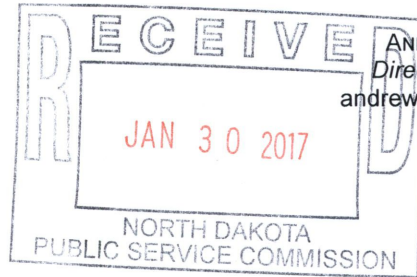




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ANDREW J. PIEPER
Direct 612.373.8898
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January 26, 2017

VIA U.S. MAIL AND EMAIL

Mr. Darrell Nitschke
Executive Director
NORTH DAKOTA PUBLIC SERVICE COMMISSION
600 E. Boulevard Avenue, Dept. 408
Bismarck, ND 58505-0480
dnitschk@nd.gov

**Re: Glacier Ridge Wind Farm, LLC
PU-16-539**

Dear Mr. Nitschke:

On behalf of Glacier Ridge Wind Farm, LLC, we hereby submit its Motion to Lift Stay Decision on Phase II in the above-referenced Matter and Affidavit of Service.

Very truly yours,

STOEL RIVES LLP

Andrew J. Pieper

Enclosure

cc: Julie Prescott (via email)
Zachary Pelham (via email)
Patrick Ward (via email)

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

Glacier Ridge Wind Farm Application for
Certificate of Site Compatibility

CASE NO. PU-16-539

MOTION TO LIFT THE STAY WITH RESPECT TO A DECISION ON PHASE II

On July 15, 2016, Glacier Ridge Wind Farm, LLC (“Glacier Ridge”) filed an application requesting that the North Dakota Public Service Commission (“Commission”) issue a Certificate of Site Compatibility (“Certificate”) for a 300.15 MW Wind Farm in Barnes County, North Dakota (“Project”). On September 27, 2016, the Commission conducted a public hearing on Glacier Ridge’s application in Barnes County. On November 29, 2016, Glacier Ridge filed a motion to bifurcate the Project Area into separate phases of the Project (Phase I and Phase II), seek approval of Phase I, and stay or hold in abeyance the decision on Phase II (“Bifurcation Motion”). On December 5, 2016 the Commission held a Work Session concerning the Bifurcation Motion and on December 7, 2016 issued its Findings of Fact, Conclusions of Law and Order approving the Certificate of Site Compatibility Number 51 for Phase I of the Project. We now submit this motion to request that the stay on Phase II be lifted and respectfully ask that the Commission consider and approve Phase II of the Project.

Attachment I provides detailed information on Phase II including a map depicting the Phase II Project Area. Glacier Ridge originally requested Phase II be held in abeyance because the re-execution of site control documents for a small number of parcels with planned collection facilities had been delayed longer than expected. Now that Glacier Ridge has finalized its site control for all of the Project facilities in Phase II, Glacier Ridge is seeking Phase II approval. Other than the details included as Attachment I, no substantive changes are proposed to the overall Project or Project Area,

and all material submitted with the application and evidence admitted at the public hearing remain germane to both Phase I and Phase II. To that end, Glacier Ridge respectfully requests that the Commission proceed to deliberate on and approve Glacier Ridge's application with respect to Phase II of the Project Area.

BACKGROUND

Glacier Ridge's Bifurcation Motion explained in detail the history of the Project and circumstances leading to the need to re-execute many of the easements in the Project Area. We have not repeated that background in this motion other than to provide an updated on recent activities. Glacier Ridge Wind Project is a joint effort by Peak Wind Development, LLC ("Peak"), a company formed and owned by the local landowners, and Renewable Energy Systems Americas Inc. ("RES"). Since the approval of Phase I, Peak has been actively working with landowners in the Project Area to finalize land agreements in the Phase II Project Area and recently completed that work.

Glacier Ridge submitted its original motion to amend the application in order to bifurcate the Project Area into two phases pursuant to North Dakota Admin. Code § 69-06-04-01(5), which provides:

The commission may allow an applicant to amend its application, consistent with North Dakota Century Code chapter 28-32 and North Dakota Administrative Code article 69-02, at any time during the pendency of an application. A rehearing may be required if the commission determines that a proposed amendment, which is received after the hearing process has been completed, materially changes the authority sought.

In keeping with its original intent, Glacier Ridge did not wish to substantively alter the contents of the application, the layout or the turbine locations such that additional technical review would be required for consideration of Phase I. Instead Glacier Ridge simply requested that the Commission authorize a subset of what had already been deliberated upon at the hearing in September and the two

subsequent Commission work sessions. The Commission granted that motion and approved Phase I in December. In accordance with that decision, this motion simply seeks approval of the Phase II now that the outstanding site control matters have been resolved. The record remains complete as to the requisite studies, surveys and analyses for both phases. There should not be any adverse impact on any interested stakeholder nor does the motion substantially change the contents of the application.

Additionally and given that Commissioner Kalk has been the portfolio holder for this Project, and the Commission requested expeditious review of Phase II, we respectfully ask the Commission to schedule a special hearing to consider this motion before his departure. In the alternative and to the extent that is infeasible prior to his departure, we respectfully request that this motion be taken up at the Commission's earliest convenience once his replacement has been seated.

CONCLUSION

Glacier Ridge submits this motion to lift the stay on Phase II of the Project Area and request the Commission consider and approve Phase II as depicted in Attachment I to this motion. In light of the foregoing, Glacier Ridge respectfully requests the Commission act on this motion and the corresponding decision to issue a Certificate for Phase II of the Project as quickly as possible.

DATED this 26th day of January, 2017.

[signature page follows]

Glacier Ridge Wind Farm
Motion to Lift the Stay on Phase II of Project
Case No. PU-16-539

STOEL RIVES LLP

s/Andrew J. Pieper

Andrew J. Pieper (#07973)

Sara E. Bergan (*admitted pro hac vice*)

Sarah Johnson Phillips (*admitted pro hac vice*)

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**ATTORNEYS FOR GLACIER RIDGE
WIND FARM, LLC**

Attachment I:

Glacier Ridge Application for Certificate of Site Compatibility – Phase II

The attached map highlights the proposed Phase II of the Project Area footprint. Glacier Ridge has secured executed site control agreements for all infrastructure proposed in Phase II.

Phase II Project Area Revisions: The table below lists the land sections included in Phase II.

County	Township	Range	Sections
Barnes County	141 N	56 W	6, 17, 18, 19, 20, 30
Barnes County	141 N	57 W	1, 12, 13
Barnes County	142 N	56 W	18, 19, 30, 31
Barnes County	142 N	57 W	12, 13, 14, 15, 22, 23, 25, 26, 27, 34, 35, 36

Phase II includes 35 planned turbines for a total of 120.75 MW, plus 9 alternates. This includes Turbine 23 that is located in the Phase I footprint but has been added back in as part of Phase II given the shadow flicker waiver by the residents of R055 has now been executed. The complete (Phase I + Phase II) Project will therefore be 87 planned turbines (300.15 MW) and 12 alternates as originally stated in the initial application

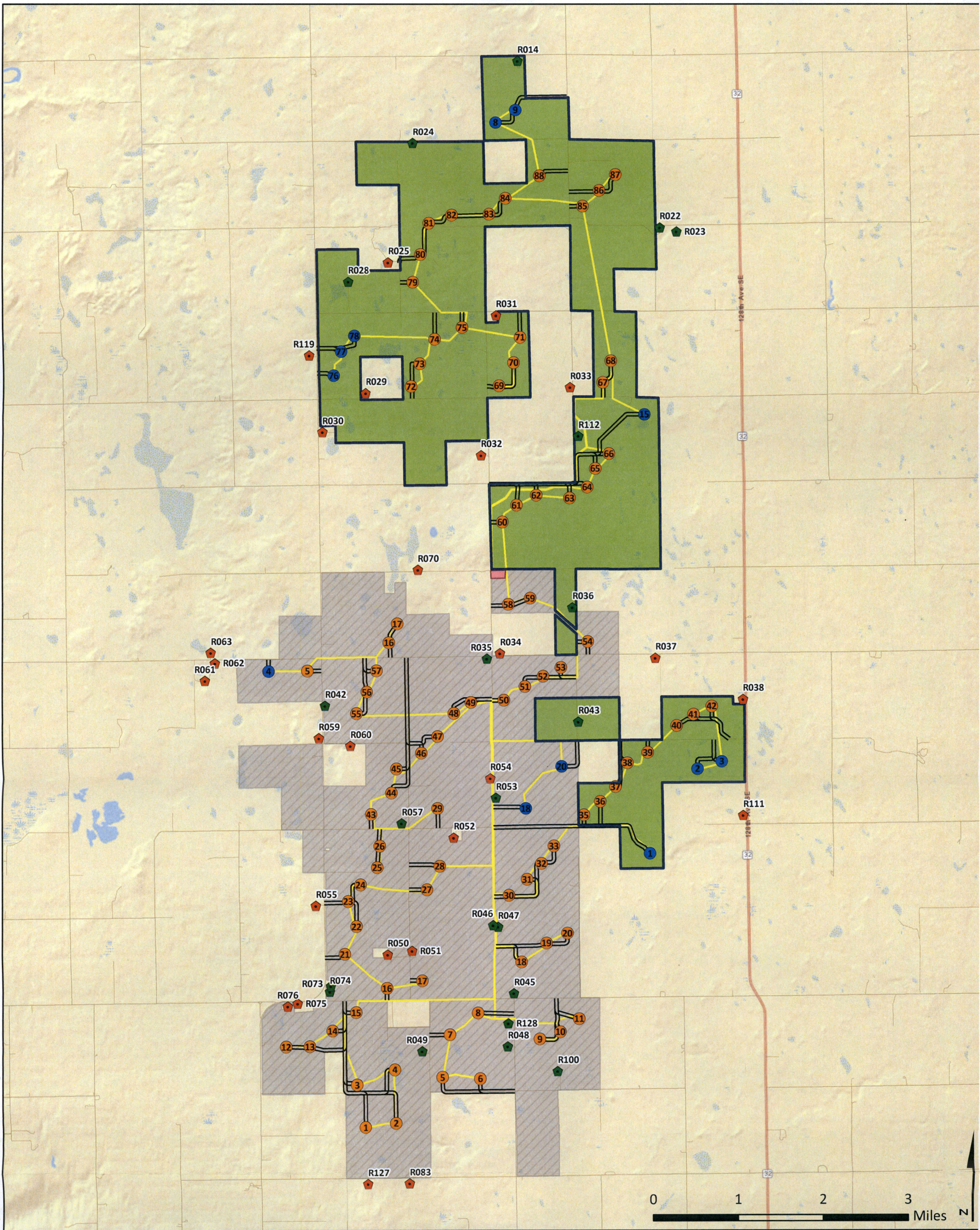
Phase II also includes parcels around R043 that are now under contract and were included within the application Project Area maps. Additionally Glacier Ridge proposes to correct a quirk of Project Area footprint that has long included a diagonal line for collection from turbine 54 to turbine 59. This creates for a peculiar Project Area footprint when the underlying parcels are fully under easement. The facilities planned for these parcels were not materially changed, the owners attended the public hearing, and are participating landowners. We noted this fact in the Bifurcation Motion and now seek to formally include these parcels in the Project Area as part of Phase II to allow for greater flexibility in micro-siting and a more logical Project Area footprint. Otherwise, the Project Area in Phase II has been reduced somewhat to include almost exclusively parcels on which facilities are located. And lastly there have been no changes to turbine placement but some small adjustments to collection line locations to account for the reduced Project Area size. These modest adjustments are reflected on the attached map and are de minimis changes to the layout proposed in the original application, are of the type that would usually occur in the ordinary course of micro-siting a wind project, and are allowed and anticipated under the Project's easements. All affected landowners are participating landowners who, based on the layout included with the application and other discussions with Glacier Ridge, are already anticipating hosting these facilities.

Related Modifications:

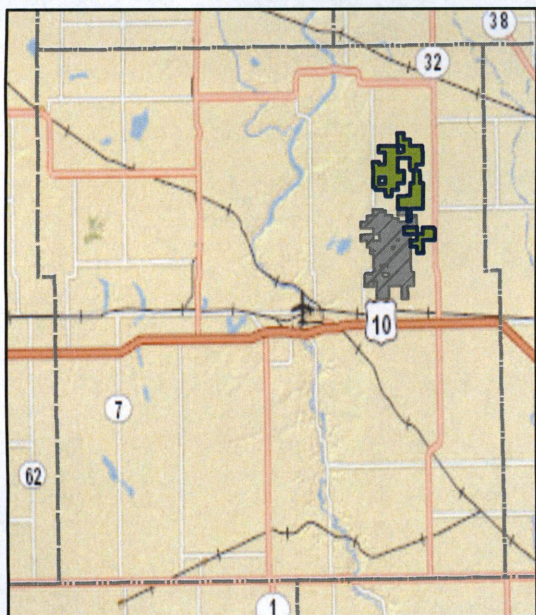
- As stated above, Phase II includes 35 planned turbines for a total of 120.75 MW, plus nine

alternates (total Project includes 87 turbines and 12 alternates for a total of 300.15 MW as described in the Application).

- The Project cost for Phase II is \$173 million (total Project cost is estimated to be \$375 million).
- The Phase II Project Area consists of 10,063 acres.
- The estimated permanent footprint for Phase II is 35.5 acres, approximately 0.35 percent of the Phase II Project Area. This includes 7.0 acres for 35 turbines, 28.4 acres of new service roads, and negligible acreage for junction boxes and four meteorological towers. (The total estimated permanent impact of 92 acres for the complete Project from the application has not changed.)
- Up to four permanent meteorological towers will be installed in Phase II. As stated in the application, these will be self-supporting (no guy wires). The location of the meteorological towers has yet to be determined.
- The estimated permanent impact to prime farmland from construction of Phase II is approximately 29 acres (0.3 percent of the Phase II Project Area).
- There are no wind specific Exclusion Areas located in Phase II.
- The Class I Literature Review for archaeological resources was completed for the complete Project construction footprint and a 1-mile buffer, and identified no previously recorded resources within the construction footprint. Five previously recorded archaeological site leads were documented within 1 mile of the full project, one of which is located within 1 mile of Phase II.
- The Class I Literature Review completed for the complete Project identified no architectural resources within the anticipated construction footprint or within 2 miles of proposed Phase II turbine locations.
- The Class III Cultural Resource Inventory for archaeological resources within the anticipated construction footprint for Phase II identified four sites and three site leads. Avoidance was recommended for two of the sites, both of which are Native American artifact scatters.
- There is no change to the closest bald eagle nest (1,237 feet from the western boundary of Phase I and 1.6 miles from the nearest proposed turbine). That nest is located approximately 3.6 miles from the Phase II boundary. The two other bald eagle nests observed within 10 miles of the Project Area described in the Permit Application are both located over 10 miles from the reduced Phase II boundary.



Source: Map adapted from ESRI World Street Map, Barnes County, ND; Project data provided by RES Americas. Scale 1:69,000



- Project Area**
- ▨ Phase I Project Area – Approved 12/07/16
 - ▭ Proposed Project Area - Phase II
- Proposed Project Facilities**
- Planned Turbine
 - Alternate Turbine
 - Planned Service Road
 - Planned Collection Line
 - ▭ Planned Substation and O&M Building
- Parcel Status**
- Signed
- Residences**
- ◆ Participating
 - ◆ Not Participating

Glacier Ridge Wind Farm

Barnes County, North Dakota



AFFIDAVIT OF SERVICE

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

Sharla R. Backer, of the City of Lonsdale, County of Rice in the State of Minnesota, being duly sworn on oath, deposes and says that on the 26th day of January, 2017, I served the following:

Motion to Lift Stay Decision on Phase II

on the following parties by mailing to each of them a copy thereof, enclosed in an envelope, postage pre-paid, and by depositing the same in the United States Mail, directed to said parties at their last known post office address as follows:

Beth Didier
BARNES COUNTY AUDITOR
230 4th Street NW, Room 202
Valley City, ND 58072

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Box 5020
Bismarck, ND 58502

Wayne Stenehjem, Attorney General
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Doug Goehring, Commissioner
DEPARTMENT OF AGRICULTURE
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Bismarck, ND 58505-0020

Ms. Maggie Anderson, Executive Director
DEPARTMENT OF HUMAN SERVICES
Judicial Wing, State Capitol
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Al Anderson, Commissioner
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COMMISSION
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Grant Levi
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Lance Gaebe, Land Commissioner
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Mr. Scott Hochhalter, Soil Conservation Specialist
SOIL CONSERVATION COMMITTEE
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Commander
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MINOT AIR FORCE BASE
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BARNES COUNTY COMMISSION
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c/o North Dakota Industrial Commission
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Honorable Jack Dalrymple
OFFICE OF THE GOVERNOR
First Floor, State Capitol
600 E. Boulevard Avenue, Dept. 101
Bismarck, ND 58505-0001

Ms. Claudia Berg
STATE HISTORICAL SOCIETY OF NORTH
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FEDERAL AVIATION ADMINISTRATION
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Bismarck, ND 58504

NORTH DAKOTA TRANSMISSION
AUTHORITY
c/o North Dakota Industrial Commission
600 E. Boulevard Avenue, Dept. 405
State Capitol, 14th Floor
Bismarck, ND 58505-0840

Sharla R. Backer

Sharla R. Backer

Subscribed and sworn to before me
on this 26th day of January, 2017.

Cheryl A. Long

Notary Public

