

Late Filed Exhibit 35

Oliver Wind III, LLC (“Oliver Wind III”) has evaluated the feasibility of installing an Aircraft Detection and Lighting System (“ADLS”) in lieu of traditional aviation lighting at the Oliver III Wind Energy Center, given the Commission’s interest in this new technology and its potential to lessen the visual impact of wind turbines on the landscape. Oliver Wind III commits to make efforts to install an ADLS at the Oliver III Wind Energy Center in strict compliance with the FAA rules and guidelines.

Oliver Wind III has identified certain concerns with installing such a system. First, given that the system was approved by the FAA only recently and there are limited vendors offering ADLS, Oliver Wind III has concerns as to how the novel and relatively untested ADLS would affect its insurance requirements and coverage. Further, Oliver Wind III did not include the cost of ADLS in the project estimate and PPA pricing because to date it has not been a requirement of the FAA or the Commission. The cost of an ADLS varies based on number of turbines, project area, topography, and other variables, but Oliver Wind III estimates the cost to install to be over \$1 million, plus ongoing maintenance, testing, and certification. Finally, because the scheduled commercial operation date of the project is December, 2016, Oliver Wind III is concerned that fully evaluating the ADLS option, obtaining bids, and installing the system will extend beyond that time, costing the project many millions of dollars as a result.

In order to work through these concerns, and because Oliver Wind III is making this significant scope change so close to its expected commercial operation date of December 2016, we request flexibility from the Commission as to the in-service date of the ADLS. Oliver Wind III will use commercially reasonable efforts to install the ADLS concurrently with construction of the wind farm, but if additional time is required to install the ADLS, Oliver Wind III requests the ability to operate the wind farm with traditional lighting for a period of two years, until December 31, 2018, and then phase in the ADLS, or some other suitable technology.