

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF NORTH DAKOTA**

**In the matter of the Joint Application of  
Ashtabula Wind, LLC and Ashtabula Wind  
I, LLC for Expedited Transfer of Certificate  
of Site Compatibility**

**PU-19-\_\_\_**

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

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Pursuant to North Dakota Century Code Chapter 49-22 and North Dakota Administrative Code Article 69-06, Ashtabula Wind, LLC (“Ashtabula Wind”) and Ashtabula Wind I, LLC (“Ashtabula Wind I”) (collectively “Applicants”), hereby submit this Joint Application for Expedited Transfer of Certificate of Site Compatibility (“Application”) for transfer of the First Amended Certificate of Site Compatibility No. 7 issued to Ashtabula Wind in Case No. PU-09-53.

**I. Statutory Authority**

The transfer of a certificate of site compatibility is authorized under North Dakota Century Code section 49-22-07 and North Dakota Administrative Code section 69-06-01-02(4). Pursuant to North Dakota Administrative Code section 69-06-01-02(04) and North Dakota Century Code section 49-22-13(2), the North Dakota Public Service Commission (“Commission”) shall publish notice of opportunity for a public hearing on such transfer.

**II. Background**

1. On May 30, 2008, in Case No. PU-08-32, the Commission issued Certificate of Site Compatibility No. 7 to Ashtabula Wind for the construction and operation of the Ashtabula Wind Energy Center (“Ashtabula I WEC”), consisting of 133 wind turbine generators capable of producing up to 200 megawatts (“MW”) located in Barnes County, North Dakota.
2. As found in Finding of Fact No. 7 in the Order issued in PU-08-32, the Commission found that Otter Tail Corporation d/b/a Otter Tail Power Company (“Otter Tail”) had filed an application for a certificate of public convenience and necessity to construct

and own 32 of the Ashtabula I WEC turbines and associated facilities, totaling 48 MW of nameplate generating capacity.<sup>1</sup>

3. On April 13, 2009, in Case No. PU-09-53, the Commission issued an Order Granting Partial Certificate Transfer and issued First Amended Certificate of Site Compatibility No. 7 to Ashtabula Wind (the “Certificate”) and Certificate of Site Compatibility No. 10 to Otter Tail, authorizing Otter Tail’s ownership of the 48 MW portion of the Ashtabula I WEC. *See* PU-09-53 Docket No. 11 (order authorizing the partial transfer of Ashtabula Wind’s certificate for the 48 MW portion of the Ashtabula I WEC to Otter Tail).
4. Ashtabula Wind is currently authorized to own and operate up to 101 turbines at the Ashtabula I WEC. Ashtabula Wind constructed 99 General Electric (“GE”) 1.5 MW SLE turbines that currently are capable of generating 148.5 MW nameplate capacity.
5. On July 15, 2019, in Case No. PU-19-284, Ashtabula Wind notified the Commission, pursuant to North Dakota Century Code (“N.D.C.C.”) § 49-22-03(3)(a) (the “July 15 Certification”), of improvements to the Ashtabula I WEC that would result in an increase to the nameplate generating capacity from 148.5 MW to 160.4 MW, through the installation of new gearboxes and rotors on existing turbines. However, Ashtabula Wind stated in its July 15 Certification that, per existing commercial agreements, Ashtabula Wind will cap the output of the Ashtabula I WEC to 148.5 MW.
6. On August 21, 2019, the Commission issued notice of opportunity for hearing to amend the Certificate to recognize the increase in nameplate capacity as a result of the improvement activities. The notice stated that comments and requests for hearings must be received by September 20, 2019. No comments or requests for hearings were docketed in PU-19-284 by this date. In the July 15 Certification, Ashtabula Wind requested that if the Commission issue notice of opportunity for hearing, it reissue the Certificate and omit any designation of a specific megawatt threshold to recognize the certification provisions set for in N.D.C.C. 49-22-03(3)(a), which permit increases to generating capacity subject to various filing requirements. *See*, Case No. PU-19-284, Docket No. 1 (cover letter submitting July 15 Certification).

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<sup>1</sup> On July 2, 2008, in Case No. PU-08-200, the Commission issued Certificate of Public Convenience and Necessity No. 5374 for Otter Tail to own its 48 MW portion of the Ashtabula I WEC and associated 34.5 kV collector lines and electrical feeders.

### **III. Application for Transfer of Certificate of Site Compatibility**

Applicants respectfully request the transfer of the Certificate from Ashtabula Wind to Ashtabula Wind I, and state as follows:

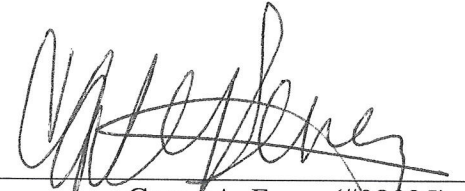
1. Ashtabula Wind and Ashtabula Wind I are both wholly-owned, indirect subsidiaries of NextEra Energy Resources, LLC, which is a wholly-owned, indirect subsidiary of NextEra Energy, Inc.
2. Ashtabula Wind is a Delaware limited liability company with its principal office in Juno Beach, Florida, and is authorized to do business in the State of North Dakota. Attached hereto as Exhibit 1, is a certified copy of the Certificate of Formation from the State of Delaware. Certificates of Good Standing for Ashtabula Wind from the North Dakota Secretary of State and the Delaware Secretary of State are attached hereto as Exhibit 2 and Exhibit 3, respectively.
3. Ashtabula Wind I is a Delaware limited liability company with its principal place of office in Juno Beach, Florida, and is authorized to do business in the State of North Dakota. Attached hereto as Exhibit 4, is a certified copy of the Certificate of Formation from the State of Delaware. Certificates of Good Standing for Ashtabula Wind I from the North Dakota Secretary of State and the Delaware Secretary of State are attached hereto as Exhibit 5 and Exhibit 6, respectively.
4. As a result of a pending tax equity transaction, Ashtabula Wind will transfer its assets to Ashtabula Wind I. This transaction is currently scheduled to close on or before December 15, 2019. Therefore, the Applicants respectfully request expedited treatment of this Application.
5. Ashtabula Wind I has the financial and technical qualifications to own and operate the Ashtabula I WEC. Ashtabula Wind I agrees to assume the rights and obligations of the Certificate for the Ashtabula I WEC and to comply with the terms and conditions of the Certificate and all applicable Commission orders pertaining thereto. *See* Exhibit 7, Affidavit of Daniel Gerard, Vice President, on behalf of Ashtabula Wind I, and attached hereto.
6. In recognition of the Commission's decommissioning regulations set forth in N.D.C.C. ch. 69-09-09, updated financial assurance for the Ashtabula I WEC will be filed in PU-10-103 on behalf of Ashtabula Wind I.

Applicants seek the transfer of the Certificate from Ashtabula Wind to Ashtabula Wind I and respectfully request that the Commission:

1. Deem this Application complete, and publish a notice of opportunity for public hearing once in the official newspaper of Barnes County, North Dakota.

2. Grant the transfer of the aforementioned Certificate from Ashtabula Wind, LLC to Ashtabula Wind I, LLC, and reissue the Certificate in the name of Ashtabula Wind I, LLC prior to December 15, 2019, and omit any designation of specific megawatt threshold for the Ashtabula I WEC in the amended Certificate.
3. Grant such other relief as the Commission shall deem appropriate.

Dated this 9<sup>th</sup> day of October, 2019.



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