Energy Facility Permitting
85 7th Place East, Suite 500
St. Paul, Minnesota 55101-2198
ph 651.296.4026 | fx 651.297.7891
www.energyfacilities.puc.state.mn.us

October 26, 2011

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

RE: **Comments and Recommendations of Department of Commerce**
Energy Facility Permitting Staff
Docket No. E6675/MC-11-954

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 Application by ITC Midwest, LLC for a Minor Alteration to the Freeborn to Hayward 161 kV Transmission Line in Freeborn County, Minnesota.

The petition was filed on September 26, 2011 by:

> David Gross
> ITC Midwest
> 20789 780th Ave.
> Albert Lea, MN 56007

EFP staff recommends authorization of the minor alteration request with conditions. Staff is available to answer any questions the Commission may have.

Sincerely,

Ray Kirsch
DOC EFP Staff

Page left intentionally blank.

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

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

DOCKET NO. ET6675/MC-11-954

Meeting Date: November 10, 2011 Agenda Item # _____

Company: ITC Midwest, LLC

Docket No. ET6675/MC-11-954

In the Matter of the Application by ITC Midwest, LLC for a Minor Alteration to the Freeborn to Hayward 161 kV Transmission Line in Freeborn County, Minnesota.

Issue(s): Should the Commission authorize a minor alteration for the proposed transmission line rebuild? If so, what conditions, if any, should attach to the minor alteration?

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

Relevant Document(s)

ITC Midwest, LLC's Request for Minor Alteration Authorization…….....September 26, 2011
Notice of Minor Alteration Application and Comment Period.…….....…..September 29, 2011

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
2. Complaint Reporting Procedure for High Voltage Transmission Lines

Additional documents and information can be found on eDockets: https://www.edockets.state.mn.us/EFiling/search.jsp (11-954) and the Commission's energy facilities permitting website: http://energyfacilities.puc.state.mn.us/project.html?Id=32278.

Statement of the Issues

Should the Commission authorize a minor alteration to ITC Midwest, LLC's 161 kV Freeborn to Hayward 161 kV transmission line per the provisions of Minnesota Rule 7850.4800? If so, what conditions, if any, should attach to the minor alteration?

Introduction and Background

ITC Midwest, LLC (ITC) is an independent electrical transmission company with a service area that includes Iowa and southern Minnesota. ITC owns and operates the Freeborn to Hayward 161 kilovolt (kV) transmission line in Freeborn County, Minn. The line was constructed in the 1950s with wooden, H-frame transmission structures. To improve system reliability and to provide greater generation outlet for the Bent Tree wind farm, ITC is proposing to rebuild this transmission line.[1]

The proposed rebuild includes: (1) reconductoring the line, (2) replacing existing transmission line structures, and (3) relocating a segment of the line to accommodate local setback requirements (see attached map). A new 440 megavolt-amperes (MVA) conductor will be strung. Existing H-frame structures will be replaced with steel monopole structures. The majority of the 11-mile long rebuild will follow the existing transmission line corridor and use existing easements. A small section of the line, approximately one mile in length, will require new easements to accommodate local setback requirements for a drainage ditch. These requirements were not in place when the line was originally constructed.

Regulatory Process and Procedures

A minor alteration is a change in a large electric power generating plant or high voltage transmission line that does not result in significant changes in the human or environmental impact of the facility (Minn. Rule 7850.4800). Minnesota Rule 7850.4800 outlines the application, review, and public notice procedures to be used in seeking minor alteration authorization.

ITC filed a request with the Commission for minor alteration authorization for the project on September 26, 2011. On September 29, 2011, EFP staff, on behalf of the Commission, issued a

[1] ITC has recently rebuilt a connected section of this 161 kV line (from Hayward south to the Iowa border). See Commission Order Authorizing a Minor Alteration for the Hayward to Worth 161 kV Transmission Line (Docket No. MC-10-224, April 30, 2010) | Order.

notice of application for a minor alteration and associated comment period. Comments were sought on whether the proposed project is a minor alteration, and any conditions that may be appropriate should the project be authorized as a minor alteration. The comment period closed on September 16, 2011. No comments were received.

The Commission may authorize the minor alteration or determine that the alteration is not minor and requires a full permitting decision (Minn. Rule 7850.4800, Subp. 3). The Commission may authorize the minor alteration but impose reasonable conditions on the approval (Minn. Rule 7850.4800, Subp. 3).

DOC EFP Staff Analysis and Comments

Minor Alteration

ITC's request for minor alteration authorization has been reviewed by EFP staff. The request provides adequate information for staff to conclude that the proposed project would not result in significant changes in the human or environmental impacts of ITC's existing 161 kV Freeborn to Hayward transmission line and is eligible for authorization as a minor alteration.

The existing transmission line will be rebuilt on existing easements, excepting approximately one mile of the line (9 percent of its total length), which will require relocation to meet drainage ditch setback requirements. Thus, new impacts – incremental impacts beyond those created by the existing line – will be minimal and related primarily to construction. If the transmission line were reconstructed without relocation for setback requirements, the project would likely be exempt from Commission permitting requirements completely (Minn. Rule 7850.1500).

In the area where the line will be relocated, ITC indicates that the two landowners affected are agreeable to new easements.

New impacts created by the relocation of the existing line to meet local setback requirements will be minimal. Relocation will occur next to the existing line in very similar natural resource areas, primarily agricultural lands. No new forested lands will be removed; wildlife habitat impacts will be minimal.

The project will introduce construction related impacts, e.g., noise, dust, soil movement. These impacts are not anticipated to rise to the level of a "significant change."

No public comments were received on the project.

Accordingly, EFP staff concludes that the project is eligible for authorization as a minor alteration.

Conditions
EFP staff believes it would be appropriate to include as conditions, reporting and procedural processes commonly found in Commission route permits. These conditions cover: (1) use of a complaint procedure, (2) notice to landowners, and (3) notice to the Commission, as noted below.

A. **Complaint Procedure.** Prior to the start of construction, ITC shall submit to the Commission the procedure that will be used to receive and respond to complaints. The procedure shall be in accordance with the requirements set forth in the attached complaint procedure.

B. **Notification to Landowners.** ITC shall provide all affected landowners with a copy of the Commission's order authorizing a minor alteration. ITC shall provide all affected landowners with a copy of the complaint procedure upon contacting landowners to begin construction.

C. **Notification to Commission.**

1. At least ten days before the rebuilt line is to be placed into service, ITC shall notify the Commission of the date on which the line will be placed into service and the date on which construction was complete.

2. Within 60 days after completion of construction, ITC shall submit to the Commission geo-spatial information for all above ground structures associated with the project.

Commission Decision Options

A. Authorize the minor alteration request for the Freeborn to Hayward 161 kV transmission line rebuild without conditions.

B. Authorize the minor alteration request for the Freeborn to Hayward 161 kV transmission line rebuild with conditions A, B, and C noted above.

C. Determine that the alteration is not minor and requires a full permitting process.

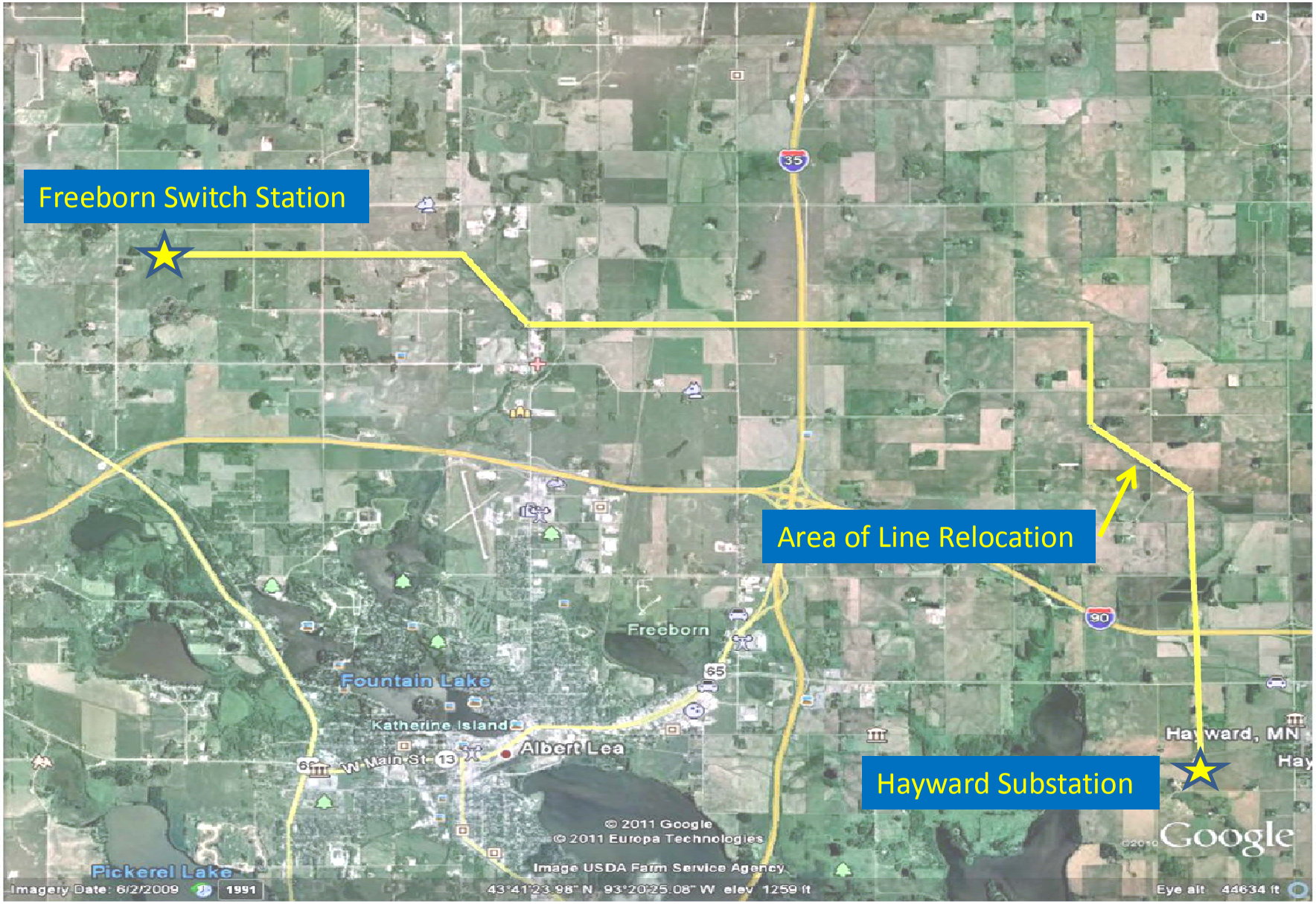
D. Make some other decision deemed more appropriate.

DOC EFP Staff Recommendation: Option B.

Project Overview Map

Freeborn to Hayward 161 kV Transmission Line Rebuild

Freeborn County, Minnesota



MINNESOTA PUBLIC UTILITIES COMMISSION
COMPLAINT REPORT PROCEDURE
FOR HIGH VOLTALGE TRANSMISSION LINES

1. **Purpose**

To establish a uniform and timely method of reporting complaints received by the permittee concerning permit conditions, and the orderly resolution of such complaints.

2. **Scope**

This reporting plan encompasses complaint report procedures and frequency.

3. **Applicability**

These procedures shall be used for all complaints received by the permittee and all complaints received by the Commission under Minn. Rule 7829.1500 or 7829.1700 relevant to this permit.

4. **Definitions**

Complaint: A statement presented to the permittee by a person expressing dissatisfaction or concern regarding site or route preparation, construction, cleanup or restoration, or other permit conditions. Complaints do not include general inquiries, questions, or general comments.

Substantial Complaint: A written complaint alleging a violation of a specific permit condition that, if substantiated, could result in permit modification or suspension, pursuant to 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**

a) The permittee shall document all complaints by maintaining a record of all applicable information concerning the complaint, including the following:

1) Name of complainant, address, phone number, and e-mail address.
2) Property description or tract number (where applicable).
3) Name of person receiving complaint and date of receipt.
4) Nature of the complaint.
5) Activities undertaken to resolve the complaint.
6) Final disposition of the complaint and date.

b) The permittee shall assign an individual to summarize complaints for transmittal to the Minnesota Public Utilities Commission (PUC). This person's name, phone number and e-mail address shall accompany all complaint transmittals.

c) A person presenting a complaint should, to the extent possible, include the following the information in their communications:

1) Name, address, phone number, and e-mail address.
2) Date
3) Property description; tract or parcel number (where applicable).
4) The complaint and whether the person believes the issue to be a permit matter, a matter of compensation, or both.

6. Reporting Requirements

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

Immediate Reports: All substantial complaints shall be reported to the PUC by phone the same day received or on the following working day for complaints received after working hours. Such reports are to be directed to PUC Permit Compliance, 1-800-657-3794 or by e-mail to: DOC.energypermitcompliance@state.mn.us. Voice messages are acceptable.

Monthly Reports: By the 15th of each month, a summary of all complaints, including substantial complaints received or resolved during the preceding month, shall be eFiled to Dr. Burl Haar, Executive Secretary, PUC, using the Minnesota Department of Commerce eDockets system.

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 PUC or DOC

Complaints received directly by the PUC or Minnesota Department of Commerce (DOC) from aggrieved persons regarding site or route preparation, construction, cleanup, or restoration shall be promptly sent to the permittee.

8. **PUC Process for Unresolved Complaints**

Initial Screening: PUC staff shall perform an initial evaluation of unresolved complaints submitted to the PUC. Complaints raising substantive routing permit issues shall be processed and resolved by the PUC. Staff shall notify the permittee and appropriate person(s) 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 PUC no later than ten days after receipt of the staff notification. Staff shall present briefing papers to the PUC, which shall resolve the complaint within twenty days of submission of the briefing papers.

Condemnation/Compensation Issues: If the PUC staff's initial screening determines that a complaint raises issues concerning the just compensation to be paid to landowners on account of the permittee's acquisition of easements, staff shall recommend to the Executive Secretary that the matter is outside the scope of the PUC's authority. If the Executive Secretary concurs, he shall so report to the PUC and so notify the permittee and the complainant.

9. **Permittee Contacts for Complaints**

ITC Customer Line: 877-482-4829

Lori Broghammer
ITC Area Manager, Local Government & Community Affairs
20789 780th Avenue
Albert Lea, MN 56007