

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

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

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of Great River Energy's
Application for a Route Permit for a 115-kV
Laketown Transmission Line and Associated
Facilities Project in Carver County,
Minnesota

SERVICE DATE: October 1, 2024

DOCKET NO. ET-2/TL-24-132

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

- 1. Accepted Great River Energy's route permit application as substantially complete.**
- 2. Declined to appoint an advisory task force at this time.**
- 3. Requested a full Administrative Law Judge's report with findings of fact, conclusions of law, and recommendations for the project's public hearing.**

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

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

BY ORDER OF THE COMMISSION



A handwritten signature in black ink, appearing to read "Will Seuffert".

Will Seuffert
Executive Secretary

To request this document in another format such as large print or audio, call 651.296.0406 (voice). Persons with a hearing or speech impairment may call using their preferred Telecommunications Relay Service or email consumer.puc@state.mn.us for assistance.

September 4, 2024

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

RE: EERA Comments and Recommendations on Application Completeness
Laketown 115 kV Transmission Line Project
Route Permit Application
Docket No. ET2/TL-24-132

Dear Mr. Seuffert,

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

In the Matter of Great River Energy's Application for a Route Permit for a 115 kV Laketown Transmission Line and Associated Facilities Project in Carver County, Minnesota

The route permit application was filed on August 19, 2024, by:

Haley Waller Pitts
Fredrikson & Byron, P.A.
60 South Sixth Street, Suite 1500
Minneapolis, MN 55402-4400

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

Sincerely,



Logan Hicks
Environmental Review Manager

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BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

ENERGY ENVIRONMENTAL REVIEW AND ANALYSIS COMMENTS AND RECOMMENDATIONS

LAKETOWN 115 kV TRANSMISSION LINE PROJECT DOCKET No. ET2/TL-24-132

Date: September 4, 2024

EERA Staff: Logan Hicks | 651-539-2712 | logan.m.hicks@state.mn.us

In the Matter of Great River Energy's Application for a Route Permit for a 115 kV Laketown Transmission Line and Associated Facilities Project in Carver County, Minnesota

Issues Addressed: These comments and recommendations address the completeness of the route permit application, the need for an advisory task force, and the consideration of any procedural requirements.

Documents Attached:

- (1) Table 1. Application Completeness Requirements
- (2) Table 2. Draft Permitting and Environmental Review Schedule
- (3) Project Overview Map

Additional documents and information can be found on eDockets:

<https://www.edockets.state.mn.us/EFiling/search.jsp> (24-132) and on the Department of Commerce's website: <https://apps.commerce.state.mn.us/web/project/15657>.

To request this document in another format, such as large print or audio, call 651-539-1529. Persons with a hearing or speech impairment may call using their preferred telecommunications relay service.

Introduction and Background

On August 19, 2024, Great River Energy (GRE) and Minnesota Valley Electric Cooperative (MVEC) (applicants), filed a route permit application for the Laketown 115 kilovolt (kV) Transmission Line

Project (project)¹. The project consists of approximately 4.3 miles of a new 115 kV double-circuit high voltage transmission line (HVTL). The new HVTL would connect an existing GRE 115 kV transmission line to a new substation located in Laketown Township, Carver County, Minnesota. The new Laketown Substation will be built as part of the project and owned by MVEC. The Project is located in the townships of Laketown and Dahlgren, Carver County, Minnesota.

On August 23, 2024, the Minnesota Public Utilities Commission (Commission) issued a notice soliciting comments on the completeness of the application, the presence of contested issues of fact, the need for an advisory task force, authorizing the Applicant to initiate SHPO consultation, and other concerns related to this matter.²

Project Purpose

The applicants indicate that the proposed project will provide electric service to end users within Carver, Sibley, Scott, Rice and LeSueur counties.³ The applicants note that the project will provide reliable electric service to current and future end-use customers in this rapidly growing region and will ensure sufficient electrical capability for increased electric demand in the future.⁴

Project Description

The applicants propose to construct approximately 4.3 miles of new, GRE-owned, double-circuit 115 kV HVTL connecting an existing GRE 115 kV transmission line to a new MVEC-owned substation in Laketown Township, Carver County (see Project Overview Map).⁴ The new line is proposed to be located within existing road right-of-way (ROW) for approximately half of its length and to follow, in part, existing distribution lines owned by MVEC.⁵

The project will require building a new substation in Laketown Township on an approximately 1.5 acre parcel of land owned by MVEC.⁶ The project is anticipated to be in service by summer 2028.⁷

Regulatory Process and Procedures

In Minnesota, no person may construct a high voltage transmission line without a route permit from the Commission.⁸ A high voltage transmission line is defined as a conductor of electric energy designed for and capable of operation at a voltage of 100 kV or more and greater than 1,500 feet in

¹ Route Permit Application for the Laketown 115 kV Transmission Line Project, Great River Energy, August 19, 2024, eDockets Numbers – Filing Letter [20248-209604-01](#); Application [20248-209604-02](#); Figures [20248-209604-03](#), [20248-209604-04](#), [20248-209604-05](#); Appendix A [20248-209604-06](#), [20248-209604-07](#); Appendix B [20248-209604-08](#), [20248-209604-09](#); Appendix C [20248-209604-10](#); Appendix D [20248-209605-01](#); Appendix E [20248-209605-02](#), [20248-209605-03](#); Appendix F [20248-209606-01](#); Appendix G [20248-209606-02](#); Appendix H [20248-209606-03](#) [hereinafter Application].

² Notice of Comment Period on Application Completeness, August 23, 2024, eDocket Number [20248209734-01](#).

³ Application, Section 1.5.

⁴ Id.

⁵ Application, Section 3.1.1.

⁶ Application, Section 3.2.

⁷ Application, Section 1.4.

⁸ Minnesota Statute 216E.03.

length.⁹ The proposed project will consist of approximately 4.3 miles of double-circuit 115 kV transmission line and therefore requires a route permit from the Commission. Because the applicants' proposed transmission line is under 200 kV, the project is eligible to use the alternative review process prescribed by Minnesota Statute 216E.04.¹⁰ The applicants indicated their intent to use the alternative review process by notice to the Commission on July 10, 2024.¹¹

The proposed project will operate at a voltage greater than 100 kV but will have a length in Minnesota less than ten miles; accordingly, the project is not considered a large energy facility and does not require a certificate of need from the Commission.¹²

Route Permit Application Acceptance

Route permit applications for high voltage transmission lines must provide specific information about a project including applicant information, route descriptions, and potential environmental impacts and mitigation measures.¹³ Under the alternative review process, applicants must propose one route in their route permit application and discuss any other routes considered and rejected for the project.¹⁴

The Commission may accept an application as complete, reject an application and require additional information to be submitted, or accept an application as complete upon filing of supplemental information.¹⁵ The environmental review and permitting process begins on the date the Commission determines that a route permit application is complete.¹⁶ The Commission has six months (or nine months, with just cause) from the date of this determination to reach a route permit decision.¹⁷

Environmental Review

Route permit applications are subject to environmental review conducted by Department of Commerce, Energy Environmental Review and Analysis (EERA) staff.¹⁸ Projects proceeding under the alternative review process require the preparation of an environmental assessment (EA).¹⁹ An EA is a document that describes the potential human and environmental impacts of a proposed project and possible mitigation measures. Public meetings will be held to solicit comments on the scope of the EA.²⁰

⁹ Minnesota Statute 216E.01.

¹⁰ Minnesota Statute 216E.04, Subd. 2 (noting those projects that are eligible to proceed under an alternative permitting process).

¹¹ Notice of Intent to File a Route Permit Application for the Laketown Project Pursuant to the Alternative Permitting Process, July 10, 2024, eDockets Number [20247-208477-01](#).

¹² Minnesota Statute 216B.2421; Minnesota Statute 216B.243.

¹³ Minnesota Rule 7850.3100.

¹⁴ Id.

¹⁵ Minnesota Rule 7850.3200.

¹⁶ Id.

¹⁷ Minnesota Rule 7850.3900.

¹⁸ Minnesota Statute 216E.04, Subd. 5.

¹⁹ Id.

²⁰ Minnesota Rule 7850.2500.

Public Hearing

Route permit applications under the alternative review process require that a public hearing be held in the project area after the EA for the project has been completed and released.²¹ The hearing is typically presided over by an administrative law judge (ALJ) from the Office of Administrative Hearings. The Commission may request that the ALJ provide solely a summary of public testimony. Alternately, the Commission may request that the ALJ provide a full report with findings of fact, conclusions of law, and recommendations regarding the project.

Advisory Task Force

The Commission may appoint an advisory task force to aid the environmental review process.²² An advisory task force must include representatives of local governmental units in the project area.²³ A task force assists EERA staff with identifying impacts and mitigation measures to be evaluated in the EA. A task force expires upon issuance of the EA scoping decision.²⁴

The Commission is not required to appoint an advisory task force for every project. If the Commission does not appoint a task force, citizens may request that one be appointed.²⁵ If such a request is made, the Commission must determine at a subsequent meeting if a task force should be appointed or not. The decision whether to appoint an advisory task force does not need to be made at the time of application acceptance; however, it should be made as soon as practicable to ensure its charge can be completed prior to issuance of the EA scoping decision.

EERA Staff Analysis and Comments

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

Application Completeness

EERA staff conferred with applicants regarding the proposed project and reviewed a draft route permit application. EERA staff believes that staff comments on the draft application have largely been addressed in the route permit application submitted to the Commission. Staff has evaluated the application against the application completeness requirements of Minnesota Rule 7850.1900 (see Table 1). Staff finds that the application contains appropriate and complete information with respect to these requirements.

Advisory Task Force

EERA staff has analyzed the merits of establishing an advisory task force for the project. Staff concludes that a task force is not warranted for the project at this time.

²¹ Minnesota Rule 7850.3800.

²² Minnesota Statute 216E.08.

²³ Id.

²⁴ Minnesota Rule 7850.3600.

²⁵ Id.

In analyzing the need for an advisory task force for the project, EERA staff considered four characteristics: project size, project complexity, known or anticipated controversy, and sensitive resources.

- **Project Size.** The project consists of approximately 4.3 miles of double-circuit 115 kV transmission line, a relatively short distance. Transmission line structures for the project will range in height from 70 to 95 feet and span 350 to 400 feet between structures. The length, voltage, and size of the structures make this project smaller than many others in Minnesota.
- **Project Complexity.** The project itself is not complex. Over half of the line is proposed to be built within existing road ROW and the substation is being built on land owned by MVEC.
- **Known or Anticipated Controversy.** To date, staff is unaware of any controversies regarding the project, and there have been no public comments filed on the record.
- **Sensitive Natural Resources.** There are rare and unique natural resources in the project area.²⁶ There are no state listed species found within the project area, but two federally listed protected species have been previously documented within the vicinity of the project – the Northern Long-eared Bat and Rusty Patch Bumblebee.²⁷ While the applicants believe that potential impacts to these species will be minimal, they have committed to work with the Minnesota Department of Natural Resources and other agencies to minimize impacts to sensitive natural resources.²⁸

Based on the above factors, EERA staff believes that an advisory task force is not warranted for the project at this time.

Contested Issues of Fact

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

Other Issues Related to This Matter

EERA staff recommends that the Commission request a full ALJ report for the project's public hearing. EERA staff believe that a full ALJ report with recommendations provides an unbiased, efficient, and transparent method to voice and resolve any issues that may emerge as the record is developed. Requiring a full ALJ report reduces the burden on staff and helps to ensure that the Commission has a robust record on which to base its decision. Additionally, a full ALJ report does not significantly lengthen the site permitting process. EERA staff has provided a hypothetical schedule for the permitting process, which includes a comparison of potential hearing work

²⁶ Application, Section 6.7.5.

²⁷ Id.

²⁸ Id.

products and schedules – i.e., a summary of public testimony versus a full ALJ report with findings, conclusions, and recommendations (see Table 2).

EERA Staff Recommendations

EERA staff recommends that:

- The Commission accept the applicants' route permit application as substantially complete.
- The Commission not appoint an advisory task force at this time.
- The Commission request a full ALJ report with findings of fact, conclusion of law, and recommendations for the project's public hearing.

Table 1. Application Completeness Requirements

Minnesota Rule 7850.1900, Subpart 2	Location in Application	EERA Staff Comments
A. a statement of proposed ownership of the facility at the time of filing the application and after commercial operation;	Section 3.3	Information is provided to satisfy this requirement. Great River Energy will own the transmission line, as well as the transmission substation components. Minnesota Valley Electric Cooperation owns the property and transformer components of the substation.
B. the precise name of any person or organization to be initially named as permittee or permittees and the name of any other person to whom the permit may be transferred if transfer of the permit is contemplated;	Section 1.2	Information is provided to satisfy this requirement. Great River Energy and Minnesota Valley Electric Cooperative are the proposed permittees for the project.
C. a proposed route for the project and any rejected alternative routes and an explanation of the reasons for rejecting them; ²⁹	Chapter 4	Information is provided to satisfy this requirement.
D. a description of the proposed high voltage transmission line and all associated facilities, including the size and type of the high voltage transmission line;	Sections 3.1 & 3.2	Information is provided to satisfy this requirement.
E. the environmental information required under subpart 3;	See Minnesota Rule 7850.1900, Subpart 3 below.	
F. identification of land uses and environmental conditions along the proposed routes;	Sections 4.3.1 & 6.4 to 6.9	Information is provided to satisfy this requirement.
G. the names of each owner whose property is within any of the proposed routes for the high voltage transmission line;	Appendix C	Information is provided to satisfy this requirement.

²⁹ Minnesota Rule 7850.3100.

Minnesota Rule 7850.1900, Subpart 2	Location in Application	EERA Staff Comments
H. United States Geological Survey topographical maps or other maps acceptable to the Commission showing the entire length of the high voltage transmission line on all proposed routes;	Figures & Appendix A	Information is provided to satisfy this requirement.
I. identification of existing utility and public rights-of-way along or parallel to the proposed routes that have the potential to share the right-of-way with the proposed line;	Section 3.1.1	Information is provided to satisfy this requirement.
J. the engineering and operational design concepts for the proposed high voltage transmission line, including information on the electric and magnetic fields of the transmission line;	Sections 5.1 & 6.3.1	Information is provided to satisfy this requirement.
K. cost analysis each route, including the costs of constructing, operation and maintaining the high voltage transmission line that are dependent on design and route;	Section 3.5	Information is provided to satisfy this requirement.
L. a description of possible design options to accommodate expansion of the high voltage transmission line in the future;	Section 3.1.11	Information is provided to satisfy this requirement.
M. the procedures and practices proposed for the acquisition and restoration of the right-of-way, construction, and maintenance of the high voltage transmission line;	Section 5.1	Information is provided to satisfy this requirement.
N. a listing and brief description of federal, state, and local permits that may be required for the proposed high voltage transmission line; and	Section 2.1 & Table 2.3-1	Information is provided to satisfy this requirement.

Minnesota Rule 7850.1900, Subpart 2	Location in Application	EERA Staff Comments
O. a copy of the Certificate of Need or the certified HVTL list containing the proposed high voltage transmission line or documentation that an application for a Certificate of Need has been submitted or is not required.	Section 2.1	Information is provided to satisfy this requirement. No Certificate of Need is required for this project.

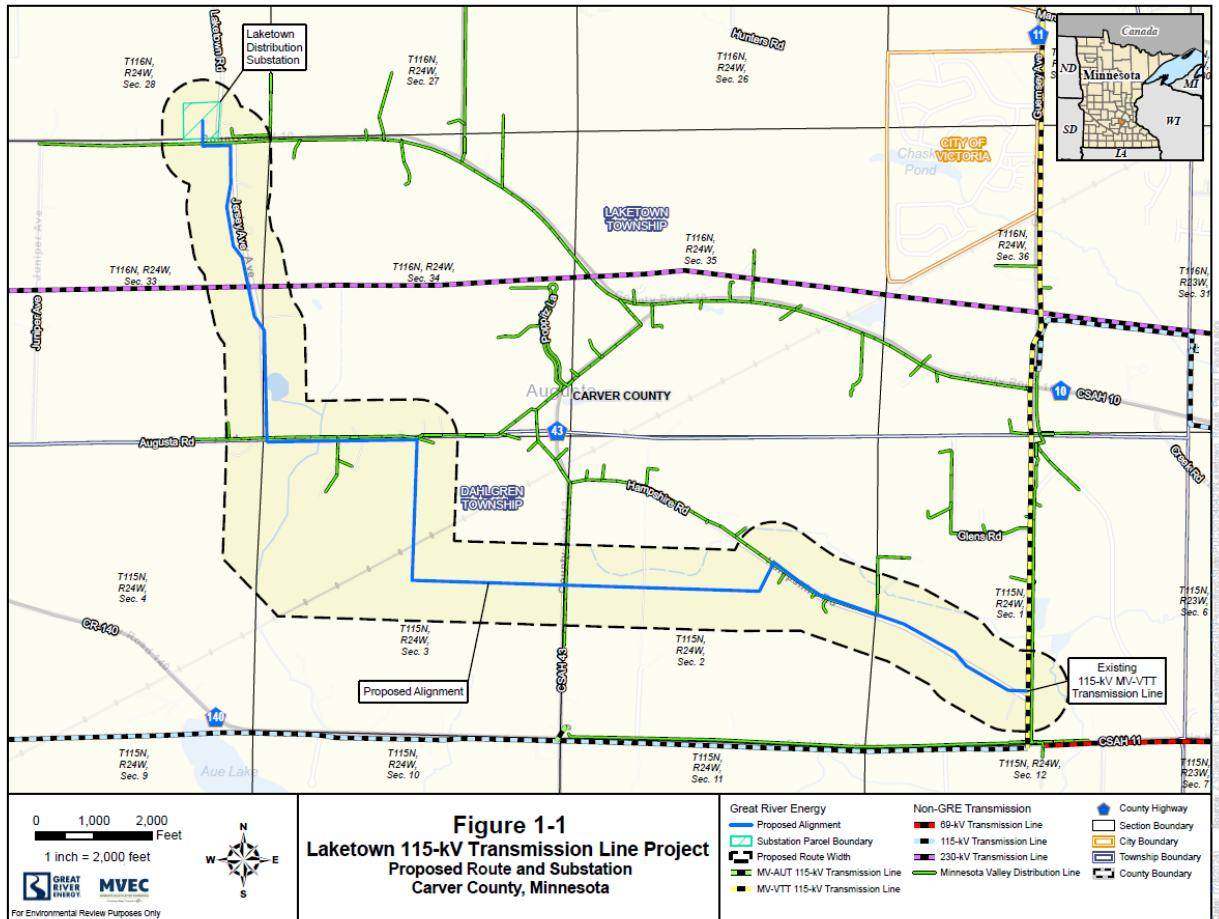
Minnesota Rule 7850.1900, Subpart 3	Location in Application	EERA Staff Comments
A. a description of the environmental setting for each site or route;	Section 6.1	Information is provided to satisfy this requirement.
B. a description of the effects of construction and operation of the facility on human settlement, including, but not limited to, public health and safety, displacement, noise, aesthetics, socioeconomic impacts, cultural values, recreation, and public services;	Sections 6.2 & 6.3	Information is provided to satisfy this requirement.
C. a description of the effects of the facility on land-based economies, including, but not limited to, agriculture, forestry, tourism, and mining;	Sections 6.2.6 & 6.5	Information is provided to satisfy this requirement.
D. a description of the effects of the facility on archaeological and historic resources;	Section 6.6	Information is provided to satisfy this requirement.
E. a description of the effects of the facility on the natural environment, including effects on air and water quality resources and flora and fauna;	Sections 6.7.1 to 6.7.3	Information is provided to satisfy this requirement.

Minnesota Rule 7850.1900, Subpart 3	Location in Application	EERA Staff Comments
F. a description of the effects of the facility on rare and unique natural resources;	Section 6.7.5	Information is provided to satisfy this requirement.
G. identification of human and natural environmental effects that cannot be avoided if the facility is approved at a specific site or route; and	Section 6.10	Information is provided to satisfy this requirement.
H. a description of measures that might be implemented to mitigate the potential human and environmental impacts identified in items A to G and the estimated costs of such mitigative measures.	Section 3.5 & Chapter 6	Information is provided to satisfy this requirement.

Table 2. Draft Permitting Process Schedule

Approximate Date	Permitting Day	Permitting Process Step
August 2024	--	Application Submitted
September 2024	--	Comment Period on Application Completeness
September 2024	--	Commission Considers Application Acceptance
October 2024	0	Application Acceptance Order
October 2024	5	Notice of Public Information and Scoping Meetings
November 2024	30	Public Information and Scoping Meetings
December 2024	60	Scoping Decision Issued
May 2025	150	EA Issued Notice of EA Availability and Public Hearing
June 2025	180	Public Hearing
July 2025	210	Public Hearing Comment Period Closes
July 2025	210	Applicant Responses to Hearing Comments
Summary of Public Testimony		
	220	Applicant Proposed Findings
	230	EERA Responses to Comments on EA; Technical Analysis; Replies to Applicant Proposed Findings
	230	ALJ Submits Summary of Public Testimony
	260	Commission Staff Prepares Findings and Proposed Route Permit
	280	Commission Considers Route Permit Issuance
Full ALJ Report with Findings, Conclusions, and Recommendations		
	220	Applicant Proposed Findings
	230	EERA Responses to Comments on EA; Technical Analysis; Replies to Applicant Proposed Findings
	260	ALJ Submits Full Report
	275	Exceptions to ALJ Report
	290	Commission Staff Prepares Proposed Route Permit
	310	Commission Considers CN and Route Permit Issuance

Project Overview Map



CERTIFICATE OF SERVICE

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

Minnesota Public Utilities Commission ORDER

Docket Number ET-2/TL-24-132

Dated this 1st day of October, 2024

/s/ Hannah Olson

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1400 St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_24-132_TL-24-132
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 280 Saint Paul, MN 551012198	Electronic Service	No	OFF_SL_24-132_TL-24-132
Spencer	Howe	Spencerh@mvec.net	Minnesota Valley Electric Cooperative	125 Minnesota Valley Electric Dr Jordan, MN 55352	Electronic Service	No	OFF_SL_24-132_TL-24-132
Breann	Jurek	bjurek@fredlaw.com	Fredrikson & Byron PA	60 S Sixth St Ste 1500 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_24-132_TL-24-132
Molly	Leisen	mleisen@fredlaw.com	Fredrikson & Byron P.A.	60 South Sixth Street Suite 1500 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_24-132_TL-24-132
Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	OFF_SL_24-132_TL-24-132
Michael	Swenson	MSwenson@GREnergy.com	Great River Energy	12300 Elm Creek Boulevard Maple Grove, MN 55369-4718	Electronic Service	No	OFF_SL_24-132_TL-24-132
Haley	Waller Pitts	hwallerpitts@fredlaw.com	Fredrikson & Byron, P.A.	60 S Sixth St Ste 1500 Minneapolis, MN 55402-4400	Electronic Service	No	OFF_SL_24-132_TL-24-132