



Energy Environmental Review and Analysis
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February 14, 2014

Burl W. Haar, Executive Secretary
Minnesota Public Utilities Commission
127 7th Place East, Suite 350
St. Paul, MN 55101-2147

**Re: Minor Alteration Request in Hampton-Rochester-La Crosse Project
(PUC Docket No. E002/TL-09-1448)
North Rochester to Mississippi 345 kV Section**

Dear Dr. Haar:

Attached are the review and comments of the Minnesota Department of Commerce Energy Environmental Review and Analysis (EERA) staff in the below matter:

In the Matter of the Application for a Route Permit for the Hampton - Rochester - La Crosse 345 kV Transmission Line Project

Xcel Energy, Inc. has submitted an application pursuant to Minnesota Rule 7850.4800 for approval of a minor alteration of the permitted route in the North Rochester to Mississippi construction segment of the Hampton-Rochester-La Crosse 345 kV Transmission Line Project.

This filing was made on January 22, 2014, by:

Ellen Heine
Compliance and Permitting Analyst
Xcel Energy, Inc.
414 Nicollet Mall
Minneapolis, Minnesota 55401

EERA staff is available to answer any questions the Commission may have.

Sincerely,

A handwritten signature in black ink, appearing to read "David Birkholz".

David Birkholz, EERA Staff

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BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

COMMENTS AND RECOMMENDATIONS OF MINNESOTA DEPARTMENT OF COMMERCE

ENERGY ENVIRONMENTAL REVIEW AND ANALYSIS

DOCKET No. E002/TL-09-1448

Date: February 14, 2014

EERA Staff: David E. Birkholz651-539-1838

In the Matter of the Application for a Route Permit for the Hampton - Rochester - La Crosse 345 kV Transmission Line Project, North Rochester to Mississippi 345 kV Section

Issue(s) Addressed: These comments address the definition of a minor alteration, and whether the requested modifications are minor.

Additional documents and information can be found on
<http://mn.gov/commerce/energyfacilities/Docket.html?Id=25731> or on eDockets
<https://www.edockets.state.mn.us/EFiling/search.jsp> (Year "9" and Number "1448")

This document can be made available in alternative formats; i.e. large print or audio tape by calling (651) 539-1530.

INTRODUCTION AND BACKGROUND

Xcel Energy, Inc. (Permittee or Xcel Energy) filed an application¹ with the Public Utilities Commission (Commission) for a route permit on January 19, 2010, to build a 345 kV transmission line from Hampton Substation through Rochester to La Crosse (Project). The Commission issued an Order² approving a route permit on May 30, 2012. Xcel Energy filed a request for two route width modifications in the construction segment between the North Rochester Substation and the Mississippi River on January 22, 2014.³

¹ "Route Permit Application," Xcel Energy, Inc., January 19, 2010.

² Minnesota Public Utilities Commission Order for a Route Permit, 20125-75128-01, May 20, 2012

³ "Minor Alteration Request," Xcel Energy, Inc., 20141-95693-01, January 22, 2014

REGULATORY PROCESS AND PROCEDURE

There are two means to alter a permitted transmission alignment that expands the route width. One method is to work within the Permit to make the change through the Plan and Profile process. The other is to amend the Permit by requesting a Minor Alteration.

The first approach would be to see if the changes could be made under Route Permit Condition 3.1, which lays out the reasons for and conditions under which a change may be made when the actual route width would be modified:

Route width variations outside the designated route may be allowed for the Permittee to overcome potential site specific constraints. These constraints may arise from any of the following:

- 1) Unforeseen circumstances encountered during the detailed engineering and design process.
- 2) Federal or state agency requirements.
- 3) Existing infrastructure within the transmission line route, including but not limited to roadways, railroads, natural gas and liquid pipelines, high voltage electric transmission lines, or sewer and water lines.
- 4) Planned infrastructure improvements identified by state agencies and local government units (LGUs) and made part of the evidentiary record during the record for this permit.

The proposed route width modification between Poles 49-53 is the result of the Permittee attempting to address a request from landowners to alter the designated alignment between the poles. The change would require right-of-way (ROW) outside the permitted route. The modification does not qualify under any of the designated allowances for changing the route width detailed in the permit condition quoted above.

The proposed route width modification between Poles 3-9 is required due to a cartographic/GIS error in preparing the route maps. There is no alignment change request. The request is to expand the route to allow sufficient space within the route for ROW for the permitted anticipated alignment. This request may have been considered under constraint (1) above, or could have been a technical change/map error filing.

The Permittee has chosen to request to amend the Route Permit to allow the proposed changes by filing a Minor Alteration request under Minnesota Rule 7850.4800, subp. 2. The rule states:

The application shall be in writing and shall describe the alteration in the large electric power generating plant or high voltage transmission line to be made and the explanation why the alteration is minor.

In subp. 1, the same rule states:

A minor alteration is a change in a large electric power generating plant or high voltage transmission line that does not result in significant changes in the human or environmental impact of the facility.

EERA ANALYSIS AND COMMENTS

EERA evaluates a route width modification request in relation to this subpart in the same manner it would evaluate changes in a Plan and Profile. To help develop the necessary information to facilitate an informed decision, EERA has provided Plan and Profile guidance⁴ to permittees. This guidance clearly states the type of data and analysis that can provide EERA and, eventually the Commission, with the information necessary to evaluate whether a modification results in significant changes to the impacts of the facility.

In this case, the Permittee filed the appropriate tables summarizing the requests, comparing the human and environmental impacts of the changes and assessing the impacts based on analysis of the factors to consider (Minn. Rule 7850.4100) in determining routes.

Poles 49-53

The anticipated alignment for this segment of line in Oronoco Township made a 90 degree turn to the south in the middle of a cultivated field. Such corner turns require two pole structures approximately 30 feet apart, which in this instance causes a disruption in agricultural production. The alteration eliminates that double structure requirement and moves another pole to a lower impact area of the field.

However, this results in moving a small portion of the ROW outside the permitted route width. The additional route width requirement amounts to .05 acres. The alignment itself would not move outside the existing route width.

Since the change does not comport with any of the constraints mentioned above, the alteration cannot be authorized under Route Condition 3.1 for an alignment change that requires expanding the route width. Therefore the Permittee requires a Minor Alteration determination to make the change.

In this case, the route width modification and new alignment actually reduces the human and environmental impacts of the segment. The additional route width should have little or no impact, and the change doesn't impact any additional landowners. EERA believes the Minor Alteration should be authorized.

Poles 3-9

The request for a route width modification between Poles 3-9 in Pine Island Township is an unusual request in that it does not seek any change in alignment. The issue is actually a matter of rectifying the anticipated alignment and route on the Route Permit map with the Project's ROW needs. In essence, the Permittee is not so much requesting a route width change as seeking to correct the route width to coincide with the permitted alignment. The route width modification would alter the Route Permit maps to represent the route width correctly, leaving adequate space for the ROW.

A different solution would be to move the poles further south into the fields so that the ROW remains in the route. This would have a negative agricultural impact and eliminate the sharing of existing road ROW in this segment. A potential positive effect would be minimizing the impact of the line on any future Mn/DOT interchange being considered down the line.

⁴ [Plan and Profile Guidance for Transmission Lines](#), DOC EERA, June 2012

Mn/DOT did present a preliminary interchange plan for the intersection of Highway 52 and 500th Street during the Project hearing.⁵ Such a plan would require the structures to be moved out into the field at that time. However, that project has not been programmed and funded by Mn/DOT to date. It is considered far enough out to make its construction uncertain. The projected plan did not keep the Commission from issuing the permitted alignment as is; and unless they⁶ respond during this comment period, it should be assumed Mn/DOT is not raising further objection.

Since there is no change in alignment, there would be no change in the human or environmental impacts of the segment. The additional route width should have little or no impact, and EERA believes the Minor Alteration should be authorized.

EERA Conclusions and Recommendation

EERA concludes the requested modifications do not significantly change the human or environmental impact of the facility and are, therefore, minor.

EERA recommends the Commission approve Xcel Energy's alignment and route modification requests, without further conditions.

⁵ Exhibit no. 108, August 2, 2011, eDocket no. [20118-64902-08](#)

⁶ The Commission served notice to Mn/DOT of this comment period. See eDocket no. [20141-95850-02](#)