

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Wilton Wind IV, LLC  
99 MW Wind Energy Center- Burleigh County  
Siting Application

Case No. PU-11-646

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

**Cara DeSaye** deposes and says that:

she is over the age of 18 years and not a party to this action and, on the 21<sup>st</sup> day of **February, 2012**, she deposited in the United States Mail, at Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

**Order**

and an original of:


**Certificate of Site Compatibility for Energy Conversion Facility  
Certificate Number 26**

The envelope was addressed as follows:


Brian R. Bjella  
Crowley Fleck PLLP  
PO Box 2798  
Bismarck ND 58502-2798

**Cert. No. 7009 2820 0002 9237 5251**

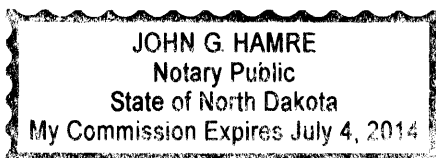
Each address shown is the respective addressee's last reasonably ascertainable post office address.

  
\_\_\_\_\_

Subscribed and sworn to before me  
this 21<sup>st</sup> day of **February, 2012**.

  
\_\_\_\_\_  
Notary Public

SEAL



36 PU-11-646 Filed: 2/21/2012 Pages: 17  
Affidavit of Service cert. mail - Order

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Wilton Wind IV, LLC  
99 MW Wind Energy Center – Burleigh County  
Siting Application**

**Case No. PU-11-646**

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

**February 15, 2012**

**Appearances:**

Commissioners Tony Clark, Kevin Cramer and Brian P. Kalk.

Brian R. Bjella, Attorney at Law, Crowley Fleck PLLP, 400 East Broadway, Suite 600, Bismarck, North Dakota 58501, on behalf of the Applicant, Wilton Wind IV, LLC.

Mark Gruman, Legal Counsel, Public Service Commission, State Capitol, Bismarck, North Dakota 58505, on behalf of the Public Service Commission.

Al Wahl, Administrative Law Judge, Office of Administrative Hearings, 1701 North Ninth Street, Bismarck, North Dakota 58501-1882, as Procedural Hearing Officer.

**Preliminary Statement**

On September 29, 2011, Wilton Wind IV, LLC (Wilton Wind IV) filed a Letter of Intent (LOI) to submit an application for a Certificate of Site Compatibility for a wind energy conversion facility in Burleigh County, North Dakota. Wilton Wind IV requested in its LOI that the Commission shorten the one-year waiting period between the filing of the LOI and the filing of an application.

On October 12, 2011, the Public Service Commission (Commission) shortened the one-year waiting period to three weeks and assessed a filing fee of \$82,500.00.

On November 9, 2011, Wilton Wind IV filed an Application for a Certificate of Site Compatibility authorizing construction of the Wilton IV Wind Energy Center consisting of up to 62 1.6 MW wind turbine generators and associated facilities in Burleigh County, North Dakota (Application).

On November 23, 2011, the Commission deemed the Application complete and issued a Notice of Filing and Notice of Hearing, scheduling a public hearing for December 19, 2011, at 10:00 a.m. CDT, at the Public Service Commission Hearing Room, 12<sup>th</sup> Floor, State Capitol, 600 East Boulevard Avenue, Bismarck, North Dakota 58505.

The Notice identified the following issues to be considered:

1. Will the location, construction, and operation of the proposed facilities produce minimal adverse effects upon the environment and upon the welfare of the citizens of North Dakota?
2. Are the proposed facilities compatible with the environmental preservation and the efficient use of resources?
3. Will the proposed facility location minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and filled in an orderly and timely fashion?

On December 19, 2011, the public hearing was held as scheduled.

On December 19, 2011, Wilton Wind IV filed an executed Certification Relating to Order Provisions – Energy Conversion Facility Siting.

Having allowed all interested persons an opportunity to be heard, and having heard, reviewed and considered all testimony and evidence presented, the Commission makes the following:

#### **Findings of Fact**

1. Wilton Wind IV is a Delaware limited liability company headquartered in Juno Beach, Florida. Wilton Wind IV is a subsidiary of NextEra, also of Juno Beach, Florida.
2. Wilton Wind IV was created June 1, 2011, and was registered in the State of North Dakota effective June 15, 2011.
3. Wilton Wind IV proposes to construct a wind energy facility known as the Wilton IV Wind Energy Center to be located in Burleigh County, North Dakota, near the City of Wilton. The Project Area consists of approximately 15,752 acres (24.6 square miles) in Crofte, Ecklund, and Ghylin Townships. The wind turbines will be located only in Crofte and Ghylin Townships.
4. Associated facilities to be constructed within the project area include access roads, underground electrical and feeder lines, an electrical substation, and approximately 240 feet of an overhead 230 kV line to an existing transmission line.
5. North Dakota Century Code § 49-22-16 provides that no energy conversion facility site shall be designated if it violates any county or city land use, zoning, building rules, regulations or ordinances. Burleigh County regulates zoning in Crofte Township, while Ghylin Township and Ecklund Township have their own zoning ordinances.

## Project Design

6. The project will have a name plate (gross) generating capacity of approximately 99 MW, consisting of up to 62 1.6 MW wind turbines and associated facilities. Assuming net capacity factors of 48%, the projected average annual output is estimated at 416,000 MW hours per year.

7. Wilton Wind IV plans to use General Electric 1.6 MW xle wind turbines. These are utility-grade wind turbines with a nominal name plate rating of 1.6 MW. Each turbine will have a 262 feet (80 meter) hub height and a 271 feet (82.5 meter) rotor diameter. The turbines begin operation at wind speeds of 7.8 miles per hour (3.5 meters per second) and reach their rated capacity at a wind speed of 25.7 miles per hour (11.5 meters per second). The turbines are designed to operate in wind speeds of up to 56 miles per hour.

8. Each turbine is secured by a concrete foundation that can vary in design depending upon soil conditions. A typical foundation extends seven to ten feet below grade where it spreads to a final diameter of 40 to 60 feet at the base. Turbine lighting is limited to warning lights required by the Federal Aviation Administration (FAA). A control panel inside the base of each turbine tower houses communication and electronic circuitry. Each turbine is equipped with a wind speed and direction sensor that communicates with the turbine's control system to signal when sufficient winds are present for operation. Electricity generated by each turbine is brought to a pad-mounted transformer where the voltage is stepped up to a power collection line voltage of 34.5 kV. Electricity is collected by a series of underground collection lines.

9. The underground collection line feeder system will deliver the electricity to the project substation. At the substation the voltage will be stepped up to 230 kV for transmission via approximately 240 feet of 230 kV transmission line and connected to an existing 230 kV transmission line operated by Central Power Cooperative, which will connect to the Western Area Power Administration's (Western) Hilken switching station.

10. The site for the wind energy facility was selected based primarily upon its wind resource, and also based upon operational history from the Wilton I, Wilton II and Baldwin Wind Energy Centers, operated by subsidiaries of NextEra. Wilton Wind IV also utilized wind data from meteorological towers located on the project site. The data indicates that this site is well suited for a wind farm.

11. Construction of the Wilton IV Wind Energy Center is expected to take approximately six months, at a total estimated cost of \$165 million.

12. At this time Wilton Wind IV does not have a customer to purchase the power to be generated by the wind energy center. However, Wilton Wind IV

believes the project is marketable. A representative for Wilton Wind IV testified that if Congress were to approve extension of production tax credits in 2012, and a customer is secured, that it wants to be in a position to build the wind energy center in late 2012 or early 2013.

13. An Engineering, Procurement, and Construction (EPC) contractor will be retained for construction management of the project. The EPC contractor will use services of local contractors, where possible, to assist in project construction.

14. Safety factors will be incorporated into the wind turbines. Each turbine will be equipped with a Supervisory Control and Data Acquisitions (SCADA) communication technology to control and monitor the turbines. In addition, each turbine is also equipped with a lightning protection system and is grounded and shielded to protect against lightning.

15. Wilton Wind IV states that construction and operation of the Wilton IV Wind Energy Center will conform to the requirements of the National Electric Safety Code.

#### Siting Criteria

16. North Dakota Administrative Code Chapter 69-06-08 sets forth certain criteria to guide the Commission in evaluating the suitability of granting an application for the certificate of site compatibility. The criteria set forth in North Dakota Administrative Code § 69-06-08-01 is classified as Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria. With the exception of prime and unique farm land, an energy conversion facility must not be sited within an Exclusion Area. The exception for prime and unique farm land is if the Commission finds that the prime farm and unique farm land that will be removed from use for the life of the facility is of such small acreage as to be of negligible impact on agricultural production, then such exclusion shall not apply. An energy conversion facility must not be sited within an Avoidance Area unless the applicant shows that under the circumstances there is no reasonable alternative. In determining whether an Avoidance Area should be designated for a facility, the Commission may consider, among other things, the proposed management of adverse impacts; the orderly siting of facilities; system reliability and integrity; the efficient use of resources; and alternate sites. In accordance with the Commission's Selection Criteria, an energy conversion facility shall be approved only if it is demonstrated that no significant adverse impacts will result from the location, construction, and operation of the facility. In accordance with the Commission's Policy Criteria, preference may be given to an applicant demonstrating certain benefits of the energy conversion facility.

17. The Project Layout presented in the November 2011 filing, indicates up to 13 acres of project infrastructure located in prime farmland, not including the collection lines that will be buried and would be a temporary disturbance of soil.

Unique and prime farmland to be disturbed by this energy conversion facility is of such small acreage as to be of negligible impact on agricultural production.

18. Approximately 400 acres of agricultural production will be impacted due to construction activities and permanent features such as turbine placement, associated access roads, and the project substation. Wind turbine configuration will not result in significant impacts to agricultural production. No impacts on the agricultural quality of the cropland are anticipated. If compaction of soils occurs during construction, Wilton Wind IV will work with landowners to alleviate the compaction.

19. Sinkholes from abandoned coal mines are found throughout the project area. The sinkholes will be avoided in siting of turbines.

20. Wilton Wind IV submitted evidence to demonstrate that the proposed energy conversion facility will not have a significant impact on the Selection Criteria set forth in North Dakota Administrative Code § 69-06-08-01(3).

21. Wilton Wind IV submitted evidence to demonstrate its commitment to maximize the benefits of the proposed energy conversion facility as far as possible so to meet the Policy Criteria set forth in North Dakota Administrative Code § 69-06-08-01(4).

22. Avoidance Areas identified in the project area consisted of historical resources not designated as exclusion areas, woodlands and wetlands. The historical resources will be avoided. Woodland impacts are not anticipated. Wetlands will be avoided to the extent practicable.

#### Cultural Resources

23. Wilton Wind IV has consulted with the North Dakota State Historic Preservation Office (SHPO). Class I and Class III Cultural Resource Inventories, including review of SHPO's site manuscript files, was conducted by archeologists for the project area. During the course of the inventory, 13 prehistoric stone feature sites and a prehistoric rock-lined pit feature site were identified within the project area. None of these sites will be impacted by the project, as they will be avoided by project construction. The recommendations of the archeologists will be forwarded to SHPO for review, and concurrence.

#### Wetlands and Wildlife

24. Wilton Wind IV has consulted with numerous local, state and federal agencies, which are identified in Appendix D of the Application. Two agencies providing significant input are the North Dakota Game and Fish Department and the United States Fish and Wildlife Service (USFWS). Neither agency has objected to construction of the project. The USFWS encourages all wind power developers to plan, design, construct and operate their projects in a manner that fish and wildlife resource conservation is given equal consideration with other features of project development.

25. The North Dakota Game and Fish Department indicated its primary concern is with disturbance of native prairie and wetlands. Native prairie is present within the project area. The disturbance of native prairie will be minimal.

26. Avian use surveys were conducted in 2008, 2009, 2010 and fall of 2011 covering the project area. In addition, Wilton Wind IV commissioned a detailed likelihood of occurrence assessment for whooping cranes. There are no historical records of whooping cranes occurring within the project area. Based upon the low magnitude of potential habitat loss, the low probability of site usage and the avoidance and minimization measures being implemented by Wilton Wind IV, the assessment indicates that potential for adverse effects on whooping cranes is low. Other than the 240 ft section of overhead tie-line (which will be marked), no new transmission lines are being constructed.

27. Other minimization measures that Wilton Wind IV will implement are modification or curtailment of construction activities within two miles of whooping cranes observed onsite during construction; post construction monitoring during spring and fall whooping crane migration seasons for three years post construction; post construction mortality monitoring surveys for birds and bats for one year following construction of the project, and curtailment of turbines within one mile if a whooping crane is observed during operation of the wind energy center.

28. As a result of the interconnection with a Western transmission line, Western is preparing an Environmental Impact Statement (EIS) to comply with the National Environmental Policy Act (NEPA). The EIS will include compliance recommendations from the USFWS.

29. Wilton Wind IV has prepared an Avian and Bat Protection Plan (ABPP) and an Adaptive Management Plan (AMP). Based upon the surveys, the potential for avian and bat collisions with turbines is anticipated to be relatively small.

30. Wilton Wind IV states it will implement its Wildlife Response Reporting System (WRRS) once turbine construction is completed. The WRRS will include protocols for field technicians to report and document avian mortalities during routine maintenance operations.

31. A wetlands delineation was conducted pursuant to U.S. Army Corps of Engineers' guidance and a report was submitted to the Commission. The project impacts will be below the 0.5 acre threshold, making it eligible under the U.S. Army Corps of Engineers Nationwide Permit (NWP) 12 for utility line activities. The project is also below the 0.1 acre notification and mitigation thresholds of NWP 12. As a result, a 404 Permit is unnecessary. The project will not result in any permanent wetland impacts.

## Sound and Flicker Studies

32. Wilton Wind IV included an acoustic assessment in Appendix C of the Application. The results of the acoustic modeling were compared to the U.S. Environmental Protection Agency (EPA) environmental noise guidelines, and the Occupational Safety and Health Administration (OSHA) regulatory limits for worker exposure and public safety. In addition, the existing turbines located near the project area were included in the analysis.

33. The acoustic assessment illustrated a worst case scenario (downwind, full rotational speed, high air density, low background sound levels). A cumulative noise analysis found that a 48.6 dBA  $L_{eq}$  threshold (corresponding to a 55 dBA  $L_{dn}$  EPA guideline) was exceeded under anomalous meteorological conditions at nine receptors. The highest cumulative level outside an occupied residence was modeled to be 50 dBA. All nine of these receptors were either unoccupied structures or participating residences.

34. Wilton Wind IV included a Shadow Flicker Impact Analysis for the Wilton Wind IV Energy Center in Appendix C of the Application. Wilton Wind IV performed a shadow flicker impact study to determine potential impacts on occupied residences located in or near the project. Shadows cast by moving blades were assessed for all wind turbines located within 1.5 kilometers (4921.26 feet) of each occupied residence (receptor). The analysis was based assuming worst case conditions for shadow flicker (full sunlight and blades perpendicular to incoming sunlight) so as to conservatively estimate the potential amount of shadow impact hours for a year.

35. While there are no established standards, the siting recommendation of the American Wind Energy Association for allowable shadow flicker is 30-40 hours per year. A cumulative shadow flicker analysis results in 6 receptors greater than 30 hours per year. The highest cumulative level at an occupied residence was modeled to be 32 hours and 57 minutes per year. All six of these receptors are either unoccupied structures or participating residences. This analysis assumes that the residences will have a direct inline view of the incoming shadow flicker sunlight and does not account for trees or other obstructions which may block sunlight. As a result, shadow flicker impacts are expected to be less than estimated with the conservative analysis.

### Further Mitigative Measures

36. No turbines will be placed within 1400 feet of an occupied residence.

37. In accordance with Burleigh County ordinances, no turbine will be placed within 1,750 feet of occupied non-participating residences in Crofte Township.

38. Wilton Wind IV has proposed setbacks of 440 feet (1.1 x turbine height) from existing transmission lines, improved road right-of-ways, railroads and property boundaries.

39. Wilton Wind IV will maintain ground water protection and soil conservation practices to protect topsoil and adjacent resources, and to minimize soil erosion during construction and operation of the project. Best Management Practices (BMPs) for erosion and sediment control will be used to minimize wind and water erosion in the project area during and after construction. Only land needed for the facility will be impacted. Temporarily disturbed areas will be restored.
40. Wilton Wind IV has developed a management plan to protect against the spread of noxious weeds throughout the project area or adjacent areas during construction and ongoing operations.
41. Wilton Wind IV has a legal obligation to decommission the wind energy facilities.
42. Wilton Wind IV made other representations and covenants as contained in the Certification Relating to Order Provisions—Energy Conversion Facility Siting executed by Wilton Wind IV and filed with the Commission on December 19, 2011, which is incorporated into these Findings of Fact.

From the foregoing Findings of Fact, the Commission now makes its:

#### **Conclusions of Law**

1. The Commission has jurisdiction over this proceeding under North Dakota Century Code Chapter 49-22.
2. The energy conversion facility proposed by Wilton Wind IV is an energy conversion facility as defined in North Dakota Century Code § 49-22-03(11).
3. The application submitted by Wilton Wind IV meets the site evaluation criteria required by North Dakota Century Code Chapter 49-22.
4. The location, construction, and operation of the proposed energy conversion facility will produce only minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota.
5. The proposed energy conversion facility is compatible with environmental preservation and the efficient use of resources.
6. The proposed energy conversion facility 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.
7. The Commission has jurisdiction to ensure compliance with National Electric Safety Code standards in the construction and operation of the proposed energy conversion facility.
8. The proposed project is of such design, location, and purpose that it will produce minimal adverse effects.


From the foregoing Findings of Fact and Conclusions of Law, the Commission now makes its:

### Order

The Commission orders:

1. Certificate of Site Compatibility for an Energy Conversion Facility No. 26 is issued to Wilton Wind IV for the construction, operation and maintenance of a wind energy facility known as the Wilton IV Wind Energy Center.
2. The site as identified in the application is located in northern Burleigh County near Wilton, North Dakota, and is designated as the site for construction of the wind energy facility.
3. Within the permitted area, Wilton Wind IV is authorized to site and construct up to 99 MW of wind turbines in proposed and alternate locations, along with electric collection and communication lines, approximately 240 feet of 230 kV electric transmission line, a project substation, access roads, and other associated facilities as identified in the application and at the hearing.
4. The Certification Relating to Order Provisions – Energy Conversion Facility Siting (Hearing Exhibit 2) filed December 19, 2011 is incorporated by reference and attached to this Order.
5. Wilton Wind IV shall file with the Commission a copy of the final federal Environmental Impact Statement and resulting findings, including SHPO concurrence, prior to beginning construction.

### PUBLIC SERVICE COMMISSION



**Kevin Cramer**  
Commissioner



**Tony Clark**  
Chairman



**Brian P. Kalk**  
Commissioner

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Wilton Wind IV, LLC  
99 MW Wind Energy Center – Burleigh County  
Siting Application

Case No. PU-11-646

CERTIFICATION RELATING TO ORDER PROVISIONS - ENERGY CONVERSION  
FACILITY SITING

I am John DiDonato, a representative of Wilton Wind IV, LLC ("Company") with authority to bind Company to requirements to be set forth by the Commission in its Order and I certify the following:

1. Company understands and agrees that the Certificate of Site Compatibility will be issued by the Commission subject to the conditions and criteria set forth in Chapter 49-22 of the North Dakota Century Code and Chapter 69-06-08 of the North Dakota Administrative Code, and that Company shall be responsible for compliance with this order and conditions and criteria set forth in the applicable laws and rules.
2. Company agrees to hold a preconstruction conference prior to commencement of any construction, which must include a Company representative, its construction supervisor, and a representative of Commission Staff, to ensure that Company fully understands the conditions set forth in the Commission's order.
3. Company agrees to comply with the rules and regulations of all other agencies having jurisdiction over any phase of the proposed energy conversion facility including all city, township, and county zoning regulations.
4. Company understands and agrees that it shall obtain all other necessary licenses and permits, and shall provide copies of all licenses and permits to the Commission prior to construction activity associated with the energy conversion facility that requires said license or permit.
5. Company agrees to inform the Commission and the Commission's third-party construction inspector of its intent to start construction on the energy conversion facility prior to the commencement of construction. Once construction has started, Company shall keep the Commission and the Commission's third-party construction inspector updated of construction activities on a weekly basis.
6. Company understands and agrees that the Certificate of Site Compatibility is subject to suspension or revocation and may, in an appropriate and proper case, be suspended or revoked for failure to comply with the Commission's order, the conditions and criteria of the certificate or subsequent modification, or failure to

comply with the applicable statutes, rules, regulations, standards, and permits of other state or federal agencies.

7. Company agrees to maintain records that will demonstrate that it has complied with the requirements of the Commission's order and the Certificate of Site Compatibility, and that it will preserve these records for Commission inspection at any reasonable time upon reasonable notice.
8. Company agrees to construct and operate the energy conversion facility in accordance with all applicable safety requirements.
9. Company agrees to construct and operate the energy conversion facility in the manner described in Company's application, in any late filed exhibits, and supplemental materials, (Application). To the extent there are any conflicts or inconsistencies between Company's Application and the provisions in this Certification Relating to Order Provisions, the Certification provisions control.
10. Company agrees to report promptly to the Commission the presence in the permit area of any critical habitat of threatened species, endangered species, bald eagles, or golden eagles that Company becomes aware of and which were not previously reported to the Commission.
11. Company understands and agrees that all cultural resource mitigation plans must be submitted to the North Dakota State Historic Preservation Office and approved prior to the start of any fieldwork and construction activity in the affected area.
12. Company understands and agrees that if any cultural resource, paleontological site, archeological site, historical site, or grave site is discovered during construction, it must be marked, preserved and protected from further disturbances until a professional examination can be made by the State Historical Society, a report of such examination is filed with the Commission, and clearance to proceed is given by the Commission.
13. Company understands and agrees that all buried facility crossings of graded roads shall be bored unless the responsible governing agency specifically permits Company to open cut the road.
14. Company understands and agrees that all pre-existing township and county roads and lanes used during construction must be repaired or restored to a condition that is equal to or better than the condition prior to the construction of the energy conversion facility and that will accommodate their previous use, and that areas used as temporary roads or working areas during construction must be restored to their original condition.

15. Company understands and agrees that construction must be suspended when weather conditions are such that construction activities will cause irreparable damage to roads or land, unless adequate protection measures approved by the Commission are taken.
16. Company understands and agrees that where available, at least 12 inches of topsoil over and along trench areas, roadways, tower locations, and locations of associated facilities shall be stripped and shall be segregated from the subsoil and be replaced only after the subsoil is replaced.
17. Company understands and agrees that it shall bury all underground collection and feeder lines to a depth of at least 48 inches to the top of the lines.
18. Company understands and agrees that reclamation, fertilization, and reseeding is to be done according to the Natural Resources Conservation Service recommendations, unless otherwise specified by the landowner and approved by the Commission.
19. Company understands and agrees that its obligation for reclamation and maintenance of energy conversion facility tower locations, associated facilities, roadways and rights-of-way will continue throughout the life of the energy conversion facility.
20. Company is aware that North Dakota law requires that all companies that own or operate electric generation of any size for the primary purpose of resale must comply with the standards of the National Electrical Safety Code in effect at the time of construction of the generation facility, and agrees to comply with that requirement.
21. Company agrees to comply with the Tree and Shrub Mitigation Specifications, attached.
22. Company understands and agrees that it shall repair or replace all fences and gates removed or damaged during all phases of construction and operation of the proposed energy conversion facility.
23. Company understands and agrees that it shall repair or replace all drainage tile broken or damaged as a result of construction and operation of the proposed energy conversion facility.
24. Company understands and agrees that it shall work with landowners and residents to mitigate any increase in television and residential radio interference that results from the construction of the energy conversion facility.

25. Company understands and agrees that staging areas or equipment shall not be located on land owned by a person other than Company unless otherwise negotiated with landowners.
26. Company understands and agrees that it shall remove all waste that is a product of construction and operation, restoration, and maintenance of the site, and properly dispose of it on a regular basis.
27. Company agrees that it shall, as soon as practicable upon the completion of the construction of each wind turbine, restore the area affected by the activities to as near as is practicable to the condition as it existed prior to the beginning of construction.
28. Company agrees that it shall provide, if requested, educational material for landowners within the site boundaries about the proposed energy conversion facility and any restriction or danger concerning the proposed energy conversion facility.
29. Company understands and agrees that it shall provide any necessary safety measures for traffic control or to restrict public access to the energy conversion facility.
30. Company understands and agrees that it shall advise the Commission of any extraordinary events which take place at the site of the energy conversion facility, including injuries to any person, the death of any threatened or endangered species, a tower collapse, or a catastrophic turbine, within five business days of such event.
31. Company understands and agrees that it shall advise the Commission of the discovery of a large number of dead birds or bats on the site within five business days of such event.
32. Company understands and agrees that it shall implement a procedure for how complaints concerning the proposed energy conversion facility will be handled by Company
33. Upon request, Company agrees to provide the Commission with engineering design drawings showing surveyed structure prior to construction. Company agrees to provide the Commission with engineering design drawings showing surveyed structure and collection substation locations prior to construction.
34. Company understands and agrees that it shall inform the Commission in writing of any plans to modify the energy conversion facility, or of any plans to modify the site plan for the energy conversation facility. Company understands and agrees to


obtain written approval from the Commission prior to any modifications to the site plan or the energy conversion facility, associated facilities, and roadway locations. Approval may be granted after notice and opportunity for hearing.

35. Company agrees to provide the Commission with both an electronic and a paper copy of the design specifications for the construction of the energy conversion facility showing the location of the energy conversion facility as built, and will provide this information within 3 months of the completion of the construction. Company also agrees to provide an electronic version of the as-built facility design specifications that can be imported into ESRI GIS mapping software within 3 months of the completion of the construction. This electronic map data must be referenced to the North Dakota coordinate system of 1983, North and/or South zones US Survey feet (NAD 83) UTM Zone 13N or 14N feet (NAD 83), or geographic coordinate system (WGS 84) feet. The vertical data must be in the appropriate vertical datum for the coordinate system used. All submissions must specify the datum in which the data was developed.
36. Company is aware that under North Dakota Century Code section 49-02-27 the Commission has rules for decommissioning of wind energy conversion facilities. Company agrees to comply with all decommissioning rules adopted by the Commission.
37. Company understands and agrees that the authorizations granted by the Certificate of Site Compatibility for the energy conversion facility are subject to modification by order of the Commission if deemed necessary to protect further the public or the environment.
38. Company understands and agrees that in the event Company desires to construct, within any site granted by a Certificate of Site Compatibility in this proceeding, an energy conversion facility that was not requested in Company's application in this proceeding, Company shall apply for a Certificate of Site Compatibility for the facility.
39. Company shall notify the Commission, as soon as reasonably possible, if any damage, as defined by North Dakota Century Code Chapter 49-23, occurs to underground facilities during construction conducted under the certificate or permit issued in this proceeding. In the event of any damage to underground facilities, Company shall suspend construction in the vicinity of the damage until compliance with One-Call Excavation Notice System requirements under North Dakota Century Code Chapter 49-23 has been determined and clearance to proceed has been given by the Commission.
40. The certificate of site compatibility is subject to suspension or revocation and may, after hearing, be suspended or revoked for failure to comply with the Commission's

order, requirements of the One-Call Excavation Notice System under North Dakota Century Code Chapter 49-23, the conditions and criteria of the certificate or permit or subsequent modification, or failure to comply with applicable statutes, or rules, regulations, standards, and permits of other state or federal agencies.

Dated this 15 day of December, 2011.

Company Name

By   
Its Vice President

**PUBLIC SERVICE COMMISSION**

**STATE OF NORTH DAKOTA**

**Certificate of Site Compatibility for Energy Conversion Facility**

**Certificate Number 26**

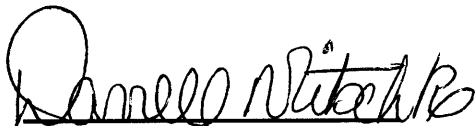
*This is to certify that the Commission has designated an energy conversion facility site for Wilton Wind IV, LLC's Wilton IV Wind Energy Center consisting of up to 66 1.6 MW wind turbine generators and associated facilities in Burleigh County, North Dakota.*

*The facility may be sited in this designated location in compliance with the energy conversion facility siting criteria. This certificate is issued in accordance with the Finding of Fact, Conclusion of Law and Order of the Commission in Case No. PU-11-646 dated February 15, 2012 and is subject to the conditions and limitations noted in that order.*

*Bismarck, North Dakota, February 15, 2012.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**



**Executive Secretary**



**Commissioner**