



**Energy Facility Permitting**  
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March 13, 2012

Dr. Burl W. Haar  
Executive Secretary  
Minnesota Public Utilities Commission  
121 7<sup>th</sup> Place East, Suite 350  
St. Paul, MN 55101-2147

**RE: Comments and Recommendations of Department of Commerce  
Energy Facility Permitting Staff  
Docket No. E002/TL-11-795**

Dear Dr. Haar,

Attached are comments and recommendations of Department of Commerce, Energy Facility Permitting (EFP) staff in the following matter:

In the Matter of the Route Permit Application by Northern States Power Company for the Black Dog to Savage 115 kV Transmission Line Project in Dakota County, Minnesota.

The petition was filed on February 14, 2012 by:

Timothy G. Rogers  
Xcel Energy  
414 Nicollet Mall  
Minneapolis, MN 55401

EFP staff recommends acceptance of the route permit application as complete. Staff is available to answer any questions the Commission may have.

Sincerely,

A handwritten signature in black ink that reads 'Ray Kirsch'. The signature is written in a cursive, flowing style.

Ray Kirsch  
DOC EFP Staff

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**BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION**

**COMMENTS AND RECOMMENDATIONS OF  
MINNESOTA DEPARTMENT OF COMMERCE  
ENERGY FACILITY PERMITTING STAFF**

DOCKET NO. E002/TL-11-795

Meeting Date: March 22, 2012

Agenda Item # \_\_\_\_\_

Company: Northern States Power Company (Xcel Energy)

Docket No. E002/TL-11-795

**In the Matter of the Route Permit Application by Northern States Power Company for the Black Dog to Savage 115 kV Transmission Line Project in Dakota County, Minnesota**

Issue(s): Should the Commission accept or reject the application as substantially complete? If accepted, should the Commission authorize the Department to appoint a public advisor and an advisory task force?

EFP Staff: Ray Kirsch.....651-296-7588

**Relevant Document(s)**

Notice of Intent Letter.....August 1, 2011  
Route Permit Application.....February 14, 2012

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

This document can be made available in alternative formats (i.e., large print or audio) by calling 651-296-0391 (voice). Persons with hearing or speech disabilities may call us through Minnesota Relay at 1-800-627-3529 or by dialing 711.

## **Documents Attached**

### 1. Project Overview Map

Additional documents and information can be found on eDockets:

<https://www.edockets.state.mn.us/EFiling/search.jsp> (11-795) and the Commission's energy facilities permitting website: <http://energyfacilities.puc.state.mn.us/Docket.html?Id=32529>.

## **Statement of the Issues**

Should the Commission accept or reject the application as substantially complete? If accepted, should the Commission authorize the Department to appoint a public advisor and an advisory task force?

## **Introduction and Background**

On February 14, 2012, Northern States Power Company (Xcel Energy) filed a route permit application under the alternative permitting process to replace two existing 115 kV transmission lines with a new double circuit 115 kV line, approximately 4.2 miles in length miles, in Dakota County, Minnesota. The project will remove the two existing 115 kV lines from Black Dog Lake and will reroute the line to facilitate a limestone quarry reclamation project (see attached map).

### ***Project Purpose***

Xcel Energy indicates in its route permit application that the project is needed to replace aging and deteriorating wooden poles, and to meet North American Electric Reliability Corporation (NERC) reliability requirements. The existing poles on the eastern end of the project are over 50 years old, are in or very near Black Dog Lake, and have suffered extensive rotting and bird damage. Additionally, one of the existing lines (Line 0844) does not meet NERC reliability standards and will overload if there is a circuit breaker fault at Xcel Energy's Wilton substation.

### ***Project Description***

Xcel Energy proposes to remove two existing 115 kV transmission lines and to replace them with a new 4.2 mile long, double circuit 115 kV line. On the eastern end of the project (east of Interstate 35W, I-35W), the existing 115 kV lines run in and across Black Dog Lake. The new double circuit line will remove the existing lines from the lake. On the western end of the project (west of I-35W), the existing lines cross an active limestone quarry. To facilitate continued operation of the quarry and its potential use, when closed, by the city of Burnsville, the new double circuit line will remove the existing lines from the quarry.

Xcel Energy is requesting a 750 foot route width east of I-35W and a 400 foot route width west of I-35W. Xcel Energy is proposing a right-of-way of 100 feet for the entire length of the new double circuit line. The western terminus of the new line is proposed to be structure 31A, just east of the Savage substation. The eastern terminus is the Black Dog substation, at the Black

Dog generating plant. As part of the project, Xcel Energy proposes to rebuild the existing 115 kV lines (approximately 0.4 miles long) that facilitate connection to the Black Dog substation.

## **Regulatory Process and Procedures**

In Minnesota, no person may construct a high voltage transmission line (HVTL) without a route permit from the Commission (Minnesota Statute 216E.03). A high voltage transmission line is defined as a conductor of electric energy designed for and capable of operation at a voltage of 100 kV or more and greater than 1,500 feet in length (Minnesota Statute 216E.01). The proposed project will consist of approximately 4.6 miles of new 115 kV transmission line and therefore requires a route permit from the Commission.

The voltage of the new transmission line will be less than 200 kV, its length less than ten miles, and it will not cross a state border. Thus, a certificate of need is not required for the project (Minnesota Statute 216B.2421).

### ***Route Permit Application and Acceptance***

In accordance with Minnesota Rule 7850.2800, applicants intending to submit a project under the Commission's alternative permitting process for transmission lines are required to provide a 10-day advance notice of this intent to the Commission before submitting their route permit application. On August 1, 2011, Xcel Energy filed a letter with the Commission indicating its intent to submit a route permit application for the Black Dog to Savage 115 kV project under the alternative permitting process.

On February 14, 2012, Xcel Energy filed a route permit application under the alternative permitting process for the Black Dog to Savage 115 kV project. As the voltage of the new transmission line will be between 100 and 200 kV, the project qualifies for the Commission's alternative permitting process (Minnesota Rule 7850.2800).

Route permit applications for HVTLs must provide specific information about the proposed project including, but not limited to, applicant information, route description, and potential environmental impacts and mitigation measures (Minnesota Rule 7850.3100). Review under the alternative permitting process does not require the applicant to propose alternative routes in the permit application. However, if the applicant has evaluated and rejected alternative routes they must include these and the reasons for rejecting them in the route permit application (Minnesota Rule 7850.3100).

The Commission may accept an application as complete, reject an application and require additional information to be submitted, or accept an application as complete upon filing of supplemental information (Minnesota Rule 7850.2000). The environmental review and permitting process begins on the date the Commission determines that a route permit application is complete (Minnesota Rule 7850.2000); the Commission has six months from the date of this determination to reach a route permit decision (Minnesota Rule 7850.3900).

### ***Environmental Review***

Applications for HVTL route permits are subject to environmental review conducted by EFP staff (Minnesota Rule 7850.3700). Projects proceeding under the alternative permitting process require the preparation of an environmental assessment (EA). An EA is a document which describes the potential human and environmental impacts of the proposed project and potential mitigative measures. Staff will provide notice and conduct a public information and scoping meeting to solicit public comments on the scope of the EA. The Department of Commerce determines the scope of the EA. The Department may include alternative routes suggested by the public in the scope of the EA if such alternatives will assist in the Commission's decision on the route permit. The EA will be completed and made available prior to the public hearing for the project.

### ***Public Hearing***

Applications for HVTL route permits under the alternative permitting process require a public hearing upon completion of the environmental assessment (Minnesota Rule 7850.3800). The hearing would be conducted in the project area and in accordance with the procedures provided in Minnesota Rule 7850.3800.

### ***Public Advisor***

Upon acceptance of an application for a route permit, the Commission must designate a staff person to act as the public advisor on the project (Minnesota Rule 7850.3400). The public advisor is available to answer questions from the public about the permitting process. In this role, the public advisor may not act as an advocate on behalf of any person. The Commission may authorize the Department of Commerce to name an EFP staff person as public advisor or the Commission may designate a Commission staff member as public advisor.

### ***Advisory Task Force***

The Commission may appoint an advisory task force as an aid to the environmental review process (Minnesota Statute 216E.08). An advisory task force must, at a minimum, include representatives of local governmental units in the project area. A task force assists EFP staff with identifying alternative sites or routes for the project and specific impacts to be evaluated in the EA. A task force expires upon issuance of the EA scoping decision by the Department.

The Commission is not required to appoint an advisory task force for every project. In the event that the Commission does not name a task force, citizens may request appointment of a task force (Minnesota Rule 7850.3600). If such a request were made, the Commission would then need to determine at a subsequent meeting if a task force should be appointed or not.

The decision whether to appoint an advisory task force does not need to be made at the time of application acceptance; however, it should be made as soon as practicable to ensure its charge can be completed prior to the EA scoping decision by the Department.

## DOC EFP Staff Analysis and Comments

EFP staff has conferred with Xcel Energy staff about the Black Dog to Savage 115 kV project and has reviewed a draft route permit application. EFP staff believes that staff comments on the draft application have been addressed in the route permit application submitted to the Commission. Staff believes that the application meets the content requirements of Minnesota Rule 7850.3100 and is complete. The Commission's acceptance of the application will allow EFP staff to commence and conduct the public participation and environmental review process.

### *Advisory Task Force*

EFP staff has analyzed the merits of establishing an advisory task force for the Black Dog to Savage 115 kV project. Staff concludes that a task force is not warranted for this project.

In analyzing the need for an advisory task force for the project, EFP staff considered four characteristics: project size, project complexity, known or anticipated controversy, and sensitive resources.

- **Project Size.** At approximately 4.6 miles in length, the 115 kV transmission line is one of the smaller transmission line projects to come before the Commission. In replacing two, single circuit 115 kV lines with one, double circuit line, the project is reducing the size and impact of existing infrastructure.
- **Project Complexity.** The Black to Savage 115 kV project is relatively straightforward. The project is a replacement of existing 115 kV lines on a new route which is designed to minimize current and future impacts of the lines.
- **Known or Anticipated Controversy.** EFP staff anticipates a relatively low level of controversy with this project. There are 17 landowners along the proposed route; there are no residences within 1000 ft. of the proposed route centerline. The project is wholly within the city of Burnsville. Xcel Energy has consulted extensively with Dakota County, the city of Burnsville, and state and federal agencies regarding the project. EFP staff has received no comments on the project to date.
- **Sensitive Resources.** Impacts to ecologically sensitive resources could occur with the project but it is anticipated that such impacts can be avoided and mitigated. The project area is part of the Minnesota Valley National Wildlife Refuge. The project area east of I-35W consists primarily of wetland and waterbodies. The U.S. Fish and Wildlife Service has identified two federally listed endangered species in the project area. The Minnesota Department of Natural Resources indicates that there are three rare species in the project area as well as calcareous fens. Xcel Energy has conferred with these agencies and has proposed a route for the project that is designed to avoid these sensitive resources.

Based on the above analysis, as well as the agency comments documented in the application, EFP staff believes that an advisory task force is not warranted for the Black Dog to Savage 115 kV project. The alternative permitting process provides adequate opportunities for citizens to

identify issues and route alternatives to be addressed in the EA. EFP staff will assist citizens and governmental units in understanding the routing process and identifying opportunities for participation. Therefore, the EFP staff recommendation is to take no action on a task force at this time.

## **Commission Decision Options**

### **A. Application Acceptance**

1. Accept the Xcel Energy route permit application for the Black Dog to Savage 115 kV transmission line project as complete, and authorize EFP staff to process the application under the alternative permitting process pursuant to Minnesota Rules 7850.2800 to 7850.3900.
2. Reject the route permit application as incomplete and issue an order indicating the specific deficiencies to be remedied before the application can be accepted.
3. Find the route permit application complete upon the submission of supplementary information.
4. Make another decision deemed more appropriate.

### **B. Public Advisor**

1. Authorize EFP staff to name a public advisor in this case.
2. Appoint a Commission staff person as public advisor.
3. Make another decision deemed more appropriate.

### **C. Advisory Task Force**

1. Authorize EFP staff to establish an advisory task force with a proposed structure and charge for the task force.
2. Determine that based on the available information an advisory task force is not necessary at this time.
3. Make another decision deemed more appropriate.

**DOC EFP Staff Recommendation:** Options A1, B1, and C2.

# Project Overview Map

Black Dog to Savage 115 kV Transmission Line Project, E002/TL-11-795

