



BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

**SUPPLEMENTAL COMMENTS AND RECOMMENDATIONS
OF THE DEPARTMENT OF COMMERCE
ENERGY FACILITY PERMITTING STAFF**

DOCKET NO. E002, ET2/TL-09-1056

Meeting Date: June 10, 2011

Agenda Item # 3

Company: Northern States Power Company (dba Xcel Energy) and Great River Energy

Docket No. E002, ET2/TL-09-1056

In the Matter of the Application for a Route Permit for the Fargo to St. Cloud 345 kV Transmission Line Project

Issues: Should the Commission find that the Environmental Impact Statement (EIS) adequately addresses the issues raised in Scoping?
Should the Commission issue a Route Permit identifying a route and permit conditions for the Fargo to St. Cloud 345 kV Transmission Line?

EFP Staff: David E. Birkholz651-296-2878

Relevant Document(s)

Comments and Recommendations of the Department of Commerce Energy Facility Permitting Staff..... May 27, 2011

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

Attached Document(s)

Revised Commission Decision Options

(Relevant documents and additional information can be found on eDockets (09-1056) or the PUC Energy Facilities website: <http://energyfacilities.puc.state.mn.us/Docket.html?Id=25053>)

Statement of the Issues

Should the Commission find that the Environmental Impact Statement (EIS) and the record adequately address the issues identified in the Scoping Decision? Should the Commission issue a Route Permit identifying a route and permit conditions for the Fargo to St. Cloud 345 kV Transmission Line?

Introduction and Background

EFP filed Comments and Recommendations, Proposed Findings of Fact, Conclusions and Order, and a proposed Route Permit in this matter on May 27, 2011. In the interim, staff has identified the following revisions to enhance or clarify the original filing.

Proposed Findings of Fact, Conclusions and Order

Supplemental Finding 1: The purpose of the Applicants' first Exception to the ALJ Report¹ was to address a request by the ALJ for the Applicants to clarify the locations along the recommended route where they are requesting a route width wider or narrower than the 1,000 feet generally requested in their Application. EFP staff originally stated it "believes that the Applicants' comments provide a complete explanation in response to the ALJ's request,"² and recommended a new finding reflecting the information. The finding, Supplemental Finding 1,³ reads in part:

For the portion of the route from the North Dakota border to Sauk Centre, Applicants request wider route segments identified as **Widened Area Numbers 1, 4-10, and 12-27.** For Route Segment G between Sauk Centre and the Quarry Substation at St. Cloud, Applicants request Widened Area Numbers 31-33 and 35.

However, Applicants actually require wider route segments in areas 2 and 3 as well to accommodate potential problems with wells next to I-94 east of Melrose (2) and the next highway interchange to the east (3). The wider areas were already included in the permit map book that is part of the proposed Route.

¹ Applicants' Exceptions to the ALJ Report at 3.

² EFP Comments and Recommendations at 6.

³ Proposed Findings of Fact, Conclusions and Order at 4 and 5.

Recommendation: EFP staff recommends a correction can be made simply by replacing the numbers in the finding that read “1, 4-10, and 12-27” to read “1-10 and 12-27.” EFP staff recommends replacing Supplemental Finding 1 in the proposed Findings of Fact with the following:

Supplemental Finding 1. Applicants generally request a 1,000 foot route width, except in areas where they believe flexibility is needed to develop an alignment to avoid certain constraints (e.g., interstate connections, residences, or United States Fish and Wildlife (USFWS) areas) or in areas where USFWS Wildlife Production Areas (WPAs) must be avoided.”⁴ For the portion of the route from the North Dakota border to Sauk Centre, Applicants request wider route segments identified as Widened Area Numbers 1-10, and 12-27. For Route Segment G between Sauk Centre and the Quarry Substation at St. Cloud, Applicants request Widened Area Numbers 31-33 and 35.⁵

Finding 174: EFP staff had proposed to correct the ALJ’s Finding 174 to correctly identify the trail as follows.

174. The Modified Preferred Route includes two scenic byway crossings in the North Dakota to Alexandria segment -- the crossing of the King of Trails Byway and the Glacial Ridge Trail. Route A includes one scenic byway crossing in this segment -- the King of Trails Byway. The Modified Preferred Route, Option 2A and Option 2B each parallel the ~~King of Trails Byway~~ Glacial Ridge Trail for one mile.⁶

However, The Glacial Ridge Trail actually parallels Option 3 (not included in the ALJ Recommendation or included in the proposed Route Permit) and does not parallel the Modified Preferred Route, Option 2A or Option 2B. The Modified Preferred Route does cross the Glacial Ridge Trail near Alexandria.

Recommendation. EFP staff recommends replacing Finding 174 in the proposed Findings of Fact with the following:

174. The Modified Preferred Route includes two scenic byway crossings in the North Dakota to Alexandria segment -- the crossing of the King of Trails Byway and the Glacial Ridge Trail. Route A includes one scenic byway crossing in this segment -- the King of Trails Byway. ~~The Modified Preferred Route, Option 2A and Option 2B each parallel the King of Trails Byway for one mile.~~

Proposed Route Permit

Right-of-Way Fact Sheet: In the Brookings County to Hampton Transmission Line Project, the Commission “decided to impose, as a permit condition, an obligation on the Permittees to distribute to relevant landowners information prepared by state agencies regarding

⁴ Applicants’ Exceptions to the ALJ Report at 3.

⁵ Exhibit 1A at 2-13, Figure 2-4 (Route Permit Application).

⁶ Proposed Findings of Fact, Conclusions and Order at 3.

landowner rights with respect to right-of-way negotiations concurrent with the Applicants' first contact with those landowners regarding right-of-way acquisition."⁷

Recommendation. EFP staff recommends including the same condition in this docket. Staff recommends adding the following paragraph to the proposed Route Permit at Section IV.E. Notification to Landowners:

The Permittees shall distribute to relevant landowners information prepared by state agencies regarding landowner rights with respect to right-of-way negotiations concurrent with the Applicants' first contact with those landowners regarding right of-way acquisition.

Revised Commission Decision Options:

- A. Approve and adopt the attached Findings of Fact, Conclusions of Law, and Order for the Fargo to St. Cloud 345 kV Transmission Line Project, including the updated findings in EFP staff's Supplemental Comments and Recommendations, thereby:
 - 1. Determining the Environmental Impact Statement is adequate; and
 - 2. Issuing the high voltage transmission line Route Permit as attached, with appropriate conditions, including the permit condition added in EFP staff's Supplemental Comments and Recommendations, to Northern States Power Company, dba Xcel Energy, and Great River Energy.
- 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.

EFP Recommendation: Option A.

⁷ Order Granting Route Permit, September 14, 2010, at 11.