

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

M-Power, LLC / Ashtabula Wind II, LLC
Transfer of Site Certificate
Siting Application

Case No. PU-09-221

AFFIDAVIT OF SERVICE BY CERTIFIED AND REGULAR MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Janet Marquart deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **4th** day of **June, 2009**, she deposited in the United States Mail, Bismarck, North Dakota, **two** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and each containing a photocopy of:

Notice of Opportunity for Hearing

The envelope was addressed as follows:

Mr. Lawrence Bender, Attorney
Attorney for M-Power, LLC
200 N 3rd Street, Suite 150
PO Box 1855
Bismarck ND 58502-1855

Mr. Wade C. Mann, Attorney
Attorney for Ashtabula Wind II, LLC
400 E Broadway, Suite 600
PO Box 2798
Bismarck ND 58502-2798

Cert. No. 7008 2810 0000 4606 5036

Cert. No. 7008 2810 0000 4606 5043

Janet Marquart further deposes and says that on the **4th** day of **June, 2009**, she deposited in the United States Mail, Bismarck, North Dakota, **two** envelopes by regular mail, with postage fully prepaid, securely sealed, each containing a photocopy of the same.

Mr. Warren Enyart, Secretary
M-Power, LLC
602 Lincoln Ave S
PO Box 335
Finley ND 58230-0335

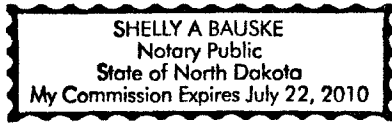
Mr. Lloyd Anderson
Consultant for M-Power, LLC
4838 Rocking Horse Circle
Fargo ND 58104

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me
this 4th day of **June, 2009.**

Janet Marquart
Shelly A Bauske
Notary Public

SEAL



**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**M-Power, LLC / Ashtabula Wind II, LLC
Transfer of Site Certificate
Siting Application**

Case No. PU-09-221

**NOTICE OF OPPORTUNITY FOR HEARING
June 3, 2009**

On October 30, 2008, in Case No. PU-08-34, the Commission issued Certificate of Site Compatibility No. 9 to M-Power, LLC (M-Power) authorizing construction of Phase II of its proposed Luverne Wind Farm consisting of 33 turbines and associated facilities totaling 49.5 MW of nameplate generating capacity in Steele County, North Dakota.

Also on October 30, 2008, in Case No. PU-08-107, the Commission issued Certificate of Corridor Compatibility No. 106 and Route Permit No. 116 to M-Power authorizing construction of approximately 13 miles of 230 kV transmission line and associated facilities in Barnes and Steele County, North Dakota.

On May 20, 2009, in Case Nos. PU-09-73 and PU-09-136, the Commission granted the joint application of M-Power and Otter Tail Corporation for transfer of Certificate of Site Compatibility No. 9, Certificate of Corridor Compatibility No. 106 and Route Permit No. 116 to Otter Tail Corporation.

As noted in the Commission's October 30, 2008 Findings of Fact, Conclusions of Law and Order in Case No. PU-08-34, M-Power would later proceed to either construct the Phase I portion of the Project, or seek approval to transfer the Certificate for Phase I to a regional or national developer.

A hearing to consider more evidence regarding the application of M-Power for the Certificate to construct the remaining 120 MW Phase I of the proposed Luverne wind farm in Griggs and Steele Counties, North Dakota (the "Project") is scheduled for June 5, 2009 in Case No. PU-08-34.

On June 2, 2009, in Case No. PU-09-221, M-Power, LLC and Ashtabula Wind II, LLC submitted a joint application for the transfer of the anticipated Certificate of Site Compatibility for Energy Conversion Facility for Phase I of the Project to Ashtabula Wind II, LLC.

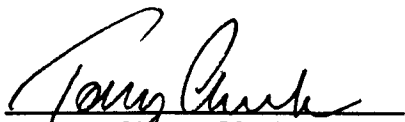
M-Power and Ashtabula Wind II, LLC executed a Purchase and Sale Agreement, dated May 22, 2009, pursuant to which Ashtabula Wind II, LLC would purchase all of M-Power's interest in Phase I of the project. Ashtabula Wind II, LLC will construct and own Phase I of the project. The closing of the Purchase and Sale Agreement will not occur prior to the June 5, 2009 hearing on M-Power's application for the Certificate.

The issues to be considered in these matters are whether Ashtabula Wind II, LLC agrees and is able to comply with the terms and conditions of the certificate issued to M-Power, and whether the requested transfer is compatible with the public interest.

Those interested are invited to comment on the application in writing. Persons desiring a hearing must file a written request identifying their interest in the proceeding(s) and the reasons for requesting a hearing. Comments and requests for hearing must be received by **July 6, 2009**. If deemed appropriate, the Commission can determine the matter without a hearing.

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.

PUBLIC SERVICE COMMISSION



Tony Clark
Commissioner



Kevin Cramer
President



Brian P. Kalk
Commissioner