



Public Service Commission

State of North Dakota

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February 11, 2014

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Ms. Holly Starling
Ashtabula Wind, LLC
700 Universe Blvd.
Juno Beach, FL 33408-2683

RE: Post Construction Inspections, Case Nos. PU-08-032 and PU-08-073

Dear Ms. Starling:

The North Dakota Public Service Commission retained a third-party vendor to conduct post construction inspections under the authority provided in the above referenced cases. Below we provide a weblink to the third-party post construction inspection reports for your review and a link to the Commission's orders in these proceedings. We also list actions recommended in the post construction inspection reports for follow-up by the Company to confirm compliance with the Commission orders.

PU-08-032

As per the post construction inspection report, the following actions should be undertaken with information documenting these actions provided to the Commission:

- No examples of educational materials for landowners or the public were noted. (Order Point 22)
- No procedure on handling complaints and how to mitigate landowner/resident concerns were noted. (Order Point 25)
- Noxious weed and vegetation control. Wormwood present. (Order Points 13 and 21)
- Clarification of reseeding seed mix. Looks like non-native species were used rather than native species as proposed. (Order Points 13 and 21)
- The following wildlife protection measures should be implemented or explained why they should not be implemented: 1) bird diverters on the transmission line, 2) Description or justification of construction timing overlap with spring nesting season, and 3) bird deterrents on MET towers. (Order Points 4 and 9)
- Reclamation of the staging/laydown area. (Order Points 13 and 21)
- Compliance with National Electric Safety Code. (Order Point 8)
- Ashtabula is required to submit a 10 year plan to the Commission annually under current laws and beginning every other year in 2014 No 2012 or 2013 Ten year plan is on file (NDCC 49-22-04)
- Provide documentation of any permits not previously provided, including second determination from the FAA,NDPES Permit, NDDH Septic Tank and Drainfield

- Permit, ND Highway Patrol Overheight/Overweight Permit, ND Department of Transportation Road Approach/Access Permit, the NDDOT Utility Permit, Haul Road Agreement and Utility Permit from the County. (Order Point 4)
- Provide documentation of the pre-construction conference and notice of intent to start construction. (Order Points 5 and 6)
 - Provide documentation of SHPO concurrence. (Order Points 4 and 10)
 - Documentation of preconstruction avian survey. (Order Point 9)
 - The 2013 report tree and shrub survival report was supposed to confirm that erosion in the substation ditch was repaired. This was not included. The 2014 tree and shrub survival report is to be provided in fall 2014. In 2014, the report should include confirmation that there is satisfactory re-vegetation in the substation ditch. (Order Points 16 and 21)
 - Provision of as-built drawings. (Order Point 31)
 - Verification of setbacks for an occupied structure in the NE ¼ of the SE ¼ of Section 28, T143N, R57W, about 1300ft west of Turbine 14 and an occupied structure in the SW ¼ of the SE ¼ of Section 9, T142N, R57W, about 1200ft southeast from Turbine 76 and about 1160ft southeast from Turbine 75. There is no evidence of agreements with the landowners filed. (Order Point 4)
 - No documentation as to whether new discoveries of cultural, archeological or historic sites were or were not found during construction. (Order Point 10)
 - No documentation as to whether or not threatened or endangered species or bald or golden eagles were observed within the Project area during construction or operation to date. (Order Points 9 and 24)
 - Ensure the following erosion control and maintenance activities are undertaken and monitored: 1) minor erosional channels on the edges of the access roads or minor ruts on roads, particularly on hills, 2) erosion on gravel pads surrounding some turbine bases, and 3) damage of gravel pads from agricultural equipment. (Order Points 14 and 21)

The construction report can be found at:

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

The Commission Order can be found at:

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

PU-08-073

As per the post construction inspection report, the following actions should be undertaken with information documenting these actions provided to the Commission:

- Reports of, or lack thereof, of threatened, endangered species or bald or golden eagles during construction. (Order Point 8)
- Reports of, or lack thereof, of cultural, archeological, historical resources found during construction. (Order Point 9)
- Provide as-built drawings. (Order Point 16)
- 2013 and 2014 tree and shrub survival reports. (Order Point 15)
- Copies of Permits, including ND Highway Patrol Overheight/Overweight Permit, ND Department of Transportation Utility Permit/Risk Management Documents,

Barnes County Conditional Use Permit, Haul Road Agreement and Utility Permit.
(Order Point 5)

- Copies of waivers from occupied dwellings within 500 feet. (Order Point 5)
- Compliance with National Electric Safety Code. (Order Point 7)
- Summary or example of Wildlife Response Reporting System reports. (Order Point 8)
- Confirmation that no TV or radio interference occurred. (Order Point 17)
- Provide documentation of the pre-construction conference and notice of intent to start construction. (Order Points 4 and 6)

The construction report can be found at:

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

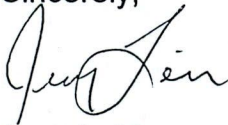
The Commission Order can be found at:

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

Please forward your response to the recommended Company actions, confirming these activities are complete, and describe actions and timelines for activities that are not complete. Please provide this documentation within 30 days.

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

Sincerely,



Jerry Lein
Public Utility Analyst