

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Great River Energy / Rainbow Energy Center, LLC
Transfer Certificate #1 and Permit #3
Siting Application**

Case No. PU-21-325

AMENDED ORDER

September 2, 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. The Commission designated a corridor for the construction, operation and maintenance of a 30-inch, 6.5-mile water transmission pipeline and associated facilities in McLean County, North Dakota.

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. The Commission designated a route within the designated corridor for the construction, operation and maintenance of a 30-inch, 6.5-mile water transmission pipeline and associated facilities 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), successor to Cooperative Power Association and United Power Association, and Rainbow Energy Center, LLC (Rainbow) submitted a joint application for the transfer of Certificate of Corridor Compatibility No. 1 and Route Permit No. 3 to Rainbow Energy Center, LLC, Case No. PU-21-325.

On July 21, 2021, the Minot Air Force Base submitted written comments on the application.

On July 22, 2021, the Commission issued a Notice of Opportunity for Hearing (Notice) that provided until August 23, 2021, for comments or requests for hearing. No requests for hearing were filed. The Notice stated that the Commission can determine the matter without a hearing.

The Notice identified the issues to be considered in Case No. PU-21-325 are:

1. whether Rainbow agrees and is able to comply with the terms and conditions of Certificate of Corridor Compatibility No. 1 and Route Permit No. 3, and
2. whether the requested transfer is compatible with the public interest.

Discussion

Rainbow Energy Center, LLC is a foreign limited liability company authorized to do business in North Dakota with a principal address of 919 S. 7th St. Suite 405 Bismarck, ND 58504.

By the affidavit of Stacy Tschider, President of Rainbow Energy Center, LLC, Rainbow agrees to assume the rights and obligations of GRE with respect to Certificate of Corridor Compatibility No. 1 and Route Permit No. 3, agrees to comply with the conditions and limitations set forth in the Commission's March 6, 1976 Findings of Fact, Conclusions of Law and Order issuing Certificate of Corridor Compatibility No. 1 in Case No. 9322, and agrees to comply with the conditions and limitations set forth in the Commission's June 15, 1977 Findings of Fact, Conclusions of Law and Order issuing Route Permit No. 3 in Case No. 9532.

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

The Minot Air Force Base indicated no objection to the proposed transfer.

Having considered this matter, the Commission finds Rainbow agrees and is able to comply with the terms and conditions of Certificate of Corridor Compatibility No. 1, Route Permit No. 3, and the requested transfer is compatible with the public interest.

Therefore, the Commission issues its:

Order

The Commission orders:

1. The joint application of Great River Energy and Rainbow Energy Center, LLC for the transfer of Corridor Certificate Number 1 and Route Permit Number 3 is APPROVED conditioned upon joint notification to the Commission by Great River Energy and Rainbow Energy, LLC that the transactions contemplated by the Asset Purchase Agreement have closed.
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 Corridor Certificate

Number 1 and First Reissued Route Permit Number 3 and to Rainbow Energy Center, LLC, effective the date of the closing.

3. If, within one 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 application is denied, and this case dismissed.

PUBLIC SERVICE COMMISSION



Randy Christmann
Commissioner



Julie Fedorchak
Chair



Brian Kroshus
Commissioner