

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Minnkota Power Cooperative, Inc.  
Milton R. Young Transmission Line Reroute  
Siting Application**

**Case No. PU-24-321**

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

\_\_\_\_\_, 2024

**Preliminary Statement**

On August 26, 2024, in Case No. PU-24-321, Minnkota Power Cooperative, Inc. (MPC) filed the following documents with the North Dakota Public Service Commission (Commission):

1. A Consolidated Application for a Certificate of Corridor Compatibility and Route Permit (Consolidated Application) to re-locate two segments of existing 230 kilovolt (kV) line in Oliver County, North Dakota.
2. An Application for Waiver or Reduction of Procedures and Time Schedules (Waiver Application) requesting a waiver from the requirements to conduct a public hearing or issue a notice of opportunity for hearing on the Consolidated Application.
3. An Application for Protection of Information related to cultural resource location information.

On August 26, 2024, a Notice of Filing and Notice of Opportunity for Public Hearing was issued requesting comments and requests for hearing by September 23, 2024. The Notice identified the following issues to be considered with respect to MPC's Waiver Application:

1. Are the proposed facilities of such length, design, location, or purpose that they will produce minimal adverse effects and that adherence to applicable procedures and time schedules may be waived?
2. Is it appropriate for the Commission to waive any procedures and time schedules as requested in the application?

The Notice identified the following issues to be considered with respect to MPC's Consolidated Application:

1. Will the location, construction, and operation of the proposed facilities produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota?
2. Are the proposed facilities compatible with the environmental preservation and the efficient use of resources?

3. Will the proposed facility locations 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 September 17, 2024, Minnkota filed an executed Certification Relating to Order Provisions – Transmission Facility Siting and proposed Findings of Fact, Conclusions of Law and Order.

No comments or requests for hearing were filed in the docket.

### **FINDINGS OF FACT**

1. MPC is an electric generation and transmission cooperative corporation authorized to conduct business in North Dakota. MPC provides wholesale power to 11 member-owner rural electric distribution cooperatives in eastern North Dakota and northwestern Minnesota. MPC also acts as the operating agent of the Northern Municipal Power Agency, which serves the electric needs of 12 municipalities in the same geographic region as the MPC member-owners.
2. MPC currently owns and operates existing 230-kV line located within the fence of the Milton R. Young (MRY) Station, an existing coal-fired power plant owned by MPC. Currently, the existing transmission line, consisting of two 230-kV 3-phase alternating current electric transmission lines, extends west from MRYS Unit 1, then turns south and then east around MRYS, with each segment ultimately extending northwest and southeast, respectively, to separate substations.
3. The transmission line transmits electric energy generated by the MRYS Station to two existing substations and across MPC’s transmission system to its member-cooperatives for distribution to their respective member-consumers.
4. MPC is in the final phase of developing Project Tundra, a next-generation CO2 capture system and CO2 secure geologic storage facility, which will be located immediately next to the MRYS Station.
5. In order to accommodate future construction, including Project Tundra, MPC proposes to re-locate two segments of the 230-kV electric transmission line approximately 1,309 feet south of their present location and still within the MRYS fence-line (Project). Once re-located, the existing segments of the transmission line would be removed.
6. The Project is located in Oliver County, North Dakota, on land wholly owned by MPC and currently used for industrial purposes.
7. The Project will require 15 new transmission line structures consisting of one steel single-pole switch structure, four dead end steel three-pole structures and 10 steel H-frame structures (angle and tangent). The new structures will be direct embed steel structures ranging in height from approximately 95 feet to 140 feet due to the existing topography of this area. The span between structures will range from 370 feet to 988 feet and average approximately 700 feet,

depending on topography. Taller structures are being used for crossing an existing transmission line and where large changes in terrain exist.

8. The new line will match the existing line's conductor specifications.
9. Other than re-locating the line, which will require installation of an upgraded structure design and four more structures (due to the additional route length) than the existing transmission line, the Project will not change the design or transmission capacity of the existing 230-kV transmission line.
10. The existing transmission line utilizes a Supervisory Control and Data Acquisition (SCADA) system to relay messages between interconnection points. The Project includes the necessary fiber upgrades to continually allow the segment to interconnect to and use the broader transmission line SCADA system during operations.
11. During construction, the Project will use temporary overland access from existing private roadways on the MPC site to new structure locations, as needed. A temporary work site will be located at each structure location within the Project Corridor, which will act as a staging point for equipment to drill and set poles. Pulling and tensioning (stringing) locations will be within and in proximity to these temporary work sites. Temporary laydown yards, located on MPC property, will be used for the duration of construction for staging materials.
12. Project construction and design will meet the requirements of the National Electrical Safety Code (NEC), Rural Utilities Service, and other applicable local or national building codes.
13. MPC initially proposed construction in the fall of 2024, but updated the proposed timeline in its September 17, 2024 filing letter to Second and/or Third Quarter 2025.

### **Study of Preferred Location**

14. The U.S. Department of Energy (DOE) has selected Project Tundra to receive federal funding through its Carbon Capture Demonstration Projects Program. To comply with the National Environmental Policy Act (NEPA), the DOE is preparing an Environmental Assessment (EA) to evaluate the potential environmental, cultural, and socioeconomic impacts of DOE providing cost-sharing financial assistance to MPC for Project Tundra.
15. The Project has been analyzed both by MPC and by the DOE in connection with the NEPA process.
16. MPC analyzed a Study Area for the Project that is approximately one mile wide (0.5 mile on either side of the Project Route) and encompasses approximately 990.8 acres.
17. MPC conducted a Class I Literature Review of the Project Corridor and a buffer area, and a Class III Cultural Resource Inventory of the Project Corridor and temporary work sites. No cultural resources were identified in the Project Corridor or temporary work sites. As a result, no impacts to cultural resources are anticipated.

18. MPC has developed an Unanticipated Discoveries Plan, which will be implemented during construction of the Project.
19. The Project will have minimal impact on the surrounding community. The Project is located within the MRY-site fence-line and access to the site is restricted. The nearest residential dwelling is more than two miles from the proposed location of the Project.
20. The Project will have minimal impact on existing land uses, soil, geologic resources, and vegetation. The proposed Project Corridor and Route are located within the existing MRY site, which is used for industrial purposes associated with the MRY Station. No tree clearing is needed for the Project.
21. The Project is not anticipated to impact surface water or groundwater resources. No wetlands or floodplains are present in the proposed Project's construction footprint; therefore, no filling, excavating, or clearing would occur in these resources. The Project will span the Square Butte Creek, thereby avoiding impacts.
22. The Project will have minimal impacts on wildlife. The areas surrounding the Project are generally low-quality wildlife habitat, including the adjacent landfill, coal mines, and industrial facilities. The Project is not anticipated to impact federally-listed species and is unlikely to have direct or indirect impacts on species of conservation priority.

### **Siting Criteria**

23. The Commission has established criteria pursuant to North Dakota Century Code (NDCC) § 49-22-05.1 to guide the Commission in evaluating the suitability of granting a Certificate of Corridor Compatibility and Route Permit. The criteria, as set forth in North Dakota Administrative Code (NDAC) § 69-06-08-02, are classified as Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria.
24. MPC evaluated the Project with respect to the Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria.
25. A transmission facility route must not be sited within an Exclusion Area. Exclusion Areas may be located within the corridor, but at no given point may such an area or areas encompass more than 50 percent of the corridor unless there is no reasonable alternative.
26. There are no Exclusion Areas present within the Project Corridor or crossed by the Project Route.
27. An Avoidance Area is a geographical area that may not be considered in the routing of a transmission facility unless the applicant shows that, under the circumstances, there is no reasonable alternative. Avoidance areas may be located within a corridor, but at no given point can such an area or areas encompass more than 50 percent of the corridor width unless there is no reasonable alternative.

28. There are no Avoidance Areas present within the Project Corridor or crossed by the Project Route.
29. In accordance with the Commission's Selection Criteria, a transmission facility shall be approved only if it is determined that any significant adverse effects that 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 will be managed and maintained at an acceptable minimum.
30. MPC has analyzed the impacts of the Project in relation to all relevant Selection Criteria. No significant adverse impact will result from the location, construction and operation of the Project.
31. In accordance with the Commission's Policy Criteria, the Commission may give preference to an applicant that will maximize the benefits that result from the adoption of policies and practices designated within the Commission's Policy Criteria.
32. MPC has demonstrated its commitment to maximize the benefits of the Project to meet the Commission's Policy Criteria by designing and locating the Project in a manner as to maximize operational efficiency and economic benefits while minimizing Project impacts.

#### **Measures to Minimize Impacts**

33. The Project is considered a component of the MRY Station, which is a permitted conditional use per Oliver County's zoning ordinance. MPC will obtain a building permit from Oliver County for the transmission line structures, if needed, prior to structure installation.
34. MPC will use best management practices to avoid and/or minimize potential impacts to existing resources, as outlined in the Consolidated Application.
35. MPC will follow the line marking recommendations of the Avian Power Line Interaction Committee.
36. MPC has agreed to certain steps to mitigate the impact of the Project as indicated by its execution of the Certification Relating to Order Provisions, dated September 17, 2024, which has been filed with the Commission.

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

#### **CONCLUSIONS OF LAW**

1. The Commission has jurisdiction over MPC and the subject matter of these applications under NDCC Chapter 49-22.
2. MPC is a utility as defined in NDCC § 49-22-03(14).
3. The Project is an electric transmission facility as defined by NDCC § 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 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.
7. Waiver of the public hearing requirements is authorized pursuant to NDCC § 49-22-07.2 and NDAC Chapter 69-06-06 because the Project is of such length, design, location, and purpose that it will produce minimal adverse effects.
8. The Commission is authorized to limit access to, and release of, information that contains data that specifically identifies the location of cultural, archaeological, historical, or paleontological sites under NDCC § 49-22-26.

From the foregoing Findings of Fact and Conclusions of Law, the Commission issues the following:

### **ORDER**

The Commission orders:

1. MPC's Consolidated Application for a certificate of corridor compatibility and a route permit is granted.
2. Certificate of Corridor Compatibility No. \_\_\_ is issued to MPC designating a corridor for the construction, operation and maintenance of the Project in Oliver County, North Dakota, as identified in Appendix A to the Consolidated Application.
3. Route Permit No. \_\_\_ is issued to MPC designating a route in Oliver County, North Dakota, for the construction, operation and maintenance of two segments of a 230-kV transmission line. The designated route for this purpose is identified in Appendix A to the Consolidated Application.
4. The September 17, 2024 Certification Relating to Order Provisions – Transmission Facility Siting is incorporated by reference and attached to this Order.
5. To the extent there are any conflicts or inconsistencies between MPC's Consolidated Application and the Certification, the Certification provisions control.
6. MPC's Waiver Application is granted with respect to the requirement to conduct a public hearing on the Consolidated Application.

7. MPC's Application for Protection of Information with respect to cultural resource location information is granted.

**PUBLIC SERVICE COMMISSION**

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Sheri Haugen-Hoffart  
Commissioner

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Randy Christmann  
Chair

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Julie Fedorchak  
Commissioner