

Casey A. Furey  
100 West Broadway, Suite 250  
P.O. Box 2798  
Bismarck, ND 58502-2798  
701.223.6585  
cfurey@crowleyfleck.com

August 14, 2020

*Via Electronic Mail*

*ndpsc@nd.gov*

Mr. Steve Kahl  
Executive Director  
North Dakota Public Service Commission  
600 E. Boulevard, Dept. 408  
Bismarck, ND 58505-0480

**In re: FPL Energy Oliver Wind I, LLC  
Oliver Wind I, LLC  
Joint Transfer Application**

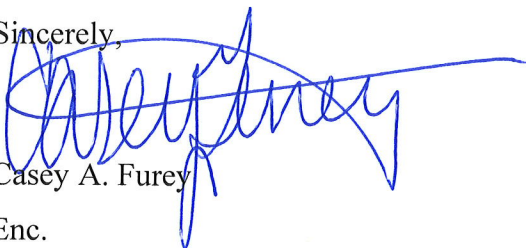
Dear Mr. Kahl:

On behalf of FPL Energy Oliver Wind I, LLC and Oliver Wind I, LLC, please find enclosed for filing:

- Joint Application for Transfer of Certificate of Corridor Compatibility No. 92 and Route Permit No. 102;
- Exhibit 1 - FPL Energy Oliver Wind I, LLC - DE Certificate of Formation;
- Exhibit 2 - FPL Energy Oliver Wind I, LLC - ND Certificate of Good Standing;
- Exhibit 3 - FPL Energy Oliver Wind I, LLC - DE Certificate of Good Standing;
- Exhibit 4 - Oliver Wind I, LLC - DE Certificate of Formation;
- Exhibit 5 - Oliver Wind I, LLC - ND Certificate of Good Standing;
- Exhibit 6 - Oliver Wind I, LLC - DE Certificate of Good Standing; and,
- Exhibit 7 - Affidavit of Lane Witten.

Please feel free to contact me with any questions.

Sincerely,



Casey A. Furey

Enc.

cc: Tracy Davis (via email)

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

**In the matter of the Joint Application of  
FPL Energy Oliver Wind I, LLC and  
Oliver Wind I, LLC for Transfer of  
Certificate of Corridor Compatibility  
and Route Permit**

**PU-20-\_\_\_**

---

**JOINT APPLICATION FOR TRANSFER  
OF CORRIDOR CERTIFICATE AND ROUTE PERMIT**

---

Pursuant to North Dakota Century Code Chapter 49-22 and North Dakota Administrative Code Article 69-06, FPL Energy Oliver Wind I, LLC (“FPL Energy Oliver Wind I”) and Oliver Wind I, LLC (“Oliver Wind I”) (collectively, “Applicants”) hereby submit this Joint Application for Transfer (“Application”) for the transfer of Certificate of Corridor Compatibility No. 92 and Route Permit No. 102, originally issued to FPL Energy Oliver County Wind, LLC in Case No. PU-06-312 and transferred to FPL Energy Wind Oliver I in Case No. PU-08-241.

**I. Statutory Authority**

The transfer of a certificate of corridor compatibility and route permit are authorized under North Dakota Century Code § 49-22-07 and North Dakota Administrative Code section § 69-06-01-02(4). Pursuant to North Dakota Administrative Code § 69-06-01-02(4) 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 application for transfer.

**II. Background**

1. On August 31, 2006, in Case No. PU-06-312, the Commission adopted an order (“Siting Order”) on the application of FPL Energy Oliver County Wind, LLC for the construction and operation of an approximately 542-foot 230 kV transmission line and associated facilities (“Transmission Line”) in Oliver County, North Dakota. The Transmission Line interconnects the Oliver I Wind Energy Center to Square Butte Electric Cooperative’s Center Substation, also within Oliver County. As provided in the Siting Order, FPL Energy Oliver County Wind, LLC was issued Certificate of Corridor Compatibility No. 92 (“Certificate”) and Route Permit No. 102 (“Permit”) for construction and operation of the Transmission Line.
2. On October 8, 2008, as corrected on September 21, 2016, in Case No. PU-08-241, the Commission adopted an order (“Transfer Order”), approving the transfer of the

Certificate and Permit from FPL Energy Oliver County Wind, LLC to FPL Energy Oliver Wind I.

### **III. Application for Transfer of Certificate of Corridor Compatibility and Route Permit**

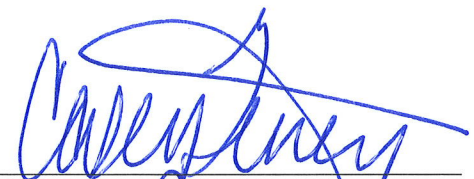
Applicants respectfully request the transfer of the Transmission Line Certificate and Permit from FPL Energy Oliver Wind I to Oliver Wind I, and state as follows:

1. FPL Energy Oliver Wind I and Oliver Wind I are both indirect, wholly-owned subsidiaries of NextEra Energy Resources, LLC (“NextEra Energy Resources”), which is an indirect, wholly-owned subsidiary of NextEra Energy, Inc.
2. FPL Energy Oliver 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 1, is a certified copy of the Certificate of Formation from the State of Delaware. Certificates of Good Standing for FPL Energy Oliver Wind I from the North Dakota Secretary of State and the Delaware Secretary of State are attached hereto as Exhibit 2 and Exhibit 3, respectively.
3. Oliver 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 Oliver 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. FPL Energy Oliver Wind I seeks authorization for its transfer of the Certificate and Permit to Oliver Wind I, as part of a corporate restructuring. The requested authorization is intended to facilitate a financing transaction and an internal corporate reorganization related to the Transmission Line’s ownership. Because both FPL Energy Oliver Wind I and Oliver Wind I are indirect, wholly-owned subsidiaries of NextEra Energy Resources, the ultimate ownership, control, and operation of the Transmission Line assets will not change as a result of this transfer request.
5. Oliver Wind I has the financial and technical qualifications to own and operate the Transmission Line. Oliver Wind I has agreed to assume the rights and obligations of the Certificate and Permit for the Transmission Line and to comply with the terms and conditions of the Permit and Certificate and all applicable Commission orders pertaining thereto. *See* Exhibit 7, Affidavit of Lane Witten, Assistant Vice President of FPL Energy Oliver Wind I and Oliver Wind I, attached hereto.

Applicants seek authorization for the transfer and reissuance of the Certificate and Permit from FPL Energy Oliver Wind I to Oliver 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 Oliver County, North Dakota.
2. Grant the transfer of Certificate of Corridor Compatibility No. 92 and Route Permit No. 102 from FPL Energy Oliver Wind I, LLC to Oliver Wind I, LLC, and reissue the aforementioned Certificate and Permit in the name of Oliver Wind I, LLC.
3. Grant such other relief as the Commission shall deem appropriate.

Dated this 14<sup>th</sup> day of August, 2020.



---

Casey A. Furey (#08035)  
CROWLEY FLECK PLLP  
Attorneys for Applicants  
100 West Broadway, Suite 250  
PO Box 2798  
Bismarck, North Dakota 58502  
Phone: 701-223-6585  
Email: cfurey@crowleyfleck.com



# Delaware

PAGE 1

*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF FORMATION OF "FPL ENERGY OLIVER WIND I, LLC", FILED IN THIS OFFICE ON THE FIRST DAY OF OCTOBER, A.D. 2007, AT 6:23 O'CLOCK P.M.

4432525 8100

071072752



*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 6041973

DATE: 10-02-07

**STATE of DELAWARE**  
**LIMITED LIABILITY COMPANY**  
**CERTIFICATE of FORMATION**

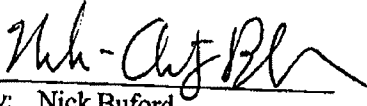
The undersigned, an authorized natural person, for the purpose of forming a limited liability company under the provisions and subject to the requirements of the laws of the State of Delaware (including Chapter 18, Title 6 of the Delaware Code and the acts amendatory thereof and supplemental thereto, and known, identified, and referred to as the "Delaware Limited Liability Company Act"), hereby certifies that:

**FIRST:** The name of the limited liability company (hereinafter called the "limited liability company") is **FPL Energy Oliver Wind I, LLC**

**SECOND:** The address of the registered office and the name and address of the registered agent of the limited liability company required to be maintained by Section 18-104 of the Delaware Limited Liability Company Act are:

The Corporation Trust Company  
1209 Orange Street  
Wilmington, DE 19801

Executed this day, **October 1, 2007**.

  
By: Nick Buford  
An Authorized Person

**STATE *of* DELAWARE**  
**LIMITED LIABILITY COMPANY**  
**CERTIFICATE *of* FORMATION**

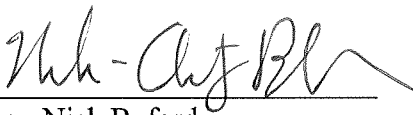
The undersigned, an authorized natural person, for the purpose of forming a limited liability company under the provisions and subject to the requirements of the laws of the State of Delaware (including Chapter 18, Title 6 of the Delaware Code and the acts amendatory thereof and supplemental thereto, and known, identified, and referred to as the "Delaware Limited Liability Company Act"), hereby certifies that:

**FIRST:** The name of the limited liability company (hereinafter called the "limited liability company") is **FPL Energy Oliver Wind I, LLC**

**SECOND:** The address of the registered office and the name and address of the registered agent of the limited liability company required to be maintained by Section 18-104 of the Delaware Limited Liability Company Act are:

The Corporation Trust Company  
1209 Orange Street  
Wilmington, DE 19801

Executed this day, **October 1, 2007**.

  
By: Nick Buford  
An Authorized Person

# *State of North Dakota* SECRETARY OF STATE



## **Certificate of Good Standing of FPL ENERGY OLIVER WIND I, LLC**

**SOS Control ID#: 0000089336**

**Certificate #: 018845325 - 1**

The undersigned, as Secretary of State of the state of North Dakota, hereby certifies that, according to the records of this office,

**FPL ENERGY OLIVER WIND I, LLC**

a Limited Liability Company - Business - Foreign was formed under the laws of DELAWARE and filed with this office effective October 10, 2007. This entity has, as of the date set forth below, complied with all applicable North Dakota laws.

**ACCORDINGLY**, the undersigned, as such Secretary of State, and by virtue of the authority vested in him by law, hereby issues this Certificate of Good Standing.

**DATE:** August 11, 2020

A handwritten signature in black ink, reading "Alvin A. Jaeger".

Alvin A. Jaeger  
Secretary of State

# Delaware

The First State

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "FPL ENERGY OLIVER WIND I, LLC" IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE ELEVENTH DAY OF AUGUST, A.D. 2020.

AND I DO HEREBY FURTHER CERTIFY THAT THE SAID "FPL ENERGY OLIVER WIND I, LLC" WAS FORMED ON THE FIRST DAY OF OCTOBER, A.D. 2007.

AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL TAXES HAVE BEEN PAID TO DATE.



4432525 8300

SR# 20206682141

You may verify this certificate online at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

A handwritten signature in black ink, appearing to read "JBULLOCK", is written over a horizontal line. Below the line, the text "Jeffrey W. Bullock, Secretary of State" is printed in a small font.

Authentication: 203446715

Date: 08-11-20

# Delaware

Page 1

The First State

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF FORMATION OF "OLIVER WIND I, LLC", FILED IN THIS OFFICE ON THE EIGHTH DAY OF MAY, A.D. 2020, AT 3:54 O`CLOCK P.M.



Jeffrey W. Bullock, Secretary of State

7962763 8100  
SR# 20203652270

Authentication: 202904355  
Date: 05-08-20

You may verify this certificate online at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

**STATE OF DELAWARE**  
**LIMITED LIABILITY COMPANY**  
**CERTIFICATE OF FORMATION**  
**OF**  
**OLIVER WIND I, LLC**

The undersigned, an authorized natural person, for the purpose of forming a limited liability company under the provisions and subject to the requirements of the laws of the State of Delaware (including Chapter 18, Title 6 of the Delaware Code and the acts amendatory thereof and supplemental thereto, and known, identified, and referred to as the "Delaware Limited Liability Company Act"), hereby certifies that:

**FIRST:** The name of the limited liability company (hereinafter called the "limited liability company") is Oliver Wind I, LLC.

**SECOND:** The address of the registered office and the name and address of the registered agent of the limited liability company required to be maintained by Section 18-104 of the Delaware Limited Liability Company Act are:

NextEra Registered Agency, LLC  
1105 N. Market Street, Suite 1300  
Wilmington, Delaware 19801

Executed on May 8, 2020.



By: Melissa A. Plotsky  
An Authorized Person

# *State of North Dakota* SECRETARY OF STATE



## **Certificate of Good Standing of Oliver Wind I, LLC**

**SOS Control ID#: 0003159981**

**Certificate #: 018845426 - 1**

The undersigned, as Secretary of State of the state of North Dakota, hereby certifies that, according to the records of this office,

Oliver Wind I, LLC

a Limited Liability Company - Business - Foreign was formed under the laws of DELAWARE and filed with this office effective May 13, 2020. This entity has, as of the date set forth below, complied with all applicable North Dakota laws.

**ACCORDINGLY**, the undersigned, as such Secretary of State, and by virtue of the authority vested in him by law, hereby issues this Certificate of Good Standing.

**DATE:** August 11, 2020

A handwritten signature in black ink, appearing to read "Alvin A. Jaeger".

Alvin A. Jaeger  
Secretary of State

# Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "OLIVER WIND I, LLC" IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE ELEVENTH DAY OF AUGUST, A.D. 2020.

AND I DO HEREBY FURTHER CERTIFY THAT THE SAID "OLIVER WIND I, LLC" WAS FORMED ON THE EIGHTH DAY OF MAY, A.D. 2020.

AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL TAXES HAVE BEEN ASSESSED TO DATE.



7962763 8300

SR# 20206682142

You may verify this certificate online at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

A handwritten signature in black ink, appearing to read "JBULLOCK", is written over a horizontal line. Below the line, the text "Jeffrey W. Bullock, Secretary of State" is printed.

Authentication: 203446716

Date: 08-11-20



