



# Public Service Commission

## State of North Dakota

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### COMMISSIONERS

Kevin Cramer  
Tony Clark  
Brian P. Kalk

Executive Secretary  
Darrell Nitschke

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TDD 800-366-6888 or 711

July 8, 2010

Mr. Allen C. Hoberg  
Office of Administrative Hearings  
1707 North 9<sup>th</sup> Street, Lower Level  
Bismarck, ND 58501

Re: Ashley Wind Power - McIntosh Cty.  
Siting Application  
Case No. PU-09-370

Dear Mr. Hoberg:

Enclosed is a request for an Administrative Law Judge in the captioned case. A hearing will begin Monday, August 23, 2010, at the McIntosh County Court House, 112 1<sup>st</sup> St. NE, Ashley, North Dakota, starting at 11:00 a.m. Central Time. A copy of the Notice of Hearing is enclosed.

The Administrative Law Judge will serve as a procedural law judge and the hearing will be electronically recorded.

If you have any questions, please contact me. Thank you.

Best regards,

Annette Bendish  
Legal Counsel

enclosure  
c: w/encl. Mollie Smith  
Matt Sagsveen

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**CPV Ashley Renewable Energy Company, LLC  
Ashley Wind Power – Power Project – McIntosh Cty  
Siting Application**

**Case No. PU-09-370**

**NOTICE OF FILING AND NOTICE OF HEARING**

**June 30, 2010**

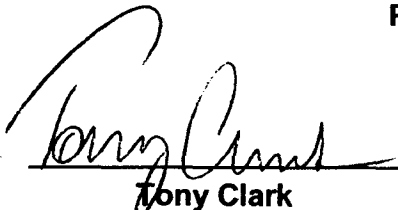
On May 14, 2010, CPV Ashley Renewable Energy Company, LLC filed an application for a certificate of site compatibility to authorize construction of its Ashley Wind Energy Project consisting of up to 87 wind turbine generators totaling up to approximately 200.1 MW of generating capacity and associated facilities in McIntosh County, North Dakota as shown on the attached map.

**A Public Hearing on the application is scheduled to begin on August 23, 2010 at 11a.m. CDT in the McIntosh County Court House, 112 1<sup>st</sup> St NE, Ashley, ND 58413. The issues to be considered are:**

1. Will the location, construction, and operation of the proposed facilities produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota?
2. Are the proposed facilities compatible with the environmental preservation and the efficient use of resources?
3. Will the proposed facility locations minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion?

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, at least 24 hours in advance.

**PUBLIC SERVICE COMMISSION**



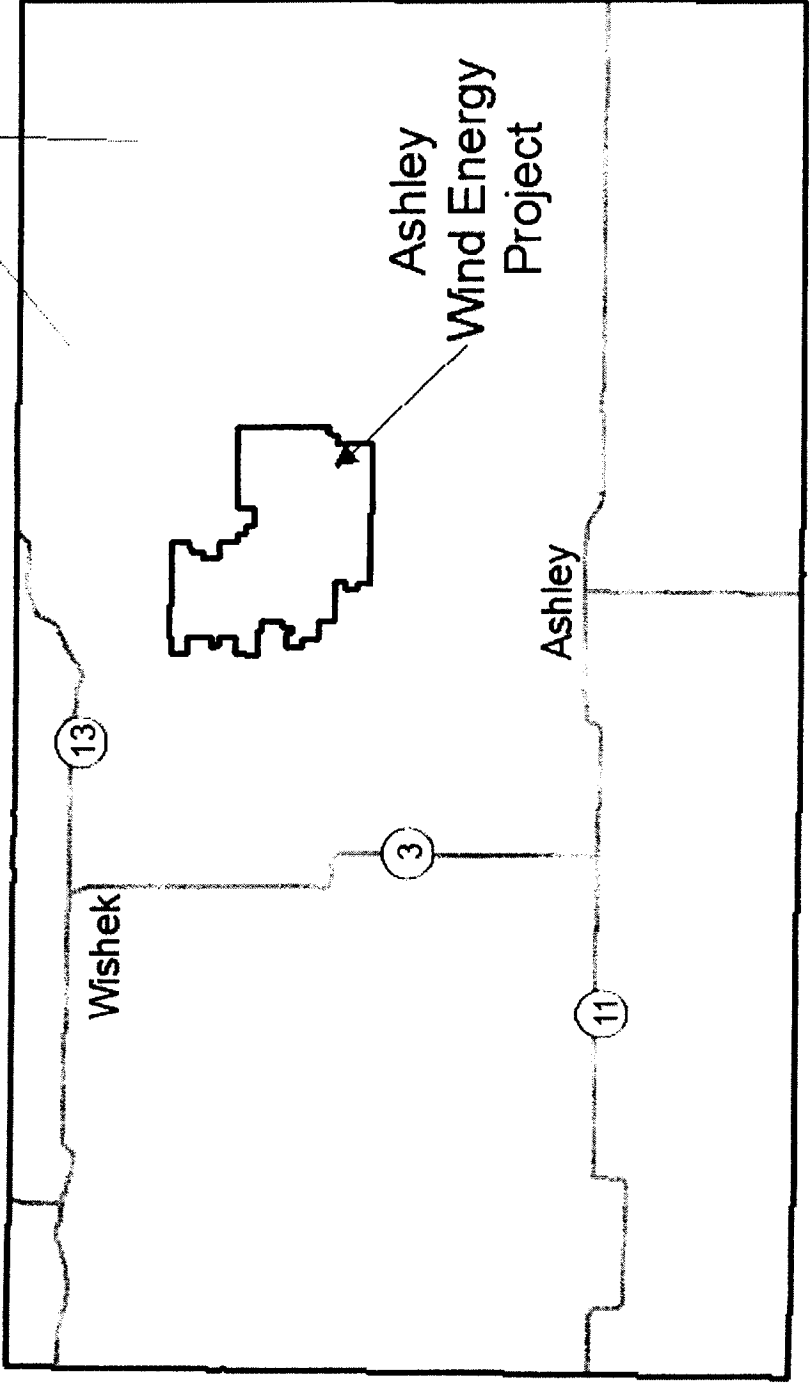
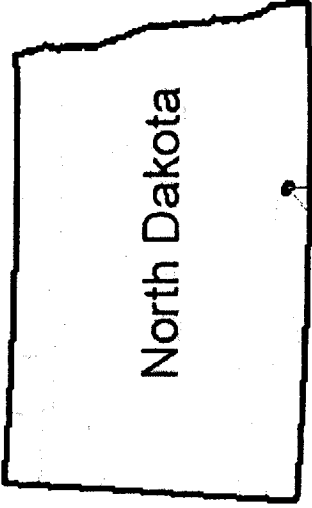
**Tony Clark  
Commissioner**



**Kevin Cramer  
Chairman**



**Brian P. Kalk  
Commissioner**



McIntosh County





**REQUEST FOR ADMINISTRATIVE LAW JUDGE--APPEAL, APPLICATION, OR PETITION**  
 NORTH DAKOTA OFFICE OF ADMINISTRATIVE HEARINGS  
 SFN 17819 (Rev. 03-2001)

Name of Agency, Board, or Commission  
 North Dakota Public Service Commission

The above named agency, board, or commission requests designation of an administrative law judge from the Office of Administrative Hearings for the Siting Application - Ashley Wind Power - McIntosh Cty. Case No. PU-09-370

(e.g., application of [name], appeal of [name], petition of [name]). Authority for the administrative action is found in North Dakota Century Code Chapter 49 -22 (North Dakota Century Code and/or North Dakota Administrative Code).

Please attach related documents and correspondence.

The administrative action is more fully described as follows:  
 CPV Ashley Renewable Energy Company, LLC filed a Certificate of Site Compatibility for the Ashley Wind Energy Project, located in  
 McIntosh County, North Dakota.

It requests designation of an administrative law judge (please check one):

- To conduct the hearing and issue **recommended** findings of fact, conclusions of law, and order.
- To serve as a **procedural** administrative law judge only (no recommended decision). The agency head will be present at the hearing as required by NDCC 54-57-04(6).
- To conduct the hearing, issue findings of fact, conclusions of law, and a **final** order.

**PLEASE MAKE A REQUEST FOR AN ADMINISTRATIVE LAW JUDGE AT LEAST ONE MONTH BEFORE THE HEARING.**

Please list parties, including the agency if it is a Party, and Representation [attorney (or other)] if known, or Agency Contact: (Attach separate list if necessary.)

AGENCY See Attached	Address	Telephone Number
Representation	Address	Telephone Number
PARTY	Address	Telephone Number
Representation	Address	Telephone Number
PARTY	Address	Telephone Number
Representation	Address	Telephone Number

Additional Comments  
 A hearing will begin Monday, August 23, 2010, at the McIntosh County Court House, 112 1st St. NE,  
 Ashley, North Dakota, starting at 11:00 a.m. Central Time.

(For agencies required to use OAH, notice of hearing will be issued by the administrative law judge, unless a procedural administrative law judge is requested. Other requesting agencies and agencies requesting a procedural administrative law judge should first contact OAH about scheduling a hearing. If notice has already been issued, attach a copy of the notice.)

Typed or Printed Name and Title of Requesting Person Annette Bendish, Legal Counsel	Date July 8, 2010
Signature of Requesting Person <i>x Annette Bendish</i>	Telephone Number 701-328-2421

Attachment  
 Request for ALJ  
 July 8, 2010

Ashley Wind Power - McIntosh Cty.  
 Siting Application  
 Case No. PU-09-370

<b>AGENCY</b>	<b>Address</b>	<b>Telephone Number</b>
North Dakota Public Service Commission	600 E. Blvd. Ave. Dept. 408 Bismarck, ND 58505-0480	701-328-2400
<b>Representation</b> Matt Sagsveen Office of Attorney General  Director of State & Local Government division	<b>Address</b> State Capitol 600 E. Boulevard Ave. Dept. 125 Bismarck, ND 58505	<b>Telephone Number</b> 701-328-2210
<b>PARTY</b> Ashley Wind Power CPV Renewable Energy Co., LLC	<b>Address</b> 50 Braintree Hill Office Park Suite 300 Braintree, MA 02184	<b>Telephone Number</b> 781-848-0253
<b>Representation</b> Mollie Smith Fredrikson & Byron, P.A.	<b>Address</b> 200 North 3rd Street Bismarck, ND 58501	<b>Telephone Number</b> 701-221-4020
<b>PARTY</b>	<b>Address</b>	<b>Telephone Number</b>
<b>Representation</b>	<b>Address</b>	<b>Telephone Number</b>
<b>PARTY</b>	<b>Address</b>	<b>Telephone Number</b>
<b>Representation</b>	<b>Address</b>	<b>Telephone Number</b>