BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

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

In the Matter of a Large Wind Energy Conversion System Site Permit Application by Community Wind North, LLC, for the 30 MW Community Wind North, LLC Project in Lincoln County	ISSUE DATE: April 30, 2009 DOCKET NO. IP-6712/WS-08-1494 PROPOSED FINDINGS OF FACT, CONCLUSIONS AND ORDER

The above-entitled matter came before the Minnesota Public Utilities Commission (PUC), pursuant to an application by Community Wind North, LLC, for a site permit to construct, operate, maintain and manage the Community Wind North, LLC Project, a 30-Megawatt (MW) nameplate capacity Large Wind Energy Conversion System (LWECS) and associated facilities located in a portion of Verdi Township in Lincoln County. The Site permit is to be issued to Community Wind North, LLC.

All of the proposed wind turbines, foundations, transformers, feeder lines, collection lines will be located in Lincoln County in Minnesota. Associated facilities will include pad mounted step-up transformers for each wind turbine, access roads, a 34.5 kV electrical collection and feeder system, and a permanent meteorological tower. The Project will connect to the Yankee Substation located just north of the Community Wind North, LLC Project.

STATEMENT OF ISSUE

Should Community Wind North, LLC, be granted a site permit under Minnesota Statutes Chapter 216F.04 to construct a 30-megawatt Large Wind Energy Conversion System in Lincoln County?

Based upon the record and proceedings created in this proceeding, the Public Utilities Commission makes the following:

FINDINGS OF FACT

Background and Procedure

1. On January 20, 2009, Community Wind North, LLC (CWN) filed a complete site permit application for the Community Wind North, LLC Project with the PUC for 30.0 megawatts of nameplate wind power generating capacity. (**Exhibit 1, Parts 1, 2, and 3**).

2. Office of Energy Security (OES) Energy Facility Permitting (EFP) staff determined that the January 20, 2009, application complied with the application requirements of Minnesota Rules 7836.0500. In a briefing paper to the PUC, dated February 4, 2009, OES EFP staff recommended that the PUC accept the application **(Exhibit 2)**.

3. On February 17, 2009, a PUC order accepted CWN's application for the Community Wind North, LLC Project and associated facilities. The Order also issued a draft site permit for review and comment **(Exhibit 3)**.

4. OES EFP staff prepared a notice of application acceptance and public information meeting to receive comments on the site permit application and the draft site permit. The published notice provided: a) location and date of the public information meeting; b) description of the proposed Project; c) deadline for public comments on the application and draft site permit; d) description of the PUC site permit review process, including procedure to request a contested case hearing; and e) identification of the public advisor. The notice published meets the requirements of Minnesota Rules 7836.0900 **(Exhibit 7).**

5. CWN published notice of the OES EFP staff notice of the PUC's acceptance of the LWECS site permit application, public information meeting and availability of draft site permit for public comment in the *Lake Benton News* on March 4, 2009 **(Exhibit 4)**. EFP staff published the same notice in the *EQB Monitor* on March 9, 2009, Volume 33, No. 5. **(Exhibit 5)**. The published notice contained all of the information required by Minnesota Rules 7836.0900 subp. 1. The same notice also appeared on the PUC web site and the OES EFP web page.

6. On March 5, 2009, CWN mailed notice of the PUC's acceptance of the LWECS application and provided copies of the application and draft site permit to all affected landowners as required by Minnesota Rules 7836.0500 **(Exhibit 6)**.

7. The DOC EFP staff held a public information meeting on March 16, 2009, in Lake Benton, Minnesota, to receive comments on the site permit application and draft site permit. Approximately 15 people attended at the meeting. Representatives from CWN were also present at the meeting. OES EFP staff provided an overview of the permitting process and draft site permit and responded to questions about the permitting process. The Applicant provided an overview of the Project and responded to questions about the Project. No significant issues were raised or identified by the persons attending the meeting. Four comments were received by the close of the public comment period on April 8, 2009.

8. No requests for a Contested Case Hearing on the proposed Project were submitted to the PUC.

The Permittee

9. CWN, a limited-liability corporation based in Minnesota, will own the Project, up to the grid interconnection.

10. The Project is a Community Based Energy (CBED) project under the Minn. Stat. 216B.1612. Project ownership will be structured so that no individual owns more than 15 percent of the Project. Neither CWN nor its principals own or have a financial interest in any other LWECS in Minnesota. CWN will sell the entire output of the Project to Xcel Energy.

Project Description

11. The proposed Project will use between 12 to 15 wind turbines, ranging in size from 2.0 to 2.5 MW, and have a combined nominal nameplate capacity of no more than 30.0 MW. The turbines will have a hub height of approximately 262 feet (80M). The rotor consists of three blades mounted to a rotor hub. The turbine blades are approximately 145 to 150 feet long, resulting in a rotor diameter of approximately 300 feet. The hub is attached to the nacelle, which houses the gearbox, generator, brake, cooling system, and other electrical and mechanical systems. The rotor swept area is approximately 1.5 acres. The maximum overall height of the wind turbines, with a turbine blade fully extended is approximately 412 feet above grade. The rotor speed will vary between 15.6 and 18.5 revolutions per minute corresponding to a maximum rotor tip speed of approximately 150 to 190 miles per hour.

12. Other components of the Project include a concrete and steel foundation for each tower, pad-mounted step-up transformer for each turbine, all-weather class 5 gravel roads, an underground electric energy collection system, a project substation, and one existing permanent meteorological tower.

13. Each turbine is interconnected primarily through an underground electrical collection system at 34.5 kV. The collector lines will feed the power to Xcel's Yankee substation located in section 5 of Verdi Township just north of the Project site. The voltage will be stepped up from the 34.5 kV collection system to the transmission system level of 115 kV at the substation and then sent over the existing 115 kV lines to the White and Brookings Substations.

14. Each tower will be secured by a concrete foundation, approximately 40 to 60 square feet to a depth of up to 12 feet, although size may vary somewhat depending on the soil conditions.

15. A control panel that houses communication and electronic circuitry is placed in each tower. In addition, a step-up, pad-mounted transformer is necessary for each turbine to collect the power from the turbine and transfer it to a 34.5 kV collection system via underground cables.

16. All turbines and meteorological tower systems will be interconnected with fiber optic communication cables that will be installed underground. The communication cables will run back to a central host computer which will be at the operations and maintenance facility where a supervisory control and data acquisition (SCADA) system will be located. Signals from the current and potential transformers at each of the delivery points will also be fed to the central SCADA host computer. The SCADA system will be able to give status indications of the individual wind turbines and the substation and allow for remote control of the wind turbines locally or from a remote computer. This computerized SCADA network will provide detailed operating and performance information for each wind turbine. The Permittee will maintain a computer program and database for tracking each wind turbine's maintenance history and energy production.

Wind Resource Considerations

17. The Community Wind North, LLC Project will be located in Lincoln County. The elevation at the project site varies between 1700 and 2000 feet above sea level. WindLogics modeled wind resources in the project area. That modeling showed wind speeds at an elevation of 262 feet (80 meters) to be 18.84 to 20.65 miles per hour, with an average annual wind speed of 18.84 miles per hour.

18. The wind turbines are sited so as to have good exposure to winds from all directions, with emphasis on exposure to the prevailing southern and northwesterly winds. The turbine spacing, according to the site permit application, maximizes use of the available wind and minimizes wake and array losses within the topographical context of the site. Turbines are spaced to minimize wake losses when the winds are blowing parallel to the turbine rows; the layout incorporates a minimum spacing of 3 RD in the non-prevailing wind directions and a minimum of 5 RD spacing in the prevailing wind directions. See site permit at III.E.5.

19. The Applicant anticipates an annual net energy production of approximately 109,686 to 111,879 megawatt hours, assuming a net capacity factor of between 37 to 43 percent.

20. The Project Site is located in an area that is actively farmed, and the applicant anticipates that all turbines will be located in agricultural fields. The dominant crops at the Project site are corn and soybeans.

21. The Project site as proposed includes approximately 2,660 acres in Sections 5, 7, 8, 9, 16, 17, 19, 20, and 21 of Verdi Township in Lincoln County (Township 109 North, Range 46 West). The proposed wind turbine site layout in the site permit application shows where the proposed facilities, such as towers, roads and the underground electrical lines, could be located. These locations are subject to change. CWN estimates that the proposed facilities will result in the permanent disturbance of approximately 12 acres of land, primarily for roads and towers. A total of approximately 30 to 40 acres of land will be temporarily disturbed during construction of the wind farm for contractor staging areas, foundation and road construction, underground power lines, and tower and turbine

assembly. Permanent access roads are expected to be approximately 16 feet wide, temporary roads may be up to 30 feet in width.

Land Rights and Easement Agreements

22. In order to build a wind plant, a developer needs to secure site leases and easement option agreements to ensure access to the site for construction and operation of a proposed project, as well as areas sufficient to address required setbacks and turbine spacing. These lease or easement agreements also prohibit landowners from engaging in any activities that might interfere with the execution of the proposed project.

23. The Applicant has obtained lease and easement option agreements and/or rights to such agreements with affected landowners for land within the Project site boundary necessary for installation of the components of the wind farm. These rights and easements will be able to support the Project.

Written Comments and Letters Received by April 8, 2009

24. By the close of the comment period on April 8, 2009, the PUC had received four comment letters on the proposed Community Wind North, LLC Project.

25. On March 12, 2009 the Southwest Regional Development Commission (SRDC) reviewed the terms and conditions of the draft site permit. Their report highlighted that their "Review of the draft Site Permit covers all the required elements." **(Exhibit 9).**

26. On April 8, 2009, the Minnesota Department of Natural Resources (DNR) submitted comments on the proposed project **(Exhibit 10)**. DNR requested that "Any mortality events that exceed five or more individuals, or mortality to any state listed bird or bat species should be reported to the DNR within 24 hours of discovery. DNR suggested who should be contacted and that the report should include the project name and location, tower location (latitude and longitude), number of each species collected, date of collection, weather prior to the event, and any other pertinent details. DNR's comments are addressed at Findings 57, 58, 59, and in Permit Condition III.B.8 (b), III.B.9, III.B.12, III.C.5 and III.J.3.

27. On March 16, 2009, J. David Fryechte, a landowner within the site suggested that turbine number 8, be moved a little further north to eliminate fence crossings and a natural waterway crossing, which would provide for a shorter access road and provide a better wind resource. **(Exhibit 8)**.

28. On April 8, 2009, Kevin Walli, on behalf of Community Wind North, LLC, indicated that they are encountering turbine supply issues and may want to substitute another turbine, which if used would reduce the number of turbines from 15 to 12, but still produce 30 Megawatts of power **(Exhibit 11)**.

Site Criteria

29. Minnesota Rules Chapter 7836 apply to the siting of LWECS. The rules require applicants to provide a substantial amount of information to allow the PUC to determine the potential environmental and human impacts of the proposed Project and whether the Project is compatible with environmental preservation, sustainable development, and the efficient use of resources. The following analysis addresses the relevant criteria that are to be applied to a LWECS project.

Human Settlement, Public Health and Safety

30. The site is located in an agricultural area, with generally low population density. The project area is zoned as agricultural in Lincoln County. The site permit conditions (III. C.2 and 3) specify conditions for setbacks from residences and roads. The proposed wind turbine layout exceeds those requirements, minimizing the impact of the proposed LWECS on human settlement, public health and safety. The proposed Project is not expected to affect any water wells (used, unused or unsealed) or any rural water system that services the area.

31. There will be no displacement of existing residences or structures in siting the wind turbines and associated facilities.

32. The Project will comply with the Federal Aviation Administration (FAA) requirements with respect to lighting. See site permit conditions III.E.2 and 4.

33. CWN will provide security during construction and operation of the Project, including any appropriate fencing, warning signs, and locks on equipment and facilities. The Applicant will also provide landowners and interested persons with safety information about the Project and its facilities. See site permit condition III.B.15.

34. In winter months ice may accumulate on the wind turbine blades when the turbines are stopped or operating very slowly. Furthermore, the anemometer may ice up at the same time, causing the turbine to shut down during any icing event. As weather conditions change, any ice will normally drop off the blades in relatively small pieces before the turbines resume operation. This is due to flexing of the blades and the blades' smooth surface. Although turbine icing is an infrequent event, it remains important that the turbines are not sited in areas where regular human activity is expected below the turbines or in the immediate proximity during the winter months. There is no regular human activity expected near the turbines during winter months.

35. Each turbine will be clearly labeled to identify each unit and a map of the site with the labeling system will be provided to local authorities as part of the fire protection plan. The Permittee will also file turbine locations with appropriate local 911 services. See permit conditions III.B.15, 16 and 17.

Noise

36. Wind turbines generate noise. The Permittee is required to meet the Minnesota Noise Standards applicable to residential receivers. The Minnesota Noise Standards are enforced by the MPCA and are found in Minnesota Rule 7030.0040. See site permit condition III.E.3.

37. The site permit requires that wind turbine generators are sited at least 500 feet from occupied dwellings and at a sufficient distance from residential receivers to ensure the Project meets the requirements of the Noise Standards in Minnesota Rules Chapter 7030. See site permit condition III.C.2.

38. Final wind turbine placement will take into account the locations of residential receivers during the micrositing process to ensure compliance with Minnesota Noise Standards. At the request of the PUC, CWN shall provide the PUC with results of noise modeling for the final wind turbine layout. See site permit conditions III.E.3 and III.F.2.

Visual Values

39. The visual impacts resulting from wind projects are highly subjective; some people find them to be an attractive addition to the visual landscape, others do not. There are several other wind projects in the vicinity of the CWN Project and people living in the area have become accustomed to them since 1995.

40. The placement of up to 15 wind turbines for the Project will affect the appearance of the project area. The turbine towers and rotor blades will be prominent features on the landscape. The turbines will be visible from many of the rural residences within and near the project area. The project will also be visible to passing motorists on local, county and state highways.

41. Several mitigation measures will be taken to minimize visual impact. All site permits issued by the PUC require the use of tubular towers; therefore, the turbine towers will be uniform in appearance. The use of underground electrical collectors and feeders will reduce the Project's visual impact.

42. Turbines will be illuminated to comply with Federal Aviation Administration (FAA) requirements.

Recreational Resources

43. Recreational opportunities in the area include hunting, snowmobiling and wildlife viewing. Hunting is permitted in designated state Minnesota Department of Natural Resources Wildlife Management Areas (WMAs), unless otherwise posted. The nearest recreational resource is the Hole in the Mountain County Park located in Lake Benton, which is approximately four miles east of the site.

44. There are no state or national forests or Scientific and Natural Areas (SNAs) within four miles of the proposed project.

45. Recreational activities will not be significantly impacted by the Project. Turbines will not be located in WMAs or in any local parks. Turbine operations are not expected to affect the natural areas in any material way and no adverse impact on wildlife management areas or practices is expected.

Infrastructure

46. The Project is expected to have a minimal effect on the existing infrastructure. The proposed Project will use underground cables for the collector lines. Placement of collector and feeder lines is addressed in the site permit at III.E.7 and 8.

47. The Project will require the use of public roads to deliver construction supplies and materials to the work site. Site permit condition III.B.8 (a) addresses this topic. Construction of the Project requires the construction of approximately four miles of access roads that will be located at the project site. The permanent access roads will be approximately 16 feet in width and covered with class 5 gravel, or a similar material. The site permit at III.B. 8 (b) addresses this topic. The access roads will be used to deliver construction supplies and materials to each turbine site. During operation and maintenance of the wind plant, operation and maintenance crews will use access roads to inspect and service wind turbines. Periodic grading or other methods will be used as necessary to maintain road integrity. The Permittee may do this work or contract it out.

48. If access roads must be installed across streams or drainage ways, the Permittee in consultation with the Minnesota Department of Natural Resources will design, shape and locate the road so as not to alter the original water flow or drainage patterns. Any work required below the ordinary high water line, such as road crossings or culvert installation, will require a permit from the Minnesota Department of Natural Resources. This is addressed in permit condition III.B.8 (b).

49. The Project will not affect water supplies, railroads, telecommunication facilities, and radio reception. The presence or operation of the wind plant could potentially impact the quality of television reception in the area. Previous work on television reception issues indicates that in some cases new antennas or relocation of existing antennas can restore television signal strength reception. CWN will address the concerns of residents in the area of the project site before and after the Project construction to document and mitigate any television reception impacts that might occur. This is addressed in the site permit at III.D.3.

50. Construction, operation, and maintenance of the proposed wind plant will comply with all federal and state permit requirements. This is addressed in permit condition III.K.7.

Community Benefits

51. The Project will provide local tax revenues from a production tax on the wind turbines. No significant adverse impact on public services is expected. Wear and tear on roads will occur as a result of the transport of heavy equipment and other materials. The site permit addresses road damages at III.B.8. (a) and (b). Landowners will also receive easement payments from the Permittee.

52. To the extent that local workers and local contractors are capable, qualified, and available, CWN will seek to hire them to construct the proposed Project. The hiring of local people will expand employment opportunities in this area of the state and keep money in the local economy.

Effects on Land-Based Economies

53. The proposed Project does not affect any forestry or mineral extraction operations. The proposed Project is located in an agricultural area and will temporarily remove approximately 30 to 40 acres from agricultural production, and result in the permanent removal of approximately 12 acres from agricultural production. Mitigation measures for agricultural land are addressed in the site permit at III.B.2, 3, 4, 5, 6, 7, 8.(b) and (c), 9, and 12.

Archaeological and Historical Resources

54. A records review of the Minnesota Archaeological Inventory and Historic Structures Inventory did not locate any historic structures, historic sites, National Register of Historic Places (NRHP) properties or archaeological sites within the project site. The Applicant has filed an Archaeological Consultant Report and Unanticipated Discovery Plan **(Exhibit 12)**.

55. The site permit at III.D.2 requires that construction workers be trained about the need to avoid cultural properties, identification of cultural properties, and procedures to follow if undocumented cultural properties are found during construction. If any archaeological sites, including gravesites, are found during the Phase I survey, their integrity and significance should be addressed in terms of the site's potential eligibility for placement on the NRHP. If such sites are found to be eligible for the NRHP, appropriate mitigative measures will need to be developed in consultation with the Minnesota State Historic Preservation Officer, the State Archaeologist, and consulting American Indian communities. The site permit also requires the Permittee to stop work and notify the Minnesota Historical Society and PUC if any unrecorded cultural resources are found during construction.

Air and Water Emissions

56. No harmful air or water emissions are expected from the construction and operation of the LWECS.

Animals and Wildlife

57. A review of the Minnesota Natural Heritage Database maintained by the DNR shows no known occurrences of rare species or native plant communities in the project area.

58. Based upon the review of the Minnesota Natural Heritage Database, and the comments provided by the DNR that are included in the site permit application as Appendix F **(Exhibit 1)**, the location of the project in a cultivated agricultural area, and previously permitted LWECS projects, neither construction nor operation of the proposed project is expected to significantly impact wildlife.

59. Mitigation measures are also prescribed in the site permit and include but are not limited to: a) a pre-construction inventory of existing biological resources, native prairie, state listed and threatened species and wetlands in the project area will be prepared; b) turbines and associated facilities will not be constructed in wildlife management areas, recreation and state and scientific natural areas; c) landowner approval will be negotiated prior to any removal of trees during construction; d) sound water and soil conservation practices will be implemented during construction and operation of the Project to protect topsoil and adjacent resources and to minimize soil erosion. This also applies to any work in proximity to watercourses.

Vegetation

60. Landowner approval will be negotiated prior to any removal of trees during construction. Removal of groves of trees or shelterbelts will be minimized. Disturbance of native prairie will be avoided. If native prairie cannot be avoided, the Permit at III.C.6 provides for preparation of a prairie protection and management plan.

Soils

61. Construction of the wind turbines and access roads increases the potential for erosion during construction and converts approximately 12 acres prime farmland to industrial use. The site permit at III.B.9 requires a soil erosion and sediment control plan. The Project will also require a NPDES/SDS Permit from the MPCA.

Surface Water and Wetlands

62. No turbines, towers or associated facilities shall be placed in public waters wetlands, as defined in Minnesota Statutes 103G.005, subp. 15a. Access roads may be constructed across public waters and 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. See permit conditions III.B.8(b) and III.C.5

Future Development and Expansion

63. While large-scale projects have occurred elsewhere (California, Texas, New York and Iowa), little systematic study of the cumulative impact has occurred. Research on the total impact of many different projects in one area has not occurred. DOC EFP staff continues to monitor for cumulative impacts and issues related to wind energy development.

64. The PUC anticipates more site permit applications under Minnesota Statutes 216F.04 (a). The PUC is responsible for siting of LWECS "in an orderly manner compatible with environmental preservation, sustainable development, and the efficient use of resources." Minnesota Statutes 216F.03.

65. Minnesota Statutes 216E.03, subd. 7, requires consideration of design options that might minimize adverse environmental impacts. By using larger turbines, fewer turbines are required, reducing siting needs for turbines and related facilities. Turbines must also be designed to minimize noise and aesthetic impacts. Buffers between strings of turbines are designed to protect the turbines' production potential. The site permit also provides for buffers between adjacent wind generation projects to protect production potential. See site permit at III.C.1.

66. The location and spacing of the turbines are critical to the issues of orderly development and the efficient use of wind resources. Turbines are likely to be located in the best winds, and the spacing dictates, among other factors, how much land area the project occupies. There is strong public support for orderly development of wind energy in Minnesota.

67. One efficiency issue is the loss of wind in the wake of turbines. When wind is converted to rotational energy by the blades of a wind turbine, energy is extracted from the wind. Consequently, the wind flow behind the turbine is not as fast and is more turbulent than the free-flowing wind. This condition persists for some distance behind the turbine as normal wind flow is gradually restored. If a turbine is spaced too close downwind of another, it produces less energy and is less cost-effective. This is the wake loss effect. If the spacing is too far, wind resources are wasted and the projects' footprint on the land is unnecessarily large.

68. For this Project, turbine spacing maximizes use of the available wind resources and minimizes wake and array losses within the topographical context of the site. Site topography and wind resources did not lead to a layout involving long strips of turbines running parallel to each other and perpendicular to the prevailing wind. Instead, the site uses shorter strings. The objective was to capture the most net energy possible from the best available wind resource. CWN arrived at an average turbine spacing of approximately 3 RD in the non-prevailing wind directions and 5 RD in the prevailing wind directions in their preliminary layout. Given the prevalence of southerly and northwesterly winds at this site, the spacing between turbines is greatest in the north-south direction for the proposed project.

Maintenance

69. Maintenance of the turbines will be on a scheduled, rotating basis. Additional unscheduled maintenance will be conducted on an as-needed basis. Maintenance on the interconnection points will be coordinated with Xcel Energy. CWN will contract with the turbine manufacturer to provide service and maintenance for the project at least through the warranty period. Upon the expiration of the warranty period, CWN may perform maintenance in-house, or may contract for service and maintenance.

Decommissioning and Restoration

70. Decommissioning and site restoration activities will include (1) removal of all turbines and towers; (2) removal of all pad mounted transformers; (3) removal of all above-ground distribution facilities; (4) removal of foundations to a depth of four feet below grade, unless otherwise agreed to by the landowner; and (5) removal of surface road material and restoration of the roads and turbine sites to previous conditions to the extent feasible, consistent with the landowner's desires. See site permit at III.G.2.

71. CWN will be responsible for all costs to decommission the Project and associated facilities and will begin decommissioning the facility within 8 months from the time the facility ceases to operate. Decommissioning will be completed within 18 months from the time the facility ceases to operate. See site permit at III.G.1 and 2.

72. CWN estimates the net decommissioning cost (estimated cost of dismantling and removal less the salvage value) for the Community Wind North, LLC Project at approximately $75,000 per turbine in current dollars.

73. The Permit requires CWN to submit a Decommissioning Plan to the PUC that describes how the Permittee will ensure that the resources are available to pay for decommissioning the project at the appropriate time. See site permit at III.G.1. CWN proposes to establish a separate Decommissioning Fund Balance as a regular expense item within the Community Wind North, LLC Project in the beginning in the 16th year of operation. An annual "set aside" of $5,000 per turbine is scheduled for each year of operation. This will provide a fund in the amount of at least $750,000 (plus earned interest) to pay for decommissioning and site restoration costs after operations cease. (**Exhibit 1**)

Site Permit Conditions

74. All of the conditions contained in the site permit were established as part of the site permit proceedings of other wind turbine projects permitted by the Environmental Quality Board and the Public Utilities Commission. Comments received concerning the requirements and conditions in the draft site permit distributed for comment in March 2009 have been evaluated and addressed as appropriate. Minor changes that provide for clarifications of the draft site permit conditions have been made.

75. The site permit contains conditions that apply to site preparation, construction, cleanup, restoration, operation, maintenance, abandonment, decommissioning and all other aspects of the Project.

Based on the foregoing findings, the Minnesota Public Utilities 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 Statutes section 216F.04 over the site permit applied for by Community Wind North, LLC.

3. The Community Wind North, LLC Project, application for a site permit was properly filed and noticed as required by Minnesota Statutes 216F.04 and Minnesota Rules 7836.0600 subp. 2 and 7836.0900 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 Minnesota Rules Chapter 7836.

5. The Minnesota Public Utilities Commission has jurisdiction under Minnesota Statutes 216F.04 over the site permit applied for by Community Wind North, LLC.

6. The proposed Community Wind North, LLC Project a 30.0-megawatt LWECS project will not create significant human or environmental impacts and is compatible with environmental preservation, sustainable development, and the efficient use of resources.

7. The Minnesota Public Utilities Commission has the authority under Minnesota Statute 216F.04 to establish conditions in site permits relating to site layout and construction and operation and maintenance of an LWECS. The conditions contained in the site permit issued to Community Wind North, LLC, are appropriate and necessary and within the Minnesota Public Utilities Commission's authority.

Based on the foregoing Findings of Fact and Conclusions of Law, the Minnesota Public Utilities Commission issues the following:

ORDER

The Attached Site Permit is hereby issued to Community Wind North, LLC, for up to a 30.0-MW Large Wind Energy Conversion System in Lincoln County in Minnesota. The site permit issued by the PUC authorizes Community Wind North, LLC, to construct and operate the proposed Large Wind Energy Conversion System in accordance with the conditions contained in the site permit and in compliance with the requirements of Minnesota Statutes 216F.04 and Minnesota Rules Chapter 7836.

BY ORDER OF THE COMMISSION

Deborah Matz for Burl Haar

Burl W. Haar,
Executive Secretary

Energy Facility Permitting
85 7th Place East, Ste 500
Saint Paul, MN 55155-2198
Minnesota Department of Commerce

In the Matter of the Application of
Community Wind North, LLC, for a Site
Permit for the Community Wind North, LLC
Project, a 30.0-Megawatt Large Wind Energy
Conversion System in Lincoln County.

EXHIBIT LIST
PUC Docket No. IP-67120/WS-08-1494

EXHIBIT NO.	DATE	DESCRIPTION	e-DOCKET LOCATION
1. Part 1	1/20/2009	Community Wind North, LLC's application for a LWECS Site Permit for the Community Wind North Project in Lincoln County (Part 1)	5702412
1. Part 2	1/20/2009	Community Wind North, LLC's application for a LWECS Site Permit for the Community Wind North Project in Lincoln County (Part 2)	5702413
1. Part 3	1/20/2009	Community Wind North, LLC's application for a LWECS Site Permit for the Community Wind North Project in Lincoln County (Part 3)	5702414
2.	2/04/2009	DOC EFP Comments & Recommendations to the PUC on acceptance of the Community Wind North, LLC, Site Permit Application	5748532
3.	2/17/2009	PUC Order accepting Community Wind North, LLC's LWECS Site Permit Application and Issuing a Draft Site Permit for Review and Comment	5768783
4.	3/04/09	Affidavits of Publication: Notice of PUC's acceptance of the LWECS application appearing in *Lake Benton News*	20094-36155-01
5.	3/09/09	Notice of Application Acceptance, Public Information Meeting Published in *EQB Monitor,* Volume 33, No. 5	20094-36164-01
6.	3/05/2009	Applicant's Service Distribution List for Application, Site Permit and Notice of Public Information Meeting	5806106
7.	2/26/2009	OES EFP Notice of Application Acceptance, Public Information Meeting and Issuance of Draft Site Permit for Public Review and Comment	5806106

8.	3/16/2009007	Comment of David Fryechte, 210 Garfield St., Lake Benton, MN	20094-36166-01
9.	312/2009	Comments of Southwest Regional Development Commission,	20094-36169-01
10.	4/08/2009	Comments of Matt Langan, Minnesota Department of Natural Resources	20094-36167-01
11.	4/08/2009	Comments of Community Wind North on Turbine Availability and Request for Turbine Flexibility	20094-36049-01
12.	2/11/2009	Archaeological Consultant Report and Unanticipated Discovery Plan	5767814

LARGE WIND ENERGY CONVERSION SYSTEM

SITE PERMIT

FOR

COMMUNITY WIND NORTH, LLC

IN

LINCOLN COUNTY

PUC DOCKET NO. IP-6712/WS-08-1494

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

COMMUNITY WIND NORTH, LLC

Community Wind North, LLC (CWN) is authorized to construct and operate up to a 30-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 May 1, 2039

Dated: April 30, 2009

BY ORDER OF THE COMMISSION

Deborah Matz for Burl W. Haar

BURL W. HAAR
Executive Secretary

(S E A L)

This document can be made available in alternative formats (i.e., large print or audio tape) by calling 651-201-2202 (Voice), 651-297-1200 (TTY).

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I. SITE PERMIT

This Site Permit for a Large Wind Energy Conversion System (LWECS) authorizes Community Wind North, LLC (hereinafter "Permittee") to construct up to a 30 Megawatt (MW) LWECS and associated facilities in Lincoln County, on a site of approximately 2,660 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 30 MW LWECS authorized to be constructed in this Permit will be owned and operated by Community Wind North, LLC. The Project will consist of 12 2.5 MW turbine generators or 15 2.0 MW wind turbine generators with a combined nominal nameplate capacity of no more than 30 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 the Yankee substation located in Verdi Township, Lincoln County. Associated facilities will include wind turbine access roads, underground collection lines, SCADA wiring, feeder lines, pad mounted turbine transformers and a permanent meteorological tower.

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 PUC 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 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 PUC of any turbines that are to be relocated before the turbine is constructed on the new site.

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 occupied dwelling, 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 PRESERVATION 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 Permitee shall work with the State Historic Preservation Office (SHPO) at the Minnesota Historical Society and the State Archaeologist as early as possible in the detailed site plan development to determine whether an archaeological survey is recommended for any part of the proposed Project. The Permitee will contract with a qualified archaeologist to complete such surveys, and will submit the results to the PUC, 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.

Up to two permanent meteorological towers 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

On request of the PUC, the Permittee shall submit a proposal to the PUC for the conduct of a noise study. Upon the approval of the PUC the Permittee shall carryout the study. The study shall be designed to determine the noise levels at various distances from the turbines at various wind directions and speeds.

G. DECOMMISSIONING/RESTORATION/ABANDONMENT

1. DECOMMISSIONING PLAN

Prior to commencement of construction, the Permittee shall submit to the PUC a Decommissioning Plan describing 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 PUC 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 more than five 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 PUC 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 7836.1300.

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 7836.1300.

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 to each affected landowner within the site. In no case shall the affected landowner receive the site permit 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.

12. PERMIT COMPLIANCE MEETING

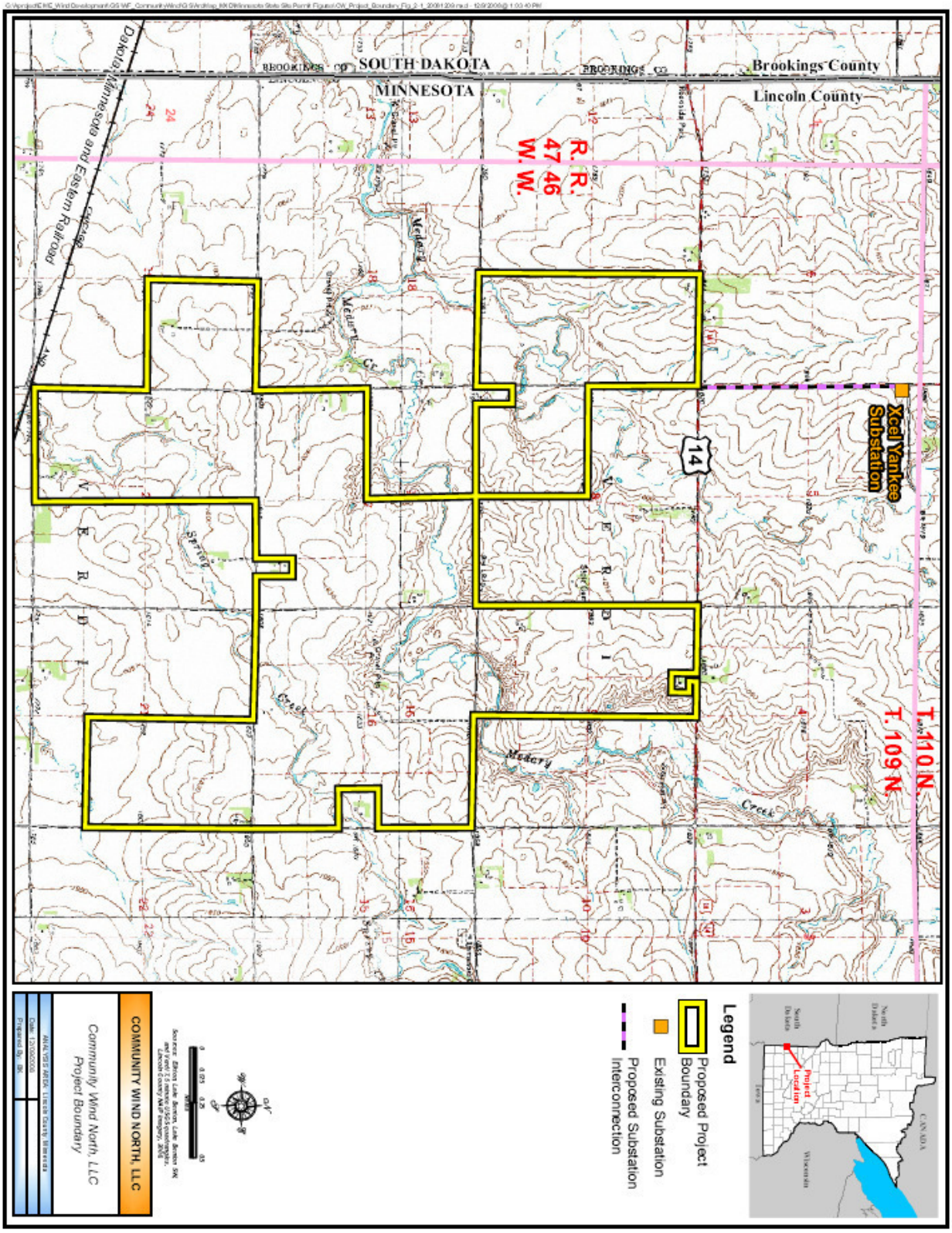
Prior to the start of commercial operation, the Permittee shall conduct a permit compliance meeting with the person designated by the PUC to coordinate permit compliance activities.

L. EXPIRATION DATE

This Permit shall expire on May 1, 2039.

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. Special conditions for topeka shiners habitat have been added.


SOUTH DAKOTA
MINNESOTA
Brookings County
Lincoln County
R. 47 W.
R. 46 W.
T. 110 N.
T. 109 N.
Xcel Yankee Substation
14
Dakota, Minnesota and Eastern Railroad
Medary Creek
Legend
Proposed Project Boundary
Existing Substation
Proposed Substation Interconnection
Project Location
COMMUNITY WIND NORTH, LLC
Community Wind North, LLC
Project Boundary

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 (Community Wind North, LLC) 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 PUC. 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 PUC according to the following schedule:

Immediate Reports: All substantial complaints shall be reported to the PUC 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, PUC 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 PUC or OES:

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

H. PUC 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: Community Wind North, LLC
1756 County Highway 7
Tyler, MN 56178

Tel: 507-830-7777

Email Address: WGH3@Frontiernet.net

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 PUC 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 PUC, where the information is required by a PUC site or route permit.

4. Responsibilities

A) The permittee shall eFile all compliance filings with Dr. Burl Haar, Executive Secretary, PUC, 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

C) 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. Additionally, the PUC may request a paper copy of any eFiled document.

PERMIT COMPLIANCE FILINGS[1]

PERMITTEE: Community Wind North, LLC
PERMIT TYPE: LWECS Site Permit
PROJECT LOCATION: Lincoln County
PUC DOCKET NUMBER: IP6712/WS-08-1494

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	

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

Filing Number	Condition	Description	Due Date	Notes
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	
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 Study	Part of Application	
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	

Filing Number	Condition	Description	Due Date	Notes
19	K.8	Site Manager	Prior to Operation	
20	Complaints	Report	Due Each Month or within 24 hours	

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

Recommendations for Construction Projects Affecting Waters Inhabited by Topeka Shiners (*Notropis topeka*) in Minnesota

U.S. Fish and Wildlife Service
Twin Cities Field Office
(612) 725-3548

Background

Topeka shiner (*Notropis topeka*) occurs throughout the Big Sioux and Rock River Watersheds in five counties in southwestern Minnesota (Figure 1). The U.S. Fish and Wildlife Service (Service) listed Topeka shiner as an endangered species in 1998 and designated critical habitat1[2] for it in 2004. The Endangered Species Act (ESA) prohibits the taking[3] of this species.

Endangered Species Act Requirements for Actions in Topeka Shiner Habitat

Federal Agency Actions

Federal agencies or their designated non-federal representatives must consult with the Service on any action that they fund, authorize, or carry out that may affect Topeka shiner or its critical habitat. If an agency proposes to implement an action that is likely to result in adverse effects to Topeka shiner, it must undergo formal consultation with the Service. If the agency determines that an action may affect Topeka shiners, but that those effects are not likely to be adverse, it may avoid formal consultation by receiving written concurrence on this determination from the Service.

Private or Local (Non-federal) Actions

Private landowners, corporations, state or local governments, and other non-federal entities or individuals who wish to conduct activities that might incidentally harm (or "take") Topeka shiners must first obtain an incidental take permit from the U.S. Fish and Wildlife Service (Service). To determine whether an action may require an incidental take permit, coordinate with the Service when planning actions that may affect streams or off-channel habitats in the Rock River or Big Sioux River watersheds in Minnesota. Contact the Service's Twin Cities Field Office (612/725-3548) for further information or see the following website for information regarding Endangered Species permits -- http://endangered.fws.gov/permits/index.html?#forms.

Project Recommendations

The following recommendations are provided to help design actions that would avoid or minimize adverse effects to Topeka shiner. These recommendations may not address every way in which proposed actions may affect this species and may not preclude the need for formal consultation for federal actions or for an incidental take permit for non-federal actions. Therefore, we highly recommend that you coordinate early in the planning process with the Service's Twin Cities Field Office (612/725-3548) when contemplating any action that may affect streams or associated off-channel habitats (oxbows, abandoned channels, etc.) in the Big Sioux River or Rock River watersheds in Minnesota (Fig. 1).

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[2] 1 See 69 Federal Register 44,736 (July 27, 2004) or http://www.fws.gov/midwest/endangered/fishes/index.html#topeka for further information about Topeka shiner critical habitat. 1 Revised 5/12/2005 USFWS Ecological Services

[3] 2 The term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.

1. Ensure that contractors and subcontractors understand all permit provisions that are necessary to avoid or minimize adverse effects to Topeka shiners.

2. Do not dewater stream reaches or temporarily divert streams for construction.

3. Do not conduct in-stream work before August 15 to avoid disrupting Topeka shiner spawning.

4. Follow all applicable requirements and best management practices for stormwater and erosion control – for example, requirements contained within stormwater permits from Minnesota Pollution Control Agency (MPCA). Useful resources for designing effective stormwater and erosion control include the MPCA Stormwater Best Management Practices Manual (see http://www.pca.state.mn.us/water/pubs/sw-bmpmanual.html) and the Minnesota Department of Transportation Erosion Control Handbook for Local Roads (see http://www.lrrb.gen.mn.us/PDF/200308.pdf). Other resources are available at http://www.pca.state.mn.us/water/stormwater/stormwater-c.html#factsheets. General suggestions for minimizing effects of erosion on Topeka shiners are shown below.

5. Minimize removal of riparian (streamside) vegetation; such removal should occur sequentially as needed over the length of the project.

6 Mulch areas of disturbed soils and reseed promptly.

7. Implement appropriate erosion and sediment prevention measures to the maximum extent practicable. Inspect devices frequently to ensure that they are effective and in good

8. Leave existing features, such as bridge abutments, retaining walls, and riprap, in place as much as is feasible.

9. Ensure that erosion prevention measures are in place and in adequate condition when leaving work site.

10. Design and install instream structures (e.g., box culverts) in a manner that will not impair passage of Topeka shiners and other fish species after construction is completed.

11. Do not operate motorized vehicles instream. Excavation, culvert placement, etc. should be conducted from streambanks outside of standing or flowing water.

12. Backfill placed in the stream shall consist of rock or granular material free of fines, silts, and mud. Machinery parts (i.e., backhoe buckets, etc.) shall be cleaned of all such material and free of grease, oil, etc. before their instream use.

13. Prevent materials and debris from falling into the water during construction. If materials or debris fall into the water or into riparian areas retrieve them promptly by hand or with equipment working from the banks.

14. If the project is modified, or if field conditions change, the applicant or agency representative should contact U.S. Fish and Wildlife Service before proceeding.

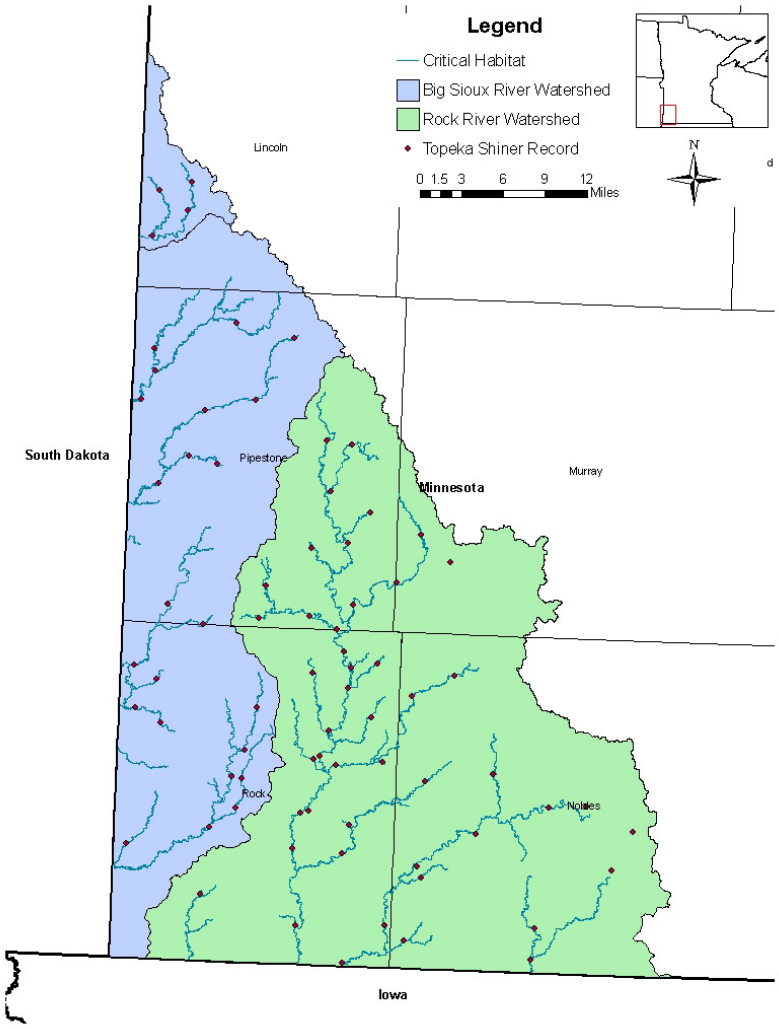

Figure 1. Recorded occurrences of Topeka shiner and officially designated critical habitat in Minnesota. [See 69 Fed. Reg. 44,736 (July 27, 2004) or http://www.fws.gov/midwest/endangered/fishes/index.html#topeka for further information about Topeka shiner critical habitat.] U.S. Fish and Wildlife Service (Service) designated critical habitat only in stream reaches where Topeka shiner had been recorded as of August 2002, when critical habitat was originally proposed. Surveys conducted after August 2002 have found Topeka shiners in additional locations, including some that the Service had not proposed as critical habitat. Therefore, some records shown above occur outside of officially designated critical habitat. Surveys for this species are limited and ongoing. Although Topeka shiners are likely to be found in additional sites not indicated on this map, it is unlikely that the species occurs outside of the Rock River or Big Sioux River watersheds. For information on potential Topeka shiner occurrence in a specific location, contact U.S. Fish and Wildlife Service (612/725-3548).

STATE OF MINNESOTA)
)SS
COUNTY OF RAMSEY)

AFFIDAVIT OF SERVICE

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

That on the 30th day of April, 2009 she served the attached

PROPOSED FINDINGS OF FACT, CONCLUSIONS AND ORDER.

MNPUC Docket Number: IP-6712/WS-08-1494

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 30th day of

April, 2009

Mary Jo Jasicki

Notary Public

MARY JO JASICKI
NOTARY PUBLIC-MINNESOTA
MY COMMISSION EXPIRES
JANUARY 31, 2010

10:
MN PUC

Burl W. Haar
MN Public Utilities Commission
Suite 350
121 7th Place East
St. Paul MN 55101-2147

20:
Dept. of Commerce

Sharon Ferguson
MN Department Of Commerce
Suite 500
85 7th Place East
St. Paul MN 55101-2198

30:
Inter-Office Mail

Julia Anderson
MN Office Of The Attorney General
1400 BRM Tower
445 Minnesota Street
St. Paul MN 55101-2131

John Lindell
OAG-RUD
900 BRM Tower
445 Minnesota Street
St. Paul MN 55101-2130

40:
Regular Postal Mail

David D. Norgaard
Southwst Wind Counsulting LLC
1631 - 290th Avenue
Tyler MN 56178

Community Wind

08-1474

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Fryberger, Buchanan, Smith and Frederick PA
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St. Paul, MN 55101

Jennifer Shepard
Terrancon Consultants Inc.
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Stacy Kotch
Minnesota Department of Transportation
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Mailstop 678
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Onie Wallace
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St. Paul, MN 55155

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Iberdrola Renewables
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Minneapolis, MN 55406

Paul White
Project Resources Corp.
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Matthias Weigel
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