OAH 15-2500-22232-2
PUC Docket No. E002/CN-10-694

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE PUBLIC UTILITIES COMMISSION

In the Matter of the Application of Northern States Power Company for a Certificate of Need for Two High Voltage 115 kV Transmission Lines in the Midtown Area of South Minneapolis

SUMMARY OF PUBLIC COMMENT

Public hearings were held on October 10, 2011, by Administrative Law Judge Beverly Jones Heydinger, pursuant to the Notice of Public Hearing and Availability of Environmental Report, issued on August 26, 2011. The hearings were held at Plaza Verde, 1516 East Lake Street, Minneapolis, Minnesota, at 2:00 p.m. and 6:00 p.m.

Appearances: Lisa M. Agrimonti and Valerie T. Herring, Briggs and Morgan, appeared on behalf of Northern States Power Company (Applicant). Also present on behalf of the Applicant were Paul J. Lehman, Pamela Jo Rasmussen, Scott Zima and Jason Standing.

Bill Storm, State Permit Manager, Department of Commerce, Division of Energy Resources, and Bret Eknes, Public Utilities Commission staff member, were also present.

Thirty-one people signed the hearing register; sixteen people made statements for the record.

The Department of Commerce, Office of Energy Resources, offered exhibits marked 1 through 10 into the record. The Applicant offered exhibits marked 11 through 26 into the record. Public exhibits marked 27 through 31 were offered into the record by Carol Overland. All of the offered exhibits were received into the public hearing record. Also, Troy Benjegerdes and Aisha Gomez submitted written statements, marked as Exhibits 32 and 33 respectively, which were also received into the public hearing record.

The public comment period closed on October 26, 2011. Seven written comments were received and were filed in the electronic docket system.

BRIEF DESCRIPTION OF THE PROJECT

Northern States Power Company, the Applicant, has applied for a Certificate of Need for the construction of two new 115 kilovolt (kV) transmission lines in Minneapolis, Minnesota, located in a heavily developed urban area known as the Midtown District in south Minneapolis. The total length of the transmission lines would be 1.4 to 3.8 miles long, depending on the final route selected. The application also requests authority to construct two new substations referred to as the Hiawatha Substation, near Hiawatha Avenue and 28th Street, and the Midtown Substation, near Oakland Avenue South and 29th Street.

The Applicant's stated purpose for the project is to increase the electrical distribution delivery system and improve the reliability of the power supply in south Minneapolis.

Typically, a proceeding is conducted to determine the need for the project and if the Certificate of Need is granted, it is followed by an application for a route permit to designate the specific route the approved project will follow. However, in this instance, the Applicant submitted its route permit application in 2009, when the law in effect did not require a Certificate of Need for this project because of its short length and size. However, while the route proceeding was pending, a law was passed to require a Certificate of Need for projects of this size and length if located in an area with high population density and the proposed transmission lines would be parallel to and within a half-mile of a below-grade bike and walking path. Because this project fits that description, the Commission withheld taking final action on the route permit so that the Certificate of Need proceeding could be conducted.[1]

The public hearing was held at the request of the Public Utilities Commission to take public comments and provide it with a summary of them. Notice was published and also sent to landowners likely to be affected by the transmission line in Hennepin County.[2]

SUMMARY OF PUBLIC COMMENT

Increased Conservation and Energy Alternatives

1. Lee Samelson works part-time for Our Power, which encourages energy conservation within the Midtown District. It has developed a community energy plan and action guide to communicate with residents about available conservation programs. Our Power also encourages more decentralized energy production through

[1] *See* Minn. Stat. § 216B.2421, subd. 2 (2) and (3) (2010); 2010 Minn. Laws, ch. 361, art. 5, sec. 19, eff. May 18, 2010, for transmission lines with a pending application for a route permit.
[2] Edocket Doc. No. 20118-655579-01; Ex. 22

development of solar farms, urban agriculture and ground-source heating. Our Power did not take a position concerning the need for the proposed transmission lines.[3]

2. Shirley Heyer expressed concern that the Applicant had run out of funds to help customers install solar panels. Applicant's witness Paul Lehman agreed that the funds had been exhausted, but also pointed out that the fund is financed by customer rates. In order to increase the dollars available, customers would have to contribute more money.[4]

3. Carlos Zhingre encouraged the Applicant to consider developing a solar demonstration project in the Midtown District, including installation of solar panels over parking lots to produce electricity and shade cars, and other creative alternatives to better use community space.[5]

4. Carrie Anne Johnson was concerned that failure to aggressively plan now for increased conservation and more distributed generation would inevitably lead to future requests for more infrastructure to accommodate greater demand for power. She asked that the Public Utilities Commission engage in more aggressive planning to reduce that likelihood.[6]

Evaluation of a Mix of Alternatives to the Certificate of Need

5. Timothy DenHerder-Thomas was aware that the environmental review considered alternatives to transmission, but was concerned that the alternatives were considered separately rather than in combination. Bill Storm, State Permit Manager, explained how renewable, emerging technologies were evaluated, and their limitations, separately and in combination, for meeting the identified level of need.[7] Aisha Gomez posed a similar question. Mr. DenHerder-Thomas requested that the environmental report include an attempt to develop a plan that would combine alternatives to address growing energy needs.[8] Shirley Heyer and Carol Pass encouraged the Applicant to seek creative alternatives to the current system of energy transmission and distribution.[9]

6. Amanda Blouhy expressed her disappointment in the Environment Report. Like Mr. DenHerder-Thomas, she could not understand why it failed to include a combination of alternative strategies.[10] She would have liked to see more information about upgrades to the distribution system to address some of the projected need.[11] She

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[3] Transcript Volume (Tr. Vol.) 1 at 17-20. *See also* Steve Axelson, Tr. Vol. 1 at 108, favoring increased conservation.
[4] Tr. Vol. 1 at 94-97, 99-100.
[5] Tr. Vol. 2 at 135-137.
[6] Tr. Vol. 2 at 100-103.
[7] Tr. Vol. 1 at 26-29.
[8] Tr. Vol. 1 at 30-32.
[9] Tr. Vol. 1 at 103-105; Tr. Vol. 2 at 65-70, 111-112. *See also* response of Dr. Steve Rakow, Tr. Vol. 2 at 71-73.
[10] Tr. Vol. 2 at 121-122, 128-130.
[11] Tr. Vol 2 at 123-124. *See also* written comments of Carol Overland, Edocket Doc. No. 201110-67746-01.

also expressed concern that in a low income neighborhood, such as the Phillips neighborhood, the Applicant could not rely upon the initiative of individual customers but should establish a funded program to provide enhanced options, including distributed generation.[12]

7. Troy Benjegerdes submitted a monograph prepared for the United States Department of Energy in 2007, describing the Pacific Northwest GridWise Testbed Demonstration Projects. He asserted that the Applicant has not aggressively evaluated alternatives to new transmission projects.

8. In written comments, V. Bruce Stensvik stated that the Applicant should encourage decreased energy use and plan for no load growth. He opined that the Applicant should encourage options that remove load from the grid and plan to install enough photovoltaic systems to replace peaking power plants. By doing so, the construction of costly and unpopular transmission lines could be avoided. Also, he stated that the Applicant should have identified the need for more energy sooner so that smaller, distributed options could have been developed.[13]

Health Risks Associated with Transmission Lines

9. Aisha Gomez offered an article into the record entitled Maternal Exposure to Magnetic Fields During Pregnancy in Relation to the Risk of Asthma in Offspring, published in October 2011 by Arch Pediatric and Adolescent Medicine, a journal of the American Medical Association.[14] The article raises new epidemiological evidence that the level of exposure to magnet fields in pregnancy may increase the risk of asthma in offspring. The article states that the buildup of increasingly stronger wireless networks both inside and outside of living and work spaces and the proliferation of cell phones and other wireless devices have led to human populations being surrounded by electromagnetic fields of increasing intensity. Thus, the study examined the increase in exposure and prevalence of asthma. As Ms. Gomez pointed out, there is a very high rate of childhood asthma and hospitalizations associated with asthma for children living in the Phillips neighborhood of Minneapolis. She asked the Commission to continue to evaluate the information about the risks associated with proximity to transmission lines.[15] Mohammed Cali also expressed concerns about the increased risk of asthma and the effect on children who already suffer from it.[16]

10. Aisha Gomez disagreed with the statement in the Environmental Report that the proposed project was not expected to result in a direct economic hardship to minority or low-income populations.[17]

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[12] Tr. Vol. 2 at 127-128.
[13] Edocket Doc. No. 201111-68066.
[14] Ex. 33.
[15] Tr. Vol. 2 at 54-58. *See also* Tr. Vol. 2 at 117-120 (Carol Pass).
[16] Tr. Vol. 2 at 131-135.
[17] Tr. Vol. 2 at 60-64.

11. Carrie Anne Johnson stated that she would not bicycle daily along the Midtown Greenway because of the bike path's proximity to the proposed Hiawatha Substation and the health risks associated with it. She anticipated that the presence of the substation will decrease usage of the bikeway and increase the number of bicyclists riding in nearby streets.[18]

The Burden to the Midtown Area in Comparison to the Benefit

12. David Bicking questioned whether the power carried by the proposed transmission lines will benefit the Midtown District, or whether the lines will serve as a conduit to transmit power to other areas of the city.[19] Shirley Heyer was also concerned about which customers were contributing to the increased demand.[20] Applicant's witness Paul Lehman explained that the Applicant does not attempt to break down the usage by customer for the purpose of projecting need but that company representatives work with customers to identify energy-saving strategies, and also analyze areas where the load is highest.[21]

13. Aisha Gomez requested information about which of the 39 feeders in the Focused Study Area provide service to the Midtown District. The Applicant provided the information to Ms. Gomez after the hearing, as reflected in its letter of October 25, 2011.[22]

14. Jennifer Gilreath objected to locating the two proposed substations in a densely populated urban area and asked for examples of other substations so located.[23] The Applicant provided some information about other urban substations at the hearing,[24] and supplemented its response in a written filing, showing map images of eight substations in the metro area.[25]

15. Ms. Gilreath also requested more specific information about power outages in the Midtown area.[26] The Applicant explained that it attempts to monitor load to assure that there are very few outages and to plan ahead, taking into account new business development, so that it has facilities to add to the system before the capacity of the system is exceeded.[27]

16. Anna Waugh objected to any project that would adversely affect the Midtown Greenway, one of the few green spaces available for recreation in the Midtown

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[18] Tr. Vol. 2 at 103-106.
[19] Tr. Vol. 1 at 23-26. *See also* Tr. Vol. 2 at 80-90 (Aisha Gomez and responses of Scott Zima); Tr. Vol. 2 at 113-115 (Carol Pass and response of Paul Lehman); written comments of Carol Overland, Edocket Doc. No. 201110-67746-01..
[20] Tr. Vol. 1 at 92-93.
[21] Tr. Vol. 1 at 93-94, 102.
[22] Letter dated October 25, 2011, from Jennifer Thulien Smith, Edocket Doc. No. 201110-67663-01.
[23] Tr. Vol. 2 at 30-39, 52-53.
[24] Tr. Vol. 2 at 36-39.
[25] Letter dated October 25, 2011, from Jennifer Thulien Smith, Edocket Doc. No. 201110-67663-01.
[26] Tr. Vol. 2 at 40-42.
[27] Tr. Vol. 2 at 41-52.

District. Ms. Waugh lives close to the proposed site of the Midtown Substation. She would prefer financial support for improving the energy efficiency of the older buildings in the area rather than construction of power lines.[28]

17. The Climate Crisis Coalition of the Twin Cities was critical of the proposed project for several reasons. One of its concerns was that the project would unfairly burden an economically depressed area that already suffers from atypically poor health and that the population is disproportionally composed of people from historically marginalized groups. In its view, this project will further victimize those groups.[29]

Contribution to Climate Change

18. The Climate Crisis Coalition of the Twin Cities asserted that there is a clear, climate-friendly, ecological alternative to the proposed project. It opposes both fossil-fuel energy generation and nuclear power and believes that new transmission lines do not advance the cause of developing more renewable and small scale energy alternatives, including aeroturbines and solar panels. It would prefer to see the Midtown District become a producer of "clean" energy rather than a consumer of "dirty" energy. The Coalition lamented the Applicant's announcement that it would not expand tests of SmartGrid concepts and outlined several health concerns associated with electromagnetic fields and use of pesticide-treated wooden utility poles. The Coalition does not agree that placing the transmission lines underground will address its concerns. Rather, it sees any transmission lines as perpetuating an antiquated energy system that should be replaced by a more imaginative, sustainable and climate-friendly approach.

Other Potential Environmental Impact

19. Carrie Anne Johnson was concerned that the Environmental Report did not properly evaluate the potential loss of replanted prairie or the effect on insects whose navigation may be affected by the magnetic fields associated with the transmission lines.[30]

Independent Review of Need

20. Troy Benjegerdes expressed his concern that the Applicant had not provided sufficient information for independent analysis of the transmission line and distribution feeder line loading levels to verify the figures the Applicant has relied upon in its application. He noted that legislation appropriating funds to contract with a third party for analysis had been vetoed by Governor Pawlenty, which was to the detriment of the community members who wanted an independent analysis. Although software such as PNNL Gridlab-D software is available, the Applicant has not provided the data

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[28] Written comments of Anna Waugh; *see also* written comments of Julianna Simon and Adam Ruggiero. Edocket Doc. No. 201110-6778-01.
[29] Written comments of Christine Frank on behalf of Climate Crisis Coalition of the Twin Cities, Edocket Doc. No. 201110-67778-01.
[30] Tr. Vol. 2 at 106-108.

necessary to determine if its assumptions concerning load grown can be duplicated. The Applicant's witness, Scott Zima, answered some of the questions posed by Mr. Benjegerdes at the hearing and offered to meet with him to review more detailed data used by the Applicant to make its projections.[31]

21. In her written comments, Carol Overland questioned the accuracy of the Applicant's projected need. Among other points, she asserted that upgrading feeder circuits would increase capacity into the area at less cost. Also, she contended that SAIDI, SAIFI and CAIDI reports of distribution outages are available and should be reviewed to verify the Applicant's claimed need. She also claimed that the Applicant has a plan for increasing the size of its system that demonstrates that the Applicant has other reasons for this project that have not been fully disclosed in its application.[32]

22. Some members of the public asked questions to clarify how the Applicant could predict both reduced overall sales and higher peak loads, and the Applicant's witnesses explained the distinction between the two measures.[33] Ms. Johnson expressed her view that there are better alternatives than transmission to address peak loads.[34]

Questions concerning feeders, transformers and line capacity.

23. Carol Overland asked Mr. Zima many questions about the feeders to the Study Area, substations in the area, and voltage levels. She also asked about an interconnection study for a biomass facility that was ultimately not built.[35] Ms. Overland asked Applicant witness Jason Standing questions about the thermal capacity of the proposed conductor configurations.[36] In her written comments Ms. Overland questioned the size of the proposed conductor, which she claims is designed to handle many times the projected need. Ms. Overland also questioned why the Applicant had taken substations out of service in the past and is now proposing new ones.[37]

Timing of the Application

24. Carrie Anne Johnson questioned why the Applicant had not identified the need for the transmission during the timeframe when Lake Street was torn up for reconstruction.[38] Mr. Zima explained that he must evaluate data over time in order to determine that load levels are exceeded and to document the need to add facilities. In this instance, there was insufficient data available within the timeframe that Lake Street

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[31] Troy Benjegerdes, written comment, with attachments, Edocket Doc. No. 201110-67777-01 to -06; Tr. Vol. 2 at 16-30. *See also* Tr. Vol. 2 at 109-110 (Carol Pass).
[32] Edocket Doc. No. 201110-67746-01.
[33] *See e.g.* Tr. Vol. 1 at 82-85 *and* Vol. 2 at 98-99.
[34] Tr. Vol. 2 at 99-100.
[35] Tr. Vol. 1 at 33-64.
[36] Tr. Vol. 1 at 115-118.
[37] Edocket Doc. No. 201110-67746-01.
[38] Tr. Vol. 1 at 70-71; 79-81.

construction planning was underway to determine what additional facilities were needed.[39]

Allocation of Costs for Placing Transmission Lines Underground

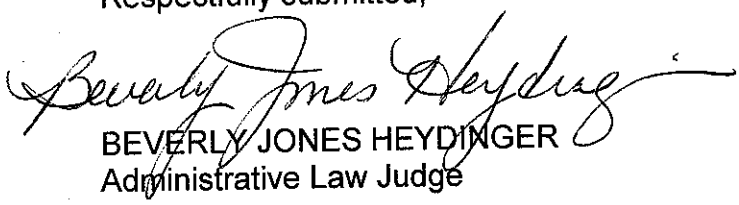
25. Included among the route options for the proposed transmission lines is placement of the lines underground. This is more fully addressed in the routing proceeding. However, there is concern about which ratepayers will bear the increased costs if the Public Utilities Commission selects an underground routing option, and costs of the project are relevant to the evaluation of the need for the proposed transmission lines. Sheldon Mains stated on behalf of the Seward Neighborhood Group that he does not believe that the certificate of need proceeding is an appropriate forum to decide how the costs of an underground option should be borne, nor does he favor addressing the allocation in a separate rate proceeding.[40] In her written comments, Carol Overland stated that she believed that the project should be treated as a standard facility and the costs borne by all Minnesota ratepayers.[41]

Support for the Transmission Lines

26. Dan McConnell, Business Manager, Minneapolis Building and Construction Trades Council, and licensed electrician, supported the transmission lines to assure that the City of Minneapolis has adequate infrastructure for future investment and to assure the reliability of the electric system.[42]

Dated: November 3, 2011

Respectfully submitted,



BEVERLY JONES HEYDINGER
Administrative Law Judge

Telephone: (651) 361-7838

Reported: Janet Shaddix & Associates

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[39] Tr. Vol. 1 at 72-74.
[40] Tr. Vol. 1 at 20-23; *see also* written comment dated October 19, 2011, filed with the Commission, Edocket Doc. No. 201110-67905-01.
[41] Edocket Doc. No. 201110-67746-01.
[42] Tr. Vol. 1 at 87-88.

MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

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November 4, 2011

Dr. Burl Haar
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In re: *In the Matter of the Application of Northern States Power Company for a Certificate of Need for Two High Voltage 115kV Transmission Lines in the Midtown Area of South Minneapolis;* OAH 15-2500-22232-2; PUC Docket No. E002/CN-10-694

Dear Dr. Haar:

Enclosed herewith and served upon you by mail or courier service is the Administrative Law Judge's Summary of Public Comment in the above-entitled matter. Also enclosed is the official record, including three transcripts of the hearing. The official record fits into one banker's box. Our file in this matter is now being closed.

Sincerely,

Beverly Jones Heydinger

BEVERLY JONES HEYDINGER
Administrative Law Judge

Telephone: (651) 361-7838

BJH:nh

Enclosure

cc: All Parties on the Attached Service List

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STATE OF MINNESOTA
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ADMINISTRATIVE LAW SECTION
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CERTIFICATE OF SERVICE

Case Title: *In the Matter of the Application of Northern States Power Company for a Certificate of Need for Two High Voltage 115kV Transmission Lines in the Midtown Area of South Minneapolis*	OAH 15-2500-22232-2; PUC Docket No. E002/CN-10-694

Nancy J. Hansen certifies that on the 4th day of November, 2011 she served a true and correct copy of the attached Summary of Public Comment by placing it in the United States mail or courier service with postage prepaid, addressed to the following individuals:

To All Parties on the Attached Service List