

The Commission met on **Thursday, February 23, 2017**, with Chair Lange and Commissioners Lipschultz, Schuerger, Tuma and Sieben present.

The following matters were taken up by the Commission:

## **ENERGY AGENDA**

### **G-002/GP-16-656**

#### **In the Matter of the Application of Xcel Energy for a Route Permit for the Black Dog Natural Gas Pipeline Project in Burnsville**

Commissioner Tuma moved that the Commission:

1. Grant the request for a partial exemption to the pipeline route selection procedures and adopt staff's proposed Findings of Fact;
2. Issue the proposed Route Permit to Xcel Energy for the Black Dog Natural Gas Pipeline Project;
3. Authorize Commission staff to make further findings of fact or permit modifications necessary to ensure consistency with the record and recently issued permits, including all safety protocols Xcel will implement in excess of the federal standards;
4. Add the following modification to the proposed findings of fact:

On page 13 of the proposed findings of facts and conclusions attached to staff briefing papers, add the following modification:

53. On November 15, 2016 the DOT submitted a comment letter noting three concerns with the proposed pipeline alignment as identified in the October 26, 2016 Xcel Energy filing along with an indication that mitigations could be required as a condition of any permit from the DOT. The specific concerns identified were:

- Placement of the pipeline longitudinally within road right-of-way;
- Placement of the pipeline on the opposite side of the highway from an existing NNG pipeline; and
- Crossing Highway 13 at a skewed angle rather than at a right angle, which is typically required.

5. Add the following modifications to the proposed permit:

Section 6.0 "Special Conditions":

g. Xcel Energy shall obtain from MNDOT a Utility Accommodation Permit for the crossing and building in the right away of Trunk Highway 13, as required. Xcel shall file a copy of the permit, and any special conditions imposed by MNDOT with the Commission within 30 days of receipt of the permit from MNDOT.

Section 5.4.13 Vegetation Removal and Protection

Xcel Energy will develop a Vegetation Management Plan with input from the DNR, the DOT, and the cities of Burnsville and Eagan to address impacts to vegetation and potential restoration plantings. The Permittee shall clear the permanent right-of-way and temporary right-of-way 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 impact the safe operation, maintenance, and inspection of the pipeline and are in compliance with all applicable laws and regulations.

Section 5.4.17 Roads (Public and Private)

Equipment involved in pipeline construction shall be moved into the right-of-way using existing public or private roads unless a temporary road is negotiated with the landowner.

Prior to commencement of construction, the Permittee shall identify all state, county, city, and township roads that will be used for the project and shall notify those governing authorities ~~the state, county or township governing body~~ having jurisdiction over the roads to determine if the governmental body needs to inspect the roads or issue permits prior to use of these roads.

The motion passed 5-0.

**E-017/M-16-1056**

**In the Matter of a Petition of Otter Tail Power Company Requesting Approval of Variance to the Billing Error Rules**

Commissioner Lipschultz moved to approve Otter Tail's request for a variance to Minn. R. 7820.3800 and a one-time modification to its Electric Billing Error Tariff requirements for the purpose of providing the proposed refunds to the Customer.

The motion passed 5-0.

**E-017/GR-15-1033**

**In the Matter of the Application of Otter Tail Power Company for Authority to Increase Rates for Electric Service in Minnesota Public Utilities Commission**

ORAL ARGUMENT HELD.

There being no further business, the meeting was adjourned.

**APPROVED BY THE COMMISSION: March 29, 2017**

A handwritten signature in black ink that reads "Daniel P. Wolf". The signature is written in a cursive style with a long, sweeping tail on the letter "f".

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**Daniel P. Wolf, Executive Secretary**