

October 18, 2024

Via eDockets

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

RE: EERA Comments and Recommendations on Application Completeness
Forks 161 kV Switching Station and Forks-Rost 161 kV Transmission Line Project
Docket No. ET-6675/TL-24-232

Dear Mr. Seuffert,

Department of Commerce, Energy Environmental Review and Analysis staff provides the attached comments and recommendations in the following matter:

In the Matter of the Application of ITC Midwest LLC for a Route Permit for the Forks 161 kV Switching Station and Forks-Rost 161 kV Transmission Line Project in Jackson County, Minnesota

The route permit application was filed on September 30, 2024, by:

Mark Rothfork
ITC Midwest LLC
20789 780th Avenue
Albert Lea, MN 56007
Tel: 763-257-6821
Email: mrothfork@itstransco.com

Staff recommends the Commission accept the route permit application as substantially complete; take no action on an advisory task force; and request a full Administrative Law Judge report with recommendations.

EERA staff is available to answer any questions the Commission may have.

Sincerely,

Larry B. Hartman

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Environmental Review Manager
Energy Environmental Review and Analysis

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BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

ENERGY ENVIRONMENTAL REVIEW AND ANALYSIS COMMENTS AND RECOMMENDATIONS

FORKS-ROST 161 kV TRANSMISSION LINE PROJECT DOCKET No. ET-6675/TL-24-232

Date: October 18, 2024

EERA Staff: Larry B. Hartman | 612-210-4810 | larry.hartman@state.mn.us

In the Matter of the Application of ITC Midwest LLC for a Route Permit for the Forks 161 kV Switching Station and Forks-Rost 161 kV Transmission Line Project in Jackson County, Minnesota

Issues Addressed: These comments and recommendations address the completeness of the route permit application, the need for an advisory task force, and other issues or concerns related to this matter.

Documents Attached:

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

Additional documents and information can be found on eDockets:

<https://www.edockets.state.mn.us/EFiling/search.jsp> (24-232) and on the Department of Commerce's website: <https://apps.commerce.state.mn.us/web/project/15809>.

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

Introduction and Background

On September 30, 2024, ITC Midwest LLC (“ITC” or “applicant”), filed a route permit application for the Forks 161 kV Switching Station and Forks-Rost 161 kV Transmission Line Project in Jackson County, Minnesota.¹

On October 4, 2024, the Minnesota Public Utilities Commission (Commission) issued a notice soliciting comments on the completeness of the application, the presence of contested issues of fact, the need for an advisory task force, and other concerns related to this matter.²

Project Purpose

The applicant indicates that the proposed project is the result of a joint study between ITC Midwest, Great River Energy (GRE) and Missouri River Energy Services (MRES) to determine long-term reliability and load serving needs for the Worthington area and to identify potential upgrades that may be needed to the transmission system for area reliability. The existing transmission configuration in the Worthington area leaves the system susceptible to low voltage conditions when certain transmission facilities are out of service. The Forks-Rost 161 kV transmission line and Forks Switching Station are components of an overall plan with complementary projects that will ensure electrical reliability and resilience in the area’s transmission system.³

Project Description and Location

The project, as proposed, includes construction of approximately 8.5 miles of new 161 kV transmission line starting at the new Rost Substation in Jackson County, Minnesota. The new 161 kV transmission line and Forks Switching Station will be constructed by ITC Midwest. The Rost Substation will be permitted and constructed separately by GRE.⁴

The proposed project will begin at the new Rost Substation, near the intersection of County Road 5 and 790th Street in Jackson County. The 161 kV transmission line will exit the substation and run south along County Road 5 to 780th Street for approximately one mile, where it will turn east and run for one mile to 360th Avenue. The transmission line will run south on 360th Avenue for one mile

¹ Route Permit Application for the Forks 161 kV Switching Station and Forks-Rost 161 kV Transmission Line Project, ITC Midwest LLC, September 30, 2024, eDockets Numbers – Filing Letter [20249-210581-01](#); Application (Text) and Appendix A (Completeness Checklist) [20249-210581-02](#); Appendix B (Project Route Maps); [20249-210581-03](#) [20249-210581-04](#); Appendices C (90-day Pre-Application Letter to Local Units of Government) & D (Notice of Intent to File a Route Permit Application Under the Alternative Route Permit Process) [20249-210581-05](#); Appendix E (Wetland and Other Waters Delineation Report) Part 1 of 2; [20249-210581-06](#); Part 2 Of 2; [20249-210581-07](#); Appendix F (Agency and Tribal Outreach) [20249-210581-08](#); Appendix G (Natural Heritage Information System, USFWS Species List and Phase 1a Cultural Resources Literature Search) Trade Secret (4 parts) [20249-210582-01](#), [20249-210582-02](#); [20249-210582-03](#) and [20249-210582-04](#); Public Part [20249-210582-05](#); Appendix H (Open House Materials), Appendix I (Affected Landowner List), Appendix J (Agricultural Impact Mitigation Plan) and Appendix K (Vegetation Management Plan) [20249-210582-06](#);

² Notice of Comment Period on Application Completeness, October 4, 2024, eDocket Number [202410-210704-01](#).

³ Application, part 1.4, page 3, See eDocket No. [20249-210581-02](#).

⁴ Id. Page 6.

before turning east and continuing on 770th Street for approximately 5.5 miles, where it will enter the new Forks Switching Station on the west (See attached map).⁵

PROJECT LOCATION ⁶			
Township Name	Township	Range	Sections
EWINGTON	102N	38W	22, 23, 24, 25, 26, 27, 35, 36
ROST	102N	37W	26, 27, 28, 29, 30, 31, 32, 33, 34, 35

For this project, ITC is requesting a route width of up to 1,500 feet (750 feet on either side of the proposed transmission line centerline) to provide flexibility to make alignment adjustments during the final right-of-way design to work with landowners, to avoid sensitive natural resources, and to manage construction constraints as necessary. Within the route the transmission line will require a total right-of-way width of 100 feet (typically 50 feet on each side of the transmission line centerline) and in some cases up to 150 feet wide.⁷

The 161 kV transmission line will consist of a single-circuit, braced post monopole steel structures, spaced approximately 600 to 800 feet apart. Transmission structures with horizontal braced post insulators will typically range in height from 80 to 120 feet above ground. The average diameter of the steel structures at ground level is 3 to 5 feet. The single circuit structures will have three single conductor phase wires and one shield wire. It is anticipated that the phase wires will be “T2 Grosbeak” which consists of two aluminum conductor steel reinforced (ACSR) “Grosbeak” conductors in a twisted pair configuration, or a conductor with similar electrical capacity and mechanical strength properties.⁸

The new Forks Switching Station will initially have three 161 kV transmission lines connected to it and the Switching Station will initially have a ring bus configuration. In addition to the new Forks-Rost 161 kV line that will be constructed, the existing ITC Midwest Lakefield Junction-Dickinson County 161 kV line will be cut into the Forks Switching Station creating a Forks-Lakefield Junction and Dickinson County-Forks 161 kV lines.⁹

Regulatory Process and Procedures

In Minnesota, no person may construct a high voltage transmission line without a route permit from the Commission.¹⁰ A high voltage transmission line is defined as a conductor of electric energy designed for and capable of operation at a voltage of 100 kV or more and greater than 1,500 feet in length.¹¹ The proposed project will consist of approximately 8.5 miles of single-circuit 161 kV transmission line and therefore requires a route permit from the Commission.

⁵ Id. P. 7.

⁶ Id. P. 23.

⁷ Id. P. 7.

⁸ Id. P. 8.

⁹ Id. P. 9.

¹⁰ Minnesota Statute 216E.03.

¹¹ Minnesota Statute 216E.01.

Because the applicant's proposed transmission line is under 200 kV, the project is eligible to use the alternative review process prescribed by Minnesota Statute 216E.04.¹² The applicant indicated their intent to use the alternative review process by notice to the Commission on July 30, 2024.¹³

The proposed project will operate at a voltage greater than 100 kV but will have a length in Minnesota less than ten miles; accordingly, the project is not considered a large energy facility and does not require a certificate of need from the Commission.¹⁴

Route Permit Application Acceptance

Route permit applications for high voltage transmission lines must provide specific information about a project including applicant information, route descriptions, and potential environmental impacts and mitigation measures.¹⁵ Under the alternative review process, applicants must propose one route in their route permit application and discuss any other routes considered and rejected for the project.¹⁶

The Commission may accept an application as complete, reject an application and require additional information to be submitted, or accept an application as complete upon filing of supplemental information.¹⁷ The environmental review and permitting process begins on the date the Commission determines that a route permit application is complete.¹⁸ The Commission has six months (or nine months, with just cause) from the date of this determination to reach a route permit decision.¹⁹

Environmental Review

Route permit applications are subject to environmental review conducted by Department of Commerce, Energy Environmental Review and Analysis (EERA) staff.²⁰ Projects proceeding under the alternative review process require the preparation of an environmental assessment (EA).²¹ An EA is a document which contains an overview of the resources affected by a proposed project and describes the potential human and environmental impacts and possible mitigation measures. An EA is the only state environmental review document required for route permit applications reviewed under the alternative permitting process.

¹² Minnesota Statute 216E.04, Subd. 2 (noting those projects that are eligible to proceed under an alternative permitting process).

¹³ Notice of Intent to File a Route Permit Application for the Forks-Rost B161 kV Transmission Line Project Pursuant to the Alternative Permitting Process, July 30, 2024, eDockets Number [20247-209114-01](#).

¹⁴ Minnesota Statute 216B.2421; Minnesota Statute 216B.243.

¹⁵ Minnesota Rule 7850.3100.

¹⁶ Id.

¹⁷ Minnesota Rule 7850.3200.

¹⁸ Id.

¹⁹ Minnesota Rule 7850.3900.

²⁰ Minnesota Statute 216E.04, Subd. 5.

²¹ Id.

EERA and Commission staff conduct public information and scoping meetings to inform the content of the EA.²² The Commissioner of the Department of Commerce issues the scope of the EA and may include alternative routes suggested during the scoping process if they would aid the Commission in making a permit decision.

Public Hearing

Route permit applications under the alternative review process require that a public hearing be held in the project area after the EA for the project has been completed and released.²³ The hearing is typically presided over by an administrative law judge (ALJ) from the Office of Administrative Hearings. The Commission may request that the ALJ provide solely a summary of public testimony. Alternately, the Commission may request that the ALJ provide a full report with findings of fact, conclusions of law, and recommendations regarding the project.

Advisory Task Force

The Commission may appoint an advisory task force to aid the environmental review process.²⁴ An advisory task force must include representatives of local governmental units in the project area.²⁵ A task force assists EERA staff with identifying impacts and mitigation measures to be evaluated in the EA. A task force expires upon issuance of the EA scoping decision.²⁶

The Commission is not required to appoint an advisory task force for every project. If the Commission does not appoint a task force, citizens may request that one be appointed.²⁷ If such a request is made, the Commission must determine at a subsequent meeting if a task force should be appointed or not. The decision whether to appoint an advisory task force does not need to be made at the time of application acceptance; however, it should be made as soon as practicable to ensure its charge can be completed prior to issuance of the EA scoping decision.

EERA Staff Analysis and Comments

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

Application Completeness

EERA staff conferred with applicant regarding the proposed project and reviewed a draft route permit application. EERA staff believes that staff comments on the draft application have largely been addressed in the route permit application submitted to the Commission. Staff has evaluated the application against the application completeness requirements of Minnesota Rule 7850.3100, which refers to 7850.1900 with exceptions for proposing alternative routes (see Table 1). Staff finds

²² Minnesota Rule 7850.3700, subp. 2.

²³ Minnesota Rule 7850.3800.

²⁴ Minnesota Statute 216E.08.

²⁵ Id.

²⁶ Minnesota Rule 7850.2400.

²⁷ Id.

that the application contains appropriate and complete information with respect to these requirements.

Advisory Task Force

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

- **Project Size.** The project consists of approximately 8.5 miles of single-circuit 161 kV transmission line, a relatively short distance. Transmission line structures for the project will range in height from 80 to 120 feet and span 600 to 800 feet between structures. The length, voltage, and size of the structures make this project smaller than many others in Minnesota.
- **Project Complexity.** The project itself is not complex. The project, as proposed, will follow or parallel existing road right-of-way.
- **Known or Anticipated Controversy.** To date, staff is unaware of any controversies regarding the project, and there have been no public comments filed on the record.
- **Sensitive Natural Resources.** As noted in the application, there are no MNDNR Wildlife Management Areas (WMA) and MNDNR Scientific and Natural Areas (SNA) in the project study area. Additionally, there are no MNDNR Minnesota Biological Survey Sites of Biological Significance or critical habitat within the project study area. The Ulbricht WPA is located within the project study area; however, the proposed route does not cross the Ulbricht WPA.²⁸ The MNDNR also indicated that no state-listed species endangered, threatened, or special concern species have been documented within the vicinity of the project.²⁹

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

Contested Issues of Fact

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

Other Issues Related to This Matter

EERA staff recommends that the Commission request a full ALJ report for the project's public hearing. EERA staff believe that a full ALJ report with recommendations provides an unbiased, efficient, and transparent method to voice and resolve any issues that may emerge as the record is developed. Requiring a full ALJ report reduces the burden on staff and helps to ensure that the

²⁸ Application, pages 47, 52 and 54.

²⁹ Id. Page 51.

Commission has a robust record on which to base its decision. Additionally, a full ALJ report does not significantly lengthen the site permitting process. EERA staff has provided a hypothetical schedule for the permitting process, which includes a comparison of potential hearing work products and schedules – i.e., a summary of public testimony versus a full ALJ report with findings, conclusions, and recommendations (see Table 2).

EERA Staff Recommendations

EERA staff recommends that:

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

Table 1. Application Completeness Requirements

Authority	Section Location in Application	EERA Staff Comments
Minn. Stat. 216E.04, subd.2(3); Minn. R. 7850.2800, subp. 1(C) Alternative Review of Applications. Alternative Review is available for high-voltage transmission lines (HVTL's) between 100 and 200 kilovolts.		
Minn. R. 7850.1900, subp.2 Notice to PUC	Appendix D	
Minn. R. 7850.3100 Contents of Application (Alternative Review) The applicant shall include in the application the same information required in part 7850.1900, except the applicant need not propose any alternative sites or routes to the preferred site or route. If the applicant has rejected alternative sites or routes, the applicant shall in the application the identity of the rejected routes or sites and an explanation of the reasons for rejecting them.	3.1	
Minn. R. 7850.2800, subp.2 Route Permit for HVTL A. a statement of proposed ownership of the facility at the time of filing the application and after commercial operation;	1.1	Information is provided to satisfy this requirement. ITC Midwest will own the project.

Authority	Section Location in Application	EERA Staff Comments
B. the precise name of any person or organization to be initially named as permittee or permittees and the name of any other person to whom the permit may be transferred if transfer of the permit is contemplated;	1.3	Information is provided to satisfy this requirement. ITC Midwest is the proposed permittee for the project.
C. a proposed route for the project and any rejected alternative routes and an explanation of the reasons for rejecting them; ³⁰	3	Information is provided to satisfy this requirement.
D. a description of the proposed high voltage transmission line and all associated facilities, including the size and type of the high voltage transmission line;	1.5	Information is provided to satisfy this requirement.
E. the environmental information required under subpart 3;	6 (See Minnesota Rule 7850.1900, Subpart 3 below).	
F. identification of land uses and environmental conditions along the proposed routes;	6.1, 6.6	Information is provided to satisfy this requirement.
G. the names of each owner whose property is within any of the proposed routes for the high voltage transmission line;	Appendix I	Information is provided to satisfy this requirement.
H. United States Geological Survey topographical maps or other maps acceptable to the Commission showing the entire length of the high voltage transmission line on all proposed routes;	Appendix B Map 11	Information is provided to satisfy this requirement.

³⁰ Minnesota Rule 7850.3100.

Authority	Section Location in Application	EERA Staff Comments
I. identification of existing utility and public rights-of-way along or parallel to the proposed routes that have the potential to share the right-of-way with the proposed line;	4.1, 4.2, 4.3, 5.1, Map 2	Information is provided to satisfy this requirement.
J. the engineering and operational design concepts for the proposed high voltage transmission line, including information on the electric and magnetic fields of the transmission line;	2.2, 6.9	Information is provided to satisfy this requirement.
K. cost analysis each route, including the costs of constructing, operation and maintaining the high voltage transmission line that are dependent on design and route;	2.4	Information is provided to satisfy this requirement.
L. a description of possible design options to accommodate expansion of the high voltage transmission line in the future;	2.2.4	Information is provided to satisfy this requirement.
M. the procedures and practices proposed for the acquisition and restoration of the right-of-way, construction, and maintenance of the high voltage transmission line;	5.1, 5.2, 5.3, 5.4	Information is provided to satisfy this requirement.
N. a listing and brief description of federal, state, and local permits that may be required for the proposed high voltage transmission line; and	8	Information is provided to satisfy this requirement.
O. a copy of the Certificate of Need or the certified HVTL list containing the proposed high voltage transmission line or documentation that an application for a Certificate of Need has been submitted or is not required.	Not Required	Information is provided to satisfy this requirement. No Certificate of Need is required for this project.

Authority	Location in Application	EERA Staff Comments
Minn. R. 7850.3100 Identification of rejected route alternatives and explanation for rejection,	3.1	Information is provided to satisfy this requirement.
Minn. R. 7850.1900, subp. 3 Environmental Information An applicant for a route permit shall include in the application the following environmental information for each proposed route to aid in the preparation of environmental review documents.		
A. a description of the environmental setting for each site or route;	6.1	Information is provided to satisfy this requirement.
B. a description of the effects of construction and operation of the facility on human settlement, including, but not limited to, public health and safety, displacement, noise, aesthetics, socioeconomic impacts, cultural values, recreation, and public services;	6.2	Information is provided to satisfy this requirement.
C. a description of the effects of the facility on land-based economies, including, but not limited to, agriculture, forestry, tourism, and mining;	6.3	Information is provided to satisfy this requirement.
D. a description of the effects of the facility on archaeological and historic resources;	6.4	Information is provided to satisfy this requirement.
E. a description of the effects of the facility on the natural environment, including effects on air and water quality resources and flora and fauna;	6.5	Information is provided to satisfy this requirement.

Authority	Location in Application	EERA Staff Comments
F. a description of the effects of the facility on rare and unique natural resources;	6.7	Information is provided to satisfy this requirement.
G. identification of human and natural environmental effects that cannot be avoided if the facility is approved at a specific site or route; and	6.10	Information is provided to satisfy this requirement.
H. a description of measures that might be implemented to mitigate the potential human and environmental impacts identified in items A to G and the estimated costs of such mitigative measures.	6.2, 6.3, 6.4, 6.5, 6.6, 6.7, 6.8	Information is provided to satisfy this requirement.

Table 2. Draft Permitting Process Schedule

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

Project Overview Map

