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February 11, 2011

Dr. Burl W. Haar  
Executive Secretary  
Minnesota Public Utilities Commission  
127 7<sup>th</sup> Place East, Suite 350  
St. Paul, MN 55101-2147

**RE: Comments and Recommendation of the Office of Energy Security Energy  
Facility Permitting Staff on a Route Permit (Docket No. E002/TL-09-1315)**

Dear Dr. Haar:

Attached are the Comments and Recommendation of the Office of Energy Security Energy  
Facility Permitting (EFP) Staff:

**In the Matter of the Application for a Route Permit for the Pleasant Valley to Byron 161  
kV Transmission Line Project**

The Application for a High Voltage Transmission Line Route Permit was filed on December 3,  
2009 by:

Tom Hillstrom  
Xcel Energy  
414 Nicollet Mall MP8A  
Minneapolis, MN 55401

EFP recommends issuance of a route permit along the Route Alternative 3 as described within  
the attached draft permit and route maps.

EFP staff is available to answer questions from the Commission.

Sincerely,

Matthew A. Langan  
EFP Staff

Attachments

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**BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION**

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

DOCKET NO. E002/TL-09-1315

Meeting Date: February 24, 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**

Issues: Should the Commission find that the Environmental Impact Statement (EIS) adequately addresses the issues identified in the Scoping Decision?  
Should the Commission issue a Route Permit identifying a route and permit conditions for the Pleasant Valley to Byron 161 kV Transmission Line?

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

**Relevant Document(s)**

Route Permit Application ..... December 3, 2009  
Public Utilities Commission Application Acceptance Order ..... February 9, 2010  
Environmental Impact Statement Scoping Decision ..... July 9, 2010  
Draft EIS ..... October 4, 2010  
Final EIS ..... November 30, 2010  
ALJ Findings of Fact, Conclusions, Recommendation & Summary of Testimony January 7, 2011  
Exhibit List..... January 11, 2011

The enclosed materials are work papers of the OES EFP staff. They are intended for use by the Commission and are based on information already in the record unless otherwise noted. This document can be made available in alternative formats, i.e., large print or audio tape, by calling (651) 296-0406 (Voice) or 1-800-627-3529 (TTY relay service).

## **Attached Document(s)**

Proposed Findings of Fact, Conclusions of Law and Order  
Proposed HVTL Route Permit  
Proposed HVTL Route Permit Map Set

(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>)

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## **Statement of the Issues**

Should the Commission find that the Environmental Impact Statement (EIS) adequately addresses the issues identified in the Scoping Decision? Should the Commission issue a Route Permit identifying a route and permit conditions for the Pleasant Valley to Byron 161 kV Transmission Line?

## **Introduction and Background**

On December 3, 2009, Xcel Energy submitted a high voltage transmission line (HVTL) Route Permit application to the Commission for the proposed Pleasant Valley to Byron 161kV Transmission Line Project (Project) in Dodge, Olmsted and Mower counties, Minnesota.

### ***Project Description***

The Project includes an approximately 16- to 18-mile, 161 kV HVTL that interconnects a substation in Pleasant Valley Township, Mower county, to a substation in the City of Byron, Olmsted county. The proposed structures are single-pole, weathering steel, brace-post type structures. The height of the poles will range from 70 to 90 feet, with the spans between poles ranging from 400 to 650 feet. The typical right-of-way width for the transmission line is 80 feet. The applicant has requested a route width of 400 feet. In one location, the applicant requests a route width of 1,000 feet to provide routing flexibility near an industrial site within the project area immediately south of the substation in Byron. The Project includes modifications to the two substations (Pleasant Valley and Byron) within the existing substation footprints.

In addition to the Applicant's proposed Preferred (Route Alternative 1) and Alternate (Route Alternative 2) routes, the public asked the Director of the Office of Energy Security to include Route Alternative 3, which parallels an existing 345 kV transmission line between the two project substations, in the scope of the EIS. The scope of the EIS also included three, shorter route segments alternatives that are variations on segments of Route Alternatives 1, 2, and 3.

The estimated cost of the Project for facilities to be located in Minnesota is between \$9.7 and \$10.9 million (escalated dollars), depending on the final route selected. Construction of the Project is expected to begin in the summer of 2011 and be completed and the line in-service by first quarter 2012.

The attached permit contains a map providing a project overview that identifies the Project location.

## **Regulatory Process and Procedures**

Minnesota Statutes Section 216E.03, subd. 2, provides that no person may construct a high voltage transmission line without a route permit from the Commission. An HVTL is defined as a transmission line of 100 kV or more and greater than 1,500 feet in length in Minnesota Statutes Section 216E.01, subd. 4. The transmission line proposed here is an HVTL and therefore a route permit is required prior to construction. The application was submitted pursuant to the provisions of the Full Permitting Process outlined in Minnesota Rules 7850.1700 to 7850.2700. Route permit applications under the full review process must provide specific information about the proposed project, applicant, environmental impacts, alternatives and mitigation measures (Minnesota Rule 7850.1900). An applicant under this process is required to propose a preferred route and at least one alternative route. The Commission may accept an application as complete, reject an application and require additional information to be submitted, or accept an application as complete upon filing of supplemental information (Minn. Rule 7850.2000). The Commission accepted the application as complete in its February 9, 2010, Order.

Minnesota Statute Section 216B.243, subd. 2 states that no large energy facility shall be sited or constructed in Minnesota without the issuance of a Certificate of Need (CON) by the Commission. A large energy facility is defined to include transmission lines between 100 kV and 200 kV if they are more than 10 miles long (Minnesota Statutes Section 216B.2421, subd. 2(2) and (3)). The 161 kV transmission line proposed for this project is greater than 10 miles in length. Therefore, a CON is required for the proposed project. The CON is being processed under a separate docket [E002/CN-08-992.]

Following route permit application acceptance, the Office of Energy Security (OES) Energy Facility Permitting (EFP) staff conducted public information and scoping meetings (Minn. Rule 7850.2300) in the city of Byron on March 25, 2010. EFP prepared a Draft Environmental Impact Statement (EIS) released on October 4, 2010, and held Draft EIS information meetings on October 26, 2010 in the city of Byron. The Final EIS (Minn. Rule 7850.2500) was released on November 30, 2010.

A contested case hearing (Minn. Rule 7850.2600 and Minn. Rule 1405) was conducted by Administrative Law Judge Manuel J. Cervantes in the city of Byron on October 26, 2010, with the evidentiary portion being held in the same day in the same location. The ALJ report and recommendation was released on January 7, 2011. The ALJ recommended that the Commission issue a route permit to the Applicants along Route Alternative 3.

## **EFP Staff Analysis and Comments**

EFP staff reviewed and evaluated the Pleasant Valley to Byron 161 kV Transmission Line Project during the public involvement and environmental review processes, and has compiled a record for the Commission's decision on the route permit. EFP staff concurs with the ALJ recommendation to issue a route permit for Route Alternative 3. EFP staff finds that of the Route Alternatives and Segment Alternatives proposed by the Applicant and the public, and evaluated under the state environmental review process, Route Alternative 3 has the least impact on human habitation, aesthetics, cultural values and resources, public infrastructure, transportation, land-based economies, and maximizes the use of existing utility right-of-way. Route Alternative 3 complies with the North American Electric Reliability Corporation standards and is the least expensive to construct and operate.

### ***Findings of Fact, Conclusions of Law, and Order***

The attached “Findings of Fact, Conclusions of Law and Order” include the Findings of Fact from the ALJ’s January 7, 2011, “Findings of Fact, Conclusions and Recommendation” in their entirety. No one filed exceptions to the ALJ findings with the Commission. These findings are herein recommended for acceptance by the Commission; staff is not recommending any exceptions to the findings. However, staff is recommending clarifications of two findings contained in the report.

Finding 53 in the ALJ’s Report states that the Draft EIS was published on October 6, 2009. Staff has corrected that Finding to read “October 4, 2010.”

Finding 86 in the ALJ’s Report recommended restrictions on construction during the spring wild turkey hunting season in the “area.” This restriction on construction was developed as a mitigation measure in the EIS to address recreational hunting activities in the South Fork Zumbro River Wildlife Management Area. Project construction is not scheduled to commence until well after the wild turkey hunting season ends. Staff has made this clarification in its attached Findings of Fact.

### ***Environmental Impact Statement***

The ALJ concluded EFP conducted an appropriate environmental analysis of the project. The ALJ found, “The evidence on the record demonstrates that the FEIS is adequate because it addresses the issues and alternatives raised in the Scoping Decision, provides responses to the substantive comments received during the DEIS review process, and was prepared in compliance with Minnesota Rules 7850.1000 to 7850.5600.”<sup>1</sup>

### ***Permit Conditions***

Staff is recommending three special conditions<sup>2</sup> be placed into the route permit based on input from the Minnesota Department of Natural Resources (MDNR) and the State Historic Preservation Office (SHPO) during the environmental review and public hearing process, and based on the ALJ’s report finding these are appropriate conditions.<sup>3</sup>

Special Condition 1: Based on SHPO recommendations and procedures, the Permit states that if a cultural, archeological, or historically-significant resource is discovered during construction, the Permittee shall consult with the SHPO to determine whether or not the resource would be eligible for listing in the National Registry of Historic Places (NRHP). Phase I or Phase II surveys would be conducted in the event that a potentially eligible artifact is discovered and cannot be spanned.

Special Condition 2: Requires the Permittee to consult with MDNR on any needed botanical surveys and to report back on the results of those efforts as part of the Plan and Profile submittal.

Special Condition 3: Requires that the Permittee, to the extent possible, span the South Fork Zumbro River Wildlife Management Area, Salem Creek, and Public Water Wetlands. Where spanning these resources is not possible, the Permittee will consult with MDNR on any needed fresh-water mussel surveys, and report back on the results of those efforts as part of the Plan and Profile submittal.

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<sup>1</sup> ALJ Conclusion 3.

<sup>2</sup> Route permit p.4 part B.10. and p.7 part K.1-3

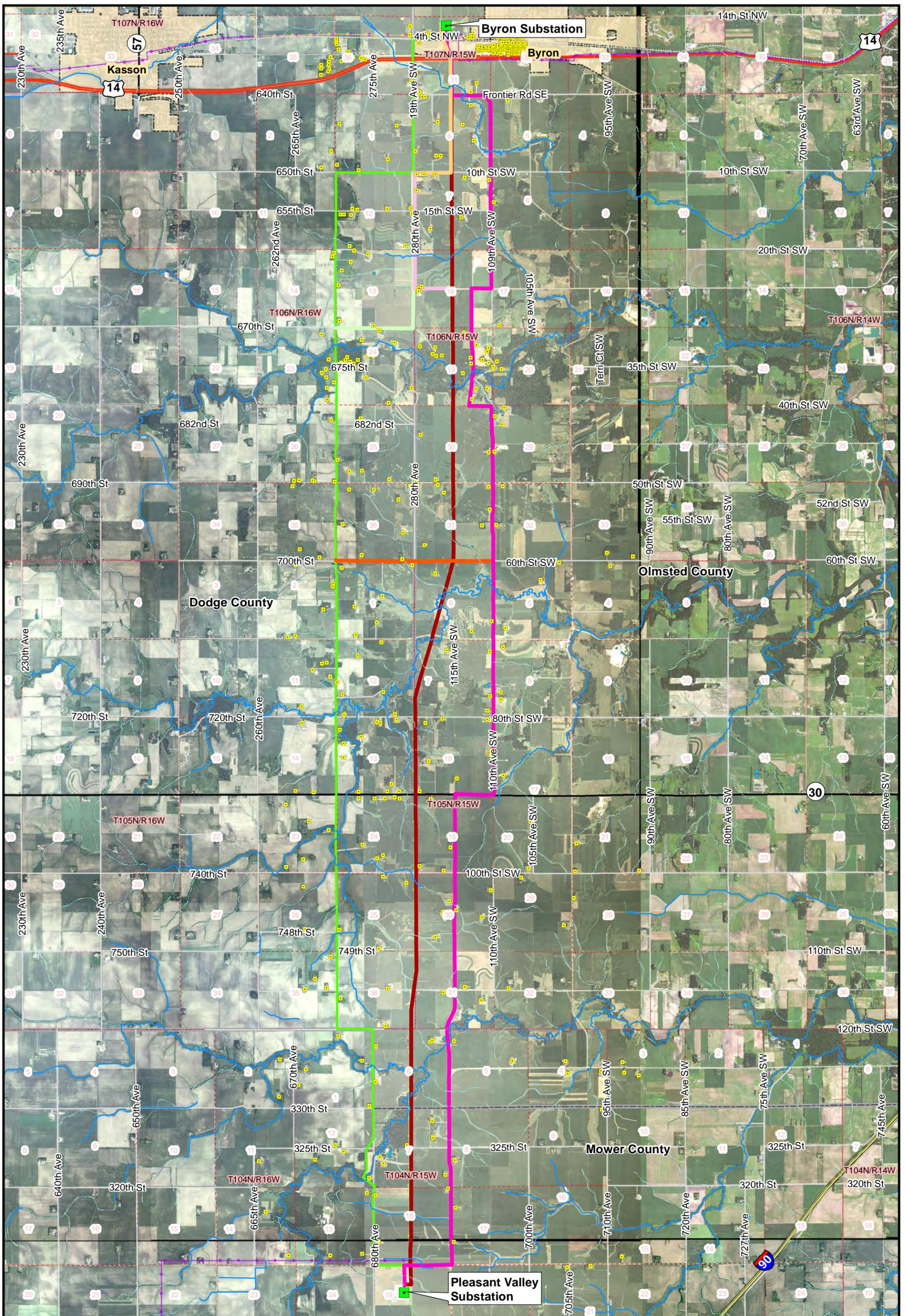
<sup>3</sup> ALJ FOF 129, 157, 161

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**PUC Decision Options:**

- A. Approve and adopt the attached Findings of Fact, Conclusions of Law, and Order for the Pleasant Valley to Byron 161 kV Transmission Line Project, thereby:
  - 1. Determining the Environmental Impact Statement addresses the issues identified in the EIS Scoping Decision; and
  - 2. Issuing the high voltage transmission line Route Permit as attached, with appropriate conditions, to Northern States Power Company, dba Xcel 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 Energy Facility Permitting Recommendation:** Option A.



**Figure 1**  
Route Alternative Overview Map

Pleasant Valley to Byron Transmission Line  
Xcel Energy  
November 2010

- Residential Dwelling
- Substation
- River/Stream
- Intermittent Stream/Drain
- Interstate Highway
- U.S. Highway
- State Highway
- County Road
- County Boundary
- PLS Township
- PLS Section 2
- Incorporated Area
- Existing Transmission Line
- Existing 69 kV
- Existing 161 kV
- Existing 345 kV
- Crossover Segment
- Route Alternative 1
- Route Alternative 2
- Route Alternative 3
- Segment Alternative A
- Segment Alternative B
- Segment Alternative C



**BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION**

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

Chair  
Vice Chair  
Commissioner  
Commissioner  
Commissioner

<b>In the Matter of the Application for a Route Permit for the Pleasant Valley to Byron 161 kV Transmission Line Project</b>	<b>ISSUE DATE:</b> _____, 2011 <b>DOCKET NO. E002/TL-09-1315</b> <b>FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER ISSUING AN HVTL ROUTE PERMIT TO NORTHERN STATES POWER (d/b/a XCEL ENERGY)</b>
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The above-captioned matter came before the Minnesota Public Utilities Commission (Commission) on February 24, 2011, for action on an application by Northern States Power Company (Applicant), for a route permit to construct a new 16 to 18-mile transmission line project in Dodge, Olmsted and Mower counties.

Public hearings were held on October 26, 2010, at the American Legion in the city of Byron. The hearing was presided over by Manuel J. Cervantes, Administrative Law Judge (ALJ) for the Minnesota Office of Administrative Hearings (OAH). The hearings continued until all persons who desired to speak had done so. An evidentiary hearing was held on October 26, 2010, in the same location. The comment period closed on November 8, 2010.

**STATEMENT OF ISSUE**

Should the Commission find that the Environmental Impact Statement (EIS) adequately addresses the issues identified in the scoping decision? Should the Commission issue a route permit identifying a specific route and permit conditions for the Pleasant Valley to Byron 161 kV Transmission Line Project?

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

## **FINDINGS OF FACT**

The Commission adopts the January 7, 2011, ALJ *Findings of Fact, Conclusions and Recommendation* for the Pleasant Valley to Byron 161 kV Transmission Line Project in Dodge, Olmsted and Mower counties related to OAH Docket No. 16-2500-21470-2 and PUC Docket No. E002/TL-09-1315, with the following additions and changes:

53. On October ~~4~~ 6, ~~2010~~ 2009, OES published the DEIS which included a discussion of all of the alternatives and topics required by the Scoping Decision.<sup>56</sup>
  
86. The EIS concluded that the Project will not have any long-term direct impacts on recreational resources near the Preferred Route, the Alternate Route, or Route Alternative 3.<sup>88</sup> No significant difference in impacts to recreational activities is likely between the three routes. To minimize the impact on hunting in the South Fork Zumbro River Wildlife Management Area, the Permit may properly restrict construction activities during the spring hunting season for wild turkey, which begins April 13, 2011 and ends May 26, 2011.<sup>89</sup>

Based on the Findings of Fact the Commission makes the following:

### **CONCLUSIONS OF LAW**

1. Any of the foregoing Findings more properly designated as Conclusions are hereby adopted as such.
2. The Public Utilities Commission has jurisdiction over the subject matter of this proceeding pursuant to Minnesota Statute 216E.03, subdivision 2.
3. The project qualifies for review under the full permitting process of Minnesota Statute 216E.03 and Minnesota Rule 7850.1700-2700.
4. The applicants, the Office of Energy Security, and the Public Utilities Commission have complied with all procedural requirements required by law.
5. The Office of Energy Security has completed an environmental impact statement of this project as required by Minnesota Statute 216E.03, subdivision 5, and Minnesota Rule 7850.2500.
6. The Public Utilities Commission has considered all the pertinent factors relative to its determination of whether a route permit should be approved as required by Minnesota Statute 216E.03, subdivision 7, and Minnesota Rule 7850.4100.
7. The conditions included in the route permit are reasonable and appropriate.

Based on the Findings of Fact, Conclusions of Law and Recommendation contained herein and the entire record of this proceeding, the Commission hereby makes the following:

**ORDER**

1. A route permit is hereby issued to Northern States Power Company, dba Xcel Energy, to construct approximately 16.2 miles of 161 kV transmission line connecting the Pleasant Valley Substation in Pleasant Valley Township, Mower County to a Substation in the city of Byron, Olmsted County. The Applicant is issued a route width of 400 feet along Route Alternative 3, except in the area south of the substation in the City of Byron where a route width of 1,000 feet is requested to provide flexibility in avoiding a commercial business, as noted in the permit conditions and denoted on the route maps. Applicants are also permitted to upgrade the Pleasant Valley Substation and the substation in the city of Byron as per their proposal.
2. The route permit shall be issued in the form attached hereto, with maps showing the approved route.

Approved and adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2011.

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 AND SUBSTATION  
MODIFICATIONS**

**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 Statutes Chapter 216E and Minnesota Rules Chapter 7850, this route permit is hereby issued to:

**NORTHERN STATES POWER COMPANY**

Northern States Power Company, dba Xcel Energy, is authorized by this route permit to construct a new approximately 16 mile, 161 kilovolt (kV) high voltage transmission line located in Dodge, Olmsted and Mower counties and make substation modifications in Mower and Olmsted counties in the State of Minnesota, from the Pleasant Valley Substation in Pleasant Valley Township to a substation located in the city of Byron.

The transmission line and substation project shall be built within the route identified in this permit and as portrayed on the official route maps, and in compliance with the conditions specified in this permit.

Approved and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2011

BY ORDER OF THE COMMISSION

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Burl W. Haar,  
Executive Secretary

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## **I. ROUTE PERMIT**

The Minnesota Public Utilities Commission (Commission) hereby issues this route permit to Northern States Power Company, dba Xcel Energy, (Permittee) pursuant to Minnesota Statutes Chapter 216E and Minnesota Rules Chapter 7850. This permit authorizes the Permittee to build approximately 16 miles of 161 kV transmission line in Dodge, Olmsted and Mower counties from the Pleasant Valley Substation in Pleasant Valley Township to a substation located in the city of Byron.

## **II. PROJECT DESCRIPTION**

The Permittee is authorized to construct a project comprising substation modifications and a new transmission line as described in the Application, the Environmental Impact Statement, and summarized below:

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

The proposed structures will primarily include single-pole, weathering steel, brace-post type structures that will range in height between 70 and 90 feet. The span length between structures will typically range in length between 400 and 650 feet depending on site-specific considerations. The right-of-way (ROW) for the proposed 161 kV electrical transmission line will generally be 80 feet in width.

## **III. DESIGNATED ROUTE**

The approved route is shown on the aerial photos attached to this permit and further designated as follows:

**A. Route Width and Alignment.** The width of the designated route will be limited to 400 feet approximately as depicted on the attached route maps, with the exception of a 1,000 foot route width immediately south of the substation in the city of Byron, as indicated on those maps. The final alignment (i.e., permanent and maintained rights-of-way) will be located within this designated route. This width will provide the Permittee with the flexibility to make minor adjustments of the specific alignment or ROW to accommodate landowner requests and unforeseen conditions.

The designated route identifies an alignment that minimizes the overall potential impacts relating to the factors identified in Minn. Rule 7850.4100 and which was evaluated in the environmental review and permitting processes. As such, this permit anticipates that the

actual ROW will generally conform to this proposed alignment unless changes are requested by individual landowners or unforeseen conditions are encountered, or are otherwise provided for by this permit. Any alignment modifications within this designated route shall be located to have comparable overall impacts relative to the factors in Minn. Rule 7850.4100 as does the alignment identified in this permit, and shall be specifically identified in and approved as part of the Plan and Profile submitted pursuant to Part IV.A. of this permit.

Route width variations outside the designated route may be allowed for the Permittee to overcome potential site specific constraints. These constraints may arise from any of the following:

1. Unforeseen circumstances encountered during the detailed engineering and design process.
2. Federal or state agency requirements.
3. Existing infrastructure within the transmission line route, including but not limited to roadways, railroads, natural gas and liquid pipelines, high voltage electric transmission lines, or sewer and water lines.
4. Planned infrastructure improvements identified by state agencies and local government units and made part of the evidentiary record during the contested case proceeding for this permit.

**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.

## **IV. PERMIT CONDITIONS**

The Permittee shall comply with the following conditions during construction of the transmission line and associated facilities for the duration of this permit.

**A. Plan and Profile.** At least 20 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 documentation shall include maps depicting the plan and profile in relation to the route and alignment approved per the permit.

The Permittee may not commence construction until the 20 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 Northern States Power Company Application to the Public Utilities Commission for a Route Permit, dated December 3, 2009, and as described in the environmental impact statement 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, and emergency phone number 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 the field representative at any time upon written notice to the Commission.
- 3. Local Governments.** The Permittee shall cooperate with county and city road authorities to develop appropriate signage and traffic management during construction.
- 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.
- 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. Space should be selected to limit the removal of, or impacts to, vegetation.

**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 compensate landowners for any yard/landscape, crop, soil compaction, or other damages that may occur during construction.

**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 and the complaints procedures 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.

**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.** 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, associated database of characteristics, etc.) for all 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 National Electric Safety Code.

**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 rms.

**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. Other Requirements.**

**1. Applicable Codes.** The Permittee shall comply with applicable requirements of the National Electric Safety Code (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. The transmission line facility will also meet the North American Electric Reliability Corporation's (NERC) reliability standards

**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 impact statement. 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 have 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.

**K. Special Conditions.**

1. If a cultural, archeological, or historically-significant resource is discovered during construction, the Permittee shall consult with the State Historic Preservation Office to determine whether or not the resource would be eligible for listing in the National Registry of Historic Places (NRHP). Phase I or Phase II surveys would be conducted in the event that a potentially eligible artifact is discovered and cannot be spanned.
2. Botanical Survey. Known locations of state-listed threatened/endangered plant species have been identified within the study area of Route Alternative 3. These species (specifically Prairie Bush Clover, Valerian, and Glade Mallow) may also occur within the proposed route where suitable habitat exists. The Permittee, in consultation with the Minnesota Department of Natural Resources (MDNR), will determine the need for botanical surveys (pre-construction) on the anticipated alignment of Route Alternative 3. In the areas along Route Alternative 3, where these species are known to exist or where the alignment passes through habitats where these species are likely to exist, field surveys may be required. The Permittee shall avoid impacts to these species by adjusting pole placement and shifting the alignment. In the event that impacts cannot be avoided, the Permittee would be required to obtain a takings permit from MDNR for impacts to the species. The Permittee shall submit results of these efforts to the Commission with the Plan and Profile.
3. The Permittee shall construct the transmission line so as to span the South Fork Zumbro River Wildlife Management Area, Salem Creek, and Public Water Wetlands located along the route alignment. In the event spanning is not possible, the Permittee shall minimize the number of structures placed in these areas and

work with MDNR to determine appropriate mitigation (pre-construction.) In the event spanning of Salem Creek is not possible the Permittee, in consultation with the Minnesota Department of Natural Resources (MDNR), will determine the need for mussel and Wood Turtle surveys (pre-construction) at the Salem Creek crossing location. The Permittee shall submit results of these efforts to the Commission with the Plan and Profile.

## **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  
COMPLIANCE FILING PROCEDURE  
FOR PERMITTED ENERGY FACILITIES**

**1. Purpose**

To establish a uniform and timely method of submitting information required by the 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, 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

Filings that are graphic intensive (e.g., maps, 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) Department of Commerce, Energy Facility Permitting, 85 7<sup>th</sup> Place East, Suite 500, St. Paul, MN, 55101-2198.

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

**PERMITTEES:** Northern States Power Company  
**PERMIT TYPE:** HVTL Route Permit  
**PROJECT LOCATION:** Dodge, Olmsted and Mower counties  
**PUC DOCKET NUMBER:** E002/TL-09-1315

<b>Filing Number</b>	<b>Permit Section</b>	<b>Description</b>	<b>Due Date</b>
<b>1</b>	Section IV.B.2	Contact information for field representative	10 days prior to construction
<b>2</b>	Section IV.A.	Plan and profile of right-of-way	14 days before ROW preparation or construction
<b>3</b>	Section IV.B.8	Restoration	60 days after completion of all restoration activities
<b>4</b>	Section IV.D	Complaint Procedures	Prior to start of construction
<b>5</b>	Section IV.F	Notice of completion and date of placement in service	Three days prior to energizing
<b>6</b>	Section IV.F.3	Provide As-built and GPS information	Within 60 days of construction

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

**MINNESOTA PUBLIC UTILITIES COMMISSION  
COMPLAINT HANDLING PROCEDURES FOR  
HIGH VOLTAGE TRANSMISSION LINES**

**A. Purpose:**

To establish a uniform and timely method of reporting complaints received by the Permittee concerning Permit conditions for site preparation, construction, cleanup and restoration, operation and resolution of such complaints.

**B. Scope:**

This document describes Complaint reporting procedures and frequency.

**C. Applicability:**

The procedures shall be used for all complaints received by the Permittee and all complaints received by the Commission under Minn. Rule 7829.1500 or 7829.1700 relevant to this Permit.

**D. Definitions:**

Complaint: A verbal or written statement presented to the Permittee by a person expressing dissatisfaction or concern regarding site preparation, cleanup or restoration or other HVTL and associated facilities route permit conditions. Complaints do not include requests, inquiries, questions or general comments.

Substantial Complaint: A written Complaint alleging a violation of a specific Route Permit condition that, if substantiated, could result in Permit modification or suspension pursuant to the applicable regulations.

Unresolved Complaint: A Complaint which, despite the good faith efforts of the Permittee and a person(s), remains to both or one of the parties unresolved or unsatisfactorily resolved.

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.

**E. Complaint Documentation and Processing:**

1. The Permittee shall document all Complaints by maintaining a record of all applicable information concerning the Complaint, including the following:
  - a. Name of complainant, address, phone number, and e-mail address.
  - b. Precise property description or parcel number.
  - c. Name of Permittee representative receiving Complaint and date of receipt.
  - d. Nature of Complaint and the applicable Permit conditions(s).
  - e. Activities undertaken to resolve the Complaint.
  - f. Final disposition of the Complaint.
2. The Permittee shall designate an individual to summarize Complaints for the Commission. This person's name, phone number and e-mail address shall accompany all complaint submittals.
3. A Person presenting the Complaint should to the extent possible, include the following information in their communications:
  - a. Name, address, phone number, and e-mail address.
  - b. Date
  - c. Tract or parcel
  - d. Whether the complaint relates to (1) a Permit matter, (2) a HVTL and associated facility issue, or (3) a compliance issue.

**F. Reporting 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 the same day received, or on the following working day for complaints received after working hours. Such reports are to be directed to Energy Permit Compliance, 1-800-657-3794, or by e-mail to: [DOC.energypermitcompliance@state.mn.us](mailto:DOC.energypermitcompliance@state.mn.us), or. 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 Filed to Dr. Burl W. Haar, Executive Secretary, Public Utilities Commission, using the Minnesota Department of Commerce eDocket system (see eFiling instructions attached to this permit).

If no Complaints were received during the preceding month, the Permittee shall submit (eFile) a summary indicating that no complaints were received.

**G. Complaints Received by the Commission or OES:**

Complaints received directly by the Commission from aggrieved persons regarding site preparation, construction, cleanup, restoration, operation and maintenance shall be promptly sent to the Permittees.

**H. Commission Process for Unresolved Complaints:**

**Initial Screening:** Commission staff shall perform an initial evaluation of unresolved Complaints submitted to the Commission. Complaints raising substantial Permit issues shall be processed and resolved by the Commission. Staff shall notify Permittee and appropriate person(s) 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 twenty days of submission of the Briefing Papers.

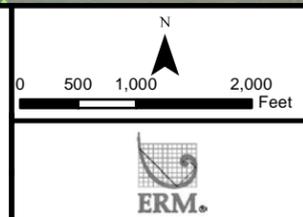
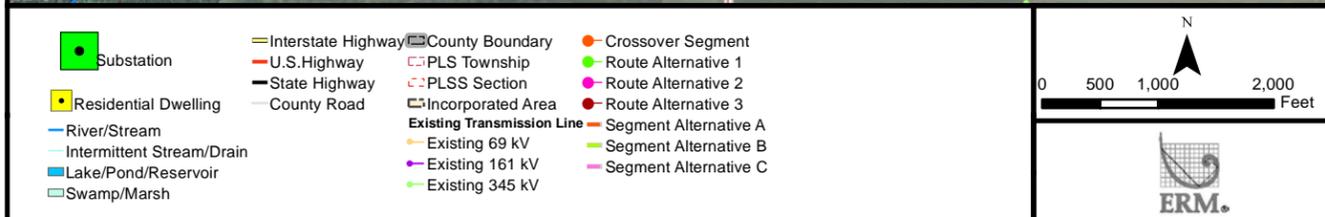
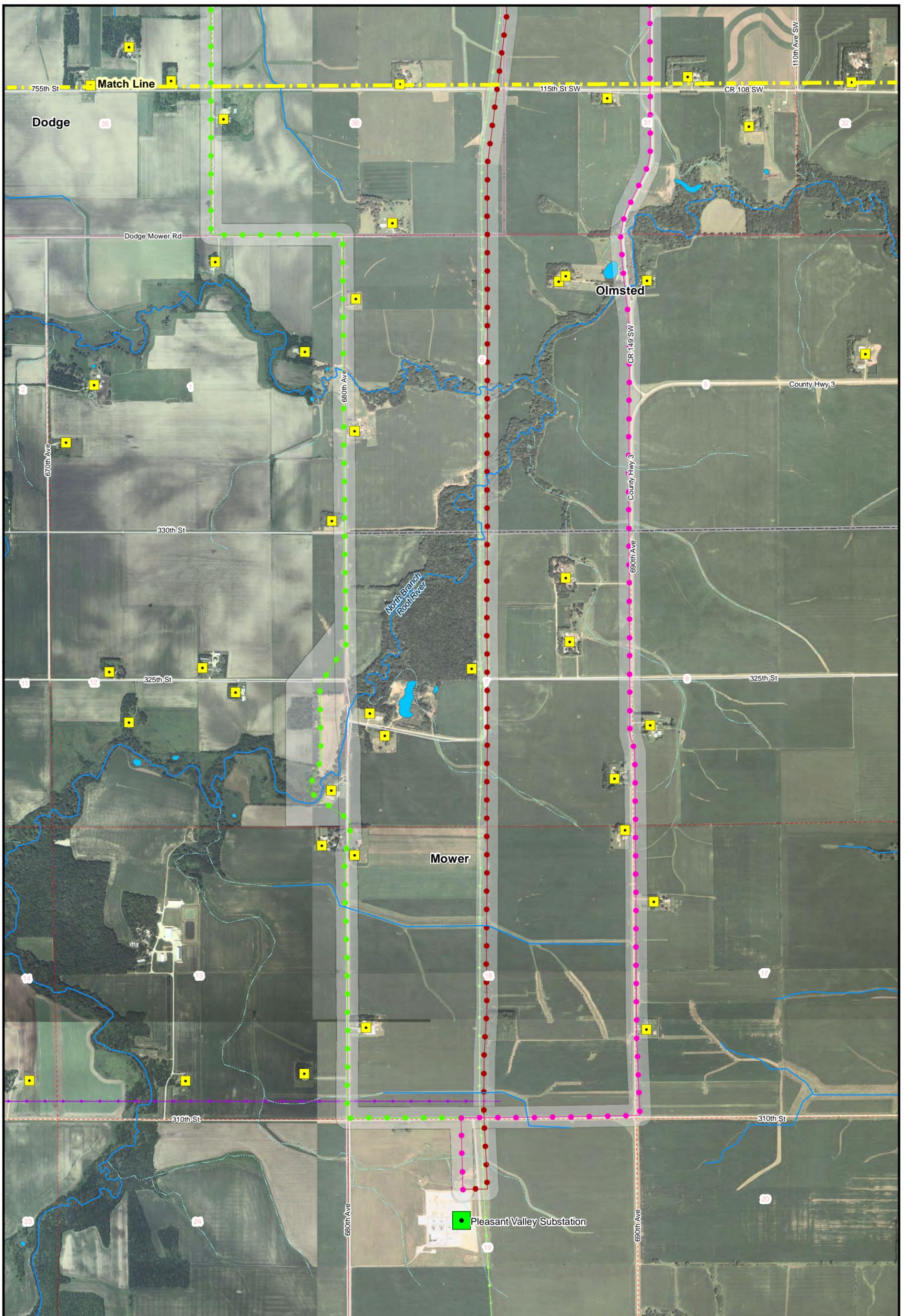
**I. Permittee Contacts for Complaints:**

**Mailing Address:** Complaints filed by mail shall be sent to:

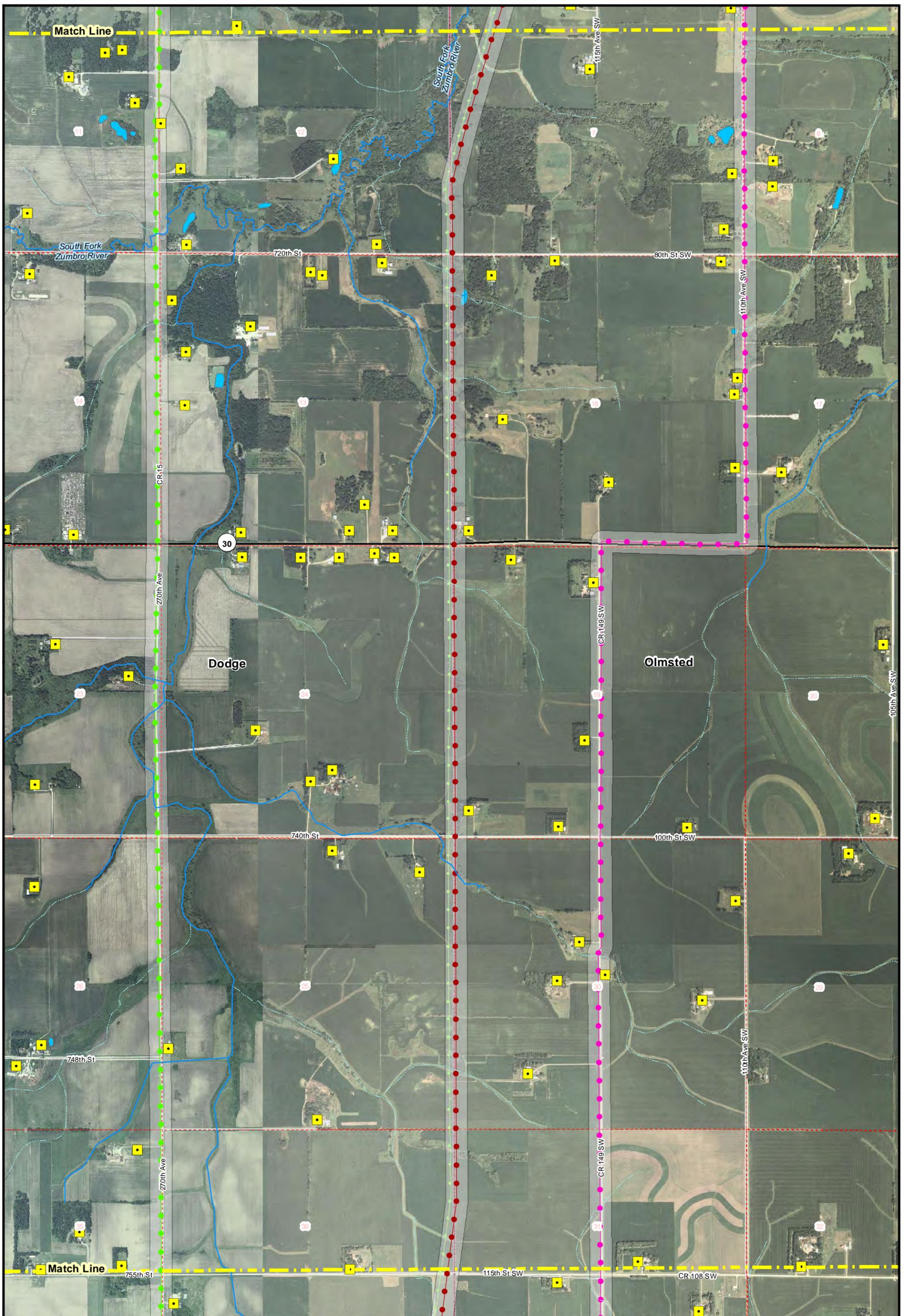
**ATTN:** Chris Rogers  
Xcel Energy  
414 Nicollet Mall MP-8  
Minneapolis, MN 55401

**Tel:** (612) 330-6078

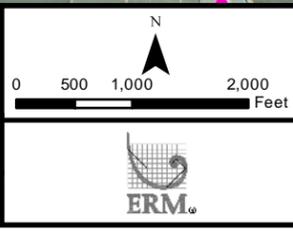
**Email:** Christopher.c.rogers@xcelenergy.com



**Figure 2**  
**Route Alternative Detail Map - 1 of 4**  
**Pleasant Valley to Byron Transmission Line**  
**Xcel Energy**  
**November 2010**

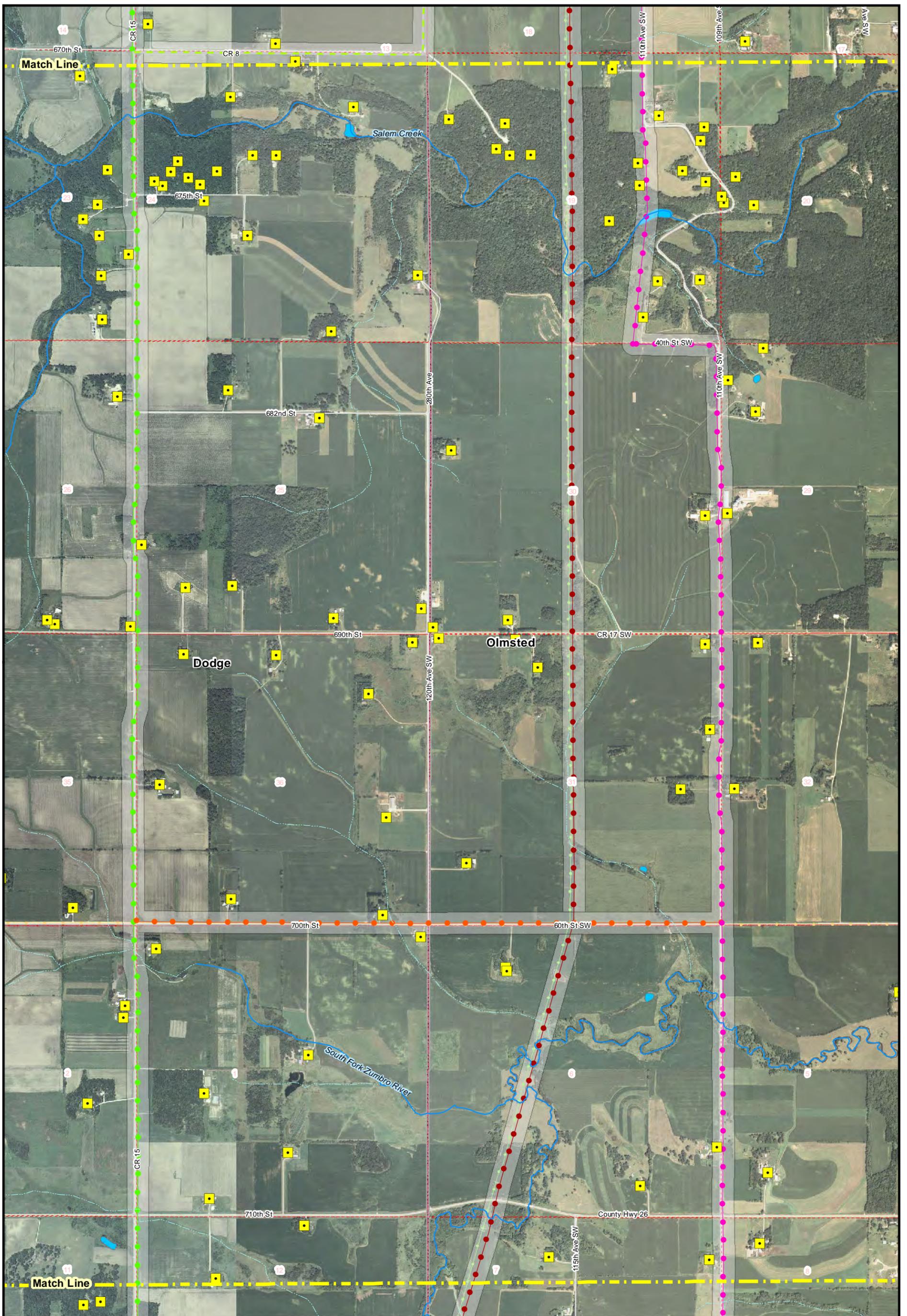


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|---------------------------|--------------------|----------------------------|-----------------------|
| Residential Dwelling      | Interstate Highway | County Boundary            | Crossover Segment     |
| River/Stream              | U.S. Highway       | PLS Township               | Route Alternative 1   |
| Intermittent Stream/Drain | State Highway      | PLSS Section               | Route Alternative 2   |
| Lake/Pond/Reservoir       | County Road        | Incorporated Area          | Route Alternative 3   |
| Swamp/Marsh               |                    | Existing Transmission Line | Segment Alternative A |
|                           |                    | Existing 69 kV             | Segment Alternative B |
|                           |                    | Existing 161 kV            | Segment Alternative C |
|                           |                    | Existing 345 kV            |                       |



**Figure 3**  
**Route Alternative Detail Map - 2 of 4**  
 Pleasant Valley to Byron Transmission Line  
 Xcel Energy  
 November 2010





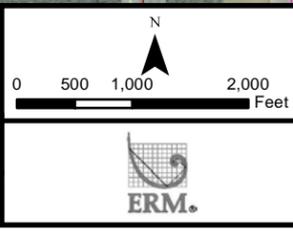
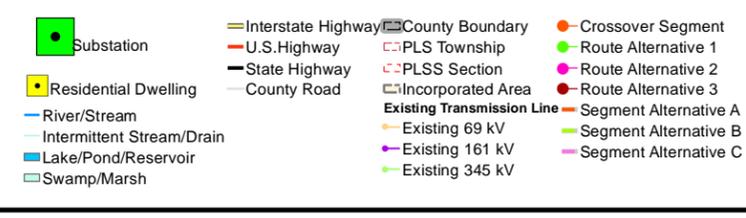
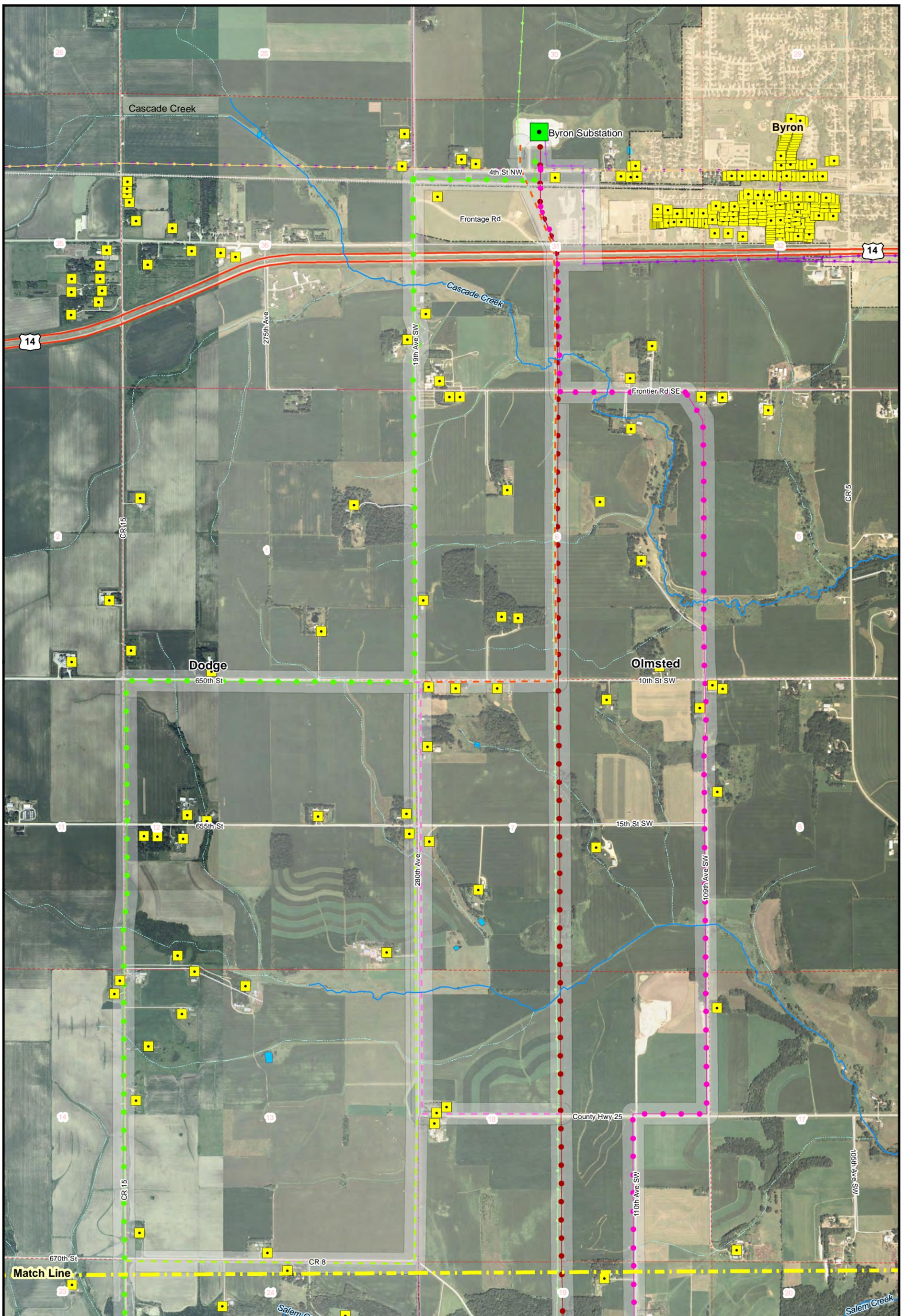
- |                           |                    |                            |                       |
|---------------------------|--------------------|----------------------------|-----------------------|
| Residential Dwelling      | Interstate Highway | County Boundary            | Crossover Segment     |
| River/Stream              | U.S. Highway       | PLS Township               | Route Alternative 1   |
| Intermittent Stream/Drain | State Highway      | PLSS Section               | Route Alternative 2   |
| Lake/Pond/Reservoir       | County Road        | Incorporated Area          | Route Alternative 3   |
| Swamp/Marsh               |                    | Existing Transmission Line | Segment Alternative A |
|                           |                    | Existing 69 kV             | Segment Alternative B |
|                           |                    | Existing 161 kV            | Segment Alternative C |
|                           |                    | Existing 345 kV            |                       |

N

0 500 1,000 2,000 Feet

ERM

**Figure 4**  
**Route Alternative Detail Map - 3 of 4**  
 Pleasant Valley to Byron Transmission Line  
 Xcel Energy  
 November 2010



**Figure 5**  
**Route Alternative Detail Map - 4 of 4**  
 Pleasant Valley to Byron Transmission Line  
 Xcel Energy  
 November 2010