STATE OF MINNESOTA

MINNESOTA PUBLIC UTILITIES COMMISSION

In the Matter of a Northern States Power d/b/a Xcel Energy Application for a Route Permit for the Eastwood Double-circuit 115kV/115 kV Transmission Line Project in Blue Earth County	**FINDINGS OF FACT, CONCLUSIONS AND ORDER ISSUING A ROUTE PERMIT FOR A 115 kV- 115 kV DOUBLE-CIRCUIT TRANSMISSION LINE** **MEQB Docket No. 05-95-TR-Eastwood** **MPUC Docket No. E002/TR-05-1192**

The above-captioned matter came before the Commission on December 20, 2005, pursuant to an application by Northern States Power Company d/b/a Xcel Energy ("Xcel Energy") for a Route Permit for a new 3.5-mile double-circuit 115 kV/115 kV transmission line connecting the existing Summit to Loon Lake 115 kV transmission line south to the Eastwood Substation.

A public hearing was held on Thursday, November 17, 2005, at 6:30 p.m. in the Minnesota River Room at the Intergovernmental Center in Mankato, Minnesota. Administrative Law Judge Steve M. Mihalchick served as the hearing examiner at the hearing. The hearing continued until all persons who desired to speak had an opportunity to do so. The record was kept open for the submission of written comments until December 1, 2005.

STATEMENT OF ISSUE

Should Xcel Energy be granted a Route Permit to construct a new double-circuit 115 kV/115kV transmission line that taps the existing Summit-Loon Lake 115 kV transmission line and travels south approximately 3.5 miles along the route proposed by Xcel Energy to the Eastwood Substation and, if so, what conditions should be imposed?

Based upon all of the proceedings herein, the Commission makes the following:

FINDINGS OF FACT

<u>The Applicant</u>

1. The Applicant is Xcel Energy.

The Project

2. The proposed project ("Project") consists of constructing a new double-circuit 115/115 kV transmission line approximately 3.5 miles long between the existing Summit to Loon Lake transmission line in Lime Township and the Eastwood Substation in Mankato Township.

3. The Project is part of a series of transmission projects that will allow the electrical system to support the interconnection of the Mankato Energy Center into the Wilmarth Substation. The Mankato Energy Center is a natural gas- and fuel-oil-fired power plant that will be capable of generating approximately 655 MW of electric power. The MEQB issued a site permit for the plant on September 16, 2004. The Center is scheduled to be operational by mid-2006.

4. As part of this series of transmission projects, Xcel Energy is also converting the existing Wilmarth-Eastwood-Rapidan 69 kV transmission line to 115 kV between the Wilmarth Substation and the Eastwood Substation, and converting and expanding the Eastwood Substation from 69 kV to 115 kV. On July 18, 2005, the MPUC authorized a Minor Alteration permit for that conversion and an upgrade to the Eastwood Substation.

5. The route for the Project is as follows:

(a) The double circuit 115 kV line will begin as a tap off the Summit to Loon Lake 115 kV transmission line near the intersection of 232nd Street and County Road 12. The route for the transmission line will continue south along the east side of County Road 12 for approximately 0.75 miles. This portion of the new line will have a distribution underbuild.

(b) Just before the junction of County Road 12 and 589th Avenue, the route will cross over to the west side of the road and continue south between the railroad and 589th Avenue for approximately 1.0 mile where it will cross over to the east side of 589th Avenue for 0.25 miles until it reaches Thompson Ravine Road (County Road 3).

(c) The route then turns west following the north side of Thompson Ravine Road for 0.5 miles, then turns south following the east side of a newly constructed road, Power Drive, for 0.3 miles and then cross country for 0.2 miles until it crosses T.H. 14 (State Hwy 60).

(d) Upon crossing T.H. 14, the route will continue south approximately 0.25 miles until it enters the Eastwood Substation. The new line will be located west of the existing double circuit 69 kV transmission line.

6. The new 115 kV/115 kV transmission line will parallel existing roadway right-of-way ("ROW") for 86 percent of its route, and Xcel Energy will acquire a 45-foot ROW adjacent to the roadways. Approximately a half-mile of the new route will run cross county and will require an 80-foot ROW.

7. The double circuit line will be constructed on single steel davit arm poles with a concrete caisson foundation. The structure height will range from 85 to 90 feet, and the average

span between structures will be 650 feet. The conductor will be 795 ACSS and the conductor capacity will be approximately 1555 amps.

Procedural History

8. On May 11, 2005, Xcel Energy notified the Minnesota Environmental Quality Board ("MEQB") that it intended to apply for a route permit under the alternative permitting procedures set forth in the MEQB rules, Minn. R. 4400.2000 to 4400.2950. Exhibit 1.

9. On June 14, 2005, Xcel Energy applied to the MEQB for a route permit for a new double-circuit 115 kV/115 kV line connecting the existing Summit to Loon Lake 115 kV transmission line to the Eastwood Substation, and conversion and expansion of the Eastwood Substation from 69 kV to 115 kV. Exhibit 2 ("Application").

10. The MEQB Chair accepted the Application on June 28, 2005. Exhibit 3.

11. On June 29, 2005, Xcel Energy mailed notice of the filing of the Application to persons appearing on the MEQB's general notification list, local officials, and property owners in compliance with Minn. R. 4400.1350, subp. 2. Exhibits 4 and 5.

12. On July 1, 2005, authority for high voltage transmission line permits was transferred from the MEQB to the Commission by the Minnesota Legislature (see S.F. 1368). MEQB Energy Facility Permitting staff ("the EFP") was transferred to the Minnesota Department of Commerce, where they continue to coordinate the routing review process through to the Commission's final decision.

13. On July 2, 2005, Xcel Energy published a notice in the Mankato Free Press announcing the filing of its Application and describing the Project, as provided by Minn. R. 4400.1350, subp. 4. Exhibit 6.

14. On August 11, 2005, the EFP mailed notice to all persons appearing on the Project contact list that a public meeting on the Project would be held August 25, 2005 in the Minnesota Room at the Intergovernmental Center in Mankato, Minnesota from 5 p.m. to 8 p.m., as required by Minn. R. 4400.1550, subp. 2 and 4400.2750, subp. 2. Exhibits 7 and 8.

15. On August 15, 2004, the EFP published a notice in the Mankato Free Press announcing that a public meeting on the Project would be held from 5 p.m. to 8 p.m. on August 25, 2005 at the Intergovernmental Center in Mankato, Minnesota, in compliance with Minn. R. 4400.1550, subp. 2.

16. A public meeting on the Project was held in Mankato, Minnesota on August 25, 2005 in accordance with Minn. R. 4400.2500. The EFP accepted public comments on the scope of the Environmental Assessment ("EA") to be prepared for the Project, and held the record open for written comments on the EA scope until September 9, 2005, as provided by Minn. R. 4400.2750, subp. 2.A. Seven comment letters were received. Exhibit 10.

17. On September 21, 2005, the Commissioner of Commerce issued a Scoping Decision setting the scope of the EA, and the decision was mailed to persons appearing on the Project contact list. Exhibits 11 and 12.

18. On October 17, 2005, the EPF issued the EA for the Project. Exhibit 13. The EPF also mailed a notice of the availability of the EA to the persons appearing on the Project's contact list, as required by Minn. R. 4400.2750, subp. 6. Exhibits 14 and 15.

19. On October 24, 2005, notice of the availability of the EA was published in the MEQB Monitor, in compliance with Minn. R. 4400.2750, subp. 6. Exhibit 16.

20. On November 1, 2005, the EPF mailed a notice to the persons on the Project contact list and to local officials that the public hearing on the EA would be held on November 17, 2005 in the Minnesota River Room at the Intergovernmental Center in Mankato, Minnesota, in compliance with Minn. R. 4400.2850 and Minn. Stat. § 116C.57, subd. 2d. Exhibits 18, 19, and 20.

21. On November 2, 2005, the EFP published a notice for the public hearing on the EA in the Mankato Free Press as required by Minn. R. 4400.2850 and Minn. Stat. § 116C.57. Exhibit 21.

22. Administrative Law Judge Steve M. Mihalchick was appointed to act as the hearing examiner and conduct the public hearing. Exhibit 17.

23. The public hearing on the EA for the Project was held on November 17, 2005 at the Intergovernmental Center in Mankato, Minnesota.

24. The hearing examiner announced at the hearing that the record would remain open for the submission of written comments until close of business on December 1, 2005.

Proposed Route

25. Xcel Energy originally proposed the entire Northeast quadrant of Section 10 in Mankato Township for that segment of the line crossing open country. This area is within the boundaries of Thompson Ravine Road (County Road 3) on the north, T.H. 14 (State Hwy 60) on the south, the section line on the east and the half section line on the west. This was intended by Xcel Energy to allow further discussion among interested parties on the final location of the transmission line in that area.

26. Following discussions with interested parties, all but approximately .5 mile of the proposed route will follow existing road right-of-way. Xcel Energy has requested authorization to construct the transmission line along either side of the adjacent roadway. Xcel Energy has requested a route of 100 feet on either side of roadway ROW, allowing them to select on which side of the road to place the line during final design. On these segments of the line there is no compelling reason for the permit to require one side of the road over the other.

27. No alternative routes were suggested by Xcel Energy or any other party, other than to express preferences for the transmission line to be on a particular side of the road. Those areas all come within the scope of the proposed route.

Discussion of Comments and Testimony

28. The EFP received comments from the following entities or individuals following the public meeting on the Project on August 25, 2005: Ted Halter; Dennis Hodapp; Paul Vogel; the Sohler Family; Drummer Properties; and Anthony and Shirley Baker. Exhibit 10

29. Mr. Hodapp and the Bakers commented that they approved of the route proposed by Xcel Energy.

30. Mr. Halter commented that he did not want the transmission line constructed on his property. Xcel Energy's current route design accommodates this request.

31. Paul Vogel, Mankato's Development Director, commented that 1) the line's construction must conform with the height limits of the nearby Mankato Municipal Airport; 2) Xcel Energy should coordinate with the City on the line's route to avoid conflicts with pending development projects; and 3) the route should take into consideration a planned extension of County Road 12 south to T.H. 14. Xcel Energy's current route design addresses the City's concerns.

32. The Sohler Family commented that it wanted a certain segment of the line's route to run on the east side of 589th Avenue to avoid impacting property that it had on the west side of 589th Avenue. Xcel Energy's current route design accommodates the Sohlers' request.

33. Drummer Properties commented that it wanted to construct holding ponds under the new line, and that it preferred that the planned extension of Adams Road not jog north onto its property because of the line's route. Xcel Energy will work with Drummer Properties on the design and location of the holding ponds. The proposed line route will not impact the proposed alignment of Adams Road.

34. At the public hearing on the Project on November 17, 2005, Mr. David Birkholz appeared on behalf of the EFP and spoke about the permitting process for the Project.

35. Pamela Jo Rasmussen, Team Lead, Siting and Permitting at Xcel Energy, appeared for Xcel Energy and testified regarding the route of the new line.

36. Approximately five members of the public attended the public hearing. All persons who desired to speak were afforded a full opportunity to make a statement on the record.

37. Two members of the public asked questions. Mr. Tim Lidstrom, a commercial realtor, asked several questions on behalf of his clients. He asked whether drainage areas planned by Drummer Properties could be located under the new line, and whether the placement of the line's poles on the north side of the Eastwood Substation would require the planned extension of Adams Road to curve onto the Drummer property.

38. Ms. Rasmussen explained that Xcel Energy intended to place the poles for the new transmission line parallel to the poles for the existing Wilmarth-to-Eastwood 69 kV transmission line entering the Eastwood Substation, and that it would work with Drummer Properties on this design to accommodate drainage concerns.

39. Ms. Rasmussen further explained that because the poles for the new line would be placed in the same area as the existing poles for the Wilmarth-to-Eastwood line, there may at most need to be a slight curvature to the extension of Adams Road, and that Xcel Energy would work with Drummer Properties to address that issue.

40. Mr. Lidstrom then asked about whether the portion of the line running from Thompson Ravine Road south to T.H. 14 would need an 80-foot easement as it ran along the east side of Power Drive.

41. Ms. Rasmussen explained that when Xcel Energy originally submitted its Application it did not realize that Power Drive would be constructed so soon. Because the new line will run along and overhang Power Drive, only a 45-foot easement on adjacent landowner property will be required, not an 80-foot easement. Ms. Rasmussen told Mr. Lidstrom that Xcel Energy could provide him with a drawing depicting a transmission line overhanging a roadway with a 45-foot easement over adjacent private property, and that Xcel Energy could discuss with his client how the easement would run on the client's property.

42. Tim Lisson, an Xcel Energy Land Rights Agent, subsequently sent an email to Mr. Lidstrom explaining how the 45–foot easement is measured, and that he had been in contact with Mike Drummer regarding the ponds and parking he wished to locate under the transmission line and the Adams Street extension. Exhibit 22.

43. Mr. Kevin Moeri asked whether the new line could tap off the Loon Lake line and run down the west side of County Road 12 rather than the east side, where it would be located on his family's property.

44. Ms. Rasmussen explained that the elevation of the property on the west side of County 12 would require taller structures to support the line, and that the taller structures would not meet the clearance requirements of the nearby Mankato Municipal Airport. She told Mr. Moeri that Xcel Energy would work with his family on determining the best placement of the line's structures on their property given the technical requirements that must be met when locating the structures.

45. Ms. Rasmussen subsequently sent a letter to Mr. Moeri's family detailing why the line's placement on the west side of County Road 12 would interfere with airport clearance requirements. Exhibit 23.

46. Xcel Energy also submitted draft findings of fact and conclusions of law for EFP's consideration, which were reviewed and incorporated into this document as appropriate.

Applicable Statutory Conditions

47. Minn. Stat. § 116C.57, subd. 4 provides as follows:

The Commission's site and route permit determinations must be guided by the state's goals to conserve resources, minimize environmental impacts, minimize human settlement and other land use conflicts, and ensure the state's electric energy security through efficient, cost-effective power supply and electric transmission infrastructure. To facilitate the study, research, evaluation and designation of sites and routes, the Commission shall be guided by, but not limited to, the following considerations:

(1) Evaluation of research and investigations relating to the effects on land, water and air resources of large electric power generating plants and high voltage transmission lines and the effects of water and air discharges and electric and magnetic fields resulting from such facilities on public health and welfare, vegetation, animals, materials and aesthetic values, including baseline studies, predictive modeling, and evaluation of new or improved methods for minimizing adverse impacts of water and air discharges and other matters pertaining to the effects of power plants on the water and air environment;

(2) Environmental evaluation of sites and routes proposed for future development and expansion and their relationship to the land, water, air and human resources of the state;

(3) Evaluation of the effects of new electric power generation and transmission technologies and systems related to power plants designed to minimize adverse environmental effects;

(4) Evaluation of the potential for beneficial uses of waste energy from proposed large electric power generating plants;

(5) Analysis of the direct and indirect economic impact of proposed sites and routes including, but not limited to, productive agricultural land lost or impaired;

(6) Evaluation of adverse direct and indirect environmental effects that cannot be avoided should the proposed site and route be accepted;

(7) Evaluation of alternatives to the applicant's proposed site or route proposed pursuant to subdivisions 1 and 2;

(8) Evaluation of potential routes that would use or parallel existing railroad and highway rights-of-way;

(9) Evaluation of governmental survey lines and other natural division lines of agricultural land so as to minimize interference with agricultural operations;

(10) Evaluation of the future needs for additional high voltage transmission lines in the same general area as any proposed route, and the advisability of ordering the

construction of structures capable of expansion in transmission capacity through multiple circuiting or design modifications;

(11) Evaluation of irreversible and irretrievable commitments of resources should the proposed site or route be approved; and

(12) When appropriate, consideration of problems raised by other state and federal agencies and local entities.

If the Commission's rules are substantially similar to existing regulations of a federal agency to which the utility in the state is subject, the federal regulations must be applied by the Commission.

No site or route shall be designated which violates state agency rules.

Applicable Rule Considerations

48. Minn. Rules part 4400.3150 provides as follows:

In determining whether to issue a permit for a large electric power generating plant or a high voltage transmission line, the Commission shall consider the following:

(a) Effects on human settlement, including, but not limited to, displacement, noise, aesthetics, cultural values, recreation, and public services;

(b) Effects on public health and safety;

(c) Effects on land-based economies, including, but not limited to, agriculture, forestry, tourism, and mining;

(d) Effects on archaeological and historic resources;

(e) Effects on the natural environment, including effects on air and water quality resources and flora and fauna;

(f) Effects on rare and unique natural resources;

(g) Application of design options that maximize energy efficiencies, mitigate adverse environmental effects, and could accommodate expansion of transmission or generating capacity;

(h) Use or paralleling of existing rights-of-way, survey lines, natural division lines, and agricultural field boundaries;

(i) Use of existing large electric power generating plant sites;

(j) Use of existing transportation, pipeline, and electrical transmission systems or rights-of-way;

(k) Electrical system reliability;

(l) Costs of constructing, operating, and maintaining the facility which are dependent on design and route;

(m) Adverse human and natural environmental effects which cannot be avoided; and

(n) Irreversible and irretrievable commitments of resources.

Potential Impacts

49. The proposed route is located just northeast and east of the city of Mankato in Lime and Mankato Townships, Blue Earth County. The area between the Summit-Loon Lake transmission line and the Eastwood Substation is primarily agricultural. The area to the west is rapidly developing. Several commercial, industrial, and residential developments are being constructed or planned along T.H. 22, County Road 12, and Thompson Ravine Road. The Mankato Municipal Airport is directly north of the Project area.

50. During construction, there will be a small positive socioeconomic impact on the community due to the expenditures of the construction crews in the local community.

51. The Project will not displace any residential homes or businesses.

52. The Project will create only nominal corona or noise impacts and no mitigative measures are necessary.

53. The aesthetic impacts of the Project will not be significant. The proposed route utilizes existing corridors and avoids homes to the greatest extent practicable. While the transmission line poles will be in contrast to the primarily agricultural land in the north, the area to the west of the line as it approaches the Eastwood Substation is rapidly developing and includes a mixture of residential, commercial, and industrial land uses. The contrast will be lessened due to that development.

54. The transmission line will be designed in compliance with the requirements of the National Electric Safety Code, state, local, and Xcel Energy standards regarding clearance to ground, clearance to crossing utilities, clearance to buildings, strength of materials, and ROW widths. The transmission line will be equipped with protective devices to safeguard the public from the transmission line if an accident occurs, such as a structure or conductor falls to the ground. The protective devices are breakers and relays located where the line connects to the substation. The protective equipment will de-energize the line should such an event occur. In addition, the substation facility will be fenced and access limited to authorized personnel. Proper signage will be posted warning the public of the risk of coming into contact with the energized equipment.

55. The issue of electric and magnetic field ("EMF") exposure is discussed in the EA. Exhibit 13 at 14-16. There is at present insufficient evidence to demonstrate a cause and effect relationship between EMF exposure and adverse health effects. There are no state or federal

health-based exposure standards. The Minnesota Department of Health recommends avoiding exposures about which there are questions of safety or health, at least to the extent that an activity can be avoided easily or cheaply. The Department has stated that it is prudent to continue to monitor research in this area.

56. Xcel Energy calculates that the ground level magnetic field expected when the new line is conducting electricity under average operating conditions is approximately 133 milligauss directly below the line, and 149 milligauss at peak operating conditions. The only two states that have established standards are Florida (a 150 milligauss limit) and New York (a 200 milligauss limit. The maximum magnetic field expected from the new line is within those limits.

57. In the past, the MEQB has included a condition in high voltage transmission line permits limiting electric field exposure to 8 kV per meter at one meter above ground. This permit condition was designed to prevent serious hazard from shocks when touching large objects, such as semi tractor trailers or large farm equipment under extra high voltage transmission lines of 500 kV or greater. The proposed line would create a maximum field of approximately 2.52 kV per meter at one meter above the ground, which is below this limit.

58. There are several recreation facilities near the Project, but the construction and operation of the facilities will not directly impact these resources. To the extent practicable, Xcel Energy has proposed that the line be located in existing corridors such as county and township roads and railroad corridors. This will minimize the visual impact to the surrounding recreational resources.

59. Approximately 1,421 square feet (0.03 acres) of agricultural land will be permanently impacted by the proposed project. Permanent impacts will occur due to the placement of the transmission line poles. Temporary impacts may include soil compaction and crop damage within the ROW.

60. To minimize loss of farmland and to ensure reasonable access to the land near the poles, Xcel Energy intends to place the poles approximately five feet from the roadway and highway ROW. When possible, Xcel Energy will attempt to construct the transmission line before crops are planted or following harvest. The Company will compensate landowners for crop damage and soil compaction that occurs as a result of the Project. Soil compaction will be addressed by compensating the farmer to repair the ground or by using contractors to chisel plow the site.

61. The Mankato Municipal Airport is located northeast of where the new 115 kV/115 kV line will tap the existing Summit-Loon Lake transmission line. Xcel Energy has consulted with the airport engineer to assure there are no conflicts with the airport's requirements. The Mankato Airport Engineer verified that the proposed structure nearest to the existing runway provides approximately 20 feet of clearance from the top of the structure to the bottom of the 7:1 transition airspace surface. This distance meets the appropriate clearances required by the airport.

62. The line will parallel exiting roadways and railroad rights-of-way for 86 percent of the route. The transmission line will not affect transportation systems, however, except for minor impacts during the construction period.

63. The Project will not impact any active mining operations, and there is no forested land-based industry within the vicinity of the Project.

64. The area to the west of the Project is rapidly being developed, as commerce and industry move eastward from the city of Mankato. In its application, Xcel Energy identified the entire Northwest quadrant of Section 10 in Mankato Township as part of the proposed route because it was in the process of working with interested parties to determine the best placement of the line to accommodate future development projects planned for the area. In agreement with city officials and landowners, the final proposed route runs along the northernmost and westernmost edges of the quadrant.

65. The State Historical Preservation Office informed Xcel Energy that there are no properties listed on the National or State Registers of Historic Places, and no known or suspected archaeological properties, will be affected by the Project.

66. The Project area presently meets all federal air quality standards. The only potential air emissions from a 115 kV transmission line result from corona and are limited. During construction of the proposed transmission line and substation there will be limited emissions from vehicles and other construction equipment, and fugitive dust from ROW clearing. Adverse impacts to the surrounding environment will be minimal because of the short and intermittent nature of the emission and dust-producing construction phases.

67. No impacts to water bodies or wetlands are anticipated. During construction there is the possibility of sediment reaching surface waters as the ground is disturbed by excavation, grading, and construction traffic. The surface water resources that could be affected by the construction of the transmission line are Hodapp Marsh (76W) and Eagle Lake (60P), which are DNR Public Waters and Public Water Wetlands. Once the project is complete it will have no impact on surface water quality.

68. Xcel Energy attempts to avoid placing poles in wetlands. If placement of poles in wetlands is necessary, Xcel Energy will minimize impacts by using special construction mats or construct during frozen ground conditions to limit disturbance and compaction. If areas of the wetland are disturbed, Xcel Energy will restore the area to preconstruction contours and will allow the existing seed bank to revegetate the area. Any soil removed from the wetlands will not be placed back into the wetland. However, the proposed route does not intersect any designated wetlands.

69. There is a potential for temporary displacement of wildlife during construction and the loss of small amounts of habitat from the Project. Wildlife that inhabit the trees that will be removed for the transmission lines will likely be displaced. Comparable habitat is adjacent to the route, and it is likely that these organisms would only be displaced a short distance. Avian collision is a possibility after the completion of the transmission line, but Xcel Energy transmission line design standards eliminate the risk of avian electrocution.

70. Impacts to trees may occur where the new transmission line parallels County Road 12 and as the line enters the Eastwood Substation. The area of trees that will be impacted by the Project is expected to be approximately 0.1 acres (4,050 ft^2). To minimize impacts to trees in the Project corridor, Xcel Energy will only remove trees located in the right-of-way for the transmission lines, or that would impact the safe operation of the facility.

71. Nine known occurrences of rare species or special communities have been identified within the vicinity of the proposed route, according to the Department of Natural Resources ("DNR") Natural Heritage Database. Racers, Mucket Mussels, Paddlefish and Bald Eagles were identified. Mesic Prairie and Floodplain Forest Silver Maple were also identified. However, based on the nature and location of the Project, the DNR does not believe any of these known occurrences of rare and unique resources would be affected.

Costs

72. Xcel Energy has done a preliminary estimate of the cost of the Project, which is $1.35 million.

Environmental Assessment

73. The Environmental Assessment addressed the issues identified in the Commerce Commissioner's Scoping Decision.

Based on the foregoing Findings of Fact, the Commission makes the following:

CONCLUSIONS

1. Any of the foregoing Findings more properly designated as Conclusions are hereby adopted as such.

2. The Commission has jurisdiction over the subject matter of this proceeding pursuant to Minn. Stat. §116C.57, subd. 2.

3. This Project qualifies for review under the Alternative Review Process of Minn. Stat. §116.575 and Minn. Rules parts 4400.2000 to 4000.2950.

4. The Applicant and the EFP have complied with all procedural requirements required by law.

5. The EFP has completed an Environmental Assessment on this Project as required by Minn. Stat. §116C.575, subd. 5 and Minn. Rules part 4400.2750, and considered all the pertinent factors in determining whether the route should be approved.

6. The conditions included in the Route Permit are reasonable and appropriate.

Based on the Findings of Fact and Conclusions contained herein and the entire record of this proceeding, the Commission hereby makes the following:

ORDER

A Route Permit is hereby issued to Xcel Energy for construction of a 3.5-mile double-circuit 115 kV/115 kV transmission line connecting the existing Summit to Loon Lake 115 kV transmission line south to the Eastwood Substation, and conversion and expansion of the Eastwood Substation from 69 kV to 115 kV. The Route Permit shall be issued in the form attached hereto, with a map showing the approved route.

Approved and adopted this 4 day of January, 2006

BY ORDER OF THE COMMISSION

Burl W. Haar,
Executive Secretary