



May 9, 2016

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VIA EFILING

Daniel P. Wolf
Executive Secretary
Minnesota Public Utilities Commission
121 East Seventh Place, Suite 350
St. Paul, MN 55101

RE: In the Matter of the Request of Minnesota Power for a Route Permit for the Great
Northern Transmission Line
MPUC Docket No. E-015/TL-14-21
OAH Docket No. 65-2500-31637

Dear Mr. Wolf:

Enclosed please find Minnesota Power's Response to Petitions for Reconsideration in the above-referenced docket. The document has been filed with the eDocket system and served on the attached service list. Also attached is our Affidavit of Service.

Very truly yours,

WINTHROP & WEINSTINE, P.A.

/s/ Eric F. Swanson

Eric F. Swanson

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STATE OF MINNESOTA
BEFORE THE
MINNESOTA PUBLIC UTILITIES COMMISSION

Beverly Jones Heydinger	Chair
Nancy Lange	Commissioner
Dan Lipschultz	Commissioner
Matthew Schuerger	Commissioner
John Tuma	Commissioner

In the Matter of the Minnesota Power for
a Route Permit for Great Northern
Transmission Line Project

Docket No. E-015/TL-14-21

MINNESOTA POWER'S
RESPONSE TO PETITIONS FOR RECONSIDERATION

Minnesota Power submits this response to Lynn C. Peterson's Petition for Reconsideration ("Peterson Petition") filed on April 28, 2016 and the Willins/McBee Petition for Rehearing and Reconsideration ("Willins/McBee Petition") filed on May 2, 2016 (collectively "Petitions for Reconsideration" or "Petitions") of the Minnesota Public Utilities Commission's ("Commission") April 11, 2016 Order Issuing Route Permit with Modifications in the above-referenced Docket ("Route Permit Order").¹

In the Route Permit Order, the Commission approved and adopted the Administrative Law Judge's ("ALJ") Findings of Fact, Conclusions of Law, and Recommendations with the modifications to the findings and route permit conditions set forth in the Route Permit Order. The Commission's Route Permit Order included approving the Effie Variation as recommended by the ALJ. In addition, within the Effie Variation route corridor Minnesota Power proposed a centerline alignment in their Exceptions.² The Commission agreed with this modification stating:

¹ Neither property owner was a party to the Docket and Minnesota Power could not find any written or oral comments submitted into the record.

² Order at Page 16.

“It does not result in a route change as the proposal is entirely within the Effie Variation route corridor.”³ Minnesota Power’s proposed centerline was attached to the Route Permit as part of the Route Maps.⁴ The Commission’s issuance of a Route Permit to construct the Great Northern Transmission Line (“Project”) was appropriate and the Petitions for Reconsideration should be denied.

The Commission has repeatedly stated in orders denying petitions for reconsideration that the petitioner must demonstrate the Commission’s decision was incorrect. For example, in a 1991 service territory dispute, the Commission stated:

The Commission finds that the City’s petition raises no new issues, offers no new evidence, and identifies no issues requiring further consideration. The petition restates the City’s original arguments, which the Commission has duly reexamined and continues to reject for the reasons set forth in the March 15 Order.⁵

Likewise, the Petitions for Reconsideration in the instant docket raise no new issues, offer no new evidence and merely restate or incorporate arguments already heard and considered by the Commission. As such, the Petitions fail to satisfy the reconsideration criteria. Therefore, Minnesota Power respectfully requests that the Commission deny the Petitions for Reconsideration.

Lynn C. Peterson is an owner of parcel of land in Itasca County impacted by the Effie Variation (see Attachment A for a map created by Minnesota Power of Mr. Peterson’s property). He objects to the Commission-approved centerline alignment within the Effie Variation. Mr. Peterson states that an existing high voltage line crossings this property, presumably referring to Xcel Energy’s 500 kV transmission line. Mr. Peterson’s concern is that the Project will take out additional timber production. However, unless the Commission were to select a completely different route alternative, under the Effie Variation, Peterson’s timber property would have been within the 3,000 foot route corridor and similar impacts would occur regardless of the precise

³ *Id.*

⁴ *Id.*

⁵ *In the Matter of a Petition by the City of Rochester, Minnesota, for an Order Establishing Petitioner’s Right to Provide Electric Service to Certain Street Lights Constructed and Owned by Petitioner and Located in the City of Rochester Adjacent to Highway 63 North, in the Service Territory of People’s Cooperative Power Association*, Docket No. E-132, 299/SA-90-1077, Order dated April 19, 1991. See also, *In the Matter of the Application of ITC Midwest LLC for a Route Permit for the Minnesota – Iowa 345 kV Transmission Line Project in Jackson, Martin and Faribault Counties*, Docket No. ET-6675/TL-12-1337, Order dated February 2, 2015.

alignment. As such, the Peterson Petition does not satisfy any of the reconsideration criteria and should therefore be denied.

Ms. Linda Willins owns property along the Effie Variation as depicted in the Willins/McBee Petition and Minnesota Power does not dispute that this property would be impacted by the Commission approved alignment as part of the Effie Variation. As stated throughout the course of this Docket, Minnesota Power has committed to working with landowners to minimize impacts of the Project. Nonetheless, the Willins/McBee Petition mistakenly describes both the ALJ's recommendation and the Commission's Route Permit Order. The Effie Variation, as depicted in the ALJ's recommendation and the Final Environmental Impact Statement did contain an alignment created by the Department of Commerce - Energy Environmental Review and Analysis ("DOC-EERA"); however, the 3,000 foot route corridor was not limited to a precise alignment. As the ALJ stated in Finding 26:

The Proposed Routes vary from 1,000 to 3,000 feet wide in order to provide flexibility during detailed design, in part to try to accommodate landowner's preferences once the route is selected by the Commission.

Likewise in Conclusion 21, the ALJ stated:

The Administrative Law Judge further recommends that the Commission adopt the Trout Lake Alignment Modification so as to minimize the impact of the Blue Route on residences in that alignment area. Other alignment modifications shall be considered during the Commission's final review and in the Plan and Profile process.

Therefore, the Effie Variation, as recommended by the ALJ, included a route corridor within the Willins/McBee property.

In regards to the Commission's Route Permit Order, the reference to pages 10 and 11 that the "Commission's Order expressed skepticism as to Minnesota Power's arguments that significant additional distance was required, and ultimately rejected Minnesota Power's proposed revised findings" is incorrect. In contrast, the Commission stated that it:

has also examined the Company's arguments regarding potential reliability issues of the HVTL in the proposed route as modified with the Effie Variation. At the Commission

meeting, the Company confirmed that **with its proposed changes in Route Permit alignment to the centerline**, (discussed below in Section VII A), it is comfortable with the Effie Variation in terms of reliability in conjunction with existing special protection protocols.⁶

What the Commission rejected was Minnesota Power's proposed findings that would have not selected the Effie Variation and instead would have the Commission selecting Minnesota Power's preferred Blue Route. After the Commission agreed with the ALJ's recommendation regarding the Effie Variation, Minnesota Power's proposed associated exceptions to these findings were no longer applicable.

Furthermore, as summarized above, the Commission addressed Minnesota Power's Effie Variation Routing Modification in Section VII.A on page 16 in its Route Permit Order:

A. Effie Variation Routing Modification

In its Exceptions, Minnesota Power stated that if the Commission were to adopt the Effie Variation as part of the route permit, the proposed centerline alignment contemplated in the FEIS and ALJ Report should be revised. Minnesota Power submitted a proposed centerline map for the Effie Variation as Exhibit B to their Exceptions.

The Commission agrees with this modification. It does not result in a route change as the proposal is entirely within the Effie Variation route corridor. The centerline alignment modification will be attached to the Route Permit as part of the Route Maps.

As the Route Permit Order clearly states, the modification does not result in a route change as the proposal is entirely within the Effie Variation route corridor.

Finally, the Willins/McBee Petition's request that the Commission's Order Point 4 require Minnesota Power to file a letter from the Regional Planning Authority/Planning Coordinator and Transmission Planner regarding system reliability issues as part of the Plan and Profile process is misplaced. The issue identified by the Commission was whether a triple-line corridor conforms with applicable North American Electric Reliability Corporation (NERC) Reliability Standards. Minnesota Power has met with the Midcontinent Independent System

⁶ Order at 11 (emphasis added).

Operator (“MISO”) concerning this order point and subject to MISO’s further review expects to meet this compliance requirement soon. To include this as part of the Plan and Profile process would negate the Commission’s intent to ensure reliability standards can be met within a triple-line corridor, since that information is needed prior to construction commencing.

For the reasons set forth above, the failure to raise new issues not yet considered by the Commission, or present any new facts not yet in evidence, Minnesota Power respectfully requests that the Commission deny the Petitions for Reconsideration.

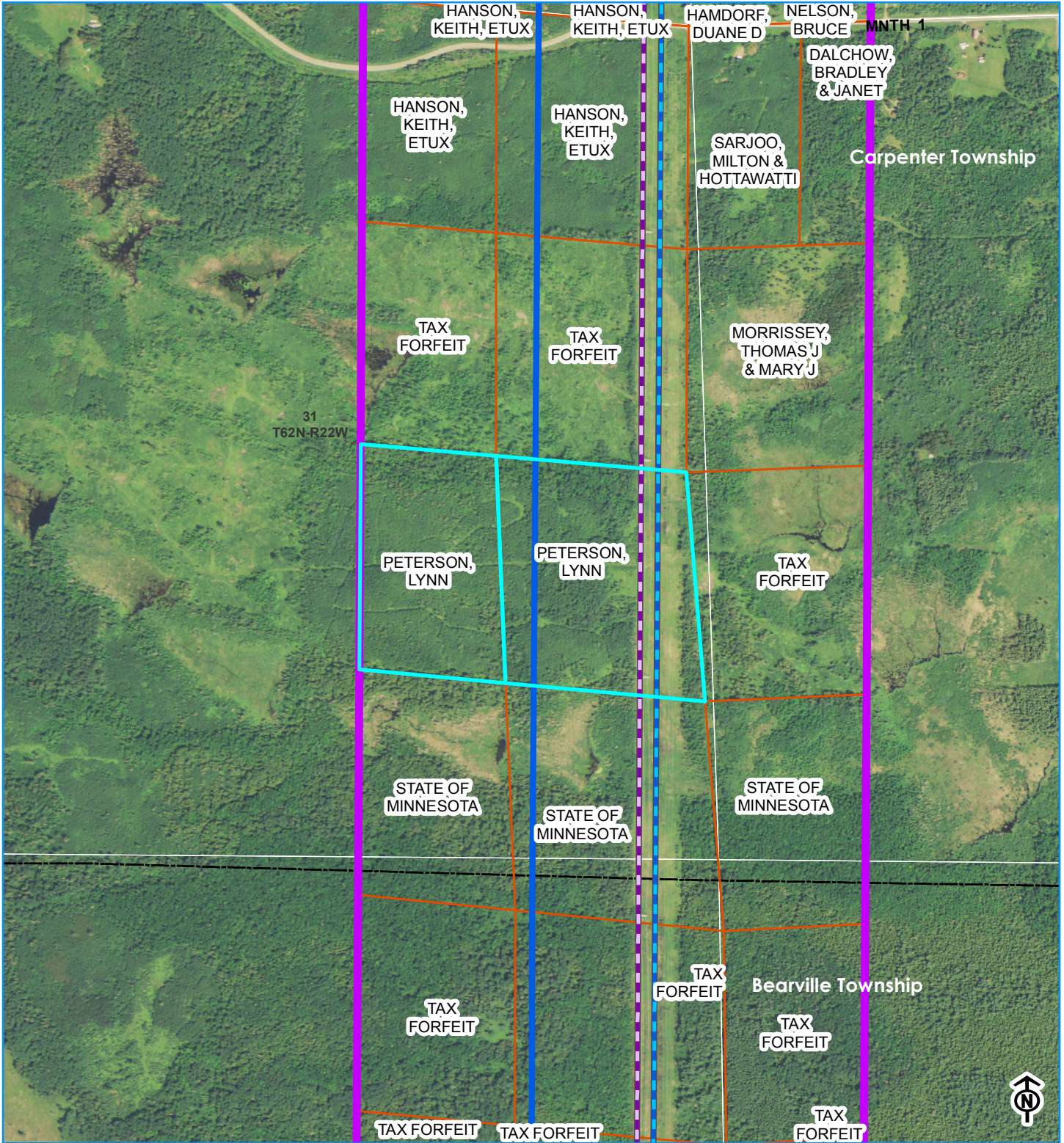
Dated: May 9, 2016

Respectfully Submitted,

By: /s/ David R. Moeller

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Legend

- 230kV AC
- 500kV AC
- Centerline 4-4-2016
- PUC Approved Route
- Itasca Parcels

0 0.5 Miles

