

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Ellen Anderson
David C. Boyd
J. Dennis O'Brien
Phyllis A. Reha
Betsy Wergin

Chair
Commissioner
Commissioner
Commissioner
Commissioner

<p>In the Matter of the Application for a Route Permit for the Fargo to St. Cloud 345 kV Transmission Line Project</p>	<p>ISSUE DATE: June 24, 2011</p> <p>DOCKET NO. E002, ET2/TL-09-1056</p> <p>FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER ISSUING AN HVTL ROUTE PERMIT TO XCEL ENERGY AND GREAT RIVER ENERGY</p>
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The above-captioned matter came before the Minnesota Public Utilities Commission (Commission) on June 10, 2011, for action on an application by Xcel Energy and Great River Energy (Applicants), for a route permit to construct a new 180-mile transmission line project in Clay, Wilkin, Otter Tail, Grant, Douglas, Todd and Stearns counties.

Twelve public hearings were held in ten locations between November 16, and December 2, 2010. The hearings were presided over by Beverly Jones Heydinger, Administrative Law Judge for the Minnesota Office of Administrative Hearings (OAH). The hearings continued until all persons who desired to speak had done so. An evidentiary hearing was held on December 6-10, and 15, 2010, in St. Paul. The comment period closed on January 5, 2011.

Pursuant to Minn. Stat. § 14.61, subd. 2, notice is hereby provided that the record in this matter closed on June 10, 2011.

STATEMENT OF ISSUE

Should the Commission find that the Environmental Impact Statement (EIS) addresses the issues raised in scoping? Should the Commission issue a route permit identifying a specific route and permit conditions for the Fargo to St. Cloud 345 kV Transmission Line Project?

Based upon all of the proceedings herein, the Commission makes the following:

FINDINGS OF FACT

The Commission adopts the April 25, 2011, Administrative Law Judge's *Findings of Fact, Conclusions and Recommendation* for the Fargo to St. Cloud Transmission Project related to OAH Docket No. 15-2500-20995-2 and PUC Docket No. E002, ET2/TL-09-1056, with the additions, changes, and deletions set forth below.

Finding 18 is amended to correctly reflect the recommendations of the Department of Natural Resources:

18. The Minnesota Department of Natural Resources (DNR) offered comments addressing the impact of the route alternatives on lands it owns and manages, the impact of the route alternatives on the environment, and mitigation. It requested that the Applicants avoid identified high bird-use areas and migration corridors, state managed resources and federally owned or managed resources, and the placement of lines between these areas. Recognizing that the route selection must take into account several criteria, the DNR recommended selection of Route A for the North Dakota to Alexandria segment. For, and the Modified Preferred Route from the Alexandria to Sauk Centre segment, the DNR recommends following Route A east to Option 6, and then following Option 6 to the Preferred Route. On the expanded portion of the Preferred Route near the city of Sauk Centre, the DNR generally concurs with the alignment shown on sheets 50 and 51 (DEIS Appendix H), but encourages avoidance of the McCormick Lake WPA by changing alignment near the WPA. It recommended selection of ~~Route D or~~ Route G with Option 11 from Sauk Centre to St. Cloud.¹

Finding 85, footnote 66 is amended to correctly cite to Minnesota Rule 7850.4100K for the finding that the Commission must consider electrical system reliability.

85: In selecting a route the Commission must consider the effect on electrical system reliability.⁶⁶

66. Minn. R. ~~7800~~7850.4100 K.

Finding 144 is amended to correctly identify route segment AS-1 as Amended Scope Area 1:

144. After Applicants filed the Application, they incorporated two changes to the Preferred Route. The **Modified Preferred Route** is approximately 101 miles long. It includes a 17-mile east/west segment alternative near Barnesville and just north of 150th Street North, traveling

¹ DNR Comment Letter dated January 5, 2011.

from I-94 to 70th Street South (identified in the DEIS as “~~Alternate~~Amended Scope Area 1” or **AS-1**). Public officials in the Fargo area urged the Applicants to consider routing the transmission line south of the original Preferred Route crossing of the Red River at Clay County Highway 8 because of expected growth to the south of Fargo, and to collocate transmission lines with the United States Army Corps of Engineers’ planned flood-control project (Diversion Project) to the extent possible.

Finding 174 is amended to correctly state that Options 2A and 2B run parallel to the Glacial Ridge Trail rather than the King of Trails Byway:

174. The Modified Preferred Route includes two scenic byway crossings in the North Dakota to Alexandria segment -- the crossing of the king of Trails Byway and the Glacial Ridge Trail. Route A includes one scenic byway crossing in this segment -- the King of Trails Byway. ~~The Modified Preferred Route, Option 2A and Option 2B each parallel the King of Trails Byway~~ Glacial Ridge Trail for one mile.

Finding 245 is amended to state the correct incremental cost for Option 2B:

245. Option 2A will add approximately \$15.7 million to the cost of the Modified Preferred Route; Option 2B will add about ~~\$14.6~~\$1.0 million to the cost.

Finding 338 is amended as requested by the DNR to reflect discussions prior to the issuance of the DEIS:

338. In preparing the DEIS, OES ~~coordinated~~consulted with the USFWS and DNR ~~and did not identify any areas of concern with regard to~~ this segment. The impact on habitat was also evaluated. Although both alternatives have relatively little impact, Route A impacts a WMA (220 acres within the Route, 12 within the right-of-way), and MCBS Site designated as Moderate (56 acres within the Route, 10 within the right-of-way), and five native plant communities (32 acres with the Route, 5 within the right-of-way). There are none within the Modified Preferred Route.

Finding 346 is amended to correctly state the DNR’s recommendations:

346. The DNR would prefer to follow Route A to Option 6, then to avoid Minnesota County Biological Survey (MCBS) sites of biodiversity significance, rare features, and public lands, it is recommended to use Option 6 and then follow the Preferred Route east to the beginning of the Sauk Centre to St. Cloud segment. On the expanded portion of the Preferred Route near the city of Sauk Centre, the DNR concurs with the alignment shown on sheets 50 and 51 (DEIS Appendix H) to avoid the McCormick Lake Waterfowl Production Area (WPA) is recommended by changing alignment within the expanded right-of-way to

~~reduce possible effects to waterfowl, and then go north to the Modified Preferred Route along 12th Street in Sauk Centre for the rest of the segment to avoid environmentally sensitive areas.~~ South of Option 6, Route A does not follow existing roads, trails or transmission lines. Route A will cross Hoboken Creek, Sauk River WMA and Native Plant communities, but would not appear to have a greater impact on the environment and residences than moving the Modified Preferred Route alignment closer to I-94 south of Sauk Centre.

Findings 306 and 347 are amended to reflect significant routing constraints and the uncertainty of future upgrades and expansions of the Sauk Centre Airport in light of information submitted by Applicants, the Federal Aviation Administration, the Minnesota Department of Transportation and the city of Sauk Centre:

306. ~~In the event that the Modified Preferred Route cannot be aligned~~ A more reasonable alternative to comply with federal and state aviation standards and address the City's objections to alignment along 12th Street, ~~an alternative~~ is to follow the Modified Preferred Route to Option 6, then follow Option 6 and Route A to the point where Route A rejoins the Modified Preferred Route at the end of this segment. This would add about 3.5 miles to the length of the Modified Preferred Route, at an estimated cost of \$1.7 million per mile. With certain limitations on the height of one or two transmission line structures, Option 6 and Route A around the City could be constructed to comply with the airport safety clearances.

347 ~~If MnDOT, the FAA and the City cannot find an acceptable alignment for the Modified Preferred Route, the~~ The transmission line should follow the Modified Preferred Route south from Alexandria to Option 6, along Option 6 to Route A, and follow Route A to the point of reconnection with the Modified Preferred Route south of Sauk Centre. This selection would avoid the airport, the developed part of the City and significantly reduce the number of freeway crossings. ~~If this alternative is selected, the~~ The Route Permit should require the Applicants to coordinate with the DNR to mitigate the alignment's impact.

Supplemental Findings 1-3 are adopted to clarify the Applicants' route width requests at the close of the contested case proceeding as requested by the ALJ and which are relevant to the permitted route.

Supplemental Finding 1. Applicants generally request a 1,000 foot route width, except in areas where they believe flexibility is needed to develop an alignment to avoid certain constraints (e.g., interstate connections, residences, or United States Fish and Wildlife (USFWS) areas) or in areas where USFWS Wildlife Production Areas (WPAs) must

be avoided.”² For the portion of the route from the North Dakota border to Sauk Centre, Applicants request wider route segments identified as Widened Area Numbers 1, 4-10, and 12-27. For Route Segment G between Sauk Centre and the Quarry Substation at St. Cloud, Applicants request Widened Area Numbers 31-33 and 35.³

Supplemental Finding 2. The Applicants also request the following widened areas which were developed through the record as part of the Modified Preferred Route and recommended by the ALJ: 1) Option 13, a site-specific consideration to accommodate an existing personal use airstrip;⁴ 2) the Minnesota-North Dakota border at a point approximately three miles south of the Applicants’ initial Preferred Route and running 17 miles easterly, which was an amended scope request to modify the preferred route to avoid future Red River flood mitigation construction; and 3) an amended scope request to add 4.3 acres at the Alexandria Switching Station.⁵

Supplemental Finding 3. Areas where Applicants seek a narrowed route width were set forth in Table 1.5-2 in the DEIS.⁶ The narrowed route widths are also depicted in the Applicants’ Tile Maps.⁷ The table produced by the Applicants is a reproduction of Table 1.5-2 in the DEIS which includes only portions of the DEIS’ table that remain relevant in light of the ALJ’s overall recommendation, with minor modifications and comments from the record in redline.⁸

Supplemental Finding 4 is adopted to reflect the various route widths included in the permit.

Supplemental Finding 4. Applicants revised route permit maps showing locations which narrow the route from 1,000 feet to a 600 foot-wide route width, except for those areas where they continue to request a specified width of 400 feet or 1,000 feet to 1.25 miles, for the ALJ’s Recommended Route, are allowable under the PPSA. The route widths depicted on Applicants’ revised maps represent a reasonable balancing of the Applicants’ request for flexibility and a reasonable degree of predictability of impacts on the environment and landowners.

Conclusion 10 is amended to correctly state the route description for which the permit is granted:

² Applicants’ Exceptions to the ALJ Report at 3.

³ Exhibit 1A at 2-13, Figure 2-4 (Route Permit Application).

⁴ ALJ Report at ¶ 256 and Conclusion 8.

⁵ Applicants’ Exceptions to the ALJ Report at 3-4.

⁶ Exhibit 22 at 1-34, Table 1.5-2 (DEIS “Areas with Decreased Route Width”).

⁷ Ex. 4.

⁸ Applicants’ Exceptions to the ALJ Report at 4.

10. For the Alexandria to Sauk Centre segment of the Route, the Modified Preferred Route from Alexandria to Option 6, to Route A until it rejoins the Modified Preferred Route, satisfies the route permit criteria set forth in Minn. Stat. § 216E.03, subd. 7 (a), 7(b), and Minn. R. 7850.4000, and 7850.4100. For this segment, the Modified Preferred Route with Option 6 and the Route A segment proceeding south of Sauk Centre presents a potential for significant adverse environmental effects, but there is no feasible and prudent alternative. The Modified Preferred Route is the best alternative on the record for the 345 kV transmission line from Alexandria to Sauk Centre.

Conclusion 11 is rejected as it is no longer necessary in light of the changes to Conclusion 10 above:

~~11. In the event that the Modified Preferred Route cannot be aligned to meet MnDOT airport clearance requirements and avoid 12th Street in Sauk Centre, the Modified Preferred Route should be followed from Alexandria to Option 6 and then follow Route A to the point where it rejoins the Modified Preferred Route.~~

Conclusion 15 is amended to reflect the route widths described in Supplemental Finding 4 above:

~~15. The record demonstrates that it is appropriate for the Route Permit to provide a route width of 600 feet, except for those locations where Applicants are requesting a route width of 1,000 feet or up to 1.25 miles, as shown on Applicants revised tile maps. The Route Permit should provide the Applicant's with a route width of up to 1,000 feet. The record is unclear as to the areas where the Applicants continue to seek a wider route width or narrower route width and that information should be provided to the Commission.~~

The ALJ's Conclusion 20 is rejected because the Route Permit includes a condition that provides for a process for handling issues that arise with regard to other agency requirements:

~~20. As a condition of the Route Permit the Applicants should seek approval from the Commission to place a portion of the transmission line underground if necessary to comply with restrictions imposed by the DNR or USFWS, consistent with Minn. R. 6135.1100 and 6135.1200.~~

Conclusion 21 is amended to be consistent with the conditions that are included in the Route Permit:

21. As a condition of the Route Permit, the Applicants should develop a Construction Environmental Control Plan, which shall include an Agricultural Impact Mitigation Plan, Avian ~~Protection~~ Mitigation Plan, ~~Environmental Management Plan~~, Re-vegetation and Restoration Plans,

~~and a Stormwater Pollution Prevention Plan, Environmental Mitigation Plan and all policies, permits, plans, and protocols,~~ to minimize and mitigate the potential impact associated with the construction and operation of the transmission line. ~~The control plan shall require the Applicants shall~~ to consult with the DNR concerning right-of-way management, use of bird diverters, and construction near water bodies, wetlands, native plant communities and breeding areas. The Applicants ~~should also be required to~~ shall retain and/or fund an environmental monitor to oversee implementation and compliance with the Construction Environmental Control Plan.

Based on the Findings of Fact the Commission makes the following:

CONCLUSIONS OF LAW

1. Any of the foregoing Findings more properly designated as Conclusions are hereby adopted as such.
2. The Public Utilities Commission has jurisdiction over the subject matter of this proceeding pursuant to Minnesota Statute 216E.03, subdivision 2.
3. The project qualifies for review under the full permitting process of Minnesota Statute 216E.03 and Minnesota Rule 7850.1700-2700.
4. The applicants, the Department of Commerce Energy Facility Permitting (EFP) unit, and the Public Utilities Commission have complied with all procedural requirements required by law.
5. EFP has completed an environmental impact statement of this project as required by Minnesota Statute 216E.03, subdivision 5, and Minnesota Rule 7850.2500. The environmental impact statement adequately addresses the issues raised in the scoping decision.
6. The Public Utilities Commission has considered all the pertinent factors relative to its determination of whether a route permit should be approved as required by Minnesota Statute 216E.03, subdivision 7, and Minnesota Rule 7850.4100.
7. The conditions included in the route permit are reasonable and appropriate.

Based on the Findings of Fact, Conclusions of Law and Recommendation contained herein and the entire record of this proceeding, the Commission hereby makes the following:

ORDER

1. A route permit is hereby issued to Northern States Power Company, dba Xcel Energy, and Great River Energy to construct approximately 180 miles of 345 kV transmission line between the North Dakota border south of Fargo, through Alexandria and continuing through to the Quarry Substation in St. Joseph Township. The Applicants are issued a route width of 600 feet along their proposed route except as noted in the permit conditions and denoted on the route maps. Applicants are also permitted to upgrade the Alexandria Switching Station and update the Quarry Substation as per their proposal.
2. The route permit shall be issued in the form attached hereto, with maps showing the approved route.

Approved and adopted this 24th day of June 2011.

BY ORDER OF THE COMMISSION

Burl W. Haar,
Executive Secretary



STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

**ROUTE PERMIT FOR CONSTRUCTION OF A HIGH
VOLTAGE TRANSMISSION LINE AND SUBSTATION**

**IN CLAY, WILKIN, OTTER TAIL, GRANT,
DOUGLAS, TODD AND STEARNS COUNTIES**

**ISSUED TO
NORTHERN STATES POWER COMPANY
AND GREAT RIVER ENERGY**

PUC DOCKET No. E002, ET2/TL-09-1056

In accordance with the requirements of Minnesota Statutes Chapter 216E and Minnesota Rules Chapter 7850, this route permit is hereby issued to:

NORTHERN STATES POWER COMPANY AND GREAT RIVER ENERGY

Northern States Power Company, dba Xcel Energy, and Great River Energy are authorized by this route permit to construct a new, approximately 180 mile 345 kilovolt (kV) high voltage transmission line between the North Dakota border, south of Fargo, and Alexandria, update the substation in Alexandria, and complete the transmission line through to the Quarry Substation in St. Joseph Township.

The transmission line and substation project shall be built within the route identified in this permit and as portrayed on the official route maps, and in compliance with the conditions specified in this permit.

Approved and adopted this 24th day of June 2011

BY ORDER OF THE COMMISSION



Burl W. Haar,
Executive Secretary

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I. ROUTE PERMIT

The Minnesota Public Utilities Commission (Commission) hereby issues this route permit to Northern States Power Company, dba Xcel Energy, and Great River Energy (Permittees) pursuant to Minnesota Statutes Chapter 216E and Minnesota Rules Chapter 7850. This permit authorizes the Permittees to build an approximately 180 mile 345 kilovolt (kV) high voltage transmission line between the North Dakota border, south of Fargo, and Alexandria, update the substation in Alexandria, and complete the transmission line through to the Quarry Substation in St. Joseph Township.

II. PROJECT DESCRIPTION

Permittees are authorized to construct a project comprising a transmission line and substation upgrades as summarized below (using segments from the Final Environmental Impact Statement):

1. From the North Dakota border south of Fargo to Alexandria, following the Modified Preferred Route, using Option 2B; the route runs east from the border along a half-section line between 140th and 150th streets, until it turns southeast to parallel I-94 just northwest of the TH 9 interchange. The route generally follows I-94, except where it deviates south to CR 55 for approximately 8.6 miles in Evansville and Erdahl townships, and then rejoins I-94 through to the Alexandria Switching Station.
2. From Alexandria to Sauk Center, following the Modified Preferred Route to Option 6 and then following Route A to the point where it rejoins the Modified Preferred Route; the route runs east from the Alexandria Switching Station along I-94 until it deviates south on 435th Avenue west of Sauk Center. It runs south of the city east along CSAH 29 until it resumes a route along I-94 at 365th Avenue.
3. From Sauk Center to Saint Joseph, following route G, including Option 11 and the E-5 segment of Option 12; the route runs along I-94 east of Sauk Centre, deviating south to 370th Street to bypass Melrose, and then runs along I-94 until turning south along Ridgecrest Road west of Freeport. The route proceeds south on CSAH 11 before turning east on CSAH 12, and then continues east on CR 177 and CSAH 23. The route travels east for nearly two miles before aligning along CSAH 42, and then travels south on CSAH 9 before heading east again on 260th Street. It continues east until heading north approximately 1.5 miles along CSAH 2. The route then continues straight east until it crosses I-94, where it angles northeast along the railroad line. The route completes by running north along the 115 kV transmission line until it interconnects at the Quarry Substation.
4. Including the modifications to the Alexandria Substation, and updates required to connect to the Quarry Substation described in the Route Permit Application.

The proposed structures will primarily include single-pole, double-circuit capable, self-weathering or galvanized steel structures that will range in height between 130 and 190 feet. If required for long spans or in environmentally sensitive areas, two pole installations are allowed. The span length between structures will typically range in length between 600 and 1,000 feet depending on site-specific considerations. The proposed line will be built using double-circuit capable poles; only one circuit will be installed for this Project. The second position will be available for a possible future additional circuit. The right-of-way for the proposed 345 kV electrical transmission line will generally be 150 feet in width.

III. DESIGNATED ROUTE

The approved route is shown on the aerial photos in the map book attached to this permit and further designated as follows:

A. Route Width and Alignment. The width of the designated route will be limited to 600-1000 feet, specifically as depicted on the attached route maps dated May 27, 2011, and unless otherwise indicated on those maps. The final alignment (i.e., permanent and maintained rights-of-way) will be located within this designated route unless otherwise authorized below. This width will provide the Permittee with the flexibility to do minor adjustments of the specific alignment or right-of-way to accommodate landowner requests and unforeseen conditions.

The designated route identifies an alignment that minimizes the overall potential impacts relating to the factors identified in Minn. Rule 7850.4100 and which was evaluated in the environmental review and permitting processes. As such, this permit anticipates that the actual right-of-way will generally conform to this proposed alignment unless changes are requested by individual landowners or unforeseen conditions are encountered, or are otherwise provided for by this permit.

Any alignment modifications within this designated route shall be located to have comparable overall impacts relative to the factors in Minn. Rule 7850.4100 as does the alignment identified in this permit. Modifications should be demonstrably comparable as supported by the record. These changes shall be specifically identified in and approved as part of the Plan and Profile submitted pursuant to Part IV.A. of this permit.

Route width variations outside the designated route may be allowed for the Permittee to overcome potential site specific constraints. These constraints may arise from any of the following:

1. Unforeseen circumstances encountered during the detailed engineering and design process.
2. Federal or state agency requirements.

3. Existing infrastructure within the transmission line route, including but not limited to roadways, railroads, natural gas and liquid pipelines, high voltage electric transmission lines, or sewer and water lines.
4. Planned infrastructure improvements identified by state agencies and local government units and made part of the evidentiary record during the contested case proceeding for this permit.

Any alignment modifications arising from these site specific constraints that would result in right-of-way placement outside the designated route shall be located to have comparable overall impacts relative to the factors in Minn. Rule 7850.4100 as does the alignment identified in this permit and also shall be specifically identified in and approved as part of the Plan and Profile submitted pursuant to Part IV.A. of this permit.

B. Right-of-Way Placement. Where the transmission line route parallels existing highway rights-of-way, the transmission line ROW shall occupy and utilize the existing highway right-of-way to the maximum extent possible, consistent with the criteria in Minn. Rule 7850.4100, the other requirements of this permit and the requirements for highways under the jurisdiction of the Minnesota Department of Transportation, in accordance with Mn/DOT rules, policies, and procedures for accommodating utilities in trunk highway rights-of-way.

C. Right-of-Way Width. The 345 kV transmission line will be built primarily with single pole structures, which will typically require a 150 foot ROW. Where specialty structures are required for long spans or in environmentally sensitive areas, up to 180 feet of right-of-way may be employed. When the proposed transmission line is adjacent to a roadway it shall share the existing road right-of-way and an easement of lesser width may be required from the landowner depending on road configuration, structure requirements consistent with local, county, and state policies and procedures or agreements. When the transmission line is placed cross-country across private land, an easement for the entire right-of-way (150 to 180 foot width) shall be acquired from the affected landowner(s). Permittees shall locate the poles as close to property division lines as reasonably possible in cooperation with landowners.

IV. PERMIT CONDITIONS

The Permittees shall comply with the following conditions during construction of the transmission line and associated facilities and the life of this permit.

A. Plan and Profile. At least 20 calendar days before right-of-way preparation for construction begins, the Permittees 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, cleanup, and restoration for the transmission line. The documentation shall include maps depicting the plan and profile in relation to the route and alignment approved per the permit.

The Permittees may not commence construction until the 20 days has expired or until the Commission has advised the Permittees in writing that it has completed its review of the documents and determined that the planned construction is consistent with this permit. If the Permittees intend to make any significant changes in its plan and profile or the specifications and drawings after submission to the Commission, the Permittees shall notify the Commission at least five days before implementing the changes. No changes shall be made that would be in violation of any of the terms of this permit.

B. Construction Practices.

- 1. Application.** The Permittees shall follow those specific construction practices and material specifications described in the Xcel Energy and Great River Energy Application to the Public Utilities Commission for a Route Permit, dated October 1, 2009, and as described in the environmental impact statement and findings of fact, unless this permit establishes a different requirement, in which case this permit shall prevail.
- 2. Field Representative.** At least 10 days prior to commencing construction, the Permittees shall advise the Commission in writing of the person or persons designated to be the field representative for the Permittees with the responsibility to oversee compliance with the conditions of this permit during construction. The field representative's address, phone number, and emergency phone number shall be provided to the Commission and shall be made available to affected landowners, residents, public officials and other interested persons. The Permittees may change the field representative at any time upon written notice to the Commission.
- 3. Local Governments.** The Permittees shall cooperate with county and city road authorities to develop appropriate signage and traffic management during construction.
- 4. Cleanup.** All waste and scrap that is the product of construction shall be removed from the area and properly disposed of upon completion of each task. Personal litter, including bottles, cans, and paper from construction activities shall be removed on a daily basis.
- 5. Vegetation Removal in the Right-of-Way.** The Permittees shall minimize the number of trees to be removed in selecting the right-of-way. As part of construction, low growing brush or tree species are allowable within and at the outer limits of the easement area. Taller tree species that endanger the safe and reliable operation of the transmission facility need to be removed. To the extent practical, low growing vegetation that will not pose a threat to the transmission facility or impede construction should remain in the easement area.

6. Erosion Control. The Permittees shall implement reasonable measures to minimize runoff during construction and shall promptly plant or seed, erect silt fences, and/or use erosion control blankets in non-agricultural areas that were disturbed where structures are installed. All areas disturbed during construction of the facilities will be returned to their pre-construction condition. The Permittees shall follow requirements outlined in the attached Agriculture Impact Mitigation Plan (AIMP) to control erosion, weeds, water from other fields, and manage soils to continue the original status of the field.

7. Temporary Work Space. The Permittees shall limit temporary easements to special construction access needs and additional staging or lay-down areas required outside of the authorized right-of-way. Space should be selected to limit the removal and impacts to vegetation.

8. Restoration. The Permittees shall restore the right-of-way, temporary work spaces, access roads, abandoned right-of-way, and other private lands affected by construction of the transmission line. Restoration within the right-of-way must be compatible with the safe operation, maintenance, and inspection of the transmission line. Within 60 days after completion of all restoration activities, the Permittees shall advise the Commission in writing of the completion of such activities. The Permittees shall compensate landowners for any yard/landscape, crop, soil compaction, or other damages that may occur during construction.

9. Notice of Permit. The Permittees shall inform all employees, contractors, and other persons involved in the transmission line construction of the terms and conditions of this permit.

C. Periodic Status Reports. Upon request, the Permittees shall report to the Commission on progress regarding finalization of the route, design of structures, and construction of the transmission line. The Permittees need not report more frequently than quarterly.

D. Complaint Procedure. Prior to the start of construction, the Permittees shall submit to the Commission, the procedures that will be used to receive and respond to complaints. The procedures shall be in accordance with the requirements set forth in the complaint procedures attached to this permit.

E. Notification to Landowners. The Permittees shall provide all affected landowners with a copy of this permit and the complaints procedures at the time of the first contact with the landowners after issuance of this permit.

The Permittees shall contact landowners prior to entering the property or conducting maintenance along the route and avoid maintenance practices, particularly the use of fertilizer, herbicides, or pesticides, inconsistent with the landowner's or tenant's use of the land.

The Permittees shall work with landowners to locate the high voltage transmission lines to minimize the loss of agricultural land, forest, and wetlands, and to avoid homes and farmsteads.

The Permittees shall distribute to relevant landowners information prepared by state agencies regarding landowner rights with respect to right-of-way negotiations concurrent with the Applicants' first contact with those landowners regarding right of-way acquisition.

F. Completion of Construction.

- 1. Notification to Commission.** At least three days before the line is to be placed into service, the Permittees 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. As-Builts.** The Permittees shall submit copies of all the final as-built plans and specifications developed during the project.
- 3. GPS Data.** Within 60 days after completion of construction, the Permittees shall submit to the Commission, in the format requested by the Commission, geo-spatial information (GIS compatible maps, GPS coordinates, associated database of characteristics, etc.) for all structures associated with the transmission lines, each switch, and each substation connected.

G. Electrical Performance Standards.

- 1. Grounding.** The Permittees shall design, construct, and operate the transmission line in a manner that the maximum induced steady-state short-circuit current shall be limited to five milliamperes, root mean square (rms) alternating current between the ground and any non-stationary object within the right-of-way, including but not limited to large motor vehicles and agricultural equipment. All fixed metallic objects on or off the right-of-way, except electric fences that parallel or cross the right-of-way, shall be grounded to the extent necessary to limit the induced short circuit current between ground and the object so as not to exceed one milliamperes rms under steady state conditions of the transmission line and to comply with the ground fault conditions specified in the National Electric Safety Code.
- 2. Electric Field.** The transmission line shall be designed, constructed, and operated in such a manner that the electric field measured one meter above ground level immediately below the transmission line shall not exceed 8.0 kV/m rms.
- 3. Interference with Communication Devices.** If interference with radio or television, satellite or other communication devices is caused by the presence or operation of the transmission line, the Permittees shall take whatever action is

prudently feasible to restore or provide reception equivalent to reception levels in the immediate area just prior to the construction of the line.

H. Other Requirements.

1. Applicable Codes. The Permittees shall comply with applicable requirements of the National Electric Safety Code (NESC) including clearances to ground, clearance to crossing utilities, clearance to buildings, right-of-way widths, erecting power poles, and stringing of transmission line conductors. The transmission line facility will also meet the North American Electric Reliability Corporation's (NERC) reliability standards

2. Other Permits. The Permittees shall comply with all applicable state rules and statutes. The Permittees shall obtain all required local, state and federal permits for the project and comply with the conditions of these permits. A list of the required permits is included in the route permit application and the environmental impact statement. The Permittees shall submit a copy of such permits to the Commission upon request.

3. Pre-emption. Pursuant to Minnesota Statutes 216E.10, subdivisions 1 and 2, this route permit shall be the sole route approval required to be obtained by the Permittees and this permit shall supersede and preempt all zoning, building, or land use rules, regulations, or ordinances promulgated by regional, county, local and special purpose government.

J. Delay in Construction. If the Permittees have not commenced construction or improvement of the route within four years after the date of issuance of this permit, the Commission shall consider suspension of the permit in accordance with Minnesota Rule 7850.4700.

K. Special Conditions.

1. The alignment along Mn/DOT controlled-access highways, in particular I-94, shall occupy and utilize the existing highway right-of-way to the maximum extent practicable. In most instances, this would indicate structure placements within 18 to 25 feet of Mn/DOT right-of-way, which is consistent with Mn/DOT policies and procedures.
2. The Permittees are allowed to install six conductors at highway crossings and interchange locations in order to minimize transportation disruption in the event additional lines are authorized along the route.
3. The Permittees shall coordinate with Mn/DOT, local highway authorities, the State Patrol or other appropriate agencies to manage the safe flow of traffic

throughout construction, including giving notice to the travelling public and landowners when implosive devices will be used to splice conductors.

4. Permittees shall develop a Construction Environmental Control Plan. This Plan shall include all Environmental Control Plans and permits developed for the Project, including, but not limited to the Agricultural Impact Mitigation Plan (AIMP), an avian mitigation plan, a re-vegetation plan, and a Stormwater Pollution Prevention Plan (SWPPP). The Permittees shall file the Construction Environmental Control Plan with the Commission prior to submitting the Plan and Profile:
 - a. The Construction Environmental Control Plan shall include a process for reporting construction process and plans to the Commission.
 - b. The Permittees shall provide dedicated environmental inspectors and monitors to oversee the construction process and to monitor compliance with 1) the Vegetation Management Plan, 2) the Avian Mitigation Plan, and 3) the requirements of this and all other environmental permits.
 - c. The Permittees shall consult with the DNR concerning right-of-way management, use of bird diverters, and construction near water bodies, wetlands, native plant communities and breeding areas.
5. The Permittees shall develop a Vegetation Management Plan and submit it to the Commission prior to submitting the Plan and Profile. The purpose of the Vegetation Management Plan is to minimize tree clearing, prevent the introduction of noxious weeds and invasive species, and revegetate disturbed non-cropland areas with appropriate native species in cooperation with landowners and appropriate state, federal and local resource agencies.

The Vegetation Management Plan shall:

- a. Identify measures taken to minimize tree removal and minimize ground disturbance.
 - b. Identify a comprehensive re-vegetation plan for non-cropland areas.
 - c. Identify areas, such as trail crossings, where vegetative screening would minimize aesthetic impacts to the extent that such actions do not violate sound engineering principles or system reliability criteria.
 - d. Identify vegetation control methods to be used during the operation and maintenance of the HVTL.
 - e. Identify areas where landowners or resource agencies have specified no herbicide application.
 - f. Identify measures to prevent the introduction of noxious weeds and invasive species on lands disturbed by construction activities.
6. In light of the concerns to avian species raised with this Project, the Permittees shall develop an Avian Mitigation Plan to identify potential risks to avian species

from the Project and to identify strategies that will be implemented to avoid or minimize impacts to birds or their habitats. The plan should be submitted to the PUC prior to filing the Plan and Profile.

V. PERMIT AMENDMENT

The permit conditions in Section IV may be amended at any time by the Commission. Any person may request an amendment of the conditions of this permit by submitting a request to the Commission in writing describing the amendment sought and the reasons for the amendment. The Commission will mail notice of receipt of the request to the Permittees. The Commission may amend the conditions after affording the Permittees and interested persons such process as is required.

VI. TRANSFER OF PERMIT

The Permittees may request at any time that the Commission transfer this permit to another person or entity. The Permittees shall provide the name and description of the person or entity to whom the permit is requested to be transferred, the reasons for the transfer, a description of the facilities affected, and the proposed effective date of the transfer. The person to whom the permit is to be transferred shall provide the Commission with such information as the Commission shall require to determine whether the new Permittees can comply with the conditions of the permit. The Commission may authorize transfer of the permit after affording the Permittees, the new Permittees, and interested persons such process as is required.

VII. REVOCATION OR SUSPENSION OF THE PERMIT

The Commission may initiate action to revoke or suspend this permit at any time. The Commission shall act in accordance with the requirements of Minnesota Rules part 7850.5100 to revoke or suspend the permit.

**MINNESOTA PUBLIC UTILITIES COMMISSION
COMPLIANCE FILING PROCEDURE
FOR PERMITTED ENERGY FACILITIES**

1. Purpose

To establish a uniform and timely method of submitting information required by the Commission energy facility permits.

2. Scope and Applicability

This procedure encompasses all compliance filings required by permit.

3. Definitions

Compliance Filing – A sending (filing) of information to the Commission, where the information is required by a Commission site or route permit.

4. Responsibilities

- A) The Permittees shall eFile all compliance filings with Dr. Burl Haar, Executive Secretary, Public Utilities Commission, through the Department of Commerce (DOC) eDocket system. The system is located on the DOC website: <https://www.edockets.state.mn.us/EFiling/home.jsp>

General instructions are provided on the website. Permittees must register on the website to eFile documents.

- B) All filings must have a cover sheet that includes:
- 1) Date
 - 2) Name of submitter / Permittees
 - 3) Type of Permit (Site or Route)
 - 4) Project Location
 - 5) Project Docket Number
 - 6) Permit Section Under Which the Filing is Made
 - 7) Short Description of the Filing

Filings that are graphic intensive (e.g., maps, plan and profile) must, in addition to being eFiled, be submitted as paper copies and on CD. Copies and CDs should be sent to: 1) Dr. Burl W. Haar, Executive Secretary, Minnesota Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, MN, 55101-2147, and 2) Department of Commerce, Energy Facility Permitting, 85 7th Place East, Suite 500, St. Paul, MN, 55101-2198.

PERMIT COMPLIANCE FILINGS¹

PERMITTEES: Xcel Energy and Great River Energy
PERMIT TYPE: HVTL Route Permit
PROJECT LOCATION: Clay, Wilkin, Otter Tail, Grant, Douglas, Todd and Stearns Counties
PUC DOCKET NUMBER: E002, ET2/TL-09-1056

Filing Number	Permit Section	Description	Due Date
1	Section IV.B.2	Contact information for field representative	10 days prior to construction
2	Section IV.K. 4,5,6	Construction Environmental Control, Vegetation Management and Aviation Mitigation Plans	Prior to submitting Plan and Profile
3	Section IV.A.	Plan and profile of right-of-way	20 days before ROW preparation or construction
4	Section IV.F	Notice of completion and date of placement in service	Three days prior to energizing
5	Section IV.F.3	Provide As-built and GPS information	Within 60 days of construction
6	Complaint Procedures	Notice of complaints filed, or notice of no complaints filed	15 th of each month

¹ This compilation of permit compliance filings is provided for the convenience of the permittees and the PUC. However, it is not a substitute for the permit; the language of the permit controls.

**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 Permittees 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 Permittees and all complaints received by the Commission under Minn. Rule 7829.1500 or 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 LWECs and associated facilities site permit conditions. Complaints do not include requests, inquiries, questions or general comments.

Substantial Complaint: A written Complaint alleging a violation of a specific Site 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 Permittees 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.

E. Complaint Documentation and Processing:

1. The Permittees shall document all Complaints by maintaining a record of all applicable information concerning the Complaint, including the following:
 - a. Name of complainant, address, phone number, and e-mail address.
 - b. Precise property description or parcel number.
 - c. Name of Permittees representative receiving Complaint and date of receipt.
 - d. Nature of Complaint and the applicable Site Permit conditions(s).
 - e. Activities undertaken to resolve the Complaint.
 - f. Final disposition of the Complaint.
2. The Permittees shall designate an individual to summarize Complaints for the Commission. This person's name, phone number and e-mail address shall accompany all complaint submittals.
3. A Person presenting the Complaint should to the extent possible, include the following information in their communications:
 - a. Name, address, phone number, and e-mail address.
 - b. Date
 - c. Tract or parcel
 - d. Whether the complaint relates to (1) a Site Permit matter, (2) a LWECS and associated facility issue, or (3) a compliance issue.

F. Reporting Requirements:

The Permittees 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 Wind Permit Compliance, 1-800-657-3794, or by e-mail to: DOC.energypermitcompliance@state.mn.us, or. 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 Filed to Dr. Burl W. Haar, Executive Secretary, Public Utilities Commission, using the Minnesota Department of Commerce eDocket system (see eFiling instructions attached to this permit).

If no Complaints were received during the preceding month, the Permittees shall submit (eFile) a summary indicating that no complaints were received.

G. Complaints Received by the Commission or EFP:

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

H. Commission Process for Unresolved Complaints:

Initial Screening: Commission staff shall perform an initial evaluation of unresolved Complaints submitted to the Commission. Complaints raising substantial LWECs Site Permit issues shall be processed and resolved by the Commission. Staff shall notify Permittees 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 Commission no later than ten days after receipt of the Staff notification. Staff shall present Briefing Papers to the Commission, which shall resolve the Complaint within twenty days of submission of the Briefing Papers.

I. Permittees Contacts for Complaints:

Mailing Address: Complaints filed by mail shall be sent to:

ATTN: Timothy Lisson
Xcel Energy
1414 West Hamilton Ave STE. 3
Eau Claire, WI 54701

Tel: (715) 737-2513

Email: timothy.j.lisson@xcelenergy.com

**ROUTE PERMIT FOR CONSTRUCTION OF A HIGH VOLTAGE
TRANSMISSION LINE AND SUBSTATION
IN
CLAY, WILKIN, OTTER TAIL, GRANT,
DOUGLAS, TODD AND STEARNS COUNTIES
ISSUED TO
NORTHERN STATES POWER COMPANY
AND GREAT RIVER ENERGY**

PUC DOCKET No. E002, ET2/TL-09-1056

June 23, 2011

Internet links to the route maps for the three route segments authorized in this Route Permit:

North Dakota to Alexandria

Part 1 of 3:

<https://www.edockets.state.mn.us/EFiling/ShowFile.do?DocNumber=20115-63028-02>

Part 2 of 3:

<https://www.edockets.state.mn.us/EFiling/ShowFile.do?DocNumber=20115-63028-03>

Part 3 of 3:

<https://www.edockets.state.mn.us/EFiling/ShowFile.do?DocNumber=20115-63028-04>

Alexandria to Sauk Centre

Part 1 of 1:

<https://www.edockets.state.mn.us/EFiling/ShowFile.do?DocNumber=20115-63028-05>

Sauk Centre to St. Cloud

Part 1 of 2:

<https://www.edockets.state.mn.us/EFiling/ShowFile.do?DocNumber=20115-63028-06>

Part 2 of 2:

<https://www.edockets.state.mn.us/EFiling/ShowFile.do?DocNumber=20115-63028-07>

Paper copies of the route maps can be obtained by contacting Bret Eknes, Energy Facilities Permitting, Minnesota Public Utilities Commission at (651) 201-2236.