

MODIFIED/REVISED/NEW DECISION OPTION
Proposed by Commissioner Tuma
January 21, 2026

DOCKET NUMBER 24-263; 24-264
ANALYST Sam Lobby
DATE/TIME SUBMITTED 01/16/26 2:45 PM
TITLE Tuma Modified 7; Tuma Revised 9A; Tuma NEW 9B
ATTACHMENT No
SUBJECT "In the matter of Route Permit for the Appleton to Benson 115 kV Transmission Line Project"

Tuma Modified 7. Issue a Route Permit for the Appleton to Benson 115 kV Transmission Line Project with the conditions recommended in the ALJ Report, with the following modifications:

7A. Applicant's modifications to Standard Condition 5.3.9 relating to Wetlands and Water Resources, as reflected in Staff's Corrected Briefing Papers filed on January 16, 2026.

7B. Applicant's modifications to Special Condition 6.1 relating to Impacts to Irrigators.

7C. Special Condition 6.2 relating to Blanding's Turtle shall read:

- i. The ALJ's recommendation: The Permittees must work with DNR to develop a Blanding's Turtle avoidance and mitigation plan consistent with applicable DNR requirements related to the Blanding's turtle for those portions of the project DNR determines applicable for the project. The avoidance and mitigation plan must include measures to be taken to minimize disturbance to the species and seasonal maps of disturbance areas overlayed with the timing of project impacts. Permittees shall keep records of compliance with this section and provide them upon the request of Commission staff;

OR

- ii. Applicant's first modification to Special Condition 6.2 as set forth in their December 16, 2025 exceptions: The Permittee will comply with applicable Minnesota Department of Natural Resources requirements related to the Blanding's turtle. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff;

OR

- iii. [Placeholder for potential new DNR position if different from Jan. 18, 2024]

7D. Special Condition 6.8 relating to Bat Protections shall read:

The Permittee will coordinate with the **DNR or** U.S. Fish and Wildlife Service regarding the timing of tree clearing and any other conservation measures to mitigate impacts to Northern Long-Eared

Bat. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

7E. Special Condition 6.11 relating to Tree Replacement Plan shall read:

The Permittee in coordination with impacted land owners, the DNR and Swift County shall develop a plan to replace any trees that are removed for construction of the project by planting new trees first on impacted landowner property or if that's not practical in Swift County near the project area, and file the plan with the Commission at least 14 days before the pre- construction meeting. For Otter Tail's share of any All prudent and reasonable costs associated with any tree replanting requirement may shall be recoverable under the their Renewable Resources Rider.

7F. New Special Condition 6.12 shall be added to reflect Applicant's second requested change to Special Condition 6.2 from December 16, 2025 exceptions letter:

State Listed Species:

Prior to the start of construction, the Permittee shall resubmit a Natural Heritage Review and continue to consult with the MDNR regarding implementation of avoidance measures for state-protected threatened and endangered species. The Permittee will comply with applicable Minnesota Department of Natural Resources requirements related to state-listed endangered and threatened species in accordance with Minnesota's Endangered Species Statute (Minnesota Statutes, section 84.0895) and associated Rules (Minnesota Rules, part 6212.1800 to 6212.2300 and 6134). The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

Tuma Revised 9A.

A. Applicant shall file a final cost number or cap amount within 60 days of the Commission's Order determining the route.

Tuma New 9B.

B. Limit Otter Tail Power's cost recovery for the Project to Otter Tail Power's share of the Project's \$62 million final overall cost estimate. Require Otter Tail Power to make a filing identifying this cost cap amount percentage within 90 days of the order. Otter Tail Power shall bear the burden of proof in any future regulatory proceeding related to the recovery of any costs above its share of the cost estimate. Nothing prevents the Applicant from seeking recovery of additional amounts through the Transmission Cost Recovery Rider.