

**NOTICE OF COMMENT PERIOD ON APPLICATION COMPLETENESS
AND VARIANCE REQUEST**

Issued: August 18, 2023

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

PUC Docket Number: E-002/CN-23-200

Comment Period: Initial comment period closes **September 1, 2023** at 4:30pm
Reply comment period closes **September 8, 2023** at 4:30pm
Supplemental comment period closes **September 15, 2023** at 4:30pm

Comments received after the close of the comment period may or may not be considered by the Commission.

Topics Open for Comment:

- Does the certificate of need application contain the information required under Minn. R. 7849.0220, subp. 2?¹
- Are there any contested issues of fact with respect to the representations made in the application?
- Should the application be evaluated using the Commission's informal process or referred to the Office of Administrative Hearings for contested case proceedings?
- Should the Commission delegate administrative authority to the Executive Secretary to issue the Delegation of Authority to the Applicant for SHPO consultation as reflected in Attachment A of this notice?
- Should the Commission approve Xcel's Variance Request to not file 13 copies of this, and future, Certificate of Need applications with the Commission?
- What additional procedural processes should be applied to the review of the application?

¹ In an order issued on July 12, 2023 (Document ID [20237-197416-01](#)), the Commission exempted certain application data requirements and/or required alternative data.

Project Background: The proposed Project involves installing separate second 345 kV circuits on double-circuit-capable structures on the Western Segment and Eastern Segment, which were initially constructed as part of the Original Brookings Line (see Commission Docket 08-1474). The second circuit will be installed on the Western and Eastern Segments. The Lyon County – Helena segment was originally constructed with the second circuit installed.

The Western and Eastern Segments of the Project will, collectively, be approximately 98.5 miles long. The Western Segment is approximately 59.5 miles and will require reconfiguring an existing line at the Steep Bank Lake Substation to avoid the second circuit crossing the existing transmission line. This reconfiguration will involve adding one structure outside of the Steep Bank Lake Substation but within the existing right-of-way. The Eastern Segment is approximately 39 miles and will require rerouting around the Chub Lake Substation. The Company will construct two new dead-end structures on foundations on the south side of the Chub Lake Substation to avoid the second circuit having to go over the top of the Chub Lake Substation. The Company will also install eight new poles in the Eastern Segment to maintain the transmission line's low profile near an airport.

Xcel indicated that the Project is needed to relieve current transmission congestion in this area. The Company plans to place the Western Segment in service by September 1, 2024, and the Eastern Segment in service by September 15, 2025.

Filing Requirements: Utilities, telecommunications carriers, official parties, and state agencies are **required** to efile documents using the Commission's electronic filing system (eFiling). All parties, participants, and interested persons are encouraged to use eFiling at:
<https://www.edockets.state.mn.us/EFiling>

Submit Public Comments:

Online: <https://mn.gov/puc/get-involved/public-comments/>, and follow the instructions.

Email: consumer.puc@state.mn.us

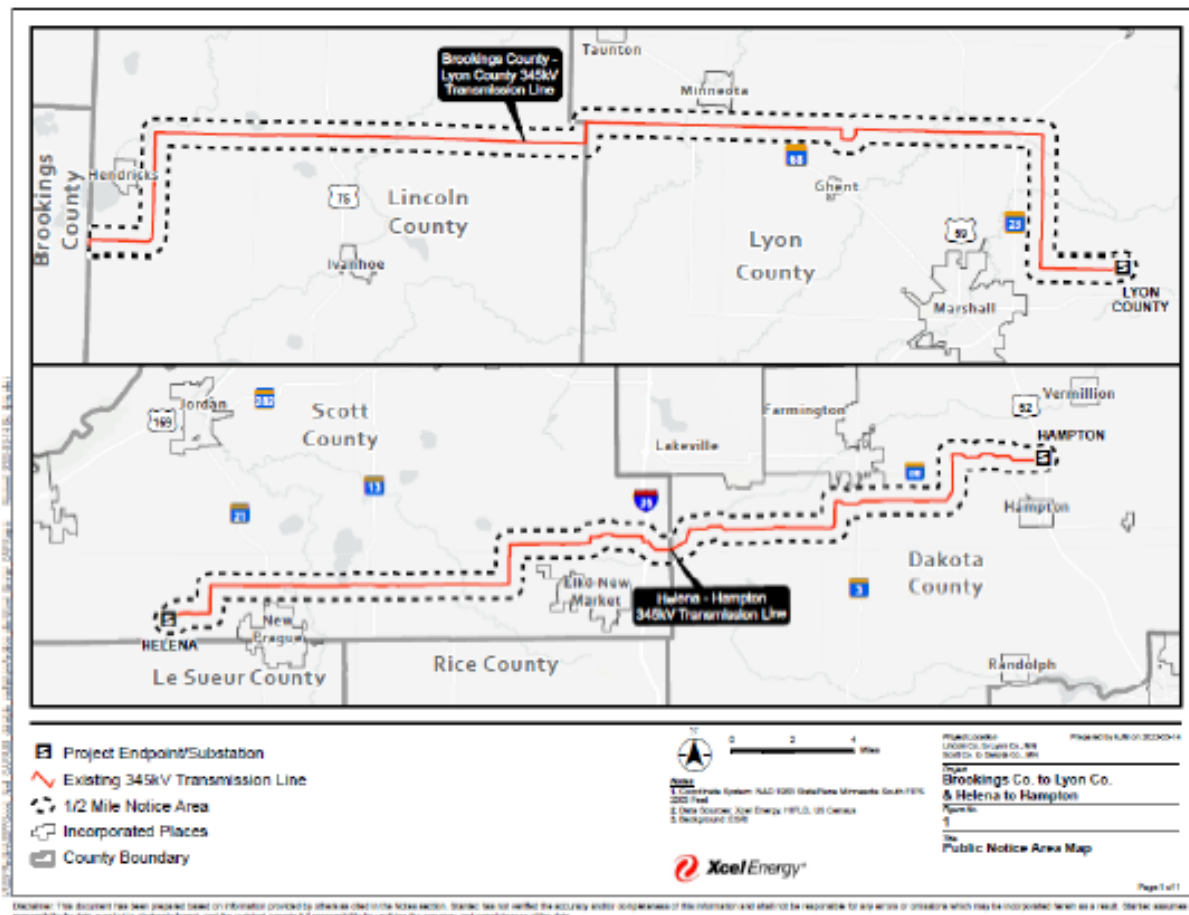
U.S. Mail: Consumer Affairs Office
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul MN 55101

Full Case Record: See all documents filed in this matter on the Commission's website at: mn.gov/puc/edockets, select *Go to eDockets Project Database*, enter the year (23) and the docket number (200), and select *Search*.

Subscribe: To receive email notification when new documents are filed in this matter visit:
<https://www.edockets.state.mn.us/EFiling> and select *Subscribe to Dockets*.

Questions about this docket or Commission process and procedure? Contact Commission staff,
Michael Kaluzniak, at mike.kaluzniak@state.mn.us or 651-201-2257.

Figure 1.1: Project Study Area



Change your mailing preferences: Email docketing.puc@state.mn.us or call Leesa Norton at 651-201-2246.

To request this document in another format such as large print or audio, call 651-296-0406 (voice). Consumers with a hearing or speech impairment may call using their preferred Telecommunications Relay Service or email consumer.puc@state.mn.us for assistance.

August 18, 2023

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

FROM: Will Seuffert
Executive Secretary
Minnesota Public Utilities Commission

Re: Delegation of Authority for Consultation under Minn. Stat. § 138.665; In the Matter of the Application of the Application for a Certificate of Need for the Proposed 345 kV Brookings County – Lyon County and Helena – Hampton Second Circuit; MPUC Docket 23-200.

Through this delegation, the Minnesota Public Utilities Commission (“Commission”) intends to formalize the role of the Commission, the Department of Commerce—Energy Environmental Review and Analysis (“DOC-EERA”), and the above listed Applicant for a Certificate of Need for a High-Voltage Transmission Line (as defined in Minn. Stat. § 216E.01, subd. 4) relative to the Commission’s statutory responsibilities under Minn. Stat. § 138.665 to consult with the State Historic Preservation Office (SHPO).

In order to streamline the Commission's compliance with Minn. Stat. § 138.665, the Commission hereby authorizes the Applicant to initiate consultation with SHPO pursuant to Minn. Stat. § 138.665. Effective immediately, the Applicant and its authorized representatives may consult with SHPO to initiate review and consultation. Specifically, the Applicant is authorized to gather information to identify, and reevaluate if warranted, designated historic properties, and to work in coordination with other interested entities, including Tribal Nations and DOC-EERA, to assess the effects of proposed projects on designated historic properties as described in Minn. Stat. § 138.665. As appropriate, as part of its environmental review, DOC-EERA will coordinate with SHPO in evaluating the potential effect of alternative sites and routes on historic properties as described in Minn. Stat. § 138.665.

The Commission sits in a quasi-judicial capacity and makes siting and routing decisions based solely on the administrative record developed and the comments and information submitted by the parties and participants to Commission proceedings. The Commission is also subject to Minnesota's Open Meeting Law, Minn. Stat. Ch. 13D, which requires that Commission meetings be open to the public and the record be publicly available. Ex parte communications with Commissioners are prohibited, and Commissioners hear from interested entities and people on-the-record, either through written filings or at agenda meetings that are open to the public.

Accordingly, at the time the Applicant submits its prehearing testimony prior to the public hearing on the project, the Applicant shall file a compliance filing informing the Commission of the status of consultation with SHPO. This compliance filing should demonstrate that consultation has occurred, whether the proposed project will affect designated properties, and if so, identify any permit terms and conditions agreed upon by the applicant and SHPO to avoid or mitigate any adverse effects on the designated or listed properties. The Applicant should attach to its compliance filing a letter obtained from SHPO confirming that consultation has occurred and detailing any comments, concerns, and/or recommendations regarding the project from SHPO. If SHPO objects to the proposed project, this letter should detail SHPO's objection and any proposed permit terms and conditions that, if adopted, would resolve its objection. If SHPO's objection cannot be addressed through appropriate permit terms and conditions, the SHPO may request mediation as provided for in Minn. Stat. § 138.665.

Notwithstanding this delegation of authority, the Commission retains ultimate responsibility for consultation under Minn. Stat. § 138.665 and for determining whether to permit the high-voltage transmission line.

If you have any questions, please contact Michael Kaluzniak at Mike.Kaluzniak@state.mn.us or 651-201- 2257.

CERTIFICATE OF SERVICE

I, Mai Choua Xiong, hereby certify that I have this day, served a true and correct copy of the following document to all persons at the addresses indicated below or on the attached list by electronic filing, electronic mail, courier, interoffice mail or by depositing the same enveloped with postage paid in the United States mail at St. Paul, Minnesota.

Minnesota Public Utilities Commission

**NOTICE OF COMMENT PERIOD ON APPLICATION COMPLETENESS AND VARIANCE
REQUEST**

Docket Number **E002/CN-23-200**

Dated this 18th day of August, 2023

/s/ Mai Choua Xiong

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Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	OFF_SL_23-200_CN-23-200
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