

On C. Drive 6-27-79

PERMIT
AUTHORIZING
NORTH CENTRAL ELECTRIC COOPERATIVE, INC.
TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN
ELECTRIC TRANSMISSION FACILITIES
AT THE INTERNATIONAL BORDER BETWEEN
THE UNITED STATES AND CANADA
ERA DOCKET NO. PP-67

On March 13, 1979, the North Central Electric Cooperative, Inc. (Permittee) filed an application with the Economic Regulatory Administration (ERA) pursuant to Executive Order No. 10485, as amended by Executive Order No. 12038, for authority to construct, connect, operate and maintain electric transmission facilities described in Article 2 below at the international border between the United States and Canada.

The Secretary of State by letter dated June 26, 1979 and the Secretary of Defense by letter dated June 25, 1979 concurred that the Permit be granted as hereinafter provided.

Upon consideration of this matter, ERA finds that the issuance of the Permit as hereinafter provided is appropriate and consistent with the public interest. Pursuant to the provisions of Executive Order No. 10485, as amended, and the Rules and Regulations thereunder (18 C.F.R. 1 et. seq.) permission is hereby granted to North Central Electric Cooperative, Inc. to construct, connect, operate and maintain the electric transmission facilities described in Article 2 below at the international border between the United States and Canada upon the conditions hereinafter set forth.

Article 1. The facilities herein described shall be subject to all conditions, provisions and requirements of this Permit. This Permit may be modified or revoked by the President of the United States or by the Administrator of ERA after public notice and may be amended by ERA on proper application thereto.

Article 2. The facilities covered by and subject to this Permit shall include, in addition to the following facilities, all lands and supporting structures within the rights-of-way occupied by such facilities:

One 3 phase 12.5 kilovolt underground line located in the International Peace Gardens near Dunseith, North Dakota at a point on the international border between the United States and Canada. The facilities authorized by this Permit are more specifically shown and described in the application and accompanying exhibits and items by reference filed by Permittee and in the negative determination of environmental impact issued by DOE in this matter. No substantial change shall be made in these facilities or the operation thereof authorized unless and until such change(s) shall have been approved by ERA.

Article 3. Permittee shall at all times maintain the facilities, or any part thereof, in a satisfactory condition for the efficient and safe operation of said facilities in the transmission of electric energy.

Article 4. Insofar as the facilities authorized herein, or which may be subsequently included herein by amendment, are utilized for the transmission of electric energy from the United States to Canada, they may be utilized for such transmission only in the amount, at the rate, and in the manner authorized by ERA under Section 202(e) of the Federal Power Act.

Article 5. The construction, connection, operation and maintenance of the aforesaid facilities shall be subject to the inspection and approval of a properly designated representative of ERA, who shall be an authorized representative of the United States for such purposes. Permittee shall allow officers or employees of the United States with written authorization free and unrestricted access into, through and across any lands occupied by said facilities in the performance of their official duties.

Article 6. Permittee shall be liable for all damages occasioned to the property of others by the construction, connection, operation and maintenance of the facilities owned by it and covered by this Permit, and in no event shall the United States be liable therefor.

Article 7. Permittee shall arrange for the installation and maintenance of adequate metering equipment to measure the hourly flow of all electric energy transmitted between the United States and Canada over the afore-described line authorized herein; shall make, keep and preserve full and complete records with respect to the movement of such

energy; and shall furnish a report to ERA, annually on or before February 15, with respect to such transmission of energy, showing, with respect to the afore-described line, the gross amount of kilowatt-hours received or delivered, the maximum hourly rate of transmission in kilowatts, and the consideration paid or received therefor during each month of the preceding calendar year. Permittee shall file with the ERA, in such detail as ERA shall require, any additional statement or reports with respect to the facilities authorized herein and owned by the Permittee, or electric energy transmitted thereover by the Permittee; such information will become part of the public record, unless otherwise excepted.

Article 8. Neither this Permit nor the facilities, or any part thereof, covered by this Permit, shall be transferable or assignable, but in the event of the involuntary transfer of the facilities by operation of law (including such transfers to receivers, trustees, or purchasers under foreclosure or judicial sale) the Permit shall continue in effect temporarily thereafter pending the making of an application for a new Permit and decision thereon, provided notice is given in writing to ERA within 30 days, after transfer, accompanied by a statement that the facilities authorized by this Permit remain substantially the same as before the transfer.

Article 9. Upon the termination, revocation or surrender of this Permit, the facilities herein authorized, which are owned, connected, operated and maintained by Permittee, shall be removed within such time as ERA may specify and at the expense of Permittee. Upon failure of Permittee to remove such facilities or any portion thereof or complete such restoration, ERA may direct that such actions be taken and the facilities removed or restoration made at the expense of Permittee, and Permittee shall have no claim for damages by reason of such possession, removal, or repair.

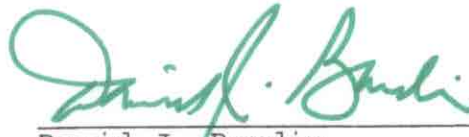
Article 10. To the maximum extent practicable, Permittee shall comply with the following conditions during construction of the transmission line. In the event that Permittee is unable to comply substantially with one or more of these conditions, Permittee shall file with ERA a statement of reasons justifying such failure and requesting waiver of such condition at least 15 (fifteen) days before commencing any action in violation thereof.

a) Erosion - The Permittee shall minimize soil disturbance, erosion and other environmental impacts of constructing that portion of the proposed transmission line trenches by providing for appropriate landscaping of the trenches after installation of the power and control cables.

b) Construction Standards - The underground line, as described in Article 2 above, shall be built in accordance with the terms and conditions of the American National Standard, National Electrical Safety Code, C2, 1977 edition.

Article 12. Permittee's exports of electric energy to Canada as a result of the interconnection shall not result in increased oil consumption over what would be a normal and reasonable oil usage as determined by ERA. Permittee's exports of electric energy shall be limited to provision of service to the pumping plants for the International Peace Gardens.

In Witness Whereof, I David J. Bardin, Administrator, Economic Regulatory Administration, have hereunto signed my name, this *27th day of June*, 1979, in the City of Washington, District of Columbia.



David J. Bardin
Administrator
Economic Regulatory Administration