Oliver Wind III, LLC

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Oliver Wind III, LLC **Case No. PU-16-123**
Oliver III Wind Energy Center – Oliver & Morton Counties

AFFIDAVIT RELATING TO SITE MODIFICATION

STATE OF FLORIDA)
) ss.
COUNTY OF PALM BEACH)

The undersigned, Mark Trumbauer, Project Manager, a representative of Oliver Wind III, LLC ("Oliver Wind III") with authority to bind Oliver Wind III to the following, hereby certifies as follows:

1. In an order dated June 22, 2016, in the above captioned matter, the Public Service Commission ("Commission") approved the Certificate of Site Compatibility No. 49 for the construction, operation and maintenance of a wind energy conversion facility in Morton and Oliver Counties.

2. Pursuant to Paragraph 34 of the Certification Relating to Order Provisions associated with the Findings of Fact, Conclusions of Law and Order issued on June 22, 2016 ("Order"), prior to the occurrence of any site modification, and as reflected in Oliver Wind III's August 24, 2016 filing, docket entry 114, Oliver Wind III previously provided the Commission with notice of its intent to modify the site plan of the wind energy conversion facility.

3. Subsequently, Oliver Wind III received a request from Commission Staff to file its letter regarding project modification in affidavit format executed by a representative of Oliver Wind III. The following Affidavit Relating to Site Modification is submitted in response to Commission Staff's request.

4. Oliver Wind III made the minor modification to the site plan as reflected in the site plan previously filed with the Commission on August 24, 2016, in docket entry 114.

5. An alternate access road from Turbine 7 east to 31st Avenue was added to address a health and safety line of sight concern raised by Morton County for vehicle approaches. The attached site plan shows both roads for flexibility, but only one access road and turbine (either turbine 24 or Alt 2) is planned to be constructed. This approach minimizes disturbance, particularly on the potential Dakota Skipper habitat in the vicinity shown on the site plan map.

6. Pursuant to Order provision No. 1, Oliver Wind III completed a Class III cultural resource survey on the previously un-surveyed land, and submitted the cultural resource findings to the State Historical Society of North Dakota (NDSHPO) for review.

7. Oliver Wind III received a concurrence letter from NDSHPO concluding no archeological resources will be impacted. This letter was filed with the Commission on August 24, 2016, in docket entry 113.

8. In accordance with the Certification Relating to Order Provisions and Order, Oliver Wind III certifies as follows:
    a. Construction activities have been, and will continue to be, conducted wholly within the site as designated in the Order. All necessary right-of-way easements within the specified site have been acquired.
    b. As demonstrated in Case No. PU-16-123, an environmental analysis was conducted for Oliver Wind III and evaluated the wind energy conversion facility site relative to the Exclusion and Avoidance Areas set forth in N.D. Admin. Code § 69-06-08-01.
    c. The modification will not affect any known Exclusion or Avoidance Areas.
    d. Pursuant to Order provision No. 48, the modification will not impact heavy equipment traffic on $31^{1/2}$ Avenue in rural Mandan.

9. Oliver Wind III will continue to comply with the Order in Case No. PU-16-123 designating the site, and will continue to comply with all applicable federal, state, and local laws and rules.

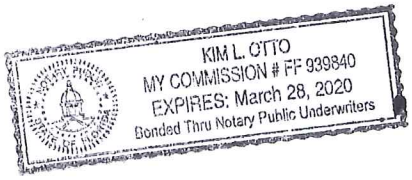
Mark Trumbauer
Project Manager
Oliver Wind III, LLC
515-664-0050
Mark.Trumbauer@nexteraenergy.com

STATE OF FLORIDA)
) ss.
COUNTY OF PALM BEACH)

On this 16th day of September, 2016, before me personally appeared Mark Trumbauer, known to me to be the Project Manager and representative of Oliver Wind III, LLC, that is described within and executed, acknowledged, and affirmed to me as such.

3-28-2020

KIM L. OTTO
MY COMMISSION # FF 939840
EXPIRES: March 28, 2020
Bonded Thru Notary Public Underwriters

Expiration of Commission

Notary Public