

October 10, 2025

**VIA E-FILING**

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

The Honorable Suzanne Todnem  
Court of Administrative Hearings  
600 North Robert Street  
P.O. Box 64620  
St. Paul, MN 55164-0620

**Re: In the Matter of the Application for a Certificate of Need and Route Permit for the Appleton to Benson 115 Kilovolt Transmission Line Project.  
MPUC Docket Nos. ET2,E017,ET6135,E100/CN-24-263 and TL-24-264**

Dear Ms. Bergman and Judge Todnem:

Great River Energy, Otter Tail Power Company (Otter Tail Power), Western Minnesota Municipal Power Agency (Western Minnesota), Agralite Electric Cooperative (Agralite), and the City of Benson (together, Applicants) respectfully submit these comments in response to the oral comments made at the public hearings held on September 3 and 4, 2025, and the written public comments submitted during the public comment period ending September 30, 2025, on the Applicants' Joint Application for a Certificate of Need and Route Permit (Application) for the Appleton to Benson 115 kilovolt Transmission Line Project (Project) in Swift County, Minnesota.

During the comment period, written comments were submitted by the U.S. Fish and Wildlife Service (USFWS), the Minnesota Department of Natural Resources (MDNR), the interagency Vegetation Management Planning Working Group (VMPWG), and the Minnesota Department of Commerce, Division of Energy Resources (DER). The Applicants appreciate these agencies' participation in this docket and the opportunity to offer this response. The Applicants respond to USFWS' comments in Section I below; in Section II, the Applicants respond to MDNR's comments. Section III includes a response to other comments submitted during the comment period.

As an initial matter, the record demonstrates that the Project addresses a critical need for the local area, and it has been thoughtfully designed and routed to avoid and/or minimize human and environmental impacts to the greatest extent practicable. The Project makes efficient use of existing right-of-way while minimizing adverse human and environmental impacts, and, overall, the Project complies with the Minnesota Public Utilities Commission's (Commission) routing criteria.

**I. Response to USFWS Comments**

USFWS submitted written comments dated September 9, 2025.<sup>1</sup> USFWS' comments suggest measures and best management practices (BMPs) to minimize the impact on wildlife,

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<sup>1</sup> USFWS Comments (September 9, 2025) (eDocket No. [20259-222913-01](#)).

migratory birds, and sensitive species. The Applicants appreciate USFWS' review of the Project and its recommendations. Many of the measures USFWS suggests are measures that the Applicants have already committed to implement.<sup>2</sup> The Applicants will continue to coordinate with USFWS to implement measures to the extent practicable to minimize the Project's environmental impact.

## **II. Response to MDNR Comments**

MDNR submitted written comments on September 19, 2025, regarding a natural heritage review, avian flight diverters, trails, vegetation management, facility lighting, dust control, wildlife-friendly erosion control, and additional MDNR permits.<sup>3</sup>

### *1. Natural Heritage Review*

MDNR recommends inclusion of a special condition that the Applicants comply with applicable requirements related to state-listed endangered and threatened species in accordance with Minnesota's Endangered Species Statute. The Applicants will follow applicable state law in constructing the Project.

MDNR also supports inclusion of a condition related to Blanding's Turtle. This is Special Condition No. 6.2 in the Draft Route Permit, and states:

The Permittees must work with DNR to develop a Blanding's Turtle avoidance plan for those portions of the project DNR determines applicable for the project. The avoidance plan must include measures to be taken to minimize disturbance to the species and seasonal maps of disturbance areas overlayed with the timing of project impacts.

The Applicants believe that this condition as proposed is overly broad and inconsistent with MDNR requirements and recommendations made in this docket. First, the MDNR's January 14, 2024 MCE Correspondence # 2023-00817 does not require an avoidance plan. Rather, it requires an applicant to implement avoidance measures.<sup>4</sup> The Applicants instead proposed a new Special Condition 6.2 to more closely reflect MDNR's guidance and comments filed in this docket and included in a prior route permit:<sup>5</sup>

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<sup>2</sup> See, e.g., Ex. APP-5 (Application) at 99 (using tracking mats to minimize vehicle track of soil from the ROW); 124 (using native seed varieties during revegetation); 134 (revegetating disturbed soil with native species suitable to the local habitat as soon after construction as possible).

<sup>3</sup> MDNR Comments (September 19, 2025) (eDocket No. [20259-223187-01](#)).

<sup>4</sup> See MDNR January 18, 2024 Correspondence # MCE 2023-00817.

<sup>5</sup> See *In the Matter of the Application of Great River Energy for a Route Permit for the 115-kV Pilot Knob to Burnsville Rebuild and Upgrade Project in Dakota County, Minnesota*, MPUC Docket No. ET2/TL-23-410, Order Adopting Administrative Law Judge Report and Issuing Route Permit as Revised (hereafter Pilot Knob Order), Condition No. 6.9 (Dec. 27, 2024).

The Permittee will comply with applicable Minnesota Department of Natural Resources requirements related to the Blanding's turtle. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.<sup>6</sup>

## *2. Avian Flight Diverters*

MDNR recommends inclusion of a permit condition requiring the use of avian flight diverters and to coordinate with the DNR to determine optimal placement after the route is finalized. The Applicants do not object to the proposed condition and note that it is already included in Section 5.3.16 of the Draft Route Permit.

## *3. Trails*

MDNR's comments discuss the Project's potential impacts to grants-in-aid snowmobile trails and the Pomme de Terre River trail, a state water trail. As noted in the Environmental Assessment (EA) and Application, if construction activities impact any snowmobile trails, the Applicants may need to temporarily close or reroute access to these trails. In such case, the Applicants will coordinate with the trail associations regarding any trail closures to mitigate impacts by assisting in finding alternate routes.<sup>7</sup> The Applicants also do not anticipate direct impacts to watercourses, and do not anticipate disrupting recreational activities along the state water trails.<sup>8</sup> The Applicants will coordinate with the MDNR if activity or access to the Pomme de Terre River trail will be impacted.

In addition, sections 5.3.7 and 5.3.10 of the Draft Route Permit include conditions related to the aesthetic impact and vegetation management in certain areas including trails.

## *4. Vegetation Management*

MDNR's comments on vegetation management relate to vegetation management in floodplains, tree clearing timing, and the development of a vegetation management plan (VMP). Regarding floodplains, MDNR supports a draft permit condition to minimize vegetation removal to the extent practicable at stream crossings. Section 5.3.10 of the Draft Route Permit requires the Permittees to "minimize the number of trees to be removed in selecting the right-of-way specifically preserving to the maximum extent practicable windbreaks, shelterbelts, living snow fences, and vegetation in areas such as trail and stream crossings where vegetative screening may minimize aesthetic impacts, to the extent that such actions do not violate sound engineering principles or system reliability criteria." The Applicants have no objection to this condition.

MDNR also supports Special Condition No. 6.8 regarding bat protection:

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<sup>6</sup> See also Ex. APP-35 at 4-5 (Applicants Comments regarding EA).

<sup>7</sup> Ex. APP-5 at 105-06 (Application); Ex. PUC-8 at 42 (EA).

<sup>8</sup> Ex. APP-5 at 105 (Application).

The applicants will avoid tree removal from June 1 through August 15 to avoid impacts to roosting northern long-eared bats.

The Applicants previously proposed a revision to this condition to reflect that USFWS is the agency responsible for the protected species, and that USFWS guidance has changed over time and may continue to do so.<sup>9</sup> The Applicants' proposed revision is consistent with other recent route permits issued by the Commission:<sup>10</sup>

The Permittees will coordinate with the U.S. Fish and Wildlife Service regarding the timing of tree clearing and any other conservation measures to mitigate impacts to Northern Long-Eared Bat. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

The Applicants maintain that their revised special condition on tree clearing and bat protection is sufficient to minimize impact to roosting northern long-eared bats.

MDNR also notes it supports Special Condition No. 6.9 regarding the VMP. The Applicants have no objection to this special condition.

##### *5. Facility Lighting*

MDNR supports the Draft Route Permit condition requiring the Applicants to utilize downlit and shielded lighting with minimal blue hue to reduce harm to birds, insects, and other

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<sup>9</sup> See also Ex. APP-35 at 7 (Applicants Comments regarding EA).

<sup>10</sup> See, e.g., *In the Matter of the Application of Great River Energy for a Route Permit for the 115-kV Pilot Knob to Burnsville Rebuild and Upgrade Project in Dakota County, Minnesota*, MPUC Docket No. ET2/TL-23-410, Order Adopting Administrative Law Judge Report and Issuing Route Permit as Revised, Condition No. 6.8 (Dec. 27, 2024); *In the Matter of the Application of Great River Energy for a Route Permit for the Reroute of the 115-kV Cedar Lake Transmission Line Project in Scott and Rice Counties*, MPUC Docket No. ET-2/TL-23-170, Order Adopting Administrative Law Judge Report and Issuing Route Permit at Condition No. 6.1 (June 7, 2024); *In the Matter of the Application of Great River Energy for a Route Permit to Rebuild the Existing 69 kV ST-WW Transmission Line to 115 kV in Stearns County, Minnesota*, MPUC Docket No. ET-2/TL-22-235, Order Adopting Administrative Law Judge Report and Issuing Route Permit at Condition No. 6.2 (Oct. 23, 2023); *In the Matter of the Application of Great River Energy and Otter Tail Power Company for a Route Permit for the Frazee to Erie 115 kV Transmission Line Project in Becker and Otter Tail Counties*, MPUC Docket No. E-T2/TL- 20-423, Order Adopting Administrative Law Judge Report and Issuing Route Permit at Condition No. 6.5 (Dec. 17, 2021); *In the Matter of the Application of Dodge County Wind, LLC for a Certificate of Need, a Site Permit, and a Route Permit for the up to 252 MW Large Wind Energy Conversion System and Associated 161 kV Transmission Line in Dodge, Mower, and Steele Counties, Minnesota*, MPUC Docket No. IP-6981/CN-20-865, IP-6981/WS20-866; IP-6981/TL-20-867, Order Granting Certificate of Need, Issuing Site Permit, and Issuing Route Permit at Condition No. 6.8 (June 4, 2024).

animals. This is Special Condition No. 6.3 in the Draft Route Permit.<sup>11</sup> The Applicants have previously indicated they have no objection to inclusion of this special condition.<sup>12</sup>

#### *6. Dust Control*

MDNR supports the Draft Route Permit condition requiring the Applicants to avoid dust control products containing calcium chloride or magnesium chloride during construction and operation. This is Special Condition No. 6.4 in the Draft Route Permit.<sup>13</sup> The Applicants have previously indicated they have no objection to inclusion of this special condition.<sup>14</sup>

#### *7. Wildlife-Friendly Erosion Control*

MDNR supports the Draft Route Permit condition requiring the Applicants to use “bionetting” or “natural netting” types of erosion control. This is Special Condition No. 6.5 in the Draft Route Permit.<sup>15</sup> The Applicants have previously indicated they have no objection to inclusion of this special condition.<sup>16</sup>

#### *8. MDNR Permits*

MDNR notes that a water appropriation permit and a utility license may need to be obtained depending on final Project construction. The Applicants will obtain necessary permits and approvals from MDNR for the route selected by the Commission.

### **III. Response to Other Comments**

#### **A. Response to Comments at Public Hearings**

On September 3, 2025, in-person public hearings were held in Appleton, Minnesota, and Benson, Minnesota. Three members of the public asked questions during the Appleton public hearing related to routing, impact on irrigation, land acquisition, and potential impact on wildlife. One commenter asked a question during the Benson public hearing related to potential outages during Project construction. On September 4, 2025, a virtual public hearing was held via WebEx. One member of the public asked questions regarding the Project’s right-of-way, construction procedures, and land acquisition. The Applicants responded to questions at the public hearings, as applicable.

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<sup>11</sup> Ex. PUC-8 at Appendix C (EA, Draft Route Permit).

<sup>12</sup> Ex. APP-35 at 3.

<sup>13</sup> Ex. PUC-8 at Appendix C (EA, Draft Route Permit).

<sup>14</sup> Ex. APP-35 at 3.

<sup>15</sup> Ex. PUC-8 at Appendix C (EA, Draft Route Permit).

<sup>16</sup> Ex. APP-35 at 3.

**B. Response to Other Written Comments**

*1. VMPWG*

The VMPWG submitted comments on the Project's VMP on September 30, 2025.<sup>17</sup> The Applicants appreciate the VMPWG's feedback and will work with the VMPWG regarding the Project's VMP.

*2. DER*

DER filed comments on September 30, 2025.<sup>18</sup> DER's comments evaluated the merits of the Application's satisfaction of Certificate of Need criteria. DER concluded that the Application satisfies requirements of relevant statutes and rules; that the Project is needed to reliably serve load in the local area, that the probable result of denial would be an adverse effect upon the future adequacy, reliability, or efficiency of energy supply to the Applicants, to the Applicants' customers, and to the people of Minnesota and neighboring states; and that there is not a more feasible and prudent alternative to the Project. The Applicants filed comments responding to DER on October 8, 2025, in accordance with the Second Prehearing Order.<sup>19</sup>

These comments have been e-filed through [www.edocket.state.mn.us](http://www.edocket.state.mn.us). A copy of this filing is also being served upon the persons on the Official Service List of record. Please let me know if you would like to have further conversation after receipt of this correspondence.

Sincerely,

*/s/ Haley Waller Pitts*

Haley L. Waller Pitts  
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<sup>17</sup> VMPWG Comments (September 30, 2025) (eDocket No. [20259-223416-01](#)).

<sup>18</sup> DER Comments (September 30, 2025) (eDocket No. [20259-223398-01](#)).

<sup>19</sup> See Applicants' Reply Comments to DER (October 8, 2025) (eDocket No. [202510-223699-01](#)); Second Prehearing Order (August 25, 2025) (eDocket No. [20258-222393-01](#)).

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**CERTIFICATE OF SERVICE**

Breann L. Jurek certifies that on the 10<sup>th</sup> day of October, 2025, she e-filed on behalf of Applicants, a true and correct copy of their Reply to Public Hearing Comments, with the Minnesota Public Utilities Commission via eDockets ([www.edockets.state.mn.us](http://www.edockets.state.mn.us)). Said documents were also served on the Official Service Lists of record on file with the Minnesota Public Utilities Commission and as attached hereto.

Executed on: October 10, 2025

*Signed: /s/ Breann L. Jurek*

Fredrikson & Byron, P.A.  
60 South Sixth Street  
Suite 1500  
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#	First Name	Last Name	Email	Organization	Agency	Address	Delivery Method	Alternate Delivery Method	View Trade Secret	Service List Name
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3	Generic	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General - Department of Commerce		445 Minnesota Street Suite 1400 St. Paul MN, 55101 United States	Electronic Service		Yes	24-263CN-24-263
4	Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce		85 7th Place E Ste 280 Saint Paul MN, 55101-2198 United States	Electronic Service		No	24-263CN-24-263
5	Thomas	Hoffman	thoffman@agralite.com	Agralite Electric Cooperative		320 Highway 12 SE Benson MN, 56215 United States	Electronic Service		No	24-263CN-24-263
6	Breann	Jurek	bjurek@fredlaw.com	Fredrikson & Byron PA		60 S Sixth St Ste 1500 Minneapolis MN, 55402 United States	Electronic Service		No	24-263CN-24-263
7	Kris	Koch	kkoch@otpco.com	Otter Tail Power Company		215 S. Cascade Street Fergus Falls MN, 56537 United States	Electronic Service		No	24-263CN-24-263
8	Stephen	Kowal	skowal@bensonmnlaw.com	Wilcox Law Office, P.A.		1150 Wisconsin Avenue Benson MN, 56215 United States	Electronic Service		No	24-263CN-24-263
9	David C.	McLaughlin	dmclaughlin@fluegellaw.com	Western Minnesota Municipal Power Agency		129 2nd Street Ortonville MN, 56278 United States	Electronic Service		No	24-263CN-24-263
10	Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General - Residential Utilities Division		1400 BRM Tower 445 Minnesota St St. Paul MN, 55101-2131 United States	Electronic Service		Yes	24-263CN-24-263
11	Will	Seuffert	will.seuffert@state.mn.us	Public Utilities Commission		121 7th Pl E Ste 350 Saint Paul MN, 55101 United States	Electronic Service		Yes	24-263CN-24-263
12	Mark	Strohfus	mstrohfus@greenergy.com	Great River Energy		12300 Elm Creek Boulevard Maple Grove MN, 55369-4718 United States	Electronic Service		No	24-263CN-24-263
13	Haley	Waller Pitts	hwallerpitts@fredlaw.com	Fredrikson & Byron, P.A.		60 S Sixth St Ste 1500 Minneapolis MN, 55402-4400 United States	Electronic Service		No	24-263CN-24-263

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2	Cody M.	Bauer	cbauer@fredlaw.com	Fredrikson & Byron, P.A.		60 South 6th Street, Suite 1500 Minneapolis MN, 55402 United States	Electronic Service		No	24-264TL-24-264
3	Generic	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General - Department of Commerce		445 Minnesota Street Suite 1400 St. Paul MN, 55101 United States	Electronic Service		Yes	24-264TL-24-264
4	Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce		85 7th Place E Ste 280 Saint Paul MN, 55101-2198 United States	Electronic Service		No	24-264TL-24-264
5	Thomas	Hoffman	thoffman@agralite.com	Agralite Electric Cooperative		320 Highway 12 SE Benson MN, 56215 United States	Electronic Service		No	24-264TL-24-264
6	Breann	Jurek	bjurek@fredlaw.com	Fredrikson & Byron PA		60 S Sixth St Ste 1500 Minneapolis MN, 55402 United States	Electronic Service		No	24-264TL-24-264
7	Kris	Koch	kkoch@otpc.com	Otter Tail Power Company		215 S. Cascade Street Fergus Falls MN, 56537 United States	Electronic Service		No	24-264TL-24-264
8	Stephen	Kowal	skowal@bensonmnlaw.com	Wilcox Law Office, P.A.		1150 Wisconsin Avenue Benson MN, 56215 United States	Electronic Service		No	24-264TL-24-264
9	David C.	McLaughlin	dmclaughlin@fluegellaw.com	Western Minnesota Municipal Power Agency		129 2nd Street Ortonville MN, 56278 United States	Electronic Service		No	24-264TL-24-264
10	Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General - Residential Utilities Division		1400 BRM Tower 445 Minnesota St St. Paul MN, 55101-2131 United States	Electronic Service		Yes	24-264TL-24-264
11	Will	Seuffert	will.seuffert@state.mn.us	Public Utilities Commission		121 7th Pl E Ste 350 Saint Paul MN, 55101 United States	Electronic Service		Yes	24-264TL-24-264
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