BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Katie J. Sieben Chair
Hwikwon Ham Commissioner
Valerie Means Commissioner
Joseph K. Sullivan Commissioner
John A. Tuma Commissioner

In the Matter of the Application of Dairyland Power Cooperative for a Certificate of Need and Route Permit for the Wabasha Relocation 161 kV Transmission Line Project in Wabasha County

SERVICE DATE: May 7, 2024

DOCKET NO. ET-3/CN-23-504; ET-3/TL-23-388

The above-entitled matter has been considered by the Commission and the following disposition made:

- 1. Accepted the applicant's certificate of need and route permit application as substantially complete with respect to route permit application completeness requirements.
- 2. Authorized joint environmental review and hearing processes for the certificate of need and route permit, including preparation of an EA in lieu of an environmental report.
- 3. Decided not to appoint an advisory task force at this time.
- 4. Requested a full ALJ report with recommendations for the project's public hearing.

This decision is issued by the Commission's consent calendar subcommittee, under a delegation of authority granted under Minn. Stat. § 216A.03, subd. 8 (a). Unless a party, a participant, or a Commissioner files an objection to this decision within ten days of receiving it, it will become the Order of the full Commission under Minn. Stat. § 216A.03, subd. 8 (b).

The Commission agrees with and adopts the recommendations of the Department of Commerce, which are attached and hereby incorporated into the Order.

BY ORDER OF THE COMMISSION

Will Seuffert

Executive Secretary

William Jeffe



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April 12, 2024

Will Seuffert
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, Minnesota 55101-2147

RE: Comments of the Minnesota Department of Commerce

Docket No. ET3/CN-23-504

Dear Mr. Seuffert:

Attached are the comments of the Minnesota Department of Commerce (Department) in the following matter:

Application of Dairyland Power Cooperative for a Certificate of Need for the Wabasha Relocation 161 kV Transmission Line Project in Wabasha County, Minnesota.

The Petition was filed by Christina K. Brusven, Attorney, Frederikson & Byron, P.A., Attorneys for Dairyland Power Cooperative on March 27, 2024.

The Department recommends that the Minnesota Public Utilities Commission **determine that the petition is complete** and is available to answer any questions the Minnesota Public Utilities Commission may have.

Sincerely,

/s/ DR. SYDNIE LIEB
Assistant Commissioner of Regulatory Affairs

SR/ad Attachment



Comments of the Minnesota Department of Commerce

Docket No. ET3/CN-23-504

I. INTRODUCTION

A. PREFILING ACTIVITY

On December 13, 2023, Dairyland Power Cooperative (DPC or the Cooperative) filed the Cooperative's Request for Exemption from Certain Certificate of Need Application Content Requirements (Exemption Petition). The Exemption Petition requested exemptions from certain content requirements for a future certificate of need (CN) application for the proposed Wabasha 161 kilovolt (kV) relocation project under Minnesota Rules 7849.0200, Subp. 6.

Also on December 13, 2023, Dairyland Power Cooperative filed the Cooperative's *Certificate of Need Notice Plan Approval Request* (Notice Petition). The Notice Petition provided DPC's proposal to provide notice to all persons reasonably likely to be affected by the proposed Project under Minnesota Rules 7829.2550.

On February 13, 2024, the Minnesota Public Utilities Commission (Commission) issued an order approving the Exemption Petition and the Notice Petition with conditions.

The Wabasha 161 kV relocation project consists of relocating approximately 10.4 miles of an existing 161 kV transmission line between the Wabaco Substation and Mississippi River, including construction of approximately 14 miles of 161-kV transmission on a new right-of-way and a new 161/69-kV substation near Kellogg, Minnesota, in Wabasha County (Project). In addition, the 69-kV transmission line from Kellogg, Minnesota to Alma, Wisconsin will be converted to 161-kV operation to allow for an additional 345-kV circuit across the Mississippi River, requiring a new Kellogg 161/69-kV substation.

B. APPLICATON FOR A CERTIFICATE OF NEED

On March 27, 2024, DPC filed its Application to the Minnesota Public Utilities Commission for a Certificate of Need and Route Permit to Relocate an Existing 161-kV Transmission Line in Wabasha County, MN (Petition).

On April 1, 2024, the Commission issued its *Notice of Comment Period on Application Completeness* (Notice). The Notice states that the following topics are open for comment:

¹ The current 161-kV transmission line is co-located with the Hampton-Rochester-La Crosse 345-kV line between Plainview and Kellogg and will need to be relocated if a separate project, the Mankato to Mississippi 345-kV Transmission Line, is permitted to be operated on the second circuit of the existing 345-kV double circuit capable structures; see Docket No. E002/CN-22-532 for further details.

Docket No. ET3/CN-23-504 Analyst(s) assigned: Steve Rakow

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- Does the certificate of need and route permit applications contain the information required under Minn. R. 7849.0240, Minn. R. 7849.0260 to 7849.0340, and Minn. R. 7850.3100?
- Should the certificate of need be evaluated using the Commission's informal process or referred to the Office of Administrative Hearings for a contested case hearing?
- Should the certificate of need and route permit applications be processed jointly (i.e., joint public information meetings, joint environmental review, and joint public hearings)?
- Are there any contested issues of fact with respect to the representations made in the application?
- Should an advisory task force be appointed concerning the route permit application?
- Should the Commission direct the Executive Secretary to issue an authorization to the applicant to initiate consultation with the Minnesota State Historic Preservation Office (SHPO) (see link below)?
- Are there other issues or concerns related to this matter?

Below are the comments of Minnesota Department of Commerce (Department) regarding the completeness of the Petition.

II. ANALYSIS

A. COMPLETENESS REVIEW

During completeness, the Department reviews a petition to determine if a basic level of information has been provided for each item required by Minnesota Rules. The quality and quantity of information is not at issue, only the presence or absence of the required information.

The Notice indicates that the first issue open for comment is whether the Petition contains the information required under Minnesota Rules Chapter 7849. The Department reviewed the Petition for completeness under Minnesota Rules and the Commission's order regarding the Exemption Petition. Overall, the Department's completeness review is summarized in Attachment 1. The Department recommends the Commission determine the Petition to be complete.

B. PROCESS REVIEW

The second issue open for comment is "Should the certificate of need be evaluated using the Commission's informal process or referred to the Office of Administrative Hearings for a contested case hearing?" The Department has no issues that cannot be resolved using the Commission's informal process. At this time, the need for the project and the alternatives appear relatively clear and the Department does not expect there to be any contested issues of fact. Assuming that other commentators don't raise issues of contested fact with the application, the Department recommends the Commission use the informal process.

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Analyst(s) assigned: Steve Rakow

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C. JOINT PROCEDURE

The third issue open for comment is "Should the certificate of need and route permit applications be processed jointly (i.e., joint public information meetings, joint environmental review, and joint public hearings)?" Joint review is more efficient and benefits the public by requiring one set of public hearings. Therefore, the Department recommends a joint proceeding. the Department defers to the Department's Energy Environmental Analysis unit (EERA) regarding environmental review.

D. CONTESTED ISSUES

The fourth issue open for comment is "Are there any contested issues of fact with respect to the representations made in the application?" The Department does not have any contested issues of fact at this time.

E. ADVISORY TASK FORCE

The fourth issue open for comment is "Should an advisory task force be appointed concerning the route permit application?" The Department defers to the Department's EERA unit regarding environmental review, including use of an advisory task force.

F. AUTHORIZED CONSULTATION

The sixth issue open for comment is "Should the Commission direct the Executive Secretary to issue an authorization to the applicant to initiate consultation with the Minnesota State Historic Preservation Office (SHPO)." The Department defers to the Department's EERA unit on whether the Commission should direct the applicant to consult with SHPO.

G. OTHER ISSUES

The seventh issue open for comment is "Are there other issues or concerns related to this matter?" the Department has no other issues or concerns at this time.

III. DEPARTMENT RECOMMENDATION

The Department recommends that the Commission:

- determine that the Applicants' Petition is substantially complete;
- use the Commission's informal process; and
- use joint public hearings.

Minnesota Rule	Short Description	Exemption?	Location	Complete?
7829.2500 (2)	Separate, Brief Summary	No	Separate File	Yes
7849.0200 (2)	Title Page and Table of Contents	No	Pages i-vii	Yes
7849.0200 (4)	Cover Letter	No	Cover	Yes
7849.0240 (1)	Need Summary	No	Pages 4-1 to 4-5	Yes
7849.0240(2)(A)	Additional Considerations: Socially Beneficial Uses	No	Page 4-9	Yes
7849.0240(2)(B)	Additional Considerations: Promotional Activities	No	Page 4-9	Yes
7849.0240(2)(C)	Additional Considerations: Future Development	No	Page 4-9	Yes
7849.0260(A)(1)	Description of Facility: Design Voltage	No	Page 1-1	Yes
7849.0260(A)(2)	Description of Facility: Conductors	No	Page 3-8	Yes
7849.0260(A)(3)	Description of Facility: Line Losses	Yes-System Losses	Pages 4-7 to 4-8	Yes
7849.0260(A)(4)	Description of Facility: Length	No	Page 1-4	Yes
7849.0260(A)(5)	Description of Facility: Terminal Location	No	Appendix A	Yes
7849.0260(A)(6)	Description of Facility: Affected Counties	No	Page 1-1	Yes
7849.0260(B)(1)	Description of Alternatives: New Generation	No	Pages 5-1 to 5-3	Yes
7849.0260(B)(2)	Description of Alternatives: Upgrade Existing Facility	No	Pages 5-4 to 5-5	Yes
7849.0260(B)(3)	Description of Alternatives: Different Voltages & Conductors	No	Pages 5-5 to 5-10	Yes
7849.0260(B)(4)	Description of Alternatives: Different Endpoints	No	Page 5-9	Yes
7849.0260(B)(5)	Description of Alternatives: Double Circuit Existing Lines	No	Page 5-8	Yes
7849.0260(B)(6)	Description of Alternatives: DC transmission line	No	Page 5-10	Yes
7849.0260(B)(7)	Description of Alternatives: Underground Line	No	Page 5-10	Yes
7849.0260(B)(8)	Description of Alternatives: Reasonable Combinations	No	Page 5-11	Yes
7849.0260(C)(1)	Alternatives Details: Cost Current Dollars	No	Page 3-10	Yes
7849.0260(C)(2)	Alternatives Details: Service Life	No	Page 3-9	Yes
7849.0260(C)(3)	Alternatives Details: Average Annual Availability	No	Page 3-9	Yes

Minnesota Rule	Short Description	Exemption?	Location	Complete?
7849.0260(C)(4)	Alternatives Details: O & M Costs	No	Page 3-11	Yes
7849.0260(C)(5)	Alternatives Details: Effect on Rates	Yes-MISO Cost Sharing	Pages 3-11 to 3-12	Yes
7849.0260(C)(6)	Alternatives Details: Losses	Yes-System Losses	Pages 4-7 to 4-8	Yes
7849.0260(C)(7)	Alternatives Details: Major Assumptions	No	Throughout 3-9 to 3-12	Yes
7849.0260(D)	System Map	No	Page 1-3	Yes
7849.0260(E)	Other Relevant Information	No	Applicant Discretion	Yes
7849.0270(1)	Forecast Scope	Yes-affected load area only	Pages 4-5 to 4-7	Yes
7849.0270(2)(A) and	Minnesota only and System-wide	Yes-affected load	Pages 4-5 to	.,
(B)	Energy Forecast	area only	4-7	Yes
	Peak Demand for the System and	Yes-affected load	Pages 4-5 to	
7849.0270(2)(C)	by Customer Class	area only	4-7	Yes
	System Monthly Peak Demand	Yes-reliability risks		
7849.0270(2)(D)	Data	of no build	Page 5-12	Yes
	System Annual Revenue	Yes-MISO Cost	Pages 3-11 to	
7849.0270(2)(E)	Requirement per kilowatt-hour	Allocation	3-12	Yes
7849.0270(2)(F)	Monthly Average System Weekday Load Factor	Yes	Exempt	N/A
7849.0270(3)-(5)	Forecast Methodology	Yes-Simplified Load Data	Pages 4-5 to 4-7	Yes
7849.0280(A)	Power Planning Programs	No	Page 4-4	Yes
7849.0280(B)-(I)	Loand and Capability Data	Yes	Exempt	N/A
7849.0290	Conservation Programs	Yes-Summary of Applicant's programs	Pages 5-3 to 5-4	Yes
7849.0300	Consequences of Delay	Yes- General Discussion	Page 4-8	Yes
7849.0320	Generator Alterative Info	No	Not considered in detail	Yes
7849.0330(A)(1)	Overhead Transmission: Structure/Conductor Diagram	No	Pages 3-5 to 3-6	Yes
7849.0330(A)(2)	Overhead Transmission: Electric Fields	No	Pages 8-25 to 8-26	Yes
7849.0330(A)(3)	Overhead Transmission: Ozone and Nitrogen Oxide	No	Page 8-31	Yes
7849.0330(A)(4)	Overhead Transmission: Radio and TV Interference	No	Page 8-25	Yes
7849.0330(A)(5)	Overhead Transmission: Audible Noise	No	Pages 8-9 to 8-13	Yes

Minnesota Rule	Short Description	Exemption?	Location	Complete?
7849.0330(B)	Underground Transmission	No	Not considered in detail	Yes
7849.0330(C)	Right-of-Way	No	Page 3-2	Yes
7849.0330(D)	Construction Practices	No	Pages 7-2 to 7-7	Yes
7849.0330(E)	O & M Practices	No	Page 7-8	Yes
7849.0330(F)	Work Force	No	Page 7-7	Yes
7849.0330(G)(1)	Description of Region: Hydrologic Features	No	Pages 8-43 to 8-49	Yes
7849.0330(G)(2)	Description of Region: Vegetation & Wildlife	No	Pages 8-49 to 8-52	Yes
7849.0330(G)(3)	Description of Region: Physiographic Regions	No	Pages 8-40 to 8-41	Yes
7849.0330(G)(4)	Description of Region: Land Use	No	Pages 8-1 to 8-3	Yes
7849.0340	No-Facility Alternative	Yes- General Discussion	Page 5-12	Yes



April 15, 2024

Will Seuffert Executive Secretary Minnesota Public Utilities Commission 121 7th Place East, Suite 350 St. Paul, MN 55101-2147

RE:

EERA Comments and Recommendations on Application Completeness

Wabasha Relocation Project – Certificate of Need and Route Permit Application

Docket Nos. ET3/CN-23-504 and ET3/TL-23-388

Dear Mr. Seuffert,

Attached are comments and recommendations of Department of Commerce, Energy Environmental Review and Analysis (EERA) staff in the following matter:

In the Matter of the Application of Dairyland Power Cooperative for a Certificate of Need and Route Permit for the Wabasha Relocation Project a 161 kV Transmission Line in Wabasha County, Minnesota

The certificate of need and route permit application was filed on March 27, 2024, by:

Sage Williams

Dairyland Power Cooperative 3200 East Ave S, PO Box 817

La Crosse, WI 54602-0817

Christina K. Brusven, Esq.

Fredrikson & Byron, P.A.

60 South Sixth Street, Suite 1500

Minneapolis, MN 55402-4400

EERA staff recommends that the route permit portions of the application be accepted as complete. EERA staff is available to answer any questions the Commission may have.

Sincerely,

James E. Sullivan

Environmental Review Manager

James E. Sullin





BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

ENERGY ENVIRONMENTAL REVIEW AND ANALYSIS COMMENTS AND RECOMMENDATIONS

WABASHA RELOCATION PROJECT DOCKET NOS. ET3/CN-23-504 AND ET3/TL-23-388

Date: April 15, 2024

EERA Staff: Jim Sullivan | 651.539.1059 | jim.sullivan@state.mn.us

In the Matter of the Application of Dairyland Power Cooperative for a Certificate of Need and Route Permit for the Wabasha Relocation Project a 161 kV Transmission Line in Wabasha County, Minnesota

Issues Addressed: These comments and recommendations address the completeness of the certificate of need and route permit application, the advisability of conducting the environmental review and hearing processes for the certificate of need and route permit jointly, the need for an advisory task force, and the presence of contested issues of fact.

Documents Attached:

(1) Project Map

Additional documents and information can be found on eDockets:

https://www.edockets.state.mn.us/EFiling/search.jsp (TL-23-388; CN-23-504) and on the Department of Commerce's website: http://mn.gov/commerce/energyfacilities.

This document can be made available in alternative formats (i.e., large print or audio) by calling 651-296-0391 (voice).

Introduction and Background

On March 27, 2024, Dairyland Power Cooperative (applicant) submitted a joint certificate of need (CN) and route permit application (herein "application") to the Minnesota Public Utilities Commission (Commission) for a CN and route permit to relocate approximately 13.3 miles of 161 kilovolt (kV) high voltage transmission line (HVTL) in Wabasha County, Minnesota, and construct a new substation in Kellogg, Minnesota. The project is herein referred to as the Wabasha Relocation Project, or the Project.

¹ Combined Certificate of Need and Route Permit Application for the Wabasha Relocation Project, Dairyland Power Cooperative, March 27, 2024, eDocket numbers 20243-204688-05 (through –12), 20243-204691-01 (through -13), [hereinafter Application].

On April 1, 2024, the Commission issued a notice soliciting comments on the completeness of the application, the advisability of conducting the environmental review and hearing processes for the certificate of need and route permit jointly, the need for an advisory task force, the presence of contested issues of fact, and other related matters.²

Project Purpose

In July 2022, the Midcontinent Independent System Operator (MISO) approved a long-range transmission plan (LRTP) including a new Wilmarth-North Rochester-Tremval transmission line.³ This new 345 kV line, referred to as the Mankato to Mississippi River 345 kV Transmission Project in Minnesota, would utilize the double circuit capability of the CapX2020 system between North Rochester and Alma, Wisconsin.³ To meet the Mankato to Mississippi River 345 kV project objectives, Dairyland Power Cooperative (Dairyland) must complete two tasks to maintain existing and ongoing reliability: relocation of a portion of its 161 kV line; and, construction of a new substation.

The first task, relocation of the existing Dairyland 161 kV circuit from the current CapX2020 structures, is needed to make room for a new, second 345 kV circuit on the existing CapX2020 structures.⁴ The second task, construction of a new Kellogg Substation, is needed as the new Mankato to Mississippi River 345 kV Transmission Project's circuit across the Mississippi River will eliminate Dairyland's existing Mississippi River LN340 69 kV transmission line crossing and substation connection in Alma, Wisconsin.

Once constructed, the new Kellogg Substation will service the LN340 69 kV transmission line, which travels north-south between Kellogg and the Utica, Minnesota area. Finally, constructing a 161 kV transmission path between Wabasha and Alma will maintain existing transmission capacity and generation outlet provided by the transmission line. Ultimately, the Project aims to uphold the current transmission system electrical capacities while accommodating introduction of the new 345 kV line from Mankato to the Mississippi River. This entails leveraging existing infrastructure, already equipped to support a new 345 kV transmission line, thus optimizing efficiency, and minimizing the need for extensive additional construction.

Project Description

Dairyland proposes to relocate the existing LQ34 161 kV transmission line, currently located on the CapX2020 structures, by installing a new 13.3-mile 161 kV transmission line and construction of a new Kellogg Substation, all in Wabasha County. Dairyland will use single-pole steel structures. All structures will be self-supporting; therefore, no guying will be required. Typical pole heights will range from 75 to 140 feet above ground and spans between poles will range from 250 to 1,000 feet. Construction will occur within a 100-foot-wide right-of-way (ROW) easement that Dairyland will obtain to operate the

² Notice of Comment Period on Application Completeness, [April 1, 2024]. eDocket number 20244-204845-02.

³ For additional details, see the Midcontinent Independent System Operator (MISO) *MTEP21 Report Addendum:*Long Range Transmission Planning Tranche 1 Executive Summary, retrieved on April 10, 2024, and located at
https://cdn.misoenergy.org/MTEP21%20AddendumLRTP%20Tranche%201%20Report%20with%20Executive%20Summary625790.pdf

⁴ Application, pp. 1-1, 1-2.

⁵ Application, p. 1-5.

⁶ Application, p. 1-1.

⁷ Application, p. 1-4.

⁸ Application, p. 1-4.

transmission line. The 100-foot-wide ROW easement is centered on the proposed alignment (or 50 feet on either side of the transmission line).⁹

The Project route width (or proposed route) is a larger area that is inclusive of the proposed alignment and the Kellogg Substation. Dairyland requests a standard route width of 400 feet (200 feet on either side of the proposed alignment for most of the Project), and requests a wider route width in some areas, up to 2,300 feet wide, to allow for additional route study and the potential need to make minor modifications to the proposed alignment in these areas.¹⁰

Dairyland anticipates conducting site preparation activities at the Kellogg Substation site between June and July 2026, with substation construction and 161 kV transmission line installation between June 2027 – July 2028. ¹¹ This timeline correlates to the Mankato to Mississippi River 345 kV Transmission Project development, with planned in-service by June 2028. ¹²

Regulatory Process and Procedures

In Minnesota, no person may construct a high voltage transmission line without a route permit from the Commission. A high voltage transmission line is defined as a conductor of electric energy designed for and capable of operation at a voltage of 100 kV or more and greater than 1,500 feet in length. The Applicants maintain that the project is eligible to use the alternative review process prescribed by Minnesota Statute 216E.04.¹³ They have indicated their intent to use the alternative review process through their January 29, 2024, Commission notice.¹⁴

The proposed Project will operate at a voltage greater than 100 kV and will have a length in Minnesota greater than ten miles; accordingly, the Project is a large energy facility and requires a certificate of need from the Commission.¹⁵ The certificate of need application must be considered using the processes prescribed by Minnesota Statute 216B.243 and Minnesota Rules 7849.

Route Permit Application Acceptance

Route permit applications for high voltage transmission lines must provide specific information about a project including applicant information, route descriptions, and potential environmental impacts and mitigation measures. ¹⁶ Under the alternative review process, applicants must propose one route in their route permit application and discuss any other routes considered and rejected for the project. ¹⁷

The Commission may accept an application as complete, reject an application and require additional information to be submitted, or accept an application as complete upon filing of supplemental

⁹ Application, p. 1-4.

¹⁰ Application, p. 1-4.

¹¹ Application, Section 3.4.

¹² Application, 1-6.

¹³ Minnesota Statute 216E.04, Subd. 2(3) provides this alternative for high voltage transmission lines of between 100 and 200 kilovolts.

¹⁴ Application, Appendix E.

¹⁵ Minnesota Statute 216B.2421; Minnesota Statute 216B.243.

¹⁶ Minnesota Rule 7850.3100.

¹⁷ Ibid.

information.¹⁸ The environmental review and permitting process begins on the date the Commission determines that a route permit application is complete.¹⁹ The Commission has six months (or nine months, with just cause) from the date of this determination to reach a route permit decision.²⁰

Environmental Review

Route permit applications are subject to environmental review conducted by Department of Commerce, Energy Environmental Review and Analysis (EERA) staff.²¹ Projects proceeding under the alternative review process require the preparation of an environmental assessment (EA).²² An EA is a document that describes the potential human and environmental impacts of a proposed project and possible mitigation measures. Public meetings will be held to solicit comments on the scope of the EA.²³

Certificate of Need and Joint Environmental Review

As noted above, the Project requires a certificate of need from the Commission; the applicants have applied to the Commission for this approval. Certificate of need applications are subject to environmental review conducted by EERA staff – staff must prepare an environmental report for these projects.²⁴

If a certificate of need and a route permit are required for the same project, EERA staff may elect to combine the two environmental review processes and prepare an EA in lieu of an environmental report. ²⁵ If an EA is prepared in lieu of an environmental report, the EA must include an analysis of alternatives to the project that would otherwise be required in an environmental report. ²⁶

Public Hearing

Route permit applications under the alternative review process require that a public hearing be held in the project area after the EA for the project has been completed and released.²⁷ The hearing is typically presided over by an administrative law judge (ALJ) from the Office of Administrative Hearings. If certificate of need and route permitting processes are proceeding concurrently, the Commission may order that a joint hearing be held to consider both need and permitting.²⁸

The Commission may request that the ALJ provide solely a summary of public testimony. Alternately, the Commission may request that the ALJ provide a full report with findings of fact, conclusions of law, and recommendations regarding the project.

¹⁸ Minnesota Rule 7850.3200.

¹⁹ Ibid.

²⁰ Minnesota Rule 7850.3900.

²¹ Minnesota Statute 216E.04, Subd. 5.

²² Ibid.

²³ Minnesota Rule 7850.2500.

²⁴ Minnesota Rule 7849.1200.

²⁵ Minnesota Rule 7849.1900.

²⁶ Ibid.

²⁷ Minnesota Rule 7850.3800.

²⁸ Minnesota Statute 216B.243, Subd. 4.

Advisory Task Force

The Commission may appoint an advisory task force to aid the environmental review process. ²⁹ An advisory task force must include representatives of local governmental units in the project area. ³⁰ A task force assists EERA staff with identifying impacts and mitigation measures to be evaluated in the EA. A task force expires upon issuance of the EA scoping decision. ³¹

The Commission is not required to appoint an advisory task force for every project. If the Commission does not appoint a task force, citizens may request that one be appointed.³² If such a request is made, the Commission must determine at a subsequent meeting if a task force should be appointed or not. The decision whether to appoint an advisory task force does not need to be made at the time of application acceptance; however, it should be made as soon as practicable to ensure its charge can be completed prior to issuance of the EA scoping decision.

EERA Staff Analysis and Comments

EERA staff provides the following analysis and comments in response to the Commission's notice requesting comments on completeness and other issues related to the applicant's certificate of need and route permit application.

Application Completeness

EERA staff has conferred with the applicant regarding the proposed project and has reviewed a draft application. EERA staff believes that staff comments on the draft application have been addressed in the application submitted to the Commission. Staff has evaluated those portions of the application related to the routing of the project against the application completeness requirements of Minnesota Rule 7850.1900 (see Table 1). Staff finds that the application contains appropriate and complete information with respect to these requirements. Staff did not review the application for its compliance with certificate of need completeness requirements. EERA staff has no opinion on these requirements.

Joint Environmental Review

The Commission has before it a combined certificate of need and route permit application for the Project. It appears to EERA staff that the need and permitting processes for the Project will proceed concurrently. Thus, at this time, EERA staff anticipates that it will prepare one environmental review document for the Project – an EA.

EERA staff believes that preparation of an EA in lieu of an environmental report for the certificate of need will not lengthen the certificate of need or route permitting processes. Additionally, the applicants have requested that the certificate of need and route permitting processes be conducted jointly.³³ Finally, EERA believes that joint environmental review is relatively more efficient for the public, local governments, agencies, and tribes, and that there are benefits to having an environmental analysis of need and routing in one document.

²⁹ Minnesota Statute 216E.08.

³⁰ Ibid.

³¹ Minnesota Rule 7850.3600.

³² Ibid.

³³ Application, p. 2-2.

Joint Public Hearings

As noted above, EERA believes that joint environmental review is appropriate for the Project. Thus, public information and scoping meetings would also be joint and directed toward developing the scope of an EA that would address both the certificate of need and route permit.

The applicants have also proposed joint hearings to address both project necessity and routing concerns through a unified practice.³⁴ Per Minnesota Statute 216B. 2343, joint hearings should be held unless they are not feasible or efficient or otherwise not in the public interest.³⁵ EERA staff believes that joint hearings are feasible, efficient and in the public interest.

Advisory Task Force

When analyzing the necessity for a project advisory task force, EERA staff deliberated on four key characteristics: project size, project complexity, known or anticipated controversy, and sensitive resources. Staff concludes that a task force is not warranted for the project at this time.

• **Project Size.** The Project consists of approximately 13.3 miles of 161 kV transmission line, with structures that will range in height from 75 to 140 feet. The length, voltage, and size of the structures make this a relatively small transmission line project for Minnesota. These project-size factors do not support a task force.

Through EERA experience, an advisory task force is best suited for specific, defined geographies and impacts. In this situation, EERA staff believe existing public participation and engagement practices provide adequate opportunity to identify potential project impacts. The project route is short, approximately 13.3 miles, and is bounded within four townships in Wabasha County. An advisory task force in this situation would likely perform no different than the existing public participation practices (i.e., public scoping comments, public meetings, and public hearings).

Project Complexity. Land use within the Project area is predominantly agricultural and rural
residential, interspersed with wooded areas mainly confined to steep slopes along the
Mississippi River bluffs. As the Project approaches Kellogg and the Canadian Pacific Railroad,
there are pockets of developed and commercial land. Notably, most of the project (71%) aligns
with pre-existing electric distribution, road, and railroad corridors.³⁶ Given the project size and
short, linear nature of the proposed line, project complexity factors do not support a task force.

Given the proposed route length and alternative routes considered and rejected, the applicant has considered and documented their initial evaluation of potential impacts to human and environmental resources in their application. The proposed and rejected alternative routes are relatively short and confined to several townships within Wabasha County, limiting the number of routes and related complexity potential. An advisory task force would not add additional value to the project as there is little potential for route complexity.

³⁴ Ibid.

³⁵ Minnesota Statute 216B.243, Subd. 4.

³⁶ Application, p. 8-1.

Known or Anticipated Controversy. To date, the Department has not received any comments
regarding potential project impacts. The applicant identified public concerns during their public
engagement process, which included land use and property value concerns.³⁷ Given the
relatively short route length and existing land use and right of way, this factor does not weigh in
favor of a task force.

EERA staff considered known or anticipated controversy and how an advisory task force may assist in resolving these concerns. The applicant held two in-person public open houses and an online meeting to gather feedback on the proposed project route. In addition, the applicant provided a project communications record chronicling their interactions with local, state, federal and tribal agencies. Through meetings and related outreach, the applicant is aware of the public interest in utilizing existing distribution structures, concerns regarding electromagnetic fields and health, property use and value impacts, landowner proximity to the project, as well as potential adverse effects on farming and dairy operations.

• Sensitive Natural Resources. Rare and unique natural resources have been identified within the project area. These include state and federally listed resources, one Minnesota Biological Survey (MBS) site, and the presence of karst terrain. ³⁸ The applicants have committed to work with the Minnesota Department of Natural Resources and other agencies to minimize impacts to these sensitive natural resources. ³⁹ Given the relatively short line length, route siting and construction practices, this factor does not support the use of a project task force.

EERA staff notes the presence of sensitive natural resources, including karst terrain, in the project area and provided a plans to reduce potential impacts. ⁴⁰ The applicant described and explained project-related karst concerns and has coordinated with the Minnesota Department of Natural Resources to identify existing karst features as well as development of a plan to identify potential karst features. ⁴¹ The applicant's plan will also include construction contingencies in the event new karst features are revealed during project construction. ⁴²

In summary, EERA believes the project's short transmission line length, comprehensive evaluation of routing alternatives, extensive public engagement, and coordination with relevant agencies makes an advisory task force unnecessary for addressing potential impacts and concerns associated with the project.

³⁷ Application, p. 9-2.

³⁸ Application, State and federally listed rare and unique natural resources (pp. 8-34 to 8-62); MBS site (p. 8-51); and karst terrain (Section 8.6.2).

³⁹ Application, Karst (p. 8-41); MBS site (p.8-48 and 8-51); Rare and Unique Natural Resources (pp. 8-62 through 8-63).

⁴⁰ Application, MBS site (p.8-48 and 8-51); Rare and Unique Natural Resources (pp. 8-62 through 8-63).

⁴¹ Application, p. 3-7.

⁴² Application, Sections 3.2.2 and 8.6.2.

Contested Issue of Fact

Based on its review of the certificate of need and route permit application and the record to date, EERA staff has not identified any contested issues of fact. Staff is unaware of any issues or concerns associated with the application or project that require a contested case hearing.

EERA staff recommends that the Commission request a full ALJ report for the project's public hearing. EERA staff believes that a full ALJ report with recommendations provides an unbiased, efficient, and transparent method to air and resolve any issues that may emerge as the record is developed. Requiring a full ALJ report reduces the burden on Commission staff and helps to ensure that the Commission has a robust record on which to base its decision. Additionally, a full ALJ report does not significantly lengthen the route permitting process. EERA staff has provided a draft schedule for the environmental review and permitting process, which includes a comparison of potential hearing work products and schedules (i.e., a summary of public testimony vs. a full ALJ report with findings, conclusions, and recommendations) (see Table 2).

EERA Staff Recommendation

EERA staff recommends that the Commission:

- Accept the applicant's certificate of need and route permit application as substantially complete
 with respect to route permit application completeness requirements.
- Conduct the environmental review and hearing processes for the certificate of need and route permit jointly, including preparation of an EA in lieu of an environmental report.
- Not appoint an advisory task force at this time.
- Request a full ALJ report with recommendations for the project's public hearing.

Table 1. Application Completeness Requirements

Minnesota Rule 7850.1900, Subpart 2	Location in Route Permit Application	EERA Staff Comments
A. a statement of proposed ownership of the facility at the time of filing the application and after commercial operation;	3.5	Information is provided to satisfy this requirement. Dairyland Power Cooperative will own the project.
B. the precise name of any person or organization to be initially named as permittee or permittees and the name of any other person to whom the permit may be transferred if transfer of the permit is contemplated;	1.3	Information is provided to satisfy this requirement. Dairyland Power Cooperative will be the permittee.
C. at least two proposed routes for the proposed high voltage transmission line and identification of the applicant's preferred route and the reasons for the preference;	1.4	Information is provided to satisfy this requirement. Minnesota Statute 216E.03 requires that none of the routes proposed in a permit application be designated as a preferred route. The route permit application complies with this requirement.
D. a description of the proposed high voltage transmission line and all associated facilities, including the size and type of the high voltage transmission line;	3.1	Information is provided to satisfy this requirement.
E. the environmental information required under subpart 3;	See Minne	esota Rule 7850.1900, Subpart 3 below.
F. identification of land uses and environmental conditions along the proposed routes;	8.1	Information is provided to satisfy this requirement.
G. the names of each owner whose property is within any of the proposed routes for the high voltage transmission line;	Appendix G	Information is provided to satisfy this requirement.
H. United States Geological Survey topographical maps or other maps acceptable to the Commission showing the entire length of the high voltage transmission line on all proposed routes;	Appendix A	Information is provided to satisfy this requirement.

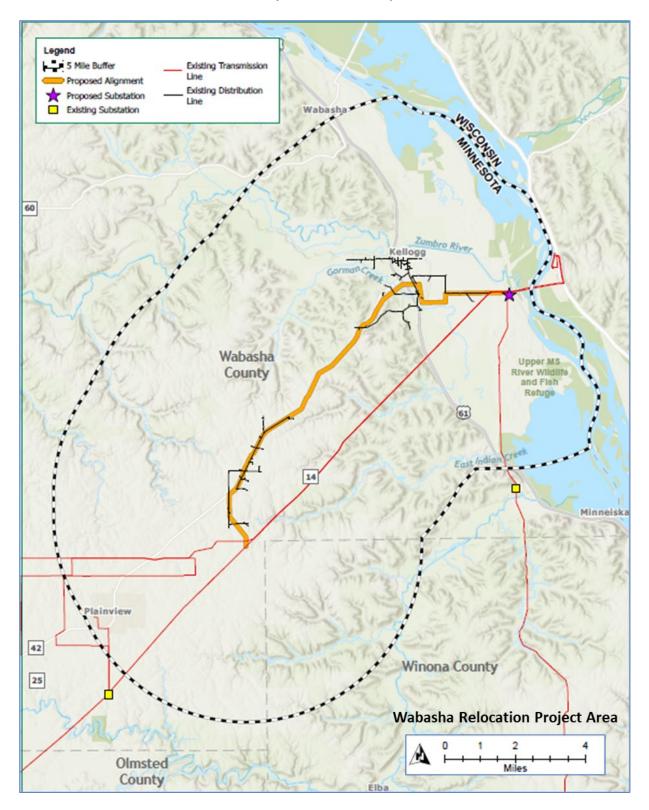
Minnesota Rule 7850.1900, Subpart 2	Location in Route Permit Application	EERA Staff Comments
I. Identification of existing utility and public rights-of-way along or parallel to the proposed routes that have the potential to share the right-of-way with the proposed line;	3.1.1 and 7.1	Information is provided to satisfy this requirement.
J. the engineering and operational design concepts for the proposed high voltage transmission line, including information on the electric and magnetic fields of the transmission line;	3.2, and 8.3.4	Information is provided to satisfy this requirement.
K. cost analysis each route, including the costs of constructing, operation and maintaining the high voltage transmission line that are dependent on design and route;	3.3	Information is provided to satisfy this requirement.
L. a description of possible design options to accommodate expansion of the high voltage transmission line in the future;	3.2.10	Information is provided to satisfy this requirement.
M. the procedures and practices proposed for the acquisition and restoration of the right-of-way, construction, and maintenance of the high voltage transmission line;	Chapter 7	Information is provided to satisfy this requirement.
N. a listing and brief description of federal, state, and local permits that may be required for the proposed high voltage transmission line; and	2.4	Information is provided to satisfy this requirement.
O. a copy of the Certificate of Need or the certified HVTL list containing the proposed high voltage transmission line or documentation that an application for a Certificate of Need has been submitted or is not required.	2.1	Information is provided to satisfy this requirement. The applicants submitted a certificate of need application for the project on March 27, 2024 (Commission docket number ET3/CN-23-504).

Minnesota Rule 7850.1900, Subpart 3	Location in Route Permit Application	EERA Staff Comments
A. a description of the environmental setting for each site or route;	8.1	Information is provided to satisfy this requirement.
B. a description of the effects of construction and operation of the facility on human settlement, including, but not limited to, public health and safety, displacement, noise, aesthetics, socioeconomic impacts, cultural values, recreation, and public services;	8.2 and 8.3	Information is provided to satisfy this requirement.
C. a description of the effects of the facility on land-based economies, including, but not limited to, agriculture, forestry, tourism, and mining;	8.4	Information is provided to satisfy this requirement.
D. a description of the effects of the facility on archaeological and historic resources;	8.5	Information is provided to satisfy this requirement.
E. a description of the effects of the facility on the natural environment, including effects on air and water quality resources and flora and fauna;	8.6	Information is provided to satisfy this requirement.
F. a description of the effects of the facility on rare and unique natural resources;	8.6.7	Information is provided to satisfy this requirement.
G. identification of human and natural environmental effects that cannot be avoided if the facility is approved at a specific site or route; and	8.8	Information is provided to satisfy this requirement.
H. a description of measures that might be implemented to mitigate the potential human and environmental impacts identified in items A to G and the estimated costs of such mitigative measures.	See subsections of Chapter 8 for impact and mitigation measures.	Information is provided to satisfy this requirement.

Table 2. Draft Permitting Process Schedule

Approximate Date	Permitting Day	Permitting Process Step			
March 27, 2024		Application Submitted			
April 2024		Comment Period on Application Completeness			
May 2024		Commission Considers Application Acceptance			
June 2024	0	Application Acceptance Order			
June 2024	5	Notice of Public Information and Scoping Meetings			
July 2024	30	Public Information and Scoping Meetings			
September 2024	60	Scoping Decision Issued			
February 2025	210	EA Issued Notice of EA Availability and Public Hearing			
March 2025	240	Public Hearing			
April 2025	270	Public Hearing Comment Period Closes			
April 2025 270		Applicant Responses to Hearing Comments			
Summary of Public Testimony					
280 Applicant Proposed Findings					
	290	EERA Responses to Comments on EA; Technical Analysis; Replies to Applicant Proposed Findings			
	290	ALJ Submits Summary of Public Testimony			
	320	Commission Staff Prepares Findings and Proposed Route Permit			
	340	Commission Considers CN and Route Permit Issuance			
Full ALJ R	eport with Finding	gs, Conclusions, and Recommendations			
	280	Applicant Proposed Findings			
	290	EERA Responses to Comments on EA; Technical Analysis; Replies to Applicant Proposed Findings			
	320	ALJ Submits Full Report			
	335	Exceptions to ALJ Report			
	350	Commission Staff Prepares Proposed Route Permit			
	370	Commission Considers CN and Route Permit Issuance			

Project Overview Map



CERTIFICATE OF SERVICE

I, Robin Benson, hereby certify that I have this day, served a true and correct copy of the following document to all persons at the addresses indicated below or on the attached list by electronic filing, electronic mail, courier, interoffice mail or by depositing the same enveloped with postage paid in the United States mail at St. Paul, Minnesota.

Minnesota Public Utilities Commission ORDER

Docket Number: ET-3/CN-23-504; ET-3/TL-23-388

Dated this 7th day of May, 2024

/s/ Robin Benson

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
David	Bell	david.bell@state.mn.us	Department of Health	POB 64975 St. Paul, MN 55164	Electronic Service	No	OFF_SL_23-504_CN-23- 504
Christina	Brusven	cbrusven@fredlaw.com	Fredrikson Byron	60 S 6th St Ste 1500 Minneapolis, MN 55402-4400	Electronic Service	No	OFF_SL_23-504_CN-23- 504
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.st ate.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1400 St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_23-504_CN-23- 504
Randall	Doneen	randall.doneen@state.mn.u s	Department of Natural Resources	500 Lafayette Rd, PO Box 25 Saint Paul, MN 55155	Electronic Service	No	OFF_SL_23-504_CN-23- 504
Kate	Fairman	kate.frantz@state.mn.us	Department of Natural Resources	Box 32 500 Lafayette Rd St. Paul, MN 551554032	Electronic Service	No	OFF_SL_23-504_CN-23- 504
Annie	Felix Gerth	annie.felix- gerth@state.mn.us		Board of Water & Soil Resources 520 Lafayette Rd Saint Paul, MN 55155	Electronic Service	No	OFF_SL_23-504_CN-23- 504
Sharon	Ferguson	sharon.ferguson@state.mn .us	Department of Commerce	85 7th Place E Ste 280 Saint Paul, MN 551012198	Electronic Service	No	OFF_SL_23-504_CN-23- 504
Todd	Green	Todd.A.Green@state.mn.u s	Minnesota Department of Labor & Industry	443 Lafayette Rd N St. Paul, MN 55155-4341	Electronic Service	No	OFF_SL_23-504_CN-23- 504
Kari	Howe	kari.howe@state.mn.us	DEED	332 Minnesota St, #E200 1ST National Bank Blo St. Paul, MN 55101	Electronic Service Ig	No	OFF_SL_23-504_CN-23- 504
Ray	Kirsch	Raymond.Kirsch@state.mn .us	Department of Commerce	85 7th Place E Ste 500 St. Paul, MN 55101	Electronic Service	No	OFF_SL_23-504_CN-23- 504

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Chad	Konickson	chad.konickson@usace.ar my.mil	U.S.Army Corps of Engineers	180 5th St # 700 Saint Paul, MN 55101	Electronic Service	No	OFF_SL_23-504_CN-23-504
Stacy	Kotch Egstad	Stacy.Kotch@state.mn.us	MINNESOTA DEPARTMENT OF TRANSPORTATION	395 John Ireland Blvd. St. Paul, MN 55155	Electronic Service	No	OFF_SL_23-504_CN-23- 504
Dawn S	Marsh	dawn_marsh@fws.gov	U.S. Fish & Wildlife Service	Minnesota-Wisconsin Field Offices 4101 American Blvd E Bloomington, MN 55425	Electronic Service	No	OFF_SL_23-504_CN-23- 504
Generic Notice	Residential Utilities Division	residential.utilities@ag.stat e.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	OFF_SL_23-504_CN-23- 504
Stephan	Roos	stephan.roos@state.mn.us	MN Department of Agriculture	625 Robert St N Saint Paul, MN 55155-2538	Electronic Service	No	OFF_SL_23-504_CN-23- 504
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th PI E Ste 350 Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_23-504_CN-23- 504
Jayme	Trusty	execdir@swrdc.org	SWRDC	2401 Broadway Ave #1 Slayton, MN 56172	Electronic Service	No	OFF_SL_23-504_CN-23- 504
Jen	Tyler	tyler.jennifer@epa.gov	US Environmental Protection Agency	Environmental Planning & Evaluation Unit 77 W Jackson Blvd. Mailstop B-19J Chicago, IL 60604-3590	Electronic Service	No	OFF_SL_23-504_CN-23- 504
Cynthia	Warzecha	cynthia.warzecha@state.m n.us	Minnesota Department of Natural Resources	500 Lafayette Road Box 25 St. Paul, MN 55155-4040	Electronic Service	No	OFF_SL_23-504_CN-23- 504

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Alan	Whipple	sa.property@state.mn.us	Minnesota Department Of Revenue	Property Tax Division 600 N. Robert Street St. Paul, MN 551463340	Electronic Service		OFF_SL_23-504_CN-23- 504
Jonathan	Wolfgram	Jonathan.Wolfgram@state. mn.us	Office of Pipeline Safety	445 Minnesota St Ste 147 Woodbury, MN 55125	Electronic Service	1	OFF_SL_23-504_CN-23- 504

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Christina	Brusven	cbrusven@fredlaw.com	Fredrikson Byron	60 S 6th St Ste 1500 Minneapolis, MN 55402-4400	Electronic Service	No	OFF_SL_23-388_Official
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.st ate.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1400 St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_23-388_Official
Adam	Duininck	aduininck@ncsrcc.org	North Central States Regional Council of Carpenters	700 Olive Street St. Paul, MN 55130	Electronic Service	No	OFF_SL_23-388_Official
Sharon	Ferguson	sharon.ferguson@state.mn .us	Department of Commerce	85 7th Place E Ste 280 Saint Paul, MN 551012198	Electronic Service	No	OFF_SL_23-388_Official
Generic Notice	Residential Utilities Division	residential.utilities@ag.stat e.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	OFF_SL_23-388_Official
Nathaniel	Runke	nrunke@local49.org	International Union of Operating Engineers Local 49	611 28th St. NW Rochester, MN 55901	Electronic Service	No	OFF_SL_23-388_Official
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th PI E Ste 350 Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_23-388_Official