

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: CRYSTAL LAKE WIND, LLC	DOCKET NOS. E-21830 E-21831 E-21832 E-21833
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ORDER REGARDING POST-HEARING FILINGS

(Issued May 13, 2008)

At the hearing in this case held on May 1, 2008, Crystal Lake Wind, LLC (Crystal Lake) agreed to file a number of post-hearing documents with the Utilities Board (Board). On May 6, 2008, Crystal Lake filed a "Motion for Admission of Post-Hearing Exhibits and Revisions to Petitions," Exhibits MTM-7, GCD-3, and DWF-1, which had been admitted during the hearing, and a number of documents that answered certain questions posed to Crystal Lake during the hearing. These documents included various revisions to Crystal Lake's petitions for franchises, revised Exhibit GLB-2, revised Exhibit SPT-5, proposed Exhibit MTM-8, and proposed Exhibit JD-5.

The post-hearing documents correct mistakes in the petitions for franchises and answer questions regarding the proposed transmission line. They should therefore be admitted and Crystal Lake's motion should be granted.

Exhibit MTM-8 includes the grant of an easement to Crystal Lake by the Hawkeye Land Company. The easement grants Crystal Lake the right to two

overhead wireline crossings at the Ft. Dodge and Fairmont Subdivisions of the Union Pacific Railroad Company. The easement shows a clearance of 28 feet over the railroad tracks at these two locations. Board rule 199 IAC 42.6(2) requires that: "In determining the line height needed to meet the clearance requirements of the Iowa electrical safety code, the height of a rail car shall be assumed to be 23 feet." The National Electrical Safety Code (NESC) assumes a railroad car to be 20 feet tall. 2007 NESC, Part 2, Rule 234.I. Using the required 23-foot basis in calculating the NESC required clearance gives a minimum clearance above the rail of 29.5 feet plus a voltage adder of 2.6 feet, for a total required clearance of 32.1 feet. 199 IAC 42.6(2); 2007 NESC, Part 2, Rules 232.B.1, 232.C.1.a, 234.I, Figure 234-5. Crystal Lake must file evidence showing how the proposed transmission line will comply with this clearance requirement at these two locations. The proposed decision in this case will not be issued until Crystal Lake files this evidence. Iowa Code § 478.19; 199 IAC 11.3(7), 42.6(2); 199 IAC 25; 2007 NESC, Part 2, Rules 232.B.1, 232.C.1.a, 234.I, Figure 234-5.

The undersigned notes that Crystal Lake does not yet have complete information regarding the size and weight of the conductors listed on Docket No. E-21830, petition Exhibit C-1.5. Crystal Lake must file a revised Exhibit C-1.5 with the Board once it obtains this complete information. The absence of this information will not prevent the issuance of the proposed decision.

Crystal Lake filed a revised petition Exhibit D for each county. On page two, numbered paragraph two of each Exhibit D, the following statement is made: "36.624 miles of the proposed route are within county road right-of-ways, 4.15 miles are adjacent to unimproved section lines for a total length of 40.512 miles." Since 36.624 plus 4.15 adds up to 40.774, it does not appear that the math was done correctly. This means that the correct total length of the proposed transmission line cannot be determined. Crystal Lake must file a corrected Exhibit D for each county that shows the corrected mileages. In addition, Crystal Lake must verify that the mileages shown in each location of each petition are correct, and if they are not, must file revised pages. Mileages are contained on page one of each petition and in Exhibits A, B, C, and D. The proposed decision in this case will not be issued until Crystal Lake files this information. Iowa Code § 478.3; 199 IAC 11.2.

IT IS THEREFORE ORDERED:

1. The "Motion for Admission of Post-Hearing Exhibits and Revisions to Petitions" filed by Crystal Lake on May 6, 2008, is hereby granted.
2. Revised Exhibits GLB-2 and SPT-5, proposed Exhibits MTM-8 and JD-5, and the revisions to the petitions for franchises are admitted.
3. As discussed above, Crystal Lake must file evidence that shows how the proposed transmission line will comply with the clearance requirement at the two railroad crossing locations.

4. As discussed above, Crystal Lake must file a revised petition Exhibit C-1.5 in Docket No. E-21830 once it obtains complete information regarding the conductors listed in the exhibit.

5. As discussed above, Crystal Lake must file revisions to its petitions showing the correct mileages of the proposed transmission line for each county.

UTILITIES BOARD

/s/ Amy L. Christensen
Amy L. Christensen
Administrative Law Judge

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

Dated at Des Moines, Iowa, this 13th day of May, 2008.