

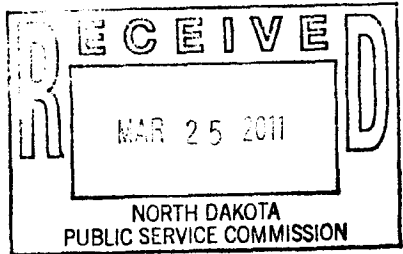
Amy Johnson

From: Amy Johnson
Sent: Friday, March 25, 2011 8:52 AM
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Cc: 'jghamre@nd.gov'; 'jeffrey_towner@fws.gov'; 'squinnell@nd.gov'; 'mpaaverud@nd.gov'; 'dave.sederquist@xcelenergy.com'; 'dglatt@nd.gov'; 'ndaero@nd.gov'; 'goehring@nd.gov'; 'jmittleider@nd.gov'; 'colson@nd.gov'; 'jengleso@nd.gov'; 'ndquarter@nd.gov'; 'ckulas@nd.gov'; 'jpaczkowski@nd.gov'; 'fziegler@nd.gov'; 'tsteinwa@nd.gov'; 'mdaley@nd.gov'; 'lmcevers@nd.gov'; 'markzimmerman@nd.gov'; Jeff C. Nelson; M. Daniel Vogel; 'ESwanson@winthrop.com'; 'Joshua.Pearson@enxco.com'; 'marmstrong@smithbakke.com'; 'Jeffcoat-Sacco, Ilona'; 'Chris Sternhagen'
Subject: RE: Case No. PU-08-932 (Merricourt Wind Project)
Attachments: Application for Reissuance of Certificate of Site Compatibility.pdf; Affidavit of Service.pdf

Attached for filing is an Application for Reissuance of Certificate of Site Compatibility, along with an Affidavit of Service. We will be hand delivering an original and seven copies of this filing to the PSC this morning.

Thank you for your attention to this filing.

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Application for Reissuance of Certificate of Site Compatibility

enXco Development Corporation
Jeff C. Nelson, Vogel Law Firm

72 **PU-08-932** Filed: 3/25/2011 Pages: 7
Application for Reissuance of Certificate of Site Compatibility

enXco Development Corporation
Jeff C. Nelson, Vogel Law Firm

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION
ENXCO DEVELOPMENT CORPORATION

CASE NO. PU-08-932

**MERRICOURT WIND POWER PROJECT – DICKEY AND MCINTOSH
COUNTIES**

**APPLICATION FOR REISSUANCE OF CERTIFICATE OF SITE
COMPATIBILITY**

Please accept this document as the request of enXco Development Corporation (“eDC) to reissue the Certificate of Site Compatibility for Energy Conversion Facility for the Merricourt Wind Power Project, to be issued in the above-captioned docket, in the name of Northern States Power Company (NSP), a Minnesota Corporation and wholly owned subsidiary of Xcel Energy. eDC requests that such transfer be made effective at the later of: (1) the North Dakota Public Service Commission’s (“Commission”) meeting following proper notice of this request and the Commission’s approval thereof, or (2) receipt of notice from eDC and NSP that both parties agree that the contractual provisions necessary for the transfer have occurred.

As stated in the Application filed by eDC in the above-captioned docket, eDC and NSP have entered into agreements for the development, construction and transfer of the Merricourt Wind Power Project. These agreements provide for NSP to take possession of the development assets, including permits, prior to the start of construction. As stated in the Application:

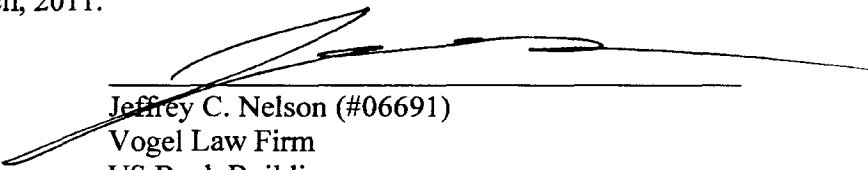
eDC has entered into agreements with Northern States Power Company (NSP), a Minnesota Corporation and wholly owned subsidiary of Xcel Energy to develop, construct, and operate the proposed 150 MW Merricourt Project. Ownership of the project is expected to be transferred from eDC to NSP upon the

transactional close of a Purchase and Sale Agreement (PSA) anticipated to be no later than March 31, 2011. Upon PSA close, eDC assumes the primary contractor role for the construction of the project and is also responsible for the Operations & Maintenance duties once the project is commissioned. This arrangement is generally referred to as a "turn-key" project.

These agreements also bind eDC and its subcontractors to adhere to the terms, conditions and requirements of the Commission in this docket. However, the date for the transfer of the development assets is subject to several conditions. As such, a date certain for the transfer cannot yet be set but eDC and NSP anticipate providing notice that the contractual provisions necessary for the transfer to occur have taken place in April or May of this year. In the event the Commission meets and considers this request prior to eDC and NSP's transactional closing of the PSA, then eDC respectfully requests that the re-issuance become effective upon notice from eDC and NSP that both parties agree that the contractual provisions necessary for the transfer have occurred.

Finally, eDC respectfully requests that the Commission decide this without a public hearing under NDCC 49-22-13(2), if no request for public hearing is made.

Dated this 25th day of March, 2011.



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City of Merricourt Mayor Merricourt, ND 58469	City of Monango Mayor Monango, ND 58471
City of Oakes Mayor Oakes, ND 58474	City of Venturia Mayor Venturia, ND 58489
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