

5. With respect to Turbines T26, T32, and T6, Meadowlark has completed the turbine foundations, electrical work, and access roads. For Turbines T26 and T6, the tower and nacelle have also been installed, and for Turbine T36, the bottom two segments of the turbine tower have been installed. Turbine construction necessitated in a 200-foot radius of land disturbance around each turbine.

6. As a result of a recent ALTA survey for the Project, Meadowlark discovered that the transmission facility setback used by its consultant for T6 had been measured from the centerline of Great River Energy's ("GRE") transmission line right-of-way.

7. As a result of a recent ALTA survey for the Project, Meadowlark also discovered that its consultant had measured the state highway setbacks for Turbines T26 and T32 from the centerline of the highway, rather than the edge of the highway right-of-way. T26 is only 10.7 feet too close to the highway right-of-way, while T32 is approximately 103 feet within the setback area.

8. Meadowlark has stopped construction of the turbine towers; as such, the blades have not been installed on any of the three towers.

9. Because T32 is more than 100 feet too close to the state highway right-of-way, Meadowlark will move T32 and has submitted the necessary layout modification documentation to the Commission.

10. Based on review of public highway records, the right-of-way for State Highway 49, which is the highway near T26 and T32, is owned in fee by the State of North Dakota.

11. Meadowlark has contacted the North Dakota Department of Transportation ("DOT") to determine if it would be willing to execute a setback waiver.

12. Moving Turbine T26 would require construction of a new turbine foundation, necessitating another 200-foot radius of land disturbance and extension of the turbine's access road by approximately 110 feet. It would also require the removal of the existing turbine foundation, electrical cabling, turbine components, and access road, and restoration of the area to pre-construction conditions.

13. Meadowlark has spoken with the landowner where Turbine T26 is located. Given the disturbance that has already occurred, and the additional land disturbance that would result from moving this turbine, the landowner prefers that Turbine T26 remain in its current location.

14. Meadowlark's construction contractor estimates that moving Turbine T26 would cost over \$1 million, given the substantial amount of work that has already occurred.

15. Moving Turbine T26 has the potential to significantly impact the construction schedule, given the necessity of remobilizing crews at the turbine site to remove and restore the foundation and turbine from existing location, as well as to construction the foundation and access road, install the collector system, and erect the turbine at the new location. Given that it is late fall, the likelihood of winter weather conditions interfering with construction increases daily.

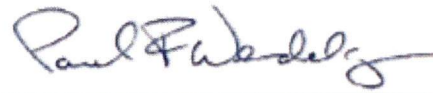
16. Once fully constructed, Turbine T26 would be only approximately 10.7 feet within the state highway setback. Thus, even if the turbine fell directly over (which Meadowlark is not aware of ever happening), the turbine would still be at least 114 feet from the edge of the highway.

17. Moving Turbine T6 would result in the same impacts as are discussed in paragraphs 13, 15, and 16 above.

18. Meadowlark has spoken with the landowner where Turbine T6 is located. Given the disturbance that has already occurred, and the additional land disturbance that would result from moving this turbine, the landowner prefers that Turbine T6 remain in its current location.

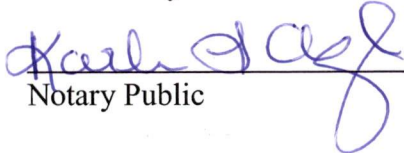
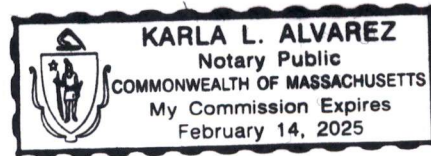
19. Meadowlark has discussed the situation with GRE, and GRE concurs that the current location of Turbine T6 is not anticipated to impact the safe operation of its transmission line, so long as the turbine's tip height remains the proposed height of 492 feet. Even if Turbine T6 fell directly over (which, as noted previously, would be an extremely rare occurrence), the turbine would be approximately 34 feet away from GRE's transmission line. Further, in the unlikely event any damage were to occur to GRE's transmission line, Meadowlark will agree to be financially responsible for such damage.

FURTHER AFFIANT SAYETH NOT.



Paul F. Wendelgass

Subscribed and sworn to before me
this 2nd day of November, 2018.


Notary Public

65150423.1