

June 9, 2014



Via electronic mail & hand-delivered

Mr. Jerry Lein
Public Utility Analyst
ND Public Service Commission
600 E. Boulevard Ave.
Dept. 408
Bismarck, ND 58504-0480

Re: In the Matter of the Certificate of Site Compatibility, Rolette County, North Dakota
Case No. PU-08-797/PU-14-31

Dear Mr. Lein:

On behalf of Border Winds Energy, LLC, please find enclosed a Permit Compliance Filing in satisfaction of requirements in the Findings of Fact, Conclusions of Law, and Order issuing Certificate of Site Compatibility Number 21 dated May 6, 2011, as amended April 9, 2014. The Permit Compliance Filing contains copies of the permits and licenses for the Border Winds Energy Project.

Pursuant to instructions from your office, we have enclosed the complete Permit Compliance Filing on a CD with all documents in a single PDF. As requested, the hard copy of the Permit Compliance Filing provided with this letter includes only the list of permits and licenses; hard copies of the permits and licenses will **not** be provided.

Please feel free to contact me at 701.221.8606 if you have any questions or concerns.

Sincerely,

STINSON LEONARD STREET LLP



Dante E. Tomassoni

DET:cp
Enclosures

19 PU-14-31 Filed 06/09/2014 Pages: 640
Compliance filing - permit compliances (CD), pre-construction conference minutes
Sequoia Energy US Inc.
Dante Tomassoni, Stinson Leonard Street

109 PU-08-797 Filed 06/09/2014 Pages: 640
Compliance filing - permit compliances (CD), pre-construction conference minutes
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Mr. Jerry Lein
Public Utility Analyst
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Bismarck, ND 58504-0480

Re: In the Matter of the Certificate of Site Compatibility, Rolette County, North Dakota
Case No. PU-08-797/PU-14-31

Dear Mr. Lein:

On behalf of Border Winds Energy, LLC ("BWE"), please find enclosed a Permit Compliance Filing in satisfaction of requirements in the Findings of Fact, Conclusions of Law, and Order issuing Certificate of Site Compatibility Number 21 dated May 6, 2011, as amended April 9, 2014. The Permit Compliance Filing contains minutes of the June 6, 2014 preconstruction conference and BWE's notice of intent to start construction of the Border Winds Energy Project.

Please feel free to contact me at 701.221.8606 if you have any questions or concerns.

Sincerely,

STINSON LEONARD STREET LLP

A handwritten signature in black ink, appearing to read 'D. Tomassoni', written over a horizontal line.

Dante E. Tomassoni

Enclosure

Permit Compliance Filing

Permittee: Border Winds Energy, LLC

Permit Type: Certificate of Site Compatibility

Project Location: Rolette County, North Dakota

Commission Case Number: PU-08-797/PU-14-31

Type of Submission: Pre-Construction Conference Minutes and Notice of Intent to Start Construction

Date of Submission: 06/09/14

The Findings of Fact, Conclusions of Law, and Order for the Certificate of Site Compatibility (the "Order") (as amended) for Border Winds Energy, LLC, ("BWE") - North Dakota Public Service Commission (the "Commission") Case No. PU-08-797 and PU-14-31 – includes the following requirement:

"Sequoia agrees to hold a preconstruction conference prior to commencement of any construction, which must include a Sequoia representative, its construction supervisor, and a representative of Commission Staff, to ensure that Sequoia fully understands the conditions set forth in the Commission's order."

Furthermore, the Order includes the following requirement:

"Sequoia agrees to inform the Commission of its intent to start construction on the energy conversion facility prior to the commencement of construction."

Note, all requirements and certifications pertaining to Sequoia Energy in the Commission's Order were transferred to Border Winds Energy, LLC in the Order Reissuing and Amending Certificate issued by the Commission on April 9, 2014.

BWE held a preconstruction conference on June 6, 2014, to satisfy the requirement of the Order. The attendees to the preconstruction conference and the minutes that identify the topics that were discussed are attached.

BWE further provides this as notice of intent to start construction of the BWE project on or after June 23, 2014.

Preconstruction Conference Minutes 6/06/2014

Via Conference Call

North Dakota Public Service Commission

Border Winds Energy, LLC

NDPSC Case No. PU-08-797 and PU-14-31

- I. Introductions of state PSC staff and RES staff
 - i. Jerry Lein – Public Service Commission, Staff Engineer (701) 328-1035
 - ii. Miranda Meehan – Carlson McCain, 3rd Party Construction Inspector for Commission
 1. Main point of contact for Carlson McCain will be Todd Hartleceen (701) 595-7001
 - iii. Sean Flannery – RES Americas/Border Winds, Sr. Permitting Specialist
 - iv. Bob Tepp – RES Americas/Border Winds, Construction Project Manager
 - v. Larry Clark – RES Americas/Border Winds, Assistant Project Manager
 - vi. Brad Lila – RES Americas/Border Winds, Development Project Manager

- II. General review of the history of the Border Winds Project, including the original Order which was issued May 5, 2011 to Sequoia Energy.
 - i. The Certificate was amended to allow for 75 Vestas 2.0 megawatt turbines, and the Certificate of Site Compatibility was transferred to Border Winds Energy, LLC in an Order dated April 9, 2014.

- III. Mr. Lein reviewed all provisions of the original Order, including all 35 specific items in the Certificate Relating to Order Provisions – Wind Energy Conversion Facility Siting. Many of the Order provisions did not require discussion. Where specific topics were discussed they are included below.
 - a. The Order requires that BWE notify the Commission if any damage occurs to underground facilities during construction. Construction activities should be suspended until clearance to proceed has been given by the Commission or Commission staff. Mr. Lein highlighted the importance of the One-Call Excavation Notice System and stated that this is a key concern of the Commission.
 - b. Item #2 requires a preconstruction conference to be held prior to the commencement of any construction. This conference call satisfies this requirement. Mr. Lein asked that BWE take notes of the discussion and file them with the Commission as evidence that the preconstruction conference has occurred.
 - c. Item #4 requires that BWE obtain all other necessary permits and licenses for the project and provide copies to the Commission. Mr. Lein requested that all the permits and licenses be filed electronically. Then BWE should also file a hardcopy letter stating which permits/licenses have been obtained and filed with the Commission, stating that the hardcopies of the permits have been omitted due to the volume of the documents.
 - i. Mr. Flannery stated that all permits/licenses necessary for the Project have been obtained and will be provided to the Commission.
 - d. Item #6 requires BWE to maintain all records which demonstrate that it has complied with the Order. Mr. Lein stated that Carlson McCain, as the 3rd-party Construction Inspector, will review documents after the construction for compliance with the Order. These documents should be maintained by BWE until the Commission closes out the case.
 - e. Item #7 requires that BWE inform the Commission of its intent to start construction. BWE stated during the conference that on-site construction activities will begin on or after June 23, 2014. Mr. Lein requested that BWE include this statement in the notes for the conference and

make specific reference to this Notice of Intent to Start Construction, which is included above for this purpose.

- i. BWE will also keep the Commission updated on the construction activities by providing a weekly report. Mr. Lein requested that this report be provided weekly via email to the Commission (ndpsc@nd.gov) and Todd Hartleccen-Carlson McCain (thartleccen@carlsonmccain.com)
- f. Item #9 requires BWE to report to the Commission if critical habitat of threatened/endangered species or eagles is found within the permit area. Mr. Lein stated that incidents with critical habitat or listed species should also be coordinated with the appropriate state and/or federal wildlife agencies.
- g. Item #20 refers to the Tree and Shrub Mitigation Plan that is required for any trees or shrubs that are removed during construction. Mr. Lein stated that BWE should maintain records of the inventory of trees/shrubs that are cut down during construction. Once the inventory is complete, the required Mitigation Plan to replace any trees/shrubs that are removed should be provided to the Commission for approval before any Mitigation plantings occur. Mr. Lein also stated that if noxious trees or shrubs are removed during construction, these should be replaced in the Mitigation Plan with a different species that is not noxious. Trees or shrubs that are trimmed but for which the root system remains undisturbed during construction will regrow and should not be inventoried or mitigated. Mr. Flannery stated that trees and shrubs that would be cut down during 2014 and the Mitigation Plan would likely be presented to the Commission for approval in early-mid 2015.
- h. Item #31 refers to the requirements for decommissioning of wind energy conversion facilities. Mr. Lein noted that a decommissioning plan shall be filed by BWE prior to the project becomes operational. This decommissioning plan should be coordinated with Xcel Energy (Northern States Power) since they will be the owner of the project once it is operational.
- i. Item #33 requires that BWE provide the Commission with "as built" drawings of the location of facilities after construction. Mr. Lein stated that these will need to be in an electronic format which should be coordinated with Commission staff prior to delivery of any as built materials.
- j. Item #35 requires that any changes which occur to the site plan (location of Project turbines and other facilities) must be approved in writing by the Commission or Commission staff. Mr. Lein noted that the Site Plan engineering drawings will be filed with the Commission prior to construction. Any deviations to the site plan which occur after these materials have been filed must be approved by the Commission or Commission staff before those facilities are constructed.

Mr. Flannery stated that BWE would file these preconstruction conference notes, including a notice of intent to start construction. The Site Plan engineering drawings and the permits/licenses for the project will also be filed with the Commission as noted above. Mr. Flannery asked if the Commission or Commission staff would provide any specific review and/or response to these compliance filings. Mr. Lein stated that no response or approval of these filings would be provided, but the filings will appear on the Commission docket website to document that the filings have occurred.

Mr. Lein noted that electronic materials that are filed with the Commission should also be copied to Carlson McCain, who will conduct inspections of the construction process and of the reclamation efforts after construction. Mr. Tepp noted that the construction inspectors are welcome onsite and should coordinate with BWE staff to undergo the necessary safety orientation training to be on site during the construction effort.

Permit Compliance Filing

Permittee: Border Winds Energy, LLC
Permit Type: Certificate of Site Compatibility
Project Location: Rolette County, North Dakota
Commission Case Number: PU-08-797/PU-14-31
Type of Submission: Permits and Licenses
Date of Submission: 06/09/14

List of the attached Permits and Licenses:

- 1) Rolette County - Conditional Use Permit and Building Permit
- 2) Rolette County – Road Use and Approach Agreement
- 3) Rolette County – Approach Permit
- 4) Rolette County – Utility Crossing Permit
- 5) Rolette County – Border Winds Project Approvals letter pertaining to various Border Winds permits
- 6) North Dakota Department of Transportation – Driveway and Utility Crossing Permits
- 7) North Dakota Department of Health – National Pollution Discharge Elimination System, Notice of Intent to obtain coverage and NPDES coverage statement (email)
- 8) North Dakota State Water Commission – Temporary Water Permit for construction water
- 9) U.S. Department of the Army-Corps of Engineers – Nationwide Permit coverage letter
- 10) Federal Aviation Administration – Determinations of No Hazard for each proposed wind turbine location

1) Rolette County - Conditional Use Permit and Building Permit

[The subsequent pages filed electronically with the North Dakota Public Service Commission-Case No. PU-08-797 have been omitted from hardcopy filing due to length]

2) Rolette County – Road Use and Approach Agreement

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3) Rolette County – Approach Permit

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4) Rolette County – Utility Crossing Permit

[The subsequent pages filed electronically with the North Dakota Public Service Commission-Case No. PU-08-797 have been omitted from hardcopy filing due to length]

- 5) Rolette County – Border Winds Project Approvals letter pertaining to various Border Winds permits

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6) North Dakota Department of Transportation –
Driveway and Utility Crossing Permits

[The subsequent pages filed electronically with the North Dakota Public Service Commission-Case No. PU-08-797 have been omitted from hardcopy filing due to length]

- 7) North Dakota Department of Health – National Pollution Discharge Elimination System, Notice of Intent to obtain coverage and NPDES coverage statement (email)

[The subsequent pages filed electronically with the North Dakota Public Service Commission-Case No. PU-08-797 have been omitted from hardcopy filing due to length]

8) North Dakota State Water Commission –
Temporary Water Permit for construction water

[The subsequent pages filed electronically with the North Dakota Public Service Commission-Case No. PU-08-797 have been omitted from hardcopy filing due to length]

- 9) U.S. Department of the Army-Corps of Engineers –
Nationwide Permit coverage letter

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10) Federal Aviation Administration – Determinations of No Hazard for each proposed wind turbine location

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