

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Beverly Jones Heydinger  
Nancy Lange  
Dan Lipschultz  
Matthew Schuerger  
John A. Tuma

Chair  
Commissioner  
Commissioner  
Commissioner  
Commissioner

In the Matter of the Application of  
Great River Energy for a Route Permit  
Under the Alternative Permitting Process  
for the Palisade 115 kV Project near the  
City of Palisade

ISSUE DATE: August 11, 2016

DOCKET NO. ET-2/TL-15-423

ORDER DEFERRING ACTION

**PROCEDURAL HISTORY**

On April 24, 2015, Enbridge Energy, Limited Partnership (Enbridge) filed a certificate of need application to replace the company's existing Line 3 pipeline with a new pipeline of approximately 337 miles and associated facilities, extending from the North Dakota-Minnesota border to the Minnesota-Wisconsin border (the Line 3 Replacement Project).<sup>1</sup> On the same day, Enbridge filed a route permit application for the project. Enbridge stated that under its proposal, the existing Line 3 pipeline will be taken out of service and removed.<sup>2</sup>

On August 25, 2015, Great River Energy (Applicant) submitted an application for a route permit under the alternative permitting process for a new 115 kV transmission line running between Enbridge's proposed Palisade Pump Station, east of U.S. Highway 169 and south of 510<sup>th</sup> Lane, and a new Rice River Breaker Station, west of U.S. Highway 169 and south of 390<sup>th</sup> Street (the Palisade 115 kV project), to serve a pump station that is part of Enbridge's proposed Line 3 project.

On October 19, 2015, the Commission issued an order finding the Palisade application complete and referring the application to the Office of Administrative Hearings.

On December 22, 2015, the Department of Commerce, Energy Environmental Review and Analysis staff (Department or EERA) issued its environmental scoping decision. On April 21, 2016, the EERA filed the environmental assessment for the project.

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<sup>1</sup> *In the Matter of the Application of Enbridge Energy, Limited Partnership, for a Certificate of Need for the Line 3 Replacement Project in Minnesota from the North Dakota Border to the Wisconsin Border*, Docket No. PL-9/CN-14-916.

<sup>2</sup> *In the Matter of the Application of Enbridge Energy, Limited Partnership, for a Routing Permit for the Line 3 Replacement Project in Minnesota from the North Dakota Border to the Wisconsin Border*, Docket No. PL-9/PPL-15-137.

On May 5, 2016, Administrative Law Judge Jim Mortenson of the Office of Administrative Hearings (OAH) held a public hearing in the Waukenabo Town Hall near Palisade.

On May 16, 2016, the Minnesota Department of Natural Resources (DNR) submitted comments regarding the project. The DNR recommended permit conditions requiring coordination with the DNR regarding avian mitigation and vegetation management and the use of wildlife-friendly erosion mesh.

On May 16, 2016, the Minnesota Pollution Control Agency submitted a letter indicating that it had no comments at this time.

On May 24, 2016, the Applicant filed proposed findings of fact and conclusions of law.

On May 26, 2016, the Applicant filed its comments on the draft route permit.

On June 17, 2016, OAH filed its summary of public testimony.

On June 30, 2016, EERA submitted its comments and recommendations.

On July 29, 2016, the Commission met to consider the matter.

## **FINDINGS AND CONCLUSIONS**

Great River Energy requests a route permit for a high-voltage transmission line for the Palisade Project that will be built only if the Commission approves the pending Line 3 Replacement Project certificate of need and route permit applications.

Great River Energy asserted in its application and confirmed at hearing that the sole purpose of the Palisade Project would be to serve a new pumping station built as part of the Line 3 Replacement Project. This route permit application therefore rests on the assumptions that the Commission will grant Enbridge both a certificate of need and a route permit for the Line 3 Replacement Project, and that the Palisade route the Commission approves will closely track the one ultimately approved by the Commission for the Line 3 Replacement Project.

Both Line 3 applications are highly contested, however. They are currently in evidentiary proceedings and are receiving exhaustive environmental review. Even if the Line 3 Replacement Project were found to be needed and granted a route permit, there is no certainty as to how closely the approved route would track the one proposed by Enbridge.

This route-permit application, then, is contingent on conditions that are anticipated, but do not currently exist. And it potentially fails to take into account and reflect conditions that may ultimately exist, if and when the Line 3 Replacement Project actually proceeds. Under these circumstances, the Commission cannot conduct an informed analysis of the 12 statutory considerations it is directed to consider under Minn. Stat. § 216E.03, subd. 7(b)(1)–(12), nor can it effectively consider the more general state goals set forth earlier in that statute.

The Commission concludes that this application and this record are not ripe for a decision on the merits. The Commission will therefore defer final action on this application until it has taken action on Enbridge's pending applications for a certificate of need and a route permit for the Line 3 Replacement Project.

**ORDER**

1. The Commission defers a decision on the Palisade route permit until such time as a final Commission decision is made on the Line 3 certificate of need and route permit dockets.
2. The Commission will schedule the final decision on the Palisade route permit as soon as practicable thereafter.
3. This order shall become effective immediately.

BY ORDER OF THE COMMISSION

Daniel P. Wolf  
Executive Secretary



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