

ASHTABULA WIND III, LLC

March 14, 2014

Mr. Jerry Lein
Public Utility Analyst
North Dakota Public Service Commission
600 East Boulevard, Dept 408
Bismarck, ND 58505-0408



UPS Overnight Mail

RE: Ashtabula Wind III, LLC
Post Construction Inspection, Case No. PU-10-147

Dear Mr. Lein:

Below please find Ashtabula Wind III, LLC's ("the Company") response to your letter of February 12, 2014. The following list provides responses to your inquiries and references to requested documentation. These documents can be found on the enclosed CD. For activities that are not complete, we are still awaiting confirmation, conducting further research, and/or gathering the appropriate paperwork. An update on the status of these items will be provided to the Commission within 30 days.

- Noxious weed and vegetation control including control on gravel pads (Order Points 15 and 22)
 - The site manager confirms that weed control measures are performed in June of every year, and particular actions will be taken to address the gravel pads in this year's treatment.
- Clarification of reseeded seed mix. Non-native species used. Clarify if approved by NRCS. (Order Points 4 and 14)
 - Assessment underway but not yet complete
- 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)
 - Please see file "Ashtabula III_Native Prairie Report_complete" on enclosed CD. The report states 6 of 17 potential turbine locations would be placed on native prairie, 3 within good Dakota skipper habitat, and 0 within USFWS wetland easement. Assessment underway for 2009 Native Prairie Report covering remaining turbines.
- Conditional Use Permit, variance for wind turbine heights, Road Agreement and Road Haul Permit were not on file. (Order Point 4)
 - Turbine Height Variance – please see file "Ashtabula III Building Permit and Height Variance" on enclosed CD
 - Road Agreement and Road Haul Permit – Research ongoing

- USFWS requested a written explanation of compliance with laws and regulations that the USFWS overseas. (Order Point 4)
 - Please see file “Final Letter to USFWS” on enclosed CD
- 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)
 - NDPEs Permit – see file “ND Dept of Health NDPEs Permit” on enclosed CD
 - NDDH Section 401 Water Certification – Research ongoing
 - ND Highway Patrol Overheight/Overweight Permit – Research ongoing
 - ND Highway Patrol Trip/Fuel Permit – Research ongoing
 - NDDOT Driveway Permit – see files “Driveway application & permit 1002” and “Driveway application & permit 1003” on enclosed CD
 - NDDOT Utility Permit – see file “Ashtabula III – DOT Permit (Bores)” on enclosed CD
- Associated GIS files for as-built drawings or GIS shapefiles of final Project Layout. (Order Point 31)
 - Please see file “Ashtabula III As Built Civil Drawing” on enclosed CD
- Summary or example of WRRS reports so Commission can confirm they are available if needed. (Order Point 6)
 - Please see file “Wind – WRRS FPLE Manual” on enclosed CD
- Compliance with National Electric Safety Code. (Order Point 9)
 - Assessment underway, the Company will discuss its response with Staff
- Reports of any additional cultural, archeological, historical resources found, if applicable. (Order Point 11)
 - Please see file “Ashtabula III Cultural Final Report” on enclosed CD
- No reports of preconstruction Bat Studies or post construction avian or bat studies as requested by the USFWS and NDGF. (Order Points 4 and 2)
 - Please see file “Ashtabula III fall avian report” on enclosed CD
- Description of bird safe 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)
 - Assessment underway
- Description of bird safe design or bird deterrents used on MET towers. (Order Point 4)
 - Assessment underway
- Cumulative effects analysis requested by the USFWS. (Order Point 4)
 - Research ongoing
- 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)
 - The final Avian report, which is included on the enclosed CD as “Ashtabula III fall avian report” conducted prior to construction states that “No federally listed threatened or endangered species were observed during fall avian surveys.” Bald and golden eagles are noted as federally listed

threatened species. During operation, the Company follows the site Wildlife Response and Reporting System Manual, which mandates that any and all avian injuries or fatalities observed within the site boundaries be reported. To date there have been no such incidents involving threatened, endangered species, or bald or golden eagles. The Company will discuss any further requirements with Staff.

- 2014 Tree and Shrub Survival Report due in late 2014. (Order Point 17)
 - The Company plans to complete and submit this report by November 30, 2014.
- No educational materials for landowners or the public. No procedures for handling complaints or mitigating landowner/resident concerns. (Order Points 23 and 26)
 - Complaint Procedures – please see file “Ashtabula Complaint Procedures” on enclosed CD
 - If requested by landowners within the site boundaries, Ashtabula Wind III will provide the educational materials found on the enclosed CD. See files “NatLeaderWind,” “health_impact_factsheet,” and “Ashtabula Fact Sheet.”
- Ashtabula Wind III, LLC is required to submit a 10 year plan to the Comission annually under current laws and beginning every other year in 2014. To date, Ashtabula Wind, LLC has not complied with this provision. (NDCC49-22-04)
 - Please see file “Ashtabula III 10 Year Plan” on enclosed CD

Thank you for your attention to this matter. Please feel free to contact me at (561) 691-7887 should you have any questions.

Sincerely,



Nicole Daggs
Director
Business Management – Midwest Region

Enclosures