

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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

Case No. PU-25-236

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 **25th day of June 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:

- **Certificate of Corridor Compatibility No. 244 (Otter Tail Power Company)**
- **Route Permit No. 255 (Otter Tail Power Company)**
- **Certificate of Corridor Compatibility No. 245 (Montana-Dakota Utilities Co.)**
- **Route Permit No. 256 (Montana-Dakota Utilities Co.)**

The envelope was addressed as follows:

Casey Furey
Crowley Fleck PLLP
PO Box 2798
Bismarck, ND 58502-2798
Cert. No. 9589 0710 5270 2708 2402 11

Geralyn R. Schmaltz further deposes and says that on the **25th day of June 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 the same.

The envelope was addressed as follows:

Erik Edison
Crowley Fleck PLLP
PO Box 2798
Bismarck, ND 58502-2798
Cert. No. 9589 0710 5270 2708 2385 15

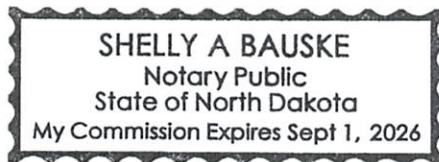
Each address shown is the respective addressee's last reasonably ascertainable post office address.

Shelly A Bauske

Subscribed and sworn to before me
this **25th day of June 2026**.

Shelly A Bauske
Notary Public

SEAL



STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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

Case No. PU-25-236

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

June 24, 2026

Appearances

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

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

Zachary Pelham, Special Assistant Attorney General, as Counsel for the North Dakota Public Service Commission, 600 E. Boulevard Avenue, Dept. 408, Bismarck, North Dakota 58505.

Casey A. Furey and Erik J. Edison, Crowley Fleck PLLP, 100 West Broadway Avenue, Suite 250, Bismarck, ND 58501, on behalf of Applicants Otter Tail Power Company and Montana-Dakota Utilities. Co.

Preliminary Statement

On August 8, 2025, Otter Tail Power Company (OTP) and Montana-Dakota Utilities Co. (MDU) (together, the Applicants) filed a joint consolidated application for a certificate of corridor compatibility and a route permit (Application) concerning approximately 92 miles of double-circuit capable 345-kilovolt (kV) electric transmission line and associated facilities in Stutsman, LaMoure and Dickey Counties, North Dakota.

On November 19, 2025, the Commission found the application for a certificate of corridor compatibility and a route permit complete and issued a Notice of Filing and Notice of Public Hearings and a Notice of Technical Hearings (together, the Notices) scheduling hearings as follows:

A Technical Hearing for January 8, 2026, at 8:30 am Central Time at the Brynhild Haugland Room, State Capitol, Ground Floor, 600 East Boulevard Ave, Bismarck, North Dakota 58505.

A Technical Hearing for January 9, 2026, at 8:30 am Central Time at the Pioneer Room, State Capitol, Ground Floor, 600 East Boulevard Ave, Bismarck, North Dakota 58505.

A Public Hearing for January 12, 2026, at 10:00 am Central Time at the American Legion Post #137, 82 Main Street, Ellendale, North Dakota 58436.

A Public Hearing for January 14, 2026, at 9:30 am Central Time at the Edgeley Armory, 508 1st Avenue West, Edgeley, North Dakota 58433.

A Public Hearing for January 16, 2026, at 9:00 am Central Time at the Baymont by Wyndham Jamestown Conference Center and Water Park, 507 25th St SW, Jamestown, North Dakota 58401.

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

- 1. Will the location, construction, and operation of the proposed facilities produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota?**
- 2. Are the proposed facilities compatible with the environmental preservation and the efficient use of resources?**
- 3. Will the proposed facility locations minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion?**

On December 17, 2025, the Applicants filed a memorandum in support of request to declare local land use and zoning ordinances and regulations superseded and preempted.

On January 8 and 9, 2026, the technical hearings were held as scheduled.

On January 12, 14, and 16, 2026, the public hearings were held as scheduled.

On February 4, 2026, Wano, Willowbank, Russell, Corwin, and Valley Townships (together, the Townships) filed a petition to intervene, motion to accept township filings as late-filed exhibits, and in the alternative a petition to reopen the proceeding (Petition).

On February 20, 2026, the Applicants filed late-filed exhibit 24 with the Commission.

On March 13, 2026, Administrative Law Judge Hope Hogan issued an Order denying the Townships' Petition.

On April 6, 2026, the Applicants filed additional tree and shrub clearance information.

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

Findings of Fact

1. Otter Tail Power Company is a Minnesota Corporation authorized to do business in the State of North Dakota, as evidenced by the corporate papers filed with the Commission in Case No. PU-09-677.
2. Montana-Dakota Utilities Co. is a Delaware Corporation authorized to do business in the State of North Dakota, as evidenced by the corporate papers filed with the Commission in Case No. PU-08-710.

Size, Type, and Preferred Location of Facility

3. The project will consist of approximately 92 miles of new, double-circuit capable 345-kV electric transmission line and associated facilities to be located in Stutsman, LaMoure, and Dickey Counties, North Dakota. The Project will originate at OTP's existing Jamestown 345-kV substation, located approximately 5.4 miles north of Jamestown in Stutsman County, North Dakota, and terminate at MDU's existing Ellendale 345-kV substation, located approximately 1.3 miles west of Ellendale in Dickey County, North Dakota (Project).
4. The Project will be co-owned equally by OTP and MDU with the exception of the existing Jamestown 345-kV substation, which will continue to be owned by OTP, and the existing Ellendale 345-kV substation, which will continue to be owned by MDU.
5. The Project consists of approximately 502 single-pole transmission structures. The Project will have drilled concrete piers for the structure foundations. Additional specialty structures such as H-frame or three-pole structures may be necessary where unique features are encountered along the route, such as substation tie-ins. Structure height will vary depending on the required span distances due to the topography from 120 to 180 feet tall. The minimum conductor clearance to all ground surfaces will be at least 26 feet under all operating conditions.
6. The Project facilities will include one optical ground wire, one overhead ground wire, and approximately 89 miles of the Project will initially be constructed with a single 345-kV circuit, but capable of double circuit. The Applicants propose to construct approximately three miles of the Project as double circuit 345-kV to alleviate future outage and line stringing constraints.

7. The Applicants seek a Project corridor that is 150 feet wide with expanded widths at the Jamestown and Ellendale substations as depicted in the Application Figure 1.2-2 and updated by Exhibit 12 (Corridor).

8. The total cost of the Project is estimated to be \$406 million.

Study of Preferred Location

9. The Applicants initiated correspondence seeking comments from the following federal, state and local agencies regarding the Project:

- a. Federal: (1) Federal Aviation Administration; (2) U.S. Army Corps of Engineers; (3) U.S. Department of Defense; (4) U.S. Fish and Wildlife Service; (5) Minot Air Force Base; (6) Grand Forks Air Force Base; (7) Federal Highway Administration; (8) Military Aviation and Installation Assurance Siting Clearinghouse; (9) U.S. Bureau of Land Management; (10) U.S. Department of Agriculture; (11) Natural Resources Conservation Service; (12) U.S. Department of the Interior Bureau of Reclamation; (13) U.S. Geological Survey; and (14) Western Area Power Administration.
- b. State: (1) North Dakota Office of Attorney General; (2) North Dakota Department of Career and Technical Education; (3) Job Service of North Dakota; (4) North Dakota Aeronautics Commission; (5) North Dakota Department of Commerce; (6) North Dakota Department of Environmental Quality – Environmental Health Section; (7) North Dakota Department of Human Services; (8) North Dakota Department of Transportation; (9) North Dakota Department of Trust Lands; (10) North Dakota Energy Development Impact Office; (11) North Dakota Forest Service; (12) North Dakota Game and Fish Department; (13) North Dakota Geological Survey; (14) North Dakota Indian Affairs Commission; (15) North Dakota Industrial Commission; (16) North Dakota Labor Department; (17) North Dakota Office of the Governor; (18) North Dakota Parks and Recreation Department; (19) North Dakota Department of Agriculture; (20) North Dakota State Water Commission; (21) State Historical Society of North Dakota; (22) North Dakota Pipeline Authority; and (23) North Dakota Transmission Authority.
- c. Local: (1) Stutsman County; (2) Dickey County; (3) Dickey County Park Board; (4) Dickey County Water Board; (5) LaMoure County; (6) LaMoure County Water Resources Board; (7) Bloom Township; (8) City of Edgeley; (9) City of Ellendale; (10) City of Jamestown; (11) City of Montpelier; (12) Homer Township; (13) Ashland Township; (14) Gray Township; (15) Fried Township; (16) Jim River Valley Township; (17) Brimer Township; (18) Rose Township; (19) Buchanan Township; (20) Sydney Township; (21) Spiritwood Township; (22) Midway Township; (23) Woodbury Township; (24) Winfield Township; (25) Ypsilanti Township; (26) Corwin Township; (27) Manns Township; (28) Severn Township; (29) Montpelier Township; (30) Nora Township; (31) Wano Township; (32) Roscoe Township; (33) Saratoga Township; (34) Adrian

Township; (35) Kennison Township; (36) Glenmore Township; (37) Russell Township; (38) Elm Township; (39) Porter Township; (40) Potsdam Township; (41) Badger Township; (42) Golden Glen Township; (43) Van Meter Township; (44) Valley Township; (45) Hamburg Township; (46) Keystone Township; (47) Maple Township; (48) Henrietta Township; (49) Albion Township; (50) Elden Township; (51) Kentner Township; (52) Ellendale Township; and (53) Willowbank Township.

10. The Applicants conducted the following studies and surveys for the Project: Class I and Class III cultural resource inventory report; wetlands and waterbodies surveys; and a natural resources inventory report. The applicants provided the following reports in support of the Application:

- a. Class I literature review and Class III cultural resource inventory report. Applicants engaged with the North Dakota State Historic Preservation Office (NDSHPO) on the appropriate level of studies and surveys for the Project. The Class I review was completed for the Corridor. A LIDAR analysis was completed for a portion of the Class I study area to supplement the known data and help further inform where a Class III survey should be conducted. Class III surveys and corresponding reports were completed on a 500-foot-wide area, 250 feet on either side of the Project route. On September 26, 2025, and November 19, 2025, the Class III Volumes 1 and 2 Reports were accepted by the NDSHPO finding that no significant sites will be affected provided the Project takes place in the manner and location as described in the documentation, and all borrow comes from an approved source, as reflected in correspondence from the NDSHPO marked as Exhibit Nos. 8 & 9.
- b. Wetlands and waterbodies surveys. The Applicants performed a desktop analysis of wetlands for the Corridor. Field surveys were also performed to delineate aquatic resources over the 150-foot-wide Corridor. In various locations along the Project, field surveys were performed on areas ranging up to 500 feet in width, 250 feet on either side of the Project route. The results of the field surveys were submitted to the United States Army Corps of Engineers (USACE). The Project received a jurisdictional determination from the USACE in January 2025. The project is anticipated to result in approximately 0.1 acres of permanent impacts to USACE jurisdictional wetlands.
- c. Grasslands habitat analysis. A desktop analysis was performed to assess potential grassland habitats within the Corridor. Temporary and permanent impacts on unbroken grasslands have been avoided to the extent practicable. The Applicants have performed habitat surveys in consultation with the United States Fish and Wildlife Service (USFWS) and North Dakota Game and Fish Department (NDGFD) and have avoided placing permanent

infrastructure within unbroken grasslands to the greatest extent practicable. Approximately 0.2 acres of permanent impacts are anticipated from structures to areas categorized as unbroken grasslands within the Corridor.

d. Tree and shrub inventory. A tree and shrub inventory was completed within the Corridor where access has been granted by landowners.

e. Wildlife studies and surveys:

i. An eagle stick nest survey was completed covering the Initial Project Routing Area in coordination with the USFWS and NDGFD and another survey will be completed in the spring prior to the start of construction.

ii. A sharp-tailed grouse lek field survey was completed within a two-mile buffer including one mile on either side of the route in coordination with the NDGFD. Additional surveys will be completed in coordination with NDGFD for each year there will be construction. Temporary and permanent impacts to grasslands suitable for sharp-tailed grouse nesting habitat are anticipated to be minimal.

iii. A field survey of suitable habitat for threatened and endangered species was completed in coordination with the USFWS over a 500-foot buffer, including 250 feet on each side of the Project route. There is no federally designated critical habitat within the Corridor. Six species were identified through the USFWS IPaC tool that could potentially exist within the Corridor: northern long-eared bat, Dakota skipper, monarch butterfly, piping plover, rufa red knot, and crane. No impacts to threatened and endangered species nor their designated critical habitat are anticipated. The Corridor largely lacks habitat to be utilized by northern long-eared bat, piping plover, and rufa red knot. Based on field surveys, there are approximately 4.1 acres of field-verified suitable reproductive habitat for the Dakota skipper in the Corridor. Project infrastructure has been sited to avoid permanent impacts to identified habitat

11. The Applicants conducted a desktop review of geologic resources. The Applicants also performed subsurface soil exploration and a geotechnical engineering study for the Project Corridor and reviewed historic landslide data from the North Dakota Geologic Survey. No areas of geologic instability were identified within the Project Corridor.

Issues Raised in Public Comments

12. The Commission received extensive public comments during the public hearings. The public comments expressed broad concerns regarding eminent domain; foreign

ownership; easements; setback distances; local zoning ordinances; safety; impacts to agriculture operations; alternate routing; future project development of wind farms, solar farms, and data centers; impacts to local roads; underground versus overhead construction; and the need for the project.

13. Having considered the public comments, the issues of eminent domain; easements; foreign ownership; and future project development of wind farms, solar farms, and data centers are outside the jurisdiction of the Commission.

14. Commenters asserted that greater setback distances, or moratoriums on high-voltage electric transmission lines, in local zoning ordinances should be considered for a 345-kV electric transmission facility. NDCC Section 49-22-05.1(3) specifies that areas within 500 feet of an inhabited rural residence must be designated an avoidance area unless waived in writing by the owner of the inhabited rural residence. The Applicants testified that this requirement has been met by either avoiding the location or obtaining a signed waiver.

15. The Applicants requested the Commission find that a permit automatically supersedes and preempts local zoning ordinances, and even if they do not, that the ordinances of Willowbank, Wano, and Russell Townships in LaMoure County and Corwin and Homer Townships in Stutsman County are superseded and preempted because they are unreasonably restrictive and in conflict with state or federal law. Willowbank, Corwin, and Homer Townships have a setback distance of 2,640 feet, while Willowbank, Wano, and Russell Townships have adopted a moratorium on high-voltage electric transmission lines. The request was opposed by many commenters citing preferences for local control and a desire for greater setbacks than those required under the North Dakota Century Code.

16. Commenters asserted that safety under and around high-voltage power lines, particularly 345-kV electric transmission lines, is both questionable (citing unspecified studies) and novel to North Dakota. The Commission finds that at the time the 500-foot setback was enacted by the Legislature on July 1, 1983, there had already been at least one 345-kV electric transmission line in service for over 15 years. The Commission further finds that the Legislature could have amended the setback requirement in one of their twenty legislative sessions over the 43 years since the enactment of the setback, but has not amended the setback requirement.

17. Commenters asserted that they have concerns about the impact of the Project to existing agriculture operations. Specific concerns were raised regarding aerial crop spraying, agriculture equipment and Global Positioning System (GPS) operation near electric transmission structures. The Commission finds that adverse effects have been adequately minimized for the welfare of the people and the environment of the state by the Applicants construction plan combined with the Commission's Certification Relating to Order Provisions – Transmission Facility Siting requirements.

18. Commenters asserted that the Applicants should have considered alternate routes rather than the route proposed. The Commission finds that the Applicants satisfied this comment by considering alternate routes as discussed in Sections 3.0 and 9.5 of the Application.

19. Commenters asserted concerns regarding impacts to local roads and road use agreements with townships and/or counties. Jason Weiers with OTP testified during the January 16, 2026, Public Hearing that the Applicants intend to work with road authorities to assess and monitor roads to be used during construction of the Project to ensure they are in equal to or better condition when construction is completed. The Applicants further asserted that they would seek to acquire all applicable road haul and access permits for the Project. The Commission finds Paragraph 18 of the Certification Relating to Order Provisions – Transmission Facility Siting requirements specifically requires the Applicants to repair or restore existing township and county roads used during construction to equal to or better than the condition prior to construction. The Commission further finds that impacts to local roads have been adequately minimized.

20. Commenters asserted that the Applicants should consider underground versus overhead construction for the Project. The Applicants asserted that underground construction of the Project would cause significantly greater environmental impacts and would increase the cost of the Project by five to ten times. The Applicants further asserted that the life expectancy of an underground transmission line is significantly less than an overhead transmission line. The Commission finds that requiring the Applicants to utilize underground construction for the Project would result in greater negative impacts than overhead construction.

21. Commenters asserted concerns regarding an airstrip located within 5,000 feet of the Project. The commenter's assertion specifically referenced FAA Section 77.19. The Commission finds that the appropriate regulatory agencies including the Federal Aviation Administration (FAA) and the North Dakota Aeronautics Commission (NDAEC) were notified of the Project and did not raise or validate those concerns in this proceeding. The Commission further finds that neither airports nor runways are considered exclusion or avoidance areas and the Commission does not have jurisdiction to enforce the laws or rules of another agency including the FAA and NDAEC.

22. Commenters questioned the stated need for the project, siting easements in the area for wind, solar or data center development. NDCC Section 49-22-08(1)(c) requires an application for a certificate to contain "A statement explaining the need for the facility". Similarly, NDAC Section 69-06-05-01(2)(d) requires "An analysis of the need for the proposed facility based on present and projected demand for the product transmitted, including the most recent system studies supporting the analysis of the need". The Application asserts that the Project is needed to enable more reliable and economic energy delivery throughout the Midwest (including North Dakota). The commenters who raised concerns about the stated need suggested that the line is needed to enable new wind and solar farm projects and/or to serve data centers near Ellendale and Jamestown.

The Commission finds the North Dakota Supreme Court (NDSC) has definitively found that the Commission does not have the authority or duty to determine need under the siting act (NDCC chapter 49-22).¹

Siting Criteria

23. The Commission has developed criteria pursuant to North Dakota Century Code (NDCC) section 49-22-05.1 to guide the site, corridor, and route suitability evaluation and designation process. The criteria, as set forth in North Dakota Administrative Code (NDAC) section 69-06-08-02, are classified as Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria.

24. The Applicants evaluated the Project with respect to the Exclusion, Avoidance, Selection, and Policy criteria of the Commission.

25. An Exclusion Area is a geographic area that must be excluded in the consideration of a route for a transmission facility. An Exclusion Area may be located within a corridor, but at no given point may such an area or areas encompass more than fifty percent of the corridor width unless there is no reasonable alternative.

26. Designated or registered state archaeological sites are Exclusion Areas. The Project has been routed to avoid impacts to these sites. The Applicants have coordinated appropriate buffers and avoidance measures with NDSHPO.

27. The Applicants' surveys did not identify any additional Exclusion Areas within the Corridor.

28. An Avoidance Area is a geographical area that may not be considered in the routing of a transmission facility unless the applicant shows that, under the circumstances, there is no reasonable alternative. In determining whether an Avoidance Area should be designated for a transmission facility, the Commission may consider, among other things, the proposed management of adverse impacts, the orderly siting of facilities, system reliability and integrity, the efficient use of resources, and alternative routes.

29. Historical resources are Avoidance Areas. These resources will be avoided by the Project. The NDSHPO has agreed with the Applicants' proposed buffers and avoidance measures to avoid impacts.

30. Areas within five hundred feet of an occupied residence are Avoidance Areas. The Applicants' surveys identified one occupied residence within five hundred feet of the Project Route. A waiver from this landowner has been obtained and is located in Appendix B of the Application.

¹ Matter of Nebraska Pub. Power Dist., 330 N.W.2d 143 (N.D. 1983).

31. No other Avoidance Areas were identified within the Corridor. No other Avoidance Areas will be crossed by the Project Route.

32. In accordance with the Commission's Selection Criteria set forth in NDAC Section 69-06-08-02(3), a transmission facility corridor or route shall be approved only if it is demonstrated that any significant adverse effects that will result from the location, construction, and maintenance of the transmission facility will be at an acceptable minimum, or that those effects will be managed and maintained at an acceptable minimum.

33. The Applicants have analyzed the impacts of the Project in relation to all relevant Selection Criteria. No significant adverse impact will result from the location, construction, and operation of the Project.

34. The Commission's Policy Criteria are set forth in NDAC Section 69-06-08-02(4). The Commission may give preference to an applicant that will maximize benefits that result from the adoption of various policies and practices. There is no need for the Commission to give preference to the applicant in this proceeding.

Measures to Minimize Impact

35. The Applicants have agreed to a number of steps to mitigate the impact of the Project as indicated by the Certification Relating to Order Provisions – Transmission Facility Siting with accompanying Tree and Shrub Mitigation Specifications filed in this proceeding as Exhibit 2, which is incorporated by reference and attached to this Order.

36. The Project will be constructed according to standards of the United States Department of Agriculture Rural Utilities Service, the National Electric Safety Code, the American Society of Civil Engineers, the American Concrete Institute, the American Welding Society, the International Council on Large Electric Systems, the International Electrotechnical Commission, and the National Electric Manufacturers Association.

37. The Applicants have requested approval to conduct topsoil removal during winter months if necessary. In support of this request, the Applicants filed a Winter Construction Plan as Exhibit 24.

38. The Applicants have filed a Vegetation Management Plan in Appendix F of the Application. The plan has also been submitted to the Dickey, LaMoure and Stutsman County Weed Boards.

39. The Applicants will prepare a Stormwater Pollution Prevention Plan in consultation with the North Dakota Department of Environmental Quality.

40. The Applicants will complete surveys on all remaining parcels that have not been surveyed. These surveys will include Dakota Skipper habitat surveys and Eagle stick nest

surveys to be coordinated with the USFWS, sharp-tailed grouse lek surveys to be coordinated with NDGFD, and cultural resource surveys to be coordinated with NDSHPO.

41. The Applicants have coordinated with USFWS for the development of a line marking plan following Avian Power Line Interaction Committee suggested practices.

42. The Applicants have coordinated cultural surveys with the Sisseton-Wahpeton Oyate Tribe.

43. The Applicants committed to have environmental inspectors conduct periodic inspections to monitor construction activities and ensure compliance with the conditions of the siting certificates and other permits. Construction staff will undergo training prior to starting work, such as how to interpret constraint maps, how to recognize certain species like whooping cranes and eagles, and communication protocol if a nest is found.

44. The Applicants have requested authorization from the Commission to clear trees up to the full 150-foot width of the Corridor to comply with National Electric Safety Code clearance requirements from structure 19 to 20, 20G to 20H, 74C to 74C1, 74K to 74L, 91 to 94, 96 to 97, 107 to 111, 112 to 113, 114 to 116, 128 to 129, 144 to 145, 179 to 182, 208C to 208D, 211 to 215, 273 to 275, 278 to 281, 285 to 289, 291 to 294, 298 to 299, 349 to 350, 379 to 382, 391 to 395, 404 to 406, 408 to 409, and 411 to 421. Prior to any tree removal, a final tree and shrub inventory will be completed. Trees and shrubs will be replaced in accordance with the Commission's Tree and Shrub Mitigation Specifications.

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

Conclusions of Law

1. The Commission has jurisdiction over the Applicants and the subject matter of the Application under NDCC chapter 49-22.

2. The Applicants are utilities as defined in NDCC section 49-22-03(16).

3. The Project proposed by the Applicants is an electric transmission facility as defined in NDCC section 49-22-03(7).

4. Based on the above Findings of Fact, the Commission concludes that NDCC Section 49-22-16 automatically supersedes and preempts any local land use or zoning regulations for an electric transmission facility route permit except for road use agreements.

5. Based on the above Findings of Fact, the Commission concludes the location, construction, and operation of the Project will produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota.

6. Based on the above Findings of Fact, the Commission concludes the Project is compatible with the environmental preservation and the efficient use of resources.

7. Based on the above Findings of Fact, the Commission concludes the Project will minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion.

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

Order

The Commission orders:

1. The Applicants' joint consolidated application for a certificate of corridor compatibility and a route permit is granted.
2. Certificate of Corridor Compatibility No. 244 is issued to Otter Tail Power Company designating a corridor for the construction, operation, and maintenance of approximately 92 miles of double-circuit capable 345-kV electric transmission line and associated facilities in Stutsman, LaMoure, and Dickey Counties, North Dakota. For purposes of the Certificate, the designated corridor is 150 feet wide for the Project. However, the corridor is widened to accommodate expansion at Otter Tail Power Company's existing Jamestown 345-kV substation as depicted in Application, Figure 1.2-2, and updated by Exhibit 12.
3. Route Permit No. 255 is issued to Otter Tail Power Company designating a route for the construction, operation, and maintenance of approximately 92 miles of double-circuit capable 345-kV electric transmission line and associated facilities in Stutsman, LaMoure, and Dickey Counties, North Dakota. For purposes of the Permit, the designated route is as depicted in Application, Figure 1.2-2, and updated by Exhibit 12.
4. Certificate of Corridor Compatibility No. 245 is issued to Montana-Dakota Utilities Co. designating a corridor for the construction, operation, and maintenance of approximately 92 miles of double-circuit capable 345-kV electric transmission line and associated facilities in Stutsman, LaMoure, and Dickey Counties, North Dakota. For purposes of the Certificate, the designated corridor is 150 feet wide for the Project. However, the corridor is widened to accommodate expansion at Montana-Dakota Utilities Co.'s existing Ellendale 345-kV substation as depicted in Application, Figure 1.2-2, and updated by Exhibit 12.
5. Route Permit No. 256 is issued to Montana-Dakota Utilities Co. designating a route for the construction, operation, and maintenance of approximately 92 miles of double-

circuit capable 345-kV electric transmission line and associated facilities in Stutsman, LaMoure, and Dickey Counties, North Dakota. For purposes of the Permit, the designated route is as depicted in Application, Figure 1.2-2, and updated by Exhibit 12.

6. The December 18, 2025, Certification Relating to Order Provisions – Transmission Facility Siting (Certification) (Exhibit 2), with accompanying Tree and Shrub Mitigation Specifications, is incorporated by reference and attached to this Order.

7. The Applicants are authorized to conduct topsoil removal during winter months, if necessary, which must be completed in accordance with the Winter Construction Plan in Exhibit 24.

8. The Applicants are authorized to clear trees wider than 50 feet up to the full 150 foot width of the Corridor from structure 19 to 20, 20G to 20H, 74C to 74C1, 74K to 74L, 91 to 94, 96 to 97, 107 to 111, 112 to 113, 114 to 116, 128 to 129, 144 to 145, 179 to 182, 208C to 208D, 211 to 215, 273 to 275, 278 to 281, 285 to 289, 291 to 294, 298 to 299, 349 to 350, 379 to 382, 391 to 395, 404 to 406, 408 to 409, and 411 to 421.

9. The Applicants shall conduct a Class III cultural resource inventory and file with the Commission documentation from NDSHPO indicating concurrence that no historic properties or sites will be affected prior to beginning construction on any portion of the Project where NDSHPO concurrence has not yet been received.

10. To the extent that there are any conflicts or inconsistencies between the Applicants' Application in this proceeding and the Certification, the Certification provisions control.

11. The Applicants shall obtain all other 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 licenses and permits to the Commission prior to construction.

12. The Applicants are required to comply with all applicable laws, rules, and/or regulations in the event they desire to construct another or a different transmission facility than was specified in the Application within the corridor granted in this proceeding.

PUBLIC SERVICE COMMISSION

		
Sheri Haugen-Hoffart	Randy Christmann	Jill Kringstad
Commissioner	Chair	Commissioner

PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA

Certificate of Corridor Compatibility Number 244

This is to certify that the Commission has designated a transmission facility corridor for Otter Tail Power Company for the construction, operation, and maintenance of approximately 92 miles of double circuit 345-kV electric transmission line and associated facilities in Stutsman, LaMoure, and Dickey Counties, North Dakota.

This certificate is issued in accordance with the Order of this Commission dated June 24, 2026, in Case No. PU-25-236 and is subject to the conditions and limitations noted in the Order.

Bismarck, North Dakota, June 24, 2026.

ATTEST:

PUBLIC SERVICE COMMISSION



Executive Secretary



Commissioner

PUBLIC SERVICE COMMISSION

STATE OF NORTH DAKOTA

Route Permit Number 255

This is to certify that the Commission has designated a transmission facility route for Otter Tail Power Company for the construction, operation, and maintenance of approximately 92 miles of double circuit 345-kV electric transmission line and associated facilities in Stutsman, LaMoure, and Dickey Counties, North Dakota.

This permit is issued in accordance with the Order of this Commission dated June 24, 2026, in Case No. PU-25-236 and is subject to the conditions and limitations noted in the Order.

Bismarck, North Dakota, June 24, 2026.

ATTEST:

PUBLIC SERVICE COMMISSION



Executive Secretary



Commissioner

PUBLIC SERVICE COMMISSION

STATE OF NORTH DAKOTA

Certificate of Corridor Compatibility Number 245

This is to certify that the Commission has designated a transmission facility corridor for Montana-Dakota Utilities Co. for the construction, operation, and maintenance of approximately 92 miles of double circuit 345-kV electric transmission line and associated facilities in Stutsman, LaMoure, and Dickey Counties, North Dakota.

This certificate is issued in accordance with the Order of this Commission dated June 24, 2026, in Case No. PU-25-236 and is subject to the conditions and limitations noted in the Order.

Bismarck, North Dakota, June 24, 2026.

ATTEST:

PUBLIC SERVICE COMMISSION



Executive Secretary



Commissioner

PUBLIC SERVICE COMMISSION STATE OF NORTH DAKOTA

Route Permit Number 256

This is to certify that the Commission has designated a transmission facility route for Montana-Dakota Utilities Co. for the construction, operation, and maintenance of approximately 92 miles of double circuit 345-kV electric transmission line and associated facilities in Stutsman, LaMoure, and Dickey Counties, North Dakota.

This permit is issued in accordance with the Order of this Commission dated June 24, 2026, in Case No. PU-25-236 and is subject to the conditions and limitations noted in the Order.

Bismarck, North Dakota, June 24, 2026.

ATTEST:

PUBLIC SERVICE COMMISSION



Executive Secretary



Commissioner

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

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

Case No. PU-25-236

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

JoAnn Thompson, a representative of Otter Tail Power Company and Darcy Neigum, a representative of Montana-Dakota Utilities Co. (hereinafter collectively, "Company"), each of which authority to bind each of their respective companies to requirements to be set forth by the Commission in its Order, hereby certify the following:

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

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

Construction:

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

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

Restoration and Maintenance:

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

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

Communication with Landowners and PSC:

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

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

Route Adjustments Before or During Construction:

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

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

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

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

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

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

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

Dated this 18 day of December, 2025.

OTTER TAIL POWER COMPANY

By 

JoAnn Thompson

Its: Vice President, Asset Management

Dated this ____ day of _____, 2025.

MONTANA-DAKOTA UTILITIES CO.

By _____

Darcy Neigum

Its: Vice President, Electric Supply

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

Company acknowledges and agrees that:

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

Dated this ____ day of _____, 2025.

OTTER TAIL POWER COMPANY

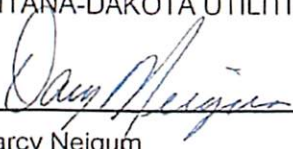
By _____

JoAnn Thompson

Its: Vice President, Asset Management

Dated this 18 day of December, 2025.

MONTANA-DAKOTA UTILITIES CO.

By 

Darcy Neigum

Its: Vice President, Electric Supply

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

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

Case No. PU-25-236

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.