

LAW OFFICES OF
FLECK, MATHER & STRUTZ, LTD.

400 East Broadway, Suite 600, Wells Fargo Bank Building

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

Telephone: 701-223-6585 Facsimile: 701-222-4853 E-Mail: fms@flecklaw.com Website: www.flecklaw.com

GARY R. WOLBERG+
PAUL W. SUMMERS
BRIAN R. BJELLA**
JOHN W. MORRISON
CURTIS L. WIKE**

ALSO LICENSED IN:

* Minnesota
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^ Wyoming
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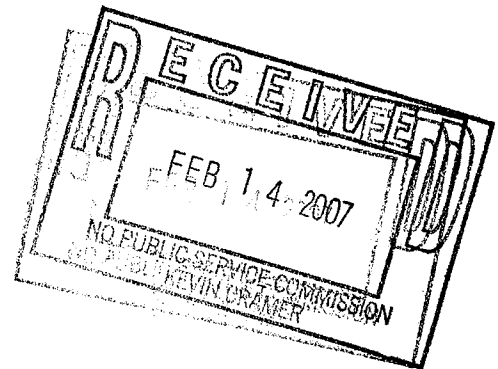
Ms. Ilona Jeffcoat-Sacco
Executive Secretary
North Dakota Public Service Commission
600 East Boulevard Avenue
Dept. 408
Bismarck, ND 58505-0480

**In re: Case No. PU-06-443
Tatanka Wind Power, LLC
230 kV Transmission Line/ Dickey & -
McIntosh Counties
Siting Application**

February 14, 2007

CRAIG C. SMITH**
SHANE A. HANSON
MICHAEL C. WALLER°
PETRA H. MANDIGO°
CHRISTOPHER D. FRIEZ

ERNEST R. FLECK
(1921-1995)
RUSSELL R. MATHER
(RETIRED)
WILLIAM A. STRUTZ
(RETIRED)



Dear Ms. Jeffcoat-Sacco:

At the conclusion of the hearing in this matter on January 18, 2007, the record was left open for Tatanka Wind Power, LLC to address some specific issues that had arisen during the hearing and provide some documents which had been requested by the Commission. We apologize for the delay in furnishing this information to the Commission, but with respect to the specific requests made at the hearing, our response is as follows:

1. Status of Permits.

At the January 18 hearing, Tatanka's Exhibits 1 and 2 were offered and received. Appendix E to Exhibit 1 contains copies of all letters sent to state and federal agencies and the responses received from those agencies at the time the application was filed on November 2, 2006. Exhibit 2 is a copy of a letter from the United States Army Corps of Engineers received subsequent to November 2 indicating that no Section 404 permit would be required.

As indicated at the hearing, we are still waiting on final clearance from the United States Fish and Wildlife Service (USFWS) and from the State Historic Preservation Office (SHPO). With regard to the USFWS clearance, that agency is treating the wind farm in both North Dakota

and South Dakota as a single project. Several issues have been raised (and we believe addressed) regarding the wind farm itself, but no questions have been raised regarding the transmission line which is the subject of this hearing. No significant issues were raised regarding archaeological or historic artifacts, and we don't anticipate any problem receiving the SHPO clearance. All other state and federal permits relating to the transmission line have been obtained.

With respect to local permits, Tatanka has obtained a permit from Spring Valley Township and has obtained determinations from Dickey and McIntosh Counties (on behalf of itself and the unorganized townships of Beresina and Coldwater) and Wacker Township that no permits or approvals will be required with respect to the transmission line. We are anticipating receiving a similar determination from Albertha Township in the near future.

In summary, all local, state (other than the siting permit which is the subject of this hearing) and federal permits and approvals for the transmission line have been obtained. We are still waiting for clearances from the USFWS, the SHPO, and Albertha Township to confirm that permits or approvals are not required from those entities.

2. Maps Showing Anticipated Pole Locations.

Enclosed herewith are ten copies of a set of 13 figures showing the anticipated location of the transmission line and poles on an aerial photograph, together with drawings showing the pole placements and other details. We are also enclosing a CD containing a digital version of the same figures.

3. Maps Showing Staging Areas.

The anticipated staging areas are shown the figures provided in response to Paragraph 2 above at Exhibits 1, 7 and 13.

4. Corrected Application.

An issue arose at the hearing with regard to the correctness of the reference to a jog to the east of "approximately 1.5 miles" on page 7 of the application. The details are shown on Exhibits 10 and 11 as included in the figures provided in response to Paragraph 2. The 1.5 mile reference in the application is correct.

5. Engineering Drawings.

We believe that the figures submitted in response to Paragraph 2 are responsive to this request.

6. Waiver or Contact with Owner of Hunting Cabin.

Tatanka has contacted Mr. Nick Davis, who resides in Rochester, Minnesota. Mr. Davis has refused to consent to construction of the line closer than 500 feet to the current structure.

In connection therewith, we note the following:

1. Section 69-06-08-02, N.D.A.C., includes “within five hundred feet of a residence” as an avoidance area. “Residence” means “the place where one actually lives.” Black’s Law Dictionary, 7th Ed. P. 1310; see also, *Wehrung v. Ideal School Dist. No. 10*, 78 N.W.2d 68 (N.D.1956), *McCartry v. Thornton*, 165 N.W.499 (N.D. 1917). This is also confirmed by Section 49-22-05.1, N.D.C.C., which requires a five hundred foot distance from an “inhabited rural residence.” Nothing in the rule cited above indicates an intention to encompass a broader class than identified in the statute.
2. As indicated by his January 27, 2007 letter to the Commission, Mr. Davis resides and works in Rochester, Minnesota, not in rural North Dakota.
3. The transmission line will actually be 460 feet from the structure in question.
4. The alternative to constructing the line 460 feet from the structure in question is shown on the figures identified as Exhibits 5 and 6 and submitted herewith. Both the proposed location (i.e., 460 feet from the structure) and the alternative location are located on land owned by Mr. Barry Holm. Because of an existing tree row to the east of the proposed location, the alternative location is to the east of the tree row in a cultivated corn field. While Tatanka has an easement from Mr. Holm, Mr. Holm has indicated that he does not want the line in his corn field and has even indicated that he would personally remove the trees in the tree row so that the line could be located where the tree row is currently located.
5. Any of these alternatives are feasible from an engineering and economic standpoint.
6. Tatanka does not believe that the structure in place constitutes a “residence” nor does it believe that locating the line in either a corn field or an existing tree row is a reasonable alternative within the meaning of Section 69-06-08-02, N.D.A.C.

Based upon conversations with staff, we understand that the Commission may want to consider a supplemental hearing to receive evidence on this matter. Tatanka has no objection to such a hearing, as long as it can be scheduled within a reasonable time.

7. **United States Fish and Wildlife Service Final Clearance**

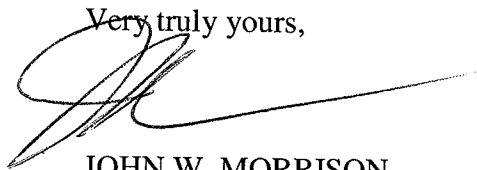
As indicated above, this has not yet been received by Tatanka. We will provide a copy when it is received.

8. **State Historic Preservation Office Final Clearance**

As indicated above, this has not yet been received by Tatanka. We will provide a copy when it is received.

I hope we have adequately addressed the issues raised at the January 18 hearing. If the Commission has any questions concerning the foregoing or needs additional information, please let me know.

Very truly yours,

A handwritten signature in black ink, appearing to be 'J. Morrison', with a long horizontal flourish extending to the right.

JOHN W. MORRISON

cc: Marcus da Cunha
Ronald Peterson