

LAW OFFICES OF  
**FLECK, MATHER & STRUTZ, LTD.**

400 East Broadway, Suite 600, Wells Fargo Bank Building

P. O. Box 2798, Bismarck, North Dakota 58502

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GARY R. WOLBERG+  
PAUL W. SUMMERS  
BRIAN R. BJELLA\*  
JOHN W. MORRISON

ALSO LICENSED IN:

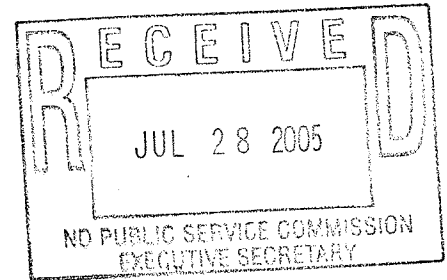
\* Minnesota  
° Montana  
+ Iowa  
^ Wyoming  
□ Nebraska

CURTIS L. WIKE\*\*  
CRAIG C. SMITH^  
SHANE A. HANSON  
MICHAEL C. WALLER°  
PETRA H. MANDIGO°  
ERNEST R. FLECK  
(1921-1995)  
RUSSELL R. MATHER  
(RETIRED)  
WILLIAM A. STRUTZ  
(RETIRED)

July 28, 2005

*via hand delivery*

Ms. Ilona Jeffcoat-Sacco  
Executive Secretary  
North Dakota Public Service Commission  
600 E. Boulevard, Dept. 408  
Bismarck, ND 58505-0408



Dear Ms. Jeffcoat-Sacco:

In re: FPL Energy Burleigh County Wind, LLC  
Wind Farm Agreement  
Burleigh County, North Dakota

Please find enclosed for filing eleven copies of Agreement between Jeffery L. Spitzer and Robyn L. Spitzer, John O. Spitzer, and FPL Energy Burleigh County Wind, LLC.

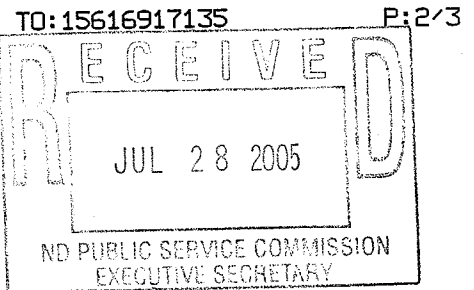
Should you have any questions with respect to this filing, please call.

Very truly yours,

A handwritten signature in black ink, appearing to read "B. Bjella".

BRIAN R. BJELLA

bw  
Enc.



**AGREEMENT**

THIS AGREEMENT is executed effective this 29<sup>th</sup> day of June, 2005 ("Agreement"), by and between Jeffery L. Spitzer and Robyn L. Spitzer, husband and wife, whose address for notice is 112 3<sup>rd</sup> Street N., Wilton, ND 58579, Telephone: (701) 734-8115 and John O. Spitzer, a single person, whose address for notice is 24800 41<sup>st</sup> Street NE, Wilton, ND 58579, Telephone: (701) 223-0948 (collectively "Owner") and FPL Energy Burleigh County Wind, LLC, a Delaware limited liability company whose address for notice is 700 Universe Blvd., Juno Beach, FL 33408 ("FPLE").

**PREMISES**

A. Owner is the owner of a certain tract of real property located in Burleigh County, North Dakota and more particularly described as the Southeast Quarter (SE¼) of Section 18, Township 142 North, Range 79 West of the 5<sup>th</sup> Principal Meridian in Burleigh County, North Dakota ("Property"); and

B. FPLE intends to construct and operate a wind farm ("Wind Farm") in the vicinity of the Property and FPLE desires to install a transmission line on the adjacent property which is located within three hundred (300) feet of Owner's house on the Property;

IN CONSIDERATION of the foregoing and other good and valuable consideration, the receipt and adcuqacy of which are hereby acknowledged, the parties hereto agree as follows:

1. **Grant.** Owner does hereby grant to FPLE the right to install a 230-kV transmission line on the adjacent property which is located within three hundred (300) feet of Owner's house on the Property. FPLE shall give Owner at least three (3) days notice prior to installing the transmission line as Owner shall scve as a consultant to FPLE while it installs the transmission line on the adjacent property.

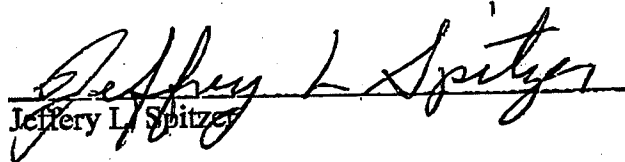
2. **Authority.** Owner hereby represents and warrants to FPLE that it owns the Property and is fully authorized and empowered to grant the rights and benefits granted to FPLE.


3. **Legal Fees; Governing Law.** In the event of any controversy, claim or dispute arising out of or relating to this Agreement or the enforcement or breach hereof, the prevailing party shall be entitled to recover from the losing party the prevailing party's reasonable costs, expenses and attorneys' fees (including but not limited to those incurred at trial, on appeal and on petition for review). The provisions hereof shall be governed by and construed in accordance with the laws of the State of North Dakota.

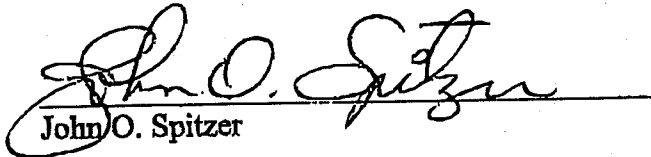
EXECUTED effective the day and year first hereinabove written.

**Owner:**

Jeffery L. Spitzer and Robyn L. Spitzer, husband and wife,  
and John O. Spitzer, a single person


  
Jeffery L. Spitzer

  
Robyn L. Spitzer

  
John O. Spitzer

**FPLE:**

FPL Energy Burleigh County Wind, LLC  
A Delaware limited liability company

By:   
Name: Dean Gosselin  
Title: Vice President