

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Ashtabula Wind, LLC / Ashtabula Wind I, LLC
Transfer of Site Certificate
Siting Application

Case No. PU-19-336

ORDER

December 19, 2019

Preliminary Statement

On May 30, 2008, in Case No. PU-08-32 the Commission adopted Findings of Fact, Conclusions of Law and Order issuing Certificate of Site Compatibility Number 7 to Ashtabula Wind, LLC (Ashtabula Wind) designating a site for its Ashtabula Wind Energy Center (Ashtabula WEC) consisting of up to 133 wind turbine generators with up to 200 megawatts (MW) of nameplate generation capacity in Barnes County, North Dakota.

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 Number 7 to Ashtabula Wind for a 152 MW portion of the Ashtabula WEC and Certificate of Site Compatibility Number 10 to Otter Tail Corporation, authorizing Otter Tail Corporation's ownership of a 48 MW portion of the Ashtabula WEC.

On October 8, 2019, in Case No. PU-19-336, Ashtabula Wind and Ashtabula Wind I, LLC (Ashtabula Wind I) filed a Joint Application for Expedited Transfer of First Amended Certificate of Site Compatibility Number 7 from Ashtabula Wind, LLC to Ashtabula Wind I, LLC (Application).

On October 22, 2019, the Commission issued a Notice of Opportunity for Hearing that provided until November 22, 2019 for receiving written comments and hearing requests. No comments or requests were received.

On November 20, 2019, Ashtabula Wind and Ashtabula Wind I filed supplemental information regarding the Application.

Discussion

The Notice of Opportunity for Hearing in Case No. PU-19-336 identified the issues to be considered are whether Ashtabula Wind I agrees and is able to comply with the terms and conditions of First Amended Certificate of Site Compatibility Number 7 and whether the requested transfer is compatible with the public interest.

Ashtabula Wind I, LLC is foreign limited liability company authorized to do business in North Dakota with a principal address of 700 Universe Blvd, Juno Beach, FL, 33408.

Ashtabula Wind and Ashtabula Wind I are both indirect, wholly owned subsidiaries of NextEra Energy Resources, LLC, which is a wholly-owned, indirect subsidiary of NextEra Energy, Inc.

The Affidavit of Daniel Gerard, Vice President of Ashtabula Wind I, LLC, states that Ashtabula Wind I, LLC has the financial and technical qualifications to own and operate the Ashtabula WEC. Further, Ashtabula Wind I agrees to assume the rights and obligations of First Amended Certificate of Site Compatibility Number 7, and agrees to comply with the terms and conditions set forth in the First Amended Certificate of Site Compatibility Number 7 and all applicable Commission orders pertaining to First Amended Certificate of Site Compatibility Number 7.

As part of a tax equity financing transaction associated with the repowering of the Ashtabula Wind Energy Center, the repowered wind generation assets must be transferred into a new project company.

The transfer of First Amended Site Certificate Number 7 is compatible with the public interest.

Having considered this matter, the Commission finds Ashtabula Wind I 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 Ashtabula Wind and Ashtabula Wind I for transfer of First Amended Site Certificate Number 7 is APPROVED.
2. First Reissued First Amended Certificate of Site Compatibility Number 7 is issued to Ashtabula Wind I, LLC.

PUBLIC SERVICE COMMISSION



Julie Fedorchak
Commissioner



Brian Kroshus
Chairman



Randy Christmann
Commissioner

PUBLIC SERVICE COMMISSION

STATE OF NORTH DAKOTA

**First Reissued First Amended
Certificate of Site Compatibility Number 7**

This is to certify that the Commission has designated a site for Ashtabula Wind I, LLC to construct and operate a wind energy conversion facility in Barnes County, North Dakota.

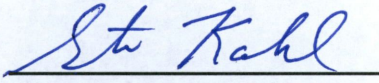
The wind energy conversion facility site is designated by the Commission's May 30, 2008 Findings of Fact, Conclusions of Law and Order in Case No. PU-08-32, the Commission's April 13, 2009 Order in Case No. PU-09-53 authorizing transfer of ownership of a 48 MW portion of the 200 MW wind energy facility, and the Commission's December 19, 2019 Order in Case No. PU-19-336.

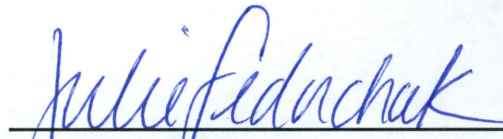
This certificate is subject to the conditions and limitations noted in those Orders.

Bismarck, North Dakota, December 19, 2019.

ATTEST:

PUBLIC SERVICE COMMISSION


Executive Secretary


Commissioner