

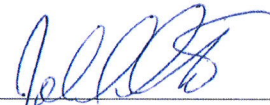


5. Pursuant to N.D.C.C. § 49-22-03(3)(a), Ashtabula Wind proposes to improve its turbines at the Ashtabula I WEC by extending the life of these turbines by at least ten years (the "Project"). See Finding of Fact No. 33 in PU-08-32 Order ("Retrofitting the turbines and power systems with upgrades based on new technology may allow the wind farm to produce efficiently and successfully for many more years."). The improvements are proper under, and within the scope of, N.D.C.C. § 49-22-03(3)(a). Attached to this Certification as Exhibit 1 and incorporated herein is a summary of the Project ("Project Summary").
6. The Project will include the addition of new gearboxes and rotors (*i.e.*, blade assembly), which will improve turbine performance, operations, and maintenance. The Project will have minimal surface and operational impacts, as existing turbine locations, towers, nacelles, roads, electric collection systems, substations, the operations and maintenance building, and the meteorological tower will remain unchanged. The Project will utilize existing roads and temporary work spaces previously used during the construction process, such as turning radii, crane paths, and the laydown yard. Temporary work spaces will be returned to existing land uses.
7. The Project will consist of upgrades to improve the 99 1.5 MW turbines, which will increase the nameplate capacity of the existing turbines from 1.5 MW to 1.62 MW. Thus, the nameplate generation of the 99 turbines owned by Ashtabula Wind will increase from 148.5 MW to 160.4 MW. See N.D.C.C. §§ 49-22-03(3)(a)(3)(c)-(d), 49-22-03(3)(a)(4)(b)(3)-(4) (certification procedure permitting activities to improve and to increase the capacity of electric energy conversion facilities). However, per existing commercial agreements, Ashtabula Wind will cap the output of the Ashtabula I WEC to 148.5 MW.
8. The rotor hub height of the turbines will remain 80 meters ( $\pm 262.5$  feet); however, the installation of new blades will increase the rotor diameter from 77 meters ( $\pm 252.6$  feet) to 91 meters ( $\pm 298.6$  feet). Ashtabula Wind sited turbines at least 1,400 feet from occupied residences, see PU-08-032, Order, Finding of Fact No. 27, with the exception of three turbines that were constructed within 1,400 feet from two participating landowners who executed waivers prior to Ashtabula I WEC construction. Although the Project will increase the wind turbine rotor diameters, all other turbines (with the exception of these three) will remain at least 1,400 feet from occupied residences.

9. Ashtabula Wind conducted a new sound level assessment and also completed a voluntary shadow flicker assessment, based on current industry standards of over 30 hours per year at inhabited residences and community buildings (collectively, a “receptor”). See Exhibit 1. There are four participating receptors that may experience sound levels over 50 dBA, with the highest predicted sound level to be 51.9 dBA. There are a three participating receptors that may experience over 30 hours per year of shadow flicker, with the highest level of shadow flicker predicted to be 46 hours per year. In order to ensure neighboring landowners were fully informed regarding the Project, Ashtabula Wind has obtained waivers from landowners for which modeled sound levels were over 50 dBA or for which predicted shadow flicker exceeded 30 hours per year. Copies of these waivers are attached hereto as Exhibit 2.
10. The Project was re-evaluated for potential impacts to known Exclusion and Avoidance Areas as described in the 2008 Order.
11. Ashtabula Wind proposes to complete the Project within previously used construction easements. For due diligence purposes, Ashtabula Wind restudied cultural resources by completing a Class I Literature Review and a Class III Intensive Survey in in these areas and submitted the cultural resource findings to the State Historical Society of North Dakota (SHSND) for review on July 1, 2019. The results of the re-study demonstrate there will be no impacts to cultural resources that were determined to be eligible or remain unevaluated for the National Register of Historic Places. A recommendation of *No Historic Properties Effected* was submitted to the SHSND for the Project. Ashtabula Wind will file the SHSND’s concurrence regarding the Project as soon as it is received.
12. There will be no permanent impacts to wetlands or waterbodies resulting from activities associated with the Project. The Project will utilize previously disturbed construction areas, and therefore temporary impacts to wetlands from Project construction activities will be minimal and consistent with the initial construction of the Ashtabula I WEC as originally authorized by the Commission. Any minimal temporary impacts will be restored following Project construction.
13. In November 2014, after the Commission’s siting approval of the Ashtabula I WEC, the United States Fish and Wildlife Service (“USFWS”) listed the Dakota skipper butterfly (*Hesperia dacotae*) threatened under the Endangered Species Act. However, there is no critical Dakota skipper habitat present in Barnes County (80 FR 59247-59384), and Ashtabula I WEC facilities are sited primarily in agricultural cropland. Further, the Project will utilize existing infrastructure and previously disturbed construction areas, and conduct construction outside of the butterfly’s flight period, resulting in only minimal temporary disturbances. Thus, no impacts to Dakota skipper are anticipated.

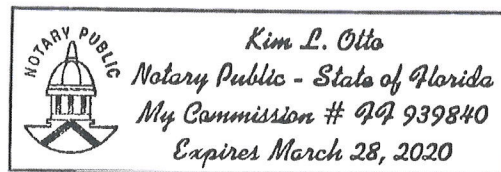
14. In April 2015, following the Commission's siting approval of the Ashtabula I WEC, the USFWS listed the northern long-eared bat (*Myotis septentrionalis*) as threatened under the Endangered Species Act. The Ashtabula I WEC is within the geographic range of the northern long-eared bat, but does not contain federally designated critical habitat. Since operations began, no northern long-eared bats have been reported through the Wildlife Resource Reporting System ("WRRS"), and adverse impacts to northern long-eared bats are not anticipated from the Project. Ashtabula Wind will continue to implement the WRRS, as described in the Commission Orders previously issued for the Ashtabula I WEC.
15. Ashtabula Wind is in the process of notifying surrounding landowners of the Project. No additional landowner easements were required to complete the Project. Ashtabula Wind is currently negotiating landowner agreements for temporary turning radii, which will be returned to existing land uses upon completion.
16. Ashtabula Wind has communicated with Barnes County, and all existing permits and road use agreements remain applicable.
17. Ashtabula Wind will obtain all necessary permits from the North Dakota State Water Commission prior to engaging in construction activity for which permits may be required.
18. Ashtabula Wind submitted Form 7460-1 to the Federal Aviation Administration ("FAA") for each wind turbine to determine whether the Project layout and lighting will impact navigable airspace or communications technology used in aviation operations. The FAA issued Determinations of No Hazard for the Project on July 3, 2019.
19. During construction of the Project, Ashtabula Wind will install lights at the Ashtabula I WEC to enable the future installation of light-mitigating technology, consistent with N.D.C.C. § 49-22-16.4 and N.D. Admin. Code ch. 69-06-11 and subject to the receipt of necessary approvals from the FAA.
20. As part of the financing associated with the improvements, Ashtabula Wind expects to transfer the Ashtabula I WEC assets and existing certificate to a new project company that will continue to be an indirect, wholly owned subsidiary of NextEra Energy Resources, LLC. Ashtabula Wind will file a separate application for the transfer of the site certificate with the Commission.
21. Project construction will occur wholly within the geographic location for which Ashtabula Wind previously obtained a site certificate. See N.D.C.C. §§ 49-22-03(3)(a)(1), 49-22-03(3)(a)(1)(a).

22. Construction of the Project is for the same type of facilities as approved in the Commission's Order issuing Certificate of Site Compatibility No. 7, as amended. *See* N.D.C.C. § 49-22-03(3)(a)(1).
23. Activities associated with the Project will not affect known Exclusion or Avoidance Areas set forth in N.D. Admin. Code § 69-06-08-01(2008), existing at the time of order issuance. *See* N.D.C.C. §§ 49-22-03(3)(a)(2), 49-22-03(3)(a)(4)(a).
24. Ashtabula Wind will continue to comply with all applicable conditions and protections in the siting laws and rules and Commission Orders previously issued for the Ashtabula I WEC. *See* N.D.C.C. § 49-22-03(3)(a)(4)(c).
25. Ashtabula Wind anticipates initiating construction on the Project by mid-August 2019.

  
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 John Di Donato  
 Vice President Development &  
 Origination  
 Ashtabula Wind, LLC

STATE OF FLORIDA                    )  
   ) ss.  
 COUNTY OF PALM BEACH        )

On this 12 day of July, 2019, before me personally appeared John Di Donato, known to me to be the Vice President Development & Origination of the limited liability company that is described in and that executed the within instrument, and acknowledged to me that such limited liability company executed the same.



  
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 Notary Public