Appendix A (Sound Study) to the Certification. Upon further review, Basin Electric would like to update information in the pre-filed testimony of Ryan King regarding the Sound Study. Specifically, the pre-filed testimony stated:

Of the 23 inhabited residences, 11 are non-participating landowners and 12 are participating. Basin Electric has obtained all 11 waivers from the non-participating landowners and 9 waivers from the participating landowners.

(Dkt. No. 19.3, pgs. 7-8). Basin Electric has determined that one of the non-participating landowners listed is participating, changing the above numbers to 10 non-participating landowners and 13 participating landowners. Basin Electric subsequently realized that an additional participating landowner had a modeled exceedance. As a result, the total number of landowners with modeled potential sound exceedances over 45 dBA include 10 non-participating landowners and 14 participating landowners. Thus, the above statement in Ryan King's pre-filed testimony should read as follows:

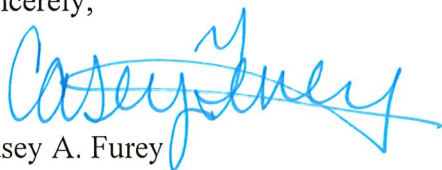
Of the 24 inhabited residences, 10 are non-participating landowners and 14 are participating. Basin Electric has obtained all 10 waivers from the non-participating landowners and 10 waivers from participating landowners.

With respect to non-participating landowners, Basin Electric has obtained sound waivers from all of the non-participating landowners with modeled potential exceedances. For participating landowners, Basin Electric's existing landowner agreements already permit the sound levels shown in the Sound Study.

Late-filed Exhibit No. 8 is a copy of additional agency correspondence with the United States Fish and Wildlife Service.

Eight copies of the enclosed documents are provided for filing. Please feel free to contact me if you have any questions. Thank you.

Sincerely,


Casey A. Furey

CAF/lh

Enc.

cc: ALJ Hope Hogan (via email)
Christopher Martens (via email)
Christopher Hanson (via email)
Maggie Olson (via email)
Erik Edison (via email)

**WESTERN AREA POWER ADMINISTRATION
STATEMENT REGARDING THE
PRAIRIEWINDS 1 UPGRADE PROJECT**

WHEREAS, in 2009 Basin Electric Power Cooperative ("Basin Electric") constructed the PrairieWinds 1 Wind Project ("Project") in Ward County, North Dakota;

WHEREAS, the existing wind turbines were constructed and placed into operation before the adoption of the transmission-line setback requirement currently codified at North Dakota Administrative Code § 69-06-08-01(2);

WHEREAS, Basin Electric has proposed an upgrade for the Project, which includes the installation of longer turbine blades;

WHEREAS, one existing Project turbine is located within the setback distance required under North Dakota Administrative Code § 69-06-08-01(2), even prior to the currently proposed Project upgrade;

WHEREAS, because the existing Project predates the adoption of the setback requirement, there is an unresolved legal question as to whether and to what extent the setback requirement applies to the proposed Project upgrade; and

WHEREAS, Western Area Power Administration ("WAPA") is the owner of the Garrison to William J. Neal 115-kV Transmission Line located in Ward County, North Dakota.

NOW, THEREFORE, the parties acknowledge as follows:

1. WAPA does not object to the location of the Project, including the location of the proposed upgrade to the Project, as it relates to WAPA's nearby transmission infrastructure and WAPA's ability to access and safely operate its transmission line.
2. With this statement, WAPA does not determine, interpret, or waive the applicability of North Dakota Administrative Code § 69-06-08-01(2) or any other law, regulation, permit condition, or regulatory requirement applicable in this case.
3. Basin Electric remains responsible for any damage to WAPA's transmission facilities caused by the construction or the operation of the Project and the proposed upgrade, including damage resulting from turbine failure, blade throw, collapse, construction activities, maintenance activities, or any related incident.

4. WAPA expressly reserves all rights and remedies available at law or in equity with respect to any damage to, interference with, or impairment of its transmission facilities, property interests, operations, or reliability obligations arising from or related to the Project and the proposed upgrade. In the event of any such damage or impairment, WAPA retains the right to pursue all available legal and equitable remedies against Basin Electric and any other responsible party.

WESTERN AREA POWER ADMINISTRATION

By: MARC KRESS Digitally signed by MARC KRESS
Date: 2026.09.16 13:54:43 -05'00'

Name: Marc Kress

Title: Director, Transmission & Construction

Date: 9/16/2026

BASIN ELECTRIC POWER COOPERATIVE

By: James J Sheldon James J Sheldon (Sep 16, 2026 12:23:23 CDT)

Name: Jim Sheldon

Title: Vice President, Gas & Renewable Generation

Date: September 16, 2026

20260916 - WAPA Statement Regarding the PrairieWinds 1 Upgrade Project

Final Audit Report

2026-09-16

Created:	2026-09-16
By:	Brittany Rebhun (brebhun@bepc.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAyGIEXSbTZVqXxiN5sDYZHI8zlEQt68rn

"20260916 - WAPA Statement Regarding the PrairieWinds 1 Upgrade Project" History

-  Document created by Brittany Rebhun (brebhun@bepc.com)
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-  Signer jamess@bepc.com entered name at signing as James J Sheldon
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September 4, 2026

RE: R-11048 - BASIN ELECTRIC POWER COOPERATIVE INC - Easement - Wind Farm (Setback)

Ward County

Township 152 North, Range 83 West

Section 27: N2NE4, SW4NE4

To Whom it May Concern:

Trust Lands were granted to the state of North Dakota through the Enabling Act of 1889 from the United States for the sole purpose of generating revenue for the beneficiaries defined by the North Dakota Constitution. Through our state constitution, the Board of University and School lands (Board), is charged with managing these Trust Lands in a way that is in the best interest of the trusts' beneficiaries (i.e. various schools). The North Dakota Department of Trust Lands (NDDTL) manages these lands on behalf of the Board. All proposed projects crossing NDDTL managed property are subject to review and approval by the Board or through the Board's agent, the Commissioner.

The above listed company has applied for a Wind Farm (Setback) Right-of-Way across the above listed section(s) of land which is managed by the North Dakota Department of Trust Lands (NDDTL). The above listed company is currently working through the NDDTL ROW process to obtain an agreement.

Any questions can be forwarded to NDDTL ROW staff by phone (701-328-2800) or email (landrow@nd.gov).

Please include the ROW# in the subject matter line ("R-11048") in all correspondence.

Respectfully,

Surface Division – Rights of Ways Staff
North Dakota Department of Trust Lands