

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
Nexus Line, LLC
Case No. PU-21-326**

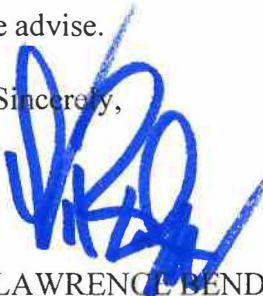
Dear Mr. Kahl:

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 Nexus Line, 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
Nexus Line, LLC

Enclosures

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STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Great River Energy/Nexus Line, LLC
Transfer of Corridor Certificate & Route Permit
Siting Application

Case No. PU-21-326

[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. 2, to Cooperative Power Association and United Power Association (CPA-UPA). Certificate No. 2 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 February 28, 1977, the Commission issued Permit for the Construction of a Transmission Facility, Permit No. 1, to CPA-UPA. Permit No. 1 was issued in accordance with the Commission's Findings of Fact, Conclusion of Law and Order dated December 17, 1976 entered in Case No. 9370.

Permit No. 1 and Certificate No. 2 authorized the construction of an approximately 255 mile long, \pm 400 kilovolt, high voltage, direct current electric transmission line and associated facilities running from the lignite coal-fired electric generating plant located four miles south of Underwood, North Dakota to a point on the Minnesota-North Dakota border in Richland County, North Dakota.

On July 12, 2021, Great River Energy (GRE), as the successor by merger of CPA-UPA, and Nexus Line, LLC (Nexus) filed a joint application for transfer of Permit No. 1 and Certificate No. 2 from GRE to Nexus.

The joint application requests that the transfer of Permit No. 1 and Certificate No. 2 be conditioned upon the closing of the transactions contemplated by the Asset Purchase Agreement dated June 30, 2021, entered into between GRE and Nexus (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 Nexus agrees and is able to comply with the terms and conditions of the Orders issuing Permit No. 1 and Certificate No. 2 to CPA-UPA and whether the requested transfers are compatible with the public interest. The Minot Air Force Base and North Dakota Department of Environmental Quality submitted written comments indicating no objection to the proposed transfer. No additional comments or requests for hearing were filed.

Discussion

Nexus filed a July 9, 2021 affidavit of Stacy Tschider, President of Nexus Line, LLC, on behalf of Nexus.

Mr. Tschider states that Nexus Line, LLC agrees to assume the rights and obligations of GRE with respect to the Permit No. 1 and Certificate No. 2, including the conditions, limitations, rights and obligations set forth in the March 6, 1976 and December 17, 1976 Orders of the Commission, and any other conditions or modifications set forth in subsequent orders of the Commission with respect to Permit No. 1 and Certificate No. 2.

The Commission finds that Nexus Line, LLC has agreed and is able to comply with the terms and conditions of Permit No. 1 and Certificate No. 2.

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

The Commission shall condition the transfer of Permit No. 1 and Certificate No. 2 from GRE to Nexus on the closing of the transactions contemplated by the Asset Purchase Agreement.

Order

The Commission Orders:

1. The application for transfer of Permit No. 1 and Certificate No. 2 is granted.
2. Upon joint notification to the Commission by Great River Energy and Nexus Line, LLC that the transactions contemplated by the Asset Purchase Agreement have closed, the Commission shall issue First Reissued Permit Number 1 and First Reissued Certificate Number 2 to Nexus Line, 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

Randy Christmann
Commissioner

Julie Fedorchak
Chairman

Brian Kroshus
Commissioner

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