

STATE OF NORTH DAKOTA
BEFORE THE PUBLIC SERVICE COMMISSION

Case No. PU-06-443

**In the Matter of Tatanka Wind Power,
LLC's Application for a Waiver of Procedures
and Time Schedule, and a Combined
Certificate of Corridor Compatibility
and a Transmission Facility Route Permit
for a 230 kV Transmission Facility.**

**APPLICATION OF TATANKA WIND POWER, LLC FOR A WAIVER OF PROCEDURES
AND TIME SCHEDULES AND CONSOLIDATED APPLICATIONS FOR A CERTIFICATE OF
CORRIDOR COMPATIBILITY AND ROUTE PERMIT**

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Tatanka Wind Power, LLC ("Tatanka"), a Delaware limited liability company whose sole member is Acciona Wind Energy USA LLC, hereby submits this application pursuant to Section 49-22-08.1(5) of the North Dakota Century Code and Section 69-06-04-01(4) of the North Dakota Administrative Code for a waiver of procedures and time schedules and for the issuance of a corridor certificate and a route permit for the siting and construction of a 12-mile, 230kV transmission line and associated facilities in Dickey County and McIntosh County, North Dakota. In support of this application, Tatanka states as follows:

1. Tatanka filed separate letters of intent to construct the Tatanka Wind Farm (the "Wind Farm") at a location straddling the North Dakota/South Dakota border in Dickey County, North Dakota and McPherson County, South Dakota and to construct a 230kV transmission line (the "Transmission Line") from the Wind Farm to a point of interconnection on the existing Montana Dakota Utilities Wishek-Ellendale 230kV transmission line on October 13, 2006. Tatanka has requested that the Commission determine it has no siting jurisdiction over the Wind Farm since less than 100 megawatts of generation will be physically located within the state of North Dakota. On October 25, 2006, the PSC acknowledged the letter of intent for the Transmission Line and shortened the one-year waiting period between filing the letter of intent and the application to one day.

2. Tatanka is submitting herewith separate applications for a certificate of corridor compatibility and a route permit for the Transmission Line. Pursuant to Section 49-22-07.2 of the North Dakota Century Code, Tatanka requests that the PSC waive the procedures set forth in Sections 49-22-08 and 49-22-08.1 of the North Dakota Century Code which contemplate a separate application for a corridor certificate and an application for a route permit after the issuance of a corridor certificate. Tatanka is further requesting that the PSC reduce the minimum width of the corridor from 1.2 miles to 1 mile in accordance with Section 69-06-04-02 of the North Dakota Administrative Code. The type of facility, product to be transmitted, capacity and design of the Transmission Line, location of the Transmission Line, geographical service area, time table and need for the facility are described in detail in the accompanying applications for certificate of corridor compatibility and route permit. There are no current plans for expansion

of the Transmission Line. The estimated cost of the Transmission Line and related facilities is set forth in the letter of intent as \$7,300,000.00.

3. In support of the request for a waiver of procedures, Tatanka submits, as demonstrated by the details set for in the applications submitted herewith, the Transmission Line is of such length, design, location, and purpose that it will produce minimal, if any, adverse effects. As set forth in the accompanying applications, the Transmission Line is approximately 12 miles in length and will be constructed in a lightly populated area of Dickey and McIntosh Counties, North Dakota. The project is not anticipated to result in any significant change in land use and will not have any significant effects on ecologically sensitive areas, archeological/cultural resources, or the environment in general. Wetlands and woodlands will be avoided to the extent possible and any impacts will be mitigated as may be required by the U.S. Army Corps of Engineers and the North Dakota Game and Fish Department. Temporary impacts on agricultural production will be mitigated by payment of easement compensation. As a result, the adverse effects, if any, of the Transmission Line will be minimal.

4. Tatanka further submits that adherence to the contemplated procedures would jeopardize the ability of Tatanka to complete the permitting process and commence construction in a timely manner which will allow it to place the Wind Farm and Transmission Line in service by December 31st, 2007, as required to obtain tax credits available under Section 45 of the Internal Revenue Code, as amended by Section 1301 of the 2005 Energy Policy Act. Such delay would jeopardize the economic viability of the project and thereby jeopardize construction of the project.

5. With respect to the width of the corridor, Tatanka initially contemplated the initial collection point and substation within the Wind Farm, which constitutes the starting point for the Transmission Line, would be located within the state of North Dakota, which would result in a Transmission Line approximately 10 miles in length. In the process of electrical engineering and design of the location of facilities, it became desirable to move the substation to a point on the South Dakota side of the state border, which results in a Transmission Line approximately 12 miles in length. Section 69-06-04-02 of the North Dakota Administrative Code requires the width of a corridor be at least ten percent of its length but not less than one mile or greater than six miles unless approved by the Commission. The corridor addressed in the accompanying application is in for much of its length two miles in width, but in places has been reduced to one mile. Tatanka believes the one-mile wide corridor is sufficient for the purposes of North Dakota's siting law and no beneficial purpose would be served by requiring a 1.2 mile wide corridor through the entire length of the corridor.

Tatanka respectfully submits it has demonstrated all reasonable steps have been and will be taken to minimize all known and potential impacts resulting from the Transmission Line, and that the line will therefore produce minimum adverse effects. As demonstrated in the accompanying applications, Tatanka's selection of a corridor and a route within that corridor are in accordance with and supported by the applicable statutes, regulations and guidelines. Tatanka therefore respectfully requests that the PSC waive the requirement of a separate corridor compatibility certificate and route permit and issue its certificate and permit in accordance with the applications.

Dated this 2nd day of November, 2006.

Tatanka Wind Power , LLC

By: 

John W. Morrison

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