

**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 Application for a Route Permit for the Monticello to St. Cloud 345 kV Transmission Line Project</b></p>	<p><b>ISSUE DATE: July ___, 2010</b></p> <p><b>DOCKET NO. E002, ET2/TL-09-246</b></p> <p><b>FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER ISSUING AN HVTL ROUTE PERMIT TO XCEL ENERGY AND GREAT RIVER ENERGY</b></p>
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The above-captioned matter came before the Minnesota Public Utilities Commission (Commission) on July 8, 2010, for action on an application by Xcel Energy and Great River Energy (Applicants), for a route permit to construct a new 28-mile transmission line project in Wright and Stearns Counties.

A public hearing was held on March 8, 2010, at the Clearwater Township Hall. 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. An evidentiary hearing was held on March 9-15, 2010, in St. Paul. The comment period closed on March 19, 2010.

**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 Monticello to St. Cloud 345 kV Transmission Line Project?

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

## **FINDINGS OF FACT**

The Commission adopts the May 18, 2010, ALJ *Findings of Fact, Conclusions and Recommendation* for the Monticello to St. Cloud Transmission Project in Wright and Stearns counties related to OAH Docket No. 15-2500-20665-2 and PUC Docket No. E002, ET2/TL-09-246, with the following additions:

361. Applicants have continued to meet after the public hearing with OES and Mn/DOT to discuss alignments, specifically along Interstate 94. In particular, the three parties met on May 21, 2010, to review alignments in relation to permissibility within Mn/DOT Policies and Procedures for accommodating utilities in trunk highway rights-of-way. Mn/DOT has established the alignment as submitted with the draft route permit can be permitted under those policies.
362. Applicants have determined in discussion with Mn/DOT that additional route width is required in the region of the Mn/DOT proposed connection between I-94 and U.S. Highway 10, which would create a new interchange on I-94 approximately one and one-half miles east of the intersection of I-94 and Highway 24 (FOF 62). Mn/DOT has expressed financial and construction concerns over a possible alignment north of I-94 and preference for placing the alignment outside of proposed highway and construction rights-of-way to the south of the new interchange.
363. In EFP staff analysis of the record, the environmental impacts are comparable between the original alignment considered and the revised south alignment and added route width. The affected landowner, Ron Schabel, had already been notified as being within the original route width. The alignment change would encroach an additional 630 feet farther into a cultivated portion of the Schabel property than the originally proposed route. The new alignment would be located as close as possible to property that is already scheduled for the impact of the interconnection.
364. In a June 14, 2010, meeting with EFP Staff, Applicants requested that the route width immediately south of the Quarry Site 1 siting area be widened to minimize impacts to the forested area near the intersection of Interstate 94 and Highway 23 and to minimize potential conflicts with the existing 115 kV transmission line in the area. The initial alignment for the Preferred Route heads east and northeast along the forested area and then crosses the 115 kV transmission line near a 115 kV pole at the edge of the road where the 115 kV transmission line heads northeast and east.

365. The expanded route width would have comparable impacts to the initial alignment for the Preferred Route. The length is approximately 3,100 feet and at its widest point, the expanded area adds 670 feet to the route width. By extending the route to the east, the 345 kV transmission line could be constructed east of the initial alignment in non-forested wetlands, and minimal tree clearing would be required along this segment. In addition, if the new proposed alignment were used, the height of the 345 kV line transmission structures at the 115 kV transmission line crossing could be reduced.
366. EFP Staff consulted with Mn/DOT and the Mississippi River Parkway Commission (MRPC) on impacts on the Great River Road along County Road 75 in Wright County. EFP toured the area with Mn/DOT and MRPC representatives on June 7, 2010. On June 16, 2010, Mn/DOT and MRPC submitted a number of potential mitigations for the National Scenic Byway.

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 and Recommendation contained herein and the entire record of this proceeding, the Commission hereby makes the following:

**ORDER**

1. A route permit is hereby issued to Northern States Power Company, dba Xcel Energy, and Great River Energy to construct approximately 28 miles of 345 kV transmission line connecting the Monticello Substation in Monticello to a new Quarry Substation in St. Joseph Township. The Applicants are issued a route width of 600 feet along their proposed route except as noted in the permit conditions and denoted on the route maps. Applicants are also permitted to upgrade the Monticello Substation and construct the Quarry Substation 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 July 2010.

BY ORDER OF THE COMMISSION

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Burl W. Haar,  
Executive Secretary