



Energy Facility Permitting
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May 24, 2013

Burl W. Haar, Executive Secretary
Minnesota Public Utilities Commission
127 7th Place East, Suite 350
St. Paul, MN 55101-2147

In the Matter of the Application for a Route Permit for the Hampton - Rochester - La Crosse 345 kV Transmission Line Project (PUC Docket No. E002/TL-09-1448)

Re: Route Modification in North Rochester to Mississippi 345 kV Section

Dear Dr. Haar:

Attached are the review and comments of the Minnesota Department of Commerce Energy Facility Permitting staff in the above matter.

Xcel Energy, Inc. has submitted an application pursuant to Minnesota Rule 7850.4800 for approval of a minor alteration of the permitted route for the Hampton-Rochester-La Crosse 345 kV Transmission Line Project

This filing was made on May 6, 2013, by:

Grant Stevenson
Senior Project Manager
Xcel Energy, Inc.
800 Nicollet Mall
Minneapolis, Minnesota 55401

EFP staff is available to answer any questions the Commission may have.

Sincerely,

A handwritten signature in black ink, appearing to read "David Birkholz", is written over a light blue horizontal line.

David Birkholz, EFP Staff

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BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

COMMENTS AND RECOMMENDATIONS OF MINNESOTA DEPARTMENT OF COMMERCE ENERGY FACILITY PERMITTING STAFF

DOCKET NO. E002/TL-09-1448

Date: May 24, 2013

EFP Staff: David E. Birkholz651-296-2878

In the Matter of the Application for a Route Permit for the Hampton - Rochester - La Crosse 345 kV Transmission Line Project, North Rochester to Mississippi 345 kV Section

Issue(s) Addressed: These comments address the definition of a minor alteration, and whether the requested modification is minor.

Additional documents and information can be found on
<http://mn.gov/commerce/energyfacilities/Docket.html?Id=25731> or on eDockets
<http://www.edockets.state.mn.us/EFiling/search.jsp> (Year "9" and Number "1448")

This document can be made available in alternative formats; i.e. large print or audio tape by calling (651) 296-0391.

INTRODUCTION AND BACKGROUND

Xcel Energy, Inc. (Permittee or Xcel Energy) filed an application¹ with the Public Utilities Commission (Commission) for a route permit on January 19, 2010, to build a 345 kV transmission line from Hampton Substation through Rochester to La Crosse (Project). The Public Utilities Commission (Commission) issued an Order² approving a route permit on May 30, 2012. Xcel Energy filed a request for a route modification in the section between the North Rochester Substation and the Mississippi River on May 6, 2013.³

¹ "Route Permit Application," Xcel Energy, Inc., January 19, 2010.

² Minnesota Public Utilities Commission Order for a Route Permit, 20125-75128-01, May 20, 2012

³ "Application for Approval of a Minor Alteration," Xcel Energy, Inc. 20135-86746-01, May 6, 2013

REGULATORY PROCESS AND PROCEDURE

Route Permit Condition 3.1 lays out the reasons for and conditions under which the transmission alignment or the actual route width may be modified:

The designated route identifies an alignment that minimizes the overall potential impacts to the factors identified in Minnesota Rule 7850.4100 and which was evaluated in the environmental review and permitting process. Consequently, this permit anticipates that the actual right-of-way will generally conform to the alignment shown in the attached maps, unless changes are requested by individual landowners, unforeseen conditions are encountered, or are otherwise provided for by this permit.

Any alignment modifications within this designated route shall be located so as to have comparable overall impacts relative to the factors in Minnesota Rule 7850.4100 as does the alignment identified in this permit, and shall be specifically identified and documented in and approved as part of the Plan and Profile submitted pursuant to Section 4.1 of this permit.

Route width variations outside the designated route may be allowed for the Permittee to overcome potential site specific constraints. These constraints may arise from any of the following:

- 1) Unforeseen circumstances encountered during the detailed engineering and design process.
- 2) Federal or state agency requirements.
- 3) Existing infrastructure within the transmission line route, including but not limited to roadways, railroads, natural gas and liquid pipelines, high voltage electric transmission lines, or sewer and water lines.
- 4) Planned infrastructure improvements identified by state agencies and local government units (LGUs) and made part of the evidentiary record during the record for this permit.

The proposed route modification is the response of the Permittee to a request from landowners. However, the change would place the alignment outside the permitted route, so the modification does not qualify within the clause for changes of alignment within the route. The request also does not qualify for any of the designated allowances for changing the route width detailed in the second part of the permit condition quoted above.

Therefore, the Permittee has requested to amend the Route Permit to allow the proposed change by filing a Minor Alteration request under Minnesota Rule 7850.4800, subp. 2. The rule states:

The application shall be in writing and shall describe the alteration in the large electric power generating plant or high voltage transmission line to be made and the explanation why the alteration is minor.

In subp. 1, the same rule states:

A minor alteration is a change in a large electric power generating plant or high voltage transmission line that does not result in significant changes in the human or environmental impact of the facility.

EFP ANALYSIS AND COMMENTS

EFP evaluates a minor alteration request in relation to this subpart in the same manner it would evaluate changes in a Plan and Profile. To help develop the necessary information to facilitate an informed decision, EFP has provided Plan and Profile guidance⁴ to permittees. This guidance clearly states the type of data and analysis that can provide EFP, and eventually the Commission, with the information necessary to evaluate whether a modification results in significant changes to the impacts of the facility.

In this case, the Permittee filed a table of comparative statistics for both the permitted route and the modified route. The Permittee's data in a purely numerical sense would appear to indicate that the modification may have equal or lesser impacts than the original route. However, the Permittee did not follow the guidance to provide a table that assesses impacts relative to routing factors. Absent that information, EFP assessed the request using available data and review of the maps. EFP considers two issues in particular to be of special importance.

Human Impact

The request moves the alignment further away from a residence. However, the residence in question is 169 feet away from the permitted alignment. This is well outside the transmission ROW. In addition, as can be noted in the map included with the request, the permitted alignment is across the road from the home, with the conductor crossing directly across from the residence and a structure a bit further away.

EFP mentions this to note that the permitted alignment is not a direct impact on the residence, other than the view of a conductor across the road. This is a condition that did not limit the selection of the alignment in the first place and in fact does not differ from the impact of any number of other residences along the entire alignment.

However, the change is the choice of the landowner to move the alignment from a segment of his own property to another location on his own property. One other landowner is affected by this move by introducing an alignment that dissects his farm field. However, this has been portrayed as an alignment with which the new landowner is in agreement. That landowner was cc'd on the change request and the Commission's request for comments, so the landowner has opportunity to respond if he is not in agreement with the modification; he has not done so to date.

Environmental Impact

Regardless of other concerns, a minor alteration must also not significantly change the environmental impact of the facility. This modification does change the impact by moving from roadways and section lines to a cross-country alignment.

⁴ Plan and Profile Guidance for Transmission Lines, DOC Energy Facility Permitting, June 2012

Minnesota Rule 7850.4100 notes one factor for choosing a route as, "(J) use of existing transportation, pipeline, and electrical transmission systems or rights-of-way;" and another as, "(H) use or paralleling of existing rights-of-way, survey lines, natural division lines, and agricultural field boundaries." The Commission followed those rule requirements in determining the original route.

The modification moves the alignment from predominant placement (80 percent) along roads and property lines to having no such alignment. Instead, the line would cross agricultural fields. As mitigation, the new alignment would place poles near the road, edges of fields and on section lines. The Permittee has stated the design will not interfere with farming operations or the use of large equipment, such as combines.

The other potential for the modification to change significant impacts is that the line would cross forested wetland, resulting in a permanent impact of "1.08 acres of wetland tree clearing." The Permittee has contacted the US Army Corps of Engineers, and the area has been inspected by the Corps without raising objection, according to the Permittee. The crossing would require a Section 404 permit.

EFP's initial concern was for the possibility of loss of habitat and especially fragmentation of habitat. However, the clearing is through a very narrow segment of linear wetland. This area would not likely experience the same impact as if the alignment would dissect core habitat and would not create the same ecotone impacts that would be expected in that circumstance. In this instance, the impact on species should be nominal, and EFP believes the overall impact would be *de minimis*.

EFP Conclusions and Recommendation

EFP concludes the requested modification does not significantly change the human or environmental impact of the facility and is, therefore, minor.

EFP recommends the Commission approve Xcel Energy's route modification request.