

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Beverly Jones Heydinger  
David C. Boyd  
Nancy Lange  
J. Dennis O'Brien  
Betsy Wergin

Chair  
Commissioner  
Commissioner  
Commissioner  
Commissioner

In the Matter of the Route Permit Application  
for a 345 kV Transmission Line from Brookings  
County, South Dakota to Hampton, Minnesota

ISSUE DATE: April 22, 2013

DOCKET NO. ET-2/TL-08-1474

ORDER APPROVING ROUTE  
ALIGNMENT

**PROCEDURAL HISTORY**

**I. Permittees' Plan and Profile Submission**

On September 21 and October 12, 2012, Great River Energy and Xcel Energy (Permittees) submitted a Plan and Profile compliance filing and supplement for an approximately two plus mile section of the Helena substation to Chub Lake substation segment of the 345 kV Brookings County, South Dakota to Hampton transmission line.<sup>1</sup>

In the filings, Permittees requested to modify the permitted anticipated alignment and right-of-way between Nachez Avenue and the Chub Lake substation by shifting it approximately 1,300 feet south, along the north side of County Road 62 (also known as 245<sup>th</sup> Street).<sup>2</sup> Permittees justified the proposed change in alignment stating that it was due to unforeseen developments encountered in the detailed design phase, including 1) the final location and design of the Chub Lake substation moved the termination point of the segment south, and 2) access along the anticipated alignment

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<sup>1</sup>The Commission approved the Brookings to Hampton route permit in this docket in orders dated September 14, 2010 and March 1, 2011. The designated route near the Chub Lake substation included a 3,000 –foot wide area from Nachez Avenue to the Lake Michigan substation on Pillsbury Avenue and included an anticipated cross-county alignment to the north for the end of the segment.

<sup>2</sup>The proposed alignment modification would make use of a minor alteration to the permit approved by the Commission on September 10, 2012, i.e., the use of a quadruple circuit structure design to be located along existing 69 kV double circuit transmission lines, as well as the flexibility to rebuild co-located 69 kV transmission line using 115 kV-capable conductors and insulators on the quadruple circuit structures. The order noted that its decision did not prejudice the final alignment in the area of the Chub Lake substation, which would be subject to review and approval of the Commission.

was found to be more constrained than contemplated -- complicating construction and future maintenance of the transmission line.

On November 5, 2012, the Commission issued its compliance review of Permittees' proposed Plan and Profile modification. In the compliance review, commission staff concluded that the proposed alignment modification has comparable overall impacts to the permitted alignment, except for impacts to residences between proposed structures 0960-110 and 0960-112.<sup>3</sup> The Department of Commerce Energy Facility Permitting staff (DOC EFP) recommended that Permittees conduct a full engineering design to determine the feasibility of the proposed modification to the approved route alignment.

After several exchanges of information with Permittees, the DOC EFP recommended that the Commission direct Permittees to modify their Plan and Profile to locate the alignment for this section of the route to the south side of County Road 62.

On February 5, 2013, the Commission issued an order 1) holding in abeyance its compliance review letter of November 5, 2012; 2) requesting that DOC EFP staff confer with the Permittees to obtain additional information to better evaluate the alignment options in question, and to attempt to come up with a mutually agreed upon alignment proposal; and 3) directing Commission staff to issue a notice for additional public comments from potentially affected landowners.<sup>4</sup>

## **II. Supplemental Proceedings**

On February 19, 2013, Permittees filed supplemental data for five possible route alignments for this section of the proposed route – between proposed structure 0960-103 and the proposed Chub Lake substation. Permittees' Options 1 and 2 proceed along County Road 62.<sup>5</sup> Option 3 is the anticipated alignment in the route permit issued by the Commission in September 2010. Options 4 and 5 are variations of option 3.<sup>6</sup>

Permittees then analyzed each of the five route alignments, and balanced them against the routing factors in Minnesota Rule 7850.4100. In its analysis, Permittees again recommended that the Commission adopt its preferred alignment along the north side of County Road 62 (option 1), or, instead, an alternative alignment along the south side of County Road 62 (option 2).<sup>7</sup>

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<sup>3</sup> The permitted route alignment proceeds cross country and along field lines from Highway 91, then east and south along Interstate 35W, and then east across the freeway to the Chub Lake substation.

<sup>4</sup> The alignment options in question included the originally proposed alignment, the alignment north of County Road 62 proposed by Permittees, and the alignment south of County Road 62 recommended by the Department.

<sup>5</sup> Option 1 is the alignment north of County Road 62 preferred by Permittees as referenced in the Commission's February 5<sup>th</sup> Order. Option 2 was the alignment option initially preferred by the DOC EFP, which placed three poles on the south side of County Road 62.

<sup>6</sup> Both options 4 and 5 modify the permitted anticipated alignment on the west (at landowners' request). Option 4 would also modify the anticipated alignment on the east with a quad circuit on County Road 62.

<sup>7</sup> Permittees also discussed the potential interplay between this project and the planned Elko New Market transmission line project to upgrade the 69 kV system in the south Metro area to 115 kV.

On February 21, 2013, the Commission issued a Notice of Comments on the matter, which stated that initial comments would be accepted through March 4, 2013 and reply comments through March 11, 2013.

On March 11, 2013, the DOC EFP filed comments addressing the Permittees' analysis and recommendations, and summarizing the public comments received.

On April 4, 2013, the Commission met to consider the matter.

## **FINDINGS AND CONCLUSIONS**

### **I. The Parties' Recommendation in Supplemental Proceedings**

In its comments filed March 11, 2013, the DOC EFP first reviewed the public comments filed by the residents of some 24 residences along the route path -- eleven of which were from residences potentially directly impacted by the alignment options under consideration for this section.<sup>8</sup> Eight of those eleven residences opposed placing the alignment for the 345 kV project along County Road 62, and three residences appeared to favor an alignment along County Road 62.<sup>9</sup> No public comments were received from landowners whose residences were crossed solely by alignment options 3, 4, or 5.

The DOC EFP also analyzed the various alignment options, as well as the type of structure to be used for this portion of the project (quadruple circuit specialty structures), weighing them against the routing factors in Minnesota Rule 7850.4100. As recognized by the DOC EFP earlier in these proceedings, for most of the criteria to be considered under the Rule, the impacts from the Permittees' recommended options would be similar to those from the permitted anticipated alignment.<sup>10</sup> However, in its analysis of this section of the project, and its review of the public comments from residences in the project area, the DOC EFP determined that the potential impacts to human settlements outweigh the other statutory considerations to be balanced.<sup>11</sup>

Finally, the DOC EFP stated that the Permittees and the agency had reached consensus as to the most appropriate alignment of this segment of the route. The parties recommended that the Commission find, for this section of the project, that a cross-country alignment north of County Road 62 -- option 3 or 5 -- is the most appropriate alignment for the project, strikes the best balance

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<sup>8</sup> Some thirteen comments were from persons whose homes were in areas not under direct consideration in this matter.

<sup>9</sup> According to the DOC EFP, comments from residents along County Road 62 appeared to view a potential upgrade of the existing 69 kV transmission line to a 115 kV line as an incremental impact compatible with land use and expected development along that road; in contrast, residents viewed the potential use of quadruple circuit specialty structures with 345 kV line combined with 115 kV line along County Road 62 as a significant detrimental impact and land use incompatible with residences along that route.

<sup>10</sup> See DOC EFP comments of October 31, 2012, p. 3, this docket.

<sup>11</sup> Minn. R. 7850.4100, subp. A.

of the routing factors in Minn. R. 7850.4100, and best minimizes impacts to residences and land use conflicts in the project area.

## **II. Commission Action**

The Commission generally gives the permittee discretion to locate a transmission line within the permitted route configuration, depending on the conditions encountered within that corridor. In weighing the routing factors of Minn. R. 7850.4100, the Commission agrees with the DOC EFP that most of the factors do not vary significantly with the alignment options being considered and are not compelling to the Commission's consideration in this matter.

Here, the Commission agrees with the analysis of the DOC EFP and the public comments, that routing a 345 kV line along County Road 62 would be a significant and incompatible new impact to this road and the residents living along the road.<sup>12</sup> The Commission has attempted to balance the competing considerations of routing new transmission lines along existing transmission line and road corridors, and routing such lines such that they minimize the impacts to human settlements.<sup>13</sup> After considering the alternatives, the Commission must conclude that the potential negative impacts to human settlement from an alignment of this section of the transmission line along County Road 62 outweigh the competing considerations of corridor sharing.

For this section of the proposed transmission line, the cross-country alignment of the 345 kV line north of County Road 62 avoids the negative impacts of routing the new line close to the 69 kV transmission line corridor. Accordingly, and with the agreement of the parties, the Commission is persuaded that the cross-country alignment north of County Road 62 -- the originally permitted route alignment (option 3) -- is the most appropriate alignment for this section of the project.

Further, the Commission is not unmindful that the cross-country alignment will potentially have relatively more wetland impacts than an alignment along County Road 62. The Commission finds these potential impacts are not compelling in this instance, as, importantly, they can be mitigated through the use of matting and other measures. Finally, the Commission agrees with the DOC-EFP that the relative costs of the alignment options are reasonably comparable in the context of the overall budget of the Brookings County to Hampton project.

It is so ordered.

### **ORDER**

1. The Commission approves the anticipated route permit alignment north of the County Road 62 portion of the Helena substation to Chub Lake substation of the 345 kV Brookings County, South Dakota to Hampton transmission line.

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<sup>12</sup> For example, to align the 345 kV line along County Road 62 anticipates the use of quad circuit 345 kV structures which are some 175 feet in height, as opposed to the existing structures for the current 69 kV transmission lines which are 50 to 70 feet in height.

<sup>13</sup> Minn. R. 7850.4100, subps. A and J.

2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar  
Executive Secretary



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