



Public Service Commission

State of North Dakota

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February 12, 2014

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Mr. Scott Scovill, Director
Ashtabula Wind III, LLC
700 Universe Boulevard
Juno Beach, FL 33408-2683

RE: Post Construction Inspection, Case No. PU-10-147

Dear Mr. Scovill:

The North Dakota Public Service Commission retained a third-party vendor to conduct a post construction inspection under the authority provided for in the above referenced case. Below we provide a weblink to the third-party post construction inspection report for your review and a link to the Commission's order in this proceeding. We also list actions recommended in the post construction inspection report for follow-up by the Company to confirm compliance with the Commission order.

As per the post construction inspection report, the following actions should be undertaken with information documenting these actions provided to the Commission:

- Noxious weed and vegetation control Including control on gravel pads (Order Points 15 and 22)
- Clarification of reseeding seed mix. Non-native species used. Clarify if approved by NRCS. (Order Points 4 and 14)
- Minimal disturbance of native prairie. Native prairie survey to be completed. NDGF, USFWS concern. NDPR recommends avoiding occurrences of listed plant species of concern and critical habitats. Order Point 15)
- Conditional Use Permit, variance for wind turbine heights, Road Agreement and Road Haul Permit were not on file. (Order Point 4)
- USFWS requested a written explanation of compliance with laws and regulations that the USFWS oversees. (Order Point 4)
- The ND Department of Health NDPES Permit, the NDDH Section 401 Water Quality Certification, the ND Highway Patrol Overheight/Overweight Permit, the ND Highway Patrol Trip/Fuel Permit, the ND Department of Transportation Driveway Permit and the NDDOT Utility Permit were not provided. (Order Point 4)
- Associated GIS files for as-built drawings or GIS shapefiles of final Project Layout. (Order Point 31)

- Summary or example of WRRS reports so Commission can confirm they are available if needed. (Order Point 6)
- Compliance with National Electric Safety Code. (Order Point 9)
- Reports of any additional cultural, archeological, historical resources found, if applicable. (Order Point 11)
- No reports of preconstruction Bat Studies or post construction avian or bat studies as requested by the USFWS and NDGF. (Order Points 4 and 27)
- Description of birdsafe design used on the overhead tie-in from the substation to the existing transmission line. No bird diverters observed on the line. (Order Point 4)
- Description of birdsafe design or bird deterrents used on MET towers. (Order Point 4)
- Cumulative effects analysis requested by the USFWS. (Order Point 4)
- No reports filed as to the presence or lack thereof of threatened or endangered species or bald or golden eagles during construction and operation or mortality monitoring. (Order Point 10)
- 2014 Tree and Shrub Survival Report due in late 2014. (Order Point 17)
- No educational materials for landowners or the public. No procedures for handling complaints or mitigating landowner/resident concerns.(Order Points 23 and 26)
- Ashtabula Wind III, LLC is required to submit a 10 year plan to the Commission annually under current laws and beginning every other year in 2014. To date, Ashtabula Wind, LLC has not complied with this provision. (NDCC 49-22-04)

The construction report can be found at:

<http://www.psc.nd.gov/database/documents/10-0147/106-020.pdf>

The Commission Order can be found at:

<http://www.psc.nd.gov/database/documents/10-0147/036-010.pdf>

Please forward your response to the recommended Company actions, confirming these activities are complete, and describe actions and timelines for activities that are not complete. Please provide this documentation within 30 days.

If you have any questions regarding this letter, please contact me at 701-328-1035.

Sincerely,



Jerry Lein
Public Utility Analyst