

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Basin Electric Power Cooperative
Tande to Saskatchewan 230kV Transmission Line
Siting Application**

Case No. PU-25-284

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

_____, 2026

Appearances

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

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

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

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

Preliminary Statement

On November 4, 2025, Basin Electric Power Cooperative (Basin) filed a consolidated application for a certificate of corridor compatibility and a route permit, which was amended with minor corrections on November 10, 2025 (Application), concerning approximately 58 miles of 230-kV electric transmission line and associated facilities in Burke, Divide, and Mountrail Counties, North Dakota (Project).

On January 28, 2026, the Commission issued a Notice of Consolidated Hearings for Case Nos. PU-25-283 and PU-25-284, scheduling two hearings, one for March 17, 2026 at 10:00 a.m. Central Time at the Divide County Courthouse, 200 North Main, Crosby, ND 58730 and the second for March 20, 2026, at 10:00 a.m. Central Time at the Ray Auditorium, 215 Main Street, Ray, ND 58849.

On February 5, 2026, the Commission found the application for a certificate of corridor compatibility and a route permit complete.

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

Application:

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

On March 17, 2026 and March 20, 2026, the hearings were held as scheduled.

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

Findings of Fact

1. Basin is a North Dakota cooperative association authorized to do business in the State of North Dakota since May 5, 1961, as evidenced by the corporate papers filed with the Commission on January 27, 2023 (see Case No. PU-23-42).

Size, Type, and Preferred Location of Facility

2. The Project will consist of approximately 58 miles of new, 230-kV electric transmission line and associated facilities to be located in Burke, Divide, and Mountrail Counties, North Dakota. The Project will originate at the existing Tande Substation, located approximately 3.8 miles west of Tioga in Mountrail County, North Dakota, and terminates at the United States/Canadian border, approximately 6.8 miles northwest of Crosby, North Dakota.
3. The Project consists of approximately 327 transmission structures. All tangent structures will be directly embedded with gravel backfill, and the angle structures will be placed on drilled pier concrete foundations. Structure heights will range from 80 to 160 feet tall, varying based on required span distances and topography.
4. Basin seeks a Project corridor 125 feet wide.
5. The Project will use an aluminum conductor of 1.315 inches in diameter with a composite carbon fiber conductor core. The minimum conductor clearance to ground will be 26 feet at all operating conditions:

6. The total cost of the Project is estimated to be \$97 million.

Study of Preferred Location

7. Basin initiated correspondence seeking comments or inquiring about permitting or other approval requirements 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) U.S. Bureau of Land Management; (8) U.S. Department of Agriculture, Natural Resources Conservation Service; (9) Military Aviation and Installation Assurance Siting Clearinghouse.
- 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; (7) North Dakota Department of Health and Human Services; (8) North Dakota Department of Transportation; (9) North Dakota Department of Trust Lands (Minerals Managements and School/Surface Trust); (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 State Water Commission (Department of Water Resources); (20) State Historical Society of North Dakota; (21) North Dakota Department of Agriculture; (22) North Dakota Pipeline Authority; (23) North Dakota Transmission Authority.
- c. Local: (1) Burke County Planning and Zoning Department; (2) Burke County Commission; (3) Burke County Auditor; (4) Burke County Weed Board; (5) Divide County Planning and Zoning Department; (6) Divide County Commission; (7) Divide County Auditor; (8) Divide County Weed Board; (9) Mountrail County Planning and Zoning Department; (10) Mountrail County Commission; (11) Mountrail County Auditor; (12) Mountrail County Weed Board; (13) ND District 2 State Representatives; (14) ND District 2 State Senators.

8. Basin Conducted surveys for wildlife, threatened and endangered species, critical habitats, noxious weeds, wetlands, waterbodies across a 300-foot-wide area centered on the Project route. Aerial raptor nest surveys were conducted across a two-mile survey area, centered on the Project route.

9. Basin conducted a Class I cultural resource literature search within a 1-mile-wide area, centered on the Project route.

10. Basin conducted a Class III cultural resource inventory and various natural resource field surveys across a 200-foot survey area. Basin submitted the results of the Class III cultural resource inventory to the North Dakota State Historic Preservation Office (SHPO), and review and concurrence are pending.

Siting Criteria

11. 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.

12. Basin evaluated the Project with respect to the Exclusion, Avoidance, Selection, and Policy criteria of the Commission.

13. 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.

14. Archaeological sites are exclusion areas. Basin identified 24 sites within the Project Corridor. Basin has committed to avoiding all these sites and buffer zones have been placed around each site. Temporary fencing will be installed around each buffer zone prior to construction.

15. Basin did not identify any additional Exclusion Areas within the Survey Area.

16. 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.

17. Areas which are geologically unstable are Avoidance Areas. Basin identified 35 acres of geologically unstable soils within the Project Corridor. No structures or access roads are located within these areas.

18. The route being within 500 feet of a residence is an Avoidance Area. Basin identified four residences within 500 feet of the route. Basin obtained waivers from

each resident.

19. No additional Avoidance Areas are located in the Project corridor.

20. 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.

21. Basin has analyzed the impacts of the Project in relation to all of the relevant Selection Criteria. No significant adverse impact will result from the location, construction, and operation of the Project.

22. 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

23. Basin has 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, which is incorporated by reference and attached to this Order.

24. Basin will implement appropriate measures to minimize avian collision risk with overhead transmission lines, consistent with the Avian Power Line Interaction Committee (APLIC) Reducing Avian Collisions with Power Lines (APLIC 2012), as outlined in Basin's Avian and Bat Protection Plan.

25. The Project will be constructed according to standards of the Rural Utilities Service, the National Electric Safety Code, the Institute of Electrical and Electronics Engineers, the American Society of Civil Engineers, the American Institute of Steel Construction and the American Concrete Institute.

26. Basin will implement the following erosion and sediment control mitigation measures for the Project: excess subsoils and rocks will be hauled off-site to an approved landfill; erosion and sediment controls will be established prior to construction and thereafter maintained and controlled through application of a storm water pollution prevention plan; where appropriate, silt fences or other sediment control measures will be used to prevent sediment from moving off-site; maintenance will be scheduled during periods of minimum precipitation; temporary laydown areas will be located in previously disturbed areas and/or areas previously surveyed for

cultural and biological resources.

27. Basin will submit the line route to local emergency agencies prior to any construction so first responders will have GPS coordinates to the site. The Tande Substation has a 911 address that will be communicated to all contractors working on those sites. Basin has an OSHA-based safety program supported by the Energy Coalition for Contractor Safety for all contractors that work for the Cooperative.

28. Basin has requested authorization from the Commission to clear trees wider than 50 feet in 17 locations, from structures 386-032 to 386-033, 386-074 to 386-075, 386-075 to 386-076, 386-080 to 386-081, 386-133 to 386-134, 386-141 to 386-142, 386-142 to 386-143, 386-147 to 386-148, 386-226 to 386-227, 386-261 to 386-262, 386-305 to 386-306, and 386-312 to 386-313.

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

Conclusions of Law

1. The Commission has jurisdiction over Basin Electric Power Cooperative (Basin) and the subject matter of these applications under North Dakota Century Code chapter 49-22.
2. Basin is a utility as defined in North Dakota Century Code section 49-22-03(16).
3. The Project proposed by Basin is an electric transmission facility as defined in North Dakota Century Code section 49-22-03(7).
4. The construction, operation, and maintenance of the Project will produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota.
5. The Project is compatible with the environmental preservation and the efficient use of resources.
6. The 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. Basin Electric Power Cooperative's (Basin) consolidated application for a certificate of corridor compatibility and a route permit is granted.
2. Certificate of Corridor Compatibility No. _____ is issued to Basin designating a corridor for the construction, operation, and maintenance of approximately 58 miles of 230-kV electric transmission line and associated facilities in Burke, Divide, and Mountrail Counties, North Dakota. For purposes of the Certificate, the designated corridor is 125 feet wide for the Project.
3. Route Permit No. _____ is issued to Basin designating a route for the construction, operation, and maintenance of approximately 58 miles of 230-kV electric transmission line and associated facilities in Burke, Divide, and Mountrail Counties, North Dakota. For purposes of the Permit, the designated route is the proposed route depicted in Hearing Exhibit No. 12.
4. The March 10, 2026 Certification Relating to Order Provisions - Transmission Facility Siting (Certification), with accompanying Tree and Shrub Mitigation Specifications, is incorporated by reference and attached to this Order.
5. Basin is authorized to clear trees wider than 50 feet in 17 locations, from structures 386-032 to 386-033, 386-074 to 386-075, 386-075 to 386-076, 386-080 to 386-081, 386-133 to 386-134, 386-141 to 386-142, 386-142 to 386-143, 386-147 to 386-148, 386-226 to 386-227, 386-261 to 386-262, 386-305 to 386-306, and 386-312 to 386-313.
6. To the extent that there are any conflicts or inconsistencies between Basin's Application in this proceeding and the Certification, the Certification provisions control.
7. Basin 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.
8. Basin shall conduct a Class III cultural resources inventory and file with the Commission documentation from SHPO indicating concurrence that no historic properties or sites will be affected prior to beginning construction on any portion of the Project where SHPO concurrence has not yet been received.
9. Basin is required to comply with all applicable laws, rules, and/or regulations in the event it desires to construct another or a different transmission facility than was specified in the Application within the corridor granted in this proceeding.

10. Basin will notify the Commission when structure relocations occur within the designated corridor if a relocation is more than 25 feet from the original structure location.