STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

IN DISTRICT COURT

SOUTHWEST JUDICIAL DISTRICT

CIVIL NO. 08-08-C-1474

RES Americas, Inc. PEAKWIND Development LLC, and Burchill Farms Incorporated ,
Appellants,

vs.

Public Service Commission and Minnkota Power Cooperative, Inc.,
Appellees.

AFFIDAVIT OF SERVICE

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF MORTON)

MELISSA K SCHNEIDER, being first duly sworn, on oath, deposes and says: That she is a citizen of the United States, over the age of eighteen and not a party to the above-entitled action.

That on the 25 day of September, 2008, this affiant served by depositing in the United States Post Office at Mandan, North Dakota, a true and correct copy of the following document(s) in the above captioned action:

1. ***Reply Brief with Exhibits 1 and 2***
2. ***Appellants (Motion) and Brief for Leave to Offer Additional Documents with Exhibits 1, 2 and 3***
3. ***Notice of Motion Pursuant to Rule 3.2 of North Dakota Local Rules of Court***
4. **Proposed *Order Admitting Additional Evidence***

That a copy of the above document(s) was securely enclosed in an envelope with postage duly prepaid, and addressed as follows:

JEROME C. KETTLESON
314 E THAYER AVE
BISMARCK ND 58502

ILLONA JEFFCOAT-SACCO
PUBLIC SERVICE COMMISSION
STATE CAPITAL BUILDING
600 E BOULEVARD AVENUE; DEPT 408
BISMARCK ND 58505-0480

WAYNE STENEHJEM
ATTORNEY GENERAL
600 E BOULEVARD AVENUE
DEPARTMENT 125
BISMARCK ND 58505

Melissa K Schneider
MELISSA K SCHNEIDER

Subscribed and sworn to before me this 25 day of September, 2008.

Mary Kay Duchsherer
Notary Public, State of North Dakota

(SEAL)

MARY KAY DUCHSHERER
Notary Public
State of North Dakota
My Commission Expires May 11, 2009

STATE OF NORTH DAKOTA	IN DISTRICT COURT
COUNTY OF BURLEIGH	SOUTH CENTRAL JUDICIAL DISTRICT
RES America Developments Inc., PEAK Wind Development LLC, and Burchill Farms Incorporated, Appellants, vs. Public Service Commission and Minnkota Power Cooperative, Inc., Appellees.	Civil No. 08-08-C-1474 Agency Case No. PU-08-48 **REPLY BRIEF**

Appellants note an error in their prior pleadings in this matter. Previously the first Appellant was listed as RES Americas Inc.; however, this incorrectly dropped a word from the proper name of the entity and should be corrected to read RES America Developments Inc. To our knowledge, there is no entity known as RES Americas Inc. We apologize for any confusion.

1. Appellants Response to Factual Errors in Appellees Brief

Appellee Minnkota Power Cooperative raises an issue for the first time in the appeal that RES America Developments Inc. ("RES America") was not properly licensed in North Dakota at the time of the filing of their Brief.

A. RES America is one of the three parties which sought intervention before the North Dakota Public Service Commission. RES America was licensed to do business in the State of North Dakota at the time of the filing of the motion to intervene and is currently licensed with the North Dakota Secretary of State. Copy of Annual Report attached as Exhibit 1.

A defense that a Foreign Corporation cannot maintain an action because it has not obtained a Certificate of Authority to do business in the State must be pleaded and cannot be named by objection or for the first time on appeal. Appellee Minnkota did not raise this objection at the Commission level and it cannot raise it in the appeal. J.R. Watkins Co. v. Vangen 116 NW2d 641 (ND 1962) .

B. The Complaint filed with FERC by Renewable Energy Systems Americas Inc. (the corporate parent of RES America) and PEAK Wind Development LLC on August 29, 2008 is not a part of the record before the Court and should not be considered in this appeal unless a motion is made to consider additional evidence.

C. Appellants in their Petition for Intervention are not legally required to file a verified petition. The Petition to Intervene by the Appellants is a pleading filed with an Administrative Agency. If the agency decides to dismiss the Petition to Intervene on the pleadings, it is similar to a Court dismissing a pleading under Rule 12 ND Rules of Civ. Pro. based on the pleadings -- in this case the Petition to Intervene and the Objection to Intervention. Appellant's Petitions to Intervene, just like a Complaint, must be construed in the light most favorable to Appellants/Petitioners and the allegations in the Petition must be taken as true. Williams v. State 405 NW2d 615 (ND 1987)

2. Denial of First Intervention is Not Res Judicata to Deny Second Intervention

The first Petition to Intervene was filed by RES America and PEAK Wind Development LLC. The intervention was filed in an application titled Otter Tail Corporation/Minnkota Power Cooperation Luverne to Maple River Electric Transmission Line Application. After the first Petition to Intervene was filed, Minnkota filed an amendment to the Application indicating the

withdrawal of Otter Tail Power Company as an applicant, and expanded the proposed transmission facility, corridor, and expanded the length of the transmission line.

Res Judicata generally prohibits re-litigation of claims or issues that were raised or could have been raised in a prior action "between the same parties" or their privies which were resolved by a final judgment in a court of competent jurisdiction.

The first intervention did not involve the same parties, as the second intervention. Otter Tail Power Company was a party when the first intervention was filed. Burchill Farms was an additional party when the second Petition to Intervene was filed. Without the same parties res judicata does not apply.

In this case, in the agency proceeding on the first denial of intervention, the North Dakota Public Service Commission (Commission) did not conduct a trial type hearing and did not make findings, before denying the first intervention. Holding a hearing and making findings is required for Res Judicata to apply in an administrative agency matter. Fuchs v. Moore 589 NW2d 902 (ND 1999).

The Commission did not rule that the second Petition to Intervene was denied due to Res Judicata nor was the issue of Res Judicata raised by Appellees at the administrative level, when Appellants filed the second intervention.

Failure to raise particular issues in agency proceeding generally prevents review of the issue on appeal. Shark v. US West Communications Inc. 560 NW2d 883 (ND 1997)

3. The Hearing Officer's Order Denying Intervention was Arbitrary and Capricious.

A decision is arbitrary, capricious, or unreasonable if it is not the product of a rational mental process by which the facts and the law relied upon are considered together for the

purpose of achieving a reasoned and reasonable interpretation. People to Save the Sheyenne River, Inc. v. North Dakota Dept. of Health 697 NW2d 319 (ND 2005).

Under Commission rules, "an intervention may be granted if the petitioner has a legal interest which may be substantially affected by the proceeding, and the intervention would not unduly broaden the issues or delay the proceeding. The commission may impose conditions and limitations on an intervention to promote the interest of justice."

A. Intervention would not unduly broaden the issues.

In this case, there is no evidence for the hearing officer to "find" that the intervention would "unduly broaden the issues or delay the proceeding" as required by Commission Administrative Rules.

There is no rational basis for the procedural hearing officer to find that the issues raised by Appellants in their Petition to Intervene would unduly broaden "the scope of the proceeding." On pages 18 and 19 of Appellant's Brief, Appellants list the statutory factors to be considered by the Commission in N.D.C.C. § 49-22-09 and then the issues listed by the Commission in its Notices of Hearing. The Commission is authorized to consider all of these factors and issues in the "scope of the proceeding".

The issues raised by Appellants in its Petition fall within these statutory factors and regulatory issues. This argument was fully set out in the Appellants Brief and will not be repeated.

B. Intervention would not unduly delay the proceeding.

Commission rules provide that an" intervention may be granted if the petitioner has a legal interest which may be substantially affected by the proceeding, and the intervention would not unduly broaden the issues or delay the proceeding". A common sense reading of this rule is that

the adjective "unduly" applies to both "broadening the issues" as well as "delay the proceeding" In other words it a petition to intervene must not just delay the proceeding but must be found to "unduly delay the proceeding before the petition to intervene is denied.

The request for intervention was timely made. The Commission, in a recent case, PU-06-421, granted a request to intervene by the City of Fargo that was made after the hearings were completed and briefing already done. (Copy of Order Attached as Exhibit 2). The Commission cannot rationally grant an intervention that delayed the proceeding in PU-06-421 beyond the stated six month time frame in PU-06-421 and then deny the intervention in this case when there was no showing of any undue delay beyond the statutory timelines for action by the Commission and no evidence that the actual hearing might be delayed. The procedural hearing officer made this finding without evidence and without Commission precedence, and, in fact, in direct opposition to Commission procedure.

Furthermore, the Commission has authority to impose conditions and limitations on the intervention to prevent either unnecessary delay or unnecessary broadening of issues. If the Commission was concerned about delays, it had the authority to impose conditions or limitations on discovery which would not unduly delay the proceedings. Such an imposition of conditions or limitations would have been far more equitable than to simply deny Appellants' their due process rights.

4. Procedural Hearing Officer Does Not Have Authority to Deny Intervention

Appellees do not address the fact that it was the procedural hearing officer who denied the intervention and not the Commission. Appellees admit that the Order Denying Intervention is a final Order. As a procedural hearing officer, the Administrative Law Judge has no authority to issue a Final Order Denying Intervention of the Appellants and was not given authority to enter a

formal order dismissing Intervention by the Commission in its order appointing the hearing officer.

Dated this 25 day of September, 2008.

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103 Collins Avenue, P.O. Box 1266
Mandan, North Dakota 58554-7266
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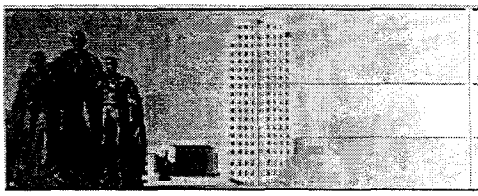

SECRETARY OF STATE
NORTH DAKOTA

RES AMERICA DEVELOPMENTS INC.

Corporation Details

System ID: 16191700
Type: FOREIGN BUSINESS CORPORATION
Status: Active & Good Standing
Original File Date: 08/22/2000
State of Origin: Delaware
Phone: (512) 708-1538
Effective Date: 08/22/2000

Nature of Business

DEVELOP, OWN & OPERATE WIND ENERGY FACILITIES

Principal Office

11101 W 120TH AVE STE 400 BROOMFIELD, CO 80021-3436

Registered Agent

NATIONAL CORPORATE RESEARCH, LTD.
400 E BROADWAY AVE STE 102
BISMARCK, ND 58501
Established Date: Aug 01, 2008

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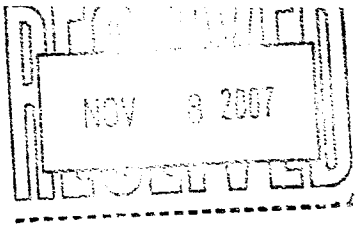
2006 2007 2008 (generates a forms-fillable pdf in a new pop-up window)

Return to Search Results

Exhibit 2



STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

TransCanada Keystone Pipeline, LP
30-Inch Crude Oil Pipeline/Cavalier to Sargent Counties
Siting Application

Case No. PU-06-421

Case No. PU-07-152

TransCanada Keystone Pipeline, LP
Keystone Pipeline
Public Convenience & Necessity

ORDER ON MOTIONS TO INTERVENE AND REOPEN

November 7, 2007

Background

On April 11, 2007, TransCanada Keystone Pipeline, LP ("Keystone") filed an application for a waiver of procedures and time schedules, and consolidated applications for a certificate of corridor compatibility and a route permit authorizing construction of approximately 218 miles of 30-inch crude oil pipeline and associated facilities ("Keystone Pipeline") in Cavalier, Pembina, Walsh, Nelson, Steele, Barnes, Ransom, and Sargent Counties of North Dakota, Case No. PU-06-421.

Also on April 11, 2007, TransCanada filed an application for a certificate of public convenience and necessity (PCN) under N.D.C.C. chapter 49-03.1 to construct and operate the Keystone Pipeline, Case No. PU-07-152.

On October 19, 2007, the North Dakota Water Users Association filed a letter in Case No. PU-06-421 requesting that the Public Service Commission ("Commission") reopen the record to consider issues relating to the safeguards in the routing and construction of the Keystone Pipeline in the context of water supply issues for eastern North Dakota.

On October 23, 2007, Eric R. Johnson, City Attorney for the City of Fargo, North Dakota ("Fargo"), filed a Motion to on behalf of Fargo to Intervene in the captioned proceedings. Fargo states that the siting of the Keystone Pipeline along the proposed route would present potential public health and safety risks that may adversely affect the welfare of a substantial number of citizens of North Dakota due to undesirable impacts upon the water supply of Fargo and other North Dakota communities who will rely on water resources that either arise in or flow through Lake Ashtabula and the Sheyenne River Basin now and in the future. Fargo requests that if adequate protection of these water resources is not made part of the Keystone Pipeline project, that the

Commission deny any certification of public convenience and necessity and deny the issuance of any certificate of corridor compatibility and route permit authorization.

The city of Fargo requests the Commission to:

1. Grant the City of Fargo's Motion for Intervention to Appear as a party; and,
2. Grant the City of Fargo's request under N.D. Admin. Code §69-02-06-01 to reopen the proceedings in these matters to receive competent and relevant information and materials submitted with the Motion, and any other such information, materials, and testimony that may be presented during any reopened proceedings.

On October 26, 2007, Keystone filed its Objection to Motion for Intervention to Appear as a Party and Motions to Reopen the Hearing Records, and on November 2, 2007, Keystone filed a Supplemental Objection. Keystone argues that the City of Fargo had notice of the hearings and yet chose not to participate. Keystone states that Fargo was legally provided notice of the hearings pursuant to N.D.C.C. §49-22-13 in that the Commission caused legal notice to be published in the Fargo Forum in May and July, and legal notice of the continued September hearings was published twice in August. In addition to the legal notice, the news media covered the hearings in Valley City and Park River, and hearings were covered in the paper, on the radio and television in Fargo. Keystone argues that Fargo has not alleged any "good cause" for its ignoring the legal notice and publicity until after the hearings had been completed.

Keystone argues that no legal authority exists to grant intervention to Fargo at this late date. Keystone states that the Motion by Fargo is not timely filed. Keystone points out that N.D. Admin. Code §69-02-02-05 provides that a petition to intervene in any proceeding must be filed at least 10 days prior to the hearing, but not after except for good cause shown. In these proceedings hearings were held on July 23 and 24, 2007 and continued on September 5 and 6, 2007. The petition by Fargo was not filed until all of the hearings had been completed, and briefs and proposed findings were filed with the Commission.

Keystone argues that N.D. Admin. Code §69-02-02-05 provides that the Commission may grant intervention by a party only when intervention would not unduly broaden the issues or delay the proceeding. Since all that is left for the Commission to do is issue its order, intervention by Fargo at this late stage in the proceedings would unduly delay the proceedings. Keystone points out that N.D.C.C. §49-22-08.1 requires that the Commission to issue an order no later than six months after the filing of a completed application, and that the Commission has already extended the deadline from November 2, 2007 to December 12, 2007.

Keystone argues that the issues raised by Fargo and the North Dakota Water Users have been addressed at hearings. Keystone states that the concern regarding water protection, and specifically the Sheyenne River and Lake Ashtabula area, was

expressed by public witnesses who attended and participated in hearings held by the Commission, and the Commission also raised issues and questioned witnesses concerning the safety and risk to the Sheyenne River and Lake Ashtabula. Keystone states that these are the issues Fargo and the North Dakota Water Users Board are seeking to raise. Keystone states that while Fargo neglected to attend and participate in the hearings, water resource protection, risk assessment and emergency response planning as well as public health and safety issues were addressed by testimony and evidence submitted from Keystone as well as from Department of Health witnesses at the hearings. Keystone states that Fargo does not offer any new evidence for the Commission to consider; it only raises a question about the risk of a possible spill and the potential impact on the Sheyenne River and Lake Ashtabula.

Keystone argues that Fargo has not met the statutory requirement for reopening this proceeding. Keystone states that N.D. Admin. Code §69-02-06-01 requires that a motion to reopen a proceeding after the close of hearing must set forth the facts claimed to constitute the grounds requiring reopening, including any material changes of fact or law alleged to have occurred since the conclusion of the hearing. Keystone states that the Commission may reopen a proceeding if it finds that the conditions of fact or law have so changed as to require reopening, or that the public interest so requires. Keystone states that Fargo neither states the relevant statutory provision nor alleges that any material changes in fact or law has occurred since the close of the hearing. Therefore, Keystone states that the sole criterion to consider is whether the public interest requires reopening the record at this time.

Keystone asserts that the public interest does not require granting of Fargo's motion to reopen. Keystone states that the issues Fargo seeks to address relate to alleged potential injury to water supply systems that now and in the future will rely on Lake Ashtabula and the Sheyenne Basin. Keystone states that those issues were addressed by competent testimony at the hearing by Keystone's expert witness, and were subject to cross-examination by Commission staff and intervenors as well as questioning by the Commissioners. Keystone also points out that the North Dakota Department of Health testified that the proposed Keystone route is safe.

Keystone states that the Commission has the ability to consider letters and other materials as part of the record without intervention and without reopening the hearing and without causing undue delay. Keystone points out that Administrative Law Judge Al Wahl has outlined a process available to the Commission to consider Fargo's concerns and the concerns of the North Dakota Water Users without reopening the record in this proceeding. Keystone states that the Commission has indicated its intent to follow that procedure with respect to a significant amount of late-filed information, that there is no reason to treat Fargo's late-filed information differently. Keystone states that in these circumstances, the public interest is fully protected.

Keystone argues that granting intervention or reopening the proceeding would substantially impede the final determination in this matter. Furthermore Keystone states

that granting Fargo's motion would set a bad precedent because interested persons would be able to sit back and observe hearings in a case, and when hearings are over, seek to intervene.

Keystone states that if this motion to intervene or motion to reopen is granted, there will be no closure to hearings, and proceedings would drag on costing utilities and the Commission in time and resources. Keystone asserts there will be adverse impacts to the company if the Commission grants the requests to intervene or reopen the hearings. The impacts include:

1. Undue delay in the issuing of a corridor and route permit;
2. A delayed construction start will result in not completing work in North Dakota in 2008 as currently planned.
3. Delays will result in incompletion of reclamation on some property which will inconvenience landowners for a greater length of time; and
4. Delays will likely significantly increase project costs.

Keystone argues that Fargo's motion is not related to the PC&N case, Case No. PU-07-152. Keystone states that the issues raised by Fargo are route and corridor issues and that Fargo does not address any of the issues in the PC&N case. Keystone argues that the record for the PC&N case is complete.

On November 5, 2007, Fargo filed a Response to the Supplemental Objection. Fargo states that any harm from a small delay should be balanced with the Commission's obligation to provide a reasonable opportunity for Fargo to appear and participate in view of the nature, scope and importance of this pipeline siting and routing matter. Fargo also states that there appears to have been no evidence introduced as to the nature of the oil that will be pumped through the pipeline, and that it is the understanding of Fargo's consultants that the crude oil to be transported through the pipeline may contain extremely hazardous substances. Fargo also contends that comments offered during the hearings did not probe in any substantive way into the safety concerns being expressed by Fargo.

Discussion

Section 28-32-28 of the North Dakota Century Code provides:

> An administrative agency may grant intervention in an adjudicative proceeding to promote the interests of justice if intervention will not impair the orderly and prompt conduct of the proceeding and if the petitioning intervenor demonstrates that the petitioner's legal rights, duties, privileges, immunities, or other legal interests may be substantially affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of statute or rule. The agency may impose conditions and limitations upon the intervention. The agency shall give reasonable notice

of the intervention to all parties. An administrative agency may adopt rules relating to intervention in an adjudicative proceeding.

Section 69-02-02-05 of the North Dakota Administrative Code provides in part as follows:

> Any person with a substantial interest in a proceeding may petition to intervene in that proceeding by complying with this section. An intervention may be granted if the petitioner has a statutory right to be a party to the proceeding; or the petitioner has a legal interest which may be substantially affected by the proceeding, and the intervention would not unduly broaden the issues or delay the proceeding. The commission may impose conditions and limitations on an intervention to promote the interests of justice.

Section 69-02-02-05(2) of the North Dakota Administrative Rules provides that "[a] petition to intervene in any proceeding must be filed at least ten days prior to the hearing, but not after except for good cause."

The Commission finds that good cause exists for granting the City of Fargo's motion for intervention in that Fargo has legal and public health interests that may be substantially affected by the siting of this pipeline. The Commission also finds that Fargo's intervention will not unduly broaden the issues or delay the proceeding, and that intervention will promote the interests of justice. The intervention will be limited to safety and public health issues relating to the water supply of the City of Fargo from Lake Ashtabula and the Sheyenne River.

The City of Fargo has also filed a motion under Section 69-02-06-01 to reopen the proceedings in Case Nos. PU-06-421 and PU-07-152. In a letter to the Commission dated October 18, 2007, the North Dakota Water Users Association also requested that the Commission reopen the record in Case No. PU-06-421 to consider issues relating to the safeguards in the routing and construction of the TransCanada Keystone Pipeline in the context of water supply issues for eastern North Dakota.

Section 69-02-06-01 of the North Dakota Administrative Code provides authority for the Commission to reopen a proceeding for the purpose of taking additional evidence. The rule provides:

> 69-02-06-01. Petition to reopen. At any time after the conclusion of a hearing, but before the final order is issued or a rule is adopted, any party may file a petition to reopen the proceeding for the purpose of taking additional evidence.
>
> 1. Contents. The petition must set forth clearly the facts claimed to constitute the grounds requiring reopening the proceeding, including

any material changes of fact or law alleged to have occurred since the conclusion of the hearing.

2. Service. A copy of the petition to reopen must be served by the petitioning party upon all parties and a certificate to that effect must be attached to the petition when filed with the commission. The original and seven copies must be filed with the commission.
3. Responses. Within ten days following the service of a petition to reopen, any other party may file a response. The response must be served on the parties and the original response and certification of service and seven copies must be filed with the commission. Failure to file a response is a waiver of any objection to the granting of the petition.
4. Order to reopen. If the Commission has reason to believe the conditions of fact or law have so changed as to require, or that public interest requires, the reopening of a proceeding, the commission may issue an order to reopen.

The Commission finds that public interest requires the reopening of the proceedings in Case No. PU-06-421. The issues raised by Fargo concerning the health and safety of its citizens who rely on water supply from Lake Ashtabula and the Sheyenne River involve the public interest and cannot be ignored by the Commission in the interest of expediency.

The North Dakota Water Users Association is not a party in Case No. PU-06-421, and it has not petitioned to intervene as a party in the proceeding. Under Section 69-02-06-01 of the North Dakota Administrative Code, only parties to a proceeding may petition to reopen.

Fargo's Motion for Intervention to Appear as a Party and Motion to Reopen Proceedings is for both Case Nos. PU-06-421 and PU-07-152. The issues raised by Fargo relate only to Case No. PU-06-421.

Order

The Commission orders:

1. The City of Fargo's Motion to Intervene as a Party and Motion to Reopen Proceedings for Case No. PU-06-421 is GRANTED.

2. The City of Fargo's Motion to Intervene as a Party and Motion to Reopen Proceedings for Case No. PU-07-152 is DENIED.

3. The North Dakota Water Users Association's request to reopen proceedings in Case No. PU-06-421 is DENIED.

4. Admission as an intervenor shall not be construed as recognition by the Commission that an intervenor might be aggrieved by an order of the Commission in this case.

5. The intervention, as authorized under Section 69-02-02-05 of the North Dakota Administrative Code, is limited to the safety and public health issues relating to the water supply of the City of Fargo from Lake Ashtabula and the Sheyenne River.

PUBLIC SERVICE COMMISSION

Tony Clark **Commissioner**	Voting Nay **Susan E. Wefald** **President**	**Kevin Cramer** **Commissioner**

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

RES America Developments Inc., PEAK Wind Development LLC, and Burchill Farms Incorporated,	)	Civil No. 08-08-C-1474
	)	Agency Case No. PU-08-48
Appellants,	)	
vs.	)	NOTICE OF MOTION PURSUANT TO RULE 3.2 OF NORTH DAKOTA LOCAL RULES OF COURT
Public Service Commission and Minnkota Power Cooperative, Inc.,	)	
Appellees.	)	

TO ALL PARTIES AND THEIR ATTORNEYS:

YOU WILL PLEASE TAKE NOTICE That the undersigned has made and filed a Motion pursuant to Rule 3.2 of the North Dakota Local Rules of Court, a copy of which Motion and accompanying brief are herewith served upon you.

Pursuant to Rule 3.2, you have ten (10) days after service of the brief within which to serve and file an answer brief and other supporting papers. Upon the filing of briefs, or upon the expiration of the time for filing, the Motion is deemed submitted to the Court unless you or any party requests a hearing on the Motion. A request for a hearing must be made not later than 5 days after expiration of the time for filing briefs.

If you fail to file a brief, it is an admission by you that, in your opinion, the Motion is meritorious. Upon failure to file a brief by you, the Court may, without further notice to you, grant the relief requested in the Motion.

The Appellants are not requesting oral argument at this time.

Dated this 25 day of September, 2008.

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State Bar ID No. 03918
KELSCH, KELSCH, RUFF & KRANDA
Attorneys for
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Mandan, North Dakota 58554-7266
(701) 663-9818

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

RES Americas Inc., PEAK Wind Development LLC, and Burchill Farms Incorporated,	)	Civil No. 08-08-C-1474
Appellants,	)	Agency Case No. PU-08-48
vs.	)	APPELLANTS (MOTION) AND BRIEF FOR LEAVE TO OFFER ADDITIONAL DOCUMENTS
Public Service Commission and Minnkota Power Cooperative, Inc.,	)	
Appellees.	)	

Appellants, RES Americas Inc., PEAK Development LLC, and Burchill Farms Incorporated pursuant to section 28-32-45 N.D.C.C., hereby move the Court for leave to offer into evidence the following documents:

1. Maple River Wind Generation Interconnection System Impact Study
   Report Submitted to MAPP Design Review Subcommittee
   Minnkota Power Cooperative, Inc.
   Dated May 10, 2008 (Exhibit 1 attached)

2. Notice of Self Certification of Exempt Wholesale Generator Status of Ashtabula Wind, LLC
   Filed with Federal Energy Regulatory Commission in Docket No. EG08-92-000
   Dated August 27, 2008 (Exhibit 2 attached)

3. Amendment to Self-Certification
   Filed September 15, 2008
   Filed by FPL Energy LLC
   Re: Ashtabula Wind LLC Docket No. EG08-92-000 (Exhibit 3 attached)

These documents were obtained subsequent to the May 9, 2008 Order Denying Intervention of the Parties that is the subject of this Appeal. These documents are highly relevant and material.

One of the issues raised by Appellants in their intervention was that the transmission line was owned by Minnkota Power Corporation Inc, and Otter Tail Power Company. If Otter Tail Power Company, or any other entity that is not a power cooperative, has an ownership in the line, in addition to obtaining a Certificate of Corridor, Compatibility, and Route Permit, a Certificate of Public Convenience and Necessity (PCN) made to the Public Service Commission is required pursuant to Chapter 49-03.1 N.D.C.C.

The initial application was a joint application submitted by both Minnkota and Otter Tail Power Company. Only after Appellants filed their initial request for intervention pointing out the need for a PCN did Minnkota file an amendment to the application, purportedly removing Otter Tail as an owner of the project.

The additional documents that Appellants are seeking to have the Court receive into evidence all concern ownership of the Maple River Transmission Line. In other words, the evidence is presented in order to highlight the question of who really is the real Applicant for the transmission line.

In Exhibit 1, Minnkota reports that Minnkota is participating in the output of the Maple River Transmission Line to the extent of (200 MW), Otter Tail is participating in the output of the project to the extent of (98 MW), and FPL Energy is participating in the output of this project to the extent of (60 MW) for the delivery of the MISO market. The report goes on to state on page 5 that Minnkota received a generation request of a 400 MW wind farm to interconnect to this transmission line. This was later reduced to 358 MW. According to Exhibit 1, the power purchaser of the Pillsbury wind generation is Minnkota (200 MW), and the "Otter Tail will own 98 (MW) of the total project once it is in-service." Also FPLE will retain 60 MW of wind-generated power to sell to MISO market.

The inference from the Minnkota Report dated May 10, 2008 is that the Maple River Transmission Line as of May 10, 2008 was going to be jointly owned by Minnkota, Otter Tail Power Corporation, and FPL Energy as well.

Exhibit 2 is a Notice of Self Certification by Ashtabula Wind, LLC filed with the Federal Energy Regulatory Commission (FERC), dated August 27, 2008. Ashtabula Wind LLC is a wholly owned subsidiary of FPL Energy, LLC. Exhibit 2 documents that the Maple River Transmission line is a jointly owned facility by Minnkota, Ashtabula Wind and Otter Tail. (Page 3, First Paragraph)

Exhibit 3 is an amendment to Exhibit 2 dated September 15, 2008. This was prepared after Appellants brought attention to the joint ownership of the Maple River Transmission Line in a separate complaint filed with the FERC. While Exhibit 3 seeks to amend Ashtabula's original statement that the Maple River Transmission line will be a jointly owned line, it still states that "(Ashtabula Wind LLC) Appellant will receive service on this tie-line from Minnkota and is making payments to Minnkota for Applicant's pro rata share of the tie-line's costs." (Emphasis added)

Exhibit 3 states that Ashtabula Wind has a right to approximately 60 MW of the line once it is in service for transmission of Ashtabula's own power. Furthermore, Ashtabula is paying a pro rata share of the costs of the line. Otter Tail will own over 98 MW of the total project when it is in service. If Ashtabula pays for a "pro rata" share of the cost of the line and then has a right to use that same percentage of the line, how is that different than ownership of the line?

The issue of who is the actual owner of the proposed transmission line is highly relevant and material to this issuance of Appellees' Application and this Appeal.

Section 28-32-45 provides:

> If an application for leave to offer additional testimony, written statements, documents, exhibits, or other evidence is made to the court in which an appeal from a determination of an administrative agency is pending, and it is shown to the satisfaction of the court that the additional evidence is relevant and material and that there were reasonable grounds for the failure to offer the evidence in the hearing or proceeding, or that the evidence is relevant and material to the issues involved and was rejected or excluded by the agency, the court may order that the additional evidence be taken, heard, and considered by the agency on terms and conditions as the court may deem proper. After considering the additional evidence, the administrative agency may amend or reject its findings of fact, conclusions of law, and order and shall file with the court a transcript of the additional evidence with its new or amended findings of fact, conclusions of law, and order, if any, which constitute a part of the record with the court.

This information that Appellants are requesting the Court to consider is relevant and material to the case. Exhibit 1 was not prepared until after the Commission denied the Intervention of Appellants. Exhibits 2 and 3 were not prepared until August and September of 2008, which is well after the Commission had entered its final ruling in this case.

Appellants respectfully request that the Court order that the additional evidence be taken, heard, and considered by the agency, and that Appellants be permitted to conduct formal discovery of Appellees as well as Otter Tail and Ashtabula concerning these Exhibits before consideration of the new evidence by the Public Service Commission.

WHEREFORE, Appellants ask the Court to admit the additional documents into evidence and submit the additional evidence to the Public Service Commission to amend or reject its Findings of Fact, Conclusions of Law, and Order, and that the Public Service Commission file a transcript of the additional evidence and its new Findings of Fact, Conclusions of Law and Order, if any.

In addition, Appellants request the Court to modify the briefing schedule in this case to allow for the Public Service Commission to review this.

Dated this 25 day of September, 2008.

THOMAS D. KELSCH
State Bar ID No. 03918
KELSCH, KELSCH, RUFF & KRANDA
Attorneys for
103 Collins Avenue, P.O. Box 1266
Mandan, North Dakota 58554-7266
(701) 663-9818

Exhibit 1

Maple River Wind Generation Interconnection System Impact Study

Report submitted to the MAPP
Design Review Subcommittee

Minnkota Power Cooperative, Inc.

Prepared by:
Excel Engineering, Inc.
May 10, 2008

Principal Contributors:

Richard Gonzalez, PE
Michael Cronier
Akarsh Sheilendranath
Sandhya Prabhu

Table of Contents

0.0 Certification

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the Laws of the State of Minnesota

Richard Gonzalez
Registration Number 18938
May 10, 2008

1.0 Executive Summary

Minnkota Power Cooperative, Inc. is seeking approval from the Mid-Continent Area Power Pool (MAPP) Design Review Subcommittee (DRS) for generation interconnection of a 358 MW wind generation project. The wind generation facility is planning to interconnect to the existing Maple River 230 kV substation near Fargo, North Dakota, which is owned by Minnkota Power Cooperative (MPC). The proposed in-service date is December of 2008. The participation in the output of this project is by Minnkota Power Cooperative (200 MW), Otter Tail Power Company (98 MW), and FPL Energy (FPLE) (60 MW for delivery to the MISO market).

The generation project will include construction of a new 55-mile, 230 kV transmission line from the Pillsbury, ND wind farm to the Maple River Substation near Fargo, ND.

To obtain transmission service for the delivery of this generation, the project participants will perform a separate delivery study. The MPC delivery study will be presented to the DRS for approval when it is completed. The OTP and FPLE delivery studies will be done by MISO.

This is an out-of-queue study. All analyses were performed using base cases set up to simulate conditions through the end of 2010. Engineering judgment was used to select a list of prior queued generation projects that are likely to be in service in this timeframe. This study was performed with guidance from an ad hoc study group consisting of MPC, OTP, MH, MRES, GRE, NWE, XCEL, MDU, WAPA, MISO, BEPC and MP.

Dynamic stability analysis was completed on regional and local faults. The project does not degrade performance for any of the regional faults tested, and improves performance in some cases. Local faults pointed out the need for selection of a generator technology that meets a minimum performance level. Most of the analysis included 100 MW of generator capability modeled as simple induction machines, and the remaining capability was modeled as GE DFIG's. With this configuration, two local faults caused the new generators to become unstable. Modeling Clipper turbines with additional capacitance installed or by replacing these Clipper machines with GE DFIG's resulted in acceptable performance.

For informational purposes, constrained interface analysis was performed during this system impact study to provide insight into potential delivery issues that could occur during subsequent transmission studies for granting firm transmission service for this project. This analysis has identified both PTDF and OTDF flowgate impacts. These flowgate impacts are highly dependent on the assumed deliveries of this project.

Voltage stability analysis performed for this study has shown that the Pillsbury wind farms will need to have a +/- 0.95 power factor at the generator buses in order to maintain acceptable system performance. With this reactive power range, the required 10% power margin for P-V analysis, as defined within the MAPP/MRO reliability standards, is met.

Steady state analysis was performed on summer peak, winter peak, and summer off-peak cases. Impacts observed in the immediate Maple River area during summer peak and winter peak conditions are included in Table 1.0A below and are proposed as interconnection-related upgrades. Impacts further from Maple River were deemed to not be interconnection-related, and will be addressed in the delivery analysis.

Table 1.0A – Required Upgrades for Interconnection of Pillsbury Wind Project Without G821 In-Service (Summer and Winter Peak Analysis)

Transmission Element	Upgrades	Estimated Cost of Upgrades
Maple River-Sheyenne 230 kV (7 miles)	Existing emergency rating is 320 MVA. Mitigate to achieve minimum emergency rating of 390 MVA.	$1.0 M
Sheyenne-Audubon 230 kV (44 miles)	Existing emergency rating is 280 MVA. Mitigate to achieve minimum emergency rating of 313 MVA.	$0.2 M
	Total Cost	$1.2 M

Summer off-peak contingency analysis was included in the steady state contingency analysis and was intended for informational purposes only, as this is not typically performed for interconnection studies for the MAPP DRS. However, in an attempt to identify possible operating conditions where constraints may occur, these results were evaluated based on their proximity to the point of interconnection and their high corresponding distribution factors. A summary of the off-peak related overloads being considered as interconnection-related impacts are summarized in the following table.

Table 1.0B – Upgrades Being Considered for Interconnection of Pillsbury Wind Project without G821 In-Service (Summer Off-peak Analysis)

Transmission Element	Upgrades	Estimated Cost of Upgrades
Maple River-Frontier 230 kV (11 miles)	Existing emergency rating is 292 MVA. Mitigate to achieve minimum emergency rating of 359 MVA.	$0.4 M
Frontier-Wahpeton 230 kV (44 miles)	Existing emergency rating is 292 MVA. Mitigate to achieve minimum emergency rating of 327 MVA.	$0.7 M
Maple River-Sheyenne 230 kV (7 miles)	Existing emergency rating is 320 MVA. Mitigate to achieve minimum emergency rating of 458 MVA.	$4.0 M
Sheyenne-Audubon 230 kV (44 miles)	Existing emergency rating is 280 MVA. Mitigate to achieve minimum emergency rating of 340 MVA.	$0.8 M
	Total Cost	$5.9 M

* These are total costs to uprate from the present ratings. Some of the uprates may have already been completed due to overload mitigations identified in Table 1.0A.

Mitigation of the line overloads shown above in Tables 1.0A and 1.0B could be accomplished in several ways. These mitigation measures could include actual line upgrades, establishing operating guides, or installing special protection schemes at Maple River.

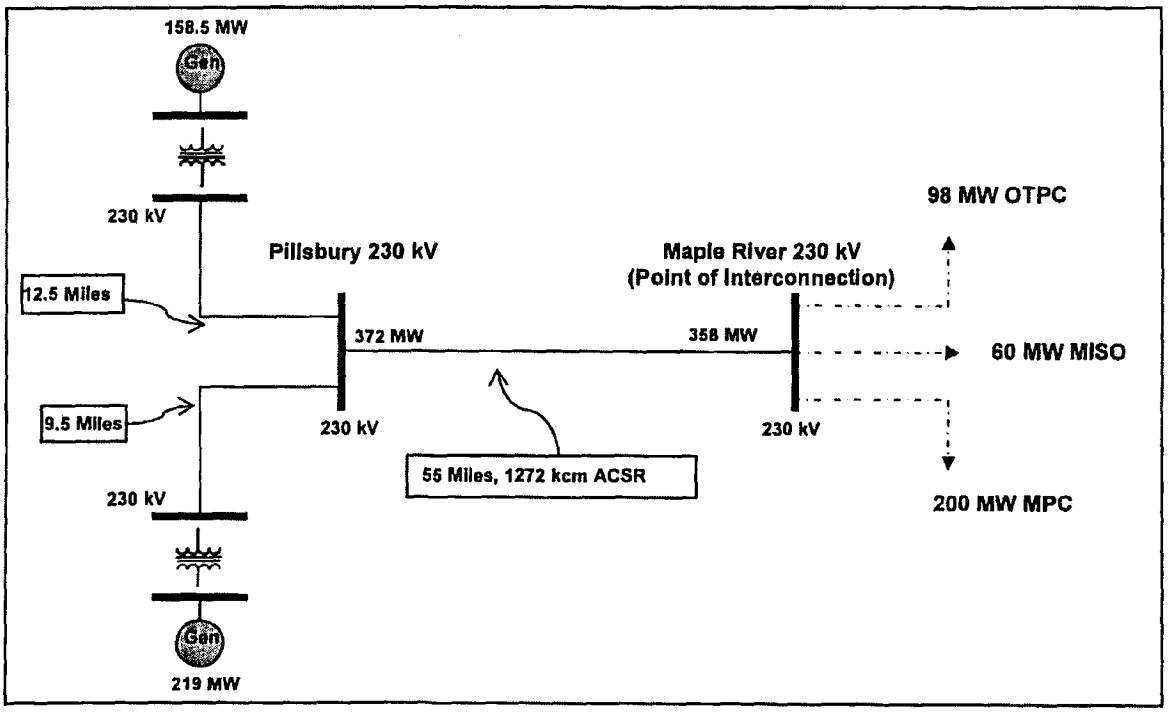
A number of sensitivities were completed for one prior queued project that is close to Maple River. That project is G821 in the MISO queue, 201 MW of wind generation on the Sheyenne-Audubon 230 kV line. A table showing possible related upgrades with G821 is included in Section 5.2.5 of this report. Addition of the G821 project (or other prior queued projects near Maple River) will require further studies. As a result, additional facility upgrades may be required for the Pillsbury wind project.

2.0 Introduction

MPC has received a generation interconnection request for a 400 MW wind farm to interconnect to the Maple River 230 kV bus with an in-service date of December 2008. This request was received on January 3, 2008 and has been assigned a queue number of MPC00500. Subsequent to the initial request, the customer has reduced the interconnection size to 358 MW.

This Maple River Generation Interconnection Study evaluates the net injection of 358 MW of wind generated power at the Maple River Substation (Fargo, ND) via a new 55-mile, 230 kV transmission line from the Pillsbury, ND wind farms. The Maple River 230 kV bus is designated as the point of interconnection for the Pillsbury wind farms. Figure 2.1 below shows schematically the proposed interconnection facilities and the associated power deliveries.

Figure 2.1: Pillsbury Wind Farms and Maple River Interconnection Facilities



The expected in-service date for both the Pillsbury generation and the associated transmission line is December 2008. The power purchaser of the Pillsbury wind generation is Minnkota Power Cooperative (200 MW). Otter Tail Power Company will own 98 MW of the total project once it is in-service. FPLE and M-Power are the wind generation developers for these wind farms. FPLE will retain 60 MW of wind-generated power to sell to the MISO market.

This system impact study is being submitted to the Mid-Continent Area Power Pool (MAPP) Design Review Subcommittee (DRS) to obtain approval of the proposed Pillsbury, ND generation interconnection and transmission line addition to the bulk transmission system.

A separate delivery study will be performed for this project looking at delivery issues beyond the local vicinity.

This study considers the effects of prior queued generation interconnection requests in the MPC queue, MISO queue, and other MAPP members' generation interconnection queues in arriving at study conclusions and recommendations.

This study was performed with guidance from an ad hoc study group consisting of MPC, OTP, MH, MRES, GRE, NWE, XCEL, MDU, WAPA, MISO, BEPC and MP. Various conference calls and email correspondence with the ad hoc study group helped in formulating the key assumptions that were used in this study.

Wind generation developers for the Pillsbury project are:

FPLE	160.0	
M-Power	100.0	
OTP	98.0	
Total	358.0	MW

The presumed deliveries for the 358 MW of Pillsbury generation are:

MPC	200.0	
OTP	98.0	
Market	60.0	(FPLE portion to MISO)
	358.0	MW

3.0 Study Development and Assumptions

3.1 Study Description

Excel Engineering, Inc. was retained by MPC as an independent consultant to perform a system impact study for this proposed 358 MW wind generation facility to be located near Pillsbury, ND.

The purpose of this study is to identify transmission improvements needed to support the interconnection of 358 MW of generation to the bulk transmission system.

3.2 Study Procedure

To evaluate the impact these wind farms may have on the existing transmission system within the northern MAPP region, the following types of analyses have been included as a part of this system impact study:

- Contingency analysis;
- Voltage stability analysis;
- Transient stability analysis;
- Constrained interface analysis; and
- Short circuit analysis

Details on each of these analyses are delineated in the subsequent sections of this report.

All the analyses in this system impact study were performed primarily using the Siemens Power Technologies, Inc. (PTI) PSS/E digital computer power flow program, Versions 29 and 31. Most of the analysis and model building uses Version 29 while only voltage stability and slider diagrams were used in Version 31. PTI's MUST program was used for AC contingency analysis to evaluate post-contingent loadings and identify voltage violations for single and double contingency conditions throughout the region. As needed, further PSS/E cases were developed to investigate particular system limitations.

4.0 Analysis

4.1 Models employed

To encompass all relevant combinations of load levels with this generation project, this study derived and utilized three 2010 base cases: summer peak, winter peak and summer off-peak. The basis for these models is from recent versions of the Northern MAPP Operating Review Working Group (NMORWG) Study Package, as shown below.

Table 4.1A: Base Models Used to Derive 2010 Base Cases

Condition	MAPP Series	NMORWG Package	Base Model
Summer Peak	2006	2008	sp08aa.sav
Winter Peak	2006	2006	nrt-wp06aa.sav
Summer Off-peak	2004	2008	urg-so08aa.sav

The cases used for this study were modified to represent 2010 conditions by scaling the appropriate loads and generation in the MAPP region. The cases created for this study to represent pre-project and post-project conditions are listed below.

Table 4.1B: Pre-Project & Post- Project Model Designations

Condition	Pre-Project Case	Post-Project Case
Summer Peak	000-sp10aa.sav	P40-sp10aa.sav
Winter Peak	000-wp10aa.sav	P40-wp10aa.sav
Summer Off-peak	000-so10aa.sav	P40-so10aa.sav

The summer off-peak condition is modeled with the NDEX interface flow at 2080 MW. This case also has all base-load generation within the NDEX boundary at the maximum achievable (or URGE) levels to represent most stressed system conditions. The facility additions to accommodate an increase of the NDEX interface capability from 1950 MW to 2080 MW are expected to be in-service during the summer of 2009, which will be the first summer operating season for this project.

There were also some topology updates to the models for this study. One of the more significant topology updates was the addition of a new Mapleton-Casselton-Buffalo 115 kV line that OTP is planning to build to serve a new ethanol plant near Casselton, ND. This project will be built in two phases with the Mapleton-Casselton 115 kV line in-service by October 2008 and the Casselton-Buffalo 115 kV line in-service by October 2009 to serve an ultimate ethanol plant load of approximately 45 MW. In addition to the Casselton load addition, updates to the load at

Ladish (Jamestown) were applied to the base models to represent the anticipated load increases due to an expansion of the existing load and the addition of a new ethanol plant. These load increases are in conjunction with a the new generating plant that GRE is developing (G645 and G788) in that waste heat from the generator will be recovered by the local industrial customers to aid in their manufacturing processes. In early 2010, when all of the planned expansion is completed at Ladish, a 26 MW load with 99 MW of generation will be in-service.

A list of all model revisions and topology changes is provided in Appendix A.

4.1.1 Prior-Queued Projects

Review of the MISO and MAPP generation interconnection queues revealed that the pre-project cases should be updated to include prior-queued generation projects that may have interactions with the Pillsbury project. The selection of prior-queued projects to include in this study was based on those projects that are currently under study and are likely to be in-service by the end of 2010. This approach was discussed with the ad hoc study group and deemed appropriate due to the high probability of these projects going forward.

The selected prior-queued projects were added to each of the three base models with their outputs dispatched to the Ameren (area 356) and Commonwealth Edison (area 363) areas for the summer peak and winter peak models. The summer off-peak model had the prior-queued projects within the NDEX boundary dispatched to load within the boundary. Most other prior-queued projects were dispatched to the system swing. In order to represent off-peak load levels within the region, it was necessary to model all of the prior-queued and in-service wind projects at 20% of their nameplate rating to keep load within the NDEX boundary as close to 70% as possible. The prior queued Ladish generation (G645 and G788) was at full output for all cases. All other peaking generation within the region was off-line in the summer off-peak cases. The summer peak and winter peak models created for this study included all prior queued and peaking generation (in addition to existing base-load units) at full nameplate capacity.

The prior-queued generation interconnection projects that were included in the base models are listed below.

- **100 MW at Minot; WAPA Project GI-0503;**
- **49.5 MW at Edgeley; WAPA Project GI-0512;**
- **50 MW at Wilton 2; WAPA Project GI-0615;**
- **81 MW at Leland Olds-Groton; WAPA Project GI-0616;**
- **286 MW at Leland Olds-Groton; WAPA Project GI-0707a;**
- **120 MW at Culbertson; WAPA Project GI-0708;**
- **25 MW at Minot; WAPA Project GI-0720;**
- **150 MW at Rugby; MISO Project G380; (In suspension)**
- **20 MW at Grant Co; MISO Project G474;**
- **50 MW at Tamarac 115 kV; MISO Project G619;**
- **50 MW at Ladish 1; MISO Project G645;**
- **39 MW at Hanks Corner; MISO Project G651;**
- **49 MW at Ladish 2; MISO Project G788;**
- **201 MW at Sheyenne-Audubon; MISO project G821;**
- **75 MW at BNI; Square Butte Project GS660;**
- **48 MW at Oliver County 3; Square Butte Project GS661;**
- **300 MW at Letellier; MH project (In service by end of 2010)**

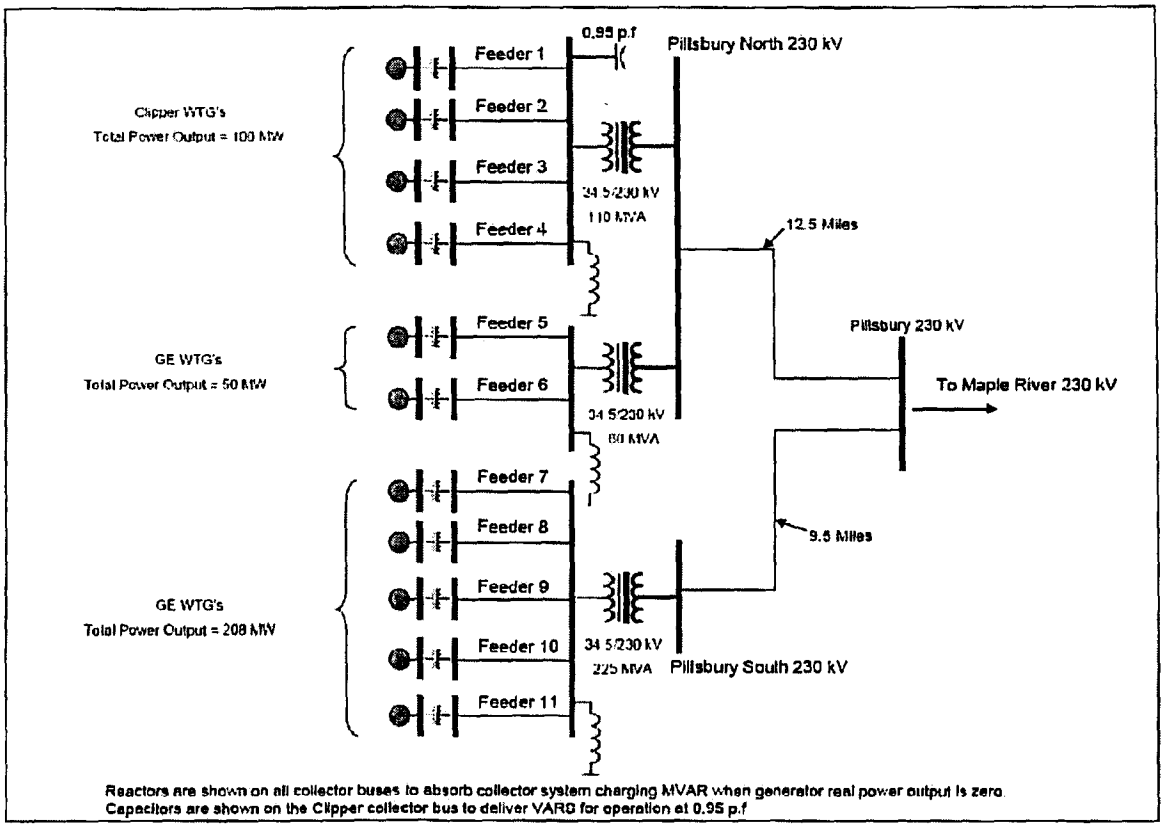
The proposed Sheyenne-Audubon (G821) generation is electrically close to the Pillsbury site. Given its proximity (two buses away) to the Maple River substation, the point of interconnection for Pillsbury wind generation, sensitivity analysis was performed to determine the joint impacts of this project and the Pillsbury project. Consequently, several subsequent sections of this report provide results "with" and "without" the G821 generation in service.

Appendix A.1.1 includes the regional generation levels of the base cases.

4.1.2 Pillsbury Wind Project

The Pillsbury wind farms have been modeled conforming to the guidelines published by Midwest Reliability Organization (MRO) for representing wind farms in power flow models. The Pillsbury wind generation consists of two different geographic locations with eleven equivalent wind turbine generators (WTG) each connected to a 575V/34.5kV equivalent generator step-up transformer. Each equivalent generator step-up transformer represents the combined effect of all WTG step-up transformers connected to that feeder. In total, eleven 1000 kcmil underground feeders rated at 34.5 kV connect the equivalent WTG's to three Pillsbury 34.5/230 kV station transformers. The three station transformers have continuous ratings of 225 MVA, 110 MVA and 60 MVA. Figure 4.1.2A below shows the topology of the Pillsbury wind project.

Figure 4.1.2A: Pillsbury Wind Project Topology



For the Pillsbury North 230 kV bus there are four equivalent WTG's which have a cumulative rated power output of 100 MW; these equivalent WTG's are represented as Clipper WTG's using a generic induction machine model (CIMTR3) connecting to the 110 MVA rated 34.5/230 kV station transformer at the Pillsbury North 230 kV bus. Clipper generators operate with a fixed power factor. Capacitors were modeled on the 34.5 kV bus so that the Clipper generators would share in the responsibility to maintain voltage of 1.05 p.u. on the Pillsbury area 230 kV system. 17 MVAR of capacitance were necessary to maintain the appropriate voltage for the system intact condition.

The remaining two equivalent WTG's at the Pillsbury North 230 kV bus have a cumulative rated power output of 50 MW. They are modeled as GE 1.5 MW WTG's connecting to the 60 MVA rated 34.5/230 kV station transformer at the Pillsbury North 230 kV bus. The GE WTG's are capable of producing reactive power to maintain a required power factor or desired voltage schedule. The base case model assumed 0.95 p.f. capability at the generators.

The five equivalent WTG's at the Pillsbury South 230 kV bus have a cumulative rated power output of 208 MW; they are modeled as GE 1.5 MW WTG's connecting to the 34.5/230 kV, 225 MVA rated station transformer. As with the other GE WTG's, these units were assumed to have 0.95 p.f. capability at the generators.

There are two 230 kV transmission lines of 9.5 miles (795 ACSR conductor) and 12.5 miles (1272 ACSR conductor) connecting the North and South sections of the Pillsbury wind farms to the Pillsbury 230 kV bus. A 55-mile, 230 kV transmission line (composed of 1272 ACSR conductor) connects the Pillsbury 230 kV bus to the Maple River 230 kV bus which is the point of interconnection for this project.

MPC's interconnection requirement for wind generation is 0.95 p.f. measured at the point of interconnection if the study demonstrates the need. This would include compensation of the reactive losses in the 34.5 kV collector systems, the 230/34.5 kV transformers, and the 230 kV lines to Pillsbury. Any deficiencies in performance due to lack of VAR contribution from the wind farms were identified in the study.

4.1.3 Northern MAPP Interface Flows

The MHEX, NDEX and MWEX loadings within the various study cases were at the MW values in Table 4.1.3A. Definitions of the MHEX, NDEX and MWEX quantities are provided in Appendix C of this report.

Table 4.1.3A: Pre-Project & Post-Project Interface Loadings (MW)

Condition	MHEX		NDEX		MWEX	
	Pre-project	Post-project	Pre-project	Post-project	Pre-project	Post-project
Summer peak	1879	1878	2079	2161*	1169	1191
Winter peak	-701	-702	1446	1521	996	1022
Summer off-peak	2172	2172	2079	2077	1525	1526
Dynamics Summer off-peak	2172	2168	2079	2081	1525	1523

* NDEX exceeds 2080 MW for the summer peak case because of the dispatch of the FPLE portion of the project to the MISO market (60 MW); however, there is no intent to increase NDEX transfer limits for this project. NDEX increased by greater than 60 MW due to reduced losses within the NDEX boundary in the post-project case.

4.2 Conditions studied

The Pillsbury generation was dispatched to MPC (Coyote and Young 1), OTP (Hoot Lake Units 2, 3 and Big Stone) and Cinergy (FPLE portion) for steady state analysis. The majority of the dynamic stability analysis for this study included a "hybrid" of dispatching the new wind generation to load and generation. This was done in order to keep load within the NDEX boundary as close to 70% as possible while maintaining high regional transfers. Table 4.2.1 below lists details on Pillsbury generation dispatch for the three conditions (summer peak, winter peak and summer off-peak) studied.

Table 4.2A: Pillsbury 358 MW Generation Dispatch for Various Conditions

Conditions	Dispatch				Total
Summer Peak & Winter Peak	**Coyote**	**Young 1**	**Big Stone**	**Cinergy**	358 MW
	128 MW	72 MW	98 MW	60 MW	
Summer Off-Peak	**Big Stone**		**Hoot Lake**		358 MW
	286 MW		72 MW		
Summer Off-Peak (Dynamics)	**Big Stone**		**ND Load**		358 MW
	179 MW		179 MW		

The sink assumptions for the dispatch of the Pillsbury wind project for the summer off-peak cases were chosen in an attempt to stress the natural bias of flows throughout the region for the given conditions. These sink assumptions were discussed and agreed upon by the ad hoc study group.

4.3 Contingencies and monitored facilities

Contingencies studied included:

- Single contingencies of transmission lines 115 kV and above in the GRE, MH, MP, OTP, WAPA and XCEL control areas.
- Multiple-circuit lines over 1 mile, at least one circuit 115 kV or higher included within the standard northern MAPP contingency file.

All contingencies within the northern MAPP area that did not converge during the automated contingency analysis were simulated manually. The results from these manual simulations were appended to the full list of contingency analysis results.

Facilities operated at 115 kV and above in the GRE, MH, MP, OTP, WAPA and XCEL control areas were monitored during this study.

4.4 Performance criteria

Through the automated contingency analysis, the following criteria were used to capture all pre- and post-project violations:

- Overloads above 100% of their respective continuous ratings (Rate A) were flagged for all conditions.
- Voltages outside 0.95 p.u. to 1.05 p.u. were flagged for all conditions.

Investigations of the results from the contingency analysis were refined to identify Significantly Affected Facilities (SAF's). Besides meeting the 3% OTDF and 5% PTDF cut-off threshold, the following criteria were applied in the process of identifying SAF's:

- Overloads above 100% of their respective normal ratings (Rate A) for system intact conditions.
- Overloads above 100% of their respective emergency ratings (Rate C) for all contingency conditions.
- Voltages outside 0.95 p.u. to 1.05 p.u. for system intact conditions.
- Voltages outside 0.92 p.u. to 1.10 p.u. for all contingency conditions.

Thermal performance was judged to be acceptable if system intact loadings were within the continuous ratings and if post-contingent loadings were within the applicable emergency ratings if there were operating procedures available to adequately unload a facility within 30 minutes. Overloads were flagged and discussed within this report if facilities were loaded beyond these criteria. Voltage performance was judged to be acceptable if voltages satisfied the transmission owners' specific criteria as specified in the "MAPP Members Reliability Criteria and Study Procedures Manual" dated November 19, 2004.

5.0 Results of Detailed Analysis

5.1 System Intact Analysis

Facility impacts were screened with a 5% minimum loading Distribution Factor (DF) and a 1% impact on voltage.

Detailed results for contingency analysis can be found in Appendices D and E.

5.1.1 Summer Peak Conditions

System intact results for summer peak without G821 have not identified any facility loadings or voltages that exceeded the cutoff levels. However, with G821 in service the G821 Tap-Audubon 230 kV line is overloaded for system intact conditions pre- and post- Pillsbury generation interconnection.

Table 5.1.1A: System Intact Overloads
2010 Summer Peak Condition with G821 in Service

Overloaded Facility	Rate A (Continuous Rating, MVA)	Pre-Pillsbury generation Loading (% of Rate A)	Post-Pillsbury generation Loading (% of Rate A)	DF %
G821 – Audubon 230 kV	254	274.9	313.0	10.6

From Table 5.1.1A the following observations can be made with regard to the Pillsbury generation interconnection's effects with G821 in service:

<u>During summer peak conditions:</u>

- The G821-Audubon 230 kV line overload is primarily caused by the G821 addition, but the Pillsbury generation interconnection aggravates this overload as well with a DF of nearly 11%.

5.1.2 Winter Peak Conditions

System intact results for winter peak conditions have identified the G821 Tap-Audubon 230 kV line is overloaded for system intact conditions pre- and post- Pillsbury generation interconnection.

Table 5.1.2A: System Intact Overloads
2010 Winter Peak Condition

Overloaded Facility	Rate A (Continuous Rating, MVA)	Pre-Pillsbury generation Loading (% of Rate A)	Post-Pillsbury generation Loading (% of Rate A)	DF %
G821 – Audubon 230 kV	254	220.0	268.5	12.8

From Table 5.1.2A the following observations can be made with regard to the Pillsbury generation interconnection's effects with G821 in service:

During winter peak conditions:

- The G821-Audubon 230 kV line higher loading is primarily caused by the G821 addition, but the Pillsbury generation interconnection aggravates this overload as well with a DF of nearly 13%.

5.1.3 Summer Off-peak Conditions

Although not common for other interconnection studies within this region, potential loading concerns during summer off-peak, high transfer conditions, when both NDEX and MHEX are at their "maximum simultaneous" transfer limits (2080 MW and 2175 MW respectively) were included as part of this study for informational purposes. This evaluation was performed to identify potential interconnection-related loading concerns in the local area.

System intact conditions for the summer off-peak case identified loading concerns on the Dorsey-Forbes 500 kV line. Pre- and post-project loadings on the north section of the 500 kV line are beyond the 1732 MVA continuous rating during system intact conditions. In addition, the Frontier–Maple River 230 kV line was overloaded for system intact conditions with a Distribution Factor of approximately 33%. There are no voltage impacts greater than 1% that violate voltage criteria.

Thomas D Kelsch

From: Thomas D Kelsch [tdkelsch@kelschlaw.com]
Sent: Wednesday, May 21, 2008 11:07 AM
To: 'Lein, Jerry R.'
Subject: Minnkota
Attachments: SKMBT_C35208052111100.pdf

Jerry,
I am attaching a copy of a portion of the Maple River Wind Generation Interconnection System Impact Study that was reported to the MAPP Design Review Subcommittee. I obtained the full document from Minnkota's Web Site.
This report raises some questions. It appears that Minnkota is participating in the output of this project to the extent of (200MW), and Otter Tail is participating in the output of this project to the extent of (98 MW), and FPL Energy is participating in the output of this project to the extent of (60MW for the delivery to the MISO market).
The Report goes on to state on page 5, that Minnkota received a generation request for a 400 MW wind Farm to interconnect to this transmission line. This was later reduced to 358 MW. The power purchaser of the Pillsbury wind generation is Minnkota (200MW), and that "Otter Tail will own 98 (MW) of the total project once it is in-service". Also that FPLE will retain 60 MW of wind-generated power to sell to MISO Market.
Is this report saying that the transmission line that is being sought to be approved is still going to be owned by Minnkota and Otter Tail, and perhaps FPLE as well?
Please give me a call to discuss today if you have time.
Thanks

Thomas D. Kelsch
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Maple River Wind Generation Interconnection System Impact Study

Report submitted to the MAPP
Design Review Subcommittee

Minnkota Power Cooperative, Inc.

Prepared by:
Excel Engineering, Inc.
May 10, 2008

Principal Contributors:

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Table of Contents

0.0 Certification

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the Laws of the State of Minnesota

Richard Gonzalez
Registration Number 18938
May 10, 2008

1.0 Executive Summary

Minnkota Power Cooperative, Inc. is seeking approval from the Mid-Continent Area Power Pool (MAPP) Design Review Subcommittee (DRS) for generation interconnection of a 358 MW wind generation project. The wind generation facility is planning to interconnect to the existing Maple River 230 kV substation near Fargo, North Dakota, which is owned by Minnkota Power Cooperative (MPC). The proposed in-service date is December of 2008. The participation in the output of this project is by Minnkota Power Cooperative (200 MW), Otter Tail Power Company (98 MW), and FPL Energy (FPLE) (60 MW for delivery to the MISO market).

The generation project will include construction of a new 55-mile, 230 kV transmission line from the Pillsbury, ND wind farm to the Maple River Substation near Fargo, ND.

To obtain transmission service for the delivery of this generation, the project participants will perform a separate delivery study. The MPC delivery study will be presented to the DRS for approval when it is completed. The OTP and FPLE delivery studies will be done by MISO.

This is an out-of-queue study. All analyses were performed using base cases set up to simulate conditions through the end of 2010. Engineering judgment was used to select a list of prior queued generation projects that are likely to be in service in this timeframe. This study was performed with guidance from an ad hoc study group consisting of MPC, OTP, MH, MRES, GRE, NWE, XCEL, MDU, WAPA, MISO, BEPC and MP.

Dynamic stability analysis was completed on regional and local faults. The project does not degrade performance for any of the regional faults tested, and improves performance in some cases. Local faults pointed out the need for selection of a generator technology that meets a minimum performance level. Most of the analysis included 100 MW of generator capability modeled as simple induction machines, and the remaining capability was modeled as GE DFIG's. With this configuration, two local faults caused the new generators to become unstable. Modeling Clipper turbines with additional capacitance installed or by replacing these Clipper machines with GE DFIG's resulted in acceptable performance.

For informational purposes, constrained interface analysis was performed during this system impact study to provide insight into potential delivery issues that could occur during subsequent transmission studies for granting firm transmission service for this project. This analysis has identified both PTDF and OTDF flowgate impacts. These flowgate impacts are highly dependent on the assumed deliveries of this project.

Voltage stability analysis performed for this study has shown that the Pillsbury wind farms will need to have a +/- 0.95 power factor at the generator buses in order to maintain acceptable system performance. With this reactive power range, the required 10% power margin for P-V analysis, as defined within the MAPP/MRO reliability standards, is met.

Steady state analysis was performed on summer peak, winter peak, and summer off-peak cases. Impacts observed in the immediate Maple River area during summer peak and winter peak conditions are included in Table 1.0A below and are proposed as interconnection-related upgrades. Impacts further from Maple River were deemed to not be interconnection-related, and will be addressed in the delivery analysis.

Table 1.0A – Required Upgrades for Interconnection of Pillsbury Wind Project Without G821 In-Service (Summer and Winter Peak Analysis)

Transmission Element	Upgrades	Estimated Cost of Upgrades
Maple River-Sheyenne 230 kV (7 miles)	Existing emergency rating is 320 MVA. Mitigate to achieve minimum emergency rating of 390 MVA.	$1.0 M
Sheyenne-Audubon 230 kV (44 miles)	Existing emergency rating is 280 MVA. Mitigate to achieve minimum emergency rating of 313 MVA.	$0.2 M
	Total Cost	$1.2 M

Summer off-peak contingency analysis was included in the steady state contingency analysis and was intended for informational purposes only, as this is not typically performed for interconnection studies for the MAPP DRS. However, in an attempt to identify possible operating conditions where constraints may occur, these results were evaluated based on their proximity to the point of interconnection and their high corresponding distribution factors. A summary of the off-peak related overloads being considered as interconnection-related impacts are summarized in the following table.

Table 1.0B – Upgrades Being Considered for Interconnection of Pillsbury Wind Project without G821 In-Service (Summer Off-peak Analysis)

Transmission Element	Upgrades	Estimated Cost of Upgrades
Maple River-Frontier 230 kV (11 miles)	Existing emergency rating is 292 MVA. Mitigate to achieve minimum emergency rating of 359 MVA.	$0.4 M
Frontier-Wahpeton 230 kV (44 miles)	Existing emergency rating is 292 MVA. Mitigate to achieve minimum emergency rating of 327 MVA.	$0.7 M
Maple River-Sheyenne 230 kV (7 miles)	Existing emergency rating is 320 MVA. Mitigate to achieve minimum emergency rating of 458 MVA.	$4.0 M
Sheyenne-Audubon 230 kV (44 miles)	Existing emergency rating is 280 MVA. Mitigate to achieve minimum emergency rating of 340 MVA.	$0.8 M
	Total Cost	$5.9 M

* These are total costs to uprate from the present ratings. Some of the uprates may have already been completed due to overload mitigations identified in Table 1.0A.

Mitigation of the line overloads shown above in Tables 1.0A and 1.0B could be accomplished in several ways. These mitigation measures could include actual line upgrades, establishing operating guides, or installing special protection schemes at Maple River.

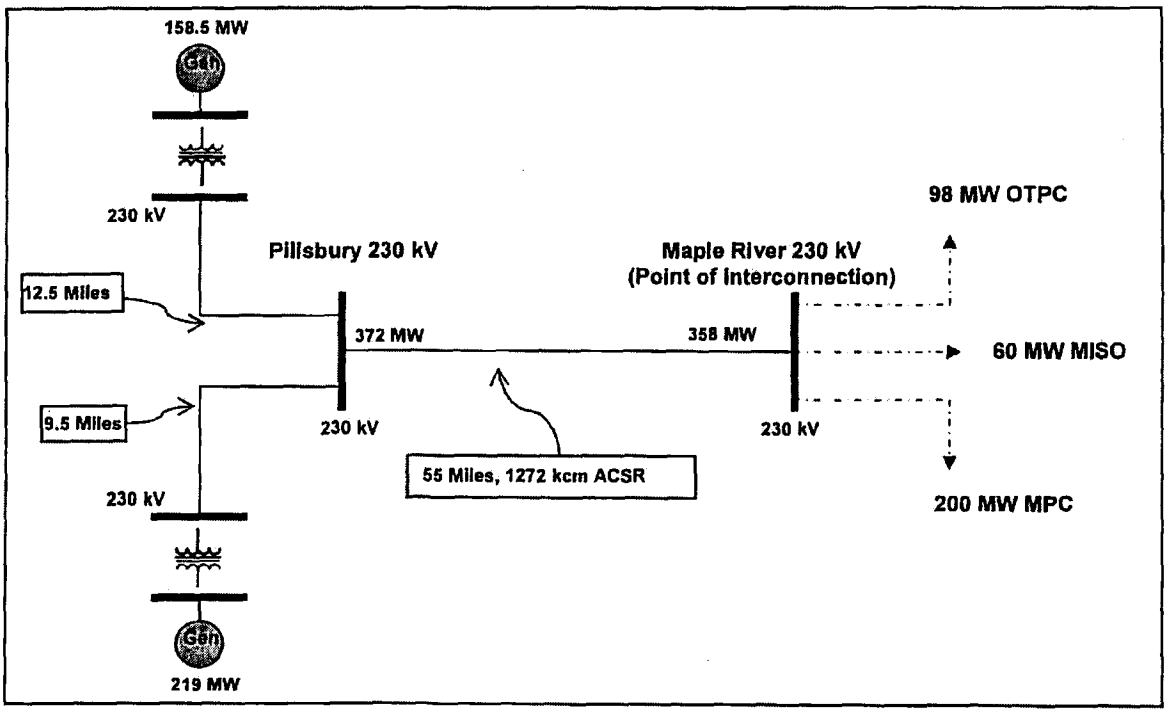
A number of sensitivities were completed for one prior queued project that is close to Maple River. That project is G821 in the MISO queue, 201 MW of wind generation on the Sheyenne-Audubon 230 kV line. A table showing possible related upgrades with G821 is included in Section 5.2.5 of this report. Addition of the G821 project (or other prior queued projects near Maple River) will require further studies. As a result, additional facility upgrades may be required for the Pillsbury wind project.

2.0 Introduction

MPC has received a generation interconnection request for a 400 MW wind farm to interconnect to the Maple River 230 kV bus with an in-service date of December 2008. This request was received on January 3, 2008 and has been assigned a queue number of MPC00500. Subsequent to the initial request, the customer has reduced the interconnection size to 358 MW.

This Maple River Generation Interconnection Study evaluates the net injection of 358 MW of wind generated power at the Maple River Substation (Fargo, ND) via a new 55-mile, 230 kV transmission line from the Pillsbury, ND wind farms. The Maple River 230 kV bus is designated as the point of interconnection for the Pillsbury wind farms. Figure 2.1 below shows schematically the proposed interconnection facilities and the associated power deliveries.

Figure 2.1: Pillsbury Wind Farms and Maple River Interconnection Facilities



The expected in-service date for both the Pillsbury generation and the associated transmission line is December 2008. The power purchaser of the Pillsbury wind generation is Minnkota Power Cooperative (200 MW). Otter Tail Power Company will own 98 MW of the total project once it is in-service. FPLE and M-Power are the wind generation developers for these wind farms. FPLE will retain 60 MW of wind-generated power to sell to the MISO market.

This system impact study is being submitted to the Mid-Continent Area Power Pool (MAPP) Design Review Subcommittee (DRS) to obtain approval of the proposed Pillsbury, ND generation interconnection and transmission line addition to the bulk transmission system.

A separate delivery study will be performed for this project looking at delivery issues beyond the local vicinity.

This study considers the effects of prior queued generation interconnection requests in the MPC queue, MISO queue, and other MAPP members' generation interconnection queues in arriving at study conclusions and recommendations.

This study was performed with guidance from an ad hoc study group consisting of MPC, OTP, MH, MRES, GRE, NWE, XCEL, MDU, WAPA, MISO, BEPC and MP. Various conference calls and email correspondence with the ad hoc study group helped in formulating the key assumptions that were used in this study.

Wind generation developers for the Pillsbury project are:

FPLE	160.0	
M-Power	100.0	
OTP	98.0	
Total	358.0	MW

The presumed deliveries for the 358 MW of Pillsbury generation are:

MPC	200.0	
OTP	98.0	
Market	60.0	(FPLE portion to MISO)
	358.0	MW

3.0 Study Development and Assumptions

3.1 Study Description

Excel Engineering, Inc. was retained by MPC as an independent consultant to perform a system impact study for this proposed 358 MW wind generation facility to be located near Pillsbury, ND.

The purpose of this study is to identify transmission improvements needed to support the interconnection of 358 MW of generation to the bulk transmission system.

3.2 Study Procedure

To evaluate the impact these wind farms may have on the existing transmission system within the northern MAPP region, the following types of analyses have been included as a part of this system impact study:

- Contingency analysis;
- Voltage stability analysis;
- Transient stability analysis;
- Constrained interface analysis; and
- Short circuit analysis

Details on each of these analyses are delineated in the subsequent sections of this report.

All the analyses in this system impact study were performed primarily using the Siemens Power Technologies, Inc. (PTI) PSS/E digital computer power flow program, Versions 29 and 31. Most of the analysis and model building uses Version 29 while only voltage stability and slider diagrams were used in Version 31. PTI's MUST program was used for AC contingency analysis to evaluate post-contingent loadings and identify voltage violations for single and double contingency conditions throughout the region. As needed, further PSS/E cases were developed to investigate particular system limitations.

4.0 Analysis

4.1 Models employed

To encompass all relevant combinations of load levels with this generation project, this study derived and utilized three 2010 base cases: summer peak, winter peak and summer off-peak. The basis for these models is from recent versions of the Northern MAPP Operating Review Working Group (NMORWG) Study Package, as shown below.

Table 4.1A: Base Models Used to Derive 2010 Base Cases

Condition	MAPP Series	NMORWG Package	Base Model
Summer Peak	2006	2008	sp08aa.sav
Winter Peak	2006	2006	nrt-wp06aa.sav
Summer Off-peak	2004	2008	urg-so08aa.sav

The cases used for this study were modified to represent 2010 conditions by scaling the appropriate loads and generation in the MAPP region. The cases created for this study to represent pre-project and post-project conditions are listed below.

Table 4.1B: Pre-Project & Post- Project Model Designations

Condition	Pre-Project Case	Post-Project Case
Summer Peak	000-sp10aa.sav	P40-sp10aa.sav
Winter Peak	000-wp10aa.sav	P40-wp10aa.sav
Summer Off-peak	000-so10aa.sav	P40-so10aa.sav

The summer off-peak condition is modeled with the NDEX interface flow at 2080 MW. This case also has all base-load generation within the NDEX boundary at the maximum achievable (or URGE) levels to represent most stressed system conditions. The facility additions to accommodate an increase of the NDEX interface capability from 1950 MW to 2080 MW are expected to be in-service during the summer of 2009, which will be the first summer operating season for this project.

There were also some topology updates to the models for this study. One of the more significant topology updates was the addition of a new Mapleton-Casselton-Buffalo 115 kV line that OTP is planning to build to serve a new ethanol plant near Casselton, ND. This project will be built in two phases with the Mapleton-Casselton 115 kV line in-service by October 2008 and the Casselton-Buffalo 115 kV line in-service by October 2009 to serve an ultimate ethanol plant load of approximately 45 MW. In addition to the Casselton load addition, updates to the load at

Ladish (Jamestown) were applied to the base models to represent the anticipated load increases due to an expansion of the existing load and the addition of a new ethanol plant. These load increases are in conjunction with a the new generating plant that GRE is developing (G645 and G788) in that waste heat from the generator will be recovered by the local industrial customers to aid in their manufacturing processes. In early 2010, when all of the planned expansion is completed at Ladish, a 26 MW load with 99 MW of generation will be in-service.

A list of all model revisions and topology changes is provided in Appendix A.

4.1.1 Prior-Queued Projects

Review of the MISO and MAPP generation interconnection queues revealed that the pre-project cases should be updated to include prior-queued generation projects that may have interactions with the Pillsbury project. The selection of prior-queued projects to include in this study was based on those projects that are currently under study and are likely to be in-service by the end of 2010. This approach was discussed with the ad hoc study group and deemed appropriate due to the high probability of these projects going forward.

The selected prior-queued projects were added to each of the three base models with their outputs dispatched to the Ameren (area 356) and Commonwealth Edison (area 363) areas for the summer peak and winter peak models. The summer off-peak model had the prior-queued projects within the NDEX boundary dispatched to load within the boundary. Most other prior-queued projects were dispatched to the system swing. In order to represent off-peak load levels within the region, it was necessary to model all of the prior-queued and in-service wind projects at 20% of their nameplate rating to keep load within the NDEX boundary as close to 70% as possible. The prior queued Ladish generation (G645 and G788) was at full output for all cases. All other peaking generation within the region was off-line in the summer off-peak cases. The summer peak and winter peak models created for this study included all prior queued and peaking generation (in addition to existing base-load units) at full nameplate capacity.

The prior-queued generation interconnection projects that were included in the base models are listed below.

- **100 MW at Minot; WAPA Project GI-0503;**
- **49.5 MW at Edgeley; WAPA Project GI-0512;**
- **50 MW at Wilton 2; WAPA Project GI-0615;**
- **81 MW at Leland Olds-Groton; WAPA Project GI-0616;**
- **286 MW at Leland Olds-Groton; WAPA Project GI-0707a;**
- **120 MW at Culbertson; WAPA Project GI-0708;**
- **25 MW at Minot; WAPA Project GI-0720;**
- **150 MW at Rugby; MISO Project G380; (In suspension)**
- **20 MW at Grant Co; MISO Project G474;**
- **50 MW at Tamarac 115 kV; MISO Project G619;**
- **50 MW at Ladish 1; MISO Project G645;**
- **39 MW at Hanks Corner; MISO Project G651;**
- **49 MW at Ladish 2; MISO Project G788;**
- **201 MW at Sheyenne-Audubon; MISO project G821;**
- **75 MW at BNI; Square Butte Project GS660;**
- **48 MW at Oliver County 3; Square Butte Project GS661;**
- **300 MW at Letellier; MH project (In service by end of 2010)**

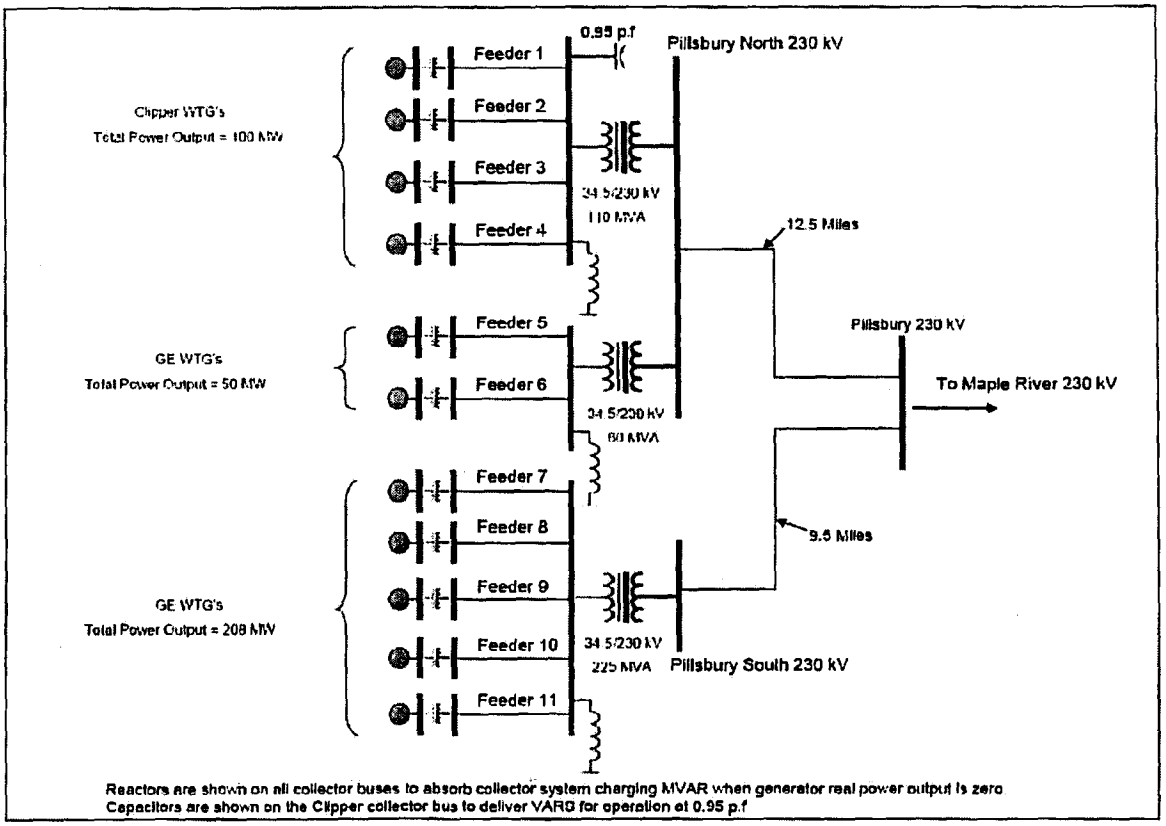
The proposed Sheyenne-Audubon (G821) generation is electrically close to the Pillsbury site. Given its proximity (two buses away) to the Maple River substation, the point of interconnection for Pillsbury wind generation, sensitivity analysis was performed to determine the joint impacts of this project and the Pillsbury project. Consequently, several subsequent sections of this report provide results "with" and "without" the G821 generation in service.

Appendix A.1.1 includes the regional generation levels of the base cases.

4.1.2 Pillsbury Wind Project

The Pillsbury wind farms have been modeled conforming to the guidelines published by Midwest Reliability Organization (MRO) for representing wind farms in power flow models. The Pillsbury wind generation consists of two different geographic locations with eleven equivalent wind turbine generators (WTG) each connected to a 575V/34.5kV equivalent generator step-up transformer. Each equivalent generator step-up transformer represents the combined effect of all WTG step-up transformers connected to that feeder. In total, eleven 1000 kcmil underground feeders rated at 34.5 kV connect the equivalent WTG's to three Pillsbury 34.5/230 kV station transformers. The three station transformers have continuous ratings of 225 MVA, 110 MVA and 60 MVA. Figure 4.1.2A below shows the topology of the Pillsbury wind project.

Figure 4.1.2A: Pillsbury Wind Project Topology



For the Pillsbury North 230 kV bus there are four equivalent WTG's which have a cumulative rated power output of 100 MW; these equivalent WTG's are represented as Clipper WTG's using a generic induction machine model (CIMTR3) connecting to the 110 MVA rated 34.5/230 kV station transformer at the Pillsbury North 230 kV bus. Clipper generators operate with a fixed power factor. Capacitors were modeled on the 34.5 kV bus so that the Clipper generators would share in the responsibility to maintain voltage of 1.05 p.u. on the Pillsbury area 230 kV system. 17 MVAR of capacitance were necessary to maintain the appropriate voltage for the system intact condition.

The remaining two equivalent WTG's at the Pillsbury North 230 kV bus have a cumulative rated power output of 50 MW. They are modeled as GE 1.5 MW WTG's connecting to the 60 MVA rated 34.5/230 kV station transformer at the Pillsbury North 230 kV bus. The GE WTG's are capable of producing reactive power to maintain a required power factor or desired voltage schedule. The base case model assumed 0.95 p.f. capability at the generators.

The five equivalent WTG's at the Pillsbury South 230 kV bus have a cumulative rated power output of 208 MW; they are modeled as GE 1.5 MW WTG's connecting to the 34.5/230 kV, 225 MVA rated station transformer. As with the other GE WTG's, these units were assumed to have 0.95 p.f. capability at the generators.

There are two 230 kV transmission lines of 9.5 miles (795 ACSR conductor) and 12.5 miles (1272 ACSR conductor) connecting the North and South sections of the Pillsbury wind farms to the Pillsbury 230 kV bus. A 55-mile, 230 kV transmission line (composed of 1272 ACSR conductor) connects the Pillsbury 230 kV bus to the Maple River 230 kV bus which is the point of interconnection for this project.

MPC's interconnection requirement for wind generation is 0.95 p.f. measured at the point of interconnection if the study demonstrates the need. This would include compensation of the reactive losses in the 34.5 kV collector systems, the 230/34.5 kV transformers, and the 230 kV lines to Pillsbury. Any deficiencies in performance due to lack of VAR contribution from the wind farms were identified in the study.

4.1.3 Northern MAPP Interface Flows

The MHEX, NDEX and MWEX loadings within the various study cases were at the MW values in Table 4.1.3A. Definitions of the MHEX, NDEX and MWEX quantities are provided in Appendix C of this report.

Table 4.1.3A: Pre-Project & Post-Project Interface Loadings (MW)

Condition	MHEX		NDEX		MWEX	
	Pre-project	Post-project	Pre-project	Post-project	Pre-project	Post-project
Summer peak	1879	1878	2079	2161*	1169	1191
Winter peak	-701	-702	1446	1521	996	1022
Summer off-peak	2172	2172	2079	2077	1525	1526
Dynamics Summer off-peak	2172	2168	2079	2081	1525	1523

* NDEX exceeds 2080 MW for the summer peak case because of the dispatch of the FPLE portion of the project to the MISO market (60 MW); however, there is no intent to increase NDEX transfer limits for this project. NDEX increased by greater than 60 MW due to reduced losses within the NDEX boundary in the post-project case.

4.2 Conditions studied

The Pillsbury generation was dispatched to MPC (Coyote and Young 1), OTP (Hoot Lake Units 2, 3 and Big Stone) and Cinergy (FPLE portion) for steady state analysis. The majority of the dynamic stability analysis for this study included a "hybrid" of dispatching the new wind generation to load and generation. This was done in order to keep load within the NDEX boundary as close to 70% as possible while maintaining high regional transfers. Table 4.2.1 below lists details on Pillsbury generation dispatch for the three conditions (summer peak, winter peak and summer off-peak) studied.

Table 4.2A: Pillsbury 358 MW Generation Dispatch for Various Conditions

Conditions	Dispatch				Total
Summer Peak & Winter Peak	**Coyote**	**Young 1**	**Big Stone**	**Cinergy**	358 MW
	128 MW	72 MW	98 MW	60 MW	
Summer Off-Peak	**Big Stone**		**Hoot Lake**		358 MW
	286 MW		72 MW		
Summer Off-Peak (Dynamics)	**Big Stone**		**ND Load**		358 MW
	179 MW		179 MW		

The sink assumptions for the dispatch of the Pillsbury wind project for the summer off-peak cases were chosen in an attempt to stress the natural bias of flows throughout the region for the given conditions. These sink assumptions were discussed and agreed upon by the ad hoc study group.

4.3 Contingencies and monitored facilities

Contingencies studied included:

- Single contingencies of transmission lines 115 kV and above in the GRE, MH, MP, OTP, WAPA and XCEL control areas.
- Multiple-circuit lines over 1 mile, at least one circuit 115 kV or higher included within the standard northern MAPP contingency file.

All contingencies within the northern MAPP area that did not converge during the automated contingency analysis were simulated manually. The results from these manual simulations were appended to the full list of contingency analysis results.

Facilities operated at 115 kV and above in the GRE, MH, MP, OTP, WAPA and XCEL control areas were monitored during this study.

4.4 Performance criteria

Through the automated contingency analysis, the following criteria were used to capture all pre- and post-project violations:

- Overloads above 100% of their respective continuous ratings (Rate A) were flagged for all conditions.
- Voltages outside 0.95 p.u. to 1.05 p.u. were flagged for all conditions.

Investigations of the results from the contingency analysis were refined to identify Significantly Affected Facilities (SAF's). Besides meeting the 3% OTDF and 5% PTDF cut-off threshold, the following criteria were applied in the process of identifying SAF's:

- Overloads above 100% of their respective normal ratings (Rate A) for system intact conditions.
- Overloads above 100% of their respective emergency ratings (Rate C) for all contingency conditions.
- Voltages outside 0.95 p.u. to 1.05 p.u. for system intact conditions.
- Voltages outside 0.92 p.u. to 1.10 p.u. for all contingency conditions.

Thermal performance was judged to be acceptable if system intact loadings were within the continuous ratings and if post-contingent loadings were within the applicable emergency ratings if there were operating procedures available to adequately unload a facility within 30 minutes. Overloads were flagged and discussed within this report if facilities were loaded beyond these criteria. Voltage performance was judged to be acceptable if voltages satisfied the transmission owners' specific criteria as specified in the "MAPP Members Reliability Criteria and Study Procedures Manual" dated November 19, 2004.

5.0 Results of Detailed Analysis

5.1 System Intact Analysis

Facility impacts were screened with a 5% minimum loading Distribution Factor (DF) and a 1% impact on voltage.

Detailed results for contingency analysis can be found in Appendices D and E.

5.1.1 Summer Peak Conditions

System intact results for summer peak without G821 have not identified any facility loadings or voltages that exceeded the cutoff levels. However, with G821 in service the G821 Tap-Audubon 230 kV line is overloaded for system intact conditions pre- and post- Pillsbury generation interconnection.

Table 5.1.1A: System Intact Overloads
2010 Summer Peak Condition with G821 in Service

Overloaded Facility	Rate A (Continuous Rating, MVA)	Pre-Pillsbury generation Loading (% of Rate A)	Post-Pillsbury generation Loading (% of Rate A)	DF %
G821 – Audubon 230 kV	254	274.9	313.0	10.6

From Table 5.1.1A the following observations can be made with regard to the Pillsbury generation interconnection's effects with G821 in service:

<u>During summer peak conditions:</u>

- The G821-Audubon 230 kV line overload is primarily caused by the G821 addition, but the Pillsbury generation interconnection aggravates this overload as well with a DF of nearly 11%.

5.1.2 Winter Peak Conditions

System intact results for winter peak conditions have identified the G821 Tap-Audubon 230 kV line is overloaded for system intact conditions pre- and post- Pillsbury generation interconnection.

Table 5.1.2A: System Intact Overloads
2010 Winter Peak Condition

Overloaded Facility	Rate A (Continuous Rating, MVA)	Pre-Pillsbury generation Loading (% of Rate A)	Post-Pillsbury generation Loading (% of Rate A)	DF %
G821 – Audubon 230 kV	254	220.0	268.5	12.8

From Table 5.1.2A the following observations can be made with regard to the Pillsbury generation interconnection's effects with G821 in service:

During winter peak conditions:

- The G821-Audubon 230 kV line higher loading is primarily caused by the G821 addition, but the Pillsbury generation interconnection aggravates this overload as well with a DF of nearly 13%.

5.1.3 Summer Off-peak Conditions

Although not common for other interconnection studies within this region, potential loading concerns during summer off-peak, high transfer conditions, when both NDEX and MHEX are at their "maximum simultaneous" transfer limits (2080 MW and 2175 MW respectively) were included as part of this study for informational purposes. This evaluation was performed to identify potential interconnection-related loading concerns in the local area.

System intact conditions for the summer off-peak case identified loading concerns on the Dorsey-Forbes 500 kV line. Pre- and post-project loadings on the north section of the 500 kV line are beyond the 1732 MVA continuous rating during system intact conditions. In addition, the Frontier–Maple River 230 kV line was overloaded for system intact conditions with a Distribution Factor of approximately 33%. There are no voltage impacts greater than 1% that violate voltage criteria.

Exhibit 2

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Ashtabula Wind, LLC) **Docket No. EG08-____-000**

NOTICE OF SELF CERTIFICATION OF EXEMPT WHOLESALE GENERATOR STATUS OF ASHTABULA WIND, LLC

Pursuant to the Public Utility Holding Company Act of 2005 ("PUHCA 2005"), enacted pursuant to the Energy Policy Act of 2005, §§ 1261-77, Pub. L. No. 109-58, 119 Stat. 594 (2005), and Section 366.7, 18 C.F.R. § 366.7(a) (2008) of the regulations of the Federal Energy Regulatory Commission ("FERC" or "Commission"), Ashtabula Wind, LLC, a Delaware limited liability company ("Applicant" or "Ashtabula Wind"), hereby submits this notice of self-certification ("Notice") of its status as an exempt wholesale generator ("EWG") as defined in Section 336.1 of the Commission's rules, 18 C.F.R. § 366.1 (2008). In support of this Notice, Applicant hereby states as follows:

I. Principal Office of Applicant

The principal office of Applicant is set forth below:

Ashtabula Wind, LLC
700 Universe Blvd.
Juno Beach, FL 33408-0420

II. Communications

All communications regarding this Application should be provided to:

Gunnar Birgisson
Senior Attorney
FPL Energy, LLC
801 Pennsylvania Ave., N.W.
Ste. 220

Washington, DC 20004
(202) 349-3494
(202) 347-7076 (fax)
gunnar_birgisson@fpl.com

III. Description of Applicant and Facility

Applicant is a Delaware limited liability company and a wholly-owned direct subsidiary of ESI Energy, LLC, a Delaware limited liability company, which in turn is a wholly-owned direct subsidiary of FPL Energy, LLC ("FPL Energy"). FPL Energy is a Delaware limited liability company and a wholly-owned indirect subsidiary of FPL Group, Inc., a Florida corporation and a holding company as defined in Section 366.1 of the Commission's regulations.

Applicant will own a wind-powered generation facility with a nameplate capacity rating of up to 148.5 MW, consisting of 99 GE Wind turbines with a nameplate capacity of 1.5 MW each (the "Facility").[1] Minnkota Power Cooperative ("Minnkota") will buy 99 MW of the 148.5 MW under a long-term power purchase agreement. The Facility will be located near Valley City in Barnes County, North Dakota, and will operate in the Midwest Independent Transmission System Operator, Inc. control area ("MISO").

As an EWG, Applicant will sell electricity produced by the Facility exclusively at wholesale. The Facility will include certain interconnecting facilities necessary to effect a sale of energy at wholesale. These facilities include a 230 kV substation and approximately 9 miles of 230 kV transmission line owned by Applicant, which will connect to a substation owned by Minnkota.[2] Also, connecting Minnkota's substation to the Maple River substation near Fargo,

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[1] Otter Tail Power Company ("Otter Tail"), will own an adjacent 32 GE Wind turbines with a total nameplate capacity of 48 MW.

[2] Applicant will seek appropriate Commission authorization for Otter Tail's anticipated use of Applicant's interconnection facilities.

North Dakota will be a 61 mile, 230 kV, 358 MW generation tie-line. Applicant will own a 60 MW portion of this tie-line, which will be jointly-owned by Applicant, Minnkota and Otter Tail.

In connection with operating the Facility, Applicant also may engage in the following incidental activities that the Commission has found permissible EWG activities:

- Trade emission allowances consistent with the Commission's limitation that an EWG may engage in such trading so long as the emission allowances were originally obtained in the normal course of operating the Facility.[3]
- Sell "green" power certificates or credits consistent with the Commission's limitation that an EWG may sell such certificates or credits where they are associated with power produced by the Facility.[4]
- Engage in other activities incidental to the sale of electric energy at wholesale that are consistent with the Commission's EWG precedent.

IV. Representations Regarding Exempt Wholesale Generator Status

Consistent with Section 366.1 of the Commission's regulations, Applicant makes the following representations in order to certify that it satisfies the requirements for EWG status:

1. Applicant represents that it will be engaged directly and exclusively in the business of owning and operating the Facility and selling electric energy at wholesale. Consistent with the Commission's EWG precedent, the associated activities described in Part III above are incidental to the wholesale generation business and will not violate the EWG exclusivity requirement. The Facility, as described above, will satisfy the definition of Eligible Facilities as defined in Section 32(a)(2) of the Public Utility Holding Company Act of 1935 and as incorporated by reference in 18 C.F.R. § 366.1, because it will be used for the generation of electric energy exclusively for sale at wholesale.

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3 *See UGI Dev. Co.*, 89 FERC ¶ 61,192 (1999).

4 *See Madison Windpower, LLC*, 93 FERC ¶ 61,270 (2000).

2. The Facility includes no transmission or distribution facilities other than those interconnecting transmission facilities necessary to permit the Facility to engage in sales at wholesale.

3. Applicant will not make sales of power at retail.

4. No rate or charge for, or in connection with, the construction of the Facility, or for electric energy produced by the Facility, was in effect under the laws of any State on October 24, 1992. As such, no determination or certification by a state commission is necessary prior to certification of the Facility as an EWG.

5. No portion of the Facility will be owned or operated by an "electric utility company" that is an "affiliate" or "associate company" of Applicant, as defined in Section 366.1 of the Commission's regulations.

6. There are no leasing arrangements involving the Facility and any public utility company or any affiliate or associate company of any public utility company.

V. Conclusion

Based upon the foregoing, Applicant respectfully requests that the commission accept its notice of self-certification of EWG status.

Respectfully submitted,

/s/ Gunnar Birgisson
Gunnar Birgisson
Senior Attorney
FPL Energy, LLC
801 Pennsylvania Ave., N.W.
Ste. 220
Washington, DC 20004
(202) 349-3494

Counsel for Ashtabula Wind, LLC

Dated: August 27, 2008

CERTIFICATE OF SERVICE

I, Gunnar Birgisson, hereby certify that I have this day caused the foregoing Notice of Self-Certification of Exempt Wholesale Generator Status of Ashtabula Wind, LLC to be served by first-class mail upon the Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0850, and the North Dakota Public Service Commission, 600 E. Boulevard, Dept. 408, Bismarck, North Dakota 58505-0480.

Dated at Washington, DC this 27th day of August 2008.

/s/ Gunnar Birgisson
Gunnar Birgisson
FPL Energy, LLC
801 Pennsylvania Ave., N.W.
Ste. 220
Washington, DC 20004

Document Content(s)

Exhibit 3

FPL Energy.

801 Pennsylvania Avenue, N.W. #220
Washington, DC 20004-2604
(202)347-7082 Fax: (202)347-7076

September 15, 2008

Via E-Filing

Hon. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First St., N.E.
Washington, DC 20426

Re: Ashtabula Wind, LLC, Docket No. EG08-92-000
Amendment to Self-Certification of Exempt Wholesale Generator Status

Dear Secretary Bose:

On August 27, 2008, Ashtabula Wind, LLC ("Ashtabula Wind") filed a Notice of Self-Certification of Exempt Wholesale Generator Status ("EWG") with the Federal Energy Regulatory Commission ("FERC" or "Commission"), pursuant to the Public Utility Holding Company Act of 2005 and Section 366.7, 18 C.F.R. § 366.7(a) (2008) of the Commission's regulations. After ascertaining one sentence in the August 27 Notice is incorrect, Ashtabula Wind hereby respectfully submits an amendment to the Notice.

The incorrect sentence, which is the last sentence in Section III, currently reads: "Applicant will own a 60 MW portion of this tie-line, which will be jointly-owned by Applicant, Minnkota and Otter Tail." However, Ashtabula Wind will not have an ownership interest in this line. Ashtabula Wind hereby amends the last sentence to read: "Applicant will receive service on this tie-line from Minnkota, and is making payments to Minnkota for Applicant's pro-rata share of the tie-line's costs."

A copy of this letter has been served by first-class mail upon the Florida Public Service Commission, and the North Dakota Public Service Commission. Ashtabula Wind respectfully requests that its Notice, as amended, be accepted for filing by the Commission.

Respectfully submitted,

/s/ Gunnar Birgisson
Gunnar Birgisson
Counsel for Ashtabula Wind, LLC

CERTIFICATE OF SERVICE

I Gunnar Birgisson, hereby certify that I have this day caused the foregoing Amendment to Self-Certification of Exempt Wholesale Generator Status of Ashtabula Wind, LLC to be served by first-class mail upon the Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0850, and the North Dakota Public Service Commission, 600 E. Boulevard, Dept. 408, Bismark, North Dakota 58505-0480.

Dated at Washington, D.C. this 15th day of September, 2008.

/s/ Gunnar Birgisson
Gunnar Birgisson
FPL Energy, LLC
801 Pennsylvania Ave., N.W.
Ste. 220
Washington, DC 20004

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

RES America Developments Inc., PEAK Wind, Development LLC, and Burchill Farms Incorporated, Appellants, vs. Public Service Commission and Minnkota Power Cooperative, Inc., Appellees.	)	Civil No. 08-08-C-1474 Agency Case No. PU-08-48 ORDER ADMITTING ADDITIONAL EVIDENCE

The Appellants, RES Americas Inc., PEAK Wind Development LLC, and Burchill Farms Incorporated, filed a Motion and Brief with the Court to offer additional documents into evidence. The Motion is dated September ____, 2008, and was served upon Appelles by mail on that date. The Court deems that the motion is meritorious.

IT IS HEREBY ORDERED That Exhibits 1, 2, and 3 are admitted into evidence and shall be submitted to the North Dakota Public Service Commission to amend or rejects its Findings of Fact, Conclusions of Law and Order, and the Public Service Commission shall file a transcript of the additional evidence with its new Findings of Fact, Conclusions of Law and Order, if any.

Dated this _____ day of September, 2008.

BY THE COURT:

_____

JUDGE OF DISTRICT COURT