BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Ellen Anderson	Chair
J. Dennis O'Brien	Commissioner
Phyllis Reha	Commissioner
David Boyd	Commissioner
Betsy Wergin	Commissioner

Tom Hillstrom
Xcel Energy
414 Nicollet Mall, MP-8A
Minneapolis, MN 55401

SERVICE DATE: November 14, 2011

DOCKET NO. E-002/TL-09-1315

In the Matter of the Application for a Route Permit for the Pleasant Valley to Byron 161 kV Transmission Line Project in Dodge, Olmsted and Mower Counties

The above entitled matter has been considered by the Commission and the following disposition made:

> **Approved the Permittees' request and adopted a Permit Amendment widening the route width and altering the transmission alignment at spans 41-43 to shift the alignment approximately 250 feet to the east.**

The Commission agrees with and adopts the recommendations of the Department of Commerce which are attached and hereby incorporated in the Order.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

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BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

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

DOCKET NO. E002/TL-09-1315

Meeting Date: November 10, 2011 Agenda Item # ___

Company: Northern States Power Company (dba Xcel Energy)

Docket No. E002/TL-09-1315

In the Matter of the Application for a Route Permit for the Pleasant Valley to Byron 161 kV Transmission Line Project in Dodge, Olmsted and Mower Counties

Issues: Should the Minnesota Public Utilities Commission authorize the Permittee's Request for a Permit Amendment for the Pleasant Valley to Byron 161 kV Transmission Line?

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

Relevant Document(s)

Compliance Filing (Application for Approval of Route Permit Amendment, Spans 41-43) .....June 30 and October 3, 2011
Findings of Fact, Conclusions of Law, And Order Issuing an HVTL Route Permit To Xcel Energy.....March 3, 2011

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

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Attached Document

Proposed Permit Amendment (with map)

(Relevant documents and additional information can be found on eDockets (09-1315) or the PUC Energy Facilities website: http://energyfacilities.puc.state.mn.us/Docket.html?Id=25695)

Statement of the Issue

Should the Commission authorize the Permittee's Request for a Permit Amendment for the Pleasant Valley to Byron 161 kV Transmission Line?

Introduction and Background

On December 3, 2009, Xcel Energy (Permittee) filed a route permit application under the full review process for the Pleasant Valley to Byron 161 kV transmission line project (Project). The Project is over 10 miles in length and required a Certificate of Need (CN). An Order from the Commission on February 28, 2011, granted a CN for the Project. The Commission issued an Order on March 3, 2011, issuing a Route Permit for the Project.

Project Description
The permitted Project is located between the city of Byron in Olmsted County and Pleasant Valley Township in Mower County. The Project includes:

1. A 161 kV high voltage transmission line extending north from the existing Pleasant Valley Substation, paralleling an existing 345 kV transmission line to a substation in the city of Byron, as depicted in the attached maps; and,

2. Modifications to the Pleasant Valley Substation and a substation in the city of Byron.

On June 30, 2011, Permittee submitted a request for a permit amendment pursuant to Minnesota Rule 7850.4900 to accommodate an expansion of the route width in a specific location between pole markers 41 and 43. Permittee submitted additional requested information on October 3, 2011.

Description of Requested Amendment
The attached Permit Amendment addresses the area along the permitted route where an amendment to the route has been requested. The request seeks authorization to widen the route width and locate the transmission line outside the designated route, as follows:

- **At span 41-43**, place three structures outside the approved route and shift the alignment approximately 250 feet to the east;

Regulatory Framework

On June 30, 2011, Permittee submitted the request for a permit amendment pursuant to Minnesota Rule 7850.4900 to accommodate the route width expansions. Permittee submitted additional requested information on October 3, 2011. The Permittee has the option to request a permit amendment under Minn. Rule 7850.4900 subp. 1; and the Commission has the authority to grant that request.

On October 4, 2011, EFP efiled and mailed the required notice of application to the "general list" and the "project list" and set a public comment period that expired on October 19, 2011.

EFP Staff Analysis and Comments

Permittee states its requested change is in response to a request and communications with an affected landowner. The change does not affect any new landowners.

The route permitted by the Commission for the Pleasant Valley to Byran 161 kV transmission line was intended to follow an existing 345 kV line in order in minimize the need for new easements across private land and maximize right-of-way (ROW) sharing. Specifically, the permit requires under Section III that:

> **B. Right-of-Way Placement.** Where the transmission line route parallels existing transmission infrastructure, the transmission line ROW shall occupy and utilize the existing infrastructure ROW to the maximum extent possible – up to 36 feet – consistent with the criteria in Minn. Rule 7850.4100, and the other requirements of this permit.
>
> **C. Right-of-Way Width.** The 161 kV transmission line will be built primarily with single pole structures, which will typically require an 80-foot ROW. Permittee shall locate the poles as close to the existing 345 kV transmission line as reasonably possible so as to minimize the extent of the easement on private land.

In the location of the requested amendment, the 345 kV line runs diagonally across an agricultural parcel owned and farmed by Mr. Donald Thoe. EFP has spoken with Mr. Thoe, and has confirmed the change meets with the owner's request. In addition, Mr. Thoe also sent a letter during the public comment period approving of the requested change.

The new alignment would better allow the landowner to continue agricultural operations in the area of the transmission line, placing the alignment at the crop end-rows, rather than in the middle of his field. Mr. Thoe currently farms around the poles of the 345 kV line with relative ease, but placing the 161 kv line adjacent to it, particularly with differing span lengths, presents significant challenges.

EFP received only one other letter during the public comment period. Mr. Dana Christie, who owns land to the north of the requested change states that, while there is no change requested on his land, the alignment within Mr. Thoe's property should be shifted 40 feet to the east to follow the property line between Mr. Thoe's and Bryan DeCook's property. Both EFP and the Permittee have communicated with Mr. DeCook. EFP has confirmed that Mr. DeCook is not

amenable to allowing transmission right-of-way on his land due to constriction of wind access rights.

Staff finds that the request for a Permit Amendment is allowed, Commission action is authorized and correct proceedings for notice and comment have been followed under the rule.

Staff believes that amending the route width in the location noted in the Permittees' Permit Amendment request mitigates an unintended impact to Mr. Thoe's farming operations while imposing no other impacts. The requested route width expansion is small, shifting the ROW 250 feet for a span of three poles, as represented in the attached maps. This area is immediately adjacent to and the same land use as the route and alignment evaluated in the Environmental Impact Statement and record for this proceeding.

Staff concludes that the arguments offered to amend the permit are reasonable and that the environmental impacts will be similar to those in the original route permit.

PUC Decision Options:

A. Approve the Permittees' request and adopt a Permit Amendment widening the route width and altering the transmission alignment at spans 41-43 to shift the alignment approximately 250 feet to the east.

B. Reject the Permittees' request for any Permit Amendment to widen the route width and alter the transmission alignment.

C. Make some other decision deemed more appropriate.

EFP Recommendation: Options A.

STATE OF MINNESOTA
PUBLIC UTILITIES COMMISSION

PERMIT AMENDMENT

TO THE ROUTE PERMIT FOR CONSTRUCTION OF A HIGH VOLTAGE TRANSMISSION LINE

IN DODGE, OLMSTED AND MOWER COUNTIES

ISSUED TO NORTHERN STATES POWER COMPANY

PUC DOCKET No. E002/TL-09-1315

In accordance with the requirements of Minnesota Rules Chapter 7850.4900, this route permit amendment is hereby issued to:

NORTHERN STATES POWER COMPANY

Northern States Power Company, dba Xcel Energy, is authorized by this permit amendment to alter the route width and alignment between poles 41 and 43 along the previously permitted Pleasant Valley to Byron 161 kV Transmission Line Project as depicted on the attached official route map.

Approved and adopted this 14th day of November 2011

BY ORDER OF THE COMMISSION

Burl W. Haar,
Executive Secretary

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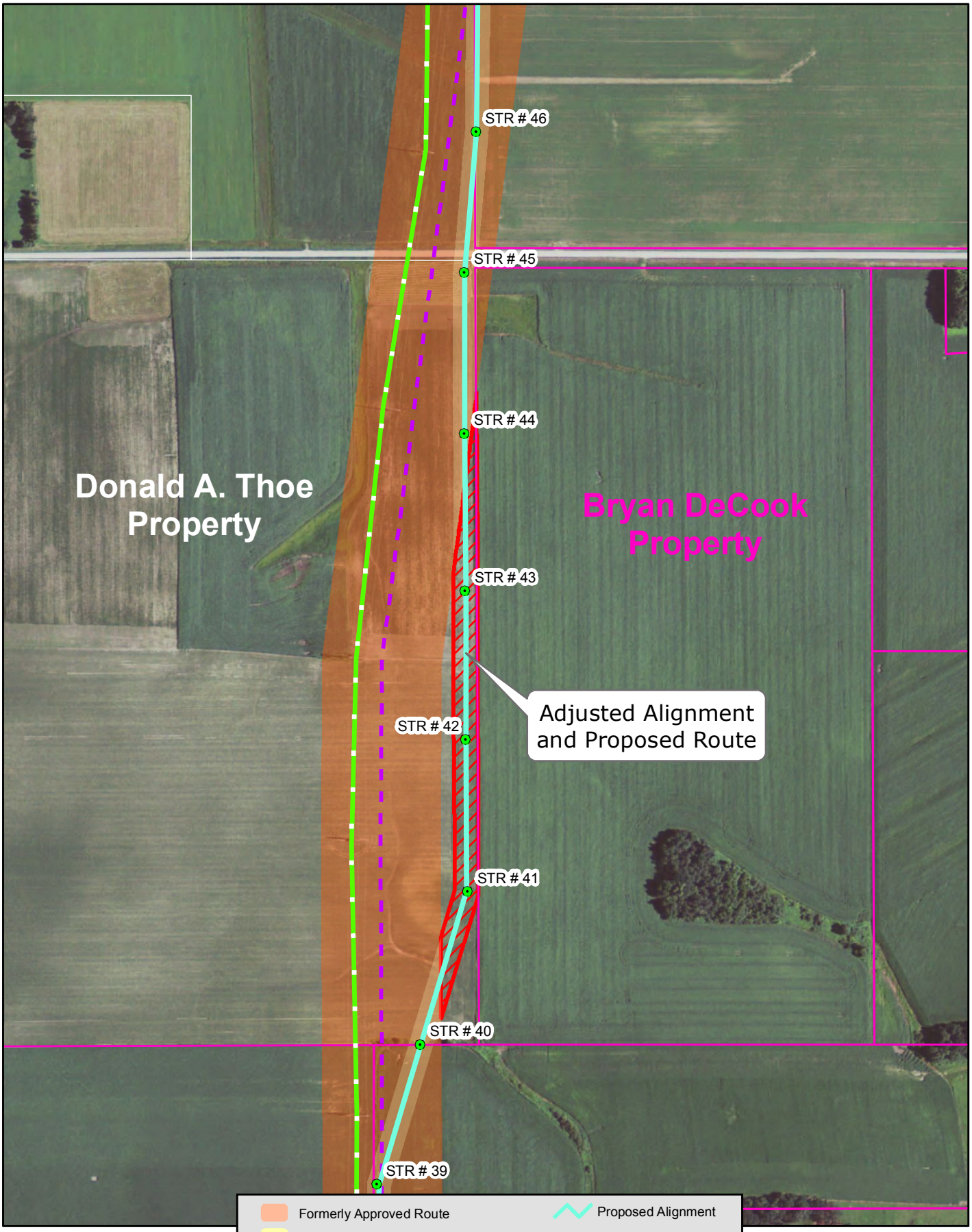

Formerly Approved Route
80 ft. ROW
ROW Outside Formerly Approved Route
Existing Xcel Line #0979 (345 kV)
Formerly Approved Alignment
Proposed Alignment
Structure Location
Olmsted County Parcel
Dodge County Parcel

Map 2
Proposed Alignment Modification at Thoe Property
Proposed Pleasant Valley to Byron Transmission Line

September 28, 2011

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DISCLAIMER: This information is believed to be correct but is subject to change and is not warranted.

N

0 250 500 Feet