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April 18, 2016

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NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Mr. Darrell Nitschke
Executive Director
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480

Dear Mr. Nitschke:

In re: Brady Wind, LLC
230 kV Transmission Line
PSC Case No. PU-15-797
Our File No. 35-218-026

Please find enclosed 11 copies of the Findings of Fact, Conclusions of Law and Order in the above matter.

Please call should you have any questions.

Very truly yours,

Brian R. Bjella

bw
Enc.
cc: Patrick J. Ward
Zachary Pelham
Matthew T. Collins
Jerry Lein

70 PU-15-797 Filed: 4/18/2016 Pages: 9
Proposed Findings of Fact, Conclusions of Law and Order
Brady Wind, LLC
Brian Bjella, Crowley Fleck, PLLP

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NORTH DAKOTA

Brady Wind, LLC
230 kV Transmission Line – Stark County
Siting Application

Case No. PU-15-797

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND ORDER
DATED APRIL _____, 2016

Appearances

Commissioners Julie Fedorchak, Randy Christmann and Brian P. Kalk.

Brian R. Bjella and Stephanie Dassinger, Attorneys at Law, Crowley Fleck, PLLP, 100 West Broadway, Suite 250, Bismarck, North Dakota 58501, on behalf of the Applicant, Brady Wind, LLC.

Zachary Pelham, Attorney at Law, Pearce Durick PLLC, 314 E. Thayer Ave., Bismarck, North Dakota 58502, Special Assistant Attorney General on behalf of the North Dakota Public Service Commission.

Patrick J. Ward, Administrative Law Judge, PO Box 1695, Bismarck, North Dakota 58502-1695.

Matthew T. Collins, Attorney at Law, Fabyanske, Westra, Hart & Thompson, 333 South Seventh Street, Suite 2600, Minneapolis, MN 55402, on behalf of Intervener Concerned Citizens of Stark County.

Preliminary Statement

On December 8, 2015, Brady Wind, LLC ("Brady Wind") filed an Application for Consolidated Certificate of Corridor Compatibility and Route Permit and Waiver of Procedures and Time Schedules for a transmission line located in Stark County, North Dakota, with the North Dakota Public Service Commission ("Commission").

On January 20, 2016, the Commission deemed the Application complete and issued a Notice of Filing and Notice of Hearing, scheduling a public hearing for March 2, 2016, at 9:00 a.m. Mountain Time at the Dickinson City Hall, 99 2nd Street East, Dickinson, North Dakota 58601.

On February 12, 2016, Concerned Citizens of Stark County ("CCSC") filed a Petition for Intervention. By Order Granting Petition to Intervene dated February 25, 2016, Administrative Law Judge Timothy J. Dawson granted CCSC's Petition to appear as an intervener.

On February 23, 2016, CCSC filed a Motion for Continuance of the hearings scheduled for March 6, 2016. On February 25, 2016, the Commission granted the motion for continuance.

On February 25, 2016, the Commission issued its Notice of Continued Hearings indicating that the public hearing previously scheduled for March 2, 2016, was continued to March 30, 2016, at 8:00 a.m. at City Hall, 99 Second Street East, Dickinson, North Dakota 58601.

The issues to be considered in the application for a waiver of procedure and time schedules are:

1. Are the proposed facilities of such length, design, location, or purpose that they will produce minimal adverse effects and that adherence to applicable procedures and time schedules may be waived?

2. Is it appropriate for the Commission to waive any procedures and time schedules as requested in the application?

The issues to be considered in the application for a certificate of site compatibility are:

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 locations minimize adverse human and environmental impacts while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion?

On March 9, 2016, Brady Wind filed its Certification Relating to Order Provisions – Transmission Facility Siting, dated March 4, 2016.

The public hearing was held as scheduled on March, 30, 2016. 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. Brady Wind, LLC is a Delaware limited liability company headquartered in Juno Beach, Florida, and is registered to do business in the State of North Dakota. Brady Wind, LLC is a wholly-owned, indirect subsidiary of NextEra Energy Resources, LLC.

2. Brady Wind proposes to construct, own, and operate an approximately 19 mile transmission line located on private property in Stark County, North Dakota ("Project").

3. The Project also includes a new 30-acre switchyard at the western terminus of the transmission line. The Project would connect the Brady Wind Energy Center to the Belfield to Rhame 230-kV transmission line in the southwest corner of the southeast quarter of Section 20 of Township 139 North, Range 98 West. The Brady Wind Energy Center is the subject of North Dakota Public Service Commission Case No. PU-15-690.

4. The approximately 19-mile, single circuit, alternating current 230-kV transmission line will be constructed using steel monopole structures. The average height of the single-pole structures will range from 70 to 130 feet, depending on the final engineering design. The span between structures will average 800 feet and will vary depending on geological or engineering design.

5. The transmission line will require approximately 126 poles. The location of the poles are depicted on Exhibit No. ___.

6. The transmission line will be constructed pursuant to National Electric Safety Code requirements.

7. The transmission line will include a shield wire, which will be stringed at the top of the poles to provide lighting protection. The shield wire will contain a fiberoptic core that forms a part of the communication system for the transmission line, allowing for monitoring and remote control of substation and interconnection facility components.

8. Voluntary easements with landowners have been secured for the entire route, and the land for the 30-acre switchyard has been purchased.

9. The approximate cost of the Project is $20.5 million.

10. Brady Wind has signed a Power Purchase Agreement with Basin Electric Power Cooperative to deliver energy produced at the Brady Wind Energy Center through the transmission line to an interconnection point on the Belfield to Rhame 230-kV transmission line.

11. Brady Wind evaluated a proposed one-mile-wide Study Area within which it identified the proposed Project Route.

12. Other alternatives were considered for the Project Route. Brady Wind believes that the proposed location is the most viable route alternative based on landowner preferences, the fact that the Project Route follows existing road ROWs and section lines where practicable, and is the most direct route that also minimizes impacts on the exclusion, avoidances, selection, and policy criteria.

13. Brady Wind is targeting to begin construction on the Project in May 2016 with an in-service date in October 2016.

14. Pursuant to the Stark County Zoning Code, a permit is not required for the Project.

Siting Criteria

15. North Dakota Administrative Code Chapter 69-06-08-02 sets forth criteria to guide and govern the preparation of the inventory of exclusion and avoidance areas, and the corridor and route suitability evaluation process for transmission facilities. The criteria set forth are classified as Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria.

16. Exclusion Areas must be excluded in the construction and the consideration of a route for a transmission facility. Exclusion Areas may be located within the corridor, but at no point shall such an area encompass more than 50% of the corridor width unless there is no reasonable alternative. A buffer zone of a reasonable width to protect the integrity of an Exclusion Area must be included in the siting of the transmission facility.

17. As to exclusion areas, archeological sites have been identified within the 1-mile Study Area, project corridor and adjacent to the Project Route. All direct impacts to archeological sites will be avoided or spanned. National Register-eligible sites within or adjacent to the construction easement will be protected during construction to avoid impacts.

18. Avoidance Areas may not be considered in routing of a transmission facility unless the applicant shows that under the circumstances there is no reasonable alternative. In determining whether an Avoidance Area should be designated for a transmission 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 routes.

19. The results of the cultural resource survey for archaeology have been compiled into a report and submitted to the North Dakota State Historic Preservation Office (SHPO) for review. All eligible archeological sites that were identified during the surveys or previously documented in SHPO's database have been avoided or will be spanned. Brady Wind's concurrence letter from the SHPO has been filed with the Commission.

20. In accordance with the Commission's Selection Criteria, a transmission facility shall be approved only if it is demonstrated that no significant adverse impacts will result from the location, construction, and maintenance of the transmission facility.

21. A wetland delineation was conducted along the proposed Project Route. Permanent impacts to wetlands are avoided and minimized as much as possible as a result of transmission line structure placement. Wetlands will be avoided as much as feasible by spanning and placing structures in upland areas. Any potential impacts are expected to qualify for coverage under the Nationwide Permits 12 and 14 without pre-construction notification (PCN).

22. Brady Wind submitted information in its Application and through testimony that any significant adverse effects from the location, construction and maintenance of the transmission facility as they relate to the Selection Criteria listed at N.D.A.C. §69-06-08-02(3) will be at an acceptable minimum, or will be managed and maintained at an acceptable minimum.

23. With respect to agricultural production only approximately 30 acres of land, which includes the switchyard, will be permanently impacted. Approximately 345 acres will be temporarily impacted during construction.

24. Based upon the Federal Aviation Administration's online Department of Defense Preliminary Screening Tool, no impacts to any radar systems, radio signals, television signals, satellite or phone signals, GPS signals, air defense radar, homeland security radar, or weather surveillance radar are anticipated.

25. Brady Wind performed an analysis of potential whooping crane habitat in the area of the wind energy facility and the transmission line. No confirmed whooping crane sightings have been documented.

26. The Project will not have a significant impact on the Selection Criteria set forth in North Dakota Administrative Code § 69-06-08-02(3). Once the Project is completed, Brady Wind will restore all disturbed areas.

27. In accordance with the Commission's Policy Criteria, preference will be given to an applicant that maximizes benefits resulting from the adoption of certain policies and practices. With respect to a commitment of a portion of the transmission project for use

in this state, the Project will transmit energy produced from the Brady Wind Energy Center and injected into the Belfield to Rhame 230-kV line, and will be delivered into Basin Electric Cooperative's integrated system to serve electric customers in North Dakota.

28. Brady Wind has demonstrated its commitment to maximize the benefits of the project so as to meet the Policy Criteria set forth in North Dakota Administrative Code § 69-06-08-04(4) by designing and locating the project in a manner as to maximize operational efficiency and economic benefits while minimizing impacts on agriculture, extractible resources, health and safety, plant and animal life, communications, and the visual effect on the surrounding area.

29. Brady Wind has consulted with federal, state, and local agencies, including the United States Fish and Wildlife Service and the North Dakota Game and Fish Department, with respect to the siting of the proposed transmission line. Brady Wind is continuing to work with the wildlife agencies to minimize and reduce impacts associated with the Project.

Additional Measures to Minimize Impacts

30. Brady Wind has agreed to certain steps to mitigate the impact of the project as indicated by its execution of the Certification Relating to Order Provisions – Transmission Line Facility with accompanying Tree and Shrub Mitigation Specifications, which have been filed with the Commission.

31. Brady Wind will implement various measures to protect the right-of-way or mitigate the adverse effects of right-of-way preparation and transmission line construction, operation and maintenance on the human and natural environments.

32. Brady Wind will participate in the North Dakota One-Call Excavation Notice System.

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

Conclusions of Law

1. The Commission has jurisdiction over this matter pursuant to North Dakota Century Code Chapter 49-22.

2. The proposed transmission line and associated facilities are transmission facilities as defined by North Dakota Century Code § 49-22-03(12).

3. The location, construction and operation of the proposed transmission facilities will produce only minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota.

4. The application submitted by Brady Wind meets the corridor and route evaluation criteria required by North Dakota Century Code Chapter 49-22.

5. The proposed transmission facility corridor and route 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.

6. The proposed transmission facilities are compatible with the environmental preservation and the efficient use of resources.

7. The requested waivers of procedures and time schedules are justified based upon the minimal impacts on the environment and the welfare of the citizens of North Dakota; the lack of objection to the proposed transmission facility by federal, state and local government bodies and agencies; the lack of objection by landowners along the proposed corridor and route; and the objective to have a reliable, integrated transmission system in North Dakota.

8. The proposed transmission corridor and route are of such length, design, location and purpose that they 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. Brady Wind's application for waiver of procedures and time schedules is granted.

2. Certificate of Corridor Compatibility No. _____ is issued to Brady Wind designating a corridor for the construction, operation and maintenance of the proposed 230 kV transmission line and associated facilities in Stark County, North Dakota, as identified in Hearing Exhibit No. ___. For purposes of the Certificate, the corridor will consist of a 250 foot wide area.

3. Route Permit No. ___ is issued to Brady Wind granting authority to construct and operate the proposed 230 kV approximate 19 mile transmission line and associated facilities in Stark County, North Dakota, as described in the application, supplements to the application, at the public hearing, and in late-filed exhibits.

4. Brady Wind shall file with the Commission the concurrence letter from the SHPO.

5. The Certification Relating to Order Provisions – Transmission Facility Siting with accompanying Tree and Shrub Mitigation specifications dated March 4, 2016, as filed with the Commission on March 9, 2016, are incorporated by reference and attached to this Order.

PUBLIC SERVICE COMMISSION

Randy Christmann Commissioner	Julie Fedorchak Chairman	Brian P. Kalk Commissioner