

MEMORANDUM

To: Commissioners Fedorchak, Christmann and Kalk
Fr: Jerry Lein
Da: September 21, 2016
Re: Correction to Order and Certificates
Case No. PU-08-241

On October 8, 2008, in Case No PU-08-241, the Commission adopted an order approving the transfer of Corridor Certificate No. 92 and Route Permit No. 102 from FPL Energy Oliver County Wind, LLC to FPL Energy Oliver County Wind I, LLC.

Staff has since discovered that, the corridor certificate and route permit should have been transferred to FPL Energy Oliver Wind I, LLC.

Attached, in redline format , are a draft corrected Order Granting Transfer, First Reissued Corridor Certificate 92 and First Reissued Route Permit No. 102.

I have visited with counsel for the companies and they do not object to these corrections.

JRL

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

FPL Energy Oliver County Wind, LLC and FPL
Energy Oliver ~~County~~ Wind I, LLC
Transfer Corridor Cert 92 and Rte Prmt 102
Application

Case No. PU-08-241

ORDER GRANTING TRANSFER

October 8, 2008 (Corrected September 21, 2016)

On August 31, 2006, in Case No. PU-06-312, the Commission issued Certificate of Site Compatibility for a Transmission Facility Corridor No. 92 and Route Permit No. 102 to FPL Energy Oliver County Wind, LLC (Oliver Wind) for the construction, operation and maintenance of a 230 kV radial electric transmission line and associated facilities beginning at a new Oliver Substation and extending approximately 542 feet to interconnect with Square Butte Electric Cooperative's existing Center Substation, all within the SE ¼ of Section 33, Township 142 North, Range 83 W, Oliver County, North Dakota.

On May 29, 2008, in Case No. PU-08-241, Oliver Wind and FPL Energy Oliver ~~County~~ Wind I, LLC (Oliver Wind I) filed a joint application to transfer Corridor Certificate No. 92 and Route Permit No. 102 to Oliver Wind I. Applicants report that Oliver Wind intends to transfer the entire Oliver Project, including the Transmission Line, and all related permits and approvals, to Oliver Wind I by means of an asset transfer.

On August 13, 2008 the Commission issued a Notice of Opportunity for Hearing, which provided until September 15, 2008 for receiving written comments or requests for hearing. No response was received. The notice identified the issues to be considered as whether Oliver Wind I agrees and is able to comply with the terms and conditions of the siting certificates and permits currently issued to Oliver Wind, and whether the requested certificate and permit transfers are compatible with the public interest.

Oliver Wind and Oliver Wind I are limited liability companies organized in the state of Delaware and authorized to do business in North Dakota. Oliver Wind and Oliver Wind 1 are each indirect subsidiaries of FPL Energy, LLC, (FPL Energy) a Delaware limited liability company. FPL Energy is among the largest owners 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 4,225 MW. FPL Energy reports wind energy facilities in 16 states representing approximately 35% of the total wind energy generating capacity in the United States.

Oliver Wind has constructed and presently owns a 50.6 MW wind energy project consisting of the transmission line referenced above and 22 wind turbines currently operating in Oliver County (Oliver Project). Oliver Wind intends to transfer the entire Oliver Project, including the 230 kV transmission line, to Oliver Wind I with an anticipated closing date before December 31, 2008.

FPL Energy is contractually responsible to Oliver Wind for managing the the Oliver Project pursuant to an Administrative Services Agreement dated September 5, 2007. FPL Energy will continue to be contractually responsible to Oliver Wind I for

managing the business and affairs of the project pursuant to an assignment of the Administrative Services Agreement to be executed as of the closing date. Applicants submit that Oliver Wind 1 has sufficient financial and other backing from FPL Energy and its affiliates to own and operate the project, including the transmission line, in the manner presently successfully owned and operated by Oliver Wind.

The Commission finds that Oliver Wind 1 agrees and is able to comply with the terms and conditions of the siting certificate and permit currently issued to Oliver Wind.

The Commission finds that the requested certificate and permit transfers are compatible with the public interest.

Order

The Commission Orders:

1. The joint application of Oliver Wind and Oliver Wind I for transfer of corridor certificate and route permit is granted.
2. Certificate of Site Compatibility for a Transmission Corridor No. 92 and Route Permit No. 102 are transferred to Oliver Wind I effective with the closing date of the asset transfer. Documents will be reissued to Oliver Wind I upon notification that the transaction is complete.
3. The August 31, 2006 Order issued by the Commission in Case No. PU-06-312 is hereby amended consistent with this order.
4. Oliver Wind I shall operate the transmission facilities in accordance with all applicable safety requirements.
5. Oliver Wind I's obligation for reclamation and maintenance of the right-of-way will continue throughout the life of the project.
6. The authorization granted by Corridor Certificate No. 92 and Route Permit No. 102 are subject to modification by order of the Commission if deemed necessary to further protect the public or the environment.
7. Within thirty (30) days of the closing date, Oliver Wind shall submit a compliance report to the Commission notifying the Commission of the final date of closing of the asset transfer and the date the Corridor Certificate and Route Permit authority for the transmission line transferred to Oliver Wind I.

PUBLIC SERVICE COMMISSION

~~Tony~~ ~~Clark~~ ~~Randy~~
Christmann
Commissioner

~~Susan E. Wefald~~ ~~Julie~~
Fedorchak
President

~~Kevin Cramer~~ ~~Brian P.~~
Kalk
Commissioner

PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA

Certificate of Site Compatibility for a Transmission Facility Corridor

First Reissued Certificate Number 92

(Corrected September 21, 2016)

This is to certify that the Commission has designated a transmission facility Corridor for FPL Energy Oliver ~~County~~ Wind 1, LLC's approximately 542 feet of 230 kV electric transmission line and associated facilities extending from the Oliver Substation to interconnect with the Center substation, all within the SE 1/4 of Section 33, T 142N, R 83W, Oliver County, North Dakota.

This certificate is issued in accordance with the Orders of this Commission dated August 23, 2006 in Case No. PU-06-312 and dated October 8, 2008 in Case No. PU-08-241 and is subject to the conditions and limitations noted in those Orders.

Bismarck, North Dakota, April 1, 2010.

ATTEST:

PUBLIC SERVICE COMMISSION

Executive Secretary

Commissioner

**PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA**

Route Permit

First Reissued Certificate Number 102

(Corrected September 21, 2016)

This is to certify that the Commission has designated a transmission facility route for FPL Energy Oliver ~~County~~ Wind 1, LLC's approximately 542 feet of 230 kV electric transmission line and associated facilities extending from the Oliver Substation to interconnect with the Center substation, all within the SE 1/4 of Section 33, T 142N, R 83W, Oliver County, North Dakota.

This certificate is issued in accordance with the Order of this Commission dated August 23, 2006 in Case No. PU-06-312 and dated October 8, 2008 in Case No. PU-08-241 and is subject to the conditions and limitations noted in those Orders.

Bismarck, North Dakota, April 1, 2010.

ATTEST:

PUBLIC SERVICE COMMISSION

Executive Secretary

Commissioner