

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Beverly Jones Heydinger
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Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of the Application of
Great River Energy for a Route Permit for
the Bull Moose 115 kV Transmission Line
Project in Cass County

ISSUE DATE: August 11, 2016

DOCKET NO. ET-2/TL-15-628

ORDER DEFERRING ACTION

PROCEDURAL HISTORY

On April 24, 2015, Enbridge Energy, Limited Partnership (Enbridge) filed a certificate of need application to replace the company's existing Line 3 pipeline with a new pipeline of approximately 337 miles, extending from the North Dakota-Minnesota border to the Minnesota-Wisconsin border (the Line 3 Replacement Project).¹ On the same day, Enbridge filed a route permit application for the project. Enbridge stated that under its proposal, the existing Line 3 pipeline will be taken out of service and removed.²

On August 7, 2015, Great River Energy filed a route permit application in this case to construct approximately 2.5 miles of 115 kilovolt (kV) transmission line (the Bull Moose Project) to serve a pump station that is part of Enbridge's proposed Line 3 pipeline project.

On December 14, 2015, the Department of Commerce Energy Environmental Review and Analysis (EERA) staff filed its scoping decision identifying the issues and routes to be examined in the environmental assessment.

On March 3, 2016, the EERA filed the environmental assessment for the project.

On March 30, 2016, Administrative Law Judge James R. Mortenson held a public hearing at Backus City Hall.

On April 22, 2016, Great River Energy filed proposed findings of fact and conclusions of law.

¹ *In the Matter of the Application of Enbridge Energy, Limited Partnership for a Certificate of Need for the Line 3 Replacement Project in Minnesota from the North Dakota Border to the Wisconsin Border*, Docket No. PL-9/CN-14-916.

² *In the Matter of the Application of Enbridge Energy, Limited Partnership for a Routing Permit for the Line 3 Replacement Project in Minnesota from the North Dakota Border to the Wisconsin Border*, Docket No. PL-9/PPL-15-137.

On May 6, the EERA filed modifications to Great River Energy's proposed findings of fact and conclusions of law.

On May 9, 2016, the Administrative Law Judge filed his summary of public testimony.

On June 24, 2016, the Minnesota Center for Environmental Advocacy and Friends of the Headwaters filed a joint letter requesting that the Commission defer action on the permit application until after the Commission has considered, and determined the adequacy of, the Environmental Impact Statement in the Line 3 Replacement Project case.

On July 27, 2016, Great River Energy filed a letter stating that there is no need for the Commission to delay a decision on the permit application and recommended instead that the Commission condition construction of this project upon final Commission approval of the Line 3 Replacement Project. In the alternative, Great River Energy asked the Commission to consider final approval of the permit application on the same day it considers final approval of the Line 3 Replacement Project.

On July 29, 2016, the matter came before the Commission.

FINDINGS AND CONCLUSIONS

Great River Energy requests a route permit for a high-voltage transmission line that will be built only if the Commission approves the pending Line 3 Replacement project certificate of need and route permit applications.

Great River Energy asserted in its application and confirmed at hearing that the sole purpose of the Bull Moose line would be to serve a new pumping station built as part of the Line 3 Replacement Project. This route permit application therefore rests on the assumptions that the Commission will grant Enbridge both a certificate of need and a route permit for the Line 3 Replacement Project, and that the Bull Moose route the Commission approves will closely track the one ultimately approved by the Commission for the Line 3 Replacement Project.

Both Line 3 applications are highly contested, however. They are currently in evidentiary proceedings and are receiving exhaustive environmental review. Even if the Line 3 Replacement Project were found to be needed and granted a route permit, there is no certainty as to how closely the approved route would track the one proposed by Enbridge.

This route-permit application, then, is contingent on conditions that are anticipated, but do not currently exist. And it potentially fails to take into account and reflect conditions that may ultimately exist, if and when the Line 3 Replacement Project actually proceeds. Under these circumstances, the Commission cannot conduct an informed analysis of the 12 statutory considerations it is directed to consider under Minn. Stat. § 216E.03, subd. 7 (b) (1)–(12), nor can it effectively consider the more general state goals set forth earlier in that statute.

The Commission concludes that this application and this record are not ripe for a decision on the merits. The Commission will therefore defer final action on this application until it has taken action on Enbridge's pending applications for a certificate of need and a route permit for the Line 3 Replacement Project.

ORDER

1. The Commission will defer making a final decision on the Bull Moose route permit application and directs staff to schedule the final decision in this matter as soon as practicable following a final decision on the Line 3 certificate of need and route permit applications.

2. This order shall become effective immediately.

BY ORDER OF THE COMMISSION

Daniel P. Wolf
Executive Secretary



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