BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

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

Christina K. Brusven
FREDRIKSON & BYRON, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, MN 55402

SERVICE DATE: January 13, 2012

DOCKET NO. IP-6838/TL-10-134

In the Matter of the Prairie Rose Transmission, LLC Route Permit Application for a 115 kV Transmission Line in Rock County for Interconnection of the Prairie Rose Wind Farm

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

Approved and adopted the Findings of Fact, Conclusions of Law and Order for the Prairie Rose 115 kV overhead transmission line interconnecting the Prairie Rose Wind Farm thereby:

1. **Determining that the Environmental Assessment addresses the issues identified in the Scoping Decision, and**

2. **Issuing the high voltage transmission line Route Permit as attached, with appropriate conditions, to Prairie Rose Transmission, LLC.**

The Commission agrees with and adopts the recommendations of the Department of Commerce, which are attached and hereby incorporated into the Order. This Order shall become effective immediately.

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 MINNESOTA DEPARTMENT OF COMMERCE ENERGY FACILITY PERMITTING STAFF

DOCKET NO. IP-6838/TL-10-134

Meeting Date: January 12, 2012 .....Agenda Item # _1_

Company: Prairie Rose Transmission, LLC

Docket No: **IP-6838/TL-10-134**

In the Matter of the Prairie Rose Transmission, LLC Route Permit Application for a 115 kV Transmission Line in Rock County for Interconnection of the Prairie Rose Wind Farm (TL-10-134).

Issue(s): Should the Commission find that the environmental assessment 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 proposed Prairie Rose 115 kV transmission line?

EFP Staff: David E. Birkholz .....(651) 296-2878

Relevant Documents

Route Permit Application ..... March 10, 2011
Public Utilities Commission Application Acceptance Order ..... April 15, 2011
Environmental Assessment Scoping Decision..... June 28, 2011
Environmental Assessment.....October 17, 2011
Office of Administrative Hearings Summary of Public Comments ..... December 8, 2011

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

Documents Attached

- Overview Map of Route
- Exhibit List
- Proposed Findings of Fact, Conclusions of Law, and Order
- Proposed High Voltage Transmission Line Route Permit with Layout Maps

(Relevant documents and additional information can be found on eDockets (10-134) or the PUC Facilities Permitting website: http://energyfacilities.puc.state.mn.us/Docket.html?Id=28283)

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 Prairie Rose 115 kV transmission line?

Introduction and Background

Geronimo Wind Energy, LLC (GWE) is a Minnesota limited liability company that focuses on developing renewable projects throughout the upper Midwest. GWE is currently developing a 200 megawatt (MW) large wind energy conversion system (LWECS) in Rock County, Minnesota (the Prairie Rose Wind Farm). GWE formed Prairie Rose Wind, LLC (PRW) for the purpose of owning and operating the Prairie Rose Wind Farm. In addition, GWE formed Prairie Rose Transmission, LLC (Prairie Rose) for the purpose of owning and operating the 115 kV transmission line that is being proposed to interconnect the Prairie Rose Wind Farm to the larger transmission grid.

As proposed, Prairie Rose intends to build a 115 kV transmission line that will extend a total of approximately 30 miles from the Prairie Rose Wind Farm substation in Rock County, Minnesota, to the Split Rock Substation near Brandon, South Dakota. The Minnesota portion of the proposed transmission line is the subject of this proceeding. The South Dakota portion of the transmission line is subject to separate state and local approvals in South Dakota.

On March 10, 2011, Prairie Rose filed a route permit application under the Alternative Permitting Process for 5.5 miles (alternate) or seven miles (preferred) of 115 kV transmission line extending from the Prairie Rose Wind Farm Substation in Rock County to the Minnesota-South Dakota border. Prairie Rose Transmission, LLC would be the Permittee and would own and operate the proposed Project.[1]

[1] Exhibit 2 (Route Permit Application).

The Commission granted a certificate of need for both the Prairie Rose Wind Farm and the proposed 115 kV transmission line on September 16, 2011, in Docket No. IP-6838/CN-10-80. The Commission also issued a site permit for the Prairie Rose Wind Farm on September 16, 2011, in Docket IP-6838/WS-10-425.

Project Site
The proposed 115 kV Prairie Rose transmission line would be located southeast of the city of Jasper and west of the city of Hardwick in Rock County, Minnesota. The Project would be located in sections of Rose Dell Township. (See attached overview map.)

Project Description
The project as described in the Applicant's Route Permit Application would consist of construction of either 5.5 or seven miles of new overhead 115 kV transmission line between the new Prairie Rose Wind Farm Substation and the Minnesota-South Dakota border. The total length of the new line is dependent upon the final location of the Prairie Rose Wind Farm Substation. In its Route Permit Application, the Applicant requested flexibility to consider two locations for its wind farm substation. The Applicant's preferred location was the southwest quarter of Section 26 in Rose Dell Township, resulting in seven miles of new transmission in Minnesota. Alternately, the Applicant considered a location in the northeast quarter of Section 34 of Rose Dell Township, which would result in a total line length of 5.5 miles.

Transmission Line Route
Through the process the Applicant has settled upon requesting the longer route. The Proposed Prairie Rose Wind Farm Substation would be located in Section 26 of Rose Dell Township. The proposed route leaves the substation and heads west approximately 5.5 miles along County Highway 7 to County Highway 23. There, it continues due west for approximately 2.5 miles along Township Road 72 to the Minnesota-South Dakota border.

The Applicant had requested a 180-foot route width that extended 90 feet on either side of the road centerline for a majority of the route. Where the route crossed the Burlington Northern Santa Fe (BNSF) railroad, the Applicant had requested to widen the route to 280 feet for one-half mile on either side of the railroad to accommodate the easement and engineering requirements of the railroad crossing. In its final request (see attached route maps), the Applicant has requested a 90 foot route on the side of the road hosting the transmission line.

Alternative Route
The Alternate Route as described in the Route Permit Application is the same as the Preferred Route with the exception that the Prairie Rose Wind Farm Substation would be located in Section 34 of Rose Dell Township. The Alternate Route is 5.5 miles long.

Right-Of-Way
An 80 foot right-of-way will be required for construction of the 115 kV transmission line. The Applicant proposes to site the transmission line along a combination of existing road right-of-way (ROW) and private land adjacent the public road ROW.

Regulatory Process and Procedures

In accordance with Minn. Rule 7850.1300, subp. 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, Minn. 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."

The route application was reviewed under the Alternative Permitting Process (Minn. Rule 7850.2800 to 7850.3900) of the Power Plant Siting Act (Minn. Statute 216E). 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.

Route Permit Application and Acceptance

On February 4, 2010, Prairie Rose filed a letter with the Commission noticing their intent to submit a route permit application under the alternative permitting process.[2] On March 10, 2011, Prairie Rose filed a route permit application for construction of 5.5 or seven miles of new 115 kV transmission line to interconnect the Prairie Rose Wind Farm to the transmission grid.[3] The Commission accepted the application as complete on April 15, 2011.[4]

Public Information and Environmental Assessment Scoping Meeting

EFP staff held a public information and environmental assessment scoping meeting on June 7, 2011, at Memorial Hall in Jasper, Minnesota, to discuss the project with the public and gather public input for the scope of the environmental assessment (EA) to be prepared. The public was provided until June 20, 2011, to submit written and email comments. EFP staff received one comment letter that was reviewed and considered during preparation of the scoping decision.[5]

During the public scoping meeting, one member of the public requested information on the type of structure planned for the Project, especially concerning the possible use of self-weathering poles.[6] The one written comment letter received came from the Minnesota Department of Natural Resources and requested that the EA evaluate which side of the road an alignment would cause the least impact on biologically significant areas.[7] No alternative routes were suggested through oral or written comments.[8] The scoping decision for the environmental assessment was signed by the director of the Department of Commerce (DOC) on June 28, 2011.[9]

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[2] Exhibit 1 (Notice of Intent to File).
[3] Exhibit 2.
[4] Exhibit 10 (Commission Order Accepting Application).
[5] Exhibit 14 (Scoping Decision).
[6] *Id.* at 1.
[7] *Id.*
[8] *Id.* at 2.
[9] *Id.* at 3.

Public Hearing
EFP staff 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.

Administrative Law Judge Eric Lipman presided over the public hearing conducted on November 17, 2011. The public hearing was held at Memorial Hall in Jasper, Minnesota. Six members of the public attended the hearing.[10]

Judge Lipman 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 on December 1, 2011. The ALJ's Summary of Public Comments was filed by the Office of Administrative Hearings December 8, 2011.[11] Judge Lipman's summary provides a summation of comments heard at the hearing and public comment letters received during the comment period.

Public Hearing Comments
The only oral public comments received at the public hearing focused on concerns regarding the economic and environmental impacts that might result from the route in South Dakota. EFP staff responded that the environmental assessment and route permit only extended to the Minnesota-South Dakota border, and that issues related to South Dakota impacts were subject to review under South Dakota's state routing process.[12] Two written comments received during the comment period were from the U.S. Fish and Wildlife Service (USFWS) and the Minnesota Department of Natural Resources (DNR). Those letters requested that the Commission require avoidance of key areas of Biodiversity Significance and to require certain measures aimed at protecting local habitat.[13] The Minnesota Pollution Control Agency (PCA) also provided a letter commenting on impaired waters impacts.

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 (Minn. Statute 216E and Minn. Rule 7850.4000). The law also allows the Commission to place conditions on high voltage transmission line permits (Minn. Statute 216E.03 and Minn. Rule 7850.4600).

EFP Staff Analysis and Comments

EFP staff received three written comments on the Prairie Rose Transmission Project during a comment period that ended on December 1, 2011. Comments received were from the Minnesota Department of Natural Resources, the U.S. Fish and Wildlife Service and the Minnesota Pollution Control Agency. The comments and EFP staff responses are summarized below.

[10] Exhibit 29 at 2 (ALJ Report).
[11] *Id.*
[12] Exhibit 26 at 16-21 (Public Hearing Transcript).
[13] Exhibit 29 at 2.

Minnesota Department of Natural Resources
In its December 1, 2011, letter to the ALJ, the Minnesota Department of Natural Resources focused its comments on issues related to Minnesota County Biological Survey (MCBS) Sites of Biodiversity Significance along the route.[14] The DNR recommends that the Commission require avoidance of MCBS Sites of Biodiversity Significance ranked Moderate through Outstanding.[15] The DNR also states that, if MCBS sites are not avoided, botanical surveys may be required by DNR to determine if a threatened or endangered specifies Taking Permit is required.[16]

EFP Response: There are no areas of Outstanding significance along the proposed route. In T104N, R46W, Section 28, there is an area of High significance to the north of County Road 7. The alignment of the transmission line will be required to go on the south side of the road in that area (see Special Permit Condition 5.3 requiring avoidance of the High significance area).

There are areas of Moderate significance in T104N, R46W, Sections 29 and 34 and in T104N, R47W, Section 26. The anticipated alignment in the attached proposed route permit runs along the edges of these areas. In these instances, Special Permit Condition 5.3 of the Route Permit requires that the Permittee avoid all such areas of Moderate significance. This can be achieved by spanning the areas, placing poles within the public ROW or, if necessary, crossing to the other side of the road.

United States Fish and Wildlife Service
The USFWS, in its December 1, 2011, made several recommendations relating to protecting avian species. Specifically, the USFWS recommended the Applicant (1) place bird diverters on the transmission line where it crosses the Split Rock Creek and where the line bisects a grassland complex in Sections 28, 29, 32, and 33, T104N, R46W; (2) conduct raptor nest surveys prior to spring leaf-out prior to the start of construction one mile up and downstream of the Split Rock Creek crossing; and (3) complete post-construction reporting requirements for migratory bird mortalities, including bake eagle strikes.[17] In addition, USFWS recommended the route permit include certain avoidance and minimization conditions to protect the federally endangered Topeka shiner.[18]

EFP Response: Special Permit Condition 5.1 requires the use of bird diverters as recommended by the USFWS in its comments. Special Permit Condition 5.2 describes the requirements as to protections recommended by the USFWS during construction in the Split Rock Creek area.

Minnesota Pollution Control Agency
The PCA in a letter dated November 16, 2011, noted Split Rock Creek is listed on the PCA Inventory of Impaired Waters and that the impairment will dictate additional increased stormwater treatment during construction and additional increased permanent treatment post construction.[19]

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[14] Exhibit 27 (DNR Letter to ALJ).
[15] *Id.*
[16] *Id.*
[17] Exhibit 28 (USFWS Letter to ALJ).
[18] *Id.*
[19] Exhibit 23 (PCA Letter to ALJ and Birkholz).

EFP Response: As noted in Special Permit Condition 5.2, these requirements will be included in the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater Permit.

Other EFP Comments
EFP staff makes the following additional observations:

Use of Public and Private Right-of-Way. The Applicant has obtained private easements with landowners to facilitate placement of poles and equipment on private land. To facilitate siting the Project on private lands, Prairie Rose has acquired private easements that generally allow pole placements between five to 10 feet from the edge of the public ROW and contain an 80- to 100-foot easement for construction and overhang. Prairie Rose has also requested the flexibility to site in the public ROW in an area where construction cannot be completed on private land in order to span an area of Moderate significance (see Route Permit map page E).

Substation Location. The Minnesota County Biological Survey identified one site of Moderate Biodiversity Significance in close proximity to the alternate substation location. The DNR recommended that if the alternate site was selected, that the record be clarified to indicate whether this location would result in any ground disturbance to the MCBS site. The proposed permit does not include use of this alternate site.

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Based on the record of this proceeding, EFP staff concludes that the Prairie Rose Transmission Project meets the procedural requirements and the considerations and standards for issuance of a route permit identified in Minnesota Statutes and Rules. The Route Permit Application and the record have been reviewed pursuant to the requirements of Minnesota Statutes chapter 216E and Minnesota Rules chapter 7850.

Exhibit List
EFP staff has prepared and attached an exhibit list of documents that are part of the record in this permit proceeding.

Proposed Findings of Fact
EFP staff has prepared and attached proposed Findings addressing the procedural aspects the process followed, describing the Project, and addressing the environmental and other considerations of the Project. The proposed Findings of Fact reflect some findings that were also made for other HVTL projects. The attachment includes Conclusions of Law and an Order.

Proposed Route Permit
EFP staff has prepared and attached a Route Permit for the Commission's consideration. The conditions in this proposed Route Permit are consistent with conditions included in other HVTL route permits issued by the Commission.

Commission Decision Options

A. Approve and adopt the Findings of Fact, Conclusions of Law and Order for the Prairie Rose 115 kV overhead transmission line interconnecting the Prairie Rose Wind Farm thereby:

    1. Determining that the Environmental Assessment addresses the issues identified in the Scoping Decision, and

    2. Issuing the high voltage transmission line Route Permit as attached, with appropriate conditions, to Prairie Rose Transmission, 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.

EFP Staff Recommendation: Option A.

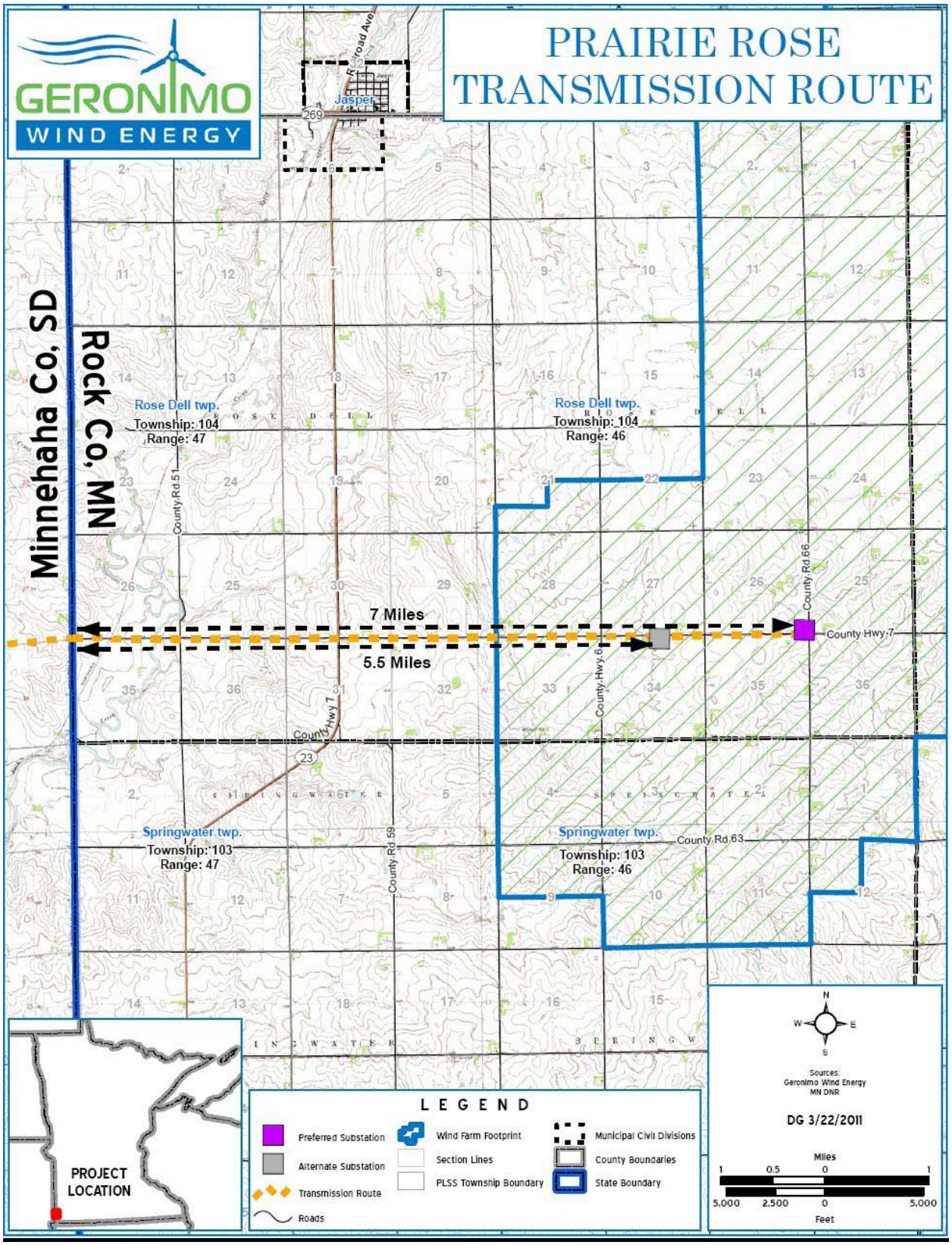
GERONIMO
WIND ENERGY
PRAIRIE ROSE
TRANSMISSION ROUTE
Minnehaha Co, SD
Rock Co, MN
Jasper
Rose Dell twp.
Township: 104
Range: 47
Rose Dell twp.
Township: 104
Range: 46
Springwater twp.
Township: 103
Range: 47
Springwater twp.
Township: 103
Range: 46
7 Miles
5.5 Miles
County Rd 51
County Rd 66
County Hwy 7
County Hwy 6
County Rd 59
County Rd 63
PROJECT LOCATION
LEGEND
Preferred Substation
Alternate Substation
Transmission Route
Roads
Wind Farm Footprint
Section Lines
PLSS Township Boundary
Municipal Civil Divisions
County Boundaries
State Boundary
Sources:
Geronimo Wind Energy
MN DNR
DG 3/22/2011
Miles
Feet

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Exhibit List

In The Matter Of the Route Permit Application for the Prairie Rose Transmission, LLC 115 kV Transmission Line in Rock County for Interconnection Of the Prairie Rose Wind Farm

PUC Docket No. IP-6838/Tl-10-134

Exhibit Number	Description	Date	eDockets Number
1	Notice of Intent to File Route Permit	2/4/10	20102-46776-01
2	Route Permit Application	3/10/11	20113-60260-01 20113-60260-02 20113-60260-03 20113-60260-04 20113-60260-05 20113-60260-06 20113-60260-07 20113-60260-08 20113-60260-09
3	Amended Appendix G to Route Permit Application	3/21/11	20113-60479-01
4	Notice of Filing	3/23/11	20113-60563-01
5	Affidavit of Mailing Notice	3/23/11	20113-60563-02
6	Affidavit of Publication	3/31/11	20113-60793-01
7	Affidavit of Publication – Star Herald	3/31/11	20113-60793-02
8	Notice of Commission Meeting	4/1/11	20114-60860-08
9	Comments and Recommendations on Application Acceptance	4/6/11	20114-61063-01
10	Order on Application Acceptance	4/15/11	20114-61359-01

Exhibit Number	Description	Date	eDockets Number
11	Notice of Public Information and Scoping Meeting	5/23/11	20115-62797-01
12	Affidavit of Publication – Rock	6/9/11	20116-63396-01
13	Affidavit of Publication – Pipestone	6/9/11	20116-63396-02
14	Environmental Assessment Scoping Decision	6/28/11	20116-64178-01
15	Notice of Environmental Assessment Scoping Decision	6/30/11	20116-64262-01
16	Notice of Availability of Environmental Assessment	10/17/11	201110-67427-01
17	Environmental Assessment	10/17/11	201110-67413-01
18	Notice of Public Hearing	10/25/11	201110-67693-01
19	Public Meeting Comments on Scope	11/14/11	201111-68315-01
20	DNR Comments on Scope	11/14/11	201111-68315-02
21	Availability of Environmental Assessment in the EQB Monitor	11/14/11	201111-68318-01
22	Affidavit of Publication for Public Hearing	11/14/11	201111-68309-01
23	MPCA Letter to ALJ and D. Birkholz	11/16/11	201112-69077-01
24	Testimony of Mark Harasha	11/17/11	201111-68411-01
25.	Witness and Exhibit List	11/17/11	201111-68412-01
26	Transcript of November 17, 2011 Meeting in Jasper, MN	12/1/11	201112-68855-01
27	MDNR Letter to ALJ	12/1/11	201112-69077-01
28	USFWS Letter to ALJ	12/1/11	201112-69077-01
29	ALJ Report	12/8/11	201112-69066-01

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Ellen Anderson	Chair
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In the Matter of Prairie Rose Transmission, LLC's Route Permit Application for a 115 kV Transmission Line in Rock County for Interconnection of the Prairie Rose Wind Farm	ISSUE DATE: January 13, 2012 DOCKET NO. IP-6838/TL-10-134 FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER ISSUING A ROUTE PERMIT TO PRAIRIE ROSE TRANSMISSION, LLC FOR A 115 KILOVOLT TRANSMISSION LINE AND ASSOCIATED FACILITIES

The above matter came before the Minnesota Public Utilities Commission on January 12, 2012, acting on an application by Prairie Rose Transmission, LLC, for a route permit to construct a new seven-mile 115 kilovolt (kV) transmission line in Rock County, Minnesota to interconnect the 200 MW Prairie Rose Wind Farm to the transmission grid. The complete proposed transmission line will span approximately 30 miles, from the Prairie Rose Wind Farm Substation in Rock County, Minnesota to the Split Rock Substation in Brandon, South Dakota.

A public hearing was held on November 17, 2011, at Memorial Hall in Jasper, Minnesota. The hearing was presided over by Judge Eric L. Lipman, 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 December 1, 2011, at 4:30 p.m.

STATEMENT OF ISSUE

Should the Commission find that the environmental assessment 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 proposed 115 kV transmission line from the Prairie Rose Wind Farm Substation to the Minnesota-South Dakota border?

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

FINDINGS OF FACT

Applicant

1. Geronimo Wind Energy, LLC (GWE) is a Minnesota limited liability company that focuses on development renewable projects in the upper Midwest. GWE, through its wholly-owned subsidiary, Prairie Rose Wind, LLC (PRW), is developing a 200 MW wind project in Rock County, Minnesota. The Applicant, Prairie Rose Transmission, LLC (Prairie Rose or the Applicant), is a wholly-owned subsidiary of PRW formed by GWE for the purpose of owning and operating the proposed 115 kV transmission line (the Project) to interconnect the Prairie Rose Wind Farm to the larger transmission grid.[1]

The Project

2. The proposed Prairie Rose 115 kV transmission line would be located in Rose Dell Township in Rock County. Minnesota. The entire project would be approximately 30 miles in length,[2] stretching from the PRW wind farm substation to Xcel Energy's existing Split Rock Substation near Brandon, South Dakota.[3] The Applicant proposed two possible routes for the transmission line, a preferred route and an alternate route.[4]

3. The Preferred Route is seven miles of new overhead 115 kV transmission line between the new Prairie Rose Wind Farm Substation and the Minnesota-South Dakota border.[5]

4. The Proposed Route exits the new Prairie Rose Wind Farm Substation in Section 26 of Rose Dell Township and heads west along County Highway 7 to County Highway 23. There, it continues due west for approximately 2.5 miles along Township Road 72 to the Minnesota-South Dakota border.[6]

5. The Alternate Route as described in the Route Permit Application is the same as the Preferred Route with the exception that the Prairie Rose Wind Farm Substation would be located in Section 34 of Rose Dell Township. The Alternate Route is 5.5 miles long.[7]

Structure Types and Spans

6. The Applicant proposes to use steel monopole structures. The structures will either be directly embedded or constructed with concrete foundations.[8]

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[1] Exhibit 2 (Route Permit Application) at 1.
[2] Exhibit 24 (Direct Testimony of Mark Harasha).at 3.
[3] Exhibit 2 at 1.
[4] Exhibit 17 (Environmental Assessment) at 1.
[5] Exhibit 2 at Appendix C, Figure 1.
[6] *Id*. at 6.
[7] *Id*. at 6.
[8] *Id*. at 9.

7. The poles will have an average height of 75 feet to 85 feet. The typical span length will be 600 to 800 feet on private land and 350 to 500 feet in the public ROW.[9]

8. When located on private easements, the structures will be delta tangent with davit arms extending on both sides of the pole.[10]

9. The Applicant proposes to use specially-designed narrow structures for limited situations where poles would be located within the public ROW and Prairie Rose does not have private easements on the adjoining parcel. These structures would be designed as vertical tangent structures and located such that poles are approximately five feet from the edge of the public ROW with the conductors configured vertically. When located in the public ROW, the arms on the conductor would be designed to contain blowout at 6 psf wind to the public ROW and all maintenance of the line will be conducted from the ROW.[11]

Conductors

10. The phase conductor will be an 18-inch horizontal bundle of two 795 kcmil (thousand circular mils) "Drake" Aluminum Conductor Steel Reinforced (ACSR) 26/7 conductor.[12]

11. One shield wire will be strung above the conductors to prevent damage from lightning strikes. These shield wires will be three-eighths-inch Extra High Strength (EHS) seven-strand (0.375 inch diameter).[13]

Route Width

12. The Applicant requested a 180 foot route that extends 90 feet on either side of the road centerline for a majority of the route. The only exception is that the Applicant has requested a wider route width of 280 feet, 140 feet on either side of the road centerline, for one-half mile on either side of the rail road in Section 26 & 35 of Rose Dell Township.[14]

13. Following the Hearing, the Applicant has completed engineering and acquiring easements for an anticipated alignment. Therefore, the route width can be reduced to the 90 foot width on the alignment side of the road (see Route Permit maps).

Right-of-Way

14. An 80 foot right-of-way will be required for construction of the 115 kV transmission line, 40 feet on either side of the transmission centerline.[15]

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[9] Exhibit 17 at 7.
[10] *Id*. at Figure 4A.
[11] Exhibit 24 at 5.
[12] *Id*. at 6.
[13] Exhibit 2 at 9.
[14] *Id*. at. 6.
[15] *Id*.

15. For a majority of the route, the transmission line structures will be placed approximately five to ten feet outside of the existing road right-of-way, and will utilize an 80 foot easement for construction and overhang.[16]

16. The Applicant has also requested flexibility to site in the public ROW when it is not feasible to site in private easements or when private easements cannot accommodate the required ROW.[17]

Project Schedule

17. The Applicant expects construction to begin on the transmission line in early 2012 and estimates the project will be completed by November 2012.[18] The in-service date of the transmission line will be closely linked to the in-service date of the Prairie Rose Wind Farm.[19]

Project Cost

18. The tota1 costs of the Project are estimated to be $15 million for the entire 30 mile route. The Minnesota portion of the cost is estimated to be $5 million.[20]

Procedural Summary

19. On February 4, 2010, in accordance with Minn. Rule 7850.2800, subp. 2, 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 Minn. Statute 216E.04 and Minn. Rule 7850.2800 to 7850.3900.[21]

20. On March 10, 2011, the Applicant filed a route permit application (Application) with the Commission for a 115 kV transmission line to be constructed in Rose Dell Township in Rock County, Minnesota.[22]

21. The Applicant mailed a Notice of a Prairie Rose Transmission, LLC Filing of Route Permit Application on March 23, 2011, 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 Minn. Rule 7850.3300 and 7850.2100.[23]

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[16] Exhibit 24 at 5.
[17] Exhibit 17at 7.
[18] Exhibit 24 at 7.
[19] Exhibit 2 at. 8.
[20] Exhibit 17at 9.
[21] Exhibit 1 (Notice of Intent to File).
[22] Exhibit 2.
[23] Exhibit 5 (Affidavit of Mailing).

22. The Applicant published Notice of a Submittal of an Application for a Route Permit in the *Rock County Star Herald* on March 24, 2011 in compliance with Minn. Rule 7850.3300 and 7850.2100, subp. 4.[24]

23. Department of Commerce (DOC) Energy Facility Permitting (EFP) staff recommended that the Commission accept the route permit application as complete, appoint a public advisor, and determine that an advisory task force (ATF) was not necessary at that time in its comments and recommendations.[25]

24. On April 15, 2011, the Commission accepted the application as complete and authorized the EFP staff to process the application under the alternative permitting process in Minn. Rule 7850.2900 to 7850.3900. The Commission also authorized the EFP staff to name a public advisor and determined that an advisory task force was not necessary at that time.[26]

25. On May 23, 2011, EFP issued and mailed a Notice of Public Information Meeting to those persons whose names were on the project list maintained by the Commission for this purpose in compliance with Minn. Rule 7850.3500, subp. 1 and 7850.2300, subp. 2. EFP also sent the Notice to designated State Agency Technical Representatives.[27]

26. The Applicant on behalf of EFP published the Notice of Public Information Meeting in the *Rock County Herald* (May 26, 2011) and the Pipestone County Star (May 26, 2011) in compliance with Minn. Rule 7850.3500 and 7850.2300, subp. 2.[28]

27. A hard copy of the route permit application was made available at the Rock County Offices and the Rock County Community Library.

Public Meeting

28. The scoping process is the first step in developing an environmental assessment (EA). DOC "shall provide the public with an opportunity to participate in the development of the scope of the environmental assessment by holding a public meeting and by soliciting public comments."[29] During the scoping process, alternative routes may be suggested for evaluation in the EA.[30]

29. In accordance with Minn. Rule 7850.3500, subp. 1 and 7850.2300, subp. 1 to 4, EFP staff held a public information and environmental assessment scoping meeting on June 7, 2011, at Memorial Hall in Jasper, Minnesota. Four people attended the scoping meeting.[31]

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[24] Exhibit 6 (Affidavit of Publication).
[25] Exhibit 9 (EFP Comments and Recommendations).
[26] Exhibit 10 (Commission Order Accepting Application).
[27] Exhibit 11 (EFP Mailed Notice of Public Information Meeting).
[28] Exhibit 12 (Published Notice of Public Information Meeting).
[29] Minn. Rule 7850.3700, subp. 2.
[30] Minn. Rule 7850.3700, subp. 2B.
[31] Exhibit 14 (Scoping Decision) at 1.

30. The public comment period on the scope of environmental assessment closed on June 20, 2011.[32] EFP received one letter during the scoping comment period.[33]

31. During the public scoping meeting, one member of the public requested information on the type of structure planned for the Project, especially concerning the possible use of self-weathering poles.[34] The one written comment letter received came from the Minnesota Department of Natural Resources (DNR) and requested that the EA evaluate which side of the road an alignment would cause the least impact on biologically significant areas.[35]

32. No alternative routes were suggested through oral or written comments.[36]

33. The scoping decision for the environmental assessment was signed by the Deputy Director of the DOC on June 28, 2011, filed with the Commission and made available to the public as provided in Minn. Rule 7850.3700, subp. 3, on June 28 and 30, 2011.[37]

Environmental Assessment

34. The environmental assessment was filed with the Commission and made available on October 17, 2011.[38] The environmental assessment was prepared in accordance with Minn. Rule 7850.3700, and contained all the information required.

35. On October 17, 2011, EFP mailed a combined Notice of Availability of Environmental Assessment and Notice of Public Hearing to those persons whose names were on the project contact list, local and regional officials, and property owners in compliance with Minn. Rule 7850.3700, subd. 6 and to the state and federal agency technical representatives.[39]

36. The Applicant, on behalf of the EFP published combined Notice of Public Hearing and Availability of Environmental Assessment in the *Rock County Herald* on October 27, 2011.[40]

37. Pursuant to Minn. Rule 7850.3700, subp. 6, EFP published combined Notice of Public Hearing and Availability of Environmental Assessment in the *EQB Monitor* (October 17, 2011).[41]

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[32] *Id*.
[33] Exhibit 20 (MDNR Comment Letter).
[34] Exhibit 14at 1.
[35] Exhibit 20.
[36] Exhibit 14 at. 2.
[37] Exhibit 15 (Notice of EA Scoping Decision).
[38] Exhibit 17.
[39] Exhibit 18 (Mailed Notice of Public Hearing and Availability of EA).
[40] Exhibit 22 (Published Notice of Public Hearing).
[41] Exhibit 21 (*EQB Monitor* Notice of Public Hearing and Availability of EA).

38. 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 Minn. Rule 7850.3700, subp. 6.

39. The Environmental Assessment evaluated the Applicant's Proposed Route and the Applicant's Alternative Route.

Public Hearing

40. On October 25, 2011, EFP mailed a combined Notice of Public Hearing and Availability of Environmental Assessment to those persons whose names are on the project contact list, local and regional officials, and property owners in compliance with Minn. Statute 216E.03, subd. 6.[42]

41. On October 26, 2011, EFP sent via Certified mail, a combined Notice of Public Hearing to chief executives of the regional development commissions, counties, organized towns, townships, and incorporated municipalities in accordance with Minn. Statute 216E.03, subd. 6.

42. Pursuant to Minn. Statute 216E.03, subd. 6, the Applicant, on behalf of the EFP, published the Notice of Public Hearing in the *Rock County Star Herald* on October 27, 2011.

43. Minnesota Office of Administrative Hearings, Eric L. Lipman, Administrative Law Judge (ALJ) presided over the public hearing conducted on November 17, 2011. The public hearing was held at the Memorial Hall in Jasper, 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/comments in writing.[43]

44. Approximately six 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.[44]

45. Pursuant to Minn. Rule part 7849.5710, subp. 3, Minnesota Department of Commerce EFP State Permit Manager David Birkholz was at the public hearing and described the alternative route permitting process, the proposed project, and introduced the environmental assessment and other relevant documents for the record.

46. Christina Brusven from the law firm of Fredrikson & Byron, P.A. appeared at the public hearing on behalf of Prairie Rose Transmission, LLC in this matter. Also present at the public hearing for Prairie Rose were Charlie Daum, Director of Business Development; Patrick Smith, Director of Environmental Planning; Mark Harasha, General Manager of Michels Corporation.

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[42] Exhibit 18.
[43] Exhibit 29.
[44] *Id.*

47. Michael Kaluzniak, Planning Director, was at the public hearing on behalf of the Minnesota Public Utilities Commission.

48. Public comments on the proposed Project were accepted by the ALJ until December 1, 2011.[45]

49. The public hearing transcript was filed by the court reporter on December 1, 2011.[46]

50. The ALJ filed the Summary of Public Comment on December 8, 2011.[47] The ALJ received two post-hearing comments.[48]

51. The ALJ report contains a summary of oral public comments provided at the hearing.

52. The only oral public comments received at the public hearing focused on concerns regarding the economic impact and electromagnetic radiation potentially attributed to the route in South Dakota. EFP Staff responded that the environmental assessment and route permit only extended to the Minnesota-South Dakota border, and that review of the South Dakota impacts were subject to that state's review process.[49]

53. The Project is being reviewed under the Alternate Review Process in accordance with Minn. Statute 216E.04, as ordered by the Commission.[50] The questions of need, including size, type, and timing; alternative system configurations; and voltage must not be included in the scope of environmental review conducted under this Chapter (Minn. Statute 216E.02, subdivision 2).

Public Hearing Comment Letters

54. The written comments received during the comment period were from the Minnesota Pollution Control Agency (PCA), United States Fish & Wildlife Service (USFWS) and the Minnesota Department of Natural Resources (DNR).

55. The DNR recommends that the Commission require avoidance of MCBS Sites of Biodiversity Significance ranked Moderate through Outstanding and notes that, if MCBS sites are not avoided, botanical surveys may be required by DNR to determine if a threatened or endangered specifies Taking Permit is required.[51]

56. The USFWS letter made several recommendations relating to protecting avian species. Specifically, the USFWS recommended the Applicant (1) place bird diverters on the transmission line where it crosses the Split Rock Creek and where the line bisects a grassland complex in sections 28, 29, 32, and 33, T104N, R46W; (2) conduct raptor nest surveys prior to spring leaf-out prior to the start of construction one mile up and

[45] *Id.*
[46] Exhibit 26 (Public Hearing Transcript).
[47] Exhibit 29.
[48] *Id.* at p. 8, Item IIB34.
[49] Exhibit 26 at 16-21.
[50] Exhibit 10 (Application Acceptance Order).
[51] Exhibit 27 (MDNR Letter to ALJ).

downstream of the Split Rock Creek crossing; and (3) complete post-construction reporting requirements for migratory bird mortalities, including bake eagle strikes.[52]

57. In addition, USFWS recommended the route permit include certain avoidance and minimization conditions to protect the federally endangered Topeka shiner.[53]

58. The PCA also provided comments regarding permitting requirements stemming from the Split Rock Creek. In particular, MPCA noted that Split Rock Creek is listed on the MPCA Inventory of Impaired Waters. The PCA noted that impairment will dictate additional requirements as part of the National Pollutant Discharge Elimination System/State Disposal System Construction Stormwater Permit.[54]

Environmental Assessment of Routes

59. Both routes analyzed in the Environmental Assessment have human and environmental impacts, some of which are unavoidable if the project is permitted and built. Both of the routes evaluated are expected to have limited irreversible or irretrievable commitment of resources, primarily associated with construction.[55]

60. In the Route Permit Application, the Applicant identified a Proposed Route and an Alternate Route.[56]

61. The Proposed Route exits the new Prairie Rose Wind Farm Substation in Section 26 of Rose Dell Township and heads west along County Highway 7 to County Highway 23. There, it continues due west for approximately 2.5 miles along Township Road 72 to the Minnesota-South Dakota border.[57]

62. The Alternate Route as described in the Route Permit Application is the same as the Preferred Route with the exception that the Prairie Rose Wind Farm Substation would be located in Section 34 of Rose Dell Township. The Alternate Route is 5.5 miles long.[58]

Displacement

63. The Applicant has stated that the transmission line will be designed to avoid displacement of existing residences or businesses.[59]

Noise

64. The PCA has established standards for the regulation of noise levels.[60]

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[52] Exhibit28 (USFWS Letter to ALJ).
[53] Exhibit 23 (USFWS Letter to ALJ).
[54] Exhibit23.
[55] Exhibit 17 at 35.
[56] *Id*. at 1.
[57] Exhibit 2.
[58] *Id.*. at Figure 1.
[59] Exhibit 2 at 13.

65. For residential, commercial and industrial land, the PCA noise limits are 60-65 A-weighted decibel (dBA) during the daytime and 50-55 dBA during the nighttime.[61]

66. The Applicant indicates that noise levels directly adjacent to the 115 kV transmission line would be 8 dB(A), significantly below the Minnesota residential nighttime standard of 50 dB(A)L_{10}. Long-term noise impacts from the project are not anticipated and mitigation measures are not necessary.

Aesthetics

67. The topography in the Project vicinity is generally flat and the vegetation is uniformly low, making the topography subject to visual disruptions.[62]

68. The proposed route will unavoidably result in an alteration of the current landscape.[63]

69. The visual disruptions will be mitigated by siting the route along existing roadway corridors, thereby avoiding negative impacts to the viewsheds from homes to the greatest extent practicable.[64]

Cultural Values

70. The communities in the vicinity of the Project have cultural values tied to rural agriculture, light industry and recreation.[65]

71. Touch the Sky Unit of the Northern Tallgrass Prairie Wildlife Refuge and the Blue Mound State Park and three miles southeast and seven miles southeast of the Project respectively. The areas have been established to preserve tracts of remnant prairie, unique geological features and cultural heritage.[66]

72. There are no anticipated impacts to cultural values by constructing the Project along the Proposed Route, as the project avoids Blue Mound State Park and the Touch the Sky Unit.

Recreation

73. There are no recreational facilities located along the proposed route.[67]

74. The Buffalo Ridge Snowmobile Trail is approximately 4 miles away. The project will not likely be visible from that distance.[68]

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[60] Minn. Rule 7030; Exhibit 2 at. 27.
[61] Minn. Rule 7030.0400; *Id*.
[62] Exhibit 17 at 16.
[63] *Id*.
[64] *Id.* at 17.
[65] Exhibit 2 at 30.
[66] *Id.*
[67] *Id.* at 31.
[68] Exhibit 17 at 23.

75. The Project will cross the Slit Rock Creek where possible uses include fishing or canoeing; however, the creek is not designated as a state water trail. The Project will span Split Rock Creek which will prevent conflicts resulting from the line presence and recreational uses within the creek.[69]

76. No direct impact to the identified recreational uses in the area is expected from the project.[70]

Public Services/Utilities

77. Public services and utilities are generally defined as services provided by government entities including hospitals, fire and police departments, schools, roads and highways, public parks, and water supply. Utilities also include private wells, septic systems and other utilities. Given the rural nature of the project area public services are limited.[71]

78. The Applicant will work with the Minnesota Department of Transportation (Mn/DOT), Rock County, townships and Rock County Rural Water District to coordinate any outages during construction.[72]

79. Impacts to public services are expected to be minimal, likely occurring during construction or during maintenance activities.[73]

Public Health and Safety

80. The Project will be designed and constructed in compliance with local, state, and NESC standards regarding clearance to the ground, clearance to utilities, clearance to buildings, strength of materials and right-of-way widths.[74]

81. The Project will be equipped with protective devices to safeguard the public in the event of an accident or fall. The protective equipment is designed to de-energize the transmission line should such an event occur.[75] In addition, proper signage will be posted to warn the public of safety risks associated with the equipment.[76]

Electric and Magnetic Fields

82. The issue of electric and magnetic fields was discussed in the environmental assessment.[77] 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

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[69] *Id.*
[70] *Id.*
[71] *Id.* at 26.
[72] *Id.*
[73] *Id.*
[74] Exhibit 2 at 23.
[75] *Id.* at 24.
[76] *Id.*
[77] Exhibit 17 at 17-23.

evidence to prove a connection between electric and magnetic field exposures 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.[78]

The maximum magnetic field for this Project, as calculated by the Applicant, would be 254.50 milligauss, one meter above the ground and directly below the line.[79] No Minnesota regulations have been established pertaining to magnetic fields from high-voltage transmission lines. The Environmental Quality Board (EQB) and the Commission have historically recommended an 8 kV/m maximum electric field for transmission lines to prevent potential shock hazards.[80] The maximum electric field for this Project, as calculated by the Applicant, would be 1.98 kV/m, at one meter above the ground.[81]

83. No adverse effects from electric fields and magnetic fields on health are expected for persons living or working at locations along or near the proposed Project.[82]

Stray Voltage

84. Transmission lines (alternating current, or AC) can induce stray voltage on nearby conductive objects. When the electric-magnetic field of a transmission line is within range of a nearby conductive object, a voltage may be induced on the object. The magnitude of the voltage depends on the weather conditions, the object's ability to collect an electric charge (capacitance), and vary with the object's shape, size, orientation and location, object to ground resistance.[83]

85. If a voltage is induced on an object insulated from the ground and a person touches the object, a small current (induced current or stray voltage) would pass through their body to the ground. This current may produce a spark discharge or mild shock to the individual. This type of stray voltage occurs most often on long fences and distribution lines built under transmission. Proper grounding of metal objects under the transmission line is the best method of avoiding these shocks. Most shocks from induced current are considered more of a nuisance than a danger. The Minnesota Public Utilities Commission electric field limit of 8 kV/m was designed to prevent serious hazard from shocks due to induced voltage under transmission lines. The NESC sets an induced current limit of five milliamps (mA) for objects under transmission lines.[84]

86. Stray voltage (neutral to earth voltage, or NEV) is an extraneous voltage that appears on grounded surfaces in buildings, barns and other structures. This type of stray voltage

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[78] *Id.*
[79] *Id.* at. 18.
[80] *See* In the Matter of the Petitions of Northern States Power Company d/b/a Xcel Energy and Dairyland Cooperative for Permits to Construct a 115 kV and 161 kV Transmission Line from Taylors Falls to Chisago County Substation, Docket No. E-002/TL-06-1677, Environmental Assessment at p. 45 (Aug. 20, 2007); *Id.* at 18.
[81] *Id.*
[82] *Id.* at. 23.
[83] *Id.* at. 20.
[84] *Id.*

may result from a damaged, corroded, or poorly connected wiring or damaged insulation (contact voltage). Stray voltage (NEV) and its impact on dairy farms is normally an issue associated with electrical distribution lines and is a condition that can exist between the neutral wire of a service entrance and grounded objects in buildings. NEV is not associated with transmission lines. The source of stray voltage is a voltage that is developed on the grounded neutral wiring network of farms, homes and out-structures.[85]

87. The quality of the farm/structure wiring system has the largest single influence on contact voltage. Stray voltage (NEV) sources can be reduced in three fundamental ways: reduce the current flow on the neutral system; reduce the resistance of the neutral system; or improve the grounding of the neutral system. Making good electrical connections and making sure that these connections are maintained by the proper choice of wiring materials for wet and corrosive locations will reduce the resistance of the grounded neutral system and thereby reduce NEV levels.

88. 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, particularly in areas where the Project is parallel to or crosses distribution lines.[86] 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.

Effects on Land Based Economies

89. Construction and maintenance of the Project will result in permanent and temporary impacts to farmland such as soil compaction and crop damage. Permanent impacts will occur as a result of structure placement along the route centerline. The Applicant estimated that the permanent impacts in agricultural fields will be approximately 20 square feet per pole during installation.[87]

90. Examples of the mitigative measures that have been agreed to by the Applicant include: placement of poles as close as feasible to the edge of the road ROW; work with landowners on pole placement, final spacing and pole location to accommodate movement of farm equipment and minimization of pole locations through use of wider spans. The Applicant will coordinate construction of the Project either before crops are planted or after harvest if possible. Applicant will compensate for any impact to crops, including compaction during construction.[88]

91. The environmental assessment indicates that the Project would permanently impact 0.033 acres of cropland and temporarily impact 33.9 acres of agricultural land.[89]

92. Because the route follows existing ROW for its entire length, clearing of trees would be minimal. Tree clearing will be limited to the transmission right-of-way.

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[85] *Id.* at 37.
[86] Exhibit 2 at 22.
[87] *Id.* at. 32.
[88] Exhibit 17at 24.
[89] *Id.*

93. There are no tourism and recreation activities located along the route that may be indirectly impacted by the Project because of view shed or alteration of the landscape. The route will not impact or interfere with existing recreational areas or recreational/tourism opportunities within or near the Project area.[90]

94. There are no mined areas or identified potential mineral resources in the immediate area of the proposed transmission line route.[91]

Archaeological and Historic Resources

95. No known historical resources were identified within one mile of the route. Therefore, no impacts are anticipated during the installation of the transmission line.[92]

96. Two historic bridges, one of which is listed on the National Register of Historic Places, were identified during the Applicant's review. The Applicant will coordinate with SHPO concerning possible impacts to, and will not exceed the weight limit of, the bridge if its use is necessary to transport materials to the project location.[93]

97. The Applicant shall make every effort to avoid impacts to identified archaeological and historic resources when installing the high-voltage transmission line on the approved route. In the event that an impact would occur, the Applicant will consult with the Commission, State Historic Preservation Office and invited consulting parties. Where feasible, avoidance of the resource is required.

Air Quality

98. Construction of the Project will result in temporary air quality impacts caused by, among other things, corona, construction-vehicle emissions and fugitive dust from right-of-way clearing.

99. The Applicant will implement the appropriate dust control measures, as required.[94]

100. The operation of the Project is not anticipated to cause significant impacts to air quality.[95]

Water Quality and Water Resources

101. Split Rock Creek is the only named perennial waterway located along the proposed route and is identified in the Public Waters Inventory (PWI). The creek generally flows southwest and is crossed by the route approximately three-fourths of a mile east of the state border. An unnamed, intermittent PWI stream is also crossed approximately 750

[90] Exhibit 2 at 33.
[91] Exhibit 17 at 25.
[92] *Id.* at. 27.
[93] *Id.*
[94] *Id.* at. 28.
[95] *Id.*

feet west of the intersection between County 7 and Township Road 106. Five additional unnamed non-PWI streams are located along the route.[96]

102. The Applicant will apply for a license to cross public lands and waters and must abide by the conditions established by the DNR.[97]

103. Minimal temporary impacts to wetlands may occur if these areas need to be crossed during construction of the transmission ROW. However, crossing wetlands during construction should be largely avoidable.[98]

104. During construction, there is the possibility of sediment reaching surface waters as the ground is disturbed by excavation, grading and construction traffic. The Applicant will be required to employ erosion control BMPs, as well as adherence to the terms and conditions of the National Pollution Discharge Elimination System (NPDES) permits and Stormwater Pollution Prevention Plan (SWPPP).[99] Compliance with the PCA stormwater program will be a condition of the route permit.

105. After construction, maintenance and operation activities for substation or transmission line facilities are not expected to have an adverse impact on surface water quality. The small increase in impermeable surface area resulting from construction and expansion of the project substation could increase the likelihood of sediment in runoff reaching surface water features. However, the majority of the substation areas would remain as permeable surfaces. BMPs would be employed and erosion potential is not expected to be higher than under the existing land use at the sites.[100]

Flora (Plant life)

106. The flora along the proposed route is primarily agricultural or associated with remnant grasslands in the area. Agricultural landscapes are dominated by plots of corn, soy, or oats.[101]

107. Remnant grasslands along the route are typically present because surficial bedrock is too close to the soil surface to allow for tilling. These areas are dominated by native and non-native grasses, and some have been identified by the Minnesota County Biological Survey (MCBS) as having moderate or high biodiversity significance. This is often due to the rare communities which can congregate where surficial bedrock forms shallow pools to create mini-ecosystems. These mini-ecosystems may host state-listed threatened or endangered plant species.[102]

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[96] *Id.* at. 29.
[97] Exhibit 2 at 37.
[98] Exhibit 17 at 29.
[99] *Id.*
[100] *Id.*
[101] *Id.* at 30.
[102] Exhibit 2 at 37.

108. Common woodland species along the proposed route are eastern cottonwood, white ash and elm. Typical primary vegetation in emergent wetlands consists of reed canary grass, cattails, bulrush, and other wetland vegetation, such as arrowhead and smartweed.[103]

109. The Project will result in temporary and permanent impacts to vegetation along the proposed route. Remnant grasslands and MCBS areas have been identified in the area and have the potential to be impacted.[104]

110. The Applicant plans to implement the following mitigation measures: share the road ROW where vegetation clearance has been practiced for many years; follow the road edge with lower biological significance; or span MCBS sites ranked as Moderate. All areas disturbed due to construction activities would be restored to pre-construction contours. In noncultivated areas, reseeding would occur in a timely manner using a seed mix certified to be free of noxious weeds.[105]

Fauna (Wildlife)

111. Thirty-one wildlife species are found in the southwest region of Minnesota. Blanding's Turtle, a state-listed threatened species, is known to occur near the project area. The Topeka shiner, a federally-listed endangered and state-listed special concern species of minnow, is also found in the area. Several species of birds and bats are also known to occur in this landscape, including grassland birds, migratory birds, raptors, and waterfowl.[106]

112. There is minimal potential for the displacement of wildlife and loss of habitat from construction of the project. Wildlife that inhabits natural areas such as meadows and rivers could be impacted in the short-term within the immediate area of construction. Wildlife that resides within the construction zone may be temporarily displaced to adjacent habitats during the construction process. The distance that animals would be displaced would depend on the species.[107]

113. Impacts to wildlife are anticipated to be short-term, since the route primarily would be constructed along an existing ROW, and the amount of grading and clearing required is minimal. Additionally, the animals in the areas where new construction would occur would be typical of those found in agricultural and rural settings. The new construction should not affect these animals because rural agricultural habitat would remain in the immediate vicinity.[108]

114. The electrocution of large birds, such as raptors, is more commonly associated with small distribution lines than large transmission lines. Electrocution occurs when birds with large wingspans come in contact with two conductors or a conductor and a grounding

[103] Exhibit 17 at 30.
[104] *Id.*
[105] *Id.* at 31.
[106] *Id.*
[107] *Id.*
[108] *Id.*

device. Utility transmission line design standards provide adequate spacing to eliminate the risk of raptor electrocution and will minimize potential avian impacts of the proposed project.[109]

115. To minimize impacts to avian species, the Applicant in consultation with the USFWS will identify areas where installation of flight diverters (FD) on the shield wire may be warranted.[110]

Rare and Unique Natural Resources

116. The proposed route aligns along county and township road ROW, in most cases near cultivated fields, thus limiting the potential impact on rare and unique natural resources.[111]

117. The USFWS lists three threatened or endangered species that occur within Rock County: Topeka shiner, Prairie bush clover, and the Western prairie fringed orchid. There is also listed critical habitat in Rock County for the Topeka shiner. While records indicate that all of these species are present in the area, the closest (Topeka shiner) is located approximately one mile to the north.[112]

118. The DNR identified one record of a state endangered vascular plant located within the area, although no known occurrences of any listed species are within the preferred 180 foot ROW. Several state-listed species observations are located in the vicinity of the HVTL, most of which are vascular plants. These occurrences are generally located in habitats identified within the MCBS.[113]

119. Positioning the pole structures within the public ROW could help avoid sensitive habitat near MBCS site.[114]

Costs of Construction, Operation, and Maintenance

120. The proposed project is expected to cost approximately $5 million to construct and $300 to $500 per mile to operate and maintain.[115]

121. It would cost about $1 million less to construct the shorter Alternate Route.[116]

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[109] *Id.* at. 31-32.
[110] *Id.* at. 32.
[111] *Id.*
[112] *Id.*
[113] *Id.*
[114] Exhibit 17 at 33.
[115] Exhibit 2 at 5.
[116] Exhibit 17at 9.

Interference

Corona from transmission line conductors can generate electromagnetic "noise" in the radio and television frequency range. This noise can cause interference with the reception of these signals depending on the frequency and strength of the signal.[117]

122. AM radio frequency interference typically occurs immediately under a transmission line and dissipates rapidly to either side. If radio interference from transmission line corona does occur, satisfactory reception from AM radio stations can be restored by appropriate modification of (or addition to) the receiving antenna system.[118]

123. While interference with TV signal and two-way mobile radio is not expected, if interference issues arise, the Applicant will work with affected parties to correct the problem.[119] Interference with FM radio is generally not a problem because corona generated radio noise is very small within the FM broadcast band.[120]

Certificate of Need

124. Pursuant to Minn. Statute 216B.243, subd. 2, "No large energy facility shall be sited or constructed in Minnesota without the issuance of a certificate of need by the Commission." In the case of a high-voltage transmission line, a large energy facility is defined as, (1) any high-voltage transmission line with a capacity of 200 kV or more and greater than 1,500 feet in length, and (2) any high-voltage transmission line with a capacity of 100 kV or more with more than ten miles of its length in Minnesota or that crosses a state line.

125. A certificate of need is required for the proposed 115 kV transmission line because it crosses the Minnesota-South Dakota border.

126. The Commission issued a certificate of need for the Prairie Rose Wind Farm and the proposed 115 kV transmission line on September 16, 2011 in Docket No. IP6838/CN-10-80.

Summary of Human and Environmental Impacts and Commitment of Resources

127. Both routes analyzed in the environmental assessment have human and environmental impacts, some of which are unavoidable if the project is permitted and built. Neither route is expected to cause a significant irreversible or irretrievable commitment of resources.

128. Both routes minimize human and environmental impacts by paralleling existing road ROW for the entire length of the route.

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[117] *Id.* at 16.
[118] *Id.*
[119] *Id.*
[120] *Id.*

129. The preferred route will cost approximately one million dollars more and affect two additional homes compared to the shorter Alternate Route.[121]

130. The Alternate Route would place the Prairie Rose Wind Farm Substation adjacent to an MCBS of moderate significance and within one-quarter mile of a rare plant community.[122]

131. Either route is feasible and should cause minimal economic and environmental impact due to placement of the route along the existing ROW.[123]

Applicable Statutory Conditions

132. Minn. Statute 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 by the Commission. Minn. Statute 216B.2421, subd. 2(3) defines a "large energy facility" as any high voltage transmission line with a capacity of 100 kV or more with more than ten miles of length or that crosses a state line.

133. Minn. Statute 216E.03, subd. 7, and Minn. Rule 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.

[121] *Id.* at 34.
[122] *Id.*
[123] *Id.*.

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 Minn. Statute 216E.03, subd. 2.

3. The project qualifies for review under the alternative permitting process of Minn. Statute 216E.04 and Minn. Rule 7850.2800.

4. The Applicant, the Minnesota Department of Commerce, and the Public Utilities Commission have complied with all procedural requirements required by law.

5. The Minnesota Department of Commerce has completed an environmental assessment of this project as required by Minn. Statute 216E.04, subd. 5, and Minn. 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 Minn. Statute 216E.03, subd. 7, and Minn. 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 Prairie Rose Transmission, LLC to construct approximately seven miles of new overhead 115 kV transmission line between the new Prairie Rose Wind Farm Substation in Rose Dell Township, Rock County, Minnesota, and the Minnesota-South Dakota border.

    a. The transmission line exits the Prairie Wind Farm Substation in the southwest quarter of Section 26 of Rose Dell Township and heads west along County Highway 7 to County Highway 23. There, it continues due west for approximately 2.5 miles along Township Road 72 to the Minnesota-South Dakota border.

    b. The route width for the transmission line is 90 feet on the alignment side of the road from the road centerline along the entire route.

2. The route permit shall be issued in the form attached hereto, with maps showing the approved route.

Approved and adopted this 13th day of January 2012.

BY ORDER OF THE COMMISSION

Burl W. Haar, Executive Secretary

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STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

ROUTE PERMIT FOR CONSTRUCTION OF A HIGH-VOLTAGE TRANSMISSION LINE

IN ROCK COUNTY

ISSUED TO

PRAIRIE ROSE TRANSMISSION, LLC

PUC DOCKET No. IP-6838/TL-10-134

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

PRAIRIE ROSE TRANSMISSION, LLC

Prairie Rose Transmission, LLC is authorized by this route permit to construct an approximately seven (7) mile long 115 kV transmission line in Rock County to interconnect the 200 MW Prairie Rose Wind Farm.

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 all other conditions specified in this permit.

Approved and adopted this 13th day of January 2012

BY ORDER OF THE COMMISSION

Burl W. Haar,
Executive Secretary

This document can be made available in alternative formats (i.e. large print or audio tape) by calling 651.296.0406 (voice). Persons with hearing or speech disabilities may call us through Minnesota Relay at 1.800.627.3529 or by dialing 711.

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Route Layout Maps
Compliance Filing Procedures for Permitted Energy Facilities
Complaint Handling Procedures for High Voltage Transmission Lines

1 ROUTE PERMIT

The Minnesota Public Utilities Commission (Commission) hereby issues this route permit to Prairie Rose Transmission, LLC (permittee) pursuant to Minnesota Statute 216E.03 and Minnesota Rules 7850. This permit authorizes the permittee to construct approximately seven (7) miles of new 115 kV transmission line in Rock County as described in this document and as identified in the attached route permit maps, hereby incorporated into this document.

2 PROJECT DESCRIPTION

The permittee is authorized to construct the Minnesota portion of a 115 kV transmission line that spans approximately 30 miles from the Prairie Rose Wind Farm Substation in Rose Dell Township in Rock County to the Split Rock Substation in Brandon, South Dakota. The Minnesota portion of the Project is approximately seven miles long. The single-circuit transmission line heads west from the Prairie Rose Wind Farm Substation along County Highway 7 to County Highway 23. There it continues due west along Township Road 72 to the Minnesota-South Dakota border. The route is permitted for placement on private land adjacent to and sharing the public road right-of-way (ROW).

The structures are single-pole steel structures that range in height between 60 and 80 feet. The span length between structures ranges between 350 and 600 feet depending on site-specific considerations. The right-of-way for the proposed 115 kV electrical transmission line would generally be 80 feet in width.

2.1 Project Location

The Route is located in Rose Dell Township in Rock County. The table below identifies the sections, townships, and ranges where the proposed route is located.

County	Township Name	Township	Range	Sections
Rock	Rose Dell	104N	46W	26-35
Rock	Rose Dell	104N	47W	25, 26, 35, 36

2.2 Associated Substation

The Prairie Rose Wind Farm Substation was authorized in the Commission's Order of September 16, 2011, granting a Site Permit for the 200 MW LWECS. The location for the substation is permitted herein in Section 26 of Rose Dell Township and as denoted on the attached Route Permit maps.

2.3 Structures, Conductors and ROW

Delta structures placed on private easement will be the primary installation type. Vertical structures (all conductors on one side) may be used to cross the road. Some structures may be installed in public ROW to reduce impacts on MCBS and prairie areas. The Applicants are allowed a right-of-way (ROW) width up to 80 feet wide, with 40 feet of private easement along the public ROW. The table below details components of the Project.

Project Component	Single-circuit 115 kV Transmission Line
Line Voltage	Designed and Operated at 115 kV
Structure Type	Tubular steel with davit arms
ROW Required	40 ft (adjacent to existing road ROW)
Conductor	795 kcmil 24/7 ACSR "Drake", double horizontal 18" bundle
Foundation	Direct Embed, Concrete Foundation or Gravel Backfill if geology requires
Typical Span Length (feet)	600-800 Private land, 350-500 Public ROW
Average Height (feet) Vertical Structures	75-85
Average Height (feet) Delta Structures	75-85
Typical Structure Diameter (at base) (feet)	3-6 (5-8 caisson base when needed)

2.4 Right-of-Way Acquisition

The permittee is not granted eminent domain. All easement acquisitions must be the result of the voluntary participation of landowners or the public entity.

3 DESIGNATED ROUTE

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

The Project Substation is located north of County Road 7 just west of the intersection with County Road 66. The transmission line exits the Project substation and heads west along County Road 7 for approximately four and one-half miles to State Highway 23. The route then continues west along Township Road 72 until it crosses into South Dakota.

3.1 Route Width and Alignment

As depicted in the route maps attached to this permit, the designated route will be limited to 90 feet from the road centerline on the side hosting the transmission line. This width will provide the permittee with flexibility for minor adjustments of the specific alignment or right-of-way. The permit anticipates that the final alignment (i.e., permanent and maintained rights-of-way) will generally conform to the anticipated alignment as noted on the attached map sheets 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 so as to have comparable overall impacts relative to the factors in Minnesota Rule 7850.4100 as does the alignment identified in this permit, and shall be specifically identified and documented in and approved as part of the Plan and Profile submitted pursuant to Section 4.1 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 (LGUs) and made part of the record during the proceedings for this permit.

Any alignment modifications arising from these site specific constraints that would result in right-of-way placement outside the designated route shall be located so as to have comparable overall impacts relative to the factors in Minnesota Rule 7850.4100 as does the alignment identified in this permit and shall also be specifically identified and documented in and approved as part of the plan and profile submitted pursuant to Section 4.1 of this permit.

3.2 Right-of-Way Placement

Where the transmission line route parallels existing highway and other road rights-of-way, the transmission line right-of-way shall occupy and utilize the existing right-of-way to the maximum extent possible, consistent with the criteria in Minnesota Rule 7850.4100 and the other requirements of this permit.

3.3 Right-of-Way Width

The 115 kV transmission line will be built primarily with single pole delta structures, which will require an up to 80-foot ROW, generally requiring a 40-foot ROW on private land. A special vertical structure for crossing the road will be used to limit ROW to the public ROW in order to span a Moderate significance MCBS site (see map sheet E).

4 GENERAL CONDITIONS

The permittee shall comply with the following general conditions during construction of the transmission line and associated facilities and the life of this permit.

4.1 Plan and Profile

At least 30 calendar days before right-of-way preparation for construction begins on any segment or portion of the project, 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, transmission structure specifications and locations, and restoration for the transmission line. The

documentation shall include maps depicting the plan and profile including the right-of-way, alignment, and structures in relation to the route and alignment approved per the permit.

The permittee may not commence construction until the 30 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.

4.2 Construction Practices

The permittee shall follow those specific construction practices and material specifications described in the Prairie Rose Transmission application to the Commission for a route permit, dated March 10, 2011, 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.

4.2.1 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, email, 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.

4.2.2 Local Governments

During construction, the permitee shall minimize any disruption to public services or public utilities. To the extent disruptions to public services occur, these would be temporary and the permitee will work to restore service promptly.

Where any impacts to utilities have the potential to occur, permitee will work with both landowners and local agencies to determine the most appropriate transmission structure placement.

The permittee shall cooperate with county and city road authorities to develop appropriate signage and traffic management during construction.

4.2.3 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.

4.2.4 Noise

Construction and routine maintenance activities shall be limited to daytime working hours, as defined in Minnesota Rule 7030.0200, to ensure nighttime noise level standards will not be exceeded.

4.2.5 Vegetation Removal in the Right-of-Way

The permittee shall minimize the number of trees to be removed in selecting the right-of-way specifically preserving to the maximum extent practicable windbreaks, shelterbelts, living snow fences and vegetation in areas such as trail crossings, where vegetative screening may minimize aesthetic impacts, to the extent that such actions do not violate sound engineering principles or system reliability criteria.

Tall tree species located within the transmission line right-of-way that endanger the safe and reliable operation of the transmission facility will be removed.

In many cases certain low and slow growing species that do not exceed a mature height of 15 feet can be planted in the right-of-way to blend the difference between the right-of-way and adjacent wooded areas, to the extent that the low growing vegetation that will not pose a threat to the transmission facility or impede construction.

Vegetation management in infrequently mowed areas, such as in ditches, along utility access roads, and under power lines, shall be done mechanically (chemicals shall not be used). Work in these areas shall occur fall through spring (after October 1st and before June 1st).

4.2.6 Aesthetics

The permittee shall consider input pertaining to visual impacts from landowners or land management agencies prior to final location of structures, rights-of-way, and other areas with the potential for visual disturbance. Care shall be used to preserve the natural landscape, minimize tree removal and prevent any unnecessary destruction of the natural surroundings in the vicinity of the project during construction and maintenance. Structures shall be placed at the maximum feasible distance, consistent with sound engineering principles and system reliability criteria, from intersecting roads, highway, or trail crossings and could cross roads to minimize or avoid impacts.

4.2.7 Erosion Control

The permittee shall follow standard erosion control measures outlined in Minnesota Pollution Control Agency (MPCA) guidance and best management practices regarding sediment control practice during construction include protecting storm drain inlets, use of silt fences, protecting exposed soil, immediately stabilizing restored soil, controlling temporary soil stockpiles, and controlling vehicle tracking.

The permittee shall implement reasonable measures to minimize runoff during construction and shall promptly plant or seed, erect sediment control fences (e.g. biorolls, sandbags, and silt fences), apply mulch (e.g. hay or straw) on exposed soils, and/or use

erosion control blankets and turf reinforcement mats to provide structural stability to bare surfaces and slopes.

When utilizing seed to establish temporary and permanent vegetative cover on exposed soil, the permittee shall consult with (Mn/DOT) and Minnesota Department of Natural Resources (DNR) to select specific site characteristic seed certified to be free of noxious weeds.

Contours shall be graded as required so that all surfaces drain naturally, blend with the natural terrain, and are left in a condition that will facilitate re-vegetation, provide for proper drainage, and prevent erosion. All areas disturbed during construction of the facilities shall be returned to their pre-construction condition.

Where larger areas of one acre or more (substation site) are disturbed or other areas designated by the MPCA, the permittee shall prepare the required Stormwater Pollution Prevention Plan (SWPPP) and obtain a National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) construction stormwater permit from the MPCA.

4.2.8 Wetlands and Water Resources

Structures shall be located to span watercourses, wetlands, and floodplains to the extent practicable and consistent with sound engineering principles. Minimal grading of areas around pole locations may be required to accommodate construction vehicles and equipment.

The permittee shall endeavor to access wetlands and riparian areas using the shortest route possible in order to minimize travel through wetland areas and prevent unnecessary impacts wherever possible.

Construction in wetlands and riparian areas shall be scheduled during frozen ground conditions, when possible. When construction during winter is not possible, construction mats (wooden mats or a composite mat system) shall be used to protect wetland vegetation. All-terrain construction vehicles designed to minimize soil impact in damp areas may also be used.

No staging or stringing set up areas shall be placed within or adjacent to wetlands or water resources, as practicable. The structures shall be assembled on upland areas before they are brought to the site for installation.

Soil excavated from the wetlands and riparian areas shall be contained and not placed back into the wetland or riparian area. The permittee shall also utilize erosion control methods identified in Section 4.2.7 (Erosion Control), as warranted. Areas disturbed by construction activities shall be restored to pre-construction conditions (soil horizons, contours, vegetation, etc.).

4.2.9 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 shall be selected to limit the removal and impacts to vegetation.

Temporary lay down areas outside of the authorized transmission line right-of-way will be obtained from affected landowners through rental agreements and are not provided for in this permit.

Temporary driveways may be constructed between the roadway and the structures to minimize impact by using the shortest route possible. Construction mats may also be used to minimize impacts on access paths and construction areas.

4.2.10 Restoration

The permittee shall restore the right-of-way, temporary work spaces, access roads, abandoned right-of-way, and other public or private lands affected by construction of the transmission line. Practices to restore areas impacted by construction and maintenance activities are also described in Section 4.2.7 of this permit.

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, drain tile, or other damages that may occur during construction.

4.2.11 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.

4.3 Periodic Status Reports

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 weekly. At the request of the Commission, the permittee shall report to the Commission on progress regarding finalization of the route and design of structures.

4.4 Complaint Procedures

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.

4.5 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. At the time of first contact, the permittee shall also provide all affected landowners with a copy of the *Landowner Guide to Easements* publication provided by the Department of Commerce.

The permittee shall contact landowners prior to entering the property or conducting maintenance along the route. The permittee shall avoid construction and maintenance practices, particularly the use of fertilizer, herbicides or other pesticides, that are inconsistent with the landowner's or tenant's use of the land (See also, Section 4.2.5).

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.

4.6 Completion of Construction

4.6.1 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.

4.6.2 As-Builts

Within 60 days after completion of construction, the permittee shall submit copies of all the final as-built plans and specifications developed during the project.

4.6.3 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 (ArcGIS compatible map files, GPS coordinates, associated database of characteristics, etc.) for all structures associated with the transmission lines, each switch, and each substation connected.

4.7 Electrical Performance Standards.

4.7.1 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 (mA), 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 mA rms under steady state conditions of the transmission

line and to comply with the ground fault conditions specified in the NESC. The permittee shall address and rectify any induced current problems that arise during transmission line operation.

4.7.2 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.

4.7.3 Interference with Communication Devices

If interference with radio or television, satellite, wireless internet, GPS-based agriculture navigation systems 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.

4.8 Other Requirements.

4.8.1 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. The transmission line facility shall also meet the NERC reliability standards.

4.8.2 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.

4.8.3 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.

4.8.4 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.

5 SPECIAL CONDITIONS

The permittee shall provide as part of the plan and profile submission a description of the actions taken and mitigative measures developed regarding the following Special Conditions.

5.1 Avian Mitigation

As per the recommendation of the U.S. Fish and Wildlife Service, bird diverters should be placed on the HVTL where it crosses the Split Rock Creek, and where the line will bisect a grassland complex in sections 28, 29, 32 and 33, Tl04N, R46W.

5.2 Split Rock Creek

Since Split Rock Creek is designated Critical Habitat for the federally endangered Topeka shiner, as per the U.S. Fish and Wildlife Service recommendation, the permittee may not conduct any work within the channel or on the channel banks of Split Rock Creek during transmission line construction. Soil disturbance in the wetlands or vegetated uplands adjacent to Split Rock Creek should be minimized to the greatest extent feasible, and disturbed areas stabilized as soon as possible to minimize soil erosion entering Split Rock Creek.

Since Split Rock Creek is listed on the MPCA Inventory of Impaired Waters, the impairment will dictate additional increased stormwater treatment during construction and require additional increased permanent treatment post construction. As per the MPCA, these requirements will be included in the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater Permit.

5.3 Minnesota County Biological Survey Areas

No alignment is allowed in designated areas of High Significance. No structures are allowed within areas of Moderate Significance. Areas of Moderate significance as denoted on mapsheets B, C, E and I will be spanned or use special structures placed in public ROW.

6 PERMIT AMENDMENT

The permit 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.

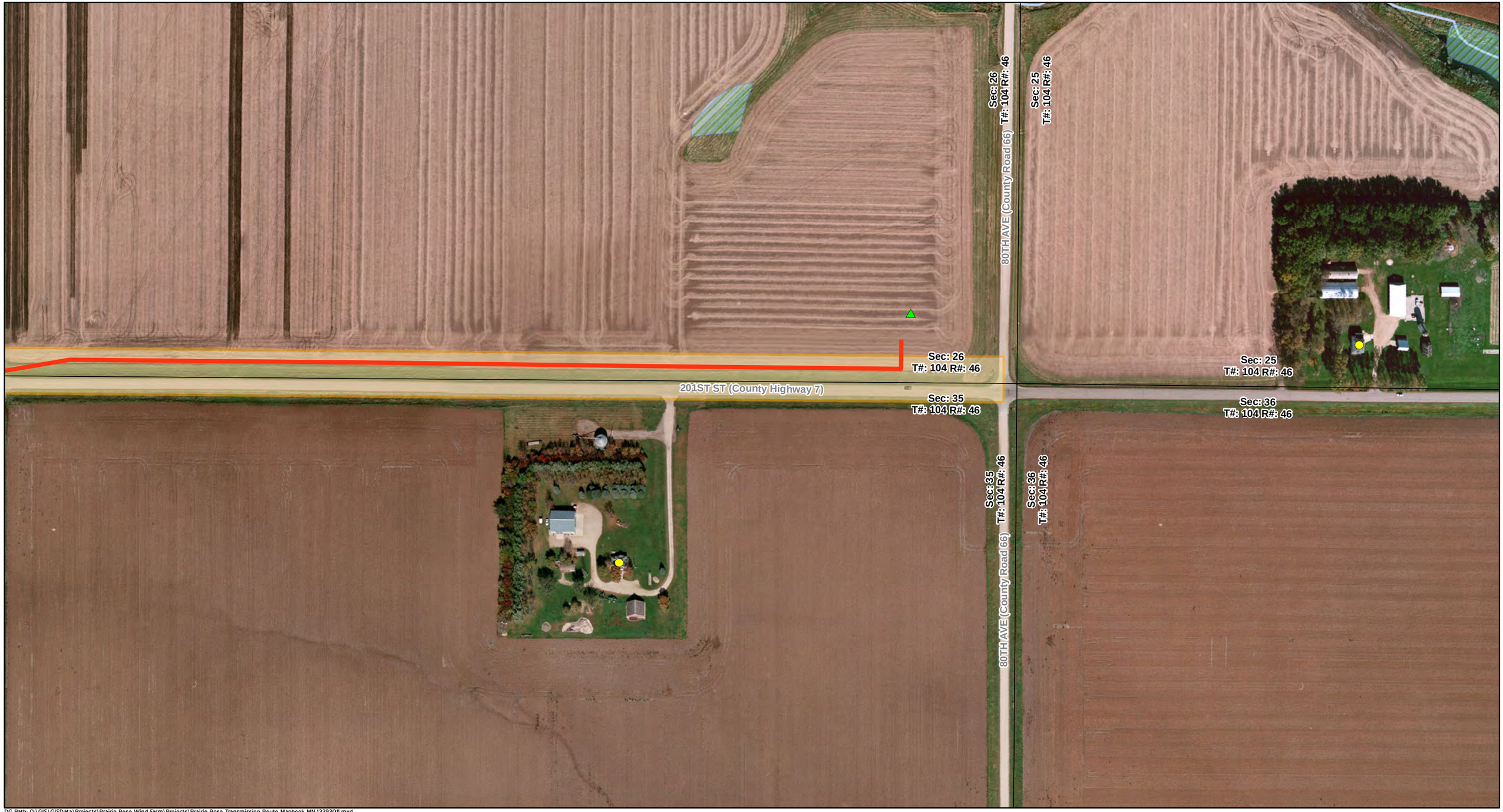
7 TRANSFER OF PERMIT

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.

8 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 Rule 7850.5100 to revoke or suspend the permit.



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PRAIRIE ROSE TRANSMISSION

Prairie Rose Transmission Route Map
Rock Co., MN Page: A

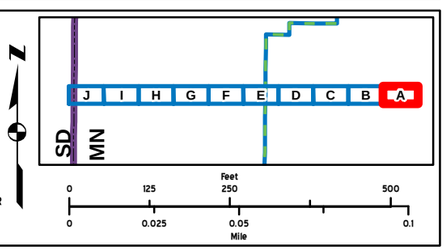
- Prairie Rose Transmission Route Centerline
- Wind Farm Boundary
- Project Substation
- Residence
- Route
- PWI Streams
- USGS Streams
- NWI Wetlands
- State Boundary
- Municipal Civil Divisions
- Section Lines

Biodiveristy Significance (MCBS)

- High
- Moderate
- Below

Map Date:
1/3/2012

Sources:
Aerial: Westwood - 2010
State Civil, Stream, Wetland, and MCBS Data: MNDNR
Municipal Civil Divisions: US Census Bureau
Project Specific Data: Geronimo Wind Energy



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PRAIRIE ROSE TRANSMISSION

Prairie Rose Transmission Route Map

Rock Co., MN Page: B

- Prairie Rose Transmission Route Centerline
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Map Date:
1/3/2012

Sources:

Aerial: Westwood - 2010
State Civil, Stream, Wetland, and MCBS Data: MNDNR
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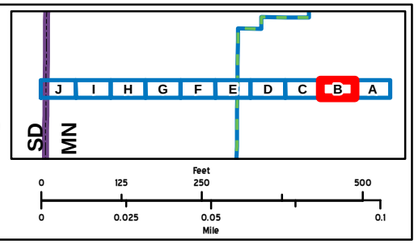

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PRAIRIE ROSE TRANSMISSION

Prairie Rose Transmission Route Map
Rock Co., MN Page: C

- Prairie Rose Transmission Route Centerline
- Wind Farm Boundary
- Project Substation
- Residence
- Route
- PWI Streams
- USGS Streams
- NWI Wetlands
- State Boundary
- Municipal Civil Divisions
- Section Lines

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Map Date:
1/3/2012

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Municipal Civil Divisions: US Census Bureau
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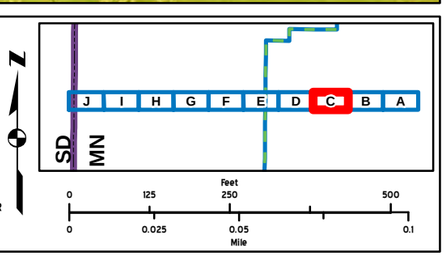

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PRAIRIE ROSE TRANSMISSION

Prairie Rose Transmission Route Map
Rock Co., MN Page: D

- Prairie Rose Transmission Route Centerline
- Wind Farm Boundary
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- State Boundary
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Biodiveristy Significance (MCBS)

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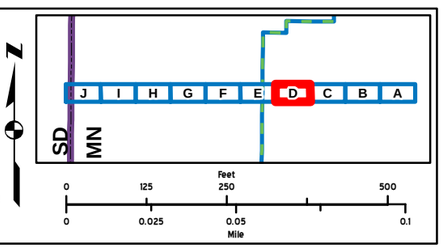

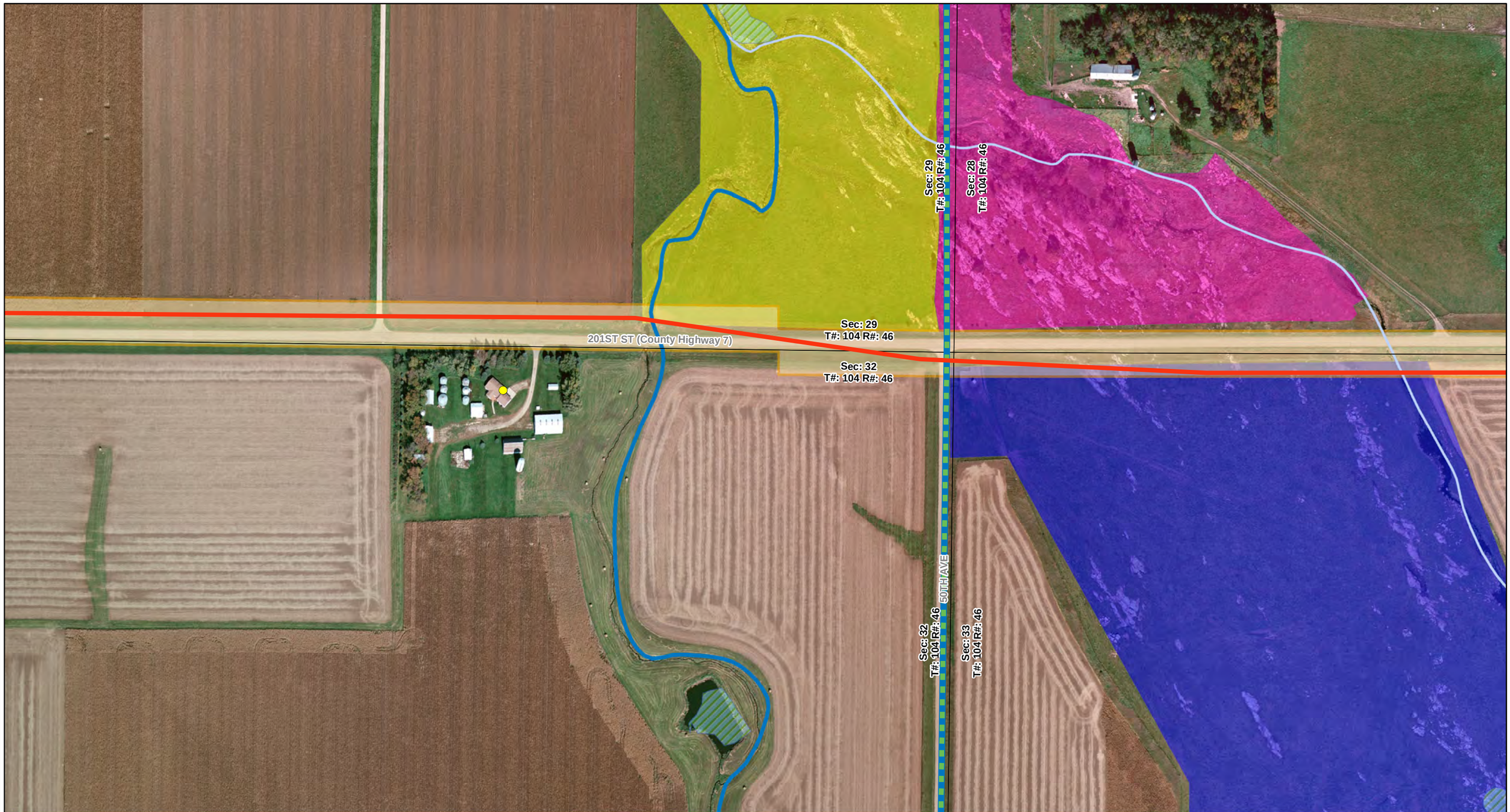

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PRAIRIE ROSE TRANSMISSION

Prairie Rose Transmission Route Map
Rock Co., MN Page: E

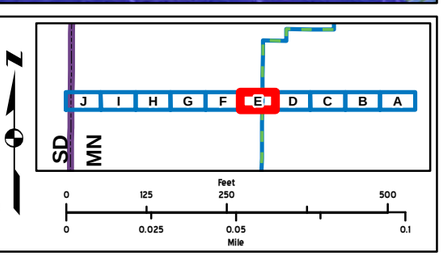
- Prairie Rose Transmission Route Centerline
- Wind Farm Boundary
- Project Substation
- Residence
- Route
- PWI Streams
- USGS Streams
- NWI Wetlands
- State Boundary
- Municipal Civil Divisions
- Section Lines

Biodiveristy Significance (MCBS)

- High
- Moderate
- Below

Map Date:
1/3/2012

Sources:
Aerial: Westwood - 2010
State Civil, Stream, Wetland, and MCBS Data: MNDNR
Municipal Civil Divisions: US Census Bureau
Project Specific Data: Geronimo Wind Energy



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PRAIRIE ROSE TRANSMISSION

Prairie Rose Transmission Route Map

Rock Co., MN Page: F

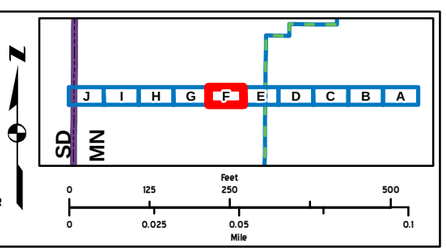
- Prairie Rose Transmission Route Centerline
- Wind Farm Boundary
- Project Substation
- Residence
- Route
- PWI Streams
- USGS Streams
- NWI Wetlands
- State Boundary
- Municipal Civil Divisions
- Section Lines

Biodiveristy Significance (MCBS)

- High
- Moderate
- Below

Map Date:
1/3/2012

Sources:
Aerial: Westwood - 2010
State Civil, Stream, Wetland, and MCBS Data: MNDNR
Municipal Civil Divisions: US Census Bureau
Project Specific Data: Geronimo Wind Energy



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PRAIRIE ROSE TRANSMISSION

Prairie Rose Transmission Route Map

Rock Co., MN Page: G

- Prairie Rose Transmission Route Centerline
- Wind Farm Boundary
- Project Substation
- Residence
- Route
- PWI Streams
- USGS Streams
- NWI Wetlands
- State Boundary
- Municipal Civil Divisions
- Section Lines

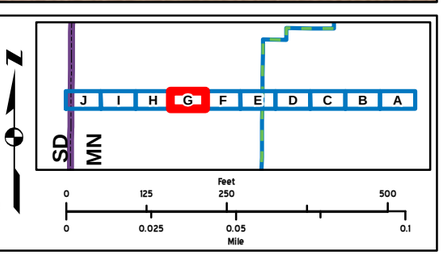
Biodiveristy Significance (MCBS)

- High
- Moderate
- Below

Map Date:
1/3/2012

Sources:

Aerial: Westwood - 2010
State Civil, Stream, Wetland, and MCBS Data: MNDNR
Municipal Civil Divisions: US Census Bureau
Project Specific Data: Geronimo Wind Energy



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PRAIRIE ROSE TRANSMISSION

Prairie Rose Transmission Route Map
Rock Co., MN Page: H

- Prairie Rose Transmission Route Centerline
- Wind Farm Boundary
- Project Substation
- Residence
- Route
- PWI Streams
- USGS Streams
- NWI Wetlands
- State Boundary
- Municipal Civil Divisions
- Section Lines

Biodiveristy Significance (MCBS)

- High
- Moderate
- Below

Map Date:
1/3/2012

Sources:

Aerial: Westwood - 2010
State Civil, Stream, Wetland, and MCBS Data: MNDNR
Municipal Civil Divisions: US Census Bureau
Project Specific Data: Geronimo Wind Energy

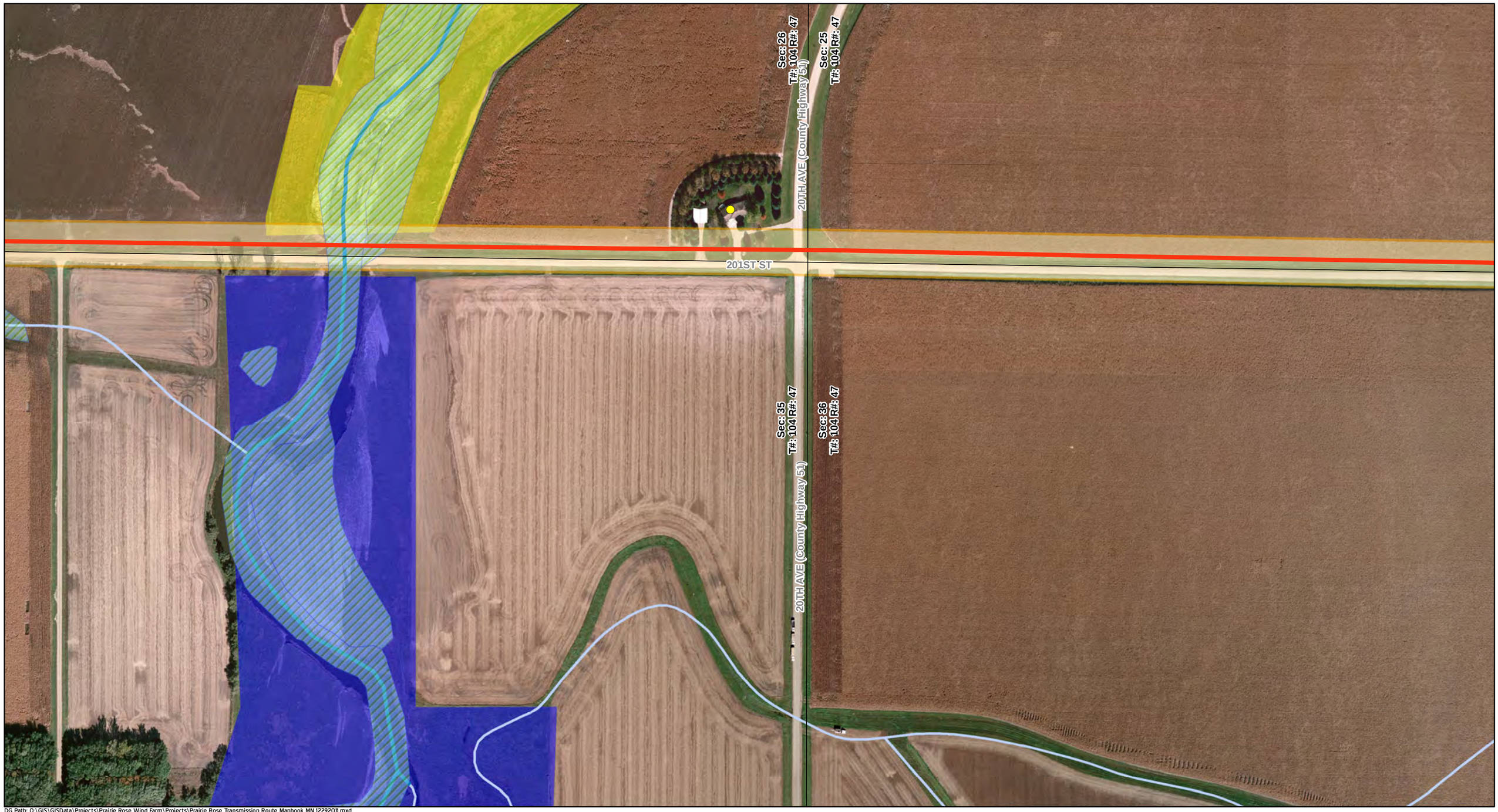
N

SD MN

J I H G F E D C B A

Feet
0 125 250 500

Mile
0 0.025 0.05 0.1



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PRAIRIE ROSE TRANSMISSION

Prairie Rose Transmission Route Map
Rock Co., MN Page: I

- Prairie Rose Transmission Route Centerline
- Wind Farm Boundary
- Project Substation
- Residence
- Route
- PWI Streams
- USGS Streams
- NWI Wetlands
- State Boundary
- Municipal Civil Divisions
- Section Lines

Biodiveristy Significance (MCBS)

- High
- Moderate
- Below

Map Date:
1/3/2012

Sources:
Aerial: Westwood - 2010
State Civil, Stream, Wetland, and MCBS Data: MNDNR
Municipal Civil Divisions: US Census Bureau
Project Specific Data: Geronimo Wind Energy

N

SD MN
J I H G F E D C B A

Feet: 0 125 250 500
Mile: 0 0.025 0.05 0.1

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PRAIRIE ROSE TRANSMISSION

Prairie Rose Transmission Route Map

Rock Co., MN Page: J

- Prairie Rose Transmission Route Centerline
- Wind Farm Boundary
- Project Substation
- Residence
- Route
- PWI Streams
- USGS Streams
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- State Boundary
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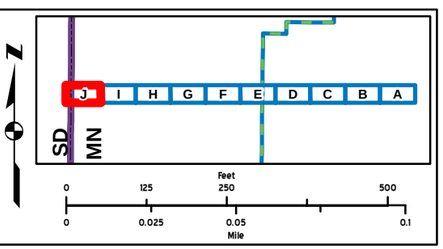
Biodiveristy Significance (MCBS)

- High
- Moderate
- Below

Map Date:
1/3/2012

Sources:

Aerial: Westwood - 2010
State Civil, Stream, Wetland, and MCBS Data: MNDNR
Municipal Civil Divisions: US Census Bureau
Project Specific Data: Geronimo Wind Energy



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

The permittees shall eFile all compliance filings with Dr. Burl Haar, Executive Secretary, Public Utilities Commission, through the Department of Commerce eDocket system. The eDocket system is located on the Department of Commerce website at: https://www.edockets.state.mn.us/EFiling/home.jsp

General instructions are provided on the website. Permittees must register on the website to eFile documents.

All filings must have a cover sheet that includes:

- Date
- Name of submitter/permittee
- Type of permit (site or route)
- Project location
- Project docket number
- Permit section under which the filing is made
- 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 7th Place East, Suite 350, St. Paul, MN, 55101-2147, and 2) Department of Commerce, Energy Facility Permitting, 85 7th Place East, Suite 500, St. Paul, MN, 55101-2198.

PERMIT COMPLIANCE FILINGS[1]

PERMITTEES: Prairie Rose Transmission, LLC
PERMIT TYPE: 115 kV High-Voltage Transmission Line Route Permit
PROJECT LOCATION: Rice County, Minnesota
PUC DOCKET NUMBER: IP-6838/TL-10-134

Filing Number	Permit Section	Description	Due Date
1.	4.1	Plan and Profile of Right-of-Way	30 days before right-of-way preparation or construction
2.	4.2.1	Contact information for field representative	10 days prior to construction
3.	4.3	Periodic Status Reports	Not more than weekly
4.	4.4	Complaint Procedures	Prior to start of construction
5.	4.5	Notification to Landowners	First contact with the landowners after issuance of permit
6.	4.6.1	Notice of completion and date of placement in service	Three days prior to energizing
7.	4.6	Provide As-built and GPS information (ArcGIS files or similar)	Within 60 days of construction
8.	4.8.2	Other Required Permits	Upon request
9.	5.	Description of Mitigation Measures	Submission with plan and profile

[1] 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.

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 permittees 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 Permittees and all complaints received by the Minnesota Public Utilities Commission (Commission) under Minnesota Rule 7829.1500 or 7829.1700 relevant to this permit.

D. Definitions

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

Substantial Complaint: A written complaint alleging a violation of a specific 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 permittees 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

The permittees shall document all complaints by maintaining a record of all applicable information concerning the complaint, including the following:

- Name of complainant, address, phone number, and e-mail address.
- Precise property description or parcel number.
- Name of permittees representative receiving complaint and date of receipt.
- Nature of complaint and the applicable permit conditions(s).
- Activities undertaken to resolve the complaint.
- Final disposition of the complaint.

The permittees shall designate an individual to summarize complaints for the Commission. This person's name, phone number and email address shall accompany all complaint submittals.

A person presenting the complaint should to the extent possible, include the following information in their communications:

- Name, address, phone number, and e-mail address.
- Date
- Tract or parcel
- Whether the complaint relates to (1) a permit matter, or (2) a compliance issue.

F. Reporting Requirements

The permittees 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 High-Voltage Transmission Line Permit Compliance, 1-800-657-3794 (voice messages are acceptable), or by e-mail to: DOC.energypermitcompliance@state.mn.us.

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, Minnesota 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 permittees shall submit (eFile) a summary indicating that no complaints were received.

G. Complaints Received by the Commission or Office of Energy Security

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 permittees 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.

Permittees Contacts for Complaints

Complaints shall be sent to:

Patrick Smith
Geronimo Wind Energy, LLC
7650 Edinborough Way, Suite 725
Edina MN 55435

Telephone: (952) 988-9000

Email: Patrick@geronimowind.com