

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Otter Tail Power Company
Certificate to Extend Service - Dakota Spirit Ag
Public Convenience & Necessity**

Case No. PU-26-094

**Otter Tail Power Company
Electric Service Agreement - Dakota Spirit Ag
Approval**

Case No. PU-26-095

ORDER

June 24, 2026

Preliminary Statement

On March 19, 2026, Otter Tail Power Company (OTP) filed an application for approval of an Electric Service Agreement (ESA) between it and Dakota Spirit AgEnergy, LLC (Dakota Spirit) and another application on the same date for a Certificate of Public Convenience and Necessity authorizing OTP to extend service to Dakota Spirit.

On April 15, 2026, the Commission issued Notices of Opportunity for Hearing (Notices) that provided until May 27, 2026, for receiving written comments and hearing requests on the matters. The Notices identified whether the ESA was just and reasonable and should be approved and indicated that if no objections were received, the applications could be granted as requested. No objections or responses were received.

On May 13, 2026, Northern Plains Electric Cooperative (NPEC) filed a letter with the Commission stating that it does not object to OTP's application to serve Dakota Spirit.

On May 18, 2026, the North Dakota State Historic Preservation Office (NDSHPO) filed a letter with the Commission.

On June 1, 2026, OTP filed a copy of its response to NDSHPO.

On June 3, 2026, NDSHPO filed an additional letter with the Commission.

Discussion

On March 4, 2026, OTP and Dakota Spirit entered into an ESA providing the sale of three-phase electrical service to Dakota Spirit's biorefinery plant in Stutsman County, North Dakota, pursuant to Electric Rate Schedule 10.04 and Rate Code No. N603.

Great River Energy (GRE) is currently providing electrical service to Dakota Spirit, but has since sold its ownership stake in it and GRE no longer wishes to provide service to it. OTP is currently providing service to the Spiritwood Energy Park, including Dakota Spirit's affiliate, Dakota Spirit Capture Company, near the area with NPEC providing service in the general area not objecting to OTP providing service to Dakota Spirit. The length of the three-phase line extension to Dakota Spirit's property line is 850 feet and OTP plans to provide service from its existing substation in the area.

In its May 18, 2026, letter NDSHPO indicated that extending service to Dakota Spirit would not affect significant sites so long as a site was avoided by at least 100 feet. In a copy enclosing its response to NDSHPO, OTP indicated that it will avoid the site "by at least 100 feet by first obtaining a survey of the area and then erecting temporary fencing encircling the archaeological site at a distance of at least 100 feet". In its June 3, 2026, letter NDSHPO indicated that OTP had reached out to them regarding its construction plans and that they "are satisfied there will be no significant sites affected under this plan".

The ESA is identical to OTP's standard ESA form in Section 1.05 of its tariff except for one provision. That provision allows Dakota Spirit to assign its rights under the ESA to any lender as security for Dakota Spirit's indebtedness. This means that if Dakota Spirit obtains financing using the biorefinery plant as collateral, the ESA providing it electricity could also be assigned to the financier. OTP indicated that if a financier were to take possession of the plant, it would also be able to step into the shoes of the former owner to continue the ESA with OTP.

Having considered this matter, the Commission finds the ESA is just and reasonable and should be approved.

Order

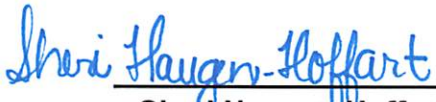
The Commission Orders:

1. Otter Tail Power Company's Electric Service Agreement with Dakota Spirit AgEnergy, LLC, filed on March 19, 2026, is approved.
2. Otter Tail Power Company is issued Certificate of Public Convenience and

Necessity, Certificate Number 6020, authorizing the provision of electric distribution service to Dakota Spirit AgEnergy, LLC at a point located in:

The SE 1/4 of Section 21, Township 140N, Range 62W in Stutsman County, North Dakota.

PUBLIC SERVICE COMMISSION



**Sheri Haugen-Hoffart
Commissioner**



**Randy Christmann
Chair**



**Jill Kringstad
Commissioner**

PUBLIC SERVICE COMMISSION

STATE OF NORTH DAKOTA

Certificate of Public Convenience and Necessity

Certificate Number 6020

This is to certify that public convenience and necessity require, and permission is granted for Otter Tail Power Company to serve Dakota Spirit AgEnergy, LLC, in the SE 1/4 of Section 21, Township 140N, Range 62W in Stutsman County, North Dakota.

This permit is issued in accordance with the Order of this Commission dated June 24, 2026, in Case No. PU-26-094, and is subject to the conditions and limitations noted in the Order.

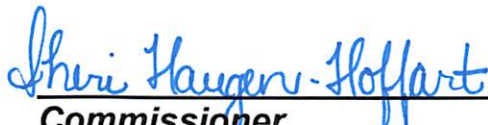
This certificate is conditioned upon Otter Tail Power Company securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges.

Bismarck, North Dakota, June 24, 2026.

ATTEST:

PUBLIC SERVICE COMMISSION


Executive Secretary


Commissioner