

February 1, 2011

**VIA HAND DELIVERY**

Mr. Jerry Lein  
North Dakota Public Service Commission  
600 E. Boulevard, Dept. 408  
Bismarck, ND 58505-0480

**RE: CPV Ashley Renewable Energy  
Company, LLC  
Case No. PU-09-370**

Dear Jerry:

CPV Ashley Renewable Energy Company, LLC (“CPV Ashley”), requests a clarification with respect to the Findings of Fact, Conclusions of Law and Order (“Order”) issued by the Public Service Commission (“Commission”) on December 8, 2010, in connection with the above-referenced matter. In the Order, certain turbine setbacks are identified, and CPV Ashley seeks clarification from the Commission regarding how turbine setbacks are to be measured. CPV Ashley’s intention when it proposed the turbine setbacks was that the setbacks would be measured from the center of the base of each turbine tower. This approach is consistent with utilizing global positioning systems (“GPS”) to map turbine locations, since the center of the base of the turbine tower is generally the coordinate point used with GPS. Also, it is our understanding that the Commission has, in connection with siting for other wind projects, allowed turbine setbacks to be measured from the center of the base of the turbine tower; thus, measuring the turbine setbacks from the center of the base of the turbine tower in this case would be consistent with the approach utilized in past wind project siting cases.

It should be noted that CPV Ashley’s layout will be in compliance with the turbine setbacks set forth in the Commission’s Order regardless of whether the setbacks are measured from the edge of the base of the turbine tower or the center of the base of the turbine tower. However, for the reasons set forth above, CPV Ashley believes that measuring the turbine setbacks from the center of the base of the turbine tower is appropriate.

CPV Ashley wants to ensure its compliance with the Commission’s Order, and clarification regarding how turbine setbacks are to be measured will better enable CPV Ashley to do so. Therefore, CPV Ashley respectfully requests confirmation from the Commission that the turbine setbacks identified in the Commission’s Order are to be measured from the center of the base of the turbine tower.

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**67** **PU-09-370** Filed: 1/1/2011 Pages: 2  
**Letter requesting clarification of Findings of Fact,  
Conclusions of Law and Order**

Mr. Jerry Lein  
February 1, 2011  
Page 2

Should you have any questions regarding this request, please do not hesitate to contact me.

Sincerely,  
  
MOLLIE M. SMITH

MMS/ms

cc: Mr. John Hafner – *Via Email*  
Mr. Robert Burke – *Via Email*  
Mr. Sean J. Finnerty – *Via Email*  
Ms. Erika Roberts – *Via Email*

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