

March 18, 2024

Via Electronic Mail & Hand Delivery

Mr. Steve Kahl
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480
ndpsc@nd.gov

In re: Oliver Wind IV, LLC
Oliver Wind IV Wind Energy Center - Oliver County
Siting Application
Case No. PU-23-317
OAH File No. 20230356
Our File No. 035218-000083

Dear Mr. Kahl:

I am writing on behalf of Oliver Wind IV, LLC (“Oliver Wind IV”) in response to Commission staff Robert Frank’s inquiry regarding the status of Oliver Wind IV’s discussions with Jolene Opp and Daryn Karges who provided public comment at the Commission’s January 29, 2024 public hearing.

At the January 29 hearing, Jolene Opp specifically raised concerns regarding the location of Turbine No. 23 in relation to her residence.¹ Oliver Wind IV notes that no project infrastructure is located on Ms. Opp’s property and that Turbine No. 23 is almost one mile (approximately 4,530 feet) from Ms. Opp’s residence. The Oliver Wind IV Energy Center has been sited to comply with all applicable project setbacks and other regulatory requirements. Oliver Wind IV representatives have met with Ms. Opp to discuss the project and project infrastructure and provided her with a participation agreement in good faith for her review. The participation agreement is completely voluntary and, because no infrastructure will be located on her property or within the setback distances set forth in the Siting Act or Commission rules, is outside the scope of this siting proceeding. However, Oliver Wind IV seeks to work with landowners in the vicinity of the Project Area. Oliver Wind IV attempted to contact Ms. Opp most recently the week of March 11th to further discuss; however, to date, Ms. Opp has not responded to Oliver Wind IV.

Staff also notified Oliver Wind IV that Ms. Opp had expressed additional concerns not raised at the January 29 public hearing regarding the location of a second turbine, which Oliver Wind IV

¹ PU-23-317, Docket No. 61, Hearing Transcript pg. 181 line 18 to pg. 182 line 3.

understands to be Turbine No. 30. Oliver Wind IV is concerned these additional comments were not stated on the record during the hearing when Oliver Wind IV would have had an opportunity to respond and are now being raised after the fact. Turbine No. 30 is located almost one-half mile (approximately 2,360 feet) from Ms. Opp's residence. The wind project includes 73 primary turbine locations and three alternate turbines. Oliver Wind IV needs to retain the three alternate turbine locations for siting flexibility should constructability constraints, unanticipated discoveries, or other miscellaneous constraints arise during project construction. Oliver Wind IV is willing to continue its attempts to engage with Ms. Opp regarding a participation agreement; however, Oliver Wind IV submits it is not reasonable or necessary to drop either Turbine No. 23 or 30, because the project is sited to comply with all applicable setbacks and siting requirements.

With respect to Daryn Karges, at the January 29 hearing, Mr. Karges stated his interest in discussing a potential participation agreement with Oliver Wind IV. Since the hearing, Oliver Wind IV has contacted Mr. Karges regarding potential terms of an agreement and negotiations remain ongoing.

Please feel free to contact me if you have any questions. Thank you.

Sincerely,

/s/ Casey A. Furey

Casey A. Furey

CAF/lh

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| cc: | ALJ Timothy Dawson (via email and USPS) | Kevin Pranis (via email) |
| | Brian Johnson (via email) | Tracy Davis (via email) |
| | Erik Edison (via email) | Robert Frank (via email) |