STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Basin Electric Power Cooperative **Case No. PU-26-164**
Prairie Winds ND 1 Project – Ward County
Siting Application

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

November 5, 2026

Appearances

Chair Randy Christmann, Commissioner Sheri Haugen-Hoffart, and Commissioner Jill Kringstad.

Casey A. Furey and Erik J. Edison, Crowley Fleck PLLP, 100 West Broadway Avenue, Suite 250, Bismarck, North Dakota 58501, on behalf of Applicant Basin Electric Power Cooperative.

Christopher Martens, Special Assistant Attorney General, 600 E. Boulevard Ave., Dept. 408, Bismarck, North Dakota 58505-0480, North Dakota Public Service Commission.

Hope L. Hogan, Administrative Law Judge, Office of Administrative Hearings, 2911 North 14th Street, Suite 303, Bismarck, North Dakota 58503, as Procedural Hearing Officer.

Preliminary Statement

On August 12, 2009, the North Dakota Public Service Commission (Commission) issued its Findings of Fact, Conclusion of Law and Order in Case No. PU-08-75, granting Certificate of Site Compatibility No. 14 (the "Certificate") for Basin Electric Power Cooperative (Basin Electric) to construct a wind facility comprised of 77 1.5-megawatt (MW) turbines with a capacity of up to 115.5 MW (the "2009 Order") known as Prairie Winds ND 1 Project (the "Existing Project").

On May 1, 2026, Basin filed an application with the Commission to amend the 2009 Order and Certificate to remove the 1.5 MW per turbine and the 115.5 MW facility restrictions.

Also On May 1, 2026, Basin Electric filed a Certification pursuant to N.D.C.C. 49-22-03(4)(a) (the "Certification") to upgrade the existing turbines to 1.6 MW turbines (the

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"Upgrade Project"). Activities for the Upgrade Project will not affect the layout or expand the site boundary of the existing facility. The project is located in Ward County approximately 24 miles due south of Minot, North Dakota.

On July 7, 2026, the Commission issued a Notice of Filing and Notice of Public Hearing (Notice) for the Application to Amend and Certification and scheduled a public hearing for August 20, 2026, at 9:00 a.m. Central Time, at the Sleep Inn & Suites Conference Center and Water Park, 2400 10th Street SW, Minot, ND 58701.

The Notice identified the following issues to be considered with respect to the Certification and Application to Amend:

1. Will the location and operation of the proposed facility produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota?

2. Is the proposed facility compatible with the environmental preservation and the efficient use of resources?

3. Will the construction, operation, and maintenance of the proposed facility at the proposed location minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion?

On August 20, 2026, the public hearing was held as scheduled.

On September 21, 2026, Basin Electric filed Late-Filed Exhibit Nos. 7 and 8. The September 21 filing also included a status update regarding proposed activities for the Upgrade Project.

Having allowed all interested persons an opportunity to be heard, and having heard, reviewed, and considered all testimony and evidence presented, the Commission makes the following:

Findings of Fact

1. Basin Electric is a North Dakota cooperative association authorized to do business in the State of North Dakota, as evidenced by the corporate papers filed with the Commission in Case No. PU-26-313.

2. Basin Electric currently owns and operates 77 General Electric (GE) 1.5 MW turbines with a nameplate capacity of 115.5 MW.

3. Basin Electric initially proposed to repower all 77 turbines at the Existing Project by retrofitting the turbines and power systems with upgrades based on new technology.

The upgrades will increase the nameplate capacity of the General Electric (GE) turbines from 1.5 MW each to 1.6 MW each. The upgrades to each turbine include replacing the existing 35-meter (115 feet) blades, with new 45-meter (148 feet) blades, replacing the hub, main shaft, main bearing assembly, gearbox, and generator refurbishment. The Upgrade Project will increase the maximum turbine height by approximately 33 feet (for a total height of 421.8 feet) and increase the maximum output of each turbine by 0.1 MW.

4. The existing steel towers and foundations from the Existing Project will be reused and there will be no new turbine locations. The Upgrade Project construction will occur wholly within the existing site designated by the Commission.

5. On September 21, 2026, Basin Electric filed an update with the Commission regarding the Upgrade Project. As part of Basin Electric's coordination with the Federal Aviation Administration's (FAA) determination of no hazard (DNH) process, it has been communicated to Basin Electric that 26 turbines are ineligible for height increases. These turbines include Turbine Nos. 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, and E77. Basin Electric has agreed it will not install longer blades on these specific turbines.

6. In total, Basin Electric will upgrade 50 of the 77 turbines. This is comprised of the 26 turbines noted above that won't be upgraded due to the FAA DNH process as well as one additional turbine for which a waiver was not obtained. As a result, the Upgrade Project's total nameplate will increase by 5.0 MW from 115.5 MW to 120.5 MW. However, the total operational output remains capped at 120 MW pursuant to Basin's interconnection agreement.

7. Basin Electric anticipates performing activities for the Upgrade Project and placing the Upgrade Project in-service for commercial operation by the end of 2027.

8. The estimated cost to construct the Upgrade Project is approximately $200 million.

9. During installation of the upgraded equipment, existing access roads will be temporarily widened to accommodate delivery and staging of components and equipment. Temporary crane paths will also be needed to facilitate equipment removal and installation. A temporary laydown yard will also be used during installation. All activities are expected to occur within areas previously disturbed by initial construction.

10. Basin Electric conducted a natural resource inventory report for federally listed wildlife species and a habitat evaluation. No threatened or endangered species or designated critical habitat will be impacted by the Upgrade Project and overall impacts are expected to be minimal as the proposed construction disturbance areas were previously disturbed for the original construction.

11. Basin Electric conducted a wetlands and other waters inventory. Seven wetlands will have temporary minor impacts associated with construction activities totaling 0.14

acres. The temporary impacts are depicted on Exhibit 1 to Hearing Exhibit 3. The temporary impacts occur within ditches alongside existing roads and are all associated with temporary turning radii that will be added to existing roads/intersections. The alternative would be to build new roads that would significantly increase impacts to agricultural lands and other previously undisturbed areas. Basin Electric assessed potential alternatives and determined there are no reasonable alternatives to avoid the temporary wetlands impacts identified.

12. Basin Electric performed an architectural Class II survey on all areas within a two-mile buffer of all turbines. A Class III pedestrian inventory was conducted in areas around roads and turbines. These reports were submitted to the State Historical Society of North Dakota. All cultural resources that are eligible or unevaluated for significance will be avoided during construction with appropriate fencing and buffers. Four sites will need to be avoided. Basin Electric is working with the North Dakota State Historic Preservation Office (ND SHPO) to determine buffer zones and appropriate avoidance and mitigation measures regarding these sites. Basin Electric will provide the Commission with a copy of the State Historical Society of North Dakota's correspondence when the coordination is complete.

13. Basin Electric conducted a sound assessment to assess sound levels associated with the Upgrade Project assuming a hub height of 80 meters. This analysis assumed all 77 turbines would be upgraded. Based on information provided in Late-Filed Exhibit No. 7, there are 14 participating receptors and 10 non-participating receptors that may experience sound levels over 45 dBA. Basin Electric's existing wind agreements with participating landowners allow for the sound levels reflected in the sound assessment. Basin Electric has obtained waivers from all 10 non-participating landowners with modeled potential sound exceeding 45 dBA.

14. Basin Electric conducted a shadow flicker analysis for the Upgrade Project. This analysis assumed all 77 turbines would be upgraded and used a 97-meter rotor diameter at the 80-meter hub height. Based on the shadow flicker analysis, one non-participating receptor was modeled as potentially experiencing shadow flicker exceeding the 30 hour per year standard. Basin Electric has obtained a waiver from this landowner.

15. Turbine number D50 does not meet the current setback rule of 1.1 times the height of the turbine from an interstate and state road right-of-way under N.D. Admin. Code § 69-06-08-01(2)(a)(1), as it relates to US Hwy 83. As originally constructed, this turbine did not meet this setback. The North Dakota Department of Transportation (NDDOT) has indicated the Upgrade Project will have no adverse impacts on NDDOT highways. Basin Electric does not propose installing longer blades on D50, consistent with the DNH process.

16. Turbine numbers A09, A16, B24, and E74 do not meet current setback rule of 1.1 times the height of the turbine plus seventy-five (75) feet from the centerline of any county

or maintained township roadway under N.D. Admin. Code § 69-06-08-01(2)(a)(2). Electric has obtained a conditional use permit from Ward County for the upgrade activities.

17. Turbine number A09 does not meet the current setback rule of 1.1 times the height of the turbine from 115 kV or higher transmission lines under N.D. Admin. Code § 69-06-08-01(2)(a)(4), as it relates to a Western Area Power Administration (WAPA) 115-kV line. Basin Electric has obtained an agreement whereby WAPA does not object to the proposed upgrade activities as it relates to their existing infrastructure.

18. Turbine numbers B19, B31, and D52 do not meet the current setback rule of 1.1 times the height of the turbine from the property line of a nonparticipating landowner under N.D. Admin. Code § 69-06-08-01(2)(a)(5).

a. Turbine B19 is located within the setback area of property owned by the North Dakota Department of Trust Lands (NDDTL). Per the September 21, 2026, update, Basin Electric will obtain an easement from the NDDTL whereby the NDDTL does not object to the proposed upgrade activities for Turbine B19.

b. Basin Electric sought a waiver of the setback from the nonparticipating landowner for activities associated with the Upgrade Project as it relates to Turbine B31. Basin Electric did not obtain this waiver and does not propose installing longer blades on Turbine B31.

c. Basin Electric does not propose installing longer blades on D52, consistent with the DNH process.

19. The Commission approved a waiver of the aircraft detection lighting system (ADLS) requirements as per N.D.C.C. § 49-22-16.4 for the Existing Project (Case No. PU-21-375) due to United States Air Force opposition resulting from its proximity to Minot Airforce Base.

20. Basin provided information regarding its plan for disposal of turbine components removed in connection with the Upgrade Project. Once removed, Basin plans to have the existing blades transported to a facility for repurposing with no blades deposited in a landfill.

21. With the exception of minor wetland impacts, construction activities for the Upgrade Project will have no additional impacts to Commission avoidance or exclusion areas existing when the 2009 Order was issued.

22. Basin Electric has secured waivers or consents to address the Commission's current setbacks that were adopted after the Existing Project's construction.

23. The Commission received public comments during the public hearing and via direct contact with the Commission. Some of the comments were positive and expressed support and stated that the payments from the rent paid by Basin Electric helped their finances. Another individual stated that the wind farm helps contribute to the overall reliability of electricity in the area. Others expressed concerns regarding the maintenance of the roads; expressed a desire to improve the permitting process and communications; questioned whether being a participant for some wind towers made them participants for all wind towers; state that the initial easements were vague; questioned whether easements should follow the purchase of a property; expressed an opinion that the easements should have an end-date; expressed an opinion that compensation rates were too low; questioned the materials used to decrease the dust on the roads.

24. Having considered the public comments, the issues related to maintenance of roads, easements, compensation, permitting, legality of participating versus non-participating are outside the jurisdiction of the Commission.

25. Basin Electric will continue to comply with all applicable conditions and protections in the siting laws and rules and the 2009 Order previously issued for the Existing Project.

26. Basin Electric will obtain DNHs from the FAA for all 50 turbines proposed for Upgrade Project activities prior to operation of the facility with Upgrade Project activities.

From the foregoing Findings of Fact, the Commission now makes the following conclusions of law:

Conclusions of Law

1. The Commission has jurisdiction over Basin Electric and the subject matter of the Certification and Application for Amendment under N.D.C.C. ch. 49-22.

2. Basin Electric is a utility as defined in North Dakota Century Code § 49-22-03(16).

3. The Upgrade Project proposed by Basin Electric is for improvements to an existing electric energy conversion facility as defined in N.D.C.C. § 49-22-03(6)(a).

4. The Certification, supportive filings, and testimony submitted by Basin Electric for the Upgrade Project meet the requirements under N.D.C.C. ch. 49-22-03(4)(a).

5. Based on the above Findings of Fact, the location, construction, and operation of the Upgrade Project will produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota.

6. Based on the above Findings of Fact, the Upgrade Project will minimize adverse human and environmental impact, while ensuring continuing system reliability and

integrity, and ensuring that energy needs are met and fulfilled in an orderly and timely fashion.

7. Based on the above Findings of Fact, the location, construction, and operation of the Upgrade Project are compatible with environmental preservation and the efficient use of resources.

From the Findings of Fact, Conclusions of Law and Order the Commission now makes the following order:

Order

The Commission orders:

1. The Commission's August 12, 2009, Findings of Fact, Conclusions of Law and Order in Case No. PU-08-75, Order paragraph 3 is amended to remove the 115.5 MW nameplate capacity limitation.

2. First Reissued First Amended Certificate of Site Compatibility No. 14 is issued to Basin Electric Power Cooperative removing the designated turbine generation capacity.

3. A variance of the exclusion area of one and one-tenth times the height of the turbine plus seventy-five feet from the centerline of any county or maintained township roadway is granted for turbine numbers A09, A16, B24, and E74.

4. A variance of the exclusion area of one and one-tenth times the height of the turbine from the property line of a nonparticipating landowner is granted for turbine number B19.

5. Basin Electric will obtain determinations of no hazard from the FAA for all 50 turbines proposed for Upgrade Project activities prior to operation of the facility with Upgrade Project activities.

6. Basin Electric is not required to install ADLS at this time.

7. Basin Electric will provide the Commission with a copy of the State Historical Society of North Dakota's correspondence prior to commencing activities pertaining to the four cultural sites discussed above.

8. Basin Electric will dispose of turbine components in accordance with the disposal requirements under § 23-1-08-08. If solid waste disposal occurs in North Dakota, it shall be at a disposal facility permitted by the North Dakota Department of Environmental Quality – Division of Waste Management.

9. All applicable provisions and requirements in the Commission's August 12, 2009, Findings of Fact, Conclusions of Law and Order in Case No. PU-08-75 continue to apply except where amended by this Order.

PUBLIC SERVICE COMMISSION

Sheri Haugen-Hoffart **Commissioner**	**Randy Christmann** **Chair**	**Jill Kringstad** **Commissioner**

PUBLIC SERVICE COMMISSION

STATE OF NORTH DAKOTA

Certificate of Site Compatibility for Energy Conversion Facility

First Reissued First Amended Certificate Number 14

This is to certify that the Commission has designated an energy conversion facility site for Basin Electric Power Cooperative's Prairie Winds ND1 in Ward County, North Dakota.

The facility may be sited in this designated location in compliance with the energy conversion facility siting criteria. This certificate is issued in accordance with the Findings of Fact, Conclusions of Law and Order of the Commission in Case No. PU-08-75 dated August 12, 2009, First Reissued by the Commission on December 31, 2009, and the First Amended Findings of Fact, Conclusions of Law and Order of the Commission in Case No. PU-26-164 dated November 5, 2026, and is subject to the conditions and limitations noted in that Order.

Bismarck, North Dakota, November 5, 2026.

ATTEST: ***PUBLIC SERVICE COMMISSION***

Executive Secretary ***Commissioner***