



**Energy Facility Permitting**  
85 7th Place East, Suite 500  
St. Paul, Minnesota 55101-2198  
ph 651.296.4026 | fx 651.297.7891  
[www.energyfacilities.puc.state.mn.us](http://www.energyfacilities.puc.state.mn.us)

---

## **NOTICE OF PUBLIC HEARING AND AVAILABILITY OF ENVIRONMENTAL REPORT**

**In the Matter of the Application for a Certificate of Need for the 115 kV Hiawatha Transmission Line  
Project**

**PUC Docket Numbers: E002/CN-10-694**

**PLEASE TAKE NOTICE** that the Minnesota Public Utilities Commission (Commission) will hold a public hearing on the certificate of need application submitted by Northern States Power (Xcel Energy) for the proposed 115 kV Hiawatha transmission line project.

This notice provides the date, starting time and location for public hearings. In this proceeding, the hearing will address: (a) whether the proposed transmission line is needed and in the public interest, and (b) the costs, benefits and impacts of various alternative routes for the proposed transmission line.

This notice also provides additional detail about the public hearings and the procedural requirements of the Office of Administrative Hearings for public hearing on large energy facilities. If you have an interest in this project, please read this notice carefully. If you have questions about the project or upcoming hearings, please contact the appropriate person identified in this notice.

---

### **PUBLIC HEARING**

**Monday, October 10, 2011**  
**Afternoon Session - 2:00 p.m.**  
**Evening Session - 6:00 p.m.**  
*Plaza Verde*  
**1516 East Lake Street**  
**Minneapolis, MN 55407**  
**612-724-5332**

Spanish and Somali/Swahili translators will be available

---

**Project Description.** The total length of the HVTLs would be approximately 1.4 to 3.8 miles long depending on the final route. The stated purpose of the Hiawatha Project is to meet the distribution needs of Applicant's customers in south Minneapolis, Hennepin County, Minnesota. The Applicant has stated that demand for power has increased beyond the capability of the system due to population growth, higher load density, and recent successful urban revitalization efforts, particularly in the areas along Lake Street, Hiawatha Avenue, and the Chicago and Park Avenue corridors. Additional electrical infrastructure is required to address overload

conditions on the distribution system and to improve the reliability of the power supply to residences and businesses. Without new infrastructure, electrical conditions will worsen with time.

Xcel Energy proposes to construct the following facilities:

- A new 115 kV distribution substation near Hiawatha Avenue and 28th Street (Hiawatha Substation),
- A new 115 kV distribution substation near Oakland Avenue South and 29th Street, including the site of the former Oakland Substation (Midtown Substation), and
- Two 115 kV transmission lines between the two new substations. The routes for the transmission lines total approximately 1.4 to 3.8 miles depending on the final route selected.

Potential routes that the transmission lines would follow, if approved, were put forth in the HVTL Route Permit proceeding which is currently on hold (See Below). The transmission line routes will be determined through the HVTL Route Permit process expected to recommence following the certificate of need process.

## **REGULATORY REVIEW PROCESS**

**Certificate of Need Application.** This project falls under the recently enacted Certificate of Need (CN) statutory provision that requires a CN for transmission projects of this size and length if located in an area with high population density and the proposed transmission lines parallel a below-grade bike and walking path (2010 Minn. Laws, ch. 361, art. 5, sec. 19; Effective Date: May 18, 2010). The Commission must determine whether the HVTLs are necessary and in the best interest of the state. The Certificate of Need process includes environmental review and public hearings, and typically takes 12 months. The Applicant applied for a Certificate of Need on November 29, 2010.

The Department of Commerce (Department) has two separate and distinct responsibilities in the certificate of need process: analyzing the Certificate of Need application and administering the environmental review process for the Commission. The Commission is responsible for determining if the transmission lines proposed are needed.

**Environmental Report.** The environmental review process includes public information/scoping meetings and the preparation of an environmental review document, the Environmental Report (ER). The Environmental Report is a written document that describes the human and environmental impacts of the proposed project, alternatives to the project and methods to mitigate anticipated adverse impacts. The ER must be prepared before the Commission can make a decision on the Certificate of Need application.

**Public Hearing.** After completion of the ER, a public hearing is held. The hearing is presided over by an administrative law judge (ALJ) from the Office of Administrative Hearings. Members of the public will have an opportunity to speak at the hearing, present evidence, ask questions, and submit comments.

**Final Decision.** Upon completion of the environmental review and hearing process, the record compiled for the CN proceeding will be presented to the Commission for a final decision. This review process is the only process during which alternatives to the project will be considered, including the “no build” alternative and alternatives related to the size, type, timing, and configuration of the project.

**Route Selection and Permitting.** Xcel Energy previously filed an application for a HVTL Route Permit with the Commission (Docket TL-09-38) on April 24, 2009. Due to the recently enacted legislation requiring a Certificate of Need, the HVTL Route Permit proceedings are on hold pending the outcome of this Certificate of Need filing.

**Eminent Domain.** If issued a Certificate of Need and route permit by the Commission, the Applicant may exercise the power of eminent domain to acquire the land necessary for the project pursuant to Minnesota Statute 216E.12 and Minnesota Statute 117.

## **PUBLIC HEARING**

**Conduct of Hearing.** The public hearings are conducted in accordance with the requirements of Minnesota Statute 216B.243, subd. 4. Members of the public will have an opportunity to ask questions of Commission and Department staff, the Applicants, and to offer oral and written comments and submit material into the record. The Honorable Beverly Jones Heydinger, Administrative Law Judge, will preside over the hearing.

The ALJ will conduct the public hearings in accordance with the Office of Administrative Hearings process (Minnesota Rules Chapter 1400) and in accordance with Commission's energy facility permitting process (Minnesota Rules Chapter 1405). Copies of the rules are available for review online at <https://www.revisor.mn.gov/rules/?id=1400>.

At the start of each hearing session, the ALJ will explain the procedural rules for the hearing, including the following: a) all persons may present evidence and argument with respect to issues and may question witnesses; b) all persons may be represented by legal counsel, but such representation is not required; and c) the rules of evidence.

Questioning of witnesses is allowed, and will be conducted in a sequence determined by the ALJ.

For more information about participation as a member of the public, contact the Commission or Department staff (see below).

**Comment period.** The record will remain open until **4:30 p.m., Wednesday, October 26, 2011**, for interested persons to submit written comments about the need for the proposed project to the Administrative Law Judge. Comments must be submitted directly to Judge Heydinger at:

The Honorable Beverly Jones Heydinger  
Office of Administrative Hearings  
P.O. Box 64620  
St. Paul, Minnesota 55164-0620  
(651) 361-7900  
beverly.heydinger@state.mn.us

The Administrative Law Judge will provide the Commission with a written summary of testimony given at the hearing along with comments received during the prescribed comment period. The Commission will make a final decision on the CN application after receipt of the complete record.

**Request for Accommodation.** Any person who needs an accommodation for a disability in order to participate in the hearing, should promptly notify the Office of Administrative Hearings, P.O. Box 64620, 600 North Robert Street, St. Paul, Minnesota 55164-0620, Phone: (651) 361-7900 (voice) or (651) 361-7878 (TDD).

## **PROJECT DOCUMENTS AND CONTACTS**

A more detailed description of the proposed project is contained in Xcel Energy's certificate of need application. Electronic versions of the CN application and ER, as well as other documents, are available on the Commission's energy facility permitting website:

<http://energyfacilities.puc.state.mn.us/Docket.html?Id=30489>

Additionally, these documents are available on the Commission's eDockets system:

<https://www.edockets.state.mn.us/EFiling/search.jsp> (enter the year "10" and the number "694").

The CN application and ER are also available at the public libraries noted below:

- Central, 300 Nicollet Mall
- East Lake, 2727 E. Lake St.
- Franklin, 1314 E. Franklin Ave.
- Roosevelt, 4026 28th Ave. S.
- Hosmer, 347 E. 36th St.
- Nokomis, 5100 34th Ave S

**Project Contacts.** The Department has designated staff member Bill Storm (651-296-9535, [bill.storm@state.mn.us](mailto:bill.storm@state.mn.us)) as State Permit Manager. Mr. Storm may be contacted in writing at: Department of Commerce, Division of Energy Resources, 85 7<sup>th</sup> Place East, Suite 500, St. Paul, MN 55101-2198.

**Public Utilities Commission.** If you would like additional information about the CN process or Commission practice and procedure, please contact Commission staff member Bret Eknes (651-201-2236, Fax: 651-297-7073, [bret.eknes@state.mn.us](mailto:bret.eknes@state.mn.us)). Mr. Eknes may be contacted in writing at: Minnesota Public Utilities Commission, 121 7th Place E., Suite 350, St. Paul, MN 55101-2147.

**Xcel Energy.** Information about this project is available from Xcel Energy. You can direct questions to Paul Lehman (612-330-7529, [paul.lehman@xcelenergy.com](mailto:paul.lehman@xcelenergy.com)). Mr. Lehman may be contacted in writing at: Xcel Energy, 414 Nicollet Mall, (MP 8), Minneapolis, MN 55401.

This document can be made available in alternative formats (i.e., large print or audio) 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.

I:\EQB\Power Plant Siting\Transmission\Projects - Active\Xcel Hiawatha - CON\Notice\FINAL Public Hearing & ER Notice (publish).docx