

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

EDF Renewable Development, Inc./Otter Tail Power  
Transfer of Site Certificate  
Siting Application

Case No. PU-19-144

AFFIDAVIT OF SERVICE BY REGULAR AND ELECTRONIC MAIL

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

Geralyn R. Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **27th** day of **June 2019**, she deposited in the United States Mail, Bismarck, North Dakota, **5** envelopes by first class mail, fully prepaid, securely sealed each containing a photocopy of:

- **Order**

The envelopes were addressed as follows:

**See attached list**

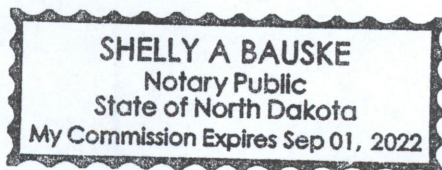
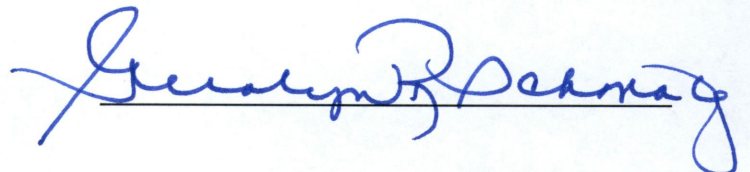
Geralyn R. Schmaltz further deposes and says that on the **27th day of June 2019**, she sent an electronic message to **46** addressees, each including an electronic copy in portable document format of the same document.

The electronic mails were addressed as follows:

**See attached list**

The addresses shown are the respective addressee's last reasonably ascertainable post office and electronic mail addresses.

Subscribed and sworn to before me  
this **27th day of June 2019**.



Notary Public

19 PU-19-144 Filed: 6/27/2019 Pages: 8  
Affidavit of Service, Reg. and E-mail - Order

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Ellendale ND 58436

County Commission  
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**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**EDF Renewable Development, Inc./Otter Tail Power  
Transfer of Site Certificate  
Siting Application**

**Case No. PU-19-144**

**ORDER**

**June 26, 2019**

**Preliminary Statement**

On June 8, 2011, in Case No. PU-08-932 the Commission adopted Findings of Fact, Conclusions of Law and Order issuing Certificate of Site Compatibility Number 23 to enXco Development Corporation (enXco) designating a site for its Merricourt Wind Project in Dickey and McIntosh Counties of North Dakota. The certificate was amended on May 27, 2015 and again on November 16, 2017.

On November 3, 2017, the Commission issued an Advance Determination of Prudence in Case No. PU-17-141 and Certificate of Public Convenience and Necessity Number 5914 in Case No. PU-17-143 authorizing Otter Tail Power Company (Otter Tail) to acquire, construct and operate the Merricourt Wind Project.

On May 3, 2019, in Case No. PU-19-144, EDF Renewable Development, Inc (EDF), formerly enXco, and Otter Tail filed a joint application to transfer Second Amended Certificate Number 23 from EDF to Otter Tail.

On May 20, 2019, the Commission issued a Notice of Opportunity for Hearing that provided until June 21, 2019 for receiving written comments and hearing requests.

On June 11, 2019, the North Dakota Department of Environmental Quality filed comments.

**Discussion**

The Notice of Opportunity for Hearing identified the issues to be considered in this matter as whether Otter Tail agrees and is able to comply with the terms and conditions of the certificate and whether the requested transfer is compatible with the public interest.

Otter Tail is a Minnesota Corporation duly authorized to do business in North Dakota and is doing business as a public utility providing retail electric service to customers in North Dakota under the regulatory jurisdiction of this Commission.

The Affidavit of Bradley E. Tollerson dated May 2, 2019 affirms that Otter Tail agrees to assume the rights and obligations of the Second Amended Certificate No. 23, including the conditions and limitations set forth in all applicable Commission orders pertaining thereto.

In Case No. PU-17-143 the Commission found that the public convenience and necessity requires Otter Tail's ownership and operation of the Merricourt Wind Project. Therefore, the transfer of Second Amended Site Certificate Number 23 is compatible with the Public Interest.

Having considered this matter, the Commission finds Otter Tail agrees and is able to comply with the terms and conditions of the certificate and the requested transfer is compatible with the public interest.

**Order**

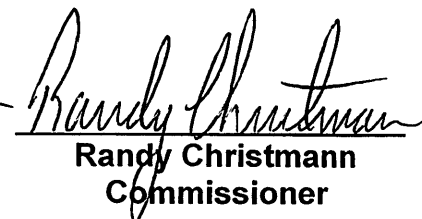
The Commission orders:

1. The joint application of EDF and Otter Tail for transfer of Site Certificate Number 23 is APPROVED.
2. First Reissued Second Amended Certificate of Site Compatibility Number 23 is issued to Otter Tail Power Company.

**PUBLIC SERVICE COMMISSION**

  
Julie Fedorchak  
Commissioner

  
Brian Kroshus  
Chairman

  
Randy Christmann  
Commissioner

# **PUBLIC SERVICE COMMISSION**

## **STATE OF NORTH DAKOTA**

### **First Reissued Second Amended Certificate of Site Compatibility Number 23**

*This is to certify that the Commission has designated an energy conversion facility site for Otter Tail Power Company's wind project in Dickey and McIntosh Counties.*


*The facility may be sited in this designated location in compliance with the energy conversion facility siting criteria. This certificate is issued in accordance with the Findings of Fact, Conclusions of Law and Order of the Commission in Case No. PU-08-932 dated June 8, 2011, the Amended Findings of Fact, Conclusions of Law and Order of the Commission in Case No. PU-08-932 dated May 27, 2015, the Second Amended Findings of Fact, Conclusions of Law and Order of the Commission in Case No. PU-08-932 dated November 16, 2017 and the Order of the Commission in Case No. PU-19-144 dated June 26, 2019, and is subject to the conditions and limitations noted in those orders.*

*Bismarck, North Dakota, June 26, 2019.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
\_\_\_\_\_  
**Executive Secretary**

  
\_\_\_\_\_  
**Commissioner**