

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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MAR 17 2011

enXco Development Corporation

PUBLIC SERVICE COMMISSION

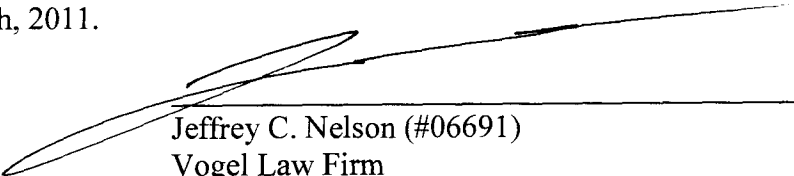
Case No. PU-08-932

Merricourt Wind Power Project – Dickey and McIntosh Counties

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE THAT ATTORNEY Jeffrey C. Nelson of Vogel Law Firm, 200 North 3rd Street, Ste. 201, PO Box 2097, Bismarck, North Dakota 58502-2097, hereby appears as additional counsel for enXco Development Corporation.

Dated this 17th day of March, 2011.



Jeffrey C. Nelson (#06691)
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REQUEST FOR EXPEDITED HEARING

On December 23, 2008, enXco Development Corporation (enXco) filed with the North Dakota Public Service Commission (Commission) a revised Letter of Intent to File an Application for a Certificate of Site Compatibility and an application for a Waiver of Procedures and Time Schedules (LOI), for a proposed 150 MW wind farm project in Dickey and McIntosh Counties, North Dakota referred to as the Merricourt Wind Power Project (Merricourt or Project) and including a request that the Commission shorten the one-year waiting period required between filing of the LOI and the filing of a siting application.

At its meeting on December 31, 2008, the Commission approved a Motion acknowledging the LOI, shortening the one-year waiting period between the filing of an LOI and a siting application to one day, and assessing a filing fee of \$100,000.00.

On October 6, 2010, enXco filed its Application for a Certificate of Site Compatibility and attachments (collectively, Application), along with payment of the filing fee of \$100,000.00, receipt of which was acknowledged by the Commission on October 14, 2010.

On November 12, 2010, the Commission approved a Motion deeming the Application complete and properly issued its Notice of Filing and Notice of Hearing, setting the hearing for this matter for December 21, 2010. Inclement weather forced postponement of the hearing and on December 30, 2010, the Commission properly issued its Notice of Rescheduled Hearing (Notice), setting the hearing for February 10, 2011 at 10:00 AM at Teddy's Grill, 1101 Industrial Park, Edgeley, North Dakota.

The Notice identified the following issues to be considered:

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 impacts while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion?

On December 14, 2010, enXco filed an Addendum to the Application, responding to comments or questions from Commission Staff and enclosing additional information regarding the final project layout map, designated piping plover critical habitat map, occupied residences map and a Biological Conditions and Effects Summary.

On February 10, 2011, a public hearing was held as scheduled, attended by several dozen landowners. At that hearing, enXco provided the expert testimony of three witnesses, who were cross-examined by Commissioners, Commission Staff and Commission Counsel. In addition, the Hearing Examiner invited members of the public to address the Commission and the Commission received testimony from two public witnesses, one tenant of a portion of the Project Area and one landowner from outside of the Project Area.

On March 17, 2011 Commission Counsel for this matter Mitch Armstrong notified enXco counsel that the hearing site for the intended December 21, 2010 public hearing and for the February 10, 2011 public hearing was not located within either Dickey or McIntosh Counties and that the Commission would need to reconvene this matter for the purpose of holding a public hearing within one of the two affected counties.

As enXco discussed in its Application, enXco 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 Project, with full ownership of the Project to transfer to NSP upon the transactional close of a Purchase and Sale Agreement, no later than

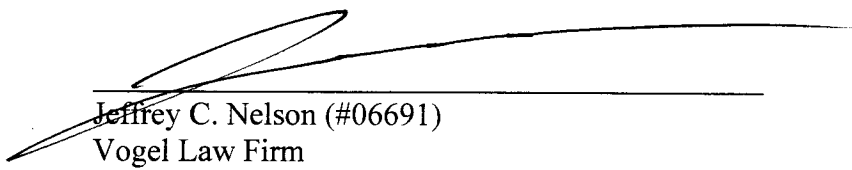
March 31, 2011. However, if a reconvening of the public hearing in this matter is required and cannot occur until after March 31, 2011, under the agreements between enXco and NSP, NSP can terminate the Purchase and Sale Agreement between the parties, effectively terminating this Project, as set forth in the attached Affidavit of Chris Sternhagen.

As the record of this proceeding makes clear, the Merricourt Project provides substantial benefits to North Dakota landowners, to the local and regional economies and to the electric system. The Project will have a name plate (gross) generating capacity of up to approximately 150 MW, with a projected annual power output of between 576,000 and 596,000 MW hours, or enough to power 50,000 to 70,000 homes at any given time. Construction of Merricourt is expected to employ 200 to 300 workers and enXco will hire a major engineering, construction and procurement contractor to complete the engineering designs and construction. enXco estimates that Merricourt will also require 10 to 12 full time employees for operations and maintenance of the Project, bringing the associated economic benefits of increased employment, increased spending by temporary employees, and increasing the counties' tax bases.

For all of these reasons, enXco strongly believes that a technical deficiency in the initial public hearing location should not jeopardize the construction of the Merricourt Project. Therefore, under the unique circumstances of this matter, enXco respectfully requests that the Commission find an emergency exists within the meaning of N.D.C.C 49-22-13 and that the Commission exercise its discretion to hold any reconvened hearing that may be necessary in either Dickey or McIntosh County upon a notice of less than twenty days. Specifically, enXco respectfully requests that any such reconvened hearing be held as soon as possible so that the March 31, 2011 date for receipt of the Certificate of Site Compatibility may still be satisfied.

Respectfully submitted,

Dated this 17th day of March, 2011.



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AFFIDAVIT OF CHRIS M. STERNHAGEN

I, Chris M. Sternhagen, having been duly sworn and upon oath, hereby state as follows:

1. I am a Regional Development Manager for enXco Development Corporation (enXco) and am the Project Development Manager for the Merricourt Wind Power Project (Merricourt), the subject of the above-captioned proceeding.

2. I provided sworn testimony before the Commission in this matter at the public hearing on February 10, 2011, held in Edgeley, North Dakota. I have been informed that this hearing may now need to be re-convened in either Dickey or McIntosh County and that such a re-convened hearing could take place as late as mid-April.

3. As the Project Development Manager for Merricourt, I have personal knowledge of the agreements entered into between enXco and Northern States Power Company (NSP), a Minnesota Corporation and wholly owned subsidiary of Xcel Energy.

4. As the Project Development Manager for Merricourt, I also have knowledge of the economic benefits Merricourt can bring to the businesses and citizens of Dickey and McIntosh Counties and the surrounding area due to job creation, temporary jobs, landowner payments and other impacts, as set forth in the record of this proceeding.






5. Under its agreements with NSP, enXco is to develop, construct and operate the proposed Project, with full ownership of the Project to transfer to NSP upon the transactional close of a Purchase and Sale Agreement, no later than March 31, 2011.

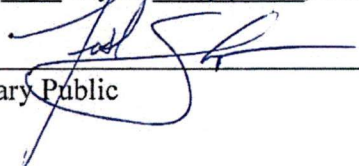
6. Among the conditions enXco must meet prior to the transactional close is acquisition of the Certificate of Site Compatibility from the Commission.

7. If a re-convening of the public hearing in this matter is required and cannot occur until after March 31, 2011, under the agreements between enXco and NSP, NSP can terminate the Purchase and Agreement between the parties, effectively terminating this Project and extinguishing the economic benefits to Dickey and McIntosh Counties and the surrounding residents and businesses.

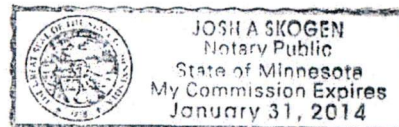
FURTHER YOUR AFFIANT SAYETH NOT.


Chris M. Sternhagen, enXco
Regional Development Manager

Subscribed and sworn to before me
this 17 day of MARCH, 2011.



Notary Public



5881796v1



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City of Lehr Mayor Lehr, ND 58460	City of Ludden Mayor Ludden, ND 58462
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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PU-08-932