

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

**Montana-Dakota Utilities Co.**  
**230 kV Transmission Line – McIntosh & Dickey**  
**Counties**  
**Siting Application**

**Case No. PU-10-164**

**AFFIDAVIT OF SERVICE BY CERTIFIED AND REGULAR MAIL**

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

**Cara DeSaye** deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **14<sup>th</sup>** day of **July, 2011**, she deposited in the United States Mail, at Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

**Findings of Fact, Conclusions of Law, and Order**

and originals of:

**Route Permit**  
**Certificate Number 130**

**Certificate of Site Compatibility for a Transmission Facility Corridor**  
**Certificate Number 120**

The envelope was addressed as follows:

Henry Ford  
Electric Transmission Engineering  
Manager  
Montana-Dakota Utilities Co.  
400 North Fourth Street  
Bismarck ND 58501

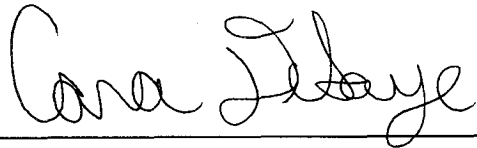
**Cert. No. 7010 1060 0001 0644 3775**

**Cara DeSaye** further deposes and says that on the **14<sup>th</sup>** day of **July, 2011**, she deposited in the United States Mail, Bismarck, North Dakota, **one** envelope by regular mail, with postage fully prepaid, securely sealed, containing a photocopy of the same.

The envelope was addressed as follows:

Daniel Kuntz  
Associate General Counsel  
MDU Resources Group, Inc.  
PO Box 5650  
Bismarck ND 58506-5650

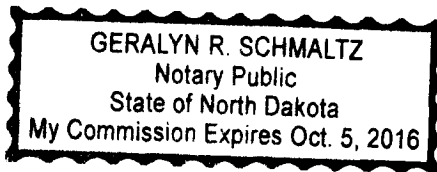
Each address shown is the respective addressee's last reasonably ascertainable post office address.

  
\_\_\_\_\_

Subscribed and sworn to before me  
this 14<sup>th</sup> day of July, 2011.

  
\_\_\_\_\_  
Notary Public

SEAL



**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Montana-Dakota Utilities, Co., a Division of MDU  
Resources Group, Inc.  
230 kV Transmission Line – McIntosh, Dickey County  
Siting Application**

**Case No. PU-10-164**

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

**July 13, 2011**

**Appearances**

Commissioners Tony Clark and Kevin Cramer.

Paul R. Sanderson, Attorney at Law, PO Box 1695, Bismarck, ND 58502, on behalf of MDU Utilities Co.

Mitchell D. Armstrong, Special Assistant Attorney General, PO Box 460, Bismarck, ND 58502, on behalf of the Public Service Commission.

Al Wahl, Administrative Law Judge, Office of Administrative Hearings, 2911 N. 14<sup>th</sup> St- Suite 303, Bismarck, North Dakota 58503, as Procedural Hearing Officer.

**Preliminary Statement**

On May 20, 2010, Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc. (MDU), filed a Letter of Intent (LOI) with the Public Service Commission notifying the Commission of MDU's intent to construct approximately 30 miles of 230 kV transmission line from its existing Ellendale Substation in Dickey County, North Dakota to the proposed Merricourt Interconnect Substation in McIntosh County, North Dakota. MDU also requested the Commission shorten the one-year waiting period between filing a Letter of Intent and the filing of an Application for a Certificate of Corridor Compatibility and Route Permit.

On June 2, 2010, the Commission acknowledged the LOI, shortened the one-year waiting period between filing a Letter of Intent and a Siting Application to one day, and assessed a filing fee of \$72,500. On April 6, 2011, the Commission amended the filing fee from \$72,500 to \$92,500.

On February 7, 2011, MDU filed its combined Applications for a Waiver of Procedures and Time Schedules, Certificate of Corridor Compatibility, and a Route Permit for construction of the Merricourt to Ellendale 230 kV transmission project (Application).

On March 9, 2011, the Public Service Commission issued a Notice of Filing and Notice of Hearing on MDU's Application and found the Application to be complete.

On March 18, 2011, the Public Service Commission issued a Corrected Notice of Filing and Notice of Hearing on MDU's Application.

On April 15, 2011, the Public Service Commission issued a Notice of Rescheduled Hearing on MDU's Application due to inclement weather. The Notice of Rescheduled Hearing identified the following issues to be considered:

1. Will the location, construction, and operation of the proposed facilities produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota?
2. Are the proposed facilities compatible with the environmental preservation and the efficient use of resources?
3. Will the proposed facility locations 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?
4. Is it appropriate for the Commission to waive procedures and time schedules as requested, including the request for a single consolidated application for corridor certificate and route permit?

On May 12, 2011, at 2:00 p.m. CDT, a public hearing was held as scheduled in Ellendale, North Dakota. MDU presented 3 witnesses, and no members of the public offered comment.

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

### **Findings of Fact**

1. MDU is headquartered in Bismarck, North Dakota, and provides retail electric service to parts of North Dakota, Montana, South Dakota, and Wyoming. In North Dakota, MDU provides service to approximately 73,350 electric customers in about 114 communities. MDU proposes to upgrade the existing Ellendale Junction Substation, construct approximately 30 miles of 230 kV transmission line and construct a new 230 kV Merricourt Interconnect Substation pursuant to its obligations under Generator Interconnection Agreement G359 with enXco Development Corporation and the Midwest Independent System Operator dated April 27, 2010.

2. Approximately 17.4 miles of the 30 mile transmission line will double circuit the existing MDU Ashley to Ellendale 41.6 kV transmission line. The existing 41.6 kV structures will be removed and be replaced with proposed 230 kV H-frame structures. Approximately 12.6 miles of the proposed transmission line will be constructed in new right-of-way. Transmission line construction is anticipated to begin in the summer of 2011.
3. MDU is proposing to upgrade the existing Ellendale Junction Substation. The upgrade would include the addition of one 230 kV circuit breaker, one 230 kV line termination structure, one 230 kV disconnect switch, associated arresters, Coupling Capacitor Voltage Transformer (CCVTs), bus-work, protective relaying and controls required to support the circuit breaker and the system protection function.
4. The upgrades to the Ellendale Junction Substation will occur within the existing fenced area of the substation.
5. MDU proposes to construct a new Merricourt Interconnect Substation (adjacent to the enXco Merricourt Wind Energy Project) which will occupy approximately 5.5 acres of an eleven acre parcel. The substation would include four 230 kV circuit breakers, 230 kV bus and line switches, bus-work, associated arresters, CCVTs and protective relaying devices. The site would have a control house to contain system protection devices, a System Control and Data Acquisition (SCADA) system and battery bank.
6. The total cost of the Project is estimated to be \$20,650,000.
7. The proposed transmission line and associated facilities will be designed and constructed to meet or surpass all relevant state codes and standards, as well as the codes and standards of the National Electric Safety Code, the Institute of Electrical and Electronics Engineers, the American Society of Civil Engineers, the MDU construction standards, and the Avian Power Line Interaction committee suggested practices for raptor-safe design.
8. The transmission line will be constructed using wooden H-Frame structures. The typical structure height will be approximately 70-90 feet with span lengths of approximately 500 to 800 feet. Each pole will be directly embedded and will require excavating a hole that is approximately 9 to 12 feet deep and 3 feet in diameter.
9. The transmission line structures will support three-phase transmission circuits and two shield wires. The line will require approximately seven to ten structures per mile, depending on terrain and other design factors. The right-of-way will be 120 feet wide.
10. N.D.C.C. §49-22-16.3 provides that an applicant for a route permit from the Commission shall obtain all permits that may be required to construct and operate the transmission facility.

11. MDU states the Project complies with all local land use and planning ordinances.
12. MDU met with local governmental units to provide a project overview and receive comments in 2010.
13. MDU contacted various local, state, and federal agencies (31) for early input into the Project. One Native American community was also contacted to solicit its input.
14. N.D.A.C. Chapter 69-06-08 sets forth certain criteria to guide the Commission in evaluating the suitability of granting an application for a Certificate of Corridor Compatibility and a Route Permit for a transmission facility. The criteria as set forth in N.D.A.C. §69-06-08-02 are classified as Exclusion Areas, Avoidance Areas, Selection Criteria and Policy Criteria.
15. MDU submitted information in its Application and testimony at the May 12, 2011 hearing, concerning compliance with the Exclusion and Avoidance Area Criteria, set forth in N.D.A.C. §69-06-08-02(1) and §69-06-08-02(2) as applied to the proposed Corridor.
16. MDU evaluated a proposed three-mile-wide corridor.
17. No Exclusion Areas have been identified within the proposed corridor.
18. N.D.A.C. §69-06-08-02 provides that Exclusion and Avoidance Areas may be located within a corridor, but at no given point shall such an area encompass more than 50 percent of the corridor width, unless there is no reasonable alternative.
19. At no point within the proposed corridor does an Exclusion or Avoidance Area encompass more than 50 percent of the Corridor width.
20. N.D.A.C. §69-06-08-02 provides that a transmission facility route must not be sited within an Exclusion Area. A transmission facility route must also not be sited within an Avoidance Area unless the Applicant shows under the circumstances there are no reasonable alternatives.
21. The proposed route does not cross any identified Exclusion Areas.
22. The proposed route does cross avoidance areas. There are eight residences located within 500 feet of the proposed route. MDU has obtained written waivers from landowners for the eight properties.
23. The 230/41.6 kV double circuit segment of the proposed route crosses the LSB Waterfowl Protection Area (WPA). There is no reasonable alternative that would reduce environmental impacts. The portion of the route and corridor that crosses the LSB WPA is located within the existing 41.6 kV transmission line easement. MDU has consulted with the USFWS regarding the easement. The USFWS indicated that it does not

maintain easement authority over MDU's existing 41.6 kV easement because MDU's easement was acquired before USFWS acquired the LSB WPA (fee title land).

24. MDU consulted with the United State Fish and Wildlife Service (USFWS) to develop a conservation measure and line marking plan. The line marking plan (MDU Exhibit 3) was approved by USFWS in a letter dated March 9, 2011. The line marking plan includes installation of bird flight diverters in areas that are considered suitable habitat for the whooping crane.

25. A Class I Cultural Resource file search was conducted on the 120 foot wide right-of-way, as well as a 1 1/2 mile buffer on either side of the route centerline. The results of the literature search indentified 64 archeological sites, 18 archeological site leads/isolated finds and two historic buildings. These sites have been avoided in the design of the final alignment.

26. A Class III Cultural Resource Survey was completed on the 30 miles of 120 foot-wide right-of-way and equipment access pathways. A recommendation of no historic properties affected was made and concurrence of the State Historical Preservation Office (SHPO) is pending.

27. A Class I literature search and Class III Cultural Resource Survey were completed by enXco Development Corporation at the new Merricourt Interconnect Substation site. The State Historical Society of North Dakota concurred with the findings that there would be no historic properties affected and no significant sites affected by the construction of the project.

28. A wetland delineation was conducted along the proposed route and the Merricourt Interconnect Substation. No permanent impacts to wetlands are anticipated as a result of transmission line structure placement. Wetlands will be avoided by spanning and placing structures in upland areas. Two non-jurisdictional wetlands would be impacted by the Merricourt Interconnect Substation construction.

29. In accordance with the Commission's Selection Criteria, a corridor or route may be approved if it is demonstrated that any significant adverse impacts that will result from the location, construction, and maintenance of the transmission facility will be of an acceptable minimum or managed at an acceptable minimum.

30. MDU submitted information in its application and through testimony that any significant adverse effects from the location, construction and maintenance of the transmission facility as they relate to the Selection Criteria listed at N.D.A.C. §69-06-08-02(3) will be at an acceptable minimum or will be managed and maintained at an acceptable minimum.

31. In accordance with the Commission's Policy Criteria, preference may be given to an applicant demonstrating certain benefits from the adoption of certain policies and practices.

32. MDU submitted information in its application and through testimony demonstrating its commitment to maximize the benefits of the proposed transmission facility to meet the Policy Criteria set forth in N.D.A.C. §69-06-08-02(4).

33. It is appropriate to authorize a corridor only for the area on which the more thorough Class III Cultural Resource Surveys were performed.

34. North Dakota Century Code Chapter 49-23, the One-Call Excavation Notice System, sets forth requirements for excavators as well as operators of underground facilities for the avoidance of damage to underground facilities including requirements that excavators contact the one-call notification center and provide an excavation or location notice at least 48 hours before beginning any excavation, and that the excavator notify the operator as soon as reasonably possible if any damage occurs to an underground facility or its protective covering. The Commission believes that MDU should notify the Commission, as soon as reasonably possible, of such damage to an underground facility during construction conducted under the certificate or permit issued in this proceeding. A certificate or permit granted under North Dakota Century Code Chapter ND 49-22 is subject to suspension revocation, after hearing, for failure to comply with the requirements of North Dakota Century Code Chapter 49-23.

35. MDU made other representations and agreements as contained in the Certification Relating to Order Provisions – Electric Transmission Line Siting executed by MDU on March 25, 2011 and filed with the Commission (MDU Exhibit 10), which is incorporated in these Findings of Fact.

### **Conclusions of Law**

1. The Commission has jurisdiction over this proceeding under N.D.C.C. Chapter 49-22.
2. The 230 kV transmission line and associated facilities proposed by MDU are transmission facilities as defined in N.D.C.C. §49-22-03(12).
3. The location, construction, and operation of the proposed transmission facilities will produce only minimal adverse effects of the environment and upon the welfare of the citizens of North Dakota.
4. The Application submitted by MDU meets the corridor and route evaluation criteria required by Chapter 49-22 of the North Dakota Century Code.
5. The proposed transmission facility corridor and route will 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.

6. The proposed transmission facilities are compatible with the environmental preservation and the efficient use of resources.

7. The requested waivers of procedures is justified based upon: the minimal impacts on the environment and the welfare of the citizens of North Dakota; the lack of objection to the proposed transmission facility by federal, state and local government bodies and agencies, or by the majority of landowners along the route; and the objective to have a reliable integrated transmission system in North Dakota.

8. The proposed transmission facilities are of such length, design, location, and purpose that it will produce minimal adverse effects. From the foregoing Findings of Fact and Conclusions of Law, the Commission now makes its:

### **Order**

The Commission orders:

1. MDU's Application for a Waiver of Procedures and Time Schedules is granted.
2. Certificate of Corridor Compatibility for Transmission Facility Corridor No. 120 is issued to MDU, designating a Corridor for its proposed transmission facility. For purposes of the certificate, the corridor consists of the proposed interconnection substation area plus a 120 foot-wide area centered on the preferred transmission line route as described in MDU's Application and presented at the hearing.
3. Route Permit No. 130 is issued to MDU granting authority to construct the proposed transmission line and associated facilities as described in the Application and presented at the hearing.
4. The March 25, 2011 Certification Relating to Order Provisions – Electric Transmission Line Siting is incorporated by reference and attached to this order.
5. MDU shall obtain SHPO concurrence with the class III transmission line ROW cultural resource survey recommendation of "no historic properties affected" and file a copy of the concurrence with the Commission prior to beginning construction in those surveyed ROW areas.
6. MDU shall comply with the Commission's Tree and Shrub Mitigation specifications attached to this Order except that the width of clear cuts through windbreaks, shelterbelts and all other wooded areas shall be limited to 120 feet rather than 50 feet.
7. In the event MDU desires to construct, within any corridor granted by a Certificate of Corridor Compatibility in this proceeding, a new transmission facility that was not included in its application in this proceeding, MDU shall apply to the Commission for a Route Permit.

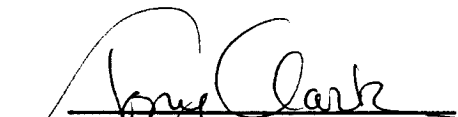
8. MDU shall notify the Commission, as soon as reasonably possible, if any damage, as defined by North Dakota Century Code Chapter 49-23, occurs to underground facilities during construction conducted under the certificate or permit issued in this proceeding. In the event of any damage to underground facilities, MDU shall suspend construction in the vicinity of the damage until compliance with One-Call Excavation Notice System requirements under North Dakota Century Code Chapter 49-23 has been determined and clearance to proceed has been given by the Commission or Commission staff.

9. The corridor certificate and route permit are subject to suspension or revocation and may, after hearing, be suspended or revoked for failure to comply with the Commission's order, requirements of the One-Call Excavation Notice System under North Dakota Century Code Chapter 49-23, the conditions and criteria of the certificate or permit or subsequent modification, or failure to comply with applicable statutes, or rules, regulations, standards, and permits of other state or federal agencies.

10. The authorizations granted by the Corridor Certificate and Route Permit are subject to modification by order of the Commission if deemed necessary to further protect the public or the environment.

**PUBLIC SERVICE COMMISSION**

  
Kevin Cramer  
Commissioner

  
Tony Clark  
Chairman

  
Brian P. Kalk  
Commissioner

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

**Montana-Dakota Utilities Co., a Division of MDU  
Resources Group, Inc.  
230 kV Transmission Line – McIntosh & Dickey Cty  
Siting Application**

**Case No. PU-10-164**

**Tree and Shrub Mitigation Specifications**

**Inventory**

1. Trees and shrubs anticipated to be cleared, including those that are considered invasive species or noxious weeds (e.g., *Caragana arborescens*, *Elaeagnus angustifolia*, *Rhamnus cathartica*, *Tamarix chinensis*, *T. parviflora*, *T. ramosissima*, *Ulmus pumila*), shall be inventoried before cutting. The inventory shall record the location, number, and species of trees and shrubs.
2. In windbreaks, shelterbelts, and other planted areas, trees or shrubs anticipated to be cleared, regardless of size, shall be inventoried for replacement.
3. In native growth areas, trees anticipated to be cleared that are 1-inch diameter at breast height (dbh) or greater shall be inventoried for replacement.
4. In native growth areas, shrubs anticipated to be cleared in the permanent right-of-way shall be inventoried for replacement.
5. In native growth areas outside the permanent right-of-way, shrubs shall be cut flush with the surface of the ground, taking care to leave the naturally occurring seed bank and root stock intact. If soil disturbance is necessary, the native topsoil shall be preserved and replaced after construction. Shrubs shall be allowed to regenerate naturally where native topsoil is preserved and replaced. Where native topsoil is not preserved and replaced, shrubs anticipated to be cleared shall be inventoried for replacement.
6. In native growth areas, trees and shrubs may be inventoried by actual count or by sampling method that will properly represent the woody vegetation population. A sampling plan developed by the company, filed with the North Dakota Public Service Commission (Commission), and approved prior to the start of construction shall define the sampling method to be used for trees, for tall shrubs and for low shrubs. The data from the sample plots shall be extrapolated to the total acreage of the wooded area to be cleared to determine the species and quantity of trees and shrubs to be replaced.

### **Clearing for Construction**

7. Trees and shrubs shall be selectively cleared, leaving mature trees and shrubs intact where practical.
8. The width of clear cuts through windbreaks, shelterbelts and all other wooded areas shall be limited to 50 feet or less unless otherwise approved by the Commission.
9. If the area of trees or shrubs actually cleared differs from the area inventoried, the difference in number of trees and shrubs to be replaced shall be noted on the inventory.

### **Replacement**

10. Prior to replacement, documentation identifying the number and variety of trees removed as well as the mitigation plan for the proposed number, variety, type, location and date of replacement plantings shall be filed with the Commission for approval.
11. Tree replacement shall be on a 2 to 1 basis with 2-year-old saplings. Shrub replacement shall be on a 2 to 1 basis with stem cuttings.
12. Trees and shrubs shall be replaced by the same species or similar species, except in the case of invasive species or noxious weeds, suitable for North Dakota growing conditions as recommended by the North Dakota Forest Service.
13. Landowners shall be given the option of having replacement trees or shrubs planted off the right-of-way on the landowner's property or waiving that requirement in writing and allowing those replacement trees or shrubs to be planted at alternative locations.
14. At the conclusion of the project, documentation identifying the actual number, variety, type, location, and date of the replacement plantings shall be filed with the Commission.
15. Tree and shrub replacements shall be inspected once a year for three years, on or about the anniversary of the plantings, and, on or shortly before October 1 of each year, a report shall be submitted to the Commission documenting the condition of replacement planting and any woodlands work completed. If after three years from the anniversary of the plantings the survival rate is less than 75%, the Commission may order additional planting(s).

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

**Montana-Dakota Utilities Co., a Division of MDU  
Resources Group, Inc.  
230 kV Transmission Line – McIntosh & Dickey Cty  
Siting Application**

**Case No. PU-10-164**

**CERTIFICATION RELATING TO ORDER PROVISIONS - TRANSMISSION FACILITY  
SITING**

I am \_\_\_\_\_, a representative of Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc. (MDU) with authority to bind MDU to requirements to be set forth by the Commission in its Order and I certify the following:

1. MDU understands and agrees that any Certificate of Corridor Compatibility or Route Permit issued by the Commission will be subject to the conditions and criteria set forth in Chapter 49-22 of the North Dakota Century Code and Chapter 69-06-08 of the North Dakota Administrative Code, and that MDU shall be responsible for compliance with this order and conditions and criteria set forth in the applicable laws and rules.
2. MDU agrees to hold a preconstruction conference prior to commencement of any construction, which must include a MDU representative, its construction supervisor, and a representative of Commission Staff, to ensure that MDU fully understands the conditions set forth in the Commission's order.
3. MDU agrees to comply with the rules and regulations of all other agencies having jurisdiction over any phase of the transmission facility including all city, township, and county zoning regulations.
4. MDU understands and agrees that it shall obtain all other necessary licenses and permits, and shall provide copies of all licenses and permits to the Commission prior to construction activity associated with the transmission facility that requires said license or permit.
5. MDU agrees to inform the Commission of its intent to start construction on the transmission facility prior to the commencement of construction. Once construction has started, MDU shall keep the Commission updated on construction activities on a weekly basis.
6. MDU understands and agrees that any Certificate of Corridor Compatibility or Route Permit issued by the Commission is subject to suspension or revocation and

may, in an appropriate and proper case, be suspended or revoked for failure to comply with the Commission's order, the conditions and criteria of the certificate or subsequent modification, or failure to comply with the applicable statutes, rules, regulations, standards, and permits of other state or federal agencies.

7. MDU agrees to maintain records that will demonstrate that it has complied with the requirements of the Commission's order issuing a Certificate of Corridor Compatibility or Route Permit, and that it will preserve these records for Commission inspection at any reasonable time upon reasonable notice.
8. MDU agrees to construct and operate the transmission facility in the manner described in MDU's application, in any late filed exhibits and supplemental materials, and in accordance with all applicable safety requirements.
9. MDU agrees to report promptly to the Commission the presence in the permit area of any critical habitat or threatened species, endangered species, bald eagles, or golden eagles of which MDU becomes aware and which were not previously reported to the Commission.
10. MDU understands and agrees that all cultural resource mitigation plans must be submitted to the North Dakota State Historic Preservation Office and approved prior to the start of any fieldwork and construction activity in the affected area.
11. MDU understands and agrees that if any cultural resource, paleontological site, archeological site, historical site, or grave site is discovered during construction, it must be marked, preserved and protected from further disturbances until a professional examination can be made and a report of such examination is filed with the Commission and the State Historical Society and clearance to proceed is given by the Commission.
12. MDU understands and agrees that all buried facility crossings of graded roads must be bored unless the responsible governing agency specifically permits MDU to open cut the road.
13. MDU understands and agrees that all pre-existing township and county roads and lanes used during construction must be repaired or restored to a condition that is equal to or better than the condition prior to the construction of the transmission facility and that will accommodate their previous use, and that areas used as temporary roads or working areas during construction must be restored to their original condition.
14. MDU understands and agrees that construction must be suspended when weather conditions are such that construction activities will cause irreparable damage to

roads or land, unless adequate protection measures approved by the Commission are taken.

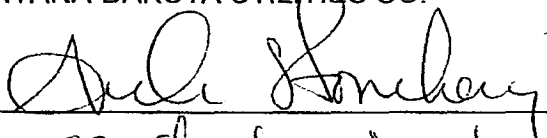
15. MDU understands and agrees that all topsoil, up to 12 inches, or topsoil to the depth of cultivation, whichever is greater, over and along trench areas where cuts will be made, must be stripped and segregated from the subsoil. Except along segments of the line using the double ditching method, any area on which excavated subsoil will be placed must also be stripped of topsoil. After backfilling is completed, any excess subsoil must be placed over the excavation area, blending the grade into existing topography. Topsoil must be replaced over areas from which it was stripped only after the subsoil is replaced.
16. MDU understands and agrees that its obligation for reclamation and maintenance of the right-of-way will continue throughout the life of the transmission facility.
17. MDU understands and agrees that reclamation, fertilization, and reseeding is to be done according to the Natural Resources Conservation Service recommendations, unless otherwise specified by the landowner and approved by the Commission.
18. MDU understands and agrees that its obligation for reclamation and maintenance of the transmission facility, associated facilities, and roadways will continue throughout the life of the transmission facility.
19. MDU agrees to comply with the Tree and Shrub Mitigation Specifications, attached.
20. MDU understands and agrees that it shall work with landowners and residents to mitigate any increase in television and residential radio interference that results from the route of the transmission facility.
21. MDU understands and agrees that it shall repair or replace all fences and gates removed or damaged during all phases of construction and operation of the transmission facility.
22. MDU understands and agrees that it shall repair or replace all broken or damaged drainage tile during all phases of construction and operation of the transmission facility.
23. MDU understands and agrees that staging areas or equipment shall not be located on land owned by a person other than MDU unless otherwise negotiated with landowners.
24. MDU understands and agrees that it shall remove all waste that is a product of construction and operation, restoration, and maintenance of the site, and properly dispose of it on a regular basis.

25. MDU understands and agrees that it shall, as soon as practicable upon the completion of the construction of the transmission facility, restore the area affected by the activities to as near as is practicable to the condition as it existed prior to the beginning of construction.
26. MDU understands and agrees that it shall provide any necessary safety measures for traffic control or to restrict public access to the transmission facility.
27. MDU understands and agrees that it shall advise the Commission of any extraordinary events which take place at the site of the transmission facility, including injuries to any person, or the death of any threatened or endangered species on the site within five business days of such event.
28. MDU understands and agrees that it shall advise the Commission of the discovery of a large number of dead birds or bats on the site within five business days of such event.
29. MDU understands and agrees that it shall implement a procedure for how complaints concerning the transmission facility will be handled by MDU.
30. Upon request, MDU agrees to provide the Commission with engineering design drawings of the transmission facility prior to construction.
31. MDU understands and agrees that it shall inform the Commission in writing of any modifications to the transmission facility or of any plans to modify the site plan for the transmission facility. MDU understands and agrees to obtain written approval from the Commission prior to any additions or modifications to the site plan for the transmission facility. Approval may be granted after notice and opportunity for hearing.
32. MDU agrees to provide the Commission with both an electronic and a paper copy of the design specifications for the construction of the transmission facility showing the location of the transmission facility as built, and will provide this information within three months of the completion of the construction. MDU also agrees to provide an electronic version of the as-built facility design specifications that can be imported into ESRI GIS mapping software within 3 months of the completion of the construction. This electronic map data must be referenced to the North Dakota coordinate system of 1983, North and/or South zones US Survey feet (NAD 83) UTM Zone 13N or 14N feet (NAD 83), or geographic coordinate system (WGS 84) feet. The vertical data must be in the appropriate vertical datum for the coordinate system used. All submissions must specify the datum in which the data was developed.

33. MDU understands and agrees that the authorizations granted by any Certificate of Corridor Compatibility or Route Permit issued by the Commission for the transmission facility are subject to modification by order of the Commission if deemed necessary to protect further the public or the environment.
34. MDU understands and agrees that in the event MDU desires to construct, within any corridor granted by a Certificate of Corridor Compatibility in this proceeding, a new transmission facility that was not included in MDU's application in this proceeding, MDU shall apply to the Commission for a Route Permit.

Dated this 25 day of March, 2011.

MONTANA-DAKOTA UTILITIES CO.

By  <sup>st</sup>  
Its VP Electric Supply

# STATE OF NORTH DAKOTA

## Route Permit

### Certificate Number 130

*This is to certify that the Commission has designated a transmission facility route for Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc. for the construction of approximately 30 miles of 230-kilovolt electric transmission line in Dickey and McIntosh Counties of North Dakota*

*This certificate is issued in accordance with the Order of this Commission dated July 13, 2011 in Case No. PU-10-164 and is subject to the conditions and limitations noted in the Order.*

*Bismarck, North Dakota, July 13, 2011.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
**Executive Secretary**

  
**Commissioner**

**PUBLIC SERVICE COMMISSION  
STATE OF NORTH DAKOTA**

**Certificate of Site Compatibility for a Transmission Facility Corridor**

**Certificate Number 120**

*This is to certify that the Commission has designated a transmission facility corridor for Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., for the construction of approximately 30 miles of 230 kV electric transmission line and associated facilities in Dickey and McIntosh Counties of North Dakota*


*This certificate is issued in accordance with the Order of this Commission dated July 13, 2011 in Case No. PU-10-164 and is subject to the conditions and limitations noted in the Order.*

*Bismarck, North Dakota, July 13, 2011.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
**Executive Secretary**

  
**Commissioner**