

Staff Briefing Papers

Meeting Date Thursday, November 20, 2025

Agenda Item 6 *

Company ITC Midwest LLC

Docket No. ET-6675/TL-24-232

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

- Issues**
1. Should the Commission adopt the Administrative Law Judge’s Findings of Fact, Conclusions of Law, and Recommendations?
 2. Should the Commission find that the environmental assessment and the record created at the public hearings address the issues identified in the scoping decision?
 3. Should the Commission issue a route permit for the approximately 8.5-mile 161-kV transmission line and associated facilities?

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✓ Relevant Documents

Date

ITC Midwest – Route Permit Application (13 parts)	September 30, 2024
ITC Midwest – Updated Project Map	October 11, 2024
DOC EERA – Comments	October 16, 2024
ITC Midwest – Tribal Correspondence	October 22, 2024
ITC Midwest – Reply Comments	October 25, 2024
Order Accepting Application as Complete	November 12, 2024
MN DNR – Comments (2 filings)	December 24, 2024
Order Approving Scope of Environmental Assessment	January 21, 2025
DOC EERA – Environmental Assessment	April 30, 2025

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The attached materials are work papers of the Commission Staff. They are intended for use by the Public Utilities Commission and are based upon information already in the record unless noted otherwise.

✓ Relevant Documents	Date
MN – Vegetation Working Group – Hearing Comments	June 6, 2025
MN DNR – Comments (2 filings)	June 6, 2025
ITC Midwest – Reply Comments	June 17, 2025
DOC EERA – Reply Comments	June 17, 2025
Notice of Legislative Changes	July 9, 2025
PUC EIP (formerly EERA) – Reply Comments	July 17, 2025
ITC Midwest – Reply Comments	July 25, 2025
PUC – Ex Parte Communication – Mark Rothfork and Leonard Wabasha	September 12, 2025
CAH – Findings of Fact, Conclusions of Law, and Recommendations	September 22, 2025
ITC Midwest – Exceptions to ALJ Report	October 2, 2025
PUC EIP (formerly EERA) – Exceptions to ALJ Report	October 2, 2025
ITC Midwest – Response to Information Request	November 12, 2025

Attachments

Attachment 1: Proposed Special Permit Conditions Table

Attachment 2: Proposed Route Permit

Statement of Issues

1. Should the Commission adopt the Administrative Law Judge’s Findings of Fact, Conclusions of Law, and Recommendations?
2. Should the Commission find that the environmental assessment and the record created at the public hearings address the issues identified in the scoping decision?
3. Should the Commission issue a route permit for the approximately 8.5-mile 161-kV transmission line and associated facilities?

Project Description

The project is being proposed by ITC Midwest LLC (ITC Midwest) a subsidiary of ITC Holdings Corporation. The proposed project will connect a new 161-kV transmission line approximately 8.5-miles long from a new Forks switching station in Rost Township, Jackson County to a new Rost substation in Ewington Township in Jackson County, Minnesota. The applicant proposes to construct a new Forks Switching Station as part of the project. The applicant states that the project is a component of an overall area plan that will include complementary projects by Missouri River Energy Services (MRES) and Great River Energy (GRE) to ensure the long-term

reliability and resilience in the area's transmission system. The requested route width was initially 1,500 feet (750 feet on either side). The applicant filed a response to an information request regarding the route width on November 12, 2025, indicating that they no longer need the additional width for the project, and now propose a narrower 1,000 foot (500 feet on either side) route width.¹

The height of the structures will range from 80 to 120-feet (the application states the majority of these structures will be monopole steel structures), and spans between poles will range between 600 to 800-feet. The project as proposed will be sited on private land except where it crosses road ROWs. Co-location will occur in areas with transportation routes, and existing access routes for construction and maintenance.² ITC Midwest will work with GRE and MRES to coordinate interconnection facility designs and other routing considerations.

All construction will be completed in accordance with State, NESC, and ITC Midwest construction standards regarding clearance to ground, clearance to crossing utilities, clearance to buildings, and the stringing of transmission line conductors. The Project is designed to maintain reliability requirements in the area and is sized to accommodate electrical demand growth.

Three route alternatives were studied and considered by the applicant for the proposed project. The alternatives were rejected due to sensitive biological resource concerns, constructability, and single pole contingency concerns, as well as the increased cost and coordination of re-building double-circuited lines, preferred avoidance of congested areas, and an attempt to minimize the overall length of the project.

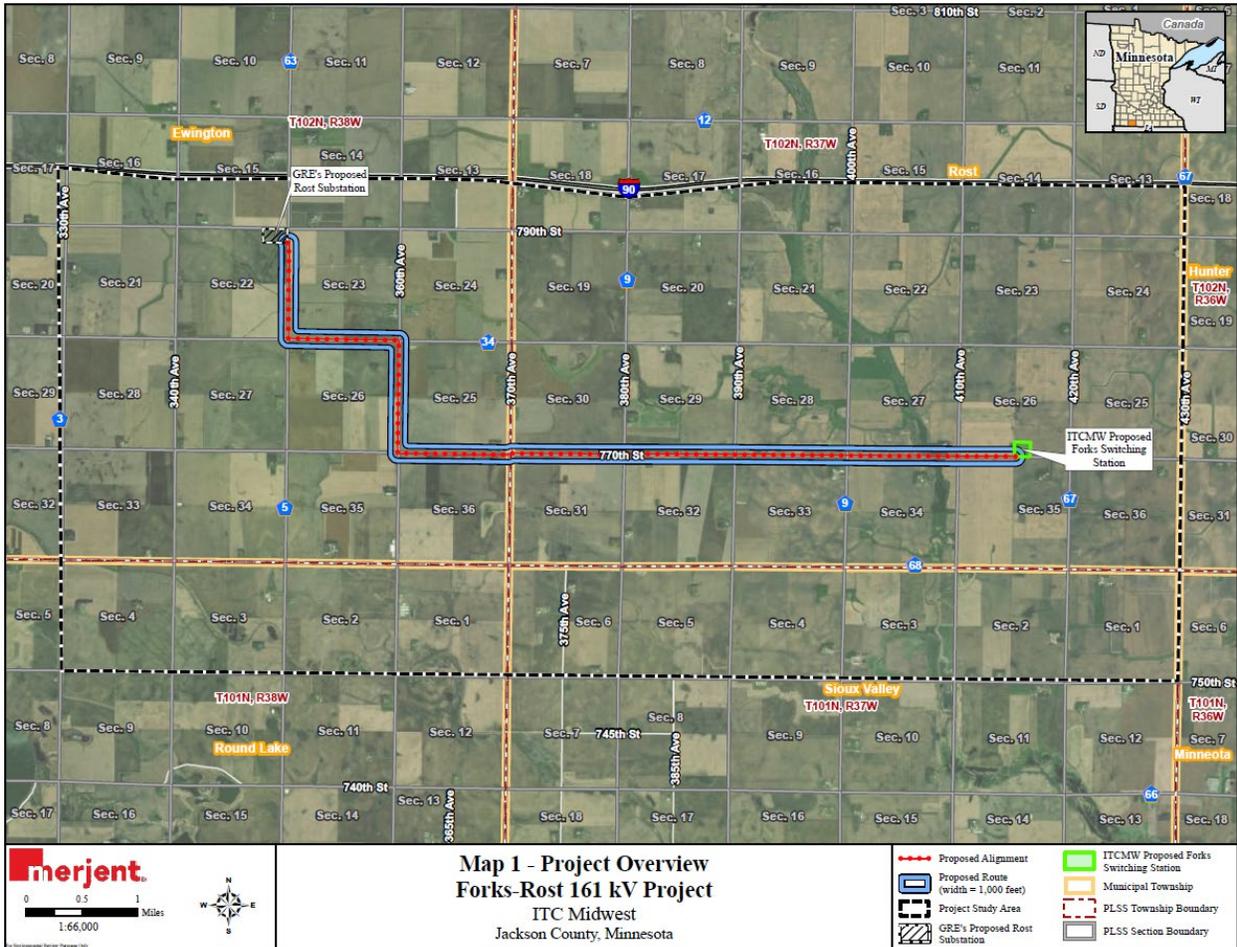
The estimated cost of the project will be between \$13.5 million and \$18.8 million, and has an estimated in-service date of December 2026.

Pre-application activities of ITC Midwest included sending letters to Federal, State, Local, and Tribal agencies. ITC Midwest expressed in their application that they sent introduction letters to all Tribal Nations on the Commission's contact list maintained on eDockets. Both the Mille Lacs Band of Ojibwe (MLBO) and Shakopee Mdewankton Sioux Community (SMSC) responded. The MLBO indicated that the project does not impact the Tribe and is not of interest to the Tribe. The SMSC requested desktop archeological literature review materials of the project area, and after reviewing the materials determined that they do not have any concerns with the project. The SMSC's response is reflected in the ex-parte communication filed on September 12, 2025.

¹ [ITC Midwest Response to PUC Information Request](#)

² [Co-location in project application.](#)

Proposed Project Area



Statutes and Rules

Route Permit

Under Minn. Stat. § 216E.03, subd. 2 the Commission must issue a route permit before a high-voltage transmission line may be constructed in Minnesota. The proposed project requires a route permit because it meets the definition of a high-voltage transmission line, as it is a transmission line with a capacity greater than 100-kV and a length greater than 1,500 feet.

In deciding whether to issue a permit for a high-voltage transmission line the Commission must consider the factors under Minn. R. 7850.4100.³

Alternative Review

The project qualified for alternative review under Minn. Stat. § 216E.04⁴ and Minn R. 7850.2800-.3900 because it is a high voltage transmission line between 100 and 200-kV. Under the alternative permitting process: (1) the applicant is not required to propose alternative routes in its application but must identify other routes it examined and discuss the reasons for rejecting those routes; (2) an environmental assessment is prepared instead of an environmental impact statement; (3) a public hearing is conducted, but a contested case hearing is not required.

Environmental Document

Under Minn. Stat. § 216E.04 Alternative Review of Applications, the Commissioner of the Department of Commerce is required to prepare an environmental assessment on proposed high-voltage transmission lines on behalf of the Commission. The environmental assessment must contain information on the potential human and environmental impacts of a proposed project and of alternative sites or routes considered and must address mitigation measures for identified impacts.

Certificate of Need

A certificate of need is required for any high-voltage transmission line with a capacity of 100-kilovolts or more with more than ten miles of its length in Minnesota. The proposed Forks-Rost transmission line and associated facilities does not require a certificate of need because it is less than 10-miles in length.

³ <https://www.revisor.mn.gov/rules/7850.4100/>

⁴ <https://www.revisor.mn.gov/statutes/2023/cite/216E.03>

Procedural History

On September 30, 2024, ITC Midwest filed its application for a route permit for the Fork Switching Station to Rost Substation transmission line project.

On November 12, 2024, the Commission issued its Order (via Consent) accepting the route permit application as substantially complete.

On November 19, 2024, the Commission issued a Notice of Information and Environmental Assessment Scoping Meetings.

On December 4, 2024, Commission and Minnesota Department of Commerce Energy Environmental Review and Analysis (EERA) staff conducted an in-person public information and environmental assessment scoping meeting in the City of Lakefield in Jackson County, Minnesota. A remote-access public information and environmental assessment scoping meeting was held on December 10, 2024. A comment period was open through December 24, 2024, to receive comments on issues to be considered in the environmental assessment.

On December 24, 2024, the Minnesota Department of Natural Resources (DNR) provided a comment letter and attachment. The subject of the letter was hydrology, rare features, facility lighting, dust control, and wildlife-friendly erosion control. The attachment to the letter was the Natural Heritage Review of the project that identified one or more calcareous fens in the vicinity.

On February 13, 2025, EERA filed the Environmental Assessment Scoping Decision.

On April 29, 2025, the Commission issued a Notice of Public Hearings and Availability of Environmental Assessment.

On April 30, 2025, EERA issued the Environmental Assessment. Among other things, the EERA included a draft route permit for the project.

On May 13, 2025, Administrative Law Judge (ALJ) James Mortenson presided over an in-person public hearing in the City of Lakefield in Jackson County, Minnesota. A virtual public hearing was also held on May 14, 2025. A written comment period was open through June 6, 2025.

On June 6, 2025, the Vegetation Management Plan Working Group (VMPWG) filed comments not recommending any Commission action at that time, but did offer comments to facilitate transparency in the record and arrive at a VMP that is adequate for pre-construction compliance filing requirements

On June 6, 2025, the Minnesota Department of Natural resources again filed comments reiterating its proposed special conditions and providing information regarding Public Water Crossings and Water Appropriation permits that the applicant may need to acquire for the project.

On June 17, 2025, ITC Midwest filed its response to comments received during the public hearing process. In their comments they explain they have no objections to the special permit conditions requested by the DNR, will apply for the permits mentioned, and looks forward to working with the Vegetation Management Plan Working Group (VMPWGP) while also expressing some of the additions proposed are excessive or unnecessary.

On June 17, 2025, EERA filed its response to public comments received during the public hearing process. The comments made by EERA added more information regarding the special permit conditions and water crossing and appropriation permits mentioned by the DNR in relation to the filed draft route permit.

On June 23, 2025, ITC Midwest filed its proposed findings of fact, conclusions of law, and recommendations.

On July 17, 2025, PUC EIP (formerly EERA)⁵ filed its reply to the applicant's proposed findings of fact, conclusions of law, and recommendations offering modifications.

On September 22, 2025, the ALJ filed his findings of fact, conclusions of law, and recommendations (ALJ Report).

On October 2, 2025, PUC EIP and ITC Midwest both filed letters indicating they have no exceptions to the ALJ Report.

Comments

Native Communities

Mille Lacs Band of Ojibwe (MLBO)

During the application completeness comment period the applicant filed correspondence from Charles Lippert, a representative of the MLBO. Mr. Lippert commented that the tribe believes the project does not impact the Tribe, Tribal properties, Tribal cultural properties, infringe on the Tribe's usufruct rights, and has no effect on Tribal citizens' health. Mr. Lippert ended his comments by saying the project is not of interest to the tribe.

Shakopee Mdewankton Sioux Community (SMSC)

During the application completeness comment period the applicant filed correspondence from Leonard Wabasha, a representative of the SMSC. Mr. Wabasha thanked the applicant for the information and requested the applicant send desktop archaeological literature reviews when available. Staff reached out to Mr. Wabasha to inquire if he received the requested

⁵ [Notice of Legislative Changes](#)

information. Mr. Wabasha explained that he did not have record of a response but traced the project route and was able to determine that there were no historic properties affected. The applicant, in response to Staff's inquiry on such and such date, confirmed that they never sent the requested materials and explained that they are sending them to the Tribe now. The SMSC reviewed the requested materials and confirmed that they still do not have any concerns regarding the proposed project. This communication is reflected in the September 12, 2025, ex-parte filing.⁶

Public Information and Environmental Assessment Scoping Meeting Comments

On November 19, 2024, the Commission issued a notice of public information and environmental assessment scoping meetings. Meetings were held on December 4, 2024 (in-person) and December 10, 2024 (virtual) and a comment period was opened until December 24, 2024.

In-Person Meeting (December 4, 2024)

John Dorn. Mr. Dorn commented at the in-person meeting expressing his concerns regarding liability as it pertains to the project. Applicant counsel stated they are unaware of anytime a landowner has been held liable for the applicant's project.

Fred and Shawna Diemer. Mr. and Mrs. Diemer expressed concern regarding electric magnetic fields and asked that they be provided more information. Commission staff provided them with a handout, *Electric and Magnetic Fields (EMF)*, at the meeting.

Virtual Meeting (December 10, 2024)

Roger Pohlman. Mr. Pohlman inquired about the acceptable distance that the line will go "towards residential property" and asked if drainage ditches and tiles will be repaired or compensated for if damaged or overtaken by the project. The applicant explained there is no NESC standard for distance away from residences, but it is ITC's standard protocol to not have residences within the right-of-way. They further explained that they will do their best to avoid any damage to drainage areas and encouraged the residents to keep talking to the land agent if they wish to have any further conversations regarding the drainage tiles.

MN Department of Natural Resources (DNR)

The DNR filed comments on December 24, 2024, as a part of their comments they also attached a Natural Heritage Review. The Natural Heritage Review found that the project area does contain one or more calcareous fens⁷ in the vicinity. The DNR explained that if the project is

⁶ [September 12, 2025 Ex-Parte Filing](#)

⁷ Calcareous fens are rare and distinctive peat-accumulating wetlands. They depend on a constant supply of upwelling groundwater rich in calcium and other minerals. The calcium-rich environment supports highly diverse

expected to impact the calcareous fen, the applicant must develop a calcareous fen management plan in coordination with the DNR, as specified in Minn. Stat. § 103G.223.

Furthermore, the DNR asserted their commitment to working with the applicant on determining appropriate locations for avian flight diverters. Lastly the DNR recommended the following permit conditions:

Facility Lighting. The DNR recommended including a special permit condition, similar to TL-23-159, to utilize downlit and shielded lighting and minimize blue hue to reduce harm to birds, insects, and other animals. Potential project impacts related to illuminated facilities can be avoided or minimized by using shielded and downward facing lighting and lighting that minimizes blue hue.

Dust Control. The DNR recommended including a special permit condition, similar to TL-23-159, to avoid products containing calcium chloride or magnesium chloride, which are often used for dust control. Chloride products that are released into the environment do not break down and, instead accumulate to levels that are toxic to plants and wildlife.

Wildlife-Friendly Erosion Control. Due to entanglement issues with small animals, the DNR recommended including a special permit condition, similar to TL-23-159, that erosion control blankets be limited to “bio-netting” or “natural netting” types, and specifically not products containing plastic mesh netting or other plastic components. Hydro-mulch products may contain small synthetic (plastic) fibers to aid in its matrix strength. These loose fibers could potentially re-suspend and make their way into waterways.

Public Hearing Comments

On April 29, 2025, the Commission issued a notice of public hearings and availability of environmental assessment. Hearings were held on May 13, 2025 (in-person), and May 14, 2025 (virtual) and a comment period was opened until June 6, 2025.

Vegetation Management Planning Working Group (VMPWG)

The VMPWG filed comments regarding the project on June 6, 2025. The working group did not recommend any actions by the Commission, though it did provide comments to facilitate transparency in the record.⁸ In summary the VMPWG recommended continued coordination with the working group as it finalizes its vegetation management plan, and include the identification of existing rare and sensitive resources, refinement of the installation, management, and monitoring plans to fit the anticipated goals and objectives, and an updated monitoring and inspection reporting plan. The Vegetation Management Plan (VMP) was

and unique rare plants that tolerate low oxygen conditions, calcium carbonate deposits, low nutrient availability, and relatively cold organic soils (peat) – the calcareous fen ecosystem.

⁸ [VMPWG Comments - June 6, 2025](#)

reviewed and approved by PUC EIP staff before being filed on August 8, 2025⁹.

MN Department of Natural Resources (DNR)

The DNR also filed comments on June 6, 2025. The DNR repeated their requested special permit conditions and comments regarding the calcareous fens previously mentioned in their December 24, 2025, comments and included the following additional comments and recommendations:

Public Waters Crossings. Public waters are designated as such to indicate which lakes, wetlands, and watercourses over which DNR has regulatory jurisdiction. The Project crosses two public water watercourses: the Little Sioux River and Judicial Ditch 28. As such, a DNR License to Cross may be required.

Water Appropriation. A DNR Water Appropriation Permit is required for dewatering activities during construction if the water pumped exceeds 10,000 gallons in a day and/or one million gallons in one year. The DNR General Permit for Temporary Appropriation may be used for the dewatering if the dewatering volume is less than 50 million gallons, and the time of the appropriation is less than one year. A DNR Water Appropriation Permit can be applied for in the MNDNR Permitting and Reporting System (MPARS).

In-Person Hearing (May 13, 2025)

A public hearing overseen by Administrative Law Judge James Mortenson from the Court of Administrative Hearings was held in-person in Lakefield, Minnesota, on May 13, 2025 and virtually on May 14, 2025 on Webex. It was attended by about five members of the public of which the below members gave oral comment.

Dan Riley. Mr. Riley asked about the 1,500-foot right of way (route width), including how far the transmission line structures, or poles will go into private property, and the material being used for the proposed structures. The applicant explained the right-of-way is an easement for a legal right to be there, but not to necessarily own the land, and that the structures are made of steel, and it is the goal of the applicant that the proposed poles to be used will only be located approximately 5-feet into landowner's property and it is the applicants goal to place project infrastructure as close to edge of participating landowner's property as possible. Staff notes that the response from the applicant in the transcripts is confusing and the application states the alignment will be setback approximately 5 to 8 feet from road ROWs.

Kevin Schmid. Mr. Schmid gave information regarding his privately owned drain tiles and the applicant responded by thanking Mr. Schmid and connecting them with their land agent so that Mr. Schmid's tile is included in the applicant's survey.

Virtual Hearing (May 14, 2025)

⁹ [VMP - Attachment B - August 8, 2025](#)

No public comments were made at the virtual hearing.

ITC Midwest LLC (Applicant) Reply Comments

The applicant indicated that they had no objections to the five special permit conditions proposed by the DNR and noted that four of them were included in the draft route permit: (1) Calcareous Fen; (2) Facility Lighting; (3) Dust Control; (4) Wildlife-Friendly Erosion (The avian flight diverters condition was also included in the draft route permit as 5.3.16, not in the special conditions section). The applicant also explained that they will apply for the permits (public waters crossing and water appropriation permits) mentioned by the DNR that will be needed for the project (the draft permit section 5.5.2 “Other Permits and Regulations,” requires the permittee to comply with applicable state statute and rules).

The applicant stated it looked forward to working with the VMPWG on finalizing the VMP, and explained that certain additions proposed by the VMPWG are unnecessary or excessive. Specifically, the following: (1) The annual monitoring report, explaining that the project is located on a road right-of-way within a primarily agricultural landscape, and to potentially update the VMP on an annual basis is unnecessary; (2) The requirement that the VMP be updated to describe the pre-construction activities and the identification of laydown areas and temporary roads. The applicant explained that this information is already required by the Route Permit to be filed with the Commission as part of the Project’s plan and profile filings. VMPWG staff reviewed and approved the applicant’s VMP before it was filed on August 8, 2025.¹⁰

EERA Reply Comments

EERA filed reply comments outlining the special permit conditions and other requirements requested in the public record (and mentioned in this summary of public comments) and referenced their location in the draft route permit.

Administrative Law Judge Report

The Commission requested an ALJ from the Court of Administrative Hearings preside over public hearings and prepare a report containing findings of fact, conclusions of law, and a recommendation on the merits of the proposed project and on conditions to be included in the route permit.

The ALJ recommended that the Commission issue a route permit to ITC Midwest LLC for the approximately 8.5 mile long 161-kV high voltage transmission line and associated facilities.

The ALJ concluded that:

- The Commission has jurisdiction to consider the Application.

¹⁰ [Applicant VMP August 8, 2025](#)

- The Commission determined that the Application was substantially complete and accepted the Application on November 12, 2024.
- EERA (now PUC EIP) conducted an appropriate environmental analysis for the Project for purposes of this Route Permit proceeding, and the EA satisfies Minn. R. 7850.3700 and 7850.3900. Specifically, the EA and the record address the issues identified in the Scoping Decision to a reasonable extent considering the availability of information, and the EA includes the items required by Minn. R. 7850.3700, subp. 4, and was prepared in compliance with the procedures in Minn. R. 7850.3700.
- The Applicant gave notice as required by Minn. Stat. § 216E.04, subd. 4; Minn. R. 7850.2100, subp. 2; and Minn. R. 7850.2100, subp. 4.
- A public hearing was conducted near the Proposed Route. Proper notice of the public hearing was provided, as required by Minn. Stat. § 216E.04, subd. 6, and the public was given the opportunity to speak at the hearing and to submit written comments. All procedural requirements for the Route Permit were met.
- The evidence in the record demonstrates that the Proposed Route satisfied the Route Permit factors set forth in Minn. Stat. § 216E.04, subd. 8 (referencing Minn. Stat. § 216E.03, subd. 7) and Minn. R. 7850.4100.
- There is no feasible and prudent alternative to the construction of the Project, and the Project is consistent with and reasonably required for the promotion of public health and welfare in light of the state's concern for the protection of its air, water, land, and other natural resources as expressed in MERA.
- The evidence in the record demonstrates that the Proposed Route is the best route for the Project.
- The evidence in the record demonstrates that the general Route Permit conditions are appropriate for the Project.
- The evidence in the record demonstrates that the special conditions identified in Section VII of the report, are appropriate for the Project.

Route Width

The route width (1,500-feet) originally proposed by the applicant is larger than the actual ROW needed for the Transmission line, and larger than route widths that are typically applied for with similar projects. The applicant explained that they are requesting the route width that is wide enough to provide flexibility to make alignment adjustments during the final design to work with landowners, to avoid sensitive natural resources, and to manage construction

constraints as needed.¹¹ Staff also refers Commissioners to the project maps in Appendix B of the application for further reference.¹² The ALJ highlighted the justification for the proposed route width in their report as exhibit 46 and 47.¹³ Staff notes that the ALJ recommended the Commission grant a site permit subject to the conditions discussed in the next section, none of which change the proposed route or right-of-way widths. If Commissioners are concerned with the newly proposed 1,000-foot size of the proposed route width Staff recommends inquiring with the applicant for more information.

ALJ Recommended Permit Conditions (see attached table 1)

The ALJ recommended the following special permit conditions be included in the route permit:

6.1 Calcareous Fen

Should any calcareous fens be identified within the Project area, ITC Midwest must work with DNR to determine if any impacts will occur during any phase of the Project. If the Project is anticipated to impact any calcareous fens, ITC Midwest must develop a Calcareous Fen Management Plan in coordination with the DNR, as specified in Minn. Stat. § 103G.223. Should a Calcareous Fen Management Plan be required, the approved plan must be submitted concurrently with the plan and profile.

6.2 Facility Lighting

For all new lighting installations at Project substations and facilities associated with substations, ITC Midwest shall utilize downlit and shielded lighting to reduce harm to birds, insects, and other animals. Lighting utilized shall minimize blue hue. ITC Midwest shall keep records of compliance with this condition and provide them upon the request of Commission staff.

6.3 Dust Control

To protect plants and wildlife from chloride products that do not break down in the environment, ITC Midwest is prohibited from using dust control products containing calcium chloride or magnesium chloride during construction and operation of the Project. ITC Midwest shall keep records of compliance with this condition and provide them upon the request of Commission staff.

6.4 Wildlife Friendly Erosion

ITC Midwest shall use only “bio-netting” or “natural netting” types of erosion control materials and mulch products without synthetic (plastic) fiber additives.

¹¹ [Environmental Assessment Section 3.2.1](#)

¹² [Appendix B Project Route Maps Part 1](#)

¹³ [ALJ Report Transmission Line Route Width](#)

6.5 Avian Protections (already included as 5.3.16)

ITC Midwest in cooperation with the DNR shall identify areas of the transmission line where bird flight diverters will be incorporated into the transmission line design to prevent large avian collisions attributed to visibility issues. Standard transmission design shall incorporate adequate spacing of conductors and grounding devices in accordance with Avian Power Line Interaction Committee standards to eliminate the risk of electrocution to raptors with larger wingspans that may simultaneously come in contact with a conductor and grounding devices. ITC Midwest shall submit documentation of its avian protection coordination with the plan and profile.

Exceptions

Both ITC Midwest and PUC EIP filed letters on October 2, 2025, indicating that they had no exceptions to the ALJ report.

Discussion

Staff recommends that the Commission adopt the ALJ report, with the exception of including a special condition on avian protection, because this conditions is already included in the draft permit. In doing so, the Commission would be approving the standard transmission line route permit and Special Conditions related to calcareous fens, facility lighting, dust control and wildlife friendly erosion.

Whether to Find the Environmental Assessment Complete

Staff agrees with the ALJ that the Environmental Assessment and the record created at the public hearings and during the subsequent comment period address the issues identified in the Scoping Decision. The Environmental Assessment includes the items required by Minn. R. 7850.3700, subpts. 3 and 4.

Whether to Issue a Route Permit

Staff agrees with the ALJ's conclusions that the procedural requirements and decision criteria set forth in Minn. Stat. § Ch. 216E and Minn. R. Ch. 7850 have been satisfied and that the Commission should issue a route permit to ITC Midwest LLC, for the approximately 8.5-mile long 161-kV high voltage transmission line and associated facilities. Staff further agrees with the PUC EIP (formerly EERA) and inclusion of special permit conditions recommended by the ALJ.

Staff notes that the proposed route permit attached to these briefing papers incorporates the special conditions recommended by the ALJ. If a permit is granted, it can be amended to include any additional modifications deemed appropriate by the Commission prior to issuance.

Staff has included a decision option that authorizes staff to correct typographic and formatting errors, improve consistency, and ensure agreement with the Commission's final order in the matter.

Decision Options

ALJ Report

1. Adopt the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommendation to the extent they are consistent with the Commission's decision. (Staff, applicant)

Environmental Assessment

2. Determine that the Environmental Assessment and the record created at the public hearings address the issues identified in the Scoping Decision. (CAH, Staff, applicant)

[Or, if the Commission does not select Option 2, it must identify the reasons and request that the Environmental Assessment be revised or supplemented.]

3. Determine that the Environmental Assessment and the record created at the public hearings do not address the issues identified in the Scoping Decision for the following reasons:

[identify the reasons] **and**

4. Request that PUC EIP (formerly EERA) prepare a supplement to the Environmental Assessment that addresses the identified deficiencies.

Route Permit

5. Issue the Proposed Route Permit attached to these briefing papers for the ITC Midwest, LLC, Forks Switching Station to Rost Substation project in Jackson County, Minnesota. (CAH, staff, applicant)
6. Do not issue a route permit.

Administrative

7. Delegate authority to the Executive Secretary to modify the Route Permit to correct any typographic and formatting errors, to reflect recent changes in energy infrastructure permitting legislation as applicable, and to ensure consistency with

the Commission's order.

Staff Recommendation: 1, 2, 5, 7

Proposed Special Permit Condition Table 1

ID	Issue	ALJ Report Finding	Sponsor	Location in Draft Permit	Recommended Permit Condition
P1	Calcerous Fen	206	DNR	6.1	Should any calcareous fens be identified within the Project area, ITC Midwest must work with DNR to determine if any impacts will occur during any phase of the Project. If the Project is anticipated to impact any calcareous fens, ITC Midwest must develop a Calcareous Fen Management Plan in coordination with the DNR, as specified in Minn. Stat. § 103G.223. Should a Calcareous Fen Management Plan be required, the approved plan must be submitted currently with the plan and profile.
P2	Facility Lighting	207	DNR	6.2	For all new lighting installations at Project substations and facilities associated with substations, ITC Midwest shall utilize downlit and shielded lighting to reduce harm to birds, insects, and other animals. Lighting utilized shall minimize blue hue. ITC Midwest shall keep records of compliance with this condition and provide them upon the request of Commission staff.
P3	Dust Control	208	DNR	6.3	To protect plants and wildlife from chloride products that do not break down in the environment, ITC Midwest is prohibited from using dust control products containing calcium chloride or magnesium chloride during construction and operation of the Project. ITC Midwest shall keep records of compliance with this condition and provide them upon the request of Commission staff.
P4	Wildlife-Friendly Erosion Control	209	DNR	6.4	ITC Midwest shall use only “bio-netting” or “natural netting” types of erosion control materials and mulch products without synthetic (plastic) fiber additives.
P5	Avian Protections	211	DNR	6.5 (ALJ proposed location) Included as 5.3.16 currently	ITC Midwest in cooperation with the DNR shall identify areas of the transmission line where bird flight diverters will be incorporated into the transmission line design to prevent large avian collisions attributed to visibility issues. Standard transmission design shall incorporate adequate spacing of conductors and grounding devices in accordance with Avian Power Line Interaction Committee standards to eliminate the risk of electrocution to raptors with larger wingspans that may simultaneously come in contact with a conductor and grounding devices. ITC Midwest shall submit documentation of its avian protection coordination with the plan and profile.