

filing. Additionally, Dakota Range III has confirmed that using the proposed Nordex N149-4.8 at the designated turbine locations will comply with all applicable county and state setback, noise, and shadow flicker requirements and commitments.

6. Since the turbine model change does not meet the non-material turbine adjustment limitations specified in Condition 22 of the Settlement Stipulation, the turbine model change constitutes a “material change,” requiring Dakota Range III to file a request for approval containing the information set forth in Condition 22 of the Settlement Stipulation. The requisite information is provided in the following paragraphs:
 - a. Attached as **Exhibit A** is a figure showing the Proposed Layout, including the 32 turbine locations proposed for the Nordex N149-4.8 turbine model.
 - b. Attached as **Exhibit B** is an updated Sound Level Assessment Report for the Proposed Layout, which demonstrates compliance with the sound level requirements set forth in Condition 27 of the Settlement Stipulation.
 - c. Attached as **Exhibit C** is an updated Shadow Flicker Analysis Report for the Proposed Layout. As indicated in **Exhibit C**, two participating receptors in Roberts County and three participating receptors in Grant County were modeled to potentially exceed 30 hours of shadow flicker per year. Attached as **Exhibit D** are shadow flicker waivers executed by the owners of these receptors. Therefore, the Project meets the shadow flicker level requirements set forth in Condition 29(c) of the Settlement Stipulation.
 - d. No shifts of the previously approved turbine locations are proposed; therefore, the third bullet point of Condition 22 is not applicable.
7. The Project turbines continue to be located on land under lease/easement by Dakota Range III for the Project.
8. With respect to the Project, including the proposed turbine model change described herein, Dakota Range III will comply with the Commission’s Order and all other applicable regulations and requirements.
9. Based on the foregoing, Dakota Range III requests approval of the proposed turbine model change.

FURTHER AFFIANT SAYETH NOT.

DAKOTA RANGE III, LLC

Dated this 21th day of January, 2020.



Jonathan Koehn, Vice President

Subscribed and sworn to before me on this ___ day of January, 2020.

Notary Public

My Commission Expires: _____

69198150 v2

CALIFORNIA JURAT WITH AFFIANT STATEMENT

GOVERNMENT CODE § 8202

- See Attached Document (Notary to cross out lines 1-6 below)
- See Statement Below (Lines 1-6 to be completed only by document signer[s], *not* Notary)

1 _____

2 _____

3 _____

4 _____

5 _____

6 _____

Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

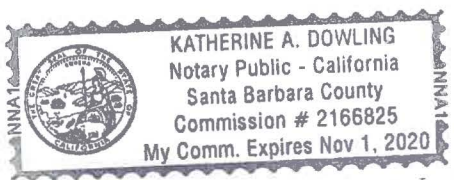
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
 County of Santa Barbara

Subscribed and sworn to (or affirmed) before me
 on this 27th day of January, 2020,
 by Jonathan S. Koehn
Date Month Year

(1) Jonathan S. Koehn

(and (2) _____),
Name(s) of Signer(s)



proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature Katherine A. Dowling
Signature of Notary Public

Seal
 Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____