

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

David Boyd
J. Dennis O'Brien
Phyllis Reha
Thomas Pugh
Betsy Wergin

Chair
Commissioner
Commissioner
Commissioner
Commissioner

<p>In the Matter of the Route Permit Application for the Southdale to Scearcyville 115 kilovolt Transmission Line and Breaker Station</p>	<p>ISSUE DATE: April 9, 2009 DOCKET NO. ET2/TL-08-712 FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER ISSUING A ROUTE PERMIT TO GREAT RIVER ENERGY AND MINNESOTA POWER FOR THE SOUTHDALE TO SCEARCYVILLE 115 KILOVOLT TRANSMISSION LINE AND BREAKER STATION PROJECT</p>
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The above-captioned matter came before the Minnesota Public Utilities Commission (Commission) on March 19, 2009, acting on an application by Great River Energy and Minnesota Power (applicants), for a route permit to construct a new 9.3-mile transmission line and breaker station in the city of Baxter and Sylvan Township in Crow Wing and Cass counties, Minnesota.

A public hearing was held on January 22, 2009, at the Cragun's Conference Center in Brainerd, Minnesota. The hearing was presided over by Judge Steve Mihalchick, Administrative Law Judge (ALJ) for the Minnesota Office of Administrative Hearings (OAH). The hearing continued until all persons who desired to speak had done so. The comment period closed on February 6, 2009, at 4:30 p.m.

STATEMENT OF ISSUE

Should the Commission find that the environmental assessment and the record adequately address the issues identified in the scoping decision? Should the Commission issue a route permit identifying a specific route and permit conditions for the proposed Southdale to Scearcyville 115 kV transmission line and breaker station?

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

FINDINGS OF FACT

The Applicants

1. The applicants are Great River Energy, a not-for-profit generation and transmission cooperative based in Maple Grove, Minnesota, and Minnesota Power, an investor-owned utility headquartered in Duluth, Minnesota.
2. Great River Energy will construct, own, and operate the entire proposed 115 kV transmission line and Minnesota Power will construct, own, and operate the underbuilt 34.5 kV distribution line segment and the proposed breaker station.

The Project

3. The applicants propose to construct an approximate 9.3-mile 115 kV transmission line and build a new 115 kV breaker station. The route permit application, maps, appendices, and other documents relevant to the proposed project were made available to the public through the Commission's Energy Facility and eDockets websites.¹
4. The project is located in Crow Wing and Cass counties, Minnesota.
5. The purpose of the project is to add a second 115 kV source to the area; thereby providing for a more reliable transmission system.
6. The transmission line will be supported by single pole wood or steel structures with horizontal post insulators, which will be approximately two to four feet in diameter, span 300 to 400 feet in length, and range from 65 to 80 feet in height. In cases where longer spans are required, a braced post insulator design may be utilized. Poles will be erected by directly embedding the pole 10 to 15 feet into an excavation roughly three to four feet greater than the pole diameter. Areas where existing distribution lines are present the poles will be taller (75 to 90 feet) and designed to underbuild the distribution lines below the 115 kV circuit. Anchors and support cables or specialty structures will be required where the transmission line alignment angles or turns.
7. The three phases for this project will each consist of one 795 steel supported aluminum conductor or ACSS. The ACSS conductors are 795,000 circular mils or approximately 1.1 inches in diameter and comprised of seven steel wires in the center surrounded by 26 aluminum strands. There will also be shield wires strung above the phases to prevent damage from potential lightning strikes. The shield wire may include a fiber optic cable that allows for substation protection equipment to communicate with other terminals on the line.

¹ Documents relevant to the proposed Great River Energy and Minnesota Power 115 kV transmission are on the Commission's Energy Facilities website at: <http://energyfacilities.puc.state.mn.us/Docket.html?Id=19642>

8. The route can be divided into the following three route segments.
 - a. Segment 1 - The transmission line route starts in the west Baxter area and connects with Great River Energy's existing "CW-BS" 115 kV line approximately 1.5 miles south of where it exits the Southdale substation. The proposed 115 kV route proceeds west for 3.3 miles following within the same right-of-way as Minnesota Power's existing 34.5 kV distribution line to County Highway 36 with the new 115 kV structures designed to support an underbuild of the existing MP 34.5 kV distribution line for this portion of the route segment.
 - b. Segment 2 - The proposed route would head north at County Highway 36 and would run along County Highway 36 for approximately 1.6 miles no longer carrying the existing MP 34.5 kV distribution line. At the 1.6 mile mark the proposed route would head west onto Minnesota Power-owned property and cross at a point 50 feet south of the north property boundary for approximately 0.5 miles to Little Pine Road. The proposed transmission line would turn north following Little Pine Road for approximately 0.3 miles to State Highway 210.
 - c. Segment 3 - The proposed route would head west along State Highway 210 for approximately 1 mile to County Highway 18. At County Highway 18 the route turns north following along County 18 for 1.9 miles with structures designed to support an underbuild of the existing distribution line for this portion of the route segment. At 1.9 miles the route turns northeast following the existing Minnesota Power transmission right-of-way for 0.6 miles finally connecting to the new breaker station.
9. The breaker station will be constructed on approximately 10 acres of land and enclosed by a perimeter fence for security. The site location will likely require grading prior to construction. A construction schedule will be developed and based on permit requirements, existing transmission line outage restrictions, weather, road restrictions, and mitigation or impact minimization. The breaker station will serve as the termination point for the proposed 115 kV transmission line and will be connected to Minnesota Power's existing 115 kV "24" transmission line by two new 115 kV lines approximately 0.1 miles in length total. A "lattice box" or low-profile structure design will be used for the construction of the breaker station, with the 115 kV transmission line termination towers being the tallest structure at 45 feet above grade. A 280 foot by 290 foot fenced-in enclosure will house 115 kV switch structures, capacitors, breakers, and a control building.
10. The applicants request a route of varying widths.
 - a. A 100 foot route width from the interconnect near the Southdale substation to County Highway 36.
 - b. There are two areas of Segment 1 where a route width greater than 100 feet is requested; a triangle-shaped area in the northeast quarter of the southeast quarter of Section 22, T133N, R29W (700 foot width) and the area from the Cass/Crow Wing border to County Highway 36, Section 21, T133N, R29W (450-650 foot width).

- c. A 200 foot route width, 100 feet on either side of the road centerline for the portion of Segment 2 that would run along County Highway 36.
- d. A 100 foot route width where the new line would traverse Minnesota Power-owned property between County Highway 36 and Little Pine Road.
- e. A 140 foot route width, 70 feet on either side of the road centerline, along the portion of the project that would follow along Little Pine Road
- f. A 535 foot route width along State Highway 210 from the Crow Wing County Line to County Highway 18.
- g. A 180 foot route width along County Highway 18 (90 feet on each side of road centerline) to the existing Minnesota Power transmission right-of-way.
- h. A 400 foot route width centered along the existing Minnesota Power transmission right-of-way.

The applicants would acquire a much smaller easement for construction and maintenance of the proposed project, within the requested route width(s).

11. The right-of-way width requirement for the entire 115 kV transmission line project would range from 70 to 100 feet in width depending on reliability, safety, and structure design types. A 100 foot right-of-way may be needed in some areas of the route to accommodate longer spans or other special design requirements identified during the final survey and depends on conductor blowout and the recommended clearances to obstructions along the proposed route.
12. The portions of the proposed transmission alignment that would parallel the County Highway 36, Little Pine Road, State Highway 210 and County Highway 18 would be centered within a 70 foot right-of-way. The proposed route would will be centered on a 100 foot right-of-way in Segment 1 where the new transmission line carries the Minnesota Power 34.5 kV distribution line and follows the existing alignment. When the transmission alignment is adjacent to a Public Waters Inventory (PWI) water body, the right-of-way would be limited to 70 feet when within 100 feet of the PWI. H-frame structures, if used, would also require at least a 100 foot wide right-of-way.
13. When the proposed transmission line is adjacent to a roadway it would share the existing road right-of-way and an easement of lesser width (25 feet, as indicated by the applicants) may be required from the landowner depending on road configuration and structure requirements. In areas not located along roadways or existing utility rights-of-way, the applicants would seek a permanent easement from landowners allowing the right to construct, operate, and maintain the transmission line for the full width and length of the right-of-way.

Procedural History

14. On June 18, 2008, the applicants filed a letter with the Commission noticing their intent to submit a route permit application under the alternative permitting process set forth in Minnesota Rules 7849.5500 to 7849.5720.²
15. On July 17, 2008, the applicants filed a route permit application for a 9.3-mile 115 kV transmission line to be constructed in the city of Baxter and Sylvan Township in Crow Wing and Cass counties, Minnesota.³⁴
16. The Commission determined that the project is eligible for the alternative permitting process of the Power Plant Siting Act, Minnesota Statute 216E.04 and Minnesota Rule 7849.5500, and accepted the application as complete on August 15, 2008.⁵
17. On August 21, 2008, the Office of Energy Security (OES) and the applicants mailed a combined Notice of Application for a Route Permit and Public Information Meeting to those persons whose names are on the general list maintained by the Commission for this purpose, local and regional officials, and property owners in compliance with Minnesota Rule 7849.5550.⁶
18. On August 26 and 27, 2008, The OES and the applicants mailed a combined Re-Issued Notice of Application for a Route Permit and Public Information Meeting to those persons whose names are on the general list maintained by the PUC for this purpose, local and regional officials, and property owners in compliance with Minnesota Rule 7849.5550.⁷
19. The applicants published Notice of Application for a Route Permit and Public Information Meeting in the *Pilot-Independent* (September 10 and 17, 2008), the *Brainerd Dispatch* (September 11 and 22, 2008), and the *Pine River Journal* (September 11 and 18, 2008) in compliance with Minnesota Rule 7849.5570.⁸
20. In accordance with Minnesota Rules 7849.5570, OES staff held a public information and environmental assessment scoping meeting on September 23, 2008, at the Cragun's Conference Center in Brainerd, Minnesota, to discuss the project with the public and gather public input for the scope of the environmental assessment to be prepared. Approximately 45 people attended the meeting.
21. On September 25, 2008, the applicants mailed a Notice Regarding Rejected Routes E and F to landowners along routes E and F.⁹
22. On October 3, 2008, OES mailed and emailed a Notice of Public Focus Group Meeting to persons on the OES project contact list and individuals who had submitted comments during the environmental assessment scoping comment period.¹⁰

² Exhibit 1.

³ Exhibit 2.

⁴ Exhibit 3.

⁵ Exhibit 6.

⁶ Exhibit 7.

⁷ Exhibit 8.

⁸ Exhibit 9.

⁹ Exhibit 11.

¹⁰ Exhibit 12.

23. The public comment period on the scope of environmental assessment closed on October 6, 2008. The OES received 81 comment letters during the scoping comment period.¹¹ The majority of letters received by EFP staff from the public requested that the environmental assessment examine not only the proposed route, but several of the alternatives routes previously evaluated by the applicants, that were not included in the route permit application.¹² These routes included Alternatives A through F.
24. A public focus group meeting was held on October 7, 2009, at the Country Inn and Suites Meeting Room in Baxter, Minnesota. Approximately 35 people attended the meeting. Citizens in attendance at the focus group meeting were in agreement that the environmental assessment should at a minimum examine previously rejected route alternatives A, C, and F.
25. A Notice of Correction to the Route Permit Application was submitted to the Commission by the applicants on October 22, 2008. The document contained corrected versions of page 4-1 that was edited to correct errors in Table 4-1 and corrected versions of pages 4-2, 4-6, 4-8, 4-10, and 4-12 that were corrected to reflect changes made to Table 4-1.¹³
26. The scoping decision for the environmental assessment was signed by the Director of the OES on October 22, 2008, and was filed with the Commission and made available to the public on October 27, 2008, as provided in Minnesota Rule 7849.5700, subpart 3.¹⁴
27. On October 27, 2008, and November 4 and 7, 2008, the OES mailed the Scoping Decision to persons on the OES project contact list and landowners along the preferred and alternative routes.¹⁵

Environmental Assessment

28. The environmental assessment was filed with the Commission and made available on January 6, 2009.¹⁶ At the Commission's March 19, 2009 hearing, the OES submitted errata for pages 35 – 37 and 39 – 41, which are hereby accepted.
29. The environmental assessment was prepared in accordance with Minnesota Rule 7849.5700, subpart 4, and contained all the information required.
30. The environmental assessment evaluated the applicants' proposed route along with six alternative routes (A through F) identified in the applicants' route permit application. All of the six alternatives share at least one common segment with the proposed route as identified in Finding 8.
 - a. Alternative A – The route starts at the Southdale substation and heads east to State Highway 371. The route follows State Highway 371 north to State Highway 210 where the route turns west and follows along State Highway 210, joining with Segment 2 of the proposed route at County Highway 36.

¹¹ Exhibit 26.

¹² Exhibit 10.

¹³ Exhibit 13.

¹⁴ Exhibit 15.

¹⁵ Id.

¹⁶ Exhibit 16.

- b. Alternative B – The route starts at the Southdale substation and heads west along Mapleton Road where it joins with Segment 2 of the proposed route at County Highway 36.
- c. Alternative C – The route follows the proposed route Segment 1 from the Southdale substation west. At the Crow Wing-Cass county line the route would turn north, centered on the county line to State Highway 210 where the route would turn west and follow State Highway 210, joining with Segment 2 of the proposed route at Little Pine Road.
- d. Alternative D – The route shares all three segments of the proposed route except for the area that traverses the Minnesota Power-owned land west from County Highway 36 to Little Pine Road. The route instead continues north along County Highway 36 to State Highway 210, following State Highway 210 west, re-joining with Segment 2 of the proposed route at Little Pine Road.
- e. Alternative E - The route follows the proposed route Segment 1 from the Southdale substation west. At County Highway 36 the route instead continues following the existing Minnesota Power distribution line south-southwest towards the Crow Wing River and to the point where the existing right-of-way intersects County Highway 18. The route follows along 21st Avenue SW to State Highway 210. The route crosses State Highway 210 and proceeds north along Upper Sylvan Road. At the end of Upper Sylvan Road the route would continue north cross-country to the existing Minnesota Power transmission right-of-way and would follow the right-of-way north-northeast to the proposed breaker station location.
- f. Alternative F - The route follows the proposed route Segment 1 from the Southdale substation west. At County Highway 36 the route instead continues following the existing Minnesota Power distribution line south-southwest towards the Crow River and to the point where the existing right-of-way intersects County Highway 18. The route follows along 21st Avenue SW to State Highway 210. The route turns east and follows State Highway 210, joining Segment 3 of the proposed route at County Highway 18.

Public Hearing

- 31. On January 6, 2009, the OES mailed a combined Notice of Public Hearing and Availability of Environmental Assessment to those persons whose names are on the OES project contact list, local and regional officials, and property owners in compliance with Minnesota Statute 216E.03, subdivision 6.¹⁷
- 32. Pursuant to Minnesota Statutes 216E.03, subdivision 6, the applicants published combined Notice of Public Hearing and Availability of Environmental Assessment in the *Brainerd Dispatch* (January 9, 2009).¹⁸

¹⁷ Exhibit 17.

¹⁸ Exhibit 18.

33. Pursuant to Minnesota Rule 7849.5700, subpart 6, the OES published combined Notice of Public Hearing and Availability of Environmental Assessment in the *EQB Monitor* (January 12, 2009).¹⁹
34. Judge Steve Mihalchick presided over the public hearing conducted on January 22, 2009. The public hearing was held at the Cragun's Conference Center in Brainerd, Minnesota. The Judge provided an opportunity for members of the public to ask questions or comment on the proposed project verbally and/or to submit question/comments in writing.
35. A total of 60 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.
36. Pursuant to Minnesota Rule 7849.5710, subpart 3, Minnesota Office of Energy Security, Energy Facility Permitting project manager Scott Ek and public advisor Deborah Pile appeared at the public hearing and described the alternative route permitting process, the proposed project, and introduced the environmental assessment and other pertinent documents for the record.
37. Kodi Church appeared at the public hearing on behalf of the Great River Energy and testified about the proposed project. Also present at the public hearing for Great River Energy were Rick Heuring, Gene Kotz, Dave Kempf, Jim McGuire, Dave Van House, and Bob Lindholm with Minnesota Power. Dan Lipschultz, Attorney at Law, Moss and Barnett, appeared on behalf of Great River Energy.
38. A comment period was open until February 6, 2009, for receipt of comments.
39. The hearing transcript was filed on March 9, 2009.²⁰
40. The ALJ filed the Summary of Public Comment on February 20, 2009.²¹ A total of 30 written comment letters were submitted to the ALJ.²²
41. Oral comments received at the hearing indicated both objection and support for the proposed route and support for alternate routes A, C, E, F, and the Potlatch Route, a new alternative. The ALJ suggested a Modified Alternative C that was further developed by EFP staff. The ALJ report contains a summary of all public comments received at the hearing.²³

¹⁹ Exhibit 19.

²⁰ Exhibit 27.

²¹ Exhibit 25.

²² Exhibit 24.

²³ Exhibit 25.

42. The Potlatch Route would retain all elements of Alternative C, changing only a portion in Segment 1. Instead of the route being centered along the Crow Wing-Cass county line, the route would follow north-south along a narrow and winding logging road located east of the county line from the existing distribution right-of-way to State Highway 210. The road in question is narrow and winds back and forth through the center of the Potlatch property, would sever the property and would likely require far more tree clearing than the proposed or Alternative C, as indicated by the applicants. This alternative would introduce additional impacts above and beyond that of the proposed and other alternatives.
43. The Modified Alternative C would retain all elements of Alternative C, changing only a portion in Segment 1. Instead of the route being centered along the Crow Wing-Cass county line, the route would be shifted east 100 feet, directly adjacent to, and within, the Crow Wing County western border. Modified Alternative C would reduce the amount of tree clearing along the county line, reduce the number residences impacted along the county line, and eliminate the impacts to residences along County Highway 36 and Little Pine Road.
44. Judge Mihalchick, in his Summary of Public Comments, indicated he had viewed the portions of the proposed route and that descriptions provided by the public in comment were accurate. Little Pine Road and County Highway 36 run through wooded areas that provide a buffer to the homes and agricultural land in those areas and that existing utility lines in the area are underground. He also indicates that the Potlatch land has been logged and consists of small trees and brush and suggests modifying the width of Alternative Route C in that area by widening it to the east to the half-section line in Sections 10, 15, and 22, thereby allowing Potlatch to negotiate the optimal placement of a transmission line with the applicants and plan its future development around the line.²⁴

Potential Impacts and Mitigation

45. The number of homes directly affected by the project is dependent upon the final route approved. For purposes of comparison between the routes, the maximum number of structures (occupied homes and businesses) located within 100 feet of the centerline of the proposed route and alternative routes was considered.²⁵

Route	Number of Structures within 100 feet of Proposed Transmission Centerline
Proposed	14
Alternative B	24
Alternative C	5
Alternative D	13
Alternative E	16
Alternative F	10

The number of structures located within 100 feet of route Alternative A were not calculated, as the number would far exceed that of the proposed or other alternatives.

²⁴ Exhibit 25 at 10.

²⁵ Exhibit 16 at 37.

46. The Modified Alternative C would reduce the number of structures located within 100 feet of the transmission centerline to three.
47. The length of the proposed project is dependent upon the final route approved. The various route lengths as indicated by the applicants are provided below.²⁶

Route	Total Estimated Route Length (miles)
Proposed	9.3
Alternative A	10.1
Alternative B	8.2
Alternative C	9.3
Alternative D	9.5
Alternative E	11.1
Alternative F	11.5

The total estimated length of Modified Alternative C is 9.3 miles.

48. Alternative routes A, E, and F all exceed 10 miles in length and would require a certificate of need determination.
49. The proposed transmission line will be designed to meet or exceed all requirements of the National Electric Safety Code, which is the utility safety standard that applies to all transmission lines. The proposed transmission line will meet the National Electric Reliability Council's reliability standards. In addition, the breaker station facilities will be fenced, and access will be limited to authorized personnel.
50. The issue of electric and magnetic fields was discussed in the environmental assessment. A number of national and international health agencies (The Minnesota Department of Health, The World Health Organization, The National Institute of Environmental Health Sciences) have generally concluded in their research that there is insufficient evidence to prove a connection between electric and magnetic fields exposure and health effects. Research has not been able to establish a cause and effect relationship between exposure to magnetic fields and human disease, nor a plausible biological mechanism by which exposure to electric and magnetic fields could cause disease.

²⁶ Exhibit 13.

51. Concerns were raised by citizens during the public hearing about potential stray voltage issues with regard to existing structures located close to the County Highway 18 right-of-way.²⁷ This portion of the proposed route, Segment 3, is also common to alternatives A, B, C, D, F, and Modified C. Stray voltage has been raised as a concern on some dairy farms because of the potential for dairy cows to come into contact with two points and provide a conducting path for current to flow, thereby impacting operations and milk production. In instances when transmission lines have been shown to contribute to stray voltage, the electric distribution system serving the farm/structure was directly under and/or parallel to the transmission line. Appropriate measures will be taken during transmission line detailed design and construction to prevent the potential for any stray voltage problems for this project. As a condition of the permit, all fixed metallic objects on or off the right-of-way, except electric fences that parallel or cross the right-of-way, will be grounded to the extent necessary to limit the induced short circuit current between ground and the object and to comply with the ground fault conditions specified in the National Electric Safety Code.
52. Short-term exceedance of daytime noise standards due to construction would be intermittent and temporary in nature. Construction activities will be limited to daytime working hours, therefore the nighttime noise level standards will not be exceeded.
53. Long-term noise impacts from the project are not anticipated and mitigation measures are not necessary. The noise produced by the 115 kV transmission line would approach a maximum noise level of 18 dB(A) which is less than normal outdoor background levels (~30 dB(A) or less) and is therefore not usually audible.²⁸
54. The project's transmission line and structures will add to the changing landscape of the area and will be visible to residents living near the route and to drivers using public roads adjacent to the route. Input pertaining to visual impacts from landowners or land management agencies will be considered prior to final location of structures, rights-of-way, and other areas with the potential for visual disturbance. Care will be used to preserve the natural landscape and prevent any unnecessary destruction of the natural surroundings in the vicinity of the project during construction and maintenance. To the extent practicable, wetlands, lakes, and surface flows will be crossed in the same location as existing transmission lines. New structures will be designed to support the underbuild of existing distribution lines, thereby allowing the use of existing alignments where feasible and will share existing road rights-of-way to the extent that such actions do not violate sound engineering principles or system reliability criteria. Landowners will be compensated for the removal of mature yard trees through easement negotiations. Structures will be placed at the maximum feasible distance from intersecting roads, highway, or trail crossings and could cross roads to minimize or avoid impacts. Effort will be made to construct the breaker station in an area on the property that is as far out of view from neighboring properties as possible. A low-profile structure design will be utilized for the construction of the breaker station.²⁹ The Commission will require, as a permit condition, that the applicants work with landowners to identify issues related to the transmission line such as distance from existing structures, tree clearing, and other aesthetic concerns, should a route permit be issued for the proposed project.

²⁷ Exhibit 25 at 3.

²⁸ Exhibit 16 at 15.

²⁹ Exhibit 16 at 17.

55. The proposed route will require an estimated 16.59 acres of tree clearing with Alternative C potentially requiring the greatest amount of clearing at 36.24 acres and Alternative D requiring the least at 16.38 acres. Tree clearing for Alternative A was not calculated, as it far exceed that of the proposed and alternative routes. Although not calculated, it would be anticipated that Modified Alternative C would require less tree clearing than Alternative C because the route would be shifted 100 feet east of the county line, thereby avoiding the densely wooded areas located along the Cass County line. The tree clearing will be required and limited to only those trees that are located in the right-of-way for the transmission lines. The route permit at IV.B.5. directs the permittees to minimize the number of trees to be removed in selecting the right-of-way.
56. Zoning maps indicate the all of the routes cross land designated as low density residential, special residential/cluster, industrial/office, local commercial, and commercial forestry in the city of Baxter and rural residential, shoreland residential, commercial, agriculture/forestry in Cass County. The project does not appear to be in conflict with any of the designated land uses in the project area. Temporary driveways may be constructed between the roadway and the structures to minimize impact by using the shortest route possible. Construction mats may also be used to minimize impacts on access paths and construction areas. Furthermore, transmission line route permits will require project related land impacts to be restored to pre-construction condition upon project completion. The applicants will compensate landowners for any yard/landscape, crop damage or soil compaction that may occur during construction and will work with landowners to minimize impacts to farming operations along the proposed route.³⁰ In some cases, impacts can be minimized by aligning the transmission line along existing transmission and roadway corridors.
57. There are no state/federal parks, recreational areas, or state-owned lands located within the project area. Cass County administers a portion of land along the existing MP 34.5 kV distribution line (Segment 1). No impacts are anticipated with any of the routes except that Alternatives E and F would cross privately owned lands that are included within the statutory boundaries of Crow Wing State Park, as indicated by the Minnesota Department of Natural Resources (DNR).
58. The Brainerd Regional Airport and the East Gull Lake Municipal Airport are located within the vicinity of the project. Minnesota Department of Transportation (MnDOT) indicated that the project would not impact the existing airports. However, the applicants should review the current airport zoning documents or ordinances to ensure that structures comply with airport safety zones and ordinances upon completion of line design.
59. Impacts to transportation would be localized and short term. Conductors and overhead wire stringing operations will use guard structures to eliminate potential delays. When appropriate, lead vehicles will accompany the movement of heavy equipment. Traffic control barriers and warning devices will be used when appropriate. MnDOT has indicated in a comment letter that there are long range plans to expand the State Highway 210 corridor from County Highway 18 to Baxter that could potentially impact a 300 foot wide corridor in that area (route permit IV.H.5.).

³⁰ Exhibit 16 at 27.

60. The Minnesota Historical Society (MHS) State Historic preservation Office (SHPO) reviewed the proposed project area and determined there was a good probability that unreported archaeological properties may be present within the project area and recommended a survey be completed. A literature review of records located at the SHPO, MHS, and Minnesota Office of the State Archaeologist identified 23 archaeological sites and two historic structures previously recorded within one mile of the project area. Located within one mile of the project site is the Chippewa Agency National Register Historic District, Hole-in-the-Day Cabin Historic Site. Of the previously identified sites, one (the Village of Gull River) is located adjacent to the proposed project route. The applicants will conduct a phase 1 survey of the project area prior to commencing construction activities. Particular attention will be given to the Village of Gull River archaeological site. Should the construction plans for the proposed project have the potential of disturbing known but unidentified burial areas, monitoring by qualified personnel would be reasonable. In the event that a resource is encountered, the SHPO should be contacted and consulted; the nature of the resource should be identified; and a determination should be made on the eligibility for listing in the National Registry of Historic Places. It is anticipated that a historic or cultural resource, if encountered, could more than likely be avoided by design modification (movement of planned structures) or data recovery by selective excavation, depending on the extent of the resource. This requirement would be carried over as a condition of the route permit if granted by the Commission.
61. Alternatives E and F would cross through or are adjacent to areas where culturally significant sites have been previously identified and/or have been listed on the National Registry of Historic Places, as indicated in Finding 60. The presence of these sensitive historical and environmental resources along these Alternatives create construction, access, and maintenance issues not associated with the proposed route or the other alternatives.
62. It is not anticipated that bedrock will be encountered during the construction of the project. Temporary disturbance and/or compaction of soils will likely result in the areas where transmission line structures will be placed. In addition, soils exposed during construction may be vulnerable to erosion until stabilized. Soil erosion control measures will be followed to minimize loss of topsoil. Best management practices will be implemented during construction in an effort to reduce dust, erosion, and minimize compaction using commonly accepted methods such as prompt seeding, erecting silt fences, and utilizing erosion control blankets. All areas disturbed during construction of the facilities will be returned to their pre-construction condition. No permanent impacts to the soil or geology within the proposed route are anticipated.
63. Larger disturbed areas of one acre or more (proposed Searcyville breaker station) will be regulated by a National Pollution Discharge Elimination System (NPDES) permit and Stormwater Pollution Prevention Plan (SWPPP) prepared for the project. Mitigation under the NPDES includes implementation of the SWPPP with the appropriate erosion control methods developed specifically for the site. The Minnesota Pollution Control Agency (MPCA) issues combined NPDES/State Disposal System permits for construction sites, industrial facilities and municipal separate storm sewer systems. Compliance with the MPCA stormwater program would be a condition of the route permit.

64. There will be no significant impacts to air quality, therefore, no mitigation is necessary.
65. The proposed route will cross three different public waters as identified on PWI maps. The route would cross the Gull River along Highway 210 and the BNSF railroad crossing and a small unnamed stream located east of Island Lake currently spanned by the existing MP 34.5 kV distribution line. Also positioned within the proposed route is a PWI wetland (779W) that will be crossed in two areas. The applicants will apply for a DNR license to cross public lands and waters and will abide it's the conditions. Because the Gull River will be crossed and is considered a navigable water, the applicants will also need to apply to the Army Corps of Engineers (Corps) for a permit under Section 10 of the River and Harbors Act.
66. Alternatives B, C, and D would cross the same three PWI waters as the proposed route. Alternative A would cross a total of seven PWI waters. Alternatives E and F have Segment 1 in common with the proposed route and would also cross/impact one additional PWI water, but would not cross the Gull River.
67. There are no lakes in direct conflict within the alignment of the any of the routes.
68. The project will cross approximately 12 wetlands identified in the U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI). The wetland types are palustrine and lacustrine and include: bog, wooded swamp, shrub swamp, shallow marsh, and shallow open water (ponds and reservoirs). The wetlands are located sporadically along all segments of the proposed transmission line route. The applicants estimate a total of 10 or less transmission line structures will be placed in wetlands, equaling a total permanent impact of approximately 125 square feet. In Minnesota wetlands are regulated by the Corps under Section 404 of the Clean Water Act. The applicants will need to consult with Corps upon completion of final design and prior to construction to determine whether a Section 404 permit would be required for placement of transmission structures.
69. The route segment (Segment 1) that crosses through Crow Wing County is located in areas determined by Federal Emergency Management Area (FEMA) to be outside the 500 year floodplain or where no base flood elevation data has been determined. The project area in Cass County has not been mapped by FEMA for flood plains at this time. Due to their small footprint area, water drainage or floodplain elevations will not be altered by the transmission line structures. Construction of the substation will require grading and a negligible increase in impermeable surfaces from the control house structure and footings; water drainage or floodplain elevations will not be altered by the transmission line structures.
70. Potential impacts to wetlands and water resources will be limited to ground disturbance related to construction traffic and placement of transmission line structures. Because of the small area that will be disturbed and the flexibility to avoid structure placement in sensitive areas the potential impacts will be limited. Minimal grading of areas around pole locations may be required to accommodate construction vehicles and equipment.

71. The applicants will use wooden mats or the DURA-BASE[®] composite mat system or construction during frozen conditions to minimize disturbance and compaction of wetlands and riparian areas during construction. In consultation with the DNR, best management practices will be used when placing poles in or near the Gull River riparian area. Soil excavated from the wetlands and riparian areas will be contained and not placed back into the wetland or riparian area. Silt fencing or other erosion control measures will be used to prevent sedimentation when working near wetlands and watercourses. Areas disturbed by construction activities will be restored to pre-construction conditions (soil horizons, contours, vegetation, etc.).³¹
72. There are no listed native plant communities or areas of high biodiversity located within or near the project area; therefore, no impacts are anticipated with any of the routes.
73. There is potential for displacement of wildlife during construction of the project and the loss of small amounts of habitat from the transmission line route. Displacement of wildlife during construction will be minor and temporary in nature. No long-term effects related to displacement are anticipated, therefore no mitigation measures are required.
74. The principal impact posed by the transmission line project to wildlife is avian collision once the transmission lines have been constructed and are operational. The applicants will evaluate mitigative measures in cooperation with the USFWS and DNR in areas of the project where the chance of avian collision or electrocution is higher. Bird flight diverters will be incorporated into the transmission line design for the portion of line that would span the Gull River at Highway 210. Due to the areas importance to Osprey, Red-shouldered hawks, and other raptors, standard transmission design will incorporate adequate spacing of conductor(s) and grounding devices. This is intended to eliminate the risk of electrocution to raptors with larger wingspans that may simultaneously come in contact with a conductor and grounding devices. The applicants will work with the DNR to ensure construction activities are scheduled so as not to impact Osprey nesting.³²
75. The DNR indicated occurrences of Blanding's turtles near the project area. The Blanding's turtle is considered a species in greatest need of conservation in Minnesota. The USFWS indicated the project would not impact any federally-listed threatened and endangered species or listed critical habitats. The applicants will use silt fencing or other erosion control measures when working near waterways and wetlands to prevent sedimentation and disturbance of these areas. Construction and maintenance personnel will be made aware of the Blanding's turtle and their habitat during pre-construction meetings in effort to minimize possible disturbance.³³

³¹ Exhibit 16 at 31.

³² Exhibit 16 at 32.

³³ Exhibit 16 at 33.

76. Ground disturbance (excavation, grading, fugitive dust) during the construction phase of the project has the potential to cause increased sedimentation to existing surface waters. A National Pollution Discharge Elimination construction stormwater permit is not required; however, the applicants will follow standard erosion control measures outlined in Minnesota Pollution Control Agency guidance and best management practices regarding sediment control practice during construction. These practices include, but are not limited to, protecting storm drain inlets, use of silt fences, protecting exposed soil, immediately stabilizing restored soil, controlling temporary soil stockpiles, and controlling vehicle tracking. By maintaining sound water and soil conservation practices and implementation of best management practices, the construction and long-term operation of the proposed project is not expected to impact surface water quality.
77. Radio, television, and communication system interference is not anticipated. No mitigation is necessary.
78. Socioeconomic impacts will be primarily positive. The project will create short-term construction expenditures in the area and increased electric service reliability in the Project area and the surrounding region.
79. The applicants estimated that the proposed route will cost approximately \$7.58 million, Alternative A \$8.47 million, Alternative B \$6.86 million, Alternative C and Modified Alternative C \$7.75 million, Alternative D \$7.75 million, Alternative E \$9.83 million, and Alternative F \$9.99 million.
80. The proposed project would add a second 115 kV source to the area; providing for a more reliable transmission system.

Summary of Human and Environmental Impacts and Commitment of Resources

81. All routes analyzed in the environmental assessment have human and environmental impacts, some of which are unavoidable if the project is permitted and built. None of the routes evaluated is expected to cause an irreversible or irretrievable commitment of resources.
82. The greatest concern identified in public comment regarding the project has been the distance at which the line would be located from existing residences, specifically along the portion of the proposed route that would run along County Highway 36 (Segment 2). When comparing the routes, Modified Alternative C would avoid the entire stretch of County Highway 36 and impact the least number of homes and businesses overall when compared to the proposed route and the other alternatives, specifically Alternatives A and D as identified in Findings 45 and 46.
83. Another recurring concern raised through public comment has been the portion of proposed Segment 2 that would run from County Highway 36 to Little Pine Road and to State Highway 210. The Little Pine Resort is located in this area and would be directly impacted by the proposed route. Their concern is potential impact to the aesthetics and commercial value of their property and ultimately their future livelihood. Modified Alternative C would avoid Little Pine Road and the resort property completely.

84. Alternatives A, B, E, and F would also avoid County Highway 36 and Little Pine Road; however, these routes each have other concerns and constructability issues over and above the proposed route and Modified Alternative C as indentified in Findings 47, 55, 57, 60, 61, 65, and 66.
85. Alternative C and Modified Alternative C would create new utility rights-of-way and necessitate additional tree clearing over the proposed and the other alternatives (Finding 55). Because Modified Alternative C would be shifted 100 feet east from the county line, to any area of less dense tree growth, it is anticipated that the acreage of tree removal would be less that Alternative C. The tree clearing would be on Potlatch land that has been marked for future development.^{34,35}
86. The applicants, in their comment letter state, “Great River Energy acknowledges that Alterative C impacts 7 fewer structures and 7 fewer parcels than the Proposed Route and recognizes the merits of Alterative C in that regard, particularly as compared the Alternatives A, B, D, E and F.” The applicants do, however, continue to support the proposed route.³⁶

Applicable Statutory Conditions

87. Minnesota Statute 216B.243, subdivision 2, states that no large energy facility shall be sited or constructed in Minnesota without the issuance of a certificate of need by the Commission. Minnesota Statute 216B.2421, subdivision 2(3) defines a “large energy facility” as any high voltage transmission line with a capacity of 100 kV or more with more than ten miles of length or that crosses a state line. Because the proposed Project is less than 10 miles in length, no certificate of need is required.
88. Minnesota Statute 216E.03, subdivision 7, and Minnesota Rules 7849.5910 provide considerations in designating sites and routes and determining whether to issue a permit for a large electric power generating plant or a high voltage transmission line.

³⁴ Exhibit 16 at 39.

³⁵ Exhibit 25 at 7.

³⁶ Exhibit 23.

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

CONCLUSIONS OF LAW

1. Any of the foregoing Findings more properly designated as Conclusions are hereby adopted as such.
2. The Public Utilities Commission has jurisdiction over the subject matter of this proceeding pursuant to Minnesota Statute 216E.03, subdivision 2.
3. The project qualifies for review under the alternative permitting process of Minnesota Statute 216E.04 and Minnesota Rule 7849.5500.
4. The applicants, the Office of Energy Security, and the Public Utilities Commission have complied with all procedural requirements required by law.
5. The Office of Energy Security has completed an environmental assessment of this project as required by Minnesota Statute 216E.04, subdivision 5, and Minnesota Rule 7849.5700. The environmental assessment and the record created at the public hearing address the issues identified in the scoping decision signed by the Director of the Office of Energy Security on October 22, 2008.
6. The Public Utilities Commission has considered all the pertinent factors relative to its determination of whether a route permit should be approved as required by Minnesota Statute 216E.03, subdivision 7, and Minnesota Rule 7849.5910.
7. The conditions included in the route permit are reasonable and appropriate.

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

ORDER

1. A route permit is hereby issued to Great River Energy and Minnesota Power to construct the approximately nine and three-tenths miles of 115 kV transmission line connecting with Great River Energy's existing "CW-BS" 115 kV line approximately 1.5 miles south of where it exits the Southdale substation in west Baxter to a new Searcyville breaker station to be located in Sylvan Township. For the portion of the route from the interconnect near the Southdale substation to the Crow Wing-Cass county line, a route width of 50 feet on either side of the existing distribution centerline is approved. For the portion of the route traversing north from the distribution line to State Highway 210, a route width encompassing 50 feet west of the Cass-Crow Wing county line to one-half of a mile east of the county line is approved north of Mapleton Road, and 50 feet west of the Cass-Crow Wing county line to three-fourths of a mile east of the county line is approved south of Mapleton Road. For the portion of the route following State Highway 210, a 535 foot route width encompassing the north road right-of-way south is approved. A 90 foot route width on either side of the road centerline for the portion of the route along County Highway 18 is approved. A 400 foot route width centered on the existing Minnesota Power utility right-of-way is approved.
2. The route permit shall be issued in the form attached hereto, with a map showing the approved route.

Approved and adopted this 9th day of April 2009.

BY ORDER OF THE COMMISSION



Burl W. Haar,
Executive Secretary

OES of 3/12 +
MCP

Alternative B

Alternative B would run west along Mapleton Road instead of overtaking and sharing the existing MP 34.5 distribution line (Segment 1). This alternative would tie into Segment 2 of the proposed route at the Mapleton Road/County 36 intersection.

The route would impact several residential dwellings not already impacted by an existing line and would also run past a public school and recreational trail. The applicants indicate that the number of land parcels impacted by this route alternative would be 107.

Information provided by the applicants indicates the minimum number of structures along this route located within 50, 100, and 200 feet of the transmission centerline would be 4, 8, and 30, respectively, and depends on which side of each road this alternative is located. A total of approximately 91 structures would be located within 500 feet of the transmission centerline. Several comments were received by residents voicing their opposition to this route alternative.

As indicated by the applicant's in the route permit application, the Crow Wing County Highway Department has plans to upgrade and widen Mapleton Road in the future; however, an immediate construction timeline is not available.

Alternative C

Alternative C follows the initial alignment of the proposed route, overtaking and sharing the existing MP 34.5 kV distribution line. At approximately 2.3 miles west of its starting point the route would veer north and travel along the Cass/Crow Wing County border (50 feet on each side) to Highway 210 and head west. The route proceeds west along Highway 210, tying into Segment 3 of the proposed route at the intersection of Little Pine Road and Highway 210.

This alternative would entail the creation of approximately 1.75 miles of new right-of-way on property owned by Potlatch and other landowners. The area, owned by Potlatch, once commercially logged, is now partially wooded and zoned for both industrial and commercial forestry use. A Draft Alternative Urban Area Review (AUAR) document prepared by Potlatch proposes future development of the northwest ¼ of Section 15 (~160 acres) as an industrial park consisting of corporate headquarters, single tenant office buildings, research and development centers and business park support services such as banks, savings and loan institutions, and professional offices.²³

The expected tree clearing requirements for Alternative C would amount to approximately 36.24 acres due to crossing Potlatch property along the Crow Wing County border and private land along the Cass County border. However, future tree removal for the Potlatch proposed industrial park in this area would be expected. The total cost for this alternative would be slightly higher than the proposed, exceeding the cost by \$170,000.

²³ Potlatch Corporation, *DRAFT Potlatch West Baxter Alternative Urban Area Review* (May 2008).

OES ATTACHMENT 1

Information provided by the applicants indicates the minimum number of structures along this route located within 50, 100, and 200 feet of the transmission centerline would be 2, 3, and 13, respectively, and depends on which side of each road this alternative is located. The applicants estimate the number of structures within 500 feet of transmission centerline to be 78.

Although this alternative would create the need for added tree clearing and new right-of-way, the total length of Alternative C is equal to the proposed and would avoid the much contested Segment 2 of the proposed route along CR 36 and Little Pine Road. Citizens attending the October 7, 2008, focus group meeting expressed support for this route over the proposed route and the five other alternatives.

Alternative D

Alternative D is similar to the proposed route except that it would avoid traveling across MP property and Little Pine Road at the north end of CR 36. The route instead proceeds north along CR 36 to Highway 210 and heads west on 210 tying into the proposed route at the Little Pine Road intersection.

The total cost and length of Alternative D increases slightly by \$170,000 and 0.2 miles over the proposed route, respectively. This alternative would avoid one residential dwellings and resort located near or along Little Pine Road.

The applicants indicate the minimum number of structures along this route located within 50, 100, and 200 feet of the transmission centerline would be 2, 3, and 18, respectively, and depends on which side of each road this alternative is located. The applicants estimate the number of structures within 500 feet of transmission centerline to be 99.

Alternative E

Alternative E would underbuild the MP 34.5-kV distribution line and share the existing alignment in its entirety. The route follows Segment 1 of the proposed and instead of continuing along Segment 2, veers toward the Sylvan Dam and then north along 21st Avenue to Highway 210. The route crosses Highway 210 and then continues along Upper Sylvan Road and on to the existing MP transmission line right-of-way.

The applicants indicate the costs would exceed the proposed by \$2,250,000 due to the need for total double-circuit construction. The total length of this alternative is 11.1 miles and would therefore require a certificate of need in addition to the route permit. The applicants have stated that this alternative would not meet their identified reliability or future expansion needs.

Citizens expressed concern in comment letters regarding the issue of tree clearing along the Upper Sylvan Road segment of this route. The area is known for its "untouched" tree lined street. This route would necessitate the need for tree clearing in this area.

The applicants indicate the minimum number of structures along this route located within 50, 100, and 200 feet of the transmission centerline would be 1, 6, and 23, respectively, and depends on which side of each road this alternative is located. The applicants estimate the number of structures within 500 feet of transmission centerline to be 85. At least 18 comments were received by residents voicing their concern and opposition to this route alternative.

The route also has several environmental and archaeological issues associated with it. The area of the route near the Sylvan Dam and the Gull and Crow Wing rivers has been identified by the DNR as an important bird migration route and the DNR is concerned over the potential for increased avian collision. The area has historically been utilized by recreationalists for fishing, boating, and bird watching. The DNR also has some concern that the route is closer to Crow Wing State Park statutory boundaries.

The area surrounding the Gull and Crow Wing rivers is recognized for a number of significant archaeological sites both listed and eligible for listing on the National Register of Historic Places; most notable is the Chippewa Agency Historic District site. The applicants conducted a Phase Ia survey of the area and identified 17 previously submitted reports referencing investigations involving recorded archaeological sites in the proposed project area, specifically in the area surrounding the confluence of the Gull and Crow Wing rivers. The presence of sensitive historical and environmental resources along this alternative creates numerous construction, access, and maintenance issues.

Alternative F

Alternative F follows the same route as Alternative E up to Highway 210 where the route breaks from the MP distribution line right-of-way and heads east along Highway 210 tying into Segment 3 of the proposed route at CR 18.

Because this alternative route follows the same alignment as alternative E, it would encounter the same historic and environmental issues. The total length of this alternative is 11.5 miles and would therefore require a certificate of need in addition to the route permit. This alternative would cost an estimated \$9,990,000.

The applicants indicate the minimum number of structures along this route located within 50, 100, and 200 feet of the transmission centerline would be 1, 3, and 17, respectively, and depends on which side of each road this alternative is located. The applicants estimate the number of structures within 500 feet of transmission centerline to be 100.

Table 10: Approximated Number of Structures Located within 50 feet of the Transmission Centerline ²⁰

Location of Transmission Centerline	Proposed and Alternative Routes					
	Proposed	Alt. B	Alt. C	Alt. D	Alt. E	Alt. F
Segment 1 following existing MP 34.5 kV distribution centerline	0	0	0	0	0	0
North along Cass County and Crow Wing County border	---	---	1	---	---	---
East side of CR 36/11 th Avenue	0	0	---	1*	---	---
West side of CR 36/11 th Avenue	0	0	---	1	---	---
North side of Mapleton Road	---	3	---	---	---	---
South side of Mapleton Road	---	3	---	---	---	---
Following existing MP 34.5 kV distribution centerline near Sylvan Dam area	---	---	---	---	0	0
North side of E-W section of CR 36	---	---	---	---	1	1
South side of E-W section of CR 36	---	---	---	---	0	0
East side of Little Pine Road	0	0	---	---	---	---
West side of Little Pine Road	0	0	---	---	---	---
East side of CR 36/21 st Avenue	---	---	---	---	0	0
West side of CR 36/21 st Avenue	---	---	---	---	0	0
East side of Upper Sylvan Road	---	---	---	---	3**	---
West side of Upper Sylvan Road	---	---	---	---	1	---
East side of CR 18	1	1	1	1	---	1
West side of CR 18	1	1	1	1	---	1
Upper Sylvan Road to existing MP transmission right-of-way	---	---	---	---	0	---
Minimum Total	1	4	2	2	1	1
Maximum Total	1	4	2	2	4	2

* Structure identified as "across from Paulson", measured at ~51 feet.

** Structures on east side of Upper Sylvan Road measured at ~54 feet

²⁰ Ibid 19.

Table 11: Approximated Number of Structures Located within 100 feet of the Transmission Centerline ⁴¹

Location of Transmission	Proposed and Alternative Routes					
	Proposed	Alt. B	Alt. C	Alt. D	Alt. E	Alt. F
Segment 1 following existing MP 34.5 kV distribution centerline	0	---	0	0	0	0
North along Cass County and Crow Wing County border	---	---	2	---	---	---
East side of CR 36/11 th Avenue	5	5	0	8	---	---
West side of CR 36/11 th Avenue	1	0	---	2	---	---
North side of Mapleton Road	---	7	---	---	---	---
South side of Mapleton Road	---	9	---	---	---	---
Following existing MP 34.5 kV distribution centerline near Sylvan Dam area	---	---	---	---	2	2
North side of E-W section of CR 36	---	---	---	---	2	2
South side of E-W section of CR 36	---	---	---	---	0	0
East side of Little Pine Road	0	0	---	---	---	---
West side of Little Pine Road	0	0	---	---	---	---
East side of CR 36/21 st Avenue	---	---	---	---	3	3
West side of CR 36/21 st Avenue	---	---	---	---	0	0
East side of Upper Sylvan Road	---	---	---	---	6*	---
West side of Upper Sylvan Road	---	---	---	---	4	---
East side of CR 18	1	1	1	1	---	1
West side of CR 18	2	2	2	2	---	2
Upper Sylvan Road to existing MP transmission right-of-way	---	---	---	---	0	---
Minimum Total	2	8	3	3	6	3
Maximum Total	7	16	4	10	13	9

* One structure on the east side of Upper Sylvan Road is located at ~102 feet

⁴¹ Ibid 19.

Table 12: Approximated Number of Structures Located within 200 feet of the Transmission Centerline ²²

Location of Transmission	Proposed and Alternative Routes					
	Proposed	Alt. B	Alt. C	Alt. D	Alt. E	Alt. F
Segment 1 following existing MP 34.5 kV distribution centerline	0	---	0	0	0	0
North along Cass County and Crow Wing County border	---	---	7	---	---	---
East side of CR 36/11 th Avenue	15	10	---	19	---	---
West side of CR 36/11 th Avenue	7 ^a	5	---	12	---	---
North side of Mapleton Road	---	18	---	---	---	---
South side of Mapleton Road	---	23	---	---	---	---
Following existing MP 34.5 kV distribution centerline near Sylvan Dam area	---	---	---	---	6	6
North side of E-W section of CR 36	---	---	---	---	6	6
South side of E-W section of CR 36	---	---	---	---	2	2
East side of Little Pine Road	---	1	---	---	---	---
West side of Little Pine Road	1	1	---	---	---	---
East side of CR 36/21 st Avenue	---	---	---	---	3	3
West side of CR 36/21 st Avenue	---	---	---	---	6	6
East side of Upper Sylvan Road	---	---	---	---	12	---
West side of Upper Sylvan Road	---	---	---	---	12 ^f	---
East side of CR 18	10 ^b	10 ^b	10 ^b	10 ^b	---	10 ^b
West side of CR 18	6 ^c	6 ^c	6 ^c	6 ^c	---	6 ^c
Upper Sylvan Road to existing MP transmission right-of-way	---	---	---	---	0	---
Minimum Total	14	30	13	18	23	17
Maximum Total	26	44	17	29	30	28

^a Structure identified as "Doucette" was measured at 201 feet.
^b Structures identified as "E side of CSAH 18 S of existing Line" and "E side of CSAH 18 across from field" were measured at 201 feet and 204 feet, respectively.
^c Structure identified as "W side of CSAH 18 across from field" was measured at 204 feet.
^d Structure identified at ~204 feet.
^e Structures identified at 201 feet (but structures).
^f Structures identified at 201 feet.

²² Ibid 19.

42. The Potlatch Route would retain all elements of Alternative C, changing only a portion in Segment 1. Instead of the route being centered along the Crow Wing-Cass county line, the route would follow north-south along a narrow and winding logging road located east of the county line from the existing distribution right-of-way to State Highway 210. The road in question is narrow and winds back and forth through the center of the Potlatch property, would sever the property and would likely require far more tree clearing than the proposed or Alternative C, as indicated by the applicants. This alternative would introduce additional impacts above and beyond that of the proposed and other alternatives.

43. The Modified Alternative C would retain all elements of Alternative C, changing only a portion in Segment 1. Instead of the route being centered along the Crow Wing-Cass county line, the route would be shifted east 100 feet, directly adjacent to and within the Crow Wing County western border. Modified Alternative C would reduce the amount of tree clearing along the county line, reduce the number residences impacted along the county line, and eliminate the impacts to residences along County Highway 36 and Little Pine Road.

44. Judge Mihalchick, in his Summary of Public Comments, indicated he had viewed the portions of the proposed route and that descriptions provided by the public in comment were accurate. Little Pine Road and County Highway 36 run through wooded areas that provide a buffer to the homes and agricultural land in those areas and that existing utility lines in the area are underground. He also indicates that the Potlatch land has been logged and consists of small trees and brush and suggests modifying the width of Alternative Route C in that area by widening it to the east to the half-section line in Sections 10, 15, and 22, thereby allowing Potlatch to negotiate the optimal placement of a transmission line with the applicants and plan its future development around the line.²⁴

Potential Impacts and Mitigation

45. The number of homes directly affected by the project is dependent upon the final route approved. For purposes of comparison between the routes, the maximum number of structures (occupied homes and businesses) located within 100 feet of the centerline of the proposed route and alternative routes was considered.²⁵

Route	Number of Structures within 100 feet of Proposed Transmission Centerline
Proposed	14
Alternative B	24
Alternative C	5
Alternative D	13
Alternative E	16
Alternative F	10

The number of structures located within 100 feet of route Alternative A were not calculated, as the number would far exceed that of the proposed or other alternatives.

²⁴ Exhibit 25 at 10.

²⁵ Exhibit 16 at 37.

46. The Modified Alternative C would reduce the number of structures located within 100 feet of the transmission centerline to three.
47. The length of the proposed project is dependent upon the final route approved. The various route lengths as indicated by the applicants are provided below.²⁶

Route	Total Estimated Route Length (miles)
Proposed	9.3
Alternative A	10.1
Alternative B	8.2
Alternative C	9.3
Alternative D	9.5
Alternative E	11.1
Alternative F	11.5

The total estimated length of Modified Alternative C is 9.3 miles.

48. Alternative routes A, E, and F all exceed 10 miles in length and would require a certificate of need determination.
49. The proposed transmission line will be designed to meet or exceed all requirements of the National Electric Safety Code, which is the utility safety standard that applies to all transmission lines. The proposed transmission line will meet the National Electric Reliability Council's reliability standards. In addition, the breaker station facilities will be fenced, and access will be limited to authorized personnel.
50. The issue of electric and magnetic fields was discussed in the environmental assessment. A number of national and international health agencies (The Minnesota Department of Health, The World Health Organization, The National Institute of Environmental Health Sciences) have generally concluded in their research that there is insufficient evidence to prove a connection between electric and magnetic fields exposure and health effects. Research has not been able to establish a cause and effect relationship between exposure to magnetic fields and human disease, nor a plausible biological mechanism by which exposure to electric and magnetic fields could cause disease.

²⁶ Exhibit 13.



**Modified Route Area -
To Provide Flexibility in Alignment**

For: Potlatch Corp.
By: Hoisington Koegler Group, Inc.
3.19.2009

**Flexible Zone For
Routing Transmission
Line**

Modified Alternative C

Modified Alternative C

- Modified Alternative C
- Segment 1
- Segment 2
- Segment 3
- Roads
- County Boundary
- Municipal Boundaries
- Civil Township Boundaries

Map Projection: UTM,
NAD83, Zone15, Meters

0 2,000 4,000 Feet

Updated Jul 07, 2008

Exhibit 3a

Base map referenced from Great River Energy and Minnesota Power Route Permit Application for the Southdale to Scarcyville 115 kV Transmission Line and Breaker Station, Docket ET12/TL-08-712

Potlatch ATTACHMENT 3



DES ATTACHMENT 2

STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

**ROUTE PERMIT FOR CONSTRUCTION OF A HIGH
VOLTAGE TRANSMISSION LINE
IN**

CASS COUNTY AND CROW WING COUNTY, MINNESOTA

**ISSUED TO
GREAT RIVER ENERGY AND MINNESOTA POWER**

PUC DOCKET No. ET2/TL-08-712

In accordance with the requirements of Minnesota Statutes Chapter 216E and Minnesota Rules Chapter 7849, this route permit is hereby issued to:

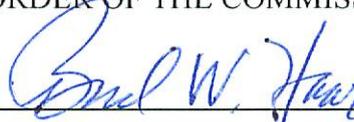
Great River Energy and Minnesota Power

Great River Energy and Minnesota Power, are authorized by this route permit to construct the nine and three-tenths mile segment located within the State of Minnesota, of a new 115 kilovolt (kV) high voltage transmission line between the Southdale Substation in Crow Wing County, Minnesota to a new Scarcyville Breaker Station in Cass County, Minnesota.

The transmission line shall be built within the route identified in this permit and as portrayed on the attached official route map, and in compliance with the conditions specified in this permit.

Approved and adopted this 9th day of April 2009

BY ORDER OF THE COMMISSION



Burl W. Haar,
Executive Secretary

This document can be made available in alternative formats (i.e. large print or audio tape) by calling 651.201.2202 (voice). Persons with hearing or speech disabilities may call us through Minnesota Relay at 1.800.627.3529 or by dialing 711.

I. ROUTE PERMIT

The Minnesota Public Utilities Commission (Commission) hereby issues this route permit to Great River Energy and Minnesota Power (permittees) pursuant to Minnesota Statutes Chapter 216E and Minnesota Rules Chapter 7849. This permit authorizes the permittees to construct approximately nine and three-tenths miles of 115 kV high voltage transmission line and associated facilities between the Southdale Substation and a new Sceauxville Breaker Station.

II. PROJECT DESCRIPTION

The permittees are authorized to build an approximately nine and three-tenths mile segment of 115 kV transmission line and a new 115 kV breaker station. The proposed project will extend from the west side of Baxter to the north end of Sylvan Township and be located in Crow Wing and Cass counties, Minnesota.

The transmission line will be supported by single pole wood or steel structures with horizontal post insulators. In cases where longer spans are required, a braced post insulator design may be utilized. The pole structures will be approximately two to four feet in diameter, span 300 to 400 feet in length, and range from 65 to 80 feet in height. Pole structures will be anchored by directly embedding the pole 10 to 15 feet into an excavation roughly three to four feet greater than the pole diameter. Areas where existing distribution lines are present, the poles will be taller (75 to 90 feet) and designed to underbuild the distribution lines on the same poles, below the 115 kV circuit. Anchors and support cables or specialty structures will be required where the transmission line alignment angles or turns.

The three phases for this project will consist of one 795 steel supported aluminum conductor or ACSS. The ACSS conductors are 795,000 circular mils or approximately 1.1 inches in diameter and comprised of seven steel wires in the center surrounded by 26 aluminum strands. There will also be shield wires strung above the phases to prevent damage from potential lightning strikes. The shield wire may include a fiber optic cable that allows for substation protection equipment to communicate with other terminals on the line.

The breaker station will be constructed on approximately 10 acres of land and enclosed by a perimeter fence for security. The site location will likely require grading prior to construction. The breaker station will serve as the termination point for the proposed 115 kV transmission line and will be connected to Minnesota Power's existing 115 kV "24" transmission line by two new 115 kV lines approximately 0.1 miles in length total. A "lattice box" or low-profile structure design will be used for the construction of the breaker station, with the 115 kV transmission line termination towers being the tallest structure at 45 feet above grade.

A 280 foot by 290 foot fenced-in enclosure will house 115 kV switch structures, capacitors, breakers, and a control building. The breaker station will be designed to accommodate a future 230/115 kV transformer.

III. DESIGNATED ROUTE / SITE

The route designated by the Commission in this permit comprises the nine and three-tenths mile segment located in Cass and Crow Wing counties, Minnesota, and as described in detail below, and shown on the official route map attached to this permit.

The route width approved by this permit varies with each route segment and are as follows:

- a. A 100 foot route width (centered on the current 34.5 kV distribution alignment) from the interconnect near the Southdale substation to the Crow Wing-Cass county line.
- b. A 4,010 foot route width from the existing 34.5 kV distribution line north to Mapleton Road, incorporating 50 feet west of the Cass-Crow Wing county line and 3,960 feet (three-fourths of a mile) east of the county line.
- c. A 2,690 foot route from Mapleton Road to Highway 210, this includes 50 feet west of the Cass-Crow Wing county line and 2,640 feet (one half of a mile) east of the county line.
- d. A 535 foot route width along State Highway 210 from the Crow Wing County Line to County Highway 18 that includes the existing BNSF railroad corridor.
- e. A 180 foot route width along County Highway 18 (90 feet on each side of road centerline) to the existing Minnesota Power transmission right-of-way.
- f. A 400 foot route width centered along the existing Minnesota Power transmission right-of-way.

The portions of the proposed transmission alignment that would parallel State Highway 210 and County Highway 18 will be centered within a 70 foot right-of-way. The transmission line will be centered on a 100 foot right-of-way in Segment 1 where the new transmission line carries the Minnesota Power 34.5 kV distribution line and follows the existing alignment to the county line. When the transmission alignment is adjacent to a Public Waters Inventory (PWI) water body, the right-of-way will be limited to 70 feet when within 100 feet of the PWI. H-frame structures, if used, would also require at least a 100 foot wide right-of-way.

The proposed transmission line and breaker station will be designed to meet or exceed all relevant state and local codes, and requirements of the National Electric Safety Code, which is the utility safety standard that applies to all transmission lines. In addition, the breaker station facilities will be fenced, and access will be limited to authorized personnel. Appropriate standards will be met for construction and installation, and all applicable safety procedures will be followed during and after installation.

IV. PERMIT CONDITIONS

The permittees shall comply with the following conditions during construction of the transmission line and associated facilities and the life of this permit.

A. Plan and Profile. At least 14 calendar days before right-of-way preparation for construction begins, the permittees shall provide the Commission with a plan and profile of the right-of-way and the specifications and drawings for right-of-way preparation, construction, cleanup, and restoration for the transmission line. The permittees may not commence construction until the 14 days has expired or until the Commission has advised the permittees in writing that it has completed its review of the documents and determined that the planned construction is consistent with this permit. If the permittees intends to make any significant changes in its plan and profile or the specifications and drawings after submission to the Commission, the permittees shall notify the Commission at least five days before implementing the changes. No changes shall be made that would be in violation of any of the terms of this permit.

B. Construction Practices.

- 1. Application.** The permittees shall follow those specific construction practices and material specifications described in the Great River Energy and Minnesota Power Application to the Public Utilities Commission for a Route Permit, dated July 17, 2008, and as described in the environmental assessment and findings of fact, unless this permit establishes a different requirement, in which case this permit shall prevail.
- 2. Field Representative.** At least 10 days prior to commencing construction, the permittees shall advise the Commission in writing of the person or persons designated to be the field representative for the permittees with the responsibility to oversee compliance with the conditions of this permit during construction. The field representative's address, phone number, and emergency phone number shall be provided to the Commission and shall be made available to affected landowners, residents, public officials and other interested persons. The permittees may change its field representative at any time upon written notice to the Commission.
- 3. Local Governments.** The permittees shall cooperate with county and city road authorities to develop appropriate signage and traffic management during construction.

4. Cleanup. All waste and scrap that is the product of construction shall be removed from the area and properly disposed of upon completion of each task. Personal litter, including bottles, cans, and paper from construction activities shall be removed on a daily basis.

5. Vegetation Removal in the Right-of-Way. The permittees shall minimize the number of trees to be removed in selecting the right-of-way. As part of construction, low growing brush or tree species are allowable within and at the outer limits of the easement area. Taller tree species that endanger the safe and reliable operation of the transmission facility need to be removed. To the extent practical, low growing vegetation that will not pose a threat to the transmission facility or impede construction should remain in the easement area.

6. Erosion Control. The permittees shall implement reasonable measures to minimize runoff during construction and shall promptly plant or seed, erect silt fences, and/or use erosion control blankets in non-agricultural areas that were disturbed where structures are installed. All areas disturbed during construction of the facilities will be returned to their pre-construction condition.

7. Temporary Work Space. The permittees shall limit temporary easements to special construction access needs and additional staging or lay-down areas required outside of the authorized right-of-way.

8. Restoration. The permittees shall restore the right-of-way, temporary work spaces, access roads, abandoned right-of-way, and other private lands affected by construction of the transmission line. Restoration within the right-of-way must be compatible with the safe operation, maintenance, and inspection of the transmission line. Within 60 days after completion of all restoration activities, the permittees shall advise the Commission in writing of the completion of such activities. The permittees shall compensate landowners for any yard/landscape, crop damage, soil compaction, or other that may occur during construction.

9. Notice of Permit. The permittees shall inform all employees, contractors, and other persons involved in the transmission line construction of the terms and conditions of this permit.

C. Periodic Status Reports. Upon request, the permittees shall report to the Commission on progress regarding finalization of the route, design of structures, and construction of the transmission line. The permittees need not report more frequently than quarterly.

D. Complaint Procedure. Prior to the start of construction, the permittees shall submit to the Commission, the procedures that will be used to receive and respond to complaints. The procedures shall be in accordance with the requirements set forth in the complaint procedures attached to this permit.

E. Notification to Landowners. The permittees shall provide all affected landowners with a copy of this permit at the time of the first contact with the landowners after issuance of this permit.

The permittees shall contact landowners prior to entering the property or conducting maintenance along the route and avoid maintenance practices, particularly the use of fertilizer, herbicides, or pesticides, inconsistent with the landowner's or tenant's use of the land.

The permittees shall work with landowners to locate the high voltage transmission lines to minimize the loss of agricultural land, forest, and wetlands, and to avoid homes and farmsteads.

F. Completion of Construction.

- 1. Notification to Commission.** At least three days before the line is to be placed into service, the permittees shall notify the Commission of the date on which the line will be placed into service and the date on which construction was complete.
- 2. As-Builts.** Upon request of the Commission, the permittees shall submit copies of all the final as-built plans and specifications developed during the project.
- 3. GPS Data.** Within 60 days after completion of construction, the permittees shall submit to the Commission, in the format requested by the Commission, geo-spatial information (GIS compatible maps, GPS coordinates, etc.) for all above ground structures associated with the transmission lines, each switch, and each substation connected.

G. Electrical Performance Standards.

- 1. Grounding.** The permittees shall design, construct, and operate the transmission line in a manner that the maximum induced steady-state short-circuit current shall be limited to five milliamperes, root mean square (rms) alternating current between the ground and any non-stationary object within the right-of-way, including but not limited to large motor vehicles and agricultural equipment. All fixed metallic objects on or off the right-of-way, except electric fences that parallel or cross the right-of-way, shall be grounded to the extent necessary to limit the induced short circuit current between ground and the object so as not to exceed one milliamperes rms under steady state conditions of the transmission line and to comply with the ground fault conditions specified in the National Electric Safety Code.
- 2. Electric Field.** The transmission line shall be designed, constructed, and operated in such a manner that the electric field measured one meter above ground level immediately below the transmission line shall not exceed 8.0 kV/m rms.

3. Interference with Communication Devices. If interference with radio or television, satellite or other communication devices is caused by the presence or operation of the transmission line, the permittees shall take whatever action is prudently feasible to restore or provide reception equivalent to reception levels in the immediate area just prior to the construction of the line.

H. Special Conditions

1. Archaeological and Historic Resources. The permittees shall make every effort to avoid impacts to identified archaeological and historic resources when installing the high voltage transmission line on the approved route. In the event that an impact would occur, the applicants will consult with State Historic Preservation Office and invited consulting parties. Where feasible, avoidance of the resource is required. Where not feasible, mitigation for project-related impacts on National Register of Historic Properties-eligible archaeological and historic resources must include an effort to minimize project impacts on the resource.

2. Wetlands/Water Resources. Wetland impact avoidance measures that shall be implemented during design and construction of the transmission line will include spacing and placing the power poles at variable distances to span and avoid wetlands. Unavoidable wetland impacts as a result of the placement of poles shall be limited to the immediate area around the poles. To minimize impacts, construction in wetland areas shall occur in the winter. If necessary, wooden or composite mats will be used to protect wetland vegetation. All requirements of the U.S. Army Corps of Engineers (wetlands under federal jurisdiction), Minnesota Department of Natural Resources (Public Waters/Wetlands), and County (wetlands under the jurisdiction of the Minnesota Wetland Conservation Act) shall be met.

Impacts to floodplains, in particular the placement of power pole structures, shall be avoided to the maximum extent possible by placing these structures above the floodplain contours outside of the designated floodplain, and by spanning the floodplain with the transmission line.

If construction activities will result in the disturbance of one acre or more of soils, a National Pollutant Discharge Elimination System stormwater permit from the Minnesota Pollution Control Agency will be required. Standard erosion control measures outlined in Minnesota Pollution Control Agency guidance and best management practices regarding sediment control practice during construction. These practices include, but are not limited to, protecting storm drain inlets, use of silt fences, protecting exposed soil, immediately stabilizing restored soil, controlling temporary soil stockpiles, and controlling vehicle tracking.

3. Avian Collision. The applicant will evaluate mitigative measures in areas of the project where the chance of avian collision or electrocution is higher, specifically where the route will span the Gull River. The Gull River and other areas will be identified by the permittees in cooperation with the Minnesota Department of Natural Resources (DNR) and the U.S. Fish and Wildlife Service where bird flight diverters will be incorporated into the transmission line design to prevent large avian collisions attributed to visibility issues.

Due to the areas importance to Osprey, Red-shouldered hawks, and other raptors, standard transmission design will incorporate adequate spacing of conductor(s) and grounding devices. This is intended to eliminate the risk of electrocution to raptors with larger wingspans that may simultaneously come in contact with a conductor and grounding devices.

The applicants will work with the DNR to ensure construction activities are scheduled so as not to impact Osprey nesting.

4. Rare and Unique Resources. The DNR indicated occurrences of Blanding's turtles near the project area. The Blanding's turtle is considered a species in greatest need of conservation in Minnesota. The permittees will use silt fencing or other erosion control measures when working near waterways and wetlands to prevent sedimentation and disturbance of these areas. Construction and maintenance personnel will be made aware of the Blanding's turtle and their habitat during pre-construction meetings in an effort to minimize possible disturbance.

5. Accommodation of Existing and Planned Infrastructure. The permittees are required to work with the landowners, townships, cities, and counties along the route to accommodate their concerns regarding tree clearing, distance from existing structures, drain tiles, pole depth and placement in relationship to existing roads and road expansion plans. The permittees will work with Minnesota Department of Transportation when locating the transmission facilities along State Highway 210.

I. Other Requirements.

1. Applicable Codes. The permittees shall comply with applicable requirements of the National Electric Safety Code including clearances to ground, clearance to crossing utilities, clearance to buildings, right-of-way widths, erecting power poles, and stringing of transmission line conductors.

2. Other Permits. The permittees shall comply with all applicable state rules and statutes. The permittees shall obtain all required local, state and federal permits for the project and comply with the conditions of these permits. A list of the required permits is included in the route permit application and the environmental assessment. The permittees shall submit a copy of such permits to the Commission upon request.

3. Pre-emption. Pursuant to Minnesota Statutes 216E.10, subdivisions 1 and 2, this route permit shall be the sole route approval required to be obtained by the permittees and this permit shall supersede and preempt all zoning, building, or land use rules, regulations, or ordinances promulgated by regional, county, local and special purpose government.

J. Delay in Construction. If the permittees have not commenced construction or improvement of the route within four years after the date of issuance of this permit, the Commission shall consider suspension of the permit in accordance with Minnesota Rule 7849.5970.

V. PERMIT AMENDMENT

The permit conditions in Section IV may be amended at any time by the Commission. Any person may request an amendment of the conditions of this permit by submitting a request to the Commission in writing describing the amendment sought and the reasons for the amendment. The Commission will mail notice of receipt of the request to the permittees. The Commission may amend the conditions after affording the permittees and interested persons such process as is required.

VI. TRANSFER OF PERMIT

The permittees may request at any time that the Commission transfer this permit to another person or entity. The permittees shall provide the name and description of the person or entity to whom the permit is requested to be transferred, the reasons for the transfer, a description of the facilities affected, and the proposed effective date of the transfer. The person to whom the permit is to be transferred shall provide the Commission with such information as the Commission shall require to determine whether the new permittees can comply with the conditions of the permit. The Commission may authorize transfer of the permit after affording the permittees, the new permittees, and interested persons such process as is required.

VII. REVOCATION OR SUSPENSION OF THE PERMIT

The Commission may initiate action to revoke or suspend this permit at any time. The Commission shall act in accordance with the requirements of Minnesota Rules part 7849.6010 to revoke or suspend the permit.

**PUBLIC UTILITIES COMMISSION
COMPLAINT REPORT PROCEDURES FOR
HIGH VOLTAGE TRANSMISSION LINES**

1. Purpose

To establish a uniform and timely method of reporting complaints received by the permittee concerning the permit conditions for site preparation, construction, cleanup and restoration, special conditions, other requirements, and resolution of such complaints.

2. Scope

This reporting plan encompasses complaint report procedures and frequency.

3. Applicability

The procedures shall be used for all complaints received by the permittee.

4. Definitions

Complaint – A statement presented by a person expressing dissatisfaction, resentment, or discontent as a direct result of the high voltage transmission line and associated facilities. Complaints do not include requests, inquiries, questions or general comments.

Telephone Complaint – A person presenting a complaint by telephone shall indicate whether the complaint relates to (1) a substantive routing permit matter, (2) a high voltage transmission line location matter, or (3) a compensation matter. All callers must provide the following information when presenting a complaint by telephone: (1) name; (2) date and time of call; (3) phone number; (4) email address (if available); (5) home address; (6) parcel number.

Substantial Complaint – Written complaints alleging a violation of a specific route permit condition that, if substantiated, could result in permit modification or suspension pursuant to the applicable regulations.

Person – An individual, partnership, joint venture, private or public corporation, association, firm, public service company, cooperative, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

5. Responsibilities

Everyone involved with any phase of the high voltage transmission line is responsible to ensure expeditious and equitable resolution of all complaints. It is therefore necessary to establish a uniform method for documenting and handling complaints related to this high voltage transmission line project. The following procedures will satisfy this requirement:

- A. The permittee shall document all complaints by maintaining a record of all applicable information concerning the complaint, including the following:
 - 1. Name of the permittee and project.
 - 2. Name of complainant, address and phone number.
 - 3. Precise property description or tract numbers (where applicable).
 - 4. Nature of complaint.
 - 5. Response given.
 - 6. Name of person receiving complaint and date of receipt.
 - 7. Name of person reporting complaint to the PUC and phone number.
 - 8. Final disposition and date.

- B. The permittee shall assign an individual to summarize complaints for transmittal to the PUC.

6. Requirements

The permittee shall report all complaints to the PUC according to the following schedule:

Immediate Reports – All substantial complaints shall be reported to the PUC by phone or by e-mail the same day received or on the following working day for complaints received after working hours. Such reports are to be directed to high voltage transmission line permit compliance at the following:
DOC.energypermitcompliance@state.mn.us or 1-800-657-3794. Voice messages are acceptable.

Monthly Reports – By the 15th of each month, a summary of all complaints, including substantial complaints received or resolved during the preceding month. Such summaries shall be sent to Dr. Burl W. Haar, Executive Secretary, Minnesota Public Utilities Commission, Metro Square Building, 121 7th Place East, Suite 350, St. Paul, MN 55101-2147. A copy of each complaint shall be sent to Permit Compliance, Minnesota Department of Commerce, 85 7th Place East, Suite 500, St. Paul, MN 55101-2198.

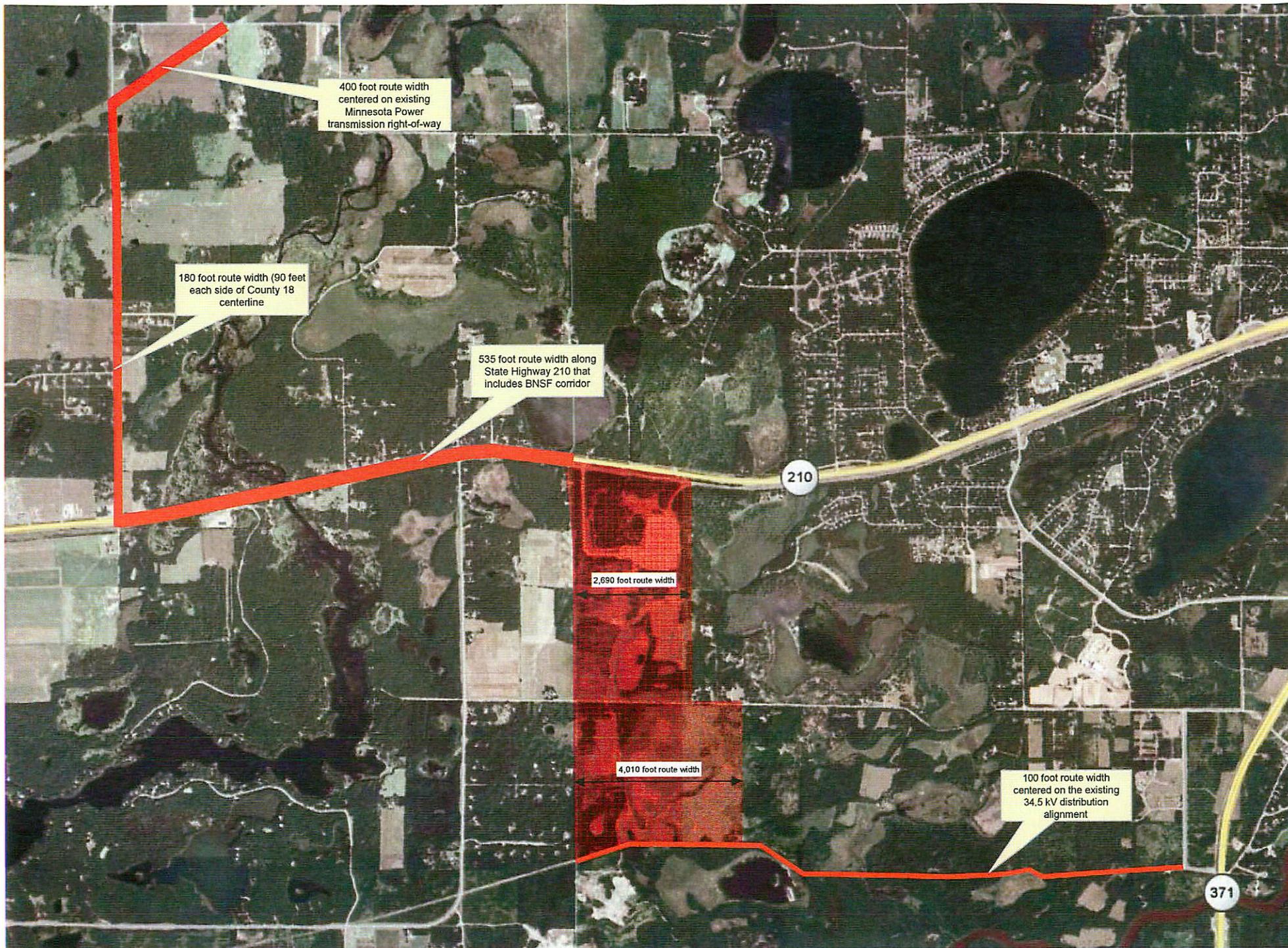
Unresolved Complaints – The permittee shall submit all unresolved complaints to the PUC for resolution by the PUC, where appropriate, no later than 45 days after the date of the submission.

7. Complaints Received by the PUC

Copies of complaints received directly by the PUC from aggrieved persons regarding site preparation, construction, cleanup, restoration, operation and maintenance shall be promptly sent to the permittee.

Initial Screening – Commission staff shall perform an initial evaluation of unresolved complaints submitted to the Commission. Complaints raising substantive routing permit issues shall be processed and resolved by the Commission. Staff shall notify permittee and the complainant if it determines that the complaint is a substantial complaint. With respect to such complaints, each party shall submit a written summary of its position to the Commission no later than ten days after receipt of the staff notification. Staff shall present briefing papers to the Commission, which shall resolve the complaint within twenty days of submission of the briefing papers.

Condemnation/Compensation Issues – If the Commission’s staff initial screening determines that a complaint raises issues concerning the just compensation to be paid to landowners on account of permittee acquisition of high voltage transmission line easements, staff shall recommend to the Executive Secretary that the matter be resolved under the provisions of Minnesota Statutes, Chapter 117. If the Executive Secretary concurs, he shall so report to the Commission and the matter shall be dealt with in the high voltage transmission line condemnation proceedings as an issue of just compensation.



STATE OF MINNESOTA)
)SS
COUNTY OF RAMSEY)

AFFIDAVIT OF SERVICE

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

That on the 9th day of April, 2009 she served the attached

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER ISSUING A ROUTE PERMIT TO GREAT RIVER ENERGY AND MINNESOTA POWER FOR THE SOUTHDAL TO SCEARCYVILLE 115 KILOVOLT TRANSMISSION LINE AND BREAKER STATION PROJECT.

MNPUC Docket Number: ET2/TL-08-712

- 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:

Tricia DeBleeckere
Docketing - OES
Julia Anderson - OAG
John Lindell- OAG

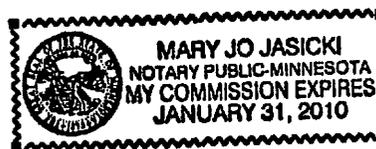
Robin Benson

Subscribed and sworn to before me,

a notary public, this 9th day of

April, 2009

Mary Jo Jasicki
Notary Public



10:
MN PUC

Christina Doucette
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Pillager MN 56473

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St. Paul MN 55101-2147

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Dept. of Commerce

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40:
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