

The Commission met on **Thursday, April 30, 2015**, with Chair Heydinger and Commissioners Lange, Lipschultz, and Tuma present.

The following matters were taken up by the Commission:

## **ENERGY AGENDA**

### **E-015/TL-14-977**

#### **In the Matter of the Application of Minnesota Power for a Route Permit for the Line 16 Reroute Project in St. Louis County**

Commissioner Lange moved that the Commission take the following actions:

- A. Propose Routes AR2 and AR3 for inclusion in the Department's scoping decision and environmental assessment as set forth in the staff's MPUC Staff Scope Certification Recommendations dated April 30, 2015.
- B. Refer the matter to the OAH for a summary proceeding requesting in the order that the OAH adapt the existing procedural framework set forth Minnesota Rules, part 7850.3800, to incorporate the following:
  1. Request that the administrative law judge assigned to the matter emphasize the statutory time frame (circa September 13, 2015) for the Commission to make final decisions on applications and to strongly encourage the parties and participants to adhere to a schedule that conforms to the statutory time frame.
  2. Request that the administrative law judge ask the parties, participants, and the public to address whether the proposed project and any alternatives to the proposed project meet the selection criteria established in Minnesota Statutes, section 216E.03, subd. 7, and Minnesota Rules, part 7850.4100.
  3. Request that prior to the public hearing, the Department of Commerce EERA submit to the administrative law judge its environmental assessment comments and analysis of the route alternatives using the selection criteria established in Minnesota Statutes, section 216E.03, subd. 7, and Minnesota Rules, part 7850.4100; evidence of compliance with environmental review procedures; and recommended permit language or specific provisions relative to acceptable routes.
  4. Request that the administrative law judge prepare a report setting forth findings, conclusions, and recommendations on the merits of the proposed project, alternatives to the proposed project, and a preferred route alternative, applying the routing criteria set forth in statute and rule; and provide comments and recommendations, if any, on the conditions and provisions of the proposed permit.

The motion passed 4-0.

**E-002,ET-2/TL-08-1474**

**In the Matter of the Great River Energy Application for a Minor Alteration to the Helena-Chub Lake Substation Segment of the Brookings County-Hampton 345kV Transmission Line Project in Scott County, Minnesota**

Commissioner Tuma moved that the Commission:

Approve GRE's request for a minor alteration of the Brookings transmission line for the Cedar Lake Project, with the following conditions:

1. Complaint Procedure. Prior to the start of construction, GRE shall submit to the Commission the procedure that will be used to receive and respond to complaints. The procedure shall be in accordance with the requirements set forth in the Commission's standard complaint handling procedures.
2. Notification to Landowners. GRE shall provide all affected landowners with a copy of the Commission's order authorizing a minor alteration and a copy of the complaint procedure. GRE shall also provide all affected landowners with a copy of the complaint procedure upon contacting landowners to begin construction.
3. Notification to Commission.
  - a. At least 10 days before the Cedar Lake project is to be placed into service, GRE shall notify the Commission of the date on which it will be placed into service and the date on which construction was complete.
  - b. Within 60 days after completion of construction, GRE shall submit copies of all final as-built plans and specifications developed for the Cedar Lake project.
  - c. Within 60 days after completion of construction, GRE shall submit to the Commission geo-spatial information (e.g., ArcGIS compatible map files, GPS coordinates) for all structures associated with the new 115 kV line and the Cedar Lake substation.
4. Department of Natural Resources. GRE shall consult with the DNR concerning mitigation measures for the Cedar Lake project. GRE shall implement those measures recommended by the DNR. GRE shall document this consultation and the recommended mitigation measures and submit this information to the Commission at least 30 days prior to commencing construction of the project.
5. Field Representative. At least 30 days prior to commencing construction, GRE shall advise the Commission in writing of the person or persons designated to be the field representative. The field representative's address, phone number, emergency phone number, an email shall be provided to the Commission and shall be made available to affected landowners, residents, public officials and other interested persons.

The motion passed 4-0.

**ET-2,E-015/CN-14-853**

**ET-2,E-015/TL-15-204**

**In the Matter of the Application of Great River Energy and Minnesota Power for a certificate of Need and Route Permit for the Motley Area 115 kV Project in Morrison, Cass, and Todd Counties**

Commissioner Lipschultz moved that the Commission:

1. The Commission hereby accepts the certificate of need and route permit application as complete.
2. The Commission hereby approves joint hearings and combined environmental review for the certificate of need and route proceedings.
3. The Commission hereby directs use of the informal review process to develop the record for the certificate of need.
4. The Commission requests that the Administrative Law Judge file a summary report of the comments received during the public hearing comment period regarding the certificate of need.
5. The Commission hereby directs use of the summary report process to develop the record for the route permit.
6. The Commission requests that the Administrative Law Judge file a summary report of the comments received regarding the route permit application.
7. The Commission hereby directs the Great River Energy and Minnesota Power to file proposed findings, conclusions, and recommendations and directs the EERA to file a response to the company's filing.
8. The Commission hereby varies Minn. R. 7849.0200, subp. 5, to extend the 30-day deadline for the Commission to consider application completeness.
9. The Commission hereby varies Minn. R. 7849.1400, subp. 3, to extend the 40-day deadline for the Department to conduct a scoping meeting.
10. The Commission hereby varies Minn. R. 7850.3700, subp. 3, to extend the 10-day deadline for the Department to issue its scoping decision.
11. The Commission hereby designates Tracy Smetana of commission staff to serve as the public advisor.
12. The Commission also:
  - Requests that the Department continue to study issues and indicate during the hearing process its position on the reasonableness of granting a certificate of need and a route permit.

- Requires Great River Energy and Minnesota Power to facilitate in every reasonable way the continued examination of the issues by the Department and Commission staff.
- Requires Great River Energy and Minnesota Power to place a copy of the application, in printed or compact disc format, for review in at least one government center or public library in each county where the proposed transmission line project would be located.
- Directs Commission staff to work with the Administrative Law Judge and the staff of the Department in selecting suitable locations for the public hearings on the application.
- Directs Great River Energy and Minnesota Power to work with Commission staff to arrange for publication of the notice of hearings in newspapers of general circulation at least ten days prior to the hearings, and require that such notice be in the form of visible display ads, and that proof of publication be obtained from the newspapers selected.
- Requests that the EERA present comments on the scope of the Environmental Assessment to the Commission for its input prior to the issuance of the final scoping decision by the Department.
- Directs staff to formally contact relevant state agencies to request their participation in the development of the certificate of need and route permit records and public hearings under Minn. Stat. § 216E.10, subd. 3, and request that state agencies submit comments prior to the last day of the public hearing.

The motion passed 4-0.

**E,G/AI-15-102**

**In the Matter of Interstate Power and Light Company's Petition for Approval of Amendment to Affiliated Interest Agreement**

Commissioner Tuma moved that the Commission approve IPL's proposed changes to the Agreement and Attachment A.

The motion passed 4-0.

**E-001, 115, 140, 105, 139, 124, 126, 145, 132, 114, 6521, 142, 135/PA-14-322**

**In the Matter of a Request for the Approval of the Asset Purchase and Sale Agreement Between Interstate Power and Light Company and Southern Minnesota Energy Cooperative**

**E-001/PA-07-540**

**In the Matter of the Joint Petition for Approval of Transfer of Transmission Assets of Interstate Power and Light Company to ITC Midwest LLC**

Commissioner Tuma moved that the Commission:

1. find that that the proposed transaction is consistent with the public interest if certain conditions are applied; and
2. approve the petition subject to the following conditions:
  - a. Annually, for the three years following the proposed transaction's effective date, SMEC must provide actual weather-normalized annual revenue requirements for IPL's former service territory.
  - b. SMEC must provide a bill credit to IPL's former ratepayers if the actual weather-normalized annual revenue requirement in any year exceeds the forecasted annual revenue requirement by more than 2%.
  - c. For (a) and (b) above, adopt the implementation programs as detailed in the Department's March 12, 2015 letter.
  - d. Annually, for five years following the proposed transaction's effective date, SMEC must provide reliability information to the Commission for IPL's former service territory.
  - e. Within 90 days of the order, SMEC must make a compliance filing describing what reliability information will be provided, who will be preparing and filing the information, and when it will be filed each year.
  - f. IPL must return the remaining Alternative Transaction Adjustment to customers through a reduction in payments under the Wholesale Power Sales Agreement.

The motion passed 4-0.

There being no further business, the meeting was adjourned.

**APPROVED BY THE COMMISSION: September 9, 2015**



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**Daniel P. Wolf, Executive Secretary**