



**OFFICE OF ADMINISTRATIVE HEARINGS**

STATE OF NORTH DAKOTA  
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November 4, 2009

**RECEIVED**

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**PUBLIC SERVICE COMMISSION**

Illona A. Jeffcoat-Sacco  
General Counsel  
Public Service Commission  
600 East Boulevard Avenue  
Bismarck, ND 58505

Re: Sequoia Energy 150MW Winds Energy Project, PU-08-797  
OAH File No. 20090292

Dear Ms. Jeffcoat-Sacco:

On September 15, 2009, you requested the designation of an administrative law judge from the Office of Administrative Hearings to conduct a hearing in the matter of Sequoia Energy US Inc. (Border Winds Energy Project) (PU-08-797). I was designated as a procedural administrative law judge to conduct the hearing, but not to make recommended findings of fact and conclusions of law, or to issue a recommended order. The hearing on this matter was held on November 3, 2009. I understand that the Commission will issue findings of fact, conclusions of law and a final order.

I am closing our file on this matter and returning that portion of the record I have in my possession to you for filing with the official agency record of this matter.

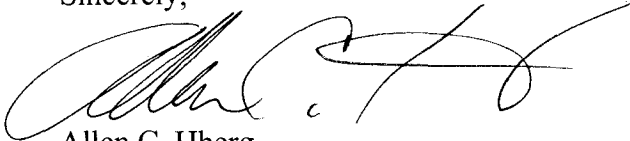
Please be advised that there were 12 exhibits offered and admitted at the hearing. The Court Reporter has the originals of exhibits 1-8, 10, and 11. Exhibits 9 and 12 will be late filed exhibits. Exhibit 9 will be an exhibit regarding a shadow flicker study or analysis. Exhibit 12 will be a revised letter from the U.S. Fish and Wildlife Service filed after further meeting and consultation with Sequoia.

The timing and filing of the late-filed exhibits and proposed findings of fact, conclusions of law, and order (to be filed by Sequoia) will be coordinated with Commission Counsel, Ms. Bendish.

Ms. Jeffcoat-Sacco  
November 4, 2009  
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Thank you for your attention to these matters.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen C. Hberg". The signature is fluid and cursive, with a large initial "A" and a long horizontal stroke extending to the right.

Allen C. Hberg  
Administrative Law Judge

ACH/lmw

Encl.

Cc: Annette M. Bendish, Public Service Commission  
John W. Morrison, counsel for Sequoia Energy