

Lein, Jerry R.

From: Lein, Jerry R.
Sent: Thursday, February 05, 2009 3:17 PM
To: wenyart@griggs-steele.org; LBender@fredlaw.com
Cc: landerson@agritek.net; dbueide@vogellaw.com; -Grp-PSC Commissioners; -Grp-PSC Legal; -Grp-PSC Public Utilities
Subject: M-Power T-line Structure (PU-08-34) and Turbine (PU-08-107) Location Changes.
Attachments: 049-010.pdf; 034-010.pdf

Dear Mr. Bender:

Pursuant to paragraph #33 of the Commission's October 30, 2008 Order in Case No. PU-08-34 and paragraph #17 in the Commission's October 30, 2008 Order in Case No. PU-08-107, please consider this e-mail to be staff approval of M-Power's wind turbine and transmission line structure location changes filed on January 27, 2009. Thanks.

Jerry Lein
701 328-1035

From: Lein, Jerry R.
Sent: Tuesday, February 03, 2009 11:39 AM
To: -Grp-PSC Commissioners
Cc: -Grp-PSC Public Utilities; -Grp-PSC Legal
Subject: M-Power T-line Structure (PU-08-34) and Turbine (PU-08-107) Location Changes.

On January 27, 2009, M-Power filed the attached requests for changes in locations for Wind Turbine and transmission line structures.

In Case No. PU-08-34, M-Power proposes to relocate Turbine #21 a distance of 171 feet south to maintain a 1,400 foot buffer from a residence and to resolve a turbine blade overhang on an adjacent property.

In Case No. PU-08-107, M-Power requests to change the transmission line approach into the Pillsbury substation. Minnkota asked that M-Power's Transmission line enter the substation from the west, parallel to FPL Energy's T-line entrance, instead of from the north as was permitted. This change would require replacement of Structure #86 with an angle structure plus a relocation of structures #87 & #88, both of which would be changed to angle structures. Additionally, Structure #89 would be eliminated so that the transmission line would proceed directly into the substation from structure #88. These changes would occur entirely on the Minnkota substation property.

M-Power's buy-sell transaction with Otter tail is scheduled to close this Thursday, February 5, 2009, and the parties need this resolved before closing. Therefore, unless I hear of any concerns before then, I will plan to issue staff approval on Thursday morning in accordance with the terms and conditions of the Commission's Orders issuing the site certificate and route permit. Thanks.

35 **PU-08-107** Filed: 2/5/2009 Pages: 7
Email Staff Approval or Structure Location Changes

50 **PU-08-34** Filed: 2/5/2009 Pages: 7
Email Staff Approval or Structure Location Changes

RECEIVED

JAN 27 2009

PUBLIC SERVICE COMMISSION

Fredrikson
& BYRON, P.A.

January 27, 2009

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

Hand Delivered

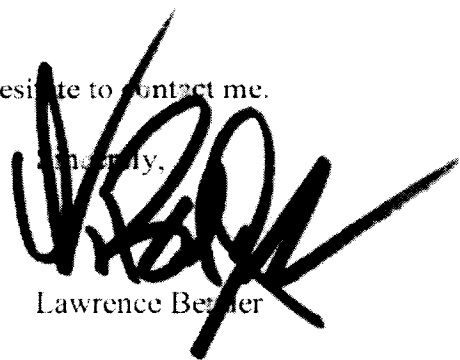
**RE: M-Power, LLC's Request for Approval of
Location Change for Turbine 21
Electric Generation/Wind – Griggs/Steele
County – Siting Application
Docket No. PU-08-34**

Dear Mr. Nitschke:

On October 30, 2008, the North Dakota Public Service Commission ("Commission") issued Certificate of Site Compatibility for Energy Conversion Facility No. 9 for Phase II of M-Power, LLC's ("M-Power") Luverne Wind Farm. Since the time that Certificate No. 9 was issued, M-Power has learned that the location of Turbine 21 of the Luverne Wind Farm needs to be changed in order to comply with the requirement of a 1400-foot setback from residences. Therefore, M-Power requests that the Commission approve a location change for Turbine 21.

In support of its request, M-Power provides a Memorandum from Kadmas, Lee & Jackson, Inc. confirming that there are no environmental concerns associated with the proposed location change. In addition, M-Power provides a map depicting both the original location and proposed new location for Turbine 21. An original and ten copies, as well as a disk containing the same, are enclosed.

If you have any questions, please do not hesitate to contact me.



Lawrence Bender

MMS:4499322

Encl.

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

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49

PU-08-34 Filed: 1/27/2009 Pages: 3
**Letter & Map Requesting Approval of Turbine
21 Location Change**

M-Power, LLC

Fredrickson&Byron.PA - Lawrence Bender

Post-SC Approval Turbine Change

Previous Turbine 21 Location

New Turbine 21 Location

Luverne Wind Farm

M-Power, LLC

● Farm Sites & Dwellings With 1400 Ft Radius

● Previous Wind Turbine 21
Northing - 138542.32
Easting - 2599020.37

⊕ New Turbine 21 Location
Northing - 138384.09
Easting - 2598956.02

N

MEMO

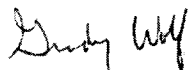
Date:	January 26, 2009
To:	Public Service Commission
Copy To:	
From:	Kadrmass, Lee & Jackson, Inc. Grady Wolf
Re:	Luverne Wind Farm

M-Power has asked that documentation be provided to the PSC regarding environmental clearance for movement of Turbine 21 of the Luverne Wind Farm. A closer analysis of the original location of Turbine 21 indicated the turbine to be closer than 1400 feet from a residence which was an established parameter when designing the wind farm. The turbine has been moved approximately 171 feet to the southwest, placing it outside the 1400-foot setback from residences. ***Please refer to the Post PSC Approval Turbine Change Map.***

Environmental considerations for the movement of Turbine 21 include analyzing potential wetland and cultural resource impacts. Environmental staff from KL&J who completed the wetland delineation for the North Field determined the movement of Turbine 21 to its new location would not cause wetland impacts. John Morrison, Earthworks Inc., contacted Susan Quinnell from the North Dakota State Historical Society to discuss what type of cultural resource review, if any, would be required for moving Turbine 21. It was agreed by Susan and John that because of the lack of cultural material found during the extensive Class III Survey there would be a very small chance to encounter cultural material at the new location. Susan concurred that a cultural resource review would not be required for movement of Turbine 21.

If you have any questions or concerns, please feel free to contact me at (701) 355.8726 or grady.wolf@kljeng.com.

Sincerely,
Kadrmass, Lee & Jackson, Inc.



Grady Wolf
Environmental Planner

701 355 8400

128 Soo Line Drive

PO Box 1157

Bismarck, ND 58502-1157

Fax 701 255 0943

www.kljeng.com

Kadrmass, Lee & Jackson, Inc.

A KLJ Solutions Company

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JAN 27 2009

PUBLIC SERVICE COMMISSION

Fredrikson
& BYRON, P.A.

January 27, 2009

Hand Delivered

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

**RE: M-Power, LLC's Request for Approval of
Proposed Changes to Transmission Line
Near Pillsbury Substation
230 kV Electric Transmission Line –
Steele County – Siting Application
Docket No. PU-08-107**

Dear Mr. Nitschke:

On October 30, 2008, the North Dakota Public Service Commission ("Commission") issued Certificate of Compatibility for a Transmission Facility Corridor No. 106 and Route Permit for Construction of a Transmission Facility No. 116 for M-Power, LLC's ("M-Power") approximately 13 mile long 230 kV transmission line. Since the time that Certificate Nos. 106 and 116 were issued, M-Power has learned that changes to the transmission line route near the Pillsbury Substation are required. M-Power requests that the Commission approve the proposed changes, as detailed below.

Early in December 2008, M-Power was informed that the approach to the Pillsbury Substation outlined in its certificate of corridor compatibility and route permit applications was unacceptable to Minnkota Power Agency ("Minnkota"). As a result of many discussions and engineering research, M-Power and Minnkota have agreed to the proposed changes to the transmission line route near the Pillsbury Substation outlined in the enclosed Authorized Approach, dated January 22, 2009. (An original and ten copies, as well as a disk containing the same, are enclosed.) The proposed changes to the transmission line route are all on Minnkota property.

34 PU-08-107 Filed: 1/27/2009 Pages: 3
**Letter & Map Requesting Approval of Turbines 86 –
88 Location Changes**

M-Power, LLC

Fredrickson&Byron,PA - Lawrence Bender

Attorneys & Advisors
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200 North Third Street, Suite 150
Bismarck, North Dakota
58501-3879

The new approach is described as follows:

Structure #88 is a self-supporting 3-pole steel design. No tangent structure "89" is needed between structure #88 and Pillsbury Substation take-off frame.

Below are X and Y coordinates for structures 86 through 88. Coordinates are given for the middle pole, and spacing is 30ft between poles on all of the corner structures.

Structure#	X - Easting (ft)	Y - Northing (ft)
86	2631775.41	575664.299
87	2631198.54	575664.603
88	2631213.408	575151.134

If you have any questions, please do not hesitate to contact me.

Sincerely,



Lawrence Bender

MMS:4499388

Encl.

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

30FT POLE SEPARATION

87

86

FL

30FT POLE SEPARATION

M-POWER 230KV T-LINE

CROP

PILLSBURY SUB

N 575269.7139
E 2631394.3886

N 575278.5938
E 2631794.2900

TRUCTURE

30FT POLE SEPARATION

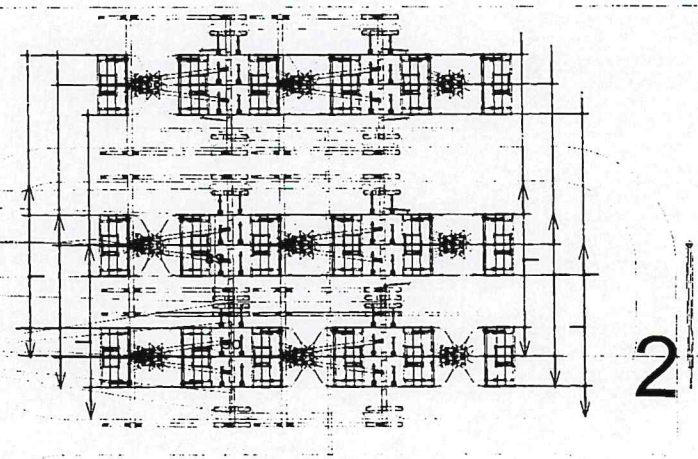
86

92

91

2

FPLE T-LINE



1

N 575013.6642