

August 26, 2021

Mr. John Weeda
Director
North Dakota Transmission Authority

RE: Nexis Line, LLC Transmission Line

Dear Mr. Weeda:

Thank you for your Request for Jurisdictional Determination related to whether approval is required for encumbrances from a North Dakota Transmission Authority loan to Nexis Line, LLC secured by a mortgage and security interest in the approximately 436-mile HVDC transmission line from Coal Creek Station to Buffalo, Minnesota.

N.D.C.C. § 49-04-05 provides that a public utility may not dispose of, encumber, merge, or consolidate its franchise, works, or system necessary or useful in the performance of its duties to the public without prior Commission approval. Although 49-01-01(3) applies the term “public utility” generally under Title 49, the terms “public utility” and “electric transmission provider” are separately applied in subsequent chapters as it relates to traditional service and rate regulation. Based upon the facts provided in your request, the Nexis Line, LLC is not subject to traditional service and rate regulation that would require Commission approval for a mortgage and security interest in the line as provided by the North Dakota Transmission Authority.

This determination is advisory and does not establish precedent with the Commission. If there are changes to the operations and structure of Nexis Line, LLC, please contact the Public Service Commission for further guidance. We thank you for your request. If we can provide further assistance, please do not hesitate to contact us.

Best Regards,

John M. Schuh
Special Assistant Attorney General