



Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Brian P. Kalk

Executive Secretary
Darrell Nitschke

October 27, 2015

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

Mr. Brian Duncan
Director, Business Management – Midwest Region
Oliver, Langdon, Baldwin and Ashtabula Wind, LLC
700 Universe Blvd.
Juno Beach, FL 33408-2683

RE: Post Construction Inspection & Tree & Shrub Mitigation Issues, Case Nos. PU-06-312, PU-08-032, PU-08-073 and PU-09-668

Dear Mr. Duncan:

The North Dakota Public Service Commission retained a third-party vendor to conduct post construction inspections under the authority provided in the above referenced cases. The Commission has previously requested that the Company provide additional information as noted in the inspection reports to complete its records in cases PU-08-032 and PU-08-073. Additionally, the Commission finds the Company needs to provide further reports on tree and shrub mitigation for the above noted cases. Below we discuss the list items needed for each case.

PU-06-312

We appreciate the Company's efforts to comply with the Commission's tree and shrub mitigation requirements. The Company submitted a mitigation plan for this project in 2011 and reports on the mitigation from 2012 through 2014. However, because the Company replanted trees in 2012, the Commission requests a 2015 survival report to ensure that at least 155 trees have survived three years from the last planting.

PU-08-032

The following documentation still needs to be provided to the Commission based on the post construction inspection report:

- Clarification of reseeding seed mix. Looks like non-native species were used rather than native species as proposed. (Order Points 13 and 21) Please provide updated information as to the types of plants that are growing currently and what reseeding options if any, may be needed.
- The following wildlife protection measures should be implemented or explained why they should not be implemented: 1) bird diverters on the transmission line, and 3) bird deterrents on MET towers. (Order Points 4 and 9) Please provide an update on these measures.

- Provide documentation of the NDPES and NDDOT Permits if needed. (Order Point 4). Please provide copies of these permits or explain why they were not needed.
- Provide documentation of the pre-construction conference and notice of intent to start construction. (Order Points 5 and 6). These are required as per the Commission's Certification to Ordering Provisions that the Company signed. If a pre-construction conference was not held please inform the Commission of such.
- Provide documentation of SHPO concurrence. (Order Points 4 and 10)
- Verification of setbacks for an occupied structure in the NE ¼ of the SE ¼ of Section 28, T143N, R57W, about 1300 feet west of Turbine 14 and an occupied structure in the SW ¼ of the SE ¼ of Section 9, T142N, R57W, about 1200ft southeast from Turbine 76 and about 1160ft southeast from Turbine 75. There is no evidence of agreements with the landowners filed. (Order Point 4) Please provide this documentation.

The construction report can be found at:

<http://www.psc.nd.gov/database/documents/08-0032/322-020.pdf>

The Commission Order can be found at:

<http://www.psc.nd.gov/database/documents/08-0032/027-020.pdf>

Again, we appreciate the Company's efforts to comply with the Commission's tree and shrub mitigation requirements. The Company submitted a mitigation plan for this project in 2011 and reports in 2012 through 2014. However, because the Company replanted in 2013, we will need additional reports in 2015 and 2016 to ensure that 444 trees are surviving after three years of monitoring from each planting.

PU-08-073

The following documentation still needs to be provided to the Commission:

- A copy of the ND Department of Transportation Utility Permit (Order Point 5). Please provide a copy of the permit or explain why the permit was not necessary.
- Confirmation that no TV or radio interference occurred. (Order Point 17). Either provide copies of public comments that the Company has received regarding the project or state that no comments were received.
- Provide documentation of the pre-construction conference and notice of intent to start construction. (Order Points 4 and 6) or state that no conference was held.

The construction report can be found at:

<http://www.psc.nd.gov/database/documents/08-0073/042-020.pdf>

The Commission Order can be found at:

<http://www.psc.nd.gov/database/documents/08-0073/023-010.pdf>

PU-09-668

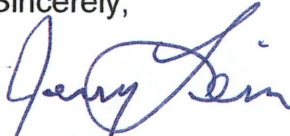
The Company submitted a tree and shrub mitigation plan for this project in 2011 and reports in 2012 through 2014. However, because the Company replanted trees in both 2013 and 2014, the Commission will need additional reports in 2015 through 2017 to ensure that 309 trees are surviving after three years of monitoring of each planting.

Page 3
Mr. Brian Duncan
October 27, 2015

Please forward your responses within 30 days.

If you have any questions regarding this letter, please contact me at 701-328-1035.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jerry Lein". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Jerry Lein
Public Utility Analyst