

# **APPENDIX L**

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## **Certification of Compliance with Siting Laws and Rules**

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

**OEE XXXI LLC**  
**Marathon Dickinson Renewable Diesel Facility Wind**  
**Turbine Project – Stark County**  
**Small Wind Energy Siting Application**

Case No. PU-21-\_\_\_\_

**CERTIFICATION OF JEREME KENT**  
**IN SUPPORT OF**  
**SMALL WIND ENERGY SITING APPLICATION**

STATE OF OHIO            )  
  ) ss.  
COUNTY OF HANCOCK    )

Jereme Kent, being first duly sworn upon oath, states and alleges as follows:

1. I am an Authorized Representative for the Dickinson Renewable Diesel Facility Wind Turbine Project (“Project”), which is owned by OEE XXXI LLC (“OE 31”). I am the CEO and General Manager of One Energy Enterprises LLC (“One Energy”), which is assisting OE 31 with Project development. I have the authority to bind OE 31 with respect to the certifications made herein.

2. The proposed Project is a behind-the-meter wind energy generation facility that will consist of up to five (5) wind turbines with a total nameplate capacity of up to 11.75 megawatts (“MW”), as well as associated facilities. As such, the Project is a small wind energy conversion facility subject to NDAC Ch. 69-06-10. *See* NDAC § 69-06-10-01.

3. OE 31 is submitting a Certificate of Site Compatibility Application for the Project in accordance with NDAC Ch. 69-06-10 (“Application”). I am providing this Certification in support of the Application pursuant to NDAC § 69-06-10-03.

4. OE 31 has analyzed the Project in light of the Commission’s siting criteria, including exclusion area and avoidance area criteria. The results of that analysis and supporting

documentation demonstrating compliance with the Commission's siting criteria are provided in the Application.

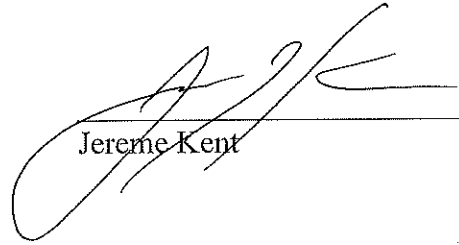
5. As demonstrated in the Application, the Project layout and associated construction activities will not affect any known exclusion areas.

6. As demonstrated in the Application, with one exception, the Project layout and associated construction activities will not affect any known avoidance areas. Underground collection lines and two small sections of gravel access roads will be located in the 100-year floodplain. However, as explained further in the Application, the collection line impacts will be temporary and there is no reasonable alternative to siting the access roads in the 100-year floodplain because: (a) the existing public roadway, to which a section of access road must connect, is located in the 100-year floodplain; and (b) an existing security gate, through which a section of access road must pass, is located in the 100-year floodplain. Therefore, OE 31 requests the Commission authorize these limited avoidance area impacts.

7. On behalf of OE 31, I have executed a proposed Certification Relating to Order Provisions – Small Wind Energy Conversion Facility (“Certification”), which is provided as Appendix C to the Application. OE 31 does not plan to remove any trees or shrubs on the Project site; thus, the tree and shrub mitigation specifications will not be applicable to the Project. OE 31 will comply with the Certification as ultimately approved by the Commission and incorporated into its Order granting a Certificate of Site Compatibility for the Project.

8. OE 31 will follow all applicable siting laws and rules in its development, construction, operation, maintenance, and decommissioning of the Project.

FURTHER AFFIANT SAYETH NOT.

  
\_\_\_\_\_  
Jereme Kent

Subscribed and sworn to before me  
this 30<sup>th</sup> day of November, 2021.

Brandy N. Rea  
\_\_\_\_\_  
Notary Public

74122038



BRANDY N. REA  
NOTARY PUBLIC  
STATE OF OHIO  
Comm Expires  
08/23/2023