



RECEIVED

NOV 20 2009

**PUBLIC SERVICE COMMISSION**

November 18, 2009

Mr. Darrell Nitschke  
Executive Secretary  
North Dakota Public Service Commission  
600 E. Boulevard Ave., Dept. 408  
Bismarck, North Dakota 58505-0480

**Re: Updates to Letter of Intent to submit an application for a Certificate of Site Compatibility for CPV Ashley Renewable Energy Company, LLC's Ashley Wind Power Project  
Case No. PU-09-370**

Dear Mr. Nitschke:

On June 19<sup>th</sup>, 2009, CPV Ashley Renewable Energy Company, LLC (CPV Ashley) submitted a Letter of Intent (LOI) to file an application for a Certificate of Site Compatibility for its Ashley Wind Power Project (the Project) pursuant to Chapter 49-22 of the North Dakota Century Code and Chapter 69-06-03 of the North Dakota Administrative Code. At that time, CPV Ashley also submitted a request that the PSC waive or modify the requirement that a Letter of Intent be filed one year before filing an application for siting of the Project. On July 8<sup>th</sup>, 2009, the North Dakota Public Service Commission (Commission) passed a motion acknowledging the Letter of Intent, shortening the one-year waiting period between filing a letter of intent and a siting application to six months, and assessing a filing fee of \$100,000 due upon filing an application.

Since filing its Letter of Intent in June, CPV Ashley signed a 200 megawatt (MW) Power Purchase Agreement (PPA) with the Tennessee Valley Authority (TVA). In the wind power industry, the ability to sell power through a PPA is essential to all aspects of project development, especially interconnection with the Midwest Independent System Transmission Operator (MISO) and obtaining project financing. Due to the commercial opportunity presented, CPV Ashley plans to focus its immediate permitting efforts on the specific 200 MW associated with the TVA PPA (Phase I). CPV Ashley will continue its development efforts throughout the Project area, and may permit future phases of the Project at a later time, in conjunction with future commercial opportunities.

Therefore, in accordance with Chapter 49-22 of the North Dakota Century Code and Chapter 69-06-03 of the North Dakota Administrative Code, CPV Ashley is providing updates to the

information provided in its Letter of Intent so that the Commission has the information required for Phase I of the Project.

### **Facility Description**

Phase I of the Project is a wind energy conversion facility that will consist of approximately 200 MW of wind energy capacity, and will be owned and operated by CPV Ashley. Phase I's footprint consists of approximately 17,400 contiguous acres of land located in McIntosh County, ND, north of Ashley, ND. Phase I is planned for interconnection to Montana-Dakota Utilities Company's (MDU) Wishek – Tatanka 230 kV transmission line.

### **Area to be Served**

As noted above, Phase I of the Project is planned for interconnection to the MISO transmission system on the MDU Wishek – Tatanka 230 kV line. CPV Ashley has a PPA with TVA for Phase I. Power from Phase I will be 'wheeled' through the MISO transmission system to the adjacent TVA transmission system and, from there, will be distributed throughout TVA's service area.

### **Map of the Study Area for the Proposed Corridor**

Attached is a map that outlines the proposed study area, with Phase I of the Project footprint outlined in blue.

### **Anticipated Construction and Operation Schedule**

CPV Ashley plans to file an application for a Certificate of Site Compatibility for Phase I of the Project in February 2010.

CPV Ashley intends to have Phase I of the Project commercially operational no later than December 31, 2012. To meet this December 31, 2012 goal, CPV Ashley plans to start construction between the 2<sup>nd</sup> Quarter of 2011 and the 2<sup>nd</sup> Quarter of 2012.

### **Estimated Total Cost of Construction**

The capital costs of Phase I of the Project are estimated at \$440,000,000.

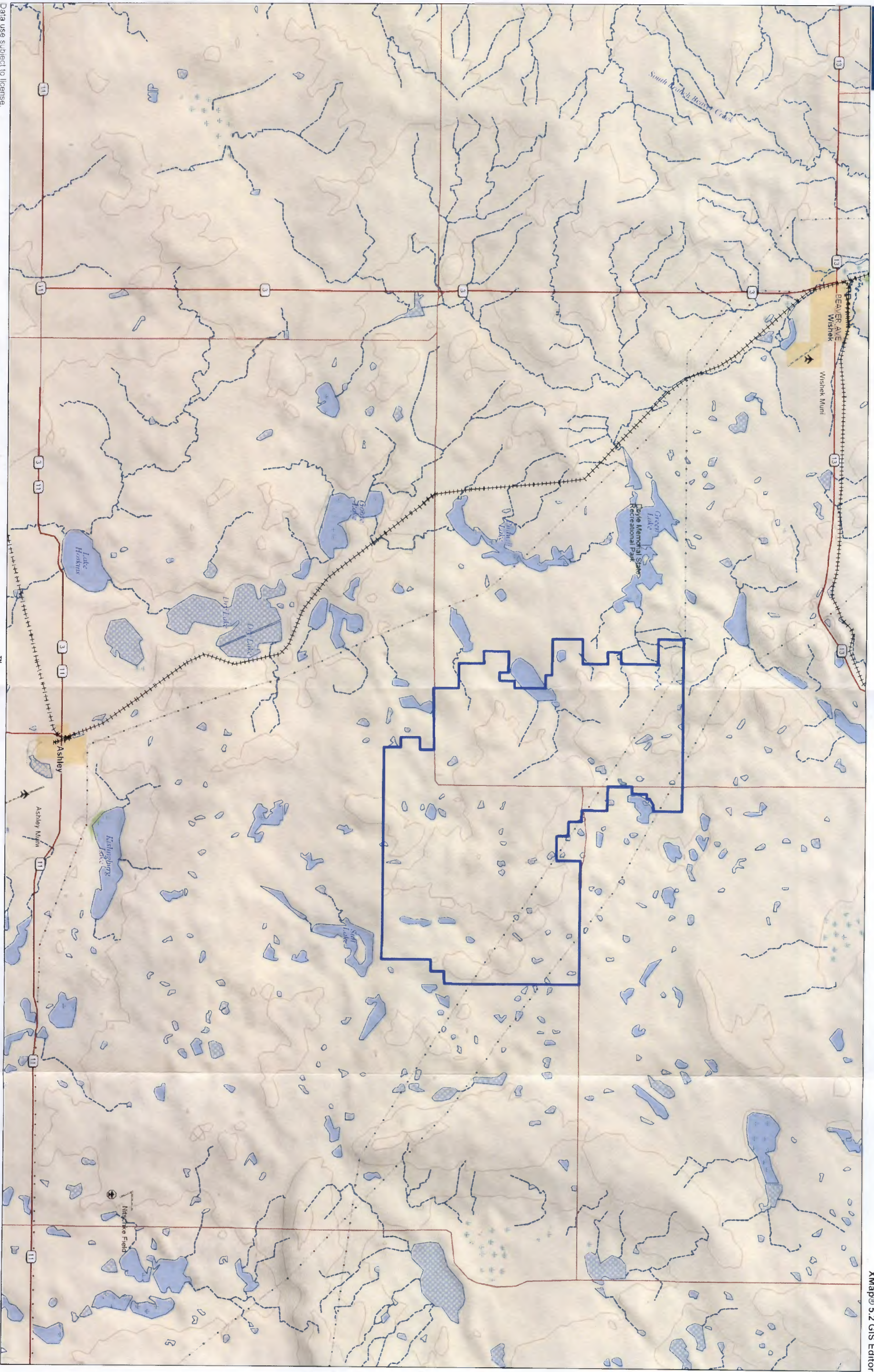
We look forward to working with the Commission on this matter. If you have any questions regarding Phase I of the Project or the updates to CPV Ashley's Letter of Intent that are provided herein, please do not hesitate to contact John Hafner, the Project Manager, at 617-543-3886 or [jhafner@cpv.com](mailto:jhafner@cpv.com).

Sincerely,

A handwritten signature in black ink, appearing to read 'S J Finnerty', with a large, sweeping flourish at the end.

Sean J. Finnerty  
Senior Vice President  
Competitive Power Ventures

cc: Ms. Janet Marquart, North Dakota Public Utilities Division



Data use subject to license.  
© Delorme, XMap® 5.2 GIS Editor.  
www.delorme.com

Scale 1 : 112,500  
1" = 1.78 mi  
Data Zoom 10-7