

**BASIN ELECTRIC  
POWER COOPERATIVE**

1717 EAST INTERSTATE AVENUE  
BISMARCK, NORTH DAKOTA 58503-0564  
PHONE: 701-223-0441  
FAX: 701-557-5336



October 14, 2009

**RECEIVED**

OCT 15 2009

Mr. Darrell Nitschke  
Executive Director  
North Dakota Public Service Commission  
600 East Boulevard, Dept. 408  
Bismarck, ND 58505-0480

**PUBLIC SERVICE COMMISSION**

Re: Basin Electric Power Cooperative/PrairieWinds ND1, Inc.  
Transfer of Certificate of Site Compatibility for an Energy Conversion Facility  
Case No. PU-09-\_\_\_

Dear Mr. Nitschke:

Enclosed for filing are the original and seven (7) copies of an Application for Transfer of the Certificate of Site Compatibility, Certificate Number 14.

Sincerely,

Deborah Levchak  
Staff Counsel

df/ds  
enclosure

1 **PU-09-692** Filed: 10/15/2009 Pages: 6  
**Joint Application for Transfer of Certificate of Site  
Compatibility No. 14**

Basin Electric Power Cooperative  
Deborah Levchak, Staff Counsel

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Case No. PU-09-\_\_

In the matter of the Application of  
Basin Electric Power Cooperative and  
PrairieWinds ND1, Inc. for a Transfer  
of the Certificate of Site Compatibility for the  
Prairie Winds ND1 Project, Ward County,  
North Dakota

---

**APPLICATION FOR TRANSFER  
OF CERTIFICATE OF SITE COMPATIBILITY**

---

Pursuant to NDCC Chapter 49-22 and NDAC Article 69-06, Basin Electric Power Cooperative ("Basin Electric"), and PrairieWinds ND1, Inc., respectfully submit this joint Application for a transfer of the Certificate of Site Compatibility for Energy Conversion Facility issued to Basin Electric for the 115.5 PrairieWinds ND1 Wind Project in Case No. PU-08-75 to PrairieWinds ND1, Inc.

**A. Communications and Service**

Please place the following individuals on the Commission service list for all official communications in this case:

Deborah Levchak  
Basin Electric Power Cooperative  
1717 East Interstate Avenue  
Bismarck ND 58503-0564  
Phone (701) 557-5713

R. Russell Mather  
PrairieWinds ND1, Inc.  
1717 East Interstate Avenue  
Bismarck ND 58503-0564  
Phone (701) 557-5319

**B. Statutory Provisions**

Transfer of a certificate of site compatibility is authorized under NDCC § 49-22-07 and NDAC § 69-06-01-02(3). Pursuant to these provisions, the Commission shall hold a public hearing on an application for the transfer of a certificate, if, following publication of

a notice of opportunity for a public hearing in the official newspaper in the County in which the facility is located, an interested person requests and demonstrates good cause for a public hearing, or the Commission upon its own motion determines there is good cause for a public hearing.

**C. Background**

By Findings of Fact, Conclusions of Law and Order dated August 12, 2009, Case No. PU-08-75, the Commission issued a Certificate of Site Compatibility for Energy Conversion Facility, Certificate Number 14 to Basin Electric for the construction, operation and maintenance of the 115.5 megawatt PrairieWinds ND1 Project in Ward County, North Dakota.

**D. Application for Transfer of Certificate of Site Compatibility**

Basin Electric and PrairieWinds ND1, Inc. now submit this joint application for a transfer of the Certificate of Site Compatibility issued to Basin Electric for the 115.5 megawatt PrairieWinds ND1 Project in Case No. PU-08-75 to PrairieWinds ND1, Inc. In support thereof, Basin Electric and PrairieWinds ND1, Inc. state as follows:

1. Basin Electric is a North Dakota cooperative corporation duly authorized to do business in North Dakota.
2. PrairieWinds ND1, Inc. is a corporation duly authorized to do business in the State of North Dakota, which certificate of good standing is attached and is incorporated herein by reference.
3. PrairieWinds ND1, Inc. is a wholly owned subsidiary of Basin Electric formed to design, install, construct, own and operate wind turbine facilities in the State of North Dakota and to sell the electric capacity and electric power and energy associated with and/or produced by such wind turbine generators and associated facilities.
4. This application is made pursuant to the provisions of NDCC § 49-22-7, NDCC 49-22-13(2) and NDAC §§ 69-06-01-02(3).

5. The Commission's Findings of Fact and Conclusions of Law in its August 12, 2009 Order issuing the Certificate of Site Compatibility to Basin Electric in Case No. PU-08-75 constitutes a sufficient legal basis for the transfer of the Certificate of Site Compatibility to PrairieWinds ND1 Inc., the Commission having concluded, among other things: the PrairieWinds ND1 Project is of such a design, location and purpose that it will produce minimal adverse affects as defined by NDCC § 49-22-05.2; the application submitted by Basin Electric met the site evaluation criteria required by NDCC Chapter 49-22; the location, construction, and operation of the PrairieWinds ND1 Project will produce only minimal adverse affects on the environment and upon the welfare of the citizens of North Dakota; the PrairieWinds ND1 Project is compatible with environmental preservation and the efficient use of resources; and the PrairieWinds ND1 Project will 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.

WHEREFORE, Basin Electric and PrairieWinds ND1, Inc. respectfully request that the Commission, following publication of a notice of opportunity for a public hearing in the official newspaper in the county in which the PrairieWinds ND1 Project is located and, unless there is both a request by an interested person and a showing of good cause:

1. Grant to Basin Electric and PrairieWinds ND1, Inc. without hearing, a transfer to PrairieWinds ND1, Inc. of the Certificate of Site Compatibility No. 14 issued in Case No. PU-08-75 for the rights and obligations of the Certificate of Site Compatibility.
2. Grant such other relief as the Commission shall deem appropriate.

Dated this 14<sup>th</sup> day of October, 2009.

Respectfully submitted,



