

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Katie J. Sieben
Hwikwon Ham
Valerie Means
Joseph K. Sullivan
John A. Tuma

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of 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

SERVICE DATE: January 17, 2024

DOCKET NO. ET-2/TL-23-410

The above entitled matter has been considered by the Commission and the following disposition made:

- 1. Accepted the applicant's route permit application as substantially complete with respect to route permit application completeness requirements.**
- 2. The Commission will not appoint an advisory task force at this time.**
- 3. Requested a full Administrative Law Judge report with recommendations for the project's public hearing.**

This decision is issued by the Commission's consent calendar subcommittee, under a delegation of authority granted under Minn. Stat. § 216A.03, subd. 8 (a). Unless a party, a participant, or a Commissioner files an objection to this decision within ten days of receiving it, it will become the Order of the full Commission under Minn. Stat. § 216A.03, subd. 8 (b).

The Commission agrees with and adopts the recommendations of the Department of Commerce, which are attached and hereby incorporated into the Order.

BY ORDER OF THE COMMISSION



Will Seuffert
Executive Secretary



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December 12, 2023

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

RE: EERA Comments and Recommendations on Application Completeness
Pilot Knob to Burnsville 115 kV Transmission Line Rebuild and Upgrade Project
Route Permit Application
Docket No. ET2/TL-23-410

Dear Mr. Seuffert,

Attached are comments and recommendations of Department of Commerce, Energy Environmental Review and Analysis (EERA) staff in the following matter:

In the Matter of 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

The route permit application was filed on November 17, 2023, by:

Mark Strohfus
Great River Energy
12300 Elm Creek Boulevard
Maple Grove, MN 55369-5000

EERA staff recommends that the route permit portions of the application be accepted as complete. EERA staff is available to answer any questions the Commission may have.

Sincerely,



Richard Davis
Environmental Review Manager

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BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

ENERGY ENVIRONMENTAL REVIEW AND ANALYSIS COMMENTS AND RECOMMENDATIONS

PILOT KNOB TO BURNSVILLE 115 kV REBUILD AND UPGRADE PROJECT DOCKET No. ET2/TL-23-410

Date: December 12, 2023

EERA Staff: Richard Davis | 651-539-1846 | richard.davis@state.mn.us

In the Matter of Application of Great River Energy for a Route Permit for the Pilot Knob to Burnsville 115 kV Rebuild and Upgrade Project in Dakota County, Minnesota

Issues Addressed: These comments and recommendations address the completeness of the route permit application, the need for an advisory task force, and the presence of contested issues of fact.

Documents Attached:

(1) Figure 1-1. Proposed Alignment Map

Additional documents and information can be found on eDockets:

<https://www.edockets.state.mn.us/EFiling/search.jsp> (23-410) and on the Department of Commerce's website: <http://mn.gov/commerce/energyfacilities>.

To request this document in another format, such as large print or audio, call 651-539-1504. Persons with a hearing or speech impairment may call using their preferred telecommunications relay service.

Introduction and Background

On November 11, 2023, Great River Energy (GRE or Applicant) filed a route permit application for the Pilot Knob to Burnsville 115 kV Transmission Line Rebuild and Upgrade Project (Project)¹. The Project would rebuild and upgrade three portions of approximately 8.75 miles of an existing 69 kilovolt (kV) line with 115 kV high voltage transmission line (HVTL). The three sections of the HVTL rebuild and upgrades includes the following: 1) between the existing Pilot Knob and Deerwood

¹ Route Permit Application for the Pilot Knob to Burnsville 115 kV Transmission Line Rebuild and Upgrade Project, Great River Energy, November 17, 2023, eDockets Numbers – Filing Letter [202311-200563-01](#), Application [202311-200563-02](#), Figures [202311-200563-03](#), [202311-200563-04](#), [202311-200563-05](#), [202311-200563-06](#), Appendix A [202311-200563-07](#), [202311-200563-08](#), Appendix B and C [202311-200563-09](#), Appendix D [202311-200564-01](#), [202311-200564-02](#), [202311-200564-03](#), Appendices E-I [202311-200564-04](#) [hereinafter Application].

substations, 2) between the existing Deerwood and River Hills substations, and 3) between the existing River Hills and Burnsville substations. The existing Burnsville Substation will be upgraded and modified as part of the project. The Project is located in the cities of Eagan, Burnsville, and Apple Valley, Minnesota.

On November 27, 2023, the Commission issued a notice soliciting comments on the completeness of the application, the need for an advisory task force, the presence of contested issues of fact, authorizing the Applicant to initiate SHPO consultation, and other concerns related to this matter.²

Project Purpose

The Applicant indicates that the proposed Project is needed to maintain transmission system reliability, prepare for future load growth, and preserve the existing looping serving the Deerwood and River Hill substations. The Deerwood and River Hill substations provide service to Dakota Electric Association's electric cooperative members. The Applicant states that the new equipment will meet modern design standards and provide the ability to operate the line at a higher voltage.³

Project Description

The Applicant proposes to rebuild and upgrade an existing 69 kV transmission system with a new 115 kV HVTL approximately 8.75 miles long, which will span from the Pilot Knob Substation in Eagan to the Burnsville Substation in Burnsville. The proposed Project will also include upgrades and modifications to the existing Burnsville substation, which will result in the expansion of the facility's footprint by approximately 0.06 acres.^{4,5}

The proposed 115 kV HVTL will generally follow the existing transmission line right-of-way and alignment currently occupied by the existing 69 kV transmission line. Minor realignments are proposed for the new 115 kV HVTL along Blackhawk Road at its intersection with Interstate 35E, and at the proposed 115 kV HVTL connection with the Burnsville Substation. The Applicant currently holds approximately 70 foot wide easements along the existing 69 kV transmission line right of way, which they intend to maintain. The Applicant will renew or amend existing easements and acquire new easements as need for the proposed Project. The proposed expansion of the existing Burnsville Substation will occur on parcel of land currently owned by the Applicant.⁶

The existing 69 kV transmission lines, poles, and other associated structures will be removed from the right-of-way as the new 115 kV HVTL is being constructed. Dakota Electric Association owns overhead distribution lines currently present on portions of the existing 69 kV structures. It is the Applicant's current understanding that Dakota Electric Association will move and attach their distribution lines as underbuild on the proposed 115 kV HVTL structures.⁷

² Notice of Comment Period on Application Completeness, November 27, 2023, eDocket Number [202311-200750-01](#).

³ Application, Section 1.5.

⁴ Application, Section 1.

⁵ Application, Section 1.4.

⁶ Application, Section 1.4.

⁷ Application, Section 1.4.

The Applicant anticipates beginning Project construction in the Winter of 2025/2026, and the Project is anticipated to be in service by the spring of 2028.⁸

Regulatory Process and Procedures

In Minnesota, no person may construct a high voltage transmission line without a route permit from the Commission.⁹ A high voltage transmission line is defined as a conductor of electric energy designed for and capable of operation at a voltage of 100 kV or more and greater than 1,500 feet in length.¹⁰ The proposed project will consist of approximately 8.75 miles of 115 kV transmission line and therefore requires a route permit from the Commission. Because the Applicant's proposed Project is between 100 to 200 kV, the project is eligible to use the alternative review process prescribed by Minnesota Statute 216E.04.¹¹ The applicants indicated their intent to use the alternative review process by notice to the Commission on October 31, 2023.¹²

The proposed Project will operate at a voltage greater than 100 kV, but it will not be more than 10 miles in length and it will not cross a state line; accordingly, the project is not a large energy facility and does not require a certificate of need from the Commission.¹³

Route Permit Application Acceptance

Route permit applications for high voltage transmission lines must provide specific information about a project including applicant information, route descriptions, and potential environmental impacts and mitigation measures.¹⁴ Under the alternative review process, applicants must propose one route in their route permit application and discuss any other routes considered and rejected for the project.¹⁵

The Commission may accept an application as complete, reject an application and require additional information to be submitted, or accept an application as complete upon filing of supplemental information.¹⁶ The environmental review and permitting process begins on the date the Commission determines that a route permit application is complete.¹⁷ The Commission has six months (or nine months, with just cause) from the date of this determination to reach a route permit decision.¹⁸

⁸ Application, Section 1.4

⁹ Minnesota Statute 216E.03.

¹⁰ Minnesota Statute 216E.01.

¹¹ Minnesota Statute 216E.04, Subd. 2 (noting those projects that are eligible to proceed under an alternative permitting process).

¹² Notice of Intent to File a Route Permit Application for the Pilot Knob to Burnsville Transmission Line Upgrade Project Pursuant to the Alternative Permitting Process, October 31, 2023, eDockets Number [202311-200750-01](#)

¹³ Minnesota Statute 216B.2421

¹⁴ Minnesota Rule 7850.3100.

¹⁵ Id.

¹⁶ Minnesota Rule 7850.3200.

¹⁷ Id.

¹⁸ Minnesota Rule 7850.3900.

Environmental Review

Route permit applications are subject to environmental review conducted by Department of Commerce, Energy Environmental Review and Analysis (EERA) staff.¹⁹ Projects proceeding under the alternative review process require the preparation of an environmental assessment (EA).²⁰ An EA is a document that describes the potential human and environmental impacts of a proposed project and possible mitigation measures. Public meetings will be held to solicit comments on the scope of the EA.²¹

Public Hearing

Route permit applications under the alternative review process require that a public hearing be held in the project area after the EA for the project has been completed and released.²² The hearing is typically presided over by an administrative law judge (ALJ) from the Office of Administrative Hearings. The Commission may request that the ALJ provide solely a summary of public testimony. Alternately, the Commission may request that the ALJ provide a full report with findings of fact, conclusions of law, and recommendations regarding the project.

Advisory Task Force

The Commission may appoint an advisory task force to aid the environmental review process.²³ An advisory task force must include representatives of local governmental units in the project area.²⁴ A task force assists EERA staff with identifying impacts and mitigation measures to be evaluated in the EA. A task force expires upon issuance of the EA scoping decision.²⁵

The Commission is not required to appoint an advisory task force for every project. If the Commission does not appoint a task force, citizens may request that one be appointed.²⁶ If such a request is made, the Commission must determine at a subsequent meeting if a task force should be appointed or not. The decision whether to appoint an advisory task force does not need to be made at the time of application acceptance; however, it should be made as soon as practicable to ensure its charge can be completed prior to issuance of the EA scoping decision.

EERA Staff Analysis and Comments

EERA staff provides the following analysis and comments in response to the Commission's notice requesting comments on completeness and other issues related to the Applicant's route permit application.

¹⁹ Minnesota Statute 216E.04, Subd. 5.

²⁰ Id.

²¹ Minnesota Rule 7850.2500.

²² Minnesota Rule 7850.3800.

²³ Minnesota Statute 216E.08.

²⁴ Id.

²⁵ Minnesota Rule 7850.3600.

²⁶ Id.

Application Completeness

EERA staff has conferred with the Applicant regarding the proposed Project and has reviewed a draft application. EERA staff believes that staff comments on the draft application have been addressed in the application submitted to the Commission. Staff has evaluated those portions of the application related to the routing of the project against the application completeness requirements of Minnesota Rule 7850.1900 (see Table 1). Staff finds that the application contains appropriate and complete information with respect to these requirements.

Advisory Task Force

EERA staff has analyzed the merits of establishing an advisory task force for the project. Staff concludes that a task force is not warranted for the project at this time.

In analyzing the need for an advisory task force for the project, EERA staff considered four characteristics: project size, project complexity, known or anticipated controversy, and sensitive resources.

- **Project Size.** The project consists of approximately 8.75 miles of 115 kV transmission line. Transmission line structures for the project will range in height from 60 to 90 feet. The length, voltage, and size of the structures make this a relatively small transmission line project for Minnesota. These project-size factors weigh against having a task force.
- **Project Complexity.** Land uses and development density are relatively consistent along the Applicant's proposed route, which follows an existing transmission line right-of-way and it located adjacent to existing public roads. Land uses in the project area is primarily urban development with pockets of isolated forested areas and hydrologic features.²⁷

The Applicant proposes to follow existing 69 kV transmission lines for the entire length of the project. This use of existing transmission line ROW argues for a relatively less complex project. However, these rights-of-way have existed for some time and development has occurred, over time, near the rights-of-way. This development makes the use of existing ROW more complex rather than less. On whole, project-complexity factors weigh against having a task force.

- **Known or Anticipated Controversy.** To date, no comments have been received from the public or any agency regarding the potential impacts of the project. Use of existing ROW has the potential to mitigate potential impacts; however, it also has the potential to exacerbate potential impacts, particularly in areas where development patterns have changed since the initial transmission lines were constructed. The applicants have attempted to balance these competing concerns. On whole, because of the short length of the Project, the current existence of other transmission lines and distribution lines, and because of the urban development in the project area, project-controversy factors weigh against having a task force.

²⁷ Application, Section 7.1.

- **Sensitive Natural Resources.** There are records of some rare and unique natural resources within one mile of the project area.²⁸ There is the potential for state-listed and federally listed rare species to occur in the project area, but most of the state and federally listed species do not have suitable habitat present within the project area.²⁹ The Applicant has committed to working with the Minnesota Department of Natural Resources and other agencies to minimize impacts to sensitive natural resources.³⁰ On whole, potential impacts to sensitive natural resources weigh against having a task force.

Based on the above factors, EERA staff believes that an advisory task force would not aid in the environmental review of the Project.

Contested Issue of Fact

Based on EERA's review of the route permit application and the record to date, EERA staff has not identified any contested issues of fact. Staff is unaware of any issues or concerns associated with the application or Project that require a contested case hearing.

EERA staff recommends that the Commission request a full ALJ report for the project's public hearing. EERA staff believes that a full ALJ report with recommendations provides an unbiased, efficient, and transparent method to air and resolve any issues that may emerge as the record is developed. Requiring a full ALJ report reduces the burden on Commission staff and helps to ensure that the Commission has a robust record on which to base its decision. Additionally, a full ALJ report does not significantly lengthen the route permitting process. EERA staff has provided a draft schedule for the environmental review and permitting process, which includes a comparison of potential hearing work products and schedules – i.e., a summary of public testimony vs. a full ALJ report with findings, conclusions, and recommendations (see Table 2).

EERA Staff Recommendations

EERA staff recommends that:

- The Commission accept the applicant's route permit application as substantially complete with respect to route permit application completeness requirements.
- The Commission not appoint an advisory task force at this time.
- The Commission request a full ALJ report with recommendations for the project's public hearing.

²⁸ Application, Section 7.6.7.

²⁹ Id.

³⁰ Id.

Table 1. Application Completeness Requirements

Minnesota Rule 7850.1900, Subpart 2	Location in Application	EERA Staff Comments
A. a statement of proposed ownership of the facility at the time of filing the application and after commercial operation;	3.5	Information is provided to satisfy this requirement. Great River Energy is the proposed owner of the Project.
B. the precise name of any person or organization to be initially named as permittee or permittees and the name of any other person to whom the permit may be transferred if transfer of the permit is contemplated;	1.4	Information is provided to satisfy this requirement. Great River Energy is the proposed permittee for the Project.
C. a proposed route for the project and any rejected alternative routes and an explanation of the reasons for rejecting them; ³¹	3.1.1, 5.0	Information is provided to satisfy this requirement.
D. a description of the proposed high voltage transmission line and all associated facilities, including the size and type of the high voltage transmission line;	3.1	Information is provided to satisfy this requirement.
E. the environmental information required under subpart 3;	See Minnesota Rule 7850.1900, Subpart 3 below.	
F. identification of land uses and environmental conditions along the proposed routes;	7.1, 7.2.5	Information is provided to satisfy this requirement.
G. the names of each owner whose property is within any of the proposed routes for the high voltage transmission line;	Appendix E	Information is provided to satisfy this requirement.

³¹ Minnesota Rule 7850.3100.

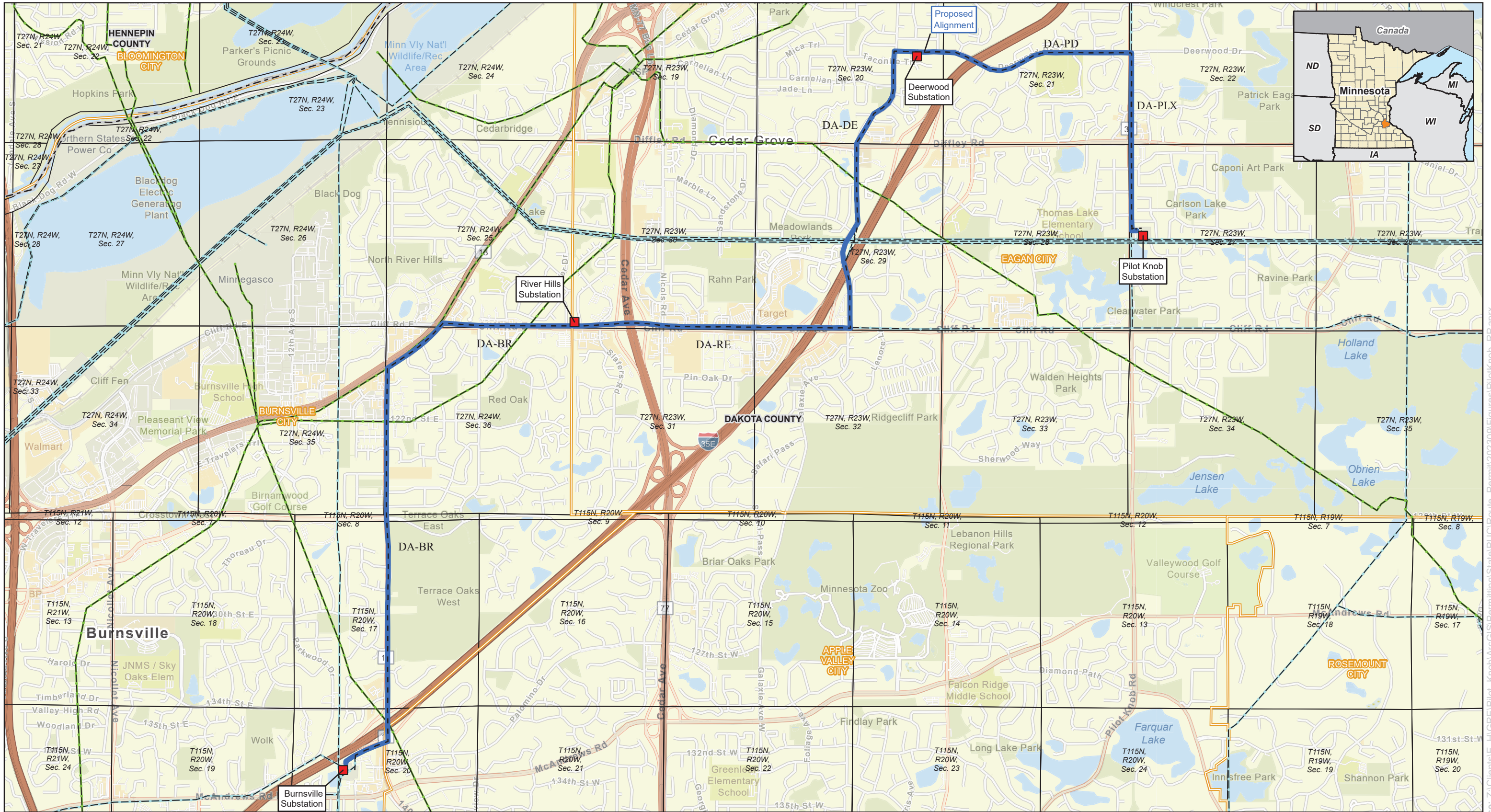
Minnesota Rule 7850.1900, Subpart 2	Location in Application	EERA Staff Comments
H. United States Geological Survey topographical maps or other maps acceptable to the Commission showing the entire length of the high voltage transmission line on all proposed routes;	Appendix A	Information is provided to satisfy this requirement.
I. identification of existing utility and public rights-of-way along or parallel to the proposed routes that have the potential to share the right-of-way with the proposed line;	3.1.2, 3.1.3	Information is provided to satisfy this requirement.
J. the engineering and operational design concepts for the proposed high voltage transmission line, including information on the electric and magnetic fields of the transmission line;	4.0, 7.3.4	Information is provided to satisfy this requirement.
K. cost analysis each route, including the costs of constructing, operation and maintaining the high voltage transmission line that are dependent on design and route;	3.3	Information is provided to satisfy this requirement.
L. a description of possible design options to accommodate expansion of the high voltage transmission line in the future;	4.3	Information is provided to satisfy this requirement.
M. the procedures and practices proposed for the acquisition and restoration of the right-of-way, construction, and maintenance of the high voltage transmission line;	6.0	Information is provided to satisfy this requirement.
N. a listing and brief description of federal, state, and local permits that may be required for the proposed high voltage transmission line; and	2.3	Information is provided to satisfy this requirement.

Minnesota Rule 7850.1900, Subpart 2	Location in Application	EERA Staff Comments
O. a copy of the Certificate of Need or the certified HVTL list containing the proposed high voltage transmission line or documentation that an application for a Certificate of Need has been submitted or is not required.	2.1	A Certificate of Need is not required for the proposed Project.

Minnesota Rule 7850.1900, Subpart 3	Location in Application	EERA Staff Comments
A. a description of the environmental setting for each site or route;	7.1	Information is provided to satisfy this requirement.
B. a description of the effects of construction and operation of the facility on human settlement, including, but not limited to, public health and safety, displacement, noise, aesthetics, socioeconomic impacts, cultural values, recreation, and public services;	7.2	Information is provided to satisfy this requirement.
C. a description of the effects of the facility on land-based economies, including, but not limited to, agriculture, forestry, tourism, and mining;	7.5	Information is provided to satisfy this requirement.
D. a description of the effects of the facility on archaeological and historic resources;	7.4	Information is provided to satisfy this requirement.
E. a description of the effects of the facility on the natural environment, including effects on air and water quality resources and flora and fauna;	7.6	Information is provided to satisfy this requirement.
F. a description of the effects of the facility on rare and unique natural resources;	7.6.7	Information is provided to satisfy this requirement.
G. identification of human and natural environmental effects that cannot be avoided if the facility is approved at a specific site or route; and	7.7	Information is provided to satisfy this requirement.
H. a description of measures that might be implemented to mitigate the potential human and environmental impacts identified in items A to G and the estimated costs of such mitigative measures.	7.1 through 7.6	Information is provided to satisfy this requirement.

Table 2. Draft Permitting Process Schedule

Approximate Date	Permitting Day	Permitting Process Step
November 2023	--	Application Submitted
November/December 2023	--	Comment Period on Application Completeness
January 2024	--	Commission Considers Application Acceptance
February 2024	0	Application Acceptance Order
February 2024	5	Notice of Public Information and Scoping Meetings
March 2024	30	Public Information and Scoping Meetings
June 2024	90	Scoping Decision Issued
September 2024	180	EA Issued Notice of EA Availability and Public Hearing
October 2024	210	Public Hearing
November 2024	225	Public Hearing Comment Period Closes
November 2024	235	Applicant Responses to Hearing Comments
Summary of Public Testimony		
	235	Applicant Proposed Findings
	250	EERA Responses to Comments on EA; Technical Analysis; Replies to Applicant Proposed Findings
	250	ALJ Submits Summary of Public Testimony
	260	Commission Staff Prepares Findings and Proposed Route Permit
	290	Commission Considers Route Permit Issuance
Full ALJ Report with Findings, Conclusions, and Recommendations		
	235	Applicant Proposed Findings
	250	EERA Responses to Comments on EA; Technical Analysis; Replies to Applicant Proposed Findings
	280	ALJ Submits Full Report
	295	Exceptions to ALJ Report
	310	Commission Staff Prepares Proposed Route Permit
	325	Commission Considers Route Permit Issuance



0 1,300 2,600 Feet
1 inch = 2,600 feet



Figure 1-1
Pilot Knob to Burnsville Rebuild and Upgrade Project
Proposed Alignment
Dakota County, Minnesota

- | | | |
|----------------------------------|-------------------------------|------------------|
| Great River Energy | Non-GRE Transmission | County Highway |
| Proposed Alignment | Existing Natural Gas Pipeline | State Highway |
| Existing Substation | Existing Transmission Line | Section Boundary |
| Existing Transmission Line (GRE) | | City Boundary |
| | | County Boundary |

CERTIFICATE OF SERVICE

I, Robin Benson, 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 ORDER

Docket Number: **ET-2/TL-23-410**

Dated this **17th** day of **January, 2024**

/s/ Robin Benson

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_23-410_TL-23-410
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_23-410_TL-23-410
Breann	Jurek	bjurek@fredlaw.com	Fredrikson & Byron PA	60 S Sixth St Ste 1500 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_23-410_TL-23-410
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_23-410_TL-23-410
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_23-410_TL-23-410
Mark	Strohfus	mstrohfus@greenergy.com	Great River Energy	12300 Elm Creek Boulevard Maple Grove, MN 553694718	Electronic Service	No	OFF_SL_23-410_TL-23-410
Haley	Waller Pitts	hwallerpitts@fredlaw.com	Fredrikson & Byron, P.A.	60 S Sixth St Ste 1500 Minneapolis, MN 55402-4400	Electronic Service	No	OFF_SL_23-410_TL-23-410