

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Minnesota Power & Light
HVDC Modernization Project – Oliver County
Siting Application**

Case No. PU-24-381

**Great River Energy
HVDC Modernization Project – Oliver County
Siting Application**

Case No. PU-24-382

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

June 4, 2025

Preliminary Statement

On December 11, 2024, in Case Nos. PU-24-381 and PU-24-382, Minnesota Power and Great River Energy (Great River) filed with the North Dakota Public Service Commission (Commission) a Consolidated Application for Certificates of Corridor Compatibility and Route Permits (Consolidated Application) for a high-voltage direct current (HVDC) modernization project (Project) in Oliver County, North Dakota. Also included in the filing was an Application for Waiver or Reduction of Procedures and Time Schedules (Waiver Application) requesting a waiver from the requirement to conduct a public hearing and issuance of a notice of opportunity for hearing on the Consolidated Application.

On January 22, 2025, the Commission issued a Notice of Filing and Notice of Opportunity for Consolidated Public Hearing (Notice) requesting comments and requests for hearing by March 5, 2025. The Notice identified the following issues to be considered with respect to the 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 the 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 February 12, 2025, the North Dakota Department of Environmental Quality (NDDEQ) filed comments. No other comments or requests for hearing were filed in the docket.

On May 1, 2025, the Commission held an informal hearing with Minnesota Power and Great River.

On May 20, 2025, Minnesota Power and Great River filed with the Commission updated cultural resource Tables 6.4-1 and 6.4-2 to the Consolidated Application.

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

Findings of Fact

1. Minnesota Power is an operating division of ALLETE, Inc. (ALLETE), an investor-owned energy company headquartered in Duluth, Minnesota. Minnesota Power is authorized to conduct business in North Dakota.
2. Great River is a not-for-profit wholesale electric power cooperative and is authorized to conduct business in North Dakota.
3. The Project is designed to modernize Minnesota Power's aging HVDC transmission assets, increase HVDC converter station capacity and improve the reliability of the regional transmission system to ensure continuous, efficient delivery of energy resources. The Project will provide bi-directional transfer capability of the HVDC transmission assets and increase transmission transfer capability.
4. The Project will be constructed in two phases. The Phases and the locations of the proposed Project components are shown on Maps 2a-2c in Appendix A of the Consolidated Application.
5. Phase 1 involves construction of the following:
 - Nelson Lake Substation 230-kilovolt (kV) Yard;
 - Approximately 0.3 mile long single-circuit 230-kV alternating-current (AC) transmission line (between Nelson Lake 230-kV Substation and double-circuit 230-kV AC transmission line);

- Approximately 1.5 mile long double-circuit 230-kV AC transmission line (between proposed single-circuit 230-kV AC transmission line and existing Square Butte East Substation);
- Re-routing existing Great River 230-kV AC transmission line through proposed Nelson Lake Substation by installing new parallel single-circuit lines for approximately 0.3 miles, then a new double-circuit line for approximately 0.6 miles;
- Modifications to existing Square Butte East Substation (adding one breaker);
- One permanent access road; and
- Temporary workspaces/temporary laydown yard.

6. Phase 2 will interconnect to Phase 1 of the Project and includes the following:

- East Oliver HVDC Converter Station;
- East Oliver 345-kV Yard;
- Nelson Lake Substation 345-kV Yard;
- Approximately 3.9 mile long double-circuit capable (but operated as a single circuit) 345-kV AC transmission line (connecting Nelson Lake 345-kV Substation, East Oliver 345-kV Yard, and East Oliver HVDC Converter Station);
- Re-routing existing +/-250-kV HVDC Line by installing approximately 0.9 mile of new line between East Oliver HVDC Converter Station and existing +/-250-kV HVDC line and removing approximately 3.0 miles of existing +/-250-kV HVDC line;
- Four permanent access roads; and
- Temporary workspaces/temporary laydown yard.

7. Minnesota Power will own and operate all Project facilities, except for the segments of single-circuit and double-circuit 230-kV transmission line that will be owned and operated by Great River.

8. The proposed Project design specifications for each Phase are identified in Table 4.1-1 and Table 4.2-1 of the Consolidated Application.

9. Construction of Phase 1 is anticipated to begin in the second quarter of 2025 and be completed in 2027, with commercial operations commencing in 2027. Construction of Phase 2 is anticipated to begin in the third quarter of 2025 and be completed between 2028 and 2030, with commercial operations commencing between 2028 and 2030.

10. The estimated cost to construct Minnesota Power's portion of the Project will be approximately \$399 to \$599 million. Great River's Project costs will be approximately \$5.4 million.

11. The Project will primarily be constructed on land owned by either ALLETE or Minnkota Power Cooperative. With respect to the access road to the Nelson Lake Substation 230-kV Yard, Minnesota Power plans to construct the access road within

section line right-of-way and is coordinating with the landowners to secure an easement with Oliver County to obtain authorization to use the right-of-way.

Study of Preferred Location

12. Minnesota Power and Great River performed a desktop analysis for threatened and endangered species, critical habitat, woodlands, soils, land use, wetlands and waterbodies for the Project across an area that is generally at least 0.5 miles from the boundary of the field area that was surveyed (Study Area). The Study Area is identified as “Project Study Area” in Maps 1a and 1b in Appendix A to the Consolidated Application.

13. Minnesota Power and Great River field surveyed across an irregularly shaped area approximately 3 miles long east to west and 1.25 miles width north to south for cultural resources and wetlands (Survey Area). The Survey Area is identified as “Project Survey Area” in Maps 1a and 1b in Appendix A to the Consolidated Application. The Survey Area includes the proposed Project Corridors (identified as “Project Corridor – Phase 1” and “Project Corridor – Phase 2” in Maps 1a and 1b in Appendix A to the Consolidated Application). The Proposed Routes are also identified on the same map sets.

14. Minnesota Power and Great River conducted a Class I Literature Review of the Project Corridor and a buffer area, and Class III Cultural Resource Inventories of the Project Corridors and temporary work sites. Nine cultural resource sites that are eligible, potentially eligible or unevaluated for listing on the National Register of Historic Places (NRHP) were identified within the Project Corridors. Reports summarizing the results of these surveys were submitted to and accepted by the State Historical Society of North Dakota (SHSND).

15. The Project has been designed to avoid all NRHP-eligible, potentially eligible or unevaluated cultural resources. A December 10, 2024, letter from SHSND indicated that “if those sites are avoided, it is our determination there would be no significant sites affected by the project as submitted to us.”

16. Minnesota Power and Great River have developed an Unanticipated Discoveries Plan, which will be implemented during construction of the Project.

17. Minnesota Power and Great River conducted wetland and waterbody field delineations of the Project Corridors. The Project has been sited to avoid or minimize impacts to wetlands. Construction of the East Oliver HVDC Converter Station will permanently impact approximately 0.77 acres of wetlands.

18. No floodplains are present in the Project Corridors. The Project is not anticipated to impact surface water or groundwater resources. The Project will span Nelson Lake, thereby avoiding impacts.

19. The Project will have minimal impact on existing land uses, soil, geological resources, and vegetation. The Project is sited near existing transmission infrastructure. Existing agricultural uses will be able to continue around the substation/yard/converter

sites, and in the transmission line rights-of-ways between structures. No recreational resources are located within the Project Corridors.

20. In consultation with the U.S. Fish and Wildlife Service (USFWS) and the North Dakota Game and Fish Department (NDGFD), Minnesota Power and Great River conducted Dakota skipper habitat assessments and delineations in October 2022 and September 2023. Dakota skipper occupancy surveys were conducted within mapped potentially suitable habitat in 2023 and 2024. No Dakota skippers were observed during the occupancy surveys. In accordance with USFWS recommendations, additional Dakota skipper occupancy surveys will be conducted in 2025. However, based on the surveys conducted to date, the Project is not anticipated to impact Dakota skipper.

21. The Project is not anticipated to impact federally-listed species or species of conservation priority and is anticipated to have minimal impacts overall to wildlife species.

22. Minnesota Power and Great River Energy notified the federal, state and local departments, agencies, and entities listed in North Dakota Administrative Code (NDAC) § 69-06-01-05. The federal, state and local departments, agencies and entities that were consulted and provided comments are as follows:

A. Federal – U.S. Army Corps of Engineers; USFWS; U.S. Air Force, Minot Air Force Base; U.S. Department of Agriculture, Natural Resources Conservation Service.

B. State – SHSND; NDGFD; NDDEQ; North Dakota Parks and Recreation Department; North Dakota Department of Transportation; North Dakota Department of Trust Lands.

C. Local – Oliver County, North Dakota.

23. Minnesota Power and Great River obtained a conditional use permit for the Project from Oliver County in November 2024 and will comply with applicable county zoning ordinance requirements.

Siting Criteria

24. 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 NDAC § 69-06-08-02, are classified as Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria.

25. Minnesota Power and Great River evaluated the Project with respect to the Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria.

26. 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.

27. No Exclusion Areas were identified in Minnesota Power and Great River's studies and surveys.

28. 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. In determining whether an Avoidance Area should be designated for a transmission 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.

29. Historical resources which are not specifically designated as exclusion or avoidance areas are Avoidance Areas. Cultural resources are present within the Project Corridors, but the Project has been designed to span or otherwise avoid impacts to cultural resource sites. A December 10, 2024, letter from SHSND indicated that "if those sites are avoided, it is our determination there would be no significant sites affected by the project as submitted to us."

30. Areas which are geologically unstable are Avoidance Areas. Areas identified as geologically unstable are present within the Project Corridors and Routes, but the Project has been designed to avoid these areas.

31. Reservoirs are Avoidance Areas. A reservoir, Nelson Lake, is present within the Project Corridors. The northeast arm of Nelson Lake will be spanned, and no impacts are anticipated.

32. A route within 500 feet of a residence, school, or place of business is an Avoidance Area. Minnesota Power acquired one farmstead adjacent to the proposed East Oliver HVDC Converter Station site and plans to remove the existing structures from the farmstead. As a result, the nearest residence is more than 0.5 miles north of the proposed Project right-of-way.

33. No other Avoidance Areas were identified within the Project Corridors or crossed by the Project Routes.

34. 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.

35. Minnesota Power and Great River have 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.

36. The Commission's Policy Criteria are set forth in NDAC § 69-06-08-02(4). The Commission may give preference to an applicant that will maximize 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 Impacts

37. Minnesota Power and Great River will obtain a building permit from Oliver County for the transmission line structures, if needed, prior to construction.

38. Minnesota Power and Great River will use best management practices to avoid and/or minimize potential impacts to existing resources, as outlined in the Consolidated Application.

39. Minnesota Power and Great River will implement appropriate erosion control measures, obtain coverage under the North Dakota Pollutant Discharge Elimination System General Construction Permit, and develop a Storm Water Pollution Prevention Plan.

40. The existing transmission facilities utilize Supervisory Control and Data Acquisition (SCADA) systems to relay messages between interconnection points. The Project includes the components necessary to interconnect to and use the existing SCADA systems during operations.

41. Minnesota Power and Great River will utilize the North Dakota One-Call Excavation Notice System.

42. Minnesota Power and Great River will design the Project in accordance with the Avian Power Line Interaction Committee's recommendations.

43. Minnesota Power and Great River have agreed to certain steps to mitigate the impact of the Project as indicated by their execution of Certifications Relating to Order Provisions – Transmission Facility Siting, with accompanying Tree and Shrub Mitigation Specifications, dated May 12, 2025, which are incorporated by reference and attached to this Order.

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

Conclusions of Law

1. The Commission has jurisdiction over Minnesota Power and Great River and the subject matter of these applications under NDCC Chapter 49-22.

2. Minnesota Power and Great River Energy are each a utility as defined in NDCC § 49-22-03(14).
3. The Project consists of electric transmission facilities 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 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.
7. The Project is of such design and location that it will produce minimal adverse effects as defined under NDCC § 49-22-07.2.
8. It is appropriate for the Commission to waive applicable procedures and time schedules as requested in the waiver application under NDCC § 49-22-07.2 and NDAC Chapter 69-06-06.

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

Order

The Commission orders:

1. Minnesota Power's and Great River Energy's application for a waiver of procedures and time schedules is granted.
2. Certificate of Corridor Compatibility No. 239 is issued to Minnesota Power designating a corridor for the construction, operation and maintenance of Minnesota Power's portion of the Project in Oliver County, North Dakota, as identified in Appendix A to the Consolidated Application.
3. Certificate of Corridor Compatibility No. 240 is issued to Great River Energy designating a corridor for the construction, operation and maintenance of Great River Energy's portion of the Project in Oliver County, North Dakota, as identified in Appendix A to the Consolidated Application.
4. Route Permit No. 250 is issued to Minnesota Power designating a route in Oliver County, North Dakota, for the construction, operation and maintenance of Minnesota Power's portion of the Project, as identified in Appendix A to the Consolidated Application.

5. Route Permit No. 251 is issued to Great River Energy designating a route in Oliver County, North Dakota, for the construction, operation and maintenance of Great River Energy's portion of the Project, as identified in Appendix A to the Consolidated Application.

6. The May 12, 2025, Certification Relating to Order Provisions – Transmission Facility Siting with accompanying Tree and Shrub Mitigation Specifications, executed on behalf of Minnesota Power is incorporated by reference and attached to this Order (Minnesota Power Certification).

7. The May 12, 2025, Certification Relating to Order Provisions – Transmission Facility Siting with accompanying Tree and Shrub Mitigation Specifications, executed on behalf of Great River Energy is incorporated by reference and attached to this Order (Great River Energy Certification).

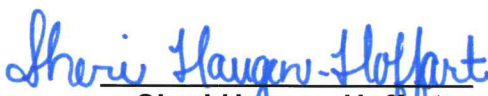
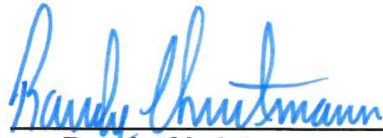
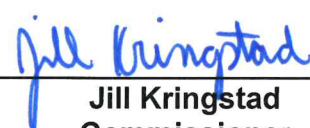
8. To the extent there are any conflicts or inconsistencies between Minnesota Power and Great River Energy's Consolidated Application and the Minnesota Power Certification or the Great River Energy Certification, the Certification provisions control.

9. Minnesota Power and Great River Energy shall obtain all necessary licenses and permits prior to commencing construction on such portion of the Project for which the license and/or permit is required, and shall provide copies of such license and permits to the Commission prior to construction of such portion.

10. Minnesota Power and Great River Energy are required to comply with all applicable laws, rules, and/or regulations in the event it desires to construct another or a different transmission facility than was specified in the application with the corridor granted in this proceeding.

11. Minnesota Power and Great River Energy shall file copies of the 2025 follow-up Dakota skipper surveys with the Commission prior to construction on such portion of the Project for which construction could impact the species or its habitat.

PUBLIC SERVICE COMMISSION

		
Sheri Haugen-Hoffart Commissioner	Randy Christmann Chair	Jill Kringstad Commissioner

PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA

Certificate of Corridor Compatibility Number 239

This is to certify that the Commission has designated a transmission facility corridor for Minnesota Power for the construction, operation, and maintenance of Minnesota Power's portion of a high-voltage direct current modernization project in Oliver County, North Dakota.

This certificate is issued in accordance with the Order of the Commission dated June 4, 2025, in Case No. PU-24-381 and is subject to the conditions and limitations noted in the Order.

Bismarck, North Dakota, June 4, 2025.

ATTEST:

PUBLIC SERVICE COMMISSION



Executive Secretary



Commissioner

PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA

Certificate of Corridor Compatibility Number 240

This is to certify that the Commission has designated a transmission facility corridor for Great River Energy for the construction, operation, and maintenance of Great River Energy's portion of a high-voltage direct current modernization project in Oliver County, North Dakota.

This certificate is issued in accordance with the Order of the Commission dated June 4, 2025, in Case No. PU-24-382 and is subject to the conditions and limitations noted in the Order.

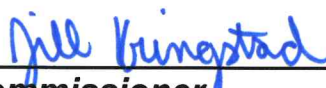
Bismarck, North Dakota, June 4, 2025.

ATTEST:

PUBLIC SERVICE COMMISSION



Executive Secretary



Commissioner

PUBLIC SERVICE COMMISSION STATE OF NORTH DAKOTA

Route Permit Number 250

This is to certify that the Commission has designated a transmission facility route for Minnesota Power for the construction, operation, and maintenance of Minnesota Power's portion of a high-voltage direct current modernization project in Oliver County, North Dakota.

This permit is issued in accordance with the Order of this Commission dated June 4, 2025, in Case No. PU-24-381 and is subject to the conditions and limitations noted in the Order.

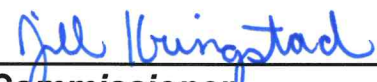
Bismarck, North Dakota, June 4, 2025.

ATTEST:

PUBLIC SERVICE COMMISSION



Executive Secretary



Commissioner

PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA

Route Permit Number 251

This is to certify that the Commission has designated a transmission facility route for Great River Energy for the construction, operation, and maintenance of Great River Energy's portion of a high-voltage direct current modernization project in Oliver County, North Dakota.

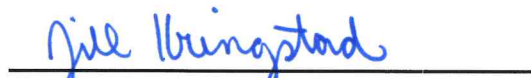
This permit is issued in accordance with the Order of this Commission dated June 4, 2025, in Case No. PU-24-382 and is subject to the conditions and limitations noted in the Order.

Bismarck, North Dakota, June 4, 2025.

ATTEST:

PUBLIC SERVICE COMMISSION


Executive Secretary


Commissioner

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Minnesota Power & Light
HVDC Modernization Project - Oliver County
Siting Application**

Case No. PU-24-381

**CERTIFICATION RELATING TO ORDER PROVISIONS
TRANSMISSION FACILITY SITING**

I am Daniel Gunderson a representative of Minnesota Power, an operating division of ALLETE, Inc. ("Company") with authority to bind Minnesota Power, an operating division of ALLETE, Inc to requirements to be set forth by the Commission in its Order and I certify the following:

1. Company understands and agrees that any Certificate of Corridor Compatibility or Route Permit issued by the Commission will be subject to the conditions and criteria set forth in Chapter 49-22 of the North Dakota Century Code and Chapter 69-06-08 of the North Dakota Administrative Code, and that Company shall be responsible for compliance with this order and conditions and criteria set forth in the applicable laws and rules.
2. Company agrees to comply with the rules and regulations of all other agencies having jurisdiction over any phase of the transmission facility including all city, township, and county zoning regulations.
3. Company understands and agrees that it shall obtain all other necessary licenses and permits, and shall provide copies of all licenses and permits to the Commission prior to construction activity associated with the transmission facility that requires said license or permit.
4. Company understands and agrees that any Certificate of Corridor Compatibility or Route Permit issued by the Commission is subject to suspension or revocation and may, in an appropriate and proper case, be suspended or revoked for failure to comply with the Commission's order, the conditions and criteria of the certificate or subsequent modification, or failure to comply with the applicable statutes, rules, regulations, standards, and permits of other state or federal agencies.
5. Company agrees to maintain records that will demonstrate that it has complied with the requirements of the Commission's order issuing a Certificate of Corridor Compatibility or Route Permit, and that it will preserve these records for Commission inspection at any reasonable time upon reasonable notice.
6. Company understands and agrees that the authorizations granted by any Certificate of Corridor Compatibility or Route Permit issued by the Commission for the

transmission facility are subject to modification by order of the Commission if deemed necessary to protect further the public or the environment.

Construction:

7. Company agrees to hold a preconstruction conference prior to commencement of any construction, which must include a Company representative, its construction supervisor, and a representative of Commission Staff, to ensure that Company fully understands the conditions set forth in the Commission's order.
8. Company understands and agrees that all cultural resource mitigation plans must be submitted to the North Dakota State Historic Preservation Office and approved prior to the start of any fieldwork and construction activity in the affected area.
9. Company understands and agrees that topsoil removal will begin when the Commission's third-party construction inspector is present at the Project site to observe that topsoil is properly removed and kept segregated from subsoil until replacement occurs. Company shall establish the date and time for the Commission's third-party construction inspector's topsoil removal oversight in the preconstruction conference.
10. Company agrees to inform the Commission and the Commission's third-party construction inspector of its intent to start construction on the transmission facility prior to the commencement of construction. Once construction has started, Company shall keep the Commission and the Commission's third-party construction inspector updated on construction activities on a monthly basis.
11. Company understands and agrees that all topsoil, up to 12 inches, or topsoil to the depth of cultivation, whichever is greater, over and along trench areas where cuts will be made, must be carefully stripped and segregated from the subsoil. Any area on which excavated subsoil will be placed must also be stripped of topsoil. The stripped topsoil must not be stockpiled in natural drainages, and must be protected from water erosion. Care must be taken to protect topsoil from unnecessary compaction by heavy machinery. Unless otherwise approved by the Commission, topsoil must be removed before topsoil freezes in the late fall/ early winter to the point that frost inhibits proper soil segregation. After backfilling with subsoil is completed, any excess subsoil must be placed over the excavation area, blending the grade into existing topography. Topsoil must be replaced over areas from which it was stripped only after the subsoil is replaced.
12. Company understands and agrees that all buried facility crossings of graded roads must be bored unless the responsible governing agency specifically permits Company to open cut the road.

13. Company understands and agrees that staging areas or equipment shall not be located on land owned by a person other than Company unless otherwise negotiated with landowners.
14. Company understands and agrees that if any cultural resource, paleontological site, archeological site, historical site, or grave site is discovered during construction, it must be marked, preserved and protected from further disturbances until a professional examination can be made and a report of such examination is filed with the Commission and the State Historical Society.
15. Company understands and agrees that construction must be suspended when weather conditions are such that construction activities will cause irreparable damage to roads or land, unless adequate protection measures are taken by Company.
16. Company understands and agrees that the Commission has authority to stop Project construction activities in the event of a probable violation of the siting laws, siting rules, or applicable Commission Orders if, in the opinion of the Commission, construction activities are likely to result in irreparable or significant harm.

Restoration and Maintenance:

17. Company understands and agrees that it shall, as soon as practicable upon the completion of the construction of the transmission facility, restore the area affected by the activities to as near as is practicable to the condition as it existed prior to the beginning of construction.
18. Company understands and agrees that all pre-existing township and county roads and lanes used during construction must be repaired or restored to a condition that is equal to or better than the condition prior to the construction of the transmission facility and that will accommodate their previous use, and that areas used as temporary roads or working areas during construction must be restored to their original condition.
19. Company understands and agrees that reclamation, fertilization, and reseeding is to be done according to the Natural Resources Conservation Service recommendations, unless otherwise specified by the landowner and approved by the Commission.
20. Company will fulfill its obligation for reclamation and maintenance of the approved transmission facility right-of-way, transmission facility, and associated facilities continuing throughout the life of the transmission facility.
21. Company will repair all fences and gates removed or damaged during all phases of construction and operation of the transmission facility.

22. Company will repair or replace all drainage tile broken or damaged as a result of construction and operation of the transmission facility.
23. Company agrees to comply with the Tree and Shrub Mitigation Specifications, attached.
24. Company understands and agrees that it shall work with landowners and residents to mitigate any increase in television and residential radio interference that results from the construction of the transmission facility.
25. Company understands and agrees that it shall remove all waste that is a product of construction and operation, restoration, and maintenance of the site, and properly dispose of it on a regular basis.
26. Company understands and agrees that it shall provide any necessary safety measures for traffic control or to restrict public access to the transmission facility.

Communication with Landowners and PSC:

27. Company understands and agrees that, prior to beginning construction of the transmission facility at a location, it shall send a letter to each landowner with whom an easement was executed for that location specifying the name and phone number of the company representative who is responsible for receiving and resolving landowner issues for the life of the easement.
28. Company understands and agrees that it will file with the Commission the name and phone number of the current company representative who is responsible for receiving and resolving landowner issues for the transmission facility. The company will update this information whenever there is a change to the current company representative for the life of all easements for the transmission facility.
29. Upon request, Company agrees to provide the Commission with engineering design drawings of the transmission facility prior to construction.
30. Company understands and agrees that it shall advise the Commission as soon as reasonably possible of any extraordinary events which take place at the site of the transmission facility, including injuries to any person.
31. Company agrees to report to the Commission, as soon as reasonably possible, the presence in the permit area of any critical habitat or threatened or endangered species of which Company becomes aware and which were not previously reported to the Commission.

32. Company understands and agrees that it shall inform the Commission in writing of any plans to modify the transmission facility or of any plans to modify the site plan for the transmission facility.
33. Company agrees to provide the Commission with both an electronic and a paper copy of the corridor approved by the Commission and the facility design specifications for the construction of the transmission facility showing the location of the transmission facility as built, and will provide this information within 3 months of the completion of the construction. Company also agrees to provide an electronic version of the corridor approved by the Commission and the facility design specifications for the construction of the transmission facility showing the location of the transmission facility as built that can be imported into ESRI GIS mapping software within 3 months of the completion of the construction. This electronic map data must be referenced to the North Dakota coordinate system of 1983, North and/or South zones US Survey feet (NAD 83) UTM Zone 13N or 14N feet (NAD 83), or geographic coordinate system (WGS 84) feet. The vertical data must be in the appropriate vertical datum for the coordinate system used. All submissions must specify the datum in which the data was developed.
34. Company shall notify the Commission as soon as reasonably possible if any damage, as defined by North Dakota Century Code Chapter 49-23, occurs to underground facilities during construction conducted under the certificate or permit issued in this proceeding. In the event of any damage to underground facilities, Company shall suspend construction in the vicinity of the damage until compliance with One-Call Excavation Notice System requirements under North Dakota Century Code Chapter 49-23 has been determined.

Route Adjustments Before or During Construction:

36. Company agrees to utilize the following procedures if Company seeks a route adjustment before or during construction of the transmission line.
37. Company will file the name and contact information for a key contact person for the purposes of notice and communication during the adjustment application.
38. **ROUTE ADJUSTMENT WITHIN DESIGNATED CORRIDOR, NO AVOIDANCE AREA AFFECTED:** Before conducting any construction activities for any adjustment to the designated route within the designated corridor, the Company will file:
 - a. Certification and supporting documentation affirming that construction activities will be within the designated corridor, will not affect any known exclusion or avoidance areas within the designated corridor;
 - b. Certification and supporting documentation, including a map meeting the requirements of N.D. Admin. Code § 69-06-04-01(2)(n) identifying the designated corridor, route and the route adjustment;

- c. Certification that Company will comply with the Commission's order, law and rules designating the corridor and route.

39. **ROUTE ADJUSTMENT WITHIN DESIGNATED CORRIDOR, AVOIDANCE AREA AFFECTED:** Before adjusting the route of an electric transmission line within the designated corridor that may affect an avoidance area, and before conducting any construction activities for any adjustment to the designated route within the designated corridor, the Company will file:

- a. A specific description of the avoidance area expected to be impacted, including a map meeting the requirements of N.D. Admin. Code § 69-06-04-01(2)(n) identifying:
 - i. the designated corridor, route and the route adjustment;
 - ii. all exclusion and avoidance areas within the portion of the designated corridor containing the route adjustment
- b. Certification and supporting documentation affirming:
 - i. That construction activities will be within the designated corridor
 - ii. That construction activities will not affect any known exclusion area
- c. All field studies performed on the portion of the designated corridor containing the route adjustment;
- d. Specific information about any mitigation measures Company will take within the adjustment area;
- e. Certification that each owner of real property on which the adjustment is to be located and any applicable governmental entity with an interest in the same adjustment area do not oppose the adjustment;
- f. Certification that unless the Commission previously authorized the impact to the same avoidance area, that the utility has good cause and a specific reason to impact the avoidance area and a reasonable alternative does not exist;
- g. Certification that Company will comply with the Commission's order, law and rules designating the corridor and route.

40. **ROUTE ADJUSTMENT OUTSIDE DESIGNATED CORRIDOR, NO AVOIDANCE AREA AFFECTED:** Before adjusting the route of an electric transmission line outside the designated corridor and not affecting any exclusion and avoidance area, before conducting any construction activities for any adjustment to the designated route outside the designated corridor, the Company will file:
- a. Certification and supporting documentation affirming that construction activities will not affect any known exclusion or avoidance areas,
 - b. Certification and supporting documents stating the length of the proposed route outside of the corridor and a map meeting the requirements of N.D. Admin. Code § 69-06-04-01(2)(n) identifying the designated corridor, corridor adjustment, designated route and the route adjustment;
 - c. Certification that each owner of real property on which the adjustment is to be located and any applicable governmental entity with an interest in the same adjustment area do not oppose the adjustment; and
 - d. Detailed field studies indicating exclusion and avoidance areas for the proposed adjustment area; and
 - e. Certification that Company will comply with the Commission's order, law and rules designating the corridor and route.
41. **ROUTE ADJUSTMENT OUTSIDE DESIGNATED CORRIDOR, AVOIDANCE AREA AFFECTED:** Before adjusting the route of an electric transmission line outside the designated corridor that may affect an avoidance area, and before conducting any construction activities for any adjustment to the designated route outside the designated corridor, the Company will file:
- a. A specific description of the avoidance area expected to be impacted, including a map meeting the requirements of N.D. Admin. Code § 69-06-04-01(2)(n) identifying:
 - i. the designated corridor, corridor adjustment, route and the route adjustment;
 - ii. all exclusion and avoidance areas within the adjustment area
 - b. Certification that construction activities will not affect any known exclusion area;
 - c. Certification that the utility has good cause and a specific reason to impact the avoidance area and a reasonable alternative does not exist within the designated corridor and route;
 - d. Certification that each owner of real property on which the adjustment is to be located and any applicable governmental entity with an interest in the same adjustment area do not oppose the adjustment;
 - e. Provide specific information about any mitigation measures Company will take within the adjustment area;
 - f. Detailed field studies indicating exclusion and avoidance areas for the proposed adjustment area; and

- g. Certification that Company will comply with the Commission's order, law and rules designating the corridor and route.

Company acknowledges and agrees that:

42. When applicable, Company may submit the field studies from the original application for the corridor and route provided they cover the adjustment area.
43. Company acknowledges and agrees that written authorization from the Commission for impacting the avoidance area is necessary prior to commencement of construction activity.

Dated this 12th day of May, 2025.

MINNESOTA POWER, AN OPERATING DIVISION OF
ALLETE, INC.

By 

Daniel Gunderson

Its Vice President of Transmission System Planning
and Operations

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Minnesota Power & Light
HVDC Modernization Project - Oliver County
Siting Application**

Case No. PU-24-381

Tree and Shrub Mitigation Specifications

Inventory

Prior to cutting or clearing trees or shrubs for construction:

- All trees one-inch or greater in diameter at breast height must be inventoried to record the location, number, and species.
- All shrubs and all coniferous trees of any diameter must be inventoried to record the location, number, and species.

Clearing

The maximum width of tree and shrub removal is 50 feet, unless otherwise approved by the Commission.

Replacement

1. Landowners must be given the option to have trees and shrubs that are removed from their property replaced on their property. The landowner may waive this option in writing. If the landowner waives this option, the company shall plant replacement trees and shrubs in an alternate location in the same region, if practical.
2. Trees and shrubs must be replaced on a minimum two-to-one basis. The company shall develop a Tree and Shrub Mitigation Plan (Plan) in consultation with landowners who are seeking replacement trees and shrubs and in accordance with USDA-NRCS-North Dakota Field Office Technical Guide: Windbreak and Woodland Tree Care and Management. The guidelines outlined in the Technical Guide shall be followed until filing of the Plan summary outlined in number 5 below.
3. The purpose of the company's Tree and Shrub Mitigation Plan is to create sustainable plantings, appropriate for the local soil and growing conditions that will provide long-term benefit to landowners, farmers and ranchers, the community, wildlife and the environment.
4. The Plan, including the proposed number, variety, type, location, and approximate date for plantings, shall be filed with and approved by the Commission.
5. Two years after completion of the plan, the company must file a summary documenting how the plan achieved the purpose outlined in number 3 above. The summary must also report the number of surviving replacement trees and shrubs.
6. The Commission will consider, on a limited basis as conditions warrant, mitigation plans that provide long-term wildlife habitat and conservation benefits but do not involve the replanting of trees and shrubs.

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Great River Energy
HVDC Modernization Project - Oliver County
Siting Application**

Case No. PU-24-382

**CERTIFICATION RELATING TO ORDER PROVISIONS
TRANSMISSION FACILITY SITING**

I am Daniel Leshner, a representative of Great River Energy ("Company") with authority to bind Great River Energy to requirements to be set forth by the Commission in its Order and I certify the following:

1. Company understands and agrees that any Certificate of Corridor Compatibility or Route Permit issued by the Commission will be subject to the conditions and criteria set forth in Chapter 49-22 of the North Dakota Century Code and Chapter 69-06-08 of the North Dakota Administrative Code, and that Company shall be responsible for compliance with this order and conditions and criteria set forth in the applicable laws and rules.
2. Company agrees to comply with the rules and regulations of all other agencies having jurisdiction over any phase of the transmission facility including all city, township, and county zoning regulations.
3. Company understands and agrees that it shall obtain all other necessary licenses and permits, and shall provide copies of all licenses and permits to the Commission prior to construction activity associated with the transmission facility that requires said license or permit.
4. Company understands and agrees that any Certificate of Corridor Compatibility or Route Permit issued by the Commission is subject to suspension or revocation and may, in an appropriate and proper case, be suspended or revoked for failure to comply with the Commission's order, the conditions and criteria of the certificate or subsequent modification, or failure to comply with the applicable statutes, rules, regulations, standards, and permits of other state or federal agencies.
5. Company agrees to maintain records that will demonstrate that it has complied with the requirements of the Commission's order issuing a Certificate of Corridor Compatibility or Route Permit, and that it will preserve these records for Commission inspection at any reasonable time upon reasonable notice.
6. Company understands and agrees that the authorizations granted by any Certificate of Corridor Compatibility or Route Permit issued by the Commission for the

transmission facility are subject to modification by order of the Commission if deemed necessary to protect further the public or the environment.

Construction:

7. Company agrees to hold a preconstruction conference prior to commencement of any construction, which must include a Company representative, its construction supervisor, and a representative of Commission Staff, to ensure that Company fully understands the conditions set forth in the Commission's order.
8. Company understands and agrees that all cultural resource mitigation plans must be submitted to the North Dakota State Historic Preservation Office and approved prior to the start of any fieldwork and construction activity in the affected area.
9. Company understands and agrees that topsoil removal will begin when the Commission's third-party construction inspector is present at the Project site to observe that topsoil is properly removed and kept segregated from subsoil until replacement occurs. Company shall establish the date and time for the Commission's third-party construction inspector's topsoil removal oversight in the preconstruction conference.
10. Company agrees to inform the Commission and the Commission's third-party construction inspector of its intent to start construction on the transmission facility prior to the commencement of construction. Once construction has started, Company shall keep the Commission and the Commission's third-party construction inspector updated on construction activities on a monthly basis.
11. Company understands and agrees that all topsoil, up to 12 inches, or topsoil to the depth of cultivation, whichever is greater, over and along trench areas where cuts will be made, must be carefully stripped and segregated from the subsoil. Any area on which excavated subsoil will be placed must also be stripped of topsoil. The stripped topsoil must not be stockpiled in natural drainages, and must be protected from water erosion. Care must be taken to protect topsoil from unnecessary compaction by heavy machinery. Unless otherwise approved by the Commission, topsoil must be removed before topsoil freezes in the late fall/ early winter to the point that frost inhibits proper soil segregation. After backfilling with subsoil is completed, any excess subsoil must be placed over the excavation area, blending the grade into existing topography. Topsoil must be replaced over areas from which it was stripped only after the subsoil is replaced.
12. Company understands and agrees that all buried facility crossings of graded roads must be bored unless the responsible governing agency specifically permits Company to open cut the road.

13. Company understands and agrees that staging areas or equipment shall not be located on land owned by a person other than Company unless otherwise negotiated with landowners.
14. Company understands and agrees that if any cultural resource, paleontological site, archeological site, historical site, or grave site is discovered during construction, it must be marked, preserved and protected from further disturbances until a professional examination can be made and a report of such examination is filed with the Commission and the State Historical Society.
15. Company understands and agrees that construction must be suspended when weather conditions are such that construction activities will cause irreparable damage to roads or land, unless adequate protection measures are taken by Company.
16. Company understands and agrees that the Commission has authority to stop Project construction activities in the event of a probable violation of the siting laws, siting rules, or applicable Commission Orders if, in the opinion of the Commission, construction activities are likely to result in irreparable or significant harm.

Restoration and Maintenance:

17. Company understands and agrees that it shall, as soon as practicable upon the completion of the construction of the transmission facility, restore the area affected by the activities to as near as is practicable to the condition as it existed prior to the beginning of construction.
18. Company understands and agrees that all pre-existing township and county roads and lanes used during construction must be repaired or restored to a condition that is equal to or better than the condition prior to the construction of the transmission facility and that will accommodate their previous use, and that areas used as temporary roads or working areas during construction must be restored to their original condition.
19. Company understands and agrees that reclamation, fertilization, and reseeding is to be done according to the Natural Resources Conservation Service recommendations, unless otherwise specified by the landowner and approved by the Commission.
20. Company will fulfill its obligation for reclamation and maintenance of the approved transmission facility right-of-way, transmission facility, and associated facilities continuing throughout the life of the transmission facility.
21. Company will repair all fences and gates removed or damaged during all phases of construction and operation of the transmission facility.

22. Company will repair or replace all drainage tile broken or damaged as a result of construction and operation of the transmission facility.
23. Company agrees to comply with the Tree and Shrub Mitigation Specifications, attached.
24. Company understands and agrees that it shall work with landowners and residents to mitigate any increase in television and residential radio interference that results from the construction of the transmission facility.
25. Company understands and agrees that it shall remove all waste that is a product of construction and operation, restoration, and maintenance of the site, and properly dispose of it on a regular basis.
26. Company understands and agrees that it shall provide any necessary safety measures for traffic control or to restrict public access to the transmission facility.

Communication with Landowners and PSC:

27. Company understands and agrees that, prior to beginning construction of the transmission facility at a location, it shall send a letter to each landowner with whom an easement was executed for that location specifying the name and phone number of the company representative who is responsible for receiving and resolving landowner issues for the life of the easement.
28. Company understands and agrees that it will file with the Commission the name and phone number of the current company representative who is responsible for receiving and resolving landowner issues for the transmission facility. The company will update this information whenever there is a change to the current company representative for the life of all easements for the transmission facility.
29. Upon request, Company agrees to provide the Commission with engineering design drawings of the transmission facility prior to construction.
30. Company understands and agrees that it shall advise the Commission as soon as reasonably possible of any extraordinary events which take place at the site of the transmission facility, including injuries to any person.
31. Company agrees to report to the Commission, as soon as reasonably possible, the presence in the permit area of any critical habitat or threatened or endangered species of which Company becomes aware and which were not previously reported to the Commission.

32. Company understands and agrees that it shall inform the Commission in writing of any plans to modify the transmission facility or of any plans to modify the site plan for the transmission facility.
33. Company agrees to provide the Commission with both an electronic and a paper copy of the corridor approved by the Commission and the facility design specifications for the construction of the transmission facility showing the location of the transmission facility as built, and will provide this information within 3 months of the completion of the construction. Company also agrees to provide an electronic version of the corridor approved by the Commission and the facility design specifications for the construction of the transmission facility showing the location of the transmission facility as built that can be imported into ESRI GIS mapping software within 3 months of the completion of the construction. This electronic map data must be referenced to the North Dakota coordinate system of 1983, North and/or South zones US Survey feet (NAD 83) UTM Zone 13N or 14N feet (NAD 83), or geographic coordinate system (WGS 84) feet. The vertical data must be in the appropriate vertical datum for the coordinate system used. All submissions must specify the datum in which the data was developed.
34. Company shall notify the Commission as soon as reasonably possible if any damage, as defined by North Dakota Century Code Chapter 49-23, occurs to underground facilities during construction conducted under the certificate or permit issued in this proceeding. In the event of any damage to underground facilities, Company shall suspend construction in the vicinity of the damage until compliance with One-Call Excavation Notice System requirements under North Dakota Century Code Chapter 49-23 has been determined.

Route Adjustments Before or During Construction:

36. Company agrees to utilize the following procedures if Company seeks a route adjustment before or during construction of the transmission line.
37. Company will file the name and contact information for a key contact person for the purposes of notice and communication during the adjustment application.
38. **ROUTE ADJUSTMENT WITHIN DESIGNATED CORRIDOR, NO AVOIDANCE AREA AFFECTED:** Before conducting any construction activities for any adjustment to the designated route within the designated corridor, the Company will file:
 - a. Certification and supporting documentation affirming that construction activities will be within the designated corridor, will not affect any known exclusion or avoidance areas within the designated corridor;
 - b. Certification and supporting documentation, including a map meeting the requirements of N.D. Admin. Code § 69-06-04-01(2)(n) identifying the designated corridor, route and the route adjustment;

- c. Certification that Company will comply with the Commission's order, law and rules designating the corridor and route.

39. **ROUTE ADJUSTMENT WITHIN DESIGNATED CORRIDOR, AVOIDANCE AREA**

AFFECTED: Before adjusting the route of an electric transmission line within the designated corridor that may affect an avoidance area, and before conducting any construction activities for any adjustment to the designated route within the designated corridor, the Company will file:

- a. A specific description of the avoidance area expected to be impacted, including a map meeting the requirements of N.D. Admin. Code § 69-06-04-01(2)(n) identifying:
 - i. the designated corridor, route and the route adjustment;
 - ii. all exclusion and avoidance areas within the portion of the designated corridor containing the route adjustment
- b. Certification and supporting documentation affirming:
 - i. That construction activities will be within the designated corridor
 - ii. That construction activities will not affect any known exclusion area
- c. All field studies performed on the portion of the designated corridor containing the route adjustment;
- d. Specific information about any mitigation measures Company will take within the adjustment area;
- e. Certification that each owner of real property on which the adjustment is to be located and any applicable governmental entity with an interest in the same adjustment area do not oppose the adjustment;
- f. Certification that unless the Commission previously authorized the impact to the same avoidance area, that the utility has good cause and a specific reason to impact the avoidance area and a reasonable alternative does not exist;
- g. Certification that Company will comply with the Commission's order, law and rules designating the corridor and route.

40. **ROUTE ADJUSTMENT OUTSIDE DESIGNATED CORRIDOR, NO AVOIDANCE AREA AFFECTED:** Before adjusting the route of an electric transmission line outside the designated corridor and not affecting any exclusion and avoidance area, before conducting any construction activities for any adjustment to the designated route outside the designated corridor, the Company will file:

- a. Certification and supporting documentation affirming that construction activities will not affect any known exclusion or avoidance areas,
- b. Certification and supporting documents stating the length of the proposed route outside of the corridor and a map meeting the requirements of N.D. Admin. Code § 69-06-04-01(2)(n) identifying the designated corridor, corridor adjustment, designated route and the route adjustment;
- c. Certification that each owner of real property on which the adjustment is to be located and any applicable governmental entity with an interest in the same adjustment area do not oppose the adjustment; and
- d. Detailed field studies indicating exclusion and avoidance areas for the proposed adjustment area; and
- e. Certification that Company will comply with the Commission's order, law and rules designating the corridor and route.

41. **ROUTE ADJUSTMENT OUTSIDE DESIGNATED CORRIDOR, AVOIDANCE AREA AFFECTED:** Before adjusting the route of an electric transmission line outside the designated corridor that may affect an avoidance area, and before conducting any construction activities for any adjustment to the designated route outside the designated corridor, the Company will file:

- a. A specific description of the avoidance area expected to be impacted, including a map meeting the requirements of N.D. Admin. Code § 69-06-04-01(2)(n) identifying:
 - i. the designated corridor, corridor adjustment, route and the route adjustment;
 - ii. all exclusion and avoidance areas within the adjustment area
- b. Certification that construction activities will not affect any known exclusion area;
- c. Certification that the utility has good cause and a specific reason to impact the avoidance area and a reasonable alternative does not exist within the designated corridor and route;
- d. Certification that each owner of real property on which the adjustment is to be located and any applicable governmental entity with an interest in the same adjustment area do not oppose the adjustment;
- e. Provide specific information about any mitigation measures Company will take within the adjustment area;
- f. Detailed field studies indicating exclusion and avoidance areas for the proposed adjustment area; and

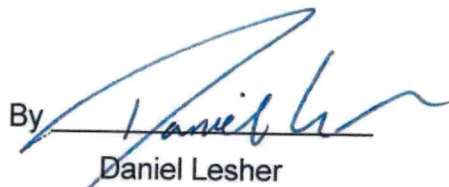
g. Certification that Company will comply with the Commission's order, law and rules designating the corridor and route.
Company acknowledges and agrees that:

42. When applicable, Company may submit the field studies from the original application for the corridor and route provided they cover the adjustment area.
43. Company acknowledges and agrees that written authorization from the Commission for impacting the avoidance area is necessary prior to commencement of construction activity.

Dated this 12th day of May, 2025.

GREAT RIVER ENERGY

By

A handwritten signature in blue ink, appearing to read "Daniel Lesher", is written over a horizontal line.

Daniel Lesher

Its Manager, Transmission Permitting and Land Rights

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Great River Energy
HVDC Modernization Project – Oliver County
Siting Application**

Case No. PU-24-382

Tree and Shrub Mitigation Specifications

Inventory

Prior to cutting or clearing trees or shrubs for construction:

- All trees one-inch or greater in diameter at breast height must be inventoried to record the location, number, and species.
- All shrubs and all coniferous trees of any diameter must be inventoried to record the location, number, and species.

Clearing

The maximum width of tree and shrub removal is 50 feet, unless otherwise approved by the Commission.

Replacement

1. Landowners must be given the option to have trees and shrubs that are removed from their property replaced on their property. The landowner may waive this option in writing. If the landowner waives this option, the company shall plant replacement trees and shrubs in an alternate location in the same region, if practical.
2. Trees and shrubs must be replaced on a minimum two-to-one basis. The company shall develop a Tree and Shrub Mitigation Plan (Plan) in consultation with landowners who are seeking replacement trees and shrubs and in accordance with USDA-NRCS-North Dakota Field Office Technical Guide: Windbreak and Woodland Tree Care and Management. The guidelines outlined in the Technical Guide shall be followed until filing of the Plan summary outlined in number 5 below.
3. The purpose of the company's Tree and Shrub Mitigation Plan is to create sustainable plantings, appropriate for the local soil and growing conditions that will provide long-term benefit to landowners, farmers and ranchers, the community, wildlife and the environment.
4. The Plan, including the proposed number, variety, type, location, and approximate date for plantings, shall be filed with and approved by the Commission.
5. Two years after completion of the plan, the company must file a summary documenting how the plan achieved the purpose outlined in number 3 above. The summary must also report the number of surviving replacement trees and shrubs.
6. The Commission will consider, on a limited basis as conditions warrant, mitigation plans that provide long-term wildlife habitat and conservation benefits but do not involve the replanting of trees and shrubs.