



**BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION**

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

**DOCKET NO. IP-6688/TL-09-601**

Meeting Date: May 27, 2010 ..... Agenda Item # 4

Company: EcoHarmony West Wind, LLC

Docket No. IP-6688/TL-09-601

**In the Matter of the Route Permit Application for a 161 Kilovolt Transmission Line and Associated Facilities in Fillmore County, Minnesota.**

Issue(s): 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 161 kV transmission line project?

OES EFP Staff: Matthew A. Langan .....651-296-2096

**RELEVANT DOCUMENTS**

- Route Permit Application .....July 30, 2009
- Public Utilities Commission Application Acceptance Order..... September 8, 2009
- Environmental Assessment Scoping Decision.....December 21, 2009
- Environmental Assessment.....March 11, 2010
- Office of Administrative Hearings Summary of Public Comments .....May 10, 2010

The enclosed materials are work papers of the Office of Energy Security (OES) Energy Facility Permitting (EFP) staff. They are intended for use by the Public Utilities Commission (Commission) and are based on information already in the record unless otherwise noted.

This document can be made available in alternative formats (voice/TTY) by contacting the Minnesota Relay Service at 711 or 1-800-627-3529.

## **DOCUMENTS ATTACHED**

Figure 1 – Applicant’s Proposed Route (Route Permit Application)  
Figure 2 – Proposed Route, Alternate Route A, Alternate Route B (Environmental Assessment)  
Findings of Fact, Conclusions of Law and Order  
High Voltage Transmission Line Route Permit  
Exhibit List

*Note:* Relevant documents and additional information can be found on eDockets (09-601) or the Commission Facilities Permitting website at: <http://energyfacilities.puc.state.mn.us/Docket.html?Id=24696>.

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## **STATEMENT OF THE ISSUES**

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 161 kV transmission line project?

## **INTRODUCTION AND BACKGROUND**

EcoHarmony West Wind, LLC (applicant) has made application to the Minnesota Public Utilities Commission for a route permit under the alternative permitting process of the Power Plant Siting Act (Minnesota Statutes 216E.04). The application is for the construction, operation, and maintenance of an approximately 8.5-mile, 161 kilovolt (kV) transmission line, substation, and switching station.

The applicant indicates that the proposed project would be constructed to capture energy generated by the EcoHarmony West Wind Farm, an up to 280 megawatt (MW) facility located in Fillmore County, Minnesota, and connect to the transmission grid at an existing ITC Midwest 161 kV transmission line located immediately adjacent to the proposed switching station site south of the city of Harmony, Minnesota.

The project is an 8.5 mile transmission line located in Fillmore County, Minnesota, in Bristol and Harmony townships. The applicant proposed a transmission line route that would run between a newly proposed EcoHarmony West substation to be constructed in Bristol Township and a newly proposed switching station in Harmony Township.

The applicant’s proposed transmission line route would originate at the proposed EcoHarmony West Substation in Section 14 of Bristol Township, Fillmore County, Minn. The transmission line route would exit the substation heading south across existing agricultural land approximately one-half mile to County State Aid Highway (CSAH) 44. The line would then head east on private easements for approximately four miles to 305<sup>th</sup> Avenue. At 305<sup>th</sup> Avenue, the line would turn south one mile to 120<sup>th</sup> Street. At 120<sup>th</sup> Street, the line would turn east and travel approximately three miles to the switching station in Section 23 of Harmony Township, Fillmore County. The switching substation will be located on existing agricultural land approximately one-quarter mile north of 120<sup>th</sup> Street (Figure 1).

The applicant has requested a route of 220 feet in width for the majority of the route, with a 50-foot transmission line right-of-way required. At the locations where the line would cross agricultural lands to connect to the substation and switching stations, the applicant has requested a route width equal to the width of the land parcel so it can work with the landowner to determine the optimal placement of the line. A 100-foot transmission line right-of-way would be required at these locations.

## **REGULATORY PROCESS AND PROCEDURES**

In accordance with Minnesota Rule 7850.1300, subpart 2, “No person may construct a high voltage transmission line without a route permit from the commission. A high voltage transmission line may be constructed only within a route approved by the commission.” In this case Minnesota Rule 7850.1000, subp. 9, defines a high voltage transmission line as, “...a conductor of electric energy and associated facilities designed for and capable of operating at a nominal voltage of 100 kilovolts or more either immediately or without significant modification. Associated facilities shall include, but not be limited to, insulators, towers, substations, and terminals.”

### ***Route Permit Application and Acceptance***

The route application was processed under the alternative permitting process (Minnesota Rules 7850.2800) of the Power Plant Siting Act (Minnesota Statutes 216E.04). The alternative permitting process is shorter than the full permitting procedures and does not require the applicant to propose alternative routes to the preferred route, but does require the applicant to disclose rejected route alternatives and an explanation of why they were rejected.

On May 29, 2009, the applicant filed a 10-day advance notice of intent with the Commission before submitting a route permit application in accordance with Minnesota Rule 7850.2800, subp. 2. On July 30, 2009, the applicant filed a route permit application with the Commission for the proposed EcoHarmony West Wind 161 kV transmission line project under the alternative permitting process. The Commission accepted the route permit application as complete on September 8, 2009.

### ***Public Information and Environmental Assessment Scoping Meeting***

EFP staff held a joint public information and environmental assessment scoping meeting on October 8, 2009, at the Harmony Fire Department in Harmony, Minnesota, to discuss the project with the public and gather public input into the scope of the environmental assessment (EA) to be prepared. Approximately 25 people attended the meeting. The public was given until October 22, 2009, to submit written comments. The EFP received a total of four comment letters that were reviewed and considered during preparation of the scoping decision.

A letter from a landowner located along the proposed route requested the inclusion of an alternative route segment that avoids the landowner’s property. The landowner requested the scope of the environmental assessment include a route that follows County Road 44 to the proposed switching station. This alternative route segment (Alternate Route A) would follow County Road 44, turn southeast on Garden Road, and then turn south on 331<sup>st</sup> Avenue. (Figure 2)

The applicant submitted a letter on December 15, 2009, requesting an additional route segment be included in the scope. This route segment alternative (Alternate Route B) would continue along County Road 44, east of 305<sup>th</sup> Avenue, then turn south on State Highway 139, where it would join the proposed route on 120<sup>th</sup> Street. (Figure 2)

The Minnesota Department of Natural Resources (DNR) and Minnesota Pollution Control Agency also submitted comment letters confirming their various permitting authorities within the project area, as listed in the route permit application.

The scoping decision for the environmental assessment was signed by the Director of the OES on December 21, 2009; it included both Alternate Route A and Alternate Route B.

### ***Environmental Assessment***

The environmental assessment was completed and made available on March 11, 2010. The EA was prepared in accordance with Minnesota Rule 7850.3700, subp. 4, and contained all the information required. On March 11, 2010, the EFP mailed a Notice of Environmental Assessment Availability to those persons whose names are on the project contact list maintained for this purpose in compliance with Minnesota Rule 7850.3700, subp. 6. Pursuant to Minnesota Rule 7850.3700, subp. 6, the EFP published a Notice of Environmental Assessment Availability in the *EQB Monitor* on March 22, 2010. A copy of the EA was provided to the public agencies with authority to permit or approve the proposed project and was also posted to the Commission's Energy Facilities Permitting website in accordance with Minnesota Rule 7850.3700, subp. 6. The EA evaluated the applicant's proposed route along with two alternative routes

### ***Public Hearing***

On March 11, 2010, the EFP mailed a Notice of Public Hearing to all relevant local governments and those persons whose names are on the project contact list in compliance with Minnesota Statute 216E.04, subd. 6. Notice was also published in local newspapers. EFP made request to the Minnesota Office of Administrative Hearings for an administrative law judge (ALJ) to preside over the public hearing and provide a summary of testimony.

Judge Steve Mihalchick presided over the public hearing conducted on March 24, 2010. The public hearing was held at the Harmony Fire Department in Harmony, Minnesota. Five members of the public attended the hearing. A transcript of the public hearing was filed on April 1, 2010.

Judge Mihalchick provided an opportunity for members of the public to ask questions or comment on the proposed project verbally and also advised them they could send him written comments before the end of the comment period that ended on April 8, 2010. One written comment letter was submitted to the ALJ. The ALJ's Summary of Public Comments was filed on the Commission's eDockets website by the OAH on May 10, 2010. Judge Mihalchick's summary provides a thorough summation of comments heard during the hearing and the letter received during the comment period.

Pursuant to Minnesota Rule 7850.3800, subp. 3, the OES Energy Facility Permitting state permit manager 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.

The Mayor of the city of Harmony asked about potential problems with Alternatives A and B near the intersection of County 44 and State Hwy 139. County 44 is very near the southern edge of Harmony. A small part of the city extends south of County 44, where a cemetery and a treatment plant are located. State Hwy 139 is also Main Ave S, which runs through downtown Harmony and south to County 44. Further, the Harmony Fire Station is located on the northeast corner of that intersection. The Mayor was concerned about possible electromagnetic interference with the radio signals from the Fire Department's radio tower located there and possible impacts upon air ambulance flights that occasionally land nearby to pick up patients.

Rodney Koliha, a Harmony Township Supervisor, argued that neither Alternative Route A nor Alternative Route B should be adopted. He noted that there are no existing power lines along the alternatives, so poles would be placed where they do not currently exist; that lines would be run through the cemetery and disposal plant; there could be problems with the Fire Station radio tower; and there might be problems crossing the Dairyland power lines. He believes the putting the line where one already exists makes the most sense. Supervisor Koliha supports the Proposed Route.

Dan Tieffenbacher stated that he much preferred the Proposed Route because of the aesthetics. He felt that the poles and lines on both Alternative Routes A and B would be visible from the center of Harmony looking south on Hwy 139 (Main Avenue) and that having the lines a mile farther south on 120th Street would be preferable.

The Administrative Law Judge asked whether anyone present preferred either Alternative Routes A or B over the Proposed Route or whether there were good reasons to support the alternatives. Nobody responded in the affirmative; everyone there shook their heads indicating "No."

### ***Standards for Permit Issuance***

The Power Plant Siting Act sets standards and criteria and outlines the factors to be considered in determining whether to issue a permit for a high voltage transmission line (Minnesota Statute 216E and Minnesota Rules 7850.4100). The law also allows the Commission to place conditions on high voltage transmission line permits (Minnesota Statute 216E.04 and Minnesota Rule 7850.4600).

## **Staff Analysis and Comments**

The applicant's proposed transmission line route, Route Alternative A, and Route Alternative B were examined in detail in the environmental assessment and at the public hearing. The two suggested routing alternatives share a common segment with the preferred route (along CSAH 44); therefore, the EFP has concluded the impacts identified in the environmental assessment associated with that segment were generally the same for the proposed route and the two alternatives. For that reason staff focused only on the portions of the routes with potential difference.

In weighing the differences of the preferred and alternative routes for the proposed project, staff was guided by the state's policy of choosing locations that minimize adverse human and environmental impact while insuring continuing electric power system reliability and integrity (Power Plant Siting Act, Minnesota Statute 216E).

### ***Alternative Route A***

Alternative Route A was suggested by a landowner during the EA scoping period. Alternate Route A would avoid the landowner's property line along 120<sup>th</sup> Street by continuing along CSAH 44 where the applicant's preferred route would turn south at 305<sup>th</sup> Avenue. There is no residence currently on the property owned by the person suggesting the route alternative. This alternative would not add to the length of the proposed project, and would parallel existing road rights-of-way.

The alternative would, however, travel along a portion of CSAH 44 that is not currently impacted by an overhead transmission line. This route is also located at the southern edge of the city of Harmony, and creates additional crossings of waterways and NWI wetland areas.

The applicant has indicated that this alternative would be feasible, but still supports the route as proposed in the route permit application. The applicant has not secured any easement agreements with landowners along this route.

### ***Alternative Route B***

Alternative Route B was suggested by the applicant as another feasible option to route the transmission line to the switching station. This alternative would not increase the overall length of the proposed transmission line. From CSAH 44, this alternative would turn south along State Highway 139, instead of 305<sup>th</sup> Avenue. This alternative would impact more residences along the route, as well as create concerns

raised by MnDOT along the road right-of-way. There is not currently a transmission or distribution line along this section of State Highway 139.

The applicant has indicated that this alternative would be feasible, but after review through the EA and the Public Hearing process, still supports the route as proposed in the route permit application. The applicant has not secured any easement agreements with landowners along this route.

### ***Conclusions***

EFP staff concludes that the applicant's route identified in the route permit application together with their proposed alignment utilizing or paralleling existing township and county road rights-of-way is the most reasonable and prudent route that best minimizes adverse human and environmental impacts.

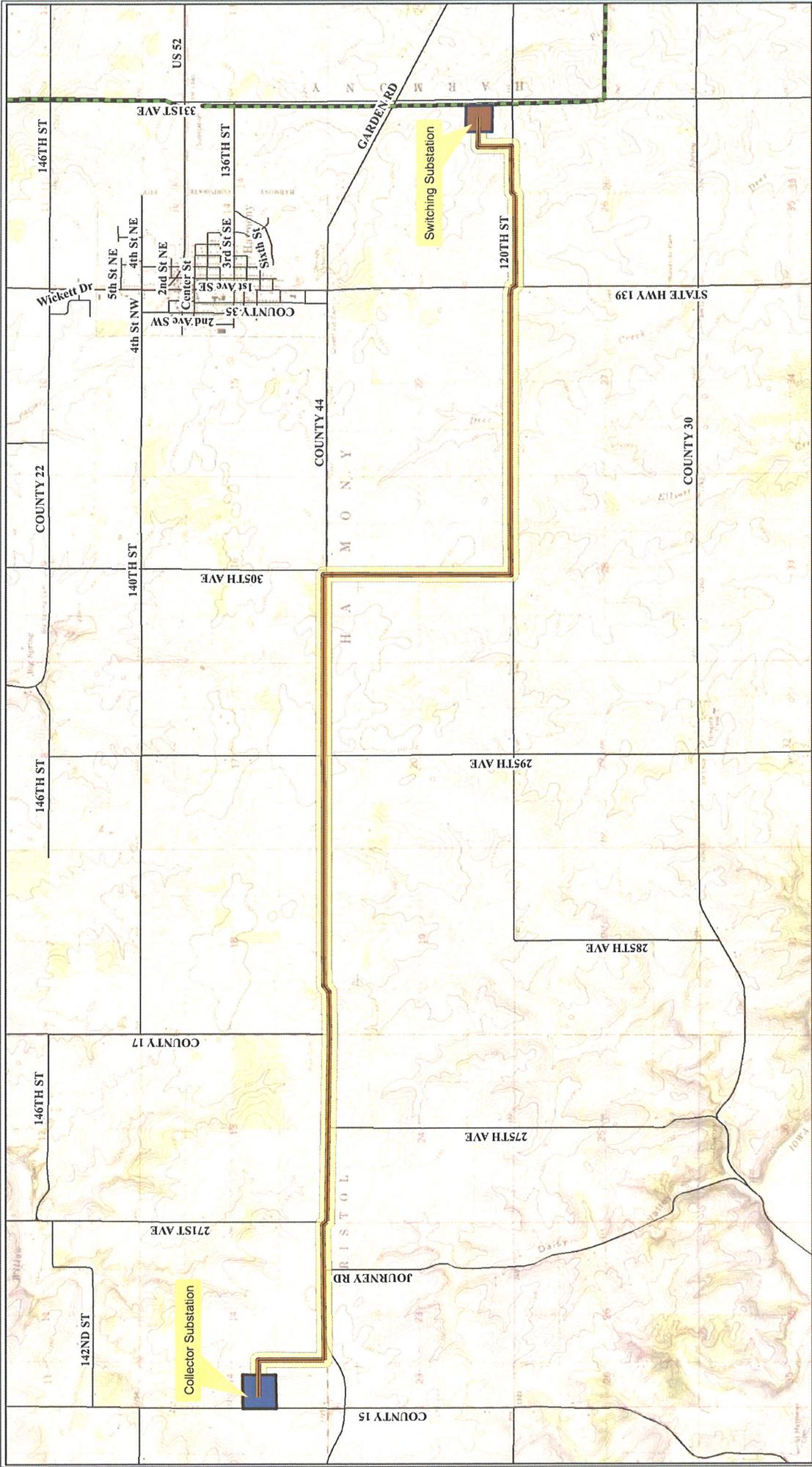
### ***Findings of Fact, Proposed Route Permit, and Record***

Staff has prepared Findings of Fact, Conclusions of Law and Order and a High Voltage Transmission Line Route Permit. The Findings indicate that the alternative permitting process has been conducted in accordance with Minnesota Rules 7850.2800 to 7850.3900, identify route impacts and mitigation measures, and make conclusions of law. The route permit includes measures to ensure the line is constructed in a safe, reliable manner and that impacts are minimized or mitigated. A list of documents that are part of the record in this proceeding is included on the attached Exhibit List.

## **Commission Decision Options**

- A. Approve and adopt the Findings of Fact, Conclusions of Law and Order for EcoHarmony West Wind, LLC's, 161 kV transmission line between a newly proposed EcoHarmony West substation in Bristol Township and the newly proposed switching station in Harmony Township, Fillmore County, Minnesota which:
  1. determines that the environmental assessment and record created at the public hearing address the issues identified in the environmental assessment scoping decision;
  2. approves the proposed route as described above; and
  3. issues a high voltage transmission line route permit, with appropriate conditions, to EcoHarmony West Wind, 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.

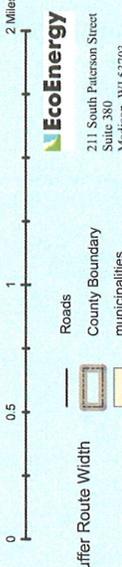
**Energy Facility Permitting Staff Recommendation:** Staff Recommends Option A.



## EcoHarmony West General Transmission Line Layout Map Figure 2

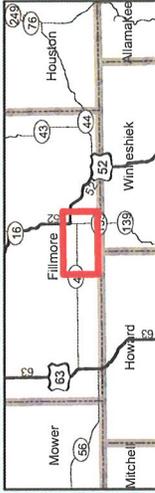


2 Miles



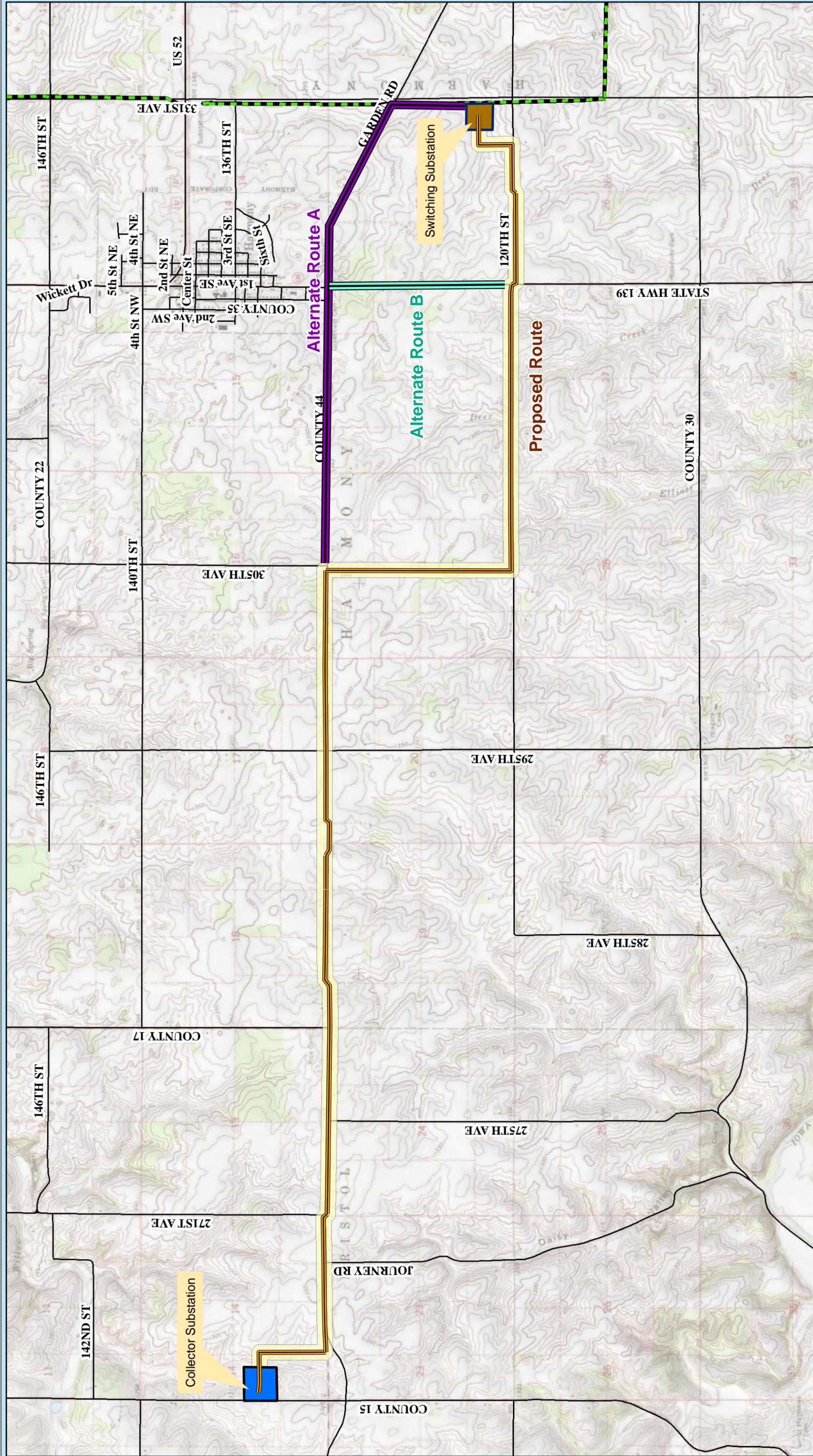
**Legend**

-  Proposed Transmission Line Route
-  ITC Interconnect Line
-  Collector Substation
-  Switching Substation
-  220ft Buffer Route Width
-  Roads
-  County Boundary
-  Municipalities

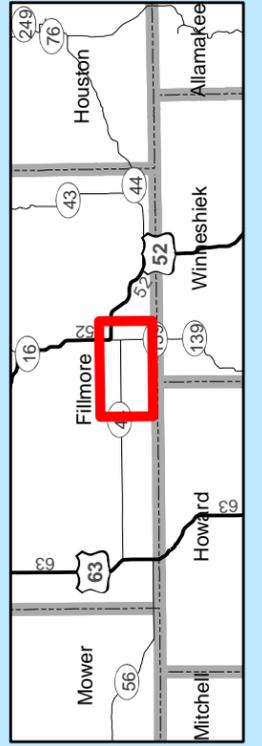


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**EcoHarmony West**  
**Transmission Line Route**  
**Layout Map**  
**Figure 1**



- Legend**
- Proposed Transmission Line Route
  - ITC Interconnect Line
  - Alternate Transmission Line Route A
  - Alternate Transmission Line Route B
  - 220ft Buffer Route Width
  - Collector Substation
  - Switching Substation
  - Roads
  - County Boundary
  - municipalities

2 Miles

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**STATE OF MINNESOTA  
PUBLIC UTILITIES COMMISSION**

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

Chair  
Commissioner  
Commissioner  
Commissioner  
Commissioner

In the Matter of the Application of  
EcoHarmony West Wind, LLC, for a Route  
Permit for the EcoHarmony West Wind  
Transmission Line Project, a 161 kilovolt  
High Voltage Transmission Line in  
Fillmore County

ISSUE DATE: \_\_\_\_\_

DOCKET NO.IP-6688/TL-09-601

**FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER, ISSUING A  
ROUTE PERMIT TO ECOHARMONY  
WEST WIND, LLC, FOR THE  
ECOHARMONY WEST WIND  
TRANSMISSION LINE PROJECT**

The above-captioned matter came before the Minnesota Public Utilities Commission (Commission) on May 27, 2010, acting on an application by EcoHarmony West Wind, LLC, (applicant) for a route permit to construct a new 161 kilovolt (kV) transmission line between a newly proposed EcoHarmony West Substation in Bristol Township, Fillmore County and a newly proposed switching station in Harmony Township in Fillmore County, Minnesota.

A public hearing was held on March 24, 2010, at 6:00pm at the Harmony Fire Department in Harmony, 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 April 8, 2010, 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 161 kV transmission line project?

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

## **FINDINGS OF FACT**

### **The Applicant**

1. EcoHarmony West Wind, LLC, (applicant) is a Minnesota limited liability company. EcoHarmony West Wind, LLC, is wholly-owned and operated by EcoEnergy Wind, LLC, a member of the Morse Group.(Exhibit 2)
2. EcoHarmony West Wind, LLC, will develop and construct the new 161 kV transmission line and associated facilities. Upon commissioning of the project, EcoHarmony West Wind, LLC, will contract a qualified third party to operate and maintain the project. Following is contact information for EcoHarmony West Wind, LLC: Don Miller, EcoEnergy, LLC, 725 Main Avenue North, Harmony, MN 55939, Phone: (507) 886-6572, Email: dmiller@ecoenergyllc.com.

### **The Project**

3. The applicant has proposed to construct a 161 kV transmission line route that would run between the new EcoHarmony West Substation in Bristol Township, Fillmore County to a new switching station in Harmony Township, Fillmore County, Minnesota.

The total length of the proposed transmission line would be approximately 8.5 miles. (Exhibit 2)

4. The project is located in Fillmore County, Minnesota.
5. The applicant indicates that the proposed project will be constructed to capture energy generated by the EcoHarmony West Wind Farm, an up to 280 megawatt (MW) facility located in Fillmore County, Minnesota, and connect to the existing ITC Midwest 161 kV transmission line located immediately next to the proposed switching station in Harmony township. (Exhibit 2)
6. The transmission line will be supported by direct-embedded wooden structures, with braced posts for the majority of the route. These structures would be 65-75 feet in height with foundations that are approximately 30 inches in diameter with a 350-400 foot span between each structure. At locations where large angles (turns) are necessary and at the ends of the route, poles will be galvanized or weathered steel to support the transmission line. These structures are 78 feet in height. (Exhibit 2)
7. The 161 kV transmission line will be a single-circuit, three-phase, 60 hertz, alternating current line. The three phases of the transmission line will each

consist of single 795 (Drake) aluminum conductor steel reinforced (ACSR). The ACSR conductors are 795,000 circular mils or approximately 1.108 inches in diameter and are comprised of seven steel wires in the center surrounded by 26 aluminum strands. (Exhibit 2)

8. There would 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. (Exhibit 2)
9. The applicant's proposed transmission line route would originate at the proposed EcoHarmony West Substation in Section 14 of Bristol Township, Fillmore County, Minn. The transmission line route would exit the substation heading south across existing agricultural land approximately one-half mile to County State Aid Highway (CSAH) 44. The line would then head east on private easements for approximately four miles to 305<sup>th</sup> Avenue. At 305<sup>th</sup> Avenue, the line would turn south one mile to 120<sup>th</sup> Street. At 120<sup>th</sup> Street, the line would turn east and travel approximately three miles to the switching station in Section 23 of Harmony Township, Fillmore County. The switching substation will be located on existing agricultural land approximately one-quarter mile north of 120<sup>th</sup> Street. (Exhibit 2)
10. The applicant plans to locate the transmission line primarily on private land as close to the road rights-of-way as possible. The applicant has secured easement agreements with the majority of landowners along the proposed route. Where it is not possible to locate the transmission line on private land, the applicant will work with road authorities to place the line within existing rights of way. The applicant has indicated it has consulted with county and township road authorities, and that transmission line construction and operation is a permitted use within road rights-of-way. The applicant requires a 50-foot right-of-way in locations where the transmission line parallels public roadways, and a 100-foot right-of-way on the land parcels where the substation and switching station are located. (Exhibit 2)
11. The applicant is proposing to construct the new EcoHarmony West Substation on approximately 10 acres in the southwest quarter of Section 14, Township 101 North, Range 11 West of Fillmore County. The land adjoins County Road 15. The applicant has signed a purchase agreement with the landowner. The applicant is proposing to construct the switching station on six acres in the southeast quarter of Section 23, Township 101 North, Range 10 West of Fillmore County. The applicant has negotiated a perpetual easement with the current landowner. The site is immediately west of the proposed interconnect point along the ITC Midwest transmission line. (Exhibit 2)
12. The applicant has requested a route of 220 feet in width for the majority of the route. At the locations where the line would cross agricultural lands to connect

to the substation and switching stations, the applicant has requested a route width equal to the width of the land parcel so it can work with the landowner to determine the optimal placement of the line. (Exhibit 2)

### **Procedural History**

13. On May 29, 2009, the applicant filed a letter with the Commission noticing their intent to submit a route permit application under the alternative permitting process set forth in Minnesota Statutes 216E.04 and Minnesota Rules 7850.2800 to 7850.3900. (Exhibit 1)
14. On July 30, 2009, the applicant filed a route permit application with the Commission for a 161 kV transmission line to be constructed in Bristol and Harmony Townships in Fillmore County, Minnesota. (Exhibit 2)
15. The applicant mailed a Notice of a Submittal of an Application for a Route Permit on August 8, 2009, 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 Rules 7850.3300 and 7850.2100, subp. 2. (Exhibit 3)
16. The EFP staff recommended that the Commission accept the route permit application as complete, appoint a public advisor, and take no action on an advisory task force in comments and recommendations dated August 26, 2009. (Exhibit 5)
17. 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 September 8, 2009. (Exhibit 6)
18. On September 22, 2009, the Office of Energy Security, Energy Facility Permitting (EFP) issued and mailed a Notice of Public Information Meeting for the route permit application docket (IP-6688/TL-09-601) to those persons whose names are on the project contact list maintained by the Commission for this purpose, in compliance with Minnesota Rules 7850.3500 and 7850.2300, subp. 1. Notices were also sent to persons on the official service list maintained by the Commission as well as designated State Agency Technical Representatives. (Exhibit 7)
19. The applicant on behalf of the EFP published Notice of Public Information Meeting in the *Fillmore County Journal* (September 28, 2009) in compliance with Minnesota Rules 7850.3500 and 7850.2300, subp. 1. (Exhibit 8)
20. In accordance with Minnesota Rules 7850.3500 and 7850.2300, EFP staff held a public information and environmental assessment scoping meeting on October

8, 2009, at the Harmony Fire Department in Harmony, Minnesota, to discuss the project with the public and gather public input for the scope of the environmental assessment to be prepared. Approximately 25 people attended the meeting.

21. The public comment period on the scope of environmental assessment closed on October 22, 2009. In addition to the comments heard at the public meeting, EFP received four comment letters during the scoping comment period.
  - a. A letter from a landowner located along the proposed route requested the inclusion of an alternative route segment that avoids the applicant's proposed route that would run along 120<sup>th</sup> Street, and near the citizen's property. The citizen requested the scope of the environmental assessment include a route that follows County Road 44 to the proposed switching station. This alternative route segment (Alternate Route A) would follow County Road 44, turn southeast on Garden Road, and then turn south on 331<sup>st</sup> Avenue.
  - b. EcoEnergy submitted a letter on December 15, 2009 requesting an additional route segment be included in the scope. This route segment alternative (Alternate Route B) would continue along County Road 44, east of 305<sup>th</sup> Avenue, then turn south on State Highway 139, where it would join the proposed route on 120<sup>th</sup> Street.
  - c. The Minnesota Department of Natural Resources (DNR) and Minnesota Pollution Control Agency also submitted comments letters confirming their various permitting authorities within the project area, as listed in the route permit application.
22. The scoping decision for the environmental assessment was signed by the Director of the OES on December 21, 2009, filed on the Commission's eDockets website and made available to the public as provided in Minnesota Rule 7850.3700, subp. 3. (Exhibit 9)
23. On January 7, 2010, the EFP mailed the scoping decision to persons on the project contact list in accordance with Minnesota Rule 7850.3700, subp. 3, as well as the designated State Agency Technical Representatives. (Exhibit 10)

### **Environmental Assessment**

24. The environmental assessment was filed on the Commission's eDockets website and made available on March 11, 2010. (Exhibit 11)
25. The environmental assessment was prepared in accordance with Minnesota Rule 7850.3700, subp. 4, and contained all the information required. (Exhibit 11)

26. On March 11, 2010, the EFP mailed a Notice of Environmental Assessment Availability to those persons whose names are on the project contact list maintained for this purpose in compliance with Minnesota Rule 7850.3700, subp. 6. (Exhibit 12)
27. Pursuant to Minnesota Rule 7850.3700, subp. 6, the EFP published a Notice of Environmental Assessment Availability in the *EQB Monitor* (March 22, 2010)
28. A copy of the Environmental Assessment was provided to the public agencies with authority to permit or approve the proposed project and was also posted to the Commission's Energy Facilities Permitting website in accordance with Minnesota Rule 7850.3700, subp. 6. (Exhibit 12)
29. The environmental assessment evaluated the applicant's proposed route along with two alternative routes (as described in Finding 22 a. and b.).

### **Public Hearing**

30. On March 11, 2010, the EFP mailed a Notice of Public Hearing to the relevant regional development commissions, counties, towns, townships, municipalities, and those persons whose names are on the project contact list in compliance with Minnesota Statute 216E.04, subd. 6. (Exhibit 13)
31. Pursuant to Minnesota Statutes 216E.04, subd. 6, EFP published a Notice of Public Hearing in the *Rochester Post Bulletin* (March 13, 2010) and *Fillmore County Journal* (March 15, 2010). (Exhibit 14)
32. Administrative Law Judge (ALJ) Steve Mihalchick presided over the public hearing conducted on June 23, 2009. The public hearing was held at the Harmony Fire Department in Harmony, Minnesota. The ALJ provided an opportunity for members of the public to ask questions or comment on the proposed project verbally and/or to submit question and comments in writing. A total of five 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. (see Findings 38 through 41 for Public Hearing Comments)
33. Pursuant to Minnesota Rule 7850.3800, subp. 3, OES Energy Facility Permitting state permit manager Matthew Langan 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.
34. Don Miller, Project Manager for EcoHarmony West Wind, LLC, appeared at the public hearing on behalf of the applicant in this matter. Also representing the

applicant at the hearing was Alan Mitchell, Attorney at Law with Fredrikson and Byron, P.A.

35. A comment period was open until April 8, 2010, for receipt of comments.
36. The public hearing transcript was transcribed by the Office of Administrative Hearings designated court reporter on April 1, 2010.
38. Steve Donney, Mayor of the city of Harmony, asked about potential problems with Alternatives A and B near the intersection of County 44 and State Hwy 139. County 44 is very near the southern edge of the city of Harmony. A small part of the city extends south of County 44, where a cemetery and a treatment plant are located. State Hwy 139 is also Main Ave S, which runs through downtown Harmony and south to County 44. Further, the Harmony Fire Station is located on the northeast corner of that intersection. Mayor Donney was concerned about possible electromagnetic interference with the radio signals from the Fire Department's radio tower located there and possible impacts upon air ambulance flights that occasionally land nearby to pick up patients. Mr. Langan stated that the line would have to comply with all FCC requirements regarding interference.
39. Rodney Koliha, a Harmony Township Supervisor, argued that neither Alternative Route A nor Alternative Route B should be adopted. He noted that there are no existing power lines along the alternatives, so poles would be placed where they do not currently exist; that lines would be run through the cemetery and disposal plant; there could be problems with the Fire Station radio tower; and there might be problems crossing the Dairyland power lines. He believes that putting the line where one already exists makes the most sense. Supervisor Koliha supports the Proposed Route.
40. Dan Tieffenbacher stated that he much preferred the Proposed Route because of the aesthetics. He felt that the poles and lines on both Alternative Routes A and B would be visible from the center of Harmony looking south on Hwy 139 (Main Avenue) and that having the lines a mile farther south on 120th Street would be preferable.
41. The Administrative Law Judge asked whether anyone present preferred either Alternative Routes A or B over the Proposed Route or whether there were good reasons to support the alternatives. Nobody responded in the affirmative; everyone there shook their heads indicating "No."
42. In a written comment dated and eFiled on April 6, 2010, the Applicant summarized and responded to the comments made at the public hearing. The Applicant noted that no reasons to select one of the alternatives had been presented and urged selection of the Proposed Route. It also pointed out that while a 220 foot wide route has been requested, such a width allows flexibility

in negotiating with each landowner to find the best final route and that the final right-of-way would be 50 feet wide. The Applicant noted that no objection had been raised as to the two proposed substations. Finally, the Applicant stated that the Environmental Assessment addressed the issues identified in the Scoping Decision.

43. The Minnesota Department of Transportation (Mn/DOT) emailed a written comment to Mr. Langan on April 8, 2010, which he forwarded to the Administrative Law Judge. The Mn/DOT comment attached a copy of its Mn/DOT Utility Accommodation Policy - High Voltage Transmission Line Route Applications. It indicated its policy of accommodating HVTLs within highway rights-of-way to the extent feasible while ensuring safety of the traveling publics and highway workers and not unduly impairing the transportation system. Mn/DOT noted minimal problems with the Proposed Route, but greater potential problems with Alternative B.
44. The ALJ filed the Summary of Public Comment on the Commission's eDockets website on May 10, 2010. The letter from the Applicant and the letter from MnDOT (described in Findings 42 and 43, respectively) were the only comment letters received by the ALJ during the comment period. The ALJ report contains a summary of all oral comments heard at the public hearing and written comments sent via mail and email.

### **Potential Impacts and Mitigation**

45. The proposed transmission line route is located in Bristol and Harmony townships in Fillmore County, Minnesota. (Exhibit 11)
46. The main thoroughfares in the area of the project are State Highway 139, CSAH 15, CSAH 44, 305<sup>th</sup> Avenue, 305<sup>th</sup> Street, and 331<sup>st</sup> Street. (Exhibit 11)
47. The project area is largely characterized by farming, livestock grazing, and related agricultural operations. The majority of the proposed project would be located adjacent or within existing road rights-of-way in primarily agricultural areas. (Exhibit 11)
48. As indicated by the applicant, there are 12 residences within 1200 feet of the preferred route, with four of those residences located within the 220 foot route. The applicant has indicated it will move the line to the opposite side of the road if so desired by the landowner to move the line as far away from the residences as possible. Alternative A would be located within 1200 feet of 13 residences, and Alternative B would be located within 1200 feet of 14 residences. (Exhibit 11)
49. The applicant's proposed route would parallel or share existing road rights-of-way for the majority of the route. The applicant has secured easement agreements with all but three landowners along the preferred route. If the applicant cannot

secure easements with these landowners, county and township road authorities have indicated that transmission line construction and operation are permissible uses of these public road rights-of-way. On private land, the applicant has indicated the poles would be placed as close to public road rights-of-way so as not to interrupt existing land uses, such as agricultural operations. (Exhibit 11)

50. The applicant does not have easement agreements in place for landowners along Alternative Routes A and B. Alternative Routes A and B would parallel a cemetery on the south side of the city of Harmony, and be located near the radio communications tower near the Harmony Fire Department. (Exhibit 11)
51. The preferred alignment, as well as alignments for Alternative A and B would all be approximately eight and one-half miles in length. (Exhibit 11)
52. The proposed transmission line and associated facilities will be designed to meet or exceed all requirements of the National Electric Safety Code (NESC), which is the utility safety standard that applies to all transmission line facilities. The proposed transmission line facility will also meet the North American Electric Reliability Corporation's (NERC) reliability standards. In addition, the substation facilities will be fenced, kept free of vegetation, maintained for adequate drainage, and access will be limited to authorized personnel in accordance with the above requirements and standards. (Exhibit 11)
53. Standard construction and mitigation practices will be followed. These practices address staging, erecting transmission line structures and stringing transmission lines. Construction will be developed based on the proposed schedule for activities, permit requirements, prohibitions, maintenance guidelines, inspection procedures, terrain, and other practices and conditions. (Exhibit 11)
54. Practices to mitigate potential construction impacts will follow permit requirements and be based on construction schedules, geology and topography, maintenance guidelines, inspection procedures, and presence of sensitive environments or species. (Exhibit 11)
55. Construction will not impact the county or city water, sewer, and electric services, emergency services, or private wells and septic systems. (Exhibit 11)
56. Short-term exceedance of daytime noise standards associated with initial construction may occur during daytime hours as the result of heavy equipment operation and increased vehicle traffic associated with the transport of construction materials and personnel to and from the work area. The short-term exceedance of daytime noise standards would be intermittent and temporary in nature. Minnesota nighttime noise level standards will not be exceeded. (Exhibit 11)

57. Substation components will be stored onsite or on a temporary construction easement negotiated with private landowners adjacent to the site. The primary construction staging area would include a 6- to 8-acre parcel in the vicinity of the proposed EcoHarmony West Substation site and will not be included as part of the route permit. (Exhibit 11)
58. The project components will be delivered to the site on a flat-bed transport truck. Oversize and overweight truck permits will be coordinated with the Minnesota Department of Transportation, the Fillmore County Department of Transportation, and Bristol and Harmony Township road authorities. (Exhibit 11)
59. Impacts to transportation would be localized and short term during the construction phase of the project. All necessary provisions will be made to conform to safety requirements for maintaining the flow of public traffic. Traffic control barriers and warning devices will be used when appropriate. Construction operations will be conducted to offer the least possible obstruction and inconvenience to public traffic. The construction contractor will be required to plan and execute delivery of heavy equipment in such a manner that would avoid traffic congestion and reduce the likelihood of dangerous situations along local roadways. The applicant will work closely with Fillmore County Department of Transportation and Bristol and Harmony townships to ensure minimal disruption to area traffic and will obtain licenses for county and township road right-of-way sharing. (Exhibit 11)
60. The shortest and most direct route that minimizes impacts will be considered should temporary access driveways be required between the roadway and transmission structures. Construction mats may also be used to minimize impacts on access paths and construction areas. In all cases, permission from the property owner will be obtained prior to accessing the transmission line route and constructing, upgrading, or reconfiguring roads. (Exhibit 11)
61. Every attempt will be made to limit ground disturbance wherever possible. Modifications will be made throughout the construction process to ensure that potential impacts are minimized to the greatest extent. The applicant will implement best management practices during construction in an effort to reduce dust, erosion, and minimize compaction. Soil erosion control best management practices will be employed to minimize loss of topsoil. Transmission line route permits generally require use of soil erosion controls and require soils compacted by construction activities to be restored to pre-construction condition upon project completion per MPCA's NPDES permit.
62. The applicant, in coordination with the DNR, will employ best management practices to avoid the potential spread of invasive species within and adjacent to the right-of-way during construction and maintenance of the transmission line. (Exhibit 11)

63. The applicant will work with landowners to minimize impacts to farming operations along the proposed route, including working with the property owners pre- and post construction to minimize any potential impacts. (Exhibit 11)
64. Upon completion of construction, disturbed areas will be restored to their original condition to the maximum extent practicable. The applicant will be required to fairly reimburse landowners for any damage including, but not limited to, yard/landscape damages, structure/fence damage, crop damage, soil compaction, or drain tile damage sustained during construction, as a condition of the route permit. (Exhibit 11)
65. Landowners will be contacted at the close of construction activities to determine whether damages due to transmission line construction have occurred. Upon completion of construction cleanup and restoration of damaged areas, landowners will again be sent a final letter requesting notification of any outstanding construction damage that has not been remedied. (Exhibit 11)
66. Construction and post-construction reclamation activities will include but are not limited to removing and disposing of debris; dismantling staging areas and temporary workspace; employing erosion control blankets with embedded seeds, silt fences, hay bales, or hydro seeding; and hand-planting disturbed areas with native vegetation. (Exhibit 11)
67. Maintenance of the line will be performed by an experienced contractor under a long-term service agreement including line inspection, equipment maintenance, and repairs. Vegetation growth will be monitored approximately every 5 years. If undesirable vegetation has become established and would affect the safe operation or maintenance of the line, the vegetation would be removed. Per the Route Permit, should removal of vegetation require herbicide application, the applicant will coordinate with the landowner and MDNR to avoid the potential of directly or indirectly affecting native prairie and rare plant species. (Exhibit 11)
68. 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 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. The Environmental Quality Board (EQB) and the Commission have historically recommended an 8 kV/m maximum electric field for transmission lines of 345 kV or greater to prevent potential shock hazards. The maximum electric field for this project, as calculated by the applicant, would be 0.7 kV/m. No Minnesota regulations have been established pertaining to magnetic fields from high voltage transmission lines. (Exhibit 11)

69. Appropriate measures will be taken by the applicant during transmission line design, construction, and operation to prevent the potential for any stray voltage problems from 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 NESC. The applicant will be required to address and rectify any stray voltage problems that arise during transmission line operation, as a condition of the route permit. (Exhibit 11)
70. The applicant indicates that noise levels directly adjacent to the 161 kV transmission line and substation would be below the 20 to 30 dB(A) level, less than the Minnesota residential nighttime standard of 50 dB(A) L<sub>10</sub>. Long-term noise impacts from the project are not anticipated and mitigation measures are not necessary. (Exhibit 11)
71. 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. Per the Route Permit, 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. (Exhibit 11)
72. Landowners will be compensated for the removal of mature yard trees through easement negotiations, if necessary. The Commission will require, as a permit condition, that the applicant work with landowners to identify issues related to the transmission line such as distance from existing structures, tree clearing, and other aesthetic concerns. (Exhibit 11)
73. Transmission structures will be placed at the maximum feasible distance from intersecting roads, highway, or trail crossings and could cross roads multiple times to minimize or avoid impacts. (Exhibit 11)
74. Fillmore County Zoning Maps indicate the proposed project located in Bristol and Harmony townships runs through an area zoned as agricultural. (Exhibit 11)
75. Impacts to agricultural land will be minimal as the line will be placed as close to the public road rights-of-way as possible. Construction of the EcoHarmony West Substation will permanently impact approximately 10 acres of agricultural land. Construction of the switching station will permanently impact approximately 6 acres of agricultural land. (Exhibit 11)

76. Disturbed areas of one acre or more (proposed substation) will be regulated by a National Pollutant Discharge Elimination System (NPDES) permit and Stormwater Pollution Prevention Plan (SWPPP) prepared for the project. Mitigation under the NPDES permit 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 storm sewer systems. Compliance with the MPCA stormwater program will be a condition of the route permit. (Exhibit 11)
77. There are no state forests, federal forests, or commercial forest resources located along the proposed transmission line route or at the proposed substation site. (Exhibit 11)
78. There are no mined areas or identified potential mineral resources in the immediate area of the proposed transmission line route or at the proposed substation site. (Exhibit 11)
79. A cultural resource assessment and records review at the Minnesota State Historic Preservation Office (SHPO) and the Office of the State Archaeologist did not identify any known cultural or archaeological resources within the project site. Upon final design of the transmission line, the applicant will perform a Phase I Archaeological Review to ensure that construction will not compromise any cultural or archaeological resources. If archaeological sites are found during the Phase I investigation, their integrity and significance will be addressed in terms of the site's potential eligibility for designation on the National Register of Historic Places (NHRP). If such sites are found to be eligible for the NHRP, appropriate mitigative measures will need to be developed in consultation with Minnesota State Historic Preservation Office and the State Archaeologist. These requirements would be carried over as a condition of the route permit. (Exhibit 11)
80. There are no state or national forests, parks, or wilderness areas; national wildlife refuges; federal waterfowl production areas; state trails, scientific and natural areas, wildlife management areas, water access points, lakes; or county parks present within the proposed or alternative routes. (Exhibit 11)
81. There are three small tributary streams that could be crossed by the transmission line. A tributary to the Upper Iowa River would be crossed by the transmission line no matter which route is granted. Pine Creek would be crossed at one location along the preferred route, three locations if Alternate Route A is granted, and one location if Alternate Route B is granted. Deer Creek would be crossed at one location if the preferred route were granted, two locations if Alternate A were granted, and one location if Alternate Route B were granted. Deer Creek is a DNR-administered public watercourse. Minnesota public waters are protected

regulated by the DNR. An existing electrical distribution line crosses Deer Creek along the preferred route at 120<sup>th</sup> Street. At each stream crossing location, the stream is already crossed by an existing roadway. (Exhibit 11)

82. The proposed transmission line will cross the Bluff Valley Snowmobile Trail at 120<sup>th</sup> Street. The Bluff Valley Trail is maintained as a DNR “Grant in Aid” trail by the Bluff Valley Riders Snowmobile Club of Fillmore County. A short segment (less than a ¼ mile) of the transmission line would parallel the trail. At this segment, the transmission line and trail are on different properties separated by an existing fenceline. Therefore, the transmission line and trail will be on opposite sides of the fence line with no direct conflict. The transmission line turns a corner near the trail; a line pole will be located at this corner and away from the trail. The transmission line will span over the trail itself, without any direct conflict. Proposed Alternate Routes A and B would also cross the Bluff Valley Trail, but at a different location (CSAH 44, east of 305<sup>th</sup> Avenue.), and would parallel the trail for approximately one-half mile. Depending on landowner or road authority agreements, the transmission line may be able to be sited on the opposite side of CSAH 44 to avoid conflicts. (Exhibit 11)
83. There will be no significant impacts to air quality; therefore, no mitigation is necessary. Temporary impacts due to construction would be minimized by using best management practices to reduce dust emissions. (Exhibit 11)
84. Potential impacts to wetlands and water resources will be limited to ground disturbance related to construction traffic and placement of transmission line structures. The applicant has indicated that the most effective way to minimize potential impacts to wetland areas is by locating structures outside of wetlands and adjacent to these resource areas when possible and spanning all surface flows. The applicant has stated that all surface waters can be spanned by the transmission line along the proposed route, without the need to place a tower within the wetland. The applicant will use construction mats or perform construction during frozen conditions to minimize disturbance and compaction of wetlands and riparian areas during construction. 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.). Where waterways must be crossed to pull in the new conductors and shield wires, workers may walk across, use boats, or drive equipment across ice in the winter. (Exhibit 11)
85. Construction crews will maintain sound water and soil conservation practices during construction and operation of the facilities in order to protect topsoil and adjacent water resources, to minimize soil erosion, and avoid major disturbance of individual wetlands and drainage systems during construction. (Exhibit 11)

86. Prior to construction activities, the District Engineer for the Corps will be notified with a preconstruction notification authorized under the Corps St. Paul District Regional General Permit for structural discharges. An application will be filed with the Fillmore County Soil and Water Conservation District (SWCD) to determine if the proposed project would impact any wetlands or public waters under local jurisdiction of the SWCD. Conditions provided in the MPCA NPDES permit, and the DNR license to cross public lands and waters will also be followed. (Exhibit 11)
87. According to the Federal Emergency Management Agency, Flood Insurance Rate Maps, the proposed route does not cross through any 100-year and 500-year floodplains. Floodplain development permits are not anticipated for this project. (Exhibit 11)
88. The locations of the proposed substation or switching station would not impact any wetlands or surface waters and are not located in a floodplain area. (Exhibit 11)
89. There is a potential for temporary displacement of native wildlife during construction of the proposed project. Generally, wildlife species that may be displaced are considered "common" in Minnesota, and their displacement would not be detrimental to their populations. Displaced wildlife would likely re-establish itself in closely located and comparable habitats within the project area. The majority of habitat that would be affected is limited to trees that require removal and fringe areas of agriculture plots. Displacement of fauna will be minor and temporary in nature. No long-term effects related to displacement are anticipated. (Exhibit 11)
90. Tree clearing will be limited to the transmission right-of-way, and will be a condition of the route permit.
91. A search of the DNR's Natural Heritage Database identified no known occurrences of rare species and natural plant communities within the project area.
92. The applicant will use silt fencing or other erosion control measures when working near waterways and wetlands to prevent sedimentation and disturbance of these areas and their inhabitants.
93. Radio, television, cellular phone, and communication system interference is not anticipated. (Exhibit 11)
94. The project will create short-term construction expenditures in the area and increased electric service reliability in the project area and the surrounding region.

95. The applicants estimate that the proposed project including mitigation will cost approximately \$6.1 million with typical annual operating and maintenance costs on the order of \$10,000 per year. (Exhibit 11)

### **Summary of Human and Environmental Impacts and Commitment of Resources**

96. 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 are expected to cause an irreversible or irretrievable commitment of resources.
97. The total length of the transmission line would be approximately 8.5 miles, whether the preferred or alternate routes are permitted.
98. The applicant's proposed route would parallel or share existing road rights-of-way for the majority of the route.
99. Alternative A would parallel or share public road rights-of-way. Alternative B may require private land easements, as it runs along State Highway 139.
100. The preferred route is within 1200 feet of 12 residences. Alternative A is within 1200 feet of 13 residences. Alternative B is within 1200 feet of 14 residences.
101. Three small tributary streams would be crossed by the transmission line. A tributary to the Upper Iowa River would be crossed by the transmission line no matter which route is granted. Pine Creek would be crossed at one location along the preferred route, three locations if Alternate Route A is granted, and one location if Alternate Route B is granted. Deer Creek would be crossed at one location if the preferred route were granted, two locations if Alternate A were granted, and one location if Alternate Route B were granted. Deer Creek is a DNR-administered public watercourse.
102. Construction of the EcoHarmony West Substation will permanently impact a total of 10 acres of agricultural land. Construction of the switching station will permanently impact 6 acres of agricultural land.
103. Route Alternatives A and B would run parallel to a cemetery located along CSAH 44. Both Alternative Routes would also be located near the city of Harmony, the Harmony Fire Station and a radio communications tower

## Applicable Statutory Conditions

104. Minnesota Statute 216E.04, subd. 7, and Minnesota Rules 7850.4100 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.

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, subd. 2.
3. The project qualifies for review under the alternative permitting process of Minnesota Statute 216E.04 and Minnesota Rule 7850.3300.
4. The applicants, the Office of Energy Security Energy Facilities Permitting, and the Public Utilities Commission have complied with all procedural requirements required by law.
5. The Office of Energy Security Energy Facilities Permitting has completed an environmental assessment of this project as required by Minnesota Statute 216E.04, subd. 5, and Minnesota Rule 7850.3700.
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, subd. 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 EcoHarmony West Wind, LLC to construct approximately 8.5 miles of 161 kV transmission line between a newly proposed substation (EcoHarmony West substation) in Bristol Township to a newly proposed switching station in Harmony Township in Fillmore County, Minnesota.

- a. A one-quarter mile route width on the land parcel in Section 14, T 101 N, R 11 W, in Fillmore County, that will host the EcoHarmony West substation. A 100-foot right-of-way is required for the transmission line at this location;
  - b. A 220-foot route width centered on CSAH 44 from the EcoHarmony West substation to 305<sup>th</sup> Avenue. A 50-foot right-of-way is required for the transmission line in this location
  - c. A 220-foot route width centered on 305<sup>th</sup> Avenue (south of CSAH 44) to 120<sup>th</sup> Street. A 50-foot right-of-way is required for the transmission line in this location
  - d. A 220 -foot route width centered on 120<sup>th</sup> Street (east of 305<sup>th</sup> Avenue) to the switching station in Section 23, T 101 N, R 10 West of Fillmore County. A 50-foot right-of-way is required for the transmission line in this location
  - e. A one-quarter mile route width on the land parcel in Section 23, T 101 N, R 11 W, in Fillmore County that will host the switching station. A 100-foot right-of-way is required for the transmission line at this location;
2. The route permit shall be issued in the form attached hereto, with a map showing the approved route.

BY ORDER OF THE COMMISSION

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Burl W. Haar,  
Executive Secretary

**STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION**

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

**FILLMORE COUNTY, MINNESOTA**

**ISSUED TO  
ECOHARMONY WEST WIND, LLC**

**PUC DOCKET NO. IP-6688/TL-09-601**

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

EcoHarmony West Wind, LLC

EcoHarmony West Wind, LLC, is authorized by this route permit to construct a eight and one-half-mile 161 kilovolt (kV) transmission line between a new EcoHarmony West substation and a new switching station in Fillmore 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 \_\_\_\_\_ day of May 2010

BY ORDER OF THE COMMISSION

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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 (800) 627-3529 or by dialing 711.

## **I. ROUTE PERMIT**

The Minnesota Public Utilities Commission (Commission) hereby issues this route permit to EcoHarmony West Wind, LLC (permittee) pursuant to Minnesota Statutes Chapter 216E and Minnesota Rules Chapter 7850. This permit authorizes the permittee to construct approximately eight and one-half miles of 161 kV transmission line and associated facilities between a new EcoHarmony West substation to be located in Bristol Township and a new switching station in Harmony Township in Fillmore County, Minnesota.

## **II. PROJECT DESCRIPTION**

The proposed project would consist of 8.5 miles of new conductor, structures, a new substation, and a new switching station. The right-of-way required for the transmission line is 50 feet in width where the line runs parallel to a public roadway. The designed voltage of the proposed line is 161 kV for the entire proposed route. The transmission line would be supported by direct-embedded, wooden structures, with brace posts for the majority of the route. These tangent structures would be 65-75 feet in height with foundations that are approximately 30 inches in diameter with a 350-400 foot span between each structure. At locations where large angles (turns) are necessary and at the ends of the route, poles will be galvanized or weathered steel to support the transmission line. These structures are 78 feet in height.

The three phases for this project would each consist of single 795 (Drake) aluminum conductor steel reinforced (ACSR). The ACSR conductors are 795,000 circular mils or approximately 1.108 inches in diameter and are comprised of seven steel wires in the center surrounded by 26 aluminum strands. Ultimately, the proposed 161 kV transmission line would be a single-circuit, three-phase, 60 Hz (hertz), alternating current line.

The proposed EcoHarmony West Collector Substation on the west end of the transmission line will require up to ten acres. The proposed site is located in the Southwest quarter of Section 14, Township 101 North, Range 11 West in Fillmore County. The land adjoins County Road 15. As the transmission line crosses this parcel to connect to the substation, the permittee requires a 100-foot right-of-way.

The proposed switching station is located in the Southeast quarter of Section 23, Township 101 North, Range 10 West of Fillmore County. EcoEnergy has negotiated a perpetual easement agreement with the landowner for up to 6 acres. This site is immediately west of the proposed interconnection point along the ITC Midwest transmission line. As the transmission line crosses this parcel to connect to the substation, the permittee requires a 100-foot right-of-way.

### III. DESIGNATED ROUTE/SITE

The route designated by the Commission in this permit comprises the 8.5-mile segment located in Fillmore County, Minnesota, as described in detail below, and shown on the official route map attached to this permit.

The applicant's proposed transmission line route would originate at the proposed EcoHarmony West Substation in Section 14 of Bristol Township, Fillmore County, Minn. The transmission line route would exit the substation heading south across existing agricultural land approximately one-half mile to County State Aid Highway (CSAH) 44. The line would then head east on private easements for approximately four miles to 305<sup>th</sup> Avenue. At 305<sup>th</sup> Avenue, the line would turn south one mile to 120<sup>th</sup> Street. At 120<sup>th</sup> Street, the line would turn east and travel approximately three miles to the switching station in Section 23 of Harmony Township, Fillmore County. The switching substation will be located on existing agricultural land approximately one-quarter mile north of 120<sup>th</sup> Street.

The route width approved by this permit is as follows:

- A one-quarter mile route width on the land parcel in Section 14, T 101 N, R 11 W, in Fillmore County, that will host the EcoHarmony West substation. A 100-foot right-of-way is required for the transmission line at this location;
- A 220-foot route width centered on CSAH 44 from the EcoHarmony West substation to 305<sup>th</sup> Avenue. A 50-foot right-of-way is required for the transmission line in this location;
- A 220-foot route width centered on 305<sup>th</sup> Avenue (south of CSAH 44) to 120<sup>th</sup> Street. A 50-foot right-of-way is required for the transmission line in this location;
- A 220-foot route width centered on 120<sup>th</sup> Street (east of 305<sup>th</sup> Avenue) to the switching station in Section 23, T 101 N, R 10 West of Fillmore County. A 50-foot right-of-way is required for the transmission line in this location;
- A one-quarter mile route width on the land parcel in Section 23, T 101 N, R 11 W, in Fillmore County that will host the switching station. A 100-foot right-of-way is required for the transmission line at this location.

The transmission line and associated facilities will be designed to meet or exceed all relevant state and local codes and requirements of the National Electric Safety Code (NESC), which is the utility safety standard that applies to all transmission line facilities. The transmission line facility will also meet the North American Electric Reliability Corporation's (NERC) reliability standards. In addition, the substation station facilities will be fenced, kept free of vegetation, maintained for adequate drainage, and access will be limited to authorized personnel in accordance with the above requirements and standards.

## IV. PERMIT CONDITIONS

The permittee 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 permittee 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 permittee may not commence construction until the 14 days has expired or until the Commission has advised the permittee in writing that it has completed its review of the documents and determined that the planned construction is consistent with this permit.

If the permittee intends to make any significant changes in its plan and profile or the specifications and drawings after submission to the Commission, the permittee 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 permittee shall follow those specific construction practices and material specifications described in the EcoHarmony West Wind, LLC, Application to the Public Utilities Commission for a Route Permit, dated July 2009, 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 permittee shall advise the Commission in writing of the person or persons designated to be the field representative for the permittee with the responsibility to oversee compliance with the conditions of this permit during construction. The field representative's address, phone number, emergency phone number, and email address shall be provided to the Commission and shall be made available to affected landowners, residents, public officials and other interested persons. The permittee may change its field representative at any time upon written notice to the Commission.

3. **Local Governments.** The permittee will work closely with the Minnesota Department of Transportation (MnDOT), Fillmore County Department of Transportation and Bristol and Harmony townships to ensure minimal disruption to area traffic and will obtain licenses required for county and township road right-of-way sharing. Oversize and overweight truck permits will be coordinated with MnDOT, Fillmore County Department of Transportation, and township road authorities

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 permittee 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. Should removal of vegetation require herbicide application, the permittee will coordinate with the Minnesota Department of Natural Resources (DNR) to avoid the potential of directly or indirectly affecting native prairie and rare plant species.

6. **Erosion Control.** The permittee 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 permittee 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 permittee 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 permittee shall advise the Commission in writing of the completion of such activities. The permittee shall fairly reimburse landowners for any damage including, but not limited to, yard/landscape damages, structure/fence damage, crop damage, soil compaction, or drain tile damage sustained during construction or maintenance activities.

9. **Notice of Permit.** The permittee 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 permittee shall report to the Commission on progress regarding finalization of the route, design of structures, and construction of the transmission line. The permittee need not report more frequently than quarterly.

**D. Complaint Procedure.** Prior to the start of construction, the permittee 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 permittee 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 permittee 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 permittee 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, tree clearing, and other aesthetic concerns.

#### **F. Completion of Construction.**

1. **Notification to Commission.** At least three days before the line is to be placed into service, the permittee 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 permittee 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 permittee 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 permittee 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 NESC.
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.
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 permittee 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 permittee shall make every effort to avoid impacts to identified archaeological and historic resources when installing the high voltage transmission line on the approved route. Prior to construction a Phase IA archaeological survey of the proposed project area will be conducted by the permittee to identify archaeological resources in areas with surface visibility greater than 25 percent and to determine the need for additional subsurface testing along the project route. The results of the cultural resource assessment and the Phase IA survey will be provided to the Commission and State Historic Preservation Office (SHPO) for their review and response.

2. **Wetlands/Water Resources.** The permittee will minimize potential impacts to wetland areas by locating structures outside of wetlands and adjacent to these resource areas when feasible and spanning all surface flows. Unavoidable wetland impacts as a result of the placement of poles shall be limited to the immediate area around the poles. The permittee will use construction mats or perform construction during frozen conditions to minimize disturbance and compaction of wetlands and riparian areas during construction. 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.). Where waterways must be crossed to pull in the new conductors and shield wires, workers may walk across, use boats, or drive equipment across ice in the winter.

Prior to construction activities, the District Engineer for the U.S. Army Corps of Engineers (Corps) will be notified with a preconstruction notification authorized under the Corps St. Paul District Regional General Permit for structural discharges. An application will be filed with the Fillmore County Soil and Water Conservation District (SWCD) to determine if the proposed project would impact any wetlands or public waters under local jurisdiction of the SWCD. Conditions provided in the MPCA NPDES permit, and the DNR license to cross public lands and waters will also be followed.

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. **Accommodation of Existing and Planned Infrastructure.** The permittee is 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.

## **I. Other Requirements.**

1. **Applicable Codes.** The permittee shall comply with applicable requirements of the NESC 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 permittee shall comply with all applicable state rules and statutes. The permittee 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 permittee 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 permittee 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 permittee has 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 7850.4700.

## **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 permittee. The Commission may amend the conditions after affording the permittee and interested persons such process as is required.

## **VI. TRANSFER OF PERMIT**

The permittee may request at any time that the Commission transfer this permit to another person or entity. The permittee 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 permittee can comply with the conditions of the permit. The Commission may authorize transfer of the permit after affording the permittee, the new permittee, 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 7850.5100 to revoke or suspend the permit.

# MINNESOTA 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 Public Utilities Commission (Commission) and phone number.
  - 8. Final disposition and date.
- B. The permittee shall assign an individual to summarize complaints for transmittal to the Commission.

## 6. 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 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 shall be sent to Dr. Burl W. Haar, Executive Secretary, Minnesota Public Utilities Commission, Metro Square Building, 121 7<sup>th</sup> 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 7<sup>th</sup> Place East, Suite 500, St. Paul, MN 55101-2198.

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

**7. Complaints Received by the Commission**

Copies of 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.

***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 the 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 20 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.

**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 Minnesota Public Utilities Commission (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, Minnesota 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. Permittee 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

C) Filings that are graphics intensive (e.g., maps or 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) Office of Energy Security, Energy Facility Permitting, 85 7<sup>th</sup> Place East, Suite 500, St. Paul, MN, 55101-2198. Additionally, the PUC may request a paper copy of any eFiled document.

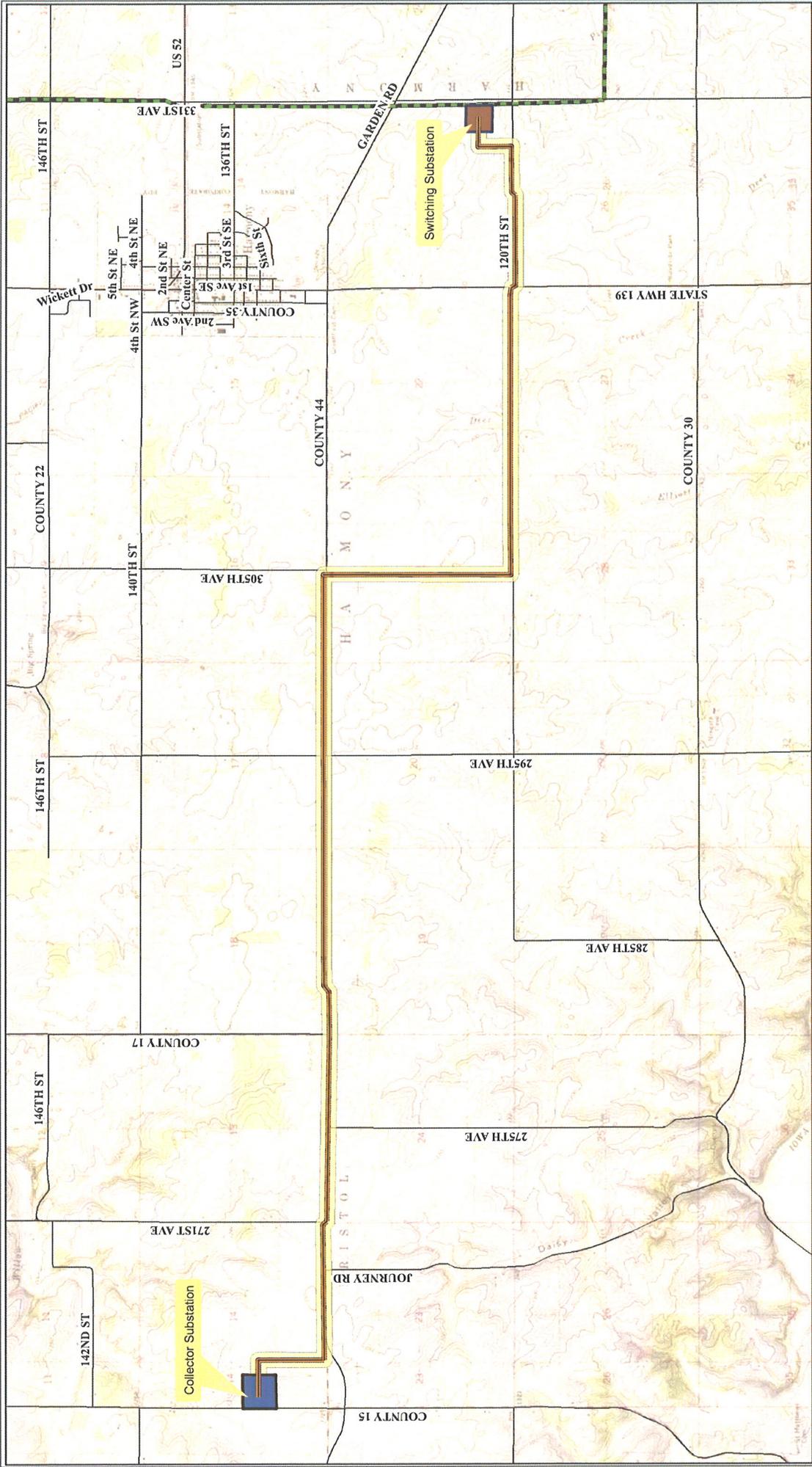
## PERMIT COMPLIANCE FILINGS<sup>1</sup>

**PERMITTEES:** EcoHarmony West Wind, LLC  
**PERMIT TYPE:** High Voltage Transmission Route Permit  
**PROJECT LOCATION:** Fillmore County  
**PUC DOCKET NUMBER:** IP-6688/TL-09-601

Filing Number	Permit Section	Description	Due Date
1	IV.A.	Submit <b>Plan and Profile</b> of the right-of way and design specifications.	At least 14 days prior to right-of-way clearing
2	IV.A.	Any significant changes made in <b>Plan and Profile</b> or <b>Specifications</b> after initial submission.	Notify Commission at least 5 days prior to implementing changes.
3	IV.B.2.	Name <b>Field Representative</b> to oversee compliance with permit conditions.	At least 10 days prior to commencing construction
4	IV.C.	Periodic <b>Status Reports</b> (finalization of route, design of structures, and construction progress/milestones)	Quarterly
5	IV.D	Submit <b>Complaint Procedure</b> to be used to receive and respond to complaints.	Prior to the start of construction
6	IV.F.1.	Provide <b>Notification to Commission</b> of construction completeness and in-service date.	At least 3 days before the line is placed into service
7	IV.F.3.	Submit <b>GPS Data</b> of structures, lines and substations.	Within 60 days after completion of construction
8	IV.H.1.	Submit <b>Phase 1A Archaeological Survey</b> <sup>2</sup>	Prior to the start of construction

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

<sup>2</sup> Also to be submitted to the State Historical Preservation Office for review.



## EcoHarmony West General Transmission Line Layout Map Figure 2

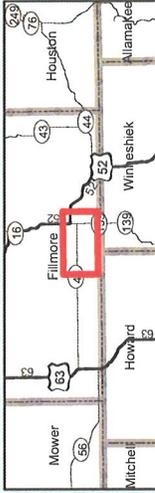


2 Miles



**Legend**

-  Proposed Transmission Line Route
-  ITC Interconnect Line
-  Collector Substation
-  Switching Substation
-  220ft Buffer Route Width
-  Roads
-  County Boundary
-  municipalities



**EcoEnergy**  
 211 South Paterson Street  
 Suite 380  
 Madison, WI 53703  
 608-255-0050  
 EcoEnergy/ITC.com

JC 072309



In the Matter of the Route Permit Application for a  
161 Kilovolt (kV) Transmission Line and  
Associated Facilities in Fillmore County,  
Minnesota.

**EXHIBIT LIST**  
PUC Docket No. IP-6688/TL-09-601

Exhibit Number	Date	Description	eDockets
1.	May 29, 2009	Notification of Pending Route Permit Application Under Alternative Permitting Process	<a href="#">20095-37951-01</a>
2.	July 30, 2009	Route Permit Application	<a href="#">20097-40318-01</a> <a href="#">20097-40318-02</a> <a href="#">20097-40318-03</a> <a href="#">20097-40318-04</a>
3.	August 12, 2009	Publication for Notice of a Submittal of an Application for a Route Permit	<a href="#">20098-40713-01</a>
4.	August 21, 2009	Notice of Commission Meeting for Route Permit Application Acceptance Decision	<a href="#">20098-41143-02</a>
5.	August 26, 2009	Comments and Recommendations of the Minnesota Office of Energy Security Energy Facility Permitting Staff	<a href="#">20098-41169-01</a>
6.	September 8, 2009	Public Utility Commission Order	<a href="#">20099-41567-01</a>
7.	September 22, 2009	Notice of Public Information Meeting	<a href="#">20099-42085-01</a>
8.	October 13, 2009	Published Notice of Public Information Meeting with Affidavit	<a href="#">200910-42788-01</a>
9.	January 7, 2010	Environmental Assessment Scoping Decision	<a href="#">20101-45753-01</a>
10.	January 7, 2010	Notice of Environmental Scoping Decision	<a href="#">20101-45759-01</a>

<b>Exhibit Number</b>	<b>Date</b>	<b>Description</b>	<b>eDockets</b>
11.	March 16, 2010	Environmental Assessment	<a href="#"><u>20103-48067-01</u></a>
12.	March 16, 2010	Notice of Availability of Environmental Assessment	<a href="#"><u>20103-48058-01</u></a>
13.	March 12, 2010	Notice of Public Hearing	<a href="#"><u>20103-47951-01</u></a>
14.	March 12, 2010	Published Notice of Public Hearing with Affidavit	<a href="#"><u>20103-48100-01</u></a>
15.	April 6 and May 10, 2010	Public Hearing Comment Letters	<a href="#"><u>20104-48877-01</u></a> <a href="#"><u>20105-50264-01</u></a>
16.	July 22, 2009	Office of Administrative Hearings Summary of Public Hearing	<a href="#"><u>20105-50462-04</u></a>