

## **CHAPTER 69-06-10**

### **SMALL WIND ENERGY CONVERSION FACILITIES**

#### **Section**

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#### **69-06-10-01. Application.**

Except as provided in section 69-06-10-02, an application for a certificate of site compatibility for a wind energy conversion facility designed for or capable of generating no more than twenty megawatts of electricity may file an application under this chapter.

**History:** Effective April 1, 2013.

**General Authority:** NDCC 49-22-18

**Law Implemented:** NDCC 49-22-17

#### **69-06-10-02. Exemption.**

This chapter does not apply to a wind energy conversion facility with outer boundaries that are adjacent to or within one mile of the outer boundaries of another wind energy conversion facility.

**History:** Effective April 1, 2013.

**General Authority:** NDCC 49-22-18

**Law Implemented:** NDCC 49-22-17

#### **69-06-10-03. Contents.**

The application must be accompanied by:

1. An application fee as required under North Dakota Century Code section 49-22-22.
2. All supporting documentation regarding exclusion and avoidance areas.
3. Written certification that the applicant will follow all siting laws and rules.
4. Written certification that the proposed facility will not affect any known exclusion areas. If the proposed energy conversion facility will not affect any known avoidance areas, written certification that the proposed facility will not affect any known avoidance areas.
5. If a proposed energy conversion facility will affect a known avoidance area, written notice that the proposed facility will affect a known avoidance area and information on the specific avoidance area expected to be impacted and the reasons why the impact cannot be avoided.
6. Written certification that the applicant will comply with the applicable tree and shrub mitigation specifications and any other representations and covenants contained in the applicable certification relating to order provisions.

**History:** Effective April 1, 2013.

**General Authority:** NDCC 49-22-18

**Law Implemented:** NDCC 49-22-17

#### **69-06-10-04. Hearing.**

Upon a determination that an application is complete, the commission may issue a notice of filing and notice of opportunity to comment or request for hearing. The notice must be served in the manner

provided in section 69-06-01-02 and published once in the official county newspaper of the county in which the facility is to be located. The notice must be served and published at least twenty days before the date by which interested persons may comment or request a hearing on the application. The commission may order a hearing on the application by its own motion.

**History:** Effective April 1, 2013.

**General Authority:** NDCC 49-22-18

**Law Implemented:** NDCC 49-22-17