

# Exhibit D

## Applicant's Organizational Expertise

---

**Nolin Hills Wind Power Project  
February 2020**



**d/b/a Nolin Hills Wind, LLC**

**Prepared by**



**Tetra Tech, Inc.**

This page intentionally left blank

## Table of Contents

1.0	Introduction .....	1
2.0	Applicant’s Previous Experience – OAR 345-021-0010(1)(d)(A) .....	2
3.0	Qualifications of Applicant’s Personnel – OAR 345-021-0010(1)(d)(B) .....	3
3.1	Management.....	3
3.2	Wind Energy and Business Development.....	4
3.3	Construction and Engineering .....	5
3.4	Permitting.....	6
3.5	Regulatory .....	7
3.6	Energy Trading.....	7
3.7	Origination .....	8
3.8	Commercial Management.....	8
3.9	Finance .....	8
3.10	Community and Native American Relations .....	9
4.0	Qualifications of Known Contractors – OAR 345-021-0010(1)(d)(C) .....	9
5.0	Applicant’s Past Performance – OAR 345-021-0010(1)(d)(D).....	10
5.1	Construction and Operation .....	10
5.2	Regulatory Compliance.....	10
6.0	Warranty to Secure Necessary Expertise – OAR 345-021-0010(1)(d)(E).....	11
7.0	ISO Certified Program – OAR 345-021-0010(1)(d)(F).....	11
8.0	Mitigation – OAR 345-021-0010(1)(d)(G) .....	11
9.0	Conclusion.....	12

## List of Tables

Table D-1. Capital Power’s Renewable Energy Facilities in Operation or Under Construction.....	2
------------------------------------------------------------------------------------------------	---

## Acronyms and Abbreviations

Applicant	Nolin Hills Wind, LLC
Capital Power	Capital Power Corporation
CTUIR	Confederated Tribes of the Umatilla Indian Reservation
GW	gigawatt
HSE	health, safety, and environment
ISO	International Organization for Standardization
MW	megawatt
OAR	Oregon Administrative Rule
Project	Nolin Hills Wind Power Project
TRIF	Total Recordable Injury Frequency
U.S.	United States

## 1.0 Introduction

Exhibit D describes the sources and organizational, managerial, and technical expertise extent of Nolin Hills Wind, LLC (the Applicant), as required to meet the submittal requirements of Oregon Administrative Rule (OAR) 345-021-0010 (1)(d), paragraphs (A) through (G). This exhibit also provides the qualifications of known contractors assisting in design and construction of the Nolin Hills Wind Power Project (Project). This exhibit shows that the Project complies with OAR 345-022-0010:

### **345-022-0010 Organizational Expertise**

*(1) To issue a site certificate, the Council must find that the applicant has the organizational expertise to construct, operate and retire the proposed facility in compliance with Council standards and conditions of the site certificate. To conclude that the applicant has this expertise, the Council must find that the applicant has demonstrated the ability to design, construct and operate the proposed facility in compliance with site certificate conditions and in a manner that protects public health and safety and has demonstrated the ability to restore the site to a useful, non-hazardous condition. The Council may consider the applicant's experience, the applicant's access to technical expertise and the applicant's past performance in constructing, operating and retiring other facilities, including, but not limited to, the number and severity of regulatory citations issued to the applicant.*

*(2) The Council may base its findings under section (1) on a rebuttable presumption that an applicant has organizational, managerial and technical expertise, if the applicant has an ISO 9000 or ISO 14000 certified program and proposes to design, construct and operate the facility according to that program.*

*(3) If the applicant does not itself obtain a state or local government permit or approval for which the Council would ordinarily determine compliance but instead relies on a permit or approval issued to a third party, the Council, to issue a site certificate, must find that the third party has, or has a reasonable likelihood of obtaining, the necessary permit or approval, and that the applicant has, or has a reasonable likelihood of entering into, a contractual or other arrangement with the third party for access to the resource or service secured by that permit or approval.*

*(4) If the applicant relies on a permit or approval issued to a third party and the third party does not have the necessary permit or approval at the time the Council issues the site certificate, the Council may issue the site certificate subject to the condition that the certificate holder shall not commence construction or operation as appropriate until the third party has obtained the necessary permit or approval and the applicant has a contract or other arrangement for access to the resource or service secured by that permit or approval.*

## 2.0 Applicant's Previous Experience – OAR 345-021-0010(1)(d)(A)

*OAR 345-021-0010(1)(d) Information about the organizational expertise of the applicant to construct and operate the proposed facility, providing evidence to support a finding by the Council as required by OAR 345-022-0010, including:*

*OAR 345-021-0010(1)(d)(A) The applicant's previous experience, if any, in constructing and operating similar facilities.*

The Applicant and its parent company, Capital Power Corporation (Capital Power), can demonstrate previous experience in constructing and operating renewable generation facilities. Capital Power is a growth-oriented North American power producer headquartered in Edmonton, Alberta, with its United States (U.S.) office based in Boston. The company develops, acquires, owns, and operates power generation facilities using a variety of energy sources. Capital Power owns over 6,100 megawatts (MW) of power generation capacity at 25 facilities across North America.

Capital Power's current portfolio of renewable energy facilities, operating or under construction, includes those shown in Table D-1.

**Table D-1. Capital Power's Renewable Energy Facilities in Operation or Under Construction**

Name / Location	Size (MW)	Ownership Structure	Operation Date
Cardinal Point Wind / Illinois	150	Own	Mid-2020: Anticipated operational date
Whitla Wind / Alberta	201.6	Own	December 2019
New Frontier Wind / North Dakota	99	Own	December 2018
Bloom Wind / Kansas	178	Own	June 2017
Macho Springs Wind / New Mexico	50	Own	Acquired in Dec. 2014
Beaufort Solar / North Carolina	15	Own	December 2015
Port Dover and Nanticoke Wind / Ontario	105	Own	November 2013
Halkirk Wind / Alberta	150	Own	December 2012
Quality Wind / British Columbia	142	Own	November 2012
Kingsbridge 1 Wind / Ontario	40	Own	2001

Capital Power's ability to develop, construct, and operate the Project also comes from its commitment to a workplace culture dedicated to health, safety, environmental management, and meaningful engagement of facility neighbors and the surrounding community.

In terms of workplace health and safety, we maintain the highest workplace standards for all of our employees and contractors. Our safety campaign, "Zero Means Everything," is a core value of our culture and operations. Contractors whose work and/or workplace activities are not under the direction of Capital Power are covered through our "Contractor Management Standard" that includes robust pre-qualification and selection criteria for qualified contractors. We use ISNetworld to assist

with assessing contractor health and safety management systems, worker qualifications, injury statistics, insurance requirements, and compliance with jurisdictional regulations.

Capital Power's employees actively work to reduce the company's impact to the environment, improve our performance, and cultivate a future for low-carbon power generation. We engage respected subject matter experts to methodically prepare environmental assessments on our projects. Our employees are continually building a culture that strives for zero environmental incidents. Capital Power's strong health and safety culture means that employees are continually monitoring risks and seeking ways to further reduce the potential for impacts to health and safety. For example, in addition to the Board of Director's Committee on Health, Safety, and Environment, Capital Power has additional safety committees.

Engaging with local communities is a vital component of Capital Power's work to develop, construct, and run power generation facilities that are successful in their operational, environmental, and financial performance. Capital Power's stakeholder engagement practice encompasses a broad range of contact with external stakeholders, including direct public consultation and community relations activities. Engagement activities typically begin when a project is in its development phase; however, this process generally continues through regulatory permitting and construction, and into operations. Overall, the process takes into account regulatory requirements related to stakeholder engagement, specifically public consultation and notification requirements for the project; stakeholder values and perspectives; and potential project impacts in relation to stakeholders. In the case of the present Project, Capital Power's project team is committed to an extensive Native American consultation, which has involved considerable discussion with the Confederated Tribes of the Umatilla Indian Reservation (CTUIR).

Capital Power works with community members to preserve and strengthen community character, ecology, and heritage. Through the company's established community investment program, we strive to contribute to programs and initiatives that promote and strengthen the quality of life for community members. In 2019, we contributed over \$1 million to organizations in the communities in which we operate. By supporting meaningful, grassroots initiatives and programs, we help create healthy and sustainable communities.

### **3.0 Qualifications of Applicant's Personnel – OAR 345-021-0010(1)(d)(B)**

*OAR 345-021-0010(1)(d)(B) The qualifications of the applicant's personnel who will be responsible for constructing and operating the facility, to the extent that the identities of such personnel are known when the application is submitted.*

#### **3.1 Management**

**Brian Vaasjo** is Capital Power's President and Chief Executive Officer. Brian has guided the company in its growth and expansion across Canada and the United States. Assuming leadership of

Capital Power at its inception in 2009 following a spin-off from parent company EPCOR Utilities Inc., Brian has led the company during a period of tremendous growth, nearly doubling the generation capacity to over 6,000 MW. Capital Power has been named one of the “Best 50 Corporate Citizens in Canada” for nine consecutive years (2011–2019) and has received numerous recognitions for its commitment to workplace health and safety and operational reliability.

**Mark Zimmerman** is Capital Power’s Senior Vice President, Corporate Development and Commercial Services. Mark is responsible for corporate strategy, business development, commercial management of existing assets, Commodity Portfolio Management, and Information Services. Mark has more than 30 years of experience in the energy infrastructure and petroleum industries, with leadership roles focusing on finance, valuation, corporate strategy, business development, and mergers and acquisitions. He currently sits on the Board of Trustees for the Alberta Cancer Foundation, is a strong supporter of the performing arts, and is committed to the community through his support of various family charities. A Chartered Accountant since 1992, Mark holds a Bachelor of Commerce from the University of Alberta and is a member of the Institute of Corporate Directors.

### 3.2 Wind Energy and Business Development

**Paul Wendelgass** is the Managing Director of Business Development for Capital Power. Paul is responsible for leading Capital Power’s U.S. development team in pursuing renewable energy opportunities across the United States. With more than 30 years of experience in the power generation sector, Paul has managed development of over 2,000 operating MW of both conventional and renewable energy in North America. He personally led the team that completed the intensive regulatory process for the 270-MW K2 Wind facility in Ontario, one of Canada’s largest wind energy facilities. Paul has a Bachelor of Arts from the University of Chicago and a Master of Science from the University of Massachusetts Amherst.

**Cyrus Tingley** is a Manager of Business Development (U.S.) for Capital Power. Cyrus is responsible for all aspects of renewable energy project development, including acquisition and financing, across the United States. His priorities include ensuring such projects are developed in an environmentally sound and economically sustainable manner. Cyrus is the lead developer for the Nolin Hills Wind Power Project and directly manages the Project team, which includes specialists in engineering, environment, wind resource assessment, regulatory matters, cultural resources, and Native American engagement. Cyrus’ over 10 years of experience includes over 1 gigawatt (GW) of renewable energy projects and transactions in Canada, the United States, and abroad. Cyrus holds a Bachelor of Arts in Environmental Studies from Dartmouth College.

**Bob Evans** is currently a Business Development Specialist for Capital Power. Bob is a part of the business development team responsible for the development of wind energy projects within the United States, including the New Frontier Wind Project (North Dakota) and Cardinal Point Wind Project (Illinois). Bob is currently the lead developer of the Garrison Butte Wind Project in North Dakota. With more than 15 years of experience in the environmental permitting and the power generation sectors, Bob has assisted with the development of over 400 planned and operating MW



of renewable energy in North America. He is currently leading the solar development green-fielding efforts for Capital Power in in the United States. Bob has a Bachelor of Science in Environmental Design from Auburn University, and a Master of Landscape Architecture and a Master of Community Planning, both from Auburn University.

### 3.3 Construction and Engineering

**Darcy Trufyn** is the Senior Vice President of Operations, Engineering, and Construction. Joining Capital Power in 2009, Darcy is now responsible for Operations, Construction, Engineering, Health, Safety and Environment, and Supply Chain. Darcy oversees the safe operation of power generation (natural gas, solar, coal, biomass, and wind) across North America and is responsible for Capital Power's Reliability program, which is helping to provide industry-leading plant availability. Darcy is also responsible for ensuring that Capital Power maintains its competitive advantage constructing our new developments safely, on time, and on budget. Darcy has extensive experience in the engineering and construction fields, including senior roles in a number of large projects in Alberta and the Maritimes. Prior to joining Capital Power, Darcy was the Senior Vice President Construction with WorleyParsons in Calgary, where he was responsible for all Canadian construction activities and was the Director responsible for global construction. Previously, Darcy was the President of the construction firm Lockerbie & Hole, based in Edmonton. Darcy serves as the Board Chair for the Art Gallery of Alberta. Darcy, a professional engineer, is a graduate of the University of Alberta, Faculty of Engineering.

**Steve Owens** is the Vice President of Construction for Capital Power and is responsible for leading a multi-disciplinary team that executes all of Capital Power's construction projects throughout North America. Steve has over 30 years of construction experience, 15 of which were in the field and all in the power generation sector. Steve has overseen the construction of more than 1,000 MW of wind development over the past 9 years. He has a Bachelor of Engineering from Carleton University. He currently sits on the Board of Directors of the Construction Owner's Association of Alberta and the Executive Board of the University of Alberta's Construction Innovation Centre.

**Brad Heintz** is the Senior Manager of Development Engineering and Pre-Construction for Capital Power. Brad is currently responsible for engineering, planning, and development support across Capital Power's North American development portfolio and been directly engaged in construction and development activities for over 800 MW of renewable assets. With 15 years' experience in the energy sector (renewables, oil, and gas), he has personally led project teams to successful implementation of a variety of construction projects. Brad has a Bachelor of Science in Mechanical Engineering from the University of Alberta.

**Sandy Fleming** is Senior Project Manager for Capital Power. Sandy is responsible for leading all aspects of the construction process for major power projects at Capital Power. With 20 years of experience in the construction field, Sandy has directly managed engineering and/or construction of over 500 MW of wind power projects in North America. He is most recently the construction manager of the 150 MW Cardinal Wind Project in Illinois, anticipated for commissioning in spring 2020. Sandy has a Bachelor of Science in Civil Engineering from the University of Alberta.

**Matthew Crane** is a Site Construction Manager for Capital Power. Matt is responsible for on-site management of the Capital Power's engineering, procurement, and construction contractors and wind turbine vendors for the company's renewable energy construction projects. With more than 15 years of experience (10 of which are on site), Matt has worked as the Construction Manager/Site Engineer, from greenfield to commercial operation, for over 1,200 operating MW of renewable energy (wind and solar) in North America. Matt has a Bachelor of Science in Mechanical Engineering and Master of Science in Thermodynamics and Fluid Dynamics from the University of Saskatchewan.

**Sandeep Sharma** is the Senior Manager of Renewables, United States for Capital Power. Sandeep is accountable for the safe, commercial, and technical operations of Capital Power's renewables fleet across the U.S., including Capital Power's existing operations in Kansas, North Dakota, New Mexico, and North Carolina. His work includes monitoring and developing methods to improve asset performance; implementing planning and control processes for operational integrity; and ensuring compliance with company policy and all applicable regulations. Sandeep previously held significant roles in supporting the engineering and construction of several power generating assets including a supercritical 516 MW coal-fired facility, a 243 MW natural gas-fired facility, and a 150 MW wind energy facility. Sandeep has a Bachelor of Science in Mechanical Engineering from the University of Alberta.

### **3.4 Permitting**

**Kent Brandt** is the Senior Manager, Environment for Capital Power. Kent is responsible for leading a team of environmental professionals supporting compliance during development, construction, and operational phases of approximately 25 power generation facilities across North America. Kent has over 20 years of environmental experience in the power generation sector, holds a Bachelor of Science, and has an Environmental Professional designation.

**Joe Griffiths** is a Senior Specialist in the Health, Safety and Environment group within Capital Power. Joe supports the company's renewable and gas infrastructure efforts and is responsible for assisting in environmental due diligence for acquisitions while also assisting in the siting and permitting activities for energy projects across the United States. His related duties include supporting the company's environmental compliance at operating facilities; interpreting regulatory requirements; interfacing with federal, state, and regional agencies; and directing environmental and wildlife monitoring programs. Joe has supported the permitting and development of both conventional and renewable energy projects for the past 35 years. He recently supported the 99 MW New Frontier Wind project in North Dakota (commissioned Q4 2018) and is currently supporting Capital Power's 150 MW Cardinal Point Wind project in Illinois, which is currently under construction. Joe has an undergraduate degree in chemistry from the University of Dayton and a Master of Science in Environmental Engineering from the University of Florida.

### 3.5 Regulatory

**Chris Bursaw** is the Director, Regulatory U.S. and Environmental Policy for Capital Power. Chris is responsible for leading Capital Power's regulatory and environmental affairs team in federal and state jurisdictions in the United States. With more than 30 years of experience in the power generation sector, he has been involved in engineering, operations, finance, and regulatory matters in the power sector. His work experience includes extensive time overseas, where he had primary responsibility for the start-up of assets including nuclear, gas, and renewable technologies. Chris has a Bachelor of Science from the Wentworth Institute of Technology in Boston, and a Master in Business Administration at Rollins College in Winter Park, Florida. Chris is also a Chartered Financial Analyst.

**Grant Berry** is Regulatory Manager, Regulatory and Environmental Policy at Capital Power. Grant is responsible for developing Capital Power's regulatory strategies and advocating on behalf of the company in Alberta and the United States. He has nearly a decade of experience in the electric industry and has worked on a diverse range of issues including wholesale market design, environmental policy and renewable integration, retail market policy, and transmission development. Grant led the regulatory approval process for Capital Power's 148 MW Halkirk 2 Wind facility (in development) and its 298.8 MW Whitla Wind facility (Phase 1 operational as of December 2019). Grant holds a Bachelor of Arts in Political Science and a Master of Arts in International Relations, both from the University of Alberta.

### 3.6 Energy Trading

**Josh Campbell** is the Vice President of Commodity Portfolio Management and Corporate Strategy at Capital Power. Josh and his team are responsible for management of all commodity exposures at Capital Power, including leadership of Trading, Marketing, and Environmental portfolios with coverage across the United States and Canada and including commodities products. In addition, his team leads the development and rollout of the Corporate Strategy, which articulates corporate direction, focus, and rationale, as well as long- and intermediate-term direction. Josh has 16 years of commodity management experience and a track record in leadership, portfolio development, commercial arrangements, Energy, Trade and Risk Management systems, and risk management. Josh has a Bachelor of Arts in Economics from the University of Calgary.

**Laurence Smith** is the Director of Strategic Portfolio Management and Corporate Strategy at Capital Power. Laurence and his team are responsible for analytics related to managing the company's commodity exposures across North America. Additionally, the Corporate Strategy team leads the development and rollout of the Capital Power's strategy, which conveys the focus and direction of the company. Laurence has 8 years of commodity management and business development experience, and he holds a Ph.D. and Master in Electrical and Computer Engineering from Carleton University as well as a Bachelor in Applied Science from the University of British Columbia.

**Matt Palardy** is a Marketing Specialist with Capital Power's Commodity Portfolio Management group. He is responsible for market analytics and portfolio optimization across Capital Power's existing assets. Matt also supports the Business Development teams in assessing market risks, opportunities, and origination initiatives on new renewable projects. He has experience in both operations and trading, as well as in management of assets in the AESO, IESO, and Mid-Columbia and Desert Southwest markets. Matt holds a Bachelor of Engineering from McGill University.

### 3.7 Origination

**Adam Amann** is an Environmental and Power Originator for Capital Power and is responsible for customer relations, investment strategy, and market fundamentals within the Commodity Portfolio Management team. With a focus on long-term off-takes for Capital Power's renewable generation assets and Renewable Energy Credit agreements, he works directly with corporate buyers, renewable developers, utilities, load-serving entities, and direct customers to develop innovative business solutions. Prior to joining Capital Power, Adam was a Trader at Noble Americas Gas & Power with a focus on Renewable Energy Credits and Carbon Emission products and has over 9 years of experience in commodity trading. Adam holds a Bachelor of Science in Finance and Marketing from the Villanova University School of Business.

### 3.8 Commercial Management

**Lorne Whittles** is the Director of Commercial Management for Capital Power's fleet of renewable assets. Lorne is responsible for leading Capital Power's Commercial Renewables team in managing existing wind and utility-scale solar assets in both Canada and the United States. With 18 years of power sector experience, Lorne has held leadership roles in many aspects of generation development and operation, including negotiating power purchase agreements, energy marketing and structured products, and commercial asset management. Lorne has been principally responsible for a wide array of thermal and renewable assets, including commercial responsibility over time for nearly 3 GW of thermal capacity and nearly 1.2 GW of wind capacity. Lorne has a Bachelor of Science from the University of Lethbridge and a Master of Business Administration from the University of Calgary.

### 3.9 Finance

**Bryan DeNeve** is Senior Vice President, Finance and Chief Financial Officer for Capital Power. Serving in this role since May 2015, Bryan is responsible for Capital Power's financing and capital market initiatives. He has raised over \$2 billion in the combined debt and equity capital markets to support Capital Power's growth initiatives. Prior to his current role, Bryan served as Senior Vice President, Corporate Development and Commercial Services, and Vice President, Business Development, at Capital Power. During this time, Bryan oversaw asset growth within the company both through greenfield development and acquisition. Bryan has a Master of Business Administration from the University of Alberta and is a graduate of the Harvard Business School Advanced Management Program.

**Darren Anderson** is the Director of Treasury for Capital Power. Darren has 15 years of finance experience in the power generation sector. Since 2013, Darren has had responsibility for leading all financing transactions supporting Capital Power's acquisitions and development projects completed or currently under construction. He has been involved in billions of dollars of financing transactions have included the management, negotiation, and/or issuance of public and private bonds, common and preferred shares, corporate and project-level debt facilities, and tax equity financings. Darren is a Canadian Chartered Professional Accountant with a Corporate Finance accreditation and holds a designation as a Canadian Chartered Business Valuator. Darren has a Bachelor of Commerce from the University of Alberta.

**Brenda Lessard** is the Senior Manager of U.S. Tax for Capital Power. Brenda is responsible for all U.S. tax matters relating to all entities under the Capital Power umbrella. She has over 30 years of tax and accounting experience in a variety of industries, both public and private. Brenda received her Bachelor of Science in Business Administration from Merrimack College in North Andover, Massachusetts and is a Certified Public Accountant licensed in Virginia.

### **3.10 Community and Native American Relations**

**Jay Shukin** is a Manager of Indigenous and Stakeholder Engagement at Capital Power. Jay is responsible for developing public engagement programs to support new projects, license renewals, and other regulatory processes. Jay also provides guidance to Capital Power's business teams on working effectively with Indigenous (Native American) communities in both Canada and the United States. He has worked extensively with native communities in British Columbia, Ontario, and Alberta, developing long-term partnerships that support both cultural interests and economic goals. Jay has a Bachelor of Arts from the University of Calgary.

## **4.0 Qualifications of Known Contractors – OAR 345-021-0010(1)(d)(C)**

*OAR 345-021-0010(1)(d)(C) The qualifications of any architect, engineer, major component vendor, or prime contractor upon whom the applicant will rely in constructing and operating the facility, to the extent that the identities of such persons are known when the application is submitted.*

The Applicant has previously worked with contractors experienced with the construction, operation, and maintenance of wind energy facilities. Selection criteria will center on qualified engineers, manufacturers, and contractors who are experienced in these industries.

## **5.0 Applicant's Past Performance – OAR 345-021-0010(1)(d)(D)**

*OAR 345-021-0010(1)(d)(D) The past performance of the applicant, including but not limited to the number and severity of any regulatory citations in constructing or operating a facility, type of equipment, or process similar to the proposed facility.*

Capital Power works to comply with all legal and regulatory requirements applicable to the electricity sector in our various Canadian and U.S. jurisdictions. Prior to work starting on construction projects, we perform pre-job Risk Assessments to identify Health, Safety and Environmental jurisdictional requirements. We maintain an active compliance monitoring program to identify potential non-compliance and develop training and awareness on various risk areas and changes to applicable laws and regulations. Should non-compliance events occur, we take immediate action to identify and address the root cause to prevent future incidents.

### **5.1 Construction and Operation**

All employees, contracted employees, and contractors must comply with all health and safety policies and procedures. Contractors must manage their health, safety, and environment (HSE) risks in a manner consistent with our HSE Policy.

In 2018, the company (employees only) had zero fatalities, zero high-consequence work-related injuries, six recordable work-related injuries with a Total Recordable Injury Frequency (TRIF) of 0.78, five medical treatments, one lost-time injury, and 1,544,010 exposure hours. In 2018, workers who are not employees but whose work and/or workplace is controlled by the organization had zero fatalities, three recordable work-related injuries with a TRIF of 0.68, two medical treatments, one modified work injury, and 886,554 exposure hours.

Since 2017, Capital Power has developed four wind farms in North America. There have been no jurisdictional citations issued to any of our contractors during these construction projects.

### **5.2 Regulatory Compliance**

To date, Capital Power has not received any citations at its U.S.-based wind energy facilities related to regulatory compliance during operations.

In 2016, Capital Power received a violation ticket for \$230.00 from the British Columbia Department of Forests, Lands and Natural Resources related to a stream diversion that was constructed near an abandoned wind turbine pad. Capital Power paid the ticket and corrected the matter that prompted the fine.

## **6.0 Warranty to Secure Necessary Expertise – OAR 345-021-0010(1)(d)(E)**

*OAR 345-021-0010(1)(d)(E) If the applicant has no previous experience in constructing or operating similar facilities and has not identified a prime contractor for construction or operation of the proposed facility, other evidence that the applicant can successfully construct and operate the proposed facility. The applicant may include, as evidence, a warranty that it will, through contracts, secure the necessary expertise.*

Not applicable because, as demonstrated above, the Applicant has experience constructing and operating similar facilities.

## **7.0 ISO Certified Program – OAR 345-021-0010(1)(d)(F)**

*OAR 345-021-0010(1)(d)(F) If the applicant has an ISO 9000 or ISO 14000 certified program and proposes to design, construct and operate the facility according to that program, a description of the program.*

The Applicant does not propose to design, construct, or operate the Project facilities according to an International Organization for Standardization (ISO) 9000 or ISO 14000 certified program.

## **8.0 Mitigation – OAR 345-021-0010(1)(d)(G)**

*OAR 345-021-0010(1)(d)(G) If the applicant relies on mitigation to demonstrate compliance with any standards of Division 22 or 24 of this chapter, evidence that the applicant can successfully complete such proposed mitigation, including past experience with other projects and the qualifications and experience of personnel upon whom the applicant will rely, to the extent that the identities of such persons are known at the date of submittal.*

Mitigation for the Project may be required for potential impacts to wildlife habitat, cultural resources, and other resources. The mitigation measures proposed by the Applicant for compliance with OAR Divisions 22 or 24 are described in the specific exhibit in which impacts are described.

The parent company of Nolin Hills Wind LLC, Capital Power, has extensive experience over multiple jurisdictions in implementing mitigation and monitoring programs. In North Dakota, the company implements a curtailment protocol related to whooping cranes, pausing turbines' operation if these birds are spotted flying within 2 miles of our operating wind facility. In addition, both of Capital Power's recently constructed facilities in the United States follow the guidelines established by the Avian Power Line Interaction Committee. The company has also conducted multi-year bird and bat monitoring programs at its facilities in Kansas, Alberta, Ontario, and British Columbia. The company has also participated in ongoing research efforts related to bat impacts from wind turbines through the Canadian Wind Energy Association. It has applied some of the early findings of this research by

implementing a curtailment program for several Canadian sites during peak migration season for bats.

In terms of resourcing, Capital Power has staff and resources that actively manage environmental commitments and compliance that flow from regulatory approvals. The company's environmental management team members are based in the United States and Canada and draw on contracted expertise as necessary.

Capital Power has been actively discussing the Project with the CTUIR. The company has extensive experience in working with Indigenous communities in Canada, including developing consultation programs that involve these communities in the regulatory process for wind projects and which provide the means for meaningful engagement in the process. Capital Power has developed agreements with a number of Canadian Indigenous communities that address the cultural and economic interests of these groups relative to projects that developed in the traditional territory of these communities.

## **9.0 Conclusion**

Based on the evidence provided in this exhibit, the Energy Facility Siting Council can conclude that Nolin Hills Wind, LLC, through its parent corporation, Capital Power Corporation, complies with the organizational expertise standard under OAR 345-022-0010.