STOEL RIVES LLP

33 South Sixth Street, Suite 4200
Minneapolis, MN 55402
T. 612.373.8800
F. 612.373.8881
www.stoel.com

SARA E. BERGAN
D. (612) 373-8819
sara.bergan@stoel.com

March 3, 2017

Mr. Darrell Nitschke, Executive Director
North Dakota Public Service Commission
600 E. Blvd., Dept. 408
Bismarck, ND 58505-0480

Re: Application for a Second Amendment to Certificate of Site Compatibility (Case No. PU-08-932)

Dear Mr. Nitschke:

Pursuant to North Dakota Century Code § 49-22-08(4), please find enclosed an original and ten copies of the application of EDF Renewable Development, Inc. ("EDF"), for an amendment to its Amended Certificate of Site Compatibility for Energy Conversation Facility Number 23 (the "Certificate"), originally issued June 8, 2011 in the above-referenced case for the Merricourt Wind Power Project (the "Project") and as more recently amended in May of 2015.

Since the 2015 amendment, EDF has coordinated with the US Fish and Wildlife Service (USFWS), to develop a management plan for piping plovers and whooping cranes that outlines avoidance and minimization measures that, when implemented, will render the risk of take as discountable. The purpose of this amendment is to request approval of a change in the project layout to be consistent with the avoidance and/or minimization measures committed to in the management plan and to request approval of a revised project boundary and facilities.

In addition on November 16, 2016, EDF and Otter Tail Power Company executed an Asset Purchase Agreement and corresponding Engineering, Procurement and Construction Contract for the sale and construction of the project. As proposed the project would begin construction upon the satisfactory close of the purchase agreement and begin construction in 2018 or 2019. The project has an anticipated commercial operations date of no later than December 31, 2019.

Currently the Certificate authorizes EDF to "site and construct the wind turbines according to the revised site plan filed as Hearing Exhibit 14, with the removal of alternate locations 45A and 41A." In addition the original Certification provides that any additions or modifications to the site plan for the energy conversion facility must be approved in writing by the Commission or the Commission staff and that such approval may be granted after notice and opportunity for hearing. In light of these provisions in the Certificate, EDF respectfully requests that the

Commission amend the Certificate to accommodate the recent revisions described above. EDF notes that it has been careful to modify the layout to accommodate greater protections for species of concern but in so doing has also been careful to avoid the area around Residence 05 (that previously held turbine locations 45A and 41A).

The enclosed application for amendment to the Certificate includes:

- updated maps that document the layout modifications, including a revised Project Area, and show the revised exclusion and avoidance areas,
- updated noise and shadow flicker analysis,
- updated cultural resource inventories and the State Historical Society of North Dakota concurrence based on the revisions,
- updated wetland delineation, and
- communication with the USFWS on the measures proposed to avoid and minimize the risk of take to the piping plover and whooping crane.

In addition to the amendment and supporting documentation, the corporate filing papers for EDF are on file with the Commission for the applicant in Case No. PU-14-743 as provided in October of 2014, but we have also enclosed a recently updated good standing certificate. A Ten Year Plan has been filed concurrently with this filing under a separate docket.

Very truly yours,

Stoel Rives LLP

Sara E. Bergan