

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Great River Energy / Nexus Line, LLC  
Transfer Certificate #2 and Permit #1  
Siting Application

Case No. PU-21-326

AFFIDAVIT OF SERVICE BY CERTIFIED 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 at Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

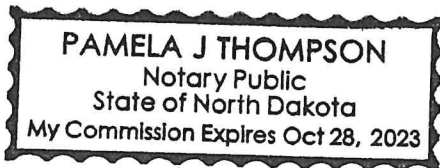
- **Amended Order**

The envelope was addressed as follows:

Lawrence Bender  
Fredrikson & Byron, P. A.  
1133 College Drive Suite 1000  
Bismarck, ND 58501-1215  
**Cert. No. 7020 2450 0000 1344 2055**

Each address shown is the respective addressee's last reasonably ascertainable post office mail address.

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



SEAL

Two handwritten signatures in blue ink. The top signature is "Geralyn R. Schmaltz" and the bottom signature is "Pamela J. Thompson" with "Notary Public" written below it.

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

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Transfer Certificate #2 and Permit #1  
Siting Application**

**Case No. PU-21-326**

**AMENDED ORDER**

**September 2, 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. The Commission designated a corridor for the construction, operation and maintenance of a 252.4 mile, 400 kilovolt direct current electric (kVDC) transmission line in McLean, Burleigh, Kidder, Stutsman, LaMoure, Ransom, Sargent, and Richland Counties of North Dakota.

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. The Commission designated a route within the designated corridor for the construction, operation and maintenance of a 252.4 mile, 400 kVDC electric transmission line from the Coal Creek Generating Station located four miles south of Underwood, in McLean County, North Dakota, to a point on the North Dakota-Minnesota border in Richland County, North Dakota.

On July 12, 2021, Great River Energy (GRE), successor to Cooperative Power Association and United Power Association, and Nexus Line, LLC submitted a joint application for the transfer of Certificate of Corridor Compatibility Number 2 and Route Permit Number 1 to Nexus Line, LLC, Case No. PU-21-326.

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-21-326 are:

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

On August 12, 2021, the North Dakota Department of Environmental Quality submitted written comments on the application.

### **Discussion**

Nexus Line, LLC is a domestic limited liability company authorized to do business in North Dakota with a principal address of 919 S 7<sup>th</sup> St STE 405, Bismarck, ND 58504.

By the affidavit of Stacy Tschider, President of Nexus Line, LLC, states that Nexus Line, LLC agrees to assume the rights and obligations of GRE with respect to Certificate of Corridor Compatibility No. 2 and Route Permit No. 1, 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. 2 in Case No. 9322, and agrees to comply with the conditions and limitations set forth in the Commission's December 17, 1977 Findings of Fact, Conclusions of Law and Order issuing Route Permit No. 1 in Case No. 9370.

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 Nexus Line, LLC.

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

The North Dakota Department of Environmental Quality (Department) believes that the environmental impacts from the proposed construction will be minor and can be controlled by proper construction methods. The Department believes the proposed activities are consistent with the State Implementation Plan for the Control of Air Pollution for the State of North Dakota.

Having considered this matter, the Commission finds Nexus Line, LLC agrees and is able to comply with the terms and conditions of Certificate of Corridor Compatibility No. 2, Route Permit No. 1, 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 Nexus Line, LLC for the transfer of Corridor Certificate Number 2 and Route Permit Number 1 is APPROVED conditioned 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.
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 Corridor Certificate Number 2 and First Reissued Route Permit Number 1 to Nexus Line, 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 is dismissed.

**PUBLIC SERVICE COMMISSION**

  
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**Randy Christmann**  
Commissioner

  
\_\_\_\_\_  
**Julie Fedorchak**  
Chair

  
\_\_\_\_\_  
**Brian Kroshus**  
Commissioner