

February 2, 2018

Daniel P. Wolf
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, Minnesota 55101

RE: **Completeness Comments of the Minnesota Department of Commerce**
Docket No. E002, ET6675/CN-17-184

Dear Mr. Wolf:

Attached are the comments of the Minnesota Department of Commerce-Division of Energy Resources (Department) in the following matter:

Application to the Minnesota Public Utilities Commission for a Certificate of Need for the Huntley – Wilmarth 345 kV Transmission Line Project.

The petitioners are:

Teresa Mogensen
Senior Vice President, Transmission
Xcel Energy Services, Inc.
414 Nicollet Mall
Minneapolis, Minnesota 55401

Krista K. Tanner
President, ITC Midwest, LLC
Vice President, ITC Holdings Corp.
901 Marquette Avenue
Minneapolis, Minnesota 55402

The Department recommends that the Minnesota Public Utilities Commission **determine that the petition is substantially complete, and refer the matter to the Office of Administrating Hearings for a contested case proceeding.** The Department is available to answer any questions the Minnesota Public Utilities Commission may have.

Sincerely,

/s/ STEVE RAKOW
Analyst Coordinator

SR/lt
Attachment

Before the Minnesota Public Utilities Commission

Comments of the Minnesota Department of Commerce Division of Energy Resources

Docket No. E002, ET6675/CN-17-184

I. BACKGROUND

On March 3, 2017, Northern States Power Company, doing business as Xcel Energy (Xcel) and ITC Midwest, LLC (ITCM) (collectively, the Companies) filed their *Notice of Intent to Construct, Own, and Maintain the Huntley—Wilmarth 345 kV Transmission Line Project* pursuant to Minnesota Statutes § 216B.246, subd. 3 (a).

On June 30, 2017, the Companies filed their *Notice Plan Petition for the Huntley—Wilmarth 345 kV Transmission Line Project* (Notice Petition).

On July 14, 2017, the Companies filed their *Request for Exemptions for the Huntley—Wilmarth 345 kV Transmission Line Project* (Exemption Petition).

On July 19, 2017, the Commission issued a notice of comment period regarding the Exemption Petition.

On July 20, 2017, comments on the Notice Petition were filed by the Minnesota Department of Commerce, Division of Energy Resources (Department).

On August 3, 2017, comments on the Exemption Petition were filed by the Department.

On August 9, 2017, reply comments on the Exemption Petition and the Notice Petition were filed by the Companies.

Also on August 9, 2017, the city of North Mankato filed comments regarding potential routes.

On September 1, 2017, the Commission issued its Order regarding the Exemption Petition and the Notice Petition.

On October 13, 2017, the city of Mankato filed comments regarding potential routes.

On January 5, 2018, the Companies filed their *Notice Plan Compliance Filing*.

On January 17, 2018, the Companies filed their *Application to the Minnesota Public Utilities Commission for a Certificate of Need for the Huntley – Wilmarth 345 kV Transmission Line Project* (Petition).

On January 19, 2018, the Commission issued its *Notice of Comment Period on Certificate of Need Application Completeness* (Notice). The Notice indicates that topics open for comment are:

- Does the Huntley-Wilmarth certificate of need application contain the information required under Minnesota Rules Chapter 7849 as modified by the Commission’s September 1, 2017 Order which authorized exemptions to certain filing requirements?
- Are there any contested issues of fact with respect to the representations made?
- Should the application be evaluated using the Commission’s informal process or referred to the Office of Administrative Hearings for contested case proceedings?
- Are there other issues or concerns related to this matter?

Below are the comments of the Department regarding the completeness of the Petition.

II. DEPARTMENT ANALYSIS

A. COMPLETENESS REVIEW

The Notice indicates that one issue open for comment is whether the Petition contains the information required under Minnesota Rules Chapter 7849. The Department reviewed the Petition for completeness under Minnesota Rules and the Commission’s Order regarding the Exemption Petition. The Department concludes that the Companies met the completeness requirements.

B. PROCESS REVIEW

The Notice indicates that the second issue open for comment is “Are there any contested issues of fact with respect to the representations made?” The Department has not identified any contested issues at this time. However, the Department has not initiated its analysis of the merits of the Petition.

The Notice indicates that the third issue open for comment is “Should the application be evaluated using the Commission’s informal process or referred to the Office of Administrative

Hearings for contested case proceedings?" Minnesota Rules 7829.1200 provides three examples for when the Commission's comment process may be used:

- A. there are no material facts in dispute;
- B. the parties and the Commission have agreed to informal or expedited proceedings; or
- C. informal or expedited proceedings are authorized or required by statute.

At this time, the Department has not identified any disputes as to material facts. However, there are circumstances surrounding the proposed Project that indicate a contested case might be of value:

- the proposed project would be of the second highest voltage in the state;
- the primary need for this Project is different than other transmission projects in Minnesota which have been reliability or generation outlet projects;¹
- the Petition requests a joint certificate of need and route proceeding; and
- public comments filed to date indicate the potential for contested issues.

Therefore, the Department recommends that the Commission refer the Petition to the Office of Administrative Hearings for a contested case proceeding.

III. DEPARTMENT RECOMMENDATION

The Department recommends that the Commission determine that the Companies' Petition is substantially complete. The Department also recommends that the Commission refer the Petition to the Office of Administrative Hearings for a contested case proceeding.

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¹ The claimed need is to reduce transmission system congestion, which will improve the efficiency of the region's energy market resulting in lower energy costs.

CERTIFICATE OF SERVICE

I, Sharon Ferguson, hereby certify that I have this day, served copies of the following document on the attached list of persons by electronic filing, certified mail, 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
Comments**

Docket No. E002, ET6675/CN-17-184

Dated this 2nd day of February 2018

/s/Sharon Ferguson

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