

House Energy & Natural Resources Committee

Thursday, January 14, 2021 – 11 a.m.

Testimony in Support of House Bill No. 1095

Wind Industry of North Dakota (WIND) supports the Public Service Commission's efforts codified in HB 1095 to clarify the lighting law for wind projects. WIND is a coalition of wind industry members who believe North Dakota should harness its abundance of wind for the continued benefit of its communities and residents. WIND's members include American Clean Power Association (formerly the American Wind Energy Association), Apex Clean Energy, Capital Power, EDF Renewables, Enel North America, Invenergy, NextEra Energy Resources, and Orsted.

In 2017, the legislature enacted this law, which gives older projects more time to comply with the law than with newer projects. Additionally, the law provides inconsistent processes depending on when the PSC issued a permit for the wind project.

This bill harmonizes the process for both older and newer projects, making clear that for both types, after a public hearing, the PSC "may grant a waiver or extension of time based on technical or economic feasibility considerations." WIND has worked collaboratively for months with the PSC, its staff, and the utility community to allow for the same process to apply to both types of projects. WIND supports the consistency this bill brings, especially given the limited technologies available and approved by the Federal Aviation Administration (FAA). The bill could also help account for situations where there may be potential conflicts between state law and FAA regulations. FAA guidance on lighting provides that light mitigation systems may not be approved for all projects or for all turbines in a project.

WIND respectfully urges a DO PASS recommendation.



Wind Industry of North Dakota

**Please feel free to contact any of us for continued discussion.**

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