

August 31, 2021

**HAND DELIVERED**

Mr. Steve Kahl  
Executive Secretary  
North Dakota Public Service Commission  
600 E. Boulevard, Dept. 408  
Bismarck, ND 58505-0480

**Re: Great River Energy  
Rainbow Energy Center, LLC  
Case No. PU-21-325**

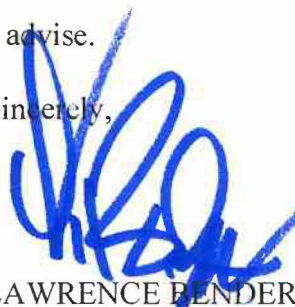
Dear Mr. Kahl:

Please find enclosed herewith for filing in the above-referenced matter with the North Dakota Public Service Commission, an original and five (5) copies of the Proposed Order Reissuing Certificate and Permit on behalf of Rainbow Energy Center, LLC.

Also enclosed is a CD containing this letter and the above-referenced document in PDF format.

Should you have any questions, please advise.

Sincerely,



LAWRENCE BENDER

LB/kl

Cc: Great River Energy  
Rainbow Energy Center, LLC

Enclosures

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Proposed Order Reissuing Certificate and Permit  
Great River Energy  
Lawrence Bender

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

**Great River Energy/Rainbow Energy Center, LLC  
Transfer of Corridor Certificate & Route Permit  
Siting Application**

**Case No. PU-21-325**

**[PROPOSED] ORDER REISSUING CERTIFICATE AND PERMIT**

**September 1, 2021**

**Preliminary Statement**

On April 8, 1976, the Commission issued Certificate of Site Compatibility for Transmission Facility Corridor, Certificate No. 1, to Cooperative Power Association and United Power Association (CPA-UPA). Certificate No. 1 was issued in accordance with the Commission's Findings of Fact, Conclusions of Law and Order dated March 6, 1976 entered in Case No. 9322.

On June 15, 1977, the Commission issued Route Permit for a Water Transmission Pipeline, Permit No. 3, to CPA-UPA. Permit No. 3 was issued in accordance with the Commission's Findings of Fact, Conclusion of Law and Order dated June 15, 1977 entered in Case No. 9532.

Permit No. 3 and Certificate No. 1 authorized the construction of a 30" water transmission pipeline approximately 6.5 miles in length from a point of beginning located in Section 22, Township 144 North, Range 83 West, to a point of termination in Section 17, Township 145 North, Range 82 West, all in McLean County, North Dakota,

On July 12, 2021, Great River Energy (GRE), as the successor by merger of CPA-UPA, and Rainbow Energy Center, LLC (Rainbow) filed a joint application for transfer of Permit No. 3 and Certificate No. 1 from GRE to Rainbow.

The joint application requests that the transfer of Permit No. 3 and Certificate No. 1 be conditioned upon the closing of the transactions contemplated by the Asset Purchase Agreement dated June 30, 2021, entered into between GRE and Rainbow (Asset Purchase Agreement).

On July 22, 2021, the Commission issued a Notice of Opportunity for Hearing that provided a deadline of August 23, 2021 for filing written comments or requests for hearing.

The notice indicated the issues to be considered are whether Rainbow agrees and is able to comply with the terms and conditions of the Orders issuing Permit No. 3 and Certificate No. 1 to CPA-UPA and whether the requested transfers are compatible with the public interest. The Minot Air Force Base submitted written comments indicating no objection to the proposed transfer. No additional comments or requests for hearing were filed.

### **Discussion**

Rainbow filed a July 9, 2021 affidavit of Stacy Tschider, President of Rainbow Energy Center, LLC, on behalf of Rainbow.

Mr. Tschider states that Rainbow Energy Center, LLC agrees to assume the rights and obligations of GRE with respect to the Permit No. 3 and Certificate No. 1, including the conditions, limitations, rights and obligations set forth in the March 6, 1976 and June 15, 1977 Orders of the Commission, and any other conditions or modifications set forth in subsequent orders of the Commission with respect to Permit No. 3 and Certificate No. 1.

The Commission finds that Rainbow Energy Center, LLC has agreed and is able to comply with the terms and conditions of Permit No. 3 and Certificate No. 1.

The Commission finds that the requested transfer is compatible with the public interest.

The Commission shall condition the transfer of Permit No. 3 and Certificate No. 1 from GRE to Rainbow on the closing of the transactions contemplated by the Asset Purchase Agreement.

### **Order**

The Commission Orders:

1. The application for transfer of Permit No. 3 and Certificate No. 1 is granted.
2. Upon joint notification to the Commission by Great River Energy and Rainbow Energy Center, LLC that the transactions contemplated by the Asset Purchase Agreement have closed, the Commission shall issue First Reissued Permit Number 3 and First Reissued Certificate Number 1 to Rainbow Energy Center, LLC, effective the date of the closing.
3. If, within one (1) year of the date of this Order, the Commission has not received notification that the transactions contemplated by the Asset Purchase Agreement have closed, the Commission shall issue an order denying the application and this case shall in all things be dismissed.

**PUBLIC SERVICE COMMISSION**

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**Randy Christmann  
Commissioner**

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**Julie Fedorchak  
Chairman**

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**Brian Kroshus  
Commissioner**

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