

11-10-80

PRESIDENTIAL PERMIT, PP-70
AUTHORIZING
MINNKOTA POWER COOPERATIVE, INC.
TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN
ELECTRIC TRANSMISSION FACILITIES
AT THE INTERNATIONAL BORDER BETWEEN
THE UNITED STATES AND CANADA

BACKGROUND

On June 13, 1979, the Minnkota Power Cooperative, Inc., (Minnkota) filed an application with the Economic Regulatory Administration (ERA) for a Presidential Permit pursuant to Executive Order 10485, as amended by Executive Order 12038. Minnkota requested authority to construct, connect, operate and maintain at the international border between the United States and Canada a 75-foot long, 12,000-volt electric transmission line described in Article II below. The Minnkota facilities will interconnect a similar overhead line owned and operated by the Manitoba Hydro Electric Board (Manitoba) to an underground cable owned by the Roseau Electric Cooperative (Roseau) in the Minnesota Northwest Angle State Forest. The Department of Interior, Bureau of Indian Affairs (BIA), conducted an environmental review of the proposed route because certain significant portions of the project are located on Indian lands in the Northwest Angle State Forest. The BIA made a negative determination of the environmental impacts. On September 5, 1980, DOE adopted the negative determination of environmental impacts made by the BIA.

The Secretary of State by letter dated October 27, 1980, and the Secretary of Defense by letter dated October 14, 1980, favorably recommended 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.

THE PERMIT

Pursuant to the provisions of Executive Order 10485, as amended, and the Rules and Regulations thereunder (10 C.F.R. 205.320-205.327), permission is hereby granted to the Minnkota Power Cooperative, Inc., to construct, connect, operate and maintain a 12,000-volt electric transmission line located at Point 919 on the Manitoba - Minnesota (Lake of Woods County) border and more fully described in Article 2 below and in the application.

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 after notice or upon application.

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 right-of-way occupied by such facilities:

One 75-foot long, three-phase, 60 hertz, 12,000-volt overhead transmission line located at a point on the international border between the United States and Canada connecting a similar distribution line owned by the Manitoba Hydro Electric Board with an underground cable owned by the Roseau Electric Cooperative in the Northwest Angle State Forest.

The facilities authorized by this Permit are more specifically shown and described in the application and accompanying exhibits filed by Minnkota and in the negative determination of environmental impacts issued in this matter by the Bureau of Indian Affairs and adopted by DOE.

Article 3. 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 4. Minnkota shall at all times maintain the facilities, or any part thereof, in a satisfactory condition for the efficient and safe transmission of electric energy.

Article 5. The 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 deemed to be the authorized representative of the United States for such purposes. Minnkota 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. In the operation and maintenance of the facilities authorized herein, Minnkota shall place and maintain suitable structures to reduce to a reasonable degree the possibility of contact or inductive interference between such facilities and any other facilities not owned by Minnkota. Grounding of all tower structures shall be in accordance with the National Electric Safety Code, C2, 1977 edition.

Article 7. Minnkota shall respond to and evaluate any complaints, from nearby residents, of radio or television interference possibly caused by operation of the United States portion of the licensed electric power line. In the case of such complaints, Minnkota shall take appropriate action as necessary to mitigate the situation. Complaints from individuals residing within one-half mile of the center line of the facility shall require mandatory resolution. Written records shall be maintained by Minnkota of all complaints received and the corrective actions taken.

Article 8. Minnkota 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 9. Minnkota 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 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 the gross amount of kilowatt-hours received from Manitoba, the gross amount of kilowatt-hours transmitted to Manitoba, the maximum hourly rate of transmission in kilowatts, and the consideration paid and received during each month of the preceding calendar year. Minnkota shall file with the ERA in such detail as ERA shall require, any additional statement or report(s) with respect to the facilities authorized herein and owned by Minnkota; such information will become part of the public record, unless otherwise excepted.

Article 10. Neither this Permit nor the facilities authorized herein, or any part hereof, shall be transferable or assignable except in the event of the involuntary transfer

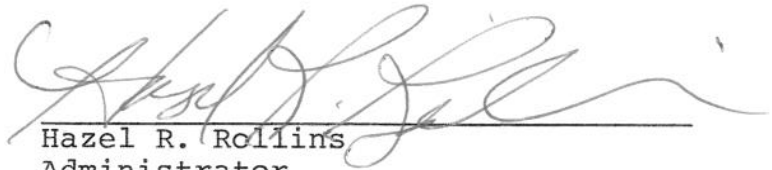
of the facilities by operation of law. In the event of an involuntary transfer, the Permit shall continue in effect for sixty days and then shall terminate unless an application for a new Permit has been received. Upon receipt of such application the existing permit shall continue in effect until a decision is issued on the pending application. During this period, the facilities authorized by this Permit shall remain substantially the same as before the transfer.

Article 11. Upon the termination, revocation or surrender of this Permit, the facilities herein authorized, which are owned, connected, operated and maintained by Minnkota, shall be removed within such time as ERA may specify and at the expense of Minnkota. Structural foundations and guy anchors shall be removed to a minimum depth of 18 inches below ground level. The right-of-way and access roads will be allowed to revegetate by natural successional processes, except that Minnkota will grade and seed any areas where necessary, as determined by the State of Minnesota. Upon failure of Minnkota 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 Minnkota,

and Minnkota shall have no claim for damages by reason of such possession, removal, or repair.

Article 12. This Permit shall be valid upon receipt by ERA of the attached Testimony of Acceptance properly executed.

In Witness Whereof, I, Hazel R. Rollins, Administrator, Economic Regulatory Administration, have hereunto signed my name, this November 10, 1980, in the City of Washington, District of Columbia.

A handwritten signature in cursive script, appearing to read 'Hazel R. Rollins', is written over a horizontal line.

Hazel R. Rollins
Administrator
Economic Regulatory Administration

IN TESTIMONY OF ACCEPTANCE of all the provisions and conditions of this Permit, the Minnkota Power Cooperative, Inc., this 18th day of December, 1980, has caused its name to be signed and its corporate seal to be affixed hereto and attested by its Secretary pursuant to a resolution of its Board of Directors duly adopted on this 18th day of December, 1980. A certified copy of the resolution is attached hereto.

Minnkota Power Cooperative, Inc.

Michael Threlby
President

ATTEST

Bobby L. Ostrom
Secretary

MINNKOTA POWER COOPERATIVE, INC.
GRAND FORKS, NORTH DAKOTA

RESOLUTION NO. 2307 OF THE BOARD OF DIRECTORS

BE IT RESOLVED that the board of directors of Minnkota Power Cooperative, Inc. does hereby approve the terms and conditions of a Presidential Permit issued in connection with the interconnection with Manitoba Hydro at the Northwest Angle, Minnesota; and the president and/or secretary of the Cooperative are hereby authorized to execute such documents as are necessary in connection with the aforesaid permit.

SECRETARY'S CERTIFICATE

I, Bobby Lofstrand, do hereby certify that I am the duly elected, qualified and acting secretary of the Minnkota Power Cooperative, Inc., and the keeper of its records, and that the attached is a true and correct copy of a resolution duly adopted at a meeting of the Board of Directors of said Corporation duly convened and held in accordance with its bylaws, on the 19th day of December, 1980, at which a quorum was present and acting throughout, and I do further certify that said resolution is still in force and effect and has not been repealed.

IN WITNESS WHEREOF, I have hereunto subscribed my name as Secretary and affixed the corporate seal of said Corporation this 14th day of January, 1981.

Bobby Lofstrand
Secretary

SEAL