

Minnesota Public Utilities Commission

Staff Briefing Papers

Meeting Date: March 12, 2014. Agenda Item # *1

Company: **Northern States Power Company**

Docket No. **E-002/TL-09-1448**

In the Matter of the Application of Northern States Power Company (Xcel Energy) for a Route Permit for the Hampton-Rochester-La Crosse Transmission Line Project

Re: Minor Alteration Request on the North Rochester - Mississippi River 345 kV Transmission Line Segment

Issue(s): Should the Commission authorize the minor alteration requests?

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Relevant Documents

Xcel Minor Alteration Requests January 22, 2014
Department of Commerce EERA Comments February 14, 2014
Public Comment February 18, 2014

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 otherwise noted.

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Statement of the Issues

Should the Commission authorize the January 22, 2014 minor alteration requests for the Hampton to Lacrosse 345 kV Transmission Line Project? If so, what conditions, if any, should the Commission attach to the requests?

Introduction and Background

The Commission issued a route permit with conditions for the Hampton to LaCrosse 345 kV Transmission Line Project on May 30, 2012.

On January 22, 2014, Xcel Energy filed a request for two minor alterations to the approved route.

On January 28, 2014, the Commission issued a Notice of Comment Period on Minor Alteration Application. Comments were sought on whether the proposed changes constitute a minor alteration, and whether any conditions that may be appropriate should the request be approved as a minor alteration.

On February 14, 2014 the Department of Commerce filed comments on the requests.

On February 18, 2014 a member of the public filed comments.

Regulatory Process and Procedures

Minnesota Rule 7850.4800 outlines the application, review, and public notice procedures to be used in seeking minor alteration authorization. A minor alteration is defined as a change in a large electric power generating plant or high voltage transmission line that does not result in significant changes to the human or environmental impact of the facility (Minn. Rule 7850.4800, subp. 1).

The Commission is required to either authorize the minor alteration, bring the matter to the Commission for consideration, or determine that the alteration is not minor and requires a full permitting decision (Minn. Rule 7850.4800, subp. 3). The Commission may also impose conditions on its approval.

Permittees Minor Alteration Requests

The first alteration request involves Pole Numbers 3 – 9 of Segment 1 in Pine Island Township and would modify the anticipated alignment by placing approximately 65 feet of transmission line right-of-way outside of the approved route width. The change is requested to correct a cartographic/GIS error in preparing the route maps. The request is to expand the route to allow sufficient space within the route for ROW for the permitted anticipated alignment.

The second alteration request is a proposed route width modification between Poles 49-53 of Segment 2 in Oronoco Township in response to a request from landowners to alter the designated alignment between the poles. The change would require right-of-way (ROW) outside the permitted route

resulting in approximately 0.05 acres of route width expansion. The modification would replace a two-pole 90 degree turn in a field with a single pole to be located adjacent to the western side of Power Dam Road Northwest.

Public Comment

The Commission received one public comment during the comment period from Mr. David Stolp related to the proposed modification of Segment 2 in Oronoco Township. Mr. Stolp recommended that the requested alteration does not meet the definition of a minor alteration and that the Commission should deny the request and require a full permitting decision on the change.

Mr. Stolp indicated that the proposed change would result in a negative aesthetic impact to their property. Mr. Stolp stated that, under the previous plan, he would see the poles placed across the field opposite of their front door. Under the proposed change, the poles would stop south of their front door and then proceed at an angle to the southeast before turning east again resulting in an increased number of poles in the direct line of site from their property.

Mr. Stolp also indicated that his family's farm (currently owned by his father, Mr. Neil Stolp) is listed in the Century Farm Registry and argued that the unique aspects of Century family farms were not considered in the planning process.

Department of Commerce Energy Environmental Review and Analysis Comments

DOC EERA provided its comments and recommendations on February 14, 2014. EERA noted that both modifications do not qualify under any of the designated allowances for changing the route width detailed in the route Permit for the project. EERA also indicated that 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 in determining the routes as required by Minn. Rule 7850.4100.

Segment 1 Pine Island Township Request (Poles 3-9)

EERA noted that this minor alteration request does not seek a change in alignment, but rather to rectify the anticipated alignment with the route width on the Route Permit map. Put another way, the permittee seeks to correct the route width to coincide with the permitted alignment.

In the alternative, if the alignment were moved to the south instead of adjusting the route width, it would result in a negative agricultural impact and would eliminate right-of-way sharing with the roadway. A potential positive effect of this alternative would be in preserving the alignment should MNDOT determine that an interchange at this location should be developed. MNDOT has not programmed or funded such a project to date.

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 **r e c o m m e n d e d** that the Minor Alteration should be authorized.

Segment 2 Oronoco Township Request (Poles 49-53)

The anticipated alignment for this portion of the project 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 the need for a two-pole structure and moves another pole to a lower impact area of the field.

The proposed alignment modification results in moving a small portion of the ROW outside the permitted route width. The additional route width requirement for the right-of-way amounts to 0.05 acres. The alignment itself would remain within the existing route width. EERA stated that the route width modification and new alignment reduces the human and environmental impacts of the segment. EERA recommended the Minor Alteration should be authorized.

EERA Conclusions and Recommendation

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

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

Staff Comments

Commission staff reviewed the Permittees application for minor alterations and concluded that the Permittees have provided sufficient information to modify the permit as requested. Although the proposed change would reduce some impacts and increase one, the alterations on the whole would not result in significant changes in the human or environmental impacts of the approved route. Therefore, staff recommends approval of the minor alteration requests with no additional conditions.

Commission Decision Options

A. Minor Alteration - (Poles 3-9)

1. Authorize the minor alteration request without conditions.
2. Authorize the minor alteration request with additional conditions.
3. Determine that the requested alteration is not minor and require a full permitting decision.
4. Take some other action deemed appropriate.

B. Minor Alteration - (Poles 49-53)

1. Authorize the minor alteration request without conditions.

2. Authorize the minor alteration request with additional conditions.
3. Determine that the requested alteration is not minor and require a full permitting decision.
4. Take some other action deemed appropriate.

Staff Recommendation: Decision Option A.1 & B.1.