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October 25, 2019

*Via Hand Delivery & Electronic Mail*

Patrick Fahn  
Director, Public Utilities Division  
North Dakota Public Service Commission  
600 E. Boulevard, Dept. 408  
Bismarck, ND 58505-0480  
pfahn@nd.gov  
ndpsc@nd.gov

In re: Ashtabula Wind, LLC  
Case No. PU-19-284  
Our File No.: 035218-000052

Dear Mr. Fahn:

On September 27, 2019, Ashtabula Wind, LLC (“Ashtabula Wind”) filed a response (Docket No. 12) to your request for information regarding the Ashtabula Wind Energy Center’s (“Ashtabula I WEC”) improvement activities and existing setback regulations. Ashtabula Wind’s Sept. 27 response identified three wind turbines, turbine numbers 3, 124, and 131, as not meeting the Commission’s current setback of 1.1 times the height of the turbine from the property line of a nonparticipating landowner, designated under North Dakota Admin. Code § 69-06-08-01(2)(a)(5). The above list inadvertently included turbine number 124<sup>1</sup> in lieu of turbine number 87, and Ashtabula Wind provides the following corrected table as an update to the Sept. 27 filing.

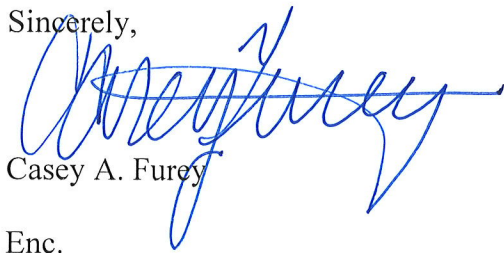
Turbine No.	Setback after improvement. 1.1 x height of turbine from property line of non-participant = 452 feet	Applicable Landowner
3	144.7 feet	Deborah Svenningsen Revocable Trust
87	270.6 feet	Barbara E. Anderson Revocable Trust
131	430.9 feet	Sandra L. Burns

<sup>1</sup> Turbine number 124 is not located adjacent to a nonparticipating landowner, and therefore the provisions of N.D. Admin. Code § 69-06-08-01(2)(a)(5) do not apply. The landowners neighboring turbine number 124 are participating.

For the reasons discussed in more detail within Ashtabula Wind's Sept. 27 filing, the Commission's current setbacks, which predate the certification, construction, and operation of the Ashtabula I WEC, do not retroactively apply to the facility or its improvement activities. However, in an abundance of caution and to maintain good landowner relations, Ashtabula Wind voluntarily obtained waiver agreements from the applicable landowners for turbine numbers 3, 87, and 131. Per your request, eight copies of the aforementioned waivers are enclosed for filing in the above-referenced matter. Although Ashtabula Wind voluntarily obtained waivers, Ashtabula Wind maintains its position that existing setbacks do not retroactively apply to the Ashtabula I WEC. Thus, landowner waivers are not required.

Please feel free to contact me with any questions.

Sincerely,



Casey A. Furey

Enc.

cc: Tracy C. Davis (via email)