



Steve Kahl
August 5, 2019
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Steve Kahl
Director of Administration/Executive Secretary
North Dakota Public Service Commission
600 East Boulevard, Dept. 408
Bismarck, ND 58505-0480

**RE: Montana-Dakota Utilities Co. / Otter Tail Power Company 345KV Transmission Line
- Dickey County Siting Application
Case No. PU-13-840**

Dear Mr. Kahl:

Otter Tail Power Company and Montana-Dakota Utilities Co. (Applicants) hereby submit the following documents in support of their Application for a Modified Certificate of Corridor Compatibility, a Language Change to Clarify Structure Shifts and Request Use of New Tree and Shrub mitigation specifications:

- Attachment A. Map of the Ellendale Substation and the Corridor (existing and proposed)
- Attachment B. SHAPE files of the Corridor in ZIP format (in electronic format only)
- Attachment C. Copy of ALLETE Clean Energy's June 13, 2018 Requested Order Provision Change in Case No. PU-11-662 & PU-17-302
- Attachment D. Map suitable for publishing in newspapers

An electronic copy of this filing is also being sent to the North Dakota Public Service Commission at ndpsc@nd.gov.

If you have any questions regarding this filing, please contact me at 218-739-8607 or pbeithon@otpc.com.

Sincerely,

/s/ PETE BEITHON

Pete Beithon
Manager, Regulatory Recovery
Otter Tail Power Company

kaw

Enclosures

By electronic filing and U.S. mail

cc: Dickey County Auditor's Office
c/o Bev Kuska
209 North 2nd Street
Ellendale, ND 58436

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

MONTANA-DAKOTA UTILITIES CO. /
OTTER TAIL POWER COMPANY 345 kV
TRANSMISSION LINE – DICKEY
COUNTY SITING APPLICATION

Case No. PU-13-840

**APPLICATION FOR A MODIFIED CERTIFICATE OF CORRIDOR COMPATIBILITY,
A LANGUAGE CHANGE TO CLARIFY STRUCTURE SHIFTS AND REQUEST USE
OF NEW TREE AND SHRUB MITIGATION SPECIFICATIONS**

I. INTRODUCTION

On July 10, 2014, and amended on December 16, 2015 and November 29, 2017, the North Dakota Public Service Commission (Commission) issued its Order and Supplemental Orders granting Certificate of Corridor Compatibility No. 154 and Route Permit No. 166 (together with the Findings of Fact, Conclusion of Law, and Order, hereinafter referred to as the Order) to Otter Tail Power Company and Montana-Dakota Utilities Co. (jointly, the Applicants) for the North Dakota portion of their Big Stone South to Ellendale 345kV Transmission Line Project (Project).

On December 16, 2015, the Commission issued a Supplemental Order issuing the First Amended Certificate of Corridor Compatibility and Route Permit authorizing route and corridor modifications to accommodate a landowner's request.

On November 29, 2017, the Commission issued a Supplemental Order for the Second Amended Certificate of Corridor Compatibility and Second Amended Route Permit authorizing the proposed route and corridor modifications.

On May 3, 2019, the Applicants filed As-Built Project Documents for the Certificate of Corridor Compatibility and Route Permit.

Since the May 3, 2019 filing of as-built project documents, the Applicants had a discussion with Commission Staff who recommended a corridor modification. The Applicants propose a corridor modification at the Ellendale 345kV Substation to account for the substation's southern boundary that extended beyond the North Dakota Corridor

boundary (Attachment A). The substation boundary was moved to comply with road setbacks.

In addition to this request for an application for a modified certificate of corridor compatibility, a language change to clarify structure shifts, and request use of the new tree mitigation plan rules; the Applicants request the following procedures and timelines be adopted by the Commission for consideration of this application. In accordance with Section 49-22-08.1 of the North Dakota Century Code which allows the Commission to prescribe form and information contained within an application for amendment of a Route Permit, the Applicants request that the Commission issue a notice of opportunity for hearing on the application and publish it in the official newspaper of Dickey County, North Dakota, the county in which the proposed corridor modification is located. A map appropriate for publishing is included with this application (Attachment D).

II. REQUESTED MODIFICATIONS

The Applicants' proposed modified Certificate of Corridor Compatibility is due to the discovery that the Ellendale 345kV Substation fence falls outside of the corridor by 16 to 35 feet. Montana-Dakota Utilities Co. owns the land where the substation is located including the land beyond the corridor. The proposed correction to the corridor is discussed in more detail in Section A below. Information regarding the Commission's siting criteria, as applied to the proposed modification, is also provided in Section A below.

The proposed language change to clarify structure shifts as suggested by Commission Staff is provided in Section B below.

The requested change to updated tree and shrub mitigation plan specifications is provided in Section C below.

A. Corridor Modification Due to Final Location of the Ellendale 345kV Substation

It was determined when finalizing the as-built drawings for filing that the Ellendale 345kV Substation is about 16-feet to 35-feet (depending on the location on the south side of the substation) outside of the North Dakota Corridor. The substation had to shift from the original due to the township road setback requirements. The proposed modification would extend the North Dakota Corridor 50 feet to the south to include the Substation's south perimeter.

To accommodate this extension, the Applicants ask that the Commission approve the corridor modification depicted in Attachment A.

The corridor shapefile is included with this filing as Attachment B.

No new landowners are involved with this corridor modification as the land is owned by Montana-Dakota Utilities Co.

B. Request to Amend Provision 31 in the Certification Relating to Order Provisions-Transmission Facility Siting

At the suggestion of Commission Staff, the Applicants propose to change the language in Provision 31 of the July 10, 2014 Certification Relating to Order Provisions - Transmission Facility to address the structure shifts in a manner similar to Allete's filing in Case 11-662, Docket 41 (Attachment C) amending Provision 31 from its original language:

“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.”

To the revised language below removing the final sentence of Order Provision 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.”

C. Request to Update Tree and Shrub Mitigation Specifications

At the suggestion of Commission Staff, the Applicants propose to update to the Tree and Shrub Mitigation Specifications attached to the July 10, 2014 Findings of Fact, Conclusions of Law, and Order to comport with more recent mitigation plans as follows:

Clearing

The maximum width of tree and shrub removal is 50 feet, unless otherwise approved by the Commission.

Replacement

1. Landowners must be given the option to have trees and shrubs that are removed from their property replaced on their property. The landowner may waive this option in writing. If the landowner waives this option, the company shall plant replacement trees and shrubs in an alternate location in the same region, if practical.
2. Trees and Shrubs must be replaced on a minimum two to one basis. The company shall develop a Tree and Shrub Mitigation Plan (Plan) in consultation with landowners who are seeking replacement of trees and shrubs and in accordance with USDA-NRCS-North Dakota Field Office Technical Guide. Windbreak and Woodland Tree Care and Management. The guidelines outlined in the Technical Guide shall be followed until filing of the Plan summary outlined in number 5 below.
3. The purpose of the company's Tree and Shrub Mitigation Plan is to create sustainable plantings, appropriate for the local soil and growing conditions that will provide long-term benefits to landowners, farmers and ranchers, the community, wildlife and the environment.
4. The Plan, including the proposed number, variety, type location and approximate date for plantings shall be filed with and approved by the Commission.
5. Two years after completion of the plan, the company must file a summary documenting how the plan achieved the purpose outlined in number 3 above. The summary must also report the number of surviving replacement trees and shrubs.
6. The Commission will consider, on a limited basis, as conditions warrant, mitigation plans that provide long-term wildlife and conservation benefits but do not involve the replanting of trees and shrubs.
7. The proposed route modification complies with the Commission's siting criteria set forth in Section 69-06-08-02 of the North Dakota Administrative Code. Information regarding the exclusion areas and avoidance areas present within the proposed route modification, as well as information regarding the selection criteria and policy criteria as they relate to the proposed modification, is provided below.

III. CONCLUSION






















In conclusion, the Applicants respectfully request that the Commission approve the Request to Amend Provision 31 in the Certification Relating to Order Provisions - Transmission Facility Siting, the updates to the Tree and Shrub Mitigation Specifications and the Applicants ask that the Commission approve the corridor modification depicted in Attachment A.

Dated this 5th day of August 2019.

OTTER TAIL POWER COMPANY

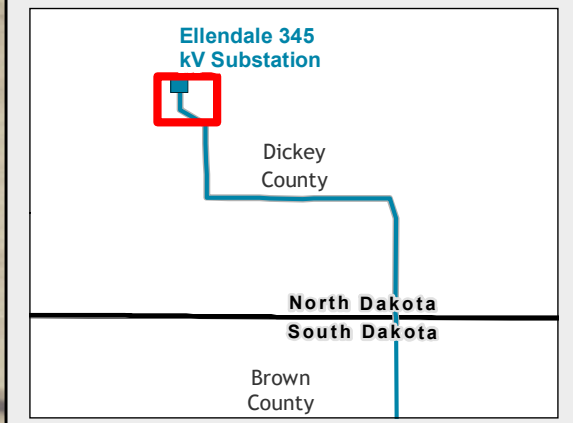
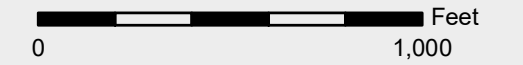
By /S/ PETE BEITHON
Pete Beithon
Manager, Regulatory Recovery
215 S. Cascade Street
P.O. Box 496
Fergus Falls, MN 56538-0496
(218) 739-8607

Attachment A
 Big Stone South to Ellendale
 345 kV Transmission Line Project
 North Dakota

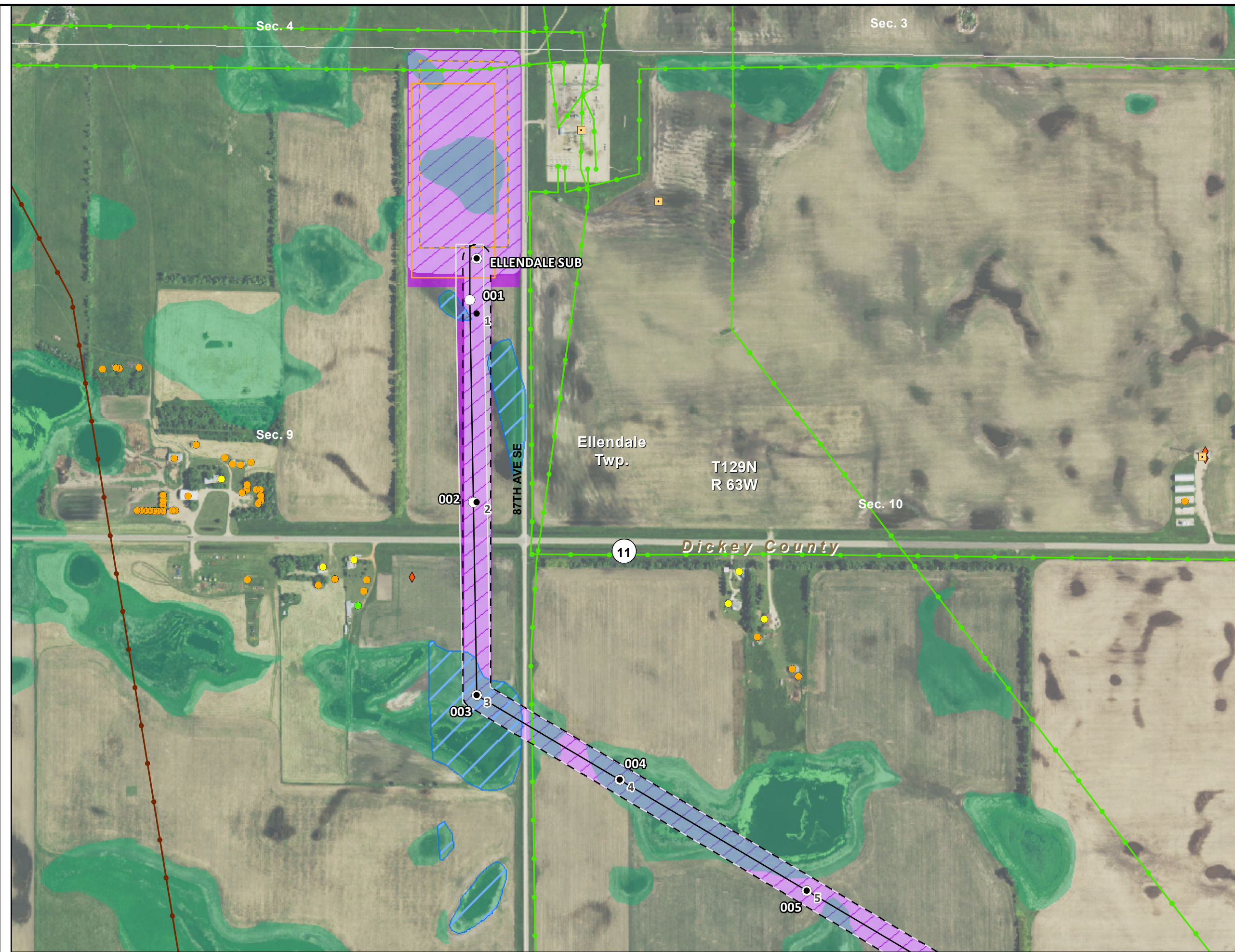
-  North Dakota Corridor (2019 - Final)
-  North Dakota Corridor (2017)
-  Facility Structures (2017)
-  Facility Structures (2019 - Final)
-  Facility Centerline (2019 - Final)
-  Facility ROW (2017)
-  Facility ROW (2019 - Final)
-  Ellendale 345kV Substation Boundary (2019)
-  Ellendale 345kV Substation Boundary (2017)
-  Field Reviewed Wetland / Other Waters
-  Desktop Delineated Wetlands
-  Dwelling - Occupied
-  Dwelling - Unknown/Vacant
-  Ag/Other Structure
-  Utility
-  Communication Tower
-  Electric Transmission Line
-  Oil or Gas Pipeline
-  Sections
-  Township
-  City Boundary



Scale 1:6,000



Date: 7/30/2019





30 West Superior Street, Suite 200 Duluth, Minnesota 55802-2093 218.355.3232 | www.alletecleanenergy.com

ORIGINAL

June 13, 2018



VIA EMAIL AND U.S. MAIL

North Dakota Public Service Commission
Attn: Mr. Jerry Lein
Public Utilities Division
600 E Boulevard Ave, Dept. 408
Bismarck, ND 58505-0480

RE: Clean Energy #1 - Requested Order Provision Change
Case No. PU-11-662 & PU-17-302

Mr. Lein,

On August 29, 2012 the North Dakota Public Service Commission (PSC) approved a Certificate of Site Compatibility (Certificate) for the Clean Energy #1 Wind Project (Project). As part of that Certificate, a CERTIFICATION RELATING TO ORDER PROVISIONS- ENERGY CONVERSION FACILITY SITING (Order Provisions) was included. ALLETE Clean Energy respectfully requests amending Order Provision 34 from its original language:

"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. Company 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."

To the revised language below removing the final sentence of Order Provision 34:

"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. Company 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."

20 **PU-17-302** Filed: 6/13/2018 Pages: 2
Request to amend Order Provision 34

Allete Clean Energy, Inc.
Daniel McCourtney

41 **PU-11-662** Filed: 6/13/2018 Pages: 2
Request to amend Order Provision 34

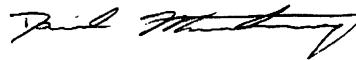
Allete Clean Energy, Inc.
Daniel McCourtney

AN ALLETE COMPANY

Mr. Lein
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June 13, 2018

If the PSC requires additional information from ALLETE Clean Energy to approve this request please let me know. Thank you for your consideration in this matter. The original and copies for each Case will sent via U.S. Mail to the address above.

Respectfully submitted,



Daniel McCourtney
ALLETE Clean Energy

DM:sr

Cc: John Hollingsworth
Well McGiffert
Jim Moran
David R. Moeller

