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September 10, 2024

VIA E-FILING

Honorable Jim Mortenson
Administrative Law Judge
Office of Administrative Hearings
Saint Paul, MN 55164-0620

Re: In the Matter of the 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
MPUC Docket No. ET-2/TL-23-410
OAH Docket No. 5-2500-39898

Dear Judge Mortenson:

Great River Energy respectfully submits its Proposed Findings of Fact, Conclusions of Law, and Recommendations in the above-captioned matter. For convenience, a Word copy of the Proposed Findings of Fact, Conclusions of Law, and Recommendations will be provided under separate cover.

These have been e-filed through www.edocket.state.mn.us. A copy of this filing is also being served upon the persons on the Official Service List of record.

Please let me know if you have any questions regarding this filing.

Sincerely,

FREDRIKSON & BYRON, P.A.

s/ *Haley Waller Pitts*

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STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE PUBLIC UTILITIES COMMISSION

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

OAH Docket No. 5-2500-39898
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GREAT RIVER ENERGY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATIONS

OAH 5-2500-39898
MPUC ET2/TL-23-410

STATE OF MINNESOTA
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STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR PUBLIC UTILITIES COMMISSION

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	OAH Docket No. 5-2500-39898 MPUC Docket No. ET2/TL-23-410

GREAT RIVER ENERGY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATIONS

This matter was assigned to Administrative Law Judge Jim Mortenson to conduct a public hearing on the Route Permit Application (MPUC Docket No. ET2/TL-23-410) ("Application") of Great River Energy (or "Applicant") to rebuild and upgrade portions of an existing 69-kilovolt ("kV") transmission line with a new 115-kV high voltage transmission line ("HVTL") in the cities of Eagan, Burnsville, and Apple Valley ("Project"). The Project will be approximately 8.75 miles long, and includes rebuilding and upgrading three sections of the transmission lines between the follow substations: (1) between the Pilot Knob and Deerwood substations; (2) between the Deerwood and River Hills substations; and (3) between the River Hills and Burnsville substations. The Project also includes upgrades and modifications at the existing Burnsville Substation. The Minnesota Public Utilities Commission ("Commission") also requested that the Administrative Law Judge prepare findings of fact and conclusions of law and provide recommendations, if any, on conditions and provisions of the proposed route permit.

Public hearings on the Application were held on August 21, 2024 (in-person) and August 22, 2024 (remote-access). The factual record remained open until September 3, 2024, for the receipt of written public comments.

Haley Waller Pitts, Fredrikson & Byron, P.A., 60 South Sixth Street, Suite 1500, Minneapolis, Minnesota 55402, and Mark Strohfus, Project Manager of Transmission Permitting for Great River Energy, appeared on behalf of Great River Energy.

Cezar Panait, 121 Seventh Place East, Suite 350, St. Paul, MN 55101 appeared on behalf of Commission Staff at the in-person hearing. Trevor Culbertson appeared on behalf of Commission Staff at the remote access hearing.

Erika Wilder, 85 7th Place East, Suite 280, St. Paul, MN 55101 appeared on behalf of the Department of Commerce, Energy Environmental Analysis Review unit ("EERA").

STATEMENT OF ISSUES

Has Great River Energy satisfied the criteria established in Minn. Stat. Ch. 216E and Minn. R. Ch. 7850 a Route Permit for the Project?

SUMMARY OF RECOMMENDATIONS

The Administrative Law Judge concludes that Great River Energy has satisfied the applicable legal requirements and, accordingly, recommends that the Commission GRANT a Route Permit for the Project, subject to the conditions discussed below.

Based on the evidence in the hearing record, the Administrative Law Judge makes the following:

FINDINGS OF FACT

I. APPLICANT

1. Great River Energy is a not-for-profit generation and transmission cooperative based in Maple Grove, Minnesota. Great River Energy provides electrical energy and related services to 28 member cooperatives and customers. Great River Energy's distribution cooperatives and customers, in turn, supply electricity and related services to more than 720,000 residential, commercial, and industrial customers in Minnesota and Wisconsin.[1]

II. PROCEDURAL HISTORY

2. The Minnesota Power Plant Siting Act ("PPSA") provides that no person may construct a HVTL without a route permit from the Commission.[2] Under the PPSA, an HVTL includes a transmission line that is 100-kV or more and is greater than 1,500 feet in length.[3] The proposed 115-kV transmission line is an HVTL greater than 1,500 feet in length and, therefore, a route permit is required from the Commission prior to construction.[4]

3. The Commission's rules establish two tracks for the permitting of a HVTL. The "full permitting process" includes preparing an environmental impact statement ("EIS") and holding a contested case hearing.[5] The "alternative permitting process" is available to, among other HVTLs, HVTLs which operate at a voltage between 100 and 200 kV; this process requires an Environmental Assessment ("EA") instead of an EIS and a public hearing instead of a contested case hearing.[6]

4. Because Applicant's proposed transmission line would operate at a voltage between 100 and 200-kV, it is eligible for the alternative permitting process authorized by Minn. Stat. § 216E.04, subd. 2(3) and Minn. R. 7850.2800, subp. 1(C).[7]

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[1] Ex. GRE-2 at 1-1 (Application).
[2] Minn. Stat. § 216E.03, subd. 2.
[3] Minn. Stat. § 216E.01, subd. 4.
[4] Ex. GRE-2 at 1-1 (Application).
[5] *See* Minn. R. 7850.1700–.2700 (full permitting procedures).
[6] *See* Minn. R. 7850.2800–.3900 (alternative permitting procedures).
[7] Minn. R. 7850.2800, subp. 1(C).

5. On October 31, 2023, Applicant filed with the Commission a notice that Applicant intended to apply for a Route Permit for the Project and intended to use the Alternative Permitting Process within Minn. R. 7850.2800 - .3900.[8]

6. On November 17, 2023, Great River Energy submitted the Application for the Project.[9] Applicant also submitted the Notice of Filing of the Application to persons interested in the Project, the Commission's Energy Facilities General List, Local Officials, Tribes, and Property Owners in accordance with Minnesota Rule 7850.2100.[10]

7. On November 27, 2023, the Commission filed a Notice of Comment Period regarding the completeness of the Application, requesting initial comments by December 12, 2023, reply comments by December 19, 2023, and supplemental comments by October 4, 2023. The notice requested comments on whether the Applicant was complete within the meaning of the Commission's rules; whether the Commission should appoint an advisory task force; whether there were contested issues of fact with respect to the representations made in the Application; whether the Commission should direct the Executive Secretary to issue an authorization to initiate a State Historic Preservation Office ("SHPO") Consultation to the Applicant; and whether there were any other issues or concerns that should be considered.[11]

8. On December 12, 2023, EERA filed its Completeness Comments and Recommendations. EERA recommended that the Commission accept the Application as complete, take no action on an advisory task force, and request a full Administrative Law Judge report with recommendations for the Project's public hearing.[12]

9. On December 18, 2023, Applicant submitted reply comments concerning Application completeness.[13] Applicant also submitted a Compliance Filing on the Notice Filing for the Route Permit Application.[14]

10. On January 11, 2024, the Commission issued proposed consent items.[15]

11. On January 16, 2024, the Commission issued minutes from January 16 consent calendar subcommittee meeting.[16]

12. On January 17, 2024, the Commission issued an order finding the Application complete, declining to appoint an advisory task force, and requesting a full Administrative Law Judge report with recommendations for the Project's public hearing.[17]

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[8] Ex. GRE-1 (Notice of Intent by Great River Energy to Submit an Application under the Alternative Permitting Process).
[9] Exs. GRE-2–GRE-7 (Application and Appendices).
[10] Ex. GRE-8 (Rule 7850.2100 Notice of Filing Route Permit).
[11] Ex. PUC-1 (Notice of Comment Period on Application Completeness).
[12] Ex. EERA-1 (Comments and Recommendations on Application Completeness).
[13] Ex. GRE-10 (Reply Comments regarding Application Completeness).
[14] Notice Filing (Dec. 18, 2023) (eDocket No. 202312-201294-01).
[15] Consent Items (Jan. 11, 2024) (eDocket No. 20241-202082-01).
[16] Minutes – January 16, 2024 Consent (Jan. 16, 2024) (eDocket No. 20241-202082-01).
[17] Order (Jan. 17, 2024) (eDocket No. 20241-202249-01).

13. On February 9, 2024, the Commission published Notice of Public Information and Environmental Assessment Scoping Meetings scheduling meetings for February 20, 2024 (remote-access) and February 21, 2024 (in-person), opening up a public comment period until March 6, 2024, and requesting responses to four questions regarding the Project: (1) What potential human and environmental impacts should be studied in the EA?; (2) What are possible methods to minimize, mitigate, or avoid potential impacts that should be studied in the EA ?; (3) Are there any alternative routes or route segments that should be studied to mitigate potential impacts associated with the proposed project?; and (4) Are there any unique characteristics of the Proposed Route or the Project that should be considered?[18]

14. On February 20, 2024, EERA filed the Scoping Comment Form[19] and the draft EA scoping decision table of contents.[20]

15. On March 4, 2024, EERA filed the Public Information and Scoping meeting transcript.[21] EERA also filed the Virtual Information and Scoping meeting transcript.[22]

16. On March 6, 2024, Minnesota Department of Transportation ("MnDOT") filed comments regarding possible impacts to the state trunk highway system, traveling public, and environmentally significant areas of concern.[23]

17. On March 6, 2024, Minnesota Department of Natural Resources ("MDNR") filed comments regarding potential environmental impacts that should be considered in the EA for the Project.[24]

18. On March 22, 2024, EERA filed scoping comments from Shannon Marcus.[25]

19. Also on March 22, 2024, EERA filed scoping comments from the Metropolitan Council.[26]

20. On March 27, 2024, EERA staff filed its EA Scoping Summary with the Commission.[27] In that filing, staff recommended that Great River Energy's preferred route be the sole routing alternative included in the scoping decision for the EA. EERA staff did not recommend any other route alternatives or alignment modifications for inclusion in the EA scoping decision.

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[18] Notice of Public Information and Environmental Assessment Scoping Meeting (Feb. 9, 2024) (eDocket No. 20242-203258-01).
[19] Scoping Comment Form (Feb. 20, 2024) (eDocket No. 20242-203587-02).
[20] EA Scoping Decision Table of Contents (Feb. 20, 2024) (eDocket No. 20242-203587-01).
[21] Public Information and Scoping Meeting Transcript (March 4, 2024) (eDocket No. 20243-204045-01).
[22] Virtual Information and Scoping Meeting Transcript (March 4, 2024) (eDocket No. 20243-204045-02).
[23] MnDOT Comments (March 6, 2024) (eDocket No. 20243-204107-01).
[24] MDNR Comments (March 6, 2024) (eDocket No. 20243-204106-01).
[25] Public Comment by Shannon Marcus (March 22, 2024) (eDocket No. 20243-204565-01).
[26] EERA Comments (March 22, 2024) (eDocket No. 20243-204563-01).
[27] EA Scoping Summary (March 27, 2024) (eDocket No. 20243-204675-01).

21. On April 8, 2024, the Administrative Law Judge issued a Prehearing Order establishing a schedule for the proceedings.[28]

22. On April 16, 2024, the Commission issued an order accepting Great River Energy's Proposed Route for the Project as the sole routing alternative included in the scoping decision for the EA.[29]

23. On May 1, 2024, EERA filed the EA scoping decision for the Project.[30]

24. On July 25, 2024, Great River Energy filed a compliance filing with a copy of the newspaper notice and affidavit of publication on February 9 and 16, 2024, from the Sun This Week newspaper.[31]

25. On August 1, 2024, EERA filed the EA for the Project.[32]

26. On August 7, 2024, Great River Energy filed the Direct Testimony of Mark Strohfus.[33] No other pre-filed testimony was submitted.

27. On August 9, the Commission filed Notice of Public Hearings and Availability of Environmental Assessment providing for an in-person hearing on August 21, 2024, in Burnsville, Minnesota and a remote hearing on August 22, 2024, via WebEx. The Commission also requested comments from the public on (1) whether the EA adequately address the issues identified in the scoping decision, (2) whether the Commission should grant a route permit for the Project, and (3) if granted, what additional conditions or requirements, if any, should be included in the route permit. The Commission stated that it would accept written comments through September 3, 2024.[34]

28. On August 12, 2024, EERA filed notice of public hearings and the EA's availability in the EQB Monitor.[35]

29. On August 20, 2024, Aaron Jaeger submitted a written comment regarding the Project.[36]

30. On August 21, 2024, Judge Mortenson presided over a public hearing at the Diamondhead Education Center in Burnsville, Minnesota. The transcript from that hearing was filed on September 4, 2024. One person provided oral comments at this public hearing.[37]

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[28] Prehearing Order (April 8, 2024) (eDocket No. 20244-205137-01).
[29] Order (April 16, 2024) (eDocket No. 20244-205449-01).
[30] Scoping Decision (May 1, 2024) (eDocket No. 20245-206259-01).
[31] Compliance Filing (July 25, 2024) (eDocket No. 20247-208980-01).
[32] Ex. EERA-10 (EA).
[33] Ex. GRE-12 (Strohfus Direct).
[34] Ex. PUC-8 (Notice of Public Hearings and Availability).
[35] EQB Monitor Notice of EA (Aug. 12, 2024) (eDocket No. 20248-209429-02).
[36] Comment by Aaron Jaeger (Aug. 20, 2024) (eDocket No. 20248-209645-01).
[37] Burnsville 1:00 p.m. Public Hearing Transcript (Burnsville 1:00p.m. Tr.) at 15 (Aug. 21, 2024).

31. A remote public hearing was held via Webex on August 22, 2024. One person provided oral comments during that hearing.[38] Great River Energy responded to questions at the public hearings, as applicable. The written public comment period remained open through September 3, 2024. Three written comments were submitted by members of the public before the close of the comment period.[39]

32. On September 3, 2024, Great River Energy filed comments on the Environmental Assessment and Draft Route Permit including proposed revisions to the Draft Route Permit.[40] EERA filed comments on the same day.[41]

33. On September 10, 2024, Great River Energy filed its Post-Hearing Response to Comments ("Post-Hearing Comments"). In its Post-Hearing Comments, Great River Energy provided further responses to comments submitted during the public hearing comment period.

III. DESCRIPTION OF THE PROJECT

34. The Project consists of Great River Energy rebuilding and upgrading the existing 69 kV transmission line from the Pilot Knob Substation in Eagan to the Burnsville Substation in Burnsville with an approximately 8.75 mile long 115-kV HVTL. The proposed Project will include rebuilding and upgrading three sections of the transmission lines between the following existing substations: (1) between the Pilot Knob and Deerwood substations; (2) between the Deerwood and River Hills substations; and (3) between the River Hills and Burnsville substations. The Project would also involve upgrades and modifications at the Burnsville Substation. The Project occurs within the cities of Eagan, Burnsville, and Apple Valley in Dakota County, Minnesota.[42]

35. Great River Energy proposes that the Project generally follow the existing transmission line right-of-way (or, "ROW") and alignment, with minor realignments proposed on Blackhawk Road near its intersection with Interstate Highway 35E ("I-35E") and at the connection to the Burnsville Substation.[43]

36. Great River Energy will replace the existing transmission line with a new 115-kV transmission line primarily consisting of single circuit, horizontal post, or braced post direct-imbedded monopole steel structures spaced approximately 300 to 400 feet apart. The segment of the existing transmission line from the Pilot Knob Substation to Deerwood Substation is double circuited and will remain double circuited after the upgrade to 115-kV. Transmission structures will typically range in height from 65 to 100 feet above ground. The diameter of the direct-embedded steel structures at ground level would be between 22 and 40 inches. Laminated wood structures or steel structures on concrete foundations may be needed for switches and angled structures. Multi-pole (e.g., 3-pole dead-end) and/or H-frame structures are designed in a

[38] WebEx 12:00 p.m. Public Hearing Transcript (WebEx 12:00 p.m. Tr.) at 12 (Aug. 22, 2024).

[39] Comment by Aaron Jaeger (Aug. 20, 2024) (eDocket No. 20248-209645-01); Comment by Aaron Jaeger (Aug. 22, 2024) (eDocket No. 20248-209721-01); Comment by Art Kalmes (Sept. 3, 2024) (eDocket No. 20249-209922-01).

[40] Great River Energy Comments on the EA and Draft Route Permit (Sept. 3, 2024) (eDocket No. 20249-209943-01).

[41] EERA Comments (Sept. 3, 2024) (eDocket No. 20249-209933-01).

[42] Ex. GRE-3 at 1-1 (Application).

[43] Ex. GRE-3 at 1-2 (Application).

horizontal configuration, which maintains the transmission line conductors parallel to the ground. Horizontal configuration is sometimes desirable where the proposed transmission line crosses under other existing HVTLs. In some cases where overhead clearances require the use of H-frame structures, it may be necessary to also bury the optical ground shield/communication wire. A dead-end structure is used to change direction and / or wire tension on a transmission line. A typical dead-end structure with bundled conductor has a height of approximately 75 feet, a diameter of approximately 70 inches, and a concrete foundation diameter of approximately 82 inches.[44]

37. The existing 69-kV transmission lines and associated structures will be removed during installation of the new lines.[45]

38. Dakota Electric Association has existing overhead distribution lines on portions of the existing 69-kV structures. Where this occurs, it is Great River Energy's understanding that Dakota Electric Association will attach the distribution lines as under-build to the Project's new structures. Because the distribution lines are owned and maintained by Dakota Electric Association, Dakota Electric Association will conduct any work related to those distribution lines.[46]

39. There are four existing substations located along the Project including the Pilot Knob Substation (owned by Great River Energy), Deerwood Substation (owned by Dakota Electric Association), River Hills Substation (owned by Dakota Electric Association), and the Burnsville Substation (owned by Great River Energy). As part of this Project, Great River Energy proposes to conduct upgrades at the Burnsville Substation to enable operation of the Project at 115-kV in the future, including the removal of existing bus work, installation of new bus work, breakers, and control equipment. These upgrades will require an expansion of the facility's footprint by approximately 0.06 acre. This expansion will occur in the northwest corner of the substation.[47]

IV. NEED OVERVIEW

40. The Project is needed to maintain reliability to end-use customers, prepare for future load growth, and preserve the existing looping that serves the Deerwood and Rivers Hill substations. Those substations provide service to Dakota Electric Association's electric cooperative members.

41. The Project meets these needs first by installing new equipment built to modern design standards and second having the ability to operate at 115-kV in the future. The ability to operate at the higher voltage will ensure there is sufficient electrical capability to serve increased electrical demand in the future.[48]

42. The Project does not require a certificate of need because it is not a "large energy facility," as defined by Minn. Stat. § 216B.2421, subd. 2.

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[44] Ex. EERA-12, Appendix C at 2 (Draft Route Permit); GRE-12 at 4 (Strohfus Direct).
[45] Ex. GRE-3 at 1-3 (Application).
[46] Ex. GRE-3 at 1-3 (Application).
[47] Ex. GRE-3 at 1-3 and 1-4 (Application).
[48] Ex. GRE-3 at 1-1 (Application).

V. ROUTES EVALUATED

A. Applicant's Proposed Route.

43. The Project is proposed to replace the existing 69-kV transmission line. It will generally follow the existing transmission line ROW and alignment, with minor realignments proposed on Blackhawk Road near its intersection with I-35E and at the connection to the Burnsville Substation. [49]

44. The Project will begin at Great River Energy's existing Pilot Knob Substation located approximately at the intersection of Wilderness Run Road and Pilot Knob Road / County State Aid Highway ("CSAH") 31 in the City of Eagan in Dakota County. The Proposed Route extends west from the Pilot Knob Substation and then follows the existing 69-kV DA-PLX double circuit transmission line ROW north for approximately one mile through a primarily residential area along Pilot Knob Road/CSAH 31.

45. At the intersection of Pilot Knob Road/CSAH 31 and Deerwood Drive, the Proposed Route turns directly west following the existing 69-kV DA-PD single circuit ROW for approximately 1.2 miles along Deerwood Drive to the Deerwood Substation owned by Dakota Electric Association.

46. From the Deerwood Substation, the Proposed Route continues for approximately 650 feet within Great River Energy's existing 69-kV DA-DE transmission line ROW to the intersection of Deerwood Drive and Blackhawk Road. The line then continues south for approximately 1.6 miles following Blackhawk Road until Cliff Road/CSAH 32 along the 69-kV DA-DE ROW.

47. Great River Energy is proposing to move the Project alignment from the existing 69-kV DA-DE ROW for approximately 1,250 feet north of Blackhawk Road's I-35E crossing. The purpose of this alignment change is to avoid using I-35E to access this portion of the route for construction, operations, and maintenance activities. The alignment change would allow Great River Energy to access this portion of the route from Blackhawk Road from the east side of the road where there are no residences.

48. At the intersection of Blackhawk Road and Cliff Road, the line turns west to follow Cliff Road for approximately 1.5 miles along the existing 69-kV DA-RE ROW to the Dakota Electric Association owned River Hills Substation. The line then continues from the River Hills Substation west along Cliff Road E/CSAH 32 for another 0.7 miles into the City of Burnsville along Great River Energy's 69-kV DA-BR ROW. The line turns southwest at the intersection of Cliff Road E/CSAH 32 and State Highway 13E and follows State Highway 13E for approximately 0.4 miles, and then directly south for 2 miles along CSAH 11. Approximately 770 feet of the line along CSAH 11, from the north side of I-35E to the I-35E entry/exit ramps south of the interstate, is located in the City of Apple Valley.

49. The line then moves back into the City of Burnsville as it crosses to the west side of CSAH 11 and ultimately into the Burnsville Substation. Great River Energy is proposing to

[49] Ex. GRE-3 at 1-2 (Application).

shift the alignment of the Project from the existing 69-kV ROW for approximately 450 feet as the Project enters the Burnsville Substation to allow the Project to connect on the western side of the facility rather than the eastern side when the Project is energized at 115-kV. Great River Energy would remove the existing 69-kV transmission line and pole structures as the new poles and 115-kV line are installed.[50]

B. Other Routes Evaluated by Applicant.

50. Minn. Stat. § 216E.04, subd. 3, and Minn. R. 7850.3100 require an applicant to identify any alternative routes that were considered and rejected for the Project.

51. Prior to submitting the Application, Great River Energy evaluated and rejected one alternative rebuild scenario for the Project.[51]

52. The alternative rebuild scenario involved rebuilding and upgrading the following lines: the 69-kV DA-PKX transmission line that extends 0.5-mile south from the Pilot Knob Substation to Cliff Road/CSAH 32; and the 69-kV DA-RE transmission line that extends 1.5 miles east on Cliff Road/CSAH 32 to connect to the Proposed Route at the intersection of Cliff Road/CSAH 32 and Blackhawk Road. Great River Energy considered and rejected this alternative rebuild scenario due to lower reliability and potential expansion of a county highway system.[52]

C. Routes Analyzed in the Environmental Assessment.

53. Consistent with EERA's scoping decision, the EA did not analyze route segment alternatives because none were proposed during scoping.[53]

VI. TRANSMISSION LINE STRUCTURE TYPES AND SPANS

54. Most of the new 115-kV transmission line will consist of single circuit, horizontal post, or braced post direct-imbedded monopole steel structures spaced approximately 300 to 400 feet apart. The segment of the existing transmission line from the Pilot Knob Substation to Deerwood Substation is double circuited and will remain double circuited after the upgrade to 115-kV. Transmission structures will typically range in height from 65 to 100 feet above ground. The average diameter of the direct-embedded steel structures at ground level would be between 22 and 40 inches.[54]

55. Laminated wood structures or steel structures on concrete foundations may be needed for switches and angled structures; the size of these structures is dependent on the weight of the switch material, the tension on the line, and/or the angle of deflection the pole location

[50] Ex. GRE-3 at 3-1 and 3-2 (Application).
[51] Ex. GRE-3 at 5-1 (Application).
[52] Ex. GRE-3 at 5-1 (Application).
[53] *See* EERA's Environmental Assessment Scoping Summary (March 27, 2024) (eDocket No. 20243-204675-01).
[54] Ex. EERA-12, Appendix C at 2 (Draft Route Permit); GRE-12 at 4 (Strohfus Direct).

causes on the transmission line. Specific sizing of these structures will be determined after a route permit is issued and detailed engineering design is initiated.[55]

56. Multi-pole (e.g., 3-pole deadend) and/or H-frame structures are designed in a horizontal configuration, which maintains the transmission line conductors parallel to the ground. Horizontal configuration is sometimes desirable where the proposed transmission line crosses under other existing HVTLs. The horizontal configuration allows the upgraded 115-kV transmission line to be as low as possible at the crossing point, while still maintaining the required clearances set by the National Electrical Safety Code ("NESC"). Specific sizing of these structures will be determined after a Route Permit is issued and detailed engineering design is initiated.[56]

57. A deadend structure is used to change direction and / or wire tension on a transmission line. Deadend structures are also used as a "storm structure" to limit the number of structures damaged by a cascading effect due to higher line tensions when a pole is knocked down by a storm. Deadend structures can use wood, wood laminate, direct steel embedded, or steel on concrete foundation structures and can have a larger cross section than the typical structures. The location of deadend structures will be determined after a route permit is issued and detailed engineering design is initiated.[57]

VII. TRANSMISSION LINE CONDUCTORS

58. Single circuit structures would have three phases of bundled conductor wires and one shield wire. Double circuit structures would have six phases of bundled conductor wires and up to two shield wires. It is anticipated that the phase wires would be 795 thousand circular mil aluminum-clad steel supported ("795 ACSS") or a conductor with similar capacity. The shield wire will be 0.528 optical ground wire. Under certain conditions, the shield wire may be buried between structures.[58]

VIII. TRANSMISSION LINE ROUTE WIDTHS

59. Great River Energy is generally requesting a 400-foot Proposed Route width. Great River Energy is also requesting varied route widths for specific portions of the route to account for existing infrastructure, mitigate potential engineering challenges, and/or to facilitate any necessary realignments to accommodate agency and/or landowner requests.[59]

60. Detailed descriptions of each route width area and the requested widths are as follows:

- The entire 5.4-acre parcel where the Pilot Knob Substation is located;

[55] Ex. GRE-3 at 4-3 (Application).
[56] Ex. GRE-3 at 4-3 (Application).
[57] Ex. GRE-3 at 4-3 (Application).
[58] Ex. GRE-3 at 4-5 (Application); EERA-13 at 17 (EA); and EERA-12, Appendix C at 2 (Draft Route Permit); Great River Energy Comments on the EA and Draft Route Permit, Attachment A-1 at 2 (Sept. 3, 2024) (eDocket No. 20249-209943-01).
[59] Ex. GRE-3 at 3-3 (Application).

- A 400-foot-wide route for approximately 1 mile along Pilot Knob Road / CSAH 31 until the intersection with Deerwood Drive;
- A 200-foot-wide route along Deerwood Drive and Blackhawk Road until the I-35E crossing;
- The entire 2-acre parcel where the Deerwood Substation is located;
- An approximately 500-foot-wide route (at its widest point) along the proposed 1,250-foot minor reroute north of Blackhawk Road's I-35E crossing;
- A 200-foot-wide route for approximately 1,800 feet along the Blackhawk Road until the intersection with Cliff Road / CSAH 32;
- A 400-foot-wide route for approximately 2.2 miles along Cliff Road / Cliff Road E / CSAH 32 until the intersection with State Highway 13E;
- The entire 0.5-acre parcel where the River Hills Substation is located;
- A 500-foot-wide route for approximately 2,000 feet along State Highway 13E;
- A 400-foot-wide route for 2 miles along CSAH 11;
- A 200-foot-wide route for approximately 1,000 feet along I-35E until the Burnsville Substation;
- The entire 5.4-acre parcel where the Burnsville Substation is located.

IX. TRANSMISSION LINE RIGHT-OF-WAY

61. Great River Energy requests that the Route Permit authorize a right-of-way of up to 100 feet for the Project. The existing right-of-way is approximately 70 feet wide. [60] Great River Energy anticipates that the Project will generally utilize the existing right-of-way, but may seek an up to 100-foot right-of-way in some areas to account for site-specific conditions. A 100-foot right-of-way is consistent with other recently-permitted 115-kV facilities.[61]

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[60] Ex. GRE-3 at 3-2 (Application).

[61] Great River Energy Comments on the EA and Draft Route Permit at 4 (Sept. 3, 2024) (eDocket No. 20249-209943-01); *See, e.g.*, *In the Matter of the Application of Great River Energy for a Route Permit for the Reroute of the 115-kV Cedar Lake Transmission Line Project in Scott and Rice Counties*, MPUC Docket No. ET2/TL-23-170, Order Adopting Administrative Law Judge Report and Issuing Route Permit at 3 (June 7, 2024); *see also In the Matter of the Application of Great River Energy for a Route Permit to Rebuild the Existing 69 kV ST-WW Transmission Line to 115 kV in Stearns County, Minnesota*, MPUC Docket No. ET2/TL-22-235, Order Adopting Administrative Law Judge Report and Issuing Route Permit at 12 (Oct. 23, 2023); *see also In the Matter of the Application of Great River Energy and Otter Tail Power Company for a Route Permit for the Frazee to Erie 115 kV Transmission Line Project*

62. Great River Energy anticipates that the Project may obtain some renewed and/or amended easements along the existing alignment. Some new easements may be required where additional space is needed and/or if the Project shifts from the existing alignment. Great River Energy representatives will work directly with individual landowners to acquire the necessary easements for the Project.[62]

X. PROJECT SCHEDULE

63. Great River Energy anticipates starting construction in Winter 2025/2026 and energizing the Project in Spring 2028. The Project is expected to be constructed in three separate phases to avoid extended outages on the distribution systems (e.g., the Deerwood Substation will remain energized via the River Hills Substation while the lines between the Deerwood and Pilot Knob Substations are being rebuilt).[63] Great River Energy has proposed revisions to the Draft Route Permit to account for this three-phase construction.

XI. PROJECT COSTS

64. Great River Energy estimates that the costs for the proposed Project are approximately $32.8 million.[64]

65. The estimated annual cost of ROW maintenance and operation of Great River Energy's transmission lines (69-kV to 500-kV) in Minnesota currently averages about $2,000 per mile. Storm restoration, annual inspections, and ordinary replacement costs are included in these annual operating and maintenance costs.[65]

XII. PERMITTEE

66. The permittee for the Project is Great River Energy.[66]

XIII. PUBLIC AND LOCAL GOVERNMENT PARTICIPATION

67. Prior to submitting the Application, Great River initiated landowner outreach by providing information on the Project via letters mailed to potentially impacted landowners, interested parties and federal, state, and local governmental officials; publishing notices in area newspapers; and holding Open House meetings.[67]

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in Becker and Otter Tail Counties, MPUC Docket No. E-T2/TL-20-423, Order Adopting Administrative Law Judge Report and Issuing Route Permit at 26 (Dec. 17, 2021); *see also In the Matter of the Application of Dodge County Wind, LLC for a Certificate of Need, a Site Permit, and a Route Permit for the up to 252 MW Large Wind Energy Conversion System and Associated 161 kV Transmission Line in Dodge, Mower, and Steele Counties, Minnesota*, MPUC Docket Nos. IP-6981/CN-20-865, IP-6981/WS-20-866, and IP-6981/TL-20-867, Order Granting Certificate of Need, Issuing Site Permit, and Issuing Route Permit at 56 (June 4, 2024).

[62] Ex. GRE-3 at 3-2 (Application).
[63] Ex. GRE-3 at 3-5 (Application).
[64] Ex. GRE-3 at 3-4 (Application).
[65] Ex. GRE-3 at 3-5 (Application).
[66] Ex. GRE-3 at 3-6 (Application).
[67] Ex. GRE-3 at 1-5 (Application).

68. Applicant held Open Houses at the Eagan Community Center in Eagan, Minnesota, and at the Diamondhead Education Center in Burnsville, Minnesota, on July 25 and 26, 2023, respectively. Applicant's staff were available to provide information to members of the public and answer questions concerning the Project. Large posters showing the existing/proposed transmission line alignment and pictures of what the pole structures would look like were also available for review.[68]

69. Public Information Meetings and EA Scoping Meetings were held on February 20 and February 21, 2024, during which multiple members of the public spoke. Five people attended the remote meeting, and four persons attended the in-person public information and scoping meeting. There were three public comments received during the remote virtual meeting, and no comments received during the in-person meeting.[69] During the comment period, which closed on March 6, 2024, five written public comments were received – two from the general public and three from state agencies.[70]

70. On August 21, 2024, Judge Mortenson presided over a public hearing at the Diamondhead Education Center in Burnsville, Minnesota. One person provided oral comments at this public hearing.[71] A remote public hearing was held via Webex on August 22, 2024. One person provided oral comments during that hearing.[72] Great River Energy responded to questions at the public hearings, as applicable. The written public comment period remained open through September 3, 2024. Three written comments were submitted by members of the public.[73]

71. On August 20 and 22, 2024, Aaron Jaeger submitted comments regarding the Project, EMF, and property values.[74]

72. On September 3, 2024, Art Kalmes submitted comments concerning the Project and vegetation removal and maintenance.[75]

73. On September 10, 2024, Great River Energy submitted responses to public hearing comments, to the extent Great River Energy had not already responded to the comments during the public hearings. With respect to Mr. Jaeger's comments, Great River Energy stated that the EA concluded that the Project is not anticipated to result in impacts to public health and safety from EMF, nor is the Project anticipated to result in direct impacts to property values, particularly given that it is the rebuild and upgrade of an existing line. With respect to Mr. Kalmes's comments, Great River Energy provided explanation regarding vegetation management practices and responded to Mr. Kalmes's comments on the Draft Route Permit, stating that the revisions proposed by Mr.

[68] Ex. GRE-3 at 1-5 (Application).
[69] Exs. EERA-4 and EERA-5.
[70] Metropolitan Council, MDNR, and MnDOT Comments (March 6, 2024) (eDocket No. 20243-204563-01).
[71] Burnsville 1:00p.m. Tr. at 15 (Aug. 21, 2024).
[72] WebEx 12:00 p.m. Tr. at 12 (Aug. 22, 2024).
[73] Comment by Aaron Jaeger (Aug. 20, 2024) (eDocket No. 20248-209645-01); Comment by Aaron Jaeger (Aug. 22, 2024) (eDocket No. 20248-209721-01); and Comment by Art Kalmes (Sept. 3, 2024) (eDocket No. 20249-209922-01).
[74] Comment by Aaron Jaeger (Aug. 20, 2024) (eDocket No. 20248-209645-01) and Comment by Aaron Jaeger (Aug. 22, 2024) (eDocket No. 20248-209721-01).
[75] Comment by Art Kalmes (Sept. 3, 2024) (eDocket No. 20249-209922-01).

Kalmes's were problematic because they would interfere with the safe and reliable operation of the Project.

XIV. FACTORS FOR A ROUTE PERMIT

74. The PPSA, Minn. Stat. Ch. 216E, requires that route permit determinations "be guided by the state's goal to conserve resources, minimize environmental impacts, minimize human settlement and other land use conflicts, and ensure the state's electric energy security through efficient, cost-effective power supply and electric transmission infrastructure."[76]

75. Under the PPSA, the Commission must be guided by the following responsibilities, procedures, and considerations:

> (1) evaluation of research and investigations relating to the effects on land, water and air resources of large electric power generating plants and high-voltage transmission lines and the effects of water and air discharges and electric and magnetic fields resulting from such facilities on public health and welfare, vegetation, animals, materials and aesthetic values, including baseline studies, predictive modeling, and evaluation of new or improved methods for minimizing adverse impacts of water and air discharges and other matters pertaining to the effects of power plants on the water and air environment;
>
> (2) environmental evaluation of sites and routes proposed for future development and expansion and their relationship to the land, water, air and human resources of the state;
>
> (3) evaluation of the effects of new electric power generation and transmission technologies and systems related to power plants designed to minimize adverse environmental effects;
>
> (4) evaluation of the potential for beneficial uses of waste energy from proposed large electric power generating plants;[77]
>
> (5) analysis of the direct and indirect economic impact of proposed sites and routes including, but not limited to, productive agricultural land lost or impaired;
>
> (6) evaluation of adverse direct and indirect environmental

[76] Minn. Stat. § 216E.03, subd. 7.

[77] Factor 4 is not applicable because Applicant is not proposing to site a large electric generating plant in this docket.

effects that cannot be avoided should the proposed site and route be accepted;

(7) evaluation of alternatives to the applicant's proposed site or route proposed pursuant to subdivisions 1 and 2;

(8) evaluation of potential routes that would use or parallel existing railroad and highway rights-of-way;

(9) evaluation of governmental survey lines and other natural division lines of agricultural land so as to minimize interference with agricultural operations;

(10) evaluation of the future needs for additional high-voltage transmission lines in the same general area as any proposed route, and the advisability of ordering the construction of structures capable of expansion in transmission capacity through multiple circuiting or design modifications;

(11) evaluation of irreversible and irretrievable commitments of resources should the proposed site or route be approved;

(12) when appropriate, consideration of problems raised by other state and federal agencies and local entities;

(13) evaluation of the benefits of the proposed facility with respect to (i) the protection and enhancement of environmental quality, and (ii) the reliability of state and regional energy supplies;

(14) evaluation of the proposed facility's impact on socioeconomic factors; and

(15) evaluation of the proposed facility's employment and economic impacts in the vicinity of the facility site and throughout Minnesota, including the quantity and quality of construction and permanent jobs and their compensation levels. The commission must consider a facility's local employment and economic impacts, and may reject or place conditions on a site or route permit based on the local employment and economic impacts.

76. In addition, Minn. Stat. § 216E.03, subd. 7(e), provides that the Commission "must make specific findings that it has considered locating a route for a high-voltage transmission line

on an existing high-voltage transmission line route and the use of parallel existing highway ROW and, to the extent those are not used for the route, the [C]omission must state the reasons."

77. In addition to the PPSA, the Commission is governed by Minn. R. 7850.4100, which mandates consideration of the following factors when determining whether to issue a route permit for a HVTL:

> A. effects on human settlement, including, but not limited to, displacement, noise, aesthetics, cultural values, recreation, and public services;
>
> B. effects on public health and safety;
>
> C. effects on land-based economies, including, but not limited to, agriculture, forestry, tourism, and mining;
>
> D. effects on archaeological and historic resources;
>
> E. effects on the natural environment, including effects on air and water quality resources and flora and fauna;
>
> F. effects on rare and unique natural resources;
>
> G. application of design options that maximize energy efficiencies, mitigate adverse environmental effects, and could accommodate expansion of transmission or generating capacity;
>
> H. use or paralleling of existing rights-of-way, survey lines, natural division lines, and agricultural field boundaries;
>
> I. use of existing large electric power generating plant sites;[78]
>
> J. use of existing transportation, pipeline, and electrical transmission systems or rights-of-way;
>
> K. electrical system reliability;
>
> L. costs of constructing, operating, and maintaining the facility which are dependent on design and route;
>
> M. adverse human and natural environmental effects which cannot be avoided; and

[78] This factor is not applicable because it applies only to power plant siting.

N. irreversible and irretrievable commitments of resources.

78. There is sufficient evidence in this record to assess the Project using the criteria and factors set forth above.

XV. APPLICATION OF ROUTING FACTORS TO THE PROPOSED ROUTE

A. Effects on Human Settlement.

79. Minnesota law requires consideration of the Project's effects on human settlement, including displacement of residences and businesses, noise created by construction and operation of the Project, and impacts to aesthetics, cultural values, recreation, and public services.[79]

1. Displacement.

80. No residences or businesses are anticipated to be permanently displaced by the Project. During the scoping period, comments were raised by the public regarding the potential for disruption to entrances and exists at local churches and businesses, as well as outages of electrical service during construction. Potential impacts to area businesses and churches would be minimized by coordination of roadway lane closure with local jurisdictions, coordination with landowners regarding private driveway use during construction, if needed, and coordination with Dakota Electric Association for electrical service outages. [80]

2. Noise.

81. The Minnesota Pollution Control Agency ("MPCA") has established standards for the regulation of noise levels. The most restrictive MPCA noise limits are 60–65 A-weighted decibels ("dBA") during the daytime and 50–55 dBA during the nighttime.[81]

82. Potential noise impacts due to the Project can be grouped into three categories: (1) noise from construction of the transmission line, and (2) noise from operation of the transmission line, and (3) noise from operation of the substation.[82]

83. During the construction of the Project, temporary, localized noise from heavy equipment and increased vehicle traffic is expected to occur along the ROW during daytime hours. Construction noise is generally expected to occur during daytime hours; however, occasionally, there may be construction outside of those hours or on a weekend if needed to accommodate customer schedules, line outages, or if the construction schedule has been significantly impacted due to delays or other factors.[83]

[79] Minn. Stat. § 216E.03, subd. 7(b); Minn. R. 7850.4100, subp. A.
[80] Ex. EERA-10 at 27 (EA).
[81] Minn. R. 7030.0040.
[82] Ex. EERA-10 at 30 (EA).
[83] Ex. EERA-10 at 31 (EA); Ex. GRE-3 at 7-5 and 7-6 (Application).

84. Applicant estimated that noise levels for the Project would be approximately 14.2 to 17.7 dBA at the edge of the transmission line ROW and 15.3 to 18.8 dBA directly under the line. These noise levels are within Minnesota noise standards.[84]

85. At the Burnsville Substation, Great River Energy will expand the existing substation footprint by approximately 0.06 acre, remove existing bus work, and install new bus work, breakers, and control equipment, and reconfigure the 115-kV transmission entering/exiting the substation. Burnsville Substation is adjacent to the I-35E freeway, and noise impacts to nearby receptors are not anticipated.[85]

86. Operational noise from the transmission line is not anticipated to significantly contribute to exceedances of the MPCA's total noise standards; therefore, no mitigation is proposed after construction is completed.[86]

87. Section 5.3.6 in the Draft Route Permit addresses noise from the Project.[87]

3. Aesthetics.

88. The Project will be visible along the Proposed Route, like the Applicant's existing 69-kV system in the area. The existing structure heights range between 55 to 80 feet above ground and will be replaced with structures from 65 to 100 feet tall.[88]

89. The visual effect will depend largely on the perceptions of the observers across these landscapes but will remain similar to current conditions. Although the area already has existing transmission lines in the viewshed, the visual contrast added by the taller transmission structures and lines and associated tree clearing/trimming may be perceived as a visual disruption.[89]

90. Aesthetic impacts cannot be fully avoided. Great River Energy is committed to working with landowners on pole placement and alignment adjustments.[90]

91. Concerning facility lighting, EERA included a special condition in the Draft Route Permit, which indicates that Permittee shall follow the MnDOT Approved Products for luminaries for new construction at substations, which limits the uplight rating to zero.[91] Great River Energy proposed limited revisions to this condition to avoid ambiguity regarding the requirements of the condition.[92]

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[84] Ex. GRE-3 at 7-6 (Application).
[85] Ex. EERA-10 at 31 (EA).
[86] Ex. GRE-3 at 7-6 (Application); Ex. EERA-10 at 32 (EA).
[87] Ex. EERA-12, Appendix C at 21 (Draft Route Permit).
[88] Ex. GRE-3 at 7-2 (Application); GRE-12 at 4 (Strohfus Direct).
[89] Ex. GRE-3 at 7-2 (Application); Ex. EERA-10 at 25 and 26 (EA).
[90] Ex. EERA-10 at 26 (EA).
[91] Ex. EERA-12, Appendix C at 30 (Draft Route Permit).
[92] Great River Energy Comments on the EA and Draft Route Permit at 9 (Sept. 3, 2024) (eDocket No. 20249-209943-01).

92. The Draft Route Permit has a general condition in section 5.3.7 that addresses the potential visual impacts from the Project.[93]

4. Cultural Values.

93. The City of Eagan hosts several community events throughout the year including the historic Holz Farm, Winter Art Sale, Big Rig Rally, Bow Wow-a-Rama, Food Truck Festival, Halloween Trail Walk, and Craft and Gift shows. The City of Burnsville holds several events throughout the year, including the International Festival, live music at Buck Hill, Canterbury Park Racetrack, and the Burnsville Festival & Fire Muster. Apple Valley hosts several annual community events including Freedom Days, Mid-Winter. Fest, Fall Clean-up Day, Night to Unite and Music in Kelley Park. The Minnesota Zoo is located within the City of Apple Valley.

94. Construction and operation of the Project is not likely to impact cultural values in the Project area. There may be local disruptions along roadways during construction, but any adverse effects would be of short duration and specific to the Project area. Therefore, no mitigation is proposed.[94]

5. Recreation.

95. Parks crossed by the Project include Highline Trail and Carnelian Park within the City of Eagan, and Terrace Oaks West in the City of Burnsville. Along the majority of the route, there are bike trails, largely associated with bike lanes within roadways, and trails that intersect the transmission line alignment. Great River Energy's existing 69-kV system is presently located along the city parks and bike trails described above.[95]

96. During construction activities, Great River Energy may need to temporarily close or reroute access to bike trails along the alignment. Great River Energy will work with the cities of Eagan and Burnsville to ensure public safety, coordinate temporary closures or reroutes, and notify the public.[96]

97. During operation, the Project would not preclude recreational activities or appreciably diminish the use or experience at these location.[97]

6. Socioeconomics.

98. Approximately 15 to 25 daily contract workers would be utilized during construction of the Project. Great River Energy would also have a construction supervisor onsite throughout the construction phase.[98] Great River Energy expects construction of the Project to take approximately two years. There would be minor short-term positive economic impacts as a result of construction activity and an influx of contractor employees during construction of the Project. Local businesses would likely experience short-term positive economic impacts through the use

[93] Ex. EERA-12, Appendix C at 21 (Draft Route Permit).
[94] Ex. EERA-10 at 27 (EA).
[95] Ex. EERA-10 at 33 (EA).
[96] Ex. EERA-10 at 33 (EA).
[97] Ex. EERA-10 at 33 (EA).
[98] Ex. EERA-10 at 20 (EA).

of the hotels, restaurants and other services used by contractors during construction. In addition, construction materials may be purchased from local vendors. There would be no permanent positions created as a result of the Project.[99]

99. Impacts to socioeconomics would be generally short-term and beneficial; therefore, no mitigation is proposed.[100]

7. Environmental Justice.

100. Environmental justice is the "fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies."[101]

101. Although not directly applicable to the Project, Minn. Stat. § 216B.1691, subd. 1(e) includes a definition of an environmental justice area. The data does not define the Project area as an environmental justice area based on the population residing in surrounding census tracts. This means that none of the census tracts contain: (1) 40 percent or more nonwhite populations; (2) 35 percent or more households with income below 200 percent of the poverty level; (3) 40 percent or more residents with limited English proficiency; or (4) Indian country.[102]

102. There are no environmental justice communities impacted by the Project. No environmental justice impacts are anticipated, and no mitigation is proposed.[103]

8. Public Service and Infrastructure.

103. Roadways in northern Dakota County vary from interstate highways to multilane suburban arterials to improved two-land roads with curb and gutter. The cities of Eagan, Burnsville, and Apple Valley provide police, fire, water, and sewer services in their respective cities. Ambulance services are provided by the fire department or private ambulance services. The Allied Radio Matrix for Emergency Response ("ARMER") currently serves as the primary communications tool for the majority of state, county and local public safety entities in Minnesota. The ARMER radio system can be interrupted if tall objects are proposed within the line-of-sight, typically for structures greater than 150 feet tall. There are no ARMER towers within one mile of the Project.[104] There are two airports or airstrips within five miles of the Project: the Minneapolis-St Paul International Airport, approximately 3.5 miles north of the Project; and Crystal Lake, 2.5 miles southwest of the Project, has a seaplane base.[105]

104. The Project would cross an existing Xcel Energy 345 kV transmission line. There are three existing natural gas pipelines which will be crossed by the Project. Because the majority

[99] Ex. EERA-10 at 33–34 (EA).
[100] Ex. EERA-10 at 34 (EA).
[101] Ex. EERA-10 at 33 (EA).
[102] Ex. EERA-10 at 34 (EA).
[103] Ex. EERA-10 at 34 (EA).
[104] Ex. EERA-10 at 35–36 (EA).
[105] Ex. EERA-10 at 36 (EA).

of the Project would follow the existing 69 kV transmission and road ROW, impacts to existing utilities are anticipated to be minimal.[106]

105. A member of the public expressed concern during the scoping period regarding electrical service outages that may occur during construction of the Project.[107] Great River Energy will coordinate the electrical service outages for its system with Dakota Electric Association to minimize service impact to customers.[108]

106. Construction of the Project would be primarily within transmission line ROW. Stringing the conductor and shield wire across roads can be accomplished with minimal traffic impacts. Temporary structures may be installed inside or outside of road ROW to ensure pulling lines, shield wire, or conductor has sufficient clearance over roads. All necessary provisions would be made to conform to safety requirements for maintaining the flow of public traffic during construction.[109]

107. MnDOT provided comments during scoping regarding impacts to its system during construction and operation. Great River Energy will coordinate with and obtain required permits and approvals from MnDOT for use of its ROW for transmission structures and overhead wires, protection of environmental resources within the ROW, and when planning for oversized loads on the State Highway System.[110]

108. In the Draft Route Permit filed with the EA, EERA proposed a special permit condition that includes text from MnDOT comments that summarizes MnDOT policies and guidance. Great River Energy requested that this special permit condition be deleted in acknowledgement that MnDOT will conduct its own permitting, and Great River Energy will need to comply with whatever MnDOT requirements are in place at the time of that permitting. Section 5.5.2 of the Draft Route Permit already requires the permittee to document that it has obtained all required permits and approvals. Great River Energy stated that it is concerned that language summarizing MnDOT guidance and policies in the Draft Route Permit could cause confusion or contradiction to the extent that MnDOT ultimately imposes different requirements upon the Project-specific permits and approvals here. Further, Great River Energy noted that many projects permitted by the Commission cross or follow MnDOT right-of-way. Similar permit conditions are not regularly imposed on other projects, and the Project does not pose any unique challenges requiring Commission oversight with respect to its MnDOT permitting. Great River Energy stated that it will continue coordination with MnDOT regarding the Project, and compliance with MnDOT requirements will be documented as part of Section 5.5.2 of the Draft Route Permit.[111]

109. Great River Energy will coordinate with the Federal Aviation Administration ("FAA") to complete the Obstruction Evaluation/Airport Airspace Analysis Process. Because this

[106] Ex. EERA-10 at 36 (EA).
[107] Ex. EERA-10 at 36 (EA).
[108] Ex. EERA-10 at 36 (EA); Ex. GRE-3 at 4-5 (Application).
[109] Ex. EERA-10 at 36 (EA).
[110] Ex. EERA-10 at 36 (EA).
[111] Great River Energy Comments on the EA and Draft Route Permit at 6–7 (Sept. 3, 2024) (eDocket No. 20249-209943-01).

Project is replacing an existing transmission line within largely the same right-of-way, and because of the distance from airports, impacts to aviation services are not anticipated.[112]

110. Although it is not anticipated that construction activities would result in the blockage of any roadways that could be used in the case of an emergency, Great River Energy would coordinate with local authorities regarding appropriate procedures, signage, and traffic management for lane or road closure. As a result, impacts to emergency response during construction would be minimal.[113]

9. Electronic Interference.

111. Electronic interference refers to an electronic signal disturbance that impairs the proper functioning of an electronic device. HVTLs can interfere with electronic communications (radios, two-way radios, TV, and microwave communication) in two ways. First, corona from transmission line conductors can generate electromagnetic "noise" at the same frequencies that communication signals are transmitted. This noise is not sound, but rather electromagnetic signals that can cause interference with the reception of communications depending on the frequency and strength of the signal. Second, transmission structures can physically block communication signals through a "shadowing" effect. GPS is typically not affected by transmission lines.[114]

112. During the scoping period, Steve Smith, a member of the public, expressed concern with the Project's interference with antennas associated with AM 980 KKMS on the south side of Cliff Road. Great River Energy has subsequently been in discussions with the radio station regarding clearance requirements from the antennas and the potential for radio interference from the transmission line. Great River Energy confirmed with its construction contractor they have the ability to adequately ground their construction equipment while working near the antennas, and both parties have agreed to conduct a joint radio interference study during final engineering, when the locations and height of the transmission equipment along Cliff Road is known.[115]

113. For FM radio, FM radio receivers usually do not pick up interference from transmission lines because corona-generated noise currents are quite small in the FM broadcast frequency band. Additionally, FM radio systems have inherent interference rejection properties that make them virtually immune to corona-noise type disturbances. There would be no impact to FM radio receivers resulting from the Project.[116]

114. Recently issued route permits from the Commission address Interference with Communication Devices in Standard Condition 5.4.3, requiring the following:

> If interference with radio or television, satellite, wireless internet, GPS-based agriculture navigation systems or other communication devices is caused by the presence or operation of the Transmission Facility, the Permittee shall take whatever action is necessary to

[112] Ex. GRE-2 at 7-16 (Application).
[113] Ex. EERA-10 at 37 (EA).
[114] Ex. EERA-10 at 27-28 (EA).
[115] Ex. EERA-10 at 28 (EA).
[116] Ex. EERA-10 at 28 (EA).

> restore or provide reception equivalent to reception levels in the immediate area just prior to the construction of the Transmission Facility. The Permittee shall keep records of compliance with this section and provide them upon the request of Commerce or Commission staff.[117]

115. The draft Route Permit also includes Special Condition 6.1, requiring the following regarding proximity to radio antennas:

> The Permittee shall conduct technical studies to determine the effects of rebuilding and upgrading the transmission line in proximity to the AM 980 KKMS antennas. The study shall be based on final engineering of the transmission structure components' location in space, identify radio signal interference, determine the ability for the antennas to induce a voltage on the transmission line, and propose mitigation for any interference or induced voltage. At least 30 days prior to commencing construction within one-half-mile of the AM 908 KKMS antennas, the Permittee shall submit a compliance filing summarizing the results of the technical studies conducted, its coordination with AM 908 KKMS, and any mitigation incorporated by the Permittee. Construction in proximity to the AM 908 KKMS antennas shall not be authorized until the special condition has been met.[118]

116. In its September 3, 2024, comments, Great River Energy stated that, while the issue related to the AM radio antennas is covered by the existing general permit condition 5.4.3, Great River Energy is not opposing the special condition proposed by EERA.[119]

B. Effects on Public Health and Safety.

117. Minnesota's HVTL routing factors require consideration of the Project's potential effect on health and safety.[120]

118. Impacts to human health and safety are assessed by looking at three main issues: electric and magnetic fields, stray voltage, and induced voltage.[121]

1. Electromagnetic Fields ("EMF").

[117] Ex. EERA-12, Appendix C at 12 (Draft Route Permit).
[118] Ex. EERA-12, Appendix C at 13 (Draft Route Permit).
[119] Great River Energy Comments on the EA and Draft Route Permit at 6 (Sept. 3, 2024) (eDocket No. 20249-209943-01).
[120] Minn. Stat. § 216E.03, subd. 7(b)(1); Minn. R. 7850.4100, subp. B.
[121] Ex. EERA-10 at 40 (EA).

119. There are no federal regulations regarding allowable electric or magnetic fields produced by transmission lines in the United States. The Commission has imposed a maximum electric field limit of 8 kV per meter ("kV/m").[122]

120. The highest modeled electric field levels associated with the Project are anticipated to range from 0.25 to 2.37 kV/m directly under the centerline.[123] The maximum magnetic field under expected peak demand conditions is expected to range between 23.45 and 44.9 milligauss ("mG") directly under the line. Magnetic field strengths at the edge of ROW during average loading conditions is expected to range from 10 to 22 mG. Because the actual power flow on a transmission line could potentially vary throughout the day depending on electric demand, the actual magnetic field level could also vary widely from hour to hour.[124]

121. Impacts to public health and safety resulting from EMF are not expected.[125]

2. Stray Voltage.

122. Impacts to residences, businesses, or farming operations resulting from neutral to earth voltage are not anticipated. Stray voltage is generally associated with distribution lines. The Project – a transmission line – does not create stray voltage as it does not directly connect to businesses, residences, or farms.[126]

3. Induced Voltage.

123. Impacts due to induced voltage are not anticipated to occur because of the operation of the Project. The Project may induce a voltage on metal objects near the transmission line ROW; however, the Commission requires that transmission lines be constructed and operated to meet NESC standards as well as the Commission's own electric field limit of 8.0 kV/m, reducing these impacts. Therefore, no mitigation is proposed. [127]

C. Effects on Land-Based Economies.

124. Minnesota's HVTL routing factors require consideration of the Project's impacts to land-based economies—specifically, agriculture, forestry, tourism, and mining.[128]

1. Agriculture.

125. Although land in northern Dakota County had previously been agricultural use, today it is primarily used for residential and commercial purposes. There would be no impact to agriculture from the Project. Therefore, no mitigation is proposed.[129]

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[122] Ex. EERA-10 at 40 (EA).
[123] Ex. EERA-10 at 40–41 (EA).
[124] Ex. EERA-10 at 41 (EA).
[125] Ex. EERA-10 at 41 (EA).
[126] Ex. EERA-10 at 42 (EA).
[127] Ex. EERA-10 at 42 (EA).
[128] Minn. Stat. § 216E.03, subd. 7(b)(5); Minn. R. 7850.4100, subp. C.
[129] Ex. EERA-10 at 43 (EA).

2. Forestry.

126. There are no management plans or reports of forestry resources covering the Twin Cities metro area. As a result, construction and operation of the Project would not affect forestry resources, and no mitigation is proposed.[130]

3. Mining.

127. The Project is located in an area mapped having many limestone crushed stone quarries, but there is no mining occurring within the Proposed Route. No impacts to mining are anticipated, and no mitigation is proposed.[131]

4. Tourism.

128. Tourist destinations near the Proposed Route include sporting events, shopping, dining, and accommodations. Project activities avoid areas that would be considered local tourist destinations, and the Project would not preclude tourism activities, or appreciably diminish experiences at tourist destinations. The Project would have minimal impacts on tourism activities and nearby tourist destinations; as such, no mitigation is proposed.[132]

D. Effects on Archaeological and Historic Resources.

129. Minnesota Rule 7850.4100, subparagraph D, requires consideration of the effects of the Project on historic and archaeological resources.

130. A cultural resource literature review of the Project and a one-mile buffer was conducted online through cultural resources site (archaeological sites and historic structures) and survey files from the SHPO, archaeological site files on the Office of the State Archaeologist ("OSA") online portal, as well as the General Land Office maps and available historical aerial photography accessed online through the OSA Portal.[133]

131. The cultural resource literature review and Merjent's evaluation of the possible effects of the Project on archaeological and historic properties in the search area and proposed mitigation was provided to the Minnesota SHPO in a letter dated August 8, 2023. The SHPO response to the letter was received on September 25, 2023, indicating that there are no known properties at this time listed in the National or State Registers of Historic Places and no known or suspected archaeological properties in the area that would be affected by the Project.[134]

132. Applicant requested feedback on the Project from the 11 federally recognized Tribes geographically located within Minnesota and the Minnesota Indian Affairs Council

[130] Ex. EERA-10 at 43 (EA).
[131] Ex. EERA-10 at 44 (EA).
[132] Ex. EERA-10 at 43 (EA).
[133] Ex. EERA-10 at 45 (EA).
[134] Ex. EERA-10 at 47 (EA); GRE-12 at 5 (Strohfus Direct).

("MIAC"). According to the OSA and SHPO files, there are no archaeological sites recorded within a half-mile of the proposed alignment. [135]

133. The Applicant also provided an update regarding the status of Great River Energy's coordination with SHPO regarding the Project in the testimony of Mark Strohfus on August 7, 2024, wherein the Applicant reported that SHPO found no properties listed in the National or State Registers of Historic Places and no known or suspected archaeological properties in the area that will be affected by the Project.[136]

134. Section 5.3.15 of the Draft Route Permit addresses archaeological and historic resources.[137]

E. Effect on Natural Environment.

135. Minnesota's HVTL routing factors require consideration of the Project's effect on the natural environment, including effects on air and water quality resources and flora and fauna.[138]

1. Air Quality.

136. Impacts on air quality from construction and operation of the Project would be low and primarily limited to the period of construction. During construction, air emissions would occur from the operation of construction equipment, vehicular traffic, and soil disturbance. Construction activities would be performed with standard heavy equipment such as cranes, boom trucks, and assorted small vehicles. Emissions from these vehicles and activities would not substantially affect the concentrations of air quality constituents being monitored in northern Dakota County.[139] During operation, the annual inspections, maintenance, and emergency repair of the transmission line also would not substantially add to air quality pollutant concentrations in the region.[140]

137. When necessary, dust from construction activities would be controlled using standard construction practices such as watering of exposed surfaces, covering of disturbed areas, reduced speed limits, and the use of chemical dust suppressants.[141]

138. EERA included a special condition in the Draft Route Permit, which requires the following:

> To protect plants and wildlife from chloride products that do not break down in the environment, the Permittee is prohibited from using dust control products containing calcium chloride or magnesium chloride during construction and operation. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce or Commission staff.

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[135] Ex. EERA-10 at 46 (EA); GRE-12 at 5 (Strohfus Direct).
[136] GRE-12 at 5 (Strohfus Direct).
[137] Ex. EERA-12, Appendix C at 10 (Draft Route Permit).
[138] Minn. Stat. § 216E.03, subd. 7(b)(1)–(2); Minn. R. 7850.4100, subp. E.
[139] Ex. EERA-10 at 49 (EA).
[140] Ex. EERA-10 at 49–50 (EA).
[141] Ex. EERA-10 at 50 (EA).

2. Greenhouse Gas Emissions ("GHG").

139. Construction of the Project would result in GHG emissions from the combustion of diesel and gasoline in heavy construction equipment, delivery vehicles, and worker passenger vehicles. Construction activities are expected to produce a total of 1,140 tons carbon dioxide equivalent ("CO2e").[142]

140. During the operational stage, the Project would be regularly inspected, maintained, and possibly undergo emergency repair. These activities would generate a minor amount of GHG emissions. It is estimated approximately 1.7 tons per year ("tpy") CO2e would be generated during operation.[143]

141. The Project would have minimal effect to GHG emissions in Minnesota, and as such, no mitigation is proposed.[144]

3. Climate Change.

142. A warming climate is expected to cause increased flooding, storms, and heat wave events. The Project as proposed will be designed to withstand these changes and will increase reliability in the Project area. Therefore, no mitigation is proposed.[145]

4. Geology and Topography.

143. Transmission structures will generally be direct embedded in the soil approximately 10 to 20 feet deep and three to five feet in diameter for each pole. No changes to geology are anticipated, and no mitigation is proposed.[146]

5. Soils.

144. Construction activities have the potential to compact the soil as the result of the movement of heavy construction equipment. Vegetation will be cleared to facilitate construction of the Project. This clearing will temporarily expose soils to the elements, which could cause soil erosion. Loss of soils during construction could adversely impact water resources in the area.[147]

145. Potential impacts of construction are compaction or rutting of soil associated with construction equipment and exposing disturbed soils to wind and water erosion. Ground disturbance and soil exposure would be primarily limited to the pole locations, at which activities would typically consist of augering a hole 10 to 20 feet deep and three to five feet in diameter for each pole. Soil not re-used would be thin spread in the construction area or hauled off-site.[148]

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[142] Ex. EERA-10 at 50 (EA).
[143] Ex. EERA-10 at 51 (EA).
[144] Ex. EERA-10 at 51 (EA).
[145] Ex. EERA-10 at 52 (EA).
[146] Ex. EERA-10 at 53–54 (EA).
[147] Ex. GRE-2 at 7-54 (Application).
[148] Ex. EERA-10 at 54 (EA).

146. Erosion and sediment control methods would be utilized to minimize runoff during construction. Such best management practices may include but are not limited to the installation of sediment barriers (e.g., straw bales, bio-logs), filter socks, mulch, upslope diversions, and slope breakers. Soils in the construction areas would be de-compacted, if necessary, and revegetated as soon as possible to minimize erosion. Implementation of these measures would reduce impacts to soil resulting from construction of the Project. [149]

147. Section 5.3.8 of the Draft Route Permit addresses erosion prevention and sediment control practices.[150]

6. Water Quality and Resources.

148. There are a variety of water resources in the vicinity of the Project but few within the Proposed Route. The Project lies within the Lower Minnesota River and Vermillion River watersheds.[151]

149. Great River Energy anticipates the Project would disturb less than an acre of soil and would not be required to obtain a National Pollutant Discharge Elimination System permit from the MPCA to discharge stormwater from construction areas. The disturbed area calculation would be based on final engineering of the Project.[152]

1) Groundwater.

150. Eighty-five percent of the Proposed Route is mapped as having depth to groundwater at less than 20 feet. If dewatering is necessary above 10,000 gallons per day or one million gallons per year, Great River Energy would be required to obtain a Water Appropriation Permit from MDNR. If displaced groundwater rises to the surface during pole or foundation installation, Great River Energy would collect the groundwater and dispose of it through a licensed facility. No groundwater is anticipated to be discharged during construction to a storm drain or to surface water without a permit.[153]

2) Wells.

151. The Minnesota Department of Health ("MDH") provided comments on August 29, 2023, to Great River Energy during initial outreach for the Project. MDH identified general potential mitigation measures regarding staging of equipment, emergency response plans, preparing a contact list of well owners for notification in case of a spill, and maintaining clearance from existing wells to allow owners to access the wells with a drill rig without special equipment or de-energizing the line.[154] EERA included these measures in a special condition in the Draft Route Permit:[155]

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[149] Ex. EERA-10 at 55 (EA).
[150] Ex. EERA-12, Appendix C at 22 (Draft Route Permit).
[151] Ex. EERA-10 at 56 (EA).
[152] Ex. EERA-10 at 57 (EA).
[153] Ex. EERA-10 at 53 (EA).
[154] Ex. EERA-10 at 53 (EA).
[155] Ex. EERA-10 at 53 (EA).

To reduce effects of the Project to existing wells, the following measures shall be implemented:

- The project is within the Emergency Response Area for the City of Eagan's wells. Any project staging should take place more than 200 feet from the City's wells.

- The project crosses both the City of Burnsville and City of Eagan Drinking Water Supply Management Areas. The Applicant and its contractors shall familiarize themselves with the Emergency Response Plans for both cities, and the applicable Plan shall be on site in construction vehicles during work, and followed in the case of a spill.

- Contact information (name, address, phone number) for all well owners with wells located within 200 feet of the transmission line shall be identified and cataloged with the well location, for use in the event of a spill or release of hazardous substance. This list of wells shall include identification of wells that aren't included in the Minnesota Well Index (https://mnwellindex.web.health.state.mn.us/#), and shall be provided to Anneka Munsell at Anneka.munsell@state.mn.us.

- Drill rigs with masts are typically required to service or seal abandoned wells. The presence of active powerlines near a well can make it difficult or impossible to safely complete this necessary work. The transmission line shall be designed to provide safe clearance and legal access for well service or sealing with a drill rig when the transmission line is active at the maximum proposed voltage. Alternatively, accommodation can be made by the Applicant to well owners to provide an alternative source of water of similar chemistry and supply, as well as sealing the existing well in accordance with Minnesota Statute, prior to energizing the transmission line.

Records of compliance shall be retained by the Permittee, and be provided to the Commission and Commerce staff upon request.[156]

152. In its comments on the EA and Draft Route Permit, Great River Energy proposed revisions to Special Condition 6.3 to incorporate more specific information regarding the Project, reflect that the Project is a replacement of an existing line, and provide clarity for the purposes of compliance.[157]

[156] Ex. EERA-12, Appendix C at 15 (Draft Route Permit).

[157] Great River Energy Comments on the EA and Draft Route Permit at 7–9 (Sept. 3, 2024) (eDocket No. 20249-209943-01).

153. Great River Energy explained that a City of Eagan well was constructed in close proximity to existing transmission lines that will be rebuilt as part of this Project. Thus, it is not possible to maintain a distance of 200 feet, and Great River Energy requests that this condition be removed because it could pose feasibility issues with respect to construction of the Project. Great River Energy and the City of Eagan have engaged in close and ongoing coordination regarding these facilities, and that coordination will continue as part of this Project. Great River Energy does not object to a special permit condition requiring this coordination.[158]

154. With respect to emergency response plans, Great River Energy stated that it does not object to MDH's comments and has proposed revisions to the Draft Route Permit to specifically reflect the recommendation.

155. With respect to existing wells, Great River Energy stated that it does not object to cataloging contact information and will include any wells that are not included in the Minnesota Well Index to the extent they are identified by a landowner. Great River Energy notes that the residents of Eagan, Burnsville, and Apple Valley are largely served by municipal water service and, as such, does not anticipate that landowners are likely to identify previously unknown wells within the existing right-of-way.[159]

156. With respect to the final component of EERA's proposed condition, Great River Energy stated that there are only four wells within the proposed right-of-way, three of which are sealed. The remaining well within the right-of-way is an industrial well. That well is also within the right-of-way of the existing line. The Project is a replacement of an existing line for which Great River Energy has easement rights allowing it to construct, operate, and maintain its facilities. Because the proposed language above does not reflect that Great River Energy has existing land rights for this ROW, Great River Energy requests that this language not be included in the Draft Route Permit.[160]

157. Overall, Great River Energy stated that it did not object to a special permit condition stating:

> Permittee shall coordinate with the cities of Eagan and Burnsville regarding the location of any city wells in the vicinity of the Project and obtain copies of each city's applicable emergency response plan prior to construction. Records of compliance shall be retained by the Permittee, and be provided to the Commission and Commerce staff upon request.[161]

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[158] Great River Energy Comments on the EA and Draft Route Permit at 8 (Sept. 3, 2024) (eDocket No. 20249-209943-01).

[159] Great River Energy Comments on the EA and Draft Route Permit at 9 (Sept. 3, 2024) (eDocket No. 20249-209943-01).

[160] Great River Energy Comments on the EA and Draft Route Permit at 9 (Sept. 3, 2024) (eDocket No. 20249-209943-01).

[161] Great River Energy Comments on the EA and Draft Route Permit at Attachment A-2 – 15 (Sept. 3, 2024) (eDocket No. 20249-209943-01).

3) Surface Water.

158. Impacts to surface water resources typically include pollutants entering wetlands and waterbodies from stormwater runoff containing chemicals released onto urban hardscape, used in landscaping, or an excess of sediment from soil erosion.[162]

159. Surface water from the Project area primarily drains toward Carlson Lake (northeast of Pilot Knob Substation), Blackhawk Lake (northern portion of Pilot Knob-Deerwood segment), and Alimagnet Lake (south of Burnsville Substation). These drainage basins have been identified by the State of Minnesota as being impaired waters, meaning the water quality does not meet the standards needed for its designated use.[163]

4) Wetlands.

160. The Proposed Route crosses several discrete wetland communities and wetland complexes. Focusing on the Proposed Route, 11 freshwater ponds and 13 wetlands have been mapped within the Proposed Route.[164]

161. The ROW partially crosses three wetlands. No public water wetlands are crossed by the proposed alignment or associated ROW. Temporary impacts to wetlands may occur if they need to be crossed during construction of the Project. Clearing in wetlands will be conducted when the ground and wetlands are frozen, or mats will be used to minimize impacts to vegetation. Staging or stringing setup areas will not be placed within or adjacent to water resources to the extent practicable. Great River Energy does not currently anticipate placing poles within wetlands. If a different final alignment is selected, wetland impact avoidance measures that will be implemented during final design and construction of the Project include spacing and placing the power poles at variable distances to span and avoid wetlands, where possible.[165]

5) *Impaired Waters.*

162. There are no impaired waters crossed by the Proposed Route or proposed alignment and associated ROW. The closest impaired waters are Alimagnet Lake and Carlson Lake. Alimagnet Lake is 870 feet south of the Burnsville Substation. Carlson Lake is 1,050 feet east of the Pilot Knob Substation.[166]

163. There are no impaired waters crossed by the Project; therefore, there will be no impacts to impaired waters. Also, the Project is not anticipated to cause a water to be newly listed in the Project area. There is minimal potential to increase turbidity due to sedimentation from construction activities because of the significant distance to any receiving waters. Great River Energy will utilize erosion and sediment BMPs (e.g., silt fencing) to mitigate the potential for sediments to reach any impaired waters.[167]

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[162] Ex. EERA-10 at 57 (EA).
[163] Ex. EERA-10 at 56 (EA).
[164] Ex. EERA-10 at 57 (EA).
[165] Ex. GRE-2 at 7-43 (Application).
[166] Ex. GRE-2 at 7-39 (Application).
[167] Ex. GRE-2 at 7-42 and 7-43 (Application).

6) Floodplains.

164. A floodplain is any area subject to flooding from any source, such as rivers, streams, and lakes. Natural floodplains provide flood risk reduction benefits by slowing runoff and storing flood water.[168]

165. Impacts to surface water resources typically include pollutants entering wetlands and waterbodies from stormwater runoff containing chemicals released onto urban hardscape, used in landscaping, or an excess of sediment from soil erosion. Developing floodplains or siting infrastructure in floodplains can present problems if flooding occurs, damaging infrastructure, homes, and businesses.[169]

166. At this time, Great River Energy anticipates the Project would disturb less than an acre of soil, and would not be required to obtain a National Pollutant Discharge Elimination System permit from the MPCA to discharge stormwater from construction areas.[170]

167. No impacts to floodplains are anticipated from the Project; therefore, no mitigation measures are proposed.

7. Flora.

168. Northern Dakota County is largely developed with commercial and residential development. Vegetation typically associated with ornamental and manicured landscaping is predominant in the area. There are some stands of trees in undeveloped areas.[171]

169. Construction and operation of the Project may cause short-term and/or long-term impacts on vegetation. During construction, vegetation may be impacted if invasive or non-native species are introduced into the ROW during construction or restoration, or by changes in soil or stormwater runoff that adversely impacts plant growth.[172]

170. Long-term impacts would primarily result from tree trimming and removal in the ROW. Great River Energy anticipates approximately 9.5 acres of trees would be removed for the Project. Maintenance of the ROW must meet electrical safety standards; therefore, woody vegetation that is removed from the ROW is unlikely to be replaced.[173]

171. Great River Energy filed a Vegetation Management Plan ("VMP") with the Application as application as Appendix I.[174] No comments have been submitted regarding the VMP.

172. Great River Energy proposed minor revisions to Special Condition 6.6, as proposed by EERA, to clarify and consolidate compliance and notice obligations. In addition, Great River

[168] Ex. EERA-10 at 57 (EA).
[169] Ex. EERA-10 at 56 (EA).
[170] Ex. EERA-10 at 57 (EA).
[171] Ex. EERA-10 at 59 (EA).
[172] Ex. EERA-10 at 59 (EA).
[173] Ex. EERA-10 at 59 (EA).
[174] Ex. GRE-7, at Appendix I (Vegetation Management Plan).

Energy proposes a new special condition, "Vegetation Clearing," that describes the circumstances under which the Permittee would be authorized to commence vegetation clearing before the filing of a plan and profile. Great River Energy requested the condition to reflect the Project's planned phased construction, and because vegetation clearing restrictions related to protected species have the potential to result in construction schedule constraints.[175]

8. Fauna.

173. During construction, there is a potential to displace wildlife as a result of ROW clearing and the use of loud equipment. This wildlife is typical of those found in urban developed settings, and would be able to find similar habitat nearby, minimizing impacts resulting from construction.[176]

174. During construction, there is a potential for erosion and sediment control products to negatively affect wildlife. The MDNR recommends that erosion control blankets be limited to "bio-netting" or "natural netting" types to reduce the potential for entanglement with small animals, and specifically not products containing plastic mesh netting or other plastic components.[177] EERA included a special condition in the Draft Route Permit reflecting this comment. Great River Energy does not object to this condition and proposes a minor revision to specify how compliance will be documented.[178]

175. To minimize impacts to bird species, Great River Energy will design and construct the transmission line in accordance with Avian Power Line Interaction Committee guidelines.[179] In addition, the Draft Route Permit requires Great River Energy to coordinate with MDNR regarding the potential for bird flight diverters for the Project. Because of the location of the Project in a developed area, at this time, Great River Energy does not currently anticipate there are locations on the Project where bird flight diverters will be appropriate.[180]

176. Section 6.10 of the Draft Route Permit in Appendix C of the EA would impose timing restrictions on the clearing of shrubs and trees and/or require a nesting survey related to the Bell's vireo, a species of special concern. Great River Energy requests that this special condition not be included in the route permit for the following reasons: (1) special concern species are not legally protected, and Great River Energy is concerned that imposing restrictions on the timing of clearing of lower-growing vegetation could complicate construction schedules with little corresponding benefit given that the Project is a rebuild through a developed area; (2) the Project will still have to comply with the Migratory Bird Treaty Act, and may be subject to clearing restrictions related to other species; and (3) many projects permitted by the Commission also require the clearing of lower-growing vegetation, and the Project (a rebuild in an existing right-of-

[175] Great River Energy Comments on the EA and Draft Route Permit at 10 (Sept. 3, 2024) (eDocket No. 20249-209943-01).

[176] Ex. EERA-10 at 61 (EA).

[177] Ex. EERA-10 at 61 (EA).

[178] Great River Energy Comments on the EA and Draft Route Permit, Attachment A-2 at15–16 (Sept. 3, 2024) (eDocket No. 20249-209943-01).

[179] Ex. EERA-10 at 61 (EA).

[180] Great River Energy Comments on the EA and Draft Route Permit at 6 (Sept. 3, 2024) (eDocket No. 20249-209943-01).

way through a developed area) does not present any unique issues that warrant a separate and special permit condition.[181]

F. Rare and Unique Natural Resources.

177. Minnesota's HVTL routing factors require consideration of the Project's effect on rare and unique natural resources.[182]

178. Great River Energy submitted a request to the United States Fish and Wildlife Service ("USFWS") Information for Planning and Consultation ("IPaC") website, as well as the MDNR's NHIS for documented occurrences of federally listed species, designated critical habitat, and state-listed species within a minimum 250 feet of the proposed centerline.[183]

179. According to Great River Energy's review of the USFWS IPaC, there are two species that are federally listed as threatened or endangered under the federal Endangered Species Act (northern long-eared bat [NLEB] and rusty patched bumble bee); one species proposed for listing as endangered (tricolored bat); and one candidate species (monarch butterfly) that may be present within the Proposed Route. There was no designated critical habitat for protected species identified within the Project vicinity. Similarly, for state protected species, one species listed as threatened (Blanding's turtle) may be present within the Proposed Route.[184]

180. The Minnesota Valley National Wildlife Refuge is approximately one mile from the Project. Due to its distance from the Project, this resource will not be affected by Project construction or operation.[185]

181. In its comments on the EA and Draft Route Permit Great River Energy requested revising special condition 6.8, regarding protected bat species, to incorporate USFWS requirements. The proposed revision reflects that USFWS is the agency responsible for the protected species, and that USFWS guidance has changed over time and may continue to do so. The proposed revision is consistent with other recent route permits issued by the Commission.[186] The revised special condition 6.8 would read as follows:

> The Permittee will coordinate with the U.S. Fish and Wildlife Service regarding the timing of tree-clearing and any other

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[181] Great River Energy Comments on the EA and Draft Route Permit at 12 (Sept. 3, 2024) (eDocket No. 20249-209943-01).

[182] Minn. Stat. § 216E.03, subd. 7(b)(1); Minn. R. 7850.4100, subp. F

[183] Ex. EERA-10 at 62 (EA).

[184] Ex. EERA-10 at 64 (EA).

[185] Ex. EERA-10 at 64 (EA).

[186] *See In the Matter of the Application of Great River Energy and Otter Tail Power Company for a Route Permit for the Frazee to Erie 115 kV Transmission Line Project in Becker and Otter Tail Counties*, MPUC Docket No. E-T2/TL-20-423, Order Adopting Administrative Law Judge Report and Issuing Route Permit at 26 (Dec. 17, 2021); *In the Matter of the Application of Great River Energy for a Route Permit to Rebuild the Existing 69 kV ST-WW Transmission Line to 115 kV in Stearns County, Minnesota*, MPUC Docket No. ET2/TL-22-235, Order Adopting Administrative Law Judge Report and Issuing Route Permit at 22 (Oct. 23, 2023); *In the Matter of the Application of Great River Energy for a Route Permit for the Reroute of the 115-kV Cedar Lake Transmission Line Project in Scott and Rice Counties*, MPUC Docket No. ET2/TL-23-170, Order Adopting Administrative Law Judge Report and Issuing Route Permit at 23 (June 7, 2024).

construction or restoration actions that may impact Northern Long-Eared Bat in vicinity of the project.

182. Suitable habitat for the rusty-patched bumble bee is present within the Proposed Route. Great River Energy will work with USFWS to develop avoidance and conservation measures to minimize impacts to this species.[187]

183. Suitable habitat for monarchs is present within the Project area. If the USFWS determines the species should be listed and protections for the species coincide with Project planning, permitting, and/or construction, Great River Energy will review Project activities for potential impacts to the species and develop appropriate avoidance and conservation measures in coordination with the USFWS. In addition, Great River is actively evaluating its opportunities to participate in the USFWS Candidate Conservation Agreement with Assurances for the monarch butterfly.[188]

184. Suitable habitat for the Blanding's turtle may be present within the Proposed Route. Great River Energy stated that it will work with MDNR to develop avoidance and conservation measures to minimize impacts to this species.[189] EERA included a special condition in Section 6.9 of the Draft Route Permit summarizing some of MDNR's current guidance related to Blanding's turtle.[190] Great River Energy requested revisions to this special permit condition, stating that the Applicant is concerned that including broader narrative in the Draft Route Permit could result in confusion or contradiction to the extent that guidance changes or MDNR regulations impose different requirements in this case. Likewise, many projects permitted by the Commission raise similar issues with respect to protected species. Great River Energy stated that the Project (a rebuild in an existing right-of-way through a developed area) does not present any unique issues that warrant a separate and special permit condition here. Great River Energy requested to modify the special permit condition to instead require compliance with applicable MDNR requirements.[191]

185. There are two Minnesota Biological Survey Sites of Biodiversity Significance ("SOBS") near the Project (Thomas Lake Park SOBS and Burnsville 19 SOBS). Thomas Lake Park SOBS (ranked as Moderate) is located approximately 100 feet southwest of the Pilot Knob Substation. The area is presently utilized as a park by the City of Eagan and as a housing development. The eastern portion of Burnsville 19 SOBS (ranked as Moderate) is approximately 300 feet east of the Project. It is mapped as approximately 20 acres of a natural plant community of red oak-white oak forest. The area is presently utilized as a housing development. The natural landscape of these two SOBS has been modified, and construction and operation of the Project would not modify it further.[192]

186. Based on the Applicant's review of the MDNR's Calcareous Fen geospatial dataset, there are two groups of designated calcareous fens located approximately 1 mile and 1.5

[187] Ex. GRE-2 at 7-56 (Application).
[188] Ex. GRE-2 at 7-55 (Application).
[189] Ex. GRE-2 at 7-54 (Application).
[190] Ex. EERA-12, Appendix C at 17 (Draft Route Permit).
[191] Great River Energy Comments on the EA and Draft Route Permit at 12 (Sept. 3, 2024) (eDocket No. 20249-209943-01).
[192] Ex. EERA-10 at 65 (EA).

miles, respectively, from the Proposed Route within the Minnesota Valley National Wildlife Refuge and Recreation Area, located to the northwest of the Project along the Minnesota River. A third fen group is located 3.25 miles southwest of the Burnsville substation within the 150-acre City of Burnsville Kelleher Park.[193] Great River Energy will coordinate with the USFWS and MDNR to avoid and minimize impacts to federal and state listed resources, respectively, including state-designated calcareous fens.[194]

G. Application of Various Design Considerations.

187. Minnesota's HVTL routing factors require consideration of the Project's applied design options that maximize energy efficiencies, mitigate adverse environmental effects, and could accommodate expansion of the transmission system in the area.[195]

188. This Project will enable Great River Energy to maintain reliable and resilient service to electric cooperative members, including Dakota Electric Association, first by installing new equipment built to modern design standards, and second by having the ability to operate at 115-kV in the future. The ability to operate at the higher voltage will ensure that there is sufficient electrical capability to serve increased electrical demand in the future.[196]

H. Use of or Paralleling of Existing Rights-of-Way, Survey Lines, Natural Division Lines, and Agricultural Field Boundaries.

189. Minnesota's HVTL routing factors require consideration of the Project's use of or paralleling of existing ROWs, survey lines, natural division lines, and agricultural field boundaries.[197]

190. The Proposed Route largely follows existing ROW.[198] New ROW and easements would be required for the rerouted section along Blackhawk Road and its intersection with I-35E.[199]

I. Use of Existing Transportation, Pipeline, and Electrical Transmission System Rights-of-Way.

191. Minnesota HVTL routing factors require consideration of the Project's use of existing transportation, pipeline, and electrical transmission system ROWs.[200]

[193] Ex. GRE-2 at 7-41 (Application).
[194] Ex. GRE-2 at 8-1 (Application).
[195] Minn. Stat. § 216E.03, subd. 7(b)(2); Minn. R. 7850.4100, subp. G.
[196] Ex. GRE-3 at 1-1 (Application).
[197] Minn. Stat. § 216E.03, subd. 7(b)(9); Minn. R. 7850.4100, subp. H.
[198] Ex. EERA-10 at v (EA).
[199] Ex. EERA-13 at 3 (EA).
[200] Minn. Stat. § 216E.03, subd. 7(b)(8); Minn. R. 7850.4100, subp. J.

192. The Project is proposed to upgrade and rebuild existing lines largely within the existing right-of-way.[201] As such, the Proposed Route maximizes the use of existing ROWs.

J. Electrical System Reliability.

193. Minnesota's HVTL routing factors require consideration of the Project's impact on electrical system reliability.[202]

194. Great River Energy has proposed the Project to maintain reliability requirements in the area, and to have the ability to operate the system at 115-kV when electric loads increase.[203] Accordingly, the Project is anticipated to have a positive impact on electrical system reliability.

K. Costs of Constructing, Operating, and Maintaining the Facility.

195. Minnesota's HVTL routing factors require consideration of the Project's cost of construction, operation, and maintenance.[204]

196. Applicant estimates that the Project will cost approximately $32.8 million.[205]

197. Applicant estimates the annual operation and maintenance costs for the Project to be approximately $2,000 per mile.

L. Adverse Human and Natural Environmental Effects that Cannot be Avoided.

198. Minnesota's HVTL routing factors require consideration of the adverse human and natural environmental effects that cannot be avoided.[206]

199. Unavoidable adverse impacts include the physical impacts to the land due to construction of the Project. The nominal impacts from construction activities will include soil compaction and erosion, short-term traffic delays, short-term disruption of recreational activities, vegetative clearing, visual impacts, habitat loss, and temporary disturbance and displacement of wildlife. The nominal impacts from operations will include the continued maintenance of tall growing vegetation, visual impacts, and individual wildlife impacts. However, as detailed in the Application and the EA, Applicant will employ avoidance, minimization, and mitigation measures to limit Project impacts. [207]

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[201] Ex. EERA-10 at 36 (EA).
[202] Minn. Stat. § 216E.03, subd. 7(b)(5)–(6); Minn. R. 7850.4100, subp. K.
[203] Ex. EERA-10 at 17 (EA).
[204] Minn. R. 7850.4100, subp. L.
[205] Ex. EERA-10 at 5 (EA); Ex. GRE-3 at 3-4 (Application).
[206] Minn. Stat. § 216E.03, subd. 7(b)(6); Minn. R. 7850.4100, subp. M.
[207] Ex. GRE-3 at 7-56 (Application); Ex. EERA-10 at 68 (EA).

M. Irreversible and Irretrievable Commitments of Resources.

200. Minnesota's HVTL routing factors require consideration of the irreversible and irretrievable commitments of resources that are necessary for the Project.[208]

201. The Project will require only minimal commitments of resources that are irreversible and irretrievable. Irreversible commitments of resources are those that result from the use or destruction of a specific resource that cannot be replaced within a reasonable timeframe. Irretrievable resource commitments are those that result from the loss in value of a resource that cannot be restored after the action. For the Project, those commitments that do exist are primarily related to construction. Construction resources will include aggregate resources, concrete, steel, and hydrocarbon fuel. During construction, vehicles necessary for these activities will be deployed on site and will need to travel to and from the construction area, consuming hydrocarbon fuels. Other resources will be used in pole construction, pole placement, and other construction activities.[209]

XVI. ROUTE PERMIT CONDITIONS

202. The EA and Draft Route Permit prepared by EERA included various recommendations and potential route permit conditions related to the Project, to which the Applicant responded in its written comments during the public hearing comment period.[210]

203. With the above-referenced response to the Draft Route Permit, the record in this matter supports the inclusion of the conditions identified in Great River Energy's written comments, as detailed in the paragraphs that follow.[211]

204. Great River Energy proposes revisions to Sections 1, 2, 2.2, 3, 4, 5.2, 5.3.1, 5.3.8, 5.3.11, 5.3.12, 9.1, 9.2, and 9.6 of the Draft Route Permit to reflect Project-specific details, consolidate compliance requirements, and clarify compliance obligations. The record supports the inclusion of these revisions to describe the Project and clarify and consolidate compliance obligations.

205. The record also supports the inclusion of the following special permit conditions:

206. 6.1 Proximity to Radio Antennas:

> The Permittee shall conduct technical studies to determine the effects of rebuilding and upgrading the transmission line in proximity to the AM 980 KKMS antennas. The study shall be based on final engineering of the transmission structure components' location in space, identify radio signal interference, determine the ability for the antennas to induce a voltage on the transmission line,

[208] Minn. Stat. § 216E.03, subd. 7(b)(11); Minn. R. 7850.4100, subp. N.
[209] Ex. EERA-10 at 68 (EA).
[210] Great River Energy Comments on the EA and Draft Route Permit (Sept. 3, 2024) (eDocket No. 20249-209943-01).
[211] Great River Energy Comments on the EA and Draft Route Permit (Sept. 3, 2024) (eDocket No. 20249-209943-01).

and propose mitigation for any interference or induced voltage. At least 30 days prior to commencing construction within one-half-mile of the AM 908 KKMS antennas, the Permittee shall submit a compliance filing summarizing the results of the technical studies conducted, its coordination with AM 908 KKMS, and any mitigation incorporated by the Permittee. Construction in proximity to the AM 908 KKMS antennas will not be authorized until the special condition has been met.[212]

207. 6.2 Wells:

Permittee shall coordinate with the cities of Eagan and Burnsville regarding the location of any city wells in the vicinity of the Project and obtain copies of each city's applicable emergency response plan prior to construction.

Records of compliance shall be retained by the Permittee, and be provided to the Commission and Commerce staff upon request.[213]

208. 6.3 Wildlife-friendly Erosion Control:

Due to entanglement issues with small animals, the Permittee shall use erosion control blankets limited to "bio-netting" or "natural netting" types, and shall specifically not use products containing plastic mesh netting or other plastic components, including hydro-mulch products that may contain small synthetic (plastic) fibers to aid in its matrix strength. In accordance with any applicable Construction Stormwater General Permit, Permittee will document the type and location of installed erosion and sediment control best management practices in the site plans associated with the Stormwater Pollution Prevention Plan.[214]

209. 6.4 Dust Control:

To protect plants and wildlife from chloride products that do not break down in the environment, the Permittee is prohibited from using dust control products containing calcium chloride or magnesium chloride during construction and operation. The Permittee shall keep records of compliance with this section and

[212] Great River Energy Comments on the EA and Draft Route Permit at 13 (Sept. 3, 2024) (eDocket No. 20249-209943-01).
[213] Great River Energy Comments on the EA and Draft Route Permit at 14 (Sept. 3, 2024) (eDocket No. 20249-209943-01).
[214] Great River Energy Comments on the EA and Draft Route Permit at 14 (Sept. 3, 2024) (eDocket No. 20249-209943-01).

provide them upon the request of Department of Commerce or Commission staff.[215]

210. 6.5 Facility Lighting:

The Permittee shall follow the MnDOT Approved Products for luminaries for new construction at substations, which limits the uplight rating to zero. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce or Commission staff.[216]

211. 6.6 Vegetation Management Plan:

The Permittee shall develop a vegetation management plan (VMP), in coordination with the Vegetation Management Plan Working Group (VMPWG). The Permittee shall file the VMP and documentation of the coordination efforts between the Permittee and the coordinating agencies with the Commission with the plan and profile required under this permit. At least 14 days prior to the preconstruction meeting, the Permittee shall provide all landowners along the route with copies of the VMP. An electronic copy (including by web address) shall be sufficient. The Permittee shall file an affidavit of its distribution of the VMP to landowners with the Commission with the compliance filing required under Section 5.3.1 of this Permit.

The VMP shall include, at a minimum, the following:

1) short term and long-term management objectives; roles and responsibilities of site personnel.

2) a description of planned restoration and vegetation activities, including how the route will be prepared, timing of activities, and how seeding will occur (broadcast, drilling, etc.), and the types of seed mixes to be used.

3) a description of how the route will be monitored and evaluated to meet management objectives.

4) a description of management tools used to maintain vegetation (e.g., mowing, spot spraying, hand removal, etc.), including timing/frequency of maintenance activity.

[215] Great River Energy Comments on the EA and Draft Route Permit at 14 (Sept. 3, 2024) (eDocket No. 20249-209943-01).

[216] Great River Energy Comments on the EA and Draft Route Permit at 14 (Sept. 3, 2024) (eDocket No. 20249-209943-01).

5) identification, monitoring and management plan for noxious weeds and invasive species (native and non-native) on route; and

6) a plan showing how the route will be revegetated and corresponding seed mixes. Seed mixes, seeding rates, and cover crops should follow best management practices.[217]

212. 6.7 Vegetation Clearing:

If the Permittee proposes to clear vegetation for any portion of the Transmission Facility prior to completion of the design necessary to provide a plan and profile contemplated under Section 9.2, the Permittee shall file with the Commission at least 14 days prior to such vegetation clearing activities:

- The Vegetation Management Plan contemplated under Section 6.6 of this Route Permit that is applicable to any portion of the Transmission Facility being proposed for vegetation clearing;

- A map showing the area proposed for vegetation removal and its location within the Designated Route and compared to the right-of-way identified in this route permit;

- A statement of confirmation that the Permittee has obtained, or will obtain before commencing, all necessary land rights and agency permits for the vegetation removal in this area;

- If the Permittee has made any modifications to the right-of-way or alignment within the Designated Route from that identified in this route permit, as required by Section 4 of this route permit, the Permittee shall demonstrate that the right-of-way to be cleared of vegetation will be located so as to have comparable overall impacts relative to the factors in Minn. R. 7850.4100, as does the right-of-way and alignment identified in this route permit.[218]

213. 6.8 Northern Long-Eared Bat:

The Permittee will coordinate with the U.S. Fish and Wildlife Service regarding the timing of tree-clearing and any other construction or restoration actions that may impact Northern Long-

[217] Great River Energy Comments on the EA and Draft Route Permit at 14-15 (Sept. 3, 2024) (eDocket No. 20249-209943-01).

[218] Great River Energy Comments on the EA and Draft Route Permit at 15-16 (Sept. 3, 2024) (eDocket No. 20249-209943-01).

Eared Bat. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce or Commission staff.[219]

214. 6.9 Blanding's Turtle:

The Permittee will comply with applicable Minnesota Department of Natural Resources requirements related to the Blanding's turtle. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce or Commission staff.[220]

XVII. NOTICE

215. Minnesota statutes and rules require an Applicant to provide certain notice to the public and local governments before and during the Application for a Route Permit process.[221]

216. Applicant provided notice to the public and local governments in satisfaction of Minnesota statutory and rule requirements.[222]

217. EERA and the Commission likewise provided notices in satisfaction of Minnesota statutes and rules.[223]

XVIII. COMPLETENESS OF EA

218. The EA process is the alternative environmental review approved by the Environmental Quality Board for HVTLs. The Commission is required to determine the completeness of the EA. An EA is complete if it and the record address the issues and alternatives identified in the Scoping Decision.[224]

219. Great River Energy proposed clarifications to Sections 3.1.1, 4.2, and 4.2.1 of the EA and those clarifications are supported by the record.[225]

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[219] Great River Energy Comments on the EA and Draft Route Permit at 16 (Sept. 3, 2024) (eDocket No. 20249-209943-01).

[220] Great River Energy Comments on the EA and Draft Route Permit at 16 (Sept. 3, 2024) (eDocket No. 20249-209943-01).

[221] Minn. Stat. § 216E.03, subd 4 (2023); Minn. R. 7850.2100, subps. 2 and 4.

[222] Exs. GRE-1 (Notice of Intent by Great River Energy to Submit an Application under the Alternative Permitting Process); GRE-8 (Rule 7850.2100 Notice of Filing Route Permit); and GRE-9 (Notice of Filing Application).

[223] Exs. PUC-5 (Notice of Public Information and Scoping Meeting); PUC-8 (Notice of Availability and Public Hearing).

[224] Minn. R. 4410.4400, subp. 6; Minn. R. 7850.3900, subp. 2.

[225] Great River Energy Comments on the EA and Draft Route Permit (Sept. 3, 2024) (eDocket No. 20249-209943-01).

220. The evidence in the record demonstrates that the EA is adequate because the EA and the record created at the public hearing and during the subsequent comment period address the issues and alternatives raised in the Scoping Decision.[226]

Based on the foregoing Findings of Fact and the record in this proceeding, the Commission makes the following:

CONCLUSIONS OF LAW

1. Any of the forgoing Findings of Fact more properly designated as Conclusions of Law are hereby adopted as such.

2. The Commission has jurisdiction to consider the Application.

3. The Commission determined that the Application was substantially complete and accepted the Application on January 17, 2024.

4. EERA has conducted an appropriate EA of the Project for purposes of this proceeding, and which satisfies Minn. R. 7850.3700 and 7850.3900. Specifically, the EA and the record address the issues identified in the Scoping Decision to a reasonable extent considering the availability of information, and the EA includes the items required by Minn. R. 7850.3700, subp. 4, and was prepared in compliance with the procedures in Minn. R. 7850.3700.

5. Applicant gave notice as required by Minn. Stat. § 216E.04, subd. 4; Minn. R. 7850.2100, subp. 2; and Minn. R. 7850.2100, subp. 4.

6. A public hearing was conducted near the Proposed Route. Proper notice of the public hearing was provided, as required by Minn. Stat. § 216E.04, subd. 6, and the public was given the opportunity to speak at the hearing and to submit written comments. All procedural requirements for the Route Permit were met.

7. The evidence in the record demonstrates that the Proposed Route satisfies the Route Permit factors set forth in Minn. Stat. § 216E.04, subd. 8 (referencing Minn. Stat. § 216E.03, subd. 7) and Minn. R. 7850.4100.

8. There is no feasible and prudent alternative to the construction of the Project, and the Project is consistent with and reasonably required for the promotion of public health and welfare in light of the state's concern for the protection of its air, water, land, and other natural resources as expressed in the Minnesota Environmental Rights Act.

9. The evidence in the record demonstrates that the Proposed Route is the best route for the Project.

[226] Ex. EERA-9 (EA Scoping Decision).

10. The evidence in the record demonstrates that the general Route Permit conditions are appropriate for the Project, with the revisions and clarifications proposed by Great River Energy.[227]

11. The evidence in the record demonstrates that the special conditions identified in Section XVI, above, are appropriate for the Project.

12. Any of the foregoing Conclusions of Law which are more properly designated Findings of Fact are hereby adopted as such.

Based upon these Conclusions, the Administrative Law Judge makes the following:

RECOMMENDATIONS

Based upon these Conclusions, the Administrative Law Judge recommends that the Commission issue a Route Permit for the Applicant's proposed route to Great River Energy to construct and operate the Project and associated facilities in Dakota County, and that the permit include the draft permit conditions amended as set forth in the Conclusions above.

THIS REPORT IS NOT AN ORDER AND NO AUTHORITY IS GRANTED HEREIN. THE MINNESOTA PUBLIC UTILITIES COMMISSION WILL ISSUE THE ORDER THAT MAY ADOPT OR DIFFER FROM THE PRECEDING RECOMMENDATION.

Dated: _____ _____

JIM MORTENSON
Administrative Law Judge

[227] Great River Energy Comments on the EA and Draft Route Permit (Sept. 3, 2024) (eDocket No. 20249-209943-01).

In the Matter of the 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	**MPUC Docket No. ET-2/TL-23-410** **OAH Docket No. 5-2500-39898**

CERTIFICATE OF SERVICE

Breann L. Jurek certifies that on the 10th day of September, 2024, she e-filed a true and correct copy of the following documents on behalf of Great River Energy via eDockets (www.edockets.state.mn.us):

1. Cover letter;
2. Proposed Findings of Fact, Conclusions of Law, and Recommendations; and
3. Certificate of Service

Said documents were also served as designated on the Official Service List on file with the Minnesota Public Utilities Commission and as attached hereto.

Executed on: September 10, 2024

Signed: /s/ Breann L. Jurek

Breann L. Jurek
Fredrikson & Byron, P.A.
60 South Sixth Street
Suite 1500
Minneapolis, MN 55402

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_Official CC Service List
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_Official CC Service List
Breann	Jurek	bjurek@fredlaw.com	Fredrikson & Byron PA	60 S Sixth St Ste 1500 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_23-410_Official CC Service List
Stacy	Kotch Egstad	Stacy.Kotch@state.mn.us	MINNESOTA DEPARTMENT OF TRANSPORTATION	395 John Ireland Blvd. St. Paul, MN 55155	Electronic Service	No	OFF_SL_23-410_Official CC Service List
James	Mortenson	james.mortenson@state.mn.us	Office of Administrative Hearings	PO BOX 64620 St. Paul, MN 55164-0620	Electronic Service	Yes	OFF_SL_23-410_Official CC Service List
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_Official CC Service List
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th Pl E Ste 350 Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_23-410_Official CC Service List
Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates	7400 Lyndale Ave S Ste 190 Richfield, MN 55423	Electronic Service	Yes	OFF_SL_23-410_Official CC Service List
Mark	Strohfus	mstrohfus@grenergy.com	Great River Energy	12300 Elm Creek Boulevard Maple Grove, MN 553694718	Electronic Service	No	OFF_SL_23-410_Official CC Service List
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_Official CC Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Cynthia	Warzecha	cynthia.warzecha@state.mn.us	Minnesota Department of Natural Resources	500 Lafayette Road Box 25 St. Paul, MN 55155-4040	Electronic Service	No	OFF_SL_23-410_Official CC Service List