

## **CHAPTER 69-06-11**

### **WIND ENERGY CONVERSION FACILITY LIGHTING SYSTEMS**

#### **Section**

69-06-11-01	Definitions
69-06-11-02	Implementation
69-06-11-03	Service, Maintenance, Safety, and Lighting System Standards

#### **69-06-11-01. Definitions.**

In this chapter:

1. "Aircraft detection lighting system" means a sensor-based system designed to detect aircraft as they approach a wind energy conversion facility; this system automatically activates obstruction lights until they are no longer needed.
2. "Commission" means the public service commission.
3. "Light intensity dimming solution technology" means obstruction lighting that provides a means of tailoring the intensity level of lights according to surrounding visibility.
4. "Light-mitigating technology system" means aircraft detection lighting system, lighting intensity dimming solution technology, or a comparable solution capable of reducing the impact of nighttime lighting while maintaining night conspicuity sufficient to assist aircraft in identifying and avoiding collision with the facilities.
5. "Owner" means a person who holds a certificate of site compatibility pursuant to North Dakota Century Code chapter 49-22.
6. "Wind energy conversion facility" means any plant, addition, or combination of plant and addition, designed for or capable of generation by wind energy conversion exceeding one-half megawatt of electricity.

**History:** Effective July 1, 2018.

**General Authority:** NDCC 28-32-02, 49-22-18

**Law Implemented:** NDCC 49-22-16.4

#### **69-06-11-02. Implementation.**

1. A wind energy conversion facility for which a certificate of site compatibility was issued after June 5, 2016, must be equipped with a functioning light-mitigating technology in compliance with this chapter by December 31, 2019.
2. A wind energy conversion facility for which a certificate of site compatibility was issued before June 5, 2016, must be equipped with a functioning light-mitigating technology in compliance with this chapter by December 31, 2021. The commission may grant an extension of time based on technical or economic feasibility considerations.
3. The commission may grant a waiver of this chapter for a wind energy conversion facility designed for or capable of generating no more than five megawatts of electricity upon a motion demonstrating good cause for the waiver.
4. To allow proper conspicuity of a turbine at night during construction, a turbine may be lighted with temporary lighting until the permanent lighting configuration, including the light-mitigating technology, is implemented.

5. Owner shall provide written notice to the commission upon implementation of light-mitigating technology in compliance with this chapter.
6. Owner is solely responsible for any costs associated with the implementation, operation, and maintenance of each light-mitigating technology system.
7. An extension request must be in writing and contain:
  - a. The purpose of the extension;
  - b. A description of the light-mitigating technologies submitted to the federal aviation administration;
  - c. The technical or economic inability to implement light-mitigating technology systems;
  - d. The length of extension requested; and
  - e. Any other information requested by the commission.

**History:** Effective July 1, 2018.

**General Authority:** NDCC 28-32-02, 49-22-18

**Law Implemented:** NDCC 49-22-16.4

**69-06-11-03. Service, maintenance, safety, and lighting system standards.**

Each light-mitigating technology system must be installed, operated, and maintained in accordance with United States department of transportation federal aviation administration regulations [14 CFR 1.1. et. seq] in effect as of July 1, 2018.

**History:** Effective July 1, 2018.

**General Authority:** NDCC 28-32-02, 49-22-18

**Law Implemented:** NDCC 49-22-16.4