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July 22, 2016

--Via Electronic Filing--

Mr. Daniel P. Wolf
Executive Secretary
Minnesota Public Utilities Commission
121 Seventh Place East, Suite 350
St. Paul, MN 55101

**Re: Proposed Findings of Fact, Conclusions, and Recommendation
Application for a Site Permit for the Black Dog Unit 6 Project
Docket No. E002/GS-15-834**

Dear Mr. Wolf:

Northern States Power Company hereby respectfully submits this proposed Findings of Fact, Conclusions, and Recommendation regarding the Application for a Site Permit for the Black Dog Unit 6 Project.

We have electronically filed this document with the Minnesota Public Utilities Commission, and copies have been served on the parties on the attached service lists. Please contact Timothy Edman at timothy.j.edman@xcelenergy.com or 612-330-2952 if you have any questions or would like further information regarding this matter.

Sincerely,

/S/

Amy S. Fredregill
Manager, Resource Planning and Strategy

**IN THE MATTER OF THE APPLICATION
FOR A SITE PERMIT FOR THE BLACK DOG UNIT 6 PROJECT**

FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATION

PREPARED FOR THE MINNESOTA PUBLIC UTILITIES COMMISSION
Docket No. E002/GS-15-834

Statement of Issue

Has Northern States Power Company (the Applicant) satisfied the factors set forth in Minn. Stat. § 216E.04 and Minn. Rules Chapter 7850 for a site permit for a 215 megawatt (MW) simple cycle natural gas-fired combustion turbine unit (Black Dog Unit 6) at its existing Black Dog Generating Plant in the city of Burnsville, Dakota County, Minnesota?

Summary of Conclusions and Recommendation

Specific details regarding the proposed construction and operation of the Black Dog Unit 6 Project (Project) were presented in the Site Permit Application filed on October 15, 2015¹ and in a letter filed by the Applicant on October 22, 2015² as well as in Reply Comments filed by the Applicant on November 13, 2015.³ The Project was analyzed within an environmental assessment (EA)⁴ prepared by the Minnesota Department of Commerce, Environmental Engineering Analysis and Review. Based on information submitted by the Applicant and evaluated within the assessment, the potential impacts to human settlement, public health and safety, land-based economies, archeological and historic properties, the natural environment, and rare and unique natural resources are expected to be minimal. Impacts are avoided or minimized by the location of the project and by permits other than the site permit. Design options that maximize energy efficiencies and mitigate adverse environment effects are well met.⁵ The Project will emit combustion by-products that have the potential to impact air quality. However, with mitigation, emissions are anticipated to be within all state and federal standards. The Project is expected to facilitate an overall reduction in greenhouse gas emissions statewide. Potential impacts to air

¹ *In the Matter of an Application for a Site Permit for the Black Dog Unit 6 Project*. Docket No. E002/GS-15-834. Hereafter, documents in this Docket will be referred by name and date only.

² Letter, October 22, 2015.

³ Reply Comments, November 13, 2016.

⁴ Environmental Assessment, May 25, 2016.

⁵ Environmental Assessment, May 25, 2016, at 74-75.

quality are expected to be minimal.⁶ Based on the provisions of Minn. Stat. 216E.03, subdivision 7(b), and further listed under Minn. Rules Chapter 7850.4100, potential impacts of the Project would be mitigated by the location of the Project and conditions listed within the site permit⁷. The record demonstrates that the Applicant has complied with the requirements of Minn. Stat. § 216E and Minn. Rule 7850. The Project satisfies the site permit criteria for a large electric power generation plant set forth in Minn. Stat. § 216E.04 and meets all other legal requirements.

Findings of Fact

I. Applicant

1. Xcel Energy, doing business as Northern States Power Company (NSPM), is the Applicant requesting the site permit for the Black Dog Unit 6 Project. The Black Dog Generating Plant including the associated land is owned and operated by NSPM⁸.
2. Xcel Energy is a public utility that generates, transmits, distributes and sells electrical power to about 1.5 million customers within service territories located in parts of Minnesota, South Dakota and North Dakota.⁹

II. Description of the Proposed Project

3. NSPM proposes to construct a 215 MW simple-cycle natural gas fired generating facility and associated facilities at its existing Black Dog Plant in the City of Burnsville, Dakota County, Minnesota.¹⁰
4. The Project is designed to provide 115 kilovolt (kV) electrical power supply to the Twin Cities metropolitan area using existing transmission infrastructure to serve existing distribution substations. The service life of the Project is expected to exceed 35 years.¹¹
5. The Project will be constructed within the powerhouse building that formerly housed two dual-fuel boilers (Units 3 and 4), although several components of the Project will be located outside or attached directly to the powerhouse

⁶ Environmental Assessment, May 25, 2016, at 53.

⁷ Environmental Assessment, May 25, 2016, at 74-75.

⁸ Application for a Site Permit, October 15, 2015, at 9.

⁹ Application for a Site Permit, October 15, 2015, at 9.

¹⁰ Application for a Site Permit, October 15, 2015, at 3.

¹¹ Application for a Site Permit, October 15, 2015, at 3.

building.¹²

6. The Project will increase natural gas needs at the plant and a new pipeline will be constructed for this purpose. The gas supplier will be responsible for obtaining necessary permits and approvals to construct the pipeline.¹³
7. The Project is anticipated to begin commercial operation in March 2018.¹⁴
8. The construction cost for the Project is estimated to be about \$100 million.¹⁵
9. Minn. Stat. § 216B.243 generally requires a Certificate of Need (CON) to construct a generation facility with a total capacity of 50 MW or more. A CON is not required if the facility is selected in a competitive resource acquisition bidding process established by the Commission under Minnesota Stat. § 216B.2422, Subd. 5(b).¹⁶
10. The Black Dog Unit 6 Project was selected in a competitive resource acquisition bidding process (Docket No. E002/CN-12-1240) established by the Commission and a CON is not required for the Project.¹⁷
11. On February 5, 2015, the Commission issued an Order in Docket No. E002/CN-12-1240 approving price terms with Xcel Energy for the Black Dog 6 Project.¹⁸

III. Procedural History

12. On September 16, 2015, the Applicant filed notice of intent to apply for an alternative site permit under Minn. Rules 7850.2800 – 7850.3900 for the Black Dog Unit 6 Project.¹⁹

¹² Application for a Site Permit, October 15, 2015, at 15.

¹³ Application for a Site Permit, October 15, 2015, at 11.

¹⁴ Application for a Site Permit, October 15, 2015, at 10.

¹⁵ Application for a Site Permit, October 15, 2015, at 10.

¹⁶ Application for a Site Permit, October 15, 2015, at 10.

¹⁷ Application for a Site Permit, October 15, 2015, at 10.

¹⁸ *In the Matter of the Petition of Northern States Power Company for Approval of a Competitive Resource Acquisition Proposal and Certificate of Need*. Docket No. E002/CN-12-1240. ORDER APPROVING POWER PURCHASE AGREEMENT WITH CALPINE, APPROVING POWER PURCHASE AGREEMENT WITH GERONIMO, AND APPROVING PRICE TERMS WITH XCEL, ORDER POINT 3. February 5, 2015.

¹⁹ Xcel Energy's Notification of Intent to File Site Permit Application, September 16, 2015.

13. On October 15, 2015, the Applicant filed its site permit application under the alternative site permit process to the Minnesota Public Utilities Commission.²⁰
14. On October 22, 2015, the Applicant filed a letter that provided the results of the Natural Heritage Information System query conducted by the Minnesota Department of Natural Resources.²¹
15. On October 23, 2015 the Commission issued a notice for a comment period regarding whether the application contained the information required under Minn. Rules 7850.1900, whether there are any contested issues of fact, and whether there are any other related issues or concerns.²²
16. On November 2, 2015, the Applicant filed a notice to landowners adjacent to the Project regarding the Black Dog Unit 6 site permit application.²³
17. On November 6, 2015 the Minnesota Department of Commerce, Office Energy Environmental Review and Analysis (EERA), submitted Comments on the completeness of the site permit application. The EERA recommended that the Commission accept the application for the Project as substantially complete, with the understanding that the Applicant will provide supplemental information. The EERA also recommended that the Commission take no action on an advisory task force.²⁴
18. On November 10, 2015 the Applicant filed an affidavit of a mailing to Project adjacent landowners and an affidavit of a public notice in the “Burnsville This Week” and “Minneapolis Star Tribune” newspapers regarding the Black Dog Unit 6 Project site permit application.²⁵
19. On November 13, 2015, the Applicant filed Reply Comments providing additional site permit application information as suggested by the EERA in their comments. The supplemental information included a listing of the equipment and associated facilities anticipated to be covered by the permit, additional clarification regarding project construct and scheduled maintenance, and a listing of any unavoidable Project impacts.²⁶

²⁰ Application for a Site Permit, October 15, 2015.

²¹ Letter, October 22, 2015.

²² Notice of Comment Period, October 23, 2015.

²³ Notice of Site Permit Application, November 2, 2015.

²⁴ Comments and Recommendations on Application Completeness, November 6, 2015.

²⁵ Affidavit of Application, November 10, 2015.

²⁶ Reply Comments, November 13, 2015.

20. On November 18, 2015, the EERA filed a letter in response to the Applicant's Reply Comments. The EERA stated the supplemental information was consistent with their expectations.²⁷
21. On November 20, 2015, the Commission issued a notice that the site permit application would be heard at a Commission meeting on December 3, 2015.²⁸
22. On November 24, 2015, the Commission filed briefing papers regarding completeness of the site permit application.²⁹
23. On December 2, 2015, the U.S. Army Corps of Engineers filed a letter regarding the possible need for a Clean Water Act permit if the Project involves the discharge of dredge or fill material into the waters of the United States.³⁰
24. On December 10, 2015, the Commission issued an Order finding that the site permit application was complete and requested that an Administrative Law Judge be appointed to preside over a public hearing as well as prepare a summary report of the comments received at the public hearing.³¹
25. On January 6, 2016, the Commission issued a notice regarding a Public Information and Scoping meeting to be held at the Burnsville City Hall on January 28, 2016.³²
26. On January 28, 2016 a Public Information and Scoping meeting was held at the Burnsville City Hall – Council Chambers. Commission and EERA staff presented information about the site permit application process and environmental assessment scoping process, as well as answer questions and gather comments from the public. A representative of the Applicant presented information about the Project.³³
27. On February 10, 2016, the Minnesota Department of Transportation filed comments regarding highway-related considerations including possible oversize or overweight hauling of equipment.³⁴

²⁷ Reply Comments – Letter, November 18, 2015.

²⁸ Notice of Commission Meeting, November 20, 2015.

²⁹ Briefing Papers, November 24, 2015.

³⁰ Letter, December 2, 2015.

³¹ ORDER FINDING APPLICATION COMPLETE, REQUESTING SUMMARY REPORT, AND GRANTING VARIANCE. December 10, 2015.

³² Notice of Public Information and Environmental Assessment Scoping Meeting, January 6, 2016.

³³ Meeting Presentation, January 8, 2016.

³⁴ Comments, February 10, 2016.

28. On February 17, 2016, the Applicant filed an affidavit of publication that a notice of the scoping meeting to be held on January 28, 2016 was published in the “Burnsville/Eagan Sun This Week” on January 15, 2016.³⁵
29. On February 18, 2016, the EERA filed a transcript of the scoping meeting on January 28, 2016. Three members of the public were in attendance. No comments from the public were received.³⁶
30. On February 25, 2016, the EERA filed a notice of an environmental assessment scoping decision regarding the site application permit for the Project.³⁷
31. On February 25, 2016, the EERA filed its decision regarding the issues that would be addressed and the information that would be provided in the environmental assessment of the Project.³⁸
32. On May 3, 2016, the Minnesota Historical Society, State Historical Preservation Office (SHPO) filed a letter dated November 24, 2015 regarding its review of the Project. The SHPO concluded there are no properties listed in the National or State Registers of Historic Places and no known or suspected archaeological properties in the area that will be affected by the Project.³⁹
33. On May 26, 2016, the EERA filed its notice of availability and environmental assessment regarding the Project.⁴⁰
34. On June 3, 2016, the Commission filed a notice of a public meeting regarding the Project environmental assessment to be held on June 16, 2016 at the Burnsville City Hall.⁴¹
35. On June 7, 2016, the Commission filed its verification that a notice of the public meeting to be held on June 16, 2016 was sent to local units of government by U.S. certified mail.⁴²

³⁵ Affidavit of Publication, February 17, 2016.

³⁶ Public Comments – February 18, 2016.

³⁷ Notice of Environmental Assessment Scoping Decision, February 25, 2016.

³⁸ Scoping Decision, February 25, 2016.

³⁹ Comments, May 3, 2016.

⁴⁰ Environmental Assessment, May 25, 2016.

⁴¹ Notice of Public Hearing, June 3, 2016.

⁴² LGU Certified Mail, June 7, 2016.

36. On June 16, 2016, the EERA filed verification of placing a notice of the public meeting to be held on June 16, 2016 in the June 13, 2016 Environmental Quality Board Monitor.⁴³
37. On June 16, 2016, a public hearing was conducted by Administrative Law Judge James LaFave. Information related to the site permit process, the environmental assessment, and the Project was provided by Mr. Cezar Panait on behalf of the Commission, Mr. Andrew Levi on behalf of the EERA, and Mr. Mark Danberg on behalf of the Applicant. Three members of the public offered comments. Two of three persons who spoke indicated support for the Project, and the third person indicated her comments would be submitted in writing prior to the end of the comment period.⁴⁴
38. On June 29, 2016, the Comments from the City of Burnsville were filed. The City stated it believes the Project is beneficial to the residents of Burnsville and the region, as well as ratepayers.⁴⁵
39. On June 30, 2016, Xcel Energy filed comments regarding the Project environmental assessment indicating it found the assessment to be a thorough and accurate summary of the potential environmental impacts of the Project. Xcel Energy indicated it intends to implement the mitigation measures deemed necessary and to comply with all permits and licenses that are required following issuance of the Site Permit. The site permit application and environmental assessment identified potential permits or approvals.⁴⁶
40. On June 30, 2016, the Minnesota Pollution Control Agency (MPCA) filed comments regarding the Project. The MPCA indicated that the Minnesota River is listed as an impaired waters that will dictate additional increased stormwater treatment during construction and required additional increased permanent treatment post-construction. The MPCA indicated it is the responsibility of the Project sponsor to secure any required permits and comply with any requisite permit conditions.⁴⁷

⁴³ EQB Monitor Notice, June 16, 2016.

⁴⁴ Transcript – Public Hearing June 16, 2016.

⁴⁵ Public Comment, June 29, 2016.

⁴⁶ Environmental Assessment Comments, June 30, 2016.

⁴⁷ Letter – Public Comment, June 30, 2016.

41. On June 30, 2016, the Administrative Law Judge – Court Reporter filed sign-up sheets and a transcript of the public hearing regarding the Project environmental assessment.⁴⁸
42. On July 5, 2016, comments from two citizens and the Lower Minnesota River Watershed District regarding the Project were filed.⁴⁹
43. On July 11, 2016, the Metropolitan Council filed comments regarding the Project.⁵⁰
44. On July 15, 2016, Xcel Energy filed an affidavit verifying that a notice of the public meeting on June 16, 2016 was published June 10, 2016 in the Burnsville/Eagan Sun This Week.⁵¹

IV. Factors for a Site Permit

45. Minn. Stat. § 216E requires that a site permit must be obtained in order to proceed with this Project. In addition, Minn. Stat. §216E.02, Subd. 1, states it is the policy of the state to locate large electric power facilities in an orderly manner compatible with environmental preservation and the efficient use of resources. In accordance with this policy the commission shall choose locations that minimize adverse human and environmental impact while insuring continuing electric power system reliability and integrity and insuring that electric energy needs are met and fulfilled in an orderly and timely fashion.⁵²
46. Minn. Stat. § 216E.09 provides that site permits issued by the Commission shall supersede and preempt all zoning, building, or land use rules, regulations, or ordinances promulgated by regional, county, local and special purpose government.⁵³
47. Minn. Stat. § 216E.03, subdivision 7(b), states the 12 considerations the Commission must address when making a site permit application decision. These considerations are expanded upon by Minn. Rule 7850.4100, which

⁴⁸ Transcript – Public Hearing, June 30, 2016.

⁴⁹ Public Comment, July 5, 2016.

⁵⁰ Comments, July 11, 2016.

⁵¹ Affidavit, July 15, 2016.

⁵² See Minn. Stat. § 216E.09 (2015).

⁵³ See Minn. Stat. § 216E.03 (2015).

identifies 14 factors the Commission must consider. The environmental assessment report addressed each of these factors.⁵⁴

48. Under Minn. Stat. § 216E.03, Subd. 7(b), the 12 considerations are as follows:

(1) evaluation of research and investigations relating to the effects on land, water and air resources of large electric power generating plants and high-voltage transmission lines and the effects of water and air discharges and electric and magnetic fields resulting from such facilities on public health and welfare, vegetation, animals, materials and aesthetic values, including baseline studies, predictive modeling, and evaluation of new or improved methods for minimizing adverse impacts of water and air discharges and other matters pertaining to the effects of power plants on the water and air environment;

(2) environmental evaluation of sites and routes proposed for future development and expansion and their relationship to the land, water, air and human resources of the state;

(3) evaluation of the effects of new electric power generation and transmission technologies and systems related to power plants designed to minimize adverse environmental effects;

(4) evaluation of the potential for beneficial uses of waste energy from proposed large electric power generating plants;

(5) analysis of the direct and indirect economic impact of proposed sites and routes including, but not limited to, productive agricultural land lost or impaired;

(6) evaluation of adverse direct and indirect environmental effects that cannot be avoided should the proposed site and route be accepted;

(7) evaluation of alternatives to the applicant's proposed site or route proposed pursuant to subdivision 1 and 2;

(8) evaluation of potential routes that would use or parallel existing railroad and highway rights-of-way;

⁵⁴ Environmental Assessment, May 25, 2016, at 10.

(9) evaluation of governmental survey lines and other natural division lines of agricultural land so as to minimize interference with agricultural operations;

(10) evaluation of future needs for additional high-voltage transmission lines in the same general area as any proposed route, and the advisability of ordering the construction of structures capable of expansion in transmission capacity through multiple circuiting or design modifications;

(11) evaluation of irreversible and irretrievable commitments of resources should the proposed site or route be approved; and

(12) when appropriate, consideration of problems raised by other state and federal agencies and local entities.⁵⁵

49. Under Minn. Rules 7850.4100, the 14 factors that the Commission shall consider are further clarified as follows:

A. effects on human settlement, including, but not limited to, displacement, noise, aesthetics, cultural values, recreation, and public services;

B. effects on public health and safety;

C. effects on land-based economies, including, but not limited to, agriculture, forestry, tourism, and mining;

D. effects on archaeological and historic resources;

E. effects on the natural environment, including effects on air and water quality resources and flora and fauna;

F. effects on rare and unique natural resources;

G. application of design options that maximize energy efficiencies, mitigate adverse environmental effects, and could accommodate expansion of transmission or generating capacity;

H. use or paralleling of existing rights-of-way, survey lines, natural division lines, and agricultural field boundaries;

⁵⁵ See Minn. Stat. § 216E.03, Subd. 7(b) (2015).

- I. use of existing large electric power generating plant sites;
- J. use of existing transportation, pipeline, and electrical transmission systems or rights-of-way;
- K. electrical system reliability;
- L. costs of constructing, operating, and maintaining the facility which are dependent on design and route;
- M. adverse human and natural environmental effects which cannot be avoided; and
- N. irreversible and irretrievable commitments of resources.⁵⁶

V. Environmental Assessment

A. Environmental Setting

- 50. The existing generating plant is within the Minnesota River Valley, which was formed 11,600 to 9,200 years ago as River Warren drained glacial Lake Agassiz through the Minnesota River Valley. Today, the river valley within the vicinity of the proposed project contains wetlands and floodplain forests of maple, cottonwood, and ash. The Black Dog Power Plant is located on a natural isthmus with open, grassed areas and pockets of forested areas between Black Dog Lake and the Minnesota River. The Power Plant covers about 80 acres within a 1,900 acre facility boundary owned by the Applicant. Of this amount, about 500 acres is covered by Black Dog Lake. The remaining acres are managed as part of the Minnesota Valley National Wildlife Refuge under a long-term lease agreement with the U.S. Fish & Wildlife Service.⁵⁷

B. Impacts to Human Settlement

1. Aesthetics

- 51. The Project will be located within the existing powerhouse building, although portions of it such as the air inlet filter, main transformer, auxiliary transformer, and fin fan cooler will be outside either attached to the building or located

⁵⁶ See Minn. Rules 7850.4100.

⁵⁷ Environmental Assessment, May 25, 2016, at 30-32.

within a short distance. The majority of this outdoor equipment will only be visible from the west or south. The powerhouse is part of the existing generating plant, which is surrounded by wildlife and recreational areas, as well as roads, railway, and extensive electrical transmission infrastructure. Residents on nearby bluffs overlook the Project.⁵⁸

52. Aesthetics impacts are anticipated to be long-term and minimal. Impacts are of a relative small size compared to the generating plant as a whole. The presence of the existing generating plant prevents the occurrence of a natural view. The region of influence for aesthetics is one mile.⁵⁹
53. The powerhouse is located in an area with extensive electrical transmission infrastructure. The introduction of a second exhaust stack protruding from the roof of the powerhouse will increase aesthetic impacts; however, this increase will be incremental and minimal. The Unit 6 exhaust stack will be shorter than the Unit 5/2 stack and, unlike the Unit 5/2 stack, is not expected to create a water vapor plume. The proposed project is not anticipated to be visible from I-35W or MN-77.⁶⁰
54. Direct aesthetic impacts can cause indirect impacts to property values and recreational opportunities. Because direct aesthetic impacts are anticipated to be minimal, indirect impacts are anticipated to be negligible.⁶¹
55. Potential impacts to aesthetics can be minimized by choosing sites that are, to the extent practicable, consistent with the existing view shed or reduce viewer exposure. Constructing Black Dog Unit 6 within an existing powerhouse building is consistent with these measures. No mitigation is proposed.⁶²

2. Cultural Values

56. Impacts to cultural resources are not anticipated. The proposed project will not interfere with the work or leisure pursuits of residents in a way that interferes with their cultural values. No mitigation is proposed.⁶³

⁵⁸ Environmental Assessment, May 25, 2016, at 33-35.

⁵⁹ Environmental Assessment, May 25, 2016, at 35.

⁶⁰ Environmental Assessment, May 25, 2016, at 35.

⁶¹ Environmental Assessment, May 25, 2016, at 35.

⁶² Environmental Assessment, May 25, 2016, at 35.

⁶³ Environmental Assessment, May 25, 2016, at 36.

3. Displacement

57. Displacement is the forced removal of a residence or building to facilitate the construction and operation of the proposed project. The Applicant owns the proposed site location and displacement will not occur. No mitigation is proposed.⁶⁴

4. Floodplain

58. Impacts to the 100-year floodplain are not anticipated. All outdoor equipment, including the equipment fin fan cooler, and on-site natural gas pipeline, will be located above 720 feet mean sea level, which exceeds the 100-year flood level. The remaining facilities will be within or upon the existing powerhouse. Construction activities will not result in placement of fill or alterations to the floodplain. No mitigation is proposed.⁶⁵

C. Land Use and Zoning

59. The existing generating plant is located in an area of Burnsville zoned as Conservancy District. Utility uses and the expansion of nonconforming existing uses may be allowed. A conditional use permit is required for a structure that exceeds 35 feet in height. The powerhouses building and the exhaust stack for Unit 5/2 are over 35 feet in height. The exhaust stack for Unit 6 will be 200 feet tall. This is about 15 feet shorter than the existing Unit 5/2 exhaust stack.⁶⁶
60. The Project is within the Shoreland Overlay District and the Floodway District. General setback requirements for sewerer properties within the Shoreland Overlay District are 50 feet from the ordinary high water mark to the closest point of the structure. The powerhouse building is approximately 200-feet from Black Dog Lake. The fin fan cooler is also expected to exceed the 50 foot setback.⁶⁷
61. Direct impacts are anticipated to be long-term and of a small size. Unique resources will not be impacted. The overall impact intensity level is anticipated to be minimal.⁶⁸

⁶⁴ Environmental Assessment, May 25, 2016, at 36.

⁶⁵ Environmental Assessment, May 25, 2016, at 36.

⁶⁶ Environmental Assessment, May 25, 2016, at 37.

⁶⁷ Environmental Assessment, May 25, 2016, at 37.

⁶⁸ Environmental Assessment, May 25, 2016, at 37.

62. Unit 6 will be constructed within an existing powerhouse building. Outdoor construction activities will be limited to industrial areas on the site location. On-site staging and storage of equipment will also be limited to these areas. As a result, impacts to land use are not anticipated. No mitigation is proposed.⁶⁹

D. Noise

63. The Project is located in an urban area. Ambient noise levels in these locations are generally between 45 and 55 decibels during daytime hours. Noise levels will vary throughout the day due to vehicle traffic, emergency vehicle sirens, or passing aircraft, and other factors.⁷⁰
64. Noise impacts will be associated with construction and operation of the proposed project. The region of influence for noise impacts is 1,600 feet. Several residences are within 1,600 feet of the site location. The closest residence to the existing powerhouse is about 1,850 feet to the south. This residence is approximately 1,800 feet from the proposed location of the fin fan cooler.⁷¹
65. Noise impacts related to construction will be intermittent and short-term. The size of the impact will vary depending upon the distance between the source and the receptor. This distance is expected to exceed 1,600 feet. The overall impact intensity level is expected to be minimal. These impacts may or may not surpass MPCA noise standards. Impacts are unavoidable, but can be minimized.⁷²
66. Commission site permits require that construction be limited to daytime hours. The majority of construction will occur inside the existing powerhouse. Outdoor construction activities will include installation of the fin fan cooler, step-up transformer, exhaust stack, and on-site natural gas pipeline. Noise from heavy equipment, such as, cranes and excavating equipment, and increased vehicle traffic will be intermittent and occur during daytime hours.⁷³
67. The Project will produce noise during operation. The turbine will be located within the existing powerhouse. Noise surveys were conducted in 2002 while Unit 3 (coal-fired), Unit 4 (coal-fired), and Unit 5/2 (natural gas-fired) were in

⁶⁹ Environmental Assessment, May 25, 2016, at 37.

⁷⁰ Environmental Assessment, May 25, 2016, at 38.

⁷¹ Environmental Assessment, May 25, 2016, at 39.

⁷² Environmental Assessment, May 25, 2016, at 39.

⁷³ Environmental Assessment, May 25, 2016, at 39.

operation. Noise impacts from the Unit 6 turbine are expected to be similar or less than noise measured during the 2002 survey.⁷⁴

68. Construction noise is not anticipated to exceed state noise standards. However, intermittent noise impacts may occur from construction related activities. Commission site permits require compliance with state noise standards, and also require that construction be limited to daytime hours. Operational noise impacts are mitigated by locating the turbine within an existing powerhouse. Noise impacts are also mitigated by the fact that a coal-fired generating plant had been in operation for over 50 years at this location, including rail shipments of coal, and resident expectations regarding ambient noise levels are established and include electric power generating equipment.⁷⁵

E. Property Values

69. Potential impacts to property values are not anticipated. No mitigation is proposed.⁷⁶

F. Recreation

70. Black Dog Park is located about 1,900 feet from the existing powerhouse. The Park is operated by the City of Burnsville and consists of three baseball fields. The Black Dog Preserve Unit of the Minnesota Valley National Wildlife Refuge is about 1,250 acres on land owned by the Applicant and leased to the Minnesota Valley National Wildlife Refuge. The Black Dog Greenway is a paved, multi-use recreational trail that is expected to be completed in the fall of 2016.⁷⁷
71. Impacts to recreation are anticipated to be minimal and no mitigation is proposed.⁷⁸

G. Socioeconomics

72. The Project will take between 18 and 24 months to construct. High-skilled workers including pipefitters, iron workers, millwrights, boilermakers, carpenters, electricians and other trades will be employed. Once constructed,

⁷⁴ Environmental Assessment, May 25, 2016, at 40.

⁷⁵ Environmental Assessment, May 25, 2016, at 40.

⁷⁶ Environmental Assessment, May 25, 2016, at 40.

⁷⁷ Environmental Assessment, May 25, 2016, at 41.

⁷⁸ Environmental Assessment, May 25, 2016, at 42.

the proposed project will require workers for normal operations and routine maintenance activities.⁷⁹

73. Short-term impacts are associated with project construction. Impacts will be positive. Nearby communities and businesses can expect a short-term increase in revenues, for example, food and fuel purchases. Construction will not disrupt these communities and businesses. Construction will provide employment for high-skilled workers. The applicant indicates that some materials may be purchased locally. Long-term, positive impacts are associated with wages and increased tax revenues.⁸⁰
74. Adverse impacts are not expected. No mitigation is proposed.⁸¹

H. Human Health and Safety

75. The Applicant is bound by federal and state Occupational Safety and Health Administration requirements for worker safety, and follows internal site safety requirements. Qualified workers will be trained in specific tasks, including safety procedures and equipment training, to reduce the likelihood of injury. The construction area will be restricted to those that have direct activities in the area. Visitors will only be allowed onsite with an escort and may be restricted from entering certain areas. With the use of standard construction practices, potential impacts to worker and visitor safety are not anticipated. No mitigation is proposed for worker and visitor safety.⁸²
76. The power generation equipment at the Black Dog plant and the equipment proposed for the Unit 6 project combust natural gas at high pressure and temperature and convert this heat energy to electrical power. There is an associated risk of fire or explosion and a risk of electrocution.⁸³
77. Potential impacts are minimized by the systems and controls in place at the generating plant. Access is controlled and the generating plant is relatively distant (three-tenths of one mile) from the closest residence. Potential impacts to human health and safety from fire and electrocution are anticipated to be minimal. No mitigation is proposed.⁸⁴

⁷⁹ Environmental Assessment, May 25, 2016, at 43.

⁸⁰ Environmental Assessment, May 25, 2016, at 44.

⁸¹ Environmental Assessment, May 25, 2016, at 44.

⁸² Environmental Assessment, May 25, 2016, at 44-45.

⁸³ Environmental Assessment, May 25, 2016, at 45.

⁸⁴ Environmental Assessment, May 25, 2016, at 45.

78. Voltage on a conductor creates an electric field that surrounds and extends from the wire. Current moving through a conductor creates a magnetic field that surrounds and extends from the wire. Similar to electric fields, the strength of a magnetic field decreases rapidly as the distance from the source increases; however, unlike electric fields, magnetic fields are not easily shielded or weakened by objects or materials.⁸⁵
79. The Project will not result in the construction and operation of new transmission lines. Impacts related to electric magnetic fields and electronic interference are not anticipated. No mitigation is proposed.⁸⁶

I. Public Services/Utilities

80. Impacts to highways and local roads during construction will be short-term and intermittent. Overall impacts are expected to be minimal. Long-term impacts will not occur. Traffic delays along Black Dog Road may occur due to material delivery and worker transportation but these impacts will not impact local traffic because Black Dog Road is a private road. Some material deliveries may require oversized load permits. The Project will not impact a state trunk highway.⁸⁷
81. Impacts to roads and vehicular traffic can be mitigated through coordination with appropriate state and local authorities. This includes obtaining all necessary load permits and following all permit stipulations. The Minnesota Department of Transportation has requested that the Applicant coordinate with the Department to ensure highway construction activities are incorporated into oversized and/or overweight route planning.⁸⁸
82. The generating plant utilizes an on-site well for domestic water uses. Domestic wastewater/sanitary sewage flows to a lift station that ties into the Metropolitan Council Environmental Services main sewer line, and from there to the Seneca Wastewater Treatment Plant. Construction of the proposed project will not result in an increase to sanitary sewer flows beyond current levels. Impacts to water utilities are not anticipated and no mitigation is proposed.⁸⁹

⁸⁵ Environmental Assessment, May 25, 2016, at 46.

⁸⁶ Environmental Assessment, May 25, 2016, at 46.

⁸⁷ Environmental Assessment, May 25, 2016, at 48.

⁸⁸ Environmental Assessment, May 25, 2016, at 48.

⁸⁹ Environmental Assessment, May 25, 2016, at 49-50.

83. The Project will provide additional electrical generation for the existing 115 kV transmission system in Twin Cities Metropolitan Area. Electrical power will be used in the project area or elsewhere in the region. No impacts to electrical services are anticipated and no mitigation is proposed.⁹⁰
84. The Project will use a dedicated natural gas source. No impacts to natural gas service in the Project area will occur and no mitigation is proposed.⁹¹

J. Land-Based Economies

85. Agricultural, forestry and mining operations do not occur on the site location. The proposed project is located in an industrial area and will not preclude public recreation. Impacts to recreation and tourism are anticipated to be minimal. No mitigation is proposed.⁹²

K. Archeological and Historic Resources

86. The Union Pacific Railroad meets the eligibility requirements to be listed on the National Register of Historic Places and is potentially eligible for designation. Impacts to archaeological or historic resources are not anticipated and no mitigation is proposed.⁹³

L. Natural Resources – Air Quality

87. The Project will be fueled entirely by natural gas. The combustion of natural gas will emit combustion by-products that have the potential to impact air quality. With mitigation, emissions are anticipated to be within all state and federal standards. The Project is anticipated to facilitate an overall reduction in greenhouse gas emissions statewide. As a result, potential impacts to air quality are expected to be minimal.⁹⁴
88. The Applicant conducted an air dispersion modeling analysis to determine whether emissions from the proposed project would cause or contribute to a violation of the Minnesota Ambient Air Quality Standards (MAAQS) and National Ambient Air Quality Standards (NAAQS). This was done by modeling whether or not emissions from the proposed project alone would

⁹⁰ Environmental Assessment, May 25, 2016, at 50.

⁹¹ Environmental Assessment, May 25, 2016, at 50.

⁹² Environmental Assessment, May 25, 2016, at 50.

⁹³ Environmental Assessment, May 25, 2016, at 51.

⁹⁴ Environmental Assessment, May 25, 2016, at 53.

result in any predicted maximum ambient concentrations of criteria pollutants (sulfur dioxide (SO₂), carbon monoxide (CO), particulate matter less than 2.5 microns (PM_{2.5}), particulate matter less than 10 microns (PM₁₀), and Nitrogen Oxide (NO_x) above a significant ambient impact level. Modeled impacts did not exceed significant impact levels. As a result, exceedance of MAAQS and NAAQS are not anticipated to occur and no further modeling is required.⁹⁵

89. The existing generating plant (Unit 5/2) currently meets the definition of a “major emitting facility.” As a result, the Project would require Prevention of Significant Deterioration (PSD) review if the emissions increase from the proposed project is greater than the PSD major modification threshold. However, increases and decreases from recent contemporaneous projects can be taken into account to determine if the Project is subject to PSD review when pollutants exceed PSD threshold limits from the proposed project alone.⁹⁶
90. The Project will emit limited potential emissions of PM_{2.5}, NO_x, CO, and CO_{2e} that exceed the PSD major modification threshold for each pollutant. However, after netting exercises which account for total facility creditable contemporaneous decreases associated with the decommissioning of Unit 3 and Unit 4, and increases associated with the addition of an auxiliary boiler, total significant net increases were found to be negative and a PSD does not apply to the Project.⁹⁷
91. The Project will increase greenhouse gas emissions in Minnesota. When considering the proposed project in isolation, these emissions will contribute to global climate change. However, the Project will serve several roles in the electric utility sector that will facilitate an overall reduction of greenhouse gas emissions.⁹⁸

M. Natural Resources – Groundwater and Surface Water

92. Impacts to groundwater during project construction are not anticipated. Black Dog Unit 6 will be constructed within an existing powerhouse building. Exterior structures such as support foundations will not reach groundwater.

⁹⁵ Environmental Assessment, May 25, 2016, at 53.

⁹⁶ Environmental Assessment, May 25, 2016, at 53.

⁹⁷ Environmental Assessment, May 25, 2016, at 53-54.

⁹⁸ Environmental Assessment, May 25, 2016, at 55.

Direct impacts to surface water are anticipated to be negligible and indirect impacts to groundwater are not anticipated.⁹⁹

93. Groundwater will be used during operation. The Applicant anticipates the Project will operate without water inputs over 80 percent of the time. Groundwater appropriations are regulated by the state. No amendment to the Applicant's current water appropriations permit will be required to construct or operate the proposed project. While groundwater will be used during operation, potential impacts are anticipated to be minimal.¹⁰⁰
94. The Minnesota Department of Natural Resources requires annual reports that are used for a variety of purposes, including impact evaluation and water supply planning. Impacts to groundwater during project construction are not anticipated. Should impacts occur from the Project, it is anticipated that they will be minimal. Indirect impacts to groundwater can be mitigated by avoiding or minimizing impacts to surface waters. No additional mitigation is proposed.¹⁰¹
95. The Project will not use surface water during construction or operation. Any impact to surface water during construction would be short-term, of small size, and not impact a unique resource. The overall impact intensity level is anticipated to be negligible. Potential impacts to surface waters can be minimized by using best management practices to protect top soil and reduce soil erosion. Commission permits require sediment control measures.¹⁰²

N. Rare and Unique Resources

96. The Minnesota Department of Natural Resources conducted a Natural Heritage Inventory System query of rare and unique resources within about one mile of the Project. The results identified peregrine falcons, the Northern long-eared bat, and several species of state-listed mussels.¹⁰³
97. There are no known occurrences of Northern long-eared bat roosts or hibernacula within one mile of the Project. Since no tree clearing will occur as

⁹⁹ Environmental Assessment, May 25, 2016, at 57.

¹⁰⁰ Environmental Assessment, May 25, 2016, at 57.

¹⁰¹ Environmental Assessment, May 25, 2016, at 59.

¹⁰² Environmental Assessment, May 25, 2016, at 63.

¹⁰³ Environmental Assessment, May 25, 2016, at 60.

part of the Project, impacts related to the Northern long-eared roosts are not anticipated.¹⁰⁴

98. As part of a permitted remediation project, a peregrine falcon nesting box was removed from the existing Unit 3/4 exhaust stack in preparation for demolition of the stack. Nesting box removal was coordinated with the DNR and U.S. Fish and Wildlife Service and occurred prior to the 2016 nesting season. The nesting box was not relocated.¹⁰⁵
99. A peregrine falcon pair returned to the Black Dog Plant in 2016 and may be nesting on the roof of the boiler building. If peregrines are nesting at the generating plant, chicks will be independent before a permit could be issued for the Project. As a result, the Project will not impact nesting activities in 2016.¹⁰⁶
100. If the falcon pair return in 2017, nesting may be impacted as construction on the roof is anticipated to begin in April 2017 due to the need to retain heat in the powerhouse building prior to that time. Potential impacts cannot be determined at this time. Should peregrines return and nesting activities be impacted in 2017, these impacts will not influence the overall peregrine falcon population. As a result, potential impacts are anticipated to be minimal.¹⁰⁷
101. Nesting in this industrial area indicates the peregrines are habituated to human influences. However, if peregrine falcons show signs of stress, for example, flying towards individuals or equipment or display other erratic flying behavior, the Applicant should contact the Minnesota Department of Natural Resources (DNR) Nongame Program Region Specialist.¹⁰⁸

O. Soils, Vegetation, Wetlands, Wildlife

102. Soil impacts will occur. However, affected soils are previously disturbed. As a result, impacts are negligible. No mitigation is proposed. Commission site permits require the Applicant to implement measures to minimize soil erosion and sedimentation by requiring the use of perimeter sediment controls, promptly covering exposed soils, protecting storm drain inlets, protecting soil stockpiles, and controlling vehicle tracking.¹⁰⁹

¹⁰⁴ Environmental Assessment, May 25, 2016, at 61.

¹⁰⁵ Environmental Assessment, May 25, 2016, at 62.

¹⁰⁶ Environmental Assessment, May 25, 2016, at 62.

¹⁰⁷ Environmental Assessment, May 25, 2016, at 62.

¹⁰⁸ Environmental Assessment, May 25, 2016, at 62.

¹⁰⁹ Environmental Assessment, May 25, 2016, at 63.

103. The majority of the Project area is not vegetated or is covered by minimally maintained turf grass. Impacts to vegetation will be negligible and no mitigation is proposed.¹¹⁰
104. Impacts to wetlands are not anticipated. No mitigation is proposed. Outdoor construction activities and onsite material storage will be limited to a previously impacted industrial area at the site location. No construction activities will occur within any floodplain, wetland complex, or waterbody surrounding the generating plant. Indirect impacts from soil erosion and run-off are not anticipated to impact wetlands. Commission site permits require the Applicant to implement measures to minimize soil erosion and sedimentation.¹¹¹
105. Impacts to wildlife are anticipated to be negligible, and impacts to wildlife habitat are not anticipated. No mitigation is proposed. Potential wildlife impacts are minimized by the urban and industrial location of the Project.¹¹²

P. Cumulative Potential Effects

106. Due to the retirement of Black Dog Units 3 and 4 in April 2016, various remediation activities at the Black Dog Plant have commenced and will continue concurrently during the construction and operation of the Project. These remediation activities are designed to eliminate direct contact exposure to legacy coal yard and legacy ash pond material. The activities have been separately approved and permitted through the Voluntary Investigation and Cleanup Program administered by the MPCA.¹¹³
107. Cumulative potential effects of the Project and remediation activities were analyzed. The analysis assumes no new electrical generation projects will occur at the Black Dog plant within the 35 year operational life of the Project.¹¹⁴
108. Short-term cumulative potential effects on aesthetics is anticipated to be minimal, and the long-term cumulative potential effects will be positive due to the removal of exhaust stacks and decommissioning of the coal yard and ash ponds.¹¹⁵

¹¹⁰ Environmental Assessment, May 25, 2016, at 64.

¹¹¹ Environmental Assessment, May 25, 2016, at 64.

¹¹² Environmental Assessment, May 25, 2016, at 64-65.

¹¹³ Environmental Assessment, May 25, 2016, at 65-66.

¹¹⁴ Environmental Assessment, May 25, 2016, at 66.

¹¹⁵ Environmental Assessment, May 25, 2016, at 67.

109. Cumulative potential effects related to noise impacts are anticipated to be minimal.¹¹⁶
110. Short-term cumulative potential effects on recreation are anticipated to be minimal and the long-term impacts are anticipated to be positive.¹¹⁷
111. Cumulative potential impacts on public and worker safety are anticipated to be minimal.¹¹⁸
112. Cumulative potential impacts on emergency services, roads, and highways are anticipated to be minimal.¹¹⁹
113. Cumulative potential effects on land-based economies are not anticipated.¹²⁰
114. Cumulative potential effects on archeological and historic resources are not anticipated.¹²¹
115. Short-term cumulative potential effects on air quality are anticipated to be minimal and long-term impacts are not anticipated.¹²²
116. Cumulative potential effects on rare and unique resources are anticipated to be minimal.¹²³
117. Long-term impacts on soils are anticipated to be positive.¹²⁴
118. Cumulative potential effects on surface water are anticipated to be positive.¹²⁵
119. Cumulative potential effects on wildlife and wildlife habitat are anticipated to be positive and minimal.¹²⁶

¹¹⁶ Environmental Assessment, May 25, 2016, at 68.

¹¹⁷ Environmental Assessment, May 25, 2016, at 68.

¹¹⁸ Environmental Assessment, May 25, 2016, at 68.

¹¹⁹ Environmental Assessment, May 25, 2016, at 68-69.

¹²⁰ Environmental Assessment, May 25, 2016, at 69.

¹²¹ Environmental Assessment, May 25, 2016, at 69.

¹²² Environmental Assessment, May 25, 2016, at 70.

¹²³ Environmental Assessment, May 25, 2016, at 70.

¹²⁴ Environmental Assessment, May 25, 2016, at 71.

¹²⁵ Environmental Assessment, May 25, 2016, at 71.

¹²⁶ Environmental Assessment, May 25, 2016, at 71.

VI. Siting Factors

120. Of the 14 factors listed in Minn. Rule 7850.4100, the following three are not relevant to the Project: (1) the use of existing rights-of-way, (2) the use of existing infrastructure rights-of-way, and (3) design or route dependent costs. The first two factors apply solely to high voltage transmission lines. The third factor does not apply since the Project is the only design under review.¹²⁷
121. The environmental assessment concluded the Project will have minimal impact on the following factors with the application of the general conditions outlined in the Commission's generic site permit template:
- Effects on human settlement, including, but not limited to, displacement, noise, aesthetics, cultural values, recreation, and public services;
 - Effects on public health and safety;
 - Effects on land-based economies, including, but not limited to, agriculture, forestry, tourism, and mining;
 - Effects on archaeological and historic resources;
 - Effects on the natural environment, including effects on air and water quality resources and flora and fauna; and
 - Effects on rare and unique natural resources. Additional mitigation is proposed in the form of state agency notification if peregrine falcons show signs of stress.¹²⁸
122. The environmental assessment concluded that there are no siting factors for which impacts are anticipated to be moderate, given the proper application of the general conditions found in the Commission's generic site permit. Impacts are avoided or minimized by the location of the Project and by permits other than the site permit such as the MPCA air quality permit.¹²⁹

¹²⁷ Environmental Assessment, May 25, 2016, at 74.

¹²⁸ Environmental Assessment, May 25, 2016, at 74-75.

¹²⁹ Environmental Assessment, May 25, 2016, at 75.

123. The environmental assessment concluded that the following three siting factors indicate the legislative intent for the efficient design and efficient use of resources have been well met:
- Application of design options that maximize energy efficiencies, mitigate adverse environmental effects, and could accommodate expansion of transmission or generating capacity,
 - Use of existing large electric power generating plant sites, and
 - Electrical system reliability.¹³⁰
124. The environmental assessment concluded that potential impacts associated with the Project are anticipated to be negligible to minimal but some impacts cannot be avoided.¹³¹
125. The environmental assessment concluded that since the Project will burn natural gas to generate electricity, air emissions are unavoidable. Cumulative aesthetic impacts are anticipated to be positive, but the exhaust stack and vapor plume are unavoidable. Groundwater use and noise associated with the turbine, transformer and fin fan cooler noise are also unavoidable impacts. Finally, construction related impacts such as noise and increased traffic are unavoidable.¹³²
126. The environmental assessment concluded the land required to construct the Project is an irreversible resource commitment, along with the natural gas and groundwater used during Project operation. Labor and fiscal resources for the construction and operation of the Project are also considered irretrievable resource commitments.¹³³

VII. Conclusions

1. The Commission has jurisdiction over the Application pursuant to Minn. Stat. § 216E.04.

¹³⁰ Environmental Assessment, May 25, 2016, at 75.

¹³¹ Environmental Assessment, May 25, 2016, at 75.

¹³² Environmental Assessment, May 25, 2016, at 75.

¹³³ Environmental Assessment, May 25, 2016, at 76.

2. The Project is exempt from Certificate of Need requirements.
3. The Company has complied with the procedural requirements of Minn. Stat. § 216E and Minn. Rule 7850.
4. The Commission has complied with all procedural requirements required by Minn. Stat. § 216E and Minn. Rule 7850.
5. The Minnesota Department of Commerce, Energy Environmental Review Analysis, has complied with all procedural requirements and conducted an appropriate environmental assessment of the Project.
6. The environmental assessment satisfies Minn. Rule 7850.3700. Specifically, the assessment and the record reasonably address the issues identified in the Scoping Decision including the items required by Minn. Rule 7850.3700, subp. 4. The environmental assessment was prepared in compliance with the procedures in Minn. Rule 7850.3700.
7. A Scoping Decision public meeting was held near the site for the Project. Proper notice of the public meeting was provided. Members of the public were given the opportunity to speak and to submit written comments.
8. An Environmental Assessment public hearing was held near the site for the Project. Proper notice of the public hearing was provided. Members of the public were given the opportunity to speak and to submit written comments.
9. The Project satisfies the site permit criteria for a large electric power generation plant in Minn. Stat. § 216E.04, and meets all other legal requirements.

CERTIFICATE OF SERVICE

I, Carl Cronin, hereby certify that I have this day served copies of the foregoing document on the attached lists of persons.

xx by depositing a true and correct copy thereof, properly enveloped with postage paid in the United States mail at Minneapolis, Minnesota;

xx electronic filing.

Docket No. E002/GS-15-834

Dated this 22nd day of July 2016

/s/

Carl Cronin

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Rachel	Gorton	rachel@gortonstudios.com		3281 Willie Drive Burnsville, MN 55337	Electronic Service	No	SPL_SL_15-834_Project Contact List Black Dog 6
William	Harrison	N/A		3000 Fox Pt Rd Burnsville, MN 55337	Paper Service	No	SPL_SL_15-834_Project Contact List Black Dog 6
Andrew	Roscoe	aroscoe@mid-america.com		2609 Hayes Drive Burnsville, MN 55337	Electronic Service	No	SPL_SL_15-834_Project Contact List Black Dog 6
Yvonne	Shirk	yshirk@msn.com		11000 Territorial Drive Burnsville, MN 55337	Electronic Service	No	SPL_SL_15-834_Project Contact List Black Dog 6
Paul	Skarman	phskarman@yahoo.com		1601 East 116th St Burnsville, MN 55337	Electronic Service	No	SPL_SL_15-834_Project Contact List Black Dog 6