

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**M-Power, LLC
Electric Generation/Wind-Griggs/Steele
County
Siting Application**

Case No. PU-08-34

**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 **20th** day of **July, 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:

**Senator Tim Mathern's Petition for Reevaluation of Setbacks from
Dwellings in Wind Farm**

**Gerald & Connie Stokka's Petition for Hearing and Re-evaluations of High
Risk Wind Turbines**

The envelopes were addressed as follows:

Mr. Brian Bjella, Attorney
Crowley Fleck PLLP
400 E Broadway, Ste 600
PO Box 2798
Bismarck ND 58502-2798

Mr. Lawrence Bender, Attorney
Fredrikson & Byron PA
200 N 3rd St, Ste 150
PO Box 1855
Bismarck ND 58502-1855

Cert. No. 7008 1830 0004 1758 9137

Cert. No. 7008 1830 0004 1758 9144

Janet Marquart further deposes and says that on the **20th** day of **July, 2009**, she deposited in the United States Mail, Bismarck, North Dakota, **three** envelopes by regular mail, with postage fully prepaid, securely sealed, each containing a photocopy of the same.

PU-09-221 Filed: 7/20/2009 Pages: 5
Affidavit Certified Regular - Petitions for Rehearing

Public Service Commission

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Affidavit Certified Regular - Petitions for Rehearing

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

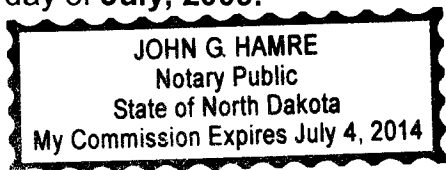
Mr. Lloyd Anderson
Consultant for M-Power, LLC
4838 Rocking Horse Circle
Fargo ND 58104

Mr. Scott Scovill, Dir. of Wind Dev.
NextEra Energy
700 Universe Boulevard
Juno Beach FL 33408

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

Subscribed and sworn to before me
this 20th day of July, 2009.

SEAL



Janet Marguerit

John G. Hamre

Notary Public

Commissioner Kevin Cramer, Commissioner Tony Clark and Commissioner ~~Dale Kubi~~
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480

RECEIVED

JUL 16 2009

July 15, 009 PSC Case No. PU-08-34

PUBLIC SERVICE COMMISSION

PETITION FOR REEVALUATION OF SETBACKS FROM DWELLINGS IN WIND FARM

PETITION: I ask the Commission to increase the setback requirements or reopen the hearing on turbines #166, 170, 171 and 172 in Broadview Township, Griggs County, ND. I have heard concerns from land owners, homeowners and business owners located near wind farms.

As a State Senator and legislature we determined the Public Service Commission shall hold a series of hearings related to wind development, including a determination of allowable setbacks of industrial wind turbines from human dwellings.

On June 5, 2009, the PSC held a public hearing in Cooperstown, Griggs County, ND, regarding the south field of the Luverne Wind Farm. I have received and reviewed the exhibits of that hearing and today read the unapproved minutes of your July 8, 2009 meeting. Unfortunately, I was unable to get a copy of the minutes of your work meeting of July 2, 2009 which would have helped me understand your decision.

The PSC was asked to enforce a one-mile setback of industrial wind turbines from homes with concern about the noise generated by turbines and the health problems associated with the repetitive quality of this noise.

Within the exhibits there is information regarding five hazards:

- 1.) Vibroacoustic Disease.
- 2.) Accidents from brake failure.
- 3.) Turbine flicker and strobe-light effect.
- 4.) High-velocity "throw" of ice.
- 5.) Wind Turbine Syndrome.

For the good of our citizens and the proper development of the wind energy in North Dakota, I ask you to reconsider your decision on turbines 166, 170, 171 and 172.

Sincerely,



Senator Tim Mathern
429 16th Ave. South
Fargo ND 58103
tmathern@nd.gov

Kevin Cramer, Tony Clark and Brian Kalk
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480

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JUL 16 2009

PUBLIC SERVICE COMMISSION

Petition for hearing and re-evaluation of high risk wind turbines.

The Public Service Commissioners have been asked to allow a one mile setback for three homes. They have decided against allowing this. As land owners, homeowners and some business owners located in the South Ashtabula Wind Farm project, we are petitioning for a re-hearing on high risk turbines #170,171, 172 and 166.

Look carefully at the strong evidence that was presented at the June 5th hearing in Cooperstown, ND that is all a part of the public record. If this proceeds as planned, some of these issues have great potential to come back to haunt the decision makers.

In the July 8th meeting, the commissioners made the decision to take one of the five high risk turbines out. By this action the commissioners CLEARLY acknowledged the noise problem for guests at the bed and breakfast. They spoke of how people who go to a B & B are seeking quiet. As residents, is our need for quiet less important? We did not merely invest a hundred dollars a night for a night or two, we invested tens of thousands of dollars and a good part of our lives. And we chose to live our lives in this state. Are we supposed to live with this noise night after night as the Stillings have been forced to? Do you remember Cathryn Stillings from the Ashtabula project reading her testimony of how she sleeps each night with ear plugs? Her testimony is part of the public record. You can also read about it in several recent news stories.

To hear more proof of noise, listen to the June, 5th testimony from Mark Askerooth, a participating land owner who clearly and strongly admits that the turbines make significant noise.

Dennis Stillings, one who lives with the noise day after day says "One of the big tricks played by NextEra is to conflate the concepts of *sound* and *noise*. *Sound* is a purely physical concept describable by mathematics and physics; *noise* is sound as perceived by an organism—a human being or animal. It has context. The sound level of a dog growling might amount to very few decibels, but as a noise it has quite another impact. The way the sound of a waterfall or of ocean surf can be quite loud, yet people pay premium prices to live next to them. On the other hand, the slightest irregular noise in the engine of an expensive car can be very annoying. It is said that the sound of the turbines is no more annoying than the sound of a refrigerator, but we know what that is, the place it has in our lives, and we know that it comes and goes. The *whup-whup-whup* of the turbines can continue unabated, 24/7, for days on end. It is also said that the noise level is at about the level of ordinary human conversation. But how would you like to have a stranger in your living room sitting in the corner going "*whup-whup-whup*" at about one-second intervals while trying to hold a conversation with another human.

What NextEra says without blushing or batting an eye condemns them out of their own mouths."

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Letter Requesting Rehearing and Reevaluation of
Turbine Setbacks

Gerald & Connie Stokka

The PSC office is going to be looking at the current setbacks in the next two to four weeks. How can the decision to allow the four "in question" turbines go forward before the final decision?

If it is vitally important to the economy (tax revenues) of North Dakota to have these four turbines, wouldn't it be wise to not allow it to take away our property value? As landowners, are we so much less important than the participating land owners?

Scott Scovill, from NextEra, insisted that it would not affect our property value. If he is so sure, then why wouldn't he be willing to give us a property value protection plan? He could confidently know that he has not given up anything and we would be reassured the value of our property will not decline.

If the PSC refuses citizens a one mile setback, then we ask for protection from this violation by means of a property value protection plan.

We urge the Public Service Commissioners take another look at their decision.

Sincerely,
Concerned Citizens for Proper Setbacks.

<u>Name</u>	<u>Address</u>	<u>Phone</u>
Gerald + Connie Stokka	11551 2nd St SE COOPERS TOWN, ND	707-997-3429