

**CERTIFICATE HOLDER'S REQUEST FOR FOURTH AMENDMENT TO THE
STATELINE WIND PROJECT
SITE CERTIFICATE**

Pursuant to OAR 345-027-0030, FPL Energy Vansycle LLC (FPLE), the holder of the Site Certificate for the Stateline Wind Project, requests to amend the Site Certificate to extend by 24 months the deadlines for beginning and completing construction of the Stateline 3 energy facility as described in Condition 106. This proposed change to the Stateline Wind Project Third Amended Site Certificate is presented in the following sections according to the required contents as set forth in each applicable OAR.

OAR 345-027-0030 - Extending Construction Deadlines

Pursuant to Condition 106 of the Third Amended Site Certificate, the Certificate Holder is required to begin construction of the Stateline 3 energy facility by June 23, 2007 and shall complete construction by December 31, 2007. The Certificate Holder requests that the deadline to begin construction of the facility be extended to June 23, 2009 and the deadline to complete construction of the facility be extended to December 31, 2009. Pursuant to OAR 345-027-0030(4), the Energy Facility Siting Council (Council) can extend the deadlines for up to two years. Pursuant to OAR 345-027-0030(1), this Request to Amend the Site Certificate is being submitted no later than six months before June 23, 2007, the first applicable deadline.

The Certificate Holder is filing this amendment to extend construction deadlines in order to maintain the site certificate in good standing while the Certificate Holder pursues Power Purchase Agreement (PPA) opportunities for the Stateline 3 energy facility. The Certificate Holder has been unable to line up a customer for the energy from the Stateline 3 energy facility due mostly to existing transmission constraints in the Wallula bubble, where the project is located. Improvements to the transmission system were promised by Mid-American as part of the approval of their acquisition of PacifiCorp. The Certificate Holder believes that these improvements will open the market for its energy to a larger group of customers. This will occur at the same time that demand should increase due to the passage of the Washington RPS. The combination of increased access to market, together with increased demand should enable the Certificate Holder to successfully market its energy and begin construction by June of 2009.

OAR 345-027-0030(1) requires that a request for an amendment to extend the construction beginning and completion deadlines must conform to the requirements of OAR 345-027-0060, which sets forth the required contents of a request to amend a site certificate. The discussion below provides the information required by OAR 345-027-0060.

SECTION 1 INFORMATION REQUIRED PURSUANT TO OAR 345-027-0060(1)

- 1.1 Certificate holder information
Name and mailing address of the Certificate Holder:

FPL Energy Vansycle LLC
Att: William Hayduk
700 Universe Blvd., Juno Beach, FL 33408
(561) 304-5108

Name, mailing address and telephone number of individual responsible for submitting the request:

John Seymour
FPL Energy, LLC
Executive Director, Wind Development
700 Universe Blvd., Juno Beach, FL 33408
(561) 691-7138

1.2 Description of the facility

The proposed facility, referred to as the Stateline Wind Project, is described in Section III. in the Third Amended Site Certificate, dated June 20, 2005. The Certificate Holder is not proposing in this amendment any change in the location, design, output, fuel use or water use of the energy facility or its related or supporting facilities.

1.3 Description and analysis of the proposed change

OAR 345-027-0060(1)(c) requires that an amendment request include "a detailed description of the proposed change and certificate holder's analysis of the proposed change under the criteria of OAR 345-027-0050(1)."

The Certificate Holder is only requesting to extend by 24 months the deadlines for beginning and completing construction of the Stateline 3. Under OAR 345-027-0050, a site certificate amendment request is required if a site certificate holder proposes to change the site boundary or otherwise to design, construct, operate or retire a facility in a manner different from the description in the site certificate and the proposed change meets one of four criteria, discussed below.

1.3.1 "Could result in a significant adverse impact that the Council did not evaluate and address in the final order granting a site certificate affecting any resource protected by applicable standards in Divisions 22 and 24 of this Chapter."

A change in the deadline for beginning or completing construction does not affect any resource protected by the standards in Divisions 22 and 24 of the Council's rules.

1.3.2 "Could result in a significant adverse impact that the Council did not evaluate and address in the final order granting a site certificate affecting geographic areas or human, animal or plant populations."

The requested amendment would change the construction beginning and completion dates but would not affect geographic areas or human, animal or plant populations in any manner not considered by the Council in issuing the Final Order granting the Second Amended Site Certificate.

1.3.3 *"Could impair the certificate holder's ability to comply with a site certificate condition; or*

A 24-month extension of the deadlines for beginning and completing construction of Stateline 3 would not impair the Certificate Holder's ability to comply with any site certificate condition except for date sensitive avian monitoring schedules that are described in the Oregon Wildlife Monitoring Plan.

1.3.4 *"Could require a new condition or change to a condition in the site certificate."*

The requested amendment would require date changes to Condition 106 in the site certificate and date changes in the Oregon Wildlife Monitoring Plan that would lengthen the avian monitoring schedule to be consistent with construction deadline time extensions.

1.4 Proposed changes to Site Certificate

OAR 345-027-0060 requires that a request to amend a site certificate must include "the specific language of the site certificate, including affected conditions that the certificate holder proposes to change, add or delete by an amendment." Attachment 1 to this amendment request is a "redline" version of the Second Amended Site Certificate, showing the proposed changes.

1.5 Relevant standards

OAR 345-027-0060(1)(e) requires that this Request to Amend the Site Certificate include "a list of the standards of Divisions 22, 23 and 24 of this Chapter relevant to the proposed change." As discussed above, the Certificate Holder is requesting only to extend by 24 months the deadlines for beginning and completing construction of the Stateline Wind Project. That change does not implicate compliance with the Division 22 standards for siting non-nuclear energy facilities. The Division 23 standards apply only to non-generating facilities and are inapplicable to the Stateline Wind Project. The Division 24 standard OAR 345-024-0010, apply to wind energy facilities but the request to extend by 24 months the deadlines for beginning and completing construction of the Stateline Wind Project does not implicate compliance with this standard.

1.6 Analysis of compliance with ORS 469, Council rules and applicable state and local laws, rules and ordinances

OAR 345-027-0060 requires that this request include:

"an analysis of whether the facility, with the proposed change, would comply with the requirements of ORS Chapter 469, applicable Council rules, and applicable state and local laws, rules and ordinances if the Council amends the site certificate as requested. For the purpose of this rule, a law, rule or ordinance is 'applicable' if the Council would apply or consider the law, rule or ordinance under OAR 345-027-0070(9)."

1.6.1 *Applicable substantive criteria.*

OAR 345-027-0070(9) provides:

"In making a decision to grant or deny issuance of an amended site certificate, the Council shall apply the applicable substantive criteria, as described in OAR 345-022-0030, in effect on the date the certificate holder submitted the request for amendment and all other state statutes, administrative rules, and local government ordinances in effect on the date the Council makes its decision."

OAR 345-022-0030 sets forth the Council's land use standard. The Certificate Holder is not proposing to alter the nature, location, or impacts of the energy facility or any of its related or supporting facilities as part of the requested Site Certificate amendment. Similarly, the amendment does not implicate other state statutes, administrative rules and local government ordinances. Moreover, to the Certificate Holder's knowledge, the applicable substantive land use criteria and other state statutes, administrative rules and local government ordinances have not changed materially from the standard applied by the Council in the Final Order approving the Site Certificate for the Stateline Wind Project or in the Final Order approving the Second Amended Site Certificate.

1.6.2 *Considerations for extending construction deadlines.*

OAR 345-027-0070(9)(b) identifies three factors the Council must consider when considering an amendment that extends the deadlines for beginning or completing construction. Each factor is considered below.

"(A) Whether the Council has previously granted an extension of the deadline."

Response: The Council has previously granted one extension of the deadline for beginning and completing construction for the Statelin 3 expansion from June 23, 2005 and December 31, 2005 respectively to June 23, 2007 and December 2007 respectively.

"(B) Whether there has been any change of circumstances that affects a previous Council finding that was required for issuance of a site certificate or amended site certificate."

Response: The Certificate Holder is not aware of any change of circumstances that affects a previous Council finding required for issuance of the Site Certificate.

"(C) Whether the facility complies with all Council standards"

Response: The Council approved the Site Certificate for the Stateline Wind Project on September 14, 2001. The Council since that date has not adopted substantive changes to the applicable approval standards addressed in the Final Order for the Site Certificate and subsequent Final Orders for the First, Second and Third Amended Site Certificates. The requested amendment does not affect the findings in those final orders that the facility complies with all applicable Council standards.

1.7 Updated List of Property Owners

OAR 345-027-0060(1)(g) requires, for an amendment to extend the deadlines for beginning or completing construction of the facility, "an updated list of the owners of property located within or adjacent to the site of the facility, as described in OAR 345-021-0010(1)(f)." The list of property owners has not changed since the previous 3rd amendment request. Accordingly, the same list of property owners that was include in the 3rd amendment request is resubmitted with this 4th amendment request as Attachment 2.

SECTION 2 INFORMATION CONSISTENT WITH SITE CERTIFICATE APPLICATION REQUIREMENTS

OAR 345-027-0060(2) requires:

"In a request to amend a site certificate, the certificate holder shall provide the information described in applicable subsections of OAR 345-021-0010(1) in effect as of the date of the request. The certificate holder may incorporate by reference relevant information that was previously submitted to the Office of Energy in the site certificate application or that is otherwise included in the Office of Energy's administrative record on the facility."

The Certificate Holder is requesting only to extend the deadlines for beginning and completing construction of the facility; therefore, the information required in a site certificate application pursuant to OAR 345-021-0010(1) is not applicable to this request. To the extent that such information is required in support of this request, the Certificate Holder incorporates by reference the relevant information in the Application for Site Certificate for the Stateline Wind Project, and in subsequent Applications to Amend Site Certificate for the Stateline Wind Project.

ATTACHMENT 1

OAR 345-027-0060(1)(d) – Proposed Changes to Site Certificate

At page 1, lines 7-16

The findings of fact, reasoning and conclusions of law underlying the terms and conditions of this site certificate are set forth in the following documents, incorporated herein by this reference: (a) the Council's Final Order in the Matter of the Application for a Site Certificate for the Stateline Wind Project ("Final Order on the Application"), issued on September 14, 2001, (b) the Council's Final Order in the Matter of the Request for Amendment #1 of the Site Certificate for the Stateline Wind Project ("Final Order on Amendment #1"), (c) the Council's Final Order in the Matter of the Request for Amendment #2 of the Site Certificate for the Stateline Wind Project ("Final Order on Amendment #2"), ~~and~~ (d) the Council's Final Order in the Matter of the Request for Amendment #3 of the Site Certificate for the Stateline Wind Project ("Final Order on Amendment #3"), and (e) the Council's Final Order in the Matter of the Request for Amendment #4 of the Site Certificate for the Stateline Wind Project ("Final Order on Amendment #4"). [Amendments #1, #2, ~~and~~ #3, and #4]

At page 1, lines 22-26

In interpreting this site certificate, any ambiguity will be clarified by reference to the following, in order of priority: this Fourth Amended Site Certificate, the Final Order on Amendment #4, Third Amended Site Certificate, the Final Order on Amendment #3, the Final Order on Amendment #2, the Final Order on Amendment #1, the Final Order on the Application and the record of the proceedings that led to the Final Orders on the Application and Amendments #1, ~~and~~ #2, #3 and #4. [Amendments #1, #2, ~~and~~ #3 and #4]

At page 2, lines 1-7.

3. This site certificate does not address, and is not binding with respect to, matters that were not addressed in the Council's Final Orders on the Application and Amendments #1, #2, ~~and~~ #3 and #4. These matters include, but are not limited to: building code compliance, wage, hour and other labor regulations, local government fees and charges and other design or operational issues that do not relate to siting the facility (ORS 469.401(4)) and permits issued under statutes and rules for which the decision on compliance has been delegated by the federal government to a state agency other than the Council. 469.503(3). [Amendments #1, and #2, ~~and~~ #3 and #4]

At Page 26, Lines 1-8

1. General Conditions

The certificate holder shall begin construction of Stateline 3 by June 23, 20097. The certificate holder shall complete construction of Stateline 3 before December 31, 20097. Under OAR 345-027-0070, an amended site certificate is effective upon execution by the Council Chair and the applicant. Completion of construction occurs upon the date commercial operation of the facility begins. The Council may grant an extension of the construction beginning or completion deadlines in accordance with OAR 345-027-0030 or any successor rule in effect at the time the request for extension is submitted[Amendment #43

ATTACHMENT 2
List of Property Owners

The following is a list of the property owners within 500 feet of Stateline, the First Amended Site Certificate, the Second Amended Site Certificate and the Third Amended Site Certificate. List A is the owners that received notice of Stateline. List B is the landowners that received notification by the First Amended Site Certificate. List C is the additional owners that received notification by the Second Amended Site Certificate and this list has not changed.

LIST A	LIST B	LIST C
Clifford Bracher Judith K. Bracher 81891 Hwy. 37 Pendleton, OR 97801	Terrence O. Farewell 84347 Dorran Road Helix, OR 97835	Tony & Peggy Raymond PO Box 444 Helix, OR 97835
Thomas Campbell 1935 Reser Road Walla Walla, WA 99362	Kathleen Peterson (Trustee) 84347 Dorran Road Helix, OR 97835	Marguerite E. Sophy PO Box 3168 Portland, OR 97208
V.H. Rogers Farms C/O Joan Batchelder 25 Westcliff Road Weston, MA 02493	Newt and Agnes Newton 82560 Newton Road Helix, OR 97835	James K. Rice 701 Post Lake Place #215 Apopka, FL 32703
Vina E. Weaver John Weaver Jeanne Weaver 831 Barney Road Touchet, WA 98360	Barbara Andrus 15 N.W. 9 th Pendleton, OR 97801	Robert J. & Jesse Peterson Sara M. Eckstein 3306 Allen Way Santa Clara, CA 95051
Whitman College Board of Trustees C/O Peter Harvey, Treasurer Whitman College Walla Walla, WA 99362	Robert and Colleen Newton 82560 Newton Road Helix, OR 97835	Jim & Gayle Schubert 85556 Tum-A-Lum Road Milton Freewater, OR 97862
Leland Demaris Ruby Demaris 1422 Pearl Street Walla Walla, WA 99362	Bettie Hochwarter 5102 N.E. 121 st Ave. #6 Vancouver, WA 98682	Calvin & Carla Spratling 76725 Helix Highway Pendleton, OR 97801
Barnett-Rugg, Inc. P.O. Box 617 Athena, OR 97813	William Prendergast 16078 N.W. St. Andrews Dr. Portland, OR 97229	Charles R. Schubert 85149 Tum-A-Lum Road Milton Freewater, OR 97862
Christopher R. Kregger Loralee Kregger 17232 Stateline Road Touchet, WA 99360	Florence Link 2920 76 th S.E. Apt. #205 Mercer Island, WA 98040	Arlene Kessler 51032 Umapine Road Milton Freewater, OR 97862
United States of America Bureau of Land Management P.O. Box 2965 Portland, OR 97208	Ruth M. Ghormly 3006 43 rd Ave. West Seattle, WA 98199	B & B Farming 79308 Helix Highway Pendleton, OR 97801

LIST A	LIST B	LIST C
Terjeson Ranches Gunder Terjeson 81210 South Juniper Canyon Road Helix, OR 97835	E.L. Smith (Estate) C/O T. Vaughn Jr. (Trustee) 1036 N.W. 12 th Pendleton, OR 97801	Stephen P. King 35 Carriage Hill Lane La Guna Hills, CA 92653
Touchet Schools P.O. Box 135 Touchet, WA 99360		Sally Geissel-Fairley PO Box 11 Athena, OR 97813
Billy Hindman 69519 Chumos Road Elgin, OR 97827		Michael Woodrooffe 1449 Morehead Drive Ann Arbor, MI 48103
Mark Bonnet Washington Department of Natural Resources 713 E. Bowers Rd. Ellensburg, WA 98926		Raymond & Son, Inc. Mr. Royal Raymond P.O. Box 444 Helix, OR 97835
		Sand Hollow Ranch, Inc. Mr. Glen Brogoitti 61013 Peach Road La Grande, OR 97850
		James & Leslee Williams 43640 Holdman Road Helix, OR 97835