

NORTH DAKOTA PUBLIC SERVICE COMMISSION

<p>In the Matter of the Application for a Siting Permit for the Merricourt Wind Power Project in Dickey and McIntosh Counties, North Dakota</p> <p>ND PSC Docket No. PU-08-932</p> <p>OAH File No. 20170176</p>	<p>Response to Proposed Findings of Fact, Conclusions of Law and Order</p> <p>Laborers' District Council of Minnesota And North Dakota</p>
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The Laborers' District Council of Minnesota and North Dakota ("Laborers Union") concurs with the Findings of Fact, Conclusions of Law and Order proposed by EDF Renewable Development, Inc. ("EDF") for the Merricourt Wind Power Project subject to the inclusion of the following proposed findings:

28. Construction of large-scale wind energy generation facilities such as EDF's proposed Merricourt Wind Power Project can lead to the creation of high-quality employment and career opportunities for North Dakotans.

29. EDF has reaffirmed the company's commitment to utilize skilled and trained labor from North Dakota on the construction and maintenance of the Merricourt Wind Power Project wherever possible, and indicated that many area workers have relevant construction experience.

30. EDF intends to mitigate potential safety hazards associated with construction of large-scale wind energy generation facilities by selecting contractors that hire properly skilled and trained workers, and have a proven record of safe work practices including avoidance of fatalities on wind projects.

We contend that these findings are supported by the hearing record and are relevant to any determination by the North Dakota Public Service Commission ("Commission") that the project "will produce minimal adverse effects on the environment and upon the welfare of the citizens

of North Dakota and is otherwise compatible with environmental preservation and the efficient use of resources. Absent EDF's commitments to utilize safe contractors and make commercially feasible efforts to utilize North Dakota workers, we are concerned that the record may not adequately support a determination that the adverse effects of the project on the citizens of North Dakota is minimal, nor that the project would clearly be compatible with efficient use of resources.

In our view, the inclusion of the proposed findings demonstrates how EDF's local hiring commitments helps to offset job losses that could be associated with displacement of coal power generation, and to ensure the most efficient use of wind resource to benefit North Dakota communities. We also believe that EDF's safety commitment should be incorporated to show how the company intends to mitigate the risk of adverse effects to workers in the potentially hazardous environment of a large-scale wind energy construction project.

The Laborers Union further recommends that the Commission include in its Order a requirement that EDF make regular reports on the utilization of North Dakota workers on the construction of the Merricourt Wind Power Project as follows:

10. EDF shall submit reports to the Commission during the construction process on the total number of construction workers employed for 30 days or more on the Merricourt Wind Power Project, and the number of said workers that were qualified as North Dakota residents under North Dakota Century Code § 16.1-01-04(1)(c) for at least 30 days prior to the commencement of construction.

We contend that the proposed requirement would not be burdensome, because the Engineering, Procurement, and Construction ["EPC"] contractors that build large-scale wind energy facilities are sophisticated organizations that routinely keep close track of personnel onsite and work hours to both keep the site secure and maximize efficiency. Further, the proposed requirement would not interfere in any way with the applicant's selection of contractors, nor with the contractors' hiring of workforce.

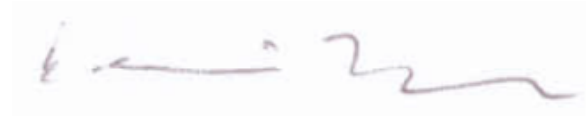
The proposed requirement would, in our view provide objective information that the Commission and host communities could use to evaluate the effectiveness of such projects in creating high-quality employment opportunities for North Dakotans. Such a requirement would be consistent with provisions of the North Dakota Administrative Code 69-06-08-01 that permits the Commission to promote or even require policies and practices that maximize the benefits of energy conversion facility siting, including "[t]raining and utilization of available labor in this state".

The members of the Laborers Union greatly appreciate the Commission's attention to these important matters of local employment and worker safety, and hope that Commissioners will give considerations to our proposals.

Dated: October 10, 2017

Respectfully Submitted,

Laborers District Council of Minnesota & North Dakota

A handwritten signature in dark ink, appearing to read "Kevin Pranis", is centered on a light-colored rectangular background.

By: Kevin Pranis, Marketing Manager
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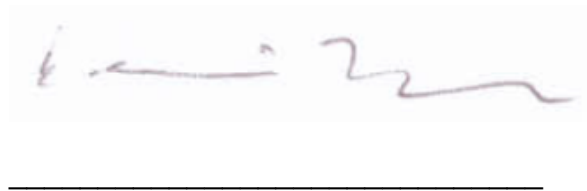
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CERTIFICATE OF SERVICE

I, Kevin Pranis, hereby certify that I have this day served a copy of the foregoing response to Response to proposed Findings of Fact, Conclusions of Law and Order in the application for a Site Permit for the Merricourt Wind Power Project

On the attached list of persons via electronic mail; and by depositing a true and correct copy in a proper envelope with postage paid, addressed to the person, in the United States Mail at St. Paul, Minnesota.

Dated this 10th day of October, 2017



Kevin Pranis

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