

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Northern States Power Company  
Fargo- St. Cloud MN 345 kV Cap X Transmission Line  
Siting Application

Case No. PU-07-759

AFFIDAVIT OF SERVICE REGULAR OR ELECTRONIC MAIL

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

Jen Lein deposes and says that:

she is over the age of 18 years and not a party to this action and, on the 27<sup>th</sup> day of **September, 2013**, she deposited in the United States Mail, Bismarck, North Dakota, 6 envelopes by first class mail, fully prepaid, all securely sealed and each containing a photocopy, and 26 addressees electronically mailed a copy of:

**Order**

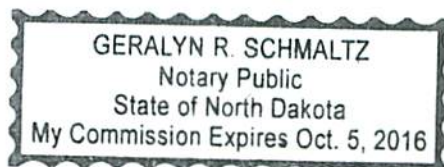
The envelopes and electronic mails respectively were addressed as follows:


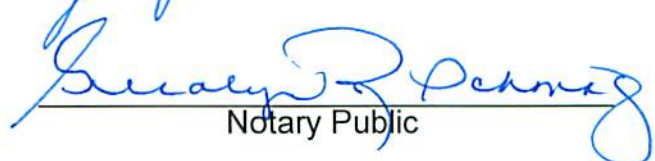
See attached list.

Each post office address shown is the respective addressee's last reasonably ascertainable post office address and each email address is the respective addressee's last reasonably ascertainable electronic mailing address.

Subscribed and sworn to before me  
this 27<sup>th</sup> day of **September, 2013**.

SEAL



  
\_\_\_\_\_  
  
\_\_\_\_\_  
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City of Casselton  
Mayor  
Casselton ND 58012

Cass County Commission  
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Mayor  
City of Oxbow  
Oxbow ND 58047

City of Fargo  
Mayor  
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**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Northern States Power Company  
Fargo-St. Cloud MN 345 kV Cap-X Transmission Line  
Siting Application**

**Case No. PU-07-759**

**FINDINGS OF FACT, CONCLUSIONS OF LAW and ORDER**

**September 25, 2013**

**Preliminary Statement**

On September 12, 2012, the Commission adopted Findings of Fact, Conclusions of Law and Order approving a route and corridor for the Fargo – St. Cloud 345 kV CapX2020 Transmission Line Project (Project) and further issued to Northern States Power Company (NSP), a Certificate of Corridor Compatibility Certificate No. 139 and a Route Permit Certificate No. 152 to authorize construction of the Fargo-St. Cloud 345 kV transmission line project.

The North Dakota portion of the Project includes a new Bison Switching Station and an approximately 33-mile long 345 kV line between the switching station and the North Dakota border north of the City of Oxbow in Pleasant Township.

On July 1, 2013, and July 24, 2013, NSP filed an Application for Wavier and Amended Corridor Certificate and Route Permit. NSP requested that the Commission amend Corridor Certificate No. 139 and Route Permit Certificate No. 152 to allow five deviations from the designated route and corridor in Cass County. These deviations, (collectively, "Route and Corridor Modifications") are shown on Attachment 1 to the July 24, 2013 submission and are summarized as follows:

- Durbin Township: Relocate Poles 27, 28 and 29 approximately 112, 75, and 38 feet north, respectively.
- Durbin Township: Relocate Poles 43, 44, 45 and 46 approximately 53, 85, 96, and 55 feet south, respectively.
- Durbin and Addison Townships: This change relocates four poles to shift the route alignment from a section line to 1,067 feet to the east.
- Normanna Township: Relocate poles 134 and 135 approximately 266 and 80 feet south, respectively, necessitating an expansion of the corridor.
- Pleasant Township: Relocate pole 156 approximately 182 feet south and add one new pole 525 feet southwest of the route centerline, thus moving the 300 foot wide corridor to follow property lines instead of proceeding diagonally across the property.

NSP requests the first modification to relocate three poles farther from the Maple River and the remaining four to accommodate landowner requests.

In addition, NSP filed an application to waive and reduce procedures and time schedules required under North Dakota Century Code chapter 49-22. NSP requests waiver for the following:

- Procedures that require separate filings of applications for a certificate of corridor compatibility and a route permit,
- Procedures that require separate notices of such applications,
- Procedures that require separate hearings on such applications,
- Procedures that require a public hearing on an application for a certificate of corridor compatibility,
- Procedures that require a public hearing on an application for a route permit.

On July 30, 2013, the Commission issued a Notice of Filing, Notice of Informal Hearing and Notice of Opportunity for Hearing (Notice) scheduling an informal hearing for September 11, at 2:30 p.m. CDT in the Commission Hearing Room on the 12th Floor of the State Capitol. The Notice further provided that comments and requests for a hearing must be received by September 4, 2013.

The Notice identified the following issues to be considered in NSP's application for waiver of procedures and time schedules:

1. Are the proposed facilities associated with the proposed amendments of such length, design, location, or purpose that they will produce minimal adverse effects and that adherence to applicable procedures and time schedules may be waived?
2. Is it appropriate for the Commission to waive any procedures and time schedules as requested in the application?

The Notice identified the following issues to be considered in NSP's applications for amended certificate of corridor compatibility and amended route permit:

1. Will the location, construction, and operation of the proposed facilities associated with the proposed amendments produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota?
2. Are the proposed facilities associated with the proposed amendments compatible with the environmental preservation and the efficient use of resources?
3. Will the proposed facility locations associated with the proposed

amendments minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion?

On September 11, 2013, the Commission held the informal hearing as scheduled. No comments or requests for hearing were received.

Having allowed all interested persons an opportunity to be heard, and having heard, reviewed and considered all testimony and evidence presented, the Commission makes the following:

### **Findings of Fact**

1. The materials filed by NSP in July 1, 2013 and July 24, 2013 applications state, and as was further discussed at the informal hearing, all affected landowners along the Route and Corridor Modifications support the requested modifications.
2. The applications show that, with the exception of prime farmland, no exclusion or avoidance areas are affected and that selection criteria effects are substantially similar to those of the previously designated corridor with agricultural production generally improved.
3. The materials in NSP's applications state, and as was further discussed at the informal hearing, that the State Historical Society of North Dakota has concurred that no historic properties are affected by the corridor and route amendments.
4. The Route and Corridor Modifications are compatible with the environmental preservation and the efficient use of resources, and will produce minimal adverse impacts on the environment, natural resources, and upon the welfare of the citizens of North Dakota, while ensuring continuing system reliability, integrity and that energy needs are met and fulfilled in an orderly fashion.

From the foregoing Findings of Fact, the Commission now makes its:

### **Conclusions of Law**

1. The Commission has jurisdiction over NSP and over the subject matter of the Application under North Dakota Century Code Chapter 49-22.
2. The requested corridor and route amendments will produce minimal adverse effects as defined under NDCC § 49-22-07.2.
3. It is appropriate for the Commission to waive those certain procedures and time

schedules as requested in the application for waiver of procedures and time schedules and as provided under North Dakota Century Code § 49-22-07.2.

From the foregoing Findings of Fact, and Conclusions of Law, the Commission now issues its:

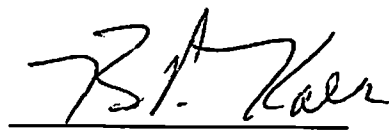
### Order

The Commission orders:

1. NSP's application for a waiver of procedures and time schedules is granted.
2. NSP's requests for amendments from the permitted corridor and transmission route as described herein and shown on Attachment 1 to the July 24, 2013 application by NSP are granted, and NSP is issued First Amended Certificate of Corridor Compatibility No. 139 and First Amended Route Permit No. 152.
3. The authorizations granted by the First Amended Certificate of Corridor Compatibility No. 139 and the First Amended Route Permit No. 152 are subject to modification by order of the Commission if deemed necessary to further protect the public or the environment.
4. The amended corridor and amended route are subject to the conditions and limitations stated in the Findings of Fact, Conclusions of Law and Order dated September 12, 2012, and are subject to the conditions and limitations stated in this Order.

### PUBLIC SERVICE COMMISSION

  
Randy Christmann  
Commissioner

  
Brian P. Kalk  
Chairman

  
Julie Fedorchak  
Commissioner

**PUBLIC SERVICE COMMISSION**  
**STATE OF NORTH DAKOTA**

**First Amended**  
**Certificate of Corridor Compatibility Number 139**

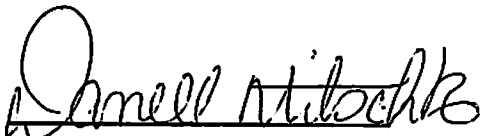
*This is to certify that the Commission has designated a transmission facility corridor for Northern States Power Company for construction of the Fargo Cap-X Transmission Project consisting of approximately 33 miles of double circuit 345 kV Electric Transmission Line and associated facilities extending from a point along the North Dakota / Minnesota border located in Pleasant Township to a new Bison Substation to be constructed in Harmony Township, Cass County, North Dakota.*


*This certificate is issued in accordance with the Orders of this Commission dated September 12, 2012 and September 25, 2013 in Case No. PU-07-759 and is subject to the conditions and limitations noted in those Orders .*

*Bismarck, North Dakota, September 25, 2013.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
**Executive Secretary**

  
**Commissioner**

# **PUBLIC SERVICE COMMISSION**

## **STATE OF NORTH DAKOTA**

### **First Amended Route Permit Number 152**

*This is to certify that the Commission has designated a transmission facility corridor for Northern States Power Company for construction of the Fargo Cap-X Transmission Project consisting of approximately 33 miles of double circuit 345 kV Electric Transmission Line and associated facilities extending from a point along the North Dakota / Minnesota border located in Pleasant Township to a new Bison Substation to be constructed in Harmony Township, Cass County, North Dakota.*


*This permit is issued in accordance with the Orders of this Commission dated September 12, 2012 and September 25, 2013 in Case No. PU-07-759 and is subject to the conditions and limitations noted in those Orders.*

*Bismarck, North Dakota, September 25, 2013.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
**Executive Secretary**

  
**Commissioner**