

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

AFFIDAVIT OF SERVICE BY REGULAR AND ELECTRONIC 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 **3rd day of September 2021**, she deposited in the United States Mail, Bismarck, North Dakota, **3** envelopes by first class mail, fully prepaid, securely sealed each containing a photocopy of:

Amended Order

The envelopes were addressed as follows:

See attached list.

Geralyn R. Schmaltz further deposes and says that on the **3rd day of September 2021**, she sent an electronic message to **49** addressees, each including an electronic copy in portable document format of the same document.

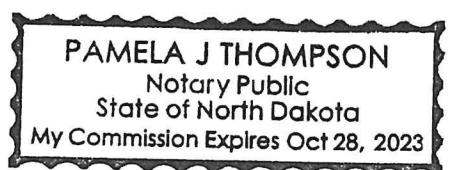
The electronic mails were addressed as follows:

See attached list

The addresses shown are the respective addressee's last reasonably ascertainable post office and electronic mail addresses.

Subscribed and sworn to before me
this **3rd day of September 2021**.

SEAL



Federal Aviation Administration
2301 University Avenue Building 23B
Bismarck ND 58504

County Auditor
McLean County
712 5th Avenue
Washburn ND 58577

County Commission
McLean County
712 5th Avenue
Washburn ND 58577

jdelzer@nd.gov
Representative Jeff Delzer

2919 5th St NW
Underwood ND 58576

goehring@nd.gov
Doug Goehring
Agriculture Department
State Capitol
Bismarck ND 58505

BLM MT North Dakota FO@blm.gov

Bureau of Land Management
North Dakota Field Office

dhseo@nd.gov

Department of Human Services

energyimpact@nd.gov

Energy Infrastructure and Impact Office

nathan.davis@nd.gov
Nathan Davis
Indian Affairs Commission
State Capitol - 1st Floor J Wing INSIDE
Bismarck ND 58505

joey.specht@us.af.mil
Joey Specht
Minot AFB

Minot ND

lauren.kinker@us.af.mil
Lauren Kinker
Minot AFB

Minot ND

gheiser@nd.gov
Gerald Heiser
N D Water Commission
900 E Boulevard
Bismarck ND 58505

ndascd@lincolnoakes.com

ND Assoc of Soil Conservation Dist
3310 University Drive
Bismarck ND 58504-7564

ndaero@nd.gov
Gaye Niemiller
Aeronautics Commission
PO Box 5020
Bismarck ND 58502-5020

masagsve@nd.gov
Matt Sagsveen
Attorney General's Office

todd.j.lindquist@usace.army.mil
Todd Lindquist
Corp of Engineers
PO Box 527
Riverdale ND 58565-0527

cte@nd.gov

Dept of Career and Technical Education
State Capitol
Bismarck ND 58505

governor@nd.gov
Doug Burgum
Governor's Office
State Capitol
Bismarck ND 58505

bruce.johnson.25@us.af.mil
Bruce Johnson
Minot AFB

Minot ND

trev.albright@us.af.mil
Trev Albright
Minot AFB

Minot ND

stevebest@nd.gov
Steve Best
N D Water Commission
900 E Boulevard
Bismarck ND 58505

christi.fisher@nd.usda.gov
Christi Fisher
NATURAL RESOURCE CONSERVATION SVC
PO BOX 1458
BISMARCK ND 58502-1458

commerce@nd.gov

ND Commerce Department

ksonsalla@nd.gov
Kevin Sonsalla
ND Department of Commerce

mdockter@nd.gov
Monte Dockter
ND Department of Transportation
State Highway Building
Bismarck ND 58505

dglatt@nd.gov
David Glatt
ND Dept. of Environmental Quality

dtlRequest@nd.gov
Jodi Smith
ND Dept. of Trust Lands

jwilliam@nd.gov
Jeb Williams
ND GAME & FISH DEPT
INSIDE MAIL

caboyd@nd.gov
Clint Boyd
ND Geological Survey

emurphy@nd.gov
MR ED MURPHY
ND GEOLOGICAL SURVEY

sjarntson@nd.gov
Sara Arntson
ND Job Service
P.O. Box 5507 INSIDE MAIL
Bismarck ND 58506-5507

labor@nd.gov
ND Labor Department

mhumann@nd.gov
Mike Humann
ND Land Department

jjkringstad@ndpipelines.com
ND Pipeline Authority

ndicinfor@nd.gov
North Dakota Industrial Commission

atravnicek@nd.gov
Andrea Travnicek
North Dakota Parks & Rec
1600 E Century Ave, Ste. 3 INSIDE MAIL
Bismarck ND 58503-0649

thomas.claeys@ndsu.edu
Thomas Claeys
NSDU North Dakota State Forest Service

dglatt@nd.gov
Dave Glatt
State Health Department

krockema@nd.gov
Karl Rockeman
State Health Department

pwax@nd.gov
Peter Wax
State Health Department

lbmeidinger@nd.gov
Lorna Meidinger
State Historical Society

cfegley@nd.gov
Clayton Fegley
State Representative
10801 240th Street NW
Berthold ND 58718-9619

tbjones@nd.gov
Terry B. Jones
State Representative
PO Box 1964
New Town ND 58763-1964

dnehring@nd.gov
Dave Nehring
State Representative

hcanderson@nd.gov
Howard Anderson
State Senator

jkannianen@nd.gov
Jordan Kannianen
State Senator
8011 51st Street NW
Stanley ND 58784-9562

wendy_ross@nps.gov
Wendy Ross
Theodore Roosevelt Nat'l Park
PO Box 7
Medora ND 58645

sschwenke@fs.fed.us
Sherri Schwenke
U S Forest Service
240 W Century Ave
Bismarck ND 58501-1494

gjwiche@usgs.gov
District Chief
U S Geological Survey
821 E Interstate Ave
Bismarck ND 58501

cenwo-de@usace.army.mil
District Engineer
US Army Engineer District Omaha
1616 Capitol Ave
Omaha NE 68102

jessica_n_johnson@fws.gov
Jessica Johnson
US Fish & Wildlife Service
3425 Miriam Ave
Bismarck ND 58501

ndfieldoffice@fws.gov

US FISH & WILDLIFE SERVICE
3425 MIRIAM AVE
BISMARCK ND 58501-7926

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

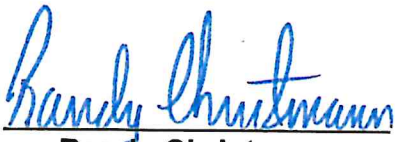
The Commission orders:

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