

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company/Montana-Dakota
Utilities Co. 345kV Transmission Line Siting
Application

Case No. PU-25-236

Wano Township, Willowbank Township,
Russell Township, Corwin Township,
and Valley Township

**EXHIBIT APPENDIX TO PETITION TO INTERVENE; MOTION TO
ACCEPT LATE-FILED EXHIBITS; AND, IN THE ALTERNATIVE,
PETITION TO REOPEN FOR LIMITED ADDITIONAL EVIDENCE
(Exhibits 1A-5)**

EXHIBIT INDEX

Exhibit 1A – Wano Township Limited Objection to Reliance on PU-24-91
CPCN as Proof of Need and Reservation of Rights

Exhibit 1B – Willowbank Township Limited Objection (same)

Exhibit 1C – Russell Township Limited Objection (same)

Exhibit 1D – Corwin Township Limited Objection (same)

Exhibit 1E – Valley Township Limited Objection (same)

Exhibit 2A – Wano Township Statement re Applicants’ Preemption Request

Exhibit 2B – Willowbank Township Statement (same)

Exhibit 2C – Russell Township Statement (same)

Exhibit 2D – Corwin Township Statement (same)

Exhibit 2E – No separate Valley Township “Statement” was submitted;
Valley’s positions are reflected in Exhibits 1E and 3E.

Exhibit 3A – Wano Township Questions for the Record

Exhibit 3B – Willowbank Township Questions (same)

Exhibit 3C – Russell Township Questions (same)

Exhibit 3D – Corwin Township Questions (same)

Exhibit 3E – Valley Township Questions (same)

**Exhibit 4A – Wano Township email transmittal to PSC and PSC
acknowledgment email chain (Jan. 7, 2026)**

**Exhibit 4B – Willowbank Township email transmittal to PSC attaching
Exhibits 1B–3B (PSC acknowledgment email not located).**

**Exhibit 4C – Russell Township email transmittal to PSC and PSC
acknowledgment email chain (Jan. 7, 2026)**

**Exhibit 4D – Corwin Township email transmittal to PSC and PSC
acknowledgment email chain (Jan. 7, 2026)**

**Exhibit 4E – Valley Township email transmittal to PSC and PSC
acknowledgment email chain (Jan. 7, 2026)**

**Exhibit 5 – Excerpt of Edgeley public hearing transcript (Jan. 14, 2026)
(regarding Russell Township submission and record-status
discussion) (Tr. 24:32–34:03)**

Exhibit 1A

PU-25-236

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company/Montana-Dakota
Utilities Co. 345kV Transmission Line Siting
Application

Case No. PU-25-236

**WANO TOWNSHIP LIMITED OBJECTION TO RELIANCE ON
PU-24-91 CPCN AS PROOF OF NEED AND RESERVATION
OF RIGHTS**

Wano Township submits this limited objection for the record in PSC
Docket PU-25-236.

1. The Commission previously issued a Certificate of Public Convenience and Necessity (“CPCN”) in Docket PU-24-91 under N.D.C.C. ch. 49-03 for this same 345 kV project. That CPCN was issued in a proceeding noticed by publication and without direct notice to the affected townships. The Commission’s June 18, 2025 order leaving that CPCN in place is now under review in Burleigh County District Court, Case No. 08-2025-CV-02068.
2. The Township understands that the Siting Act, N.D.C.C. ch. 49-22, requires an application that includes a statement explaining the need for the facility and requires the Commission’s decision in this docket to be supported by findings with reasons under the statutory criteria and

considerations. See N.D.C.C. §§ 49-22-05.1, 49-22-08(1)(c), 49-22-08(6), 49-22-08.1(5), 49-22-09; accord *Matter of Nebraska Pub. Power Dist.*, 330 N.W.2d 143 (N.D. 1983).

3. The Township objects to any reliance on the PU-24-91 CPCN as conclusive proof of “need” in this docket, including any attempt to treat a publication-notice CPCN under Chapter 49-03 as a substitute for the Siting Act’s record and decision requirements. The Township respectfully requests that the Commission require the Applicants to address any need-related showing within the PU-25-236 record and that any final order include the Commission’s own findings with reasons based on the evidence presented in this proceeding.

4. This is a limited objection. The Township does not waive, and expressly reserves, all rights and arguments regarding the lawfulness of the prior CPCN, the proper interpretation of Chapters 49-03 and 49-22, and the Township’s position in the pending district court appeal or any further judicial review.¹

¹ Prepared with assistance of counsel (Steven J. Leibel, ND counsel; Douglas J. Nill, MN counsel—pro hac vice application pending) for the limited purpose of assisting the Township with written submissions to preserve the record. No appearance is entered in this docket.

Dated: January 6, 2026

WANO TOWNSHIP

By: Wayne Wald
Wayne Wald, Supervisor, Township Board

Exhibit 1B

PU-25-236

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company/Montana-Dakota
Utilities Co. 345kV Transmission Line Siting
Application

Case No. PU-25-236

**WILLOWBANK TOWNSHIP LIMITED OBJECTION TO RELIANCE
ON PU-24-91 CPCN AS PROOF OF NEED AND RESERVATION
OF RIGHTS**

Willowbank Township submits this limited objection for the record in
PSC Docket PU-25-236.

1. The Commission previously issued a Certificate of Public
Convenience and Necessity (“CPCN”) in Docket PU-24-91 under N.D.C.C. ch.
49-03 for this same 345 kV project. That CPCN was issued in a proceeding
noticed by publication and without direct notice to the affected townships.
The Commission’s June 18, 2025 order leaving that CPCN in place is now
under review in Burleigh County District Court, Case No. 08-2025-CV-02068.

2. The Township understands that the Siting Act, N.D.C.C. ch. 49-
22, requires an application that includes a statement explaining the need for
the facility and requires the Commission’s decision in this docket to be
supported by findings with reasons under the statutory criteria and

considerations. See N.D.C.C. §§ 49-22-05.1, 49-22-08(1)(c), 49-22-08(6), 49-22-08.1(5), 49-22-09; accord *Matter of Nebraska Pub. Power Dist.*, 330 N.W.2d 143 (N.D. 1983).

3. The Township objects to any reliance on the PU-24-91 CPCN as conclusive proof of “need” in this docket, including any attempt to treat a publication-notice CPCN under Chapter 49-03 as a substitute for the Siting Act’s record and decision requirements. The Township respectfully requests that the Commission require the Applicants to address any need-related showing within the PU-25-236 record and that any final order include the Commission’s own findings with reasons based on the evidence presented in this proceeding.

4. This is a limited objection. The Township does not waive, and expressly reserves, all rights and arguments regarding the lawfulness of the prior CPCN, the proper interpretation of Chapters 49-03 and 49-22, and the Township’s position in the pending district court appeal or any further judicial review.¹

¹ Prepared with assistance of counsel (Steven J. Leibel, ND counsel; Douglas J. Nill, MN counsel—pro hac vice application pending) for the limited purpose of assisting the Township with written submissions to preserve the record. No appearance is entered in this docket.

Dated: January 6, 2026

WILLOWBANK TOWNSHIP

By: Robert Senger
Robert Senger, Supervisor, Township Board

Exhibit 1C

PU-25-236

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company/Montana-Dakota
Utilities Co. 345kV Transmission Line Siting
Application

Case No. PU-25-236

**RUSSELL TOWNSHIP LIMITED OBJECTION TO RELIANCE ON
PU-24-91 CPCN AS PROOF OF NEED AND RESERVATION
OF RIGHTS**

Russell Township submits this limited objection for the record in PSC
Docket PU-25-236.

1. The Commission previously issued a Certificate of Public
Convenience and Necessity (“CPCN”) in Docket PU-24-91 under N.D.C.C. ch.
49-03 for this same 345 kV project. That CPCN was issued in a proceeding
noticed by publication and without direct notice to the affected townships.
The Commission’s June 18, 2025 order leaving that CPCN in place is now
under review in Burleigh County District Court, Case No. 08-2025-CV-02068.

2. The Township understands that the Siting Act, N.D.C.C. ch. 49-
22, requires an application that includes a statement explaining the need for
the facility and requires the Commission’s decision in this docket to be
supported by findings with reasons under the statutory criteria and

considerations. See N.D.C.C. §§ 49-22-05.1, 49-22-08(1)(c), 49-22-08(6), 49-22-08.1(5), 49-22-09; accord *Matter of Nebraska Pub. Power Dist.*, 330 N.W.2d 143 (N.D. 1983).

3. The Township objects to any reliance on the PU-24-91 CPCN as conclusive proof of “need” in this docket, including any attempt to treat a publication-notice CPCN under Chapter 49-03 as a substitute for the Siting Act’s record and decision requirements. The Township respectfully requests that the Commission require the Applicants to address any need-related showing within the PU-25-236 record and that any final order include the Commission’s own findings with reasons based on the evidence presented in this proceeding.

4. This is a limited objection. The Township does not waive, and expressly reserves, all rights and arguments regarding the lawfulness of the prior CPCN, the proper interpretation of Chapters 49-03 and 49-22, and the Township’s position in the pending district court appeal or any further judicial review.¹

¹ Prepared with assistance of counsel (Steven J. Leibel, ND counsel; Douglas J. Nill, MN counsel—pro hac vice application pending) for the limited purpose of assisting the Township with written submissions to preserve the record. No appearance is entered in this docket.

Dated: January 6, 2026

RUSSELL TOWNSHIP

By: Joel Leppert
Joel Leppert, Chair, Township Board

Exhibit 1D

PU-25-236

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company/Montana-Dakota
Utilities Co. 345kV Transmission Line Siting
Application

Case No. PU-25-236

**CORWIN TOWNSHIP LIMITED OBJECTION TO RELIANCE ON
PU-24-91 CPCN AS PROOF OF NEED AND RESERVATION
OF RIGHTS**

Corwin Township submits this limited objection for the record in PSC
Docket PU-25-236.

1. The Commission previously issued a Certificate of Public Convenience and Necessity (“CPCN”) in Docket PU-24-91 under N.D.C.C. ch. 49-03 for this same 345 kV project. That CPCN was issued in a proceeding noticed by publication and without direct notice to the affected townships. The Commission’s June 18, 2025 order leaving that CPCN in place is now under review in Burleigh County District Court, Case No. 08-2025-CV-02068.

2. The Township understands that the Siting Act, N.D.C.C. ch. 49-22, requires an application that includes a statement explaining the need for the facility and requires the Commission’s decision in this docket to be supported by findings with reasons under the statutory criteria and

considerations. *See* N.D.C.C. §§ 49-22-05.1, 49-22-08(1)(c), 49-22-08(6), 49-22-08.1(5), 49-22-09; *accord Matter of Nebraska Pub. Power Dist.*, 330 N.W.2d 143 (N.D. 1983).

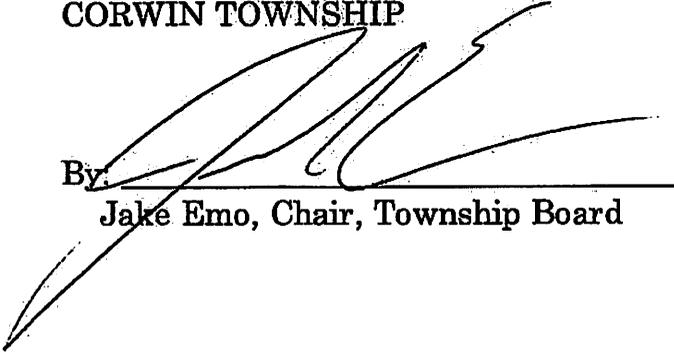
3. The Township objects to any reliance on the PU-24-91 CPCN as conclusive proof of “need” in this docket, including any attempt to treat a publication-notice CPCN under Chapter 49-03 as a substitute for the Siting Act’s record and decision requirements. The Township respectfully requests that the Commission require the Applicants to address any need-related showing within the PU-25-236 record and that any final order include the Commission’s own findings with reasons based on the evidence presented in this proceeding.

4. This is a limited objection. The Township does not waive, and expressly reserves, all rights and arguments regarding the lawfulness of the prior CPCN, the proper interpretation of Chapters 49-03 and 49-22, and the Township’s position in the pending district court appeal or any further judicial review.¹

¹ Prepared with assistance of counsel (Steven J. Leibel, ND counsel; Douglas J. Nill, MN counsel—pro hac vice application pending) for the limited purpose of assisting the Township with written submissions to preserve the record. No appearance is entered in this docket.

Dated: January 6, 2026

CORWIN TOWNSHIP

By: 

Jake Emo, Chair, Township Board

Exhibit 1E

PU-25-236

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Otter Tail Power Company/Montana-Dakota
Utilities Co. 345kV Transmission Line Siting
Application**

Case No. PU-25-236

**VALLEY TOWNSHIP LIMITED OBJECTION TO RELIANCE ON
PU-24-91 CPCN AS PROOF OF NEED AND RESERVATION
OF RIGHTS**

Valley Township submits this limited objection for the record in PSC
Docket PU-25-236.

1. The Commission previously issued a Certificate of Public Convenience and Necessity ("CPCN") in Docket PU-24-91 under N.D.C.C. ch. 49-03 for this same 345 kV project. That CPCN was issued in a proceeding noticed by publication and without direct notice to the affected townships. The Commission's June 18, 2025 order leaving that CPCN in place is now under review in Burleigh County District Court, Case No. 08-2025-CV-02068.
2. The Township understands that the Siting Act, N.D.C.C. ch. 49-22, requires an application that includes a statement explaining the need for the facility and requires the Commission's decision in this docket to be supported by findings with reasons under the statutory criteria and

considerations. See N.D.C.C. §§ 49-22-05.1, 49-22-08(1)(c), 49-22-08(6), 49-22-08.1(5), 49-22-09; accord *Matter of Nebraska Pub. Power Dist.*, 330 N.W.2d 143 (N.D. 1983).

3. The Township objects to any reliance on the PU-24-91 CPCN as conclusive proof of “need” in this docket, including any attempt to treat a publication-notice CPCN under Chapter 49-03 as a substitute for the Siting Act’s record and decision requirements. The Township respectfully requests that the Commission require the Applicants to address any need-related showing within the PU-25-236 record and that any final order include the Commission’s own findings with reasons based on the evidence presented in this proceeding.

4. This is a limited objection. The Township does not waive, and expressly reserves, all rights and arguments regarding the lawfulness of the prior CPCN, the proper interpretation of Chapters 49-03 and 49-22, and the Township’s position in the pending district court appeal or any further judicial review.¹

¹ Prepared with assistance of counsel (Steven J. Leibel, ND counsel; Douglas J. Nill, MN counsel—pro hac vice application pending) for the limited purpose of assisting the Township with written submissions to preserve the record. No appearance is entered in this docket.

Dated: January 7, 2026

VALLEY TOWNSHIP

By: W/W Beethe
Wyatt Beethe, Supervisor, Township Board

Exhibit 2A

PU-25-236

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company/Montana-Dakota
Utilities Co. 345kV Transmission Line Siting
Application

Case No. PU-25-236

**WANO TOWNSHIP STATEMENT REGARDING APPLICANTS’
REQUEST TO DECLARE LOCAL LAND USE AND ZONING
ORDINANCES AND REGULATIONS SUPERSEDED
AND PREEMPTED**

Wano Township submits this statement for the record in PSC Docket PU-25-236 in response to Applicants’ December 17, 2025 memorandum requesting findings regarding supersession and preemption of local land use and zoning regulations.

1. Township filings and record completeness.

Wano Township previously provided the Commission with its local land use and zoning materials in this docket. The Township submits these materials so the Commission has a complete record of local requirements and local concerns relevant to routing, siting considerations, and permit conditions, including the local requirements requested from political subdivisions for review and consideration in this proceeding.

2. No blanket preemption declaration detached from final findings and conditions.

Applicants ask the Commission to declare that all local land use and zoning ordinances and regulations “are automatically superseded and preempted” upon issuance of a route permit and to enter additional findings that certain local actions are “unreasonably restrictive.” The Township respectfully requests that the Commission address any supersession/preemption issues, if at all, only in the context of its final order, with specific findings and reasons tied to the statutory criteria, the route approved (if any), and any conditions imposed. If the Commission determines that any local provisions are superseded for this project, the Township further requests that the final order clearly identify (a) which provisions are affected, and (b) how compliance will be supervised and enforced during construction and restoration. The Township also requests that the Commission avoid any generalized, advance declaration that is not tied to specific identified local provisions and final permit conditions.

3. Local requirements remain relevant even if Applicants contend certain provisions are superseded.

Even where Applicants argue that local land use and zoning regulations will be superseded upon issuance of a permit, those local

materials still provide important evidence and context for the Commission's required analysis under the Siting Act, including routing alternatives, local land use patterns, and impacts on residences and existing development. The Township asks that the Commission explicitly acknowledge receipt and consideration of the Township's filings as part of the record.

4. Road use and infrastructure protections must be addressed through permit conditions.

The Township requests that the Commission ensure Applicants address, and the Commission's order address, road use and local infrastructure impacts, including heavy-haul/road damage issues, access points, drainage, and restoration obligations. The Township further requests that any permit conditions require coordination with affected political subdivisions, compliance with applicable road-use requirements and agreements, and clear, enforceable construction and restoration standards.

5. Preservation of rights.

This statement is submitted to preserve the Township's rights and to ensure the Commission has a complete record. The Township does not waive, and expressly reserves, all rights and arguments regarding the interpretation and application of N.D.C.C. § 49-22-16 as amended, including issues concerning retroactivity, due process, statutory construction, and the legality

and scope of any claimed supersession/preemption in this proceeding or on judicial review.¹

Dated: January 6, 2026

WANO TOWNSHIP

By: Wayne Wald
Wayne Wald, Supervisor, Township Board

¹ Prepared with assistance of counsel (Steven J. Leibel, ND counsel; Douglas J. Nill, MN counsel—pro hac vice application pending) for the limited purpose of assisting the Township with written submissions to preserve the record. No appearance is entered in this docket.

Exhibit 2B

PU-25-236

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company/Montana-Dakota
Utilities Co. 345kV Transmission Line Siting
Application

Case No. PU-25-236

**WILLOWBANK TOWNSHIP STATEMENT REGARDING
APPLICANTS' REQUEST TO DECLARE LOCAL LAND USE AND
ZONING ORDINANCES AND REGULATIONS SUPERSEDED
AND PREEMPTED**

Willowbank Township submits this statement for the record in PSC
Docket PU-25-236 in response to Applicants' December 17, 2025
memorandum requesting findings regarding supersession and preemption of
local land use and zoning regulations.

1. Township filings and record completeness.

Willowbank Township previously provided the Commission with its
local land use and zoning materials in this docket. The Township submits
these materials so the Commission has a complete record of local
requirements and local concerns relevant to routing, siting considerations,
and permit conditions, including the local requirements requested from
political subdivisions for review and consideration in this proceeding.

2. No blanket preemption declaration detached from final findings and conditions.

Applicants ask the Commission to declare that all local land use and zoning ordinances and regulations “are automatically superseded and preempted” upon issuance of a route permit and to enter additional findings that certain local actions are “unreasonably restrictive.” The Township respectfully requests that the Commission address any supersession/preemption issues, if at all, only in the context of its final order, with specific findings and reasons tied to the statutory criteria, the route approved (if any), and any conditions imposed. If the Commission determines that any local provisions are superseded for this project, the Township further requests that the final order clearly identify (a) which provisions are affected, and (b) how compliance will be supervised and enforced during construction and restoration. The Township also requests that the Commission avoid any generalized, advance declaration that is not tied to specific identified local provisions and final permit conditions.

3. Local requirements remain relevant even if Applicants contend certain provisions are superseded.

Even where Applicants argue that local land use and zoning regulations will be superseded upon issuance of a permit, those local

materials still provide important evidence and context for the Commission's required analysis under the Siting Act, including routing alternatives, local land use patterns, and impacts on residences and existing development. The Township asks that the Commission explicitly acknowledge receipt and consideration of the Township's filings as part of the record.

4. Road use and infrastructure protections must be addressed through permit conditions.

The Township requests that the Commission ensure Applicants address, and the Commission's order address, road use and local infrastructure impacts, including heavy-haul/road damage issues, access points, drainage, and restoration obligations. The Township further requests that any permit conditions require coordination with affected political subdivisions, compliance with applicable road-use requirements and agreements, and clear, enforceable construction and restoration standards.

5. Preservation of rights.

This statement is submitted to preserve the Township's rights and to ensure the Commission has a complete record. The Township does not waive, and expressly reserves, all rights and arguments regarding the interpretation and application of N.D.C.C. § 49-22-16 as amended, including issues concerning retroactivity, due process, statutory construction, and the legality

and scope of any claimed supersession/preemption in this proceeding or on judicial review.¹

Dated: January 6, 2026

WILLOWBANK TOWNSHIP

By: Robert Senger
Robert Senger, Supervisor, Township Board

¹ Prepared with assistance of counsel (Steven J. Leibel, ND counsel; Douglas J. Nill, MN counsel—pro hac vice application pending) for the limited purpose of assisting the Township with written submissions to preserve the record. No appearance is entered in this docket.

Exhibit 2C

PU-25-236

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company/Montana-Dakota
Utilities Co. 345kV Transmission Line Siting
Application

Case No. PU-25-236

**RUSSELL TOWNSHIP STATEMENT REGARDING APPLICANTS’
REQUEST TO DECLARE LOCAL LAND USE AND ZONING
ORDINANCES AND REGULATIONS SUPERSEDED
AND PREEMPTED**

Russell Township submits this statement for the record in PSC Docket PU-25-236 in response to Applicants’ December 17, 2025 memorandum requesting findings regarding supersession and preemption of local land use and zoning regulations.

1. Township filings and record completeness.

Russell Township previously provided the Commission with its local land use and zoning materials in this docket. The Township submits these materials so the Commission has a complete record of local requirements and local concerns relevant to routing, siting considerations, and permit conditions, including the local requirements requested from political subdivisions for review and consideration in this proceeding.

2. No blanket preemption declaration detached from final findings and conditions.

Applicants ask the Commission to declare that all local land use and zoning ordinances and regulations “are automatically superseded and preempted” upon issuance of a route permit and to enter additional findings that certain local actions are “unreasonably restrictive.” The Township respectfully requests that the Commission address any supersession/preemption issues, if at all, only in the context of its final order, with specific findings and reasons tied to the statutory criteria, the route approved (if any), and any conditions imposed. If the Commission determines that any local provisions are superseded for this project, the Township further requests that the final order clearly identify (a) which provisions are affected, and (b) how compliance will be supervised and enforced during construction and restoration. The Township also requests that the Commission avoid any generalized, advance declaration that is not tied to specific identified local provisions and final permit conditions.

3. Local requirements remain relevant even if Applicants contend certain provisions are superseded.

Even where Applicants argue that local land use and zoning regulations will be superseded upon issuance of a permit, those local

materials still provide important evidence and context for the Commission's required analysis under the Siting Act, including routing alternatives, local land use patterns, and impacts on residences and existing development. The Township asks that the Commission explicitly acknowledge receipt and consideration of the Township's filings as part of the record.

4. Road use and infrastructure protections must be addressed through permit conditions.

The Township requests that the Commission ensure Applicants address, and the Commission's order address, road use and local infrastructure impacts, including heavy-haul/road damage issues, access points, drainage, and restoration obligations. The Township further requests that any permit conditions require coordination with affected political subdivisions, compliance with applicable road-use requirements and agreements, and clear, enforceable construction and restoration standards.

5. Preservation of rights.

This statement is submitted to preserve the Township's rights and to ensure the Commission has a complete record. The Township does not waive, and expressly reserves, all rights and arguments regarding the interpretation and application of N.D.C.C. § 49-22-16 as amended, including issues concerning retroactivity, due process, statutory construction, and the legality

and scope of any claimed supersession/preemption in this proceeding or on judicial review.¹

Dated: January 6, 2026

RUSSELL TOWNSHIP

By: Joel Leppert
Joel Leppert, Chair, Township Board

¹ Prepared with assistance of counsel (Steven J. Leibel, ND counsel; Douglas J. Nill, MN counsel—pro hac vice application pending) for the limited purpose of assisting the Township with written submissions to preserve the record. No appearance is entered in this docket.

Exhibit 2D

PU-25-236

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company/Montana-Dakota
Utilities Co. 345kV Transmission Line Siting
Application

Case No. PU-25-236

**CORWIN TOWNSHIP STATEMENT REGARDING APPLICANTS'
REQUEST TO DECLARE LOCAL LAND USE AND ZONING
ORDINANCES AND REGULATIONS SUPERSEDED
AND PREEMPTED**

Corwin Township submits this statement for the record in PSC Docket PU-25-236 in response to Applicants' December 17, 2025 memorandum requesting findings regarding supersession and preemption of local land use and zoning regulations.

1. Township filings and record completeness.

Corwin Township previously provided the Commission with its local land use and zoning materials in this docket. The Township submits these materials so the Commission has a complete record of local requirements and local concerns relevant to routing, siting considerations, and permit conditions, including the local requirements requested from political subdivisions for review and consideration in this proceeding.

2. No blanket preemption declaration detached from final findings and conditions.

Applicants ask the Commission to declare that all local land use and zoning ordinances and regulations “are automatically superseded and preempted” upon issuance of a route permit and to enter additional findings that certain local actions are “unreasonably restrictive.” The Township respectfully requests that the Commission address any supersession/preemption issues, if at all, only in the context of its final order, with specific findings and reasons tied to the statutory criteria, the route approved (if any), and any conditions imposed. If the Commission determines that any local provisions are superseded for this project, the Township further requests that the final order clearly identify (a) which provisions are affected, and (b) how compliance will be supervised and enforced during construction and restoration. The Township also requests that the Commission avoid any generalized, advance declaration that is not tied to specific identified local provisions and final permit conditions.

3. Local requirements remain relevant even if Applicants contend certain provisions are superseded.

Even where Applicants argue that local land use and zoning regulations will be superseded upon issuance of a permit, those local

materials still provide important evidence and context for the Commission's required analysis under the Siting Act, including routing alternatives, local land use patterns, and impacts on residences and existing development. The Township asks that the Commission explicitly acknowledge receipt and consideration of the Township's filings as part of the record.

4. Road use and infrastructure protections must be addressed through permit conditions.

The Township requests that the Commission ensure Applicants address, and the Commission's order address, road use and local infrastructure impacts, including heavy-haul/road damage issues, access points, drainage, and restoration obligations. The Township further requests that any permit conditions require coordination with affected political subdivisions, compliance with applicable road-use requirements and agreements, and clear, enforceable construction and restoration standards.

5. Preservation of rights.

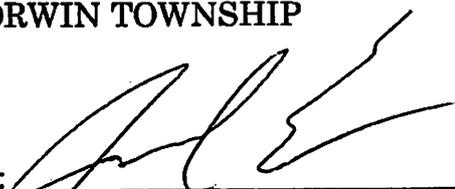
This statement is submitted to preserve the Township's rights and to ensure the Commission has a complete record. The Township does not waive, and expressly reserves, all rights and arguments regarding the interpretation and application of N.D.C.C. § 49-22-16 as amended, including issues concerning retroactivity, due process, statutory construction, and the legality

and scope of any claimed supersession/preemption in this proceeding or on judicial review.¹

Dated: January 6, 2026

CORWIN TOWNSHIP

By:



Jake Emo, Chair, Township Board

¹ Prepared with assistance of counsel (Steven J. Leibel, ND counsel; Douglas J. Nill, MN counsel—pro hac vice application pending) for the limited purpose of assisting the Township with written submissions to preserve the record. No appearance is entered in this docket.

Exhibit 3A

PU-25-236

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company/Montana-Dakota
Utilities Co. 345kV Transmission Line Siting
Application

Case No. PU-25-236

WANO TOWNSHIP QUESTIONS FOR THE RECORD

Wano Township submits these questions for the record in PSC Docket PU-25-236. The Township requests that Applicants and Commission Staff address these questions in this proceeding to the extent applicable, and that the Commission address the relevant issues in its final findings and conclusions.

1. **Need in this record.** Where in the PU-25-236 application do Applicants present the Chapter 49-22 statement of need, and what evidence in this docket supports that need showing?

2. **Findings with reasons.** Will the Commission's final order in PU-25-236 include written findings with reasons addressing need and the statutory criteria, based on the evidence presented in this docket?

3. **Relationship to PU-24-91.** If Applicants contend the PU-24-91

CPCN resolves “need,” how do Applicants reconcile that position with Chapter 49-22’s record-based decision requirements in this siting proceeding?

4. **Present versus projected conditions.** What transmission constraints or reliability issues exist today that this project addresses, and what claimed benefits depend on projected future generation development?

5. **Ellendale-area load and updated studies.** What current studies or analyses account for material load changes near Ellendale (if any) and other major system changes since the earlier CPCN proceeding, and how do those updates affect the claimed need for this project?

6. **Benefit allocation.** What is the expected benefit to North Dakota consumers and ratepayers versus benefits to private generation developers or export transactions, and what evidence in this docket supports that allocation?

7. **Cost responsibility.** Who is expected to pay for this project (and through what mechanism), and what protections exist so North Dakota consumers are not bearing costs that primarily support private generation expansion decisions?

8. **Alternatives.** What alternatives were evaluated that could meet

any verified North Dakota need with less local impact, including upgrades to existing facilities, reconfiguration, or non-transmission alternatives?

9. Local impacts and mitigation. What route-level mitigation measures and permit conditions are proposed to address township concerns, including impacts to residences, farming operations, drainage, access, and restoration?

10. Road use and local infrastructure. What road use agreements are proposed or anticipated, and what specific conditions will ensure protection of local roads, approaches, culverts, drainage, and post-construction restoration and repair?

11. Treatment of township filings. Will the Commission acknowledge in its final order that it received and considered township filings in this docket and explain how local land use impacts were weighed in route selection and permit conditions?

12. Scope and preservation. Will the Commission confirm that townships and landowners may raise need-related issues in this siting docket and that the Commission will address the relevant issues in its final order, rather than treating need as conclusively resolved outside this record?¹

¹ Prepared with assistance of counsel (Steven J. Leibel, ND counsel; Douglas J. Nill, MN counsel—pro hac vice application pending) for the limited purpose of assisting the

Dated: January 6, 2026

WANO TOWNSHIP

By: Wayne Wald
Wayne Wald, Supervisor, Township Board

Township with written submissions to preserve the record. No appearance is entered in this docket.

Exhibit 3B

PU-25-236

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company/Montana-Dakota
Utilities Co. 345kV Transmission Line Siting
Application

Case No. PU-25-236

WILLOWBANK TOWNSHIP QUESTIONS FOR THE RECORD

Willowbank Township submits these questions for the record in PSC Docket PU-25-236. The Township requests that Applicants and Commission Staff address these questions in this proceeding to the extent applicable, and that the Commission address the relevant issues in its final findings and conclusions.

1. Need in this record. Where in the PU-25-236 application do Applicants present the Chapter 49-22 statement of need, and what evidence in this docket supports that need showing?

2. Findings with reasons. Will the Commission's final order in PU-25-236 include written findings with reasons addressing need and the statutory criteria, based on the evidence presented in this docket?

3. Relationship to PU-24-91. If Applicants contend the PU-24-91

CPCN resolves “need,” how do Applicants reconcile that position with Chapter 49-22’s record-based decision requirements in this siting proceeding?

4. Present versus projected conditions. What transmission constraints or reliability issues exist today that this project addresses, and what claimed benefits depend on projected future generation development?

5. Ellendale-area load and updated studies. What current studies or analyses account for material load changes near Ellendale (if any) and other major system changes since the earlier CPCN proceeding, and how do those updates affect the claimed need for this project?

6. Benefit allocation. What is the expected benefit to North Dakota consumers and ratepayers versus benefits to private generation developers or export transactions, and what evidence in this docket supports that allocation?

7. Cost responsibility. Who is expected to pay for this project (and through what mechanism), and what protections exist so North Dakota consumers are not bearing costs that primarily support private generation expansion decisions?

8. Alternatives. What alternatives were evaluated that could meet

any verified North Dakota need with less local impact, including upgrades to existing facilities, reconfiguration, or non-transmission alternatives?

9. Local impacts and mitigation. What route-level mitigation measures and permit conditions are proposed to address township concerns, including impacts to residences, farming operations, drainage, access, and restoration?

10. Road use and local infrastructure. What road use agreements are proposed or anticipated, and what specific conditions will ensure protection of local roads, approaches, culverts, drainage, and post-construction restoration and repair?

11. Treatment of township filings. Will the Commission acknowledge in its final order that it received and considered township filings in this docket and explain how local land use impacts were weighed in route selection and permit conditions?

12. Scope and preservation. Will the Commission confirm that townships and landowners may raise need-related issues in this siting docket and that the Commission will address the relevant issues in its final order, rather than treating need as conclusively resolved outside this record?¹

¹ Prepared with assistance of counsel (Steven J. Leibel, ND counsel; Douglas J. Nill, MN counsel—pro hac vice application pending) for the limited purpose of assisting the

Dated: January 6, 2026

WILLOWBANK TOWNSHIP

By: Robert Senger
Robert Senger, Supervisor, Township Board

Township with written submissions to preserve the record. No appearance is entered in this docket.

Exhibit 3C

PU-25-236

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company/Montana-Dakota
Utilities Co. 345kV Transmission Line Siting
Application

Case No. PU-25-236

RUSSELL TOWNSHIP QUESTIONS FOR THE RECORD

Russell Township submits these questions for the record in PSC Docket PU-25-236. The Township requests that Applicants and Commission Staff address these questions in this proceeding to the extent applicable, and that the Commission address the relevant issues in its final findings and conclusions.

1. **Need in this record.** Where in the PU-25-236 application do Applicants present the Chapter 49-22 statement of need, and what evidence in this docket supports that need showing?
2. **Findings with reasons.** Will the Commission's final order in PU-25-236 include written findings with reasons addressing need and the statutory criteria, based on the evidence presented in this docket?
3. **Relationship to PU-24-91.** If Applicants contend the PU-24-91

CPCN resolves “need,” how do Applicants reconcile that position with Chapter 49-22’s record-based decision requirements in this siting proceeding?

4. **Present versus projected conditions.** What transmission constraints or reliability issues exist today that this project addresses, and what claimed benefits depend on projected future generation development?

5. **Ellendale-area load and updated studies.** What current studies or analyses account for material load changes near Ellendale (if any) and other major system changes since the earlier CPCN proceeding, and how do those updates affect the claimed need for this project?

6. **Benefit allocation.** What is the expected benefit to North Dakota consumers and ratepayers versus benefits to private generation developers or export transactions, and what evidence in this docket supports that allocation?

7. **Cost responsibility.** Who is expected to pay for this project (and through what mechanism), and what protections exist so North Dakota consumers are not bearing costs that primarily support private generation expansion decisions?

8. **Alternatives.** What alternatives were evaluated that could meet

any verified North Dakota need with less local impact, including upgrades to existing facilities, reconfiguration, or non-transmission alternatives?

9. Local impacts and mitigation. What route-level mitigation measures and permit conditions are proposed to address township concerns, including impacts to residences, farming operations, drainage, access, and restoration?

10. Road use and local infrastructure. What road use agreements are proposed or anticipated, and what specific conditions will ensure protection of local roads, approaches, culverts, drainage, and post-construction restoration and repair?

11. Treatment of township filings. Will the Commission acknowledge in its final order that it received and considered township filings in this docket and explain how local land use impacts were weighed in route selection and permit conditions?

12. Scope and preservation. Will the Commission confirm that townships and landowners may raise need-related issues in this siting docket and that the Commission will address the relevant issues in its final order, rather than treating need as conclusively resolved outside this record?¹

¹ Prepared with assistance of counsel (Steven J. Leibel, ND counsel; Douglas J. Nill, MN counsel—pro hac vice application pending) for the limited purpose of assisting the

Dated: January 6, 2026

RUSSELL TOWNSHIP

By: Joel Leppert
Joel Leppert, Chair, Township Board

Township with written submissions to preserve the record. No appearance is entered in this docket.

Exhibit 3D

PU-25-236

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Otter Tail Power Company/Montana-Dakota
Utilities Co. 345kV Transmission Line Siting
Application

Case No. PU-25-236

CORWIN TOWNSHIP QUESTIONS FOR THE RECORD

Corwin Township submits these questions for the record in PSC Docket PU-25-236. The Township requests that Applicants and Commission Staff address these questions in this proceeding to the extent applicable, and that the Commission address the relevant issues in its final findings and conclusions.

1. Need in this record. Where in the PU-25-236 application do Applicants present the Chapter 49-22 statement of need, and what evidence in this docket supports that need showing?

2. Findings with reasons. Will the Commission's final order in PU-25-236 include written findings with reasons addressing need and the statutory criteria, based on the evidence presented in this docket?

3. Relationship to PU-24-91. If Applicants contend the PU-24-91

CPCN resolves “need,” how do Applicants reconcile that position with Chapter 49-22’s record-based decision requirements in this siting proceeding?

4. Present versus projected conditions. What transmission constraints or reliability issues exist today that this project addresses, and what claimed benefits depend on projected future generation development?

5. Ellendale-area load and updated studies. What current studies or analyses account for material load changes near Ellendale (if any) and other major system changes since the earlier CPCN proceeding, and how do those updates affect the claimed need for this project?

6. Benefit allocation. What is the expected benefit to North Dakota consumers and ratepayers versus benefits to private generation developers or export transactions, and what evidence in this docket supports that allocation?

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8. Alternatives. What alternatives were evaluated that could meet

any verified North Dakota need with less local impact, including upgrades to existing facilities, reconfiguration, or non-transmission alternatives?

9. Local impacts and mitigation. What route-level mitigation measures and permit conditions are proposed to address township concerns, including impacts to residences, farming operations, drainage, access, and restoration?

10. Road use and local infrastructure. What road use agreements are proposed or anticipated, and what specific conditions will ensure protection of local roads, approaches, culverts, drainage, and post-construction restoration and repair?

11. Treatment of township filings. Will the Commission acknowledge in its final order that it received and considered township filings in this docket and explain how local land use impacts were weighed in route selection and permit conditions?

12. Scope and preservation. Will the Commission confirm that townships and landowners may raise need-related issues in this siting docket and that the Commission will address the relevant issues in its final order, rather than treating need as conclusively resolved outside this record?¹

¹ Prepared with assistance of counsel (Steven J. Leibel, ND counsel; Douglas J. Nill, MN counsel—pro hac vice application pending) for the limited purpose of assisting the

Exhibit 3E

PU-25-236

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Otter Tail Power Company/Montana-Dakota
Utilities Co. 345kV Transmission Line Siting
Application**

Case No. PU-25-236

VALLEY TOWNSHIP QUESTIONS FOR THE RECORD

Valley Township submits these questions for the record in PSC Docket PU-25-236. The Township requests that Applicants and Commission Staff address these questions in this proceeding to the extent applicable, and that the Commission address the relevant issues in its final findings and conclusions.

- 1. Need in this record. Where in the PU-25-236 application do Applicants present the Chapter 49-22 statement of need, and what evidence in this docket supports that need showing?**
- 2. Findings with reasons. Will the Commission's final order in PU-25-236 include written findings with reasons addressing need and the statutory criteria, based on the evidence presented in this docket?**
- 3. Relationship to PU-24-91. If Applicants contend the PU-24-91**

CPCN resolves "need," how do Applicants reconcile that position with Chapter 49-22's record-based decision requirements in this siting proceeding?

4. Present versus projected conditions. What transmission constraints or reliability issues exist today that this project addresses, and what claimed benefits depend on projected future generation development?

5. Ellendale-area load and updated studies. What current studies or analyses account for material load changes near Ellendale (if any) and other major system changes since the earlier CPCN proceeding, and how do those updates affect the claimed need for this project?

6. Benefit allocation. What is the expected benefit to North Dakota consumers and ratepayers versus benefits to private generation developers or export transactions, and what evidence in this docket supports that allocation?

7. Cost responsibility. Who is expected to pay for this project (and through what mechanism), and what protections exist so North Dakota consumers are not bearing costs that primarily support private generation expansion decisions?

8. Alternatives. What alternatives were evaluated that could meet

any verified North Dakota need with less local impact, including upgrades to existing facilities, reconfiguration, or non-transmission alternatives?

9. Local impacts and mitigation. What route-level mitigation measures and permit conditions are proposed to address township concerns, including impacts to residences, farming operations, drainage, access, and restoration?

10. Road use and local infrastructure. What road use agreements are proposed or anticipated, and what specific conditions will ensure protection of local roads, approaches, culverts, drainage, and post-construction restoration and repair?

11. Treatment of township filings. Will the Commission acknowledge in its final order that it received and considered township filings in this docket and explain how local land use impacts were weighed in route selection and permit conditions?

12. Scope and preservation. Will the Commission confirm that townships and landowners may raise need-related issues in this siting docket and that the Commission will address the relevant issues in its final order, rather than treating need as conclusively resolved outside this record?¹

¹ Prepared with assistance of counsel (Steven J. Leibel, ND counsel; Douglas J. Nill, MN counsel—pro hac vice application pending) for the limited purpose of assisting the

Dated: January 7, 2026

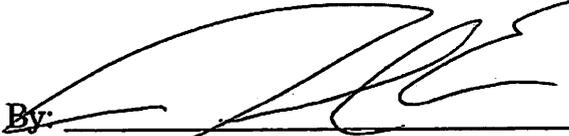
VALLEY TOWNSHIP

By: Wyatt Beeth
Wyatt Beeth, Supervisor, Township Board

Township with written submissions to preserve the record. No appearance is entered in this docket.

Dated: January 6, 2026

CORWIN TOWNSHIP

By: 

Jake Emo, Chair, Township Board

Township with written submissions to preserve the record. No appearance is entered in this docket.

Exhibit 4A

PU-25-236

----- Original message -----

From: -Info-Public Service Commission <ndpsc@nd.gov>
Date: 1/7/26 2:20 PM (GMT-06:00)
To: Cody R <cmrupp44@gmail.com>
Subject: RE: PU-25-236 – Township filings for the record

Thank you for submitting comments to the Public Service Commission regarding the application for the JETx Transmission Line Project. We appreciate your interest in this case and we will place your comments in the public input file. Because this is an open case, the Commissioners cannot communicate directly with an interested party as it would be considered *ex parte* communication, which is prohibited.

It is important to note that because this is a formal case before the commission, both written and verbal comments submitted to the commission, including comments made at public input sessions, are not part of the formal evidentiary record on which the decision must be based. However, the comments that are not part of the formal record may form the basis for investigation resulting in testimony that becomes part of the formal record. Comments become part of the formal record when they are made or submitted at a formal or technical hearing, where they must be made under oath and subject to cross-examination.

Three public hearings have been scheduled for this case in Ellendale, Edgeley and Jamestown. Attached is a notice with all the details for each hearing. You are encouraged to attend one of the public hearings and share your comments at that time in order for your comments to be included in the formal record.

From: Cody R <cmrupp44@gmail.com>
Sent: Wednesday, January 7, 2026 9:21 AM
To: -Info-Public Service Commission <ndpsc@nd.gov>

Cc: Johnson, Brian L. <brljohnson@nd.gov>; zep@pearce-durick.com; cfurey@crowleyfleck.com; ejedison@crowleyfleck.com

Subject: PU-25-236 – Township filings for the record

You don't often get email from cmrupp44@gmail.com. [Learn why this is important](#)

***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Dear Executive Secretary:

Please file the attached documents in PSC Case No. PU-25-236:

1. Wano Township Limited Objection to Reliance on PU-24-91 CPCN as Proof of Need and Reservation of Rights
2. Wano Township Statement Regarding Applicants' Request to Declare Local Land Use and Zoning Ordinances and Regulations Superseded and Preempted
3. Wano Township Questions for the Record

Copies of this email and attachments have been served by email on counsel of record for the Applicants in this siting docket;

Thank you,

Cody M Rupp, Supervisor, Wano Township Board

701-709-0291

Wayne Wald, Supervisor, Wano Township Board

701-709-0037

Exhibit 4B

PU-25-236

----- Forwarded message -----

From: **Jane** <willowbanktownship@gmail.com>

Date: Wed, Jan 7, 2026, 12:49 PM

Subject: PU-25-236 Township filings for the record

To: -Info-Public Service Commission <ndpsc@nd.gov>, <brljohanson@nd.gov>, <zep@pearce-durick.com>, <cfurey@crowleyfleck.com>, <ejedison@crowleyfleck.com>

Dear Executive Secretary:

Please file the attached documents in PSC Case No. PU-25-236:

1. Willowbank Township Limited Objection to Reliance on PU-24-91 CPCN as Proof of Need and Reservation of Rights
2. Willowbank Township Statement Regarding Applicants' Request to Declare Local Land Use and Zoning Ordinances and Regulations Superseded and Preempted
3. Willowbank Township Questions for the Record

Copies of this email and attachments have been served by email on counsel of record for the Applicants in the siting docket;

Thank you,

Robert Senger, Supervisor, Willowbank Township Board
701-709-0122

Exhibit 4C

PU-25-236

Sent from my iPhone

Begin forwarded message:

From: -Info-Public Service Commission <ndpsc@nd.gov>
Date: January 7, 2026 at 2:20:51 PM CST
To: James leppert <jamesjleppert@gmail.com>
Subject: RE: PU-25-236 – Township filings for the record

Thank you for submitting comments to the Public Service Commission regarding the application for the JETx Transmission Line Project. We appreciate your interest in this case and we will place your comments in the public input file. Because this is an open case, the Commissioners cannot communicate directly with an interested party as it would be considered *ex parte* communication, which is prohibited.

It is important to note that because this is a formal case before the commission, both written and verbal comments submitted to the commission, including comments made at public input sessions, are not part of the formal evidentiary record on which the decision must be based. However, the comments that are not part of the formal record may form the basis for investigation resulting in testimony that becomes part of the formal record. Comments become part of the formal record when they are made or submitted at a formal or technical hearing, where they must be made under oath and subject to cross-examination.

Three public hearings have been scheduled for this case in Ellendale, Edgeley and Jamestown. Attached is a notice with all the details for each hearing. You are encouraged to attend one of the public hearings and share your comments at that time in order for your comments to be included in the formal record.

From: James leppert <jamesjleppert@gmail.com>
Sent: Wednesday, January 7, 2026 9:57 AM
To: -Info-Public Service Commission <ndpsc@nd.gov>
Cc: Johnson, Brian L. <brljohanson@nd.gov>; zep@pearce-durick.com; cfurey@crowleyfleck.com; ejedison@crowleyfleck.com
Subject: PU-25-236 – Township filings for the record

Sent from my iPhone

Begin forwarded message:

From: James leppert <jamesjleppert@gmail.com>
Date: January 7, 2026 at 9:57:24 AM CST
To: NDPSC@nd.gov
Cc: brljohnson@nd.gov, zep@pearce-durick.com, cfurey@crowleyfleck.com, ejedison@crowleyfleck.com
Subject: PU-25-236 – Township filings for the record

Dear Executive Secretary:

Please file the attached documents in PSC Case No. PU-25-236:

1. Russell Township Limited Objection to Reliance on PU-24-91 CPCN as Proof of Need and Reservation of Rights
2. Russell Township Statement Regarding Applicants' Request to Declare Local Land Use and Zoning Ordinances and Regulations Superseded and Preempted
3. Russell Township Questions for the Record

Copies of this email and attachments have been served by email on counsel of record for the Applicants in this siting docket;

Thank you,

Joel Leppert, Chair, Russell Township Board
701-709-0489

Exhibit 4D

PU-25-236

From: Jake Emo <jake_emo@hotmail.com>
Sent: Thursday, January 29, 2026 3:52 PM
To: Doug Nill
Cc: Susan Long
Subject: Fw: PU-25-236 – Township filings for the record
Attachments: Notice of Public Hearings PU-25-236.pdf

From: -Info-Public Service Commission <ndpsc@nd.gov>
Sent: Wednesday, January 7, 2026 2:21 PM
To: Jake Emo <jake_emo@hotmail.com>
Subject: RE: PU-25-236 – Township filings for the record

Thank you for submitting comments to the Public Service Commission regarding the application for the JETx Transmission Line Project. We appreciate your interest in this case and we will place your comments in the public input file. Because this is an open case, the Commissioners cannot communicate directly with an interested party as it would be considered *ex parte* communication, which is prohibited.

It is important to note that because this is a formal case before the commission, both written and verbal comments submitted to the commission, including comments made at public input sessions, are not part of the formal evidentiary record on which the decision must be based. However, the comments that are not part of the formal record may form the basis for investigation resulting in testimony that becomes part of the formal record. Comments become part of the formal record when they are made or submitted at a formal or technical hearing, where they must be made under oath and subject to cross-examination.

Three public hearings have been scheduled for this case in Ellendale, Edgeley and Jamestown. Attached is a notice with all the details for each hearing. You are encouraged to attend one of the public hearings and share your comments at that time in order for your comments to be included in the formal record.

From: Jake Emo <jake_emo@hotmail.com>
Sent: Wednesday, January 7, 2026 11:46 AM
To: -Info-Public Service Commission <ndpsc@nd.gov>
Cc: Johnson, Brian L. <brljohnson@nd.gov>; zep@pearce-durick.com; cfurey@crowleyfleck.com; ejedison@crowleyfleck.com
Subject: PU-25-236 – Township filings for the record

Some people who received this message don't often get email from jake_emo@hotmail.com. [Learn why this is important](#)

******* CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *********

Dear Executive Secretary:

From: Jake Emo <jake_emo@hotmail.com>
Sent: Wednesday, January 7, 2026 11:45 AM
To: NDPSC@nd.gov <NDPSC@nd.gov>
Cc: brljohnson@nd.gov <brljohnson@nd.gov>; zep@pearce-durick.com <zep@pearce-durick.com>; cfurey@crowleyfleck.com <cfurey@crowleyfleck.com>; ejedison@crowleyfleck.com <ejedison@crowleyfleck.com>
Subject: PU-25-236 – Township filings for the record

Dear Executive Secretary:

Please file the attached documents in PSC Case No. PU-25-236:

1. Corwin Township Limited Objection to Reliance on PU-24-91 CPCN as Proof of Need and Reservation of Rights
2. Corwin Township Statement Regarding Applicants' Request to Declare Local Land Use and Zoning Ordinances and Regulations Superseded and Preempted
3. Corwin Township Questions for the Record

Copies of this email and attachments have been served by email on counsel of record for the Applicants in this siting docket;

Thank you,

Jake Emo, Chair, Corwin Township Board

Exhibit 4E

PU-25-236

From: -Info-Public Service Commission <ndpsc@nd.gov>
Sent: Wednesday, January 7, 2026 9:51 PM
To: jasohild@drtel.net <jasohild@drtel.net>
Subject: RE: PU-25-236- Township filings for the record

Thank you for submitting comments to the Public Service Commission regarding the application for the JETx Transmission Line Project. We appreciate your interest in this case and we will place your comments in the public input file. Because this is an open case, the Commissioners cannot communicate directly with an interested party as it would be considered ex parte communication, which is prohibited.

It is important to note that because this is a formal case before the commission, both written and verbal comments submitted to the commission, including comments made at public input sessions, are not part of the formal evidentiary record on which the decision must be based. However, the comments that are not part of the formal record may form the basis for investigation resulting in testimony that becomes part of the formal record. Comments become part of the formal record when they are made or submitted at a formal or technical hearing, where they must be made under oath and subject to cross-examination.

Three public hearings have been scheduled for this case in Ellendale, Edgeley and Jamestown. Attached is a notice with all the details for each hearing. You are encouraged to attend one of the public hearings and share your comments at that time in order for your comments to be included in the formal record.

-----Original Message-----

From: jasohild@drtel.net <jasohild@drtel.net>
Sent: Wednesday, January 7, 2026 3:40 PM
To: -Info-Public Service Commission <ndpsc@nd.gov>
Cc: Johnson, Brian L. <brljohanson@nd.gov>; zep@pearce-durick.com; cfurey@crowleyfleck.com;
ejedison@crowleyfleck.com
Subject: PU-25-236- Township filings for the record

----- Original Message -----

Subject: PU-25-236- Township filings for the record

Date: 2026-01-07 3:39 pm

From: jasohild@drtel.net

To: NDPSC@nd.gov

Cc: brljohanson@nd.gov, zep@pearce-durick.com, cfurey@crowleyfleck.com, ejedison@crowleyfleck.com

Dear Executive Secretary:

Please file the attached documents in PSC Case No. PU-25-236:

- 1.Valley Township Limited Objection to Reliance on PU-24-91 CPCN as Proof of Need and Reservation of Rights
- 2.Valley Township Questions for the Record

Copies of this email and attachments have been served by email on counsel of record for the Applicants in this siting docket;

Thank you,
Wyatt Beethe, Supervisor, Valley Township Board
701-710-5490

Exhibit 5

PU-25-236

Speaker 2 - 23:55

All right. Thank you.

Speaker 1 - 23:56

Thank you.

Speaker 2 - 24:12

Thank you.

Speaker 1 - 24:16

Van or something.

Speaker 2 - 24:19

Teacher's helper.

Speaker 1 - 24:20

Yeah.

Speaker 2 - 24:25

I'll have you start by stating your name for the record and spelling your last name.

Speaker 1 - 24:32

My name is Tim Leppard. L, E P P E R T.

Speaker 2 - 24:37

Mister Lippert, did you hear me go through the penalties for perjury earlier?

Speaker 1 - 24:41

Yes, I did.

Speaker 2 - 24:42

And do you understand what perjury is?

Speaker 1 - 24:43

Yes, I do.

Speaker 2 - 24:44

And being advised of the potential penalties for perjury, do you promise to tell the truth in this case today?

Speaker 1 - 24:49

Yes, I do.

Speaker 2 - 24:50

All right. Thank you. Go ahead.

Speaker 1 - 24:52

Okay. Gotta get my paperwork sorted out here. Well, I'm here today representing. Here it is Russell Township. So I'll say, I guess. Good afternoon. My name is Tim Leppert, Russell Township Zoning Administrator. I'm here on behalf of Russell Township. What I presented to you there is part of docket. This is PSC docket PU twenty five two hundred thirty six, the chapter four thousand nine hundred and twenty two siting docket for the proposed three hundred and forty five K fee. Jamestown to Ellendale line. Russell Township has submitted written filings in this docket, including a limited objection on need, a response to the applicant's HB twelve fifty eight zoning preemption request and questions. For the record, the Commission previously issued a CPCN for this same project in docket PU two thousand four hundred ninety one under chapter four thousand nine hundred and three.

Speaker 1 - 26:12

That CPCN was noticed by publication and Russell Township did not receive direct notice. The Commission's June eighteenth, twenty twenty five order leaving the CPCN in place is now under judicial review in Burley County District Court. Case zero eight two zero two five, CV zero two zero six eight Russell Township's request today is straightforward. In this four thousand nine hundred twenty two citing document, the commission should not treat the prior CPCN as conclusive proof of need. The Commission should require any need related showing in this record and issue a final decision with findings and reasons based on the evidence presented here. Russell Township's limited objection to reliance on PU two thousand four hundred ninety one CPCN as proof of need and reservation of rights.

Russell Township submits this limited objection for the record in the PSE docket PU.

Speaker 2 - 27:31

Twenty five, your honor, and Sorry to interrupt, mister Leppard. I guess I would just state that, you know, since the township isn't a party to this proceeding, they don't have the ability to lodge objections in this proceeding. To the extent that the Commission wants to accept these what I would consider to be public comments in the record as it has done for the other entities and individuals that have come up and provided them, that's one thing. But we would. We, number one, don't believe they need to be read into the record and second, would object to them because the entity does not have party status in this proceeding. Mister Lippard, you passed out these documents and they will become part of the record and the Commission's going to review them and read through them. Perhaps you could maybe just kind of summarize the township's objections rather than reading through these documents.

Speaker 2 - 28:32

I think that would be more helpful for the commissioners.

Speaker 1 - 28:34

Madam Judge, if I might speak. Thank you. The townships have never had a say before this day. We've never had a say in front of the PSC or anybody. This is our opportunity as townships to represent the township's view. I will. Respectfully object and ask to read them, but I understand for time limit on this. But we've never had a say here. The townships have never had an opportunity. Not once. This is the problem with this whole process. We didn't get a notice before you guys voted on granting them the cpcn. The townships were never notified. There was a simple notice in the newspapers and I looked and I checked. Your office directed the newspaper to specifically not put it in the public notice section, but to put it in the news section. Most people in my township don't even get the local paper. This was never. We have no notice of this. There was mister Weirs the other day insinuated in his testimony under oath that Russell Township did not publish our june seventeenth meeting in the paper in the local record.

Speaker 1 - 30:45

I have copies of those newspaper notices here. Today, that is our invitation to them to come to the meeting. As much notice as they gave us, we gave to everybody. Also. We complied with the law. And I guess I'm kind of, I kind of resent the statement by mister Weirs insinuating that we didn't without them even checking.

Speaker 2 - 31:22

Probably.

Speaker 1 - 31:23

I don't know if they did or not. They just made the statement. This is our only say, the township's only say. And they object as our zoning being unreasonable. I brought our comprehensive plan and zoning ordinance today. This was established in twenty eleven. Most of the townships in Russell Township's zoning goes back that far. I checked in our adjoining townships in the adjoining counties. Some of theirs goes back to nineteen seventy nine. They claim our zoning is unreasonable. These ordinances have been in place sometimes for almost forty years or forty years plus. What's unreasonable here that the township people want to protect themselves? Yes. We placed two year moratoriums on these projects because we wanted questions answered about safety. We are updating our zoning ordinance as our comprehensive plan which is recorded in the local courthouse.

Speaker 1 - 32:35

It's a legal document. This is a certified copy. We are updating our ordinances as of right now. We've already had our first meeting here to start the process. It's to upgrade our zoning. So what is unreasonable about townships wanting to protect its citizens? Our comprehensive. I mean our zoning ordinance in the section back has a standard section under issuing conditional use permits. If those standards aren't met, we as township officers, and I'm just a zoning person, so it's the township board that actually makes those decisions. They can't issue a conditional use permit unless those standards are met. Well now, so here comes House Bill twelve fifty eight. We believe this law to be unconstitutional. It's going to be challenged in court. That's what's going to happen. You cannot take away townships rights to regulate industry.

Speaker 1 - 34:03

And these legislators that have done this, we have found out. And I'll be submitting testimony in Jamestown to prove that they've done this for financial gain. I have the proof. I have the easements. They've signed easements. And for Otter Tail to say that it's a separate issue. It isn't a separate issue. We've got a consent agreement and I'll be putting that out in Jamestown between Otter Tail MDU and Spirit Wood Solar llc. They have a consent agreement to take that power from that solar field and put it on the Jetix line. It's mentioned in the consent agreement. This is not a power line being built for connecting the Grid. It's ironic that there's a data center in Ellendale where the transmission line ends in a substation and a crypto mining facility north of Jamestown next to a substation there. And now you've seen the maps. And now I'm going to produce this document Friday.