

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Ashtabula Wind, LLC
Ashtabula Wind Energy Center Repower
Siting Exclusion Certification

Case No. PU-19-284

AFFIDAVIT OF SERVICE BY REGULAR & 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 **4th day of December 2019** she deposited in the United States Mail at Bismarck, North Dakota, **3** envelopes by first class mail, fully prepaid, securely sealed each containing a photocopy of:

- **Order**

The envelopes were addressed as follows:

See attached list

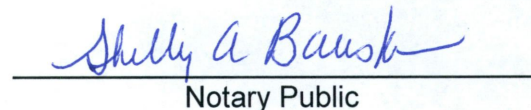
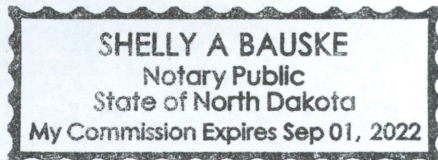
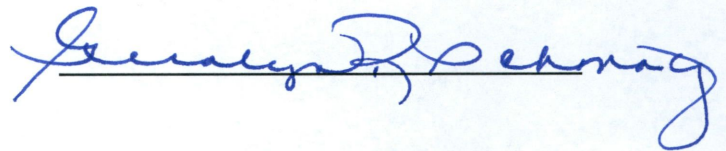
Geralyn R. Schmaltz further deposes and says that on the **4th day of December 2019**, she sent an electronic message to **43** addressees, each including an electronic copy in portable document format of the same document.

The electronic mails were addressed as follows:

See attached list

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me
this **4th day of December 2019**.



Notary Public

SEAL

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Ashtabula Wind, LLC
Ashtabula Wind Energy Center Repower
Siting Exclusion Certification

Case No. PU-19-284

ORDER

December 3, 2019

Preliminary Statement

On May 30, 2008, in Case No. PU-08-32, the Commission issued Certificate of Site Compatibility No. 7 to Ashtabula Wind, LLC (Ashtabula) designating a location in Barnes County, North Dakota, for the construction, operation and maintenance of up to 200 megawatts (MW) of wind turbines. The site is known as the Ashtabula Wind Energy Center (Ashtabula WEC).

On April 13, 2009, in Case No. PU-09-53, the Commission issued an Order Granting Partial Certificate Transfer for the ownership by Otter Tail Power Company of 48 MW of the nameplate generating capacity at the Ashtabula WEC, with the remaining 152 MW portion retained by Ashtabula.

On July 15, 2019, Ashtabula filed a Certification Relating to § N.D.C.C. 49-22-03(3)(a) stating that it intends to improve the turbines operating at the Ashtabula WEC by adding new gearboxes and rotors (Repower). The nameplate generation of Ashtabula's portion of the Ashtabula WEC will increase to 160.4 MW.

On August 21, 2019, the Commission issued a Notice of Opportunity for Hearing, which provided until September 20, 2019, for receiving written comments and hearing requests regarding the Repower. No response was received. The Notice identified the issues to be considered for an amended certificate of site compatibility are:

1. Will the location, construction, and operation of the proposed facilities produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota?
2. Are the proposed facilities compatible with the environmental preservation and the efficient use of resources?

3. Will the proposed facility locations minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion?

Discussion

Ashtabula Wind, LLC is a Delaware limited liability corporation with principal offices in Juno Beach, Florida. Ashtabula Wind, LLC is a wholly owned subsidiary of NextEra Energy Resources, LLC.

Ashtabula currently owns and operates 99 General Electric 1.5 MW SLE turbines at Ashtabula WEC, with nameplate capacity of 148.5 MW.

Ashtabula proposes to improve the 99 turbines at the Ashtabula WEC by retrofitting the turbines and power systems with upgrades based on new technology, extending the life of these turbines by at least ten years. The upgrades will increase the nameplate capacity of the turbines from 1.5 MW each to 1.62 MW each. The total nameplate capacity after repowering is 160.4 MW.

Ashtabula requests that the Commission omit any designation of a specific megawatt threshold for the site designated for Ashtabula WEC, and amend First Amended Certificate of Site Compatibility No. 7 to remove the designated capacity threshold for the designated site.

The rotor hub height of the turbines will remain at 262.5 feet; however, the installation of new blades will increase the rotor diameter from 252.6 feet to 298.6 feet.

Existing turbine locations, towers, electric collection systems, substations, the operations and maintenance building, and the meteorological tower will remain unchanged.

Existing roads and temporary work spaces used previously during the construction process will be utilized. Temporary work spaces will be returned to existing land uses.

Project construction will occur wholly within the site designated by the Commission.

Ashtabula conducted a new sound level assessment and also completed a shadow flicker assessment. There are four participating receptors that may experience sound levels over 50 dBA. There are three participating receptors that may experience over 30 hours per year of shadow flicker. Ashtabula has obtained waivers from landowners for which modeled sound levels were over 50 dBA and for which predicted shadow flicker exceeded 30 hours per year.

Ashtabula performed a Class III cultural resource survey and submitted a recommendation of No Historic Properties Effectuated to the State Historical Society of North Dakota (SHSND) for the project. By its July 22, 2019 letter, the SHSND concurred with a "No significant archaeological or architectural sites affected" determination, provided the project remains as mapped and described in Ashtabula's report to the SHSND.

The Commission's May 30, 2008 Order predates the Commission's current wind facility setback rules.

Turbine numbers 12, 30, 73, 83, 102, and 131 do not meet current setback rules of 1.1 times the height of the turbine plus seventy-five (75) feet from the centerline of any county or maintained township roadway. Ashtabula has obtained a conditional use permit from Barnes County for the improvement activities.

Turbine numbers 3, 87 and 131 do not meet the current setback rules of 1.1 times the height of the turbine from the property line of a nonparticipating landowner. Ashtabula has obtained a written agreement from each nonparticipating landowner with a property line within 1.1 times the height of the turbine that the turbine may be constructed at the current location.

Project construction will not affect any other Exclusion or Avoidance Areas.

Ashtabula will install lights at the Ashtabula WEC to enable the future installation of light-mitigating technology, subject to the receipt of necessary approvals from the Federal Aviation Administration.

Ashtabula will continue to comply with all applicable conditions and protections in the siting laws and rules and Commission Orders previously issued for the Ashtabula WEC.

The construction, and operation and maintenance of the proposed facilities at the site designated for the Ashtabula WEC will produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota.

The proposed facilities at the site designated for the Ashtabula WEC are compatible with the environmental preservation and the efficient use of resources.

The proposed facility locations at the site designated for the Ashtabula WEC will minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion.

Having considered this matter, the Commission finds the May 30, 2008 Findings of Fact, Conclusions of Law and Order in Case No. PU-08-32 and First Amended

Certificate of Site Compatibility No. 7 should be amended to remove the 200 MW capacity threshold. Therefore, the Commission issues the following:

Order

The Commission Orders:

1. The Commission's May 30, 2008 Findings of Fact, Conclusions of Law and Order in Case No. PU-08-32, Order paragraph 3, is amended to read as follows:
 3. Within the permitted area, Ashtabula Wind is authorized to site and construct wind turbines in proposed and alternative locations, along with electric collection and communication lines, a project substation, a project operations and maintenance building, meteorological towers, access roads, and other associated facilities as identified in the application.
2. Second Amended Certificate of Site Compatibility No. 7 is issued to Ashtabula Wind, LLC, removing the 200 MW designated capacity threshold.
3. A variance of the exclusion area of one and one-tenth times the height of the turbine plus seventy-five feet from the centerline of any county or maintained township roadway is granted for turbine numbers 12, 30, 73, 83, 102, and 131.
4. A variance of the exclusion area of one and one-tenth times the height of the turbine from the property line of a nonparticipating landowner is granted for turbine numbers 3, 87 and 131.
5. All applicable provisions and requirements in the Commission's May 30, 2008 Findings of Fact, Conclusions of Law and Order in Case No. PU-08-32 and in the Commission's April 13, 2009 Order Granting Partial Certificate Transfer in Case No. PU-09-53 continue to apply except where amended by this Order.

PUBLIC SERVICE COMMISSION


Julie Fedorchak
Commissioner


Brian Kroshus
Chairman


Randy Christmann
Commissioner

PUBLIC SERVICE COMMISSION

STATE OF NORTH DAKOTA

Certificate of Site Compatibility for Energy Conversion Facility

**Second Amended
Certificate Number 7**

This is to certify that the Commission has designated an energy conversion facility site for Ashtabula Wind, LLC for the construction, operation, and maintenance of a wind energy conversion facility in Barnes County, North Dakota.

This certificate is issued in accordance with the Commission's May 30, 2008 Findings of Fact, Conclusions of Law and Order in Case No. PU-08-32; the April 13, 2009 Order in Case No. PU-09-53; and the December 3, 2019 Order in Case No. PU-19-284 and is subject to the conditions and limitations noted in the Orders.

Bismarck, North Dakota, December 3, 2019.

ATTEST:

PUBLIC SERVICE COMMISSION



Executive Secretary



Commissioner