



July 8, 2025

Mr. Steve Kahl
Executive Secretary
North Dakota Public Service Commission
600 East Boulevard Ave., Dept 408
Bismarck, ND 58505-0480

Dear Mr. Kahl:

Re: Basin Electric Power Cooperative
Bison Generation Station - Williams County
Siting Application
Case No: PU-25-086; OAH File No. 20250113

Enclosed for filing please find Basin Electric Power Cooperative's Proposed Findings of Fact, Conclusions of Law, and Order. If you have any questions, please contact me at molson@bepc.com or (701)557-5719.

Sincerely,

A handwritten signature in blue ink that reads "Maggie Olson".

Maggie Olson
Sr Staff Counsel

/mo

By email: ndpsc@nd.gov
oah@nd.gov
brljohanson@nd.gov

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Basin Electric Power Cooperative
Bison Generation Station - Williams County
Siting Application**

Case No. PU-25-086

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

DATE, 2025

Appearances

Chair Randy Christmann, Commissioner Sheri Haugen-Hoffart, Commissioner Jill Kringstad.

Hope L. Hogan, Administrative Law Judge, Office of Administrative Hearings, 2911 North 14th Street, Suite 303, Bismarck, North Dakota 58503.

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.

Maggie Olson, Attorney at Law, Basin Electric Power Cooperative, 1717 East Interstate Avenue, Bismarck, ND 58503.

Preliminary Statement

On March 5, 2025, Basin Electric Power Cooperative (Basin Electric) filed with the North Dakota Public Service Commission (Commission) an application for a certificate of site compatibility (Application) for the Bison Generation Station (Project).

On May 8, 2025, the Commission deemed the Application complete and issued a Notice of Filing and Notice of Hearing, scheduling a public hearing on Basin Electric's Application to begin June 30, 2025, at 9:00 a.m. CST at the Grand Williston Hotel & Conference Center, 3601 2nd Avenue West, Williston, ND 58801.

The Notice identified the following issues to be considered with respect to the Application:

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 June 30, 2025, the hearing was held as scheduled.

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

Findings of Fact

1. Basin Electric is a North Dakota rural electric generation and transmission cooperative corporation 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 proposed Project will be located on an approximately 240-acre parcel located in Section 20, Township 156 North, Range 98 West, Wheelock Township, Williams County, North Dakota, purchased by Basin Electric on May 30, 2025. This location is approximately one mile south of Highway 2 between Epping and Wheelock.
3. The Project will be a natural gas fired combined cycle power plant, consisting of two multi-shaft combined cycle generation units with an expected capacity of up to 745 megawatts (MW) per unit. Each unit includes an advanced class combustion turbine generator, fully fired heat recovery steam generator, steam turbine generator, and air-cooled condenser.
4. Natural gas for the Project will be transported by WBI Energy. WBI Energy is constructing a new 24" diameter steel pipeline lateral to support the Project. The lateral will extend to the Project from WBI Energy's existing 24" diameter pipeline that runs from WBI Energy's existing Tioga Compressor Station to its Elkhorn Creek Compressor Station just south of Watford City, North Dakota. The new lateral is expected to be approximately 16 miles long and will be permitted separately by WBI Energy.
5. The Project will be a network generation resource in the Southwest Power Pool (SPP) that will serve members throughout Basin Electric's service territory within SPP's footprint in the north central United States. These local members include Class A Member Upper Missouri Power Cooperative and Class C Member Mountrail-Williams Electric

Cooperative, which serve members in northwestern North Dakota within the Williston Basin.

6. The first unit is planned to be constructed by October 2028, with a commercial operation date in February or March 2029. The second unit is planned to be constructed by November 2029, with a commercial operation date in March 2030.

7. The estimated cost of the Project is \$3.68 billion. This cost includes Basin Electric's internal costs such as employee labor and financing fees. This cost does not include transmission interconnections, which will be permitted separately by Basin Electric.

Study of Preferred Location

8. Western EcoSystems Technology, Inc., on behalf of Basin Electric, conducted field surveys to identify natural resources such as wetlands, grasslands, and protected habitat in the Project area.

9. Metcalf Archaeological Consultants (Metcalf), on behalf of Basin Electric, conducted a Class I cultural resource literature search for the entire 240-acre parcel on which the Project will be located. The Class I literature search was done to identify cultural resources that have been previously documented and determine if there are any known cultural resources in need of further evaluation.

10. Metcalf, on behalf of Basin Electric, also conducted a Class III intensive inventory for the entire 240-acre parcel on which the Project will be located. The Class III intensive inventory is a systematic, 100 percent pedestrian field survey, which was done to identify cultural resources in previously un-surveyed areas, update previously recorded resources, and make recommendations for each cultural resource's eligibility to be considered for the State Registry.

11. Metcalf's findings were submitted to the North Dakota State Historic Preservation Office (NDSHPO) in a report titled "Basin Electric Power Cooperative: A Class III Cultural Resource Inventory of the Bison Generation Station Project in Williams County, North Dakota, Volume I" with the recommendation of a finding of no significant sites along with no avoidance required. This report details Metcalf's findings, which included no new cultural resources identified on the parcel where the Project will be located. The report also details archaeologists revisiting three previously identified sites. On May 22, 2025, the NDSHPO found the report acceptable.

12. At the request of the NDSHPO, Metcalf, on behalf of Basin Electric, conducted a Class II sound study in relation to potential cultural resources. Metcalf's findings on potential auditory impacts were submitted to the NDSHPO in a report titled "Basin Electric Power Cooperative: A Class II Cultural Resource Inventory of the Bison Generation Station Project in Williams County, North Dakota, Auditory Impacts" with the

recommendation of a finding of no significant sites. On May 22, 2025, the NDSHPO found the report acceptable.

13. Basin Electric's consultant Burns & McDonnell also conducted a sound study for the Project to determine sound impacts on nearby receptors. Based on the results of this sound study, under normal operation, sound levels are expected to be below the recommended noise criteria provided by the United States Environmental Protection Agency (EPA) and the American National Standards Institute (ANSI).

14. Basin Electric initiated correspondence seeking comments regarding the Project from the 35 federal, state and local agencies enumerated in North Dakota Administrative Code Section 69-06-01-05 (designated agencies and officers) as well as the Williams County Commission.

Siting Criteria

15. The Commission has established criteria pursuant to North Dakota Century Code Section 49-22-05.1 to guide the Commission in evaluating the suitability of granting an application for a certificate of site compatibility. The criteria, as set forth in North Dakota Administrative Code Section 69-06-08-01, are classified as Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria.

16. Basin Electric evaluated the Project Site regarding the Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria.

17. An Exclusion Area is a geographic area that must be excluded in the consideration of a site for an electric energy conversion facility.

18. Basin Electric's surveys did not record any Exclusion Areas within the Project Site.

19. An Avoidance Area is a geographic area that may not be approved as a site for an electric energy conversion 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 sites.

20. Basin Electric's surveys did not record any Avoidance Areas within the Project Site. Basin Electric's field surveys identified one temporary wetland, which the United States Army Corps of Engineers determined is not jurisdictional. No trees or shrubs are present on the Project Site.

21. The Commission's Selection Criteria are set forth in North Dakota Administrative Code Section 69-06-08-01(5). A site shall be approved only if it is determined that any

significant adverse effects resulting 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. Basin Electric analyzed the effects that may result from the location, construction, and operation of the Project.

22. Basin Electric testified that it will take all reasonable measures to mitigate noise impacts to adjacent landowners. Noise levels during normal operations will be managed and maintained at or below the recommended noise criteria provided by the EPA and ANSI.

23. Construction of the Project will not impact irrigated lands. Furthermore, Basin Electric evaluated and incorporated surface drainages into a grading and drainage layout in order to avoid negative impacts on drainage patterns.

24. The Project Site is zoned for industrial use.

25. The Commission's Policy Criteria are set forth in North Dakota Administrative Code Section 69-06-08-01(6). The Commission may give preference to an application demonstrating certain benefits of the electric energy conversion facility. Basin Electric has committed to maximizing benefits that result from implementing the policies and practices applicable to the proposed electric energy conversion facility.

26. The Project will utilize natural gas supplied by a WBI Energy pipeline, and a portion of the gas will likely come from North Dakota sources.

27. No residences will be displaced or require relocation due to the Project.

28. By selecting this site for the Project, the cost of the infrastructure and transmission interconnections was reduced, thereby minimizing the Project cost. All materials and services are competitively bid by qualified suppliers, and the proximity to rail sidings reduces delivery costs for materials and equipment. The selection of advanced class combustion turbines in a combined-cycle configuration maximizes plant efficiency, resulting in lower fuel costs per electrical output. Basin Electric maintains its own facilities, minimizing the cost of contracted services.

29. A portion of the electricity produced by the Project will be used in the State of North Dakota.

Additional Measures to Minimize Impact

30. Basin Electric has agreed to a number of steps to mitigate the impact of the Project, as indicated by the executed Certification Relating to Order Provisions – Energy Conversion Facility Siting, with accompanying Tree and Shrub Mitigation Specifications, which is incorporated by reference and attached to this Order.

31. Basin Electric will comply with any requirements or recommendations made by any local, state, or federal agency.
32. Basin Electric and/or its contractors have developed or will develop several project control documents that will be utilized in connection with the construction and operation of the Project including a Storm Water Pollution Protection Plan, Emergency Action Plan, Spill Contingency Plan, Unanticipated Discovery Plan, and a site-specific Safety and Health Program.
33. Basin Electric requires that all on-site contractors develop and submit an Emergency Action Plan. Contractors may also be required to register with the Energy Coalition for Contractor Safety which is administered by the North Dakota Safety Council.
34. Basin Electric will utilize the ND One Call system during construction.
35. The Project will be designed and constructed to meet all relevant state and national codes and standards including the National Electric Safety Code.
36. Basin Electric will work with adjacent landowners by communicating construction plans and mitigating, where possible, negative impacts of the Project operation in the long term.
37. Basin Electric will follow the North Dakota Department of Environmental Quality's recommendations detailed in its May 29, 2025, letter.

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 North Dakota Century Code Section 49-22-03(14).
3. The Project is an electric energy conversion facility as defined in North Dakota Century Code Section 49-22-03(5).
4. The construction, operation, and maintenance 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 construction, operation, and maintenance of 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. Certificate of Site Compatibility No. ___ is issued to Basin Electric Power Cooperative designating a site for the construction, operation, and maintenance of an electric energy conversion facility. For purposes of this Certificate, the designated site is an approximately 240-acre parcel; located in Section 20, Township 156 North, Range 98 West; approximately 2.7 miles northwest of the town of Wheelock and 2.75 miles northeast of Epping Williams County as identified in Figure 1.1 of the Application.

2. The Certification Relating to Order Provisions – Energy Conversion Facility Siting (Certification) with attached Tree and Shrub Mitigation Specifications executed June 26, 2025, is incorporated by reference and attached to this Order.

3. To the extent there are any conflicts or inconsistencies between the Application and the Certification, the Certification provisions control.

4. Prior to commencing construction of any portion of the proposed Project, Basin Electric shall obtain all necessary licenses and permits for construction of such portion, and provide copies to the Commission prior to construction of the portion of the Project.

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 Christman
Chairman**

**Jill Kringstad
Commissioner**