

215 South Cascade Street  
PO Box 496  
Fergus Falls, Minnesota 56538-0496  
218 739-8200  
[www.otpc.com](http://www.otpc.com) (web site)



June 5, 2017

Darrel Nitschke  
Executive Secretary  
North Dakota Public Service Commission  
State Capitol - Department 408  
600 East Boulevard Avenue  
Bismarck, NO 58505-0480

**RE: Application for Permanent Authority (CPCN) to North Dakota Soybean Processors, LLC, near Spiritwood, North Dakota  
Case No. PU-17-99  
Clarification and Correction of Legal Description**

Dear Mr. Nitschke:

Please accept for filing this clarification and correction of the record. It has come to our attention that the legal description of the point of service stated in Otter Tail Power Company's (OTP) application for permanent authority in the above-referenced docket deviates from the maps submitted with our filings. In simple terms the maps are right; the legal description is not. Specifically, OTP's Application for Permanent Authority states that the customer has requested service from OTP at a point located in the NE-1/4 of Section 28, Township 140N, Range 77W, Stutsman County, North Dakota. The correct description is NE-1/4 of Section 28, Township 140N, Range 62W, Stutsman County, North Dakota.

As noted, the maps provided with our Application for Permanent Authority dated March 8, 2017 and Supplemental Information for Application for Permanent Authority dated March 24, 2017 correctly depict the point of service and relevant infrastructure. These maps did not include sections lines and tertiary details. For clarity's sake, we have attached a map with those features marked as Exhibit A. Please note that this map is the same as our prior maps in noting the point of service and key infrastructure. We have also attached as Exhibit B a statement from North Dakota Soybean Processors, LLC confirming the corrected legal description and the accuracy of the maps previously filed by Otter Tail.

Mr. Nitschke

June 5, 2017

Page 2

Finally, please note that by a letter dated April 10, 2017, Northern Plains Cooperative stated that it did not object to OTP's provision of service to a point located in the NE-1/4 of Section 28, Township 140N, Range 62W, Stutsman County, North Dakota. The cooperative's correspondence notes correctly the point of service indicated in Otter Tail's maps. North Dakota Soybean Processors, LLC also notes in Exhibit B that it has previously provided project information to the cooperative including site and certain design information. Given these facts we do not believe the cooperative or any party for that matter has suffered any prejudice by the incorrect legal description. Therefore, Otter Tail Power Company respectfully request that the Commission issue a Certificate of Public Convenience and Necessity authorizing Otter Tail to extend permanent electric service to North Dakota Soybean Processors, LLC's proposed soybean crushing facility consistent with the maps previously filed by Otter Tail and the corrected legal description noted above.

If you have any questions regarding this filing, please contact me at 218-739-8956 or at [cstephenson@otpc.com](mailto:cstephenson@otpc.com)

Sincerely,

*/s/ CARY STEPHENSON*

Cary Stephenson

Associate General Counsel

ljh

Enclosures

By electronic filing

cc: Northern Plains Electric Cooperative – Bruce Garber

Scott Austin

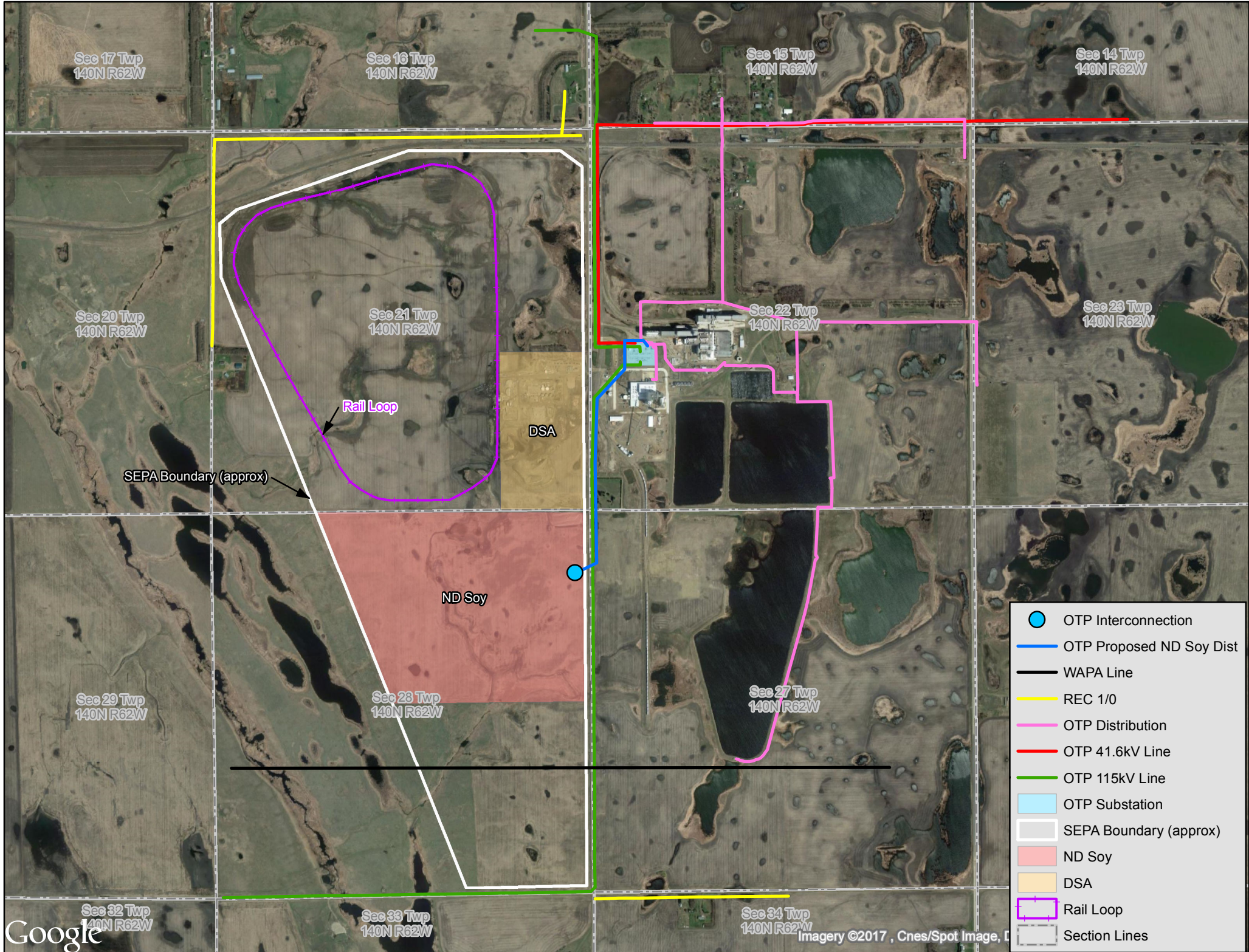
Mark Helland

Jeremy Rham

Steve Schoeneck

## **Exhibit A**

### **Map**



Sec 17 Twp  
140N R62W

Sec 16 Twp  
140N R62W

Sec 15 Twp  
140N R62W

Sec 14 Twp  
140N R62W

Sec 20 Twp  
140N R62W

Sec 21 Twp  
140N R62W

Sec 22 Twp  
140N R62W

Sec 23 Twp  
140N R62W

Rail Loop

DSA

SEPA Boundary (approx)

ND Soy

Sec 29 Twp  
140N R62W

Sec 28 Twp  
140N R62W

Sec 27 Twp  
140N R62W














Google

Sec 32 Twp  
140N R62W

Sec 33 Twp  
140N R62W

Sec 34 Twp  
140N R62W

Imagery ©2017, Cnes/Spot Image, L

-  OTP Interconnection
-  OTP Proposed ND Soy Dist
-  WAPA Line
-  REC 1/0
-  OTP Distribution
-  OTP 41.6kV Line
-  OTP 115kV Line
-  OTP Substation
-  SEPA Boundary (approx)
-  ND Soy
-  DSA
-  Rail Loop
-  Section Lines

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

In the Matter of the Application )  
of Otter Tail Power Company, )  
for an Order and Certificate to ) Case No. 17-99  
Extend Service to North Dakota Soybean )  
Processors, LLC, near Spiritwood, North Dakota )

**Statement of Customer**

North Dakota Soybean Processors, LLC, (NDSP or Customer), through the undersigned Scott Austin, hereby states the following to the North Dakota Public Service Commission (Commission):

1. On March 8, 2017 Otter Tail Power Company (Otter Tail) filed an Appearance by Customer stating that the NDSP requested Otter Tail electric service at the following location(s):  
  
a point located in the NE-1/4 of Section 28, Township 140N, Range 77W, Stutsman County, North Dakota as shown on the map attached as Exhibit A to Otter Tail's Application for Permanent Authority to Serve.
2. While the maps attached to Otter Tail's Application for Permanent Authority and Supplemental Information to Application for Permanent Authority correctly indicate the point of service to NDSP's proposed soybean crushing facility, the legal description of that point was not correct. The correct legal description is a point located in the NE-1/4 of Section 28, Township 140N, Range 62W, Stutsman County, North Dakota (emphasis added). The reference to Range 77W was an inadvertent error.
3. To be clear, NDSP requests that Otter Tail provide electric service to NDSP's proposed soybean crushing facility at a point located in the NE-1/4 of Section 28, Township 140N, Range 62W, Stutsman County, North Dakota. This description corresponds with the maps filed by Otter Tail.
4. By a letter dated April 10, 2017 Northern Plains Cooperative stated that it does not object to Otter Tail extending permanent service to NDSP "provided the service is for this specific rural service located in the NE ¼ of Section 28, Twp 140N, R62W of Stutsman County,

