

REVISED Staff Briefing Papers

Meeting Date: October 3, 2024

Agenda Item: **3

Company: Northern States Power Company d/b/a Xcel Energy, Great River Energy, Minnesota Power, Otter Tail Power Company, and Western Minnesota Municipal Power Agency (collectively, the Applicants)

Docket: E002, E017, ET2, E015, ET10/CN-22-538
In the Matter of the Application for a Certificate of Need for the Big Stone South—Alexandria—Big Oaks Transmission Project

E002, E017, ET2, E015, ET10/TL-23-159
In the Matter of the Application for a Route Permit for the Alexandria to Big Oaks 345-kilovolt Transmission Project in Central Minnesota

- Issues:**
- Should the Commission find that the environmental assessment and the record created at the public hearings adequately address the issues identified in the scoping decision?
 - Should the Commission grant a certificate of need for the Big Stone South—Alexandria—Big Oaks Transmission Project?
 - Should the Commission adopt the administrative law judge’s findings of fact, conclusions of law, and recommendation?
 - Should the Commission grant a route permit for the Alexandria to Big Oaks 345-kilovolt Transmission Project?

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The attached materials are work papers of the Commission Staff. They are intended for use by the Public Utilities Commission and are based upon information already in the record unless noted otherwise.

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✓ Relevant Documents	Date
Order Approving Notice Plan Petition and Approving Exemptions from Certain Certificate of Need Application Content Requirements (CN-22-538)	04/19/2023
Application for a Certificate of Need for the Big Stone South—Alexandria—Big Oaks Transmission Project (6 parts) (CN-22-538)	09/29/2023
Application to the Minnesota Public Utilities Commission for a Route Permit for the Alexandria to Big Oaks 345 kV Transmission Project (9 parts) (TL-23-159)	09/29/2023
Sample High-Voltage Transmission Line Route Permit (TL-23-159)	11/21/2023
Minnesota State Historic Preservation Office (SHPO) Consultation Authorization Letter (TL-23-159)	11/21/2023
Order Accepting Applications as Complete and Establishing Procedural Requirements (TL-23-159)	12/05/2023
Applicants’ Compliance Filing Regarding Minnesota Department of Natural Resources (DNR) Natural Heritage Review and SHPO Consultation (4 parts, 2 of the 4 parts filed as trade secret) (TL-23-159)	12/12/2023
Applicants’ Response to Scoping Comments (TL-23-159)	01/19/2024
Department of Commerce Energy Environmental Review and Analysis (EERA) Scoping Recommendations (TL-23-159)	01/23/2024
Order Accepting Route Alternatives for Evaluation in the Environmental Assessment (TL-23-159)	02/06/2024
Environmental Assessment Scoping Decision (TL-23-159)	02/21/2024
Audubon Upper Mississippi River, Clean Grid Alliance, Center for Rural Affairs, Fresh Energy, Minnesota Center for Environmental Advocacy, Sierra Club, the Citizens’ Utility Board of Minnesota, and Union of Concerned Scientists (Joint Commenters) Initial Comments on Merits of the Certificate of Need Application (CN-22-538)	04/23/2024
Midcontinent Independent System Operator, Inc. (MISO) Initial Comments on Merits of the Certificate of Need Application (CN-22-538)	04/23/2024

✓ Relevant Documents	Date
International Union of Operating Engineers Local 49 (Local 49) and North Central States Regional Council of Carpenters (Carpenters) Initial Comments on Merits of the Certificate of Need Application (CN-22-538)	04/26/2024 07/08/2024
Department of Commerce Division of Energy Resources (DOC DER) Initial Comments on Merits of the Certificate of Need Application (CN-22-538)	04/30/2024
NoCapX 2020 Initial Comments on Merits of the Certificate of Need Application (CN-22-538)	04/30/2024
DOC DER Letter Concerning Missing Attachment from April 30, 2024 Filing (CN-22-538)	05/08/2024
Applicants' Reply Comments on Merits of the Certificate of Need Application (CN-22-538)	05/28/2024
MISO Reply Comments on Merits of the Certificate of Need Application (CN-22-538)	05/28/2024
Applicants' Direct Testimony of Matt Langan (TL-23-159)	05/30/2024
Environmental Assessment (9 parts) (TL-23-159)	05/29/2024
DOC DER Supplemental Comments on Merits of the Certificate of Need Application (CN-22-538)	06/04/2024
Addendum to Environmental Assessment (TL-23-159)	06/10/2024
DNR Comment Letter (TL-23-159)	07/08/2024
Applicants' Comments on Environmental Assessment (TL-23-159)	07/08/2024
Clean Energy Economy Minnesota Comments (CN-22-538)	07/08/2024
Minnesota Conservative Energy Forum Comments (CN-22-538)	07/10/2024
Applicants' Proposed Findings of Fact, Conclusions of Law, and Recommendations (TL-23-159)	07/15/2024
Applicants' Response to DNR Comment Letter filed on July 8, 2024 (TL-23-159)	07/22/2024

✓ Relevant Documents	Date
EERA Post-Hearing and Reply Comments (TL-23-159)	07/25/2024
Office of Administrative Hearings (OAH) Order on Amended or Supplemental Findings (TL-23-159)	08/15/2024
Applicants’ Amended Proposed Findings of Fact, Conclusions of Law, and Recommendations (3 parts) (TL-23-159)	08/20/2024
OAH Findings of Fact, Conclusions of Law, and Recommendation (ALJ Report) (TL-23-159)	08/30/2024
EERA Exceptions to ALJ Report (TL-23-159)	09/05/2024
Applicants’ Exceptions to ALJ Report (TL-23-159)	09/10/2024

Map 1 – Project Overview (Certificate of Need)

Map 2 – Alexandria to Big Oaks Proposed Route (Route Permit)

Map 3 – Mississippi River Crossing Options (Route Permit)

Table 1 – Proposed Permit Language

Attachment A – Draft Route Permit

ISSUES

- Should the Commission find that the environmental assessment and the record created at the public hearing adequately address the issues identified in the scoping decision?
- Should the Commission grant a certificate of need for the Big Stone South—Alexandria—Big Oaks Transmission Project?
- Should the Commission adopt the administrative law judge’s findings of fact, conclusions of law, and recommendation?
- Should the Commission grant a route permit for the Alexandria to Big Oaks 345-kilovolt Transmission Project?

PROJECT BACKGROUND

Northern States Power Company d/b/a Xcel Energy, Great River Energy, Minnesota Power, Otter Tail Power Company, and Western Minnesota Municipal Power Agency (collectively, the Applicants) have filed with the Minnesota Public Utilities Commission (Commission) an application for a certificate of need for the Big Stone South—Alexandria—Big Oaks 345-kilovolt (kV) Transmission Project and an application for a route permit for the Alexandria to Big Oaks 345-kV Transmission Project, the eastern segment of the Big Stone South—Alexandria—Big Oaks 345-kV Transmission Project.

The Big Stone South—Alexandria—Big Oaks Transmission Project, which is the subject of the certificate of need application, is divided into two segments for the purpose of route permitting: an eastern segment (approximately 105 to 108 miles long) and a western segment (approximately 100 miles long):

- The eastern segment (Alexandria to Big Oaks 345-kV Transmission Project), which is the subject of the current route permit application, would connect the Alexandria Substation near Alexandria, Minnesota, to a new proposed substation (Big Oaks Substation)¹ near Becker, Minnesota, and depending on the final route, would cross Douglas, Todd, Stearns, Sherburne, and Wright counties.
- The western segment (Big Stone South to Alexandria 345-kV Transmission Project) would connect the existing Big Stone South Substation near Big Stone City, South Dakota, to the Alexandria Substation, potentially passing through Grant, Douglas, Stevens, Pope, Swift, Big Stone, and Lac Qui Parle counties, depending on the final route. The western segment is part of the certificate of need proceeding but is not part of the route permit proceeding.²

According to the route permit application, the Alexandria to Big Oaks 345-kV Transmission Project (eastern segment) would be collocated on the open position of the existing double-circuit-capable CapX2020 structures for approximately 95 percent of its length.³ The Project also includes expansion of the existing Alexandria, Riverview, and Quarry substations and construction of the new Big Oaks Substation.

¹ The Big Oaks Substation was previously referred to as the Cassie's Crossing Substation in the MISO MTEP21 report.

² Otter Tail Power Company and Missouri River Energy Services, on behalf of Western Minnesota Municipal Power Agency, plan to file a route permit application for the western segment in the fourth quarter of 2024. See Docket E-017, ET-10/TL-23-160.

³ The existing CapX2020 transmission line was previously permitted and constructed as double-circuit capable as part of the Monticello to St. Cloud 345 kV Transmission Project (E002, ET2/TL-09-246) and the Fargo to St. Cloud 345 kV Transmission Project (E002, ET2/TL-09-1056).

The new transmission line is proposed to deviate from existing infrastructure at four locations along the route as follows:

- **Alexandria Substation Tap.** The transmission line would deviate from the existing infrastructure and require the installation of approximately 0.2 mile of new transmission right-of-way to tap into the Alexandria Substation.
- **Riverview Substation Bypass.** Due to system requirements, one circuit would need to bypass the Riverview Substation. This bypass would result in approximately 0.5 mile of new transmission right-of-way around the substation.
- **Quarry Substation Bypass.** Due to system requirements, one circuit would need to bypass the Quarry substation. This bypass would result in approximately 0.2 mile of new transmission right-of-way around the substation.
- **Mississippi River Crossing Alignment Options.** A new crossing over the Mississippi River near the city of Monticello would be necessary to connect to the new Big Oaks Substation in Becker. Two options were initially proposed:⁴
 - **Western Crossing Option.** The Western Crossing Option would entail a new 0.7-mile-long crossing of the Mississippi River directly south of the proposed Big Oaks Substation. This alignment would require 0.7 mile of new right-of-way located entirely on Xcel Energy-owned land.
 - **Eastern Crossing Option.** The Eastern Crossing Option would entail a new crossing of the Mississippi River just west of the Monticello Nuclear Generating Plant. This option would be approximately 3.4 miles long, running parallel to an existing 115 kV transmission line. This option would require 2.1 miles of new transmission line right-of-way located entirely on Xcel Energy-owned land. This option would also require two separate structures be placed on an island in the Mississippi River.

The route widths requested for the Alexandria to Big Oaks 345-kV Transmission Project are as follows:

- A 150-foot route width for collocated portions on existing infrastructure.
- A 1,000-foot route width for portions that will deviate from the existing right-of-way.

⁴ Additional Mississippi River crossing alternatives were proposed during the application review process and are discussed later in these briefing papers.

- A 500-foot route width for areas around the Alexandria, Riverview, and Quarry substations.
- An up to 1-mile route width for the Big Oaks Substation interconnection and the Mississippi River crossing.

The final right-of-way width for the project would be 150 feet.

The Big Stone South—Alexandria—Big Oaks Transmission Project was studied, reviewed, and approved by the Midcontinent Independent System Operator, Inc. (MISO) as part of its 2021 Transmission Expansion Plan (MTEP21) report. According to the MTEP21 report, the Big Stone South—Alexandria—Big Oaks Transmission Project, designated as LRTP2, is one of 18 Long-Range Transmission Planning (LRTP) Tranche 1 transmission projects needed to address reliability issues across the MISO transmission system. The Big Stone South—Alexandria—Big Oaks Transmission Project is specifically needed to address regional reliability issues on the existing 230-kV system in western and central Minnesota and eastern North Dakota and South Dakota. This includes providing additional transmission capacity to mitigate current capacity issues and accommodate the addition of renewable resources.

**Maps are attached to these briefing papers, which provide an overview of the

- Big Stone South—Alexandria—Big Oaks Transmission Project (certificate of need) (Map 1),
- the Alexandria to Big Oaks 345-kV Transmission Project (route permit) (Map 2), and
- the Mississippi River crossing options (Map 3).

RULES AND STATUTES

I. Certificate of Need

The Commission must first issue a certificate of need before a large energy facility may be sited or constructed in Minnesota.⁵ The proposed Big Stone South—Alexandria—Big Oaks Transmission Project requires a certificate of need because it meets the definition of a large energy facility, as it is a transmission line with a capacity greater than 200 kV and a length greater than 1,500 feet.⁶

⁵ Minn. Stat. § 216B.243, subd. 2

⁶ Minn. Stat. § 216B.2421, subd. 2(2)

II. Route Permit

The Commission must issue a route permit before a high-voltage transmission line may be constructed in Minnesota.⁷ The proposed Alexandria to Big Oaks 345-kV Transmission Project requires a route permit because it meets the definition of a high-voltage transmission line, as it is a transmission line with a capacity greater than 100 kV and a length greater than 1,500 feet.⁸

III. Procedural Treatment of Applications

The Commission authorized the following procedures for reviewing the certificate of need and route permit applications:

- Review of the certificate of need application through the informal review process.⁹
- Review of the route permit application through alternative review process.¹⁰
- Requested that the Office of Administrative Hearings appoint an administrative law judge to serve as the hearing examiner for the public hearings, consistent with Minn. R. 7850.3800, and provide findings of fact, conclusions of law, and recommendations on the merits of the route permit application.
- Authorized joint meetings and hearings, as well as combined environmental review of the certificate of need and route permit applications, including the preparation of an environmental assessment rather than an environmental report.¹¹

PROCEDURAL HISTORY

On March 10, 2023, the Applicants filed a Request for Exemption from Certain Certificate of Need Application Content Requirements and a Notice Plan Petition.

On April 19, 2023, the Commission issued an order that approved the Notice Plan Petition and granted certain exemptions from the certificate of need application content requirements.

On September 29, 2023, the Applicants filed an application for a certificate of need for its proposed Big Stone South—Alexandria—Big Oaks Transmission Project.

⁷ Minn. Stat. § 216E.03, subd. 2

⁸ Minn. Stat. § 216E.01, subd. 4

⁹ Minn. R. 7829.1200

¹⁰ The Alexandria to Big Oaks 345-kV Transmission Project is eligible for alternative review under Minn. Stat. § 216E.04, subd. 2(5), as it is a high-voltage transmission line greater than 200 kV with at least 80% of its distance in Minnesota located along existing high-voltage transmission line right-of-way.

¹¹ Minn. R. 7849.1900, subp. 1

On that same day the Applicants filed a route permit for the Alexandria to Big Oaks 345-kV Transmission Project, the eastern segment of the Big Stone South—Alexandria—Big Oaks Transmission Project.

On December 5, 2023, the Commission issued an order that accepted the certificate of need and route permit applications as complete and specified the procedural and administrative steps required for application review. The order also required the Applicants to file before the public hearing a Minnesota Department of Natural Resources (DNR)-approved Natural Heritage Review and a Minnesota State Historic Preservation Office (SHPO) consultation status update. On December 12, 2023, the Applicants filed the compliance documents required by the Commissions December 5 Order.

Between December 12 and 14, 2023, staff from the Commission and the Minnesota Department of Commerce Energy Environmental Review and Analysis Unit (EERA) held public information and environmental assessment scoping meetings. These meetings included one online meeting via WebEx and five in-person meetings in the following cities: Alexandria, Monticello, Ortonville, Benson, and St. Joseph. In addition, a written comment period was open through January 8, 2024.

On February 6, 2024, the Commission issued an order that adopted the recommendations of EERA as outlined in its Comments and Recommendations on the EA Scoping Decision dated January 23, 2024. In addition to the routes proposed by the Applicants in their route permit application, the Commission authorized further evaluation of the three additional route alternatives where the proposed transmission line would cross the Mississippi River. The alternative routes were proposed by the DNR and modified by the Applicants to address known constructability issues and are as follows (*See Map 3, attached to these briefing papers*):

DNR Option 1

This alternative would include rebuilding an existing Xcel Energy 115 kV transmission line south of the Applicants' Eastern Crossing Alternative to create a double-circuit 345/115 kV crossing of the Mississippi River. The initial DNR proposal was modified and shifted south on the north side of the Mississippi River where it would potentially encroach on a new University of Minnesota research building and also to provide adequate clearances from existing 345 kV transmission lines in the area.

DNR Option 2

This alternative would cross at a narrower point of the Mississippi River northwest of the Applicants' Western Crossing Alternative. The initial DNR proposal was modified and shifted east to avoid an existing pivot irrigation system that is north of Interstate 94.

DNR Option 3

This alternative would deviate from the Applicants' Proposed Route approximately three miles northwest of the Applicants' Western Crossing Alternative and proceed north and east by using existing roads and natural boundaries and cross the Mississippi River northwest of the proposed Big Oaks Substation and follow an existing 345 kV transmission corridor southeast to the proposed substation area. The initial DNR proposal was modified and shifted south on the north side of the Mississippi River to provide adequate clearances from existing 345 kV transmission lines in the area.

On February 21, 2024, EERA issued the Environmental Assessment Scoping Decision (EA Scoping Decision).

Also on February 21, 2024, the Commission issued a Notice of Comment Period on the Merits of the Certificate of Need Application. The notice identified an initial comment deadline of April 23, 2024, a reply comment deadline of May 28, 2024, and a supplemental comment deadline of May 28, 2024.

On February 29, 2024, EERA sent a letter to landowners that may be potentially impacted by the alternative routes that were authorized for further evaluation in the environmental assessment.

On April 23, 2024, initial comments on the certificate of need application were filed by MISO and by the Audubon Upper Mississippi River, Clean Grid Alliance, Center for Rural Affairs, Fresh Energy, Minnesota Center for Environmental Advocacy, Sierra Club, Citizens' Utility Board of Minnesota, and Union of Concerned Scientists (collectively, the Joint Commenters).

Also on April 23, 2024, in response to a request from the Department of Commerce Division of Energy Resources (DOC DER), the Commission issued a Notice of Extended Comment Period on the Merits of the Certificate of Need Application. The noticed extended the initial comment deadline to April 30, 2024, the reply comment deadline to May 28, 2024, and the supplemental comment deadline to June 4, 2024.

[On April 26, 2024 and July 8, 2024, comments were filed by the Operating Engineers Local 49 and North Central States Regional Council of Carpenters.](#)

On April 30, 2024, initial comments on the certificate of need application were filed by DOC DER¹² and NoCapX 2020.

¹² On May 8, 2024, DOC DER filed Attachment 2 which was inadvertently omitted from its Initial Comments.

On May 28, 2024, reply comments on the certificate of need application were filed by the Applicants and MISO.

On May 29, 2024, EERA issued the Environmental Assessment: Alexandria to Big Oaks 345 kV Transmission Project (EA).

On May 30, 2024, the Applicants filed the Direct Testimony of Matthew Langan. The testimony introduced 115/345 kV double-circuit modifications to the Applicants' Western Crossing Option and the DNR Alternative 2. In both route options, an existing 115 kV would be rerouted and double circuited with the new 345 kV Mississippi River crossings. The existing 115 kV transmission line crossing of the Mississippi River and to the common endpoint north of the proposed Big Oaks Substation would be removed. The modified alternatives were identified as Western Crossing Option B (Double Circuit) and DNR Alternative 2B (Double Circuit). The two alternatives would both require an approximately 1,300-foot by 1,300-foot expansion of the requested route width north of the proposed Big Oaks Substation.

On June 6, 2024, supplemental comments on the certificate of need application were filed by DOC DER.

On June 10, 2024, EERA filed an addendum to the EA. The amendments provided clarification and information related to the environmental analysis concerning the certificate need matter which includes both the eastern and western segments of the Big Stone South—Alexandria—Big Oaks Transmission Project.

Between June 13 and June 18, 2024, Administrative Law Judge (ALJ) Megan J. McKenzie presided over joint public hearings.¹³ These hearings included one online hearing via WebEx and five in-person hearings in the following cities: Alexandria, Monticello, Ortonville, Benson, and St. Joseph. In addition, a written comment period was open through July 8, 2024.

On July 8, 2024, the DNR filed a comment letter concerning the various route alternatives, calcareous fens, state-listed species, dust control, and wildlife-friendly erosion control.

[Also on July 8, 2024, comments were filed by Clean Energy Economy Minnesota.](#)

[On July 10, 2024, comments were filed by Minnesota Conservative Energy Forum.](#)

On July 15, 2024, the Applicants filed proposed findings of fact, conclusions of law, and recommendations.

¹³ The joint hearings were conducted in accordance with Minn. R. 7829.2500, subp. 9 (certificate of need informal process) and Minn. R. 7850.3800 (route permit alternative process).

On July 22, 2024, the Applicants filed a letter identifying an alternative alignment for the proposed Western Crossing Option B (Double Circuit) of the Mississippi River in response to DNR's comments that were filed on July 8, 2024. The modification, identified as Western Crossing Option B (Double Circuit) Modified, would shift the transmission line slightly west on the north side of the Mississippi River to reduce impacts on Minnesota Biological Survey (MBS) Sites of Biodiversity Significance within the right-of-way. Also, as recommended by the DNR, the crossing would use side-by-side H-frame structures that would place the conductors in a horizontal configuration across the river to reduce the potential for avian interactions. Lastly, the Applicants clarified that the new modification would be located on Xcel-owned land and would not follow the along bluff as possibly misinterpreted by the DNR but would cross the river directly and therefore would not require tree clearing along the bluff.

On July 25, EERA filed Hearing and Reply Comments to Proposed Findings of Fact.

On August 15, 2024, the ALJ issued an order which provided an opportunity for parties to file amended or supplemental proposed findings of fact, conclusions of law, and recommendations.

On August 21, 2024, the Applicants filed amended proposed findings of fact, conclusions of law, and recommendations.

On August 30, 2024, the ALJ filed findings of fact, conclusions , of law, and recommendation (ALJ Report).

On September 5, 2024, EERA filed a letter concerning exceptions to the ALJ Report.

On September 10, 2024, the Applicants filed a letter concerning exceptions to the ALJ Report.

MERITS OF THE CERTIFICATE OF NEED APPLICATION

As previously indicated in these briefing papers, the Commission authorized informal review of the certificate of need application, also referred to as the comment and reply process. Notice was issued by the Commission requesting initial, reply and supplementary comments over a period of approximately 15 weeks. In addition, a joint public hearing on the certificate of need and route permit applications was held, with a written comment period for interested persons to ask questions and provide additional comments.

The Commission received comments on the certificate of need application from DOC DER, the Applicants, MISO, NoCapx2020, the Joint Commenters,¹⁴ Operating Engineers Local 49 and North Central States Regional Council of Carpenters (Local 49/Carpenters), Clean Energy Economy Minnesota (CEEM), and Minnesota Conservative Energy Forum.

Staff has provided brief summaries of the comments received below. However, it is recommended that the Commission review the specific comment letters for more detailed information.

IV. DOC DER Comments

In its initial comments dated August 30, 2024, DOC DER concluded that the requirements of Minnesota Statutes, section 216B.243 and Minnesota Rules 7849.0010 to 7849.0400 have been met. Specifically, that the:

- the probable result of denial would be an adverse effect upon the future adequacy, reliability, or efficiency of energy supply to the applicant, to the applicant's customers, or to the people of Minnesota and neighboring states (Minn. R. 7849.0120A);
- a more reasonable and prudent alternative to the proposed facility has not been demonstrated by a preponderance of the evidence on the record (Minn. R. 7849.0120B); and
- the record does not demonstrate that the design, construction, or operation of the proposed facility, or a suitable modification of the facility, will fail to comply with relevant policies, rules, and regulations of other state and federal agencies and local governments (Minn. R. 7849.0120D).

DOC DER recommended that the Commission consider the impacts detailed in the environmental report,¹⁵ and determine whether the proposed facility will provide benefits to society in a manner compatible with protecting the natural and socioeconomic environments, including human health (Minn. R. 7849.0120C), and, if the impacts are acceptable, approve the certificate of need.

¹⁴ Audubon Upper Mississippi River, Clean Grid Alliance, Center for Rural Affairs, Fresh Energy, Minnesota Center for Environmental Advocacy, Sierra Club, Citizens' Utility Board of Minnesota, and Union of Concerned Scientists.

¹⁵ The Commission ordered that an EA be prepared in lieu of an environmental report and that it include the analysis of alternatives required by Minn. R. 7849.1500.

In addition, DOC DER recommend that the Commission apply the following conditions to a certificate of need approval:

1. Require the Applicants to provide a final number or cap amount within 60 days of the Commission's order granting a route.
2. Require Applicants to wait until after the proposed project is placed in-service to recover any cost overruns from Minnesota ratepayers.
3. Require that Applicants fully justify any costs (including operations-and-management expense, ongoing capital expense—including revenue requirements related to capital included in rate base—insurance expense, land-lease expense, and property/production tax expense) that are higher than forecasted in this proceeding. The Applicants must bear the burden of proof in any future regulatory proceeding related to the recovery of costs above those forecasted in this proceeding.
4. Advise the Applicants that ratepayers will not be put at risk for any assumed benefits that do not materialize.

In its supplementary comments dated June 4, 2024, DOC DER addressed two items raised in the Applicants reply comments: 1) DOC DER indicated that that the revised cost estimates concerning substation configuration did not impact its original analysis; and 2) DOC DER agreed that its recommended final cost estimate requirement of 60 days after a Commission order should apply to each of the two route proceedings separately due to the timing differences of the applications.

V. The Applicants

In its reply comments dated May 28, 2024, the Applicants requested that the Commission grant a certificate of need for the project. The Applicants also provided responses to issues raised in the initial comments received on the certificate of need application and provided updated cost estimates to reflect increases related to project design, labor, and material costs not known at the time it initially filed its certificate of need application.

The Applicants indicated support for DOC DER's recommendations. As noted in the previous section, the Applicants pointed out that the 60-day requirement to provide final estimated costs would entail two sets of costs as the route permits proceedings for the eastern and western segments will happen in separate proceedings.

The Applicants indicated agreement with and supported the comments provided by the Joint Commenters, MISO, and Local 49/Carpenters.

The Applicants addressed the argument raised by NoCapx2020 concerning noticing and public hearings in the certificate of need matter, indicating at that time it was understood that the public hearing was to be jointly held and include certificate of need issues.¹⁶

The Applicants also responded to the argument by NoCapX2020 that the need for the project is a contested issue of fact given other projects under review in Minnesota. The Applicants disagreed arguing that MISO, a Federal Energy Regulatory Commission-approved regional transmission organization, conducted a thorough analysis of the need in its LRTP Tranche 1 portfolio, which included the Big Stone South—Alexandria—Big Oaks 345-kV Transmission Project, and found that, along with the Jamestown – Ellendale 345 kV Project, the Big Stone South—Alexandria—Big Oaks 345-kV Transmission Project is needed to address reliability issues on the existing 230 kV system in eastern North Dakota and South Dakota and western and central Minnesota. Moreover, the Applicants pointed out that they provided their own analysis of need and alternatives to the project that was included in Chapters 4 and 5 of the certificate of need application.

VI. MISO

MISO's initial comment letter, dated April 23, 2024, included a thorough discussion of its overall responsibilities within its regional area of operations, as well as a detailed description of the MTEP and LRTP processes, particularly the justification for the Big Stone South—Alexandria—Big Oaks 345-kV Transmission Project.

In summary, MISO stated that its analysis revealed that the Big Stone South—Alexandria—Big Oaks 345-kV Transmission Project will be required to ensure the continued reliable operation of the regional transmission system while also reducing congestion and meeting the growing role of renewable generation resources in the Midwest Subregion. Specifically, the Big Stone South—Alexandria—Big Oaks 345-kV Transmission Project will aid in resolving loading and voltage level issues in western Minnesota and the eastern Dakotas. Overall, MISO stated that the Big Stone South—Alexandria—Big Oaks 345-kV Transmission Project and LRTP Tranche 1 portfolio will increase market efficiency, competitive supply, and provide economic benefits to retail energy consumers. Moreover, Minnesota and the other states in the MISO footprint will not benefit from the entire range of economic advantages provided by the LRTP Tranche 1 portfolio unless the Big Stone South—Alexandria—Big Oaks 345-kV Transmission Project is completed.

¹⁶ As suggested by the Applicants, staff confirms that the notice of public hearings did indeed include the opportunity for interested persons to address both certificate of need and routing issues at the hearings and during the written comment period.

On May 28, 2024, MISO filed reply comments, which primarily addressed allegations brought by NoCapx2020 as summarized below.

Concerning its role in the planning process, MISO explained that its MTEP process follows a Federal Energy Regulatory Commission-approved process that ensures public benefits through improved local and regional transmission system reliability. MISO also pointed out the parallels between MISO's planning criteria and the Commission's criteria for evaluating certificate of need applications.

Concerning the other active transmission projects identified by NoCapX2020, MISO explained that as the regional planner, it considers all transmission projects in Minnesota and the entire MISO footprint in its planning process, and thus determined that the Big Stone South—Alexandria—Big Oaks 345-kV Transmission Project is required. MISO asserted that failing to execute any Tranche 1 project will reduce the overall portfolio's reliability and economic benefits.

MISO explained that transmission projects other than the Big Stone South—Alexandria—Big Oaks 345-kV Transmission Project are not substitutes. For example, the Big Stone South—Alexandria—Big Oaks 345-kV Transmission Project and Brookings-Hampton projects are not substitutes for one another.

In another example, MISO explained the Big Stone South—Alexandria—Big Oaks 345-kV Transmission Project and the Minnesota Energy Connection project (MNEC) are not the result of duplicative planning efforts. The MNEC project is associated with connecting additional renewable generation to the Sherburne County Substation and allowing Xcel Energy to retain its existing transmission interconnection rights due to the retirement of the Sherco Units. Whereas the Big Stone South—Alexandria—Big Oaks 345-kV Transmission Project is necessary to address specific reliability challenges in Minnesota along with the whole LRTP Tranche 1 portfolio, and it will deliver reliability and economic benefits throughout the MISO Midwest Subregion.

VII. NoCapx2020

In general, NoCapx2020, in its reply comments dated April 30, 2024, argued that MISO does not serve the same public interests as the Commission, and that need should not be decided by MISO, which is a marketing body. NoCapx2020 also argued that there are contested issues of fact, citing various transmission projects that it feels were not adequately evaluated in the need evaluation.

VIII. Joint Commenters

The Joint Commenters expressed their support for the issuance of a certificate of need for the Big Stone South—Alexandria—Big Oaks 345-kV Transmission Project arguing that the Applicants had provided sufficient evidence for all four certificate of need criteria determinations.

Specifically as it pertains to the benefits to society criterium, the Joint Commenters maintained that the Big Stone South—Alexandria—Big Oaks 345-kV Transmission Project will: 1) help the State meet its energy needs by enabling clean renewable energy from the Dakotas to be delivered to Minnesota customers; 2) reduce the volatility of energy prices for Minnesota customers and provide other socioeconomic benefits; 3) enable future renewable energy developments to interconnect to the grid, which will further help meet energy needs and lower generation costs; and 4) provide greater access to current and future sources of clean, green energy, thereby enhancing and protecting environmental quality.

IX. Local 49/Carpenters

The Local 49/Carpenters argued that the need for the Big Stone South—Alexandria—Big Oaks 345-kV Transmission Project has been demonstrated and that the Commission should grant a certificate of need.

X. Clean Energy Economy Minnesota

Clean Energy Economy Minnesota (CEEM) requested that the Commission grant a certificate of need and route permit for the proposed Big Stone South—Alexandria—Big Oaks 345-kV Transmission Project. CEEM cited the following benefits of the project: project colocation eliminates the need for a new route, has the potential to alleviate congestion, improves system dependability, opens up access to renewables, and reduces greenhouse gas emissions.

XI. Minnesota Energy Conservative Forum

The Minnesota Energy Conservative Forum (MnCEF), like other commenters supporting the project need, agreed that the Big Stone South—Alexandria—Big Oaks 345-kV Transmission Project will alleviate congestion, improve power delivery efficiency across the region, and will provide immediate and long-term benefits to both consumers and utilities. Additionally, MnCEF emphasized that the new transmission line shows a dedication to minimize effects on the environment, communities, decreasing costs, and optimizing efficiency because it will make use of the current 345-kV transmission infrastructure, which primarily parallels Interstate 94.

ADMINISTRATIVE LAW JUDGE REPORT

To ensure robust record development, public participation, and examination of the issues, the Commission requested that an administrative law judge from the Office of Administrative Hearings serve as the hearing examiner for the public hearings in accordance with Minn. R. 7850.3800, and prepare findings of fact, conclusions of law, and recommendations in relation to the route permit application.

Specifically, the administrative law judge was tasked with determining whether the route permit criteria set forth in Minn. Stat. § 216E.03, subd. 7, Minn. R. 7850.4000, and Minn. R. 7850.4100 have been satisfied, and if satisfied, which proposed route alternative best fits the route selection criteria and what conditions should be included in a route permit.

Rather than repeat the ALJ's full analysis in these briefing papers, staff has summarized the recommendations. Staff refers the Commission to the ALJ Report for the complete analysis.

On August 30, 2024, the administrative law judge filed findings of fact, conclusions of law, and recommendations (ALJ Report). The administrative law judge concluded that all procedural requirements for processing the route permit application have been met and that the environmental analysis in the EA was appropriate and satisfied Minn. R. 7850.3700.

The administrative law judge recommended that the Commission grant a route permit that includes both the Commission's standard permit conditions and the special permit conditions outlined in Section XI of the ALJ Report (*See also* Table 1, attached to these briefing papers) for the Proposed Route with the Western Crossing Option B (Double-Circuit) Modified alternative.

When compared with other Mississippi River crossing options, the ALJ found that the Western Crossing Option B (Double-Circuit) Modified alternative:¹⁷

- best minimizes impacts to existing land use and the natural environment;
- has fewer potential construction and maintenance issues;
- would not require any new transmission structures to be placed either on an island in the middle of the Mississippi River or on the river bluffs;
- best minimizes long-term impacts to ecologically significant areas and a nearby Wild & Scenic River District by consolidating transmission line crossings of the Mississippi River;
- would require the least amount of forested and non-forested vegetation clearing;
- is located entirely on Xcel Energy-owned land; and
- was one of the least costly route alternatives to construct.

¹⁷ ALJ Report Section VIII.

EXCEPTIONS

Under Minn. R. 7829.2700, exceptions to the ALJ Report must be filed within 15 days of the filing of the report for cases subject to statutory deadlines. In this case, the deadline for filing exceptions was September 16, 2024. Letters concerning exceptions to the ALJ Report were filed by EERA and the Applicants.

XII. EERA Exceptions

EERA recommended two clarifications to the ALJ Report: 1) amend the title of Section IV.C to *Mississippi River Crossing Options* to correctly reflect the content of the section; and 2) correct Finding 334 to include the full and correct name of the recommended alternative: Proposed Route with the Western Crossing Option B (Double-Circuit) *Modified*.

XIII. Applicants Exceptions

The Applicants indicated that they had no exceptions to the ALJ Report, and that they support the two clarifications recommended by EERA.

STAFF DISCUSSION

The following issues are before the Commission:

- Whether to find the environmental assessment complete.
- Whether to grant a certificate of need for the Big Stone South—Alexandria—Big Oaks Transmission Project and make specific findings.
- Whether to adopt the ALJ Report.
- Whether to grant a route permit for the Alexandria to Big Oaks 345-kilovolt Transmission Project, identifying a route and any special permit conditions as necessary.

Based on information in the certificate of need and route permit applications, the analysis provided in the environmental assessment, public comments, testimony, the ALJ Report, and other evidence in the record, staff provides the discussion below.

Environmental Assessment

An application for a certificate of need requires preparation of an ER, while an application for a route permit requires preparation of an EA. Because the Applicants applied for both a certificate of need and a route permit, the Commission requested that an EA be prepared in lieu of an ER.

Staff agrees with the recommendation of the administrative law judge that the record created at the public hearings and during the subsequent comment period addressed the issues and alternatives raised in the scoping decision and that the EA is adequate. It should be noted that the EA also included the certificate of need analysis required under Minn. R. 7849.1500.

Additionally, staff notes that:

- The EA did not identify any unique or significant environmental impacts from the construction and operation of the project that could not be properly mitigated.
- The EA discussed potential alternatives to the project such as generation and non-wire alternatives, transmission alternatives, demand side management, and a no-build alternative.
- No information was submitted into the record that contested the information and analysis contained in the EA or that asserted the EA was deficient.

If the Commission does not find the EA complete, it must identify the reasons it is not complete and request that the EA be revised or supplemented. In that case, a schedule for revising or supplementing the EA would need to be determined and the Commission would need to revisit its decisions after completion of the revised EA.

Certificate of Need

The Commission directed that the certificate of need application be reviewed using the informal review process. Namely, the ALJ was not requested to prepare findings or make a recommendation on the certificate of need application.

Staff agrees with the recommendation of DOC DER that the Applicants have demonstrated that the project meets the criteria set forth under Minn. R. 7849.0120 (A, B, and D).

Staff further believes that based on a consideration of the factors set forth in Minn. R. 7849.0120 (C), the EA and evidence in the record demonstrates that the project will provide benefits to society in a manner compatible with protecting the natural environment, socioeconomic environment, and human health. The administrative law judge also determined that the environmental analysis in the EA was appropriate.

Lastly, the procedural requirements for informal review of a certificate of need application were conducted in accordance with Minn. R. 7829.1200 and Minn. R. 7829.2500. Therefore, staff agrees with DOC DER that the Commission should issue a certificate of need for the proposed Big Stone South—Alexandria—Big Oaks Transmission Project and apply the four conditions recommended in its August 30, 2024 comments.

If the Commission decides to issue a certificate of need it must make written findings with respect to the criteria set forth in Minn. R. 7849.0120. If the Commission denies the certificate of application, it must state the reasons for the denial.

ALJ Report and Route Permit

Staff agrees with the findings, conclusions, and recommendations reached by the ALJ. Staff finds that the ALJ Report is a sound, comprehensive, and common sense ruling that is reflective of the case record in the route permit proceeding. The ALJ Report documents that the procedural requirements were followed and presents findings of fact for each of the decision criteria that must be met for a route permit for a high-voltage transmission line.

Staff agrees with the recommendation of the administrative law judge that the Proposed Route with the Western Crossing Option B (Double-Circuit) Modified alternative is the least impactful route alternative. It is also staffs understanding that the DNR through consultation with the Applicants are receptive to the Western Crossing Option B (Double-Circuit) Modified alternative.

Therefore, staff recommends that the Commission adopt the ALJ Report and grant a route permit for the Alexandria to Big Oaks 345-kilovolt Transmission Project authorizing the Proposed Route with the Western Crossing Option B (Double-Circuit) Modified alternative, utilizing side-by-side H-frame structures at the Mississippi River Crossing, and authorizing the following variable route widths:

- a 150-foot route width for collocated portions on existing infrastructure;
- a 1,000-foot route width for portions that will deviate from the existing right-of-way;
- a 500-foot route width for areas around the Alexandria, Riverview, and Quarry substations; and
- an up to 1-mile route width for the Big Oaks Substation interconnection and the Mississippi River crossing including the approximately 1,300-foot by 1,300-foot expanded width north of the proposed Big Oaks Substation.

Staff further agrees that the route permit should include the special permit conditions identified in Section XI of the ALJ Report¹⁸ and as summarized in Table 1, attached to these briefing papers.

¹⁸ Section XI of the ALJ Report provides a number of special conditions and also refers to EERA's Post Hearing and Reply Comments, which provided additional permit language recommendations and clarifications.

The Commission may also choose not to grant a route permit or could select a different route than recommended by the administrative law judge. In that instance the Commission could choose not to adopt the ALJ Report or could modify the ALJ Report to reflect a different route selection, accordingly.

Staff notes that the draft route permit attached to these briefing papers incorporates the special conditions recommended by the administrative law judge. If a route permit is granted, the permit can be amended to include any additional modifications deemed appropriate by the Commission prior to issuance. Staff has included a decision option that authorizes staff to correct typographic and formatting errors and ensure agreement with the Commission's final order in the matter.

COMMISSION DECISION OPTIONS

Environmental Assessment

1. Determine that the Environmental Assessment and the record created in this matter address the issues identified in the Scoping Decision and that the Environmental Assessment is adequate. (ALJ)

Or

2. Determine that the Environmental Assessment is not adequate for the following reasons: *[identify the reasons]*

And

3. Direct EERA to prepare a supplement to the Environmental Assessment that addresses the identified deficiencies.

[If Environmental Assessment is determined to be adequate move on to next decisions.]

Certificate of Need

4. Grant a certificate of need for the Big Stone South—Alexandria—Big Oaks Transmission Project, finding that: (DOC DER, MISO, Joint Commenters, Local 49/Carpenters, CEEM, and MnCEF)
 - a. the factors set forth in Minn. R. 7849.0120(A), have been met and that denying the application would likely have an adverse effect upon the future adequacy, reliability, or efficiency of energy supply to the applicant, to the applicant's customers, or to the people of Minnesota and neighboring states;
 - b. the factors set forth in Minn. R. 7849.0120(B), have been met and that a more reasonable and prudent alternative to the project has not been demonstrated by a preponderance of the evidence in the record;
 - c. the factors set forth in Minn. R. 7849.0120(C), have been met and that the preponderance of the evidence in the record demonstrates that the project will provide benefits to society in a manner compatible with protecting the natural and socioeconomic environments, including human health; and

- d. the factors set forth in Minn. R. 7849.0120(D), have been met and that the record does not demonstrate that the design, construction, or operation of the proposed facility, or a suitable modification of the proposed facility, will fail to comply with relevant policies, rules, and regulations of other state and federal agencies and local governments.

And

5. Apply the following conditions to the certificate of need determination as recommended by DOC DER:
 - a. Require the Applicants to file in these dockets a final cost estimate or cap amount within 60 days of the Commission's order granting a route, with the understanding that final estimated costs would entail two sets of costs as the route permits proceedings for the eastern and western segments will happen in separate proceedings.
 - b. Require the Applicants to wait until after the project is placed in-service to recover any cost overruns from Minnesota ratepayers.
 - c. Require that the Applicants fully justify any costs (including operations-and-management expense, ongoing capital expense—including revenue requirements related to capital included in rate base—insurance expense, land-lease expense, and property/production tax expense) that are higher than forecasted in this proceeding. The Applicants must bear the burden of proof in any future regulatory proceeding related to the recovery of costs above those forecasted in this proceeding.
 - d. Advise the Applicants that ratepayers will not be put at risk for any assumed benefits that do not materialize.

Or

6. Deny a certificate of need for the Big Stone South—Alexandria—Big Oaks Transmission Project and state the reasons for the denial. (NoCapX2020)

[If certificate of need is issued move on to next decisions]

ALJ Report

7. Adopt the administrative law judge's findings of fact, conclusions of law, and recommendations to the extent consistent with the decisions below. (Applicants and EERA)

And

8. Adopt the following corrections and clarifications suggested by EERA in its Exception Letter:
 - a. Amend the title of ALJ Report Section IV.C to “Mississippi River Crossing Options,” to correctly reflect the content of the section.
 - b. Correcting Finding 334 to include the full and correct name of the recommended alternative: “Proposed Route with the Western Crossing Option B (Double-Circuit) Modified.”

Route Permit

9. Grant a route permit for the Alexandria to Big Oaks 345-kV Transmission Project (aka Eastern Segment) specifying variable route widths as follows:
 - a 150-foot route width for collocated portions on existing infrastructure;
 - a 1,000-foot route width for portions that will deviate from the existing right-of-way;
 - a 500-foot route width for areas around the Alexandria, Riverview, and Quarry substations; and
 - an up to 1-mile route width for the Big Oaks Substation interconnection and the Mississippi River crossing.

Designate in the route permit the Applicants’ Proposed Route with the following Mississippi River crossing option: *[select one of the following]*

- a. Western Crossing Option (Single-Circuit)
- b. Western Crossing Option B (Double-Circuit)
- c. Western Crossing Option B (Double-Circuit) Modified (ALJ, Applicants, EERA, DNR)
- d. Eastern Crossing Option
- e. DNR Option 1
- f. DNR Option 2 (Single-Circuit)

- g. DNR Option 2B (Double-Circuit) (DNR)
- h. DNR Option 3

[If Western Crossing Option B (Double-Circuit) Modified or DNR Option 2B (Double-Circuit) is selected also include the below requirements]

- i. Authorize an approximately 1,300-foot by 1,300-foot expansion of the route width north of the Big Oaks Substation; and
- ii. require side-by-side H-frame structures at the Mississippi River Crossing.

And

- 10. Incorporate the special permit conditions and EERA modifications recommended by the administrative law judge in Section XI of the ALJ Report and summarized in Table 1 attached to these briefing papers. (ALJ, Applicants, EERA, and DNR)

Or

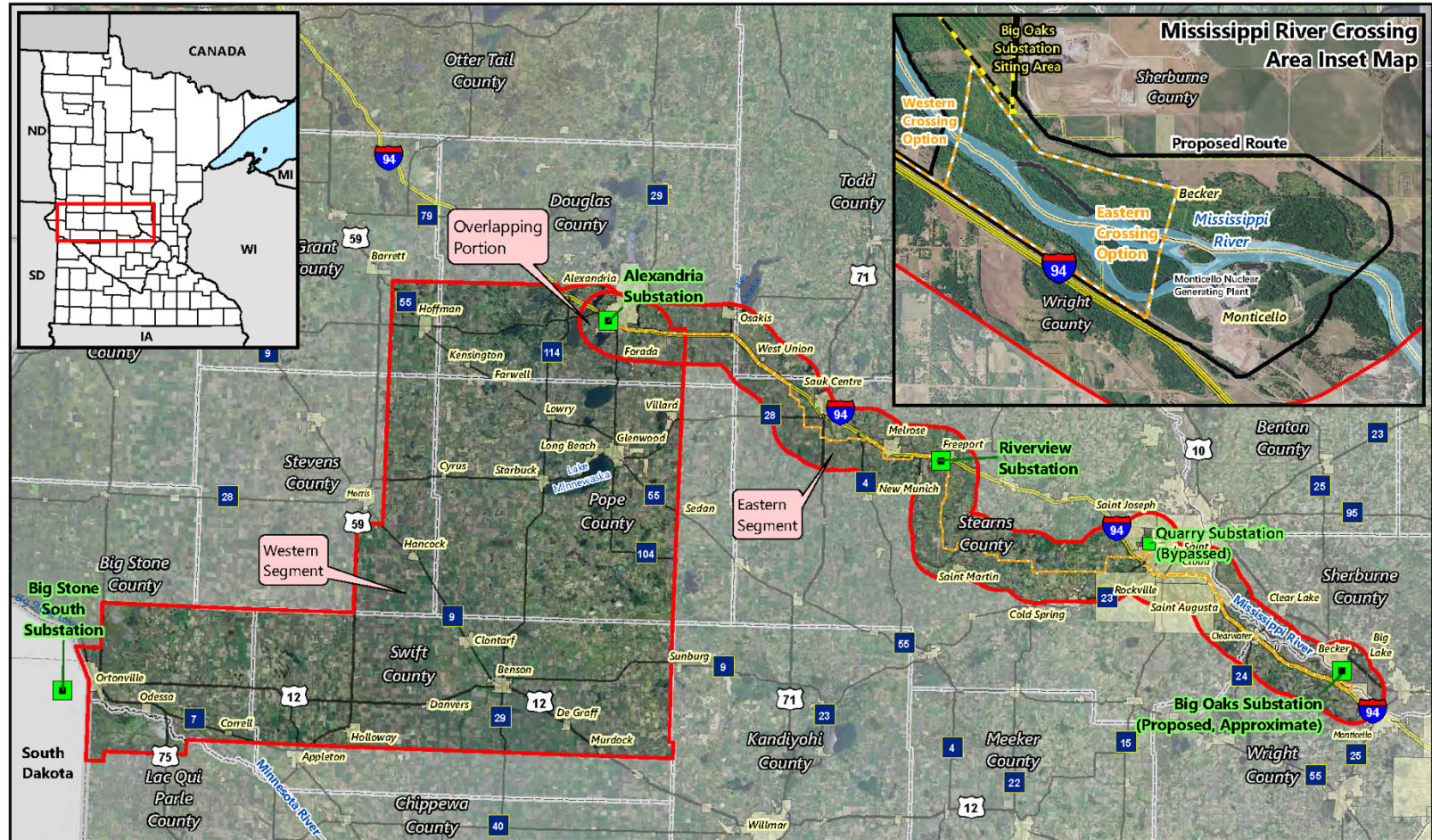
- 11. Deny a route permit for the Alexandria to Big Oaks 345-kV Transmission Project. (NoCapX2020)












Administrative

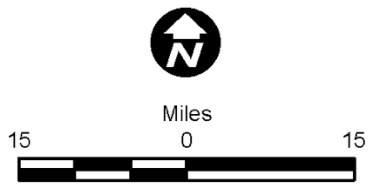
- 12. Authorize Commission staff to modify the route permit to correct typographic and formatting errors and ensure agreement with the Commission's final order in the matter, as necessary.

Staff Recommendation: 1, 4(a-d), 5(a-d), 7, 8(a-b), 9c, i and ii, 10, and 12

Map 1 Project Overview (Certificate of Need)

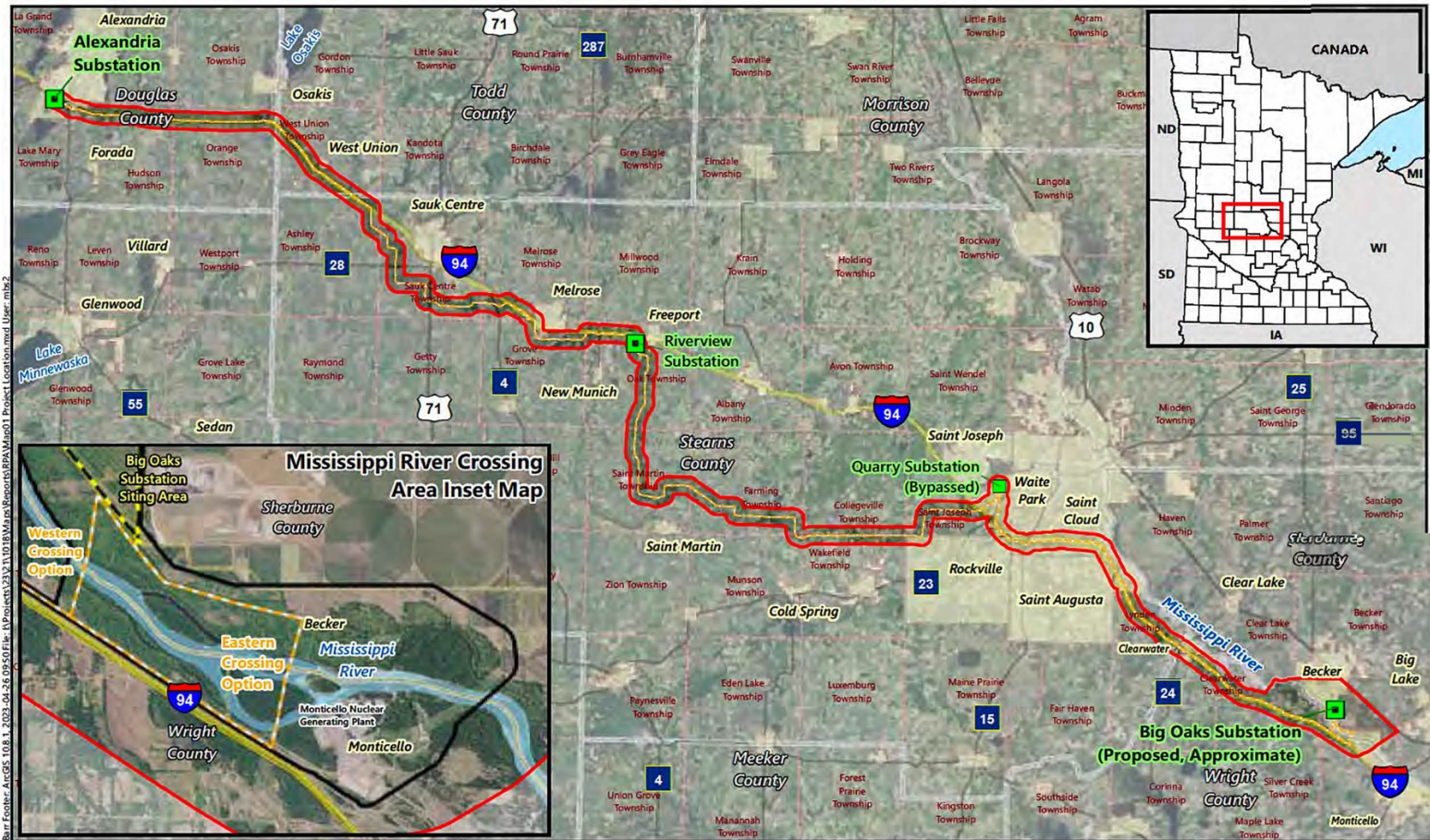


-  Anticipated Alignment
-  Project Study Area
-  Project Substation
-  Bypassed Substation
-  Municipal Boundary
-  County Boundary
-  State Boundary
-  Interstate Highway
-  US Highway
-  State Highway
-  County State-Aid Highway



PROJECT OVERVIEW MAP
BIG STONE SOUTH TO ALEXANDRIA
AND ALEXANDRIA TO BIG OAKS
MISO LRTP-2 Certificate of Need Application

Map 2 Alexandria to Big Oaks Proposed Route (Route Permit)



- Project Study Area
- Anticipated Alignment
- Project Substation
- Bypassed Substation
- Interstate Highway
- US Highway
- State Highway
- County State-Aid Highway
- Municipal Boundary
- Civil Township
- County Boundary
- State Boundary



PROJECT LOCATION
ALEXANDRIA TO BIG OAKS
MISO LRTP-2 Route Permit Application

Map 3 Mississippi River Crossing Options (Route Permit)

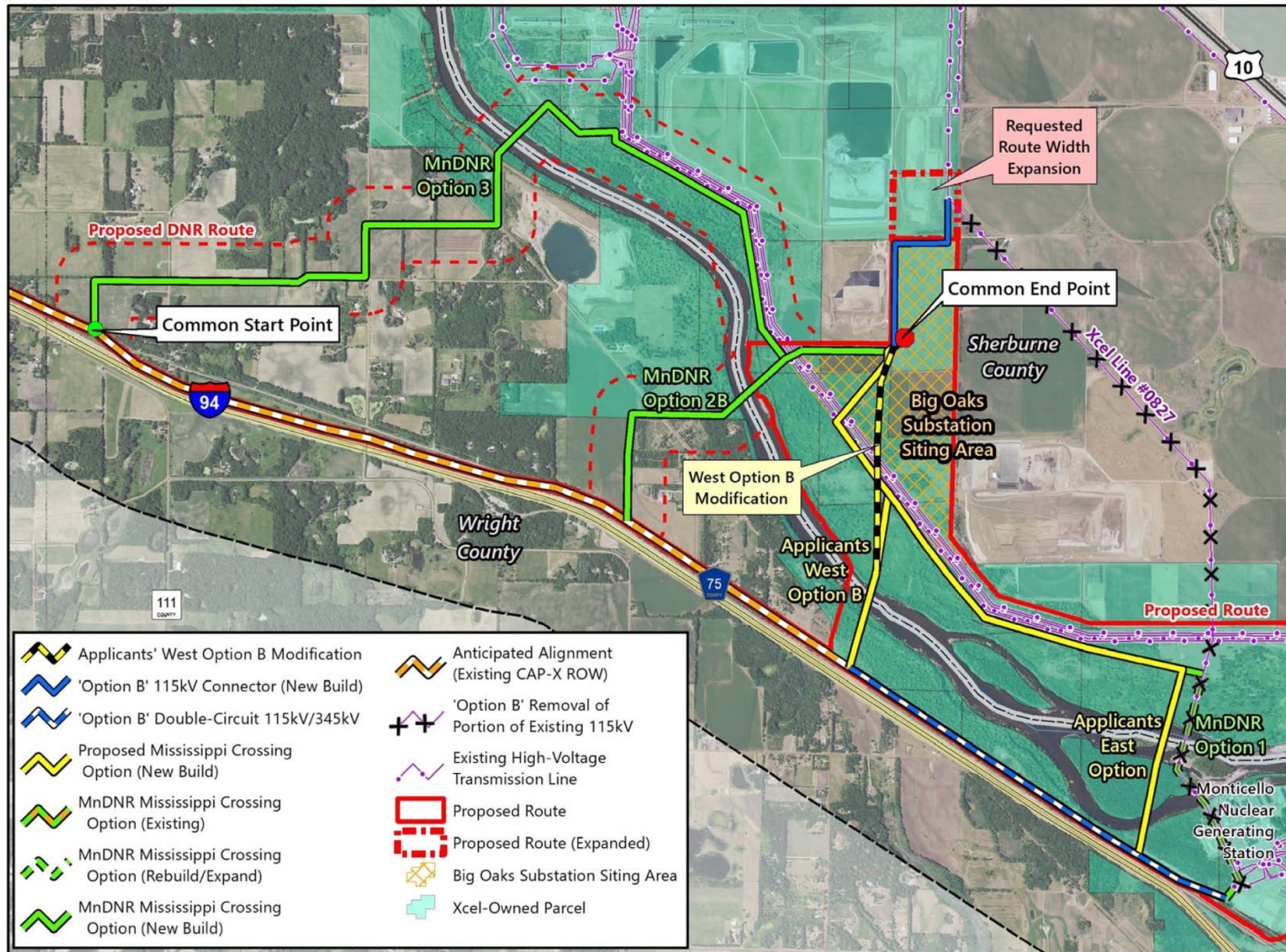


Table 1
Recommended Permit Language

ID	Issue	ALJ Report Finding	Sponsor	Location in Draft Permit	Recommended Permit Condition
1	Independent Third-Party Monitoring	334	EERA	Section 5.3.3	<p>Prior to any construction, the Permittee shall propose a scope of work and identify an independent third-party monitor to conduct Transmission Facility construction monitoring on behalf of Commerce. The scope of work shall be developed in consultation with and approved by Commerce. This third-party monitor will report directly to and will be under the control of Commerce with costs borne by the Permittee. The Permittee shall file with the Commission the scope of work and the name, address, email, and telephone number of the third party-monitor at least 30 days prior to commencing any construction or right-of-way preparation and upon any change in contact information that may occur during construction of the project and restoration of the right-of-way. Commerce staff shall keep records of compliance with this section and will ensure that status reports detailing the construction monitoring are filed with the Commission in accordance with scope of work approved by Commerce.</p>
2	Application of Pesticides	334	EERA	Section 5.3.11	<p>. . . The Permittee may not apply any pesticide if the landowner requests that there be no application of pesticides within the landowner's property. The Permittee shall provide notice of pesticide application to landowners and beekeepers operating <u>known</u> apiaries within three miles of the pesticide application area at least 14 days prior to such application. . . .</p>
3	Archaeological and Historic Resources	334	EERA	Section 5.3.15	<p>The Permittee shall make every effort to avoid impacts to archaeological and historic resources when constructing the Transmission Facility. In the event that a resource is encountered, the Permittee shall consult with the State Historic Preservation Office (<u>SHPO</u>), and the State Archaeologist, and the Minnesota Indian Affairs Council (MIAC). Where feasible, avoidance of the resource is required. Where not feasible, mitigation must include an effort to minimize Transmission Facility impacts on the resource consistent with SHPO State Historic Preservation Office and State Archaeologist requirements.</p> <p>Prior to construction, the Permittee shall train workers about the need to avoid cultural properties, how to identify cultural properties, and procedures to follow if undocumented cultural properties, including gravesites, are found during construction. If human remains are encountered during construction, the Permittee shall immediately halt construction and promptly notify local law enforcement, and the State Archaeologist, and MIAC. The Permittee shall not resume construction at such location until authorized by local law enforcement or the State Archaeologist. The Permittee shall keep records of compliance with this section and provide them upon the request of Commerce or Commission staff.</p>

ID	Issue	ALJ Report Finding	Sponsor	Location in Draft Permit	Recommended Permit Condition
4	Avian Protection	334	EERA	Section 5.3.16	. . . The Permittee shall submit documentation of its avian protection coordination with the <u>DNR with the plan and profile pursuant to Section 9.1. . . .</u>
5	Facility Lighting	335	EERA/DNR	Section 6.1	<u>For all new lighting installations at Project substations and facilities associated with substations, the Permittees shall utilize downlit and shielded lighting to reduce harm to birds, insects, and other animals. Lighting utilized shall minimize blue hue. The Permittees shall keep records of compliance with this section and provide them upon the request of Department of Commerce or Commission staff.</u>
6	Vegetation Management Plan	336	EERA	Section 6.2	<u>The Permittees shall develop a vegetation management plan (VMP), in coordination with the in coordination with the Vegetation Management Plan Working Group (VMPWG), using best management practices established by the MnDNR and BWSR. The Permittee shall file the VMP and documentation of the coordination efforts between the Permittee and the MnDNR with the Commission as part of the plan and profile required in Section 9.2 of the Permit.</u>
7	Dust Control	337	EERA/DNR	Section 6.3	<u>To protect plants and wildlife from chloride products that do not break down in the environment, the Permittees are prohibited from using dust control products containing calcium chloride or magnesium chloride during construction and operation of the Project. The Permittees shall keep records of compliance with this section and provide them upon the request of Department of Commerce or Commission staff.</u>
8	Wildlife-Friendly Erosion Control	338	EERA/DNR	Section 6.4	<u>The Permittees shall use only “bio-netting” or “natural netting” types and mulch products without synthetic (plastic) fiber additives.</u>
9	Archeological and Historic Resources	339	EERA	Section 6.5	<u>Permittees shall file a demonstration as part of the plan and profile required in Section 9.2 of this Permit that they have coordinated with SHPO once a final alignment has been determined for the Project and before beginning construction.</u>
10	Native Prairie	340	EERA	Section 6.6	<u>The Permittees shall not impact native prairie during construction activities, as defined in Minn. Stat. § 216E.01, unless addressed in a prairie protection and management plan. The Permittees shall prepare a prairie protection and management plan in consultation with the MnDNR if native prairie, as defined in Minn. Stat. § 84.02, subd. 5, is identified within the Project right-of-way. The Permittees shall file the prairie protection and management plan with the Commission at least 30 days prior to submitting the plan and profile required by Section 9.2 of this permit. The prairie protection and management plan shall address steps that will be taken to avoid impacts to native prairie and mitigation to unavoidable impacts to native prairie by restoration or management of other native</u>

ID	Issue	ALJ Report Finding	Sponsor	Location in Draft Permit	Recommended Permit Condition
					<u>prairie areas that are in degraded condition, by conveyance of conservation easements, or by other means agreed to by the Permittees, the MnDNR, and the Commission.</u>
11	Calcareous Fens	341		Section 6.7	<u>Should any calcareous fens be identified within the project area, the Permittees must work with MnDNR to determine if any impacts will occur during any phase of the Project. If the Project is anticipated to impact any calcareous fens, the Permittees must develop a Calcareous Fen Management Plan in coordination with the MnDNR, as specified in Minn. Stat. § 103G.223. Should a Calcareous Fen Management Plan be required, the approved plan must be submitted concurrently with the plan and profile required in Section 9.2 of the Permit.</u>
12	Blanding’s Turtle Avoidance Plan	342	EERA/DNR	Section 6.8	<u>The Permittee must work with MnDNR to develop a Blanding’s Turtle avoidance plan for those portions of the project MnDNR determines applicable for the project. The avoidance plan must include measures to be taken to minimize disturbance to the species and seasonal maps of disturbance areas overlaid with the timing of project impacts.</u>
13	Butternut Survey	343	EERA/DNR	Section 6.9	<u>The Permittee, in consultation with the MN DNR, shall design and conduct preconstruction field surveys to assess the presence of existing Butternut (<i>Juglans cinerea</i>) species within relevant areas that could be impacted by the project as determined by the MN DNR. Surveys must be conducted by a qualified surveyor and follow the standards contained in the MN DNR’s Rare Species Survey Process and Rare Plant Guidance as directed within the Natural Heritage Review for the project. The results of the surveys shall be filed with the Commission at least 30 days prior to the pre-construction meeting to confirm compliance of conditions in this permit.</u>

Referenced from Section X! of the ALJ Report and EERA Post Hearing and Reply Comments at Table 1 and Appendix B.

DRAFT ROUTE PERMIT

STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

ROUTE PERMIT FOR
ALEXANDRIA TO BIG OAKS 345-KV TRANSMISSION PROJECT

A HIGH-VOLTAGE TRANSMISSION LINE AND ASSOCIATED FACILITIES

IN
DOUGLAS, TODD, STEARNS, SHERBURNE, AND WRIGHT COUNTIES

ISSUED TO
NORTHERN STATES POWER COMPANY D/B/A XCEL ENERGY, GREAT RIVER ENERGY,
MINNESOTA POWER, OTTER TAIL POWER COMPANY, AND
WESTERN MINNESOTA MUNICIPAL POWER AGENCY

PUC DOCKET NO. E002, E017, ET2, E015, ET10/TL-23-159

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

Northern States Power Company d/b/a Xcel Energy, Great River Energy, Minnesota Power, Otter Tail Power Company, and Western Minnesota Municipal Power Agency (collectively, the Permittees)

The Permittees are authorized by this route permit to construct and operate approximately [X miles] of 345 kV transmission line and associated facilities between the Alexandria Substation near Alexandria, Minnesota and a new Big Oaks Substation near Becker, Minnesota.

The high-voltage transmission line and associated facilities shall be built within the route identified in this route permit and as portrayed on the route maps and in compliance with the conditions specified in this route permit.

Approved and adopted this ____ day of [Month, Year]

BY ORDER OF THE COMMISSION

Will Seuffert, Executive Secretary

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ATTACHMENTS

Attachment 1 – Complaint Handling Procedures for Permitted Energy Facilities

Attachment 2 – Compliance Filing Procedures for Permitted Energy Facilities

Attachment 3 – Route Permit Maps [Route maps will be updated according to the Commission’s decision in this matter.]

DRAFT PERMIT

1 ROUTE PERMIT

The Minnesota Public Utilities Commission (Commission) hereby issues this route permit to the Permittees pursuant to Minnesota Statutes Chapter 216E and Minnesota Rules Chapter 7850. This route permit authorizes the Permittee to construct and operate an approximately [X miles] of 345 kV transmission line and associated facilities between the Alexandria Substation near Alexandria, Minnesota and a new Big Oaks Substation near Becker, Minnesota, and as identified in the attached route maps, hereby incorporated into this document (Alexandria to Big Oaks 345-Kv Transmission Project, henceforth known as Transmission Facility).

1.1 Pre-emption

Pursuant to Minn. Stat. § 216E.10, this route permit shall be the sole route approval required for construction of the transmission facilities and this route permit shall supersede and preempt all zoning, building, or land use rules, regulations, or ordinances promulgated by regional, county, local and special purpose governments.

2 TRANSMISSION FACILITY DESCRIPTION

[The project description will be updated according to the Commission’s decision in this matter.]

2.1 Project Location

The Transmission Facility is located in the following:

[The project location will be updated according to the Commission’s decision in this matter.]

County	Township Name	Township	Range	Section

2.2 Structures

[Section will be updated according to the Commission’s decision in this matter.]

2.3 Conductors

[Section will be updated according to the Commission’s decision in this matter.]

The table below details specifics on the various structure and conductor types as presented in the route permit application.

Line Type	Conductor	Structure		Foundation	Height	Span
		Type	Material			

2.4 Substations and Associated Facilities

[Section will be updated according to the Commission’s decision in this matter.]

3 DESIGNATED ROUTE

The route designated by the Commission is described below and shown on the route maps attached to this route permit (Designated Route). The Designated Route is generally described as follows:

[The Designated Route will be updated according to the Commission’s decision in this matter.]

The Designated Route includes an anticipated alignment and a right-of-way. The right-of-way is the physical land needed for the safe operation of the transmission line. The Permittee shall locate the alignment and associated right-of-way within the Designated Route unless otherwise authorized by this route permit or the Commission. The Designated Route provides the Permittee with flexibility for minor adjustments of the alignment and right-of-way to accommodate landowner requests and unforeseen conditions.

Any modifications to the Designated Route or modifications that would result in right-of-way placement outside the Designated Route shall be specifically reviewed by the Commission in accordance with Minn. R. 7850.4900 and Section 10 of this route permit.

4 RIGHT-OF-WAY

This route permit authorizes the Permittee to obtain a new permanent right-of-way for the transmission line up to [150] feet in width. The permanent right-of-way is typically [75] feet on both sides of the transmission line measured from its centerline or alignment.

The anticipated alignment is intended to minimize potential impacts relative to the criteria identified in Minn. R. 7850.4100. The final alignment must generally conform to the anticipated

alignment identified on the route maps unless changes are requested by individual landowners and agreed to by the Permittee or for unforeseen conditions that are encountered or as otherwise provided for by this route permit.

Any right-of-way or alignment modifications within the Designated Route shall be located so as to have comparable overall impacts relative to the factors in Minn. R. 7850.4100, as does the right-of-way and alignment identified in this route permit, and shall be specifically identified and documented in and approved as part of the plan and profile submitted pursuant to Section 9.1 of this route permit.

Where the transmission line parallels existing highway and other road rights-of-way, the transmission line right-of-way shall occupy and utilize the existing right-of-way to the maximum extent possible; consistent with the criteria in Minn. R. 7850.4100, and the other requirements of this route permit; and for highways under the jurisdiction of the Minnesota Department of Transportation, the procedures for accommodating utilities in trunk highway rights-of-way.

5 GENERAL CONDITIONS

The Permittee shall comply with the following conditions during construction and operation of the Transmission Facility over the life of this route permit.

5.1 Route Permit Distribution

Within 30 days of issuance of this route permit, the Permittee shall provide all affected landowners with a copy of this route permit and the complaint procedures. An affected landowner is any landowner or designee that is within or adjacent to the Designated Route. In no case shall a landowner receive this route permit and complaint procedures less than five days prior to the start of construction on their property. The Permittee shall also provide a copy of this route permit and the complaint procedures to the applicable regional development commissions, county environmental offices, and city and township clerks. The Permittee shall file with the Commission an affidavit of its route permit and complaint procedures distribution within 30 days of issuance of this route permit.

5.2 Access to Property

The Permittee shall notify landowners prior to entering or conducting maintenance within their property, unless otherwise negotiated with the landowner. The Permittee shall keep records of

compliance with this section and provide them upon the request of the Minnesota Department of Commerce (Commerce) or Commission staff.

5.3 Construction and Operation Practices

The Permittee shall comply with the construction practices, operation and maintenance practices, and material specifications described in the permitting record for this Transmission Facility unless this route permit establishes a different requirement in which case this route permit shall prevail.

5.3.1 Field Representative

The Permittee shall designate a field representative responsible for overseeing compliance with the conditions of this route permit during construction of the Transmission Facility. This person shall be accessible by telephone or other means during normal business hours throughout site preparation, construction, cleanup, and restoration.

The Permittee shall file with the Commission the name, address, email, phone number, and emergency phone number of the field representative at least 14 days prior to the pre-construction meeting. The Permittee shall provide the field representative's contact information to affected landowners, local government units and other interested persons at least 14 days prior to the pre-construction meeting. The Permittee may change the field representative at any time upon notice to the Commission, affected landowners, local government units and other interested persons. The Permittee shall file with the Commission an affidavit of distribution of its field representative's contact information at least 14 days prior to the pre-construction meeting and upon changes to the field representative.

5.3.2 Employee Training - Route Permit Terms and Conditions

The Permittee shall train all employees, contractors, and other persons involved in the Transmission Facility construction regarding the terms and conditions of this route permit. The Permittee shall keep records of compliance with this section and provide them upon the request of Commerce or Commission staff.

5.3.3 Independent Third-Party Monitoring

Prior to any construction, the Permittee shall propose a scope of work and identify an independent third-party monitor to conduct Transmission Facility construction monitoring on

behalf of Commerce. The scope of work shall be developed in consultation with and approved by Commerce. This third-party monitor will report directly to and will be under the control of Commerce with costs borne by the Permittee. The Permittee shall file with the Commission the scope of work and the name, address, email, and telephone number of the third party-monitor at least 30 days prior to commencing any construction or right-of-way preparation and upon any change in contact information that may occur during construction of the project and restoration of the right-of-way. ~~Commerce staff shall keep records of compliance with this section and will ensure that status reports detailing the construction monitoring are filed with the Commission in accordance with scope of work approved by Commerce.~~

5.3.4 Public Services, Public Utilities, and Existing Easements

During Transmission Facility construction, the Permittee shall minimize any disruption to public services or public utilities. To the extent disruptions to public services or public utilities occur these shall be temporary, and the Permittee shall restore service promptly. Where any impacts to utilities have the potential to occur the Permittee will work with both landowners and local entities to determine the most appropriate mitigation measures if not already considered as part of this route permit.

The Permittee shall cooperate with county and city road authorities to develop appropriate signage and traffic management during construction. The Permittee shall keep records of compliance with this section and provide them upon the request of Commerce or Commission staff.

5.3.5 Temporary Workspace

The Permittee shall limit temporary easements to special construction access needs and additional staging or lay-down areas required outside of the authorized right-of-way. Temporary space shall be selected to limit the removal and impacts to vegetation. The Permittee shall obtain temporary easements outside of the authorized transmission line right-of-way from affected landowners through rental agreements. Temporary easements are not provided for in this route permit.

The Permittee may construct temporary driveways between the roadway and the structures to minimize impact using the shortest route feasible. The Permittee shall use construction mats to minimize impacts on access paths and construction areas. The Permittee shall submit the location of temporary workspaces and driveways with the plan and profile pursuant to Section 9.1.

5.3.6 Noise

The Permittee shall comply with noise standards established under Minn. R. 7030.0010 to 7030.0080. The Permittee shall limit construction and maintenance activities to daytime working hours to the extent practicable.

5.3.7 Aesthetics

The Permittee shall consider input pertaining to visual impacts from landowners or land management agencies prior to final location of structures, rights-of-way, and other areas with the potential for visual disturbance. The Permittee shall use care to preserve the natural landscape, minimize tree removal and prevent any unnecessary destruction of the natural surroundings in the vicinity of the Transmission Facility during construction and maintenance. The Permittee shall work with landowners to locate the high-voltage transmission line to minimize the loss of agricultural land, forest, and wetlands, and to avoid homes and farmsteads. The Permittee shall place structures at a distance, consistent with sound engineering principles and system reliability criteria, from intersecting roads, highways, or trail crossings.

5.3.8 Soil Erosion and Sediment Control

The Permittee shall implement those erosion prevention and sediment control practices recommended by the Minnesota Pollution Control Agency Construction Stormwater Program. If construction of the Transmission Facility disturbs more than one acre of land or is sited in an area designated by the Minnesota Pollution Control Agency as having potential for impacts to water resources, the Permittee shall obtain a National Pollutant Discharge Elimination System/State Disposal System Construction Stormwater Permit from the Minnesota Pollution Control Agency that provides for the development of a Stormwater Pollution Prevention Plan that describes methods to control erosion and runoff.

The Permittee shall implement reasonable measures to minimize erosion and sedimentation during construction and shall employ perimeter sediment controls, protect exposed soil by promptly planting, seeding, using erosion control blankets and turf reinforcement mats, stabilizing slopes, protecting storm drain inlets, protecting soil stockpiles, and controlling vehicle tracking. Contours shall be graded as required so that all surfaces provide for proper drainage, blend with the natural terrain, and are left in a condition that will facilitate re-

vegetation and prevent erosion. All areas disturbed during construction of the Transmission Facility shall be returned to pre-construction conditions.

5.3.9 Wetlands and Water Resources

The Permittee shall develop wetland impact avoidance measures and implement them during construction of the Transmission Facility. Measures shall include spacing and placing the power poles at variable distances to span and avoid wetlands, watercourses, and floodplains. Unavoidable wetland impacts as a result of the placement of poles shall be limited to the immediate area around the poles. To minimize impacts, the Permittee shall construct in wetland areas during frozen ground conditions where practicable and according to permit requirements by the applicable permitting authority. When construction during winter is not possible, the Permittee shall use wooden or composite mats to protect wetland vegetation.

The Permittee shall contain soil excavated from the wetlands and riparian areas and not place it back into the wetland or riparian area. The Permittee shall access wetlands and riparian areas using the shortest route feasible in order to minimize travel through wetland areas and prevent unnecessary impacts. The Permittee shall not place staging or stringing set up areas within or adjacent to wetlands or water resources, as practicable. The Permittee shall assemble power pole structures on upland areas before they are brought to the site for installation.

The Permittee shall restore wetland and water resource areas disturbed by construction activities to pre-construction conditions in accordance with the requirements of applicable state and federal permits or laws and landowner agreements.

The Permittee shall meet all requirements of the U.S. Army Corps of Engineers, Minnesota Department of Natural Resources, and local units of government.

5.3.10 Vegetation Management

The Permittee shall minimize the number of trees to be removed in selecting the right-of-way specifically preserving to the maximum extent practicable windbreaks, shelterbelts, living snow fences, and vegetation in areas such as trail and stream crossings where vegetative screening may minimize aesthetic impacts, to the extent that such actions do not violate sound engineering principles or system reliability criteria.

The Permittee shall remove tall growing species located within the transmission line right-of-way that endanger the safe and reliable operation of the transmission line. The Permittee shall

leave undisturbed, to the extent possible, existing low growing species in the right-of-way or replant such species in the right-of-way to blend the difference between the right-of-way and adjacent areas, to the extent that the low growing vegetation that will not pose a threat to the transmission line or impede construction.

5.3.11 Application of Pesticides

The Permittee shall restrict pesticide use to those pesticides and methods of application approved by the Minnesota Department of Agriculture, Minnesota Department of Natural Resources, and the U.S. Environmental Protection Agency. Selective foliage or basal application shall be used when practicable. All pesticides shall be applied in a safe and cautious manner so as not to damage adjacent properties including crops, orchards, tree farms, apiaries, or gardens. The Permittee shall contact the landowner at least 14 days prior to pesticide application on their property. The Permittee may not apply any pesticide if the landowner requests that there be no application ~~of pesticides~~ within the landowner's property. The Permittee shall provide notice of pesticide application to landowners and beekeepers operating known apiaries within three miles of the pesticide application area at least 14 days prior to such application. The Permittee shall keep pesticide communication and application records and provide them upon the request of Commerce or Commission staff.

5.3.12 Invasive Species

The Permittee shall employ best management practices to avoid the potential introduction and spread of invasive species on lands disturbed by Transmission Facility construction activities. The Permittee shall develop an Invasive Species Prevention Plan and file it with the Commission at least 14 days prior to the pre-construction meeting. The Permittee shall comply with the most recently filed Invasive Species Prevention Plan.

5.3.13 Noxious Weeds

The Permittee shall take all reasonable precautions against the spread of noxious weeds during all phases of construction. When utilizing seed to establish temporary and permanent vegetative cover on exposed soil the Permittee shall select site appropriate seed certified to be free of noxious weeds. To the extent possible, the Permittee shall use native seed mixes. The Permittee shall keep records of compliance with this section and provide them upon the request of Commerce or Commission staff.

5.3.14 Roads

The Permittee shall advise the appropriate governing bodies having jurisdiction over all state, county, city, or township roads that will be used during the construction phase of the Transmission Facility. Where practical, existing roadways shall be used for all activities associated with construction of the Transmission Facility. Oversize or overweight loads associated with the Transmission Facility shall not be hauled across public roads without required permits and approvals.

The Permittee shall construct the fewest number of site access roads required. Access roads shall not be constructed across streams and drainage ways without the required permits and approvals. Access roads shall be constructed in accordance with all necessary township, county or state road requirements and permits.

The Permittee shall promptly repair private roads or lanes damaged when moving equipment or when accessing construction workspace, unless otherwise negotiated with the affected landowner.

5.3.15 Archaeological and Historic Resources

The Permittee shall make every effort to avoid impacts to archaeological and historic resources when constructing the Transmission Facility. In the event that a resource is encountered, the Permittee shall consult with the State Historic Preservation Office ([SHPO](#)), ~~and~~ the State Archaeologist, ~~and the Minnesota Indian Affairs Council (MIAC)~~. Where feasible, avoidance of the resource is required. Where not feasible, mitigation must include an effort to minimize Transmission Facility impacts on the resource consistent with ~~SHPO State Historic Preservation Office~~ and State Archaeologist requirements.

Prior to construction, the Permittee shall train workers about the need to avoid cultural properties, how to identify cultural properties, and procedures to follow if undocumented cultural properties, including gravesites, are found during construction. If human remains are encountered during construction, the Permittee shall immediately halt construction and promptly notify local law enforcement, ~~and~~ the State Archaeologist, ~~and MIAC~~. The Permittee shall not resume construction at such location until authorized by local law enforcement or the State Archaeologist. The Permittee shall keep records of compliance with this section and provide them upon the request of Commerce or Commission staff.

5.3.16 Avian Protection

The Permittee in cooperation with the Minnesota Department of Natural Resources shall identify areas of the transmission line where bird flight diverters will be incorporated into the transmission line design to prevent large avian collisions attributed to visibility issues. Standard transmission design shall incorporate adequate spacing of conductors and grounding devices in accordance with Avian Power Line Interaction Committee standards to eliminate the risk of electrocution to raptors with larger wingspans that may simultaneously come in contact with a conductor and grounding devices. The Permittee shall submit documentation of its avian protection coordination with the [DNR with the](#) plan and profile pursuant to Section 9.1.

5.3.17 Restoration

The Permittee shall restore the right-of-way, temporary workspaces, access roads, abandoned right-of-way, and other public or private lands affected by construction of the Transmission Facility. Restoration within the right-of-way must be compatible with the safe operation, maintenance, and inspection of the transmission line. Within 60 days after completion of all restoration activities, the Permittee shall file with the Commission a Notification of Restoration Completion.

5.3.18 Cleanup

The Permittee shall remove and properly dispose of all waste and scrap from the right-of-way and all premises on which construction activities were conducted upon completion of each task. The Permittee shall remove and properly dispose of all personal litter, including bottles, cans, and paper from construction activities on a daily basis.

5.3.19 Pollution and Hazardous Wastes

The Permittee shall take all appropriate precautions to protect against pollution of the environment. The Permittee shall be responsible for compliance with all laws applicable to the generation, storage, transportation, clean up and disposal of all wastes generated during construction and restoration of the right-of-way.

5.3.20 Damages

The Permittee shall fairly restore or compensate landowners for damage to crops, fences, private roads and lanes, landscaping, drain tile, or other damages sustained during construction. The Permittee shall keep records of compliance with this section and provide them upon the request of Commerce or Commission staff.

5.4 Electrical Performance Standards

5.4.1 Grounding

The Permittee shall design, construct, and operate the transmission line in a manner so that the maximum induced steady-state short-circuit current shall be limited to five milliamperes root mean square (rms) alternating current between the ground and any non-stationary object within the right-of-way, including but not limited to large motor vehicles and agricultural equipment. All fixed metallic objects on or off the right-of-way, except electric fences that parallel or cross the right-of-way, shall be grounded to the extent necessary to limit the induced short-circuit current between ground and the object so as not to exceed one milliamperes rms under steady state conditions of the transmission line and to comply with the ground fault conditions specified in the National Electric Safety Code. The Permittee shall address and rectify any induced current problems that arise during transmission line operation.

5.4.2 Electric Field

The Permittee shall design, construct, and operate the transmission line in such a manner that the electric field measured one meter above ground level immediately below the transmission line shall not exceed 8.0 kV/m rms.

5.4.3 Interference with Communication Devices

If interference with radio or television, satellite, wireless internet, GPS-based agriculture navigation systems or other communication devices is caused by the presence or operation of the Transmission Facility, the Permittee shall take whatever action is necessary to restore or provide reception equivalent to reception levels in the immediate area just prior to the construction of the Transmission Facility. The Permittee shall keep records of compliance with this section and provide them upon the request of Commerce or Commission staff.

5.5 Other Requirements

5.5.1 Safety Codes and Design Requirements

The Permittee shall design the transmission line and associated facilities to meet or exceed all relevant local and state codes, the National Electric Safety Code, and North American Electric Reliability Corporation requirements. This includes standards relating to clearances to ground,

clearance to crossing utilities, clearance to buildings, strength of materials, clearances over roadways, right-of-way widths, and permit requirements.

5.5.2 Other Permits and Regulations

The Permittee shall comply with all applicable state rules and statutes. The Permittee shall obtain all required permits for the Transmission Facility and comply with the conditions of those permits unless those permits conflict with or are preempted by federal or state permits and regulations. The Permittee shall submit a copy of such permits upon the request of Commerce or Commission staff.

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission an Other Permits and Regulations Submittal that contains a detailed status of all permits, authorizations, and approvals that have been applied for specific to the Transmission Facility. The Other Permits and Regulations Submittal shall also include the permitting agency or authority, the name of the permit, authorization, or approval being sought, contact person and contact information for the permitting agency or authority, brief description of why the permit, authorization, or approval is needed, application submittal date, and the date the permit, authorization, or approval was issued or is anticipated to be issued.

6 SPECIAL CONDITIONS

The special conditions shall take precedence over other conditions of this permit should there be a conflict.

[Section may be updated according to the Commission's decision in this matter.]

6.1 Facility Lighting

For all new lighting installations at Project substations and facilities associated with substations, the Permittees shall utilize downlit and shielded lighting to reduce harm to birds, insects, and other animals. Lighting utilized shall minimize blue hue. The Permittees shall keep records of compliance with this section and provide them upon the request of Department of Commerce or Commission staff.

6.2 Vegetation Management Plan

The Permittees shall develop a vegetation management plan (VMP), in coordination with the in coordination with the Vegetation Management Plan Working Group (VMPWG), using best management practices established by the MnDNR and BWSR. The Permittee shall file the VMP and documentation of the coordination efforts between the Permittee and the MnDNR with the Commission as part of the plan and profile required in Section 9.2 of the Permit.

6.3 Dust Control

To protect plants and wildlife from chloride products that do not break down in the environment, the Permittees are prohibited from using dust control products containing calcium chloride or magnesium chloride during construction and operation of the Project. The Permittees shall keep records of compliance with this section and provide them upon the request of Department of Commerce or Commission staff.

6.4 Wildlife-Friendly Erosion Control

The Permittees shall use only “bio-netting” or “natural netting” types and mulch products without synthetic (plastic) fiber additives.

6.5 Archeological and Historic Resources

Permittees shall file a demonstration as part of the plan and profile required in Section 9.2 of this Permit that they have coordinated with SHPO once a final alignment has been determined for the Project and before beginning construction.

6.6 Native Prairie

The Permittees shall not impact native prairie during construction activities, as defined in Minn. Stat. § 216E.01, unless addressed in a prairie protection and management plan. The Permittees shall prepare a prairie protection and management plan in consultation with the MnDNR if native prairie, as defined in Minn. Stat. § 84.02, subd. 5, is identified within the Project right-of-way. The Permittees shall file the prairie protection and management plan with the Commission at least 30 days prior to submitting the plan and profile required by Section 9.2 of this permit. The prairie protection and management plan shall address steps that will be taken to avoid impacts to native prairie and mitigation to unavoidable impacts to native prairie by restoration or management of other native prairie areas that are in degraded condition, by conveyance of conservation easements, or by other means agreed to by the Permittees, the MnDNR, and the Commission.

6.7 Calcareous Fens

Should any calcareous fens be identified within the project area, the Permittees must work with MnDNR to determine if any impacts will occur during any phase of the Project. If the Project is anticipated to impact any calcareous fens, the Permittees must develop a Calcareous Fen Management Plan in coordination with the MnDNR, as specified in Minn. Stat. § 103G.223. Should a Calcareous Fen Management Plan be required, the approved plan must be submitted concurrently with the plan and profile required in Section 9.2 of the Permit.

6.8 Blanding's Turtle Avoidance Plan

The Permittee must work with MnDNR to develop a Blanding's Turtle avoidance plan for those portions of the project MnDNR determines applicable for the project. The avoidance plan must include measures to be taken to minimize disturbance to the species and seasonal maps of disturbance areas overlaid with the timing of project impacts.

6.9 Butternut Survey

The Permittee, in consultation with the MN DNR, shall design and conduct preconstruction field surveys to assess the presence of existing Butternut (*Juglans cinerea*) species within relevant areas that could be impacted by the project as determined by the MN DNR. Surveys must be conducted by a qualified surveyor and follow the standards contained in the MN DNR's Rare Species Survey Process and Rare Plant Guidance as directed within the Natural Heritage Review for the project. The results of the surveys shall be filed with the Commission at least 30 days prior to the pre-construction meeting to confirm compliance of conditions in this permit.

7 DELAY IN CONSTRUCTION

If the Permittee has not commenced construction or improvement of the route within four years after the date of issuance of this route permit the Permittee shall file a Failure to Construct Report and the Commission shall consider suspension of this route permit in accordance with Minn. R. 7850.4700.

8 COMPLAINT PROCEDURES

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission the complaint procedures that will be used to receive and respond to complaints.

The complaint procedures shall be in accordance with the requirements of Minn. R. 7829.1500 or Minn. R. 7829.1700, and as set forth in the complaint procedures attached to this route permit.

Upon request, the Permittee shall assist Commerce or Commission staff with the disposition of unresolved or longstanding complaints. This assistance shall include, but is not limited to, the submittal of complaint correspondence and complaint resolution efforts.

9 COMPLIANCE REQUIREMENTS

Failure to timely and properly make compliance filings required by this route permit is a failure to comply with the conditions of this route permit. Compliance filings must be electronically filed with the Commission.

9.1 Pre-Construction Meeting

Prior to the start of construction, the Permittee shall participate in a pre-construction meeting with Commerce and Commission staff to review pre-construction filing requirements, scheduling, and to coordinate monitoring of construction and site restoration activities. Within 14 days following the pre-construction meeting, the Permittee shall file with the Commission a summary of the topics reviewed and discussed and a list of attendees. The Permittee shall indicate in the filing the anticipated construction start date.

9.2 Plan and Profile

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission, and provide Commerce, and the counties where the Transmission Facility, or portion of the Transmission Facility, will be constructed with a plan and profile of the right-of-way and the specifications and drawings for right-of-way preparation, construction, structure specifications and locations, cleanup, and restoration for the Transmission Facility. The documentation shall include maps depicting the plan and profile including the right-of-way, alignment, and structures in relation to the route and alignment approved per this route permit.

The Permittee may not commence construction until the earlier of (i) 30 days after the pre-construction meeting or (ii) ~~or~~ until the Commission staff has notified the Permittee in writing that it has completed its review of the documents and determined that the planned construction is consistent with this route permit.

If the Commission notifies the Permittee in writing within 30 days after the pre-construction meeting that it has completed its review of the documents and planned construction, and finds that the planned construction is not consistent with this route permit, the Permittee may submit additional and/or revised documentation and may not commence construction until the Commission has notified the Permittee in writing that it has determined that the planned construction is consistent with this route permit.

If the Permittee intends to make any significant changes in its plan and profile or the specifications and drawings after submission to the Commission, the Permittee shall notify the Commission, Commerce, and county staff at least five days before implementing the changes. No changes shall be made that would be in violation of any of the terms of this route permit.

9.3 Status Reports

The Permittee shall file with the Commission monthly Construction Status Reports beginning with the pre-construction meeting and until completion of restoration. Construction Status Reports shall describe construction activities and progress, activities undertaken in compliance with this route permit, and shall include text and photographs.

If the Permittee does not commence construction of the Transmission Facility within six months of this route permit issuance, the Permittee shall file with the Commission Pre-Construction Status Reports on the anticipated timing of construction every six months beginning with the issuance of this route permit until the pre-construction meeting.

9.4 In-Service Date

At least three days before the Transmission Facility is to be placed into service, the Permittee shall notify the Commission of the date on which the Transmission Facility will be placed into service and the date on which construction was completed.

9.5 As-Builts

Within 90 days after completion of construction, the Permittee shall submit to the Commission copies of all final as-built plans and specifications developed during the Transmission Facility construction.

9.6 GPS Data

Within 90 days after completion of construction, the Permittee shall submit to the Commission, in the format requested by the Commission, geo-spatial information (e.g., ArcGIS compatible map files, GPS coordinates, associated database of characteristics) for all structures associated with the Transmission Facility and each substation connected.

9.7 Right of Entry

The Permittee shall allow Commission designated representatives to perform the following, upon reasonable notice, upon presentation of credentials and at all times in compliance with the Permittee's site safety standards:

- (a) To enter upon the facilities easement of the property for the purpose of obtaining information, examining records, and conducting surveys or investigations.
- (b) To bring such equipment upon the facilities easement of the property as is necessary to conduct such surveys and investigations.
- (c) To sample and monitor upon the facilities easement of the property.
To examine and copy any documents pertaining to compliance with the conditions of this route permit.

10 ROUTE PERMIT AMENDMENT

This route permit may be amended at any time by the Commission. Any person may request an amendment of the conditions of this route permit by submitting a request to the Commission in writing describing the amendment sought and the reasons for the amendment. The Commission will mail notice of receipt of the request to the Permittee. The Commission may amend the conditions after affording the Permittee and interested persons such process as is required under Minn. R. 7850.4900.

11 TRANSFER OF ROUTE PERMIT

The Permittee may request at any time that the Commission transfer this route permit to another person or entity (transferee). In its request, the Permittee must provide the Commission with:

- a) the name and description of the transferee;
- b) the reasons for the transfer;
- c) a description of the facilities affected; and

- d) the proposed effective date of the transfer.

The transferee must provide the Commission with a certification that it has read, understands and is able to comply with the plans and procedures filed for the Transmission Facility and all conditions of this route permit. The Commission may authorize transfer of the route permit after affording the Permittee, the transferee, and interested persons such process as is required under Minn. R. 7850.5000.

12 REVOCATION OR SUSPENSION OF ROUTE PERMIT

The Commission may initiate action to revoke or suspend this route permit at any time. The Commission shall act in accordance with the requirements of Minn. R. 7850.5100, to revoke or suspend this route permit.

DRAFT PERMIT

ATTACHMENT 1
Complaint Handling Procedures for Permitted Energy Facilities

DRAFT PERMIT

**MINNESOTA PUBLIC UTILITIES COMMISSION
COMPLAINT HANDLING PROCEDURES FOR
PERMITTED ENERGY FACILITIES**

A. Purpose

To establish a uniform and timely method of reporting and resolving complaints received by the permittee concerning permit conditions for site or route preparation, construction, cleanup, restoration, operation, and maintenance.

B. Scope

This document describes complaint reporting procedures and frequency.

C. Applicability

The procedures shall be used for all complaints received by the permittee and all complaints received by the Minnesota Public Utilities Commission (Commission) under Minn. R. 7829.1500 or Minn. R. 7829.1700 relevant to this permit.

D. Definitions

Complaint: A verbal or written statement presented to the permittee by a person expressing dissatisfaction or concern regarding site or route preparation, cleanup or restoration, or other permit conditions. Complaints do not include requests, inquiries, questions or general comments.

Substantial Complaint: A written complaint alleging a violation of a specific permit condition that, if substantiated, could result in permit modification or suspension pursuant to the applicable regulations.

Unresolved Complaint: A complaint which, despite the good faith efforts of the permittee and a person, remains unresolved or unsatisfactorily resolved to one or both of the parties.

Person: An individual, partnership, joint venture, private or public corporation, association, firm, public service company, cooperative, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private; however organized.

E. Complaint Documentation and Processing

1. The permittee shall designate a representative responsible for filing complaints to the Commission's eDocket system. This person's name, phone number and email address shall accompany all complaint submittals. The name and contact information for the representative shall be kept current in eDockets.
2. A person presenting the complaint should, to the extent possible, include the following information in their communications:
 - a. name, address, phone number, and email address;
 - b. initial date of the complaint;
 - c. tract, parcel number, or address of the complaint;
 - d. a summary of the complaint; and
 - e. whether the complaint relates to a permit violation, a construction practice issue, or other type of complaint.
3. The permittee shall document all complaints by maintaining a record of all applicable information concerning the complaint, including the following:
 - a. docket number and project name;
 - b. name of complainant, address, phone number and email address;
 - c. precise description of property or parcel number;
 - d. name of permittee representative receiving complaint and date of receipt;
 - e. nature of complaint and the applicable permit condition(s);
 - f. summary of activities undertaken to resolve the complaint; and
 - g. a statement on the final disposition of the complaint.

F. Reporting Requirements

The permittee shall commence complaint reporting at the beginning of project construction and continue through the term of the permit, unless otherwise required below. The permittee shall report all complaints to the Commission according to the following schedule:

Immediate Reports: All substantial complaints shall be reported to the Commission the same day received, or on the following working day for complaints received after working hours. Such reports are to be directed to the Commission's Public Advisor at 1-800-657-3782 (voice messages are acceptable) or publicadvisor.puc@state.mn.us. For e-mail reporting, the email

subject line should read “PUC EFP Complaint” and include the appropriate project docket number.

Monthly Reports: During project construction, restoration, and operation, a summary of all complaints, including substantial complaints received or resolved during the preceding month, shall be filed by the 15th of each month to Will Seuffert, Executive Secretary, Public Utilities Commission, using the eDockets system. The eDockets system is located at: <https://www.edockets.state.mn.us/EFiling/home.jsp>. If no complaints were received during the preceding month, the permittee shall file a summary indicating that no complaints were received.

If a project has submitted twelve consecutive months of complaint reports with no complaints, monthly reports can terminate by a letter to eDockets notifying the Commission of such action. If a substantial complaint is received (by the company or the Commission) following termination of the monthly complaint report, as noted above, the monthly reporting should commence for a period of six months following the most recent complaint or upon resolution of all pending complaints.

If a permittee is found to be in violation of this section, the Commission may reinstate monthly complaint reporting for the remaining permit term or enact some other commensurate requirement via notification by the Executive Secretary or some other action as decided by the Commission.

G. Complaints Received by the Commission

Complaints received directly by the Commission from aggrieved persons regarding the permit or issues related to site or route preparation, construction, cleanup, restoration, or operation and maintenance will be promptly sent to the permittee.

The permittee shall notify the Commission when the issue has been resolved. The permittee will add the complaint to the monthly reports of all complaints. If the permittee is unable to find resolution, the Commission will use the process outlined in the Unresolved Complaints Section to process the issue.

H. Commission Process for Unresolved Complaints

Complaints raising substantial and unresolved permit issues will be investigated by the Commission. Staff will notify the permittee and appropriate people if it determines that the

complaint is a substantial complaint. With respect to such complaints, the permittee and complainant shall be required to submit a written summary of the complaint and its current position on the issues to the Commission. Staff will set a deadline for comments. As necessary, the complaint will be presented to the Commission for consideration.

I. Permittee Contacts for Complaints and Complaint Reporting

Complaints may be filed by mail or email to the permittee's designated complaint representative, or to the Commission's Public Advisor at 1-800-657-3782 or publicadvisor.puc@state.mn.us. The name and contact information for the permittee's designated complaint representative shall be kept current in the Commission's eDocket system.

DRAFT PERMIT

ATTACHMENT 2
Compliance Filing Procedures for Permitted Energy Facilities

DRAFT PERMIT

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

A. Purpose

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

B. Scope and Applicability

This procedure encompasses all known compliance filings required by permit.

C. Definitions

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

D. Responsibilities

1. The permittee shall file all compliance filings with Will Seuffert, Executive Secretary, Public Utilities Commission, through the eDockets system. The eDockets system is located at:
<https://www.edockets.state.mn.us/EFiling/home.jsp>

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

2. All filings must have a cover sheet that includes:
 - a. Date
 - b. Name of submitter/permittee
 - c. Type of permit (site or route)
 - d. Project location
 - e. Project docket number
 - f. Permit section under which the filing is made
 - g. Short description of the filing

3. Filings that are graphic intensive (e.g., maps, engineered drawings) must, in addition to being electronically filed, be submitted as paper copies and on CD. Paper copies and CDs should be sent to: 1) Will Seuffert, Executive Secretary, Minnesota Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, MN 55101-2147, and 2) Department of Commerce, Energy Environmental Review and Analysis, 85 7th Place East, Suite 500, St. Paul, MN 55101-2198.

The Commission may request a paper copy of any electronically filed document.

DRAFT PERMIT

PERMIT COMPLIANCE FILINGS¹

PERMITTEE:

PERMIT TYPE:

PROJECT LOCATION:

PUC DOCKET NUMBER:

Filing Number	Permit Section	Description of Compliance Filing	Due Date

¹ This compilation of permit compliance filings is provided for the convenience of the permittee and the Commission. It is not a substitute for the permit; the language of the permit controls.

ATTACHMENT 3
Route Permit Maps

[Route maps will be updated according to the Commission's decision in this matter.]

DRAFT PERMIT