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May 29, 2008

**RECEIVED**

MAY 29 2008

**PUBLIC SERVICE COMMISSION**

*Hand Delivered*

Ms. Illona A. Jeffcoat-Sacco  
Executive Secretary  
North Dakota Public Service Commission  
600 E. Boulevard Ave., Dept. 408  
Bismarck, ND 58505-0480

Dear Ms. Jeffcoat-Sacco:

In re: FPL Energy Oliver Wind, LLC  
FPLEnergy Oliver Wind I, LLC

Enclosed for filing are the original and 10 copies of the Joint Application of FPL Energy Oliver Wind, LLC and FPL Energy Oliver Wind I, LLC for the Transfer of Certificate of Corridor Compatibility No. 92 and Route Permit for the Construction of a Transmission Facility No. 102 to FPL Energy Oliver Wind I, LLC. We are also enclosing an additional copy and ask that it be stamped received with today's date and returned to us in the enclosed, self-addressed envelope.

If you have any questions, please advise.

Very truly yours,



JOHN W. MORRISON

mw  
Enc.

1 **PU-08-241** Filed: 5/29/2008 Pages: 11  
**Application to Transfer Corridor Certificate and  
Route Permit**

FPL Energy Oliver Wind, LLC

Fleck Matter & Strutz, John Morrison

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF NORTH DAKOTA**

In the Matter of the Joint Application of	)	Case No. PU-_____
FPL Energy Oliver Wind, LLC and	)	
FPL Energy Oliver Wind I, LLC for the	)	
Transfer of Certificate of Corridor	)	
Compatibility No. 92 and Route Permit	)	
for the Construction of a Transmission	)	
Facility No. 102 to FPL Energy	)	
Oliver Wind I, LLC.	)	

**JOINT APPLICATION OF FPL ENERGY OLIVER WIND, LLC AND  
FPL ENERGY OLIVER WIND I, LLC FOR THE TRANSFER OF  
CERTIFICATE OF CORRIDOR COMPATIBILITY NO. 92 AND  
ROUTE PERMIT FOR THE CONSTRUCTION OF A TRANSMISSION  
FACILITY NO. 102 TO FPL ENERGY OLIVER WIND I, LLC**

Pursuant to NDCC Chapter 49-22, NDAC Article 69-06, and NDAC § 69-02-02-04, FPL Energy Oliver Wind, LLC, a Delaware limited liability company authorized to conduct business in North Dakota under the trade name FPL Energy Oliver County Wind, LLC (hereinafter “Oliver Wind”), and FPL Energy Oliver Wind I, LLC, a Delaware limited liability company authorized to conduct business in North Dakota (hereinafter “Oliver Wind I”), respectfully submit this Joint Application (this “Application”) for a transfer to Oliver Wind I of Certificate of Corridor Compatibility No. 92 (the “Corridor Certificate”) and Route Permit for the Construction of a Transmission Facility Certificate No. 102 (the “Route Permit”) originally issued by the Public Service Commission of the State of North Dakota (the “Commission”) to Oliver Wind in Case No. PU-06-312. Oliver Wind and Oliver Wind I are together referred to in this Application as the “Applicants”.

**A. COMMUNICATIONS AND SERVICE**

The Applicants respectfully request that the following people be placed on the Commission’s service list for all official communications in this case:

John W. Morrison, Esq.  
Counsel of record for Applicants  
Oliver Wind and Oliver Wind I  
400 E. Broadway Ave., Ste. 600  
P.O. Box 2798  
Bismarck, ND 58502-2798

Nick-Anthony Buford, Esq.  
Senior Attorney  
FPL Energy, LLC  
700 Universe Boulevard  
Juno Beach, FL 33408-2683

**B. STATUTORY PROVISIONS**

Transfer of a corridor certificate and route permit are authorized under NDCC § 49-22-13(2) and NDAC § 69-06-01-02(3). Pursuant to these provisions, the Commission is not required to hold a public hearing on an application for such transfer unless, following publication of a notice of opportunity for a public hearing in the official newspaper in which the facility is located, there is both a request by an interested person and a showing of good cause.

**C. BACKGROUND**

By order dated August 23, 2006, the Commission in Case No. PU-06-312 approved the issuance of the Corridor Certificate and Route Permit to Oliver Wind for the construction, operation, and maintenance of a 230 kV radial electric transmission line beginning at a new Oliver Substation and extending approximately 542 feet in a northerly direction to an interconnect with Square Butte Electric Cooperative’s existing Center Substation, all within the SE ¼ of Section 33, Township 142 North, Range 83 West, Oliver County, North Dakota (the “Transmission Line”). Such Corridor Certificate and Route Permit were issued by the Commission in Case No. PU-06-312 to Oliver Wind under its trade name FPL Energy Oliver County Wind, LLC.

#### **D. APPLICATION FOR TRANSFER OF ROUTE PERMIT**

Applicants now jointly submit this Application for a transfer to Oliver Wind I of the Corridor Certificate and Route Permit. In support thereof, Applicants state as follows:

1. Oliver Wind and Oliver Wind I are each limited liability companies duly organized in the State of Delaware and duly authorized to do business in the State of North Dakota. Oliver Wind has further registered in North Dakota the trade name FPL Energy Oliver County Wind, LLC, and as a result is authorized to conduct business in North Dakota under such trade name. A certificate of good standing for Oliver Wind has been previously filed with the Commission, and is incorporated herein by reference, and a certificate of good standing for Oliver Wind I is being filed herewith.

2. This Application is being made pursuant to the provisions of NDCC § 49-22-13(2), NDAC § 69-06-01-02(3), and NDAC § 69-02-02-04.

3. Oliver Wind has constructed and presently owns a 50.6MW wind energy project consisting of 22 wind turbines located in Oliver County, North Dakota, which is currently in operation and includes the Transmission Line (the “Oliver Project”). The Transmission Line has been constructed in accordance with the terms and conditions of the Commission’s August 23, 2006 Order in Case No. PU-06-312 (the “Order”).

4. In the Order, the Commission concluded, among other things, that the Transmission Line is of such length, design, location or purpose that it will produce minimal adverse effects as defined by NDCC § 49-22-05.2; the location, construction, and operation of the Transmission Line will produce only minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota; the Transmission Line is compatible with environmental preservation and the efficient use of resources; and the

Transmission Line will minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion.

5. At a closing intended to occur before December 31, 2008 upon receipt of applicable consents and approvals (the "Closing Date"), Oliver Wind intends to transfer the entirety of the Oliver Project, including the Transmission Line, and all related permits and approvals, including the Corridor Certificate and Route Permit, to Oliver Wind I by means of an asset transfer (such transfer of the Oliver Project by Oliver Wind to Oliver Wind I being referred to herein as the "Oliver Asset Transfer").

6. Oliver Wind and Oliver Wind I are each indirect subsidiaries of FPL Energy, LLC, a Delaware limited liability company ("FPL Energy"). Oliver Wind is a special purpose entity which currently owns the Oliver Project and currently conducts no other business. Oliver Wind I is a special purpose entity formed for the purpose of owning the Oliver Project (including the Transmission Line) commencing as of the Closing Date and currently conducts no other business.

7. Applicants submit that Oliver Wind I has sufficient financial and other backing from FPL Energy and its affiliates to own and operate the Oliver Project, including the Transmission Line, following the Closing Date, in the manner presently successfully owned and operated by Oliver Wind. For the year ended December 31, 2007, FPL Energy had operating revenues of \$3.474 billion. Through its subsidiaries, FPL Energy currently owns, develops, constructs, manages and operates domestic electric-generating facilities in wholesale energy markets. The projects in which FPL Energy has an ownership interest consist of natural gas, wind, nuclear, oil, hydroelectric

and other types of facilities. At December 31, 2007, FPL Energy had ownership interests in operating independent power projects with a net generating capability totaling 15,543MW. As of December 31, 2006, FPL Energy had ownership interests in 79 electric generation facilities in 24 states. FPL Energy manages or participates in the management of approximately 95% of its projects, which represented approximately 99% of the net generating capacity in which FPL Energy has an ownership interest. FPL Energy is also the largest owner of wind energy projects in the United States, with ownership interests as of December 31, 2006 in 49 operating wind energy projects, with a combined capacity of 4,225MW (4,016 net MW). FPL Energy's wind facilities are presently located in 16 states. Based on statistics from the American Wind Energy Association, as of December 31, 2006 FPL Energy's operating wind energy projects represented as of such date approximately 35% of the total wind energy generating capacity in the United States.

8. FPL Energy is currently contractually responsible to Oliver Wind for managing the business and affairs of the Oliver Project pursuant to an Administrative Services Agreement dated September 5, 2007 between Oliver Wind and FPL Energy. FPL Energy will be contractually responsible to Oliver Wind I for managing the business and affairs of the Oliver Project following the Closing Date pursuant to an assignment of such Administrative Services Agreement to be executed as of the Closing Date among Oliver Wind, Oliver Wind I and FPL Energy in favor of Oliver Wind I.

9. FPL Energy Operating Services, Inc. ("OSI"), a wholly-owned indirect subsidiary of FPL Energy, is currently contractually responsible to Oliver Wind for providing operations and maintenance services to the Oliver Project pursuant to an

Operation and Maintenance Agreement dated September 29, 2006 between Oliver Wind and OSI. OSI operates substantially all of FPL Energy's wind energy projects, and at December 31, 2006, OSI operated 46 wind energy projects with a net aggregate nameplate capacity of 3,818MW. OSI will be contractually responsible to Oliver Wind I for providing operations and maintenance services to the Oliver Project following the Closing Date pursuant to an assignment of such Operation and Maintenance Agreement to be executed as of the Closing Date among Oliver Wind, Oliver Wind I and OSI in favor of Oliver Wind I.

10. As a result of the foregoing, the Applicants submit that Oliver Wind I will be subject to the same financial and other backing of FPL Energy as owner and operator of the Oliver Project as is Oliver Wind currently. In addition, commencing as of the Closing Date, Oliver Wind I will also receive all revenues from sales of electric power from the Oliver Project, in place of Oliver Wind, pursuant to an assignment of the power purchase agreement relating to the Oliver Project to be executed as of the Closing Date in favor of Oliver Wind I.

11. Pursuant to this Application, the Applicants seek the transfer of the Corridor Certificate and Route Permit to Oliver Wind I. In order to ensure that the Oliver Project and the Transmission Line may continue to be operated by Oliver Wind until the Closing Date in accordance with all necessary permits and approvals, including the Corridor Certificate and Route Permit, Applicants request that the transfer of the Corridor Certificate and Route Permit be approved by the Commission effective as of the Closing Date of the Oliver Asset Transfer. Applicants will file, or cause to be filed, with the Commission a certificate evidencing that the Closing Date of the Oliver Asset Transfer

has occurred, informing the Commission as to the date upon which such Closing Date occurred, promptly following the occurrence of such Closing Date.

WHEREFORE, Applicants jointly respectfully request that the Commission, following publication of a notice of opportunity for a public hearing in the official newspaper in Oliver County and, unless there is both a request by an interested person and a showing of good cause:

1. Grant, without hearing, a transfer of the Corridor Certificate and Route Permit to Oliver Wind I effective as of the Closing Date of the Oliver Asset Transfer; and
2. Grant such other relief as the Commission shall deem appropriate.

Dated: May 29, 2008

FPL ENERGY OLIVER WIND, LLC  
FPL ENERGY OLIVER WIND I, LLC

FLECK, MATHER & STRUTZ, LTD.  
Attorneys for Applicants  
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Phone: 701-223-6585

By:   
JOHN W. MORRISON, ND Bar ID #03502



# Delaware

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## *The First State*

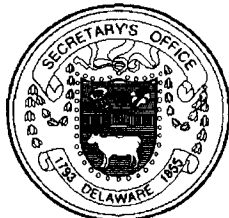
I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "FPL ENERGY OLIVER WIND I, LLC" IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE TWENTY-SECOND DAY OF MAY, A.D. 2008.

AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL TAXES HAVE NOT BEEN ASSESSED TO DATE.

4432525 8300

080588802

You may verify this certificate online  
at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)



*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 6609554

DATE: 05-22-08

# *State of North Dakota*

## SECRETARY OF STATE



### CERTIFICATE OF GOOD STANDING OF

FPL ENERGY OLIVER WIND I, LLC

The undersigned, as Secretary of State of the State of North Dakota, hereby certifies that FPL ENERGY OLIVER WIND I, LLC, a FOREIGN LIMITED LIABILITY COMPANY, authorized to transact business in the State of North Dakota on October 10, 2007, and according to the records of this office as of this date, has paid all fees due this office as required by North Dakota statutes governing a FOREIGN LIMITED LIABILITY COMPANY.

ACCORDINGLY the undersigned, as such Secretary of State, and by virtue of the authority vested in him by law, hereby issues this Certificate of Good Standing to

FPL ENERGY OLIVER WIND I, LLC

Issued: May 23, 2008

A handwritten signature in cursive script, reading "Alvin A. Jaeger".

Alvin A. Jaeger  
Secretary of State