

**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**

**SECOND AMENDED ORDER**

**May 14, 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.")

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 NSP. NSP and OTP have agreed that NSP will be the sole owner of the transmission line and that OTP will act as NSP's general contractor to construct the line. NSP and OTP have further agreed that OTP will act as NSP's agent for filing requests for changes in structure locations during construction of the line.

By February 25, 2002 affidavit of Gerald Chezik, Development Manager, Asset Management, Xcel Energy Services, Inc. in Case No. PU-2280-02-77, NSP verified that a Construction Services Agreement was executed on February 15, 2002, engaging OTP as construction services provider for the transmission line.

By letter dated April 24, 2002, the Project Partners requested Commission approval of changes in the transmission line route, and requested approval to commence construction on 2.98 miles of line from Section 18 to Section 9 in Leonard Township and on 2.63 miles of line from Section 26 to Section 11 in Mt. Pleasant Township.

By order dated May 8, 2002 the Commission granted the February 13 application requesting transfer in Case No. PU-2280-02-77 and stated that Corridor Certificate No. 79 and Route Permit No. 89 will be reissued to NSP upon notification of the effectiveness of the transfer.

Also on May 8, 2002, the Commission held an Informal Hearing on the April 24 request for structure location changes.

The 2.98-mile section of line in Leonard Township begins with new structure #220 and ends with new structure #247. The structure numbers in the original application begin with #195 and end with #217. The route change is proposed due to a rural residence that was within 500 feet of the original route. The residence was unoccupied when the original route was permitted. All landowners involved in reroute were consulted and have signed easement documents.

Pam Dryer, Environmental Consultant, evaluated the route change (also known as the Little Gurl Lake 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, and that the State Historical Society would need to be consulted. Pam Dryer reported that all other impacts should be essentially the same as the permitted route.

Structure numbers 228 and 231-234 are located on United States Fish and Wildlife Service wetland easement areas. Lee Albright, U.S. Fish and Wildlife Service – Wetland District Manager, evaluated these structure locations and in a letter dated April 11, 2002, stated that all these structure sites are located outside any wetland areas protected by Service easements.

In a report dated April 22, 2002 to the State Historical Society of North Dakota, Byron Olson, Billcatt Archaeology Inc., found that no known eligible cultural resources will be impacted by the proposed project and recommended that the project be allowed to proceed as planned. By letter dated April 23, 2002, Merlan Paaverud, State Historic Preservation Officer with the State Historical Society of North Dakota concurred with Byron Olson's findings.

The 2.63-mile section of line in Mt. Pleasant Township begins with new structure #379 and ends with new structure #401. The structure numbers in the original application begin with #345 and end with #368. The route change is proposed due to a rural water line that was buried directly underneath the original route. All landowners involved in reroute were consulted and have signed easement documents.

Pam Dryer, Environmental Consultant, evaluated the route change (also known as the Rolla Reroute) and in a letter dated December 5, 2001, stated that the State Historical Society should be consulted, but all other impacts should be essentially the same as the permitted route.

There are no U.S. Fish and Wildlife Service Easements along this reroute so they were not consulted.

In a letter dated November 20, 2001 to the State Historical Society of North Dakota, Byron Olson, Billcatt Archaeology Inc., recommended that no additional field work be performed along the reroute (also known as the Rolla Quadrangle) since there were no previously recorded historic sites and the site of the possibility of a historic site along the reroute did not appear promising. By letter dated November 21, 2001, Merlan Paaverud, State Historic Preservation Officer with the State Historical Society of North Dakota concurred with Byron Olson's recommendation.

In addition, the Commission requested additional information from the Project Partners to comment on structure locations relative to roadways. By letter dated May 8, 2002, the

Project Partners submitted information regarding structure locations relative to roadways as well as that no structure locations were within road right-of-way. We find that no structure locations are within road rights-of-way and none are closer than 80 feet to a roadway.

The Commission finds that the proposed route is compatible with 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 2.98 miles of line from Section 18 to Section 9 in Leonard Township, and on 2.63 miles of the route from Section 26 to Section 11 in Mt. Pleasant Township is granted.
2. Route Permit for the Construction of a Transmission Facility No. 89 will be amended and reissued to NSP upon notification of the effectiveness of the transfer of ownership from the Partners to NSP.

### **PUBLIC SERVICE COMMISSION**

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**Anthony T. Clark**  
Commissioner

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**Susan E. Wefald**  
President

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**Leo M. Reinbold**  
Commissioner