

## MEMORANDUM

**To:** Commissioners Wefald, Cramer and Clark  
**Fr:** Jerry Lein  
**Da:** August 8, 2008  
**Re:** Staff Compliance Investigation, Case No. PU-06-443  
Tatanka Wind Power, LLC  
230 kV Transmission Line Siting Application

On June 23, 2008 Tatanka filed a route permit modification request for several field modifications that had already been made to structure locations along the transmission line route permitted in Case No. PU-06-443. The Commission discussed this matter during its July 16 administrative meeting and directed staff to investigate whether Tatanka's field modifications were in compliance with the terms and conditions of the Commission's March 21, 2007 Findings of Fact, Conclusions of Law and Order issuing Route Permit No. 106 to Tatanka.

Ordering Paragraph #19 from the Commission's decision required:

*19. Tatanka shall obtain approval from the Commission or Commission staff prior to any changes in structure locations.*

Table 1 attached to Tatanka's modification request filing indicates that approximately 50 of the 83 permitted structure locations were changed. Seven of these (structures 39 through 45) were approved by the Commission in its March 21, 2007 decision.

Additionally, Tatanka notified staff by e-mail on September 11, 2007 that it would be proposing changes to avoid trees between Structures 70 and 71. A formal request was to be forthcoming, but was not filed and the resulting 17 structure movements (Structures 65 through 81) were never approved. A copy of the September 11<sup>th</sup> e-mail notification was forwarded to the Commission and is attached.

Staff concludes that Tatanka has not complied with paragraph 19 of the Commission's March 21, 2007 Order.

JRL

**Lein, Jerry R.**

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**From:** Lein, Jerry R.  
**Sent:** Tuesday, September 11, 2007 9:28 AM  
**To:** -Grp-PSC Commissioners; -Grp-PSC Public Utilities  
**Subject:** FW: Tatanka Windfarm - Transmission Line Relocation

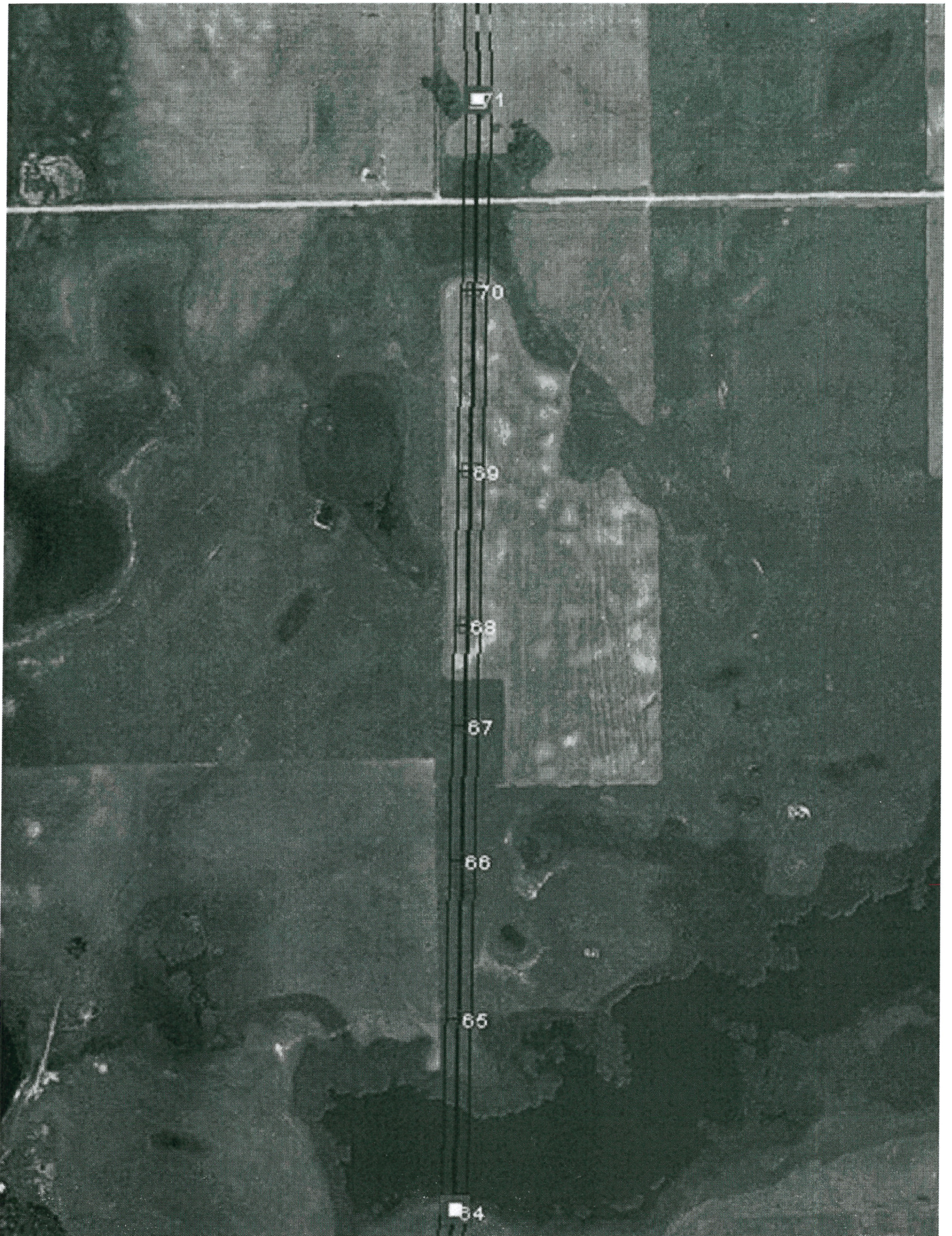
Just wanted to let everyone know that I'm expecting Tatanka will soon be asking for a minor route change to accommodate a landowner request to shift a portion of the route about 150 feet or so to the east in order to avoid a grove of trees that the landowner does not want cut down.

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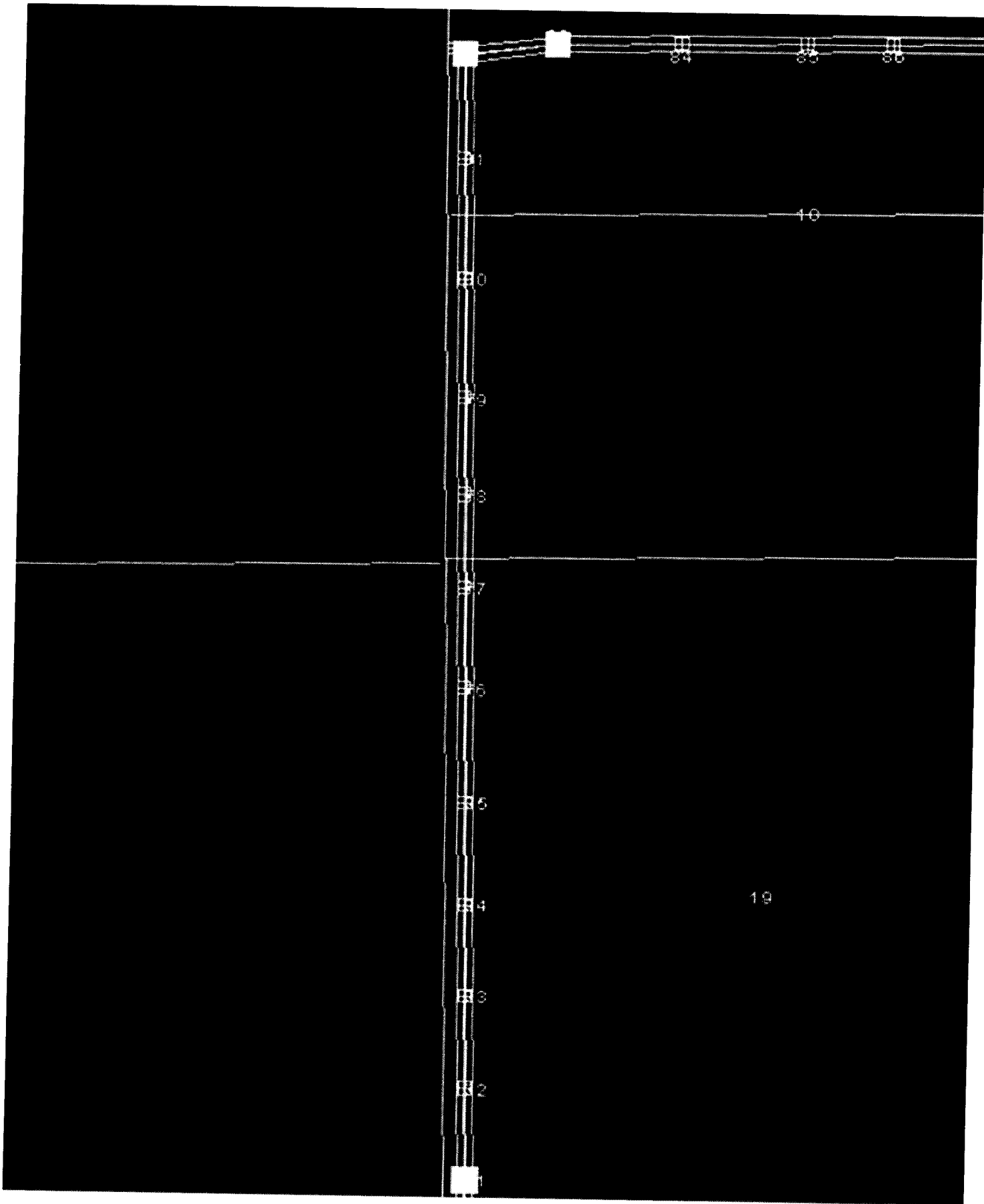
**From:** Ed Englert [mailto:EEnglert@iee-inc.com]  
**Sent:** Tuesday, September 11, 2007 7:41 AM  
**To:** Lein, Jerry R.  
**Subject:** Tatanka Windfarm - Transmission Line Relocation

Jerry,

M.A. Mortenson informed me yesterday they don't have the formal drawings from HDR yet regarding the change in the location of a number of structures to route the Tatanka transmission line between two groves of cottonwood trees. I'll provide a formal submittal documenting this change as soon as I can get the drawings from HDR. In the mean time I've pasted some aerial photographs with the subject poles and transmission line overlaid on the photographs to help convey to you the issue. As I mentioned to you the other day, this reroute of the transmission line was made to accommodate a concern by one of the land owners that a grove of 50 year old cottonwood trees would have to be cut down to construct the transmission line. The two groves of trees are on either side of structure 71 in the first graphic as follows:



HDR has rerouted the Transmission line such that they're bending the line to the east (starting at structure 64) to avoid the grove of trees to the west of structure 71. The transmission line then continues north following the section line at the offset dimension mandated by the distance from the section line to a point east of the west grove of trees at structure 71 as shown in the graphic below:



Acciona Energy has an agreement with the property owner south of structure 71 and the property owner with the subject grove of trees (which includes the property with structures 71 through 87 to the north of the grove of trees) to accommodate the relocated structures.

If you have questions, please contact me.

Sincerely,  
Ed Englert  
Tatanka Windfarm Project Manager  
Acciona Energy, NA