

January 30, 2012

VIA SUBMISSION AT JANUARY 30, 2012, CASS COUNTY PUBLIC HEARING

North Dakota Public Service Commission
Department 408
600 East Boulevard Avenue
Bismarck, ND 58505-0480

**RE: Warren Township
Fargo-Monticello MN 345 kV Cap-X Transmission Line
Siting Application
Case No. PU-07-759**

Dear Commissioners:

My name is Randy Hajek and I am the Chairman of the Warren Township Board. Warren Township has several concerns regarding the construction of the CapX2020 Fargo Project. Although Warren Township has had an opportunity to review Northern States Power Company's Certification Relating to Order Provisions, Warren Township has addressed several additional requests to Northern States Power Company because of the particular landscape and climate existing in Warren Township. Northern States Power Company has agreed to accommodate the requests made by Warren Township. Specifically, the requests of Warren Township are as follows:

- During wet conditions, that NORTHERN STATES POWER COMPANY removes mud and other debris daily from all road ways caused as a result of the activities of NORTHERN STATES POWER COMPANY in constructing the Fargo Project.
- That during construction, NORTHERN STATES POWER COMPANY blades, adds gravel, levels, and controls dust on roadways as needed per Warren Township's specifications, provided that such blading, addition of gravel, leveling and dust control is necessary due to the activities of NORTHERN STATES POWER COMPANY in constructing the Fargo Project.
- That NORTHERN STATES POWER COMPANY submits a \$500,000 performance bond to Warren Township to assure roads, drainage, and

bridges are returned to pre-construction condition upon completion of the construction of the Fargo Project.

- That NORTHERN STATES POWER COMPANY restricts speed limit to 45 mph within Warren Township for all vehicles used by NORTHERN STATES POWER COMPANY during construction of the Fargo Project.
- That NORTHERN STATES POWER COMPANY returns temporary approaches to existing grade after construction of the Fargo Project.
- That NORTHERN STATES POWER COMPANY will designate a person to be the point of contact for WARREN TOWNSHIP and provide the phone number and email address of that person to WARREN TOWNSHIP prior to construction of the Fargo Project.
- That NORTHERN STATES POWER COMPANY agrees to be principally liable to Warren Township for all claims by WARREN TOWNSHIP as against NORTHERN STATES POWER COMPANY due to the acts or omissions of contractors/subcontractors engaged by NORTHERN STATES POWER COMPANY to perform work on the Fargo Project; provided, however, that such obligation to be principally liable shall not interfere with any contractual right of such contractor/subcontractor to conduct the defense of any such claim by WARREN TWONSHIP as against NORTHERN STATES POWER COMPANY.
- That during construction, reconstruction, or maintenance of the Fargo Project, that NORTHERN STATES POWER COMPANY implements a strategy to mitigate and eliminate negative impacts on drainage patterns, caused as a result of the NORTHERN STATES POWER COMPANY construction activities for the Fargo Project, including mandatory culverts in all temporary approaches.
- That should NORTHERN STATES POWER COMPANY disrupt the drainage patterns currently in existence due to its construction activities for the Fargo Project, that NORTHERN STATES POWER COMPANY shall restore the drainage back to its original condition, within a reasonable timeframe under the circumstances.
- That prior to commencing construction activities for the Fargo Project, NORTHERN STATES POWER COMPANY shall survey the elevation of the roads at its expense.
- That after construction of the Fargo Project is completed and the roads are returned to their pre-existing condition, NORTHERN STATES POWER COMPANY will survey the roads impacted by its construction activities,

at its expense, to determine whether the roads elevation remains at its pre-construction level.

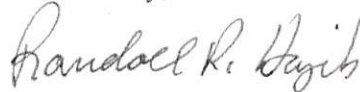
- There terms and conditions shall be applicable to NORTHERN STATES POWER COMPANY and its successors and assigns to any Route Permit for the Fargo Project issued by the North Dakota Public Service Commission.

Warren Township expects the above requests to be an exhaustive list of conditions that will be included in the Conditional Use Permit issued by Warren Township to Northern States Power Company for the construction, operation, maintenance, and removal of the Fargo Project (although additional issues may be considered in the ordinary course in the permitting process).

Although Warren Township will include these requests made to Northern States Power Company as conditions in its Conditional Use Permit, Warren Township requests that the Commission include these requests in its Findings of Fact, Conclusions of Law, and Order, it being the intent of Warren Township that these requests be enforceable by and through the Commission. Warren Township does not have the means to enforce a conditional use permit violation against Northern States Power Company through traditional means.

Again, Northern States Power Company has agreed to the requests made by Warren Township, and it seems appropriate to make them fully enforceable by the Commission.

Sincerely,



Randy Hajek
Chairman

Warren Township Board of Supervisors