

January 31, 2007

Mr. Jeffrey L. Metzger, President
Just Wind – Wind Farm Development
2470 Fairview Lane
Mound MN 55364

Re. Wind Farm Siting Application, Case No. PU-07-54.

Dear Mr. Metzger:

Thank you for your letter and filing fee received November 15, 2007. We apologize for the delay in responding. As we have discussed over the phone, staff is willing to recommend that the Commission consider the ten-year plan you filed last summer in Case No. PU-07-442 to be an application for a certificate of site compatibility. Please note that although accepted as a ten-year plan, this filing was not a properly formatted ten-year plan so you may want to review the Commission's ten-year plan guidelines prior to filing your annual 2008 ten-year plan. Please let us know if you have any questions in this regard.

North Dakota Century Code section 49-22-08(5) provides that after deeming an application complete the Commission has six months to act on it. However, at this time I am unable to recommend that the Commission deem your siting filing a complete application. As submitted, the format makes it difficult to determine to what extent the required information has been included. Therefore, please review the enclosed copy of the Commission's application guidelines and provide a line-by-line reference showing where in the application each of the items required in the guidelines for a certificate of site compatibility application can be found. Once we have this information, we may require additional information before the application can be deemed complete. Note that the guideline requirements for mylar maps and stereo air photos may be waived upon request.

Section 49-22-08(2) further provides that after deeming an application complete the Commission shall serve notice on other agencies. In the past applicants have found it advantageous to provide brief project descriptions to other relevant federal, state and local agencies to identify and address any concerns or suggestions those agencies may have early in the process, but no later than prior to the public hearing. Other applicants have provided copies of the inquiries sent and any responses received in an appendix to their application. The Commission has found this information very helpful.

On page 6 of your application you requested confidential treatment of information in figure 14. Such treatment cannot be granted without following the Commission's rules on trade secret protection under chapter 69-02-09 of the N.D. Administrative Code. This process requires a formal application and

approval with a formal Commission order. A copy of the rule is available on line at <http://www.legis.nd.gov/information/acdata/pdf/69-02-09.pdf>

Additionally, staff's initial review indicates the following further information is needed:

1. It appears this application is intended for Phase I of the project only. Is it Just wind's intent to make additional applications to permit future project phases at a later time?
2. Please provide a written description of whether, and if so where, any of the exclusion and avoidance areas identified in North Dakota Administrative Code section 69-06-08-01 are found within the proposed permit area, complete with maps or references to existing maps and an explanation of how any impact will be avoided.
3. Please provide detailed drawings describing the wind farm and collector station(s) interconnection with the regional transmission grid, including substation and line voltages.
4. Please provide a progress report and copy, when available, of the WAPA Environmental Impact Statement referenced on page 6 of the application. Is the interconnection with WAPA?
5. What minimum buffer distance is being proposed from each wildlife management area within the proposed project area? Please provide copies of any correspondence from N.D. Game and Fish Department and U.S. Fish and Wildlife Service prescribing or accepting each proposed buffer distance.
6. What avian studies have been completed and where are the "section 16" results referenced in the first paragraph of page 24 of your application?
7. What minimum setbacks from homes are required under the Logan County Zoning Ordinance and what minimum setbacks are being proposed?
8. Who will operate the wind farm? Mitsubishi? See application page 4.
9. Please provide a list indicating the status of all required permits, licenses and time frames.
10. Has the State Historical Preservation Office reviewed the project? What cultural resource studies have been completed? Please provide documentation.
11. Please provide a larger scale map with more exact representation of proposed turbine locations along with an indication of when surveyed locations are expected to be available.

I am enclosing a CD with electronic copies of previous applications that I hope you will find helpful. Please don't hesitate to contact me if you have questions or if I can be of further assistance.

Sincerely,

Jerry Lein
Public Utility Analyst

Enc: Application Guidelines
Compact Disc

