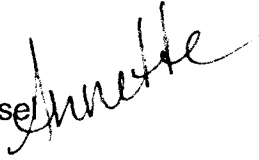


MEMORANDUM

TO: File; Case No. PU-08-34

FROM: Annette Bendish, Legal Counsel



DATE August 7, 2009

RE: Ex parte communication

Commissioner Cramer and I spoke to Senator Tim Mathern from Fargo on the telephone on Friday, August 7, 2009 regarding the M-Power/Next Era Energy wind farm project in Griggs and Steel County near LuVerne, ND; Case No. PU-08-34.

Senator Mathern had filed a petition for reconsideration in the matter and was calling to support his proposition that the Commission should reconsider certain towers in the Northwest part of the site area. Commissioner Cramer explained that this is a pending case and that the conversation would be considered an ex parte communication. Commissioner Cramer and Senator Mathern discussed the siting process and the existing siting criteria that relate to setbacks. Senator Mathern encouraged Commissioner Cramer to stay construction of the portion of the project that is of concern to certain landowners or to rescind the siting of the turbines that are at issue.