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January 18, 2012

PUBLIC SERVICE COMMISSION

North Dakota Public Service Commission
Darrell Nitschke
Executive Secretary
600 E. Boulevard Avenue Dept. 408
Bismarck, ND 58505-0489

Re: Case No. PU-06-443 Contract No. PU-599-10
Tatanka Wind Power
230 kV Transmission Line in Dickey & McIntosh County

Dear Mr. Nitschke,

The State of North Dakota, acting through its North Dakota Public Service Commission (NDPSC), Division of Public Utilities, has engaged Keitu Engineers & Consultants, Inc. to perform consulting services for post-construction siting inspections. A final report was sent to you electronically via email. Enclosed is an original and copy of the final report for the post-construction inspection of Case No. PU-06-443.

The Executive Summary identifies items that still need attention by the Commission staff and siting applicant to ensure that the facilities for the project have been constructed in compliance with items identified by the ND Public Service Commission. Once these items are addressed, the Commission can act on final closeout of the construction phase of the project.

Should Commission staff or the NDPSC have any questions, please contact me for assistance.

Sincerely,

A handwritten signature in black ink that reads "Timothy Spilman". The signature is written in a cursive, flowing style.

Timothy Spilman
Project Manager

Enclosures

69 **PU-06-443** Filed: 1/26/2012 Pages: 22
Final report for post-construction inspection

Keitu Engineers & Consultants, Inc.

Timothy Spilman, Project Manager



**Tatanka Wind Power, LLC
230 kV Transmission Line
(Dickey & McIntosh County, ND)**

Prepared by Timothy Spilman, Project Manager, Keitu Engineering & Consultants, Inc.
Final Report

Executive Summary

Tatanka Wind Power, LLC constructed a Wind Farm straddling the North Dakota/South Dakota border in Dickey County, North Dakota and McPherson County, South Dakota. The siting application for this project was for the construction of a 12 ½ mile 230 kV transmission line from the Wind Farm substation in South Dakota to a point of interconnection (interconnection tap) on the existing Montana Dakota Utilities Wishek-Ellendale 230 kV transmission line. The Commission jurisdiction is for the transmission line portion in North Dakota and interconnection substation. Approximately 1200 feet of 230 kV transmission line is located in South Dakota.

A preconstruction meeting should be held to ensure all contractors fully understand the conditions set forth in the Order. No record was found of a preconstruction conference occurring in the case file. Tatanka Power should provided minutes from a preconstruction conference that occurred with the Commission staff to complete Order # 4.

All local, state (other than the siting permit at the time) and federal permits and approvals for the transmission line were obtained based on the letter (Docket #32) February 14, 2007 to the Commission from Fleck, Mather & Strutz, LTD. on behalf of Tatanka except clearances from the USFWS, the SHPO, and the Albertha Township. Tatanka was to provide a copy of pre construction clearances when they were received. No record in the case file was found of clearances from USFWS, the SHPO, and the Albertha Township. Tatanka should provided evidence that approval from these agencies occurred or was not required to the Commission as part of completion of Order #5.

As built structures #52, 60, 87 and part of the interconnection substation was constructed in NWI wetlands according to Docket #61-020. Tatanka should provide the Commission evidence of approval of the change in these structures to NWI wetlands as part of completion of Order #5.

The siting application (Docket #23) in Section 2.3 explained the line will be situated several feet from the 33-foot township ROW. The post construction field inspection identified several transmission structures that had one pole installed within the 33-foot township ROW. Tatanka



should provide the Commission written documentation approval that these structures could be constructed in township ROW. Tatanka should provide this as part of completion of Order #5.

On January 22, 2008 the State Historical Society of North Dakota issued a letter (Docket #27) stating they had they with consultation with the USFWS and looked forward to receiving for review: (1) completed NDCRS site forms for SITS assignments, and (2) a complete Class III inventory report(s), including map documentation, covering the ND investigations before offering a recommendation/full review response on this project. No evidence of the Class III inventory report was found in the case file. Tatanka should provide the Commission a copy of the complete Class III inventory final report as part of Order #5.

On February 21, 2008 the State Historical Society of North Dakota in a letter (Docket #60) stated it received, reviewed and found the final report; "Archaeological Data Recovery Excavations of 32DI95, The Gabriel Site, Albertha Township, Dickey County, North Dakota" acceptable. Tatanka should provide the Commission with a copy of the final report as part of Order #5.

The siting application stated that the proposed route passed through one existing Department of Transportation right-of-way (ROW) for State Highway 11. Tatanka should provide the Commission a copy of the permit Hwy 11 crossing as part of Order #5.

The Commission should request that Tatanka provide all weekly progress reports after 11/11/07 to 100% construction completion and restoration for the transmission No documentation of the start date of the interconnect tap and associated collection substation were found in the case file. No weekly progress reports were submitted for the associated collection substation or a site plan general arrangement layout drawing. The Commission should request the start date and weekly progress reports from Tatanka. A date the project was commissioned should also be requested. This additional information from Tatanka is still required for Completion of Order #6.

Design information for the conductor/shield wire, ground clearance information, design loading, and sagging information needs to be provided for the as-built plan and profile drawings for the transmission line. Letters or a letter from Tatanka that design and operation of the interconnect tap, transmission line, and collection substation follow NESC standards should be provided to the Commission. Once these items are provided Order # 7 will be complete.

No weekly progress reports documented any evidence that clean-up was ongoing and largely completed for the transmission line. Clean up of the transmission line and substation construction sites, including removing and disposing of debris occurred based on the post construction field inspection. All temporary facilities were removed, and the staging and staging areas were cleaned up. Reclamation along the right-of-way was completed but no evidence that reclamation was continuous and coordinated with construction was found in the case file. Tatanka should provide the Commission some documentation that reclamation along the right-of-way was continuous and coordinated with construction to verify Order #12 was completed satisfactory.

No evidence in the case file was given that reclamation, fertilization and reseeding occurred according to natural Resource Conservation Service and County Farm Service Agency recommendations. The post construction field inspection verified that reclamation and the



appearance of reseeding occurred. Tatanka should provide the Commission evidence of reclamation and reseeding following proper recommendations to complete Order #13.

In reviewing the case file, evidence was found that trees or shrubs were removed during the project. Tatanka has not submitted an initial tree mitigation report that describes the trees or shrubs required to be replaced or that the two to one trees/shrubs have been planted. Tatanka should provide this report. Yearly tree replacement inspections and reports are required for three years after the initial planting with additional required if survival rates are less than 75%. The Commission may need to reissue this Order if tree planting did not occur in the fall of 2007. Tatanka must provide all documentation for this Order before the Commission can verify completion of Order #15.

The siting applicant agreed by definition of the Order to provide as-builts of the collection substation and interconnection substation tap. Tatanka should provide as-built drawings for the interconnection tap substation and the collection substation to complete Order # 16.

On June 23, 2008 the Commission received final as-built plan and profile drawings (Docket #61) for the Tatanka 230 kV Transmission Line. A review of the proposed versus as built of the plan and profile exhibits was conducted by Keitu Engineers and Consultants, Inc. Based on the structure station staking and X, Y GIS coordinate information of each structure location, every structure location was changed except for structure one. Tatanka had added an additional 3 structures to the transmission line during construction. No record was found in the case file of Tatanka obtaining approval from the Commission or Commission staff prior to all of these structure location changes. Order # 19 was not followed by Tatanka Wind Power, LLC.

The Commission should issue a final refund of the entire remaining balance for the case once all Order items are addressed, a project completion date, and a date energized for the facilities are provided to complete Order # 21.

Tatanka Wind Power, LLC complied with all other Order requests of the Commission.

Preliminary Statement

The Applicant (Tatanka) proposes locating, constructing, and operating a 230 kV electric transmission line in North Dakota. The proposed radial electric transmission line is located approximately 22 miles west of Ellendale, North Dakota and extends approximately 12 ½ miles north between the North Dakota/South Dakota border and the existing Montana-Dakota Utilities Wishek-Ellendale 230 kV transmission line (MDU line), approximately 1.5 miles west of State Highway 56 in Dickey County.



The proposed transmission line extended through Dickey and McIntosh counties. The line connects to the MDU transmission line on the north end, and a collection substation within the Tatanka Wind Farm on the south end in South Dakota. MDU is a member of the Midwest Independent System Operator, which is a member of the National Electric Reliability Council. A proposed tap interconnect substation was built and occupies up to 5 acres. It was built at the point of interconnection between the 230 kV Tatanka transmission line and the MDU 230kV system.

On October 13, 2006, Tatanka Wind Power, LLC ("Tatanka") filed a letter of intent indicating its intention to construct a transmission line to connect a wind project straddling the North Dakota/South Dakota border in Dickey County, North Dakota and McPherson County, South Dakota, known as the Tatanka Wind Farm, to an existing 230kV transmission line in Dickey County, North Dakota. Tatanka requested a waiver of the requirement that a letter of intent be filed one-year in advance of an application. By motion dated October 25, 2006, the Commission acknowledged receipt of the letter of intent, granted the waiver from the one-year filing requirement, and assessed an application fee of \$36,500.00.

On November 2, 2006, Tatanka filed an application for a waiver of procedures and time schedules, and consolidated applications for a certificate of corridor compatibility and a route permit authorizing construction of approximately 12 miles of 230 kV transmission line from a point on the South Dakota border in Section 31, Township 129 North, Range 66 West, Dickey County to a proposed interconnection with an existing Montana-Dakota Utilities 230kV transmission line in Dickey County, North Dakota. The proposed route is located primarily in Dickey near the McIntosh County border, but crosses into McIntosh County for a portion of the route.

On January 18, 2007 the Commission held a public hearing concerning this project in Ashley, ND. On March 7, 2007 the Commission held an informal hearing on this project. On March 21, 2007 the Commission issued a Route Permit Certificate #106, a Certificate of Site Compatibility #96, and a Findings of Facts, Conclusion of Law, and Order. Construction of the transmission line occurred in August through November of 2007.

The State of North Dakota, acting through its North Dakota Public Service Commission (NDPSC), Division of Public Utilities, has engaged Keitu Engineers & Consultants, Inc. to perform consulting services for post-construction siting inspections. This report addresses the Orders established by the NDPSC and issues established in case File No. PU-06-443.

The Commission orders:

1. Tatanka's Application for Waiver of Procedures and Time Schedules is granted.

On November 2, 2006 (Docket #6), Tatanka filed an application for a waiver of procedures and time schedules, and consolidated applications for a certificate of corridor compatibility and a route permit authorizing construction of approximately 12 miles of 230 kV transmission line from



a point on the South Dakota border in Section 31, Township 129 North, Range 66 West, Dickey County to a proposed interconnection with an existing Montana-Dakota Utilities 230kV transmission line in Dickey County, North Dakota. Pursuant to Section 49-22-07.2 of the North Dakota Century Code, Tatanka requested 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 further requested 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 Commission deem the application complete and issue a Notice of Filing and Notice of Hearing in the application of Tatanka Wind Power, LLC for a waiver of procedures and time schedules, a corridor certificate and a route permit authorizing construction of a 230 kV Transmission Line in Dickey and McIntosh Counties of North Dakota was approved on November 22, 2006 (Docket #9). The requested waivers of procedures and time schedules are justified based upon: the minimal length of the transmission line; minimal impacts on the environment and the welfare of the citizens of North Dakota; the lack of objection to the proposed route by federal, state and local government bodies and agencies or by area landowners. Order #1 is granted.

2. Certificate of Site Compatibility Certificate Number 96 designating a transmission facility corridor is issued to Tatanka.

On March 21, 2007, the Commission designated a transmission facility corridor for Tatanka Wind Power, LLC which is described as follows: In Dickey and McIntosh Counties, North Dakota, a corridor either one or two miles wide and 13 miles long, running along or near the western boundary of Dickey County from the North Dakota/South Dakota border in Section 31, Township 129 North, Range 66 West, to an interconnection with the existing Montana Dakota Utilities Wishek-Ellendale 230 kV transmission line in Section 5, Township 130 North, Range 66 West.

The Certificate of Site Compatibility Certificate Number 96 (Docket #44) was issued in accordance with the Order of the Commission in Case No. PU-06-443 dated March 21, 2007, and was subject to the conditions and limitations noted in the Order. Order # 2 is complete.

3. Route Permit Certificate Number 106 designating a transmission facility route is issued to Tatanka.

On March 21, 2007 the Commission designated a transmission facility route for Tatanka Wind Power, LLC, which is described as: In Dickey and McIntosh Counties, North Dakota, a 230 kV transmission line approximately 12 ½ miles in length from a point in the southwest corner of Section 31, Township 129 North, range 66 West, thence north roughly along the boundary between Dickey and McIntosh Counties a distance of approximately 9 ¾ mile to a point in Section 18, Township 130 North, Range 66 West, thence east approximately 1 ¼ miles to a point in the NW ¼ of Section 17, Township 130 North, Range 66 West, thence north a distance of approximately 2 miles to a point in the W ½ of Section 5, Township 130 North, Range 66 West.



The certificate (Docket # 43) was issued in accordance with the Order of the Commission in Case No. PU-06-443 dated March 21, 2007, and is subject to the conditions and limitations noted in the order. Order # 3 was completed.

4. Tatanka Power shall conduct a preconstruction conference prior to commencement of any construction, and must include a Tatanka representative, its construction supervisor, and a representative of the Commission staff in order to ensure that Tatanka fully understands the conditions set forth in this Order.

A preconstruction meeting should be held to ensure all contractors fully understand the conditions set forth in the Order. The conference usually includes a review of the order's findings of fact and ordering clauses, a review of penal provisions in the siting statute, and a question and answer period. Other items usually discussed are permits, tree clearing, reseeding, cultural issues, landowner relations, and safety requirements. No record was found of a preconstruction conference occurring in the case file. On August 7, 2007 the Commission staff received an email (Docket #49) that the contractor was setting poles along the right-of-way and would start foundations drilling on Monday 8/23/07. A preconstruction conference should have occurred prior to this email. Tatanka Power should provided minutes from a preconstruction conference that occurred with the Commission staff to complete Order # 4.

5. Tatanka shall comply with the rules and regulations of all of their agencies having jurisdiction over any phase of its proposed transmission line, and it shall obtain all other necessary licenses and permits; and shall provide copies of all licenses and permits to the Commission which were not included in its application or which have not otherwise been provided to the Commission as of the date of this order prior to the construction of the transmission line.

North Dakota Administrative Code 69-06-01-05 lists 21 state agencies that are entitled to notice of the Tatanka's Siting Application. Federal agencies also require notification. The application, exhibits, and Docket items had copies of the responses from these agencies. When the application was filed, Tatanka contacted all of the state and federal agencies required by the Commission's rules. Tatanka addressed the concerns raised by the state and federal agencies except the final clearances from the US Fish and Wildlife Service (USFWS) and the State Historic Preservation Office (SHPO). Table 9 of the siting application (Docket #23) identified Potential permits and approvals. Table 7 of the siting application identified mitigation measures that would be followed as part of the rules and regulations for these agencies.

Tatanka contacted the North Dakota Parks and Recreation Department (NDPRD) to conduct a formal review of the sections in the transmission corridor for rare plants and ecological communities. The NDPRD responded by letter and indicated that no threatened and endangered species or unique habitats were identified within the transmission corridor; however, they did indicate there is limited survey data for the area. The NDPRD recommended that any impacted areas be revegetated with species native to the project area.



**PU-06-443 Post-Construction Report
Tatanka Wind Power, LLC- 230 kV line
Dickey & McIntosh County, ND
January 18, 2012**

The U.S. Fish and Wildlife Service Ecological Services office (USFWS) in Bismarck, North Dakota was contacted regarding known, unique, rare, and endangered species or communities within the transmission corridor. A response letter addressing the project was received on October 24, 2006. The letter emphasized the importance of considering the potential effects of the project on migratory birds; wetland, prairie, and woodland habitats; and threatened and endangered species. The USFWS records did not specifically identify federally threatened and endangered species within the project corridor, a list of species that may occur within the proposed project area was provided for both Dickey and McIntosh Counties. The following species were listed in the letter: Whooping crane, gray wolf, bald eagle, and piping plover (including critical habitat). None of these species were seen during the project based on the weekly progress reports in the case file.

The USFWS was contacted regarding the location of grassland and wetland easements on public and private lands located within the transmission line corridor. Of the 3,337 acres of federal grassland and wetland easements identified within the project corridor, only 76 acres fall within the 150-foot wide transmission line route. Wetland and native grasslands within the easement areas were to be avoided by transmission line structures and supporting facilities to the extent practicable. Structure #57 in the proposed plan and profile drawings was the only structure that was shown to be in a wetland. Tatanka relocated structures in the proposed structure #57 area to avoid the wetland. As built structures #52, 60, 87 and part of the interconnection substation was constructed in NWI wetlands according to Docket #61-020. Tatanka should provide the Commission evidence of approval of the change in these structures to NWI wetlands as part of completion of Order #5.

Any permanent impacts to USACE-jurisdictional wetlands and waters were to be replaced according to USACE requirements. Wetlands observed within the transmission corridor during Tatanka consultant's field investigations appeared to be isolated and non-navigable, suggesting they would not be regulated by the USACE. USACE confirmed these findings in a letter dated October 24, 2006 (Appendix F of the siting application Docket #23). The letter indicated that the USACE has made a preliminary determination, which found no jurisdictional waters of the U.S. within the transmission line corridor. To the degree any wetlands within the corridor are found to be regulated by the USACE, existing Nationwide Permit 12 appears to cover any impacts that would likely occur.

The Corp of Engineers reviewed the Tatanka request on December 19, 2006. Based on the information provided, it appears that the proposed wind farm project located in North Dakota would not result in the discharge of dredge or fill material into jurisdictional waters of the United States. Therefore, the proposed wind farm project would not be subject to DA regulatory authorities and no permit pursuant to Section 404 of the Clean Water Act would be required from this office of the Corp of Engineers.

Finding of Fact #12 (Docket # 42) stated that Tatanka had obtained all easements necessary for construction of the transmission line and interconnection tap. Finding of Fact #13 stated that Tatanka had contacted all county and township governing boards and has been assured that no additional local permits or approvals were required for construction or operation of the transmission line and interconnection tap. The siting application (Docket #23) in Section 2.3



explained the line will be situated several feet from the 33-foot township ROW. The post construction field inspection identified several transmission structures that had one pole installed within the 33-foot township ROW. Structures #22 and #25 have the west pole of the structure in the ROW. Structures #37, #38, and #53 are three pole structures with the west pole in the ROW. Structures #59 & #60 possibly has one of the three poles in township ROW. Tatanka should provide the Commission written documentation approval that these structures could be constructed in township ROW. Tatanka should provide this as part of completion of Order #5.

In section 4.3 of the siting application (Docket #23) Tatanka stated it would file a 10 year plan with the Commission by December 2007. Tatanka Wind Power, LLC has a 10 year plan on file with the Commission filed 9/30/2011.

All local, state (other than the siting permit at the time) and federal permits and approvals for the transmission line were obtained based on the letter (Docket #32) February 14, 2007 to the Commission from Fleck, Mather & Strutz, LTD. on behalf of Tatanka except clearances from the USFWS, the SHPO, and the Albertha Township to confirm that permits or approvals are not required from these entities. Tatanka was to provide a clearance copy when it was received. No record in the case file was found of clearances from USFWS, the SHPO, and the Albertha Township. Tatanka should provided evidence that approval from these agencies occurred or was not required to the Commission as Tatanka said it would provide a copy when it was received as part of completion of Order #5.

A Class III Cultural Resource Investigation was recommended in the siting application by Tatanka's archaeological consultant. Areas with a high potential for unrecorded archaeological sites and low surface visibility would be noted by the pedestrian survey. The Tatanka's consultant also recommended shovel testing at each proposed transmission pole location should take place. Should a shovel test at each structure require a location change for a structure, additional archaeological surveys would be necessary. Shovel testing should also occur where earth moving activity is proposed (roads and substations).

On January 22, 2007 the State Historical Society of North Dakota issued a letter (Docket #27) stating they had they with consultation with the USFWS, looked forward to receiving for review: (1) completed NDCRS site forms for SITS assignments, and (2) a complete Class III inventory report(s), including map documentation, covering the ND investigations before offering a recommendation/full review response on this project. No evidence of the Class III inventory report was found in the case file. Tatanka should provide the Commission a copy of the complete Class III inventory report for its case file as part of Order #5.

On February 21, 2008 the State Historical Society of North Dakota in a letter (Docket #60) stated it received, reviewed and found the final report; "Archaeological Data Recovery Excavations of 32DI95, The Gabriel Site, Albertha Township, Dickey county, North Dakota" acceptable. Tatanka should provide the Commission with a copy of the final report for its case file as part of Order #5.

The siting application stated that the proposed route passed through one existing Department of Transportation right-of-way (ROW) for State Highway 11. Table 9 of the siting application



identified a utility permit for accommodation of utility facilities on State Highway ROW to be applied for if necessary. Tatanka should provide the Commission with a copy of the permit for the Hwy 11 crossing for the case file as part of Order #5.

6. Tatanka shall inform the Commission of its intent to start construction on the transmission line and associated collection substation prior to the commencement of construction, and, once construction has started, Tatanka shall keep the Commission updated of construction activities on a weekly basis. Tatanka shall also inform the Commission if the location of the line in the vicinity of the Davis house is moved west of its anticipated reroute as a result of any conditions encountered during construction.

On August 7, 2007 (Docket #49) Brian Abeid of Mortenson Construction Tatanka Wind Energy informed Commission staff of its intent to start construction on the transmission line. Weekly progress reports (Docket #50-59) for the transmission line were submitted to the Commission. Only part of the construction activities were supplied to the Commission. No weekly reports were submitted to the Commission for the weeks of September 2, 2007 through September 17, 2007. Some weekly reports were bi-weekly reports (Docket #51, 53) and with others miss labeled as to which week the report was for (Docket #52- 58). The final construction weekly report was for the week of 11/05/07 – 11/11/07. This report identified 87% of the conductor pulled, 87% of the fiber, 57 % of the line has been sagged, and 55 % of the structures clipped. Design issues with a crossing had just been resolved. A temporary support structure was to be installed. The temporary structure was to be removed once a permanent design was completed and a changeover occurred. No updates of construction activities after 11/11/07 were found in the case file. The Commission should request that Tatanka provide any additional weekly progress reports to 100% construction completion and restoration for the transmission line.

No documentation of the start date of the interconnect tap substation and associated collection substation were found in the case file. No weekly progress reports were submitted for the associated collection substation. Tatanka did not inform the Commission of its intent to start on the collection substation or provided the Commission weekly progress reports. The Commission should request the start date and weekly progress reports from Tatanka. No record of Tatanka informing the Commission of its intent to start construction of the associated collection substation or provided weekly progress reports for the construction of the substation was found in the case file.

No documentation was found in the case file of Tatanka informing the Commission if the location of the line in the vicinity of the Davis house was moved west of its anticipated reroute of any conditions encountered during construction. In the route permit modification request letter (Docket #61-020) Table 1, page 2 a discussion that structures 39-44 mentioned that 3 sets of double-pole H-frame structures changed to 6 more closely spaced monopoles to place them as far from a structure owned by Nick Davis as possible while saving trees on the adjacent Barry Holmes property. The Commission had approved monopole structures on March 21, 2007. Tatanka submitted a monopole structure diagram (Docket #39) to the Commission. The transmission lines final distance from the house was 503.5 feet according to the as-built plan and



profile drawings. Since the transmission line was not moved west of the anticipated route, the Commission did not need to be contacted during construction about a line move to the west.

The Commission should request that Tatanka provide all weekly progress reports after 11/11/07 to 100% construction completion and restoration for the transmission. No documentation of the start date for the interconnect tap (substation) and associated collection substation were found in the case file. No weekly progress reports were submitted for the associated collection substation. The Commission should request the start date and weekly progress reports from Tatanka. This additional information from Tatanka is still required for Completion of Order #6.

7. Tatanka shall construct and operate the transmission line in the manner described in its Application and at the hearing, and in accordance with all applicable safety requirements.

In the siting application it stated that Tatanka and its contractors will ensure the most current version of the National Electric Safety Code (NESC) is followed while the transmission line is being constructed in the field. The NESC sets the basic rules for keeping workers safe during the installation, operation, or maintenance of electric supply lines and associated equipment. The facility was to be designed and constructed to meet or exceed these standards. The NESC standards minimize adverse effects to the environment while ensuring the safety and health of the public, employees and contractors who construct, operate and maintain these facilities.

Tatanka provided final plan and profile drawings (Docket #61-030) on June 20, 2008. The as built drawings do not show any design information for the conductor/shield wire, ground clearance information, design loading, and sagging information. Tatanka needs to provide conductor and shield wire sizes, design tension, ruling spans, sagging design information including temperature, design tension loading conditions, and from what edition of the National Electric Safety Code (NESC) was used for the plan and profile sheets. Also they should provide the conductor/shield wire sag shown on the plan and profile sheets and at what temperature. Ruling spans lengths with design tension from dead-end to dead-end should be identified for conductor and shield wires (fiber and 3/8"). All of this information may have been given on a cover sheet of the as built plan and profile sheets but were not provided to the Commission for the case file.

The National Electric Safety Code, RUS Specifications and Drawings, Company Standards, manufacturer's recommendation (industry standards) and the science of line conductors/shield wires including ruling span, tension, sag, and vibration all play a part in a complete engineering evaluation of the individual components of a transmission line and how they will be affected by the surrounding environment. The goal of the designer is safety, reliability, and efficiency. The main idea of safety is to insure that energized components are maintained a safe distance from the public to prevent injury or death. The post construction field inspection observed the interconnection tap, the transmission line, and the collection substation. All facilities appear to have been constructed and maintained in accordance with the followed National Electric Safety Code standards. The Finding of Fact #16 (Docket #42) stated that construction and operation of the transmission line would conform to the requirements of the National Electric Safety Code.



The interconnect tap substation, transmission line, and collection substation were energized during the field site inspection. Wind towers were in place and appeared to be on line. Based on MDU allowing the connection of the transmission line and collection substation to their system, the construction and operation of the facilities are probably in accordance with all safety requirements. MDU is a member of the Midwest Independent System Operator, which is a member of the National Electric Reliability Council and have industry standard that must be followed to insure a safe system. Tatanka should provide a letter to the Commission that the interconnect tap, transmission line, and the collection substation were constructed and operate in accordance with the National Electric Safety Code Standards for assurance Order #7 is completed. Once design information for the conductor/shield wire, ground clearance information, design loading, and sagging information is provided for the as-built plan and profile drawings for the transmission line and a letter/letters that design and operation of the interconnect tap, transmission line, and collection substation follow NESC standards, Order # 7 will be complete.

8. Tatanka shall promptly report to the Commission the presence in the permit area of any critical habitat of threatened or endangered species, or of bald or golden eagles that Tatanka becomes aware of and which were not previously reported to the Commission.

During construction the power lines are not energized. Therefore, electrocution of birds is not an issue during construction. Electrocution of birds by power lines is a concern mostly for raptor species, such as golden eagles and red-tailed hawks. Birds are electrocuted when they come in contact with more than one conductor wires at once. This can occur on smaller lines that have short distances between conductors (Olendorff et al. 1981 and Avian Power Line Interaction Committee 1996). The proposed facility has sufficient distance between conductors to make electrocution very unlikely once they are energized.

Impacts from construction included the displacement of wildlife near the project site and possible direct mortality of some individuals. Larger or more mobile wildlife, such as birds and large mammals, if in the area likely left the project area during construction and relocate to similar habitats nearby. Some smaller, less mobile wildlife, such as small mammals, reptiles, and amphibians could have been crushed by construction equipment or trapped in construction areas. These effects, however, would be minimal and wildlife could return to the adjacent, undisturbed habitats after construction is completed.

No report of any critical habitat of threatened or endangered species, or of bald or golden eagle's notification to the Commission was found in the case file. Therefore, Order # 8 is completed.



9. If any cultural resource, paleontological site, archeological site, historical site, or gravesite is discovered during construction, it shall be marked, preserved and protected from any further disturbance until a professional examination can be made by the State Historical Society, a report of such examination is filed with the Commission, and clearance to proceed is given by the Commission.

Consistent with the Act and the Guidelines, archaeological, cultural, and historic resources were avoided by Tatanka's construction team to the maximum extent practical.

Tatanka has initiated cultural resources investigations along the proposed project transmission line and tap locations. Tatanka's consultant has completed a Class I review of historic and archeological records through the North Dakota State Historic Preservation Office (SHPO) and local historic societies. No recorded sensitive areas are recorded in the proposed transmission corridor. The SHPO provided a letter indicating the Class I CRI (file search) and the associated proposed work plan are acceptable (Appendix D). A Class III intensive survey of the proposed transmission route and tap locations was to be conducted and the results were to be used to determine if any areas should be avoided. No obvious issues were identified.

A Class I files and record search, and also a Class III pedestrian survey of the entire proposed route and interconnection tap for archeological and cultural resources was done. In addition, consultation was made with Indian tribes located within the State of North Dakota. These surveys did not reveal any protected sites along the proposed route; several small sites were identified by the class III survey within the corridor but they were not impacted by construction along the route. Tatanka received conditional approval from the North Dakota State Historic Preservation Office (SHPO) and received final approval.

No cultural resource, paleontological site, archeological site, historical site, or grave site was discovered during construction. This is based on review of weekly construction progress reports and verification that no correspondence was identified in the Commission's file. Order # 9 was followed.

10. All pre-existing roads and lanes used during construction must be restored to a condition that will accommodate their previous use, and areas used as temporary roads during construction must be restored to their original condition.

Materials probably came to the site using paved Highway 11 going east-west. The south 3/4 of the transmission line was constructed along the north-south road of 66th Ave SE. Paved Highway 56 paralleled the north end of the project with 91st, 92nd, and 94th Street SE and 97th Avenue SE being used east-west to haul materials to the staging areas on the north end of the site. Hwy 2 on the south end of the project was also used. Staging areas were identified on the plan and profile diagrams for proposed construction (Docket # 40). Access gates were installed along the right-of-way.

Nine road crossings occurred along the line. The transmission line crossed Hwy 2, 101st Street SE, 99th Street SE farmstead road, 66th Avenue SE twice, Hwy 11 (96th St SE), 94th St SE, 92nd



Street SE, and 91st Street SE. The transmission line work started on at the interconnect substation on the north and continued south towards the project collection substation.

Using Google Earth aerial imagery date and comparing September 24, 1997 to June 22, 2009, the pre-existing roads and lanes used during construction appear to be restored to their original condition. Driving the roads during the post construction field inspection verified the roads were restored to their original condition or better. Order # 10 was completed satisfactory.

11. Construction must be suspended when weather conditions are such that construction activities will cause irreparable damage, unless adequate protection measures approved by the Commission are taken.

The construction started on week of September 6, 2007 with staking having occurred. The weekly progress reports of 8/27/07-9/2/07 mentioned that structures could not be set one day due to high winds. In the progress reports of 9/17/07-9/23/07 and 9/24/07 -9/30/07 wind continued to be an issue while setting structures due to the safety factor on the crane.

Based on review of the progress reports, construction was suspended or delayed when weather conditions were such that construction should not occur. Order # 11 was followed.

12. Reclamation along the right-of-way shall be continuous and coordinated with construction.

The impacts of the construction and operation of the proposed facility were discussed in the siting application discussed in Section 5.1. Tatanka was to closely monitor erosion control and storm water management in graded areas where vegetation was temporarily removed to install the transmission structures and tap equipment. These areas were to be monitored according to NPDES rules and approved Stormwater Pollution Prevention Plans for the site. Once the work was completed, these areas were to be revegetated as quickly as possible and will be monitored for proper establishment. Concerns raised by agencies, adjacent landowners, or the Public Serve Commission were to be addressed immediately. Impacts to wetland and woodlands were to be avoided to the maximum extent possible. If wetland replacement is required by the project, wetlands were to be replaced before or concurrently with impacts to the wetlands. Necessary tree removal and replacement was to also be closely monitored, and the necessary replacement completed within a reasonable timeframe following disturbance.

Debris associated with the transmission line construction can be packaging material, insulator crates, conductor reels, and wrapping. It may also include excess excavated soil and removed vegetation. Materials with salvage value, including conductor reels, unused conductor and hardware, poles, and other materials, were removed from the site. Excess soil and vegetation was distributed along the transmission right-of-way. During construction solid waste were temporarily stored within the right-of-way or within the temporary construction easements, and then transported to appropriate disposal facilities. The post construction inspection verified proper cleanup.



Limited ground disturbance at the structure sites occurred during construction. The wood pole structures are established by augering a hole for each wood pole. Normally disturbance of vegetation is usually less than 2 feet beyond the pole. Once the land beneath the structures was restored with native vegetation or crops, the footprint of the project was mostly consisted of the H-frame tangent structures, which were directly imbedded into the ground. There was no impervious foundation to speak of associated with the transmission line support structures for the wood pole structures, and existing land contours in the vicinity of these structures were only minimally affected during installation.

The six monopole steel structures required a larger disturbance of the ground surface due to a concrete foundation being required to be poured. A 25' x 25' area may be disturbed. The staging areas were developed along the transmission line. Structure materials were placed and assembled in ROW prior to structure installation. Disturbed areas were restored to their original condition to the maximum extent practicable. The post construction field inspection verified that the cleared trees were removed.

The interconnect tap substation and collection substation were situated on a pervious gravel base. These substations had little to no effect on surface water drainage patterns, groundwater flow patterns, or groundwater recharge potential within the transmission corridor. Tatanka was to file a NPDES permit application submitted the North Dakota Department of Health prior to the construction of the transmission facility. Best management practices for erosion control were to be implemented during construction to ensure erosion and sedimentation to adjacent water bodies and wetlands does not occur while vegetation is becoming reestablished.

No weekly progress reports documented any evidence that clean-up was ongoing and largely completed for the transmission line. Clean up of the transmission line and substation construction sites, including removing and disposing of debris occurred based on the post construction field inspection. All temporary facilities were removed, and the staging and staging areas were cleaned up. Reclamation along the right-of-way was completed but no evidence that reclamation was continuous and coordinated with construction was found in the case file. Tatanka should provide the Commission some documentation that reclamation along the right-of-way was continuous and coordinated with construction to verify Order #12 was completed satisfactory.

13. Reclamation, fertilization and reseeding is to be done by Tatanka according to the Natural Resource Conservation Service and County Farm Service Agency recommendations for CRP, native prairie and other lands unless otherwise specified by the landowner and approved by the Commission.

Table 7 Summary of Potential Project Impacts and Proposed Mitigation measures in the siting application addressed cropland, soil erosion, native prairie, wetland, and tree and shrub impacts and how Tatanka was to address the mitigation measures. Landowners were to be fully compensated through an easement payment for loss of vegetation and crop production. Best management practices for erosion control were implemented during construction to ensure that erosion and sedimentation to adjacent water bodies and wetlands did not occur prior to vegetation becoming reestablished. Native prairie disturbed by construction was to be reseeded with a native



grass seed mixture approved by the ND Department of Game and Fish and the USFWS. Wetlands were to be mitigated according to USACE requirements with wetland impacts on USFWS easement land was replaced to USFWS requirements. Tatanka was to work with NDGFD to replace trees and shrubs.

No evidence in the case file was given that reclamation, fertilization and reseeding occurred according to natural Resource Conservation Service and County Farm Service Agency recommendations. The post construction field inspection verified that reclamation and the appearance of reseeding occurred. Tatanka should provide the Commission evidence of reclamation and reseeding following proper recommendations to complete Order #13.

14. Tatanka's obligations for reclamation and maintenance of the right-of-way shall continue throughout the life of the transmission line.

The siting application stated that regular maintenance and inspections will be performed during the life of the facility to ensure its continued integrity. Periodic inspections would be performed by ground personnel on snowmobile or ATV, or by aerial surveillance. If problems are identified during ROW inspections, repairs would be assigned to construction crews. Landowners would be reimbursed for potential damage to crops incurred during maintenance and repair operations in a manner consistent with the terms of the easement agreement.

The siting application stated that woodlands will be avoided to the extent possible during the construction of the transmission line, and significant tree removal was not anticipated. Some trees and limbs would occasionally need to be removed or trimmed after the transmission is installed to prevent damage to the lines from wind and ice, and to ensure reliable operation. A pile of trees/limbs were identified east of structures #6 & 7 during the post construction field inspection. This pile was east of the ROW. The inspector could not verify they came from the ROW. No other trees or limbs were identified as needing possible removal or trimming along the transmission line. With the construction of the interconnect tap substation in place, any potential fault on the wind farm line would be cleared by a breaker at the new tap, without interfering with the operation of the MDU line.

The facilities generate electromagnetic fields (EMFs) once energized. The EMF level is related to the power carried by the line, the configuration and sag of the conductors, span length, and location of measurement relative to the line. EMF levels are inversely proportional to the distance from the conductors. The effect of EMF exposure on human health has been a matter of public interest and concern over the past several years. The National Institute of Environmental Health Sciences (NIEHS) studied the issue and submitted its final report on June 15, 1999, following six years of intensive research. The report concluded the scientific evidence that extra low frequency EMF exposures pose health risks to humans is weak (NIEHS 1999). There are no discernable health impacts from overhead power lines. The NIEHS was the lead government agency in directing and carrying out a congressionally mandated research program on EMFs. Tatanka stated in their siting application that it would continue to closely monitor this issue and will respond to any new research on EMFs as circumstances require. The closest residence (Davis house) will be far enough away from the transmission line where EMFs should be near background levels.



The post construction field inspection observed weed control within the tap interconnection substation and the collection substation. Weed control was satisfactory. Based on a post construction field inspection, Tatanka's reclamation and maintenance of the right-of way has continued since the facilities have been energized. Order #14 has been followed since the facilities were energized.

15. Trees and other wooded vegetation must be replaced at a rate of two for every one removed along the route. Landowners shall be given the option of having replacement trees/shrubs planted off the right-of-way on the landowners' property or waiving that requirement in writing and allowing Tatanka to plant replacement trees/shrubs elsewhere. Tatanka shall inspect tree replacements once a year for three years and send a report on or shortly before October 1 of 2008, 2009 and 2010 to the Commission documenting work completion and condition of woodlands planting. The Commission may order additional plantings if survival rates are less than 75% of the required ratio of two for one.

In the siting application, if trees were removed during the installation process, Tatanka was committed to working with the North Dakota Game and Fish Department and the U.S. Fish and Wildlife Service to replace trees if the project should result in significant tree loss on public lands (though no such tree loss is anticipated). Trees lost on private property will be replaced in coordination with individual land owners. The Commission established Order #15 as a mitigation measure for trees and other wooded vegetation.

Finding of Fact # 9 (Docket #42) stated that with the exception of the tree row by the Davis house, there was no anticipated significant tree removal as a result of the line. Tatanka did not object to replacing any trees that were removed on a ratio of two to one.

In reviewing the case file, evidence was found that trees or shrubs were removed during the project. Tatanka has not submitted an initial tree mitigation report that describes the trees or shrubs required to be replaced or that the two to one trees/shrubs have been planted. Tatanka should provide this report. Yearly tree replacement inspections and reports are required for three years after the initial planting with additional required if survival rates are less than 75%. The Commission may need to reissue this order if tree planting did not occur in the fall of 2007. Tatanka must provide all documentation for this Order before the Commission can verify completion of Order #15.

16. Tatanka shall provide the Commission with copies of design specifications for construction of the transmission line and associated collection substation showing the location as built.

On June 23, 2008 (Docket #61) Tatanka requested to amend (modify) the route of the transmission line after construction had occurred. The letter provided Exhibits 1, 2, 3 showed that the route proposed in the original route permit application as compared to the as-built route. Table 1 listed the changes on a structure-by-structure basis and specific reasons the changes were



made. Appendix A had the final as-built plan and profile drawings. Final as built drawings were provided for the transmission line.

The siting application (Docket #23) in Section 2.3 explained the size and design as well as the following description of the route: "The North Dakota portion of the line will start in the southwest corner of section 31, emanating from a horizontal dead-end structure just inside the collection substation fence in South Dakota. The line will be situated several feet from the 33-foot township ROW with span lengths of approximately 700 feet. The line will travel north from the collection substation on the east or west side of range line between R66W and R67W approximately ten miles. From here, it will turn east approximately 1.5 miles. The line will then turn north for 2 miles where it will terminate in a new interconnection tap (substation) to an existing MDU transmission line".

In section 2.3.6 of the siting application (Docket #23), design specifications and construction details were given for the general location and a new associated facility for an interconnection tap. The project will require that a tap be constructed at the point of interconnection between the proposed 230 kV transmission line and the existing MDU 230kV system. This tap will be located just south of the connection point of the two lines within Section 5 of Township 130N, Dickey County. The proposed tap was to require up to 5 acres of area for construction of supporting electrical equipment. The siting application (Docket #23) in the Introduction referred to the tap as a substation.

The construction details said: "Tatanka is planning to construct a 230kV tap to accommodate the interconnection of the Tatanka Wind Farm to the MDU 230kV transmission line. An area of land approximately 470 feet by 750 feet will be disturbed to construct a fenced yard, switching station, and a control building. A fenced area of approximately 300 feet by 600 feet will contain the proposed tap equipment. The 230kV equipment within the yard will consist of power circuit breakers and associated disconnect switches and instrument transformers. A bus system on steel structures will link the 230kV equipment and the existing transmission line." Sufficient design specifications were given for the interconnection tap in the application. No as built were found in the case file for the interconnection tap. Tatanka should provide final as built for the interconnection tap (substation) as part of completion of Order # 16

Tatanka provided sufficient design specification in the siting application for the Commission to issue a Route permit, Certificate of site Compatibility, and a Finding of Facts, Conclusion of Law, and Order. No as-built information was provided for the collection substation located in South Dakota. The siting applicant agreed by definition of the Order to provide as-builts of the collection substation. Tatanka should provide an as built site drawing of the collection substation as part of the completion of Order #16.

Tatanka should provide as-built drawings for the interconnection tap, the collection substation, and township ROW approval of transmission structures to complete Order # 16.



17. Tatanka shall work with landowners and residents to mitigate any increase in television and residential radio interference that results from the transmission line.

Based on observations made during the Phase I ESA and field work conducted by Tatanka's consultant, there are 16 farmsteads within the transmission corridor. Seven farmsteads are listed as active and the remaining are vacant. Of the seven active farmsteads, only one is located at almost 500 feet of the proposed route. There are no schools or places of business within the transmission corridor. There is one vacant town hall building within the corridor.

There were no known communications or electronic control facilities within the transmission corridor. However, one communication tower was identified in Section 29 of Township 129N, Range 66W, Dickey County, just east of the proposed corridor (Exhibit 6). The communication tower is an FCC microwave tower, licensed by Basin Electric Power Cooperative (2005 FCC GIS Layer).

Comsearch completed a microwave interference study and worst-case Fresnel Zone calculations for the study area. The study considered 210 transmission line sites in the analysis. No microwave paths were identified to have a potential XY conflict with respect to the proposed transmission line sites. These studies, and findings, are provided in Appendix C of the siting application.

The application stated that no areas in the corridor meet this criterion to have increase television and residential radio interference. Insulators and hardware used on the line were standard design to provide nearly corona free operation, as well as reduce audible noise and radio and television interference. Television and radio interference is possible when a facility has hardware that is not tightened properly on energized lines or faulty materials are used. This is rare with new construction but should be considered once the transmission line is energized if television or residential radio interference occurs.

Following construction, there will also be noise associated with the long term operation of the transmission facility. Electrical transmission lines have the potential to produce noise from corona effects. Corona is a type of localized discharge that results from non-uniform electrical fields. These discharges produce audible noise, radio noise, small amounts of ozone, and corona-related energy loss. The audible noises are generally described as crackling or hissing, and are most noticeable when electrical conductors are wet. Insulators and hardware used on the transmission line will be designed to reduce the effects of corona.

Insulators and hardware used on the transmission line were standard design to provide nearly corona-free operation, as well as reduce audible noise and radio and television interference. The typical suspension structure was configured with three vertical polymer insulators attached to the cross arm and spaced horizontally 19.5' apart.

Tatanka provided the Commission with information indicating that the noise generated from the transmission line. Other siting agencies in the United States have found that the audible noise from a 230 kV line would be between 17 and 45 dBA. The sound level in a bedroom at night is approximately 25 dBA and the sound level of a refrigerator is approximately 40 dBA. No noise was identified during the post construction field inspection.



No record of television or residential radio interference was found in the Commission's case file. Keitu found no radio interference along the transmission and found no interference problems. Order #17 is completed.

18. Tatanka shall work with landowners to determine and implement appropriate damage mitigation measures.

Table 7 of the siting application identified mitigation measures to follow to reduce or eliminate potential project impacts and concerns. Tatanka stated that it acquired all easements necessary to construct the proposed transmission line from landowners within the corridor and route in its siting application. Landowners were to be compensated by Tatanka for the use of these easements. Tatanka was to construct, own, and operate the transmission line, interconnection tap, and collection substation when the project is completed.

Sixteen farmsteads were identified within the transmission corridor. Seven of the farmsteads are active and the remainders are abandoned and no longer operational. The siting application also mentioned that impacts on farming and ranching were anticipated to be relatively small and short term. Families with cropland and ranch land within the proposed transmission line route were to be adequately compensated through easement payments for any losses they incur to their land, crop production, or cattle.

Initially, Tatanka sent out a land agent (landman) to discuss the proposed project and obtain permission to obtain access to landowner's property for preliminary surveys of the proposed route and corridor. Once a proposed route is identified the land agent obtains an easement to construct a facility. After the easement is signed and other proper paperwork and resources are in place, construction can begin. Part of the proper paperwork and resources are mitigation measures to reduce adverse impact. Once construction is complete, the land agent meets with the landowners to identify any damages or concerns that they may have and for Tatanka to repair the damages or compensate for these damages to maintain good landowner relationships. Most easements have a damage clause for damage mitigation measures.

Construction of this project required a storm water pollution prevention plan. This plan spelled out mitigation measures required to be followed by the siting applicant and their contractors. Federal, State, and local agencies issue recommendations to be followed also. These measures were followed. No damage issues were found during the post construction inspection.

Based on the fact that no landowner complaint documentation was found in the case file, Order # 18 has been satisfied.



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

On February 14, 2007 Tatanka submitted a proposed plan and profile drawings (Docket #30, #40) of the Tatanka Wind Farm 230 kV Transmission Line. A proposed reroute (Docket #31) for structures #39-45 was submitted at the same time. Structures 39 through 45 were moved and changed to monopoles to place them as far from a structure owned by Nick Davis as possible while saving trees on the adjacent Barry Holmes property. The reroute was a corrected application issue that 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 (Docket # (Docket #32) item #4.

According to the as-built plan and profile drawings (Docket #61-030) the proposed plan was issued for construction on April 20, 2007. The drawings were reissued for construction three times due to changes on April 30, 2007, August 17, 2007 and September 14, 2007. As built drawings were issued on April 17, 2008. In the weekly progress report of 10/22/07-10/28/07 (Docket #28), Mortenson (general contract), HDR (electrical design routing consultant), Acciona, and Mortenson Subcontractor were continuing to work through a design issue with structure #83. A minimum of 4 changes periods had occurred to construct the transmission line.

On June 23, 2008 the Commission received final as-built plan and profile drawings (Docket #61) for the Tatanka 230 kV Transmission Line. A review of the proposed verse as built of the plan and profile exhibits was conducted by Keitu Engineers and Consultants, Inc. Based on the structure station information and X, Y GIS coordinates of each structure location, every structure location was changed except for structure one. Tatanka had added an additional 3 structures to the transmission line during construction. No record was found in the case file of Tatanka obtaining approval from the Commission or Commission staff prior to any changes in structure locations. Order # 19 was not followed by Tatanka Wind Power, LLC.

Additional route permit modification request by Tatanka was found in Docket #61-020 and Commission staff compliance investigation is found in Docket #62 of the case file.

20. The authorizations granted by the corridor certificate and route permit are subject to modification by order of the Commission if deemed necessary to further protect the public or the environment.

Should the Commission deem necessary in the future to modify the corridor certificate and route permit it can do so if deemed necessary to further protect the public or the environment. The facilities were constructed within the assign corridor certificate. Tatanka Wind Power, LLC relocated and added structures to the transmission line. In reviewing the route permit, the description identified still describes the final route as built. Therefore, no modification to the route permit is required. No other documentation was found in the case file to deem that the Commission should consider modification to the Certificate of Corridor Compatibility (Number 96) and Route Permit (Number 106) of March 21, 2007. No modification to the corridor or route is required due to Order #20.



21. After the corridor and route certificates have been issued and all costs of hearings, publication, and any other related expense have been paid from the application fee, the Commission shall refund all but \$5,000.00 of the remaining application fee. If the balance of the application fee at that time is less than \$5,000.00 the Commission shall retain the entire amount. When construction and reclamation are complete and when the Commission has concluded that Tatanka's tree mitigation project is satisfactory, the remaining balance of the application fee shall be refunded.

On December 31, 2008 an interim refund check in the amount of \$29,089.79, representing a siting application fee interim refund for Case No. PU-06-443 was issued to Tatanka Wind Power, LLC (Docket #64). This check represented a refund of the portion of the siting application fee paid in was less expenditures. An accounting showing original fees paid in the case, expenditures deducted, and amount remaining was attached to the cover letter. Post construction inspection was conducted and resulted in this report. The Commission staff and Tatanka still have some identified items in this report that still need attention including the tree mitigation and reclamation projects to satisfy. The Commission should issue a final refund of the entire remaining balance for the case once all Order items are addressed, a project completion date, and a date energized for the facilities are provided to complete Order # 21.