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North Dakota Public Service Commission
600 E Boulevard Ave.
Bismarck, Nd 58505-0480
Attn: Steve Kahl; Executive Secretary

8/16/2021

Re: Request for Jurisdictional Determination

Dear Mr. Kahl:

The North Dakota Transmission Authority is considering making a loan to Nexis Line, LLC, which is in the process of acquiring the approximately 436-mile HVDC transmission line from Coal Creek Station to Buffalo, Minnesota. It is proposed that the loan be secured by a mortgage and security interest in the line, the related substations and converter stations and other related property. This letter is to request your determination that approval of such encumbrances by the Public Service Commission is not required in this case.

Section 49-04-05, North Dakota Century Code, provides that a "public utility" may not encumber its systems or works without prior approval of the PSC. Nexis Line, LLC is not a public utility as that term is commonly understood because it will not make any retail sales of power. However, NDCC Section 49-01-01(3) provides that for purposes of Title 49, "unless the context or subject matter otherwise requires, 'public utility' includes any...limited liability company...engaged or employed in any business enumerated in this title."

Your prompt response would be greatly appreciated. Let me know if we can provide any additional information.

Very truly yours,

A handwritten signature in blue ink that reads "John Weeda". The signature is written in a cursive style with a large, looping initial "J".

John Weeda
Director, North Dakota Transmission Authority