



**BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION**

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

DOCKET No. IP-6687/TL-08-988

Meeting Date: January 12, 2010

Agenda Item # 7

Company: Noble Flat Hill Windpark I, LLC (Noble or the Applicant)

Docket No. IP-6687/TL-08-988

**In the Matter of the Application for a Route Permit for the Noble Flat Hill  
Windpark I 230 kV Transmission Line**

Issues: Should the Commission find that the Environmental Impact Statement (EIS) and the record adequately address the issues identified in the Scoping Decision?  
Should the Commission issue a Route Permit identifying a route and permit conditions for the Noble Flat Hill Windpark I 230 kV Transmission Line?

OES Staff: David E. Birkholz .....651-296-2878

**Relevant Document(s)**

Route Permit Application ..... August 29, 2008  
Final EIS .....October 8, 2009  
Exhibit List.....October 13, 2009  
ALJ “Summary of Testimony, Findings of Fact, Conclusions and Recommendation”Dec. 2, 2009  
Applicant’s Exceptions and Clarifications..... December 16, 2009

The enclosed materials are work papers of the OES staff. They are intended for use by the Commission and are based on information already in the record unless otherwise noted. This document can be made available in alternative formats, i.e., large print or audio tape, by calling (651) 201-2202 (Voice) or 1-800-627-3529 (TTY relay service).

## **Attached Document(s)**

Proposed Findings of Fact, Conclusions of Law and Order  
Proposed HVTL Route Permit

(Relevant documents and additional information can be found on eDockets (08-988) or the PUC Energy Facilities website: <http://energyfacilities.puc.state.mn.us/Docket.html?Id=19714>)

---

## **Statement of the Issues**

Should the Commission find that the Environmental Impact Statement (EIS) and the record adequately address the issues identified in the Scoping Decision? Should the Commission issue a Route Permit identifying a route and permit conditions for the Noble Flat Hill Windpark I 230 kV Transmission Line?

## **Introduction and Background**

On August 29, 2008, Noble filed a route permit application under the full review process for the Noble Flat Hill Windpark I 230 kV Transmission Line Project (Project). The project is a 230 kV HVTL and also requires a Certificate of Need (CN) determination. The Commission certified that a CN application for the route was not necessary separate from the CN for the Large Wind Energy Conversion System (LWECS).

### ***Project Area***

The Applicant proposes constructing a 230 kV transmission line from the Noble Flat Hill Windpark I project substation located at 70<sup>th</sup> Avenue North and 120<sup>th</sup> Street North, northeast of Glyndon in Clay County, Minnesota, to a new switching station along 50<sup>th</sup> Avenue South (Highway 12), southeast of Glyndon, Minnesota, on the OTP Sheyenne-Audubon 230 kV transmission line. The Proposed Project area includes portions of the Townships of Moland, Spring Prairie, Glyndon, and Riverton in Clay County, Minnesota. (See attached permit.)

### ***Project Description***

The Applicant proposes to construct the Noble Flat Hill Windpark I 230 kV transmission line, substation and switching station in Clay County, Minnesota. Depending on the final determined route, the proposed transmission line will cover a distance of approximately 9.9 to 11.5 miles. The Proposed Project would be constructed to capture energy generated by the Noble Flat Hill Windpark I, a planned 201 MW facility located in Clay County, Minnesota, and connect to the existing OTP Sheyenne-Audubon 230 kV transmission line southeast of Glyndon, Minnesota. Easements would be acquired by the Applicant for right-of-way along the route.

The new project substation within the Noble Flat Hill Windpark I in Clay County, Minnesota, would occupy approximately 2.5 acres. The proposed switching station that would be constructed along the existing OTP Sheyenne-Audubon 230 kV transmission line would be located at one of two alternative locations, based on the final determined route for the Proposed Project, and occupy approximately six acres. Parcels for the project substation and the switching station would be acquired by the Applicant.

## **Regulatory Process and Procedures**

High voltage transmission lines with a voltage above 200 kV are required to undergo the Full Review Process under Minnesota Rule 7850.1700-2700 and Minnesota Statute 216E.04. Under the Full Review Process, an applicant is required to present a proposed and an alternative route. The application must provide specific information about the proposed project, applicant, environmental impacts, alternatives and mitigation measures (Minn. Rule 7850.1900). The Commission may accept an application as complete, reject an application and require additional information to be submitted, or accept an application as complete upon filing of supplemental information (Minn. Rule 7850.2000). The Commission accepted the application as complete in its September 26, 2008, Order.

Under this process, the Office of Energy Security (OES) Energy Facility Permitting (EFP) staff conducted a public information and scoping meeting (Minn. Rule 7850.2300) in Glyndon on February 4, 2009. EFP prepared a Draft Environmental Impact Statement (EIS) released on July 31, 2009, and held a Draft EIS information meeting on August 31, 2009 in Glyndon. This document was an EIS prepared in lieu of an Environmental Report required for the CN, as allowed for under Minn. Rule 7849.1900, subp. 2. The Final EIS (Minn. Rule 7850.2500) was released on October 8, 2009.

A contested case hearing (Minn. Rule 7850.2600 and Minn. Rule 1405) was conducted by Administrative Law Judge Beverly J. Heydinger in Glyndon on October 13, 2009. The ALJ report and recommendation was released on December 2, 2009. The ALJ recommended that the Commission issue a route permit to the Applicant along their preferred route (Route 1), with a number of conditions recommended for that permit.

## **OES Staff Analysis and Comments**

The HVTL in question is part of the larger Noble Flat Hill Windpark I, 201 MW wind project in Clay County. The Project comprises three separate applications: a CN for the Project, an LWECS Site Permit and an HVTL Route Permit. If need has been determined for the wind project, that determination would by extension include the need for the transmission line to connect the Project to the transmission grid. So if this docket is being heard, granted that an HVTL above 200 kV requires a CN (Minn. Rule 7849.0030), the only question to be determined herein is the selection of a final route.

In this regard, staff marks no exceptions to the Findings in the ALJ Report<sup>1</sup> related to the transmission routing and concurs with the ALJ recommendation that the Commission issue an HVTL permit for the Applicants proposed Route 1, as discussed in the record.<sup>2</sup> The Judge correctly notes in Findings of Fact<sup>3</sup> that the Applicant's Route 1 is preferable to the Applicant's alternate Route 2 and also to Route 2A, which was included for additional evaluation in the EIS by OES. Route 1 makes the best use of existing corridors; makes use of an existing crossing of the Buffalo River rather than creating a new crossing; and has less impact than the other options on agricultural production and on native vegetation and remnant prairie areas.

---

<sup>1</sup> Summary of Testimony, Findings of Fact, Conclusions and Recommendation (ALJ), December 2, 2009

<sup>2</sup> ALJ, Recommendation 1

<sup>3</sup> ALJ, FOF 187-194

The ALJ did however recommend three separate conditions for the proposed route. She would condition the permit on placing the transmission line west of MN Highway 9 along “Boutons Addition.”<sup>4</sup> A number of citizens made requests throughout the permitting process to avoid this rural settlement. The Applicant does not object to this action. Staff concurs that putting the line to the west places a minimum 250 foot distance from homes in that development and that doing so does not create further environmental harm.

The second condition recommendation from the ALJ would be that the Commission require completion of a detailed review of the documented cultural resources and historic properties, and require the Applicant to consult with the State Historic Preservation Office (SHPO) on any appropriate mitigation.<sup>5</sup> However, the majority of the line would traverse previously cultivated or landscaped areas. Staff suggests the Permittee should consult with SHPO on the recommended value and location of cultural surveys and pursue mitigation such as moving poles or spanning areas as necessary on any findings.

A final recommended condition of the ALJ would be to require the Applicant to review transmission pole placements with the DNR to avoid interfering with Greater Prairie Chicken habitat.<sup>6</sup> However, Route 1 does not disturb natural prairie areas as do Routes 2 and 2A.<sup>7</sup> Also, the Applicant has already accommodated DNR recommendations by moving the entire project west of its original plan, placing any impacts well away (approximately 1.5 miles) from grassland habitats. The EIS describes, “Habitats required by greater prairie chickens include dense undisturbed grasses, 12-15 inches high for nesting, and open areas with very short cover are utilized for courtship activities.

The greater prairie chicken is typically associated with native prairies and grasslands in Minnesota, often adjacent to crop lands as a food source.”<sup>8</sup> Those types of habitats as noted are a distance to the east of the project. The transmission lines in question would be placed within MN HWY 9 right-of-way. Staff recommends no additional consultation with DNR on specific pole locations is necessary.

### ***Findings of Fact, Conclusions of Law, and Order***

The ALJ Report included findings on the Noble Flat Hill Wind Park I LWECS Site Application (WS-08-1134) and the Certificate of Need Application (CN-08-951) as well as the HVTL Route Application. The attached “Findings of Fact, Conclusions of Law, and Order” are being recommended for acceptance by the Commission for the route application and the site application, notwithstanding a limited number of exceptions as noted below.

Some of the following comments on the ALJ Findings of Fact pertain more clearly to the site permit application. However, since the same set of Findings may be accepted in both dockets, it is important to explain all exceptions herein.

The Applicant objected to the following Finding:<sup>9</sup>

---

<sup>4</sup> ALJ, Recommendation 2

<sup>5</sup> ALJ, Recommendation 3

<sup>6</sup> ALJ, Recommendation 4

<sup>7</sup> Final EIS (FEIS), p. 97

<sup>8</sup> FEIS, p. 94

<sup>9</sup> Exceptions and Clarifications to the [ALJ] (Exceptions), December 16, 2009, p. 2

44. In light of recent studies, including “Public Health Impacts of Wind Turbines,” prepared by the Minnesota Department of Health, May 22, 2009, the Commission may wish to consider increasing the distance that a wind turbine may be placed from a residence to reduce or eliminate low frequency noise, or introduce vegetative or other barriers. The Pollution Control Agency’s noise standards (a decibel exceedance standard) do not fully account for low frequency noise. The EIS discusses the Department of Health Study and suggests that additional mitigation should be addressed in the permitting process.

The Applicant recommended excising the Finding arguing the ALJ had gone beyond the limited charge to “summarize public comment” for the wind site application.<sup>10</sup> Staff does not agree that the ALJ was particularly excluded from making her own Findings. In fact, her report includes a number of Findings on the wind site to which the Applicant did not offer exception. However, staff still suggests the finding is a misplaced conclusion. Staff would also argue the EIS does not make any recommendations in its review. The matter of reviewing potential changes in Commission guidelines for mitigation regarding noise issues is under review in another docket (09-845). Staff recommends editing the Finding as noted below:

44. In light of recent studies, including “Public Health Impacts of Wind Turbines,” prepared by the Minnesota Department of Health, May 22, 2009, the Commission is gathering information to determine if current permit conditions on setbacks remain appropriate and reasonable ~~may wish to consider increasing the distance that a wind turbine may be placed from a residence to reduce or eliminate low frequency noise, or introduce vegetative or other barriers.~~ The Pollution Control Agency’s noise standards (a decibel exceedance standard) do not fully account for low frequency noise. ~~The EIS discusses the Department of Health Study and suggests that additional mitigation should be addressed in the permitting process.~~

The Applicant also objected to the following Findings on the same grounds:<sup>11</sup>

49. The Minnesota Department of Health Study, “Public Health Impacts of Wind Turbines,” states Modeling conducted by the Minnesota Department of Health suggests that a receptor 300 meters perpendicular to, and in the shadow of the blades of a wind turbine, can be in the flicker shadow of the rotating blade for almost 1 ½ hour a day. At this distance a blade may completely obscure the sun each time it passes between the receptor and the sun. With current wind turbine designs, flicker should not be an issue at distances over 10 rotational diameters (~ 1000 meters or 1 km (0.6 mi) for most current wind turbines). This distance has been recommended by the Wind Energy Handbook (Burton et al., 2001) as a minimum setback distance in directions that flicker may occur. . . .

50. Increasing the required distance from turbines to residences to a minimum of 1000 meters will mitigate the effects of both low frequency noise and shadow flicker.

---

<sup>10</sup> Exceptions, p. 3

<sup>11</sup> Exceptions, p. 4,5

The Applicant assessed these Findings as “not a summary of a public comment at the hearing.”<sup>12</sup> However, staff notes that the MDH study was included in the EIS<sup>13</sup> and was part of the record. The Applicant also was concerned this was a recommendation by the ALJ. Staff suggests the Findings describe a recommendation quoted by the ALJ rather than as one put forward on her own part. The Applicant may correctly assume the difficulties inherent in adopting such a recommendation,<sup>14</sup> but staff suggests the ALJ is not actually making a formal recommendation. Staff, does not support excepting these Findings.

Finally, the Applicant offers a modification to Finding 19 to reflect information they supplied to the ALJ and to Finding 32,<sup>15</sup> correcting references in the Finding from “110<sup>th</sup> Street” to “100<sup>th</sup> Street” as appropriate.<sup>16</sup> Staff supports these modifications to clarify the record.

### ***Environmental Impact Statement***

The ALJ did not make a specific conclusion or recommendation concerning the adequacy of the Final EIS. However, she was explicit in finding that, “The RPA [Route Permit Application] and the EIS each contain adequate information to allow the Commission to address the considerations enumerated in Minn. Stat. § 216E.03, subd. 7(b).”<sup>17</sup> Staff suggests a conclusion is inherent in that finding for the adequacy of the EIS.

### **PUC Decision Options:**

- A. Approve and adopt the attached Findings of Fact, Conclusions of Law, and Order for the Noble Flat Hill Windpark I 230 kV Transmission Line Project, thereby:
  - 1. Determining the Environmental Impact Statement and record created at the public hearing address the issues identified in the EIS Scoping Decision; and
  - 2. Issuing the high voltage transmission line Route Permit as attached, with appropriate conditions, to Noble Flat Hill Windpark I, LLC.
- B. Approve and adopt the Findings of Fact, Conclusions of Law, and Order as above while imposing any further permit conditions as deemed appropriate.
- C. Amend the Findings of Fact, Conclusions of Law, and Order and Route Permit as deemed appropriate.
- D. Make some other decision deemed more appropriate.

### **OES Energy Facility Permitting Recommendation: Option A.**

---

<sup>12</sup> Exceptions, p. 4

<sup>13</sup> FEIS, Appendix B

<sup>14</sup> Exceptions, p. 5

<sup>15</sup> ALJ, FOF 32

<sup>16</sup> Exceptions, p. 6,7

<sup>17</sup> ALJ, FOF 34

**BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION**

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

Chair  
Vice Chair  
Commissioner  
Commissioner  
Commissioner

<p><b>In the Matter of the Noble Flat Hill Windpark I, LLC Application for a 230 kV High Voltage Transmission Line Route Permit in Clay County</b></p>	<p><b>ISSUE DATE: January 12, 2010</b></p> <p><b>DOCKET NO. IP-6687/TL-08-988</b></p> <p><b>FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER ISSUING AN HVTL ROUTE PERMIT TO NOBLE FLAT HILL WINDPARK I, LLC</b></p>
--	---

The above-captioned matter came before the Minnesota Public Utilities Commission (Commission) on January 12, 2010, for action on an application by Noble Flat Hill Wind Park I, LLC (Applicant), for a route permit to construct a new 9.9-mile transmission line in Spring Prairie and Riverton townships in Clay County.

A public hearing was held on October 13, 2009, at the Community Center in Glyndon, Minnesota. The hearing was presided over by Beverly Jones Heydinger, 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 October 30, 2009.

**STATEMENT OF ISSUE**

Should the Commission find that the Environmental Impact Statement (EIS) 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 Noble Flat Hill Wind Park I Transmission Line Project?

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

## **FINDINGS OF FACT**

The Commission adopts the December 2, 2009, ALJ Findings of Fact and Conclusions of Law for the Noble Flat Hill Wind Park I Transmission Project in Clay County related to PUC Docket No. IP-6687/TL-08-988, with the following Exceptions:

Finding 19 should be edited as follows to correct the record:

19. The Proposed Project Area covers approximately 20,000 acres comprising portions of 40 sections of land and 55 residential structures. ~~All but two of the residences are participating in the Proposed Project by contracting with Noble for the siting of wind turbines on their land.~~ Wind turbines are set back at least 700 feet from any participating residence. Based on the initially proposed layout of turbines, the nearest nonparticipating residence within the Proposed Project Area is approximately 1,200 feet from the nearest turbine. The average distance from a residence is approximately 3,000 feet.

Finding 32 should be edited as follows to correct the record:

32. Route 2A would deviate from Route 2 approximately 0.1 miles west of the intersection of 110th Street North (CSAH 19) and 15th Avenue North (CR 84). This is approximately 0.5 miles south of where Route 2 crosses the Buffalo River along 110th Street North (CSAH 19) and approximately 0.5 miles north of where Route 2 would enter the city limits of Glyndon. The Route 2A alignment would proceed west from the intersection of 110th Street North (CSAH 19) and 15th Avenue North (CR 84) for approximately 0.5 miles to ~~110th~~ 100th Street North and proceed south for one mile. Route 2A would need to be located on the east side of ~~110th~~ 100th Street North to avoid two existing farms on the west side of the road. Route 2A would then continue south and cross U.S. Highway 10 and an intermittent stream. South of U.S. Highway 10, Route 2A would follow ~~110th~~ 100th Street South (CSAH 17) for approximately 1.25 miles. This road, ~~110th~~ 100th Street South (CSAH 17), comprises the western boundary of the city limits of Glyndon. Route 2A would be located on the east side of 110th 100th Street South (CSAH 17) to avoid an existing residence on the west side of the road. Approximately 0.25 miles south of 12th Avenue South, Route 2A would turn east. At this point, the HVTL would be located along the southern boundary of the Glyndon city limits. Route 2A would travel east for approximately 0.5 miles to the center of the section, where it would encounter the former BNSF Railway right-of-way. Route 2A would travel southeast for approximately 1.0 miles where it would rejoin Route 2.

Finding 44 may be considered speculative in this docket. Potential mitigations for wind turbine noise issues are being discussed in a separate Commission docket (see 09-845). Finding 44 should be edited as follows:

44. In light of recent studies, including “Public Health Impacts of Wind Turbines,” prepared by the Minnesota Department of Health, May 22, 2009, the Commission is gathering information to determine if current permit conditions on setbacks remain appropriate and reasonable ~~may wish to consider increasing the distance that a wind turbine may be placed from a residence to reduce or eliminate low frequency noise, or introduce vegetative or other barriers.~~ The Pollution Control Agency’s noise standards (a decibel exceedance standard) do not fully account for low frequency noise. ~~The EIS discusses the Department of Health Study and suggests that additional mitigation should be addressed in the permitting process.~~

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 full permitting process of Minnesota Statute 216E.03 and Minnesota Rule 7850.1700-2700.
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 impact statement of this project as required by Minnesota Statute 216E.03, subdivision 5, and Minnesota Rule 7850.2500.
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 7850.4100.
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 Noble Flat Hill Wind Park I, LLC, to construct approximately ten miles of 230 kV transmission line connecting a new Noble Flat Hill Wind Park I 201 MW LWECS in Moland and Spring Prairie townships to a new switching station in Riverton Township connecting to the existing Otter Tail Power 230 kV Transmission Line. The Applicant is issued a route width of 300 feet along their proposed route except as noted in the permit conditions. Applicants are also permitted to construct two substations as per their proposal.
2. The route permit shall be issued in the form attached hereto, with maps showing the approved route.

Approved and adopted this \_\_\_\_\_ day of January 2010.

BY ORDER OF THE COMMISSION

---

Burl W. Haar,  
Executive Secretary

**STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION**

**ROUTE PERMIT FOR CONSTRUCTION OF A HIGH  
VOLTAGE TRANSMISSION LINE, NEW SUBSTATION AND  
SWITCHING STATION IN CLAY COUNTY, MINNESOTA**

**ISSUED TO  
NOBLE FLAT HILL WINDPARK I, LLC**

**PUC DOCKET No. IP-6687/TL-08-988**

In accordance with the requirements of Minnesota Statutes Chapter 216E.03 and Minnesota Rules Chapter 7850, this route permit is hereby issued to:

**NOBLE FLAT HILL WINDPARK I, LLC**

NOBLE FLAT HILL WINDPARK I, LLC is authorized by this route permit to construct a new 9.9 mile 230 kilovolt (kV) high voltage transmission line located within Clay County in the State of Minnesota, from a new project substation in Spring Prairie Township to a new switching station in Riverton Township.

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

Approved and adopted this \_\_\_\_\_ day of January 2010

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 Noble Flat Hill Wind Park I, LLC (Permittee) pursuant to Minnesota Statutes Chapter 216E.03 and Minnesota Rules Chapter 7850. This permit authorizes the Permittee to build approximately 10 miles of 230 kV transmission line in Clay County from a new LWECS project substation in Spring Prairie Township to a new switching station in Riverton Township to connect with the existing Otter Tail Power 230 kV Transmission Line.

## **II. PROJECT DESCRIPTION**

Permittees are authorized to construct a project comprising a new substation, transmission line and switching station as described below:

- A new single circuit 230 kilovolt (kV) transmission line to capture energy generated by the Noble Flat Hill Windpark I located in Clay County, Minnesota, and connect to the Otter Tail Power Company (OTP) Sheyenne-Audubon 230 kV transmission line southeast of Glyndon, Minnesota;
- The new project substation within the Noble Flat Hill Windpark I at 70<sup>th</sup> Avenue North and 120<sup>th</sup> Street North, northeast of Glyndon in Clay County, Minnesota; and
- The new switching station along the existing OTP Sheyenne-Audubon 230 kV transmission line southeast of Glyndon, Minnesota.

## **III. DESIGNATED ROUTE/SITE**

A route permit for a high voltage transmission line corridor 300 feet wide, along Applicant's preferred Route 1, which is depicted in Appendix A and Figures 1-4 and 8 in the Route Permit Application and runs from the Noble Flat Hill Windpark I substation along the 70th Avenue North right-of-way east for 2.35 miles then generally follows the MN Highway 9 road right-of-way south to the point of interconnection with the existing OTP Sheyenne-Audubon 230 kV transmission line located on the north side of 50<sup>th</sup> Avenue South (CSAH 12) southeast of Glyndon, Minnesota. Route 1 includes those segments that are described in Table 3-1 on page 17 of the Route Permit Application from north to south: 1-1, 1-2, 1-3, 1-4, and 1-5. The approved right-of-way (ROW) width for the selected segments is 125 feet.

The new project substation will occupy approximately 2.5 acres on a 10-acre parcel within Noble Flat Hill Windpark I (see attached map) The substation will be designed to accommodate the incoming 34.5 kV collector lines and the outgoing 230 kV line.

## 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 and the complaints procedures 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. 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.

#### **K. Special Conditions.**

**1. Route Alignments.** To reduce the impact of Route 1 on residences, the transmission line must be located on the west side of MN Highway 9 from 70th Avenue North to the BNSF Railway; on the east side of MN Highway 9 from the BNSF Railway to Boutons Addition; and on the west side of MN Highway 9 from Boutons Addition to the point of interconnection with the OTP Sheyenne-Audubon 230 kV transmission line.

**2. Historic Resources.** The Permittee shall consult with the State Historic Properties Office for recommendations on the value and location of cultural surveys and pursuant to employ mitigation such as moving poles or spanning areas as necessary on any findings.

## **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.

**MINNESOTA PUBLIC UTILITIES COMMISSION  
COMPLIANCE FILING PROCEDURE  
FOR PERMITTED ENERGY FACILITIES**

**1. Purpose**

To establish a uniform and timely method of submitting information required by the Commission energy facility permits.

**2. Scope and Applicability**

This procedure encompasses all compliance filings required by permit.

**3. Definitions**

Compliance Filing – A sending (filing) of information to the Commission, where the information is required by a Commission site or route permit.

**4. Responsibilities**

- A) The permittee shall eFile all compliance filings with Dr. Burl Haar, Executive Secretary, Public Utilities Commission, through the Department of Commerce (DOC) eDocket system. The system is located on the DOC website: <https://www.edockets.state.mn.us/EFiling/home.jsp>

General instructions are provided on the website. Permittees must register on the website to eFile documents.

- B) All filings must have a cover sheet that includes:
- 1) Date
  - 2) Name of submitter / permittee
  - 3) Type of Permit (Site or Route)
  - 4) Project Location
  - 5) Project Docket Number
  - 6) Permit Section Under Which the Filing is Made
  - 7) Short Description of the Filing

Filings that are graphic intensive (e.g., maps, plan and profile) must, in addition to being eFiled, be submitted as paper copies and on CD. Copies and CDs should be sent to: 1) Dr. Burl W. Haar, Executive Secretary, Minnesota Public Utilities Commission, 121 7<sup>th</sup> Place East, Suite 350, St. Paul, MN, 55101-2147, and 2) Department of Commerce, Energy Facility Permitting, 85 7<sup>th</sup> Place East, Suite 500, St. Paul, MN, 55101-2198.

## PERMIT COMPLIANCE FILINGS<sup>1</sup>

**PERMITTEE:** Noble Flat Hill Wind Park I, LLC  
**PERMIT TYPE:** HVTL Route Permit  
**PROJECT LOCATION:** Clay County  
**PUC DOCKET NUMBER:** IP-6687/TL-08-988

<b>Filing Number</b>	<b>Permit Section</b>	<b>Description</b>	<b>Due Date</b>
<b>1</b>	Section IV.B.2	Contact information for field representative	10 days prior to construction
<b>2</b>	Section IV.K.2	Archaeological survey results	As required by State Historic Preservation Office
<b>3</b>	Section IV.D.	Complaint report procedure	Prior to construction
<b>4</b>	Section IV.A.	Plan and profile of right-of-way	14 days before right-of-way preparation or construction

---

<sup>1</sup> This compilation of permit compliance filings is provided for the convenience of the permittee and the PUC. However, it is not a substitute for the permit; the language of the permit controls.

**MINNESOTA PUBLIC UTILITIES COMMISSION  
COMPLAINT HANDLING PROCEDURES FOR  
HIGH VOLTAGE TRANSMISSION LINES**

**A. Purpose:**

To establish a uniform and timely method of reporting complaints received by the Permittee concerning Permit conditions for site preparation, construction, cleanup and restoration, operation and resolution of such complaints.

**B. Scope:**

This document describes Complaint reporting procedures and frequency.

**C. Applicability:**

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

**D. Definitions:**

Complaint: A verbal or written statement presented to the permittee by a person expressing dissatisfaction or concern regarding site preparation, cleanup or restoration or other LWECs and associated facilities site permit conditions. Complaints do not include requests, inquiries, questions or general comments.

Substantial Complaint: A written Complaint alleging a violation of a specific Site Permit condition that, if substantiated, could result in Permit modification or suspension pursuant to the applicable regulations.

Unresolved Complaint: A Complaint which, despite the good faith efforts of the permittee and a person(s), remains to both or one of the parties unresolved or unsatisfactorily resolved.

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.

**E. Complaint Documentation and Processing:**

1. The Permittee shall document all Complaints by maintaining a record of all applicable information concerning the Complaint, including the following:
  - a. Name of complainant, address, phone number, and e-mail address.
  - b. Precise property description or parcel number.
  - c. Name of Permittee representative receiving Complaint and date of receipt.
  - d. Nature of Complaint and the applicable Site Permit conditions(s).
  - e. Activities undertaken to resolve the Complaint.
  - f. Final disposition of the Complaint.
2. The Permittee shall designate an individual to summarize Complaints for substantial to the Commission. This person's name, phone number and e-mail address shall accompany all complaint submittals.
3. A Person presenting the Complaint should to the extent possible, include the following information in their communications:
  - a. Name, address, phone number, and e-mail address.
  - b. Date
  - c. Tract or parcel
  - d. Whether the complaint relates to (1) a Site Permit matter, (2) a LWECS and associated facility issue, or (3) a compliance issue.

**F. Reporting Requirements:**

The Permittee shall report all complaints to the Commission according to the following schedule:

**Immediate Reports:** All substantial complaints shall be reported to the Commission the same day received, or on the following working day for complaints received after working hours. Such reports are to be directed to Wind Permit Compliance, 1-800-657-3794, or by e-mail to: [DOC.energypermitcompliance@state.mn.us](mailto:DOC.energypermitcompliance@state.mn.us), or. 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, shall be Filed to Dr. Burl W. Haar, Executive Secretary, Public Utilities Commission, using the Minnesota Department of Commerce eDocket system (see eFiling instructions attached to this permit).

If no Complaints were received during the preceding month, the permittee shall submit (eFile) a summary indicating that no complaints were received.

**G. Complaints Received by the Commission or OES:**

Complaints received directly by the Commission from aggrieved persons regarding site preparation, construction, cleanup, restoration, operation and maintenance shall be promptly sent to the Permittee.

**H. Commission Process for Unresolved Complaints:**

**Initial Screening:** Commission staff shall perform an initial evaluation of unresolved Complaints submitted to the Commission. Complaints raising substantial LWECS Site Permit issues shall be processed and resolved by the Commission. Staff shall notify Permittee and appropriate person(s) 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.

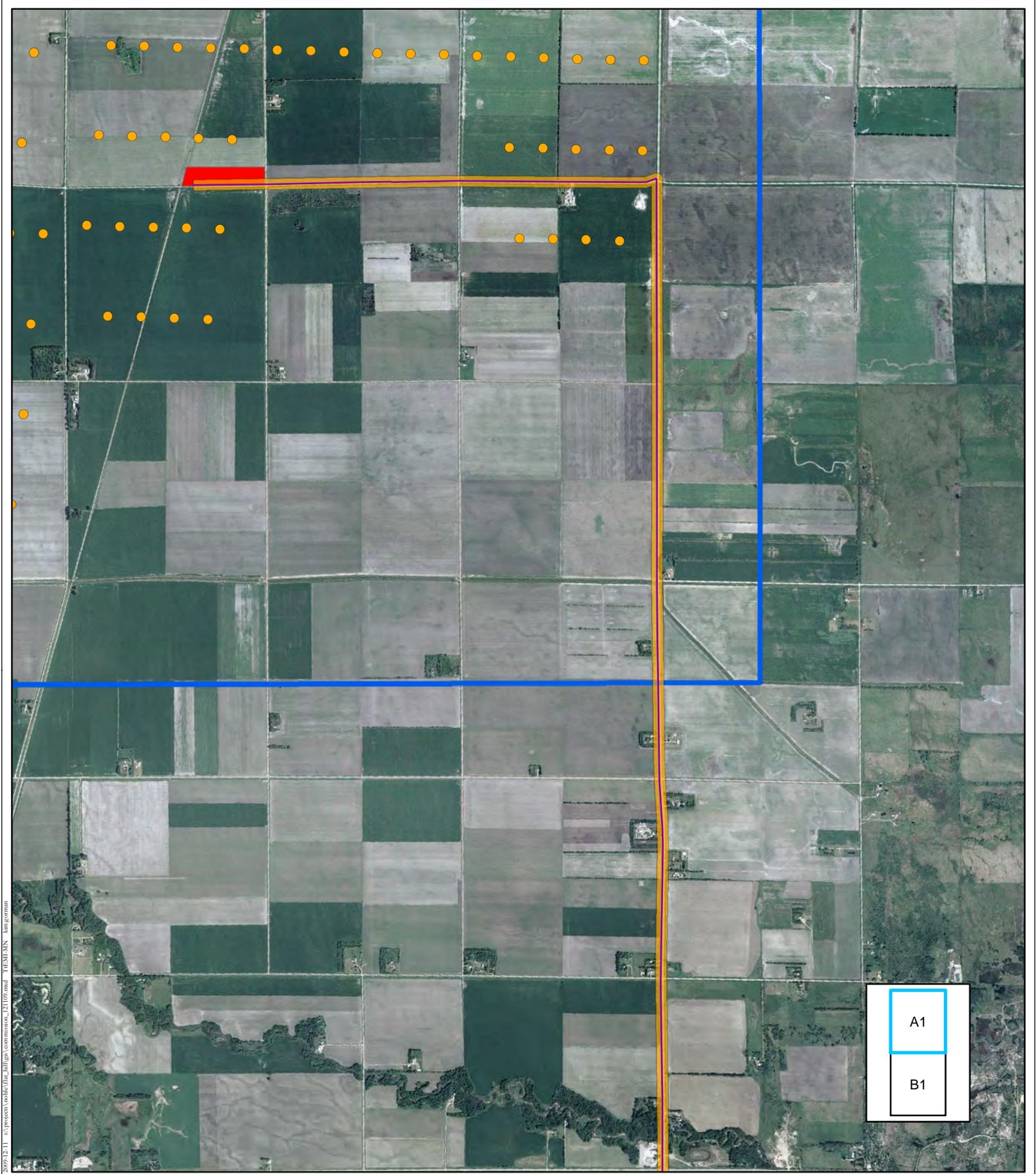
**I. Permittee Contacts for Complaints:**

**Mailing Address:** Complaints filed by mail shall be sent to:

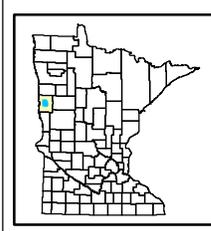
**ATTN:** Michael Beckner  
Noble Flat Hill Wind Park I, LLC  
8 Railroad Avenue  
Essex, CT 06426

**Tel:** (860) 586-5010

**Email:** BecknerM@noblepower.com



Source: Map adapted from FSA Aerial Photography (2003).

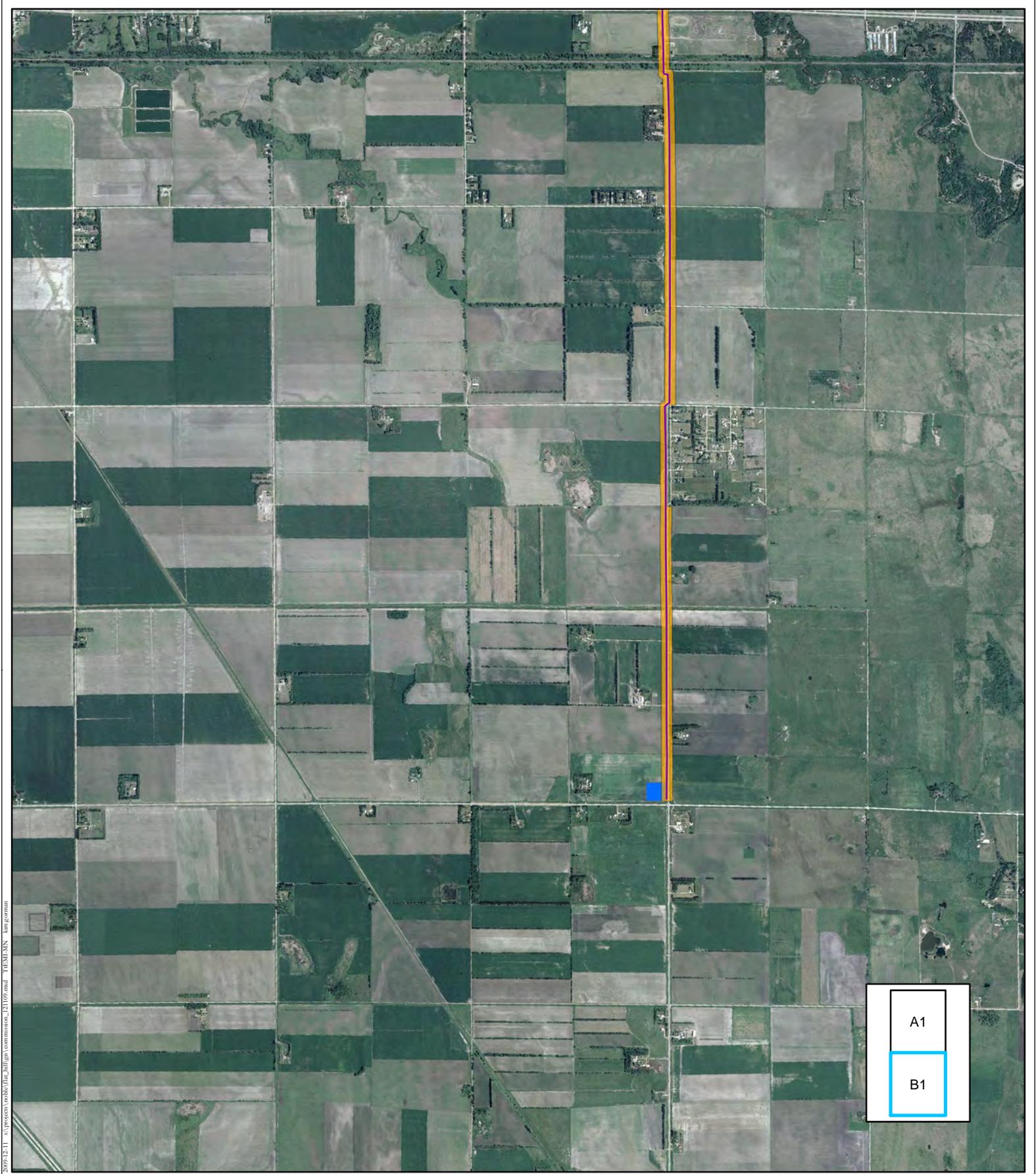


- Intended Alignment Route 1
- Route Width
- Substation and O&M Building Parcel
- Switch Station Parcel
- Preliminary Turbine Location (Layout 08/13/08)
- Project Boundary

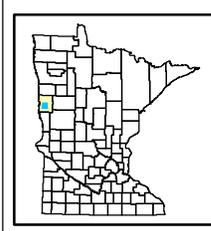


A1
B1

Proposed Route Permit  
Noble Flat Hill Windpark I, LLC



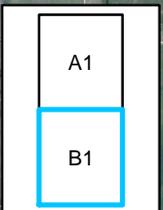
Source: Map adapted from FSA Aerial Photography (2003).



- Intended Alignment Route 1
- Route Width
- Substation and O&M Building Parcel
- Switch Station Parcel
- Preliminary Turbine Location (Layout 08/13/08)
- Project Boundary



Proposed Route Permit  
Noble Flat Hill Windpark I, LLC



2009-12-11 8:30pm c:\projects\work\06\_2009\mills\commission\_12109.mxd T:\MANS \m.gorman