BEFORE THE STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Emmons-Logan Energy Storage, LLC **Case No. PU-25-209**
140-MW Battery Energy Storage System – Emmons County
Siting Application

PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

December ____, 2025

Appearances

Commissioners Chairman Randy Christmann, Sheri Haugen-Hoffart, and Jill Kringstad.

Casey A. Furey and Erik J. Edison, Crowley Fleck PLLP, 100 West Broadway Avenue, Suite 250, Bismarck, North Dakota 58501, on behalf of Applicant Emmons-Logan Energy Storage, LLC.

Zachary Pelham, Special Assistant Attorney General, 600 E. Boulevard Ave., Dept. 408, Bismarck, North Dakota 58505-0480, North Dakota Public Service Commission.

Hope L. Hogan, Administrative Law Judge ("ALJ"), Office of Administrative Hearings, 2911 North 14th Street, Suite 303, Bismarck, North Dakota 58503, as Procedural Hearing Officer.

Preliminary Statement

On June 18, 2025, in Case No. PU-25-209, Emmons-Logan Energy Storage, LLC, ("Emmons-Logan Energy Storage") filed an Application for a Certificate of Site Compatibility for a 140-megawatt ("MW") battery energy storage system ("BESS") with a four-hour duration known as the Emmons-Logan Energy Storage Project (the "Project"), to be located in Emmons County, North Dakota (the "Application").

On September 25, 2025, the Commission issued a Notice of Filing and Notice of Public Hearing (the "Notice") for the Project and scheduled a public hearing for November 20, 2025, at 9:00 a.m. Central Time, at the Emmons County Courthouse Auditorium, 100 4th Street NW, Linton, ND 58552.

The Notice identified the following issues to be considered in Case No. PU-25-209:

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

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

3. Will the proposed Project 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 November 20, 2025, a public hearing on the Application for the Project (the "Hearing") was held as scheduled in Linton, North Dakota.

At the Hearing, Emmons-Logan Energy Storage entered Exhibits 1 through 10 into the record.

On December 12, 2025, Emmons-Logan Energy Storage filed Late-Filed Exhibit 1 with the Commission.

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

1. Emmons-Logan Energy Storage, LLC, is a Delaware limited liability company and a wholly-owned, indirect subsidiary of NextEra Energy Resources, LLC ("NextEra Energy Resources").

2. Emmons-Logan Energy Storage is authorized to transact business in the State of North Dakota, as evidenced by the Certificate of Good Standing issued by the North Dakota Secretary of State and filed with the Commission on June 18, 2025, in Case No. PU-25-210.

3. Emmons-Logan Energy Storage will own and operate the Project.

Size, Type, and Preferred Location of Facility

4. The Project is a 140-MW, four-hour duration BESS equating to 560-MWh of total energy capacity.

5. The Project consists of energy storage system containers that house battery modules, as depicted in Exhibit 9. Each battery module is equipped with a battery management system (BMS) that continuously monitors and regulates critical parameters, such as voltage, temperature, and state of charge, to maintain operational integrity and safety. The Project will use American-made, LG-brand lithium-ion batteries.

6. The Project includes a power conversion system (PCS) to convert direct current (DC) stored within the BESS to alternating current (AC) suitable for grid integration. The Project also includes an electrical collection system to connect the BESS to Emmons-Logan Wind Energy Center's (the "Wind Energy Center") existing collection substation. The PCS and electrical collection system ensure the efficient and reliable transfer of energy between the Project and the grid.

7. To maintain the Project's required energy capacity over its operational life, periodic battery augmentation is planned to offset the gradual capacity reduction in the original battery systems. As batteries naturally degrade over time, new battery containers will be integrated within the existing footprint to maintain the contracted energy levels. The Project's design accounts for planned augmentation, which will not increase the Project's nameplate capacity. Throughout the life of the Project, additional BESS containers and PCS will be integrated into the Project's existing footprint, with approximately 186 BESS containers and 62 PCS anticipated to be on site at the end of the Project's life.

8. The Project will share the Emmons-Logan Wind, LLC's Wind Energy Center's collection substation, transmission, and point of interconnection. Emmons-Logan Energy Storage will tie into the existing collection substation by installing the necessary control and safety equipment to facilitate the safe transfer of energy. The existing substation will undergo minor modifications to accommodate the Project's connection to the grid, including support structures, circuit breakers, reactors, fence expansion, and grading.

9. The energy supplied to the BESS will originate from the grid through the collection substation and transmission line shared with the Wind Energy Center. The activity of the Wind Energy Center and BESS will be accounted for individually. Exhibit 10 depicts how the BESS will interconnect to the grid: energy will be stored by the BESS until the BESS receives a dispatch signal, at which point the BESS will transmit the stored energy to the grid via the existing collection substation and transmission line to the Montana-Dakota Utilities (MDU) Company 230-kV "Napoleon" Substation.

10. The Project includes a supervisory control and data acquisition ("SCADA") system. The Project will generally be operated remotely from NextEra Energy Resources' Renewable Operations Control Center ("ROCC"), with operational control and 24/7 monitoring performed off-site via the Project's SCADA system. The SCADA and associated systems will monitor key battery metrics, including state of charge, battery health, current, voltage, temperature, and alarm indicators for off-normal conditions. In the event of an anomaly or issue with a battery unit, the SCADA system will immediately alert the ROCC and trained personnel in the area. If necessary, the BESS can be remotely shut down from the ROCC.

11. The Project design includes four layers of protection in the BESS: (1) physical thermal barriers within BESS containers prevent cell to cell propagation; (2) the battery management system (BMS) monitors each BESS container for abnormal conditions in cell voltage, temperature, current, and ambient conditions; (3) a fire alarm control panel monitors and alarms if smoke or gas is detected in any container; and (4) the ROCC monitors the BESS facility 24 hours a day, 7 days a week, 365 days a year for alarms and abnormal conditions via the Project's SCADA system.

12. The Project is designed and will be constructed in compliance with applicable safety codes—including the International Fire Code, National Fire Protection Association ("NFPA") Standard 855, the National Electric Code ("NFPA 70E"), and Underwriters Laboratories ("UL") safety standards.

13. Additional Project facilities include inverters, transformers, underground cables, site access and parking, fencing and security, signage, and stormwater facilities.

14. The Project area, including existing substation, encompasses approximately 24 acres in Emmons County, North Dakota, as depicted in Exhibit 7 ("Project Area").

15. Emmons-Logan Energy Storage has executed an option agreement with a private landowner to acquire the site for the Project.

16. Emmons-Logan Energy Storage executed an Energy Storage Agreement with Great River Energy on April 21, 2025. The Agreement has a term of 25 years.

17. Emmons-Logan Energy Storage anticipates a December 2026 in-service date for commercial operation of the Project.

18. The estimated total cost to construct the Project is approximately $181 million to $191 million.

Study of Preferred Location

19. Emmons-Logan Energy Storage selected the Project site, which consists of cropland, based on its proximity to the Wind Energy Center's existing infrastructure, specifically the collection substation and 230-kV transmission line, as depicted in Exhibit 8. By siting the Project near existing infrastructure, Emmons-Logan Energy Storage aimed to minimize impacts on the environment and surrounding community, enhance operational efficiency, and condense development into a compact area.

20. Emmons-Logan Energy Storage sent coordination letters to the federal, state, and local departments, agencies, and entities designated in N.D. Admin. Code § 69-06-01-05. Section 49-22-16(4), N.D.C.C., provides that compliance with an agency's rules shall be presumed if the agency fails to present its position with respect to the proposed facility at least thirty days before the public hearing. The agencies and entities that provided comment in response are as follows:

a. Federal: U.S. Army Corps of Engineers; Federal Aviation Administration.

b. State: North Dakota Game and Fish Department; North Dakota Department of Transportation; State Historical Society of North Dakota; Job Service of North Dakota; Natural Resources Conservation Service; North Dakota Department of Water Resources; North Dakota Transmission Authority; North Dakota Department of Environmental Quality.

21. None of the agencies and entities that responded raised any specific or unique concerns regarding the Project. Emmons-Logan Energy Storage has avoided, minimized, and/or mitigated

impacts for all issues raised by local, state, and federal agencies. Agency consultations and comments are noted in the Application, exhibits, and testimony presented at the Public Hearing.

22. Section 49-22-16(2)(a), N.D.C.C., provides that no energy conversion facility site shall be designated that violates any local land use, zoning, or building rules, regulations, or ordinances. Emmons-Logan Energy Storage has obtained a conditional use permit from Emmons County for the Project, a copy of which is provided as Exhibit 3.

23. Emmons-Logan Energy Storage reviewed a Study Area within a one-mile buffer around the Project Area and conducted the following studies and surveys: Acoustic Assessment; Class I and Class III Cultural Resources Inventory Report; Phase I Environmental Site Assessment; and Natural Resources Inventory Report. Pursuant to the results of these studies and surveys, Emmons-Logan Energy Storage filed the following reports in support of its Application:

a. Acoustic Assessment:

   i. There are no federal, state, or local laws, ordinances, regulations or standards applicable to sound levels generated by the Project. Emmons-Logan Energy performed acoustic modeling for the Project, and modeling results indicate that the maximum predicted noise level will be 41 dBA within 100 feet of the closest receptor.

b. Class I and Class III Cultural Resources Inventory Report:

   i. The Class I inventory involved a review of documentation on file at the North Dakota State Historic Preservation Office ("NDSHPO") regarding archaeological and historic resources that may exist within the Study Area as well as a review of previous cultural resources inventories conducted within the same radius.

   ii. The Class III inventory encompassed a pedestrian survey of the entire Project Area. No cultural resources were identified during the Class III inventory.

   iii. The Class I and Class III inventory report for the Project was submitted to NDSHPO. In letters dated January 9, 2024, and December 19, 2024, the State Historical Society of North Dakota ("SHSND") determined that there are no significant sites affected by the Project.

c. Natural Resources Inventory Report:

   i. Emmons-Logan Energy Storage conducted a wetlands and other waters delineation survey, during which no wetlands or other waters were delineated.

   ii. Emmons-Logan Energy Storage conducted a federally listed species evaluation. No federally listed species were observed during the field surveys. No suitable habitat for piping plover, rufa red knot, Dakota skipper, or whooping crane was observed

during field surveys within the Project Area. The surveys assessed wetland and grassland conditions, and no features indicative of preferred habitat for these species were identified. As a result, no adverse impacts to threatened and endangered species are anticipated.

iii. Emmons-Logan Energy Storage conducted a raptor nest survey, which identified one unoccupied raptor nest within a one-mile buffer of the survey area; however, no raptor nests were documented within the survey area itself.

iv. Emmons-Logan Energy Storage conducted a tree and shrub inventory. No trees were identified within the Project Area. Should any trees or shrubs require removal, Emmons-Logan Energy Storage will replace them in accordance with the Commission's Tree and Shrub Mitigation Specifications.

24. Emmons-Logan Energy Storage also conducted a subsurface exploration and geotechnical engineering study for the Project. No areas of geologic instability were identified within the Project Area.

Siting Criteria

25. The Commission has established criteria pursuant to N.D.C.C. § 49-22-05.1 to guide the Commission in evaluating the suitability of granting a Certificate of Site Compatibility. The criteria, as set forth in N.D. Admin. Code § 69-06-08-01, are classified as Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria.

26. Emmons-Logan Energy Storage evaluated the Project with respect to the Exclusion, Avoidance, Selection, and Policy Criteria of the Commission.

27. Emmons-Logan Energy Storage's studies and surveys did not identify any Exclusion Areas within the Project Area.

28. Emmons-Logan Energy Storage's studies and surveys did not identify any Avoidance Areas within the Project Area.

29. In accordance with the Commission's Selection Criteria, as provided under N.D. Admin. Code § 69-06-08-01(5), a site shall be approved if it is demonstrated that any significant adverse effects resulting from the location, construction, and operation of the facility will be at an acceptable minimum, or that the effects will be managed and maintained at an acceptable minimum. In accordance with the Commission's Policy Criteria, as provided under N.D. Admin. Code § 69-06-08-01(6), the Commission may give preference to an applicant that will maximize benefits that result from the adoption of identified policies and practices in § 69-06-08-01(6).

30. The Project will have positive economic impacts for the local community, including property and sales tax revenue, employment, and payment for the purchase of the land.

31. The Project will not have significant adverse impacts on public services or health and safety in the affected area.

32. During construction, the Project may result in a temporary increase in traffic on county roads. Emmons-Logan Energy Storage will enter into a road use agreement with Emmons County. During operation, no adverse effects to transportation facilities or networks are anticipated.

33. The Project is not anticipated to have a significant adverse impact on surface or ground water resources or soils. Temporarily disturbed areas will be restored and seeded.

34. Emmons-Logan Energy Storage submitted evidence that the Project will not have a significant adverse impact on the Selection Criteria set forth in N.D. Admin. Code. § 69-06-08-01(5). Additionally, Emmons-Logan Energy Storage committed to maximizing the benefits of the Project to the extent practicable to meet the Policy Criteria set forth in N.D. Admin. Code § 69-06-08-01(6).

35. Emmons-Logan Energy Storage has executed a surplus generator interconnection agreement with Midcontinent Independent System Operator and Montana-Dakota Utilities Co.

Additional Measures to Minimize Impacts

36. Emmons-Logan Energy Storage has prepared a draft Emergency Response Plan (ERP), as provided in Exhibit 1, Appendix E. Emmons-Logan Energy Storage has engaged with, and will continue to engage with, local first responders and fire officials to coordinate response efforts in the unlikely event of a fire. This coordination includes:

a. Orientation: A general orientation of the Project will be provided to first responders once key design details and access points have been established.

b. ERP Training: Emmons-Logan Energy Storage, in collaboration with the Power Generation Division (PGD) of NextEra Energy Resources, will coordinate with applicable local emergency responders for ERP training closer to the commissioning phase of the Project.

c. Annual Refresher ERP Training: To maintain readiness, Emmons-Logan Energy Storage will provide refresher ERP training at the request of the authority having jurisdiction and first responders. This refresher training will maximize ongoing preparedness and reinforce best practices for safety and fire protection systems at the Project.

37. Before construction begins, Emmons-Logan Energy Storage will prepare an Unanticipated Discoveries and Effects Plan, which will outline the steps to be taken if previously unrecorded cultural resources or human remains are encountered during construction.

38. Emmons-Logan Energy Storage has agreed to take certain steps to mitigate the impact of the Project as indicated in the Certification Relating to Order Provisions with accompanying Tree and Shrub Mitigation Specifications, which is filed with the Commission as Exhibit 2.

39. Emmons-Logan Energy Storage has developed a Noxious Weed Prevention Plan that was approved by the Emmons County/Logan County Weed Control Officer, which is filed with the Commission as Exhibit 6.

40. Emmons-Logan Energy Storage will utilize best management practices to prevent soil erosion and minimize impacts on ground and surface water. The Project is designed to avoid impacts to wetlands and other waters and allow unrestricted flow of stormwater runoff. Emmons-Logan Energy Storage will implement erosion control measures required under the National Pollution Discharge Elimination System (NPDES) permit and associated Stormwater Pollution Prevent Plan (SWPPP).

41. Emmons-Logan Energy Storage will develop a dust mitigation plan, in coordination with the Emmons County Road Department, prior to construction.

42. To further mitigate any potential environmental impact, Emmons-Logan Energy Storage will educate construction contractors on threatened and endangered species and provide contractors with training, spatial data, and static constraint maps to identify restricted areas for construction equipment. If any threatened or endangered species are identified, construction activities will pause until the species moves through the Project Area. Emmons-Logan Energy Storage will also conduct a pre-construction raptor nest survey within the Study Area to identify any newly built raptor nests. A separate nest clearance survey will also be completed within the Project Area before construction to minimize effects on nesting migratory birds.

43. There are no existing local or state rules or regulations governing the Project's decommissioning. At the public hearing, the Commission requested Emmons-Logan Energy Storage to file decommissioning financial assurance for the Project with the Commission. Emmons-Logan Energy Storage testified it will submit decommissioning financial assurance to the Commission in accordance with the Commission's existing rules governing wind energy conversion facility decommissioning and financial assurance requirements under N.D. Admin. Code ch. 69-09-09.

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

Conclusions of Law

1. The Commission has jurisdiction over Emmons-Logan Energy Storage and the subject matter of the Application under N.D.C.C. ch. 49-22.

2. Emmons-Logan Energy Storage is a utility as defined in North Dakota Century Code § 49-22-03(16).

3. The Project proposed by Emmons-Logan Energy Storage is an electric energy conversion facility as defined in N.D.C.C. § 49-22-03(6).

4. The Application submitted by Emmons-Logan Energy Storage meets the site evaluation criteria required by N.D.C.C. ch. 49-22.

5. 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.

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 location, construction, and operation of the Project are compatible with environmental preservation and the efficient use of resources.

8. The Commission has jurisdiction to ensure compliance with applicable National Electrical Safety Code standards in the construction and operation of the Project.

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

Order

The Commission orders:

1. Certificate of Site Compatibility for an Energy Conversion Facility No. __ is issued to Emmons-Logan Energy Storage, LLC, designating a site for the construction, operation, and maintenance of a battery energy storage system known as the Emmons-Logan Energy Storage Project corresponding to the Project Area depicted in Exhibit 8.

2. Within the permitted site, Emmons-Logan Energy Storage is authorized to site and construct up to 186 battery containers and 62 power conversion systems, as identified in Exhibit 8, along with underground cables, fencing, roads, and other associated facilities as identified in the Application.

3. Emmons-Logan Energy Storage's Certification Relating to Order Provisions with accompanying Tree and Shrub Mitigation Specifications, filed with the Commission as Exhibit 2, is incorporated by reference and attached to this Order. The Tree and Shrub Mitigation Specifications may be modified upon the mutual agreement of the Commission and Emmons-Logan Energy Storage.

4. To the extent there are any conflicts or inconsistencies between Emmons-Logan Energy Storage's Application and the Certification, the Certification provisions control.

PUBLIC SERVICE COMMISSION

Sheri Haugen-Hoffart **Commissioner**	**Randy Christmann** **Chairman**	**Jill Kringstad** **Commissioner**