

RECEIVED

JUL 02 2009

PUBLIC SERVICE COMMISSION

**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 proceed-

ing(s) and the reasons for requesting a hearing. Comments 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

GCC June 12, 2009