BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

David Boyd	Chair
J. Dennis O'Brien	Commissioner
Phyllis Reha	Commissioner
Thomas Pugh	Commissioner
Betsy Wergin	Commissioner

Mike Beckner
Noble Flat Hill Windpart I, LLC
8 Railroad Avenue
Essex CT 06426

SERVICE DATE: February 5, 2010

DOCKET NO. IP-6687/WS-08-1134

In the Matter of the Noble Application for a Large Wind Energy Conversion System (LWECS) Site Permit for the Noble Flat Hill Windpark I Project (Project) in Clay County

The above entitled matter has been considered by the Commission and the following disposition made:

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER for the Noble Flat Hill Wind Park I Project are adopted, as attached.

A SITE PERMIT for the Noble Flat Hill Wind Park I Project to Noble Flat Hill Wind Park I, LLC is issued, as attached.

Noble Flat Hill Wind Park I, LLC is asked to provide a summary report on the noise modeling conducted to date, the assumptions used, and the anticipated levels of noise from the turbines at different frequencies.

The Commission agrees with the recommendations of the Office of Energy Security, except that the FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER and the SITE PERMIT are amended and adopted as shown in the attachments and a report on noise modeling is requested, as stated above.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

(S E A L)

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office of energy security
Minnesota Department of Commerce

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

COMMENTS AND RECOMMENDATIONS OF THE MINNESOTA OFFICE OF ENERGY SECURITY ENERGY FACILITY PERMITTING STAFF

DOCKET NO. IP-6687/WS-08-1134

Meeting Date: January 12, 2010 Agenda Item # 6

Company: **Noble Flat Hill Windpark I, LLC (Noble or Applicant)**

Docket No. **IP-6687/WS-08-1134**

In the Matter of the Noble Application for a Large Wind Energy Conversion System (LWECS) Site Permit for the Noble Flat Hill Windpark I Project (Project) in Clay County.

Issue(s): Should the Public Utilities Commission (Commission) issue a site permit for a 201 MW Large Wind Energy Conversion System (LWECS) in Clay County to Noble Flat Hill Wind Park I, LLC?

OES Staff: David E. Birkholz 651-296-2878

Relevant Documents

Noble Flat Hill Windpark I LWECS Site Permit Application ..... October 17, 2008
Exhibit List ..... October 13, 2009
ALJ "Summary of Testimony, Findings of Fact, Conclusions and Recommendation" Dec. 2, 2009
Applicant's Exceptions and Clarifications ..... December 16, 2009

This document can be made available in alternative formats, i.e., large print or audio tape by calling (651) 201-2202 (Voice) or 1-800-627-3529 (TTY relay service).

The enclosed materials are the work papers of the Office of Energy (OES) Security Energy Facility Permitting Staff (EFP). They are intended for use by the Public Utilities Commission and are based on information already in the record unless otherwise noted.

Documents Attached

Proposed Findings of Fact, Conclusions of Law and Order
Proposed Site Permit

See eDocket filings (08-1134) at https://www.edockets.state.mn.us/EFiling/search.jsp, or the PUC website at: http://energyfacilities.puc.state.mn.us/Docket.html?Id=19766 for project related documents.

Statement of the Issues

Should the Commission issue a Site Permit to Noble Flat Hill Windpark I, LLC for a 201 MW Large Wind Energy Conversion System site permit in Clay County?

Introduction and Background

Noble Flat Hill Windpark I, LLC, submitted a site permit application for the proposed 201 megawatt (MW) Project in Clay County. Noble is an indirect, wholly-owned subsidiary of Noble Environmental Power, LLC (NEP). NEP is based in Essex, Connecticut and is an independent power developer and renewable energy company founded in 2004. NEP has approximately 3,850 MW of wind parks in operation or under development in eight states, including New York, New Hampshire, Vermont, Maine, Michigan, Minnesota, Texas and Wyoming. Noble Flat Hill Windpark I, LLC, will own and operate the Project.

Project Location
The Noble Flat Hill Windpark I Project is located in Clay County, Minnesota. The Project boundary encompasses approximately 20,000 acres. As of the date of this application, the Applicant had obtained lease and easement agreements with landowners for approximately 11,500 acres. The Project lies approximately 12 miles northeast of Moorhead, Minnesota, and falls within Spring Prairie and Moland townships.

Project Description
The Project for which a permit is being requested includes the following associated facilities:

1. A wind turbine layout consisting of 134, 1.5 MW GE wind turbine generators;
2. Approximately 27 miles of new access roads;
3. Approximately 30 miles of electrical collection system;
4. The new Project substation at 70th Avenue North and 120th Street North, northeast of Glyndon in Clay County, Minnesota;
5. The new Operations and Maintenance (O & M) building at 70th Avenue North and 120th Street North, northeast of Glyndon in Clay County, Minnesota;

6. A new single circuit 230 kV transmission line to capture energy generated by the Project and connect to the Otter Tail Power Company (OTP) Sheyenne-Audubon 230 kV transmission line southeast of Glyndon, Minnesota; and
7. The new switching station along the existing OTP Sheyenne-Audubon 230 kV transmission line southeast of Glyndon, Minnesota.

Further information on the transmission facilities can be found under the Route Permit Application that has been submitted to the PUC for the 230 kV transmission line, under PUC Docket No. IP-6687/TL-08-988.

The Applicant is currently in discussions with various counterparties regarding the potential execution of a Power Purchase Agreement (PPA) or a financial energy hedge by the Project. The applicant would be expected to execute a PPA or financial hedge at or before commencement of construction of the Project. The Applicant's goal is to complete the construction of the Project and achieve a commercial operation date of December 2010.

Regulatory Process and Procedures

A site permit from the Commission is required to construct a Large Wind Energy Conversion System, which is any combination of wind turbines and associated facilities with the capacity to generate five megawatts or more of electricity. This requirement became law in 1995. The Minnesota Wind Siting Act is found at Minnesota Statutes Chapter 216F. The rules to implement the permitting requirement for LWECS are in Minnesota Rules Chapter 7854. Noble filed an application with the Commission for a site permit on October 17, 2008.

Certificate of Need
A Certificate of Need (CN) from the Commission for a large electric power generating plant is also required because the Project exceeds 50 MW in size. On October 17, 2008, Noble filed an Application for a CN from the Commission. See PUC Docket Number IP-6687/CN-08-951.

Route Permit
The associated route permit is for a 230 kV transmission line to connect to the grid. Any application for transmission 200 kV or above requires the full review process by the Commission and preparation of an Environmental Impact Statement (EIS).

Application Acceptance
Minnesota Rule 7854.0600 states that: "Within 30 days after receipt of an application for a site permit, the Commission shall accept, conditionally accept, or reject the application." The time was tolled as per the Commission's December 2, 2008 Order. The required contents of a site permit application are specified in Minnesota Rule 7854.0500. The Application was accepted by the Commission on December 23, 2008.

Preliminary Determination
Minnesota Rule 7854.0800 states that, "Within 45 days after acceptance of the application by the PUC, the PUC shall make a preliminary determination whether a permit may be issued or should be denied. If the preliminary determination is to issue a permit, the PUC shall prepare a draft site permit for the project. The draft site permit must identify the permittee, the proposed LWECS, and proposed permit conditions."

Issuing a draft site permit does not confer an authority to construct an LWECS. The Commission issued a draft permit for the Project on December 23, 2008

Public Participation Process
Minnesota Rule 7854.0900 describes the public notice and participation process required to be conducted for LWECS site permits. In addition, the Environmental Report (ER) preparation and public participation requirements found in Minnesota Rule 7849.7050 are relevant as a Certificate of Need is required for the Project. However, the OES Director elected to prepare the EIS required in Docket No. IP-6687/TL-08-988 in lieu of the ER, as provided for in the "Joint Proceeding" provision in Minn. Rule 7849.7100 subp. 2.

A public information and scoping meeting was held in Glyndon on February 4, 2009. Additionally comments on the Site Permit were also accepted at the Draft EIS information meeting held in Glyndon on August 31, 2009 and at the joint CN and Route Permit hearing held in Glyndon on October 13, 2010.

OES EFP Staff Analysis and Comments

EFP staff finds that the available information is sufficient to conclude that it is appropriate to issue a site permit for the Noble Flat Hill Windpark I Project. EFP staff has proposed the attached permit identifying the permittee, the proposed LWECS, and proposed permit conditions.

OES EFP combined portions of the site permit public participation process with portions of the environmental review process in the CN proceeding for the Project, as has been done in several recent cases. That included combining notices, public information and environmental review scoping meetings and comment periods to provide the public consolidated opportunities to participate in the site permit and need proceedings for the Project. The LWECS in question is part of the larger Noble Flat Hill Windpark I, 201 MW wind project in Clay County. The Project comprises three separate applications: a CN for the Project, an LWECS Site Permit and an HVTL Route Permit. If need has been determined for the wind project, the only questions to be determined herein is the selection of a final site and appropriate permit conditions.

In this case, an ALJ held a combined contested case hearing for the HVTL, a public hearing for the CN and heard and summarized comments on the site permit application. The ALJ prepared Finds of Fact and Conclusions of Law for the transmission line. The Judge's findings also described the regulatory process, project descriptions and a summary of public comments for the LWECS site permit. Since a complete record of the site permit project description, regulatory process and public comment exists in those findings, staff is not recommending separate findings.

Findings of Fact, Conclusions of Law, and Order
The ALJ Report[1] included findings on the Noble Flat Hill Wind Park I LWECS Site Application, the Certificate of Need Application (CN-08-951) and the HVTL Route Application (TL-08-988). The attached Findings of Fact, Conclusions of Law are being recommended for acceptance to the

[1] Summary of Testimony, Findings of Fat, Conclusions and Recommendation, December 2, 2009.

Commission for the route application and the site application, not withstanding a limited number of exceptions as noted below.

Some of the following comments on the ALJ Findings of Fact pertain more clearly to the route permit application. However, since the same set of Findings may be accepted in both dockets, it is important to explain all exceptions herein.

The Applicant objected to the following Finding:[2]

> 44. In light of recent studies, including "Public Health Impacts of Wind Turbines," prepared by the Minnesota Department of Health, May 22, 2009, the Commission may wish to consider increasing the distance that a wind turbine may be placed from a residence to reduce or eliminate low frequency noise, or introduce vegetative or other barriers. The Pollution Control Agency's noise standards (a decibel exceedance standard) do not fully account for low frequency noise. The EIS discusses the Department of Health Study and suggests that additional mitigation should be addressed in the permitting process.

The Applicant recommended excising the Finding arguing the ALJ had gone beyond the limited charge to "summarize public comment" for the wind site application.[3] Staff does not agree that the ALJ was particularly excluded from making her own Findings. In fact, her report includes a number of Findings on the wind site to which the Applicant did not offer exception. However, staff still suggests the finding is a misplaced conclusion. Staff would also argue the EIS does not make any recommendations in its review. The matter of reviewing potential changes in Commission guidelines for mitigation regarding noise issues is under review in another docket (09-845). Staff recommends editing the Finding as noted below:

> 44. In light of recent studies, including "Public Health Impacts of Wind Turbines," prepared by the Minnesota Department of Health, May 22, 2009, the Commission <u>is gathering information to determine if current permit conditions on setbacks remain appropriate and reasonable</u> ~~may wish to consider increasing the distance that a wind turbine may be placed from a residence~~ to reduce or eliminate low frequency noise~~, or introduce vegetative or other barriers~~. The Pollution Control Agency's noise standards (a decibel exceedance standard) do not fully account for low frequency noise. ~~The EIS discusses the Department of Health Study and suggests that additional mitigation should be addressed in the permitting process~~.

The Applicant also objected to the following Findings on the same grounds:[4]

> 49. The Minnesota Department of Health Study, "Public Health Impacts of Wind Turbines," states Modeling conducted by the Minnesota Department of Health suggests that a receptor 300 meters perpendicular to, and in the shadow of the blades of a wind turbine, can be in the flicker shadow of the rotating blade for almost 1 ½ hour a day. At this distance a blade may completely obscure the sun each time it passes between the receptor and the sun. With current wind turbine designs, flicker should not be an issue

[2] Exceptions and Clarifications to the [ALJ] (Exceptions), December 16, 2009, p. 2
[3] Exceptions, p. 3
[4] Exceptions, p. 4,5

at distances over 10 rotational diameters (~ 1000 meters or 1 km (0.6 mi) for most current wind turbines). This distance has been recommended by the Wind Energy Handbook (Burton et al., 2001) as a minimum setback distance in directions that flicker may occur. . . .

50. Increasing the required distance from turbines to residences to a minimum of 1000 meters will mitigate the effects of both low frequency noise and shadow flicker.

The Applicant assessed these Findings as "not a summary of a public comment at the hearing."[5] However, staff notes that the MDH study was included in the EIS[6] and was part of the record. The Applicant also was concerned this was a recommendation by the ALJ. Staff suggests the Findings describe a recommendation quoted by the ALJ rather than as one put forward on her own part. The Applicant may correctly assume the difficulties inherent in adopting such a recommendation,[7] but staff suggests the ALJ is not actually making a formal recommendation. Staff, does not support excepting these Findings.

Finally, the Applicant offers a modification to Finding 19 to reflect information they supplied to the ALJ and to Finding 32,[8] correcting references in the Finding from "110th Street" to "100th Street" as appropriate.[9] Staff supports these modifications to clarify the record.

Commission Decision Options

A. Findings of Fact, Conclusions and Order

1. Adopt the attached Findings of Fact, Conclusions of Law and Order prepared for the Noble Flat Hill Wind Park I Project.
2. Amend the Findings of Fact and Conclusions of Law as deemed appropriate.
3. Deny the Site Permit.
4. Make another decision deemed more appropriate.

B. Site Permit for a 201 MW Noble Flat Hill Windpark I LWECS

1. Issue the proposed site permit to Noble Flat Hill Wind Park I, LLC.
2. Amend the LWECS site permit as deemed appropriate.
3. Make another decision deemed more appropriate.

DOC EFP Staff Recommendation: Staff recommends options A1 and B1.

[5] Exceptions, p. 4
[6] FEIS, Appendix B
[7] Exceptions, p. 5
[8] ALJ, FOF 32
[9] Exceptions, p. 6,7

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

David Boyd	Chair
Phyllis Reha	Vice Chair
Thomas Pugh	Commissioner
J. Dennis O'Brien	Commissioner
Betsy Wergin	Commissioner

In the Matter of the Noble Flat Hill Windpark I, LLC Application for a 201 MW Large Wind Energy Conversion System Site Permit in Clay County	**ISSUE DATE: February 5, 2010** **DOCKET NO. IP-6687/WS-08-1134** **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER ISSUING AN LWECS SITE PERMIT TO NOBLE FLAT HILL WINDPARK I, LLC**

The above-captioned matter came before the Minnesota Public Utilities Commission (Commission) on January 12, 2010, for action on an application by Noble Flat Hill Wind Park I, LLC (Applicant), for a site permit to construct a new 201 MW LWECS in Spring Prairie and Moland townships in Clay County.

Based upon all of the proceedings herein, the Commission makes the following:

FINDINGS OF FACT

The Commission adopts the December 2, 2009, ALJ Findings of Fact and Conclusions of Law for the Noble Flat Hill Wind Park I Transmission Project in Clay County related to PUC Docket No. IP-6687/TL-08-988, modified as follows:

The ALJ's Finding 19 is adopted as modified below to better align with the record, as discussed on page 6 of the OES's attached Comments and Recommendations dated January 12, 2010:

> 19. The Proposed Project Area covers approximately 20,000 acres comprising portions of 40 sections of land and 55 residential structures. ~~All but two of the residences are participating in the Proposed Project by contracting with Noble for the siting of wind turbines on their land.~~ Wind turbines are set back at least 700 feet from any participating residence. Based on the initially proposed layout of turbines, the nearest nonparticipating residence within the Proposed Project Area is approximately 1,200 feet from the nearest turbine. The average distance from a residence is approximately 3,000 feet.

The ALJ's Finding 32 is adopted as modified below to better align with the record, as discussed on page 6 of the OES's attached Comments and Recommendations dated January 12, 2010:

> 32. Route 2A would deviate from Route 2 approximately 0.1 miles west of the intersection of 110th Street North (CSAH 19) and 15th Avenue North (CR 84). This is approximately 0.5 miles south of where Route 2 crosses the Buffalo River along 110th Street North (CSAH 19) and approximately 0.5 miles north of where Route 2 would enter the city limits of Glyndon. The Route 2A alignment would proceed west from the intersection of 110th Street North (CSAH 19) and 15th Avenue North (CR 84) for approximately 0.5 miles to ~~110th~~ 100th Street North and proceed south for one mile. Route 2A would need to be located on the east side of ~~110th~~ 100th Street North to avoid two existing farms on the west side of the road. Route 2A would then continue south and cross U.S. Highway 10 and an intermittent stream. South of U.S. Highway 10, Route 2A would follow ~~110th~~ 100th Street South (CSAH 17) for approximately 1.25 miles. This road, ~~110th~~ 100th Street South (CSAH 17), comprises the western boundary of the city limits of Glyndon. Route 2A would be located on the east side of 110th 100th Street South (CSAH 17) to avoid an existing residence on the west side of the road. Approximately 0.25 miles south of 12th Avenue South, Route 2A would turn east. At this point, the HVTL would be located along the southern boundary of the Glyndon city limits. Route 2A would travel east for approximately 0.5 miles to the center of the section, where it would encounter the former BNSF Railway right-of-way. Route 2A would travel southeast for approximately 1.0

miles where it would rejoin Route 2.

The ALJ's Finding 44 is adopted as modified below, as recommended and discussed by the OES on page 5 of the OES's attached Comments and Recommendations dated January 12, 2010, to better align with the limited record in this docket regarding potential mitigations for low-frequency wind turbine noise, which are being discussed in Docket No. E-999/CI-09-845. Potential mitigations for wind turbine noise issues are being discussed in a separate Commission docket (see 09-845). Finding 44 should be edited as follows:

> 44. In light of recent studies, including "Public Health Impacts of Wind Turbines," prepared by the Minnesota Department of Health, May 22, 2009, the Commission is gathering information to determine if current permit conditions on setbacks remain appropriate and reasonable ~~may wish to consider increasing the distance that a wind turbine may be placed from a residence~~ to reduce or eliminate low frequency noise~~, or introduce vegetative or other barriers~~. The Pollution Control Agency's noise standards (a decibel exceedance standard) do not fully account for low frequency noise. ~~The EIS discusses the Department of Health Study and suggests that additional mitigation should be addressed in the permitting process~~.

The ALJ's Finding 50 is adopted as modified below to better align with the limited record in this docket regarding the effect of distance on low frequency noise and shadow flicker:

> 50. Increasing the required distance from turbines to residences ~~to a minimum of 1000 meters~~ will mitigate the effects of both low frequency noise and shadow flicker. The Commission will include this finding, among the many other criteria used, when determining whether a site permit should be issued.

Based on the Findings of Fact the Commission makes the following:

CONCLUSIONS OF LAW

1. Any of the foregoing findings which more properly should be designated as conclusions are hereby adopted as such.

2. The Minnesota Public Utilities Commission has jurisdiction under Minnesota Statute 216F.04 over the site permit applied for by Noble Flat Hill Wind Park I, LLC, for the 201 megawatt Noble Flat Hill Wind Park I Project.

3. Noble Flat Hill Wind Park I, LLC's application for a site permit was properly filed and noticed as required by Minnesota Statutes 216F.04 and Minn. Rule 7854.0600 subp 2 and 7854.0900 subp 2.

4. The Minnesota Public Utilities Commission has afforded all interested persons an opportunity to participate in the development of the site permit and has complied with all applicable procedural requirements of Minnesota Statutes Chapter 216F and Minn. Rule 7854.

5. The Minnesota Public Utilities Commission is the agency directed to carry out the legislative mandate to site LWECS in an orderly manner compatible with environmental preservation, sustainable development and the efficient use of resources. The proposed 201 megawatt LWECS Noble Flat Hill Wind Park I Project will not create significant human or environmental impacts and is compatible with environmental preservation, sustainable development, and the efficient use of resources.

6. The Minnesota Public Utilities Commission has the authority under Minnesota Statutes section 216F.04 to establish conditions in site permits relating to site layout, construction and operation and maintenance of an LWECS. The conditions contained in the site permit issued to Noble Flat Hill Wind Park I, LLC for the Noble Flat Hill Wind Park I Project are appropriate and necessary and within the Minnesota Public Utilities Commission's authority.

7. In accordance with Minnesota Rule 7854.0500 Subp.2., a site permit may not be issued until the certificate of need or other commitment requirement has been satisfied. The Certificate of Need requirement has been addressed by the Commission in Docket No. IP-6687/CN-08-951, issued February 3, 2010.

Based on the Findings of Fact, Conclusions of Law contained herein and the entire record of this proceeding, the Commission hereby makes the following:

ORDER

A LWECS Site Permit is hereby issued to Noble Flat Hill Wind Park I, LLC, to construct and operate the 201 megawatt Noble Flat Hill Wind Park I and associated facilities in Clay County in accordance with the conditions contained in the site permit and in compliance with the requirements of Minnesota Statute 216F.04 and Minnesota Rules Chapter 7854 for PUC Docket No. IP-6687/WS-08-1134.

The site permit is attached hereto, with maps showing the approved site.

Approved and adopted this 5th day of February, 2010.

BY ORDER OF THE COMMISSION

Burl W. Haar,
Executive Secretary

LARGE WIND ENERGY CONVERSION SYSTEM

SITE PERMIT

FOR

NOBLE FLAT HILL WINDPARK I PROJECT

IN

CLAY COUNTY

PUC DOCKET NO. ET-6687/WS-08-1134

In accordance with Minnesota Statutes Section 216F.04 this Site Permit is hereby issued to:

NOBLE FLAT HILL WINDPARK I, LLC

Noble Flat Hill Windpark I, LLC (Noble) is authorized to construct and operate up to a 201-Megawatt Large Wind Energy Conversion System on the site identified in this Site Permit and in compliance with the conditions contained in this Permit.

This Permit shall expire on: February 5, 2040

Dated: Feb. 5, 2010

BY ORDER OF THE COMMISSION

BURL W. HAAR
Executive Secretary

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I. SITE PERMIT

This Site Permit for a Large Wind Energy Conversion System (LWECS) authorizes Noble Flat Hill Windpark I, LLC (hereinafter "Permittee") to construct up to a 201 Megawatt (MW) LWECS and associated facilities in Clay County, on a site of approximately 20,000 acres in accordance with the conditions contained in this Permit. The site boundary is shown on the map that is attached hereto as Attachment 1.

II. PROJECT DESCRIPTION

The up to 201 MW LWECS authorized to be constructed in this Permit will be owned and operated by Noble Flat Hill Windpark I, LLC. The Project will consist of 134 wind turbine generators each 1.5 MW in capacity with a combined nominal nameplate capacity of no more than 201 MW. Turbines are interconnected by communication and overhead and underground electrical power collection facilities within the wind farm. These facilities will include transformers, overhead and underground collector and feeder lines that will deliver wind-generated power to a new project substation located in Moland Township, Clay County. Associated facilities will include five temporary meteorological towers and one long-standing meteorological tower to house anemometers, electrical junction boxes, wind turbine access roads and an operations and maintenance facility.

III. CONDITIONS

The following conditions shall apply to site preparation, construction, cleanup, restoration, operation, maintenance, abandonment, decommissioning and all other phases of the LWECS. The PUC preserves all available remedies for violation of any of these Permit conditions, including revocation or modification of the Permit.

A. GENERAL CONSTRUCTION CONDITIONS

1. SITE PLAN

Prior to commencing construction, the Permittee shall submit to the Commission a site plan for all turbines, roads, electrical equipment, collector and feeder lines and other associated facilities to be constructed and engineering drawings for site preparation, construction of the facilities, and a plan for restoration of the site due to construction. The Permittee shall document compliance with the setbacks and site layout restrictions required by the permit. The Permittee may submit a site plan and engineering drawings for only a portion of the LWECS if the Permittee is prepared to commence construction on certain parts of the Project before completing the site plan and engineering drawings for other parts of the LWECS.

In the event that previously unidentified environmental conditions are discovered during construction which by law or pursuant to conditions outlined in this Permit would preclude the use of that site as a turbine site, the Permittee shall have the right to move or relocate turbine sites. The Permittee shall notify the Commission of any turbines that are to be relocated before the turbine is constructed on the new site and demonstrate compliance with the setbacks and site layout restrictions required by the permit.

2. FIELD REPRESENTATIVE

Prior to the start of construction and continuously throughout construction and site restoration, the Permittee shall designate a field representative responsible for overseeing compliance with the conditions of this Permit. This person (or a designee) shall be accessible by telephone during normal business hours. This person's address, phone number and emergency phone number shall be provided to the PUC, who may make the number available to local residents and officials and other interested persons. The Permittee may change the field representative by notification to the PUC.

3. PRECONSTRUCTION MEETING

Prior to the start of any construction, the Permittee shall conduct a preconstruction meeting with the person designated by the PUC to coordinate field monitoring of construction activities.

4. NOTICE OF PERMIT CONDITIONS

The Permittee shall inform all employees, contractors, and other persons involved in the construction and ongoing operation of the LWECS of the terms and conditions of this Permit.

B. MITIGATION MEASURES

1. SITE CLEARANCE

The Permittee shall disturb or clear the site only to the extent necessary to assure suitable access for construction, safe operation, and maintenance of the LWECS.

2. TOPSOIL PROTECTION

The Permittee shall implement measures to protect and segregate topsoil from subsoil in cultivated lands unless otherwise negotiated with the affected landowner.

3. SOIL COMPACTION

The Permittee shall implement measures to minimize soil compaction of all lands during all phases of the Project's life and shall confine compaction to as small an area as practicable.

4. LIVESTOCK PROTECTION

The Permittee shall take precautions to protect livestock during all phases of the Project's life.

5. FENCES

The Permittee shall promptly replace or repair all fences and gates removed or damaged during all phases of the Project's life unless otherwise negotiated with the affected landowner. When the Permittee installs a gate where electric fences are present, the Permittee shall provide for continuity in the electric fence circuit.

6. DRAINAGE TILES

The Permittee shall take into account the location of drainage tiles during project layout and construction. The Permittee shall promptly repair or replace all drainage tiles broken or damaged during all phases of the Project's life unless otherwise negotiated with the affected landowner.

7. EQUIPMENT STORAGE

The Permittee shall not locate temporary equipment staging areas on lands under its control unless negotiated with landowner. Temporary staging areas shall not be located in wetlands or native prairie.

8. ROADS

(a) Public Roads

Prior to commencement of construction, the Permittee shall identify all state, county or township roads that will be used for the LWECS Project and shall notify the PUC and the state, county or township governing body having jurisdiction over the roads to determine if the governmental body needs to inspect the roads prior to use of these roads. Where practical, existing roadways shall be used for all activities associated with the LWECS. Where practical, all-weather roads shall be used to deliver cement, turbines, towers, assembled nacelles and all other heavy components to and from the turbine sites.

The Permittee shall, prior to the use of such roads, make satisfactory arrangements with the appropriate state, county or township governmental body having jurisdiction over roads to be used for construction of the LWECS for maintenance and repair of roads that will be subject to extra wear and tear due to transportation of equipment and LWECS components. The Permittee shall notify the PUC of such arrangements upon request of the PUC.

(b) Turbine Access Roads

The Permittee shall construct the smallest number of turbine access roads it can. Access roads shall be low profile roads so that farming equipment can cross them and shall be covered with Class 5 gravel or similar material. Access roads shall not be constructed across streams and drainage ways without required permits and approvals from DNR, FWS and/or USACOE. When access roads are constructed across streams and drainage ways, the access roads shall be designed in a manner so runoff from the upper portions of the watershed can readily flow to the lower portion of the watershed. Access roads shall also be constructed in accordance with all necessary township, county or state road requirements and permits.

(c) Private Roads

The Permittee shall promptly repair private roads or lanes damaged when moving equipment or when obtaining access to the site, unless otherwise negotiated with the affected landowner.

9. SOIL EROSION AND SEDIMENT CONTROL

The Permittee shall develop a Soil Erosion and Sediment Control Plan prior to construction and submit the Plan to the PUC. This Plan may be the same as the Storm Water Pollution Prevention Plan (SWPP) submitted to the Minnesota Pollution Control Agency (MPCA) as part of the National Pollutant Discharge Elimination System (NPDES) permit application. A goal of the Soil Erosion and Sediment Control Plan is to minimize soil erosion, to revegetate non-cropland and range areas disturbed by construction with wildlife conservation species, and, wherever possible, to plant appropriate native species in cooperation with landowners.

The Soil Erosion and Sediment Control Plan shall address what types of erosion control measures will be implemented during each Project phase, and shall at a minimum identify plans for grading, construction and drainage of roads and turbine pads; necessary soil information; detailed design features to maintain downstream water quality; a comprehensive re-vegetation plan to maintain and ensure adequate erosion control and slope stability and to restore the site after temporary Project activities; and measures to minimize the area of surface disturbance. Other practices shall include containing excavated material, protecting exposed soil, and stabilizing restored material and removal of silt fences or barriers when the area is stabilized. The plan shall identify methods for disposal or storage of excavated material. Erosion and sedimentation control measures shall be installed prior to construction and maintained throughout the Project's life.

10. CLEANUP

The Permittee shall remove all waste and scrap that is the product of construction, operation, restoration and maintenance from the site and properly dispose of it upon completion of each task. Personal litter, bottles, and paper deposited by site personnel shall be removed on a daily basis.

11. TREE REMOVAL

The Permittee shall minimize the removal of trees and the Permittee shall not remove groves of trees or shelter belts without notification to the PUC and the approval of the affected landowner.

12. RESTORATION

The Permittee shall, as soon as practical following construction of each turbine, considering the weather and preferences of the landowner, restore the area affected by any LWECS activities to the condition that existed immediately before construction began, to the extent possible. The time period may be no longer than eight months after completion of construction of the turbine, unless otherwise negotiated with the landowner. Restoration shall be compatible with the safe operation, maintenance, and inspection of the LWECS.

13. HAZARDOUS WASTE

The Permittee shall be responsible for compliance with all laws applicable to the generation, storage, transportation, clean up and disposal of hazardous wastes generated during any phase of the Project's life.

14. APPLICATION OF HERBICIDES

The Permittee shall restrict herbicide use to those herbicides and methods of application approved by the Minnesota Department of Agriculture and the U.S. Environmental Protection Agency. Selective foliage or basal application shall be used when practicable. The Permittee shall contact the landowner or his designee to obtain approval for the use of herbicide prior to any application on their property. The landowner may request that there be no application of herbicides on any part of the site within the landowner's property. All herbicides shall be applied in a safe and cautious manner so as to not damage crops, orchards, tree farms, or gardens. The Permittee shall also, at least ten days prior to the application, notify beekeepers with an active apiary within one mile of the proposed application site of the day the company intends to apply herbicide so that precautionary measures may be taken by the beekeeper.

15. PUBLIC SAFETY

The Permittee shall provide educational materials to landowners within the site boundaries and, upon request, to interested persons, about the Project and any restrictions or dangers associated with the LWECS Project. The Permittee shall also provide any necessary safety measures, such as warning signs and gates for traffic control or to restrict public access. The Permittee shall submit the location of all "underground facilities," as defined in Minnesota Statute 216D.01, Subdivision 11, to Gopher State One Call.

16. FIRE PROTECTION

The Permittee shall prepare a fire protection and medical emergency plan in consultation with the fire department having jurisdiction over the area prior to LWECS construction. The Permittee shall submit a copy of the plan to the PUC upon request. The Permittee shall also register the LWECS with the local governments' emergency 911 services.

17. TOWER IDENTIFICATION

All turbine towers shall be marked with a visible identification number.

C. SETBACKS

1. WIND ACCESS BUFFER

Wind turbine towers shall not be placed less than 5 rotor diameters (RD) on the prevailing wind directions and 3 RD on the non-prevailing wind directions from the perimeter of the lands where the Permittee does not hold the wind rights, without the approval of the PUC.

2. RESIDENCES

Wind turbine towers shall not be located closer than 500 feet from the nearest residence, or the distance required to comply with the noise standards established by the MPCA at paragraph III.E.3, whichever is greater.

3. ROADS

Wind turbine and meteorological towers shall not be located closer than 250 feet from the edge of the nearest public road right-of-way.

4. WILDLIFE MANAGEMENT AREAS

Wind turbines and associated facilities including foundations, access roads, underground cable, and transformers, shall not be located in Waterfowl Protection Areas, State Wildlife Management Areas or Scientific and Natural Areas or in county parks.

5. WETLANDS

Wind turbines and associated facilities including foundations, access roads, underground cable and transformers, shall not be placed in public waters wetlands, as defined in Minnesota Statutes section 103G.005, subp. 15a. However, electric collector or feeder lines may cross or be placed in public waters or public waters wetlands subject to DNR, United States Fish and Wildlife Service (FWS) and/or United States Army Corps of Engineers (USACE) permits and approvals.

6. NATIVE PRAIRIE

Upon request of the PUC, the Permittee shall, with the advice of the DNR and any others selected by the Permittee, prepare a prairie protection and management plan and submit it to the PUC and DNR Commissioner 60 days prior to the start of Project construction. The plan shall address steps to be taken to identify native prairie within the Project area, measure to avoid impacts to native prairie, and measures to mitigate for impacts if unavoidable. Wind turbines and all associated facilities, including foundations, access roads, underground cable and transformers, shall not be placed in native prairie unless addressed in the prairie protection and management plan. Unavoidable impacts to native prairie shall be mitigated by restoration or management of other native prairie areas that are in degraded condition, or by conveyance of conservation easements, or by other means agreed to by the Permittee and PUC.

7. SAND AND GRAVEL OPERATIONS

Wind turbines and all associated facilities, including foundations, access roads, underground cable, and transformers shall not be located within active sand and gravel operations, unless otherwise negotiated with the landowner with notice given to the owner of the sand and gravel operation.

D. PRECONSTRUCTION SURVEYS

1. BIOLOGICAL INVENTORY/SURVEY

The Permittee, in consultation with DNR and other interested parties, shall conduct a pre-construction inventory of existing wildlife management areas, scientific and natural areas, recreation areas, native prairies and forests, wetlands, and any other biologically sensitive areas within the site and assess the presence of state- or federally-listed or threatened species. The results of the survey shall be submitted to the PUC and DNR prior to the commencement of construction.

2. ARCHAEOLOGICAL RESOURCES

The Permittee shall work with the State Historic Preservation Office (SHPO) at the Minnesota Historical Society and the State Archaeologist. The Permittee shall carry out a Phase 1 or 1A Archaeology survey for all proposed turbine locations, access roads, junction boxes and other areas of project construction impact to determine whether

additional archaeological work is necessary for any part of the proposed Project. The Permittee will contract with a qualified archaeologist to complete such surveys, and will submit the results to the Commission, the SHPO and the State Archaeologist.

The SHPO and the State Archaeologist will make recommendations for the treatment of any significant archaeological sites which are identified. Any issues in the implementation of these recommendations will be resolved by PUC in consultation with SHPO and the State Archaeologist. In addition, the Permitee shall mark and preserve any previously unrecorded archaeological sites that are found during construction and shall promptly notify the SHPO, the State Archaeologist, and the PUC of such discovery. The Permitee shall not excavate at such locations until so authorized by the PUC in consultation with the SHPO and the State Archaeologist.

If human remains are encountered during construction, the Permitee shall immediately halt construction at that location and promptly notify local law enforcement authorities and the State Archaeologist. Construction at the human remains location shall not proceed until authorized by local law enforcement authorities or the State Archaeologist.

If any federal funding, permit or license is involved or required, the Permittee shall notify the MHS as soon as possible in the planning process to coordinate section 106 (36 C.F.R 800) review.

Prior to construction, construction workers shall be trained about the need to avoid cultural properties, how to identify cultural properties, and procedures to follow if undocumented cultural properties, including gravesites, are found during construction. If any archaeological sites are found during construction, the Permittee shall immediately stop work at the site and shall mark and preserve the site and notify the PUC and the MHS about the discovery. The PUC and the MHS shall have three working days from the time the agency is notified to conduct an inspection of the site if either agency shall choose to do so. On the fourth day after notification, the Permittee may begin work on the site unless the MHS has directed that work shall cease. In such event, work shall not continue until the MHS determines that construction can proceed.

3. ELECTROMAGNETIC INTERFERENCE

Prior to beginning construction, the Permittee shall submit a plan to the PUC for conducting an assessment of television signal reception and microwave signal patterns in the Project area prior to commencement of construction of the Project. The assessment shall be designed to provide data that can be used in the future to determine whether the turbines and associated facilities are the cause of disruption or interference of television reception or microwave patterns in the event residents should complain about such disruption or interference after the turbines are placed in operation. The assessment shall be completed prior to installation of the turbines. The Permittee shall be responsible for alleviating any disruption or interference of these services caused by the turbines or any associated facilities.

The Permittee shall not operate the LWECS and associated facilities so as to cause microwave, television, radio, telecommunications or navigation interference contrary to Federal Communications Commission (FCC) regulations or other law. In the event the LWECS and its associated facilities or its operations cause such interference, the Permittee shall take timely measures necessary to correct the problem.

E. SITE LAYOUT RESTRICTIONS

1. WIND TURBINE TOWERS

Structures for wind turbines shall be self-supporting tubular towers. The towers may be between 80 meters (262 feet) and 100 meters (328 feet) above grade measured at the hub.

2. METEOROLOGICAL TOWERS

Permanent towers up to 100 feet high for meteorological equipment shall be free standing. Temporary meteorological towers, which are those that will be removed no more than one year after the Project in-service date, and all meteorological towers over 100 feet high may be guyed if the landowner has given written permission and the guys are properly marked with safety shields.

Two permanent meteorological tower are authorized to be constructed for the Project by this Permit. New temporary and permanent meteorological towers shall not be placed less than 250 feet from the edge of the nearest public road right-of-way and from the boundary of the Permittee's site control, or in compliance with the county ordinance regulating meteorological towers in the county the tower is built, whichever is more restrictive. Meteorological towers shall be placed on lands the Permittee holds the wind or other development rights.

Meteorological towers shall be marked as required by the Federal Aviation Administration (FAA). There shall be no lights on the meteorological towers other than what is required by the FAA. This restriction shall not apply to infrared heating devices used to protect the wind monitoring equipment.

3. NOISE

The wind turbine towers shall be placed such that the Permittee shall comply with noise standards established as of the date of this Permit by the Minnesota Pollution Control Agency at all times at all appropriate locations. The noise standards are found in Minnesota Rules Chapter 7030. Turbines shall be moved or modified or removed from service if necessary to comply with this condition. The Permittee or its contractor may install and operate turbines, as close as the minimum setback required in this Permit but in all cases shall comply with PCA noise standards. The Permittee shall be required to comply with this condition with respect to all homes or other receptors in place as of the time of construction, but not with respect to such receptors built after construction of the towers.

4. FEDERAL AVIATION ADMINISTRATION

Towers shall be marked as required by the Federal Aviation Administration (FAA). There shall be no lights on the towers other than what is required by the FAA. This restriction shall not apply to infrared heating devices used to protect the wind monitoring equipment.

5. TURBINE SPACING

The turbine towers shall be constructed within the site boundaries as shown in Attachment 1. The turbine towers shall be spaced no closer than 3 RD in the non-prevailing wind directions and 5 RD on the prevailing wind directions. If required during final micro siting of the turbine towers to account for topographic conditions, up to 20 percent of the towers may be sited closer than the above spacing but the Permittee shall minimize the need to site the turbine towers closer.

6. FOOTPRINT MINIMIZATION

The Permittee shall design and construct the LWECS so as to minimize the amount of land that is impacted by the LWECS. Associated facilities in the vicinity of turbines such as electrical/electronic boxes, transformers and monitoring systems shall, to the greatest extent feasible, be mounted on the foundations used for turbine towers or inside the towers unless otherwise negotiated with the affected landowner.

7. ELECTRICAL CABLES

The Permittee shall place electrical lines, known as collectors, and communication cables underground when located on private property. Collectors and cables shall also be placed within or adjacent to the land necessary for turbine access roads unless otherwise negotiated with the affected landowner. This paragraph does not apply to feeder lines.

8. FEEDER LINES

The Permittee shall place overhead or underground 34.5 kV electric lines, known as feeders within public rights-of-way or on private land immediately adjacent to public rights-of-way if a public right-of-way exists, except as necessary to avoid or minimize human, agricultural, or environmental impacts. A change in feeder line locations may be made as long as feeders remain on public rights-of-way and approval has been obtained from the governmental unit responsible for the affected right-of-way. When placing feeders on private property, the Permittee shall place the feeder in accordance with easements negotiated with the affected landowner. In all cases, the Permittee shall avoid routing feeder lines in locations which may interfere with agricultural operations. Not withstanding any of the requirements in paragraph III.D. to conduct surveys before any construction can commence, the Permittee may begin immediately upon issuance of this permit to construct the 34.5 kV feeder lines that will be required as part of this Project. The Permittee shall submit the site plan and engineering drawings required under

paragraph III.A.1. for the feeder lines before commencing construction. Any guy wires on the structures for feeder lines shall be marked with safety shields.

The Permittee must fulfill, comply with, and satisfy all Institute of Electrical and Electronics Engineers, Inc. (IEEE) standards applicable to this Project, including but not limited to IEEE 776, IEEE 519, and IEEE 367, provided the telephone service provider(s) have complied with any obligations imposed on it pursuant to these standards. Upon request by the PUC, the Permittee shall report to the PUC on compliance with these standards.

F. STUDIES

1. WAKE LOSS STUDIES

The Permittee shall provide to the PUC with the site plan required by paragraph III.A.1., the preconstruction micro siting analysis leading to the final tower locations and an estimate of total Project wake losses. The Permittee shall provide to the PUC any operational wake loss studies conducted on this Project.

2. NOISE

The Permittee shall submit a proposal to the Commission for the conduct of a noise study. Upon the approval of the Commission, the Permittee shall carryout the study. The study shall be designed to determine the noise levels at different frequencies and at various distances from the turbines at various wind directions and speeds. Adoption of this special condition is based on facts unique to this case and provides no precedent or foreshadowing regarding the information to be requested on noise that the Commission may deem appropriate and reasonable to require in future dockets.

G. DECOMMISSIONING/RESTORATION/ABANDONMENT

1. DECOMMISSIONING PLAN

Prior to commercial operation, the Permittee shall submit to the Commission a Decommissioning Plan documenting the manner in which the Permittee anticipates decommissioning the Project in accordance with the requirements of Minnesota Rules part 7836.0500, subp.13. The Permittee shall ensure that it carries out its obligations to provide for the resources necessary to fulfill its requirements to properly decommission the Project at the appropriate time. The PUC may at any time request the Permittee to file a report with the PUC describing how the Permittee is fulfilling this obligation.

2. SITE RESTORATION

Upon expiration of this Permit, or upon earlier termination of operation of the LWECS, the Permittee shall have the obligation to dismantle and remove from the site all towers, turbine generators, transformers, overhead and underground cables, foundations,

buildings and ancillary equipment to a depth of four feet. To the extent possible the Permittee shall restore and reclaim the site to its pre-project topography and topsoil quality. All access roads shall be removed unless written approval is given by the affected landowner requesting that one or more roads, or portions thereof, be retained. Any agreement for removal to a lesser depth or for no removal shall be recorded with the county and shall show the locations of all such foundations. All such agreements between the Permittee and the affected landowner shall be submitted to the PUC prior to completion of restoration activities. The site shall be restored in accordance with the requirements of this condition within 18 months after expiration.

3. ABANDONED TURBINES

The Permittee shall advise the PUC of any turbines that are abandoned prior to termination of operation of the LWECS. The PUC may require the Permittee to decommission any abandoned turbine.

H. REPORTING

1. PROJECT ENERGY PRODUCTION

The Permittee shall, by July 15 of each year, report to the PUC on the monthly energy production of the Project and the average monthly wind speed collected at one permanent meteorological tower selected by the PUC during the preceding year or partial year of operation. The report shall include copies of any project production reports filed with the Midwest Independent System Operator (MISO), Midwest Area Power Pool (MAPP), the Federal Energy Regulatory Commission (FERC), or any other public regulatory agency. The Permittee shall describe the operational status and availability of the Project and any major outages, major repairs, or turbine performance improvements occurring in the previous year.

2. WIND RESOURCE USE

Beginning the first full quarter following the commercial operation of the wind farm, the Permittee shall file a quarterly report (due January 15, April 15, July 15, and October 15) with the PUC with the following average hourly data for each hour of commercial operation in printed format or electronic format capable of computerized analysis as specified by the PUC. That data entails:

(a) The power output of each turbine;

(b) The wind speed and direction measured at all monitored heights at any temporary and permanent meteorological towers, connected to the SCADA system, owned or operated by the Permittee, in or within three miles of the Project site boundary; and

(c) Temperature and any other meteorological parameters recorded at one permanent meteorological tower selected by the PUC.

After two years of commercial operation, the PUC may reduce or eliminate the requirements of this condition. The provisions of paragraph III.K.5. shall apply to the PUC's review of this data.

3. EXTRAORDINARY EVENTS

Within 24 hours of an occurrence, the Permittee shall notify the Commission of any extraordinary event. Extraordinary events include but shall not be limited to: fires, tower collapse, thrown blade, collector or feeder line failure, injured LWECS worker or private person, kills of migratory, threatened or endangered species, or discovery of a large number dead birds or bats of any variety on site. In the event of avian mortality, the DNR shall also be notified within 24 hours. The Permittee shall, within 30 days of the occurrence, submit a report to the Commission describing the cause of the occurrence and the steps taken to avoid future occurrences.

4. COMPLAINTS

Prior to the start of construction, the Permittee shall submit to the PUC the company's procedures to be used to receive and respond to complaints. The Permittee shall report to the PUC all complaints received concerning any part of the LWECS in accordance with the procedures provided in Attachment 2 of this Permit.

I. FINAL CONSTRUCTION

1. AS-BUILT PLANS AND SPECIFICATIONS

Within 60 days after completion of construction, the Permittee shall submit to the PUC a copy of the as-built plans and specifications. The Permittee must also submit this data in a geographic information system (GIS) compatible format so that the PUC can place it into the Land Management Information Center's geographic data clearinghouse located in the Office of Geographic and Demographic Analysis.

2. FINAL BOUNDARIES

After completion of construction, the PUC shall determine the need to adjust the final boundaries of the site required for this Project. If done, this Permit may be modified, after notice and opportunity for public hearing, to represent the actual site required by the Permittee to operate the Project authorized by this Permit.

3. EXPANSION OF SITE BOUNDARIES

No expansion of the site boundaries described in this Permit shall be authorized without the approval of the PUC. The Permittee may submit to the PUC a request for a change in

the boundaries of the site for the LWECS. The PUC will respond to the requested change in accordance with applicable statutes and rules.

J. AUTHORITY TO CONSTRUCT LWECS

1. WIND RIGHTS.

The Permittee shall advise the PUC of the obtaining of exclusive wind rights within the boundaries of the LWECS authorized by this Permit within 30 days of receiving such wind rights. The Permittee shall submit documentation of such exclusive wind rights if requested by the PUC.

2. OTHER PERMIT APPLICATIONS.

Nothing in this Permit shall be construed to preclude any other person from seeking a site permit to construct a large wind energy conversion system in any area within the boundaries of the Project covered by this Permit if the Permittee does not hold exclusive wind rights for such areas.

3. PREEMPTION OF OTHER LAWS

Pursuant to Minnesota Statute 216F.07, this Site Permit shall be the only site approval required for the location of this Project, and this Permit shall supersede and preempt all zoning, building, and land use rules, regulations, and ordinances adopted by regional, county, local, and special purpose governments. Nothing in this Permit shall release the Permittee from any obligation imposed by law that is not superseded or preempted by law.

4. POWER PURCHASE AGREEMENT

This Permit does not authorize construction of the Project until the Permittee has obtained a power purchase agreement or some other enforceable mechanism for sale of the electricity to be generated by the Project. In the event the Permittee does not obtain a power purchase agreement or some other enforceable mechanism for sale of the electricity to be generated by the Project within two years of the issuance of this Permit, the Permittee must advise the PUC of the reason for not having such power purchase agreement or enforceable mechanism. In such event, the PUC may determine whether this Permit should be amended or revoked. No amendment or revocation of this Permit may be undertaken except in accordance with applicable statutes and rules, including Minnesota Statute 216F.05 and Minnesota Rule 7854.1300.

K. MISCELLANEOUS

1. PERIODIC REVIEW

The PUC shall initiate a review of this Permit and the applicable conditions at least once every five years. The purpose of the periodic review is to allow the PUC, the Permittee, and other interested persons an opportunity to consider modifications in the conditions of the Permit. No modification may be made except in accordance with applicable statutes and rules.

2. FAILURE TO COMMENCE CONSTRUCTION

If the Permittee has not completed the pre-construction surveys required in paragraph III.D. and commenced construction of the LWECS within two years of the issuance of this Permit, the Permittee must advise the PUC of the reason construction has not commenced. In such event, the PUC may determine whether this Permit should be amended or revoked. No revocation of this Permit may be undertaken except in accordance with applicable statutes and rules, including Minnesota Statute 216F.05 and Minnesota Rule 7854.1300.

3. MODIFICATION OF CONDITIONS

After notice and opportunity for hearing, this Permit may be modified or amended for cause including but not limited to the following:

(a) Violation of any condition in this Permit;

(b) Endangerment of human health or the environment by operation of the facility: or

(c) Existence of other grounds established by rule.

4. REVOCATION OR SUSPENSION OF THE PERMIT

The PUC may take action to suspend or revoke this Permit upon the grounds that:

(a) A false statement was knowingly made in the application or in accompanying statements or studies required of the Permittee, and a true statement would have warranted a change in the PUC's findings;

(b) There has been a failure to comply with material conditions of this Permit, or there has been a failure to maintain health and safety standards; or

(c) There has been a material violation of a provision of an applicable statute, rule or an order of the PUC.

In the event the PUC shall determine that it is appropriate to consider revocation or suspension of this Permit, the PUC shall proceed in accordance with the requirements of Minnesota Statute 216F.05 to determine the appropriate action. Upon a finding of any of

the above, the PUC may require the Permittee to undertake corrective measures in lieu of having the Permit suspended or revoked.

5. PROPRIETARY INFORMATION

Certain information required to be submitted to the PUC under this Permit, including energy production and wake loss data, may constitute trade secret information or other type of proprietary information under the Data Practices Act or other law and is not to be made available by the PUC. The Permittee must satisfy requirements of applicable law to obtain the protection afforded by the law.

6. TRANSFER OF PERMIT

The Permittee may not transfer this Permit without the approval of the PUC. If the Permittee desires to transfer this Permit, the holder shall advise the PUC in writing of such desire. The Permittee shall provide the PUC with such information about the transfer as the PUC requires to reach a decision. The PUC may impose additional conditions on any new Permittee as part of the approval of the transfer.

7. OTHER PERMITS

The Permittee shall be responsible for acquiring any other federal, state, or local permits or authorizations that may be required to construct and operate a LWECS within the authorized site. The Permittee shall submit a copy of such permits and authorizations to the PUC upon request.

8. SITE MANAGER

The Permittee shall designate a site manager who shall be the contact person for the PUC to contact with questions about the LWECS. The Permittee shall provide the PUC with the name, address, and phone numbers of the site manager prior to placing any turbine into operation. This information shall be maintained current by informing the PUC of any changes, as they become effective.

9. NOTICE TO LOCAL RESIDENTS

The Permittee shall, within ten working days of receipt of this Permit, send a copy of the Permit to the office of the auditor of each county in which the site is located and to the clerk of each city and township within the site boundaries. If applicable, the Permittee shall also, within 10 working days of issuance, send a copy of this Permit to each regional development commission, local fire district, soil and water conservation district, watershed district, and watershed management district office with jurisdiction in the county where the site is located. Within 30 days of issuance of this Permit, the Permittee shall send a copy of the Permit the complaint procedures to each affected landowner within the site. In no case shall the affected landowner receive the site permit and complaint procedures less than five days prior to the start of construction on their property.

10. RIGHT OF ENTRY

The Permittee shall allow representatives of the PUC to perform the following, upon reasonable notice, upon presentation of credentials and at all times in compliance with the Permittee's site safety standards:

(a) To enter upon the facilities easement of the site property for the purpose of obtaining information, examining records, and conducting surveys or investigations.

(b) To bring such equipment upon the facilities easement of the property as is necessary to conduct such surveys and investigations.

(c) To sample and monitor upon the facilities easement of the property; and

(d) To examine and copy any documents pertaining to compliance with the conditions of this Permit.

11. MORE STRINGENT RULES

The PUC's issuance of this Site Permit does not prevent the future adoption by the PUC of rules or orders more stringent than those now in existence and does not prevent the enforcement of these more stringent rules and orders against the Permittee.

L. EXPIRATION DATE

This Permit shall expire on ____February 4, 2040___.

M. SPECIAL CONDITIONS

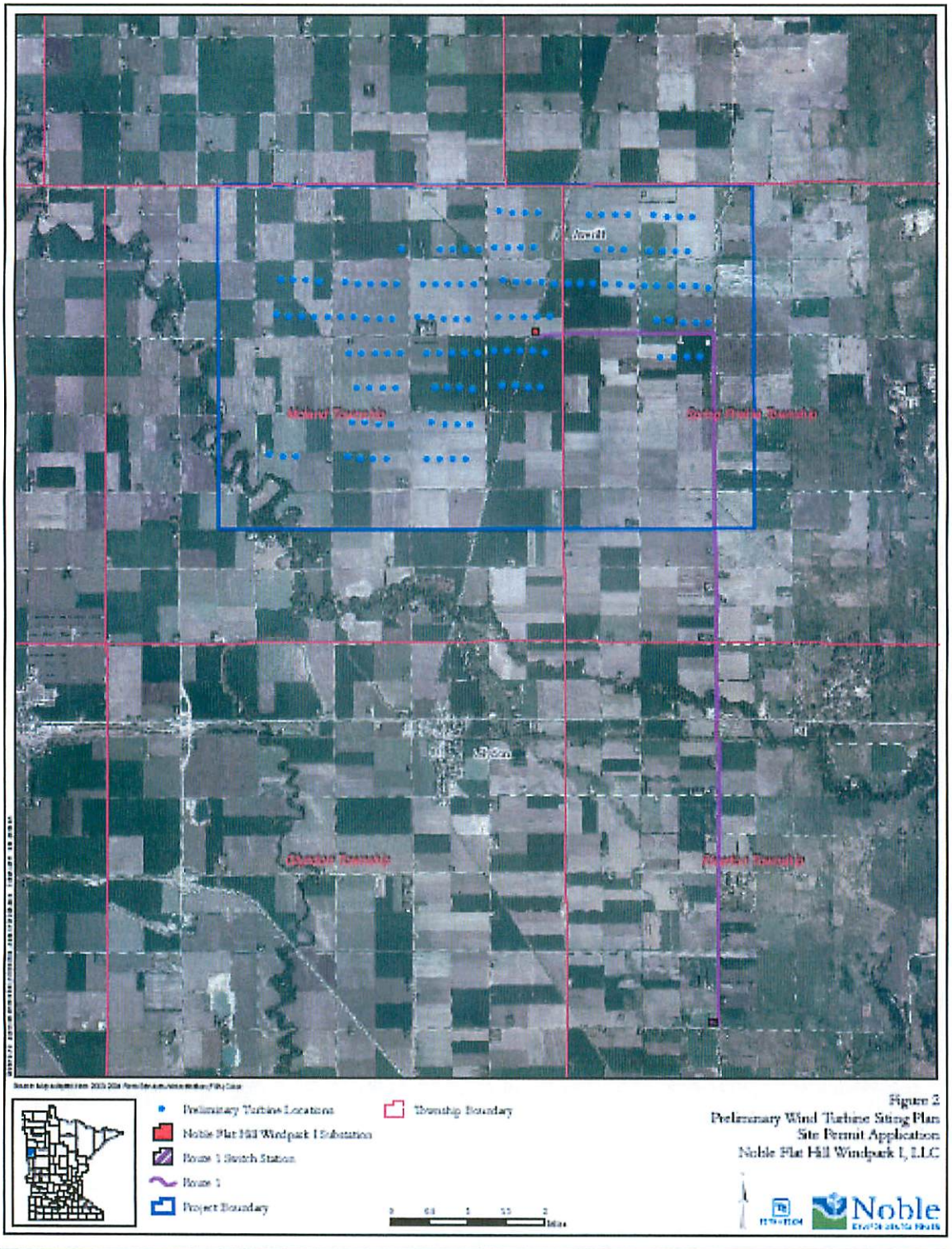
Special conditions shall take precedence over any of the other conditions of this Permit if there should be a conflict between the two.

1. The applicant shall fulfill its commitment to provide a minimum setback of 1,200 feet for all turbine towers to non-participating landowners' residences. Adoption of this special condition is based on facts unique to this case, including the fact that the Applicant requested this level of setback, and provides no precedent or foreshadowing regarding the size of setback that the Commission may deem appropriate and reasonable to require in future dockets.

2. The applicant shall provide data on shadow flicker impacts at the time it submits the final site plan and profile. Information should include, but not be limited to, the results of modeling used (if any), assumptions made, and the anticipated levels of impact from turbine shadow flicker. Adoption of this special condition is based on facts unique to this case and provides no precedent or foreshadowing regarding the information to be requested on shadow flicker that

the Commission may deem appropriate and reasonable to require in future dockets

ATTACHMENT 1: PERMIT AREA MAP



MINNESOTA PUBLIC UTILITIES COMMISSION COMPLAINT HANDLING PROCEDURES FOR LARGE WIND ENERGY CONVERSION SYSTEMS

A. Purpose:

To establish a uniform and timely method of reporting complaints received by the Permittee concerning Permit conditions for site preparation, construction, cleanup and restoration, operation and resolution of such complaints.

B. Scope:

This document describes Complaint reporting procedures and frequency.

C. Applicability:

The procedures shall be used for all complaints received by the Permittee.

D. Definitions:

Complaint: A verbal or written statement presented to the permittee by a person expressing dissatisfaction or concern regarding site preparation, cleanup or restoration or other LWECS and associated facilities site permit conditions. Complaints do not include requests, inquiries, questions or general comments.

Substantial Complaint: A written Complaint alleging a violation of a specific Site Permit condition that, if substantiated, could result in Permit modification or suspension pursuant to the applicable regulations.

Unresolved Complaint: A Complaint which, despite the good faith efforts of the permittee and a person(s), remains to both or one of the parties unresolved or unsatisfactorily resolved.

Person: An individual, partnership, joint venture, private or public corporation, association, firm, public service company, cooperative, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

E. Complaint Documentation and Processing:

1. The Permittee shall document all Complaints by maintaining a record of all applicable information concerning the Complaint, including the following:

a. Name of complainant, address, phone number, and e-mail address.
b. Precise property description or parcel number.
c. Name of Permittee representative receiving Complaint and date of receipt.
d. Nature of Complaint and the applicable Site Permit conditions(s).
e. Activities undertaken to resolve the Complaint.
f. Final disposition of the Complaint.

2. The Permittee shall designate an individual to summarize Complaints for substantial
to the Commission. This person's name, phone number and e-mail address shall accompany all complaint submittals.

3. A Person presenting the Complaint should to the extent possible, include the following information in their communications:

   a. Name, address, phone number, and e-mail address.
   b. Date
   c. Tract or parcel
   d. Whether the complaint relates to (1) a Site Permit matter, (2) a LWECS and associated facility issue, or (3) a compliance issue.

F. **Reporting Requirements:**

The Permittee shall report all complaints to the Commission according to the following schedule:

Immediate Reports: All substantial complaints shall be reported to the Commission the same day received, or on the following working day for complaints received after working hours. Such reports are to be directed to Wind Permit Compliance, 1-800-657-3794, or by e-mail to: DOC.energypermitcompliance@state.mn.us, or. Voice messages are acceptable.

Monthly Reports: By the 15th of each month, a summary of all complaints, including substantial complaints received or resolved during the preceding month, shall be Filed to Dr. Burl W. Haar, Executive Secretary, Public Utilities Commission, using the Minnesota Department of Commerce eDocket system (see eFiling instructions attached to this permit).

If no Complaints were received during the preceding month, the permittee shall submit (eFile) a summary indicating that no complaints were received.

G. Complaints Received by the Commission or OES:

Complaints received directly by the Commission from aggrieved persons regarding site preparation, construction, cleanup, restoration, operation and maintenance shall be promptly sent to the Permittee.

H. Commission Process for Unresolved Complaints:

Initial Screening: Commission staff shall perform an initial evaluation of unresolved Complaints submitted to the Commission. Complaints raising substantial LWECS Site Permit issues shall be processed and resolved by the Commission. Staff shall notify Permittee and appropriate person(s) if it determines that the Complaint is a Substantial Complaint. With respect to such Complaints, each party shall submit a written summary of its position to the Commission no later than ten days after receipt of the Staff notification. Staff shall present Briefing Papers to the Commission, which shall resolve the Complaint within twenty days of submission of the Briefing Papers.

I. Permittee Contacts for Complaints:

Mailing Address: Complaints filed by mail shall be sent to:

ATTN: Michael Beckner
Noble Flat Hill Wind Park I, LLC
8 Railroad Avenue
Essex, CT 06426

Tel: (860) 586-5010

Email: BecknerM@noblepower.com

ATTACHMENT 3

MINNESOTA PUBLIC UTILITIES COMMISSION
COMPLIANCE FILING PROCEDURE
FOR PERMITTED ENERGY FACILITIES

1. Purpose

To establish a uniform and timely method of submitting information required by the Commission energy facility permits.

2. Scope and Applicability

This procedure encompasses all compliance filings required by permit.

3. Definitions

Compliance Filing – A sending (filing) of information to the Commission, where the information is required by a Commission site or route permit.

4. Responsibilities

A) The permittee shall eFile all compliance filings with Dr. Burl Haar, Executive Secretary, Public Utilities Commission, through the Department of Commerce (DOC) eDocket system. The system is located on the DOC website: https://www.edockets.state.mn.us/EFiling/home.jsp

General instructions are provided on the website. Permittees must register on the website to eFile documents.

B) All filings must have a cover sheet that includes:
1) Date
2) Name of submitter / permittee
3) Type of Permit (Site or Route)
4) Project Location
5) Project Docket Number
6) Permit Section Under Which the Filing is Made
7) Short Description of the Filing

Filings that are graphic intensive (e.g., maps, plan and profile) must, in addition to being eFiled, be submitted as paper copies and on CD. Copies and CDs should be sent to: 1) Dr. Burl W. Haar, Executive Secretary, Minnesota Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, MN, 55101-2147, and 2) Department of Commerce, Energy Facility Permitting, 85 7th Place East, Suite 500, St. Paul, MN, 55101-2198.

PERMIT COMPLIANCE FILINGS[1]

PERMITTEE: Noble Flat Hill Wind Park I, LLC
PERMIT TYPE: LWECS Site Permit
PROJECT LOCATION: Clay County
COMMISSION DOCKET NUMBER: ET-6687/WS-08-1134

Filing Number	Condition	Description	Due Date	Notes
1	A.1.	Site Plan	Prior to starting construction	
2	A.2.	Field Representative	Prior to and throughout construction	
3	B.8.	Roads	Identify access roads and obtain road damage agreements before starting construction	
4	B.9.	Soil Erosion and Sediment Control Plan	NDPES Stormwater Runoff Control Permit	
5	B.15	Educational Materials	Submit Upon Request	
6	B.16	Fire Protection Plan	Submit Upon Request. Must Register in 911 Program	
7	C.6.	Native Prairie Protection Plan	60 days prior to the start of construction, if required	
8	D.1.	Biological Survey	Pre-construction Meeting	
9	D.2	Archaeological Resources	Pre-construction Meeting and as Recommended by the State Historic Preservation Office	
10	D.3.	Electromagnetic Interference	Pre-construction Meeting	

[1] This compilation of permit compliance filings is provided for the convenience of the permittee and the Commission. However, it is not a substitute for the permit; the language of the permit controls.

Filing Number	Condition	Description	Due Date	Notes
11	F.1	Wake Loss	Include with site plan or operation studies if performed	
12	F.2	Noise Study	Upon Request	
13	G.1.	Decommissioning Plan	Prior to commercial operation	
14	H.1	Project Energy Production	Due 7/15 each year or quarterly	
15	H.2	Wind Resource Use	Within 3 months after Operation or SCADA Access	
16	I.1.	As Builts	Within 60 days of Completions of Construction	
17	J.1.	Wind Rights	Within 30 days of Acquiring. Upon Request.	
18	K.2.	Failure to Start Construction	Within 2 years of Permit Issuance	
19	K.8	Site Manager	Prior to Operation	
20	Complaints	Report	Due Each Month or within 24 hours	

STATE OF MINNESOTA)
)SS
COUNTY OF RAMSEY)

AFFIDAVIT OF SERVICE

I, Robin Benson, being first duly sworn, deposes and says:

That on the 5th day of February, 2010 she served the attached

ORDER.

MNPUC Docket Number: IP-6687/WS-08-1134

XX By depositing in the United States Mail at the City of St. Paul, a true and correct copy thereof, properly enveloped with postage prepaid

XX By personal service

XX By inter-office mail

to all persons at the addresses indicated below or on the attached list:

Tricia DeBleeckere
Docketing - OES
Julia Anderson - OAG
John Lindell- OAG

Robin Benson

Subscribed and sworn to before me,

a notary public, this 5th day of

February, 2010

Robin L. Rice
Notary Public

ROBIN L. RICE
Notary Public-Minnesota
My Commission Expires Jan 31, 2014

Service List Name	First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret
OFF_SL_8-988_OFF_SL_8-988_PubHrg-7-21-2009	Beverly	Heydinger	beverly.heydinger@state.mn.us	Office Of Administrative Hearings	PO Box 64620 St. Paul, MN 551640620	Electronic Service	Yes
OFF_SL_8-988_OFF_SL_8-988_PubHrg-7-21-2009	Brian	Meloy	brian.meloy@leonard.com	Leonard, Street & Deinard	150 S 5th St Ste 2300 Minneapolis, MN 55402	Electronic Service	No
OFF_SL_8-988_OFF_SL_8-988_PubHrg-7-21-2009	Burl W.	Haar	burl.haar@state.mn.us	MN Public Utilities Commission	Suite 350 121 7th Place East St. Paul, MN 551012147	Electronic Service	Yes
OFF_SL_8-988_OFF_SL_8-988_PubHrg-7-21-2009	Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates	Ste 122 9100 W Bloomington Frwy Bloomington, MN 55431	Electronic Service	Yes
OFF_SL_8-988_OFF_SL_8-988_PubHrg-7-21-2009	John	Lindell	agorud.ecf@state.mn.us	OAG-RUD	900 BRM Tower 445 Minnesota St St. Paul, MN 551012130	Electronic Service	Yes
OFF_SL_8-988_OFF_SL_8-988_PubHrg-7-21-2009	Karen Finstad	Hammel	Karen.Hammel@state.mn.us	MN Office Of The Attorney General	1400 BRM Tower 445 Minnesota Street St. Paul, MN 551012131	Electronic Service	Yes
OFF_SL_8-988_OFF_SL_8-988_PubHrg-7-21-2009	Marybeth	Gossman	marybeth.gossman@state.mn.us	State of MN - OAH	P.O. Box 64620 Saint Paul, MN 55164	Electronic Service	Yes
OFF_SL_8-988_OFF_SL_8-988_PubHrg-7-21-2009	Mattew B.	Seltzer	Matthew.Seltzer@leonard.com	Leonard, Street & Deinard	Suite 2300 150 South Fifth Street Minneapolis, MN 55402	Electronic Service	No
OFF_SL_8-988_OFF_SL_8-988_PubHrg-7-21-2009	Mike	Beckner	becknerm@noblepower.com	Noble Flat Hill Windpart I, LLC	8 Railroad Avenue Essex, CT 6426	Paper Service	No
OFF_SL_8-988_OFF_SL_8-988_PubHrg-7-21-2009	Patricia	DeBleeckere	tricia.debleeckere@state.mn.us	MN Public Utilities Commission	Suite 350 121 Seventh Place East St. Paul, MN 55101	Electronic Service	Yes
OFF_SL_8-988_OFF_SL_8-988_PubHrg-7-21-2009	Ray	Kirsch	Raymond.Kirsch@state.mn.us	OES	85 7th Place E Ste 500 St. Paul, MN 55101	Electronic Service	Yes

Service List Name	First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret
OFF_SL_8-988_OFF_SL_8-988_PubHrg-7-21-2009	Sharon	Ferguson	sharon.ferguson@state.mn.us	State of MN - DOC	85 7th Place E Ste 500 Saint Paul, MN 551012198	Electronic Service	Yes
OFF_SL_8-988_OFF_SL_8-988_PubHrg-7-21-2009	Todd J.	Guerrero	tguerrero@fredlaw.com	Fredrikson & Byron, P.A.	Suite 4000 200 South Sixth Street Minneapolis, MN 554021425	Electronic Service	No
OFF_SL_8-988_OFF_SL_8-988_PubHrg-7-21-2009	Volha	Andreyeva	volha.andreyeva@leonard.com	Leonard, Street and Deinard	Suite 2300 150 South Fifth Street Minneapolis, MN 55402	Electronic Service	No

Service List Name	First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret
OFF_SL_08-1134_1	Burl W.	Haar	burl.haar@state.mn.us	MN Public Utilities Commission	Suite 350 121 7th Place East St. Paul, MN 551012147	Electronic Service	Yes
OFF_SL_08-1134_1	John	Lindell	agorud.ecf@state.mn.us	OAG-RUD	900 BRM Tower 445 Minnesota St St. Paul, MN 551012130	Electronic Service	No
OFF_SL_08-1134_1	Julia	Anderson	Julia.Anderson@state.mn.us	MN Office Of The Attorney General	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	No
OFF_SL_08-1134_1	Mike	Beckner	becknerm@noblepower.com	Noble Flat Hill Windpart I, LLC	8 Railroad Avenue Essex, CT 6426	Paper Service	No
OFF_SL_08-1134_1	Sharon	Ferguson	sharon.ferguson@state.mn.us	State of MN - DOC	85 7th Place E Ste 500 Saint Paul, MN 551012198	Electronic Service	Yes

08-1134 + 08-988

Mail List: Noble Flat Hill Windpark I
Mail List: Noble Flat Hill 230 kV HVTL
Combined two lists together – took out duplicates

Per Anderson
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