Minnesota Public Utilities Commission

Staff Briefing Papers

Meeting Date:	April 1, 2014 ..... Agenda Item *1
Company:	Xcel Energy
Docket No.	E-002/MC-14-163
	In the Matter of Xcel Energy's Application for a Minor Alteration to the Blue Lake-Wilmarth-Lakefield 345 kV Transmission Line #0982 and Scott County Substation in Scott County, Minnesota
Issues:	Should the Commission authorize the minor alteration request? If the minor alteration is approved, should any conditions be required?
Staff:	Scott Ek | 651-201-2255 | scott.ek@state.mn.us

Relevant Documents

Application for a Minor Alteration ..... February 27, 2014
Notice of Comment Period on Minor Alteration Application ..... March 3, 2014
Department of Commerce Comments ..... March 17, 2014
Department of Transportation Comments ..... March 17, 2014

Attachments

Complaint Handling Procedures for High-Voltage Transmission Lines (3 Pages)

The attached materials are work papers of the Commission staff. They are intended for use by the Minnesota Public Utilities Commission and are based upon information already in the record unless noted otherwise.

This document can be made available in alternative formats (i.e., large print or audio) by calling 651-296-0406 (voice). Persons with hearing or speech disabilities may call us through their preferred Telecommunications Relay Service.

I. Statement of the Issues

Should the Commission authorize the minor alteration request? If the minor alteration is approved, should any conditions be required?

II. Procedural History

On February 27, 2014, Xcel Energy filed an application requesting approval of a minor alteration to its Blue Lake-Wilmarth-Lakefield 345 kV Transmission Line #0982.

On March 3, 2014, a notice of comment period on the minor alteration application was issued by the Commission requesting comments by March 17, 2014. The notice was sent to all landowners that may be potentially impacted by the project.

On March 17, 2014, the Energy Environmental Review and Analysis unit of the Minnesota Department of Commerce and the Minnesota Department of Transportation each filed comments and recommendations on Xcel Energy's minor alteration application. These were the only comments received during the prescribed comment period.

III. Statutes and Rules

A minor alteration is defined under Minn. R. 7850.4800, subp. 1, as 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.

In accordance with Minn. R. 7850.4800, a permittee requesting a minor alteration must submit an application to the Commission describing the alteration to be made and an explanation why the alternation is minor. Upon receiving a minor alteration application the Commission is required to provide at least a 10-day period for interested persons to submit comments on the request. After close of the comment period the Commission must decide whether to authorize the minor alteration and impose reasonable conditions as necessary, or determine that the alteration is not minor and require a full permitting decision.

IV. Minor Alteration Request

Xcel Energy filed a minor alteration application requesting certain modifications to its Blue Lake-Wilmarth-Lakefield 345 kV Transmission Line #0982 in Scott County. Xcel Energy explained that the minor alteration is needed to improve system reliability and alleviate future load serving problems.

The Blue Lake-Wilmarth-Lakefield transmission line was originally constructed in the 1970's, prior to Commission permitting authority. However, under Minn. R. 7850.4800, the Commission is authorized to approve minor alterations to high-voltage transmission lines that were not previously permitted by the Commission, but meet the definition of a high-voltage transmission line under applicable law. In this case, the minor alteration is to a 345 kV transmission line greater than 1,500 feet in length and, therefore, meets the definition of a high-voltage transmission line.[1]

The proposed minor alteration includes the construction of an approximately 0.55-mile (2,911 feet) 345 kilovolt (kV) double circuit in-and-out tap transmission line and associated upgrades to the Scott County Substation. The new 345 kV double circuit in-and-out tap line would connect the Blue Lake-Wilmarth-Lakefield 345 kV transmission line to the Scott County substation and would require a 150-foot right-of-way. Xcel Energy has proposed to construct the tap line using four steel, double-circuit, double-pole structures ranging from 170 to 195 feet in height.

Although associated with this minor alteration, the expansion of the Scott County substation was previously permitted by the Commission as part of the Southwest Twin Cities Chaska Area 115 kV Transmission Line Project.[2]

In its application, Xcel Energy described the potential human or environmental impacts of the minor alteration in relation to the route selection standards and criteria set forth in Minn. R. 7850.4100, as follows:

- The new 345 kV tap line would parallel the right-of-way of an existing 115 kV transmission line for 1,326 feet (46 percent) and share 368 feet (13 percent) of right-of-way with U.S. Highway 169. Approximately 836 feet (29 percent) would be located on land owned by Xcel Energy.

- The majority of the land crossed by the proposed project is cultivated cropland and open land (91 percent). The remaining nine percent of land is classified as forested and moderately developed. Impacts to agricultural activities are expected to be minimal, and with the exception of a small amount of tree clearing around proposed Structure 2, the forested and developed land will not be impacted.

- The proposed project would not require the relocation of any residential or non-residential structures.

[1] Under Minn. Stat. § 216E.01, subd. 4, 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 is greater than 1,500 feet in length.
[2] *In the Matter of the Application of Xcel Energy and Great River Energy for a Route Permit for the Southwest Twin Cities Chaska Area 115 kV Transmission Line*, Minnesota Public Utilities Commission Docket No. E-002/TL-12-401.

- The calculated audible noise levels of the operating line are predicted to be below state standards.
- Impacts to public health and safety, public services, and recreational facilities are not anticipated.
- No archaeological or historic resources have been documented within the project area.
- No impacts to the natural environment (air and water quality resources and flora and fauna) and rare and unique natural resources are anticipated.
- There are no wildlife management areas, national wildlife refuges, waterfowl production areas, state wildlife areas, or county parks and trails located within the project area.
- The proposed project does not cross any areas (state or national wilderness areas, parks, scientific and natural areas) prohibited under Minn. R. 7850.4300.

Based on its evaluation Xcel Energy concluded that the proposed modification did not represent a significant change in the human or natural environment and, therefore, believed it should qualify as a minor alteration to the existing facility.

V. Comments on the Minor Alteration Application

The Commission received comment letters from the Energy Environmental Review and Analysis unit of the Minnesota Department of Commerce (Department) and the Minnesota Department of Transportation (MnDOT). These were the only comments received during the prescribed comment period.

Minnesota Department of Commerce

On March 17, 2014, the Department provided comments on Xcel Energy's application for a minor alteration and concluded that the requested modification is minor and would not significantly change the human or environmental impact of the facility. The Department recommended that the Commission authorize the minor alteration request with conditions.

The Department explained that it had reviewed the data provided in the minor alteration application and evaluated whether the modification would result in significant change to the human and environmental impact of the facility relative to the routing factors found in Minn. R. 7850.4100. The Department found that the anticipated impacts of the proposed project would be minimal when compared to the routing factors set forth in rule.

Because the proposed project entails the construction of a 345 kV transmission line with four new transmission structures, the Department recommended that the following conditions be included in the order if authorized:

> Best Management Practices. Xcel Energy shall take precautions to avoid the spread of invasive plants by heavy equipment during construction and maintenance activities; use wildlife-friendly erosion control materials [http://files.dnr.state.mn.us/eco/nongame/wildlife-friendly-erosion-control.pdf] to reduce mortality to small nongame species; work with landowners to preserve, wherever possible, low-growing shrub species that can provide wildlife habitat; and use only native seed mixes where reseeding of vegetated areas is needed.
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> Complaint Procedures. Prior to the start of construction, Xcel Energy 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 Commission's standard complaint handling procedures.
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> Notification to Landowners. Xcel Energy shall provide all affected landowners with a copy of the Commission's order authorizing a minor alteration. Xcel Energy shall also provide all affected landowners with a copy of the complaint procedure upon contacting landowners to begin construction.
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> Notification to Commission. At least three days before the line is to be placed into service, Xcel Energy shall notify the Commission of the date on which the line will be placed into service and the date on which construction was complete. Within 60 days after completion of construction, Xcel Energy shall submit to the Commission geo-spatial information for all above ground structures associated with the project.

Minnesota Department of Transportation

On March 17, 2014, MnDOT provided comments on Xcel Energy's application for a minor alteration. MnDOT indicated that proposed transmission structures are located far enough from the MnDOT right-of-way to show no cause for concern, and that current and planned MnDOT projects near the area of the minor alteration can continue as planned. MnDOT concluded that the project is permittable and that Xcel Energy would need to obtain permits from MnDOT where the transmission line would occupy a portion of the highway right-of-way.

VI. Staff Discussion

Staff has reviewed the application for a minor alteration and agrees with the Department that the requested alteration is minor and does not significantly change the human or environmental impact of the facility. Therefore, staff recommends that the Commission approve Xcel Energy's minor alteration request with the conditions recommended by the Department.

In addition to the conditions recommended by the Department, staff recommends that the order include the following language requiring the designation of a field representative and submittal of an engineered plan and profile prior to construction:

> Plan and Profile. At least 30 calendar days before right-of-way preparation for construction begins on any segment or portion of the project, Xcel Energy 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, structure specifications and locations, cleanup, 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. Xcel Energy may not commence construction until the 30 days has expired or until the Commission has advised Xcel Energy in writing that it has completed its review of the documents and determined that the planned construction is consistent with the authorized minor alteration. If Xcel Energy intends to make any significant changes in its plan and profile or the specifications and drawings after submission to the Commission, it shall notify the Commission at least five days before implementing the changes.
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> Field Representative. At least 14 days prior to commencing construction, Xcel Energy shall advise the Commission in writing of the person or persons designated to be the field representative. The field representative's address, phone number, emergency phone number, and email shall be provided to the Commission and shall be made available to affected landowners, residents, public officials and other interested persons.

Commission Decision Alternatives

A. Authorize the minor alteration request without conditions.

B. Authorize the minor alteration request with the following conditions:

1. Best Management Practices. Xcel Energy shall take precautions to avoid the spread of invasive plants by heavy equipment during construction and maintenance activities; use wildlife-friendly erosion control materials (http://files.dnr.state.mn.us/eco/nongame/wildlife-friendly-erosion-control.pdf) to reduce mortality to small nongame species; work with landowners to preserve, wherever possible, low-growing shrub species that can provide wildlife habitat; and use only native seed mixes where reseeding of vegetated areas is needed.

2. Complaint Procedures. Prior to the start of construction, Xcel Energy 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 Commission's standard complaint handling procedures.[3]

3. Notification to Landowners. Xcel Energy shall provide all affected landowners with a copy of the Commission's order authorizing a minor alteration. Xcel Energy shall also provide all affected landowners with a copy of the complaint procedure upon contacting landowners to begin construction.

4. Notification to Commission. At least three days before the line is to be placed into service, Xcel Energy shall notify the Commission of the date on which the line will be placed into service and the date on which construction was complete. Within 60 days after completion of construction, Xcel Energy shall submit to the Commission geo-spatial information for all above ground structures associated with the project.

5. Plan and Profile. At least 30 calendar days before right-of-way preparation for construction begins on any segment or portion of the project, Xcel Energy 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, structure specifications and locations, cleanup, 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. Xcel Energy may not commence construction until the 30 days has expired or until the Commission has advised Xcel Energy in writing that it has completed its review of the documents and determined that the planned construction is consistent with the authorized minor alteration. If Xcel Energy intends to make any significant changes in its plan and profile or the specifications and drawings after submission to the Commission, it shall notify the Commission at least five days before implementing the changes.

[3] Complaint Handling Procedures are attached to these briefing papers.

6. Field Representative. At least 14 days prior to commencing construction, Xcel Energy shall advise the Commission in writing of the person or persons designated to be the field representative. The field representative's address, phone number, emergency phone number, and email shall be provided to the Commission and shall be made available to affected landowners, residents, public officials and other interested persons.

C. Determine that the requested alteration is not minor and require a full permitting decision.

D. Take some other action deemed appropriate.

Staff Recommendation: B (1-6)

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

A. 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.

B. Scope

This document describes complaint reporting procedures and frequency.

C. Applicability

The procedures shall be used for all complaints received by the permittee and all complaints received by the Minnesota Public Utilities Commission (Commission) under Minn. R. 7829.1500 or Minn. R. 7829.1700 relevant to this permit.

D. Definitions

Complaint: A verbal or written statement presented to the permittees by a person expressing dissatisfaction or concern regarding site preparation, cleanup or restoration or other route and associated facilities permit conditions. Complaints do not include requests, 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 the applicable regulations.

Unresolved Complaint: A complaint which, despite the good faith efforts of the permittee and a person, 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.

E. Complaint Documentation and Processing

1. The permittee shall designate an individual to summarize complaints for the Commission. This person's name, phone number and email address shall accompany all complaint submittals.

2. A person presenting the complaint should to the extent possible, include the following information in their communications:

    a. name, address, phone number, and email address;
    b. date of complaint;
    c. tract or parcel number; and
    d. whether the complaint relates to a permit matter or a compliance issue.

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

    a. docket number and project name;
    b. name of complainant, address, phone number and email address;
    c. precise description of property or parcel number;
    d. name of permittee representative receiving complaint and date of receipt;
    e. nature of complaint and the applicable permit condition(s);
    f. activities undertaken to resolve the complaint; and
    g. final disposition of the complaint.

F. Reporting Requirements

The permittee shall commence complaint reporting at the beginning of project construction and continue through the term of the permit. 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 (voice messages are acceptable) or consumer.puc@state.mn.us. For e-mail reporting, the email subject line should read "PUC EFP Complaint" and include the appropriate project docket number.

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 filed to Dr. Burl W. Haar, Executive Secretary, Public Utilities Commission, using the eDockets system. The eDockets system is located at: https://www.edockets.state.mn.us/EFiling/home.jsp

If no complaints were received during the preceding month, the permittee shall file a summary indicating that no complaints were received.

G. Complaints Received by the Commission

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

H. Commission Process for Unresolved Complaints

Commission staff shall perform an initial evaluation of unresolved complaints submitted to the Commission. Complaints raising substantial permit issues shall be processed and resolved by the Commission. Staff shall notify the permittee and appropriate persons 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 (10) days after receipt of the staff notification. The complaint will be presented to the Commission for a decision as soon as practicable.

I. Permittee Contacts for Complaints and Complaint Reporting

Complaints may filed by mail or email to:

[Permittee's Name]
[Contact Person]
[U.S. Mailing Address]
[Phone Number]
[Email]

This information shall be maintained current by informing the Commission of any changes by eFiling, as they become effective.