

148 PU-15-797 Filed 07/02/2018 Pages: 4
Memorandum

70 PU-17-102 Filed 07/02/2018 Pages: 4
Memorandum

146 PU-16-122 Filed 07/02/2018 Pages: 4
Memorandum

MEMORANDUM

To: Commissioners Christmann, Fedorchak and Kroshus
 Fr: Jerry Lein
 Da: July 2, 2018
 Re: Facility Siting – work session regarding project changes.

The purpose of this work session is to discuss treatment of certification filings and project changes arising during construction. Treatment of construction changes has been governed by language in the order or attached certification relating to order provisions, which has evolved over the years. As a result there are different filing requirements for different wind and electric transmission line projects as outlined below.

Pending Matters: There are three cases with matters related to certification or construction changes pending:

Case No. PU-11-662 ALLETE Clean Energy (ACE)

This matter stems from an access road reroute requested by ACE for the Thunder Spirit expansion. Staff emailed the Commission informing of intent to provide staff approval, which generated concerns that certification language (see Wind Projects paragraph 2 below) requires publishing of a notice before approval can be granted. ACE was unable to wait a month for the notice period and the road was constructed through a low spot that easily could have been avoided. As a result, ACE now requests changes to that certification language for its Clean Energy No. 1 project scheduled for construction this fall.

Case No. PU-18-186: Langdon Wind Repowering – Langdon Wind filed a siting exclusion certification under NDCC 49-22-03(3)(a) to repower its facility at Langdon. Repowering would increase facility nameplate capacity from 159 MW to 171.72 MW, though operation will remain capped at 159 MW under the interconnection agreement.

Staff has been in discussion with the company about amending the original certificate to increase the 159 MW capacity authorized in the site certificate order in Case No. PU-07-26. Langdon Wind believes

“...an assertion that capacity increases are limited by an order and/or certificate’s capacity designation conflicts with the precise action statute expressly permits.” *(Langdon Wind Supplemental Filing dated June 26, 2018)*

Case No. PU-17-102: NSP 230 kV Minot Project. NSP filed a notice of minor structure location adjustment under Electric Transmission Lines Revised Certification Paragraph 2 below, which does not require approval. No action has been taken on the filing.

63 92
 PU-11-692
 Memorandum
 Filed 07/02/2018
 Pages: 4

51 133
 PU-12-398
 Memorandum
 Filed 07/02/2018
 Pages: 4

111 118
 PU-14-678
 Memorandum
 Filed 07/02/2018
 Pages: 4

111 118
 PU-13-840
 Memorandum
 Filed 07/02/2018
 Pages: 4

111 118
 PU-14-813
 Memorandum
 Filed 07/02/2018
 Pages: 4

111 118
 PU-17-284
 Memorandum
 Filed 07/02/2018
 Pages: 4

145 145
 PU-14-105
 Memorandum
 Filed 07/02/2018
 Pages: 4

76 76
 PU-13-64
 Memorandum
 Filed 07/02/2018
 Pages: 4

167 167
 PU-11-601
 Memorandum
 Filed 07/02/2018
 Pages: 4

120 42
 PU-13-127
 Memorandum
 Filed 07/02/2018
 Pages: 4

113 69
 PU-11-162
 Memorandum
 Filed 07/02/2018
 Pages: 4

117 3
 PU-10-147
 Memorandum
 Filed 07/02/2018
 Pages: 4

130 42
 PU-11-57
 Memorandum
 Filed 07/02/2018
 Pages: 4

42 42
 PU-09-668
 Memorandum
 Filed 07/02/2018
 Pages: 4

69 69
 PU-17-102
 Memorandum
 Filed 07/02/2018
 Pages: 4

3 3
 PU-18-186
 Memorandum
 Filed 07/02/2018
 Pages: 4

42 42
 PU-11-662
 Memorandum
 Filed 07/02/2018
 Pages: 4

92 92
 PU-11-692
 Memorandum
 Filed 07/02/2018
 Pages: 4

133 133
 PU-13-840
 Memorandum
 Filed 07/02/2018
 Pages: 4

118 118
 PU-14-813
 Memorandum
 Filed 07/02/2018
 Pages: 4

118 118
 PU-17-284
 Memorandum
 Filed 07/02/2018
 Pages: 4

145 145
 PU-14-105
 Memorandum
 Filed 07/02/2018
 Pages: 4

76 76
 PU-13-64
 Memorandum
 Filed 07/02/2018
 Pages: 4

167 167
 PU-11-601
 Memorandum
 Filed 07/02/2018
 Pages: 4

365 365
 PU-09-670
 Memorandum
 Filed 07/02/2018
 Pages: 4

153 153
 PU-10-164
 Memorandum
 Filed 07/02/2018
 Pages: 4

135 135
 PU-11-69
 Memorandum
 Filed 07/02/2018
 Pages: 4

83 83
 PU-15-124
 Memorandum
 Filed 07/02/2018
 Pages: 4

116 116
 PU-15-482
 Memorandum
 Filed 07/02/2018
 Pages: 4

68 68
 PU-14-679
 Memorandum
 Filed 07/02/2018
 Pages: 4

Wind Projects

1. **No certification provisions.**

Baldwin Wind PU-09-668. 7/14/10
Ashtabula III PU-10-147

36. Baldwin Wind shall inform the Commission of any plans to add additional turbines to the energy conversion facility or of any plans to modify the site plan for the energy conversion facility. Any additions or modifications to the site plan for the energy conversion facility must be approved in writing by the Commission or Commission staff.

2. **Certification Provision**

PU-11-57 Bison 2
Bison 3 PU-11-162 & Bison 4 PU-13-127 9/25/13
ALLETE Clean Energy PU-11-662, 8/29/2012
Thunder Spirit PU-11-601 10/9/2013
Courtenay PU-13-64, 11/13/13
Sunflower PU-14-105, 6/25/14
Antelope Hills PU-14-679, 10/21/14

33. Allete understands and agrees that it shall inform the Commission in writing of any plans to modify the energy conversion facility, or of any plans to modify the site plan for the energy conversion facility. Allete understands and agrees to obtain written approval from the Commission prior to any modifications to the site plan or the energy conversion facility, associated facilities, and roadway locations. Approval may be granted after notice and opportunity for hearing.

38. Company understands and agrees that in the event Company desires to construct, within any site granted by a Certificate of Site Compatibility in this proceeding, an energy conversion facility that was not requested in Company's application in this proceeding, Company shall apply for a Certificate of Site Compatibility for the facility.

3. **Revised Certification Provision**

PU-15-482 Lindahl Wind Project, LLC 12/2/2015
PU-15-124 Rolette Wind Energy Project 11/18/2015

32. Company understands and agrees that it shall inform the Commission in writing of any plans to modify the energy conversion facility, or of any plans to modify the site plan for the energy conversion facility.

4. Revised Certification Provision

PU-11-69 Meadowlark Wind, 3/10/2017:

PU-17-284 Foxtail Wind, 1/31/18

38. Before conducting any construction activities for any modification within the designated site, the Company will file the name and contact information for a key contact person for the purposes of notice and communication during the site modification application and will use the following procedures;

A. Before conducting any construction activities for any modification within the designated site, and such construction activities will not affect any known exclusion or avoidance areas within the designated site, the Company will file certification and supporting documentation:

1. Affirming that construction activities will not affect any known exclusion or avoidance areas within the designated site;
2. Including a map meeting the requirements of N.D. Admin. Code § 69-06-04-01 (2)(n) identifying the designated site and site modification(s); and
3. Affirming that Company will comply with the Commission's order, law and rules designating the site.

B. Before conducting any construction activities for any modification within the designated site, and such construction activities will not affect any known exclusion but may affect an avoidance area within the designated site, the Company will file:

1. A specific description of the avoidance area expected to be impacted, including a map meeting the requirements of N.D. Admin. Code § 69-06-04-01 (2)(n) identifying:

- a. the designated site and the site modification;
- b. all exclusion and avoidance areas within the portion of the designated site containing the site modification.

2. Certification and supporting documentation affirming that construction activities will not affect any known exclusion area.

3. All field studies performed on the portion of the designated site containing the site modification;

4. Specific information about any mitigation measures Company will take within the modification area;

5. Certification that each owner of real property on which the modification is to be located and any applicable governmental entity with an interest in the same modification area do not oppose the modification;

6. Certification that unless the Commission previously authorized the impact to the same avoidance area, that the Company has good cause and a specific reason to impact the avoidance area and a reasonable alternative does not exist;

7. Certification that Company will comply with the Commission's order, law and rules designating the site.

Electric Transmission Lines:

1. **Certification Provision:**

PU-14-813: Basin North Killdeer Loop 345 kV 4/29/15
PU-14-678 Antelope Hills 345 kV 10/21/14
PU-13-840 MDU/OTP BSSE 345 kV 7/10/14
PU-12-398 GRE 230 kV Grand Forks – Devils Lake, 12/6/2012
PU-11-692 Basin Williams County tie project 5/16/12
PU- 10-164 MDU Merricourt Interconnect 230 kV 7/13/2011
PU-09-670 Minnkota Center GF 345 kV: 4/25/2012

32. Company understands and agrees that it shall inform the Commission in writing of any plans to modify the transmission facility or of any plans to modify the site plan for the transmission facility. Company understands and agrees to obtain written approval from the Commission prior to any modifications to the site plan or the transmission facility. Approval may be granted after notice and opportunity for hearing.

2. **Revised Certification Provision**

PU-17-102 NSP 230 kV Minot project, 10/4/2017
PU-16-122 Oliver III 230 kV transmission: 6/22/16
PU-15-797 Brady 230 kV Transmission, 6/16/16

32. Company understands and agrees that it shall inform the Commission in writing of any plans to modify the transmission facility or of any plans to modify the site plan for the transmission facility.