

# Memorandum

To: Commissioners Christmann, Haugen-Hoffart and Kringstad

From: Victor Schock – Director of Public Utilities VS

Date: June 12, 2026

Re: Minnkota Power Cooperative, Inc., Temporary Construction Variance, Siting Temporary Approval, Case No. PU-26-161

On April 30, 2026, Minnkota Power Cooperative, Inc. (Minnkota) filed an expedited request for approval of a temporary variance for construction activities under North Dakota Century Code (NDCC) section 49-22-25 (Application).

On October 9, 2025, the Commission issued First Reissued Certificate of Site Compatibility Number 70 to Otter Tail Power Company (OTP) for the Flickertail Solar Project (FSP) in Richland County, North Dakota.

In order to interconnect the FSP with the grid, Minnkota intends to upgrade its Frontier to Wahpeton 230 kilovolt (kV) line and construct a new substation (Project). The line is part of the Maple River to Wahpeton 230 kV line that was initially constructed in approximately 1968.

Minnkota's Application states it is requesting the variance in order to complete site grading, installation of geogrid, placing fill, installing class 5 aggregate, and placing a fence around the substation foundation (variance activities).

Minnkota intends to file an application for a Certificate of Corridor Compatibility and a Route Permit in the third quarter of 2026 for the Project with anticipated full construction of the Project to commence in 2027.

The Commission's approval of a variance under NDCC Section 49-22-25 requires a certification from the utility that the activities will have no adverse impacts upon the citizens of North Dakota or the environment and must show good cause to grant the variance. In this instance, Minnkota has provided the certification in compliance with the law. However, Minnkota has not shown good cause exists to grant the variance.

Minnkota's Application states that good cause exists because the variance activities are the critical first steps of construction of the Project, that doing so will provide for economic and construction efficiency, and it will allow Minnkota to align with FSP's construction activity sequence. The reasons provided do not demonstrate good cause, but rather a preference by Minnkota and FSP and a presumption of approval by the Commission. For these reasons staff recommends denial of the application.