

jurisdiction, were discussed. In light of the changes to N.D.C.C. § 49-22-03(3), each of the Commissioners identified different approaches to siting the Project, including designating only limited corridors around Project components as the site, requesting a commitment to a final layout with Commission approval of subsequent modifications, and requesting a commitment to a maximum turbine number and megawatt (“MW”) limit for the site designated.

6. During the public hearing on Rolette Power’s Application, Rolette Power requested and was granted the opportunity to submit a late-filed exhibit outlining any additional siting commitments it would make regarding the Project, and a post-hearing brief.

7. Rolette Power hereby reaffirms its request for a Certificate designating the Project Area as the site for the Project.

8. In addition to complying with the applicable requirements of N.D.C.C. Ch. 49-22, the exclusion area and avoidance area criteria set forth in N.D. Admin. Code § 69-06-08-01(1)-(4), and the Commission’s Certification Relating to Order Provisions – Energy Conversion Facility Siting, dated June 26, 2015 (“Certification”), Rolette Power will site the Project within the Project Area so as to comply with the following additional commitments:

- (a) Rolette Power will construct no more than 59 turbines within the Project Area;
- (b) Rolette Power will construct no more than 100.4 MW within the Project Area;
- (c) Rolette Power will apply a setback of at least 1,400 feet between turbines and currently occupied residences;
- (d) Rolette Power will apply a setback of at least 0.5 mile between turbines and the Ghost Valley Waterfowl Production Area; and

- (e) Rolette Power will apply a shadow flicker goal of 30 hours per year or less at currently occupied residences, unless otherwise agreed to by the homeowner.

These commitments are consistent with Rolette Power's current development plans for the Project Area.

9. The Project Area should be designated as the site for the Project because the Project Area is needed to operate the Project and satisfies the siting criteria. Further, designating something other than the Project Area as the site for the Project would be inconsistent with Rolette Power's request, unsupported by the siting criteria, and inconsistent with past Commission precedent. For further discussion, see Section I of the accompanying Post-Hearing Brief in Support of Rolette Power's Application for a Certificate of Site Compatibility ("Post-Hearing Brief"), which is incorporated herein by reference.


10. With respect to the proposal to limit the designated site to corridors around individual Project components, such an approach should be rejected because it: (a) is outside the authority granted to the Commission under the Siting Act; and (b) creates significant regulatory uncertainty and risk that would interfere with the development of not only this Project, but all future North Dakota wind projects. For further discussion, see Section II of the Post-Hearing Brief, which is incorporated herein by reference.

11. With respect to the request to commit to the Project layout as proposed during the June 29, 2015 public hearing on the Application and Commission approval of subsequent modifications, Rolette Power declines to make such a commitment. Since the Commission does not have the authority to order such a requirement, Rolette Power's receipt of a Certificate for the Project should not be dependent on conceding to a limitation that the Commission cannot

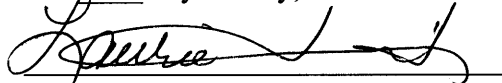
otherwise impose. In addition, it is not in the best interest of the Project for Rolette Power to make such a commitment. Rather, maintaining the siting flexibility provided by N.D.C.C. § 49-22-03(3) will better enable Rolette Power to maximize the Project's efficiency and output, secure financing, position the Project to secure an off-taker and maximize the return on investment made by landowners and community members, and accommodate landowner layout modification requests. Further, the siting flexibility provided by N.D.C.C. § 49-22-03(3) is appropriately limited. For further discussion, see Section III of the Post-Hearing Brief, which is incorporated herein by reference.

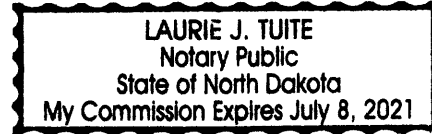
12. For the reasons set forth in this Affidavit and the accompanying Post-Hearing Brief, Rolette Power respectfully requests that the Commission issue a Certificate designating the Project Area as the site for the Project, with the commitments set forth in Paragraph No. 8 of this Affidavit included as conditions in the Order issuing the Certificate.

FURTHER AFFIANT SAYETH NOT.


Warren Enyart

Subscribed and sworn to before me
this 17 day of July, 2015.


Notary Public



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