



2302 Gr. N. Drive
Fargo, ND 58102
dave.sederquist@xcelenergy.com

May 23, 2018

- Via Email and Fed Ex -

Darrell Nitschke, Executive Director
North Dakota Public Service Commission
State Capitol Building, Dept 408
600 East Boulevard
Bismarck, ND 59505-0480

RE: REVISED - NORTHERN STATES POWER COMPANY'S REQUEST FOR
TRANSFER OF CERTIFICATE OF SITE COMPATIBILITY NUMBER 53
CASE NO. PU-18-144

Dear Mr. Nitschke:

In response to Commission Staff recommendations, Northern States Power Company, doing business as Xcel Energy (the Company), submits to the North Dakota Public Service Commission this revised Request for Transfer of Certificate of Site Compatibility Number 53 from Foxtail Wind, LLC to Xcel Energy. In this filing we have more properly identified the holder of the existing Certificate of Site Compatibility 53 and added Attachment B demonstrating Foxtail Wind, LLC support for the transfer of the Certificate.

An original and seven copies of this revised Request is also being provided. A check for \$5,000 for the filing fee for this matter was submitted on May 4, 2018.

We look forward to working with the Commission in the review of this filing.

Sincerely,

A handwritten signature in blue ink that reads 'David H. Sederquist'.

DAVID H. SEDERQUIST
Sr. Consultant, Regulation & Finance
Enclosures

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

IN THE MATTER OF THE APPLICATION
OF NORTHERN STATES POWER
COMPANY TO TRANSFER THE
CERTIFICATE OF SITE COMPATIBILITY
NUMBER 53

Case No. PU-18-144

**APPLICATION FOR
TRANSFER OF CERTIFICATE OF
SITE COMPATIBILITY**

INTRODUCTION

Pursuant to North Dakota Century Code Chapter 49-22 and North Dakota Administrative Code Article 69-06, Northern States Power Company-Minnesota, doing business as Xcel Energy (Company or Xcel Energy), submits to the North Dakota Public Service Commission this Application for a Transfer of Certificate of Site Compatibility Number 53 (Certificate) from Foxtail Wind, LLC to Xcel Energy.

The Certificate was originally issued to NextEra Energy Inc. by Commission Order on January 31, 2018 in Case No. PU-17-284. We respectfully request that the Commission grant the application and authorize the transfer of the Certificate to the Company at this time.

DESCRIPTION OF APPLICANT

Xcel Energy is a Minnesota corporation duly authorized to conduct business in the State of North Dakota as a foreign corporation. The Company conducts business in the State of North Dakota as a public utility subject to the jurisdiction and regulation of the Commission pursuant to Title 49 of the North Dakota Century Code. The name and address of Xcel Energy is:

Northern States Power Company
414 Nicollet Mall
Minneapolis, Minnesota 55401

Xcel Energy also operates in North Dakota at the following address:

Northern States Power Company
2302 Great Northern Drive
Fargo, North Dakota 58102

The Company's Certificate of Incorporation with amendments and Certificate of Authority were filed with the Commission on September 30, 2009 and October 12, 2009, respectively in Case No. PU-09-664. The Company's current Certificates of Good Standing issued by the North Dakota and Minnesota Secretaries of State were filed in the same case on January 12, 2018, and are incorporated here by reference.

Xcel Energy has service territory in five upper Midwest states including North Dakota. We presently serve approximately 95,000 retail electric customers in and around Fargo, Grand Forks, and Minot, North Dakota. We own just over 250 miles of transmission lines and 14 substations in North Dakota.

STATUTORY AUTHORITY FOR REQUEST

The transfer of a certificate of site compatibility is authorized under § 49-22-07(1) of the North Dakota Century Code (N.D.C.C.), and § 69-06-01-02(4) of the North Dakota Administrative Code (N.D.A.C.). N.D.C.C. § 49-22-07(1) states that “[a] certificate of permit may be transferred, subject to the approval of the commission, to any person who agrees to comply with its terms, conditions, and modifications.”

Pursuant to the above-cited provisions and N.D.C.C. § 49-22-13(2), the Commission is not required to hold a public hearing on this application.

FOXTAIL WIND FACILITY

The Foxtail Wind facility is a 150 MW wind energy generation facility located in Dickey County, North Dakota.

Pursuant to the Commission's Findings of Fact, Conclusions of Law and Order dated January 31, 2018 in Case No. PU-17-284, the Commission approved the issuance of Certificate of Site Compatibility No. 53 to Foxtail Wind, LLC for the Foxtail Wind facility.

Pursuant to its February 27, 2018 Order in Case No. PU-17-387, the Commission issued Certificate of Public Convenience and Necessity No. 5916 to Xcel Energy for the purchase and operation of the Foxtail Wind facility. The Company took ownership of the facility on February 27, 2018.

The purchase of the Foxtail Project from NextEra has been structured as the purchase of 100 percent the membership interest of Foxtail Wind, LLC. Upon closing of the transaction, we will then merge Foxtail Wind, LLC into the Company and continue development of the Foxtail Project as Northern States Power Company – Minnesota.

After reviewing several potential transaction structures, we determined that this is the most expeditious transaction structure available. Foxtail Wind, LLC holds many leases, permits, and contracts that would be very time consuming to transfer individually to the Company. By purchasing the corporate entity that holds these assets and merging the LLC into the Company, the assets transfer to the Company by operation of law. We believe this will allow the transfer of control of all of the Foxtail Project assets more efficiently than assigning these assets individually to the Company and seeking the myriad third-party consents required to do so.

TRANSFER REQUEST

We respectfully request that the Commission transfer the Certificate from Foxtail Wind, LLC to Xcel Energy. Pursuant to N.D.C.C. § 49-22-07(1), “[a] certificate of permit may be transferred, subject to the approval of the commission, to any person who agrees to comply with its terms, conditions and modifications.”

The Company agrees to comply with the terms, conditions, and modifications of Certificate of Site Compatibility No. 53, issued on January 31, 2018, in Case No. PU-17-284. Enclosed as Attachment A is the Affidavit of Christopher B. Clark, President of NSPM, attesting to this commitment. We believe this commitment satisfies the statutory requirement for transfer of the Certificate.

The current holder of the certificate supports our request as evidenced in Attachment B to this Application.

CONCLUSION

For the reasons stated above, the Company respectfully requests that the Commission grant our request to transfer of the Certificate of Site Compatibility from NextEra Energy Inc. to Northern States Power Company.

Dated: May 23, 2018
Northern States Power Company

IN THE MATTER OF THE
APPLICATION OF NORTHERN
STATES POWER COMPANY TO
TRANSFER THE CERTIFICATE OF
SITE COMPATIBILITY NUMBER 53

CASE No. PU-18-144

AFFIDAVIT OF CHRISTOPHER B. CLARK

Christopher B. Clark, under oath, states:

1. I am employed by Northern States Power Company, a Minnesota corporation (NSP or the Company), which is a public utility operating subsidiary of Xcel Energy Inc., a registered public utility holding company. My business address is 414 Nicollet Mall, Minneapolis, Minnesota 55401. My title is President – Northern States Power Company – Minnesota.

2. I have more than 20 years of experience in the public utility industry and have worked extensively in connection with the Company's purchases and construction of wind energy generation facilities. The Company's engineering and construction team has extensive experience in the field of engineering and construction of electric power infrastructure.

3. I am submitting this Affidavit in support of the Company's request for the transfer of Certificate of Site Compatibility Number 53, which was originally granted by the North Dakota Public Service Commission (Commission) in Case No. PU-17-284 to NextEra Energy Inc. on January 31, 2018.

4. I have reviewed all of the terms and conditions to Certificate of Site Compatibility Number 53.

5. The Company agrees to abide by all of the terms and conditions in Certificate of Site Compatibility Number 53 and stands ready, willing and able to perform the obligations stated therein.

6. I have authority to bind the Company in the commitments made in this Affidavit.

Dated this 20th date of April, 2018.



Christopher B. Clark
President – NSPM

Subscribed and sworn to before me
this 20th day of April, 2018.



Notary Public

My Commission Expires: 01-31-19





Christopher B. Clark
President NSPM

414 Nicollet Mall
Minneapolis, Minnesota 55401
Phone: 612.215.4593

May 22, 2018

Mr. Darrell Nitschke, Executive Secretary
North Dakota Public Service Commission
Department 408
600 East Boulevard
Bismarck, ND 58505-0408

**RE: In the Matter of the Application of the Northern States Power
Company to Transfer the Certificate of Site
Compatibility Number 53
Case No. PU-18-144**

Dear Mr. Nitschke:

As a result of a transaction between NextEra Energy Inc. and Northern States Power Company (NSP), NSP now owns one-hundred percent of the membership interest of Foxtail Wind LLC. Although NSP intends to merge Foxtail Wind LLC into NSP, this merger has not yet been completed. As President of NSP, I am writing to confirm that Foxtail Wind LLC supports the transfer of Certificate of Site Compatibility Number 53 to NSP.

Sincerely,

A handwritten signature in blue ink, appearing to read 'C. Clark', written over a light blue horizontal line.

Christopher B. Clark
President
Northern States Power Company
(As one-hundred percent owner of Foxtail Wind LLC)