

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Emmons-Logan Energy Storage, LLC
Emmons-Logan Energy Storage – Emmons County
Siting Application

Case No. PU-25-209

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Geralyn R. Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **8th day of January 2026**, she deposited in the United States Mail, at Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

- **Findings of Fact, Conclusions of Law and Order**

And Original Of:

- **Site Certificate Number 72**

The envelope was addressed as follows:

Casey Furey
Attorney for Emmons-Logan Storage, LLC
Crowley Fleck PLLP
PO Box 2798
Bismarck, ND 58502-2798
Cert. No. 9589 0710 5270 2708 2379 90

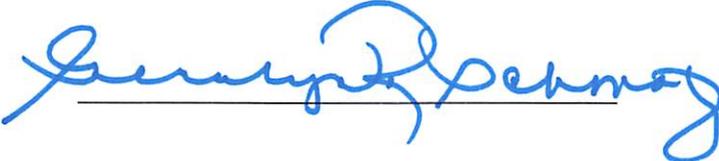
Geralyn R. Schmaltz further deposes and says that on the **8th day of January 2026**, she deposited in the United States Mail, at Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and containing a copy of the same.

The envelope was addressed as follows:

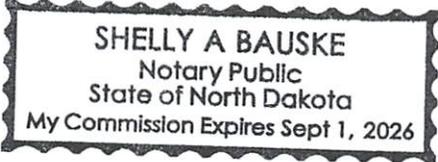
Erik Edison
Attorney for Emmons-Logan Storage, LLC
Crowley Fleck PLLP
PO Box 2798
Bismarck, ND 58502-2798
Cert. No. 9589 0710 5270 2708 2380 03

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me
this **8th day of January 2026**.



A handwritten signature in blue ink, appearing to read "Jennifer Schwegel", written over a horizontal line.



A handwritten signature in blue ink, "Shelly A Bauske", written over a horizontal line. Below the line, the text "Notary Public" is printed.

SEAL

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Emmons-Logan Energy Storage, LLC
Emmons-Logan Energy Storage – Emmons County
Siting Application**

Case No. PU-25-209

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

January 7, 2026

Appearances

Commissioners 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, Office of Administrative Hearings, 2911 North 14th Street, Suite 303, Bismarck, North Dakota 58503, as Procedural Hearing Officer.

Preliminary Statement

On June 18, 2025, 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 (Project), to be located in Emmons County, North Dakota (Application).

On September 25, 2025, the Commission issued a Notice of Filing and Notice of Public Hearing (Notice) scheduling 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 this proceeding:

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, the hearing was held as scheduled.

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) authorized to do business in the State of North Dakota as evidenced by the corporate papers filed with the Commission on June 18, 2025, in Case No. PU-25-210.
2. Emmons-Logan Energy Storage will own and operate the Project.

Size, Type, and Preferred Location of Facility

3. The Project is a 140-MW, four-hour duration BESS equating to 560-MWh of total energy capacity.
4. 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 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.
5. The Project includes a power conversion system (PCS) to convert direct current stored within the BESS to alternating current suitable for grid integration. The Project also includes an electrical collection system to connect the BESS to Emmons-Logan Wind Energy Center's (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.
6. 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. Approximately 138 initial BESS containers will be on site with an additional 48 augmentation containers planned to be added for a total of 186 BESS containers on site at the end of the Project's life. Additionally, 46 initial PCS will be on site with an additional 16 augmentation containers planned for a total of 62 PCS at the end of the Project's life.

7. 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.

8. 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.

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

10. The Project area, including existing substation, encompasses approximately 24 acres in Emmons County, North Dakota, as depicted in Exhibit 8 (Project Area).

11. 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.

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

13. The estimated total cost to construct the Project is approximately \$181 million.

Study of Preferred Location

14. 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 reports for the Project were submitted to NDSHPO. In a letter dated January 9, 2024, NDSHPO determined that "there are no significant sites affected by this project provided it takes place in the location and in the manner described in the documentation." In a letter dated December 19, 2024, the NDSHPO again determined that "there are no significant sites affected by the proposed 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 Project Area; however, no raptor nests were documented within the Project Area itself.**
 - iv. **Emmons-Logan Energy Storage conducted a tree and shrub inventory. 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.**
- 15. 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.**
- 16. Emmons-Logan Energy Storage sent coordination letters to the federal, state, and local departments, agencies, and entities designated in North Dakota Administrative Code (NDAC) Section 69-06-01-05. 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.**
- 17. 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.**
- 18. North Dakota Century Code (NDCC) Section 49-22-16(2)(a), 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.**

Siting Criteria

- 19. The Commission has established criteria pursuant to NDCC Section 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 NDAC Section 69-06-08-01, are classified as Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria.**
- 20. Emmons-Logan Energy Storage evaluated the Project with respect to the Exclusion, Avoidance, Selection, and Policy Criteria of the Commission.**

21. An Exclusion Area is a geographic area that must be excluded in the consideration of a site for an electric energy conversion facility.
22. Emmons-Logan Energy Storage's studies and surveys did not identify any Exclusion Areas within the Project Area.
23. 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.
24. Emmons-Logan Energy Storage's studies and surveys did not identify any Avoidance Areas within the Project Area.
25. In accordance with the Commission's Selection Criteria, as provided under NDAC Section 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.
26. 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.
27. The Project will not have significant adverse impacts on public services or health and safety in the affected area.
28. 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.
29. 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.
30. Emmons-Logan Energy Storage submitted evidence that the Project will not have a significant adverse impact on the Selection Criteria set forth in NDAC Section 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 NDAC Section 69-06-08-01(6).

31. The Commission's Policy Criteria are set forth in NDAC Section 69-06-08-01(6). The Commission may give preference to an application demonstrating certain benefits of the electric energy conversion facility. There is no reason for the Commission to give preference to the applicant in this proceeding.

Additional Measures to Minimize Impacts

32. 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 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.

33. 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.

34. 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, and incorporated by reference and attached to this Order.

35. 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.

36. 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 permit and associated Stormwater Pollution Prevent Plan.

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

38. 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 move 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.

39. There are no existing local or state rules or regulations governing the Project's decommissioning. At the public hearing, 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 NDAC Chapter 69-09-09.

40. 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.

41. 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 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.

42. 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, and the National Electric Code (NFPA 70E) safety standards.

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 NDCC Chapter 49-22.
2. Emmons-Logan Energy Storage is a utility as defined in NDCC Section 49-22-03(16).
3. The Project proposed by Emmons-Logan Energy Storage is an electric energy conversion facility as defined in NDCC Section 49-22-03(6).
4. The location, construction, and operation of the Project will produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota.
5. The Project 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.
6. The location, construction, and operation of the Project are compatible with environmental preservation and the efficient use of resources.

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

Order

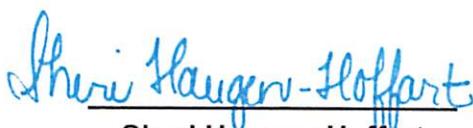
The Commission orders:

1. Certificate of Site Compatibility for an Energy Conversion Facility No. 72 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 BESS 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.

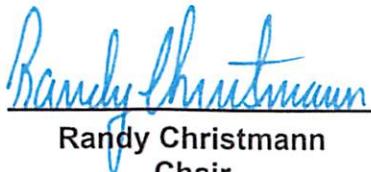
4. To the extent there are any conflicts or inconsistencies between Emmons-Logan Energy Storage's Application and the Certification, the Certification provisions control.

5. Emmons-Logan Energy Storage 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.

PUBLIC SERVICE COMMISSION



**Sheri Haugen-Hoffart
Commissioner**



**Randy Christmann
Chair**



**Jill Kringstad
Commissioner**

PUBLIC SERVICE COMMISSION

STATE OF NORTH DAKOTA

Site Certificate Number 72

This is to certify that the Commission has designated a site for Emmons-Logan Energy Storage, LLC for the construction, operation and maintenance of a battery energy storage system and associated facilities in Emmons County, North Dakota.

This Certificate is issued in accordance with the Order of the Commission dated January 7, 2026, in Case No. PU-25-209 and is subject to the conditions and limitations noted in the Order.

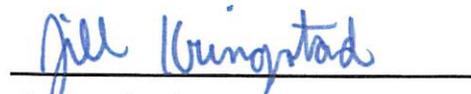
Bismarck, North Dakota, January 7, 2026.

ATTEST:

PUBLIC SERVICE COMMISSION



Executive Secretary



Commissioner

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Emmons-Logan Energy Storage, LLC
Emmons-Logan Energy Storage – Emmons County
Siting Application

Case No. PU-25-209

CERTIFICATION RELATING TO ORDER PROVISIONS
ENERGY CONVERSION FACILITY SITING

I am Anthony Pedroni, Vice President, a representative of Emmons-Logan Energy Storage, LLC (“Company”) with authority to bind Company to requirements to be set forth by the Commission in its Order and I certify the following:

1. Company understands and agrees that the Certificate of Site Compatibility will be issued by the Commission 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 proposed energy conversion 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 energy conversion facility that requires said license or permit.
4. Company understands and agrees that the Certificate of Site Compatibility 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 and the Certificate of Site Compatibility, 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 the Certificate of Site Compatibility for the energy conversion 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 approved by the North Dakota State Historic Preservation Office 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 energy conversion 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 of construction activities on a monthly basis.
11. Company is aware that North Dakota law requires that all companies that own or operate electric generation of any size for the primary purpose of resale must comply with the standards of the National Electrical Safety Code in effect at the time of construction of the generation facility, and agrees to comply with that requirement.
12. Company agrees to construct and operate the energy conversion facility in accordance with all applicable safety requirements.
13. Company understands and agrees that it shall bury all underground lines to a depth of at least 48 inches to the top of the lines.
14. Company understands and agrees that topsoil, up to 12 inches, or topsoil to the depth of cultivation, whichever is greater, over and along trench areas, roadways, and locations of associated facilities must be carefully stripped and segregated from the subsoil. Any area on which excavated subsoil will be placed must first 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.

15. Company understands and agrees that all buried facility crossings of graded roads shall be bored unless the responsible governing agency specifically permits Company to open cut the road.
16. 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.
17. 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 by the State Historical Society, and a report of such examination is filed with the Commission.
18. 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.
19. 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:

20. Company agrees that it shall, as soon as practicable upon the completion of the construction of the energy conversion 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.
21. 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 energy conversion 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.

22. Company understands and agrees that reclamation, fertilization, and reseeded is to be done according to the Natural Resources Conservation Service recommendations, unless otherwise specified by the landowner and approved by the Commission.
23. Company will fulfil its obligation for reclamation and maintenance of the approved site continuing throughout the life of the energy conversion facility.
24. Company will repair all fences and gates removed or damaged during all phases of construction and operation of the proposed energy conversion facility.
25. Company will repair or replace all drainage tile broken or damaged as a result of construction and operation of the proposed energy conversion facility.
26. Company agrees to comply with the Tree and Shrub Mitigation Specifications, attached.
27. 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 energy conversion facility.
28. 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.
29. Company understands and agrees that it shall provide any necessary safety measures for traffic control or to restrict public access to the energy conversion facility.

Communication with Landowners and PSC:

30. Company agrees to provide the Commission with engineering design drawings showing surveyed structure and collection substation locations prior to construction.
31. 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 energy conversion facility, including injuries to any person.
32. Company agrees to report to the Commission, as soon as reasonably possible, the presence in or near the approved site of any critical habitat of threatened or endangered species that Company becomes aware of and which were not previously reported to the Commission.

33. **Company agrees to provide the Commission with both an electronic and a paper copy of the site approved by the Commission and the facility design specifications for the construction of the energy conversion facility showing the location of the energy conversion 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 site approved by the Commission and the facility design specifications for the construction of the energy conversion facility showing the location of the energy conversion 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.**
35. **Company agrees that it shall provide, if requested, educational material for landowners within the site boundaries about the proposed energy conversion facility and any restriction or danger concerning the proposed energy conversion facility.**
36. **Company understands and agrees that it shall implement a procedure for how complaints concerning the proposed energy conversion facility will be handled by Company**

Modification of Energy Conversion Facility or Energy Conversion Site Plan:

37. **Before conducting any construction activities for any modification within the designated site, the Company will file the name and contact information for a key contact person for the purposes of notice and communication during the site modification application and will use the following procedures:**
 - A. **Before conducting any construction activities for any modification within the designated site, and such construction activities will not affect any known exclusion or avoidance areas within the designated site, the Company will file certification and supporting documentation:**
 1. **Affirming that construction activities will not affect any known exclusion or avoidance areas within the designated site;**
 2. **Including a map meeting the requirements of N.D. Admin. Code § 69-06-04-01(2)(n) identifying the designated site and site modification(s); and**

- 3. Affirming that Company will comply with the Commission's order, law and rules designating the site.
- B. Before conducting any construction activities for any modification within the designated site, and such construction activities will not affect any known exclusion but may affect an avoidance area within the designated site, the Company will file:
 - 1. 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:
 - a. the designated site and the site modification;
 - b. all exclusion and avoidance areas within the portion of the designated site containing the site modification.
 - 2. Certification and supporting documentation affirming that construction activities will not affect any known exclusion area.
 - 3. All field studies performed on the portion of the designated site containing the site modification;
 - 4. Specific information about any mitigation measures Company will take within the modification area;
 - 5. Certification that each owner of real property on which the modification is to be located and any applicable governmental entity with an interest in the same modification area do not oppose the modification;
 - 6. 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;
 - 7. Certification that Company will comply with the Commission's order, law and rules designating the site.
- 38. 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 24.00 day of October, 2025.

Emmons-Logan Energy Storage, LLC

By Anthony Pedroni  October 24, 2025

Its Vice President



**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Emmons-Logan Energy Storage, LLC
Emmons-Logan Energy Storage – Emmons County
Siting Application**

Case No. PU-25-209

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.

Anthony Pedroni, Vice President

DocuSigned by:
 October 24, 2025
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