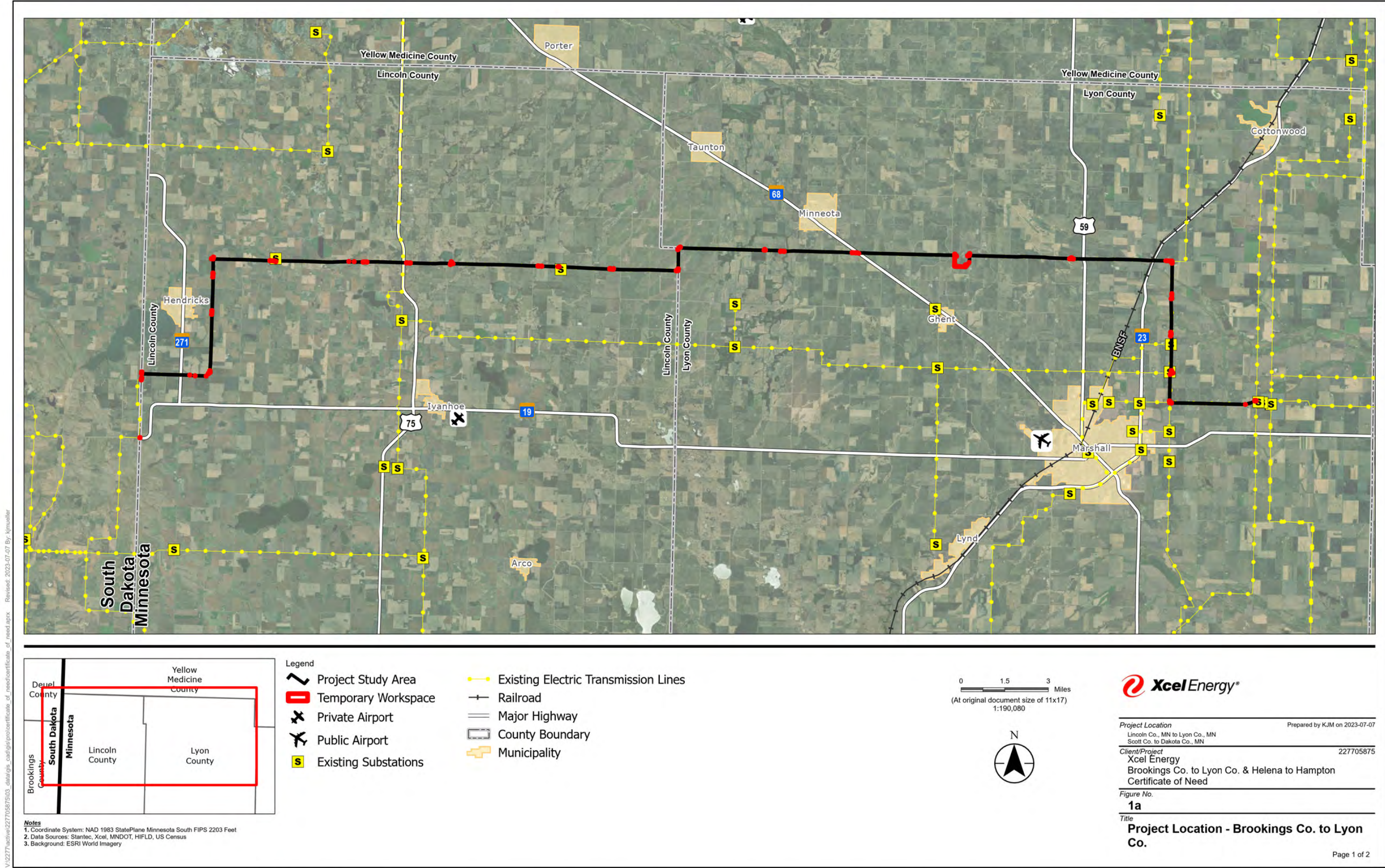


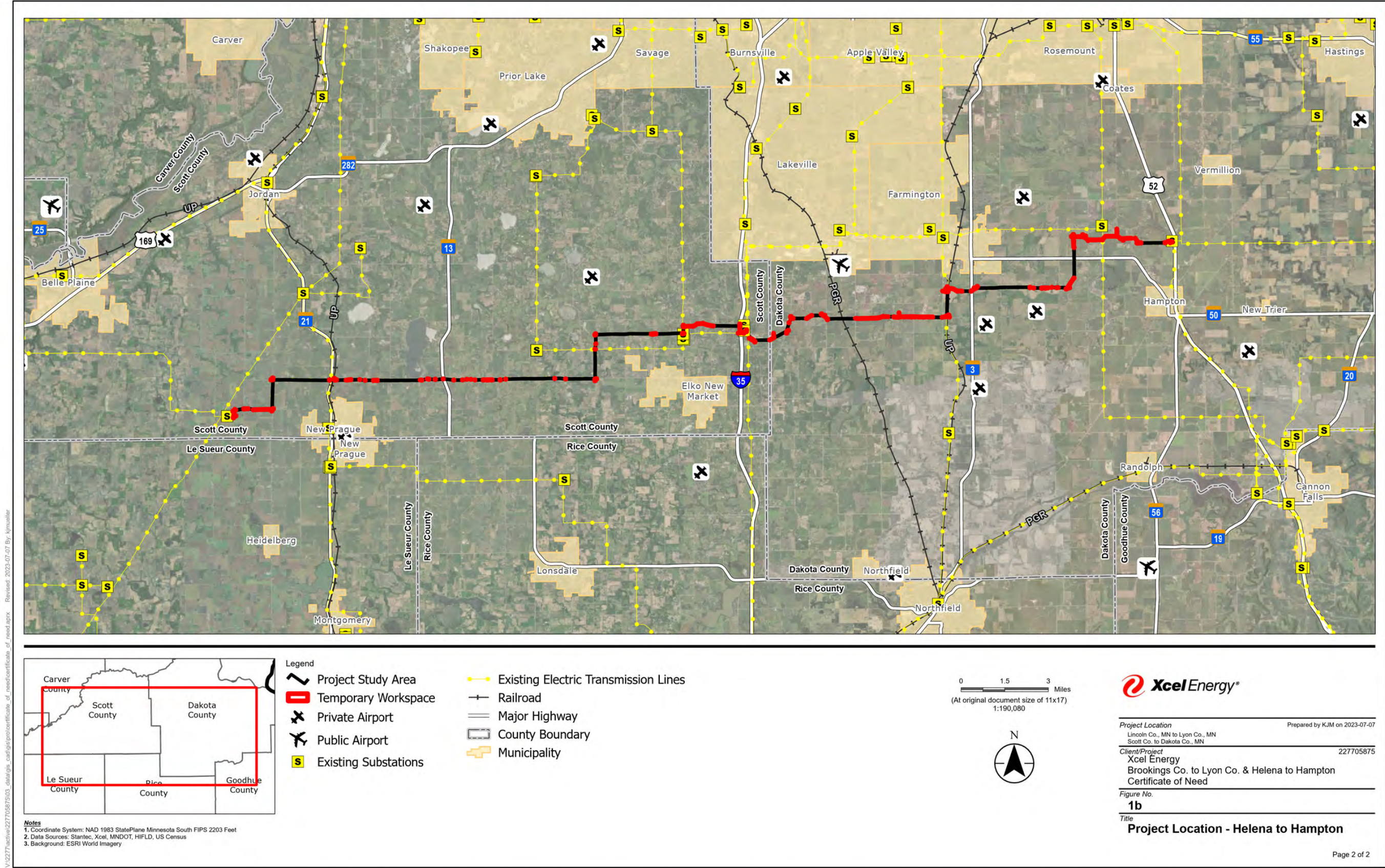
# **Appendix G**

## **Environmental Figures**

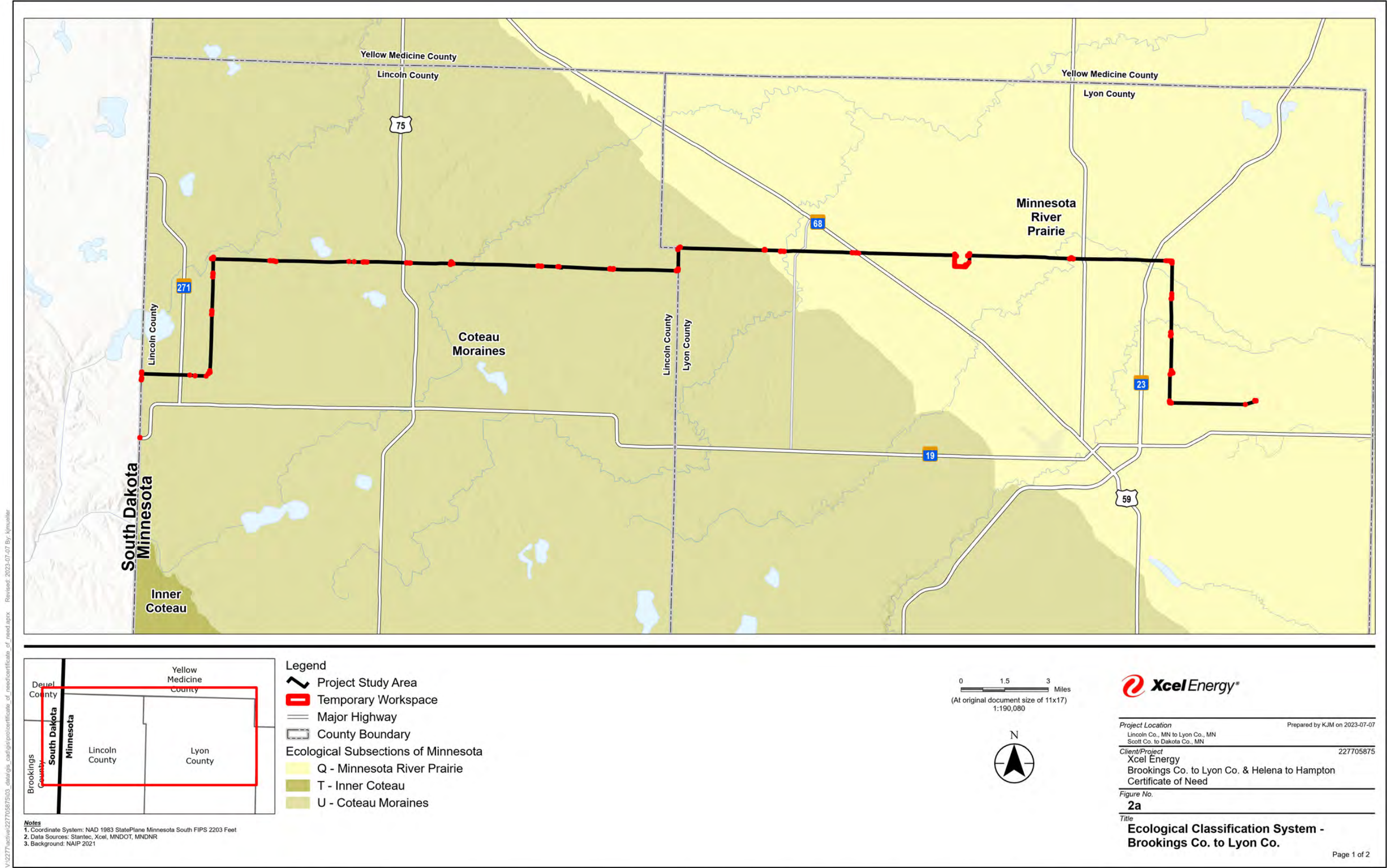




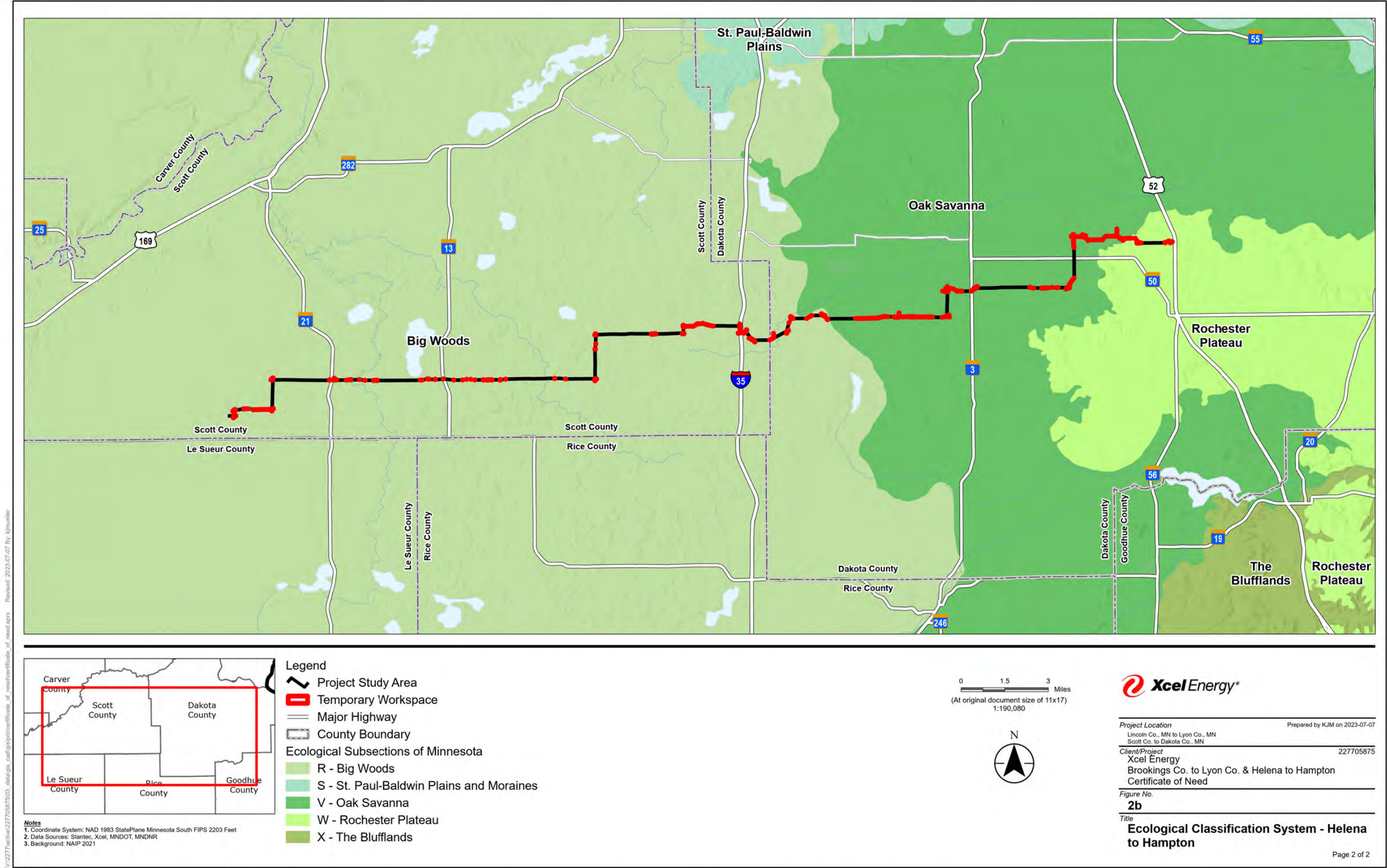




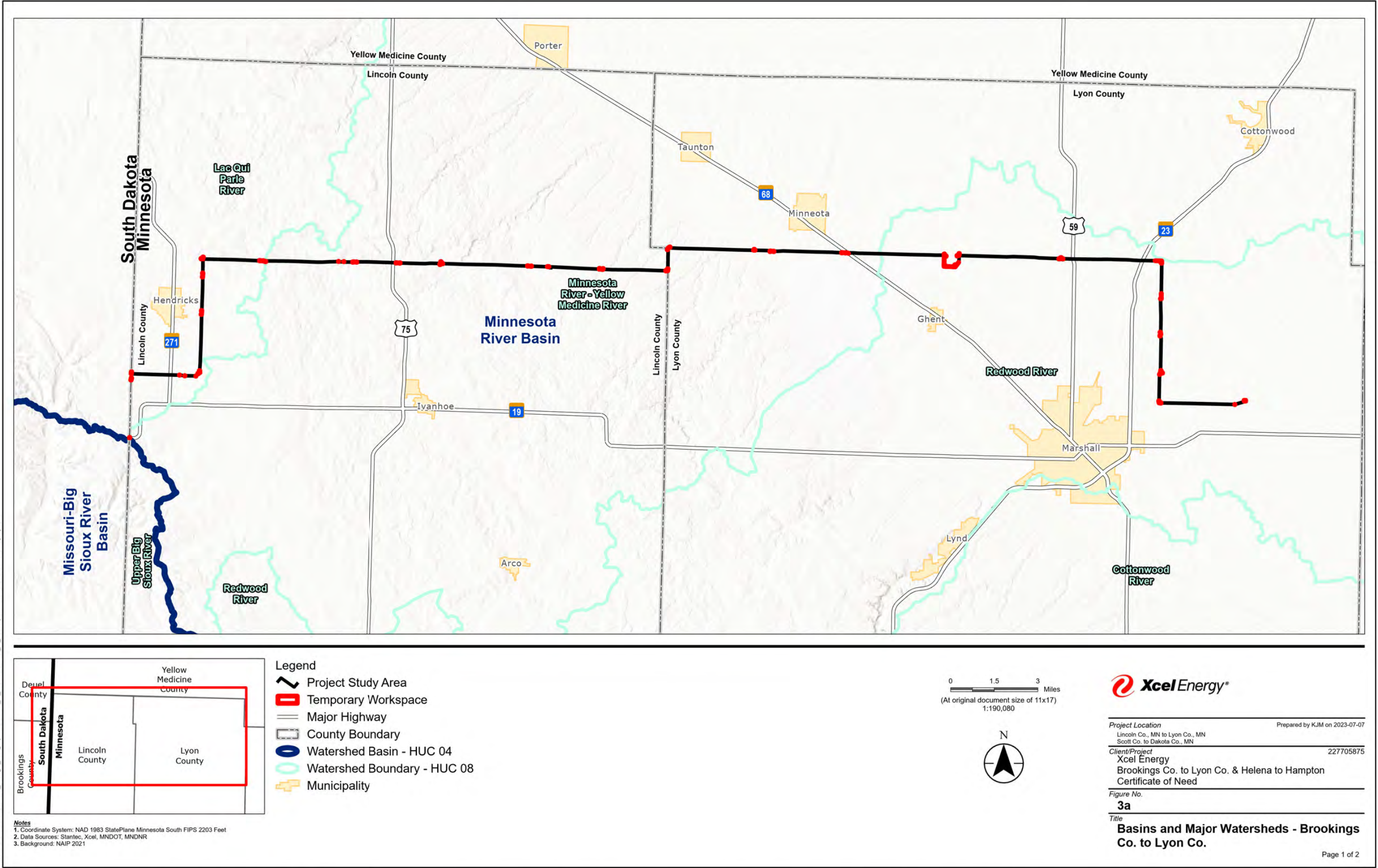




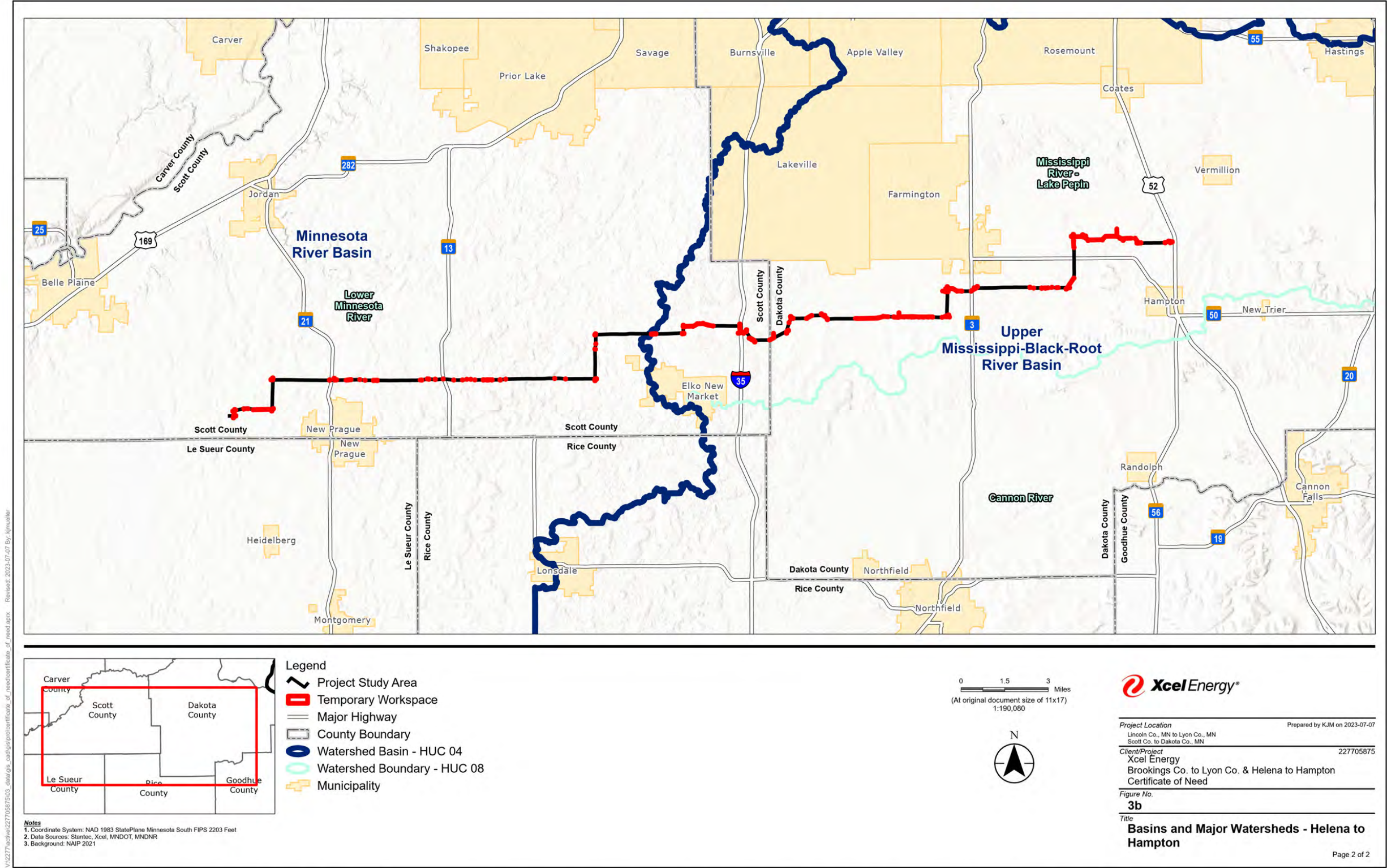




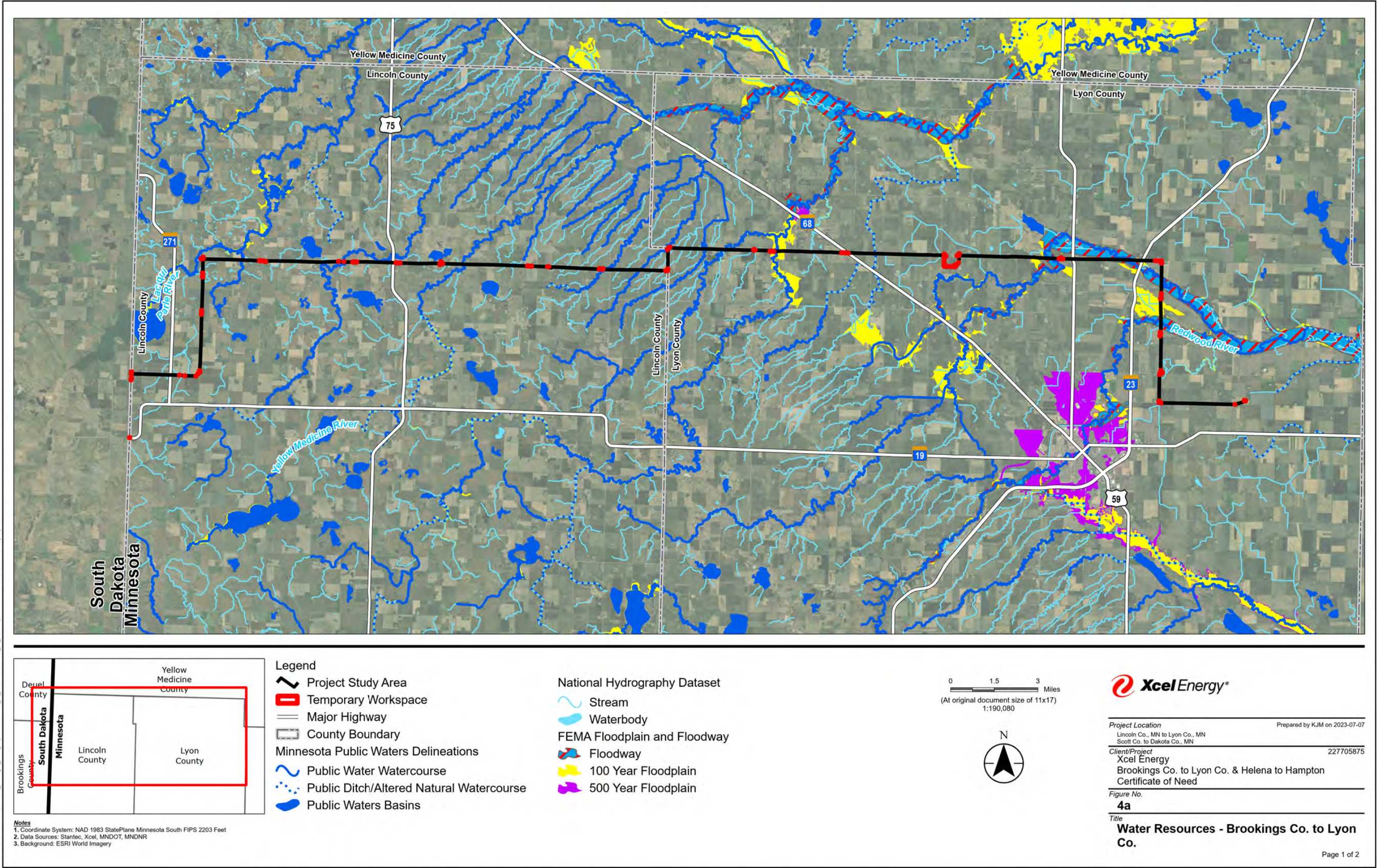




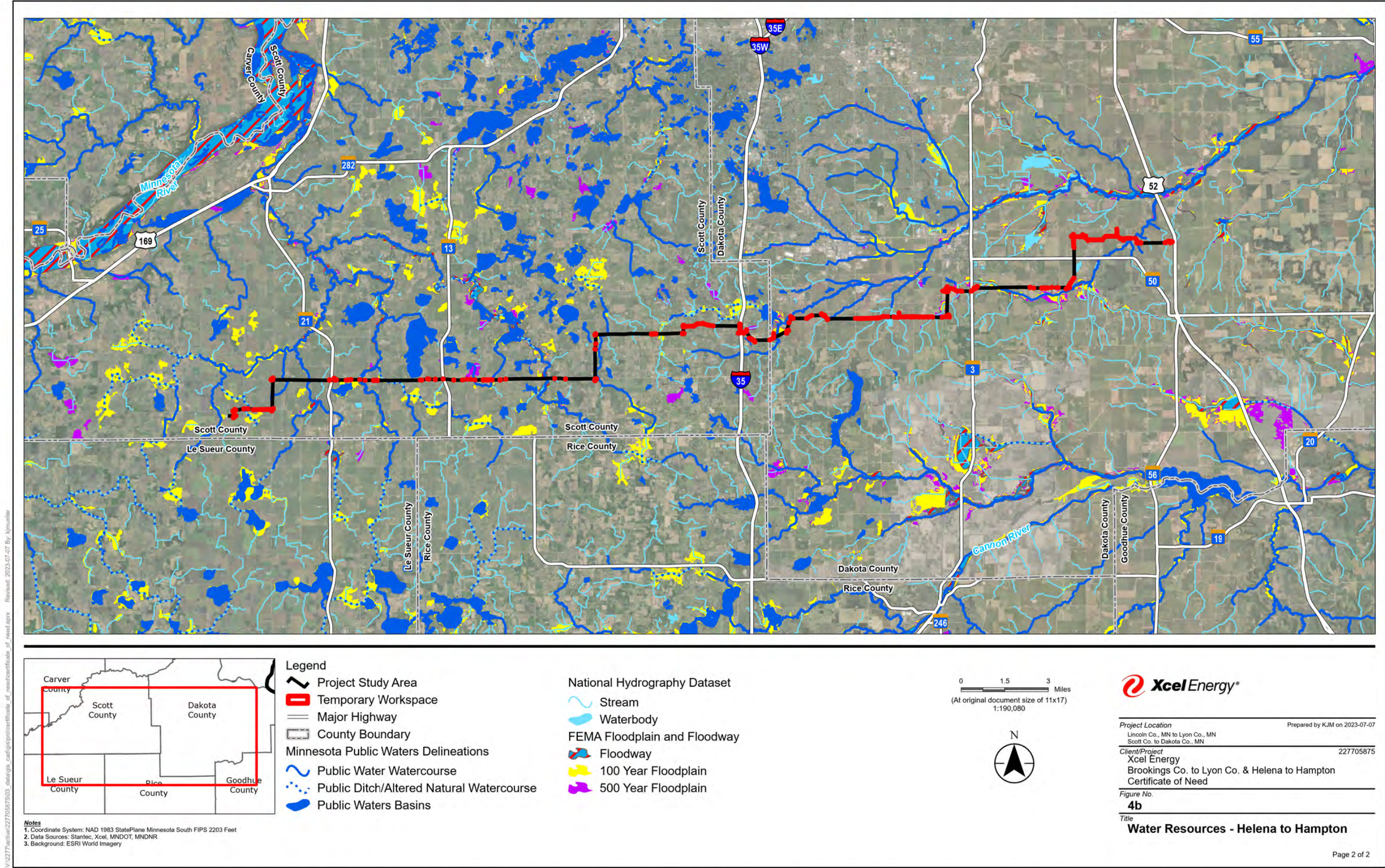




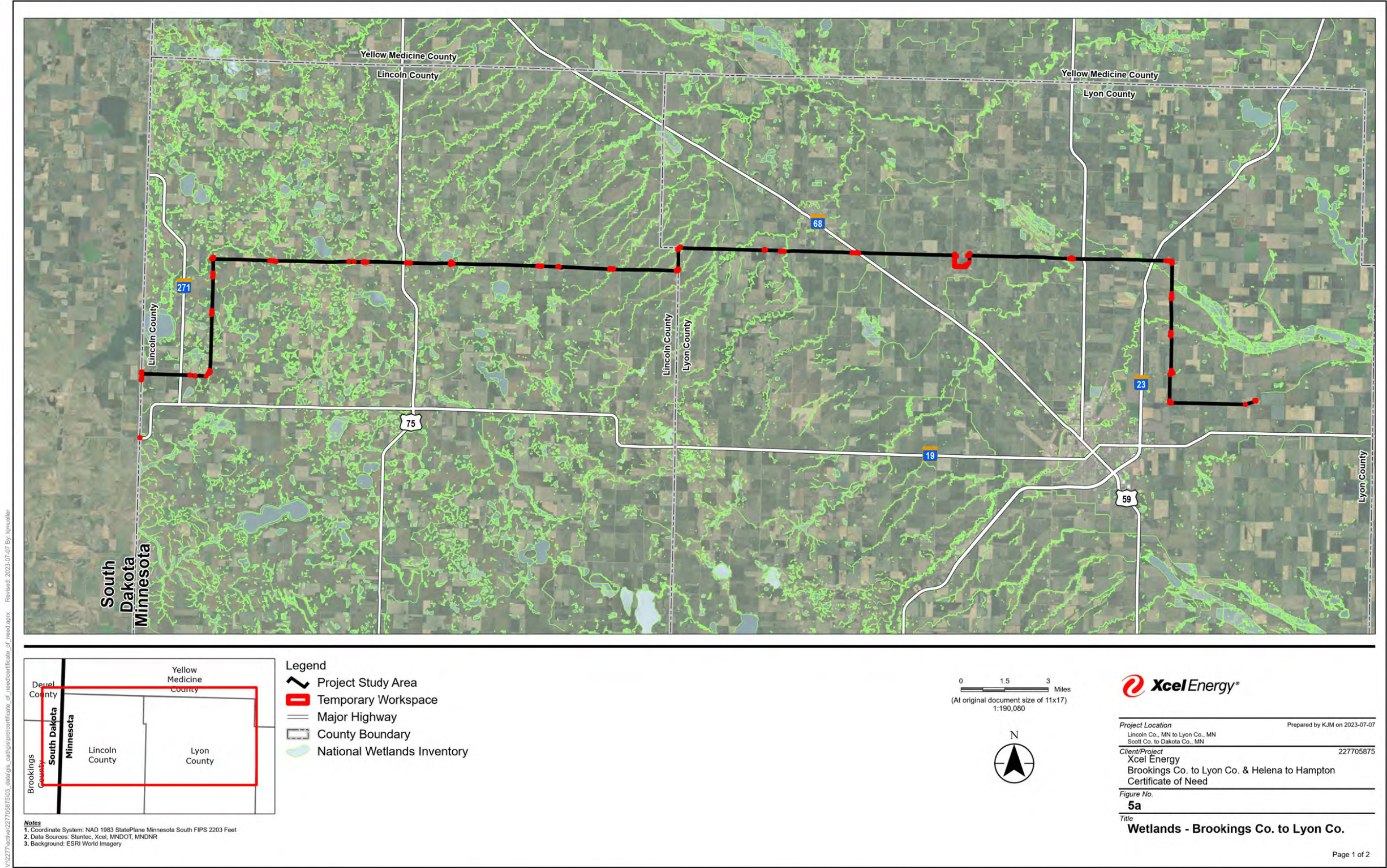




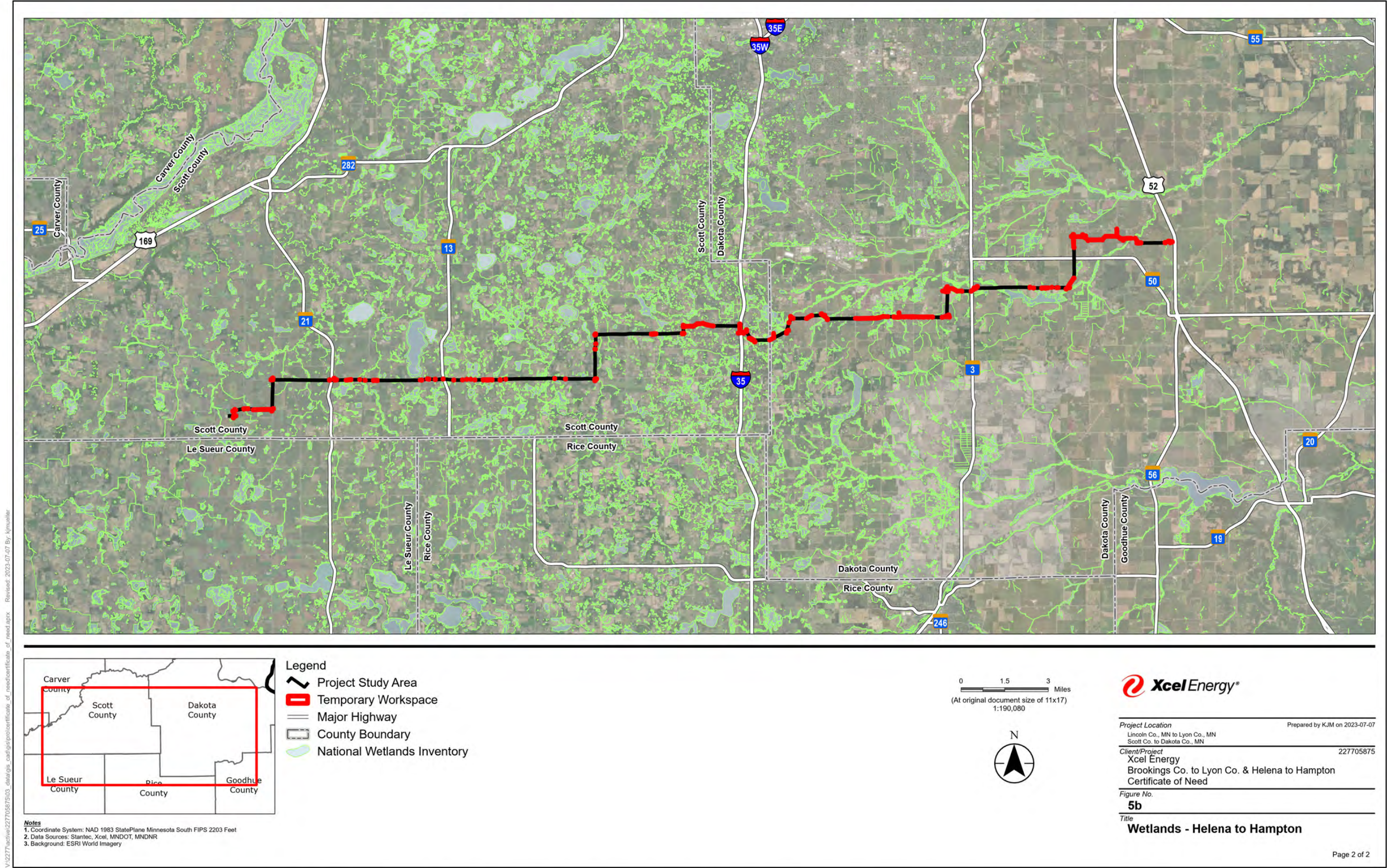




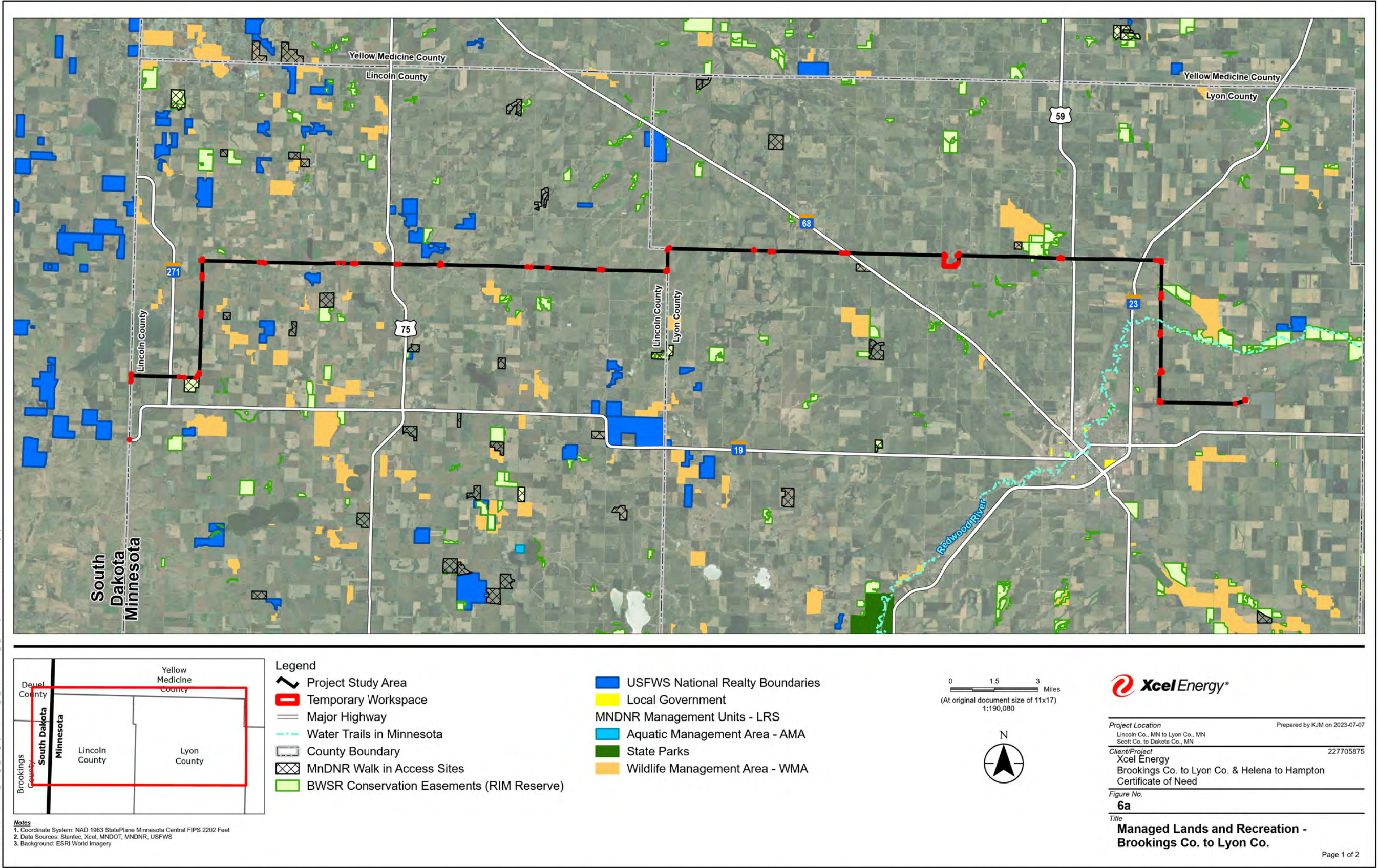




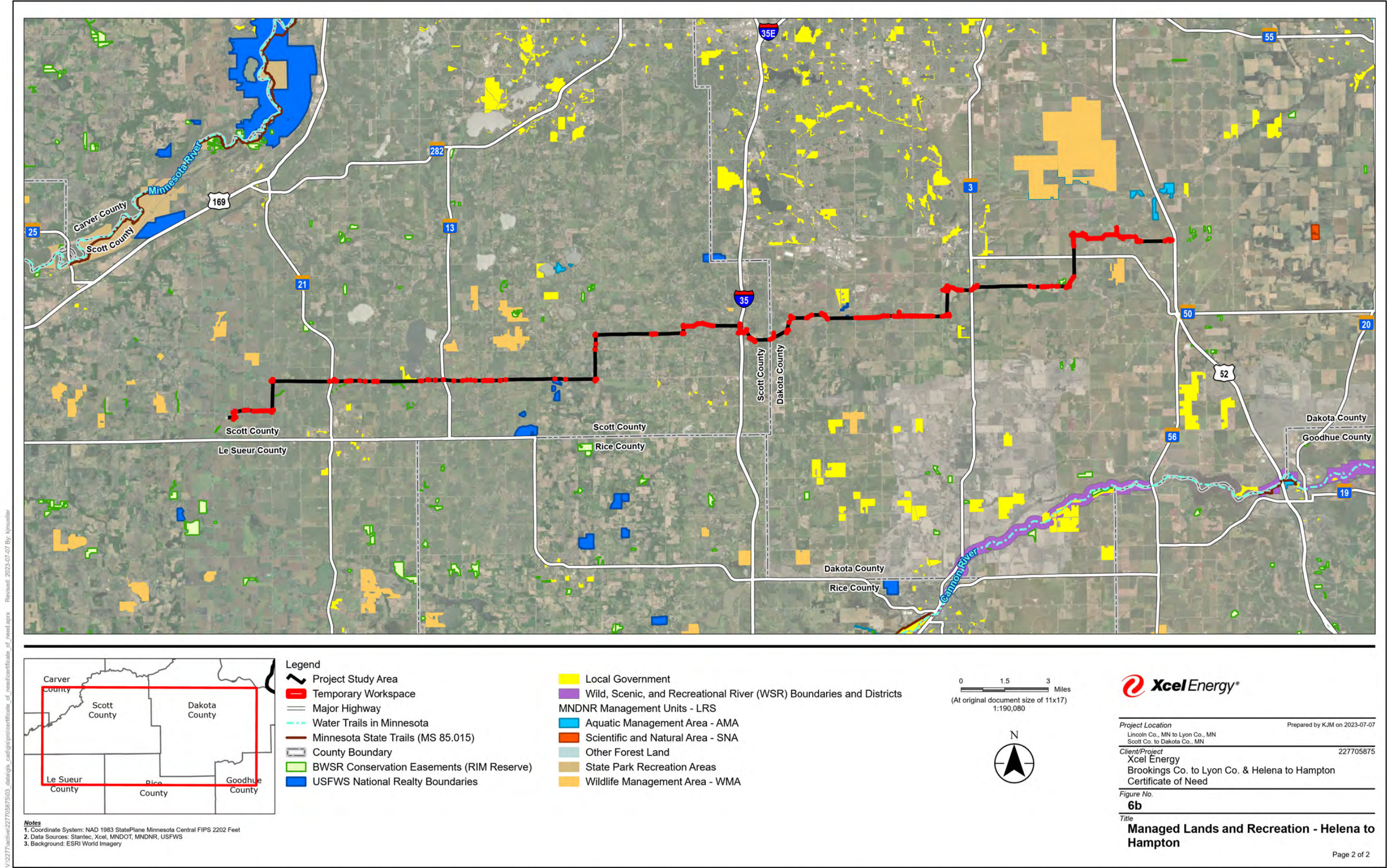




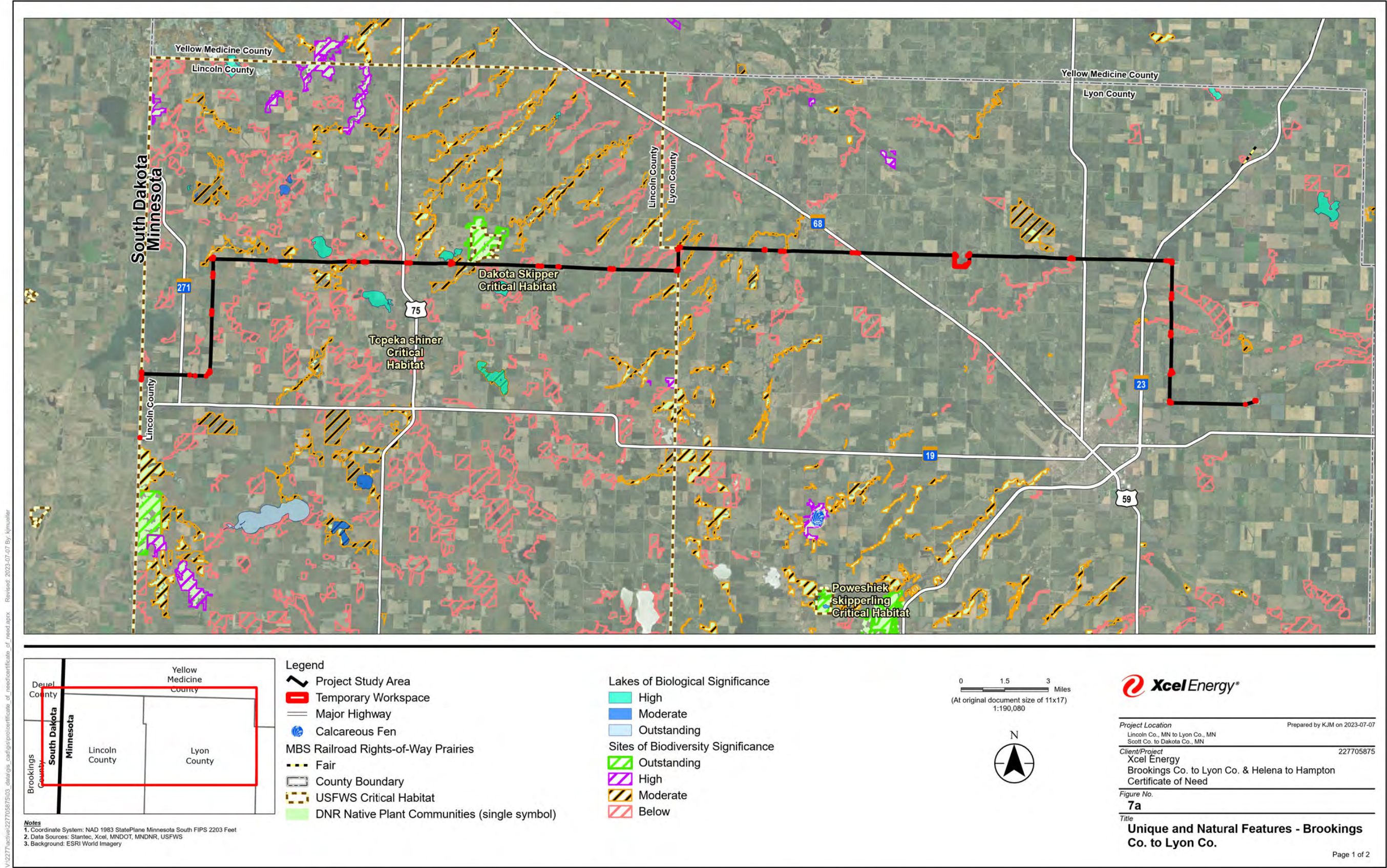




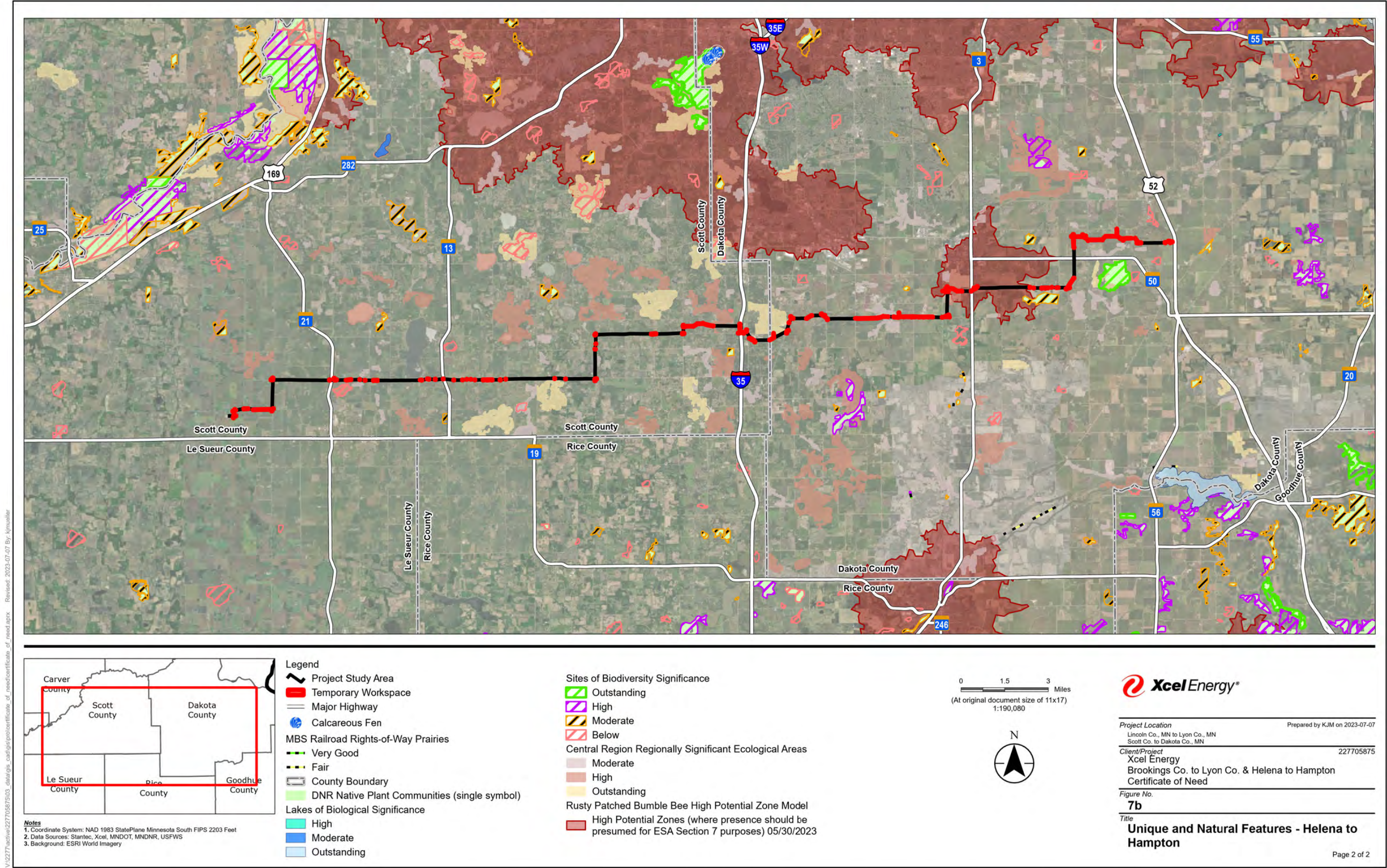






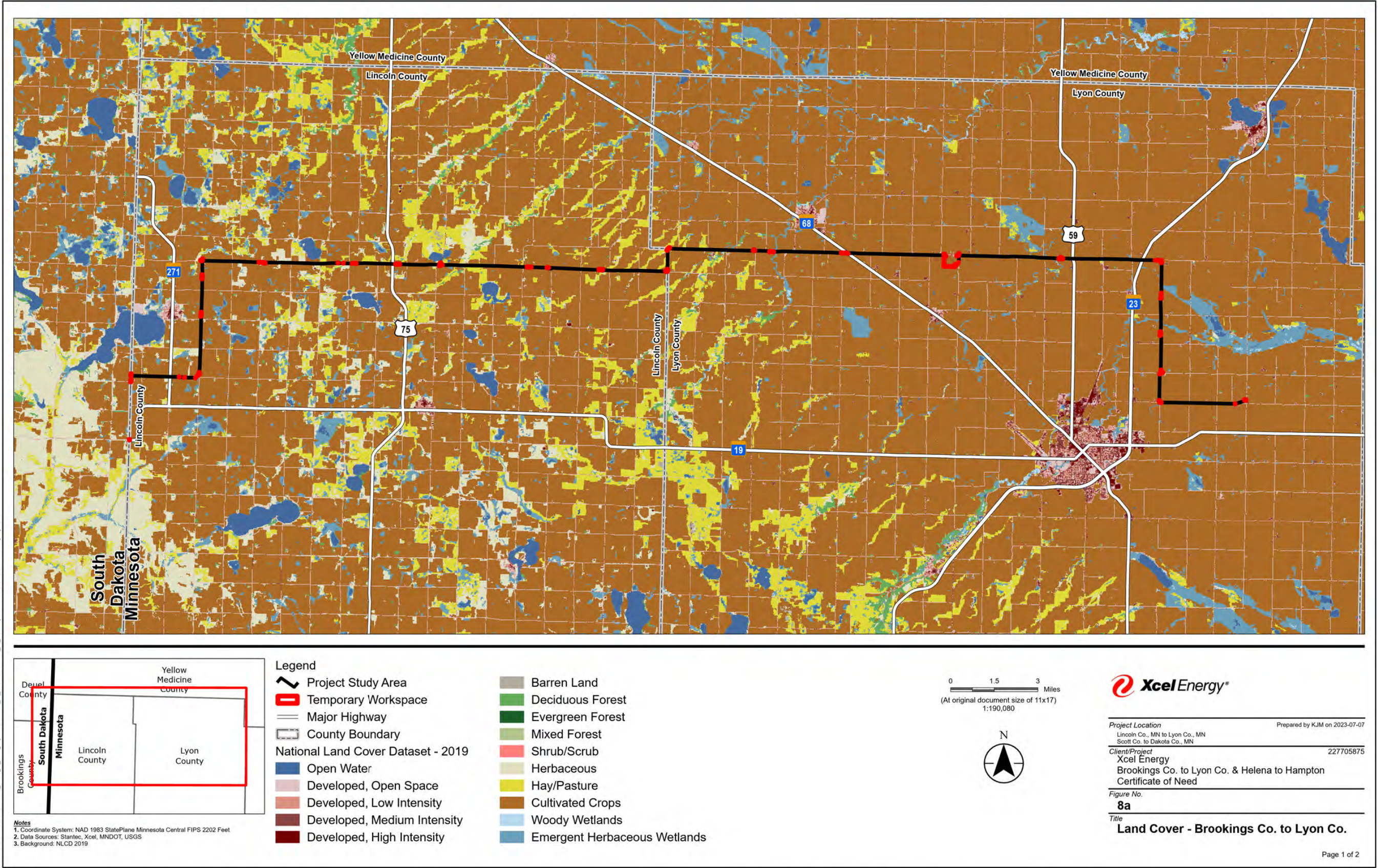




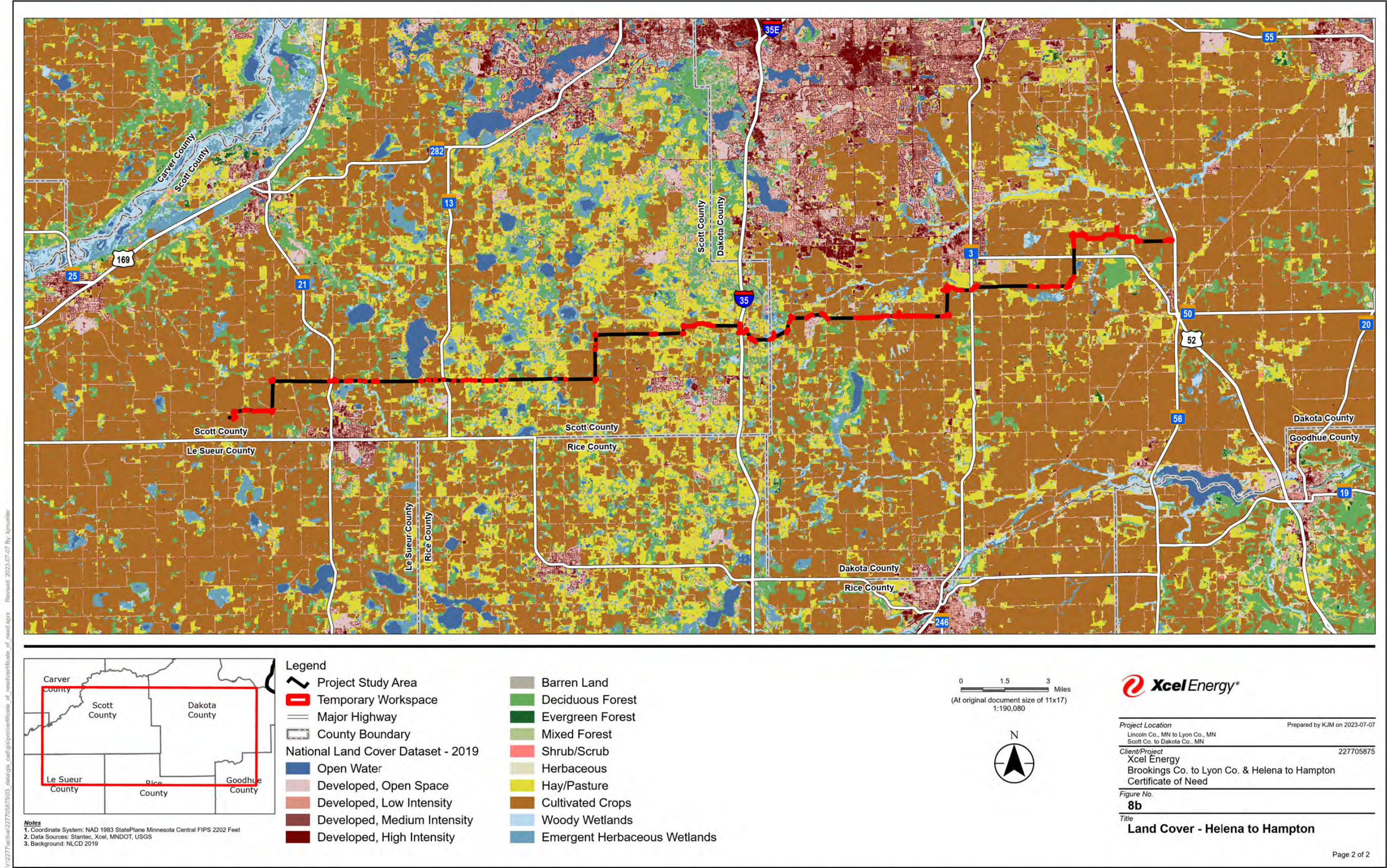


Disclaimer: This document has been prepared based on information provided by others as cited in the Notes section. Stantec has not verified the accuracy and/or completeness of this information and shall not be responsible for any errors or omissions which may be incorporated herein as a result. Stantec assumes no responsibility for data supplied in electronic format, and the recipient accepts full responsibility for verifying the accuracy and completeness of the data.











## **Appendix H**

### **Commission Order on Exemption Request and Notice Plan Petition**



BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Katie J. Sieben  
Valerie Means  
Matthew Schuerger  
Joseph K. Sullivan  
John A. Tuma

Chair  
Commissioner  
Commissioner  
Commissioner  
Commissioner

In the Matter of the Application for a Certificate  
of Need for the Proposed 345 kV Brookings  
County, Lyon County, and Helena County  
Hampton Second Circuit Project

SERVICE DATE: July 12, 2023

DOCKET NO. E-002/CN-23-200

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

- 1. Approved the applicant's requests for exemption from the required date conditioned upon the provision of the proposed alternative data.**
- 2. Granted the applicant a variance to Minn. Rules 7829.2560, subp. 1 to allow the applicant to file its Certificate of Need immediately upon approval of its Notice Plan.**
- 3. Deemed a variance to Minn. Rules 7829.2500 unnecessary as the applicant is only required to make one notice in a statewide newspaper by Minn. Rules 7829.2500, subp. 5.**
- 4. Deemed the notice plan approved once the applicant updates its proposed notices to include a reference to Minn. Rules 4410, and any modifications recommended by the Department of Commerce's Energy Environmental Review and Analysis Staff (EERA).**

**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

*William C. Butcher* for

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](mailto:consumer.puc@state.mn.us) for assistance.





June 2, 2023

Will Seuffert  
Executive Secretary  
Minnesota Public Utilities Commission  
121 7th Place East, Suite 350  
St. Paul, Minnesota 55101-2147  
June 1, 2023

RE: **Comments of the Minnesota Department of Commerce, Division of Energy Resources**  
Docket No. E002/CN-23-200

Dear Mr. Seuffert:

Attached are the comments of the Minnesota Department of Commerce, Division of Energy Resources (Department) in the following matter:

Exemption Request Petition for the Application of Xcel Energy for a Certificate of Need for the Proposed 345 Brookings County – Lyon County and Helena – Hampton Second-Circuit Project.

The Petition was filed on behalf of Xcel Energy on May 16, 2023 by:

Monsherra S. Blank  
Director, Regulatory and Strategic Analysis  
414 Nicollet Mall  
Minneapolis, MN 55401

The Department recommends that the Minnesota Public Utilities Commission (Commission) **approve the Applicant's proposed exemption request.** The Department is available to answer any questions the Commission may have.

Sincerely,

/s/ MICHAEL N. ZAJICEK  
Rates Analyst

MNZ/ar  
Attachment





## Before the Minnesota Public Utilities Commission

### Comments of the Minnesota Department of Commerce Division of Energy Resources

Docket No. E002/CN-23-200

#### I. INTRODUCTION

On May 16, 2023 Northern States Power Company, doing business as Xcel Energy (Xcel or the Applicant) filed a Notice Plan Petition In the Matter of the Application of Xcel Energy for a Certificate of Need for the Proposed 345 Brookings County – Lyon County and Helena – Hampton Second-Circuit Project (Notice Petition). The Notice Petition provides the Applicant’s proposed Notice Plan to communicate its intent to construct: a second 345 kV circuit on double-circuit capable structures installed when the Brookings County – Hampton 345 kV transmission line was originally constructed, reconfiguration of certain lines near substations mostly within existing easements, and upgrades the Brookings County, Lyon County, Helena, and Hampton Substations with new 345 kV Breakers. Additionally certain relay setting changes will be required at the Steep Bank Lake and Hawks Nest Lake substations.

Also, on May 16, 2023 Xcel filed an *Exemption Request Petition for the Application of Xcel Energy for a Certificate of Need for the Proposed 345 Brookings County – Lyon County and Helena – Hampton Second-Circuit Project* (Exemption Petition) in order to obtain exemptions from certain data requirements of Minnesota Rules part 7849. Below are the Comments of the Minnesota Department of Commerce, Division of Energy Resources, Energy Regulation and Planning (Department) on the Notice Petition.

#### II. DEPARTMENT ANALYSIS

##### A. BACKGROUND

The Applicant proposes to install a second 345 kV circuit on double-circuit capable structures installed when the Brookings County – Hampton 345 kV transmission line was originally constructed. According to the Applicant the Project is needed to reduce congestion that prevents low-cost energy from being accessed by high load centers, which would result in reduced energy costs. Additionally, the Applicant states the Project will strengthen the regional grid and support wind generation facilities in Minnesota and South Dakota. As listed in the Exemption petition, the proposed project includes:

- installation of a second 345 kV circuit on double-circuit capable structures on the Brookings County Hampton 345 kV transmission line entirely within existing right of ways;
- reconfiguration of certain lines near substations, mostly within existing easements;
- upgrades to the Brookings County, Lyon County, Helena, and Hampton substations with new 345 kV breakers; and
- relay setting changes to the Steep Bank Lake and Hawks Nest Lake substations.



Docket No. E002/CN-23-200

Analyst(s) assigned: Michael N. Zajicek

Page 2

Minnesota Statutes §216B.2421, subd. 2 (2) defines a large energy facility (LEF) as “any high voltage transmission line with a capacity of 200 kilovolts or more with more than 1,500 feet in length.” In turn, Minnesota Statutes §216B.243, subd. 2 states “[n]o large energy facility shall be sited or constructed in Minnesota without the issuance of a certificate of need by the Commission.” Since the project calls for over 1,500 feet of transmission line construction with a capability of operating at 345 kV, the Department concludes that the proposed project qualifies as a LEF and a Certificate of Need (CN) is required. Minnesota Rules part 7849 includes the filing requirements for a CN for an electric transmission facility.

The Exemption Petition states that the proposed 345 kV lines will:

- reduce line congestion;
- reduce energy costs; and
- support wind generation facilities.

#### *B. APPLICANT’S REQUEST*

In the Exemption Petition, the Applicant requests exemption from providing data relevant to the following portions of Minnesota Rules:

- 7849.0260, subp. A(3) and C(6);
- 7849.0260, subp. D
- 7849.0270, subps. 1-6, Forecasting
- 7849.0270, subp. 2(E), Annual Revenue Requirements;
- 7849.0280, System Capacity;
- 7849.0290, Conservation; and
- 7849.0300, Consequences of Delay and 7849.0340, Alternative of No Facility.

Minnesota Rules 7849.0200, subp. 6 states:

Before submitting an application, a person is exempted from any data requirement of this chapter if the person (1) requests an exemption from specified rules, in writing to the commission and (2) shows that the data requirement is unnecessary to determine the need for the proposed facility or may be satisfied by submitting another document.

The Department examines each specific exemption request separately. The required criterion is whether the Applicant has shown that “the data requirement is unnecessary to determine the need for the proposed facility or may be satisfied by submitting another document” as noted above.



Docket No. E002/CN-23-200

Analyst(s) assigned: Michael N. Zajicek

Page 3

### *C. ANALYSIS OF EXEMPTION REQUESTS*

#### *1. Minnesota Rules 7849.0260, subp. A(3) and C(6)*

These rules require an applicant to provide estimated “losses under projected maximum loading and under projected average loading in the length of the transmission line and at the terminals or substations.” Instead, the Applicant proposed to supply system loss information in lieu of line specific losses.

The Department agrees that line losses for the system are more relevant to the analysis than line losses for individual lines. The Department notes that, to make the proper decisions in a societal framework, it is necessary to know what happens to system losses when a line is added. To count only the losses on the line in question might lead to the selection of one alternative because it has lower losses on that line but has higher system line losses; therefore selection of such an alternative would force the system to produce more energy than some other alternative. Thus, the proposal to use data for the system as a whole in this proceeding is appropriate.

In summary, the Department recommends that the Commission approve the Applicant’s proposed exemption to Minnesota Rules 7849.0260 A(3) and C(6) conditioned upon the provision of the proposed alternative data.

#### *2. Minnesota Rules 7849.0260, subp. D*

This rule requires the Applicant to submit a map showing the Applicant’s system or load centers to be served by the Project. As congestion impacts the Applicant’s entire system and the systems of other utilities in the State, the Applicant interprets this rule to potentially require Xcel to provide a map of the system of nearly every utility in the State. As this would be a time-consuming process that would not add useful data, the Applicant requests an exemption from this rule and proposes to instead provide a general map showing its service territory in Minnesota. The Applicant notes that the Commission has approved similar exemption requests in the past, including for the original CN that constructed the Brookings County – Hampton 345 kV transmission line.<sup>1</sup>

The Department agrees that providing a map of all areas impacted by the project would be unreasonable and would not provide additional useful information beyond that of the Company’s proposed alternative data.

In summary, the Department recommends that the Commission approve the Applicant’s proposed exemption to Minnesota Rules 7849.0260, subp. D conditioned upon the provision of the proposed alternative data.

---

<sup>1</sup> See Docket No. E002/CN-11-332



Docket No. E002/CN-23-200

Analyst(s) assigned: Michael N. Zajicek

Page 4

*3. Minnesota Rules 7849.0270, subp. 1 through 6 - Forecasting*

This rule requires an applicant to provide information regarding peak demand and annual consumption for the applicant's entire system. The Applicant requests this exemption because the proposed facility is designed to address multiple issues, including to relieve current transmission congestion in the region, allow access to lower-cost generation, strengthen the regional grid, and support wind generation facilities. The Applicant proposes to provide the specific forecast data the Applicant used in studying, planning, and analyzing the project as that data will better demonstrate the need than a general forecast for its system which would provide excess information not relevant to the project.

The Department agrees that the data the Applicant proposes to provide would better inform on the need for the project than system wide data. Information specific to the load area is more relevant to the claimed need than system-wide information.

In summary, the Department recommends that the Commission approve the Applicant's proposed exemption to Minnesota Rules 7849.0270, subp. 1 through 6 conditioned upon the provision of the proposed alternative data.

*4. Minnesota Rules 7849.0270, subp. 2(E), Annual Revenue Requirements*

This rule requires "the estimated annual revenue requirement per kilowatt hour for the system in current dollars" for each forecast year. The Applicant proposed to provide information on the general rate impact of the project.

The Department agrees that the data the Applicant proposes to provide is a reasonable substitute to the system revenue data requirements. As this project is needed to reduce congestion and should lead to lower energy costs, it is not particularly necessary for the Department's analysis. However, as the Department has noted in previous exemption request comments,<sup>2</sup> this information is useful to show the impact of the project to non-technical audiences, and thus the Department appreciates the alternative information proposed by the Applicant.

In summary, the Department recommends that the Commission approve the Applicant's proposed exemption to Minnesota Rules 7849.0270, subp. 2(E) conditioned upon the provision of the proposed alternative data.

*5. Minnesota Rules 7849.0280(B) through (I), System Capacity Information*

This rule requires the applicant to provide information that describes the ability of its existing system to meet forecasted demand; in essence, load and capability information. The Commission has noted in the past that much of Minn. Rule 7849.0280 pertains to electric generators.<sup>3</sup> The Applicant notes that

---

<sup>2</sup> See Docket Nos. ET-2, E002/CN-06-1115, E017, E015/CN-07-1222, and ET2, E015/CN-10-973

<sup>3</sup> Id.



Docket No. E002/CN-23-200  
Analyst(s) assigned: Michael N. Zajicek  
Page 5

subparts B through I of the rule apply to generators and not transmission proposals. The Applicant requests an exemption from Rule 7849.0280.

The Department agrees that aspects of the rule relating to generators are not applicable. Therefore, the Department recommends that the Commission approve the Applicants' proposed exemption to Minnesota Rules 7849.0280 for parts B through I.

*6. Minnesota Rules 7849.0290, Conservation Programs*

This rule requires the applicant to provide conservation program information and quantification of the impact of conservation programs on forecast data. The Applicant states that the need for the Project is congestion, not increased demand, and thus Conservation will not alleviate the issue. The Applicant proposes to instead provide a summary of Xcel's conservation programs in Minnesota, which will address how the Applicant considered conservation and energy efficiency in its evaluation of the Project.

The Department agrees that a summary of the relevant information is sufficient and notes the Commission has granted a similar exemption in the past.<sup>4</sup> Thus, the Department recommends that the Commission approve the Applicants' proposed exemption to Minnesota Rules 7849.0290 conditioned upon the provision of the proposed alternative data.

*7. Minnesota Rules 7849.0300, Consequences of Delay, and 7849.0340, No-Facility Alternative*

Minnesota Rule 7849.0300 requires detailed information regarding the consequences of delay on three specific statistically based levels of demand and energy consumption. Minnesota Rule 7849.0340 requires a discussion of what the impact would be on existing generation and transmission facilities at the three levels of demand specified in part 7849.0300 for the no-build alternative. As the project is needed specifically due to congestion issues, which would specifically occur during periods of high demand, the Applicant requests an exemption so as to only provide data on annual congestion-charge savings resulting from the Project.

The Department agrees with the Applicant that the proposed data, focusing on congestion charge savings, will more accurately address the need of the project. Therefore, the Department recommends that the Commission grant the exemption to Minnesota Rules 7849.0300 and 7849.0340 requiring the Applicant to only provide the required information for the peak demand level.

---

<sup>4</sup> Docket No. E015/CN-12-1163.



Docket No. E002/CN-23-200

Analyst(s) assigned: Michael N. Zajicek

Page 6

### **III. DEPARTMENT RECOMMENDATION**

The Department recommends that the Commission approve the Applicants' requests for exemption from the required data conditioned upon the provision of the proposed alternative data.





June 2, 2023

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

RE: **Comments of the Minnesota Department of Commerce, Division of Energy Resources**  
Docket No. E002/CN-23-200

Dear Mr. Seuffert:

Attached are the comments of the Minnesota Department of Commerce, Division of Energy Resources (Department) in the following matter:

Notice Plan Petition for the Application of Xcel Energy for a Certificate of Need for the Proposed 345 Brookings County – Lyon County and Helena – Hampton Second-Circuit Project.

The Petition was filed on behalf of Xcel Energy on May 16, 2023 by:

Monsherra S. Blank  
Director, Regulatory and Strategic Analysis  
414 Nicollet Mall  
Minneapolis, MN 55401

The Department recommends that the Minnesota Public Utilities Commission (Commission) **approve the Company's proposed notice plan with modifications.** The Department is available to answer any questions the Commission may have.

Sincerely,

/s/ MICHAEL N. ZAJICEK  
Rates Analyst

MNZ/ar  
Attachment





## Before the Minnesota Public Utilities Commission

### Comments of the Minnesota Department of Commerce Division of Energy Resources

Docket No. E002/CN-23-200

#### I. INTRODUCTION

On May 16, 2023 Northern States Power Company, doing business as Xcel Energy (Xcel or the Applicant) filed a *Notice Plan Petition In the Matter of the Application of Xcel Energy for a Certificate of Need for the Proposed 345 Brookings County – Lyon County and Helena – Hampton Second-Circuit Project* (Notice Petition). The Notice Petition provides the Applicant's proposed Notice Plan to communicate its intent to construct: a second 345 kV circuit on double-circuit capable structures installed when the Brookings County – Hampton 345 kV transmission line was originally constructed, reconfiguration of certain lines near substations mostly within existing easements, and upgrades the Brookings County, Lyon County, Helena, and Hampton Substations with new 345 kV Breakers. Additionally certain relay setting changes will be required at the Steep Bank Lake and Hawks Nest Lake substations.

According to Xcel, the project is required to reduce energy costs for Minnesota by reducing congestion faced by low-cost energy from South Dakota and southern Minnesota. Additionally, the Project will strengthen the regional grid and support wind generation facilities. Xcel estimates that the Project will provide \$277 million in production-cost and other quantifiable economic benefits over 20 years. The Notice Petition includes a draft notice for landowners and residents, elected officials, tribal government contacts, and agencies within the Notice Area.

Below are the Comments of the Minnesota Department of Commerce, Division of Energy Resources, Energy Regulation and Planning (Department) on the Notice Petition.

#### II. DEPARTMENT ANALYSIS

The Department's Energy Environmental Review and Analysis Staff (EERA) may provide its own recommendations regarding the content of the notice letter; the following comments are the Department's Division of Energy Resources, Energy Regulation and Planning analysis on whether the Applicant's notice plan meets the statutory requirements.

##### A. TYPES OF NOTICE

Minnesota Rules 7829.2550, subp. 3 requires the following types of notice:

- direct mail notice, based on county tax assessment rolls, to landowners reasonably likely to be affected by the proposed transmission line;
- direct mail notice to all mailing addresses within the area reasonably likely to be affected by the proposed transmission line;



Docket No. E002/CN-23-200

Analyst(s) assigned: Michael N. Zajicek

Page 2

- direct mail notice to tribal governments and to the governments of towns, statutory cities, home rule charter cities, and counties whose jurisdictions are reasonably likely to be affected by the proposed transmission line; and
- newspaper notice to members of the public in areas reasonably likely to be affected by the proposed transmission line.

Regarding landowner and resident notice, the Applicant proposed to provide notice to landowners in the notice area via names and addresses using tax record information. The Department concludes that this is reasonable.

Regarding newspaper notice, the Applicant listed and selected one statewide newspaper and three local newspapers for Lincoln County, four local newspapers for Lyon County, two local newspapers for Scott County, and two local newspapers for Dakota County to the newspaper notice list. The Department concludes that the Applicant's proposed plan for newspaper notice is reasonable.

Regarding governmental notice, the Department's review of the Applicant's list of governments proposed to receive notice complies with the requirements of the rule.

Regarding tribal governments, the Department's review of the Applicant's list of tribal governments proposed to receive notice complies with the requirements of the rule.

In summary, the Department concludes that the Applicant's Notice Plan for residents, landowners, and governmental entities is reasonable after any recommended additions by EERA staff.

#### *B. CONTENT OF NOTICE*

Minnesota Rules 7829.2550, subp. 4 requires the notices to provide the following information:

- a map showing the end points of the line and existing transmission facilities in the area;
- a description of general right-of-way requirements for a line of the size and voltage proposed and a statement that the applicant intends to acquire property rights for the right-of-way that the proposed line will require;
- a notice that the line cannot be constructed unless the Minnesota Public Utilities Commission (Commission) certifies that it is needed;
- the Commission's mailing address, telephone number, and website;
- if the applicant is a utility subject to chapter 7848, the address of the website on which the utility applicant will post or has posted its biennial transmission projects report required under that chapter;



Docket No. E002/CN-23-200

Analyst(s) assigned: Michael N. Zajicek

Page 3

- a statement that the Environmental Quality Board<sup>1</sup> will be preparing an environmental report on each high-voltage transmission line for which certification is requested;
- a brief explanation of how to get on the mailing list for the Environmental Quality Board's proceeding; and
- a statement that requests for certification of high-voltage transmission lines are governed by Minnesota law, including specifically chapters 4410 and 7849, and Minnesota Statutes, section 216B.243.

The Department reviewed the cover letters and maps provided by the Applicant and concludes that the Applicant's proposal for the resident/landowner notice, governmental notice, and newspaper notice generally contains the required information and is acceptable after any edits recommended by EERA staff, with the one exception that the Applicant's proposed notice does not include a reference to Minnesota Rules 4410 as required by 7829.2550, subp. 4. The Department recommends that the Applicant update its proposed notices to include a reference to Minnesota Rules 4410.

### *C. EXEMPTION REQUESTS*

Minnesota Rules 7829.2560, subp. 1, requires the Applicant to file its proposed notice plan at least three months prior to filing the SN. Specifically, the Applicant requests that it be allowed to file the CN application immediately upon approval of the notice plan.

Minnesota Rules 7829.3200 governs such variance requests and establishes the following criteria:

1. enforcement of the rule would impose an excessive burden upon the applicant or others affected by the rule;
2. granting the variance would not adversely affect the public interest; and
3. granting the variance would not conflict with standards imposed by law.

Under the first rule criterion for evaluating a request for a variance, the Applicant stated that a three-month lapse between filing the Notice Plan and the Certificate of Need Application will not allow the Project to meet its overall development schedule, as it would miss the 2026 construction season. The Applicant states that the public would not be adversely affected as there would still be ample time for comments on the project. Finally, the Applicant states that the variance would not conflict with any standards imposed by law and that the Commission has granted similar variances in the past.<sup>2</sup>

---

<sup>1</sup> The Department notes that while the statutes have changed regarding routing authority and location of the staff preparing the environmental report, Minnesota Rules have not yet been updated to reflect these changes.

<sup>2</sup> Examples include:

- January 27, 2015 in Docket No. PL-9/CN-14-916
- April 12, 2010 in Docket No. IP-6638/CN-10-80
- October 8, 2008 in Docket No. IP-6686/CN-08-944



Docket No. E002/CN-23-200

Analyst(s) assigned: Michael N. Zajicek

Page 4

The Department agrees with the Applicant's analysis and has no objection to the Applicant's requested variance to Minnesota Rules 7829.2560, subp. 1.

Additionally, the Applicant also requests a variance to Minnesota Rules 7829.2500, subp. 5, which requires the Applicant to publish newspaper notification of the CN filing in a newspaper of general circulation throughout the state. The Applicant requests this variance because due to the requested timing variance this rule would require the Company to file both its notice plan statewide newspaper notice and an additional statewide newspaper notice at a very similar time. The Applicant states that the rule would be an excessive burden on the Applicant because it would require duplicative newspaper notices in close timing to one another. The Applicant states that the public interest will not be adversely affected because notice of the Project will appear in a statewide newspaper prior to the filing of the CN, and that granting the proposed variance will not conflict with any legal standards as notice of the Project will still be provided in a statewide newspaper.

The Department does not believe this variance is necessary, as the Applicant is only required to make one notice in a statewide newspaper by Minnesota Rules 7829.2500, subp. 5. As stated above Minnesota Rules 7829.2550 only requires "newspaper notice to members of the public in areas reasonably likely to be affected by the proposed transmission line" and does not require notice in a newspaper with statewide circulation. Therefore, the Applicant is only required to make publish one notice in a newspaper of general circulation throughout the state, and thus a variance to Minnesota Rules 7829.2500, subp. 5 is not required to prevent duplicative newspaper notifications in close succession.

### **III. DEPARTMENT RECOMMENDATIONS**

As discussed above, the Department recommends that the Applicant update its proposed notices to include a reference to Minnesota Rules 4410. After that change has been made the Department recommends that the Commission approve the Applicant's proposed Notice Plan with any modifications recommended by EERA staff.

Further, the Department recommends that the Commission grant the Applicant a variance to Minnesota Rules 7829.2560, subp. 1 to allow the Applicant to file its CN immediately upon approval of its Notice Plan.

Finally, the Department does not believe a variance to Minnesota Rules 7829.2500 is necessary as the Applicant is only required to make one notice in a statewide newspaper by Minnesota Rules 7829.2500, subp. 5. As stated above Minnesota Rules 7829.2550 only requires "newspaper notice to members of the public in areas reasonably likely to be affected by the proposed transmission line" and does not require notice in a newspaper with statewide circulation.