



# Public Service Commission

## State of North Dakota

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### COMMISSIONERS

Kevin Cramer  
Tony Clark  
Brian P. Kalk

Executive Secretary  
Darrell Nitschke

Mr. Allen C. Hoberg  
Office of Administrative Hearings  
1707 North 9<sup>th</sup> Street, Lower Level  
Bismarck, ND 58501

Re: Enxco Service Corporation  
Merricourt Wind Power Project  
PU-08-932  
Siting Application

Dear Mr. Hoberg:

Enclosed is a request for an Administrative Law Judge in the captioned case. A hearing will begin Friday, 15 April 2011, beginning at 10:00 a.m., CDT, at the Dickey County Courthouse, 309 2<sup>nd</sup> St., Ellendale, ND 58436. A Notice of Hearing is enclosed.

The Administrative Law Judge will serve as a procedural law judge and the hearing will be electronically recorded.

If you have any questions, please contact me. Thank you.

Best regards,

Mark Gruman  
Legal Counsel

enclosure  
c: w/encl. Jeffrey C. Nelson  
Mitch Armstrong

600 E. Boulevard Ave. Dept 408  
Bismarck, North Dakota 58505-0480  
Web: [www.nd.gov/psc](http://www.nd.gov/psc)  
E-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
Phone 701-328-2400  
Toll Free 1-877-245-6685  
Fax 701-328-2410  
TDD 800-366-6888 or 711

18 March 2011



**REQUEST FOR ADMINISTRATIVE LAW JUDGE--APPEAL, APPLICATION, OR PETITION**  
 NORTH DAKOTA OFFICE OF ADMINISTRATIVE HEARINGS  
 SFN 17819 (Rev. 03-2001)

Name of Agency, Board, or Commission  
 North Dakota Public Service Commission

The above named agency, board, or commission requests designation of an administrative law judge from the Office of Administrative Hearings for the EnXco Service Corporation, Merricourt Wind Power Project, PSC Case No. PU-08-932

(e.g., application of [name], appeal of [name], petition of [name]). Authority for the administrative action is found in N.D.C.C. Chapter 49-22 (North Dakota Century Code and/or North Dakota Administrative Code).

Please attach related documents and correspondence.

The administrative action is more fully described as follows:  
 See Notice of Filing and Notice of Hearing for issues to be considered.

It requests designation of an administrative law judge (please check one):

- To conduct the hearing and issue recommended findings of fact, conclusions of law, and order.
- To serve as a procedural administrative law judge only (no recommended decision). The agency head will be present at the hearing as required by NDCC 54-57-04(6).
- To conduct the hearing, issue findings of fact, conclusions of law, and a final order.

**PLEASE MAKE A REQUEST FOR AN ADMINISTRATIVE LAW JUDGE AT LEAST ONE MONTH BEFORE THE HEARING.**

Please list parties, including the agency if it is a Party, and Representation [attorney (or other)] if known, or Agency Contact: (Attach separate list if necessary.)

AGENCY See attached	Address	Telephone Number
Representation	Address	Telephone Number
PARTY	Address	Telephone Number
Representation	Address	Telephone Number
PARTY	Address	Telephone Number
Representation	Address	Telephone Number

Additional Comments  
 A hearing will begin Friday, 15 April 2011, beginning at 10:00 a.m., CDT, at the Dickey County Courthouse,  
 309 2nd St., Ellendale, ND 58436.

(For agencies required to use OAH, notice of hearing will be issued by the administrative law judge, unless a procedural administrative law judge is requested. Other requesting agencies and agencies requesting a procedural administrative law judge should first contact OAH about scheduling a hearing. If notice has already been issued, attach a copy of the notice.)

Typed or Printed Name and Title of Requesting Person Mark Gruman, Legal Counsel	Date 18 March 2011
Signature of Requesting Person 	Telephone Number 701-328-2421

Attachment  
Request for ALJ  
18 March 2011

Enxco Service Corporation  
Merricourt Wind Power Project  
PU-08-932  
Siting Application

<b>AGENCY</b>	<b>Address</b>	<b>Telephone Number</b>
North Dakota Public Service Commission	600 E. Blvd. Ave. Dept. 408 Bismarck, ND 58505-0480	701-328-2400
<b>Representation</b> Mitch Armstrong, Attorney Smith Bakke Porsborg Schweigert & Armstrong	<b>Address</b> 122 E. Broadway Ave. Bismarck, ND 58501	<b>Telephone Number</b> 701-258-0630
<b>PARTY</b> EnXco Service Corporation	<b>Address</b> 10 Second Street NE Suite 107 Minneapolis MN 55413	<b>Telephone Number</b> 612-746-0770
<b>Representation</b> Jeffrey C. Nelson Vogel Law Firm	<b>Address</b> P.O. Box 2097 Bismarck, ND 58502-2097	<b>Telephone Number</b> 701-258-7899
<b>PARTY</b>	<b>Address</b>	<b>Telephone Number</b>
<b>Representation</b>	<b>Address</b>	<b>Telephone Number</b>
<b>PARTY</b>	<b>Address</b>	<b>Telephone Number</b>
<b>Representation</b>	<b>Address</b>	<b>Telephone Number</b>

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

enXco Development Corporation  
Merricourt Wind Power Project  
Siting Application

Case No. PU-08-932

**NOTICE OF FILING AND NOTICE OF HEARING  
March 18, 2011**


On October 6, 2010, enXco Development Corporation filed an application for a certificate of site compatibility to authorize construction of a 150 MW Merricourt Wind Power Project consisting of up to 100 wind turbine generators and associated facilities in Dickey and McIntosh Counties of North Dakota as shown on the attached map.

A **Public Hearing** on the application is scheduled to begin on **April 15, 2011 at 10:00 a.m. CDT at the Dickey County Courthouse, 309 2<sup>nd</sup> St, Ellendale, ND 58436.** The issues to be considered are:

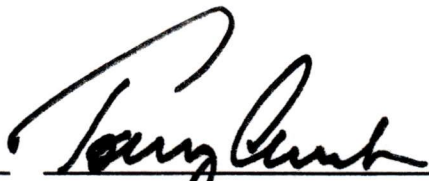
1. Will the location, construction, and operation of the proposed facilities produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota?
2. Are the proposed facilities compatible with the environmental preservation and the efficient use of resources?
3. Will the proposed facility locations minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion?

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or braille materials please notify the Commission, at least 24 hours in advance.

**PUBLIC SERVICE COMMISSION**



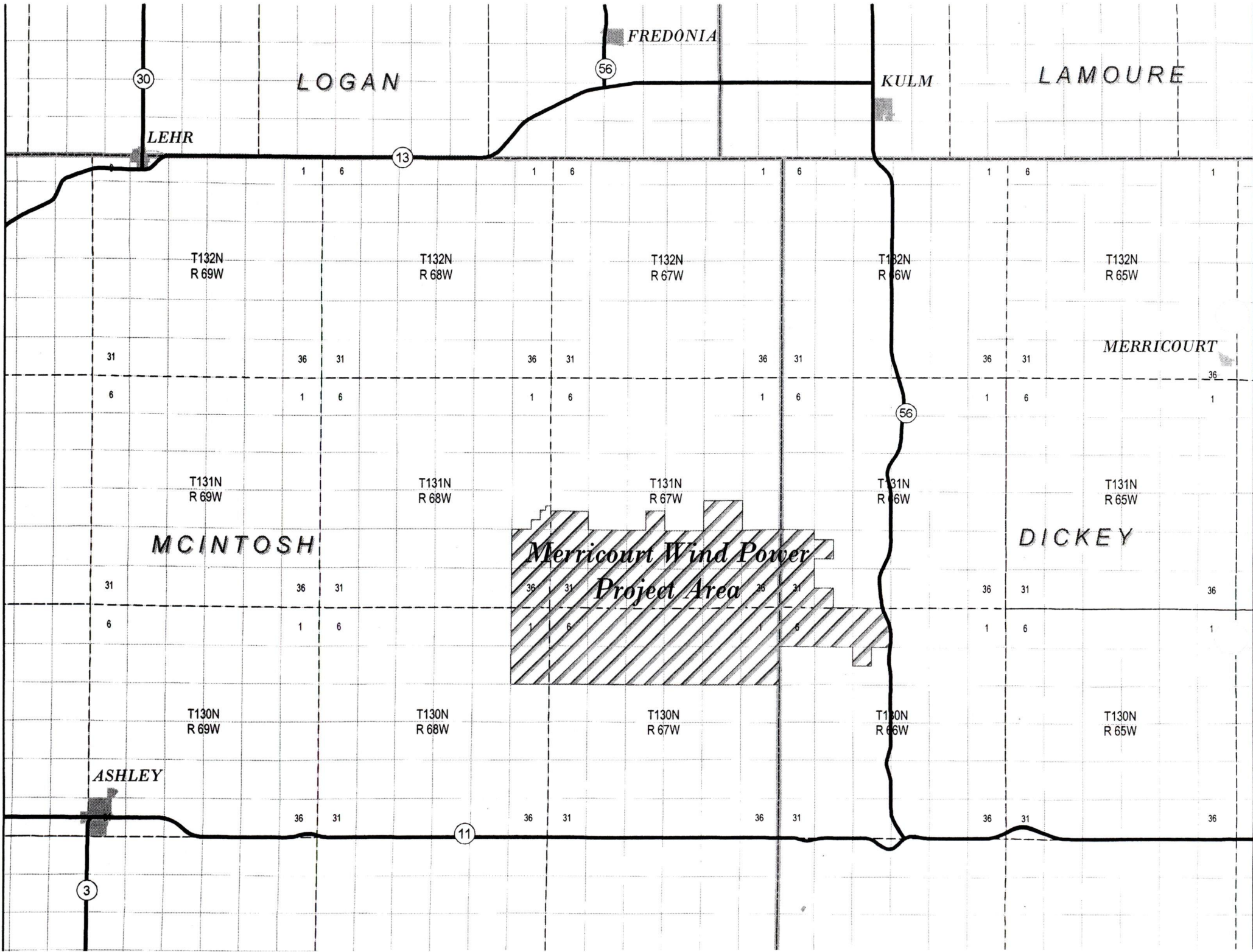
**Kevin Cramer  
Commissioner**



**Tony Clark  
Chairman**



**Brian P. Kalk  
Commissioner**



LOGAN

FREDONIA

KULM

LAMOURE

LEHR

T132N  
R 69W

T132N  
R 68W

T132N  
R 67W

T132N  
R 66W

T132N  
R 65W

MERRICOURT

T131N  
R 69W

T131N  
R 68W

T131N  
R 67W

T131N  
R 66W

T131N  
R 65W

MCINTOSH

*Merricourt Wind Power  
Project Area*

DICKEY

T130N  
R 69W

T130N  
R 68W

T130N  
R 67W

T130N  
R 66W

T130N  
R 65W

ASHLEY

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11

13

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