

September 27, 2022

**VIA ELECTRONIC FILING**

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

Re: 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, MN  
MPUC Docket No. ET2/TL-22-235

Dear Mr. Seuffert:

Great River Energy respectfully submits these reply comments concerning the completeness of Great River Energy's Application for a Route Permit ("Application") to rebuild the existing 69-kilovolt ("kV") ST-WW transmission line to 115-kV (the "Project").

Great River Energy appreciates the opportunity to submit these comments, as well as the engagement of the City of St. Cloud, MNDOT, MDNR, and EERA. Great River Energy looks forward to progressing with the development of this record to identify the appropriate route for this reliability- and resiliency-driven rebuild Project.

These comments have been e-filed today through [www.edockets.state.mn.us](http://www.edockets.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 have any questions regarding this filing.

Sincerely,

FREDRIKSON & BYRON, P.A.

*/s/ Haley L. Waller Pitts*

Haley L. Waller Pitts  
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Enclosures

**STATE OF MINNESOTA  
BEFORE THE  
PUBLIC UTILITIES COMMISSION**

Katie Sieben	Chair
Valerie Means	Commissioner
Matthew Schuerger	Commissioner
Joseph K. Sullivan	Commissioner
John A. Tuma	Commissioner

**In the Matter of the Application of Great River Energy for a Route Permit to Rebuild the Existing 69kV ST-WW Transmission Line to 115kV in Stearns County, Minnesota**

MPUC Docket No. ET2/TL-22-235

**GREAT RIVER ENERGY'S REPLY COMMENTS**

**INTRODUCTION**

Great River Energy submits these reply comments concerning the completeness of Great River Energy's Application for a Route Permit ("Application") to rebuild the existing 69-kilovolt ("kV") ST-WW transmission line to 115-kV (the "Project"). As described further in the Application, the Project is an approximately 3.2-mile rebuild of an existing line that will complete Great River Energy's upgrade of the St. Joseph area to a 115-kV transmission system and loop that system. The Project is expected to cost approximately \$6.4 million and is located in St. Joseph Township, the City of St. Joseph, and St. Wendell Township in Stearns County, Minnesota.

During the initial comment period on the Application's completeness, comments were submitted by the City of St. Cloud, Minnesota Department of Natural Resources ("MDNR"), Minnesota Department of Transportation ("MNDOT"), and the Department of Commerce, Energy Environmental Review and Analysis ("EERA"). Great River Energy responds to these comments, in turn, below. Great River Energy agrees with and appreciates EERA's conclusion that it believes the Application is complete based on the Commission's completeness criteria. Although EERA

identifies additional information it would like included in this record, EERA's request for more data is a matter of record development, not completeness. None of the other commenters addressed the Application's completeness. Accordingly, Great River Energy respectfully requests that the Commission accept the Application as complete and allow record development to proceed.

## **COMMENTS**

### **I. City of St. Cloud**

The City of St. Cloud submitted comments on September 8, 2022, noting that it supports Great River Energy's current proposal for the Project alignment to remain west of 73rd Avenue North and requested that an alignment that accommodates future potential road widening along 73rd Avenue North be considered in this record. Great River Energy appreciates the City of St. Cloud's participation in this docket and has reached out to the City of St. Cloud and the City of St. Joseph (in which the Project is proposed to be located) for additional detail concerning the timing and scope of the referenced road improvements, including regarding any impacts on Great River Energy's existing facilities.<sup>1</sup> Consistent with the Commission's well-established process, Great River Energy anticipates that the City's recommended alignment will be considered in the forthcoming scoping for this Project and be included in the Environmental Assessment ("EA"). Great River Energy will coordinate with EERA to provide the information needed for such analysis, as applicable.

### **II. MNDOT**

MNDOT submitted comments on September 20, 2022, concerning Great River Energy's coordination regarding the Project. MNDOT noted that Great River Energy is typically

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<sup>1</sup> Great River Energy coordinated extensively with the City of St. Joseph prior to filing the Application and also provided a pre-application open house notice to the City of St. Cloud.

“impressively proactive in coordinating” with MNDOT but noted there was not a similar level of pre-application coordination for this Project. This lack of earlier coordination was unfortunately caused by human error. When Great River Energy sent out its standard pre-application consultation letters to agencies and stakeholders in this case (like it has for prior projects), there was an error in the MNDOT representative’s mail station in the pre-application open house notice mailing. Great River Energy regrets this and has reached out to discuss the Project further with MNDOT.

As MNDOT notes in its comments, the Project does not intersect or parallel state trunk highway right-of-way, but, as stated by the City of St. Cloud, there may be future road widening projects in the area. Great River Energy has existing transmission line easements within the proposed expanded road right-of-way but had not been made aware of any future plans that may impacts its facilities. When Great River Energy is made aware of future road improvements with respect to its existing transmission lines, it is common practice to coordinate with road authorities. Great River Energy appreciates MNDOT raising such plans in its comments and will coordinate with the City of St. Cloud, MNDOT, and EERA so that an alignment or route width that accommodates future road widening can be studied in the EA.

### **III. MDNR**

In its comments, MDNR discussed pre-application coordination and additional information to inform route alternatives and permit conditions. With respect to pre-application coordination, as explained previously, Great River Energy undertook its typical pre-submission engagement with respect to this Project. Specifically, for example, as is its practice for prior projects, Great River Energy: provided MDNR staff with notice of its open house and a Project fact sheet, including an offer to provide additional information; coordinated with agency staff regarding a National Heritage Information System (“NHIS”) review; and engaged in additional

correspondence with staff prior to submitted the Application. Great River Energy understands that MDNR has recently changed its processes regarding NHIS review (to use the Minnesota Conservation Explorer tool) and has reached out to MDNR to seek additional information regarding how MDNR would like utilities to coordinate on this Project and future projects.

With respect to MDNR's comment concerning additional information, MDNR recommends pole placement information. As discussed further in Section IV below, Minnesota's routing framework and policies aim to foster route and design flexibility to allow for changes to accommodate stakeholder input. Accordingly, Great River Energy has not provided pole placements in prior applications, nor is it generally the practice of utilities to include pole locations at this stage of the process. Great River Energy will continue to coordinate with MDNR as this Project proceeds to provide additional information and incorporate MDNR feedback.

#### **IV. EERA**

Great River Energy appreciates EERA's conclusion that, "[b]ased on completeness criteria, the application is complete." Despite EERA's conclusion that the Application contains the criteria required by the Commission's rules, EERA asserts that Great River Energy should be required to "supplement the record with additional information in the form of an amended [route] permit application" before accepting the Application as complete.<sup>2</sup> Given that EERA has concluded that the Application meets the Commission's completeness criteria, as set forth in Minn. R. Ch. 7850, it is unclear why an amended route permit application is appropriate or required. The Commission's rules have specific application content requirements, and Great River Energy (and

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<sup>2</sup> EERA's ultimate conclusion is that the Application is complete. Great River Energy notes that EERA also recommends that the Commission accept the Application as complete only upon the submission of additional information. (*Compare* EERA Cover Letter *with* EERA Recommendation.)

other applicants) rely upon these rules to prepare applications and plan for projects. Requiring information not identified in the rules to be provided as a condition of completeness introduces significant uncertainty into the Commission's process. Where EERA and others want additional information, they can, as they have in prior dockets, request it of the applicant during the proceeding. Great River Energy will coordinate with EERA to provide information to support EERA's preparation of an EA as this proceeding progresses.

Great River Energy believes the Application is complete and that no further submissions should be required for completeness nor should completeness be conditioned upon the filing of additional information that EERA acknowledges is beyond what is contained in the rules. Great River Energy's responses to EERA's recommendations are provided below in italics, followed by Great River Energy's response.<sup>3</sup>

*1. Require the applicant to identify preliminary pole placements within the ROW and visual simulations of the project:* Chapter 7850 does not require an applicant to identify pole placements in a route permit application, and Great River Energy is not aware of the Commission previously requiring this information for completeness. Great River Energy has not identified preliminary pole placements in prior route permit applications, nor have most other utilities in similar proceedings. Rather, Great River Energy (and other utilities) typically identify pole placements in a pre-construction compliance filing within the route approved by the Commission. Given that the Commission process is used to develop routes and identify, avoid, minimize, and mitigate potential

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<sup>3</sup> Great River Energy responds here to the specific recommendations identified in EERA's comments, but notes that EERA's more general comments identified certain other categories of information for further development in this record (including, for example, a parcel which EERA has identified as having restored prairie habitat). Because EERA has not identified these items as specific recommendations regarding completeness, Great River Energy does not address those issues here and, instead, looks forward to coordinating with EERA to further develop the record in this docket.

impacts, identifying preliminary pole placements would be burdensome because such locations would almost certainly change as a result of the Commission's process. Further, identifying preliminary pole placements without consultation with land owners, typically conducted during the permitting process and easement acquisition, could result in significant confusion and potential angst among landowners should the final pole locations be different.

With respect to visual simulations, they are not typically included in route permit applications, particularly for a project of this length and size, and Great River Energy is not aware of the Commission previously requiring this information for completeness. For comparison purposes for scoping and the EA, Great River Energy can provide an illustration comparing the existing structures to the structures proposed to be used for this Project.

*2. Require the applicant to explain land rights and easements and any potential conflicts with other planned infrastructure projects, specifically those identified by the City of St. Cloud.* As explained in the Application, because the Project will be an approximately three-mile rebuild of existing facilities, Great River Energy does have easements along the right-of-way proposed for the Project. However, because the Project will be 115-kV (as compared to the existing 69-kV line), and because some adjustments to the centerline may be required due to landowner preferences or other constraints, it is possible that Great River Energy will need to acquire additional land rights for the Project. The Company will know what additional land rights may be needed once a final route is approved. It is not clear what additional information is requested by EERA, particularly given that the Commission has not traditionally dealt with land rights issues. With respect to other planned infrastructure projects, as explained previously, Great River Energy has reached out to the cities of St. Cloud and St. Joseph and MNDOT to understand further details about timing and scope of any projects (including any impacts on Great River Energy's existing facilities in that

corridor), and the Company is committed to coordinating with EERA to ensure that the impact of any such project on routing can be studied in the EA.

*3. Require the applicant to coordinate with MnDOT on potential impacts of the project on proposed transportation projects and road rights-of-way.* As discussed in Section II, Great River Energy had reached out to MNDOT and will continue to coordinate with the agency going forward, as it has done for prior projects.

*4. Require the applicant to coordinate with MDNR regarding potential impacts of the project on natural resources and timing of submission of the DNR Natural Heritage Information System review.* As discussed in Section III, Great River Energy has reached out to MDNR, including with respect to gaining a better understanding of the agency's new NHIS process, and will continue to do so going forward, just as it has done for prior projects.

*5. Require the applicant to coordinate with the City of St. Cloud regarding pole placement, substation expansion, and right-of-way concerns.* As discussed in Section I, Great River Energy has reached out to the City of St. Cloud regarding its future plans and will coordinate going forward. Great River Energy notes that it will also continue coordination with the City of St. Joseph (in which the Project along 73rd Avenue will be located), as well.

*6. Require the applicant to provide additional discussion of the existing pipeline in the area, potential impacts, avoidance, and mitigation.* The Application indicates that there is a natural gas pipeline in the Project area that will be crossed by the Project. Consistent with standard practices on other projects, Great River Energy will identify the specific locations of pipelines and other existing utilities during survey activities. Great River Energy further explained that “[n]o structure locations will be placed on or near existing utilities, including the natural gas pipeline.”<sup>4</sup>

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<sup>4</sup> Application at 7-14.



To the extent EERA requests additional information concerning this pipeline for preparation of the EA, Great River Energy will endeavor to provide such information.

*7. Require the applicant to update the Minn. R. 7850.1900, subp. 3 language in their completeness checklist for accuracy.* Great River Energy has compared the Application's completeness checklist to the referenced rule and requests clarification from EERA because Great River Energy is unable to determine what EERA would like to be updated.

*8. Require the applicant to provide information on climate adaptation and resiliency for the proposed project.* The Project itself is intended to improve reliability and resiliency in the area.<sup>5</sup>

In addition, as explained in the Application:

Great River Energy is actively assessing risks to the reliable operation of its transmission system from the potential impacts of climate change (extreme weather events such as high winds and excessive rainfall) and is working on opportunities to mitigate those risks. Over the last three years, Great River Energy has invested over \$67M in transmission resiliency improvement projects.<sup>6</sup>

Because these are not issues contemplated by the current rules, Great River Energy will work with EERA to obtain additional guidance regarding what additional information regarding climate adaptation and resiliency EERA would like to analyze for the EA.

*9. Require the applicant to provide additional information as needed to prepare the EA, such as describing dead end structures, including the height range for the vegetation removal clear zone, and referencing which equations were used to calculate greenhouse gas emissions.* Great River Energy is committed to coordinating with EERA regarding its preparation of the EA, as the Company has done in prior projects. Great River Energy further notes that the Application includes

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<sup>5</sup> Application at 1-9.

<sup>6</sup> Application at 7-23.

information concerning dead end structures.<sup>7</sup> In addition, Section 6.5 of the Application explains that “[t]he area below the outer conductors plus 10 to 15 feet (the ‘wire zone’ or ‘clear zone’) is cleared of all shrubs and trees to ensure maintenance trucks can access the line and no vegetation interferes with the safe operation of the transmission line.”<sup>8</sup> With respect to greenhouse gas emission calculations, as described in the Application, Great River Energy used methodologies consistent with calculating emissions as discussed by the U.S. Environmental Protection Agency in its *Compilation of Air Emission Factors* and in conjunction with the factors identified in 40 CFR Part 98, Tables A-1, C-1, and C-2.<sup>9</sup>

Finally, with respect to process, EERA recommends a full administrative law judge (“ALJ”) report with recommendations. Great River Energy defers to the Commission concerning its preferred process but respectfully submits that this Project would be appropriate for the preparation of a summary report given that it is a 3.2-mile rebuild. Under this process, the applicant still prepares detailed proposed findings which can be used as a resource for staff and the Commission.

## CONCLUSION

Great River Energy appreciates the opportunity to submit these comments, as well as the engagement of the City of St. Cloud, MNDOT, MDNR, and EERA. Great River Energy looks forward to progressing with the development of this record to identify the appropriate route for this reliability- and resiliency-driven rebuild Project.

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<sup>7</sup> Application at 4-4; Appendix B (showing anticipated dead-end structure locations on map series).

<sup>8</sup> Application at 6-16.

<sup>9</sup> See Application at 7-22 fn.40.

Dated: September 27, 2022

Respectfully submitted,

*/s/ Haley Waller Pitts*

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Haley Waller Pitts (# 0393470)

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## CERTIFICATE OF SERVICE

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**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, MN**

**MPUC Docket No. ET2/TL-22-235**

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Breann Jurek certifies that on the 27<sup>th</sup> day of September 2022, she e-filed on behalf of Great River Energy true and correct copies of the following documents:

1. Great River Energy's Reply Comments on Application Completeness; and
2. Certificate of Service.

A copy has also been served on the individuals listed on the attached service lists.

Executed on: September 27, 2022

*Signed: /s/ Breann L. Jurek*

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Fredrikson & Byron, P.A.  
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Minneapolis, MN 55401

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1400  St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_22-235_TL-22-235
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 280  Saint Paul, MN 551012198	Electronic Service	No	OFF_SL_22-235_TL-22-235
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_22-235_TL-22-235
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th PI E Ste 350  Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_22-235_TL-22-235
Mark	Strohfus	mstrohfus@greenergy.com	Great River Energy	12300 Elm Creek Boulevard  Maple Grove, MN 553694718	Electronic Service	No	OFF_SL_22-235_TL-22-235