



January 14, 2025

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
Appleton to Benson 115 kV Project – Certificate of Need and Route Permit Application
Docket Nos. ET-2,E-017,ET-6135, E-100/CN-24-263; TL-24-264

Dear Mr. Seuffert,

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

In the Matter of the Application of Great River Energy, Otter Tail Power Co., Western Minnesota Municipal Power Agency, Agralite Electric Coop., and the City of Benson for a Certificate of Need and Route Permit for the Appleton to Benson 115 Kilovolt Transmission Line Project

The certificate of need and route permit application was filed on December 27, 2024, by Great River Energy on behalf of the joint applicants:

Mark Strohfus
Great River Energy
12300 Elm Creek Boulevard
Maple Grove, MN 55369

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

Sincerely,

A handwritten signature in black ink that reads 'Ray Kirsch'.

Ray Kirsch
Environmental Review Manager

Page intentionally left blank.



BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

ENERGY ENVIRONMENTAL REVIEW AND ANALYSIS COMMENTS AND RECOMMENDATIONS

APPLETON TO BENSON 115 KV TRANSMISSION LINE PROJECT

DOCKET Nos. ET-2,E-017,ET-6135, E-100/CN-24-263 AND
ET-2,E-017,ET-6135, E-100/TL-24-264

Date: January 14, 2025

EERA Staff: Ray Kirsch | 651-539-1841 | raymond.kirsch@state.mn.us

In the Matter of the Application of Great River Energy, Otter Tail Power Co., Western Minnesota Municipal Power Agency, Agralite Electric Coop., and the City of Benson for a Certificate of Need and Route Permit for the Appleton to Benson 115 Kilovolt Transmission Line Project

Issues Addressed: These comments and recommendations address the completeness of the certificate of need and route permit application, the need for an advisory task force, and the presence of contested issues of fact.

Documents Attached:

(1) Project Overview Map

Additional documents and information can be found on eDockets:

<https://www.edockets.state.mn.us/EFiling/search.jsp> (24-263 and 24-264) and on the Department of Commerce's website: <http://mn.gov/commerce/energyfacilities>.

To request this document in another format, such as large print or audio, call 651-539-1530. Persons with a hearing or speech impairment may call using their preferred telecommunications relay service.

Introduction and Background

On December 27, 2024, Great River Energy, Otter Tail Power Company, Western Minnesota Municipal Power Agency, Agralite Electric Cooperative, and the city of Benson (applicants) filed a joint certificate of need and route permit application to upgrade and construct approximately 29 miles of a single-circuit 115 kV transmission line in Swift County, Minnesota.¹ On January 3, 2025,

¹ Joint Certificate of Need and Route Permit Application for the Appleton to Benson 115 kV Project; Great River Energy, Otter Tail Power Company, Western Minnesota Municipal Power Agency, Agralite Electric Cooperative,

the Commission issued a notice soliciting comments on the completeness of the application, the need for an advisory task force, the presence of contested issues of fact, and other related matters.²

Project Purpose

The applicants indicate that the proposed project is needed to meet electrical loads in the project area and to avoid potential low voltage issues resulting from the retirement of the 55 megawatt FibroMinn Energy Center near the city of Benson.

Project Description

The proposed project includes:

- Upgrading approximately 18.3 miles of existing 41.6 kV transmission line.
- Rebuilding or reconductoring approximately one mile of an existing 115-kV transmission line.
- Constructing approximately 8.0 miles of new 115 kV transmission line.
- Constructing an approximately 1.7-mile 115 kV transmission line from Great River Energy's existing AG-BK 115-kV line to the Benson Municipal Substation.³

In addition, the project includes constructing a new Appleton Substation and either relocating or expanding the Moyer and Danvers Substations. Improvements will also be made at the Shible Lake and Benson Municipal Substations to accommodate the new 115 kV transmission line.⁴

Construction of the project is anticipated to begin in 2028. The project is anticipated to be in service in early 2030.⁵

Regulatory Process and Procedures

In Minnesota, no person may construct a high voltage transmission line without a route permit from the Commission.⁶ 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.⁷ The proposed project will consist of approximately 29 miles of 115 kV transmission line and therefore requires a route permit from the Commission. The applicants indicated their intent to use the alternative review process by notice to the Commission on October 30, 2024.⁸

and city of Benson; December 27, 2024; eDockets Numbers [202412-213349-01](#) (through -25) [hereinafter Application].

² Notice of Comment Period on Application Completeness, January 3, 2025, eDockets Number [20251-213500-01](#).

³ Application, Section 3.0.

⁴ Id.

⁵ Application, Section 3.5

⁶ Minnesota Statute 216E.03.

⁷ Minnesota Statute 216E.01.

⁸ Notice of Intent to File a Route Permit Application for the Appleton to Benson 115 kV Project Pursuant to the Alternative Permitting Process, October 30, 2024, eDockets Number [202410-211453-01](#).

The proposed project will operate at a voltage greater than 100 kV and will have a length in Minnesota greater than ten miles; accordingly, the project is a large energy facility and requires a certificate of need from the Commission.⁹ The certificate of need application must be considered using the processes prescribed by Minnesota Statute 216B.243 and Minnesota Rules 7849.

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.¹⁰ 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.¹¹

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.¹² The environmental review and permitting process begins on the date the Commission determines that a route permit application is complete.¹³ The Commission has six months (or nine months, with just cause) from the date of this determination to reach a route permit decision.¹⁴

Environmental Review

Route permit applications are subject to environmental review conducted by Department of Commerce, Energy Environmental Review and Analysis (EERA) staff.¹⁵ Projects proceeding under the alternative review process require the preparation of an environmental assessment (EA).¹⁶ An EA is a document that describes the potential human and environmental impacts of a proposed project and possible mitigation measures. Public meetings will be held to solicit comments on the scope of the EA.¹⁷

Certificate of Need and Joint Environmental Review

As noted above, the project requires a certificate of need from the Commission; the applicants have applied to the Commission for this approval. Certificate of need applications are subject to environmental review conducted by EERA staff – staff must prepare an environmental report for these projects.¹⁸

If a certificate of need and a route permit are required for the same project, EERA staff may elect to combine the two environmental review processes and prepare an EA in lieu of an environmental

⁹ Minnesota Statute 216B.2421; Minnesota Statute 216B.243.

¹⁰ Minnesota Rule 7850.3100.

¹¹ Id.

¹² Minnesota Rule 7850.3200.

¹³ Id.

¹⁴ Minnesota Rule 7850.3900.

¹⁵ Minnesota Statute 216E.04, Subd. 5.

¹⁶ Id.

¹⁷ Minnesota Rule 7850.2500.

¹⁸ Minnesota Rule 7849.1200.

report.¹⁹ If an EA is prepared in lieu of an environmental report, the EA must include an analysis of alternatives to the project that would otherwise be required in an environmental report.²⁰

Public Hearing

Route permit applications under the alternative review process require that a public hearing be held in the project area after the EA for the project has been completed and released.²¹ The hearing is typically presided over by an administrative law judge (ALJ) from the Office of Administrative Hearings. If certificate of need and route permitting processes are proceeding concurrently, the Commission may order that a joint hearing be held to consider both need and permitting.²² 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.²³ An advisory task force must include representatives of local governmental units in the project area.²⁴ 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.²⁵

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.²⁶ If such a request is made, the Commission must determine at a subsequent meeting if a task force should be appointed or not. The decision whether to appoint an advisory task force does not need to be made at the time of application acceptance; however, it should be made as soon as practicable to ensure its charge can be completed prior to issuance of the EA scoping decision.

EERA Staff Analysis and Comments

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

Application Completeness

EERA staff has conferred with the applicants regarding the proposed project and has reviewed a draft application. EERA staff believes that staff comments on the draft application have been addressed in the application submitted to the Commission. Staff has evaluated those portions of the application related to the routing of the project against the application completeness

¹⁹ Minnesota Rule 7849.1900.

²⁰ Id.

²¹ Minnesota Rule 7850.3800.

²² Minnesota Statute 216B.243, Subd. 4.

²³ Minnesota Statute 216E.08.

²⁴ Id.

²⁵ Minnesota Rule 7850.3600.

²⁶ Id.

requirements of Minnesota Rule 7850.1900 (see Table 1). Staff finds that the application contains appropriate and complete information with respect to these requirements.

Staff did not review the application for its compliance with certified of need completeness requirements. EERA staff provides no comments here on these requirements.

Joint Environmental Review

The Commission has before it a joint certificate of need and route permit application for the project. It appears to EERA staff that the need and permitting processes for the project will proceed concurrently. Thus, at this time, EERA staff anticipates that it will prepare one environmental review document for the project – an EA.

EERA staff believes that preparation of an EA in lieu of an environmental report for the certificate of need will not lengthen the certificate of need or route permitting processes. Additionally, the applicants have requested that the certificate of need and route permitting processes be conducted jointly.²⁷ Finally, EERA believes that joint environmental review is relatively more efficient for the public, local governments, agencies, and tribes, and that there are benefits to having an environmental analysis of need and routing in one document.

Joint Public Hearings

As noted above, EERA believes that joint environmental review is appropriate for the project. Thus, public information and scoping meetings would also be joint and directed toward developing the scope of an EA that would address both the certificate of need and route permit.

With respect to public hearings for the project, the applicants have requested that joint public hearings be conducted – hearings that address both need and routing issues.²⁸ Per Minnesota Statute 216B.2343, joint hearings should be held unless they are not feasible or efficient or otherwise not in the public interest.²⁹ EERA staff believes that joint hearings are feasible, efficient and in the public interest.

Advisory Task Force

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

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 29 miles of 115 kV transmission line. Transmission line structures for the project will range in height from 50 to 100 feet. The length of the project weighs slightly in favor of a task force; however, the voltage and size of

²⁷ Application, Section 2.3.

²⁸ Id.

²⁹ Minnesota Statute 216B.243, Subd. 4.

the structures make this a relatively common transmission line project for Minnesota. These project-size factors weigh against a task force.

- **Project Complexity.** Land use is primarily agricultural along the applicants' proposed route. Substations and connections to substations occur in more urban areas, e.g., city of Benson. The applicants propose to make extensive use of existing transmission line and roadway right-of-way. The project presents no novel construction or operational features. Transmission lines operating at 115 kV are common in the project area for transmitting electrical power. Project-complexity factors weigh against a task force.
- **Known or Anticipated Controversy.** To date, no comments have been received by EERA staff regarding the project and no comments have been filed in the Commission's electronic docket system (eDockets). Project-controversy factors weigh against a task force.
- **Sensitive Natural Resources.** There are sensitive natural resources in the project area.³⁰ There are four federally-listed rare species and seven state-listed rare species in the project area.³¹ There are also habitats with biological significance in the project area. The applicants' proposed route generally avoids these resources; however, some impacts to these resources may occur. The applicants have committed to work with the Minnesota Department of Natural Resources and other agencies to minimize impacts to sensitive natural resources.³² On whole, potential impacts to sensitive natural resources weigh against a task force.

Based on the above analysis, EERA staff concludes that a task force is not warranted for the project at this time.

Contested Issue of Fact

Based on its review of the certificate of need and 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.

EERA staff recommends that the Commission request a full ALJ report for the project's public hearing. EERA staff believes that a full ALJ report with recommendations provides an unbiased, efficient, and transparent method to air and resolve any issues that may emerge as the record is developed. Requiring a full ALJ report reduces the burden on Commission staff and helps to ensure that the Commission has a robust record on which to base its decision. Additionally, a full ALJ report does not significantly lengthen the route permitting process. EERA staff has provided a draft schedule for the environmental review and permitting process, which includes a comparison of potential hearing work products and schedules – i.e., a summary of public testimony vs. a full ALJ report with findings, conclusions, and recommendations (see Table 2).

³⁰ Application, Section 7.6.7.

³¹ Id.

³² Id.

EERA Staff Recommendations

EERA staff recommends that:

- The Commission accept the applicants' joint certificate of need and route permit application as substantially complete with respect to route permit application completeness requirements.
- The Commission conduct the environmental review and hearing processes for the certificate of need and route permit jointly, including preparation of an EA in lieu of an environmental report.
- The Commission not appoint an advisory task force at this time.
- The Commission request a full ALJ report with recommendations for the project's public hearing.

Table 1. Application Completeness Requirements

Minnesota Rule 7850.1900, Subpart 2	Location in Application	EERA Staff Comments
A. a statement of proposed ownership of the facility at the time of filing the application and after commercial operation;	3.1, 3.2, 3.6	Information is provided to satisfy this requirement. Table 3.1-1 describes current ownership of facilities and ownership after the project is completed.
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;	1.1	Information is provided to satisfy this requirement. Great River Energy, Otter Tail Power Company, Western Minnesota Municipal Power Agency, Agralite Electric Cooperative, and the city of Benson are the proposed permittees for the project.
C. a proposed route for the project and any rejected alternative routes and an explanation of the reasons for rejecting them; ³³	5	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;	3	Information is provided to satisfy this requirement.
E. the environmental information required under subpart 3;	See Minnesota Rule 7850.1900, Subpart 3 below.	
F. identification of land uses and environmental conditions along the proposed routes;	7	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 G	Information is provided to satisfy this requirement.

³³ Minnesota Rule 7850.3100.

Minnesota Rule 7850.1900, Subpart 2	Location in Application	EERA Staff Comments
H. United States Geological Survey topographical maps or other maps acceptable to the Commission showing the entire length of the high voltage transmission line on all proposed routes;	Figure 1-1, Figure 3-1, Appendix A	Information is provided to satisfy this requirement.
I. identification of existing utility and public rights-of-way along or parallel to the proposed routes that have the potential to share the right-of-way with the proposed line;	3.1.1, 3.1.2, 5.2, Appendix A	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;	5	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;	3.4	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;	3.3	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;	6	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	2.4	Information is provided to satisfy this requirement.

Minnesota Rule 7850.1900, Subpart 2	Location in Application	EERA Staff Comments
O. a copy of the Certificate of Need or the certified HVTL list containing the proposed high voltage transmission line or documentation that an application for a Certificate of Need has been submitted or is not required.	2.1	The application is a joint certificate of need and route permit application.

Minnesota Rule 7850.1900, Subpart 3	Location in Application	EERA Staff Comments
A. a description of the environmental setting for each site or route;	7.1	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;	7.2, 7.3, 7.4	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;	7.4	Information is provided to satisfy this requirement.
D. a description of the effects of the facility on archaeological and historic resources;	7.5	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;	7.6	Information is provided to satisfy this requirement.

Minnesota Rule 7850.1900, Subpart 3	Location in Application	EERA Staff Comments
F. a description of the effects of the facility on rare and unique natural resources;	7.6	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	7.8	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.	7, Appendix L	Information is provided to satisfy this requirement.

Table 2. Draft Permitting Process Schedule

Approximate Date	Permitting Day	Permitting Process Step
December 2024	--	Application Submitted
January 2025	--	Comment Period on Application Completeness
February 2025	--	Commission Considers Application Acceptance
February 2025	0	Application Acceptance Order
March 2025	5	Notice of Public Information and Scoping Meetings
March 2025	30	Public Information and Scoping Meetings
May 2025	60	Scoping Decision Issued
August 2025	210	EA Issued Notice of EA Availability and Public Hearing
September 2025	240	Public Hearing
October 2025	270	Public Hearing Comment Period Closes
October 2025	270	Applicant Responses to Hearing Comments
Summary of Public Testimony		
	280	Applicant Proposed Findings
	290	EERA Responses to Comments on EA; Technical Analysis; Replies to Applicant Proposed Findings
	290	ALJ Submits Summary of Public Testimony
	320	Commission Staff Prepares Findings and Proposed Route Permit
	340	Commission Considers CN and Route Permit Issuance
Full ALJ Report with Findings, Conclusions, and Recommendations		
	280	Applicant Proposed Findings
	290	EERA Responses to Comments on EA; Technical Analysis; Replies to Applicant Proposed Findings
	320	ALJ Submits Full Report
	335	Exceptions to ALJ Report
	350	Commission Staff Prepares Proposed Route Permit
	370	Commission Considers CN and Route Permit Issuance

Project Overview Map

