

The Commission met on **Tuesday, October 30, 2007**, with Chair Koppendrayer and Commissioners Boyd, Johnson, Pugh, and Reha present.

Comment [COMMENT1]: Minutes by Peter Brown. 4 motions were made.

## ENERGY AGENDA

### **ET-2,E-015/TL-07-76**

#### **In the Matter of the Application by Great River Energy and Minnesota Power for a Route Permit for the Badoura 115 kV High Voltage Transmission Line and Associated Substation**

Commissioner Pugh moved that the Commission approve and adopt the Findings of Fact, Conclusions of Law and Order for the MP/GRE Badoura Transmission Line Project, which:

1. determines that the environmental assessment and record created at the public hearing address the issues identified in the EA Scoping Decision;
2. designates a corridor for the construction of the Badoura 115 kV HVTL project; and
3. issues a HVTL Route Permit, with appropriate conditions, to Minnesota Power and Great River Energy.

The motion was adopted, 5-0.

### **E-002/TL-07-1233**

#### **In the Matter of the Application for a Route Permit for the Fenton – Nobles #2 115kV High Voltage Transmission Line**

Commissioner Boyd moved that the Commission

1. accept the Xcel Energy Fenton – Nobles #2 115kV high voltage transmission line route permit application as complete and authorize the Minnesota Department of Commerce Energy Facilities Permitting staff to process the Application under the alternative review process Minn. Rules, Parts 7849.5500 – 7849.5720;
2. authorize the Minnesota Department of Commerce Energy Facilities Permitting staff to name a public advisor in this case; and
3. determine that an advisory task force is not necessary.

The motion was adopted, 5-0.

### **ET-2, E-002/CN-06-1115**

**In the Matter of the Application of Great River Energy and Northern States Power Company (d/b/a Xcel Energy) for a Certificate of Need for the CapX 2020 345-kV Transmission Projects**

Commissioner Koppendrayer moved that the Commission

1. vary Minn. Rules, part 7849.0230 under the three-part test, as suggested in the Staff Analysis, and accept the application as substantially complete as of the date a supplement is submitted containing the following information:
  - consumption and customer data for WPPI;
  - customer data for CMMPA;
  - explanatory information regarding what is shown on the service area map (Appendix D-3);
  - a discussion of the types of utilities serving customers (in Minnesota);
  - the forecasted capacity requirements associated with the forecasted energy amounts given in Appendix C-7; and
  - a list of other required regulatory approvals and their associated time lines, to the extent known at the current time.;
2. refer the docket to the Office of Administrative Hearings for a contested case proceeding; and
3. include the following in one or more of the orders coming out of this meeting:
  - if a contested case is ordered, notice of a prehearing conference (with a specified date, time, and location to be determined by the Administrative Law Judge and Commission staff);
  - the names and telephone numbers of the Commission employees (i.e., David Jacobson and Bret Eknes) designated to facilitate citizen participation in the process;
  - a request that the Department of Commerce continue to study the issues and provide testimony and/or comments on the reasonableness of granting a certificate of need to the Applicants;
  - a requirement that the Applicants facilitate in every reasonable way the continued examination of the issues by the Department of Commerce and other intervening parties;
  - a directive that Commission staff work with the Administrative Law Judge in selecting suitable locations for the public hearings on the application; and
  - a directive that the Applicants provide, in addition to any direct mail notice, notice of the public and evidentiary hearings in newspapers of general circulation at least ten days

prior to the start of the hearings, that such notice be in the form of visible display ads, that the Applicants obtain proofs of publication of such ads from the newspapers selected, and that the Applicants consult with Commission staff on the timing, text, and distribution of such ads prior to publication.

The motion was adopted, 5-0.

## TELECOMMUNICATIONS AGENDA

### **PL-9/CN-07-464**

**In the Matter of the Application of Enbridge Energy for a Certificate of Need – Southern Lights Pipeline PL-9/CN-07-465**

**In the Matter of the Application of Enbridge Energy for a Certificate of Need – Alberta Clipper Pipeline PL-9/PPL-07-360**

**In the Matter of the Application of Enbridge Energy for a Route Permit - Southern Lights Pipeline PL-9/PPL-07-361**

**In the Matter of the Application of Enbridge Energy for a Route Permit - Alberta Clipper Pipeline**

Commissioner Reha moved that the Commission adopt

1. the Department's recommendations regarding Docket Nos. PL-9/PPL-07-360 and PL-9/PPL-07-361:
  - accept Enbridge Energy Limited Partnership and Enbridge Pipelines (Southern Lights) L.L.C. Revised LSr and Alberta Clipper and Southern Lights Diluent Preferred Route and Alignment Maps North of Clearbrook, Minnesota and forward them to the ALJ for consideration in the contested case hearing scheduled for Commission Docket No. PL-9/PPL-07-360 and PL-9/PPL-07-361 between the North Dakota-Minnesota borders and Clearbrook, Minnesota; and
  - accept the Enbridge Energy Limited Partnership and Enbridge Pipelines (Southern Lights) L.L.C. Proposed Route Alternatives (1 through 9, with the correction that the name of route alternative #6 is Snake River Alternative, not Farmstead (Tract 947), and forward them to the ALJ for consideration in the contested case hearing scheduled for Commission Docket No. PL-9/PPL-07-360 and PL-9/PPL-07-361 between the North Dakota-Minnesota borders and Clearbrook, Minnesota; and
2. Commission Staff recommendations regarding Docket Nos. PL-9/CN-07-465 and PL-9/PPL-07-361:
  - (ALJ Referral Questions 1 and 2) extend the deadlines for final decisions on the Alberta Clipper and Southern Lights Diluent certificate of need and route permit

applications to no later than 9 months after the receipt of the supplemental material;

- (ALJ Referral Question 3) grant a variance to Minn. Rules 7852.1400 and suspend the deadline for submitting route alternatives in the Alberta Clipper and Southern Lights Diluent route application; and
- require Enbridge to work with Commission staff to develop and issue a notice to potentially affected landowners and local officials in conformance with Minn. Rules 7829.2550 at the time it submits its final preferred route, currently scheduled for January 7, 2008.

The motion was adopted, 5-0.

There being no further business before the Commission, the meeting was adjourned.

**APPROVED BY THE COMMISSION: NOVEMBER 7, 2007**

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**Burl W. Haar, Executive Secretary**