

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

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SERVICE DATE: December 1, 2008

DOCKET NO. E-002/TL-07-1407

In the Matter of Xcel Energy's Request for Approval of a Minor Alteration of the Lake Yankton to Southwest Marshall Transmission Line Route Permit

The above entitled matter has been considered by the Commission and the following disposition made:

Granted Xcel Energy's request for a minor alteration as detailed in its October 24, 2008, filing.

Determined that the minor alteration satisfies the conditions set forth in the October 20, 2008 Order granting reconsideration of the A-1 segment of the approved route permit.

The Commission agrees with and adopts the recommendations of the Office of Energy Security which are attached and hereby incorporated in the Order.

BY ORDER OF THE COMMISSION



Burl W. Haar
Executive Secretary

(S E A L)

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BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

**COMMENTS AND RECOMMENDATIONS OF THE
MINNESOTA OFFICE OF ENERGY SECURITY
ENERGY FACILITY PERMITTING STAFF**

DOCKET NO. E-002/TL-07-1407

Meeting Date: November 25, 2008.....* Agenda Item # 6

Company: Xcel Energy

Docket No.: **E-002/TL-07-1407**

**In the Matter of Xcel Energy’s Request for Approval of a Minor Alteration
of the Lake Yankton to Southwest Marshall Transmission Line Route Permit**

Issue(s): Should the Commission grant the request for a minor alteration of the Lake Yankton to Southwest Marshall Transmission Line Route Permit?

OES Staff: Deborah Pile..... 651-297-2375
Scott Ek..... 651-296-8813

RELEVANT DOCUMENTS (in Commission Packet)

Order and Route Permit August 29, 2008
Order Granting Reconsideration October 20, 2008
Application for Approval of Minor Alteration October 24, 2008

The enclosed materials are work papers of the Office of Energy Security (OES) Energy Facility Permitting (EFP) staff. They are intended for use by the Minnesota Public Utilities Commission (the Commission) and are based on information already in the record unless otherwise noted.

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DOCUMENTS ATTACHED

- Figure 1 – Revised Kauffman Alternative

Note: Relevant documents and additional information can be found on eDockets (E-002/TL-07-1407) or the facilities permitting website at <http://energyfacilities.puc.state.mn.us/Docket.html?Id=19448>.

STATEMENT OF THE ISSUE

Should the Commission grant the request for a minor alteration of the Lake Yankton to Southwest Marshall Transmission Line Route Permit?

INTRODUCTION AND BACKGROUND

The Minnesota Public Utilities Commission issued an Order on August 29, 2008, granting a route permit to Xcel Energy for the Lake Yankton to Southwest Marshall transmission line project, a new 15.7 mile 115 kilovolt (kV) high voltage transmission line between the Company's existing Lake Yankton substation in Lyon County and the existing Southwest Marshall substation in Lyon County.

Homeowners and landowners at the junction of 250th Street and County Road 7, Marshall, Lyon County, Minnesota (Petitioners), collectively filed a Petition after the Commission Decision on September 17, 2008. The petition requested the Commission to consider reopening the record and examine a new alternative (Kauffman Alternative) that was not previously presented during the routing process.

During the October 8, 2008, meeting the Commission reopened the record to consider the Kauffman Alternative to the A-1 segment of the route permit and affirmed the August 29, 2008, Order relating to all unchallenged portions of the route in the subsequent October 20, 2008, Order.

In an effort to satisfy the October 20th Order granting reconsideration of the Kauffman Alternative, Xcel Energy filed an application for Approval of Minor Alteration on October 24, 2008, requesting the Commission approve a minor alteration of the project permit.

MINOR ALTERATION REQUEST

Xcel Energy states in their application that on October 13, 2008, land agents met with the affected landowners to review the Kauffman Alternative. Further examination and discussion of the Kauffman Alternative resulted in a technically feasible route segment (Revised Kauffman Alternative) that is acceptable to both the Petitioners and Xcel Energy. A figure illustrating the alternative route segment is attached.

The Revised Kauffman Alternative would turn north from the south side of 250th Street and follow the north-south property boundary between Highway 59 Company, LLC, and Joseph Cauwels for approximately 1,375 feet, entirely within the Cauwels property. The route would turn east at the 1,375 foot mark and run along the east-west property boundary between Joseph Cauwels and Wild Brother, LLC, for approximately 1,500 feet where it would veer north-northeast for approximately 661 feet and then east-northeast for approximately 589 feet connecting with the approved route along the west side of 240th Avenue.

The transmission right-of-way (easement area) width requirement for the Revised Kauffman Alternative would be 75 feet wide. The Revised Kauffman Alternative would be constructed with the conditions specified in the August 29, 2008, Order relating to the unchallenged portions of the route.

Information provided by Xcel Energy in the October 24, 2008, Minor Alteration Application indicated the following:

- Approved route segment A-1 and the Revised Kauffman Alternative are approximately the same length.
- The Revised Kauffman Alternative would not impact any homes within 100 to 200 feet, whereas the approved route segment A-1 would impact one home within 100 feet and eight homes within 200 feet.
- The Revised Kauffman Alternative would require approximately 4,000 of new right-of-way through agricultural land as compared to zero feet with the approved route segment A-1. Additionally, approved route segment A-1 follows 4,500 feet of existing road right-of-way and the Revised Kauffman Alternative would not utilize any existing road rights-of-way.
- The affected landowners have reviewed and support the proposed minor alteration (Revised Kauffman Alternative).
- The owners of the land on which the Revised Kauffman Alternative would be routed (Joseph Cauwels and Wild Brother, LLC) have agreed with Xcel Energy on the easements that would be required should the minor alteration request be approved.
- Greg Mathiowetz with Highway 59 Company, LLP, the company that owns the property abutting the Revised Kauffman Alternative to the west, does not object to the Revised Kauffman Alternative, as it would not require acquisition of land from the Highway 59 Company.

REGULATORY PROCESS AND PROCEDURES

The Commission is authorized under Minnesota Rule 7849.5980 to approve a minor alteration to a transmission line route permit provided the alteration does not result in significant changes in the human or environmental impact of the facility. The Commission has 10 days after the close of the public comment period to decide whether to authorize a minor alteration.

Xcel Energy filed an application for Approval of Minor Alteration on October 24, 2008.

On October 30, 2008, the Commission sent a notice to solicit comments on Xcel Energy's request for a minor alteration to those persons on the general list and the project contact list for this docket. Comments on the minor alteration were accepted through November 17, 2008. No public comments were received.

STAFF ANALYSIS AND COMMENT

Staff finds that Xcel Energy's submissions have been filed in a timely-manner and have sufficiently addressed the procedural requirements of Minnesota Rule 7849.5980.

Staff has reviewed the request for a minor alteration and concurs with Xcel Energy that the modification to the approved route (Revised Kauffman Alternative) will not result in significant changes in the human or environmental impacts of the facility.

Further, staff believes that the minor alteration would satisfy the Commission's October 20, 2008, Order granting reconsideration of the A-1 segment.

COMMISSION DECISION OPTIONS

- A. Grant Xcel Energy's request for a minor alteration as detailed in its October 24, 2008, filing.
- B. Determine that the minor alteration satisfies the conditions set forth in the October 20, 2008, Order granting reconsideration of the A-1 segment of the approved route permit.
- C. Determine that the requested alteration is not minor and requires a full permitting decision.
- D. Make another decision deemed more appropriate.

EFP Staff Recommendation: Staff recommends Decision Option A and B.

FIGURE 1 – REVISED KAUFFMAN ALTERNATIVE

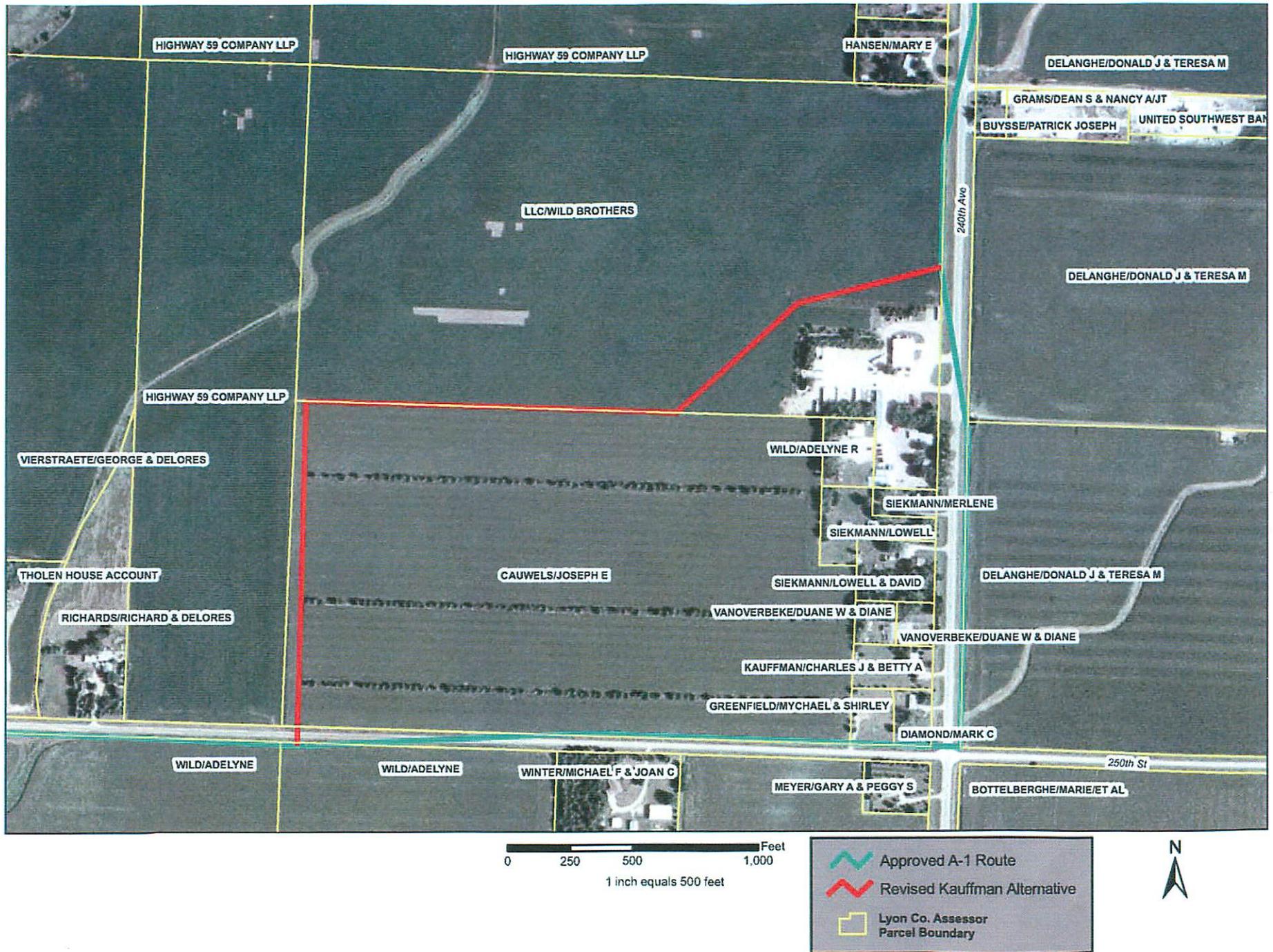


Figure referenced from the Xcel Energy, Application for Approval of Minor Alteration, October 24, 2008.

STATE OF MINNESOTA)
)SS
COUNTY OF RAMSEY)

AFFIDAVIT OF SERVICE

I, Robin Benson, being first duly sworn, deposes and says:

That on the 1st day of December, 2008 she served the attached
ORDER.

MNPUC Docket Number: E-002/TL-07-1407

- XX By depositing in the United States Mail at the City of St. Paul, a true and correct copy thereof, properly enveloped with postage prepaid
- XX By personal service
- XX By inter-office mail

to all persons at the addresses indicated below or on the attached list:

Mike Kaluzniak
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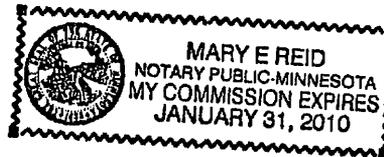
Robin Benson

Subscribed and sworn to before me,

a notary public, this 1 day of

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