



Public Service Commission

State of North Dakota

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March 20, 2013

David Moeller, Senior Attorney
Minnesota Power
30 West Superior Street
Duluth, MN 55802-2093

Re: Request for Jurisdictional Determination, PSC Case No. PU-13-103

Dear Mr. Moeller:

Thank you for the request for jurisdictional determination in your March 5, 2013 Letter of Intent to reroute two segments of Minnesota Power's 250 kV DC transmission line. You requested a determination whether the proposed reroute in Stutsman County, which is less than one mile, falls within the definition of transmission facility under N.D.C.C. § 49-22-03(12)(a)(2).

In a similar case involving a "grandfathered" line constructed prior to the Energy Conversion and Transmission Facility Siting Act, the Commission concluded that no siting application is required for construction activities within 350 feet on either side of the centerline of the transmission facility, so long as no exclusion or avoidance areas are affected. Under this exception the utility still must certify to the Commission in writing that no exclusion or avoidance areas will be affected and that the utility "will comply with all applicable siting laws and rules and commission orders previously issued for any part of the facility" (N.D.C.C. § 49-22-03(3)(a)(3)). Further, if any avoidance areas will be affected by the transmission line relocation under this exception, the utility must follow North Dakota Century Code § 49-22-03(3)(b)(2) and make the determinations and filings required by law.

If any of the construction activities will be outside 350 feet on either side of the centerline of the transmission facility, a siting application will be required. Consistent with past practices, a siting application will be required for only the segment to be relocated, not for the whole transmission line.

There is a statutory exception that excludes lines that are less than one mile long from the definition of a transmission facility subject to siting jurisdiction. The transmission line in question is many miles long.

If you have any questions please don't hesitate to contact me.

Best regards,

Jerry Lein
Staff Engineer