

October 24, 2014

Burl W. Haar
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, Minnesota 55101-2147

RE: Response Comments of the Minnesota Department of Commerce, Division of Energy Resources to Great River Energy and Minnesota Power's Reply Comments on the Notice Plan Petition for the Application of Great River Energy and Minnesota Power for a Certificate of Need for the Menahga Area 115 kV Transmission Line Project in Hubbard, Wadena, and Becker counties, Minnesota
Docket No. ET2,E015/CN-14-787

Dear Dr. Haar:

On October 22, 2014 Great River Energy and Minnesota Power (Applicants) filed reply comments to the Department's October 14, 2014 comments on the *Notice Plan Petition for the Application of Great River Energy and Minnesota Power for a Certificate of Need for the Menahga Area 115 kV Transmission Line Project in Hubbard, Wadena and Becker Counties, Minnesota* (Notice Petition). The Applicants agreed to the Department's recommendations with the exception of the recommendation to reject the Applicants' request for a variance to Minnesota Rules 7829.2500, subp. 5, which requires newspaper notice of the Certificate of Need (CN) application. In their reply comments, the Applicants provided further justification for their proposed newspaper notice variance request. The Department's analysis of this additional information is below.

The additional information provided by the Applicants explained that the request for the newspaper notice variance is due to the fact that the Applicants will be filling a combined certificate of need and route permit application in one document. Minnesota Rules 7850.2100, subp. 4 requires that newspaper notice be filed within 15 days after submission of a route permit application. The Applicants concluded that two newspaper notices (one pursuant to the Notice Plan and the other pursuant to Minnesota Rules 7850.2100, subp. 4) are sufficient, and that a third would be redundant.

The Department considers complete and thorough public notice to be crucial in ensuring that the public is aware of, can participate in, and affect the outcome of a CN proceeding. In this case, since the CN and route permit applications will be filed simultaneously, a single notice informing the public of both applications could conceivably fulfill both rule requirements. However, to the extent the Commission determines that a variance is necessary, the Department concludes that granting a variance to Minnesota Rules 7829.2500, subp. 5 would not adversely affect the public interest, particularly if the applicants provide newspaper notice of the applications closer to the time of filing than the

outside limit of the 15 days allowed by Minnesota Rules 7850.2100, subp. 4. The Department is not aware that the variance would conflict with standards imposed by law.

Therefore, the Department recommends that the Commission grant the Applicants' request for a variance to the newspaper notification requirement of Minnesota Rules 7829.2500, subp. 5.

The Department's final recommendations to the Commission are:

- approve the Applicants' proposed Notice Plan with the modifications recommended by EERA staff.
- grant the Applicants' request for a variance to Minnesota Rules 7829.2550, subp. 6 to allow implementation of the Notice Plan no more than 60 days prior to the filing of the CN petition.
- grant the Applicants' request for a variance to Minnesota Rules 7829.2500, subp. 5 to eliminate the need for potentially redundant newspaper notification of the CN application upon its filing.

Sincerely,

/s/ MICHAEL ZAJICEK
Rates Analyst

MNZ/lt

CERTIFICATE OF SERVICE

I, Linda Chavez, hereby certify that I have this day served copies of the following document on the attached list of persons by electronic filing, e-mail, or by depositing a true and correct copy thereof properly enveloped with postage paid in the United States Mail at St. Paul, Minnesota.

MINNESOTA DEPARTMENT OF COMMERCE – RESPONSE COMMENTS

Docket Nos. **ET2,E015/CN-14-787**

Dated this **24th** day of **October, 2014**.

/s/Linda Chavez

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Julia	Anderson	Julia.Anderson@ag.state.mn.us	Office of the Attorney General-DOC	1800 BRM Tower 445 Minnesota St St. Paul, MN 551012134	Electronic Service	Yes	OFF_SL_14-787_Official
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 500 Saint Paul, MN 551012198	Electronic Service	No	OFF_SL_14-787_Official
Burl W.	Haar	burl.haar@state.mn.us	Public Utilities Commission	Suite 350 121 7th Place East St. Paul, MN 551012147	Electronic Service	Yes	OFF_SL_14-787_Official
John	Lindell	agorud.ecf@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012130	Electronic Service	Yes	OFF_SL_14-787_Official
Michelle	Lommel	mlommel@GREnergy.com	Great River Energy	12300 Elm Creek Blvd Maple Grove, MN 55369	Electronic Service	No	OFF_SL_14-787_Official
David	Moeller	dmoeller@allete.com	Minnesota Power	30 W Superior St Duluth, MN 558022093	Electronic Service	No	OFF_SL_14-787_Official
Carole	Schmidt	cschmidt@greenergy.com	Great River Energy	12300 Elm Creek Boulevard Maple Grove, MN 553694718	Electronic Service	No	OFF_SL_14-787_Official
Donna	Stephenson	dstephenson@greenergy.com	Great River Energy	12300 Elm Creek Boulevard Maple Grove, MN 55369	Electronic Service	No	OFF_SL_14-787_Official

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Katie	Clark Sieben	katie.clark.sieben@state.mn.us	DEED	332 Minnesota St, #E200 1st National Bank Bldg Saint Paul, MN 55101	Electronic Service	No	SPL_SL_CN - CERTIFICATE OF NEEDS
Randall	Doneen	randall.doneen@state.mn.us	Department of Natural Resources	500 Lafayette Rd, PO Box 25 Saint Paul, MN 55155	Electronic Service	No	SPL_SL_CN - CERTIFICATE OF NEEDS
Travis	Germundson	travis.germundson@state.mn.us		Board of Water & Soil Resources 520 Lafayette Rd Saint Paul, MN 55155	Electronic Service	No	SPL_SL_CN - CERTIFICATE OF NEEDS
Ray	Kirsch	Raymond.Kirsch@state.mn.us	Department of Commerce	85 7th Place E Ste 500 St. Paul, MN 55101	Electronic Service	No	SPL_SL_CN - CERTIFICATE OF NEEDS
Karen	Kromar	karen.kromar@state.mn.us	MN Pollution Control Agency	520 Lafayette Rd Saint Paul, MN 55155	Electronic Service	No	SPL_SL_CN - CERTIFICATE OF NEEDS
Susan	Medhaug	Susan.medhaug@state.mn.us	Department of Commerce	Suite 500, 85 Seventh Place East St. Paul, MN 551012198	Electronic Service	No	SPL_SL_CN - CERTIFICATE OF NEEDS
Bob	Patton	bob.patton@state.mn.us	MN Department of Agriculture	625 Robert St N Saint Paul, MN 55155-2538	Electronic Service	No	SPL_SL_CN - CERTIFICATE OF NEEDS
Michele	Ross	michele.ross@state.mn.us	Department of Health	625 N Robert St Saint Paul, MN 55101	Electronic Service	No	SPL_SL_CN - CERTIFICATE OF NEEDS