

**STATE OF MINNESOTA  
ENVIRONMENTAL QUALITY BOARD**

In the Matter of the Route Permit  
Application by Xcel Energy for the  
Lakefield Junction-Fox Lake 161 kV  
High Voltage Transmission Line and  
Associated Facilities in Jackson and  
Martin Counties, Minnesota

**FINDINGS OF FACT,  
CONCLUSIONS, AND ORDER  
ISSUING ROUTE PERMIT FOR  
CONSTRUCTION OF A 161 kV  
HIGH VOLTAGE TRANSMISSION  
LINE AND ASSOCIATED  
FACILITIES**

**MEQB DOCKET NO. 03-64-TR-XCEL**

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The above-captioned matter came before the Minnesota Environmental Quality Board at a regular meeting on September 16, 2004, pursuant to an application by Xcel Energy (Xcel Energy), for a route permit to construct a 161 kilovolt high voltage transmission line (HVTL) and associated facilities connecting the Lakefield Junction Substation in Jackson County with the Fox Lake Substation in Martin County.

**STATEMENT OF ISSUE**

Should Xcel Energy be granted a Route Permit for a 161 kV high transmission line approximately 25.5 miles long in Jackson and Martin Counties and, if so, along what route and under what conditions?

Based upon all of the proceedings herein, the Minnesota Environmental Quality Board makes the following:

**FINDINGS OF FACT**

1. The Summary of Evidence (paragraphs 1 – 94) of the Administrative Law Judge in his Report of July 1, 2004, is hereby adopted as the Findings of Fact of the EQB, with the following amendments.
2. Paragraph 17 of the Judge's Report is amended to add the following language:

While it is reasonable to authorize a 1000 foot right-of-way along the freeway – 500 feet on either side of the centerline of I-90 – it is also reasonable to identify the side of the freeway Xcel Energy has indicated is the side along which the company anticipates constructing the transmission line. For example, regarding the west end of Xcel Energy's preferred route, the application at page 10 states: "From the point where

2. The Environmental Quality Board has jurisdiction over the subject matter of this proceeding pursuant to Minn. Stat. § 116C.57, subdivision 2.
3. This project qualifies for review under the Alternative Review Process of Minn. Stat. § 116C.575 and Minn. Rules parts 4400.2000 to 4400.2950.
4. The Applicant and the EQB have complied with all procedural requirements required by law.
5. The EQB has completed an Environmental Assessment on this project as required by Minn. Stat. § 116C.575, subdivision 5, and Minn. Rules part 4400.2750; the Environmental Assessment and the record created in this matter address the issues identified in the Chair's Scoping Decision.
6. The conditions included in the Route Permit are reasonable and appropriate and will help to minimize the impacts of this new line and are agreed to by the Applicant.

Based on the Findings of Fact and Conclusions contained herein and the entire record of this proceeding, the Environmental Quality Board hereby makes the following:

#### **ORDER**

A Route Permit is hereby issued to Xcel Energy for construction of a 161 kilovolt high voltage transmission line and associated facilities in Jackson and Martin Counties along a route generally following Interstate 90, except through the City of Jackson where the designated route is the route recommended by the City of Jackson, and under the conditions specified in the Permit. The Permit shall be issued in the form attached hereto, with maps showing the approved route.

Approved and adopted this 16<sup>th</sup> day of September, 2004

STATE OF MINNESOTA  
ENVIRONMENTAL QUALITY BOARD



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Robert A. Schroeder,  
Chair

the new line meets I-90, it turns east and is located on the north side of I-90, traversing east and paralleling the highway corridor.” Regarding the proposed route between Jackson and the Fox Lake Substation, the application at page 11 states: “The transmission line parallels the south side of I-90 for approximately 9.7 miles and then crosses back over to the north side just west of 50<sup>th</sup> Avenue near Sherburn.” In addition, on the east end (between Mile Post 20.7 and Mile Post 24), Xcel Energy has already modified its proposed route to cross the freeway twice to avoid nearby homes to the extent possible.

It is reasonable to authorize the full 1000 foot corridor Xcel Energy requested along most portions of the freeway, but it is also reasonable to require Xcel Energy to explain its reasons for crossing to the opposite side of the freeway if the company should decide during final design that the opposite side is preferable. A permit condition recognizing that the EQB has a short period of time to review Xcel Energy’s reasons for changing to the other side of the freeway from what was anticipated and an opportunity to revise the route designation if appropriate is a reasonable condition. Xcel Energy has registered no objection to such a condition.

3. Paragraph 70 of the Judge’s Report is amended to add the following:

On July 30, 2004, Grant Stevenson of Xcel Energy sent an e-mail message to EQB staff stating that “Xcel Energy withdraws its request for a double circuit 161/69 line between mile post 2.2 and the City of Jackson and respectfully requests that the MEQB order single circuit 161 on this segment.” The EQB accepts this withdrawal. In addition, Great River Energy and the Missouri River Energy Services have advised the EQB that neither intends to address a load serving issue in the Jackson area by installation of a 69 kV line between the Lakefield Junction Substation and the City of Jackson.

4. Paragraph 87 of the Judge’s Report is amended to add the following :

On July 23, 2004, Dean Albrecht, City Administrator for the City of Jackson, sent an e-mail message to EQB staff stating that “The City has no problem with the alternate route as requested by Xcel Energy deviating from the Route Option D-5.” This route would follow the Township Road on the south side of section 18 in Wisconsin Township, until it intersects Xcel Energy’s north-south preferred alignment east of Jackson. See EA, Appendix D.3a. The CATF preferred this alignment through the City of Jackson. See EA, Appendix B, page 9. The EQB finds this route segment acceptable.

5. The Judge's Report is further amended by adding a new finding 92A to address the Brochman proposal:

92A. Xcel Energy has provided additional information responding to the Brochman proposal. Xcel Energy has proposed to increase the distance between the transmission line and four of the five residences the Brochman proposal seeks to avoid. Xcel Energy would achieve this by locating the transmission line on the north side of I-90 until it approaches the Thomas Davis residence, and then crossing to the south side of the interstate between the Thomas Davis and Mike Updike residences. The transmission line would be located closer to the Richard Zehms residence, but on property owned by the Burmeister family.

6. The Judge's Report is further amended by adding a new finding 92B to read as follows:

92B. Xcel Energy estimates that it would take six to eight weeks to install the double circuit line along the three miles of the Alliant Energy transmission line between Martin County Highway 7 and State Highway 4 (70<sup>th</sup> Avenue) that is associated with the Brochman proposal. Alliant Energy has advised Xcel Energy that if the Alliant Line were to be out of service for six to eight weeks, Alliant would be required to operate the Fox Lake Generation Station for that period of time, and that it would cost approximately four million dollars to operate the Fox Lake Generation Station. Alliant has informed Xcel Energy that Xcel Energy would have to pay the approximate four million dollars to run the generators at Fox Lake during the estimated six to eight weeks that the Alliant 161 kV line would be out of service during construction of the Brochman proposal.

Further, Xcel Energy estimates that the addition of three miles of double circuit line and one mile of new single circuit line would cost an additional half million dollars. Thus, the Brochman proposal could add approximately four and one half million dollars to the project's cost.

The EQB finds that the Brochman proposal, although technically feasible, is not preferable to Xcel Energy's proposal to avoid the residences the Brochman proposal seeks to protect.

Based on the foregoing Findings of Fact, the Environmental Quality Board makes the following

### CONCLUSIONS

1. Any of the foregoing Findings more properly designated as Conclusions are hereby adopted as such.