



# Public Service Commission

## State of North Dakota

---

### COMMISSIONERS

Kevin Cramer  
Tony Clark  
Brian P. Kalk

Executive Secretary  
Darrell Nitschke

600 E. Boulevard Ave. Dept 408  
Bismarck, North Dakota 58505-0480  
Web: [www.nd.gov/psc](http://www.nd.gov/psc)  
E-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
Phone 701-328-2400  
Toll Free 1-877-245-6685  
Fax 701-328-2410  
TDD 800-366-6888 or 711

January 27, 2010

Just Wind, LLC  
Attn: Don Metzger, Director of Development  
500 Lake Street, Suite #203  
Excelsior, MN 55331

RE: Case No. PU-07-54

Dear Mr. Metzger:

Thank you for your letter received January 22, 2010. The Commission discussed your letter at its January 27, 2010 meeting and concluded that yes, it is permissible to start construction prior to the completion of the Habitat Conservation Plan and the receipt of the Incidental Take Permit from USFWS.

This letter does not reduce any obligation that Just Wind may have to complete a Habitat Conservation Plan or to avoid and minimize impacts to federally protected species during construction and operation of the wind farm. The Commissioners also reiterated that Just Wind maintains any liability for a taking, should one occur, while these items are pending.

Sincerely,

Annette Bendish  
Legal Counsel