

August 29, 2003

Mr. Bruce Gerhardson
Associate General Counsel
Otter Tail Corporation
P. O. Box 496
Fergus Falls, MN 56538-0496

Mr. James P. Johnson
Assistant General Counsel
Xcel Energy
800 Nicollet Mall, Suite 2900
Minneapolis, MN 55402

Re: Need for Certificates of Public Convenience and Necessity,
Case Nos. PU-2280-00-200 and PU-401-99-586

Gentlemen:

On July 17, 2003, the Commission sent a letter requesting a written explanation of why neither Otter Tail nor NSP applied for a certificate of public convenience and necessity prior to construction of the electric transmission lines in the above referenced cases. Both companies responded to our request, and Commission staff filed a memorandum on August 27, 2003.

The Commission has reviewed your responses and the memorandum filed by staff. We conclude that N.D.C.C. §49-03-01.1 requires that certificates of public convenience and necessity be obtained from the Commission for the electric transmission lines at issue.

The Commission and staff will work with you to facilitate issuance of certificates in compliance with the requirements of the law. We request that applications be filed within ninety days of the date of this letter.

Sincerely,

Susan E. Wefald
Commissioner

Tony Clark
President

Kevin Cramer
Commissioner

cc: Dave Sederquist
Bernadeen Brutlag