OAH 7-2500-22654-2
Agency No. ET2/TL-11-915

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE PUBLIC UTILITIES COMMISSION

In the Matter of the Route Permit Application for the Enterprise Park to Crooked Lake 115kV Transmission Line Project in Anoka County

SUMMARY OF TESTIMONY AT PUBLIC HEARING AND SUMMARY OF WRITTEN COMMENTS

A Public Hearing was conducted in this matter at the Anoka City Hall on April 16, 2012. Testimony was heard from the Applicant, Great River Energy Company, and several members of the public. The record closed on May 3, 2012.

Mark Strohfus, Environmental Project Lead, appeared on behalf of Great River Energy (Company, Great River). Michael Kaluzniak, Planning Director, appeared on behalf of the Staff of the Minnesota Public Utilities Commission (Commission, PUC). Planning Director Matthew Langan appeared for the Minnesota Department of Commerce.

SUMMARY OF ORAL TESTIMONY

1. On October 4, 2011, Great River Energy filed an Application with the Public Utilities Commission to construct a new 115kV transmission line from Xcel Energy's existing Crooked Lake Substation to the existing Enterprise Park Substation, which is owned by Anoka Municipal Utilities.[1]

2. The purpose of the project is to ensure continued reliable electric service to the people in the area. Increased demand and load growth are forecast on that electrical system. The 115kV system is anticipated to relieve pressure on the existing systems in the area that are now served by transmission lines with a maximum capacity of 69kV.[2]

3. The proposed route was developed after stakeholder outreach and two public information meetings. The route primarily follows existing transportation and

[1] Testimony of Mark Strohfus.
[2] Testimony of Strohfus.

utility corridors, and attempts to minimize impacts to existing landowners without restricting future development.[3]

4. Great River's preferred route proposal also allows for the Anoka Municipal Utility (Anoka) to develop a future distribution station near the intersection of Seventh Avenue and Bunker Lake Boulevard, at the point where the route turns west along Bunker Lake Boulevard.[4]

5. In general terms, the proposed line would run northwest from the Crooked Lake Substation to Eleventh Avenue Northwest, turn west on North Street to Sixth Avenue, and run north on Sixth Avenue through downtown Anoka. It would then route east to Seventh Avenue, and north to just south of Bunker Lake Boulevard. After that, the line turns west again, crosses the Rum River north of downtown Anoka, and proceeds west and south to the City's Enterprise Park Distribution Substation. The length of the proposed route is approximately 5.8 miles.[5]

6. The proposed route diverts one-half block west from Sixth Avenue, between Grant and Garfield Streets, running behind the back yards of several residents, including Tom Raddohl's.[6]

7. The alternate route (Alternative A) in this case was proposed by Mr. Raddohl. If adopted, Alternative A would add approximately 0.3 miles to the total route length.[7]

8. Mr. Raddohl's alternate proposal is opposed by the Company because it is more costly (by approximately $450,000.00) and implicates several physical features of conflicting land usages on both sides of the rail corridor that would present problems. Alternative A also would interfere with an assisted living center currently under construction, increasing the number of impacted individuals.[8]

9. The alternative proposed by Mr. Raddohl would move the route farther west from the northern portion of its path on Sixth Avenue. The Company's preferred route in that area moves one-half block west on Grant Street, then north on a line one-half block west of Sixth Avenue between Grant and Garfield Avenues. It then turns 90 degrees east on Garfield, for one and one-half blocks to Seventh Avenue.[9]

10. Alternative A proposes to construct the line, from the point of intersection of the Burlington Northern Santa Fe (BNSF) railroad tracks and Sixth Avenue, in a line running northwest along the tracks to Fourth Avenue (CSAH 131). It then would be built

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[3] *Id.*
[4] *Id.*
[5] Exhibit 2.
[6] Exhibit 15.
[7] Testimonies of Tom Raddohl and Strohfus.
[8] *Id.*
[9] Exhibit 15.

north on Fourth Avenue to Garfield, then 90 degrees east on Garfield to Seventh Avenue.[10]

11. If Alternative A is adopted, the route would avoid Mr. Raddohl's property.[11]

12. The Company's proposal for the width of its right-of-way expands to 600 feet near the intersection of Seventh Avenue and Bunker Lake Boulevard. The widened right-of-way is proposed so the Company can deal with a 90-degree turn to the west from Seventh Avenue and accommodate any future widening of the road by Anoka County at the intersection. Great River also hopes to avoid a high school building and nearby soccer fields.[12]

13. In other areas, the proposed right-of-way will be as narrow as 70 feet, 35 feet on each side of the centerline.[13]

14. Anoka City Council Member Steve Schmidt testified about the progress of a senior housing/assisted living center that is under construction and would be impacted if Alternative A is adopted. Mr. Schmidt noted that the building's footings are virtually complete and two or three walls are up. The owners (Volunteers of America) have an option to purchase an additional eight acres in the area lying west of the preferred line and traversed by Mr. Raddohl's proposal.[14]

15. Tom Raddohl lives at the corner of Sixth and Grant Streets, and the Company's proposed route will go on two sides of his property, south and west, because of the proposed half-block turn to the west at the corner.[15]

16. If the preferred route is adopted, the value of Mr. Raddohl's currently-unexercised option to buy property lying to the west of his yard would be greatly diminished.[16]

17. If the route ran along Grant Street, straight west from Mr. Raddohl's residential location, even more of his land would be condemned. For that reason, Mr. Raddohl has proposed a diagonal turn farther south of his property, that would run from southeast to northwest along the BNSF tracks to Fourth Avenue.[17]

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[10] *Id.*
[11] Testimony of Raddohl.
[12] Exhibit 15.
[13] Testimony of Strohfus.
[14] Testimony of Steve Schmidt.
[15] Testimony of Tom Raddohl.
[16] Testimony of Raddohl; the route proposed by Mr. Raddohl moves lies along Greenhaven Road, parallel to the earlier-described railroad tracks.
[17] Testimony of Raddohl.

18. Ms. Lois Witte is a neighbor of Mr. Raddohl. Her house lies on Sixth Avenue south of its intersection with Grant (between Grant and Johnson). The proposed route would run across the street from her property.[18]

19. Ms. Witte proposed that the line run straight west along Johnson Street from Sixth Avenue to Fourth Avenue. This proposal, which would keep the power lines away from her house, was made for the first time at the public hearing.[19]

20. Mr. Langan responded to Ms. Witte's proposal. He acknowledged that the proposal would avoid going across from Ms. Witte's yard, but cautioned that her proposal was being made for the first time at the public hearing, and had not been part of the scoping hearings or considered in the Department's scoping decision issued on January 9, 2012.[20]

21. The route proposed by Ms. Witte would pass directly along the property of a current operating business (Lakeland Engineering).[21] Mr. Strohfus noted also that the City of Anoka is considering expansion of parking lot areas and the installation of a two-story parking ramp near the railroad tracks. That development would also be impacted by Ms. Witte's proposal.[22]

22. Joseph Anderla is on the Anoka Park and Recreation Board. He is concerned that the soccer fields near the high school in the vicinity of Seventh and Bunker Lake Road will be impacted by the 115kV power poles. Mr. Anderla wonders if the fields might be rendered unusable.[23]

23. Mr. Anderla also pointed out, as had Mr. Strohfus earlier in the hearing, that the situation is complicated further by Anoka County's plans to widen the intersection to accommodate additional lanes.

24. Mr. Strohfus and Troy Paumen, a routing engineer for Great River, responded to Mr. Anderla's concern.[24] The Company intends to design the route so that its poles will be at corner areas of any soccer field, which will have minimal impact on playing within the boundaries of the fields. The Company can also set up fencing around the power pole, and put padding on it, to protect any players who run out of bounds.

25. Any power poles placed near the soccer fields will be 18 to 24 inches in diameter.[25]

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[18] Testimony of Lois Witte.
[19] *Id.*
[20] Testimony of Langan.
[21] Testimony of Strohfus.
[22] *Id.*
[23] Testimony of Joseph Anderla.
[24] Testimonies of Strohfus and Troy Paumen.
[25] Testimony of Paumen.

WRITTEN COMMENTS

1. Craig Affeldt, Supervisor of the Environmental Review Unit at the Minnesota Pollution Control Agency (MPCA) noted that the Rum River enjoys Scenic River Status Designation at the point where the Company proposes to cross the Rum with its 115kV line. The Scenic River Designation necessitates increased storm water treatment and protection in that area of the route. These matters will be addressed in a Permit issued by the MPCA.

2. Mr. Affeldt notes that also that a Clean Water Act (CWA) Section 404 Permit from the U.S. Army Corps of Engineers may be necessary because of impacts on wetlands resulting from the project.

3. Mr. Affeldt wrote that it is not uncommon for public utility projects to encounter contamination, especially soil contaminated by storage tanks or prior spills. He mentioned a website where a map of such areas is available to alert Great River regarding the placement of the line.

4. The Department of Natural Resources, in a letter from Jamie Schrenzel, Principal Planner, notes that the DNR has reviewed the application materials of the Company and the Department's Environmental Assessment (EA). The purpose of the review was to examine the compliance with comments from the DNR in a letter submitted during the process of developing the EA.

5. Ms. Schrenzel wrote that the EA includes discussion of utilizing wildlife-friendly erosion control matting and discussed the DNR's recommendations for avoiding impacts to the Blanding's turtle, a protected species that lives in the area impacted by the power line.

6. Ms. Schrenzel noted also that comments had been submitted earlier regarding the impact of the transmission line's possible interference with the Rum River, which is designated as "Wild and Scenic" at the location of the crossing. Ms. Schrenzel notes that the DNR still wishes to provide input regarding avian flight diverter locations, and may require the placement of diverters at the Rum River crossing.

7. The DNR recommends also that measures be taken to reduce deforestation and other vegetation impacts, particularly in the vicinity of the Rum River.

8. Carolyn Braun, Planning Director for the City of Anoka, filed a Comment regarding Alternative A. The City is opposed to adopting Alternative A, described earlier and proposed by Tom Raddohl.

9. The City's letter notes that there is very little room to locate power lines along the north or south side of the railroad tracks because of planned station platforms. The City will build waiting platforms for the Anoka Station on North Star Line, and any other rail lines in that location.

10. Ms. Braun writes also that locating the line along the south side of the tracks in the area of the planned railroad station would impact construction of a multi-level parking facility and pedestrian overpass over the railroad tracks. The City plans to locate the ramp immediately adjacent to the south side of the station platforms and connect the platforms with a pedestrian overpass. Construction is slated to begin in the spring of 2013.

11. If the line is located along the north side of the tracks, another possibility under Alternative A, the 115kV project would impact two buildings that abut the right-of-way of the Burlington Northern Santa Fe (BNSF) Railroad. An easement would be required from BNSF to locate the line in that area, or the line would have to be constructed over the buildings. The affected buildings are just east of the north railroad station platform. Ms. Braun notes generally that the area along the north side of the track between Fourth Avenue and Sixth Avenue is planned for commercial and high-density residential development.

12. The City's comment points out that the Volunteers of America just began construction of a senior continuum of care campus on property north of Grant Street and east of Fourth Avenue. The alternative route would place the 115kV line along the front of that development, which is called "The Homestead". The Homestead is under construction, and is scheduled to open in the spring of 2013.

13. Mr. Raddohl's alternative also cuts through the middle of County property, on which Anoka County plans to add an office facility in the future.

14. Ms. Braun wrote also that placement of the line as proposed by the Company would place the 115kV alignment along the backyards of affected property owners and residents, whereas placement of the line as proposed by Mr. Raddohl, along Fourth Avenue, puts the line in residential front yards.

15. Ms. Braun emphasizes that the City and Great River worked jointly and held meetings over a two-year period to get input on a preferred route, and the route proposed originally by the Company is favored by a majority of those who participated in the process.

16. The route proposed in the Company's application has been approved by the Anoka City Council as being in the best interests of the City as a whole.[26]

Dated: May 25, 2012

/s/ Richard C. Luis
RICHARD C. LUIS
Administrative Law Judge

Reported: Janet Shaddix Elling
Shaddix & Associates

[26] Letter from Carolyn Braun.