

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company
Amend – Luverne Wind Upgrade
Siting Application

Case No. PU-23-176

AFFIDAVIT OF SERVICE BY CERTIFIED AND 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 **25th day of October 2023**, she deposited in the United States Mail, at Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

- **Notice of Opportunity for Hearing**

The envelope was addressed as follows:

Mollie Smith
Attorney for Otter Tail Power Company
Fredrikson & Byron PA
60 S 6th St Ste 1500
Minneapolis, MN 55402-4400
Cert. No. 9589 0710 5270 1582 7535 96

Geralyn R. Schmaltz further deposes and says that on the **25th day of October 2023**, she sent an electronic message to **one** addressee, each including an electronic copy in portable document format of the same document.

The electronic mail was addressed as follows:

Regulatory Filing Coordinators
Otter Tail Power Company
Regulatory_Filing_Coordinators@otpc.com

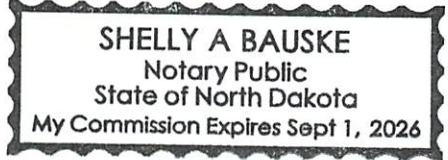
Each address shown is the respective addressee's last reasonably ascertainable post office and electronic address.

Subscribed and sworn to before me
this **25th day of October 2023**.

[Handwritten signature]

Shelly a Bauske

Notary Public



SEAL

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NOTICE OF OPPORTUNITY FOR HEARING

On October 30, 2008, in Case No. PU-08-34, the Commission issued its Findings of Fact, Conclusions of Law and Order issuing Certificate of Site Compatibility Number 9 to M-Power, LLC (M-Power) authorizing the construction of an up to 49.5 MW Luverne Wind Farm in Steele County, North Dakota.

On May 20, 2009, in Case No. PU-09-73, the Commission adopted an Order reissuing Certificate of Site Compatibility No. 9 to Otter Tail Power Company (OTP).

On August 16, 2023, in Case No. PU-23-176, the Commission adopted an Order amending Certificate of Site Compatibility No. 9 to repower the 33 existing 1.5 MW General Electric (GE) 82.5-meter rotor diameter blades, hubs, and gearboxes with upgraded 1.6 MW GE generator technology and 97-meter rotor diameter blades, hubs, and gearboxes.

On September 20, 2023, OTP filed an application to amend the Commission's August 16, 2023, Order to remove a nonparticipating landowner setback waiver requirement. OTP expressed in its application to amend that the landowner set for as a basis for the setback is a participating landowner.

The issue to be considered in this whether the proposed amendment is consistent with the requirements and criteria set forth in North Dakota Century Code chapter 49-22?

Those interested are invited to comment on the application in writing. Persons desiring a hearing must file a written request identifying their interest in the proceeding and the reasons for requesting a hearing. **Comments and requests for hearings must be received by December 8, 2023.** If deemed appropriate, the Commission can determine the matter without a formal hearing.

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials please notify the Commission.

Issued: October 24, 2023
PUBLIC SERVICE COMMISSION



Sheri Haugen-Hoffart
Commissioner



Randy Christmann
Chair



Julie Fedorchak
Commissioner