



# Public Service Commission

## State of North Dakota

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October 26, 2015

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Mr. Greg M. Rice, CPA  
Vice President, Asset Management  
ACCIONA Energy North America Corporation  
333 West Wacker Drive, Suite 1500  
Chicago, IL 60606

### **RE: Post Construction Inspection Follow-up, Case No. PU-06-443 Tatanka Wind Power 230 kV Transmission Line**

Dear Mr. Rice:

Thank you for your April 10, 2014 response to our questions in regards to this project. We find however that two of your responses were not complete and as a result we are requesting further information on these issues.

In our original request, we stated that:

- As built structures #52, 60, 87 and part of the interconnection substation were constructed in NWI wetlands. Tatanka should provide the Commission evidence of approval of the change in these structures to NWI wetlands. (Order Point 5)

The Company responded that it is the US Fish & Wildlife Service's responsibility to update the National Wetlands Inventory. I believe that the Company may have misinterpreted the request. Please refer to the Company's original application and the letter to the Company by the USFWS in Appendix F which states:

"The Service requires that all wetlands under its jurisdiction be avoided during project construction, when possible. Special Use or right-of-way permits will be necessary for any construction resulting in impacts to wetlands protected by easements. The issuance of Special Use or right-of-way permits are subject to the final determination of a refuge compatibility review process. For Dickey and McIntosh Counties, contact Mick Erickson, Project Leader, Kulm Wetland Management District, 1 First Street, SW, P.O. Box E, Kulm, North Dakota 58456, (701-647-2866) to determine the need for permits."

With this in mind, we ask if the Company contacted the USFWS and if so, that the Company provide that response to the Commission. If the Company did not contact the USFWS, please provide documentation demonstrating that there was no need for special use or right-of-way permits. And, if this is not the case, we request that the Company now contact USFWS to correct this oversight.

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Letter requesting additional information

In regards to the second request where we found the Company's response incomplete I stated:

- 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 that these structures could be constructed in the township ROW. (Order Point 5).

The Company responded that they needed to know where these poles were to provide a response. Below is a list of the poles in question:

Pole No.	County	Township	Section	Range
22	Dickey	129N	30	R66W
25	Dickey	129N	19	R66W
37	Dickey	129N	18	R66W
38	Dickey	129N	18	R66W
53	Dickey	129N	6	R66W
59	Dickey	130N	31	R66W
60	McIntosh	130N	36	R67W

The construction report can be found at:

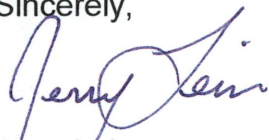
<http://www.psc.nd.gov/database/documents/06-0443/069-010.pdf>

The Commission Order can be found at:

<http://www.psc.nd.gov/database/documents/06-0443/042-001.pdf>

Please forward your response to the Commission requests above within 30 days. If you have any questions regarding this letter, please contact me at 701-328-1035.

Sincerely,



Jerry Lein  
Public Utility Analyst