

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Basin Electric Power Cooperative
Antelope Valley-Neset 345kV Trans Ln-Williams Cty
Siting Application**

Case No. PU-24-236

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

October 9, 2024

Appearances

Commissioners Randy Christmann, Julie Fedorchak and Sheri Haugen-Hoffart.

Brian L. Johnson, Special Assistant Attorney General, as Counsel for the North Dakota Public Service Commission, 600 E. Boulevard Avenue, Dept. 408, Bismarck, North Dakota 58505.

Casey Jacobson, Attorney at Law, Basin Electric Power Cooperative, 1717 East Interstate Ave., Bismarck, North Dakota 58503, on behalf of Basin Electric Power Cooperative.

Preliminary Statement

On April 23, 2014, the North Dakota Public Service Commission (the "Commission") issued Corridor Certificate No. 152 and Route Permit No. 164 to Basin Electric Power Cooperative ("Basin Electric") authorizing approximately 197 miles of 345 kV and 230 kV electric transmission line and associated facilities from the Antelope Valley Station ("AVS") near Beulah to the Neset Substation near Tioga, North Dakota. (the "AVS-Neset" Project). The AVS-Neset Project was constructed and has been operational since 2016.

On June 10, 2024, Basin Electric initially filed an amendment to the Application for Consolidated Certificate of Corridor Compatibility & Route Permit (the "Application") of a new 345/115-kV substation, a 250-foot-tall microwave tower, 6.8 miles of 115-kV line and 1,560 feet of new 345-kV line, and two new 345-kV structures (the "Project") in Williams County, approximately 10 miles northeast of Williston, ND. The location of the new 345k-kV tower and line is T156N, R100W, Section 36, Williams County, North Dakota. On September 27, 2024, an updated Application was filed by Basin Electric Power Cooperative, which included information about agency notifications.

On July 8, 2024, the Commission assessed an application fee of \$50,000. The Commission also issued a Notice of Opportunity for Hearing (Notice). The Notice identified the following issues to be considered with respect to the application for a certificate of site compatibility:

1. Will the location and operation of the proposed facility produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota?

2. Is the proposed facility compatible with the environmental preservation and the efficient use of resources?

3. Will the proposed facility location minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion?

On August 24, 2024, the Notice and comment period ended. No comments were filed, nor did any party file a request for a hearing for the Project.

Having allowed all interested persons an opportunity to be heard and having heard, reviewed, and considered all evidence presented, the Commission makes its:

Findings of Fact

1. Basin Electric is a North Dakota cooperative association authorized to do business in the State of North Dakota since May 5, 1961, as evidenced by the corporate papers filed with the Commission on January 27, 2023 (see Case No. PU-23-42).

Size, Type, and Preferred Location of Facility

2. The Project will consist of one 345/115-kV load-serving substation (Springbrook Substation), approximately 1,560 feet of 345-kV line and 6.8 miles of 115-kV line as well as a 250-foot-tall microwave tower. The project will tie Mountrail-Williams Electric Cooperative's ("MWECC") 115-kV system to the existing AVS to Neset 345-kV transmission line. The proposed Springbrook Substation will be adjacent to the existing AVS-Neset transmission line, northeast of the City of Williston in Section 36, Township 156N, Range 100W, Williams County, North Dakota (Project).

3. Per North Dakota Century Code (NDCC) section 49-22-03(06), the construction of the 345-kV substation is an 'associated facility' with a 'design in excess of 115-kV' and one of the two 345-kV towers being added is located 710 feet outside the existing corridor which both trigger the Commission's siting jurisdiction.

4. The proposed Springbrook Substation is located approximately 155 feet north of the existing AVS-Neset transmission line and will extend approximate 720 feet to the north. Basin Electric has land rights through an Option to Purchase the entire 40.06-acre

parcel on which the substation site will be located. Thus, pending approval by Commission this property will be owned by Basin Electric. The proposed substation will occupy approximately 11.9 acres within the site's fenced area; graded and bermed areas around the site will occupy 6.92 acres; the two access roads total 0.48 acres for a total of 19.3 acres.

5. The 345-kV line is 1,560 feet in length and requires the construction of two 345-kV 165-foot towers. As noted, one of these towers lies outside the existing corridor and is a Sited Facility as it lies 710 feet outside of the existing corridor. The other facility is within the existing corridor. These towers are single pole, self-supporting with drilled concrete foundation design.

6. The estimated cost of the Project is approximately \$32 million.

Study of Preferred Location

7. Basin Electric initiated correspondence seeking comments from the following federal, state, and local agencies regarding the Project:

a. Federal: (1) Federal Aviation Administration; (2) Grand Forks Air Force Base; (3) Military Aviation and Installation Assurance Clearing House; (4) Minot Air Force Base; (5) Natural Resources Conservation Service; (6) Twentieth Airforce Ninety-First Missile Wing; (7) Federal Bureau of Land Management; (8) U.S. Army Corps of Engineers; (9) U.S. Department of Defense; (10) U.S. Fish and Wildlife Service.

b. State: (1) Aeronautics Commission; (2) Attorney General; (3) Job Service North Dakota; (4) ND Department of Agriculture; (5) ND Department of Career and Technical Education; (6) ND Department of Commerce; (7) ND Department of Environmental Quality; (8) ND Department of Health; (9) ND Department of Human Services; (10) ND Department of Labor and Human Rights; (11) ND Department of Transportation; (12) ND Department of Trust Lands (Minerals Management); (13) ND Department of Trust Lands (School/Surface Trust); (14) ND Energy Infrastructure and Impact Office; (15) ND Forest Service; (16) ND Game and Fish Department; (17) ND Geological Survey; (18) ND Indian Affairs Commission; (19) ND Industrial Commission; (20) ND Parks and Recreation Department; (21) ND Pipeline Authority; (22) ND State Water Commission; (23) ND Transmission Authority; (24) State Historical Society of North Dakota. (25) Governor's Office

c. Local: (1) Williams County; (2) Williams County Water Resource District; (3) Williams County Auditor; (4) ND State Representatives – District 2; (5) ND State Senator – District 2

8. Basin Electric conducted a Class I cultural resource literature search on the proposed Springbrook Substation's 40.06-acre footprint. Basin Electric conducted a desktop analysis for wetlands, waterbodies, wildlife and other sensitive environmental resources.

9. Basin Electric conducted surveys to inventory wetlands, waterbodies, protected and endangered species, critical habitats, general wildlife, noxious weeds, trees, saplings, and shrubs over the footprint of the proposed Springbrook Substation.

10. Basin Electric conducted a Class I cultural resource literature search on the Project Area.

11. Basin Electric conducted a Class III cultural resource field inventory across the Project. The North Dakota State Historic Preservation Office (SHPO) concurred with Basin Electric's Class III survey recommendation of "No Historic Properties Affected" provided the Project "takes place in the location and in the manner described in the documentation and provided all borrow comes from an approved source".

Siting Criteria

12. The Commission has established criteria pursuant to NDCC Section 49-22-05(01) to guide the site, corridor, and route suitability evaluation and designation process. The criteria, as set forth in North Dakota Administrative Code (NDAC) Section 69-06-08(02), are classified as Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria.

13. Basin Electric evaluated the Study Area regarding the Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria of the Commission.

14. An Exclusion Area is a geographic area that must be excluded in the consideration of a route for a transmission facility. An Exclusion Area may be located within a corridor, but at no given point may such an area or areas encompass more than fifty percent of the corridor width unless there is no reasonable alternative.

15. Basin Electric's surveys did not record any Exclusion Areas within the Project Area.

16. An Avoidance Area is a geographic area that may not be considered in the routing of a transmission facility unless the applicant demonstrates that under the circumstances there is no reasonable alternative. In determining whether an Avoidance Area should be designated for a facility, the Commission may consider, among other things, the proposed management of adverse impacts, the orderly siting of facilities, system reliability and integrity, the efficient use of resources, and alternative routes.

17. Basin Electric's surveys did not record any Avoidance Areas within the Project Area.

18. In accordance with the Commission's Selection Criteria set forth in NDAC Section 69-06-08-02(3), a corridor or route shall be approved only if it is demonstrated that any

significant adverse effects which will result from the location, construction, and operation of the facility as they relate to the Selection Criteria will be at an acceptable minimum or those affects will be managed and maintained at an acceptable minimum.

19. Basin has analyzed the impact of the Project in relation to all of the relevant Selection Criteria. No significant adverse impact will result from the location, construction, and operation of the Project.

20. The Commission's Policy Criteria are set forth in NDAC Section 69-06-08-02(4). The Commission may give preference to an application demonstrating certain benefits that result from the adoption of various policies and practices. There is no need for the Commission to give preference to the applicant in this proceeding.

Measures to Minimize Impact

21. The Project will be constructed according to standards of the Rural Utilities Service, the National Electric Safety Code, the Institute of Electrical and Electronics Engineers, the American Society of Civil Engineers, the American Institute of Steel Construction and the American Concrete Institute.

22. Basin Electric will implement the following erosion and sediment control mitigation measures for the Project: excess subsoils and rocks will be hauled off-site to an approved landfill; erosion and sediment controls will be established prior to construction and thereafter maintained and controlled through application of a storm water pollution prevention plan; where appropriate, silt fences or other sediment control measures will be used to prevent sediment from moving off-site; maintenance will be scheduled during periods of minimum precipitation; temporary laydown areas will be located in previously disturbed areas and/or areas previously surveyed for cultural and biological resources.

23. Basin Electric will submit the line route to local emergency agencies prior to any construction so first responders will have GPS coordinates to the site. The proposed Springbrook substation will have a 911 address that will be communicated to all contractors working on these sites. Basin Electric has an OSHA-based safety program supported by the Energy Coalition for Contractor Safety for all contractors that work for the Cooperative.

From the foregoing Findings of Fact, the Commission makes the following:

Conclusions of Law

1. The Commission has jurisdiction over the applicant, Basin Electric Power Cooperative, and over the subject matter of the Application under North Dakota Century Code Chapter 49-22.

2. Basin Electric is a utility as defined in NDCC Section 49-22- 03(13).

3. The Project is proposed by Basin Electric is an electric transmission facility as defined in NDCC section 49-22-03(6).
4. The location, construction and operation of the Project will produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota.
5. The Project is compatible with the environmental preservation and the efficient use of resources.
6. The Project will minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion.

From the foregoing Findings of Fact and Conclusions of Law, the Commission now makes the following order:

Order

The Commission orders:

1. Basin Electric's application for an Amendment of Certificate of Corridor Compatibility No. 152 and Amended Route Permit No. 164 is granted.
2. Fifth Amended Certificate of Corridor Compatibility No. 152 is issued to Basin Electric Power Cooperative adding a site for the construction, operation, and maintenance of the proposed Project to the existing corridor. For purposes of the Certificate, the designated corridor is Amended to include the proposed Springbrook substation as well as 150-foot-wide corridors of the two 345-kV lines connecting the existing AVS to Nenet transmission line and the proposed substation. These facilities are located approximately 10 miles northeast of Williston, in Section 36 of Township 156N, Range 100W roughly in the southeast quarter of the northeast quarter of the section as depicted in Figure 1.0-3 of the application. The southeast corner of the substation is located 155 feet north of the existing AVS to Nenet transmission corridor and approximately 200 feet west of 129th Ave NW and extends 720 north and west from that point. The corridors for the two 345-kV transmission lines are approximately 785 feet north of the existing transmission corridor and 150 feet west of 129th Ave NW. The 2nd transmission corridor is between approximately 475 and 625 feet west of 129th Ave NW and extends from the existing corridor to the substation. The exact dimensions of the corridor are as depicted in Figure 1.0-2 of the application and in the associated GIS file.
3. Fifth Amended Route Permit No. 164 is issued to Basin Electric Power Cooperative adding a route for the construction, operation and maintenance of approximately 1,150 feet of 345-kV lines connecting the AVS to Nenet transmission line to the proposed Springbrook substation. One line originates with the existing route and is located approximately 75 feet west of 129th Ave NW and extends due north 750 feet to a new

structure and then extends west 125 feet to the proposed substation. The second line originates with the existing route approximately 550 feet west of 129th Ave NW and extends approximately 230 feet due to north to the proposed substation. The exact dimension of the route is as depicted in Figure 1.0-2 of the application and in the associated GIS file.

4. Basin Electric shall obtain all other necessary licenses and permits prior to commencing construction of such portion of the Project for which the license and/or permit is required and shall provide copies of such licenses and permits to the Commission prior to construction.

5. Basin Electric is required to comply with all applicable laws, rules, and/or regulations in the event it desires to construct another or different energy conversion facility than was specified in the Application within the site designated in this proceeding.

PUBLIC SERVICE COMMISSION



Sheri Haugen-Hoffart
Commissioner



Randy Christmann
Chair



Julie Fedorchak
Commissioner

**PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA**

**Fifth Amended
Certificate of Corridor Compatibility Number 152**

This is to certify that the Commission has designated a transmission facility corridor for Basin Electric Power Cooperative for approximately 200 miles of new, high voltage 345 kV and 230 kV alternating current transmission line and associated facilities extending from Basin Electric's existing Antelope Valley Station and terminating at the Neset 230 kV Substation located near Tioga, North Dakota

This certificate is issued in accordance with the Findings of Fact, Conclusions of Law and Order of this Commission dated April 23, 2014, and Supplemental Orders dated September 17, 2014; March 11, 2015; September 2, 2015; and March 23, 2016; in Case No. PU-11-696 and in Case No. PU-24-236 dated October 9, 2024, and is subject to the conditions and limitations noted in those Orders.

Bismarck, North Dakota, October 9, 2024

ATTEST:

PUBLIC SERVICE COMMISSION



Executive Secretary



Commissioner

**PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA**

**Fifth Amended
Route Permit Number 164**

This is to certify that the Commission has designated a transmission facility route for Basin Electric Power Cooperative for approximately 200 miles of new, high voltage 345 kV and 230 kV alternating current transmission line and associated facilities extending from Basin Electric's existing Antelope Valley Station and terminating at the Neset 230 kV Substation located near Tioga, North Dakota

This permit is issued in accordance with the Findings of Fact, Conclusions of Law and Order of this Commission dated April 23, 2014, and Supplemental Orders dated September 17, 2014; March 11, 2015; September 2, 2015; and March 23, 2016; in Case No. PU-11-696 and in Case No. PU-24-236 dated October 9, 2024, and is subject to the conditions and limitations noted in those Orders.

Bismarck, North Dakota, October 9, 2024

ATTEST:

PUBLIC SERVICE COMMISSION



Executive Secretary



Commissioner