

Minnesota Public Utilities Commission

Staff Briefing Papers

Meeting Date: August 10, 2017Agenda Item *1

Company: Minnkota Power Cooperative

Docket No. ET6/TL-16-327

In the Matter of the Application of Minnkota Power Cooperative, Inc. for a Route Permit for the MPL-Laporte 115 kV Transmission Line Project in Clearwater and Hubbard Counties, Minnesota

Issues:

- Should the Commission reconsider its June 21, 2017 Order Issuing Route Permit?

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Relevant Documents

Order Issuing Route Permit June 21, 2017
Petition for Reconsideration (Seeger)..... July 11, 2017
Minnkota Power Cooperative Response to Petition July 21, 2017

The attached materials are work papers of the Commission staff. They are intended for use by the Minnesota Public Utilities Commission and are based upon information already in the record unless noted otherwise.

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I. STATEMENT OF THE ISSUES

- Should the Commission reconsider its June 21, 2017 Order Issuing Route Permit?

II. Project Overview

Minnkota Power Cooperative (“Applicant” or “Minnkota”) filed a Route Permit (RP) application on June 2, 2016 for their proposed 115 kV transmission line project, known as the MPL-Laporte Project, in Clearwater and Hubbard Counties approximately 25 miles north of Park Rapids, MN,. The project entails construction of a 9.4-mile 115 kilovolt (kV) transmission line and a new 115/4.16 kV distribution substation. The route originates in Section 12 of Township 144N, Range 36W in Itasca Township by tapping an existing Otter Tail Power 115 kV line via construction of a 3-way line switch and will end in Lake Alice Township in Hubbard County at the new 115/4.16 kV substation.

The Applicant’s stated need for the project is to provide electrical service to a proposed new pumping station to be constructed and operated by Minnesota Pipeline Company, LLC. The project is estimated to cost around \$7.2 million and projected to be in-service in the 4th Quarter of 2017.

III. STATUTES AND RULES

Under Minn. Stat. § 216B.27 and Minn. R. 7829.3000, a party or a person aggrieved and directly affected by a Commission decision or order may file a petition for reconsideration within 20 days of the date the decision or order is issued. A petition for reconsideration must set forth the specific grounds relied upon or the errors claimed. Other parties to the proceeding may file answers to the petition within 10 days of filing the petition. The Commission has the authority to decide a petition for reconsideration with or without a hearing or oral argument. The Commission may reverse, change, modify, or suspend its original decision if it finds its decision unlawful or unreasonable.

IV. PROCEDURAL HISTORY

On June 21, 2017, the Commission issued an Order Approving Route Permit (June 21 Order).¹ Specifically, the Commission:

- Found that the environmental assessment and the record address the issues identified in the environmental assessment scoping decision; and

¹ The Commission met on June 1, 2017 to decide this matter. The motion to issue a route permit passed 5-0 (Commission Meeting Minutes, eDocket ID [20177-133946-03](#)).

- Issued a high-voltage transmission line route permit with appropriate conditions to Minnkota Power Cooperative, Inc. for the Applicant's proposed route in Clearwater and Hubbard counties.

V. PETITION FOR RECONSIDERATION

On July 11, 2017, Scott Seeger filed a petition (Seeger Petition) requesting that the Commission reconsider its June 21 Order issuing a route permit to Minnkota for the MPL-Laporte 115 kV Transmission Line Project.²

The Petitioner indicated that he disagreed with the Commission's decision and requested that the Commission stay and suspend the June 21 Order Approving Route Permit.

The Petitioner maintained that the Commission's June 21 Order is erroneous as it relied upon misstatements of fact as summarized below:

1. Minnkota Power withheld from the Commission Donald Mitchell's statement from April 2017 that he preferred the power line to be on the pipeline corridor, behind his house, instead of in front of his house, on Mr. Seeger's property.
2. Craig Bleth from Minnkota Power incorrectly stated during the meeting that Minnkota Power had not performed an environmental study/survey of the land by the existing pipeline corridor (Seeger Alt #2), which would include Donald Mitchell's land. On the contrary, Donald Mitchell stated in his affidavit that Minnkota Power had previously paid him \$100 to have an environmental study/survey performed on his land by the current pipeline corridor.

VI. RESPONSE TO PETITION

On July 21, 2017, Minnkota Power Cooperative filed a response to the Petition for Reconsideration. In its response, Minnkota Power argued that the Commission's issuance of a Route Permit for the Applicant's proposed route to construct the 115 kV transmission line and associated facilities was appropriate and the petition for reconsideration should be denied.

Minnkota Power argued that the alternative route segment proposed by the Petitioner was fully evaluated in the route permit proceeding as the Seeger 2 route alternative. Minnkota Power maintained that the Petitioner did not raise new issues, present any new facts, or identify errors or ambiguities in the Commission's Order.

VII. STAFF DISCUSSION

² The Petition was accompanied by a supporting affidavit from Donald Mitchell, landowner on the proposed route.

Based on its review, staff believes the Commission's decision in this matter is consistent with the facts, the law, and public interest. The Petition for Reconsideration did not raise new issues, did not point to new and relevant evidence, and did not disclose mistakes or uncertainties in the Commission's June 21, 2017 Order Approving Route Permit. The alternative route proposed by the Petitioner was fully evaluated and considered in this proceeding in the Environmental Assessment, by the Administrative Law Judge, and by the Commission. The Applicant's proposed route was shown to have the least overall impacts among the eight alternative routes analyzed in the Environmental Assessment.

The Commission must decide whether the arguments and information presented in the Seeger Petition provide sufficient cause to reconsider its original decision. If the Commission does not believe the Petition provides sufficient cause, it should deny reconsideration. Alternatively, if the Commission decides there is sufficient cause to reconsider, it can hear additional argument from the Petitioner and other stakeholders at the meeting, order that additional information be provided through written submissions, or refer the matter back to the Administrative Law Judge with direction on how to proceed. Ultimately, the Commission may reverse, change, modify, or suspend its original decision if it finds the decision unlawful or unreasonable.

COMMISSION DECISION ALTERNATIVES

1. Grant reconsideration or rehearing of the June 21, 2017 Order Approving Route Permit, as petitioned.
2. Deny reconsideration or rehearing of the June 21, 2017 Order Approving Route Permit, as petitioned.
3. Take some other action deemed appropriate.

Staff recommendation: 2.