

Energy Development and Transmission Committee

Re: Proposed legislation relating to the definition of energy conversion facility and siting application fees

The EmPower North Dakota Commission and the Public Service Commission are working together on a bill to modify existing legislation that addresses energy conversion facilities and siting application fees. While the bill language is pretty straight-forward, we have determined that the best approach for presenting this bill would be in the context of some proposed rules that the PSC will fashion between now and the session.

We are contemplating a very low threshold for PSC siting jurisdiction--in fact 1/2 megawatt--but we also think the PSC should make distinctions in rules between large and small wind projects. If we take the time to put together the proposed rules, that should address a number of the otherwise anticipated concerns over a low siting jurisdiction threshold.

The effort is designed to address the following issues:

1. Expansion of existing power-generation facilities that would cross the threshold from being non-jurisdictional to jurisdictional relative to the PSC.
2. The cumulative impacts of non-jurisdictional wind farms.
3. Planned, staged development of wind farms.
4. Wind farm siting and competing interests such as wildlife, aesthetics and airspace concerns for deployment of military, unmanned aerial systems and flight school training.
5. Accounting for a distinction between small and large, generally utility-scale, wind farms.

It's expected that the bill draft and the proposed rules will be completed by December 2010.