

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Otter Tail Power Company/Northern States
Power Company
230 Kv Transmission Line/Pierce, Rolette
Counties
Siting**

Case No. PU-2280-00-200

FIRST AMENDED ORDER

March 4, 2002

Preliminary Statement

On September 11, 2000, Otter Tail Power Company (OTP) and Northern States Power Company d/b/a Xcel Energy (NSP), filed an application for a Certificate of Corridor Compatibility and a Route Permit for the construction of approximately 53 miles of 230,000 volt (230 kV) three-phase alternating current electric transmission line from Rugby, North Dakota, to the Canadian border, north of Rolla, North Dakota. The corridor and route is in Pierce and Rolette Counties.

On December 29, 2000, the Commission issued Certificate of Site Compatibility for a Transmission Facility Corridor No. 79, and issued Route Permit for the Construction of a Transmission Facility No. 89, to Otter Tail Power Company and Northern States Power Company. (Hereafter, OTP and NSP are jointly referred to as "Project Partners.")

By letter dated January 8, 2002, the Project Partners requested Commission approval of changes to structure locations, changes in the transmission line route, and requested approval to commence construction on 26.12 miles of line from Section 7 in Meyer Township to Section 7 in Leonard Township.

On February 14, 2002, the Commission held an Informal Hearing on the request.

The 26.12-mile section of line begins with new structure #1 and ends with new structure #219. The structure numbers in the original application begin with #1 and end with #194. Most of the proposed structure locations are on the centerline of the route originally approved by the Commission and only lengthen or shorten the span between structures to gain clearances or improve overall transmission line design. The Project Partners do propose a route change within the 26.12 miles, which begins with structure #77 and ends with structure #100. The route change is proposed at the request of landowners to minimize the impact on farming operations.

Pam Dryer, Environmental Consultant, evaluated the route change (also know as the Spring Valley Reroute) and in a letter dated December 5, 2001, stated that the

United States Fish and Wildlife Service would need to be consulted on the portion of this reroute that traverses a wetland easement, but all other impacts should be essentially the same as the permitted route.

Structure numbers 34 through 38, 43 through 51, 64 through 68, 71 through 72, 108 through 111, 117 through 140, 149 through 161, 170 through 171, 191 through 194, 205 through 209, and 212 through 215 are located on United States Fish and Wildlife Service wetland easement areas. Approval from the U. S. Fish and Wildlife Service is required before construction may begin on these segments of the transmission line. The Project Partners shall file copies of all approvals and permits issued by the United States Fish and Wildlife Service for these transmission line segments and obtain approval from the Commission or from Commission Staff prior to construction of the line segments.

In addition, the Commission requested additional information from the Project Partners to confirm that structure #14 and #39 are located at sufficient distance and elevation from water to minimize future damage to structures, minimize the possibility of a future structure location change, and minimize environmental impacts. The Project Partners shall obtain approval from the Commission or from Commission Staff prior to construction of these structures.

In a letter dated December 28, 2001 to the State Historical Society of North Dakota, Byron Olson, Billcatt Archaeology Inc., recommended that no additional cultural resource work need be performed to determine that the proposed reroute would have no additional impact to cultural resources. By letter dated December 31, 2001, Merlan Paaverud, State Historic Preservation Officer with the State Historical Society of North Dakota concurred with Byron Olson's findings.

On February 13, 2002, in Case No. PU-2280-02-77, NSP filed an application with the Commission requesting that Certificate of Site Compatibility for a Transmission Facility Corridor No. 79 and Route Permit for the Construction of a Transmission Facility No. 89 be transferred solely to Xcel. The application is pending.

By February 25, 2002 affidavit of Gerald Chezik, Development Manager, Asset Management, Xcel Energy Services, Inc., NSP verified that a Construction Services Agreement was executed on February 15, 2002, engaging OTP as construction services provider for the transmission line.

The Commission finds that, subject to required approvals noted in this order, the proposed route is compatible with the environmental preservation and the efficient use of resources and will result in minimal adverse effects on the environment, natural resources, and upon the welfare of the citizens of North Dakota while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion.

Order

The Commission orders:

1. The request of Otter Tail Power Company and Northern States Power Company for changes in structure locations, changes in the transmission line route, and request to commence construction on 26.12 miles of line from Section 7 in Meyer Township to Section 7 in Leonard Township, with the exceptions noted in this order, is granted.
2. Route Permit for the Construction of a Transmission Facility No. 89 is amended.

PUBLIC SERVICE COMMISSION

Anthony T. Clark
Commissioner

Susan E. Wefald
President

Leo M. Reinbold
Commissioner