

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Beverly Jones Heydinger
David C. Boyd
Nancy Lange
J. Dennis O'Brien
Betsy Wergin

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of the Application of ITC Midwest LLC for a Route Permit for the Minnesota-Iowa 345 kV Transmission Line Project in Jackson, Martin, and Faribault Counties

ISSUE DATE: June 27, 2013

DOCKET NO. ET-6675/TL-12-1337

ORDER FINDING APPLICATION COMPLETE, AUTHORIZING ADVISORY TASK FORCE, AND REQUESTING DRAFT ROUTE ALTERNATIVES

PROCEDURAL HISTORY

On March 28, 2013, ITC Midwest LLC (ITC) filed an application for a route permit for a 345-kilovolt, approximately 75-mile transmission line in Jackson, Martin, and Faribault Counties. The proposed route runs east from the Lakefield Junction substation in Jackson County to a new Huntley substation in Faribault County. From there, the route runs south to an ITC substation in Kossuth County, Iowa, crossing the Minnesota-Iowa border near Elmore, Minnesota.

On April 1, 2013, the Commission issued a notice seeking comments on whether ITC's application was complete and whether an advisory task force should be appointed for the project.

On April 22, 2013, the Minnesota Department of Commerce filed comments recommending that the Commission accept the route-permit application as substantially complete and authorize the Department to establish an advisory task force.

On May 3, 2013, ITC filed reply comments supporting the Department's recommendations.

On May 23, 2013, the matter came before the Commission.

FINDINGS AND CONCLUSIONS

I. Regulatory Background

Before building a high-voltage transmission line in Minnesota, a utility must get a route permit from the Commission.¹ The term "high-voltage transmission line" includes any transmission line longer

¹ Minn. Stat. § 216E.03, subd. 2.

than 1,500 feet that will operate at a voltage of at least 100 kilovolts.² ITC's proposed transmission line qualifies as a high-voltage transmission line, triggering the route-permit requirement.

High-voltage transmission lines that are longer than five miles and operate at a voltage greater than 200 kilovolts are subject to the full permitting process prescribed in Minnesota Rules parts 7850.1700 to .2700.³ Because the project is longer than five miles and will operate at a voltage greater than 200 kilovolts, it is subject to the full permitting process.

II. Application Completeness

Based on its review of the record, the Commission concurs with the parties that ITC's application is substantially complete under the route-permit statute and rules. The Commission will therefore accept the application as complete and authorize the Department to process the application using the procedures set forth in Minnesota Rules parts 7850.1700 to .2700.

III. Citizen Advisory Task Force

The Commission has the authority to appoint a citizen advisory task force to, among other possible duties, identify additional routes or impacts to be evaluated in the environmental impact statement.⁴ The Commission must decide as early as possible in the permitting process whether to appoint a task force.⁵ When appointing a task force, the Commission gives it a written charge.⁶

The Commission finds that the proposed transmission line warrants an advisory task force. The project is relatively large and complex, involving 75 miles of 345-kilovolt transmission lines in three counties and a state border crossing. These factors, combined with the project's proximity to several natural resource areas, suggest a potential for controversy in the permitting process.

However, the Commission also finds that the record is not adequately developed on the issue of who the Commission should appoint to the task force and what charge should be given. Under these circumstances, the Commission will fulfill its duty to appoint a citizen advisory task force by authorizing the Department to establish a task force and develop a proposed structure and charge.

IV. Preparation of Draft Route Alternatives

Under the full permitting process, the Department must prepare for the Commission's consideration an environmental impact statement studying the impacts of both ITC's proposed route and alternative routes.⁷ Before preparing this document, the Department will conduct a scoping process to determine the routes and impacts to be addressed.⁸ The Commission requests that, before issuing its scoping

² Minn. Stat. § 216E.01, subd. 4.

³ See Minn. R. 7850.2800, subp. 1.

⁴ Minn. R. 7850.2400, subps. 1, 3.

⁵ *Id.*, subp. 1.

⁶ *Id.*, subp. 3.

⁷ Minn. Stat. § 216E.03, subd. 5.

⁸ Minn. R. 7850.2500, subp. 2, 4.

decision under Minnesota Rules part 7850.2500, the Department present draft route alternatives to facilitate Commission input on the scope of the environmental impact statement.

V. Referral to the Office of Administrative Hearings

The full permitting process requires that a contested case hearing be held before an Administrative Law Judge from the Office of Administrative Hearings.⁹ By separate order, therefore, the Commission will refer this matter to the Office of Administrative Hearings for contested case proceedings.

ORDER

1. The Commission hereby accepts ITC's route-permit application as complete.
2. The Commission hereby authorizes the Department to establish an advisory task force and develop a proposed structure and charge for the task force.
3. The Commission requests that, prior to issuance of the environmental-impact-statement scoping decision, the Department present draft route alternatives to facilitate Commission input on the scope of the environmental impact statement.
4. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary



This document can be made available in alternative formats (i.e., large print or audio) by calling 651.296.0406 (voice). Persons with hearing loss or speech disabilities may call us through Minnesota Relay at 1.800.627.3529 or by dialing 711

⁹ Minn. Stat. § 216E.03, subd. 6.