



Public Service Commission

State of North Dakota

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August 24, 2007

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1707 N. 9th Street
Bismarck, ND 58501-1882

Carrie La Seur
Plains Justice
319 3rd St. NW
Mount Vernon, IA 52314

Re: Commission Case Number PU-06-481 and Commission Case Number PU-06-482
Consideration of Information Not Presented at Hearing

Dear Sirs and Madam:

This letter is to notify you that the Commission will take official notice in the captioned case of Commission Case No. PU-07-607, Application for Public Convenience and Necessity by Otter Tail Corporation. A copy of the filing in Case No. PU-07-607 is included with this letter.

Under N.D.C.C. Section 28-32-25, you are afforded an opportunity, upon written request, to examine the information, present your own information, or cross examine regarding this information.

If you have questions regarding this letter or the case that is the subject of the official notice, please do not hesitate to call, e-mail or write.

Best regards,

A handwritten signature in black ink, appearing to read "Ilona A. Jeffcoat-Sacco". The signature is fluid and cursive, with a large, stylized initial "I" and "A".

Ilona A., Jeffcoat-Sacco
Executive Director
Director, Public Utilities Division

Pfk

Encl: copy of filing in Case No. PU-07-607



Fargo office: 4334 18th Avenue S.W.
Suite 200, P.O. Box 9156
Fargo, ND 58106-9156
Fax: 701-232-4108

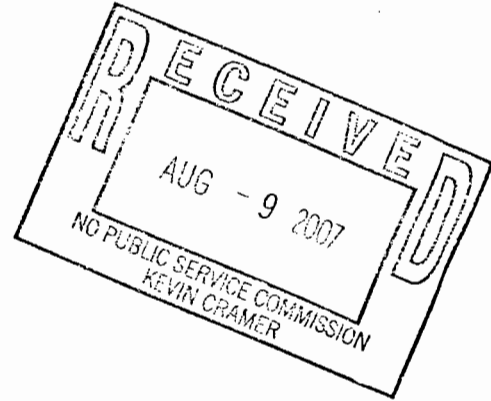
Fergus Falls office: 215 S. Cascade Street
P.O. Box 496
Fergus Falls, MN 56538-0496
Fax: 218-998-3165

1-866-410-8780 • www.ottertail.com

August 8, 2007

Reply to Fergus Falls office
Direct: 218-998-7152

Illona Jeffcoat-Sacco, Executive Secretary
North Dakota Public Service Commission
600 East Boulevard, Dept. 408
Bismarck, ND 58505-0408



**Re: Otter Tail Corporation, d/b/a Otter Tail Power Company
Application for a Certificate of Public Convenience & Necessity**

Dear Ms. Jeffcoat-Sacco:

Enclosed in the above-referenced matter are an original and seven (7) copies of Otter Tail Corporation's, d/b/a Otter Tail Power Company, Application for a Certificate of Public Convenience & Necessity to construct and own a 40.5 MW portion of the 159 MW Langdon Wind Energy Center and associated 34.5 kV collector line and electrical facilities in Cavalier County, referred to in the Application as the "40.5 MW Otter Tail Project."

Sincerely,

Mark Bring
Associate General Counsel
MB/dm

Enclosures

L:\Otter Tail Power\Wind\Langdon\PC&N\lt.cover.PC&N.doc

A. COMMUNICATIONS AND SERVICE

Otter Tail respectfully requests that the following persons be placed on the Commission's official service list for all official communications in this case:

Mark B. Bring
Associate General Counsel
Otter Tail Corporation
215 South Cascade Street
Fergus Falls, MN 56537
Tel. 218-998-7152

Bernadeen Brutlag
Manager, Regulatory Services
Otter Tail Power Company
215 South Cascade Street
Fergus Falls, MN 56537
Tel. 218-739-8289

Al Koeckeritz
Manager, Delivery Projects
Otter Tail Power Company
215 South Cascade Street
Fergus Falls, MN 56537
Tel. 218-739-8416

B. STATUTORY PROVISIONS

The statutory provisions governing the requirement for a public utility to file for and obtain a CPCN are as follows:

49-03-01. Certificate of public convenience and necessity – Secured by electric public utility. No electric public utility henceforth shall begin construction or operation of a public utility plant or system, or of an extension of a plant or system, ...without first obtaining from the commission a certificate that public convenience and necessity require or will require such construction and operation....

49-03-01.1. Limitation on electric transmission and distribution lines, extensions, and service by electric public utilities. No electric public utility henceforth shall ...extend its electric transmission or distribution lines beyond or outside of the corporate limits of any municipality, nor shall it serve any customer where the place to be served is not located within the corporate limits of a municipality, unless and until, after application, such electric public utility has obtained an order from the commission authorizing such extension and service and a certificate that public convenience and necessity require that permission be given to extend such lines and to serve such customer.²

² For the reasons set forth in Otter Tail's December 2, 2003, application for a CPCN in Case No. PU-2805-03-677 at page 3, footnote 1; Otter Tail's July 31, 2003 memoranda cited therein; and Capital Electric Co-op. v. Public Service Commission, 534 N.W.2d 587 (N.D. 1995), Otter Tail respectfully but expressly reserves the right to challenge the Commission's authority under N.D.C.C. Chapter 49-03-01 to require a CPCN application.

**C. APPLICATION FOR A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY**

Otter Tail respectfully submits this Application for a Certificate of Public Convenience and Necessity for the Otter Tail 40.5 MW Project and respectfully requests that the Commission issue a CPCN after a notice of opportunity for hearing is issued in this proceeding, if no party requests a hearing. In support thereof, the Company states as follows:

1. That Applicant's full name and post office address are:

Otter Tail Corporation, d/b/a Otter Tail Power Company
Attn: Mark B. Bring
Associate General Counsel
215 South Cascade Street
Fergus Falls, MN 56537

2. Applicant is a Minnesota corporation duly authorized to do business in the State of North Dakota as a foreign corporation, and is doing business in the State of North Dakota as a public utility subject to the jurisdiction of and regulation by the Commission under N.D.C.C. Title 49, as amended.

3. Applicant's Certificate of Incorporation and Amendments thereto have been previously filed with the Commission. Such Certificate and Amendments are hereby incorporated by reference, as though fully set forth herein.

4. This Application is being made pursuant to the provisions of Chapter 49-03 of the North Dakota Century Code.

The Otter Tail 40.5 MW Project that is the subject of this Application consists of 40.5 MW of wind generation equipment and associated 34.5 kV collector line and electrical facilities. **Attachment 1** is figure 1 from the Siting Application of FPL Energy LLC filed with the Commission on January 22, 2007 depicting the Langdon Wind Energy Center, with the Otter Tail 40.5 MW Project portion and associated 34.5 kV collector line and electrical

facilities to the north in the depiction. **Attachment 2** again depicts by diagram the Langdon Wind Energy Center with the Otter Tail 40.5 MW Project to the north in the diagram. The F2 zone in Attachment 2 contains fifteen 1.5 MW turbines (1 OT to 15 OT), fifteen 1.75 MVA transformers, one grounding transformer, and underground 34.5 kV distribution feeder or system to be owned by Otter Tail. The F3 zone in Attachment 2 contains twelve 1.5 MW turbines (16 OT to 27 OT), twelve 1.75 MVA transformers, one grounding transformer and underground 34.5 kV distribution feeder or system to be owned by Otter Tail. Additional Otter Tail underground 34.5 kV distribution feeder or system is also depicted, stretching south from zones F2 and F3 to reach a substation that will be owned by FPE Energy.

Attachment 3 is a portion of a site plan that more precisely orients the viewer to locations for facilities comprising the Otter Tail 40.5 MW Project.

5. Applicant seeks authorization to construct and own the Otter Tail 40.5 MW Project to fulfill a portion of the additional wind energy generation called for by the Applicant's most recent IRP. The Company is not extending retail service to any new electric customers in connection with the Otter Tail 40.5 MW Project.

6. Applicant is an experienced electric generation, transmission and distribution utility with the expertise and resources to construct and own the Otter Tail 40.5 MW Project. Otter Tail presently serves more than 129,000 retail electric customers in eastern North Dakota, northwestern Minnesota, and northeastern South Dakota.

7. There will be no change to the Applicant's retail electric service area. Otter Tail's retail electric customers will continue to be served by Applicant under applicable tariffs, rules, and regulations on file with the Commission. It is expected that the facilities

that are the subject of this Application will be included in the Applicant's next rate case or in a rate rider filing.

8. Pursuant to N.D.C.C. § 49-22-24, the facilities shall be constructed to comply with the standards of the National Electrical Safety Code.

9. The Commission has indicated it considers ten (10) factors in determining whether to grant a CPCN for a new electric facility.³ Applicant provides the following response to each of these factors:

- *From whom does the customer prefer electric service?*

Not applicable. No customer has requested direct retail service and the Langdon Wind Energy Center site, including the Otter Tail 40.5 MW Project, will be served by an electric cooperative corporation.

- *What electric suppliers are operating in the general area?*

Not applicable. The Otter Tail 40.5 MW Project will not provide direct retail service in competition with any other retail electric suppliers in the area.

- *What electric supply lines exist within a two-mile radius of the location to be served and when were they constructed?*

Not applicable. The Otter Tail 40.5 MW Project will not provide direct retail service.

- *What customers are served by electric suppliers within at least a two-mile radius of the location to be served?*

Not applicable. The Otter Tail 40.5 MW Project will not provide direct retail service.

³ See testimony of Jerry Lein of the Commission staff, presented to the Interim Electric Industry Competition Committee, April 24, 2000.

- *What are the differences, if any, between the electric suppliers available to serve the area with respect to reliability of service?*

Not applicable. The Otter Tail 40.5 MW Project will not provide direct retail service.

- *Which of the available electric suppliers will be able to serve the location in question more economically and still earn an adequate return on its investment?*

Not applicable. The Otter Tail 40.5 MW Project will not extend the Company's retail electric service. However, construction and ownership of the Otter Tail 40.5 MW Project will fulfill a portion of the additional wind energy generation called for by the Applicant's most recent IRP.

- *Would approval of the application result in wasteful duplication of investment or services?*

No.

- *Is it probable that the location in question will be included within the corporate limits of a municipality within the foreseeable future?*

No. The Otter Tail 40.5 MW Project is well outside the corporate limits of any municipality.

- *Will the service by either of the electric suppliers in the area unreasonably interfere with the service or system of the other?*

Not applicable. The Otter Tail 40.5 MW Project does not extend, and will not provide, retail electric service.

As indicated here, most of the ten criteria typically used by the Commission to review a CPCN application are inapplicable, and the Otter Tail 40.5 MW Project satisfies the few remaining criteria.

10. Applicant believes it is in the public interest that Applicant be granted a Certificate of Public Convenience and Necessity for the authority it requests herein, and that public convenience and necessity require or will require such construction and operation. Pursuant to N.D.C.C. § 49-03-02, Otter Tail requests the Commission grant the requested Application not more than 20 days after a notice of opportunity for hearing is issued in this proceeding, if no party requests a hearing. **Attachment 4** provides a form of Notice of Opportunity for Hearing for the convenience of the Commission and staff.

11. Supporting Documents

As described in more detail above, the following attachments enclosed with this Application are required by N.D.C.C. § 49-03-01, et seq.

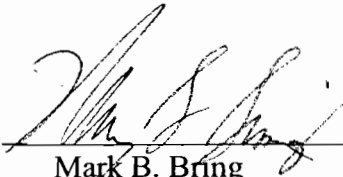
<u>Attachment</u>	<u>Description</u>
1	Figure 1 of FPL Energy Siting Application in Case No. PU-07-26
2	Langdon Wind Energy Center Collector System Diagram
3	Site Plan with Otter Tail 40.5 MW Project Facility Locations
4	Form of Notice of Opportunity for Hearing

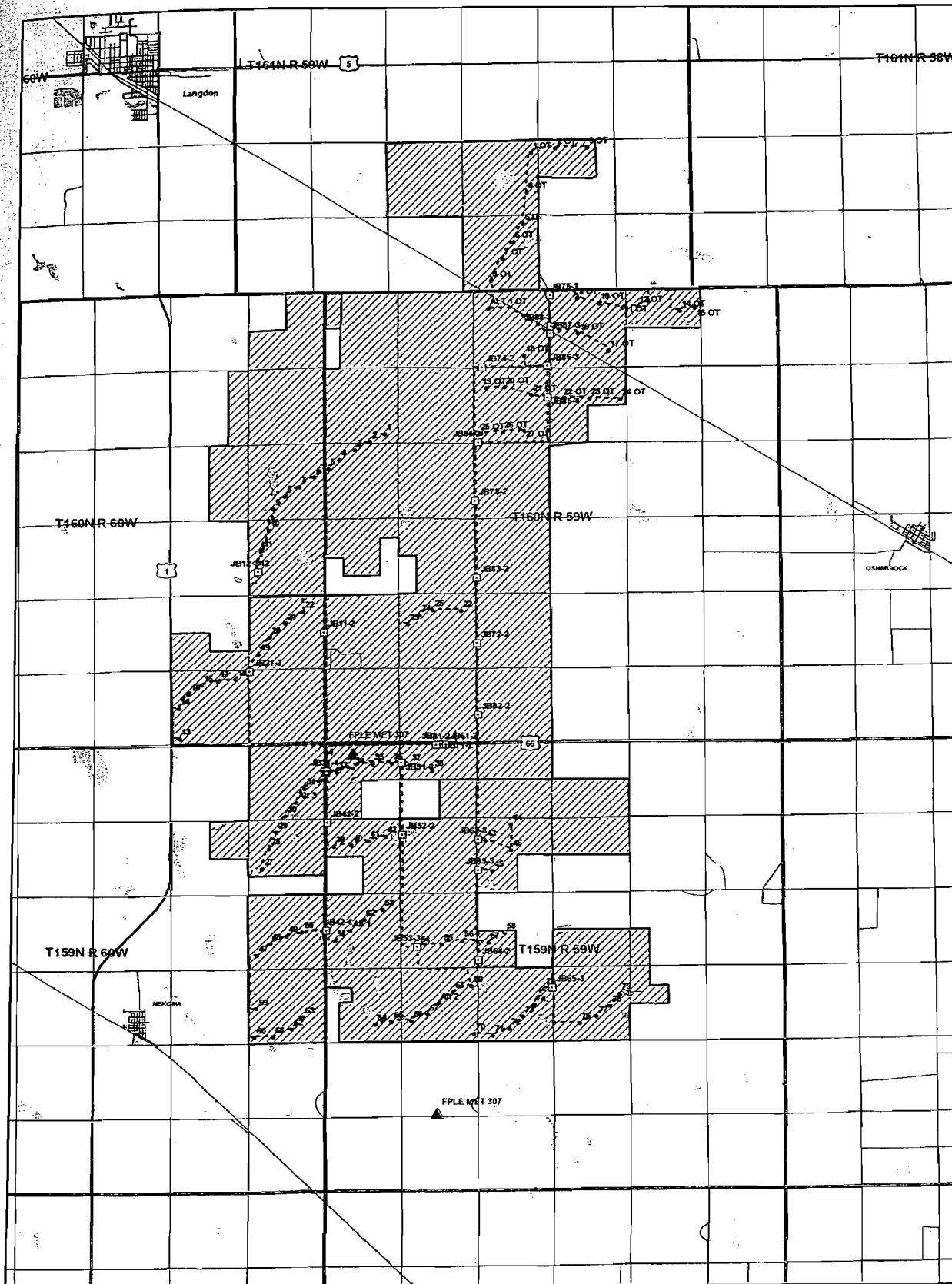
WHEREFORE, Applicant respectfully requests that the Commission:

1. Enter an Order and issue a Certificate of Public Convenience and Necessity authorizing the Applicant to construct and own the Otter Tail 40.5 MW Project, as described herein; and
2. Grant such other relief as the Commission shall deem appropriate.

Dated: 8/8/2007

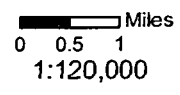
OTTER TAIL CORPORATION,
d/b/a Otter Tail Power Company

By: 
Mark B. Bring
Associate General Counsel
Otter Tail Corporation

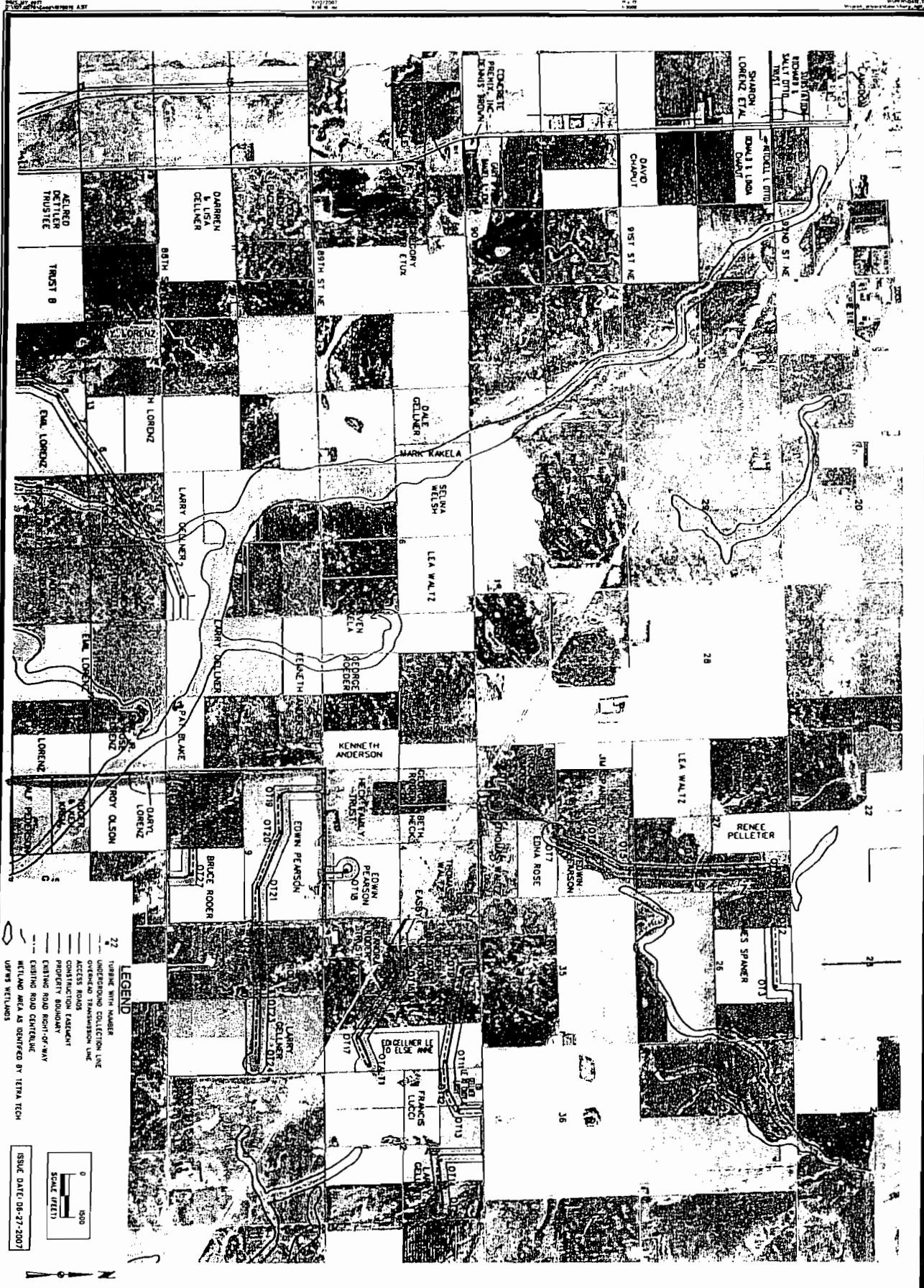


Legend

- Proposed Turbine Locations
- ▲ MET (Meteorological Tower)
- Collection Junction Box
- ▨ Approximate Project Area
- Public Land Survey System (PLSS) Township Section Range
- ▤ Ponds/Lakes
- Collection Lines
- Highways
- County Roads
- Railroads
- Streams/Rivers



**Figure 1. Project Vicinity
Langdon Wind Energy Center
Langdon Wind, LLC
Cavalier County, North Dakota**



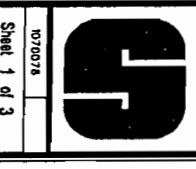
Feeder F2 - Towers OT1 - OT15
Feeder F3 - Towers OT16 - OT27

LEGEND

- 72 TOWER WITH NUMBER
- UNDERGROUND COLLECTION LINE
- OVERHEAD TRANSMISSION LINE
- ACCESS ROADS
- CONSTRUCTION EASEMENT
- PROPERTY BOUNDARY
- EXISTING ROAD RIGHT-OF-WAY
- EXISTING ROAD CENTERLINE
- WETLAND AREA AS DETERMINED BY TERPA TECH

0 500 1000
SCALE (FEET)

ISSUE DATE: 08-27-2007



FPL - LANGDON, ND
PRELIMINARY SITE PLAN

CAVALIER COUNTY, NORTH DAKOTA

SNYDER & ASSOCIATES

1751 MADISON AVENUE
COUNCIL BLUFFS, IOWA 51503
712-322-3202

ATLANTIC, IA 712-343-4800
CEDAR RAPIDS, IA 815-884-2333
915-360-0064

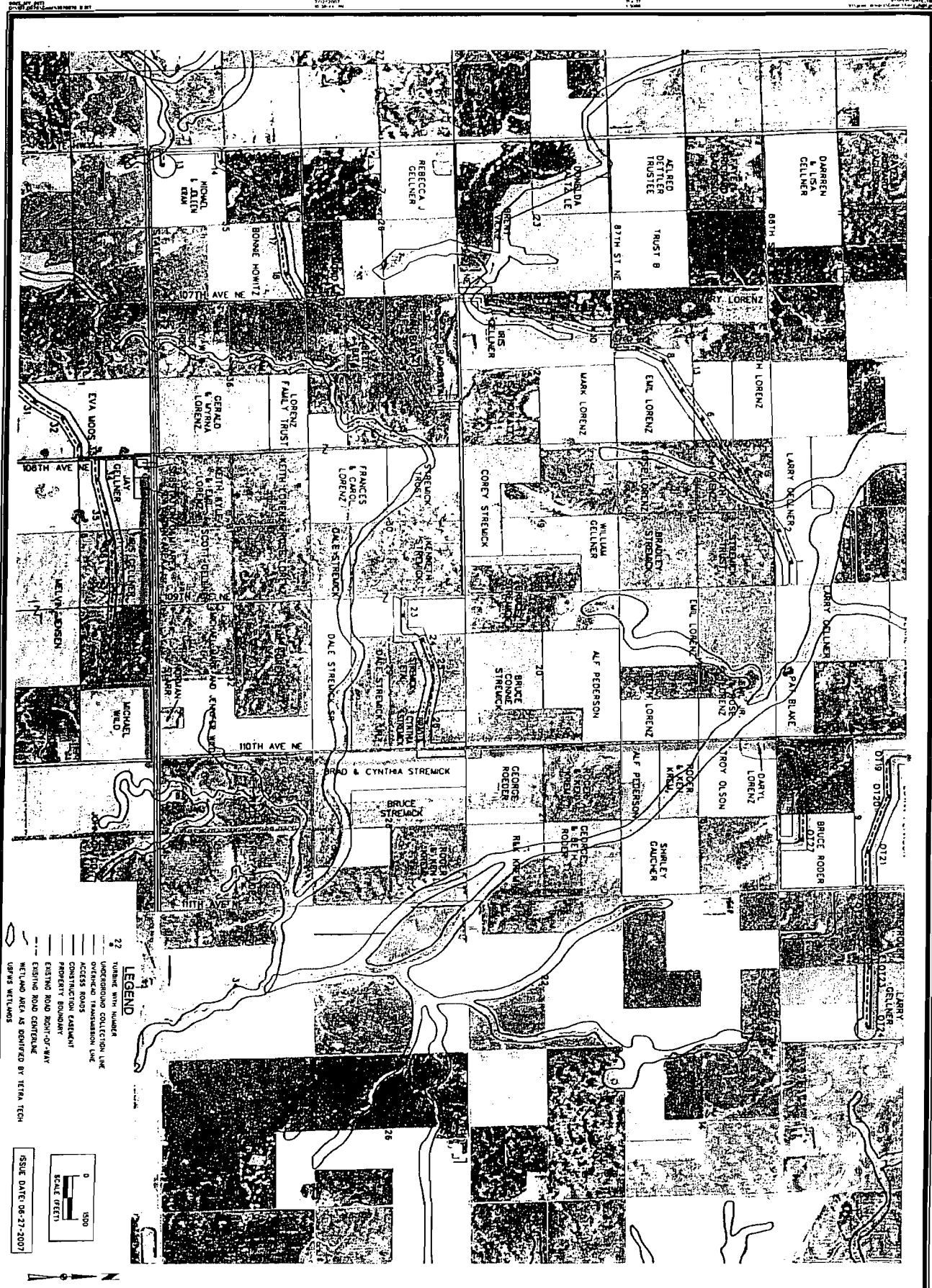
MARSHVILLE, ND 800-481-8888
ST. JOSEPH, MO 816-284-8222

NO.	REVISION	DATE	BY
3	RE PLANNED FIELD SURVEY'S	6/27/07	DR
4	LINCOLNWAY FROM QUINCY'S ALONG T LINE	5/29/07	DR
1	FRANCIS'S HOUSE & COLLECTION RELOCATED	5/14/07	DR
2	COMPLETED PERMITting DONE NAME IN SEC 34-40-26	04/18/07	DR

Engineer: JWK Checked By: MCG Scale: 1" = 1500'
 Surveyor: DW Date: 02-07-07 Plot No: Pp
 Project No: 1070076
 File No:

Sheet 1 of 3

07/07/07
Sheet 1 of 3



LEGEND

- 27 TURBINE WITH NUMBER
- UNDERGROUND COLLECTION LINE
- OVERHEAD TRANSMISSION LINE
- ACCESS ROADS
- CONSTRUCTION EASEMENT
- PROPERTY BOUNDARY
- EXISTING ROAD RIGHT-OF-WAY
- EXISTING ROAD CENTERLINE
- WETLAND AREA AS DETERMINED BY TETRA TECH
- UPR-83 VERT. 1003

SCALE (FEET)

0 1500

ISSUE DATE: 06-27-2007

FPL

1070076

Sheet 2 of 3

FPL - LANGDON, ND

PRELIMINARY SITE PLAN

CAVALIER COUNTY, NORTH DAKOTA

SNYDER & ASSOCIATES

1751 MADISON AVENUE
COUNCIL BLUFFS, IOWA 51503
712-322-3202

ATLANTIC, IA
712-343-0551

ARIZONA, IA
648-844-2225

MARYVILLE, MO
816-332-6244

ANNEX, IA
648-844-2225

KEOKUK, IA
319-352-6244

6	RENAME RED TURBINES	6/27/07	DW
5	MOVED T-LINE OUTSIDE ROW IN SEC 26-160-40	5/31/07	DW
4	LANDOWNER NAME CHANGES ALONG T-LINE	5/29/07	DW
3	TURBINE S, ROADS & COLLECTION RELOCATED	5/24/07	DW
2	REVISED	DATE	BY
1	DATE	BY	

Engineer: J.W.K. Checked By: MGG Scale: 1"=1600'
 Draftsman: DW Date: 02-07-07 Plot Date:
 Project No: 1070076
 File No:

Sheet 2 of 3

Feeder F2

*Proposed Form
Notice of Opportunity for Hearing*

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Otter Tail Corporation, d/b/a
Otter Tail Power Company,
Application for a Certificate of
Public Convenience and Necessity**

Case No. PU-_____

NOTICE OF OPPORTUNITY FOR HEARING

_____, 2007

On _____, 2007, Otter Tail submitted an application for a Certificate of Public Convenience and Necessity for the Otter Tail 40.5 MW Project. Otter Tail states that issuance of a CPCN would serve the public interest. Otter Tail is a public utility under Title 49 of the North Dakota Century Code, headquartered at 215 South Cascade Street, Fergus Falls, Minnesota.

The issues to be considered in this matter are:

1. Fitness and ability of the applicant to provide service;
2. Adequacy of the proposed service;
3. Technical, financial and managerial ability of the applicant to provide service.

Those interested are invited to comment on this application in writing. Persons desiring a hearing must file a written request identifying their interest in the proceeding and the reasons for requesting a hearing. Comments and requests for hearing must be received by **[insert date]**. If deemed appropriate, the Commission can determine the matter without a hearing.

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-224-2400, or Relay North Dakota 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or braille materials please notify Illona Jeffcoat-Sacco, Executive Secretary.

PUBLIC SERVICE COMMISSION

**Anthony T. Clark
Commissioner**

**Susan E. Wefald
President**

**Kevin Cramer
Commissioner**