

  
**WINTHROP WEINSTINE**  
ATTORNEYS AND COUNSELORS AT LAW

December 3, 2010

**RECEIVED**

DEC 06 2010

Jeffrey L. Leclerc  
Direct Dial: (612) 604-6687  
Direct Fax: (612) 604-6887  
jleclerc@winthrop.com

Mr. Darrell Nitschke  
Executive Secretary  
North Dakota Public Service Commission  
600 East Boulevard, Department 408  
Bismarck, ND 58505-0480

**PUBLIC SERVICE COMMISSION VIA FEDERAL EXPRESS**

RE: In the Matter of enXco Development Corporation Merricourt Wind Power Project  
McIntosh and Dickey Counties, North Dakota Site Compatibility Application  
ND PSC Docket No. PU-08-932  
OAH File No. 20100381

Dear Mr. Nitschke:

Enclosed please find ten copies of the Motion for Admission Pro Hac Vice of Eric F. Swanson, Affidavit of Eric F. Swanson for Admission Pro Hac Vice, and proposed Order Granting Admission Pro Hac Vice of Eric F. Swanson which was filed with the Administrative Law Judge today.

Copies of these documents have also been sent to the North Dakota State Board of Law Examiners.

Very truly yours,

WINTHROP & WEINSTINE, P.A.



Jeffrey L. Leclerc

Enclosures

5661687v1

**23** **PU-08-932** Filed: 12/6/2010 Pages: 8  
**Motion for Admission Pro Hac Vice, Affidavit of Eric F. Swanson, & proposed Order with copy of cover letter**  
enXco Development Corporation  
Jeffrey L. Leclerc, Winthrop Weinstine

  
WINTHROP WEINSTINE  
ATTORNEYS AND COUNSELORS AT LAW

December 3, 2010

Jeffrey L. Leclerc  
Direct Dial: (612) 604-6687  
Direct Fax: (612) 604-6887  
jleclerc@winthrop.com

The Honorable Al Wahl  
Office of Administrative Hearings  
State of North Dakota  
1707 North 9<sup>th</sup> Street  
Bismarck, ND 58501-1882

**VIA FEDERAL EXPRESS**

RE: In the Matter of enXco Development Corporation Merricourt Wind Power Project  
McIntosh and Dickey Counties, North Dakota Site Compatibility Application  
ND PSC Docket No. PU-08-932  
OAH File No. 20100381

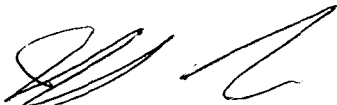
Dear Judge Wahl:

Enclosed please find the original Motion for Admission Pro Hac Vice of Eric F. Swanson, Affidavit of Eric F. Swanson for Admission Pro Hac Vice, and proposed Order Granting Admission Pro Hac Vice of Eric F. Swanson. Also included is our Affidavit of Service.

Copies of these documents have also been sent to the North Dakota State Board of Law Examiners and to the North Dakota Public Service Commission.

Very truly yours,

WINTHROP & WEINSTINE, P.A.



Jeffrey L. Leclerc

Enclosures

5661615v1

BEFORE THE NORTH DAKOTA OFFICE OF ADMINISTRATIVE HEARINGS  
1707 North 9<sup>th</sup> Street  
Bismarck, North Dakota 58501-1882

FOR THE NORTH DAKOTA PUBLIC SERVICE COMMISSION  
600 East Boulevard  
Bismarck, North Dakota 58505-0480

ND OAH File No. 20100381  
ND PSC Case No. PU-08-932

enXco Development Corporation  
Merricourt Wind Power Project  
McIntosh and Dickey Counties, North Dakota  
Site Compatibility Application

**MOTION FOR ADMISSION  
PRO HAC VICE  
OF ERIC F. SWANSON**

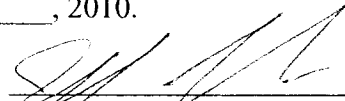
Pursuant to Rule 3 of the North Dakota Supreme Court Rules, the undersigned hereby moves the North Dakota Office of Administrative Hearings for the admission pro hac vice of Eric F. Swanson to participate in the above-identified proceeding. This Motion is made for the following reasons:

1. Eric F. Swanson is a member of the law firm of Winthrop & Weinstine, P.A., Capella Tower, Suite 3500, 225 South Sixth Street, Minneapolis, Minnesota 55402-4629, representing enXco Development Corporation – Merricourt Wind Power Project. It is contemplated that Mr. Swanson will be participating in any additional proceedings held in connection with this matter.

2. Eric F. Swanson is a member in good standing of the bar of the State of Minnesota.

3. Movant is a North Dakota admitted and licensed attorney and member of the State Bar of North Dakota who will continue to act as associate counsel. A proposed Order is submitted with this motion.

Dated this 3<sup>rd</sup> day of December, 2010.



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Jeffrey L. Leclerc (ND Bar # 04549)  
Winthrop & Weinstine, P.A.  
225 South Sixth Street, Suite 3500  
Minneapolis, MN 55402-4629  
(612) 604-6687  
Attorney for enXco Development Corporation  
Merricourt Wind Power Project

BEFORE THE NORTH DAKOTA OFFICE OF ADMINISTRATIVE HEARINGS  
1707 North 9<sup>th</sup> Street  
Bismarck, North Dakota 58501-1882

FOR THE NORTH DAKOTA PUBLIC SERVICE COMMISSION  
600 East Boulevard  
Bismarck, North Dakota 58505-0480

ND OAH File No. 20100381  
ND PSC Case No. PU-08-932

enXco Development Corporation  
Merricourt Wind Power Project  
McIntosh and Dickey Counties, North Dakota  
Site Compatibility Application

**AFFIDAVIT OF ERIC F. SWANSON  
FOR ADMISSION  
PRO HAC VICE**

STATE OF MINNESOTA    )  
  ) ss.  
COUNTY OF HENNEPIN    )

Eric F. Swanson, having been first duly sworn upon oath, deposes and states that:

1. I made and submit this Affidavit in support of a motion for my admission pro hac vice in the above-captioned proceeding.
2. I am a partner in the law firm of Winthrop & Weinstine, P.A., Capella Tower, Suite 3500, 225 South Sixth Street, Minneapolis, Minnesota 55402-4629. I have been a member of this firm since October 25, 1999.
3. I have associated with Jeffrey L. Leclerc, Winthrop & Weinstine, P.A., Capella Tower, Suite 3500, 225 South Sixth Street, Minneapolis, Minnesota 55402-4629, (612) 640-6687, ND Bar # 04549, a North Dakota admitted and licensed attorney who will serve as associate counsel with me in the above-captioned proceeding.
4. I am a member in good standing of the bar of Minnesota, and my bar number is 0188128. I have been licensed to practice law in the State of Minnesota since October 30, 1987.

5. I am not presently the subject of a public disciplinary proceeding by the bar or the courts of Minnesota or by the bar of the courts of any other state.

6. I am not under any restriction or probation in the practice of law in any jurisdiction in which I am licensed.


7. I am not now or have I ever been suspended or disbarred from a court in any jurisdiction.

8. I have not appeared in any action in a North Dakota proceeding during the prior three (3) years.

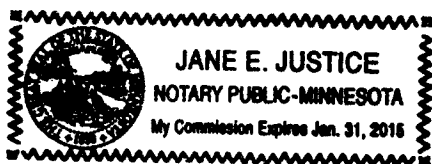
9. I am familiar with the rules of the State Bar of North Dakota governing the conduct of members of the State Bar of North Dakota and will at all times abide by and comply with the same as long as the above-captioned proceeding is pending before the North Dakota Office of Administrative Hearings and so long as I have not withdrawn as counsel from the proceeding by leave of the said Office.

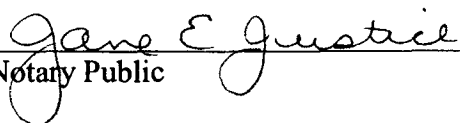
10. I agree to abide by the rules of the North Dakota Office of Administrative Hearings, North Dakota Public Service Commission, and submit to the jurisdiction of the North Dakota Supreme Court for purposes of discipline.

Dated this 3<sup>rd</sup> day of December, 2010.

  
Eric C. Swanson

Subscribed and sworn to before me this 3<sup>rd</sup> day of December, 2010.



  
Notary Public

BEFORE THE NORTH DAKOTA OFFICE OF ADMINISTRATIVE HEARINGS  
1707 North 9<sup>th</sup> Street  
Bismarck, North Dakota 58501-1882

FOR THE NORTH DAKOTA PUBLIC SERVICE COMMISSION  
600 East Boulevard  
Bismarck, North Dakota 58505-0480

ND OAH File No. 20100381  
ND PSC Case No. PU-08-932

enXco Development Corporation  
Merricourt Wind Power Project  
McIntosh and Dickey Counties, North Dakota  
Site Compatibility Application

**ORDER GRANTING  
ADMISSION PRO HAC VICE  
OF ERIC F. SWANSON**

IT IS HEREBY ORDERED that the Motion for Admission of Counsel Pro Hac Vice is granted and Eric F. Swanson of Winthrop & Weinstine, P.A., Capella Tower, Suite 3500, 225 South Sixth Street, Minneapolis, Minnesota 55402-4629, is hereby admitted to practice before the North Dakota Office of Administrative Hearings and the North Dakota Public Service Commission for the purposes of the above-captioned proceeding.

IT IS FURTHER ORDERED that Eric F. Swanson is hereby permitted to appear and participate as attorney for enXco Development Corporation in the above-captioned proceeding.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2010.

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Al Wahl  
Administrative La Judge

BEFORE THE NORTH DAKOTA OFFICE OF ADMINISTRATIVE HEARINGS  
1707 North 9<sup>th</sup> Street  
Bismarck, North Dakota 58501-1882

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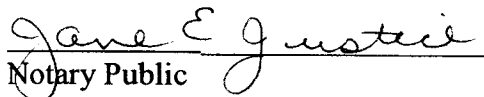
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OF ERIC F. SWANSON**

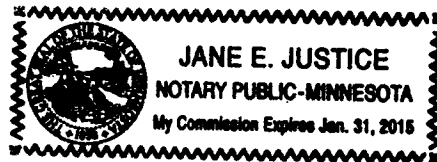
STATE OF MINNESOTA    )  
  ) ss.  
COUNTY OF HENNEPIN    )

Mary G. Holly, of the City of Lake Elmo, County of Washington, the State of Minnesota, being first duly sworn, deposes and says that on the 3<sup>rd</sup> day of December, 2010, she served the attached **Motion for Admission Pro Hac Vice of Eric F. Swanson, Affidavit of Eric F. Swanson for Admission Pro Hac Vice, and Proposed Order Granting Admission Pro Hac Vice of Eric F. Swanson** to North Dakota Office of Administrative Hearings, North Dakota Public Service Commission and North Dakota State Board of Law Examiners, true and correct copies thereof, by Federal Express.

  
MARY G. HOLLY

Subscribed and sworn to before me this  
3<sup>rd</sup> day of December, 2010.

  
Notary Public



My Commission Expires: January 31, 2015