

October 8, 2008

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Mr. Darrell Nitschke
Executive Secretary
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480

OCT 08 2008

PUBLIC SERVICE COMMISSION

RE: M-POWER, LLC
CASE NO. ~~PU-03-107~~ PU-08-107
Exhibit 6

Dear Mr. Nitschke:

Please find enclosed herewith an original and ten copies of a late-filed Exhibit 6 for the Luverne Transmission Line.

We have also included a disk containing the same.

Should you have any questions, please advise.

Sincerely,


LAWRENCE BENDER

LB/leo

Enclosure

cc: Mr. Warren Enyart – (w/enc.)
Mr. Lloyd Anderson – (w/enc.)
Ms. Jennifer Smestad – (w/enc.)

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Late-Filed Exhibit 6 re. Avian Bird Deviators + CD

M-Power, LLC

Fredrickson&Byron,PA, Lawrence Bender

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To: Lawrence Bender	
From: Allen Wynn	Project: M-Power Luverne Wind Farm Generation Outlet
CC: Warren Enyart (M-Power)	
Date: August 18, 2008	Job No:

Document1

RE: Avian Bird Diverters

Lawrence:

This memo is in response to the PSC Commission's request for additional information regarding bird diverter devices on transmission lines. We have prepared a document (attached) that briefly describes the commercially-available devices, their advantages and disadvantages and cost of installation.

After researching the topic, we feel that what is proposed in the Application (Figure 11) is the appropriate level of mitigation. M-Power has proposed to mark approximately two miles of the transmission line with avian marker balls. The areas that were chosen to mark represent those areas that provide the most potential habitat for all migratory birds and raptors, not only whooping cranes. Marking the entire 13 miles of the proposed transmission line would not only be expensive to install, but would also be expensive to maintain. These devices can lead to an increase in line failure due to ice and wind, which would reduce the reliability of the transmission line. These devices may also be considered unsightly by local residences.

Given the fact that the project area is not within the 95% corridor for whooping cranes, we feel that marking the entire length of the transmission line is not warranted. M-Power will continue to monitor the project area and if whooping cranes are observed in the project area, M-Power would consider marking the entire length of the transmission line?

If you have any questions concerning this issue, please don't hesitate to contact me.

Attachment: Avian Diverter Marking Devices