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January 24, 2013

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  
PUC Docket No. E002/TL-11-795  
OAH Docket No. 11-2500-22932-2

Dear Dr. Haar,

Attached are exceptions of Department of Commerce, Energy Facility Permitting (EFP) staff to the administrative law judge's report 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 route permit application was filed on February 14, 2012, by:

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

EFP staff's filing includes a proposed permit for the project. EFP staff's proposed permit is based on the report of the administrative law judge and the record to date. EFP staff will review any exceptions filed to the administrative law judge's report, and may submit additional comments to the Commission, if such exceptions suggest a need for revisions to the proposed permit. Such comments can be filed within one week of the close of the exceptions period, or, if the Commission prefers, can be presented orally to the Commission at its meeting on this matter. 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

Date: January 24, 2013

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

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#### **In the Matter of the Route Permit Application for the Black Dog to Savage 115 kV Transmission Line Project in Dakota County, Minnesota**

**Issues Addressed:** These comments and recommendations provide a proposed permit for the project, a discussion of proposed permit conditions, and exceptions to the administrative law judge's report in this matter.

**Documents Attached:**  
(1) Proposed Route Permit

Additional documents and information can be found on eDockets:  
<https://www.edockets.state.mn.us/EFiling/search.jsp> (11-795) and on the Department's energy facilities permitting website: <http://mn.gov/commerce/energyfacilities/Docket.html?Id=32529>.

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### **Introduction and Background**

On February 14, 2012, Northern States Power Company (Xcel Energy or applicant) 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.<sup>1</sup> On December 7, 2011, the Commission found the application complete and authorized Department of Commerce, Energy Facility Permitting

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<sup>1</sup> Northern States Power Company Application to the Minnesota Public Utilities Commission for a Route Permit, Rebuild of Transmission Line 0844 and 0861 Project, February 14, 2012, eDockets Numbers [20122-71490-01](#), [20122-71490-02](#), [20122-71490-03](#), [20122-71490-04](#) [hereafter Route Permit Application].

(EFP) staff to process the application under the alternative permitting process pursuant to Minnesota Rules 7850.2800 to 7850.3900.<sup>2</sup>

Following a scoping meeting and public comment period, the Deputy Commissioner of the Department of Commerce issued a scoping decision for the project.<sup>3</sup> An environmental assessment (EA) for the project was issued on August 15, 2012.<sup>4</sup> On September 11, 2012, administrative law judge Barbara Neilson conducted a public hearing for project.<sup>5</sup> On January 10, 2013, Judge Neilson issued her report for the project including findings of fact, conclusions, and recommendations (ALJ Report).<sup>6</sup> The ALJ report recommended the issuance of a permit to the applicant with a designated route, an anticipated alignment, and specific mitigation measures.<sup>7</sup>

## **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 applicant's 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).

The Power Plant Siting Act (PPSA) requires that the Commission's route permit determinations "be guided by the state's goals to conserve resources, minimize environmental impacts, minimize human settlement and other land use conflicts, and ensure the state's electric energy security through efficient, cost-effective power supply and electric transmission infrastructure."<sup>8</sup> Minnesota Statute Section 216E.03, subdivision 7(b) identifies 12 factors to guide Commission route designations, including the evaluation and minimization of adverse environmental impacts, impacts to public health and welfare, and adverse economic impacts. The Commission is also guided by Minnesota Rule 7850.4100 which establishes factors to be considered in determining whether to issue a route permit.

The ALJ Report applies the above noted statutory and rule factors to the applicant's proposed project and the record to date, and presents findings of fact, conclusions, and recommendations.

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<sup>2</sup> Commission Order Accepting Application as Complete, eDockets Number [20123-72887-01](#).

<sup>3</sup> Scoping Decision for Environmental Assessment, eDockets Number [20125-74742-01](#).

<sup>4</sup> Environmental Assessment, eDockets Numbers [20128-77883-01](#), [20128-77883-02](#) [hereafter EA].

<sup>5</sup> Notice of Public Hearing and Availability of Environmental Assessment, eDockets Number [20128-77906-01](#).

<sup>6</sup> Administrative Law Judge's Findings of Fact, Conclusions, and Recommendation, OAH Docket No. 11-2500-22932-2, Commission Docket No. E002/TL-11-795, January 10, 2013, eDockets Number [20131-82594-01](#) [hereafter ALJ Report].

<sup>7</sup> ALJ Report Recommendations.

<sup>8</sup> Minnesota Statute 261E.03, Subd. 7(a).

The Commission may accept, modify, or reject the ALJ report.<sup>9</sup> The report has no legal effect unless expressly adopted by the Commission.<sup>10</sup> The Commission shall impose such conditions in a route permit as are appropriate for the project and supported by the record.<sup>11</sup>

## **EFP Staff Analysis and Comments**

EFP staff comments are presented here in two parts – (1) EFP staff’s proposed permit and permit conditions, and (2) exceptions to the ALJ report.

### ***Proposed Permit and Permit Conditions***

Based on the ALJ report and the record to date, EFP staff has developed a proposed permit for the project (attached). The proposed permit includes conditions supported by the record and identified and recommended in the ALJ report. These comments discuss the proposed permit in the context of the ALJ report and with respect to the public hearing comments of three commenters – the Minnesota Department of Natural Resources, the city of Burnsville, and Dakota County.<sup>12</sup>

### **ALJ Report**

The ALJ report recommends issuing a route permit to the applicant with the following conditions:

With a route, route width, and anticipated alignment as described herein and depicted in Maps B-2 to B-9 of the Environmental Assessment, between the Black Dog Power Plant and the Savage Substation in the City of Burnsville, that further requires implementation of the mitigating measures set forth in Findings of Fact 90, 101, 103, 116, 147, 155, 176, 186, 197, and 204, and consultation with the City in accordance with Finding 166 and attached Memorandum.<sup>13</sup>

EFP staff’s proposed permit includes the route, route width, and anticipated alignment as described in the ALJ report and depicted in the environmental assessment. The route, route width, and anticipated alignment are depicted on the route permit maps and are described in Section 3 of the permit.

The mitigation strategies identified in the ALJ report and their inclusion in the proposed route permit are summarized in Table 1 below. EFP staff believes the proposed permit appropriately captures the conditions and mitigation strategies identified in the ALJ report.

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<sup>9</sup> ALJ Report Notice.

<sup>10</sup> Id.

<sup>11</sup> Minnesota Rule 7850.4600, Subp. 1.

<sup>12</sup> Hearing comments were also received from a fourth commenter, the Metropolitan Council. However, the Council raised no issues with the project and requested no permit conditions. See, Metropolitan Council Letter to the Honorable Barbara Neilson, September 27, 2012, eDockets Number [201210-79362-01](#); ALJ Report Finding 72.

<sup>13</sup> ALJ Report Recommendations.

**Table 1 – ALJ Report Mitigation Strategies**

<b>ALJ Report Finding</b>	<b>Mitigation Strategy / Recommendation</b>	<b>Inclusion in Route Permit</b>
90	Minimizing aesthetic impacts by limiting vegetation removal, replanting, using appropriate structure heights and finishes, and using specialized davit arms for the western end of the project.	Sections 4.2.5, 4.2.6, 5.6.2, and 2.3
101 <sup>14</sup>	The use arch-shaped architectural structures (N-structures) is not warranted on the western end of the project. The use of specialized davit arms, after consultation with the City of Burnsville, is an appropriate mitigation strategy.	Section 2.3
103	Use of weathering steel structures to mitigate aesthetic impacts.	Section 2.3
116	Potential impacts to recreation and tourism can be mitigated by those strategies appropriate for mitigating aesthetic impacts.	Sections 4.2.5, 4.2.6, 5.6.2, and 2.3
147	Mitigating impacts to surface waters and groundwater by minimizing soil disturbance, employing best management practices, minimizing discharges to waters, and stabilizing disturbed soils.	Sections 4.2.7, 4.2.8, and 4.2.10
155	Mitigating impacts to wetlands by avoiding them, use existing roads, crossing wetlands when frozen, using stabilization mats, and placing assembly areas outside of wetlands.	Sections 4.2.8 and 4.2.9
176 <sup>15</sup>	Minimizing impacts to flora by avoiding high value plant communities, following existing infrastructure, selective plant removal, fall and winter construction, avoiding the introduction of invasive species, and replanting disturbed soils.	Sections 3, 4.2.5, 5.5, 5.6.2, and 4.2.10
186	Minimizing impacts to fauna by using structures that place conductors in a horizontal configuration (e.g., delta structures), using appropriate conductor spacing, using swan flight diverters, and using treed areas to divert bird flights.	Sections 2.3, 4.10, and 5.1.

<sup>14</sup> See also ALJ Report Memorandum, p.49.

<sup>15</sup> Id.

<b>ALJ Report Finding</b>	<b>Mitigation Strategy / Recommendation</b>	<b>Inclusion in Route Permit</b>
197	Mitigating impacts to rare and unique fauna by avoiding high value habitat, fall and winter construction, following all Department of Natural Resources recommendations regarding the protection of Blanding's turtles, using wildlife friendly erosion control mesh, avoiding wetlands, avoiding avian impacts, using mechanical vegetation management, and developing and implementing an invasive species management plan.	Sections 3, 4.2.5, 4.2.8, 5.1, 5.2, 5.3, and 5.5
204	Mitigating impacts to rare and unique flora by those measures protective of wetlands and by requiring that construction in Seepage Meadow/Carr plant communities occur only when the ground is frozen.	Sections 4.2.8, 4.2.9, and 5.4.
166 <sup>16</sup>	Applicant consultation with the city of Burnsville concerning floodplain and shoreland requirements.	Section 5.6.1

**Minnesota Department of Natural Resources**

The Minnesota Department of Natural Resources (DNR) suggested several mitigation strategies for minimizing potential impacts to natural resources that may result from the project.<sup>17</sup> These strategies and their inclusion in the proposed permit are summarized in Table 2 below.

**Table 2 – Minnesota Department of Natural Resources (DNR)**

<b>Mitigation Strategy / Recommendation</b>	<b>Inclusion in Route Permit</b>
Recommended that construction in Seepage Meadow/Carr plant communities occur only when the ground is frozen.	Section 5.4
Use all DNR recommended strategies for the protection of Blanding's turtles.	Section 5.2
Use wildlife friendly erosion control mesh in project areas that are likely to include amphibians.	Section 5.3
Develop and use an invasive species management plan for the project.	Section 5.4

<sup>16</sup> See also ALJ Report Memorandum, p. 50-51.

<sup>17</sup> Minnesota Department of Natural Resources Letter to the Honorable Barbara Neilson, September 28, 2012, eDockets Numbers [20129-79074-01](#), [20129-79074-02](#), [20129-79074-03](#) [hereafter DNR Public Hearing Comment Letter]; ALJ Report Finding 69.

Mitigation Strategy / Recommendation	Inclusion in Route Permit
Encouraged the applicant to coordinate with the city of Burnsville so that the city could properly administer and enforce floodplain and shoreland requirements.	Section 5.6.1
Recommended that flight diverters be used for the project east of Interstate 35 West (I-35W) and in other areas of the route where “trees are not located adjacent to the transmission line or of adequate height to divert flights.” <sup>18</sup>	Section 5.1

The ALJ report found it “reasonable and appropriate to require that construction of the project [in Seepage Meadow/Carr plant communities] occur only when the ground is frozen.”<sup>19</sup> The applicant has indicated that it will attempt to construct the project during the winter construction season; however, if this is not possible, the applicant proposes to use construction mats to minimize impacts to Seepage Meadow/Carr plant communities.<sup>20</sup> The proposed permit incorporates the winter construction requirement of the ALJ report (Section 5.4).

The ALJ report notes the record suggests that the use of bird flight diverters should not be limited to the eastern end of the project.<sup>21</sup> In the environmental assessment, the applicant has indicated that it is willing to install flight diverters along the entire length of the project excepting that section crossing I-35W.<sup>22</sup> Accordingly, the proposed permit requires the placement of flight diverters along the entire length of the project (Section 5.1).

**City of Burnsville**

The city of Burnsville (city) made several recommendations for the project, including permit conditions.<sup>23</sup> These recommendations and their inclusion in the proposed permit are summarized in Table 3 below.

**Table 3 – City of Burnsville**

Mitigation Strategy / Recommendation	Inclusion in Route Permit
Requested that review of the project for compliance with shoreland and floodplain requirements be done by the city or DNR as a condition of permitting.	Section 5.6.1

<sup>18</sup> Minnesota Department of Natural Resources Scoping Comment Letter, May 4, 2012, eDockets Number [20125-74535-02](#); ALJ Report Finding 68.

<sup>19</sup> ALJ Report Finding 204.

<sup>20</sup> Northern State Power Company Post Hearing Brief, October 19, 2012, eDockets Number [201210-79754-02](#), p. 19; ALJ Report Finding 200.

<sup>21</sup> ALJ Report Finding 185.

<sup>22</sup> ALJ Report Finding 184.

<sup>23</sup> City of Burnsville Letter to the Honorable Barbara L. Neilson, September 28, 2012, eDockets Number [201210-79147-01](#) [hereafter Burnsville Public Hearing Comment Letter]; ALJ Report Finding 59.

<b>Mitigation Strategy / Recommendation</b>	<b>Inclusion in Route Permit</b>
Use self-weathering steel poles for the project.	Section 2.3
Amend the EA to indicate location of line with respect to existing rights-of-way.	Not included in route permit.
Use arch-shaped structure (N-structures) for the crossing of I-35W (structures 19 and 20), and utilize specialized davit arms for structures west of I-35W.	Section 2.3
Requested that the project use the narrowest possible right-of-way for the project, and requested that this width be 50 feet.	Partially included in route permit; Section 3.1.
Requested that the applicant provide the city with copies of any easements for the project prior to construction.	Not included in route permit.
Requested that transmission line poles be setback at least 48 feet from the city's planned roadway surface for Golf Drive.	Section 3.1
Requested a diagram of the 115 kV double circuit line, on davit arm structures, with a distribution line underbuilt.	Provided by the applicant. <sup>24</sup>
Requested that the applicant coordinate with the city regarding the types and locations of vegetation that will be removed for the project.	Section 5.6.2
Requested that the city be allowed to review plan and profile drawings before they are finalized.	Section 5.6.3
Requested that the applicant coordinate with the city on the application of the Wetlands Conservation Act to the project.	Section 5.6.4
Requested that the applicant be required to reimburse the city for expenses incurred in reviewing the route permit application for the project.	Not included in route permit.

The ALJ report indicates that arch-shaped structures (N-structures) for the western end of the project are not warranted in light of their higher cost, larger footprint, and constructability concerns.<sup>25</sup> This said, the applicant has indicated that it is willing to use N-structures for the crossing of I-35W in an attempt to minimize aesthetic impacts of this crossing.<sup>26</sup> Accordingly,

<sup>24</sup> ALJ Report Memorandum, p. 49.

<sup>25</sup> ALJ Report Finding 101.

<sup>26</sup> Northern States Power Company Proposed Findings of Fact, Conclusions of Law, and Recommendations, October 19, 2012, Proposed Finding 92, eDockets Number [201210-79754-03](https://www.ewdockets.com/CaseDetails.aspx?CaseID=201210-79754-03).

the proposed permit indicates the use of N-structures for the crossing of I-35W (structures 19 and 20) (Section 2.3).

The city requested that the right-of-way for the project be as narrow as possible and defined this limit as 50 feet.<sup>27</sup> The applicant asserts that 100 feet is the necessary right-of-way for the project, and further suggests that a reduction in right-of-way will, in order to remain in compliance with National Electric Safety Code (NESC) standards, require a reduction in the span between structures which would greatly increase aesthetic impacts.<sup>28</sup> EFP staff believes that the appropriate right-of-way width is 100 feet. This is the distance which best facilitates compliance with NESC standards and minimizes aesthetic impacts. To the extent that the city is concerned that a 100 foot right-of-way will result in undesirable vegetation clearing, the proposed permit requires that the applicant confer with the city on vegetation removal before any such removal occurs (Section 5.6.2). Accordingly, the proposed permit indicates a right-of-way width for the project of 100 feet (Section 3.3).<sup>29</sup>

The city requested that the applicant provide the city with copies of any easements prior to construction.<sup>30</sup> EFP staff is unaware of any authority for requiring the applicant to provide copies of easement agreements with landowners to the city as part of a Commission proceeding. EFP staff believes that the city will be able to view these easements when they are recorded in the appropriate property records system. Accordingly, this request of the city is not included in the proposed permit.

The city requested that the applicant be required to reimburse the city for expenses incurred in reviewing the route permit application for the project.<sup>31</sup> In her report, Judge Neilson indicated that she is “not aware of any authority for requiring such reimbursement...as part of a Commission proceeding.”<sup>32</sup> Thus, this request of the city is not included in the proposed permit.

### **Dakota County**

Dakota County (county) made several recommendations for the project, including permit conditions.<sup>33</sup> These recommendations and their inclusion in the proposed route permit are summarized in Table 4 below.

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<sup>27</sup> ALJ Report Finding 59 and Memorandum p. 49-50.

<sup>28</sup> ALJ Report Memorandum p. 49-50.

<sup>29</sup> The inclusion of a right-of-way width in the proposed permit does not mean that the applicant must utilize this entire width for the length of the project; it is a maximum width. See ALJ Report Finding 108. The applicant may, in consultation with the city and other landowners, be able to reduce the right-of-way width in specific areas. This reduction may require tradeoffs (e.g., shorter spans), but these tradeoffs can be accommodated under the permit. Consultation between the applicant and the city regarding the plan and profile for the project is required under the proposed permit (Section 5.6.3).

<sup>30</sup> ALJ Report 59.

<sup>31</sup> Id.

<sup>32</sup> ALJ Report Memorandum, p. 50.

<sup>33</sup> Dakota County Letter to the Honorable Barbara Neilson, September 27, 2012, eDockets Number [201210-79147-01](#) [hereafter Dakota County Public Hearing Comment Letter]; ALJ Report Findings 60-61.

**Table 4 – Dakota County**

<b>Mitigation Strategy / Recommendation</b>	<b>Inclusion in Route Permit</b>
Requested that the applicant consult with the county and city regarding the planned regional greenway trail along Black Dog Road.	Section 5.8
Requested that the applicant consult with the county, city, and the Minnesota Department of Transportation regarding the placement of structures at the crossing of I-35W. <sup>34</sup>	Section 5.9
Requested that the applicant consult with the county if the applicant identifies dump sites, fill sites, or solid or hazardous waste during construction of the project.	Section 5.7

***Exceptions to the ALJ Report***

EFP staff has reviewed the ALJ report and has one exception to the report – a recommended edit to Finding 22.

Finding 22 of the ALJ report reads as follows:

22. Dakota County and the City of Burnsville are also partners in a planned regional greenway trail in the Project Area. The trail is part of Dakota County’s Minnesota River Greenway Regional Trail, which is a component of the regional parks system overseen by the Metropolitan Council. The foot/bike trail is proposed to run along the golf course eastward to the smaller city park on Quarry Lake, and continue eastward along the Minnesota River to the larger riverfront park and then connect, under I-35W, with Black Dog Road. From this point, visitors could continue on to Cliff Fen Park (via an existing trail) or along Black Dog Road (via a proposed future trail). A future foot/bike trail along Black Dog Road could use the existing roadway or could be placed adjacent to the roadway. Future foot/bike trails may also be placed along 118th Street and Golf Drive to facilitate non-motorized access to Quarry Lake and city parks. In the portion of the Project Area west of I-35W, the planned foot/bike is anticipated to run south of Black Dog Road and north of the Proposed Route.

EFP staff recommends editing the last sentence of the finding. Black Dog Road is east of I-35W, not west. Additionally, the location of the foot/bike trail should be compared to the anticipated alignment rather than the proposed route, since the route has a route width of 750 feet east of I-35W. EFP staff recommends the following as the final sentence of the finding:

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<sup>34</sup> See also ALJ Report Finding 65.

In the portion of the Project Area ~~west~~ east of I-35W, the planned foot/bike trail is anticipated to run south of Black Dog Road and north of the ~~Proposed Route~~ anticipated alignment for the Project.

### **EFP Staff Recommendation**

EFP staff recommends that the Commission issue a route permit for the Black Dog to Savage 115 kV transmission line project to the applicant with a designated route, an anticipated alignment, and permit conditions as described in the attached proposed permit.

**STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION**

**ROUTE PERMIT FOR CONSTRUCTION OF A HIGH-VOLTAGE TRANSMISSION  
LINE AND ASSOCIATED FACILITIES**

**IN DAKOTA COUNTY**

**ISSUED TO  
NORTHERN STATES POWER COMPANY, A MINNESOTA CORPORATION**

**PUC DOCKET NO. E002/TL-11-795**

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

**NORTHERN STATES POWER COMPANY, A MINNESOTA CORPORATION**

Northern States Power Company, a Minnesota corporation is authorized by this route permit to construct approximately 4.2 miles of new 115 kilovolt (kV) double circuit transmission line and to remove two existing 115 kV single circuit transmission lines in Dakota County, Minnesota.

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

Approved and adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2013

BY ORDER OF THE COMMISSION

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Burl W. Haar,  
Executive Secretary

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**ATTACHMENTS**

Compliance Filing Procedures for High Voltage Transmission Lines

Permit Compliance Filings

Complaint Handling Procedures for High Voltage Transmission Lines

**ROUTE MAPS**

## **1 ROUTE PERMIT**

The Minnesota Public Utilities Commission (Commission) hereby issues this route permit to Northern States Power Company, a Minnesota corporation (permittee or Xcel Energy) pursuant to Minnesota Statute 216E.03 and Minnesota Rule 7850. This permit authorizes the permittee to construct approximately 4.2 miles of new 115 kV double circuit transmission line and associated facilities in Dakota County, Minnesota, as identified in the attached route permit maps, hereby incorporated into this document.

## **2 PROJECT DESCRIPTION**

The permittee is authorized to construct a new 115 kV double circuit transmission line, as a replacement for two existing 115 kV single circuit transmission lines (Xcel Energy lines 0844 and 0861), and associated facilities, described as follows:

- Construction of a new 115 kV double circuit transmission line, approximately 4.2 miles in length, from the Black Dog substation (the substation directly adjacent to the Black Dog generating plant) to structure 31A, just east of the Savage substation;
- Construction of two new 115 kV single circuit transmission lines, approximately 0.4 miles in length, to facilitate connection of the new 115 kV double circuit line to the Black Dog substation;
- Reconductoring of one 115 kV single circuit transmission line (Xcel Energy line 0844) between structure 36 and the Savage substation; and
- Removal of the two existing 115 kV single circuit transmission lines (Xcel Energy lines 0844 and 0861) which currently connect the Black Dog substation and structure 31A.

### **2.1 Project Location**

The project is located in the city of Burnsville in Dakota County, Minnesota. The project is located in Sections 22, 23, 27, 28, 32, 33, and 34 of Township 27 North, Range 24 West.

### **2.2 Associated Facilities and Substations**

No new or modified facilities or substations are required for the project. Access to the Black Dog substation and the Savage substation will be required for the connection of transmission lines to existing substation infrastructure.

### **2.3 Structures and Conductors**

The permittee shall use steel, self-weathering, monopole structures for the project. For the 115 kV single circuit transmission lines, the permittee shall use Y-frame structures. For the 115 kV double circuit transmission line, the permittee shall use delta structures for that portion of the line east of Interstate 35 West (I-35W), and davit arm structures for that portion of the line west of I-35W. For the crossing of I-35W (structures 19 and 20), the permittee shall use specialty arch-shaped structures (N-structures).

For that section of the line west of I-35W where the permittee uses davit arm structures, the permittee shall use specialized davit arms. The permittee shall confer with the city of Burnsville as to the davit arm shape for these structures and shall use a shape which is agreeable to the city and the permittee for this section of the line.

The permittee shall underbuild or place underground the existing distribution line that runs along the western end of 118th St. and along Golf Drive.

The conductor for all new transmission lines and reconductoring shall be 795 26/7 aluminum conductor steel supported (ACSS) or its equivalent.

All transmission lines shall be equipped with protective devices to safeguard the public if an accident occurs.

All transmission lines shall be designed to meet or exceed local and state codes, the National Electric Safety Code (NESC), and North American Electric Reliability Corporation (NERC) requirements. This includes standards relating to clearance to ground, clearance to crossing utilities, clearance to buildings, clearance to vegetation, strength of materials, clearances over roadways, right-of-way widths, and permit requirements.

The permittee shall confer with the Minnesota Department of Transportation (MnDOT) as to the proper clearance for the new 115 kV double circuit line over I-35W and shall meet or exceed all clearance requirements.

### **3 DESIGNATED ROUTE**

The designated route and anticipated alignment are shown on the route maps attached to this permit and further described as follows:

Two new 115 kV single circuit transmission lines would exit the Black Dog substation proceeding westward approximately 0.4 miles, where these lines would join on a double circuit structure. The line would then proceed, as a double circuit, westward along the northern edge of Black Dog Lake and along I-35W to a crossing of I-35W (approximately 2.4 miles). After crossing I-35W, the line would proceed westward along 118<sup>th</sup> Street and the northern edge of Kraemer quarry for approximately 1.2 miles. At the intersection of 118<sup>th</sup> Street and Golf Drive, the line would turn southward and follow Golf Drive for approximately 0.6 miles to its termination at structure 31A.

The reconductoring of Xcel Energy line 0844 would occur within the existing right-of-way and on the existing structures for the line between structure 36 and the Savage substation.

#### **3.1 Route Width and Alignment**

The designated route width for the new 115 kV double circuit transmission line shall be 750 feet for that portion of the line east of I-35W, and 400 feet for that portion of the line west of I-35W.

For that section of the route east of I-35W and along Black Dog Road, the alignment shall be at least 5 feet south of the road and the city of Burnsville's planned trail right-of-way. For that

section of the route west of I-35W and along 118<sup>th</sup> Street, the alignment shall be at least 30 feet south of the city of Burnsville's planned roadway surface. For that section of the route west of I-35W and along Golf Drive, the alignment shall be at least 48 feet east of the city of Burnsville's planned roadway surface.

In the event that geotechnical or other engineering considerations require that the alignment for the project be closer to the city of Burnsville's planned development features than noted above, the permittee shall confer with the city on a feasible alignment for the project (see Section 5.6.3, "Plan and Profile Review").

The route width noted above provides the permittee with flexibility for minor adjustments of the specific alignment or right-of-way to accommodate landowner requests and unforeseen conditions. The final alignment (i.e., permanent and maintained right-of-way) will be located within this designated route unless otherwise authorized below.

The designated route identifies an alignment that minimizes the overall potential impacts to the factors identified in Minnesota Rule 7850.4100 and which was evaluated in the environmental review and permitting process. Consequently, this permit anticipates that the transmission line right-of-way will generally conform to the alignment shown in the attached maps and described herein, unless changes are requested by individual landowners, 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, documented, 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 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, documented, 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, the requirements of this permit, and – for highways under MnDOT jurisdiction – MnDOT rules, policies, and procedures for accommodating utilities in highway rights-of-way.

### **3.3 Right-of-Way Width**

The new 115 kV double circuit transmission line will require a 100 foot right-of-way, 50 feet on each side of the transmission line centerline. Additional temporary right-of-way may be required from landowners to accommodate construction of the line.

## **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 thirty (30) 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 shall submit a plan and profile that is consistent with the Department of Commerce's Plan and Profile Guidance for Transmission Lines, [http://mn.gov/commerce/energyfacilities/documents/Plan and Profile Guidance 06142012.pdf](http://mn.gov/commerce/energyfacilities/documents/Plan%20and%20Profile%20Guidance%2006142012.pdf)

The permittee may not commence construction until the thirty (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 intend to make any significant changes in the plan and profile or the specifications and drawings after submission to the Commission, the permittee shall notify the Commission at least five (5) 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 its route permit application to the Commission, dated February 14, 2012, 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 fourteen (14) 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 permittee shall minimize any disruption to public services or public utilities. To the extent disruptions to public services occur, these would be temporary and the permittee will work to restore service promptly.

Where any impacts to utilities have the potential to occur, permittee 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 and constructing the transmission line right-of-way, specifically preserving windbreaks, shelterbelts, living snow fences, vegetation near trail and stream crossings, and vegetative screening that minimizes aesthetic impacts, to the maximum extent practicable and 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 may 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 will not pose a threat to the transmission facility or impede construction.

#### 4.2.6 Aesthetics

The permittee shall consider input pertaining to visual impacts from landowners and 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 a reasonable distance, consistent with sound engineering principles and system reliability criteria, from intersecting roads, highway, or trail crossings and may cross roads to minimize or avoid impacts.

#### 4.2.7 Erosion Control

The permittee shall follow erosion control measures outlined in Minnesota Pollution Control Agency (MPCA) guidance and best management practices regarding sediment control practice during construction, including 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 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.

If one acre or more of land is disturbed by the project or as otherwise required by the MPCA, the permittee shall prepare a 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 practicable. 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 of this permit, 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 monthly.

### **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 complaint 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 *Rights-of-Way and Easements for Energy Facility Construction and Operation* fact sheet 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, specifically the use of herbicides or other pesticides, which 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 line 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, Department of Commerce Energy Facility Permitting staff, and the Minnesota Geospatial Information Office (MnGEO) geospatial information (e.g., ArcGIS compatible map files, shapefiles) for all structures associated with the transmission line, 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 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 permits which may be required for the project 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 have not commenced construction or improvement of the route within four years after the date of issuance of this permit, the Commission shall consider suspension of the permit in accordance with Minnesota Rule 7850.4700.

### **4.9 Archeological and Historic Resources**

If any previously unrecorded archaeological sites are discovered during construction of the project, the permittee shall immediately stop work at the site and shall mark and preserve the site(s) and notify the Commission and the State Historic Preservation Office (SHPO) of the discovery. The Commission and the SHPO shall have three (3) working days from the time the agency is notified to conduct an inspection of the site if either agency chooses to do so. On the fourth day after notification, the permittee may begin work on the site unless the SHPO has directed that work shall cease. In such event, work shall not continue until the SHPO determines that construction can proceed.

If human remains are encountered during construction, the permittee shall immediately halt construction at that location and promptly notify local law enforcement authorities and the State Archaeologist. Construction at the human remains location shall not proceed until authorized by local law enforcement authorities or the State Archaeologist.

If any federal funding, permit, or license is involved or required, the permittee shall notify the SHPO as soon as possible in the planning process to coordinate section 106 (36 C.F.R. part 800) review.

Prior to construction, construction workers shall be trained about the need to avoid cultural properties, how to identify cultural properties, and procedures to follow if undocumented cultural properties, including gravesites, are found during construction.

#### **4.10 Avian Mitigation**

The permittee's transmission design shall incorporate adequate spacing of conductor(s) and grounding devices in accordance with Avian Power Line Interaction Committee standards to minimize the risk of electrocution to raptors with larger wingspans that may simultaneously come in contact with a conductor and grounding devices.

### **5 SPECIAL CONDITIONS**

Special conditions shall take precedence over other conditions of this permit if there should be a conflict between the two.

#### **5.1 Flight Diverters**

The permittee shall place bird flight diverters on the overhead static lines along the entirety of the designated route for the 115 kV double circuit transmission line and the 115 kV single circuit connecting lines, excepting that portion of the route which crosses over I-35W. Diverters shall be placed every 40 feet along a transmission line circuit (staggered every 20 feet along the double circuit transmission line).

#### **5.2 Blanding's Turtle**

The permittee shall follow the measures and recommendations for avoiding and minimizing impacts to Blanding's turtle populations as outlined in the Minnesota Department of Natural Resources' Environmental Review Fact Sheet for the Blanding's Turtle ([http://files.dnr.state.mn.us/natural\\_resources/animals/reptiles\\_amphibians/turtles/blandings\\_turtle/factsheet.pdf](http://files.dnr.state.mn.us/natural_resources/animals/reptiles_amphibians/turtles/blandings_turtle/factsheet.pdf)). Construction and maintenance personnel shall be made aware of the Blanding's turtle and its habitat during pre-construction meetings.

#### **5.3 Wildlife-friendly Erosion Control Mesh**

The permittee shall use wildlife-friendly erosion control mesh for the project.

#### **5.4 Seepage Meadow / Carr Plant Communities**

The permittee shall construct that portion of the project which contains Seepage Meadow / Carr plant communities, as this portion is identified in the environmental assessment for project, when the ground is frozen.

#### **5.5 Invasive Species Management Plan**

The permittee shall develop an invasive species management plan. The permittee shall file the plan with the Commission fourteen (14) days prior to submitting the plan and profile for the project. The purpose of the plan is to minimize the introduction of invasive species to the project area during construction and maintenance of the project. The plan shall:

- a. Document the permittee's coordination with the U.S. Fish and Wildlife Service regarding invasive species and project construction and maintenance practices.
- b. Document the permittee's coordination with the Minnesota Department of Natural Resources regarding invasive species, including the permittee's review of invasive

species best management practices provided by the Minnesota Department of Natural Resources ([www.dnr.state.mn.us/invasives/dnrlands.html](http://www.dnr.state.mn.us/invasives/dnrlands.html), <http://council.wisconsinforestry.org/invasives/transportation/>).

- c. Identify measures that the permittee will use to avoid and minimize the introduction of invasive species to the project area during construction and maintenance of the project.

## **5.6 Coordination with the City of Burnsville**

### **5.6.1 Shoreland and Floodplain Ordinances**

The permittee shall coordinate with the city of Burnsville and shall supply information required by the city concerning the project, so that the city may review the project for consistency with state and federally mandated floodplain and shoreland requirements. The permittee shall implement, to the extent practicable, those measures identified by the city during its review that would make the project most consistent with these requirements.

### **5.6.2 Vegetation Removal**

The permittee, upon completion of pre-construction surveying and prior to any vegetation removal, shall coordinate with the city of Burnsville and relate the types and locations of vegetation that will be removed for construction of the project. The permittee's coordination shall be documented and included with the permittee's plan and profile submission(s) (Section 4.1).

### **5.6.3 Plan and Profile Review**

The permittee shall consult with the city of Burnsville regarding the plan and profile drawings for the project and shall allow the city to review and comment on the drawings prior to the permittee's submission of the drawings to the Commission. The permittee shall document the city's comments and permittee's responses and shall include them with the permittee's plan and profile submission(s) (Section 4.1).

### **5.6.4 Wetlands Review**

The applicant shall coordinate with the city of Burnsville to determine the proper application of the State of Minnesota's Wetlands Conservation Act (WCA) to the project.

## **5.7 Coordination on Dump Sites, Fill Sites, and Solid or Hazardous Wastes**

The permittee shall notify Dakota County if it encounters dump sites, fill sites, or solid or hazardous waste during construction of the project. The permittee shall coordinate with the county on the management of such sites or waste, should they be encountered during construction of the project.

## **5.8 Coordination on Regional Greenway Trail**

The permittee shall coordinate with the city of Burnsville and Dakota County concerning the alignment of the project along Black Dog Road and the regional greenway trail planned to

parallel Black Dog Road. The permittee shall document this coordination and shall include it with the permittee's plan and profile submission(s) (Section 4.1).

### **5.9 Coordination on Future 118<sup>th</sup> St. Interchange / Crossing of I-35W**

The permittee shall coordinate with the city of Burnsville, Dakota County, and Minnesota Department of Transportation (MnDOT) metro district planners concerning the alignment of the project and the placement of structures at the project's proposed crossing of I-35W (the potential future site of the 118<sup>th</sup> St. interchange). The coordination shall be undertaken to minimize the likelihood that the location of the project will constrain future highway improvements, including a potential 118<sup>th</sup> St. interchange. The permittee shall document this coordination and shall include it with the permittee's plan and profile submission(s) (Section 4.1).

## **6 PERMIT AMENDMENT**

This 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.

**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 Commission energy facility permits.

**2. Scope and Applicability**

This procedure encompasses all compliance filings required by permit.

**3. Definitions**

Compliance Filing – A sending (filing) of information to the Commission, where the information is required by a Commission site or route permit.

**4. Responsibilities**

A) The permittee shall eFile all compliance filings with Dr. Burl Haar, Executive Secretary, Public Utilities Commission, through the Commission's electronic filing system (eDockets). The system is hosted by the Department of Commerce at: <https://www.edockets.state.mn.us/EFiling/home.jsp>

General instructions are provided on the website. To eFile a document a permittee must be registered and obtain a user ID and password.

B) All filings must have a cover sheet that includes:

1. Date
2. Name of submitter / permittee
3. Type of permit (site or route)
4. Project location
5. Project docket number
6. Permit section under which the filing is made
7. Short description of the filing

C) Filings that are graphic intensive (e.g., maps, plan and profile) must, in addition to being eFiled, be submitted as paper copies and on CD. Copies and CDs should be sent to: (1) Dr. Burl W. Haar, Executive Secretary, Minnesota Public Utilities Commission, 121 7<sup>th</sup> Place East, Suite 350, St. Paul, MN, 55101-2147, and (2) Department of Commerce, Energy Facility Permitting, 85 7<sup>th</sup> Place East, Suite 500, St. Paul, MN, 55101-2198. Additionally, the Commission may request a paper copy of any eFiled document.

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Proposed

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

**PERMITTEE(S):** Northern States Power Company  
**PERMIT TYPE:** HVTL Route Permit  
**PROJECT LOCATION:** Dakota County  
**PUC DOCKET NUMBER:** E002/TL-11-795

Filing Number	Permit Section	Description	Due Date
1	4.1	Plan and profile of right-of-way (ROW)	30 days before ROW preparation for construction
2	4.2.1	Contact information for field representative	14 days prior to construction
3	4.2.10	Restoration complete	60 days after completion of all restoration activities
4	4.3	Periodic status reports	Monthly
5	4.4	Complaint procedures	Prior to start of construction
6	Complaint Handling Procedures	Complaint reports	By the 15 <sup>th</sup> of each month
7	4.5	Notification to landowners	First contact with landowners after permit issuance
8	4.6.1	Notice of completion and date of placement in service	Three days prior to energizing
9	4.6.2	Provide as-built plans and specifications	Within 60 days after completion of construction
10	4.6.3	Provide GPS data	Within 60 days after completion of construction
11	4.9	Notification of previously unrecorded archaeological sites	Upon discovery
12	5.5	Invasive species management plan	14 days prior to submission of plan and profile

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

<b>Filing Number</b>	<b>Permit Section</b>	<b>Description</b>	<b>Due Date</b>
13	5.6.2	Coordination with city of Burnsville on vegetation removal	Included with plan and profile submission
14	5.6.3	Coordination with city of Burnsville on plan and profile	Included with plan and profile submission
15	5.8	Coordination on regional greenway trail	Included with plan and profile submission
16	5.9	Coordination on future 118 <sup>th</sup> St. interchange / crossing of I-35W	Included with plan and profile submission

Proposed

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

**1. Purpose**

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

**2. Scope**

This reporting plan encompasses complaint report procedures and frequency.

**3. Applicability**

The procedures shall be used for all complaints received by the permittee.

**4. Definitions**

***Complaint*** – A statement presented to the permittee by a person expressing dissatisfaction, resentment, or discontent as a direct result of the high voltage transmission line and associated facilities. Complaints do not include requests, inquiries, questions or general comments.

***Substantial Complaint*** – A written complaint alleging a violation of a specific route permit condition that, if substantiated, could result in permit modification or suspension pursuant to the applicable regulations.

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

***Person*** – An individual, partnership, joint venture, private or public corporation, association, firm, public service company, cooperative, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

**5. Complaint Documentation and Processing**

Everyone involved with any phase of the high voltage transmission line is responsible for ensuring expeditious and equitable resolution of all complaints. It is therefore necessary to establish a uniform method for documenting and handling complaints related to this high voltage transmission line project. The following procedures will satisfy this requirement:

- A. The permittee shall document all complaints by maintaining a record of all applicable information concerning the complaint, including the following:
1. Name of the permittee and project.
  2. Name of complainant, address and phone number.
  3. Precise property description or parcel number (where applicable).
  4. Nature of complaint.
  5. Response given.
  6. Name of person receiving complaint and date of receipt.
  7. Name of person reporting complaint to the Public Utilities Commission and phone number.
  8. Final disposition and date.
- B. The permittee shall assign an individual to summarize complaints for transmittal to the Commission.

**6. Reporting Requirements**

The permittee shall report all complaints to the Commission according to the following schedule:

***Immediate Reports*** – All substantial complaints shall be reported to the Commission the same day received, or on the following working day for complaints received after working hours. Such reports are to be directed to the Commission’s Consumer Affairs Office at 1-800-657-3782 or [consumer.puc@state.mn.us](mailto:consumer.puc@state.mn.us). Voice messages are acceptable. E-mail Subject Line should read “EFP Complaint” w/ docket. No.

***Monthly Reports*** – By the 15th of each month, a summary of all complaints, including substantial complaints and unresolved complaints, received during the preceding month shall be eFiled with the Commission.

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

**7. Complaints Received by the Commission or Department of Commerce**

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

**8. Commission Process for Unresolved Complaints**

***Initial Screening*** – Commission staff shall perform an initial evaluation of unresolved complaints submitted to the Commission. Complaints raising substantive routing permit issues shall be processed and resolved by the Commission. Staff shall notify the permittee and the complainant 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. The complaint will be presented to the Commission for a decision as soon as practicable.

***Condemnation/Compensation Issues*** – If the Commission staff’s initial screening determines that a complaint raises issues concerning the just compensation to be paid to landowners on account of permittee acquisition of high voltage transmission line easements, staff shall recommend to the Executive Secretary that the matter be resolved under the provisions of Minnesota Statutes, Chapter 117. If the Executive Secretary concurs, he shall so report to the Commission and the matter shall be dealt with in the high voltage transmission line condemnation proceedings as an issue of just compensation.

**9. Permittee Contact for Complaints**

Ellen Heine  
Permitting/Compliance Analyst  
Xcel Energy  
414 Nicollet Mall, MP-8  
Minneapolis, MN 55401  
612-330-6073  
[ellen.l.heine@xcelenergy.com](mailto:ellen.l.heine@xcelenergy.com)

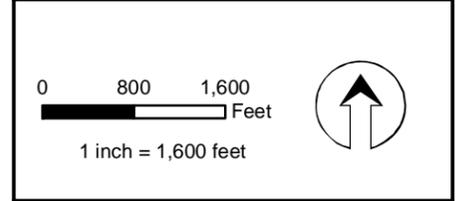
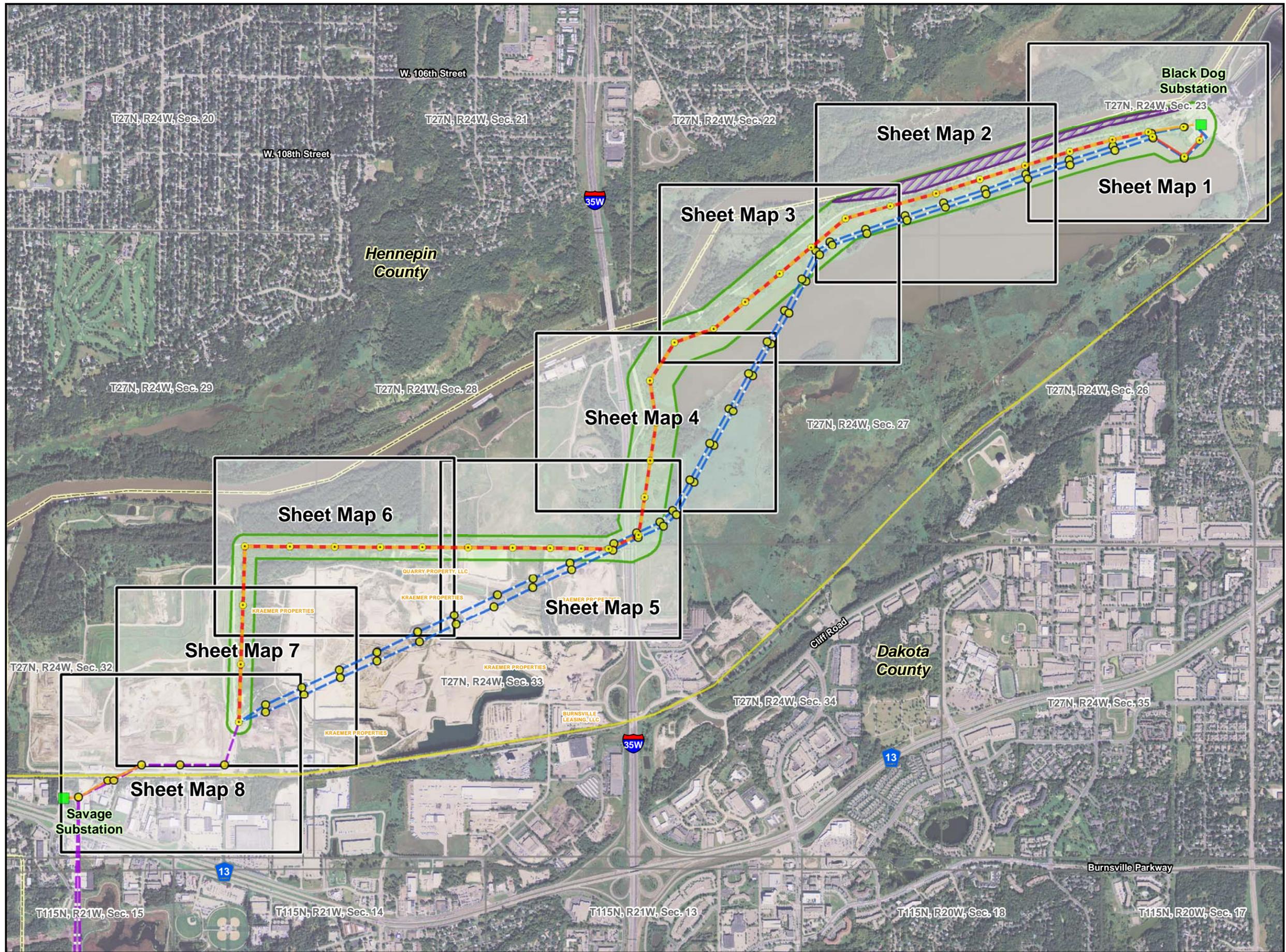
Any change that is made to the permittee contact for complaint reporting shall be promptly eFiled with the Commission and notification shall be provided to all affected landowners.

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Proposed

**ROUTE MAPS**

Proposed



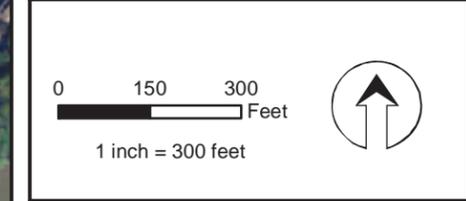
- Permitted Route**
- Permitted Route
  - Excised Area of Permitted Route
  - Anticipated Alignment, Line 0861, Single Circuit (115kV)
  - Anticipated Alignment, Line 0844, Single Circuit (115kV)
  - Anticipated Alignment, Lines 0844 and 0861, Double Circuit (115kV)
  - Anticipated Structures
- Existing Utilities**
- Existing Structures
  - Xcel Energy Substation
  - Lines 0844 and 0861 - To Be Removed
  - Lines 0844 and 0861 - To Remain
  - Union-Pacific Railroad
- Base Data**
- Section Boundary
  - County Boundary

**Black Dog to Savage  
115 kV Project**

**PUC Docket  
No. E002/TL-11-795**

Sheet Map Key

Source: Aerial Photography: NAIP 2010  
All Other Data Provided by Xcel Energy, Merjent  
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  - Anticipated Structures
- Existing Utilities**
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  - Lines 0844 and 0861 - To Remain
  - Existing Structures
  - Xcel Energy Substation
  - Storm Sewer
  - Union-Pacific Railroad

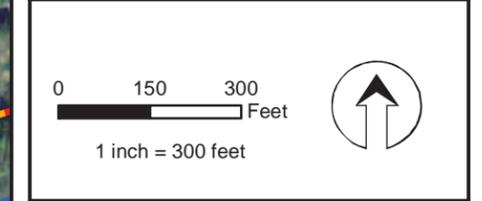
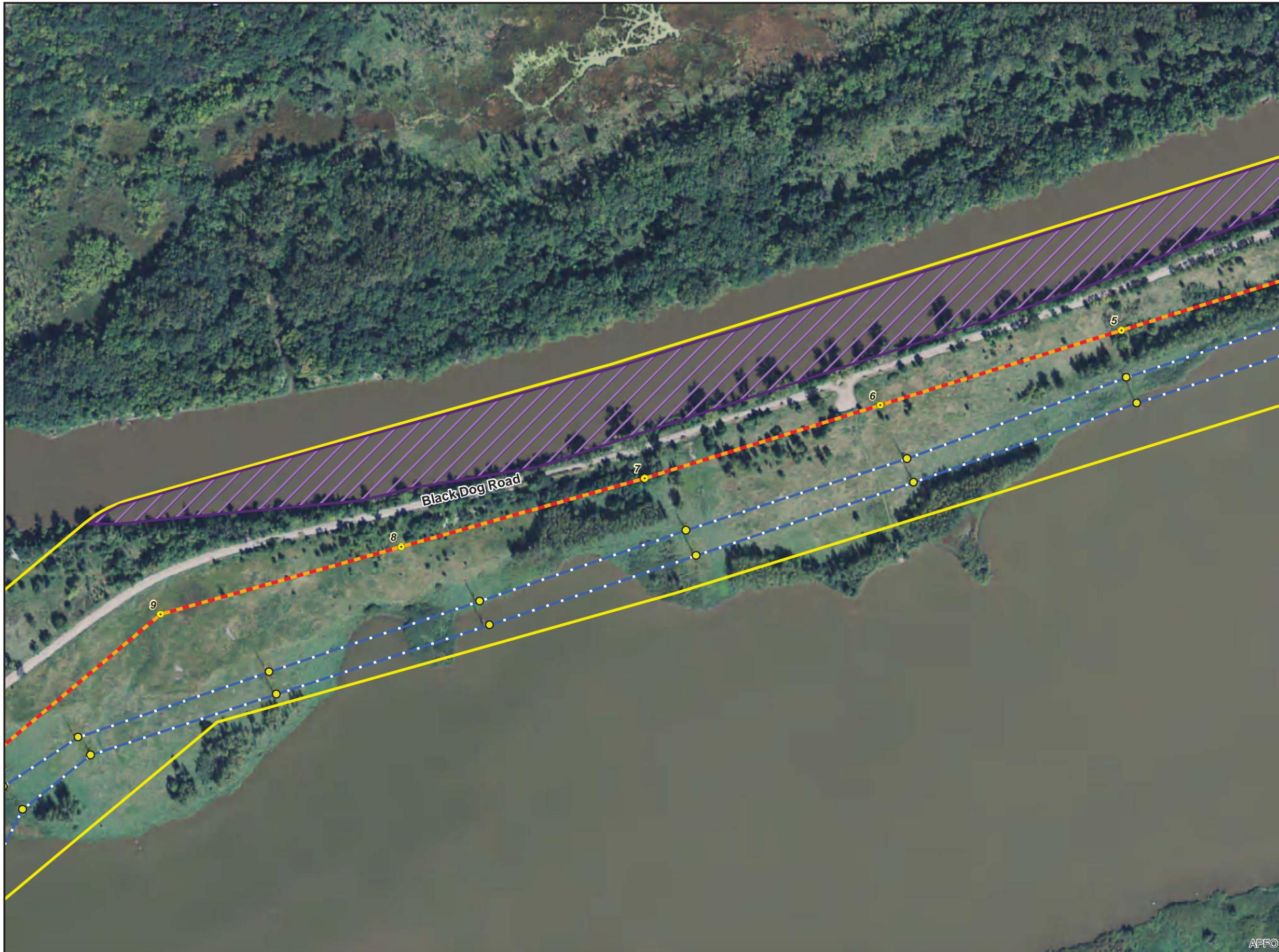
**Black Dog to Savage  
115 kV Project**

**PUC Docket No.  
E002/TL-11-795**

Map 1 of 8

Route Permit Map

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All Other Data Provided by Xcel Energy, Merjent, ESRI, MNDOT and the MN DNR  
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  - Anticipated Structures
- Existing Utilities**
- Lines 0844 and 0861 - To Be Removed
  - Lines 0844 and 0861 - To Remain
  - Existing Structures
  - Xcel Energy Substation
  - Storm Sewer
  - Union-Pacific Railroad

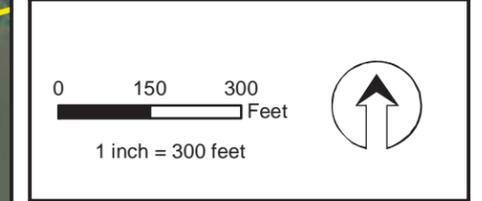
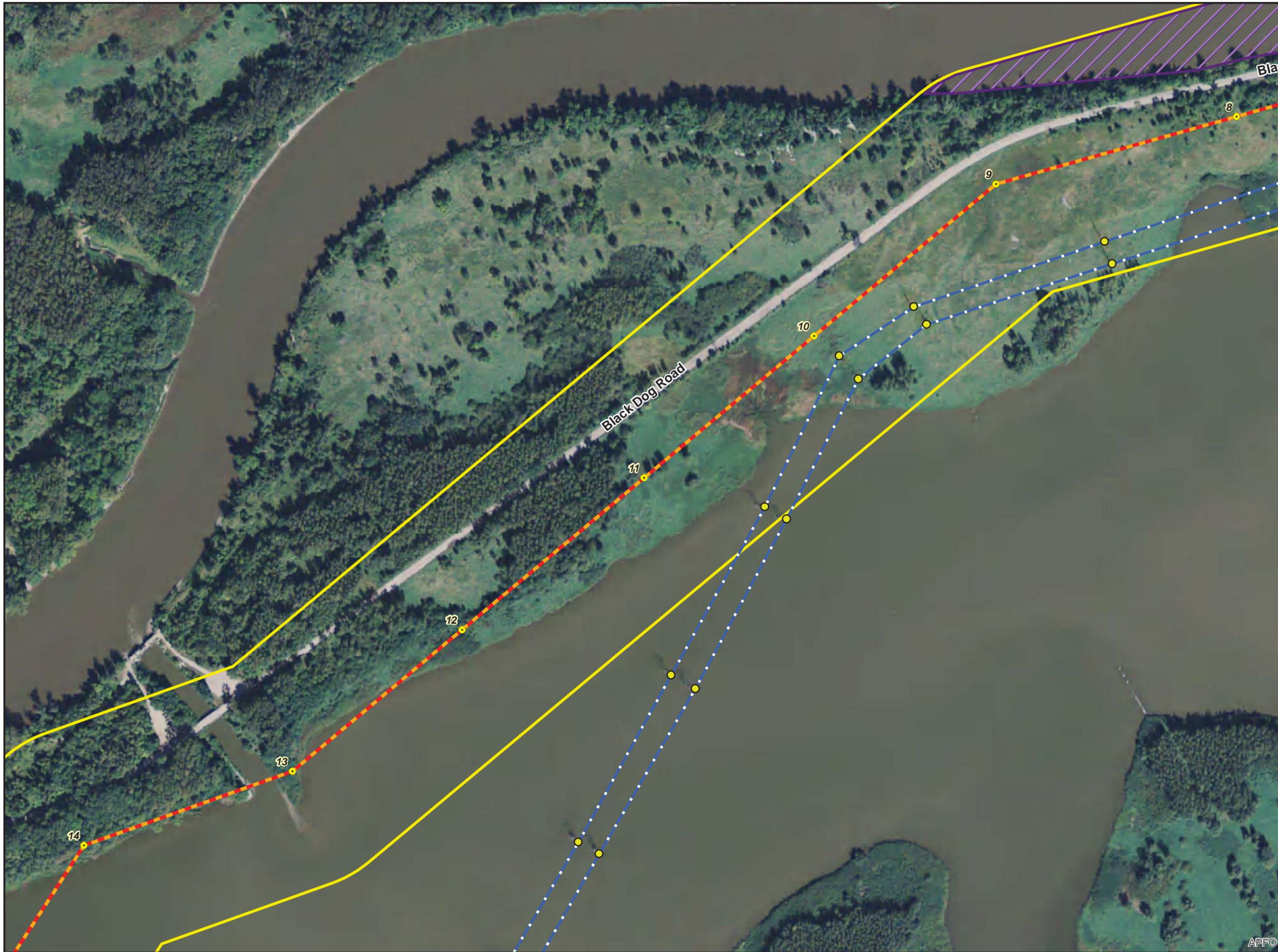
**Black Dog to Savage  
115 kV Project**

**PUC Docket No.  
E002/TL-11-795**

Map 2 of 8

Route Permit Map

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- Existing Utilities**
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  - Existing Structures
  - Xcel Energy Substation
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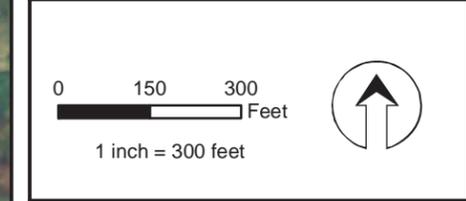
**Black Dog to Savage  
115 kV Project**

**PUC Docket No.  
E002/TL-11-795**

Map 3 of 8

Route Permit Map

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  - Anticipated Structures
- Existing Utilities**
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  - Existing Structures
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  - Storm Sewer
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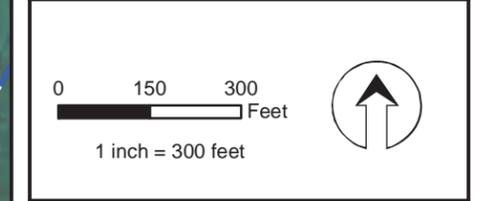
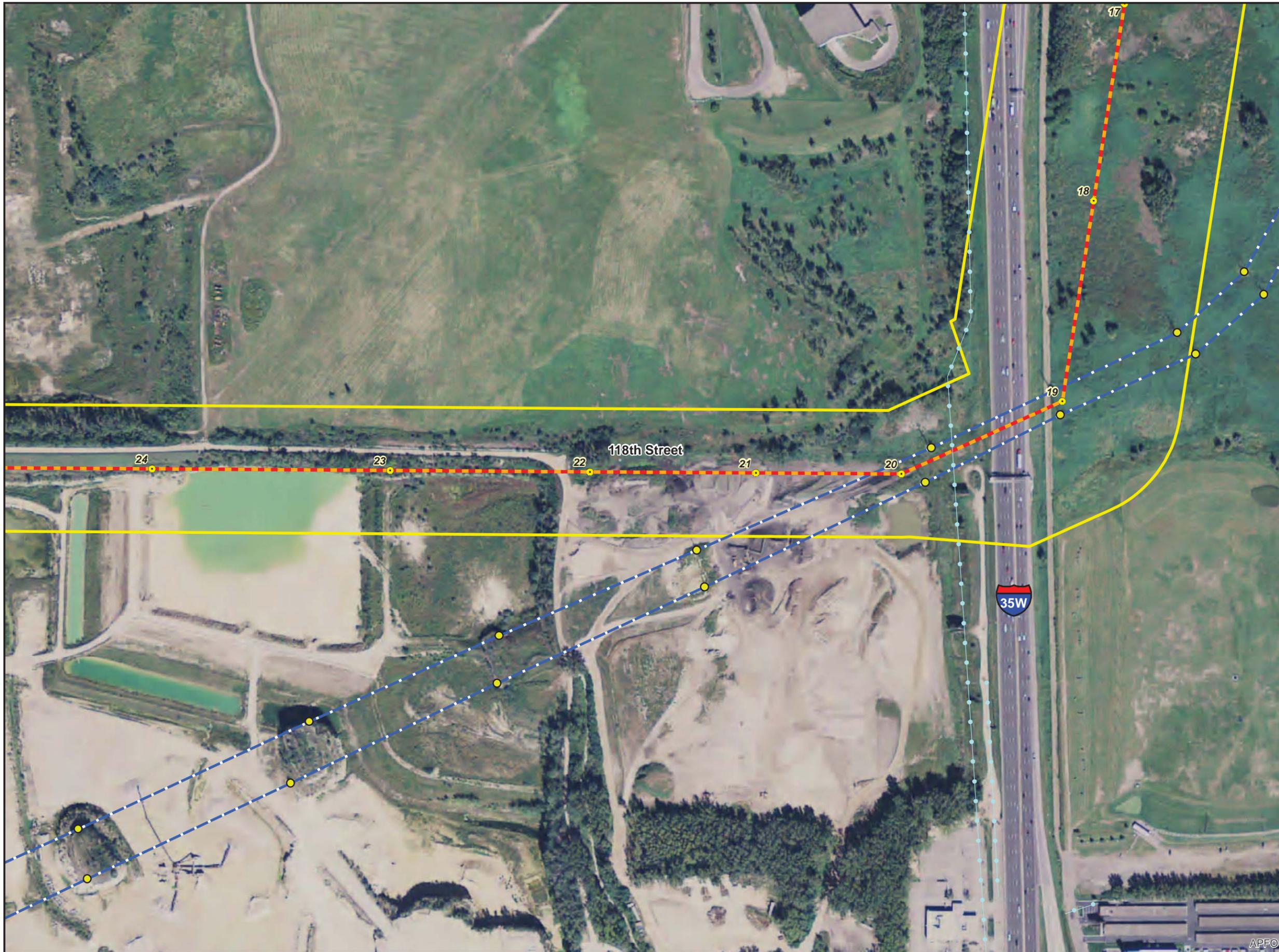
**Black Dog to Savage  
115 kV Project**

**PUC Docket No.  
E002/TL-11-795**

Map 4 of 8

Route Permit Map

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  - Anticipated Structures
- Existing Utilities**
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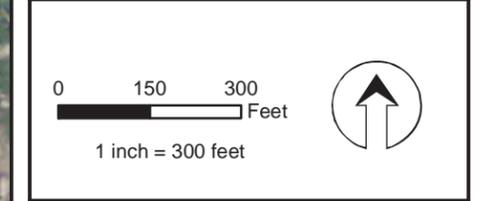
**Black Dog to Savage  
115 kV Project**

**PUC Docket No.  
E002/TL-11-795**

Map 5 of 8

Route Permit Map

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  - Anticipated Structures
- Existing Utilities**
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  - Existing Structures
  - Xcel Energy Substation
  - Storm Sewer
  - Union-Pacific Railroad

**Black Dog to Savage  
115 kV Project**

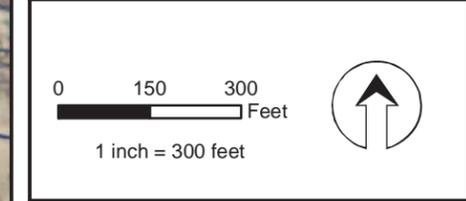
**PUC Docket No.  
E002/TL-11-795**

Map 6 of 8

Route Permit Map

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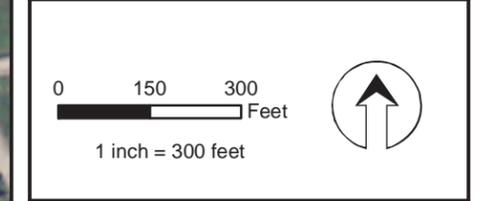
**Black Dog to Savage  
115 kV Project**

**PUC Docket No.  
E002/TL-11-795**

Map 7 of 8

Route Permit Map

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**Black Dog to Savage  
115 kV Project**

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E002/TL-11-795**

Map 8 of 8

Route Permit Map

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