STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Montana-Dakota Utilities Co. / Otter Tail Power Company **Case No. PU-13-840**
345 kV Transmission Line
Siting Application

AFFIDAVIT OF SERVICE BY CERTIFIED AND REGULAR MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Geralyn R. Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **19th** day of **December, 2019,** she deposited in the United States Mail, at Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

- **Order**

And Original Of:

- **Third Amended Certificate of Corridor Compatibility Number 154**

The envelope was addressed as follows:

Pete Beithon
Manager, Regulatory Recovery
Otter Tail Power Company
PO Box 496
Fergus Falls, MN 58538-0496
Cert. No. 7018 0680 0001 3737 7394

Geralyn R. Schmaltz further deposes and says that on the **19th day of December, 2019** she deposited in the United States Mail, Bismarck, North Dakota **four** envelopes by regular mail, with postage fully prepaid, securely sealed, containing a copy of the same.

180 **PU-13-840** Filed: 12/19/2019 Pages: 8
Affidavit of Service by Certified & Regular Mail - Order

Public Service Commission

The envelopes were addressed as follows:

Daniel Kuntz
MDU Resources Group, Inc.
PO Box 5650
Bismarck, ND 58506-5650

Dean Pawlowski
Otter Tail Power Company
215 South Cascade Street
Fergus Falls, MN 56538-0496

Henry Ford
Montana-Dakota Utilities Co.
400 North Fourth Street
Bismarck, ND 58501

Jennifer Smestad
Otter Tail Power Company
215 South Cascade Street
Fergus Falls, MN 56538-0496

Each address shown is the respective addressee's last reasonably ascertainable post office addresses.

Subscribed and sworn to before me
this **19th** day of **December 2019.**

JOHN G. HAMRE
Notary Public
State of North Dakota
My Commission Expires July 04, 2020

SEAL

Notary Public

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

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

ORDER

December 18, 2019

Preliminary Statement

On July 10, 2014, the Commission issued Corridor Certificate No. 154 and Route Permit No. 166 to Montana-Dakota Utilities Co. and Otter Tail Power Company (Applicants) designated a location for the construction and operation of approximately 11 miles of 345 kV electric transmission line and associated facilities from a new Ellendale 345 kV substation to the South Dakota Border in Dickey County. The July 10, 2014 Findings of Fact, Conclusions of Law, and Order incorporated by reference the Certification Relating to Order Provisions - Transmission Facility Siting with accompanying Tree and Shrub Mitigation Specifications filed with the Commission at the April 1, 2014 public hearing with the exception of paragraph 8 of the Tree and Shrub Mitigation Specifications, where the maximum width of clear cuts through windbreaks, shelterbelts, and all other wooded areas on this project is one hundred fifty feet.

On December 16, 2015, the Commission issued First Amended Corridor Certificate No.154 and First Amended Route Permit No. 166 authorizing minor corridor and route modifications in sections 9 and 10 of Ellendale Township (T129N, R63W) and in section 32 of Van Meter Township (T129N, R62W).

On November 29, 2017, the Commission issued Second Amended Corridor Certificate No.154 and Second Amended Route Permit No. 166 authorizing minor corridor and route modifications in section 20 of Van Meter Township (T129N, R62W) in Dickey County.

On August 5, 2019, Applicants filed with the Commission for (1) a Modified Certificate of Corridor Compatibility, (2) a language change to clarify structure shifts, and (3) a request to use new tree and shrub mitigation specifications.

On September 19, 2019, the Commission issued a Notice of Opportunity for Hearing that provided until November 12, 2019, for receiving written comments and hearing requests. No response was received. The notice provided that, if deemed appropriate, the Commission can determine the matter without a hearing.

The Notice identified the issues to be considered in this proceeding are:

1. Will the location, construction, and operation of the facilities produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota?

2. Are the facilities compatible with the environmental preservation and the efficient use of resources?

3. Will the 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?

4. Should provision 31 of the certification be amended as requested?

5. Should the tree and shrub mitigation specifications be updated as requested?

On November 21, 2019, the Commission discussed these matters with Applicants and Commission Staff during an Informal Hearing

On November 27, 2019, Applicants filed supplemental information in support of the August 5, 2019 filing.

Discussion

Applicants request modifications to Second Amended Corridor Certificate No. 154 to shift the designated corridor at the new Ellendale 345 kV substation approximately fifty feet south to include the southern perimeter of the new substation within the designated corridor.

Applicants explained that the substation location provided in the application was based on a preliminary estimate of township road setback requirements. When Applicants began obtaining permits, they realized that the township road setback requirement was two hundred feet rather than 65 feet, which required a shift in the substation design and location.

The Applicants' November 27, 2019 filing verifies that no exclusion areas or avoidance areas are present within the corridor or route modification.

Having considered this matter the Commission finds that Second Amended Corridor Certificate No. 154 should be amended to shift the designated corridor at the new Ellendale 345 kV substation approximately fifty feet south to include the southern perimeter of the new substation within the designated corridor.

Applicants request an amendment of the Commission's July 10, 2014 Findings of Fact, Conclusions of Law, and Order to remove language from paragraph 31 of the

Certification Relating to Order Provisions that appears to require notice and opportunity for hearing prior to approving project modifications.

Having considered this matter the Commission finds that the Certification Relating to Order Provisions incorporated by reference in the July 10, 2014 Findings of Fact, Conclusions of Law, and Order should be amended to remove language from the attached Certification Related to Order Provisions that appears to require notice and opportunity for hearing prior to approving project modifications.

Applicants request an amendment of the Commission's July 10, 2014 Findings of Fact, Conclusions of Law, and Order to replace the Tree and Shrub Mitigation Specifications with updated specifications recently adopted by the Commission.

Having considered this matter the Commission finds that the July 10, 2014 Findings of Fact, Conclusions of Law, and Order should be amended to replace the Tree and Shrub Mitigation Specifications referenced in that Order with the Commission's recently revised Tree and Shrub Mitigation Specifications, with the exception that the maximum width of tree and shrub removal is one hundred fifty feet.

Order

The Commission Orders:

1. Applicants' request to amend Second Amended Corridor Certificate No. 154 to shift the designated corridor at the new Ellendale 345 kV substation approximately fifty feet south to include the southern perimeter of the new substation within the designated corridor is granted.

2. Applicants' request to amend paragraph 31 of the Certification Relating to Order Provisions incorporated by reference in the Commission's July 10, 2014 Findings of Fact, Conclusions of Law, and Order is granted.

3. Paragraph 31 is amended to read as follows:

> 31. Company understands and agrees that it shall inform the Commission in writing of any plans to modify the transmission facility or of any plan 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.

4. Applicants' request to amend the Commission's July 10, 2014 Findings of Fact, Conclusions of Law and Order by replacing the Tree and Shrub Mitigation Specifications with updated specifications recently adopted by the Commission is granted. The updated Tree and Shrub Mitigation Specifications is incorporated by reference and attached to this Order.

5. All applicable provisions and requirements in the Commission's July 10, 2014 Findings of Fact, Conclusions of Law and Order, the Commission's December 16, 2015

Supplemental Order and the Commission's November 29, 2017 Supplemental Order continue to apply except where altered by this Order.

6. Third Amended Corridor Certificate No. 154 is issued to Montana-Dakota Utilities Co. and Otter Tail Power Company.

PUBLIC SERVICE COMMISSION

Julie Fedorchak **Commissioner**	**Brian Kroshus** **Chairman**	**Randy Christmann** **Commissioner**

PUBLIC SERVICE COMMISSION

STATE OF NORTH DAKOTA

Third Amended
Certificate of Corridor Compatibility Number 154

This is to certify that the Commission has designated a transmission facility corridor for Montana-Dakota Utilities Co. and Otter Tail Power Company for a 345 kV electric transmission line and associate facilities extending approximately nine miles from a new Ellendale 345 kV substation to the South Dakota Border.

This certificate is issued in accordance with the Commission's July 10, 2014 Findings of Fact, Conclusions of Law, and Order, the Commission's December 16, 2015 and November 29, 2017 Supplemental Orders, and the Commission's December 18, 2019 Order, all in Case No. PU-13-840, and is subject to the conditions and limitations noted in those Orders.

Bismarck, North Dakota, December 18, 2019

ATTEST:

Executive Secretary

PUBLIC SERVICE COMMISSION

Commissioner

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Montana-Dakota Utilities Co. / Otter Tail Power Company **Case No. PU-13-840**
345 kV Transmission Line – Dickey County
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Tree and Shrub Mitigation Specifications

Inventory

Prior to cutting or clearing trees or shrubs for construction:

- All trees one-inch or greater in diameter at breast height must be inventoried to record the location, number, and species.
- All shrubs and all coniferous trees of any diameter must be inventoried to record the location, number, and species.

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 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 benefit 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 habitat and conservation benefits but do not involve the replanting of trees and shrubs.