

## MEMORANDUM

To: Commissioners Wefald, Cramer, and Clark

From: Annette Bendish

Date: March 1, 2007

RE: Informal Hearing March 7, 2007  
Tatanka Wind Power, LLC  
230 kV Transmission Line/Dickey & McIntosh Counties  
Siting Application

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A hearing on the Tatanka Wind Power, LLC (Tatanka) 230 kV Transmission Line/Dickey & McIntosh Counties Siting Application was held January 18, 2007 in Ashley. At the hearing Tatanka was asked to submit 8 late filed exhibits. The Commission received a letter dated February 14 and the late filed exhibits from Tatanka. Paragraph 6 of the letter – Waiver or Contact with Owner of Hunting Cabin - is the subject of the Informal Hearing. The issue is a structure located within 500 feet of the transmission line. Mr. Nick Davis resides in Rochester, MN and owns the property in question. Mr. Davis has refused to consent to construction of the transmission line closer than 500 feet to his structure.

Mr. Davis sent a letter to the Commission dated January 27, 2007 arguing that 500 feet is too close and asks that technology is used to minimize noise. A faxed a copy of this letter to Mr. Morrison and he was going to look into what Mr. Davis may be talking about regarding the noise.

In his February 14 letter Mr. Morrison states the actual distance from the structure in question will be 460 feet if the transmission route as proposed is used. Mr. Morrison explains the alternatives for moving the transmission line. Mr. Morrison also argues that the structure is not a residence. At the Informal Hearing Mr. Morrison and the company will present the alternatives for placement of the transmission line including one additional alternative not outlined in the letter.

The North Dakota Administrative Code states:

**69-06-08-02 Transmission facility corridor and route criteria.**

2. **Avoidance areas.** The following geographical areas shall not be considered in the routing of a transmission facility unless the applicant shows that under the circumstances there is no reasonable alternative. In determining whether an avoidance area should be designated for a facility, the commission may consider, among other things, the proposed management of adverse impacts; the orderly siting of facilities; system reliability and integrity; the efficient use of resources; and alternative

routes. Economic considerations alone shall not justify approval of these areas. A buffer zone of a reasonable width to protect the integrity of the area shall be included unless a distance is specified in the criteria. Natural screening may be considered in determining the width of the buffer zone.

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- e. Within five hundred feet [152.4 meters] of a residence, school, or place of business. This criterion shall not apply to a water pipeline transmission facility.