



ATTORNEYS AT LAW

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ZACHARY E. PELHAM

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September 12, 2013



Public Service Commission
Attention: John Hamre
600 East Boulevard Avenue, Dept. 480
Bismarck, ND 58505-0480

RE: Thunder Spirit Wind, LLC
150 MW Wind Energy Project – Adams County
Siting Application
Case No.: PU-11-601

Dear Mr. Hamre:

Enclosed for filing please find a letter to ALJ Allen Hoberg dated September 12, 2013, with regard to the above-referenced case.

If you have any questions, please feel free to contact me. Thank you.

Sincerely,

PEARCE & DURICK

ZACHARY E. PELHAM
Special Assistant Attorney General for
Public Service Commission

ZEP/ak
Enclosure

38 PU-11-601 Filed: 9/12/2013 Pages: 3
Letter enclosing copy of letter sent to ALJ regarding
filing of pre-filed testimony

Public Service Commission
Zachary Pelham, SAAG



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September 12, 2013

Via U.S. Mail and Email

North Dakota Office of Administrative Hearings
Attention: ALJ Allen Hoberg
2911 North 14th Street – Suite 303
Bismarck, ND 58503

RE: Thunder Spirit Wind, LLC
150 MW Wind Energy Project – Adams County
Siting Application
Case No.: PU-11-601
OAH # 20130252

Dear ALJ Hoberg:

At this past Monday's pre-hearing conference, ALJ Fetch expressed a preference for testimony of Thunder Spirit Wind, LLC to be pre-filed with the Commission in advance of the September 19, 2013, hearing in Hettinger. ALJ Fetch also expressed a preference for this testimony to be summarized by the witness rather than it being read into the record. I indicated to ALJ Fetch that I would relay this preference to the Commission to get input from them and would relay this on after getting input. The Commission met yesterday and this issue was discussed.

The Commission is keenly aware that it is the burden of Thunder Spirit to prove its case and the Commission will not stand in the way of the means in which Thunder Spirit decides to present its case. With that said, the Commission is certainly not opposed to receiving pre-filed testimony from Thunder Spirit in advance of the hearing. This allows the testimony to be placed on the Commission's website for the public to view in advance of the hearing and allows the Commission to review the testimony in advance of the hearing. If pre-filed testimony is filed, the Commission's preference would be for filing by September 16, 2013, so it can be available on the website the next day.

The Commission recognizes time constraints are a reality at all hearings. While speed and efficiency may be gained by summarization of testimony, potential issues could arise if full testimony is not provided by witnesses at the hearing. At the same time, repetitive testimony should be avoided and conciseness will be greatly appreciated from witnesses. In this case, it

ALJ Allen Hoberg
September 12, 2013
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does not appear time constraints will be problematic, even with pre-filed testimony being read into the record followed by questioning and eventual public comment. At the pre-hearing conference, Mr. Mann estimated his client's testimony would last approximately 2 hours. Mr. Mann indicated he believed there will be 2 or 3 witnesses for Thunder Spirit. All parties, and members of the public who choose to attend and voice their opinions, should have sufficient time to be heard.

Thank you.

Sincerely,

PEARCE & DURICK



ZACHARY E. PELHAM

Special Assistant Attorney General for
Public Service Commission

Enclosures

cc: Illona Jeffcoat-Sacco (mail and email)
Wade Mann (mail and email)