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July 15, 2019

Via Hand Delivery and E-mail

Steven Kahl
Executive Director
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480

E-mail: ndpsc@nd.gov

In re: Ashtabula I Repower
Case Nos. PU-08-32 & PU-09-53
Our File No. 035218-000052

Dear Mr. Kahl:

On behalf of Ashtabula Wind, LLC (“Ashtabula Wind”), enclosed for filing in the above-referenced matters, are eight copies of the following:

- Certification Relating to N.D.C.C. § 49-22-03(3)(a) with accompanying
 - Exhibit 1 - Project Summary
 - Exhibit 2 - Noise and Shadow Flicker Waivers.

North Dakota Century Code section 49-22-03(3) governs the statutory certification procedure that provides for an exemption from the siting process for certain activities, including activities for facility improvements and increases in capacity of the existing facilities. *See* N.D.C.C. § 49-22-03(3)(a)(3)-(4). The enclosed filing is for a certification, pursuant to N.D.C.C. § 49-22-03(3)(a), to improve the Ashtabula Wind Energy Center (“Ashtabula I WEC”) by extending the life of existing turbines. As part of the improvement, new gearboxes and rotors will be installed on existing turbines which will increase the generating capacity of the Ashtabula I WEC from 148.5 megawatts (“MW”) to 160.4 MW.

A full discussion of the Ashtabula I WEC’s procedural history is contained in the attached Certification; however, on April 13, 2009, the Commission issued First Amended Certificate of Site Compatibility No. 7 to Ashtabula Wind which authorized a transfer of 48 MW of the previously sited 200 MW Ashtabula WEC (PU-09-53, Docket No.11). Activities described in the Certification will increase the nameplate capacity of the Ashtabula I WEC greater than the

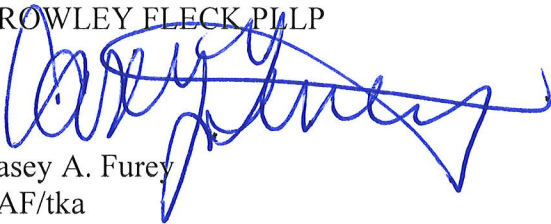
capacity designated in First Amended Certificate of Site Compatibility No. 7. Because the certification procedures set forth in N.D.C.C. § 49-22-03(3) expressly contemplate and authorize activities that result in increases to facility capacity, Ashtabula Wind does not believe that the order and/or Certificate needs to be amended. *See, e.g.*, PU-18-186, Docket No. 2 (Langdon Wind, LLC's filing discussing statutory certification procedures). However, in consideration of the procedure previously utilized by the Commission for a similar certification filing (*see* PU-18-186, Langdon Wind, LLC), Ashtabula Wind respectfully requests as follows:

- 1) The Commission issue notice of opportunity for hearing narrowly tailored to the specific issue of removing the designated capacity threshold contained in Ashtabula Wind's First Amended Certificate of Site Compatibility No. 7; and,
- 2) The Commission reissue the Certificate to Ashtabula Wind, LLC, and omit any designation of a specific megawatt threshold for the Ashtabula I WEC (similar to the order and certificate issued in PU-18-186, Docket No. 17).

Please feel free to contact me with any questions.

Sincerely,

CROWLEY FLECK PLLP


Casey A. Furey
CAF/tka

Enc.

cc: Tracy Davis (via email)
Jerry Lein (via email)