BEFORE THE STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Minnkota Power Cooperative, Inc. **Case No. PU-26-22**
Agassiz Transmission Line & Substation—Cass County, ND
Application for a Certificate of Corridor Compatibility and Route Permit

PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

APRIL ___, 2026

Appearances

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

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

Zachary E. Pelham, Special Assistant Attorney General, 314 East Thayer Avenue Bismarck, ND 58501, as Counsel for the North Dakota Public Service Commission.

Bennett L. Johnson, Vogel Law Firm, 200 North 3rd Street, Suite 201, Bismarck, ND 58501, on behalf of Applicant Minnkota Power Cooperative, Inc.

Preliminary Statement

On January 12, 2026, Minnkota Power Cooperative Inc. (MPC), filed with the North Dakota Public Service Commission (Commission) a consolidated application for an approximately 1.74 mile-long transmission facility corridor, including an approximately 1.25 mile-long 345-kV transmission line and associated substation in Cass County, North Dakota (Project) in accordance with the requirements of North Dakota Century Code chapter 49-22 and North Dakota Administrative Code (NDAC) article 69-06.

On February 20, 2026, the Commission provided notification of the application to the townships with retained zoning authority, cities, and county in which any part of the proposed corridor would be located.

On February 25, 2026, the Commission issued a Notice of Filing and Notice of Public Hearing (Notice) for the Project and scheduled a public hearing for April 2, 2026 at 9:30 a.m. Central Time, at the Holiday Inn Fargo, 3803 13th Avenue South, Fargo, ND 58103.

The Notice identified the issues to be considered in Case No. PU-26-22 as follows:

1. Will the construction, operation, and maintenance of the proposed 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 the construction, operation, and maintenance of the proposed 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 April 2, 2026, the hearing was held as scheduled, allowing any interested parties to present testimony in person at the Holiday Inn Fargo. Hearing Exhibits 1 through 8 were admitted at the hearing.

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

Findings of Fact

1. MPC is a regional electric generation and transmission cooperative corporation headquartered in Grand Forks, North Dakota, organized under the laws of the State of Minnesota and is authorized to do business in the State of North Dakota.

Size, Type and Preferred Location of Facility

2. MPC proposes to construct, own, and operate an approximately 1.25 mile long 345-kV electric transmission line extending from the existing MPC Maple River—Bison 345-kV transmission line and terminating at the proposed Agassiz Substation just south of Harwood, North Dakota. The Project is located entirely within Cass County, North Dakota on property owned by MPC other than the necessary crossing of Interstate 29, Cass County Highway 81, and BNSF Railway.

3. The transmission line consists of approximately 14 new self-weathering steel transmission line structures. Three existing structures on the Maple River—Bison Line will be replaced to accommodate the tap for the new line. Segments of the line will utilize both H-frame and monopole structures. The new structures will be steel poles, mounted on reinforced concrete foundations with embedded anchor bolts, with an average height of approximately 137 feet.

4. The proposed substation will include a 345/34.5-kV collector substation within an approximately 15-acre fenced yard. A pre-fabricated one-story control enclosure will house the protection, relaying, metering, Supervisory Control and Data Acquisition (SCADA), station service, and communication equipment, including fiber-optic terminations.

5. The substation equipment is designed as a four-breaker ring bus configuration designed to accommodate two 345-kV transmission line termination points, two 345/34.5-kV transformer positions, two 345-kV capacitor banks, and associated 345-kV and 34.5-kV switching and protection equipment. Major substation components will include two 345/34.5-kV power transformers, six 345-kV circuit breakers, eight 34.5-kV feeder circuit breakers, twelve 345-kV manual disconnect switches, four 345-kV motor-operated disconnect switches, eighteen 345-kV coupling capacitor voltage transformers, fourteen 34.5-kV potential transformers, one 167-kVA station service voltage transformers, two 345-kV capacitor banks, and the control enclosure measuring approximately 60 feet by 24 feet. When energized, the double circuit lines will be connected to operate as a single line.

6. Project construction and design will meet the requirements of the National Electrical Safety Code (NESC), the U.S. Department of Agriculture Rural Utilities Service (RUS), the Institute of Electrical and Electronics Engineers, the American Society of Civil Engineers, the American Institute of Steel Construction, the American Concrete Institute and other applicable local and national building codes.

7. The estimated cost for the Project is $110 million.

8. MPC plans to complete the construction and commence commercial operation by December 2026.

Need for Facility

9. The 345-kV transmission line and substation are upgrades necessary to supply power to MPC member-owner Cass County Electric Cooperative and its members, including a new large load interconnection request located just south of Harwood, North Dakota.

Study of Preferred Location

10. MPC selected the Project route based on a number of factors including: compliance with Chapter 49-22 of the North Dakota Century Code and the Commission's siting rules; input from federal and state agencies; minimization of environmental, cultural, socioeconomic impacts; and feasibility from a design, construction, and access perspective.

11. MPC and its representatives contacted key local, state, and federal agencies pursuant to NDAC § 69-06-01-05 for assistance in identifying concerns or issues within the study area.

12. MPC hired a consultant to conduct cultural resource surveys and literature reviews throughout the study area. The North Dakota State Historic Preservation Office (SHPO) determined the reports acceptable and determined there are no significant sites affected by the Project provided all recommendations are followed.

13. MPC has collocated the transmission line portion of the Project with existing utilities located on MPC owned property to the maximum extent practicable and purchased a 45-acre property for the proposed substation.

Siting Criteria

14. The Commission has established criteria pursuant to North Dakota Century Code Section 49-22-5.1 to guide the site, corridor, and route suitability evaluation and designation process. The transmission facility corridor and route criteria, as set forth in NDAC Section 69-06-08-02, provides the Commission's requirements regarding Exclusion and Avoidance Areas, as well as the Commission's Selection and Policy Criteria.

15. MPC selected a one-mile-wide study area and a 150-foot-wide Project Corridor which expands to include the proposed substation property. The Project Corridor consists of land that will be owned by MPC, other than the necessary crossing of Interstate 29, Cass County Highway 81, and BNSF Railway, and is centered on the Project Route.

16. MPC evaluated the Project for Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria of the Commission.

17. An Exclusion Area may not encompass more than fifty percent of a corridor width unless there is no reasonable alternative. An Exclusion Area must be excluded in the consideration of a route for a transmission facility. A buffer zone of a reasonable width to protect the integrity of an Exclusion Area must be included in the siting of the transmission facility.

18. MPC's studies and surveys did not record any Exclusion Areas within the study area.

19. An Avoidance Area is a geographic 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.

20. MPC's studies and surveys recorded one (1) cultural site outside of the Project workspace and will be avoided by all Project construction activities as recommended by SHPO. No additional cultural resources were identified within the study area.

21. MPC identified a community source water protection area for the Lake Shure Home Owners Association. Community source water protection areas are zones around public drinking water sources documented by the North Dakota Department of Environmental Quality to help identify and manage potential sources of contamination

to the water source. Based on design considerations and implementation of conservation measures, Project construction and operation will not result in surface water or groundwater contamination in the Lake Shure Water Protection Area.

22. No other Avoidance Areas are located in the Project Corridor. No other Avoidance areas will be crossed by the proposed route.

23. 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 designated only when it is demonstrated to the Commission by the applicant that any significant adverse effects which will result from the location, construction, and maintenance of the facility will be at an acceptable minimum, or that those effects will be managed and maintained at an acceptable minimum.

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

25. The impact upon agricultural production is a selection criteria factor. The Project Route will be placed on property wholly owned by MPC other than the necessary road and railway crossing. The construction, operation, and maintenance of this Project will have minimal effect upon agricultural production. Temporary construction disturbances outside of the Project Corridor will be confined to pullback and tensioning sites and access roads and subject to easement agreements with the impacted landowner. MPC will return land to its pre-construction state and continue to allow agricultural activities within the transmission line portion of the Project Corridor where possible.

26. In accordance with the Commission's Policy Criteria, the Commission may give preference to an applicant that will maximize the benefits that result from the adoption of policies and practices designated within the Commission's Policy Criteria.

27. MPC has demonstrated its commitment to maximize the benefits of the Project to meet the Commission's Policy Criteria by designing and locating the Project in a manner as to maximize operational efficiency and economic benefits while minimizing Project impacts.

Measures to Minimize Impact

28. MPC has agreed to a number of steps to mitigate the impact of the Project as indicated by its proposed Certification Relating to Order Provisions—Transmission Facility Siting filed in this proceeding.

29. MPC will use best management practices to avoid and/or minimize potential impacts to existing resources, as outlined in the Consolidated Application. MPC will utilize best

management practices to minimize impacts on ground and surface water, and to prevent soil erosion and soil and groundwater contamination from incidental spills. Erosion control measures required under the National Pollution Discharge Elimination System permit and the associated Storm Water Pollution Prevention Plan will be implemented. Secondary containment and other measures will be used where appropriate to prevent incidental spills of oil and gas for refueling and storage in accordance with the Project SPCC Plan and industry best management Practices. Construction of the Project is not anticipated to have a significant adverse impact on surface or ground water resources or soils. Temporarily disturbed areas will be restored and reseeded with a Natural Resource Conservation Service recommended native seed mix.

30. The Project may result in minimal indirect impacts to migratory birds and bald and golden eagles. MPC will carry out preconstruction surveys to identify active nests within 0.5 mile of the Project Workspace. If active nests are found in or adjacent to Project Workspace, no-activity buffers will be implemented to minimize disturbance to the extent feasible. If an active eagle nest is identified, MPC will coordinate with USFWS to ensure compliance with the Bald and Golden Eagle Protection Act and minimize impacts to the greatest extent practicable.

31. The Project will be constructed according to standards of the RUS, the NESC, the Institute of Electrical and Electronics Engineers, the American Society of Civil Engineers, the American Institute of Steel Construction, and the American Concrete Institute.

32. MPC will employ standard monitoring and maintenance procedures to limit the spread of noxious weeds in accordance with MPC's Vegetation Management Program.

33. MPC will oversee reclamation of all lands in the transmission line corridor including temporary construction easement and access areas. MPC does not anticipate removal of any trees or shrubs for this Project. Trees and shrubs in proximity to the Project Corridor have been previously impacted and maintained as a result of the existing Maple River—Bison Line right of way.

From the foregoing Findings of Fact, the Commission now makes its:

Conclusions of Law

1. The Commission has jurisdiction over the applicant, Minnkota Power Cooperative, Inc., and the subject matter of the application under North Dakota Century Code chapter 49-22.

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

3. The Project is an electric transmission facility as defined in North Dakota Century Code § 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 foregoing Findings of Fact and Conclusions of Law, the Commission now makes the following:

Order

The Commission orders:

1. MPC's Consolidated Application for a certificate of corridor compatibility and route permit is granted.

2. Certificate of Corridor Compatibility No. ____ is issued to MPC designating a corridor for the construction, operation, and maintenance of approximately 1.74 miles of 345-kV transmission line and an associated substation in Cass County, North Dakota. For purposes of the Certificate, the designated corridor is 150 feet wide for the Project.

3. Route Permit No. _____ is issued to MPC designating a route for the construction, operation, and maintenance of approximately 1.74 miles of 345-kV transmission line and an associated substation in Cass County, North Dakota. The designated route includes a route construction buffer of 20 feet on each side of the designated route, contingent upon not impacting an Avoidance Area unless MPC receives written authorization from the Commission prior to conducting any associated construction activities. Construction activities in the construction buffer must not impact an Exclusion Area.

4. The Certification Relating to Order Provisions—Transmission Facility Siting is incorporated by reference and attached to this Order.

5. To the extent there are any conflicts or inconsistencies between MPC's Consolidated Application and the Certification, the Certification provisions control.

6. MPC's Application for Protection of Information with respect to cultural resource location information is granted.

7. MPC 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 such construction.

8. MPC 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 designated in this proceeding.

PUBLIC SERVICE COMMISSION

_____	_____	_____
Sheri Haugen-Hoffart	**Randy Christmann**	**Jill Kringstad**
Commissioner	**Chair**	**Commissioner**