

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**ALLETE, Inc.  
250kV DC Trans Line Reroute – Kidder & Stutsman  
Siting Application**

**Case No. PU-13-103**

**ORDER**

**October 9, 2013**

On March 5, 2013, Minnesota Power, an Operating Division of ALLETE, Inc. filed a Letter of Intent to reroute two segments of 250 kV DC Transmission Line in Kidder and Stutsman Counties of North Dakota.

On March 27, 2013 the Commission acknowledged the Letter of Intent and assessed a filing fee of \$9,000 due upon filing of an application.

On June 17, 2013, Minnesota Power filed its applications for a corridor certificate, route permit and a waiver of procedures and time schedules authorizing the rerouting of approximately 0.7 miles of existing 250 kV DC electric transmission line around a wetland in Township 140N, Range 68, Section 16 in Stutsman County, North Dakota. Minnesota Power requests the Commission waive procedures and time schedules set forth in North Dakota Century Code chapter 49-22 and North Dakota Administrative Code article 69-06 to allow for consolidated applications for corridor certificate and route permit.

On July 8, 2013, Minnesota Power filed an amendment to its application for waiver of procedures and time schedules requesting the Commission waive the requirement to hold a public hearing on its applications.

On July 18, 2013, Minnesota Power filed a certification under N.D.C.C. 49-22-03(3)(a)(3), stating that all construction on the Kidder County segment will be within 350 feet of the existing centerline and no exclusion or avoidance areas are affected so a Certificate of Corridor Compatibility and Route Permit are not needed for this segment.

On July 30, 2013, the Commission issued a Notice of Filing and Notice of Opportunity for Hearing, which provided until September 4, 2013 for receiving written comments or requests for hearing. No requests for hearing were received. The notice identified the following issues to be considered in Minnesota Power's application for waiver of procedures and time schedules:

1. Are the proposed facilities 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 issues to be considered in Minnesota Power's applications for certificate of corridor compatibility and route permit as:

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?

On August 19, 2013, Stutsman County Tax Equalization filed comments expressing concerns that two existing structures inundated in water be cut off and capped at a height of two feet above water level instead of one foot as proposed. Stutsman County believes this will alleviate its concerns that these two remaining structures could become a hazard should the water rise above its current level.

On September 4, 2013, Minnesota Power filed supplemental information to its application. The Commission finds the application complete.

On September 16, 2013, Minnesota Power filed an executed Certification Relating to Order Provisions with ree and Shrub Mitigation Specifications – Transmission Facility Siting.

Minnesota Power proposes to reroute a 0.7 mile long segment of its 465 mile, 250 kV DC transmission line extending from near Center, North Dakota, to Duluth, Minnesota. The reroute right-of-way would be 120 feet wide and Minnesota Power requests designation of a 200 foot-wide transmission facility corridor. The reroute would shift the existing alignment approximately 1,000 feet south to upland areas in order to relocate existing structures out of standing water. The reroute is needed to maintain adequate ground clearances and structural integrity of the transmission line. Construction is scheduled for Fall 2013.

Class I file search and Class III Cultural Resources Inventory pedestrian survey over the proposed 200 foot-wide corridor have been completed. No cultural resources were found. A determination of “No Historic Properties Affected” was recommended and the State Historical Preservation Office concurred by letter dated July 26, 2013.

No exclusion or avoidance areas have been identified within the corridor.

The location, construction, and operation of the proposed facilities will produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota.

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

The proposed facility locations 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

The proposed facilities are 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.

It is appropriate for the Commission to waive procedures and time schedules as requested in the application.

## Order

The Commission Orders:

1. Minnesota Power's Application for a Waiver of Procedures and Time Schedules is granted.
2. Certificate of Corridor Compatibility for Transmission Facility Corridor No. 147 is issued to Minnesota Power, designating a Corridor for its proposed transmission facility reroute. For purposes of the certificate, the corridor consists of a 200 foot-wide area centered on the preferred transmission line route as described in Minnesota Power's Application and presented at the hearing.
3. Route Permit No. 158 is issued to Minnesota Power granting authority to construct the proposed reroute as described in the Application.
4. Inundated structures must be cut off and capped at least two feet above the water level and may remain abandoned in the water until they can be removed.
5. The Certification Relating to Order Provisions – Electric Transmission Line Siting with accompanying Tree and Shrub Mitigation Specifications filed on September 16, 2013 is incorporated by reference and attached to this order except that Minnesota Power may clear cut the entire width of the right-of-way through windbreaks, shelterbelts and all other wooded areas.

### PUBLIC SERVICE COMMISSION



**Randy Christmann**  
Commissioner



**Brian P. Kalk**  
Chairman

**Julie Fedorchak**  
Commissioner



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David R. Moeller  
Senior Attorney  
218-723-3963  
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September 13, 2013



Mr. Darrel Nitschke  
Executive Secretary  
North Dakota Public Service Commission  
600 E. Boulevard Avenue, Department 408  
Bismarck, ND 58505-0480

RE: Minnesota Power's Application for a Corridor Certificate and  
Route Permit - 250 kV Direct Current Line Re-route  
Case No. PU-13-103

Dear Mr. Nitschke:

Please find enclosed an original and ten copies of ALLETE/Minnesota Power's Certification Relating to Order Provisions, Transmission Facility Siting along with Tree and Shrub Mitigation Specifications in the above-referenced case.

Please let us know if you have any questions.

Yours truly,

David R. Moeller

c: Dan McCourtney, Minnesota Power  
Bryan Maslowski, Minnesota Power

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Certification Relating to Order Provisions with Tree  
and Shrub Mitigation Specifications

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

**ALLETE, Inc.**  
**250kV DC Trans Line Reroute – Kidder & Stutsman**  
**Siting Application**

**Case No. PU-13-103**

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

I am Bradley W Oachs, a representative of Allete, Inc. ("Company") with authority to bind Company to requirements to be set forth by the Commission in its Order and I certify the following:

1. Company 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 Company shall be responsible for compliance with this order and conditions and criteria set forth in the applicable laws and rules.
2. Company agrees to hold a preconstruction conference prior to commencement of any construction, which must include a Company representative, its construction supervisor, and a representative of Commission Staff, to ensure that Company fully understands the conditions set forth in the Commission's order.
3. Company 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. Company 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. Company agrees to inform the Commission and the Commission's third-party construction inspector of its intent to start construction on the transmission facility prior to the commencement of construction. Once construction has started, Company shall keep the Commission and the Commission's third-party construction inspector updated on construction activities on a weekly basis.
6. Company 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. Company 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. Company agrees to construct and operate the transmission facility in the manner described in Company's application, in any late filed exhibits, and supplemental materials (Application). To the extent there are any conflicts or inconsistencies between Company's Application and the provisions in this Certification Relating to Order Provisions, the Certification provisions control.
9. Company 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 Company becomes aware and which were not previously reported to the Commission.
10. Company 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. Company 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. Company understands and agrees that all buried facility crossings of graded roads must be bored unless the responsible governing agency specifically permits Company to open cut the road.
13. Company 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. Company 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. Company 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. 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. Company 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.
17. Company understands and agrees that its obligation for reclamation and maintenance of the right-of-way will continue throughout the life of the transmission facility.
18. Company 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. Company agrees to comply with the Tree and Shrub Mitigation Specifications, attached.
20. Company 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 construction of the transmission facility.
21. Company 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. Company understands and agrees that it shall repair or replace all drainage tile broken or damaged as a result of construction and operation of the transmission facility.
23. Company understands and agrees that staging areas or equipment shall not be located on land owned by a person other than Company unless otherwise negotiated with landowners.

24. Company 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. Company 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. Company understands and agrees that it shall provide any necessary safety measures for traffic control or to restrict public access to the transmission facility.
27. Company 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. Company 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. Company understands and agrees that it shall implement a procedure for how complaints concerning the transmission facility will be handled by Company
30. Upon request, Company agrees to provide the Commission with engineering design drawings of the transmission facility prior to construction.
31. 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.
32. Company agrees to provide the Commission with both an electronic and a paper copy of the corridor approved by the Commission and the facility design specifications for the construction of the transmission facility showing the location of the transmission facility as built, and will provide this information within 3 months of the completion of the construction. Company also agrees to provide an electronic version of the corridor approved by the Commission and the facility design specifications for the construction of the transmission facility showing the location of the transmission facility as built 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. Company 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. Company understands and agrees that in the event Company desires to construct, within any corridor granted by a Certificate of Corridor Compatibility in this proceeding, a transmission facility or energy conversion facility that was not included in Company's application in this proceeding, Company shall apply to the Commission for a Route Permit or Site Certificate for the facility.
35. Company 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, Company 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.
36. Company understands and agrees that 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.

Dated this 10th day of September, 2013.

ALLETE, INC.

By Bradley W. Oachs  
Bradley W Oachs

Its Chief Operating Officer-Minnesota Power

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

**ALLETE, Inc.**  
**250 kV DC Trans Line Reroute – Kidder & Stutsman**  
**Siting Application**

**Case No. PU-13-103**

**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*), must be inventoried before cutting. The inventory must 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, must 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 must be inventoried for replacement.
4. In native growth areas, shrubs anticipated to be cleared in the permanent right-of-way must be inventoried for replacement.
5. In native growth areas outside the permanent right-of-way, shrubs must 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 must be preserved and replaced after construction. Shrubs must 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 must be inventoried for replacement.
6. In native growth areas, trees and shrubs may be inventoried by actual count or by a 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 must define the sampling method to be used for trees, for tall shrubs and for low shrubs. The data from the sample plots must 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 must be selectively cleared, leaving mature trees and shrubs intact where practical.
8. The maximum width of clear cuts through windbreaks, shelterbelts and all other wooded areas is 50 feet, 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 must be noted on the inventory.

#### **Replacement**

10. Prior to tree and shrub replacement, documentation identifying the number and variety of trees and shrubs removed, as well as the mitigation plan for the proposed number, variety, type, location and date of replacement plantings, must be filed with the Commission for approval.
11. Two 2-year-old saplings must be planted for every one tree removed. Two shrubs (stem cuttings) must be planted for every one shrub removed.
12. Except in the case of invasive or noxious species, trees and shrubs must be replaced by the same species or similar species, suitable for North Dakota growing conditions as recommended by the North Dakota Forest Service. Invasive or noxious species must be replaced by similar non-invasive or non-

noxious species suitable for North Dakota growing conditions as recommended by the North Dakota Forest Service.

13. Landowners must be given the option of having replacement trees and shrubs planted on the landowner's property, either on or off the right-of-way. The landowner must also be given the opportunity to waive those options in writing in order to have replacement trees and shrubs planted off the landowner's property.
14. At the conclusion of the project, documentation identifying the actual number, variety, type, location and date of the replacement plantings must be filed with the Commission.
15. Tree and shrub replacements must be inspected annually, in September, for three years. The first annual inspection must be at least one year from the anniversary date of the original plantings. A report of each annual inspection must be submitted to the Commission by October 1 of each year, documenting the condition of plantings and any woodlands work completed as of September of each year. If after the third annual report the survival rate is less than 75%, the Commission may order additional planting(s).

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

**Route Permit Number 158**

*This is to certify that the Commission has designated a transmission facility route for ALLETE, Inc., for the reroute of an approximately 0.7 mile segment of 250 kV DC electric transmission line in Stutsman County, North Dakota.*

*This permit is issued in accordance with the Order of this Commission dated October 9, 2013 in Case No. PU-13-103 and is subject to the conditions and limitations noted in the Order.*

*Bismarck, North Dakota, October 9, 2013.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
**Executive Secretary**

  
**Commissioner**

**PUBLIC SERVICE COMMISSION  
STATE OF NORTH DAKOTA**

**Certificate of Corridor Compatibility Number 147**

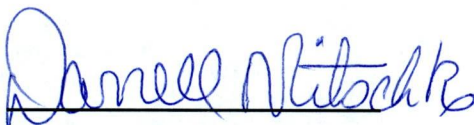
*This is to certify that the Commission has designated a transmission facility corridor for ALLETE, Inc. for the reroute of an approximately 0.7 mile segment of 250 kV DC electric transmission line in Stutsman County, North Dakota.*

*This certificate is issued in accordance with the Order of this Commission dated October 9, 2013 in Case No. PU-13-103 and is subject to the conditions and limitations noted in the Order.*

*Bismarck, North Dakota, October 9, 2013.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**



**Executive Secretary**



**Commissioner**