

# **In the Matter of Minnesota Power and Great River Energy for a Certificate of Need and Route Permit for up to an approximately 180-mile, double circuit 345-kV transmission.**

**PUC Docket No. E015,ET2/CN-22-416 & E015,ET2/TL-22-415**

**Commissioner Tuma offers the following revised Decision Option 9:**

## **TUMA REVISED 9:**

9A. Landowner Resolution Liaison. The permittee shall retain a Landowner Resolution Liaison to provide oversight on reasonable and prompt resolution of any mitigations or acquisitions for the following impacted landowners:

- i. Residences within 75 feet of the alignment;
- ii. Properties where the Co-Location Maximization Route proposed by the applicant shifted structures of the existing Co-Location line(s);
- iii. Agricultural properties where agricultural buildings will be within 75 feet of the alignment;
- iv. Agricultural properties that qualify under Minn. Stat. § 216I.21, subd. 4 (“buy the farm” statute);
- v. Properties less than 40 acres on which the proposed line will result in the property having powerlines along the entire distance of three sides of the property’s boundaries; and
- vi. Other properties the Liaison determines have similar negative impacts or are very close to the impacts noted above.

The Liaison’s primary function is to ensure that the permittee acts in the public interest with regards to any property acquisitions or mitigations that will reduce the overall cost of the project and ensure that affected landowners get prompt and appropriate resolutions placing them in a similar or improved position had the project not impacted their property. The Liaison should not act as an agent or representative for landowners, but shall encourage them to obtain appropriate real estate and legal advice. Impacted landowners will be entitled to appropriate reimbursement for the cost of real estate and legal advice as determined by the Liaison. The Liaison shall attempt to facilitate resolution of matters between the permittee and affected landowners or may also help them set up formal mediation or arbitration when appropriate to help bring matters to a prompt and positive resolution. The Liaison is not to participate in negotiations between the permittee or landowners, or weigh in on the terms of any specific negotiation, but simply to facilitate the negotiation process. The parties may maintain confidentiality of negotiations relative to the Liaison. If confidentiality is maintained the Liaison may only confidentially access trade secret summaries from the applicant and landowners to file reports with the Commission.

The permittee shall select a vendor to serve as Liaison after consultation with EERA. The Executive Secretary shall approve the permittees' vendor and contract with the Liaison along with required reporting requirements to the Commission. These liaison services are in no way intended to replace the legal rights land owners may have under eminent domain action, but meant to supplement their rights.

9B. Co-Location Maximization Route shifting of structures of the existing Co-Location line(s): The existing transmission lines for which the project is proposed to co-locate shall not be adjusted around impacted residence, agricultural structures or properties subject to the "Buy the farm" Statute unless the cost of the possible mitigation or acquisition of the property is greater than 75% of the estimated mid-range cost of the realignment. The permittee shall enter into negotiations with landowners in advance of the final plan and profile to explore possible mitigations or property purchases. In addition to property acquisition any relocation of residence shall provide for moving costs, legal fees, appraisals, construction estimates and other expenses necessary to make the landowner whole as deemed appropriate by the Landowner Resolution Liaison. Thirty days before the final plan and profile meeting the permittee shall file in edockets a description of their resolutions, proposed actions, or status of negotiations with all impacted landowners. The Landowner Resolution Liaison shall provide responses within 15 days of any concerns identified along with a recommendation regarding whether permittee's actions have been reasonable and in the public interest. If final resolutions with these landowners has not been reached by the plan and profile meeting the Liaison shall continue to monitor resolution and provide regular updates as outlined in their contract.