



2302 Great Northern Drive
PO Box 2757
Fargo, ND 58108-2747
(701) 241-8632
dave.sederquist@xcelenergy.com

March 12, 2014

- VIA E-MAIL & U.S. MAIL -

Darrell Nitschke, Executive Director
North Dakota Public Service Commission
State Capitol Building, Dept 408
600 East Boulevard
Bismarck, ND 59505-0480

**RE: PETITION FOR MODIFICATION OR AMENDMENT TO
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NUMBER 5465
CASE NO. PU-12-039**

Dear Mr. Nitschke:

Northern States Power Company, doing business as Xcel Energy, submits this request for Modification or Amendment to Certificate of Public Convenience and Necessity (CPCN) No. 5465 that was issued by the North Dakota Public Service Commission on March 21, 2012 pursuant to North Dakota Century Code Title 49-03.

Please contact me at 701-241-8632 if you have any questions concerning this filing.

SINCERELY,

A handwritten signature in blue ink that reads 'David H. Sederquist'.

DAVID H. SEDERQUIST
SENIOR REGULATORY AND FINANCIAL CONSULTANT

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Northern States Power Company 230 kV
Peace Garden Switching Station Tran
Line Public Convenience and Necessity
Electric**

Case No. PU-12-039

**PETITION FOR MODIFICATION OR AMENDMENT TO CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY NUMBER 5465**

INTRODUCTION

Northern States Power Company (NSP) respectfully submits this request for Modification or Amendment to Certificate of Public Convenience and Necessity (CPCN) No. 5465 that was issued by the North Dakota Public Service Commission (Commission) on March 21, 2012 pursuant to North Dakota Century Code Title 49-03.¹

The CPCN No. 5465 found that public convenience and necessity will be served by the construction and operation of the Peace Garden Switching Station and approximately 300 feet of 230 kV electric transmission line.² NSP requests an amendment to the CPCN to move the sited location of the Peace Garden Switching Station two miles directly north. This modification is needed to accommodate changes in the Border Winds Energy Project located in Rolette County, North Dakota.³

PROCEDURAL HISTORY

On January 12, 2012, NSP filed an application for a CPCN to construct and operate a proposed 230 kV Peace Garden Switching Station and approximately 300 feet of 230 kV electric transmission line to interconnect Sequoia Energy U.S. Inc.'s (Sequoia) proposed Border Wind energy Project to the existing 230 kV Rugby-to-Glenboro transmission line in Rolette county, North Dakota.⁴

¹ Northern States Power Company 230 kV Peace Garden Switching Station Tran Line Public Convenience and Necessity Electric, *Order Granting Certificate*, N.D. Public Service Commission, Case No. 12-039 (Mar. 21, 2012).

² *Id.*

³ See Sequoia Energy US Inc. 150 MW Border Winds Energy Project- Rolette County Siting Application, *Petition for Modification or Amendment of Findings of Fact, Conclusions of Law, and Order Granting Certificate of Site Compatibility*, N.D. Public Service Commission, Case No. PU-08-79 (Jan. 8, 2014).

⁴ Northern States Power Company 230 kV Peace Garden Switching Station Tran Line Public Convenience and Necessity Electric, *Application to the North Dakota Public Service Commission for a Certificate of Public Convenience and Necessity*, N.D. Public Service Commission Case No. 12-039 (Jan. 12, 2012).

On February 1, 2012, the Commission issued a Notice of Opportunity for Hearing.⁵ The deadline for public comment was March 7, 2012.⁶ The Commission Notice requested comment on two issues:

- 1) Whether public convenience and necessity will be served by construction and operation of the facilities; and
- 2) Whether the applications are fit, willing and able to provide service.⁷

The Commission received no response to its Notice of Opportunity for Hearing.⁸

On March 21, 2012, the Commission issued the Order Granting Certificate, which granted the CPCN No. 5465 to NSP.⁹ In its Order, the Commission found that NSP is required under its November 2011 Generation Interconnection Agreement (GIA) with Sequoia and the Midcontinent Independent System Operator, Inc. (MISO) to construct a 230 kV Peace Garden Switching Station and approximately 300 feet of 230 kV electric transmission line necessary to interconnect the Border Winds Project.¹⁰ The Commission found that public convenience and necessity will be served by the construction and operation of these facilities.¹¹

AMENDMENT REQUEST

NSP owns a portion of the Rugby to Glenboro 230 kV transmission line. In the role of Transmission Owner under the applicable GIA, NSP is obligated to work with Interconnector Customers and MISO to provide access to the transmission system by constructing the facilities necessary for the interconnection of new generation.

In November 2011, NSP entered into a provisional GIA with Sequoia and MISO. As the Commission acknowledged in its Order Granting Certificate, under this agreement, NSP is obligated to build the Peace Garden 230 kV switching station and 300 feet of transmission line to interconnect the Border Winds Project to the Rugby to Glenboro transmission line.¹²

⁵ Northern States Power Company 230 kV Peace Garden Switching Station Tran Line Public Convenience and Necessity Electric, *Notice of Opportunity for Hearing*, N.D. Public Service Commission Case No. 12-039 (Feb. 1, 2012).

⁶ *Id.*

⁷ *Id.*

⁸ Northern States Power Company 230 kV Peace Garden Switching Station Tran Line Public Convenience and Necessity Electric, *Order Granting Certificate*, N.D. Public Service Commission, Case No. 12-039 (Mar. 21, 2012).

⁹ *Id.*

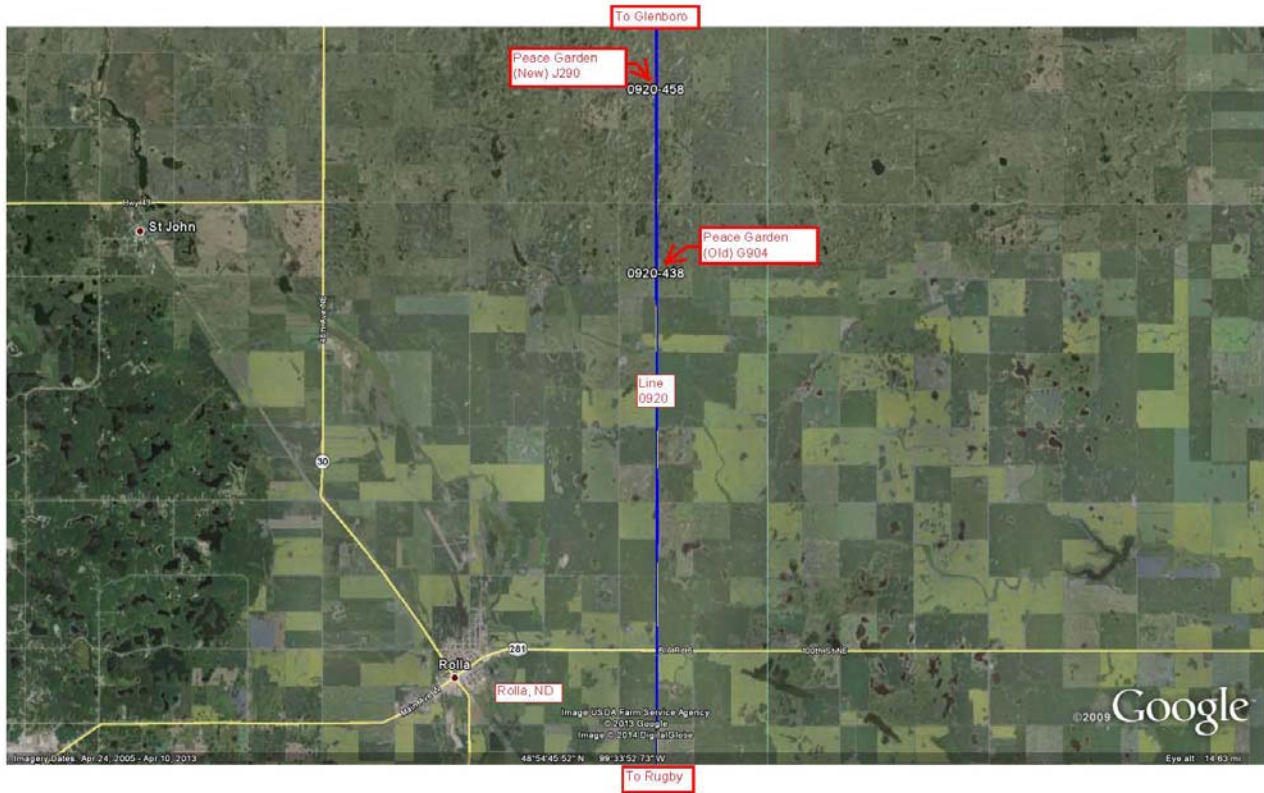
¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

Recently, the Border Winds Project revised its turbine layout due to significant changes in turbine technology, turbine availability, and other market forces that took place during the course of its project development.¹³ Specifically, because the Border Winds Project switched from using the Siemens 2.3 MW turbines to the Vestas V100 2.0 MW turbines, it increased the number of wind turbines within the project footprint from 66 turbines to 75 turbines.¹⁴ Consequently, due to the changes to the type of turbine being used, revisions to the turbine layout were necessary.¹⁵ These changes resulted in the location of the cited Peace Garden Switching Station needing to be moved.

As indicated on the map below, the sited Peace Garden Switching Station needs to be relocated from the intersection of 52nd Avenue North East and 105th Street North East in Rolla, North Dakota to 10756 52nd Avenue North East in Rolla, North Dakota. The new switching station location is approximately two miles directly north of the previously sited location on 52nd Avenue North East.



¹³ Sequoia Energy US Inc. 150 MW Border Winds Energy Project- Rolette County Siting Application, *Petition for Modification or Amendment of Findings of Fact, Conclusions of Law, and Order Granting Certificate of Site Compatibility*, N.D. Public Service Commission, Case No. PU-08-79 (Jan. 8, 2014).

¹⁴ *Id.*

¹⁵ *Id.*

North Dakota Century Code Title 49 contains the statutory provisions that govern the requirement that a utility receive a CPCN to construct and operate an interconnection facility.¹⁶ The Commission found in its Order Granting Certificate that the previously sited location of the Peace Garden Switching Station met the statutory provisions.¹⁷

The new location does not change the Peace Garden Switching Station's ability to meet any of these provisions. Specifically, in NSP's CPCN Application to the Commission, NSP provided responses to the ten factors that the Commission considers in determining whether to grant a CPCN for a new electric facility.¹⁸ The change in location of the Peace Garden switching station does not affect any of these ten factors.

The Commission has authority to amend the CPCN No. 5465 under North Dakota Century Code 49-05-09. North Dakota law states that "[t]he Commission at any time, upon due notice to the public utility affected and after opportunity to be heard as provided in the case of complaints, may rescind, alter or amend any decision made by it. Any order rescinding, altering, or amending a prior order or decision when served upon the public utility affected, shall have the same effect as an original order or decision."¹⁹

CONCLUSION

NSP believes that the public convenience and necessity will continue to be met with the new location of the Peace Garden Switching Station, which is two miles directly north of its original location. This change in location does not alter any of the factors that the Commission considers in granting a CPCN. Therefore, NSP respectfully requests that the Commission grant the proposed amendment to the Certificate of Public Convenience and Necessity No. 5465 for the new site location of the switching station.

¹⁶ N.D. Cent. Code §§ 49-03-01(2), 49-03-01.1, 49-03-02.

¹⁷ Northern States Power Company 230 kV Peace Garden Switching Station Tran Line Public Convenience and Necessity Electric, *Order Granting Certificate*, N.D. Public Service Commission, Case No. 12-039 (Mar. 21, 2012).

¹⁸ *See* Northern States Power Company 230 kV Peace Garden Switching Station Tran Line Public Convenience and Necessity Electric, *Application to the North Dakota Public Service Commission for a Certificate of Public Convenience and Necessity*, N.D. Public Service Commission Case No. 12-039 (Jan. 12, 2012). *See also* Testimony of Jerry Lein of the Commission staff, presented to the Interim electric Industry Competition Committee, April 24, 2000.

¹⁹ N.D. Cent. Code § 49-05-09.