Fredrikson
& BYRON, P.A.

July 23, 2014

VIA ELECTRONIC FILING

Dr. Burl W. Haar
Executive Secretary
Minnesota Public Utilities Commission
121 Seventh Place East, Suite 350
Saint Paul, MN 55101-2147

Re: In the Matter of the Odell Wind Farm, LLC's Route Permit Application for the Proposed 115 kV Transmission Line and Associated Facilities in Cottonwood, Jackson, and Martin Counties
MPUC No. IP-6914/ TL-13-591 and OAH 48-2500-31501

Dear Dr. Haar:

Enclosed please find Odell Wind Farm, LLC's Proposed Summary of Public Testimony, Findings of Fact, Conclusions of Law and Recommendations that were efiled today via eDockets pursuant to the Scheduling Order dated May 27, 2014.

A copy of this filing is also being served upon the persons on the Official and Special Service Lists. Please let me know if you have any questions regarding this filing.

Sincerely,

Jeremy P. Duehr
Attorney at Law
Direct Dial: 612.492.7413
Email: jduehr@fredlaw.com

JPDkas

OAH 4-2500-31501
PUC No. IP-6914/ TL-13-591

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE PUBLIC UTILITIES COMMISSION

In the Matter of Odell Wind Farm, LLC's Route Permit Application for the Proposed 115kV Transmission Line and Associated Facilities in Cottonwood, Jackson, and Martin Counties, Minnesota

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In the Matter of Odell Wind Farm, LLC's Route Permit Application for the Proposed 115kV Transmission Line and Associated Facilities in Cottonwood, Jackson, and Martin Counties, Minnesota	**ODELL'S PROPOSED SUMMARY OF PUBLIC TESTIMONY, FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION**

This matter was assigned to Administrative Law Judge ("ALJ") Judge Steve M. Mihalchick to conduct a public hearing and provide a summary of public testimony on Odell Wind Farm, LLC's ("Odell" or the "Applicant") application for a route permit to construct a new 9.5-mile 115 kilovolt (kV) transmission line and associated facilities in Cottonwood, Jackson, and Martin Counties, Minnesota, from the planned Odell Wind Farm Substation in Cottonwood County to the proposed Woad Hill Substation in Martin County (the "Project"). The Minnesota Public Utilities Commission ("PUC" or "Commission") also requested that the ALJ prepare a report setting forth Findings of Fact, Conclusions of Law and a Recommendation on the merits of the proposed project, alternatives to the proposed project, a preferred route alternative, and comments and recommendations, if any, on the conditions and provisions of the proposed permit.

ALJ Mihalchick presided over a public hearing on July 9, 2014, at Windom Community Center in Windom, Minnesota. The hearing continued until all persons who desired to speak had done so. The comment period closed on July 23, 2014, at 4:30 p.m.

Jordan Burmeister, Project Manager at Geronimo Wind Energy, LLC, and Jeremy Duehr, Attorney for Odell Wind Farm, LLC appeared at the public hearing on behalf of the Applicant.

Richard Davis, Environmental Review Manager, appeared on behalf of the Energy Environmental Review Analysis Unit ("EERA") of the Department of Commerce ("DOC" or "Department").

Michael Kaluzniak, Senior Energy Facility Planner, appeared on behalf of the Commission staff.

STATEMENT OF ISSUE

Should the Commission find that the environmental assessment and the record adequately address the issues identified in the scoping decision? Should the Commission issue a route permit identifying a specific route and permit conditions for the proposed 115 kV transmission

line from the Odell Wind Farm Substation in Cottonwood County to the proposed Woad Hill Substation in Martin County?

SUMMARY OF CONCLUSIONS AND RECOMMENDATION

The ALJ concludes that Odell 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 upon the record created in this proceeding, the ALJ makes the following:

FINDINGS OF FACT

Applicant

1. Geronimo Wind Energy, LLC d/b/a Geronimo Energy, LLC ("Geronimo"), a Minnesota limited liability company, develops and builds renewably energy projects throughout the United States. Geronimo formed Odell Wind Farm, LLC ("Odell") to own both the Project and an up to 200 megawatt ("MW") wind energy project ("Odell Wind Farm") in Cottonwood, Jackson, Watonwan and Martin Counties. The Odell Wind Farm will be served by the Project.[1]

The Project

2. The proposed Odell 115 kV transmission line would be located in Mountain Lake Township in Cottonwood County, Kimball Township in Jackson County, and Cedar Township in Martin County. The entire Project would be approximately 9.5 miles in length,[2] stretching from the planned Odell Wind Farm substation in Cottonwood County to the proposed Woad Hill Substation in Martin County.[3]

3. The Project is 9.5 miles of new overhead 115 kV transmission line between the planned Odell Wind Farm substation and the proposed Woad Hill Substation.[4]

4. The Proposed Route extends from the new Odell Wind Farm substation located in Section 32 of Mountain Lake Township in Cottonwood County, MN, to the new Woad Hill Substation in Section 16 of Cedar Township in Martin County, MN. As proposed, the new single circuit 115 kV transmission line originates at the Odell Wind Farm substation and heads east along County Highway 17 to Jackson County Highway 85/600th Avenue. The Project then continues south for approximately one mile. The

[1] Application, eDocket ID Nos. 201312-94551-01, 201312-94551-02, 201312-94551-03, and 201312-94551-04 (Application) at p. 3.
[2] *Id.* at p. 3.
[3] *Id.* at p. 3.
[4] *Id.* at p. 3.

Project then turns to run east along Jackson County's 930th Street where, after approximately one mile, it crosses into Martin County and continues east along 240th Street for approximately two miles until the intersection of 240th Street and 30th Avenue. The Project turns south for the final time on 30th Avenue, ending approximately one and a half miles south at the proposed Woad Hill Substation at the intersection of 30th Avenue and 230th Street in Martin County.[5]

5. The Woad Hill Substation was originally proposed for section 16 of Cedar Township in Martin County, MN on the southeast corner of the intersection of 230th Street and 30th Avenue.[6] As a result of detailed design discussions with Northern States Power d/b/a Xcel Energy ("Xcel Energy"), the entity that owns the transmission line to which the Woad Hill Substation will interconnect, it was determined that the placement of the Woad Hill Substation in the southeast corner of the intersection of 230th Street and 30th Avenue may not be practicable due to Xcel Energy's internal design spacing requirements for substations and switchyards.[7] Ongoing discussions between Odell and Xcel Energy have resulted in the need for Odell to investigate the option of locating the Woad Hill Substation in the northwest quadrant of the intersection of 230th Street and 30th Avenue in Section 16.[8] Odell has submitted a request to the Commission to modify the route slightly to accommodate the option of locating the Woad Hill Substation in the northwest quadrant of the intersection of 230th Street and 30th Avenue in Section 16.[9]

6. The Woad Hill Substation will consist of supporting structures for high voltage electrical structures, breakers, transformers, lightning protection, and control equipment as specified in the Interconnection Agreements to be entered into with MISO and Xcel Energy. Conservatively, Odell estimates the substation will take up 10 acres of land.[10] From the Woad Hill Substation, the Project will connect to the electrical grid via a single 345 kV span connecting the Woad Hill Substation to Xcel's new 345 kV switchyard. The 345 kV span will be less than 1,500 feet and will be permitted by Odell through Martin County.[11] The switchyard and any modification to the existing 345 kV transmission line or any new 345 kV span to connect the switchyard to the existing transmission line will be designed, permitted, and built by Xcel Energy.[12]

7. The proposed location for the Odell Wind Farm substation is within the Odell Wind Farm's Project boundary. It is located north of Jackson County Road 17 in Section 32 of Mountain Lake Township in Cottonwood County. The Odell Wind Farm Substation has been permitted under Docket No. IP6914/WS-13-843.[13]

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[5] *Id.* at Figure 1.1.
[6] *Id.* at Figure 1.1.
[7] Direct Testimony and Schedules for Jordan Burmeister (Burmeister Testimony), eDocket ID No. 20147-101292-01 at p. 4.
[8] *Id.* at p. 4.
[9] Odell Change to Route in Route Permit Application (Route Modification), eDocket ID No. 20146-100231-01
[10] Application at p. 34.
[11] Route Modification at p. 4
[12] Application at p. 9.
[13] Order Issuing Site Permit and Approving Avian and Bat Protection Plan (Order Issuing Site Permit), eDocket ID No. 13-843, (July 17, 2014).

Structure Types and Spans

8. The Applicant proposes to use wood and/or steel structures capable of handling a single-circuit load by constructing the single-circuit transmission line on wood and/or steel monopole structures.[14]

9. The poles will have an average height of 65 to 70 feet. The typical span length will be 400 feet.[15]

Conductors

10. The conduct for each of the three phases of the 115 kV line will be a 1272 kcmil (thousand circular mils[16]) "Bittern" Aluminum Conductor Steel Reinforced ("ACSR").[17]

Route Width

11. Odell has proposed the Project utilize a variable 150 to 600 foot route width for the 115 kV HVTL. The majority of the Proposed Route will be 150 feet wide extending from the road centerline. Odell is requesting that the Proposed Route width in sections 1 and 12 of Kimball Township in Jackson County be 300 feet, extending 150 feet on both sides of the road centerline. The proposed 300 foot route width in this area will allow additional flexibility to accommodate distances from homes. Odell is requesting a 600 foot route width in section 6 and 7 of Cedar Township in Martin County. In this area, the additional route width will allow flexibility to work around a known easement title issue in Section 7.[18]

Right-of-Way

12. Odell entered into Transmission Easement Agreements ("transmission easements") with private landowners that describe the easement and terms of the agreement. The transmission easements include a strip of land that is eighty feet wide parallel and adjacent to the existing road right-of-way and a strip of land comprising one-half of the existing road right-of-way. The road rights-of-way are generally 66 feet for township roads or 100 feet for county roads. Therefore, the total easement width in the transmission easements is 113 feet along township roads and 130 feet along county roads. To accommodate the area included within its transmission easements, Odell is requesting a right-of-way of 113 and 130 feet for the Project.[19]

[14] Application at p. 9.
[15] Notice of Environmental Assessment (EA Notice), eDocket ID No. 20147-101131-01 at p. 13.
[16] A circular mil is the cross-sectional area of the conductor equal to a circle with a diameter equal to one mil (one thousand of an inch).
[17] Application at p. 10.
[18] ALJ Report at p. ____ (not yet available).
[19] Application at p. 7.

Project Schedule

13. The Project construction will begin after applicable federal, state, and local approvals have been obtained, property and ROW are acquired, soil conditions are established and final design is completed.[20]

Project Cost

14. The estimated cost for the 9.5 miles of transmission line between the Odell Wind Farm Substation and the Woad Hill Substation is $3.5 million. The estimated cost of the proposed Woad Hill Substation is $2 million.[21]

15. Operation and maintenance costs for the transmission line will be nominal in the initial years of operation. Annual operation and maintenance costs for 115 kV transmission lines in the Upper Midwest are typically $300-$600 dollars per mile of transmission right-of-way.[22]

Procedural Summary

16. On July 8, 2013, in accordance with Minn. R. 7850.2800, subp. 2, the Applicant filed a letter with the Commission noticing their intent to submit a route permit application under the alternative permitting process set forth in Minn. Stat. § 216E.04 and Minn. R. 7850.2800 to 7850.3900.[23]

17. On December 12, 2013, the Applicant filed a route permit application (Application) with the Commission for a 115 kV transmission line to be constructed in Mountain Lake Township in Cottonwood County, Kimball Township in Jackson County, and Cedar Township in Martin County.[24]

18. The Applicant mailed a Notice of Filing of Route Permit Application on December 26, 2013, to those persons whose names are on the general list maintained by the Commission for this purpose, local and regional officials, and property owners in compliance with Minn. R. 7850.3300 and 7850.2100.[25]

19. Odell also completed newspaper notice in the *Jackson County Pilot*, the *Fairmont Sentinel*, and the *Cottonwood County Citizen* in compliance with Minn. R. 7850.3300 and 7850.2100, subp. 4.[26]

[20] *Id.* at pp. 12 and 13.
[21] *Id.* at p. 6.
[22] EA Notice at p. 16.
[23] Notice of Route Permit Application under Alternative Review (Route Permit Notice), eDocket ID No. 20137-88942-01.
[24] Application
[25] Affidavits of Publication of Newspaper Notices, eDocket ID Nos. 20141-95836-01 and 20141-95738-01
[26] Id.

20. The EERA staff recommended that the Commission accept the route permit application as complete and determine that an advisory task force was not necessary.[27]

21. On February 4, 2014, the Commission accepted the application as complete and authorized the EERA staff to process the application under the alternative permitting process in Minn. R. 7850.2900 to 7850.3900. The Commission also authorized the Commission staff to name a public advisor and determined that an advisory task force was not necessary at that time.[28]

22. On January 23, 2014, EERA issued and mailed a Notice of Public Information Meeting to those persons whose names are on the project list maintained by the Commission for this purpose in compliance with Minn. R. 7850.3500, subp. 1 and 7850.2300, subp. 2. EERA also sent the Notice to designated State Agency Technical Representatives.[29]

23. A hard copy of the route permit application was made available at the Mountain Lake Public Library, Jackson Public Library, Trimont City Library, and Windom Public Library.[30]

Public Meeting

24. The scoping process is the first step in developing an EA. The Department of Commerce is required to "provide the public with an opportunity to participate in the development of the scope of the environmental assessment by holding a public meeting and by soliciting public comments."[31] During the scoping process, alternative routes may be suggested for evaluation in the EA.[32]

25. In accordance with Minn. R. 7850.3500, subp. 1 and 7850.2300, subp. 1 to 4, EERA and Commission staff held a joint public information and environmental assessment scoping meeting on February 10, 2014, in Windom, Minnesota. Four members of the public attended the scoping meeting. One landowner within the Proposed Route spoke at the meeting, and expressed support for the Project and willingness to work with Odell to accommodate routing on his property.[33]

26. The public comment period on the scope of environmental assessment closed on February 24, 2014.[34] EERA received one letter during the scoping comment period.[35]

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[27] Order Finding Application Complete and Referring Matter to the Office of Administrative Hearings (Order Finding Application Complete), eDocket ID Nos. 20142-96156-01 and 20142-96156-02.
[28] *Id*.
[29] Notice of Public Information and Environmental Assessment Scoping Meeting, eDocket ID No. 20141-95727-01.
[30] *Id*.
[31] Minn. R. 7850.3700, subp. 2.
[32] Minn. R. 7850.3700, subp. 2B.
[33] Odell Wind HVTL Project – DOC Environmental Assessment Scoping Decision (Scoping Decision), eDocket ID No. 20144-98456-01 at p. 1.
[34] *Id*.
[35] Notes from Odell Wind HVTL Public Information and EA Scoping Meeting (Scoping Meeting Notes), February 10, 2014, eDocket ID No. 20142-96887-01.

27. The Department of Natural Resources ("DNR") staff submitted comments suggesting the Woad Hill Substation be located in the western portion of the proposed substation site to provide an increased buffer between the substation and Cedar Creek. The DNR comment letter included a statement on the requirements of the License to Cross Public Lands and Waters. The DNR also commented that the Natural Heritage Review completed for the Odell Wind Farm project is not valid for the Odell Project, and a Natural Heritage Review request should have been submitted prior to the submission of the Route Permit Application.[36] For this Project, the DNR reviewed the data and concurred with Odell that there are no rare features within one mile of the Project area.[37]

28. No alternative routes were suggested through oral or written comments.[38]

29. The scoping decision for the environmental assessment was signed by the Deputy Commission of the Department of Commerce on April 14, 2014, filed with the Commission and made available to the public as provided in Minn. R. 7850.3700, subp. 3, on April 17, 2014.[39]

Environmental Assessment

30. The environmental assessment was filed with the Commission and made available on June 30, 2014.[40] The environmental assessment was prepared in accordance with Minn. R. 7850.3700, and contained all the information required.

31. On July 1, 2014, EERA mailed a Notice Availability of Environmental Assessment to those persons whose names are on the project contact list, local and regional officials, and property owners in compliance with Minn. R. 7850.3700, subd. 6 and to the state and federal agency technical representatives.[41]

32. The EA was provided to the public agencies with authority to permit or approve the proposed project and was also posted to the Commission's Energy Facilities Permitting website in accordance with Minn. R. 7850.3700, subp. 6.

33. Pursuant to Minn. R. 7850.3700, subp. 6, EERA published a Notice of Availability of Environmental Assessment in the EQB Monitor on July 9, 2014.[42]

34. The Environmental Assessment evaluated the Applicant's Proposed Route including the three options proposed by the Applicant for the Woad Hill Substation.

[36] Scoping Decision at p. 1.
[37] Staff Briefing Papers for April 10, 2014 Meeting, eDocket ID No. 20144-97903-01 at p. 3.
[38] Scoping Decision at p. 2.
[39] *Id.*
[40] Odell Wind HVTL Environmental Assessment (EA), eDocket ID No. 20146-101031-01.
[41] Notice of Public Hearing (Public Hearing Notice), eDocket ID Nos. 20146-100636-01 and 20146-100636-02.
[42] EQB Monitor Notice, eDocket ID No. 20147-101288-01.

Public Hearing

35. Pursuant to Minn. Stat. Ch. 216E.03, subd. 6, the Applicant published a Notice of Public Hearing in the Jackson County Pilot on June 26, 2014, the Cottonwood County Citizen on June 25, 2014 and the Fairmont Sentinel on June 25, 2014.[43]

36. On June 20, 2014, a Notice of Public Hearing was mailed to those persons whose names are on the project contact list, local and regional officials, and property owners in compliance with Minn. Stat. § 216E.03, subd. 6 and to the state and federal agency technical representatives.[44]

37. On June 20, 2014, EERA sent via Certified mail a Notice of Public Hearing to chief executives of the regional development commissions, counties, organized towns, townships, and incorporated municipalities in accordance with Minn. Stat. § 216E.03, subd. 6.

38. Minnesota Office of Administrative Hearings, Steve M. Mihalchick, Administrative Law Judge (ALJ) presided over the public hearing conducted on July 9, 2014. The public hearing was held at the Windom Community Center in Windom, Minnesota. The ALJ provided an opportunity for members of the public to ask questions or comment on the proposed project verbally and/or to submit question and comments in writing.[45]

39. Approximately 7 members of the public attended the public hearing. All persons who desired to speak were afforded a full opportunity to make a statement on the record.[46]

40. Pursuant to Minn. R. part 7850.3800, subp. 3, Minnesota Department of Commerce, EERA representative Richard Davis, was at the public hearing and described the alternative route permitting process, the proposed Project, and introduced the EA and other relevant documents for the record.

41. Jeremy Duehr, from the law firm of Fredrikson & Byron, P.A., appeared at the public hearing on behalf of Odell in this matter. Also present at the public hearing for Odell was Jordan Burmeister.

42. Michael Kaluzniak, Planning Director, was at the public hearing on behalf of the Minnesota Public Utilities Commission.

43. Public comments on the proposed Project were accepted by the ALJ until July 23, 2014.[47]

44. The public hearing transcript was filed by the Office of Administrative Hearings' designated court reporter on _____.[48]

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[43] Publication of Notice of Public Hearing in *Jackson County Pilot*, *Fairmont Sentinel*, and *Cottonwood County Citizen*, eDocket ID No. __ (filed July 23, 2014).
[44] Public Hearing Notice
[45] ALJ Report (not yet available).
[46] *Id.*
[47] *Id.*

45. Public comments received at the public hearing were given in support of the Project. One landowner within the proposed route spoke at the hearing and expressed support for the Project and his willingness to work with Odell to accommodate routing on his property.[49] A representative from the Windom Economic Development Authority spoke at the hearing and expressed support for the Project and the economic benefits it will bring to the region.[50]

46. The Project is being reviewed under the Alternate Review Process in accordance with Minn. Stat. § 216E.04, as ordered by the Commission.[51] The questions of need, including size, type, and timing; alternative system configurations; and voltage must not be included in the scope of environmental review conducted under this Chapter (Minn. Stat. § 216E.02, subdivision 2).

Public Hearing Comment Letters

47. The written comments received during the comment period were from _____.

48. [Expand as needed.]

Environmental Assessment of Route

49. The Proposed Route analyzed in the Environmental Assessment has human and environmental impacts, some of which are unavoidable if the project is permitted and built. The route is not expected to cause an irreversible or irretrievable commitment of resources, except for the use of water for dust abatement during construction and the commitment of labor and fiscal resources to develop and build the Project.[52]

50. In the Application, the Applicant identified a Proposed Route.[53]

51. The Proposed Route extends from the new Odell Wind Farm substation located in Section 32 of Mountain Lake Township in Cottonwood County, MN, to the new Woad Hill Substation in Section 16 of Cedar Township in Martin County, MN. As proposed, the new single circuit 115 kV transmission line originates at the Odell Wind Farm substation and heads east along County Highway 17 to Jackson County Highway 85/600th Avenue. The Project then continues south for approximately one mile. The Project then turns to run east along Jackson County's 930th Street where, after approximately one mile, it crosses into Martin County and continues east along 240th Street for approximately two miles until the intersection of 240th Street and 30th Avenue. The Project turns south for the final time on 30th Avenue, ending approximately one and

[48] Public Hearing Transcript (not yet available).
[49] ALJ Report (not yet available).
[50] Public Hearing Transcript (not yet available).
[51] Order Finding Application Complete.
[52] EA at p. 63.
[53] Application at p. 6.

a half miles south at the proposed Woad Hill Substation at the intersection of 30th Avenue and 230th Street in Martin County.[54]

52. Odell is requesting a 600 foot route width in section 6 and 7 of Cedar Township in Martin County. In this area, the additional route width will allow flexibility to work around a known easement title issue in Section 7.[55] Odell would prefer to locate the Project as far from the residence as possible, which would be south of 240th Street; however, absent a consent and crossing agreement with the existing easement holder south of 240th Street, Odell is unable to do so. Locating the Project south of 240th Street in Sections 6 & 7 without securing a consent and crossing agreement with the existing easement holder would make the Project difficult to construct due to the financing issues created by title issue.[56]

53. The Woad Hill Substation was originally proposed for section 16 of Cedar Township in Martin County, MN on the southeast corner of the intersection of 230th Street and 30th Avenue.[57] As a result of detailed design discussions with Northern States Power d/b/a Xcel Energy ("Xcel Energy"), the entity that owns the transmission line to which the Woad Hill Substation will interconnect, it was determined that the placement of the Woad Hill Substation in the southeast corner of the intersection of 230th Street and 30th Avenue may not be practicable due to Xcel Energy's internal design spacing requirements for substations and switchyards.[58] Ongoing discussions between Odell and Xcel Energy have resulted in the need for Odell to investigate the option of locating the Woad Hill Substation in the northwest quadrant of the intersection of 230th Street and 30th Avenue in Section 16.[59] Odell has submitted a request to the Commission to modify the route slightly to accommodate the option of locating the Woad Hill Substation in the northwest quadrant of the intersection of 230th Street and 30th Avenue in Section 16.[60]

54. On June 6, 2014, Odell filed a request to expand the route width of the Project to accommodate the potential revised location and design of the proposed Woad Hill Substation. The requested route expansion would provide Odell with the option to construct the proposed Woad Hill Substation from the NW1/4 of Section 16, T104N, R33W to the SE1/4 of Section 8, T104N, R33W, of Martin County. The additional route area being requested is approximately 480 feet wide and 950 feet long directly to the west of the originally Proposed Route.

55. EERA determined that Odell's request to expand the Proposed Route was not deemed to be a substantial change or substantial new information that significantly affected the

[54] Application at p. 6.
[55] ALJ Report (not yet available).
[56] *Id.*
[57] Application at Figure 1.1.
[58] Burmeister Testimony at p. 4.
[59] *Id.*
[60] Route Modification.

potential environmental effects of the Project or the availability of reasonable alternatives.[61]

56. All proposed configurations of the Woad Hill Substation would be sited entirely within currently tilled cropland and would therefore be expected to have similar environmental impacts.[62]

57. Richard Davis, of EERA, testified at the public hearing that the option presented by Odell to locate the Woad Hill Substation in the northwest quadrant of the intersection of 230th Street and 30th Avenue in Section 16 would address the DNR's request to keep the Woad Hill Substation as far from Cedar Creek as practicable.[63]

Displacement

58. The Applicant has stated that the transmission line will be designed to avoid displacement of existing residences or businesses.[64]

Noise

59. The Minnesota Pollution Control Agency ("MPCA") has established standards for the regulation of noise levels.[65]

60. For residential land, the MPCA noise limits are 60-65 A-weighted decibel ("dBA") during the daytime and 50-55 dBA during the nighttime. For commercial land, the MPCA noise limits are 65-70 dBA during the daytime and nighttime. For industrial land, the MPCA noise limits are 75-80 dBA during the daytime and nighttime.[66]

61. There will be noise generated by construction equipment during the construction of the Project. The closest residences to the application alignment are the three homes located within the Proposed Route. Where the Proposed Route width is 600 feet in T104 R33 Section 6 in Martin County, one home is approximately 60 feet from the application alignment. In T104 R34 Section 12 in Jackson County, two homes are approximately 200 feet from the application alignment and substation location. Noise levels produced by a 115 kV transmission line and substation are generally less than outdoor background levels and therefore are not usually audible. Therefore, no noise impacts are expected. Construction will be limited to daytime hours to avoid nighttime construction noise. After construction, no proposed impacts are anticipated, so mitigation is not necessary.[67]

Aesthetics

[61] Transcript of Public Hearing (not yet available).
[62] Burmeister Testimony, at p. 5.
[63] Transcript of Public Hearing (not yet available).
[64] Application at p. 13.
[65] Minn. R. 7030; Ex. 2 at p. 27.
[66] Minn. R. 7030.0040; Ex. 13 at p. 30.
[67] EA at pp. 30-31.

62. The Project will result in an alteration of the current visual landscape through construction of wood or steel poles of approximately 70 feet in height, the construction of the Woad Hill Substation, consisting of components typically found at substations: a control building, fencing, transformer and transmission line.[68]

63. The Proposed Route mitigates visual disruptions in the rural landscape by siting the route along existing roadway corridors. The combination of these two linear features (the Project and the road) minimizes impacts to the landscape to the greatest extent possible.[69] Security lighting within the Woad Hill Substation will be shielded downward to minimize lighting impacts on surrounding residences.[70]

Cultural Values

64. The communities in the vicinity of the Project have cultural values tied to rural agriculture, light industry and recreation.[71]

65. The presence of the Project will not significantly impact the agricultural land use or general character or cultural values of the area. As demonstrated by other transmission projects in the Midwest, agricultural practices continue throughout construction and operations.

Recreation

66. There are no recreational facilities located along the Proposed Route.[72]

67. There are a variety of recreation opportunities approximately four miles west of the Project, near the Des Moines River. The following State Wildlife Management Areas are within five miles of the Project: Bennett State Wildlife Management Area; Banks State Wildlife Management Area; Fossum State Wildlife Management Area; and, Laurs Lake State Wildlife Management Area. There is one Waterfowl Production Area (Christiana) within five miles of the Project. Mountain County Park is approximately five miles north of the Project. Fossum State Wildlife Management Area is approximately 2.5 miles northeast of the Project. Two public trails are within five miles of the Project: the Riverside Snowmobile Trail and the Elm Creek Trail. The Riverside Snowmobile Trail runs north and northeast of the Project. The Elm Creek Trail is a five-mile ATV trail located south of the Project on private land in Martin County. Recreation opportunities include boating, hunting, fishing, wildlife viewing, and hiking.[73]

68. Because all Project facilities will be located on private lands, there will be no direct impacts to recreational facilities. Indirect impacts to recreational resources will be visual in nature and limited to persons using public or private property in or near the Project. During construction, the noise from increased vehicle traffic and construction activities

[68] Application at p. 33.
[69] EA at p. 33.
[70] *Id.*
[71] Application at p. 31.
[72] *Id.* at p. 32.
[73] *Id.* at p. 32.

may temporarily alter the experience of those using recreational resources. In order to maintain safety standards, hunting and other recreational activities may be temporarily suspended when construction or maintenance personnel are working at the Project. After construction is completed, the specific locations of the facilities may also impact hunting by affecting the direction in which hunters may shoot (to avoid striking transmission facilities).[74]

69. To the extent possible, the Project's facilities will be placed in a manner so as to avoid impacts to recreational resources. No additional mitigation to recreational resources is proposed.[75]

Public Services/Utilities

70. Public services and utilities are generally defined as services provided by government entities including hospitals, fire and police departments, schools, roads and highways, public parks, and water supply. Utilities also include private wells, septic systems and other utilities. Given the rural nature of the project area, public services are limited.[76]

71. The Applicant will work with MnDOT, the counties, the relevant townships, and all public service providers to coordinate any potential or planned outages when consolidating facilities.[77]

72. Impacts to public services are expected to be minimal. Impacts to the telecommunications, electrical, and water services would likely occur during construction maintenance activities, and may involve temporary disruptions of service to facilitate relocation of facilities. No permanent impacts to local services are anticipated. No impacts to regional gas services. Impacts associated with interconnecting the line with the grid will be coordinated with MISO and Xcel Energy (the interconnecting utility).[78]

Public Health and Safety

73. The Project will be designed and constructed in compliance with local, state, and National Electrical Safety Code ("NESC") standards regarding clearance to the ground, clearance to utilities, clearance to buildings, strength of materials and right-of-way widths.[79]

74. The Project will be equipped with protective devices to safeguard the public in the event of an accident or fall. The protective equipment is designed to de-energize the

[74] *Id.*
[75] EA at p. 43.
[76] Application at p. 33.
[77] *Id.*
[78] EA at p 48.
[79] Application at p. 24.

transmission line should such an event occur.[80] In addition, proper signage will be posted to warn the public of safety risks associated with the equipment.[81]

Airport Flight Safety

75. Three private airports/airstrips are located within five miles of the Project. Two of these airstrips are located in Mountain Lake Township in Cottonwood County; one airstrip is 1.3 miles from the Project, the other airstrip is 2.5 miles from the Project. The closest public use airport is Windom Municipal Airport, which is located approximately nine miles northwest of the Project in Cottonwood County.[82]

76. The Applicant is coordinating with the landowners of the private airports/airstrips and has sited the transmission line far from their facilities. No impacts are anticipated due to the distance of each of the airports/airstrips from the Project.[83]

Electric and Magnetic Fields

77. The issue of electric and magnetic fields was discussed in the EA.[84] A number of national and international health agencies (e.g., the Minnesota Department of Health, the World Health Organization, the National Institute of Environmental Health Sciences) have concluded in their research that there is insufficient evidence to prove a connection between electric and magnetic field exposures and health effects. Research has not been able to establish a cause and effect relationship between exposure to magnetic fields and human disease, nor a plausible biological mechanism by which exposure to electric and magnetic fields could cause disease.[85] The maximum magnetic field for this Project, as calculated by the Applicant, would be 153.87 milligauss, one meter above the ground and directly below the line.[86] No Minnesota regulations have been established pertaining to magnetic fields from high-voltage transmission lines. The Environmental Quality Board (EQB) and the Commission have historically recommended an 8 kV/m maximum electric field for transmission lines of 500 kV or greater to prevent potential shock hazards.[87] The maximum electric field for this Project, as calculated by the Applicant, would be 1.80 kV/m, at one meter above the ground.[88]

78. The absence of any demonstrated impact by electric field and magnetic field exposure supports the conclusion that there is no demonstrated impact on human health and safety.

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[80] Application at p. 24.
[81] *Id.*
[82] *Id.* at pp. 24-25.
[83] *Id.*
[84] EA at pp. 34-42.
[85] *Id.* at p.42.
[86] Application at p. 21.
[87] *See* In the Matter of the Petitions of Northern States Power Company d/b/a Xcel Energy and Dairyland Cooperative for Permits to Construct a 115 kV and 161 kV Transmission Line from Taylors Falls to Chisago County Substation, Docket No. E-002/TL-06-1677, Environmental Assessment at p. 45 (Aug. 20, 2007); Ex. 13 at p. 35.
[88] Application at p. 18.

No adverse effects from electric fields and magnetic fields on health are expected for persons living or working at locations along or near the proposed Project.[89]

Stray Voltage

79. Transmission lines (alternate current or AC) can induce "stray" voltage on nearby conductive objects. When the electric-magnetic field of a transmission line is within range of a nearby conductive object, a voltage may be induced on the object. The magnitude of the voltage depends on the weather conditions, the object's ability to collect an electric charge (capacitance), and vary with the object's shape, size, orientation and location, object to ground resistance.[90]

80. If a voltage is induced on an object insulated from the ground and a person touches the object, a small current (induced current or stray voltage) would pass through their body to the ground. This current may produce a spark discharge or mild shock to the individual. This type of stray voltage occurs most often on long fences and distribution lines built under transmission. Proper grounding of metal objects under the transmission line is the best method of avoiding these shocks. Most shocks from induced current are considered more of a nuisance than a danger. The Commissions electric field limit of 8 kV/m was designed to prevent serious hazard from shocks due to induced voltage under transmission lines. The NESC sets an induced current limit of five milliamps (mA) for objects under transmission lines.[91]

81. Stray voltage (neutral to earth voltage, or NEV) is an extraneous voltage that appears on grounded surfaces in buildings, barns and other structures. This type of stray voltage may result from a damaged, corroded, or poorly connected wiring or damaged insulation (contact voltage). Stray voltage (NEV) and its impact on dairy farms is normally an issue associated with electrical distribution lines and is a condition that can exist between the neutral wire of a service entrance and grounded objects in buildings. Transmission lines do not, by themselves, create NEV, but they can induce voltage on a distribution circuit that is parallel and immediately under the transmission line. This induced voltage only occurs in the immediate vicinity of the distribution circuit and does not travel along the transmission or distribution line.[92]

82. The quality of the farm/structure wiring system has the largest single influence on contact voltage. Stray voltage (NEV) sources can be reduced in three fundamental ways: reduce the current flow on the neutral system; reduce the resistance of the neutral system; or improve the grounding of the neutral system. Making good electrical connections and making sure that these connections are maintained by the proper choice of wiring

[89] EA at p. 42.
[90] *Id.* at p. 37.
[91] *Id.* at p. 38.
[92] *Id.*

materials for wet and corrosive locations will reduce the resistance of the grounded neutral system and thereby reduce NEV levels.

83. Appropriate measures will be taken by the Applicant during transmission line design, construction, and operation to prevent the potential for any stray voltage problems from this Project particularly in areas where the Project is parallel to or crosses distribution lines.[93] The Applicant will be required to address and rectify any stray voltage problems that arise during transmission line operation, as a condition of the route permit.

Effects on Land Based Economies

84. The majority of the land near the Project is cultivated farmland. Corn, soybeans, small grains, and forage crops are grown throughout the three counties. Cash crops and livestock production are the major sources of agricultural income. Martin County is listed as the second highest livestock-producing county in Minnesota. Martin and Jackson Counties are listed in the top ten counties for Minnesota crop production, with Martin County ranking sixth and Jackson County ranking eighth.[94]

85. Although Jackson, Cottonwood, and Martin Counties are large livestock-producing areas, the Applicant has not identified any livestock operations along the Proposed Route. Construction and maintenance of the Project will result in permanent and temporary impacts to farmland such as soil compaction and crop damage. Permanent impacts will occur as a result of structure placement along the route centerline. The Applicant estimated that the permanent impacts in agricultural fields will be approximately 20 square feet per pole, or about 0.06 acres in total. In addition, the Applicant has estimated that the Woad Hill Substation will take up 10 acres of land for a total permanent impact of 10.06 acres.[95]

86. The Applicant intends to place the poles as close as feasible (approximately 5 feet) from the edge of the roadway right-of-way. The Applicant will work with landowners to identify appropriate locations for poles. The final spacing and location of poles will be done to accommodate the movement of farm equipment between and around their locations while still maintaining safety and design standards. The Applicant has elected to use a span between poles that is at the upper end of typical span lengths to minimize the number of poles. The Applicant will coordinate construction of the Project either before crops are planted or following harvest, if possible. If this is not possible, the Applicant will compensate for any impact to crops, including compaction that might result from construction. Additionally, the Applicant will compensate for crop impacts resulting from the operations and maintenance of the Project.[96]

[93] Application at p. 22.
[94] *Id.* at p. 34.
[95] *Id.*
[96] *Id.* at pp. 34-35.

87. The EA indicates that the Project would permanently impact approximately 10 acres of agricultural land.[97]

88. Because the route follows existing ROW for its entire length, clearing of trees would be minimal. Tree clearing will be limited to the transmission right-of-way and adjacent areas that impact safe operation of the transmission facilities, and will be a condition of the route permit.

89. There are no tourism and recreation activities located along the route that may be indirectly impacted by the Project because of viewshed or alteration of the landscape. The route will not impact or interfere with existing recreational areas or recreational/tourism opportunities within or near the Project area.[98]

90. There are no mined areas or identified potential mineral resources in the immediate area of the Proposed Route or Woad Hill Substation.[99]

Archaeological and Historic Resources

91. No known archaeological or architectural resources were identified within or adjacent to the Proposed Route. Therefore, no impacts are anticipated during the installation of the Project.[100]

92. The Applicant shall make every effort to avoid impacts to identified archaeological and historic resources when installing the Project on the approved route. In the event that an impact would occur, the Applicant will consult with the Commission, State Historic Preservation Office and invited consulting parties. Where feasible, avoidance of the resource is required.

Air Quality

93. Air quality impacts associated with transmission lines are minimal. During construction, temporary impacts associated with fugitive dust could occur.

94. Post-construction, the creation of ozone can occur as a result of corona, which can occur in localized areas around transmission lines or other energized electrical devices. This reaction also occurs when lightning strikes. Corona can cause the breakdown and ionization of air within a few centimeters of the conductor. This produces a small amount of ozone and oxides of nitrogen in the air surrounding the conductor. Ozone is very reactive, and it combines easily with other elements in the atmosphere, thus making it short-lived in the environment.[101]

95. Proper erosion control methods and BMPs will be used during construction to minimize impacts associated with fugitive dust. Post-construction, the potential impacts from the

[97] EA at p. 23.
[98] Application at p. 33.
[99] EA at p. 45.
[100] *Id.* at p. 49.
[101] Application at pp. 37-38.

corona effect are limited and not anticipated to impact air quality. No additional mitigation measures will be necessary.[102]

Water Quality and Water Resources

96. The Proposed Route is located within the Blue Earth River and Watonwan River watersheds. There is one public water course along the Proposed Route – Cedar Creek. Cedar Creek crosses the Proposed Route at two locations on the eastern end of the Proposed Route, and parallels the Route for approximately 0.3 miles. Cedar Creek is a perennial stream along this stretch. Federal Emergency Management Agency Flood Insurance Rate Maps indicate a floodplain along Cedar Creek. There are no PWI basins along the Proposed Route.[103]

97. There are two national wetlands inventory ("NWI") mapped wetlands totaling 0.5 acres within the Proposed Route. These wetlands are drained temporarily flooded emergent wetlands. A 3.96-acre semi-permanently flooded emergent wetland ("PEMF") is just south of the Proposed Route on its western end. Inspection of aerial photographs indicates that wetland is located in a cropped field. There is also wetland along Cedar Creek, which crosses the Proposed Route as discussed above. The wetland along Cedar Creek is classified as R2UBGx, an excavated, low-gradient stream with an unconsolidated bottom, where surface water is present except in extreme drought.[104]

98. Impacts to water resources are expected to be minor. The transmission line will be designed to span wetlands and watercourses to the extent practicable. A short-term effect on water quality is possible during the Construction phase of the Project due to sedimentation.[105]

99. Formal field wetland delineations will be conducted along the Proposed Route prior to construction. If the Project will permanently or temporarily impact waters of the U.S., Minnesota public waters, jurisdictional waters, or 100-year floodplains, the Applicant will apply for the necessary permits prior to construction and will work with officials to minimize impacts. Prior to construction, a Storm Water Pollution Prevention Plan will be prepared to control sedimentation during construction, and a National Pollutant Discharge Elimination System permit will be obtained.[106]

Flora (Plant life)

100. The flora along the Proposed Route is primarily agricultural. Agricultural landscapes are dominated by plots of corn, soy, or oats.[107]

101. The Project will result in minimal temporary and permanent impacts to natural vegetation along the Proposed Route.[108]

[102] EA at p. 51.
[103] Application at p. 38.
[104] *Id.*
[105] *Id.*
[106] *Id.*
[107] EA at p. 54.

102. All areas disturbed due to construction activities would be restored to pre-construction contours. In non-cultivated areas, reseeding would occur in a timely manner using native, non-invasive plant species.[109]

Fauna (Wildlife)

103. In general, the wildlife encountered near the Proposed Route is adapted to agriculture and development. Commonly encountered wildlife species include white-tailed deer, raccoon, striped skunk, mallard, Canada goose, red-winged blackbird, common grackle, American crow, American robin, and introduced species such as house sparrow, house finch, rock pigeon, rink-necked pheasant, and European starling.[110]

104. The Applicant conducted a Tier 1 and 2 analysis of the Odell Wind Farm, which includes the Proposed Route, including an inventory of existing biological resources, native prairie, and wetland areas. Tier 3 avian and bat surveys have also been completed.[111]

105. The greatest risk of impact to wildlife from the Project is associated with injury or death of bird species from collisions with or electrocution by the transmission line. Typically these impacts involve raptors, waterfowl, or other large birds. Minor displacement impacts may be associated with the construction of the Project, but these will be temporary in nature. The Applicant does not anticipate any long-term population-level impacts.[112]

106. The Project will be constructed according to the Avian Power Line Interaction Committee ("APLIC") recommended safety standards in order to reduce avian collisions and electrocution. The Applicant will work with the EERA, DNR, and the U.S. Fish and Wildlife Services ("USFWS") to identify any areas that may require marking of the transmission line to reduce the likelihood of collision. The Applicant prepared a draft Avian and Bat Protection Plan ("ABPP") for the Odell Wind Farm and included measures related to the Project. In relevant part, the ABPP states that transmission structures will not be located within wetland areas to the extent feasible and whenever avoidance of wetland areas is not feasible, flight diverters will be installed on portions of above-ground transmission lines crossing those areas.[113]

Rare and Unique Natural Resources

107. The Minnesota NHIS, DNR, and USFWS have been consulted to identify potential rare species in or near the Proposed Route. The NHIS identified no records of rare or unique national resources within one mile of the Proposed Route. The Minnesota Biological

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[108] *Id.*
[109] *Id.*
[110] Application at p. 41.
[111] *Id.*
[112] *Id.*
[113] *Id.*

Survey ("MBS") has completed a survey of this area for native plant communities. There are no identified MBS sites within one mile of the Proposed Route.[114]

108. The USFWS considers the Poweshiek skipperling and the prairie bush clover to possibly be within the range of the Project. The Poweshiek skipperling is a federal candidate species under the Endangered Species Act ("ESA") and state special concern species found in native prairie remnants. The prairie bush clover is a federal and state threatened species typically found in dry prairie sites. There are no known prairie sites within one mile of the Proposed Route.[115]

109. Three state special concern species (trumpeter swan, Franklin's gull, and American white pelican) were observed within the Odell Wind Farm Project during the Tier 3 surveys. None of these species are protected by the federal ESA. Additionally, bald eagles, which are federally-protected under the Bald and Golden Eagle Protection Act, were observed during Tier 3 surveys. Both the trumpeter swan and bald eagle observations were from the northwestern portion of the site away from the Proposed Route.[116]

110. Due to the predominating agricultural habitat along and adjacent to the Proposed Route, impacts to rare and unique natural resources are expected to be minimal. The greatest potential for impact is the possibility that large birds will collide with the transmission line.[117]

111. The Project has been sited away from known records of rare and unique natural resources, including native habitat. The Applicant will construct the Project according to APLIC-recommended safety standards to reduce the potential for avian collisions and electrocution. If impacts to threatened or endangered species are identified, the Applicant will work with regulatory agencies to identify appropriate avoidance, minimization, and mitigative measures.[118]

Costs of Construction, Operation, and Maintenance

112. The estimated cost for 9.5 miles of transmission line between the Odell Wind Farm Substation and the Woad Hill Substation is $3.5 million. The estimated cost of the Woad Hill Substation is $2 million.[119]

113. Operation and maintenance costs for the transmission line will be nominal in the initial years of operation since the line will be new and minimal maintenance is required. Annual operation and maintenance costs for 115 kV transmission lines in the Upper Midwest are typically $300 to $600 per mile of transmission right-of-way. The principal

[114] *Id.* at p. 42.
[115] *Id.*
[116] *Id.* at p. 43.
[117] EA at p. 55 and 57.
[118] Application at p. 43.
[119] *Id.* at p. 5.

operations and maintenance cost will be incurred through scheduled inspections which will be performed monthly by either truck or fixed-wing aircraft.[120]

Interference

114. Corona from transmission line conductors can generate electromagnetic "noise" in the radio and television frequency range. This noise can cause interference with the reception of these signals depending on the frequency and strength of the signal.[121]

115. AM radio frequency interference typically occurs immediately under a transmission line and dissipates rapidly to either side. If radio interference from transmission line corona does occur, satisfactory reception from AM radio stations can be restored by appropriate modification of (or addition to) the receiving antenna system.[122]

116. While interference with TV signal and two-way mobile radio is not expected, if interference issues arise, the Applicant will work with affected parties to correct the problem.[123] Interference with FM radio is generally not a problem because the excellent interference rejection properties inherent in FM broadcast band.[124]

Certificate of Need

117. The Project is exempt from Certificate of Need ("CN") requirements because it does not meet the voltage or length requirements of a "large energy facility" under Minnesota Statutes § 216B.2421. While the 9.5 mile, 115 kV Project is greater than 100 kV, it is less than 10 miles in length and does not cross a state border. Therefore, a CN is not required for the Project.[125]

Summary of Human and Environmental Impacts and Commitment of Resources

118. The Proposed Route has human and environmental impacts, some of which are unavoidable if the Project is permitted and built. The Proposed Route is not expected to cause an irreversible or irretrievable commitment of resources, except for the use of water for dust abatement during construction and the commitment of labor and fiscal resources to develop and build the Project.[126]

119. The Proposed Route minimizes human and environmental impacts to the extent practicable.

120. The Proposed Route is 9.5 miles long and does not require a Certificate of Need.

[120] *Id.* at 6.
[121] EA at p. 31.
[122] *Id.*
[123] *Id.* at p. 32.
[124] *Id.*
[125] Application at p.4.
[126] EA at p. 63.

121. The Proposed Route shall include the additional route area proposed by the Applicant.[127]

122. The Proposed Route is feasible and should cause minimal economic and environmental impact due to placement of the route along the existing ROW.

Applicable Statutory Conditions

123. Minn. Stat. § 216B.243, subd. 2, states that no large energy facility shall be sited or constructed in Minnesota without the issuance of a certificate of need by the Commission. Minn. Stat. § 216B.2421, subd. 2(3) defines a "large energy facility" as any high voltage transmission line with a capacity of 100 kV or more with more than ten miles of length or that crosses a state line.

124. Minn. Stat. § 216E.03, subd. 7, and Minn. R. 7850.4100 provide considerations in designating sites and routes and determining whether to issue a permit for a large electric power generating plant or a high-voltage transmission line.

125. Minn. Stat. § 216E.02, subd. 2 provides that questions of need, including size, type, and timing; alternative system configurations; and voltage must not be included in the scope of environmental review conducted under this chapter.

Based on the Findings of Fact the Commission makes the following:

CONCLUSIONS OF LAW

126. Any of the foregoing Findings more properly designated as Conclusions are hereby adopted as such.

127. The Public Utilities Commission has jurisdiction over the subject matter of this proceeding pursuant to Minn. Stat. § 216E.03, subd. 2.

128. The project qualifies for review under the alternative permitting process of Minn. Stat. § 216E.04 and Minn. R. 7850.2800.

129. The Applicant, the Minnesota Department of Commerce, and the Public Utilities Commission have complied with all procedural requirements required by law.

130. The Minnesota Department of Commerce has completed an environmental assessment of this project as required by Minn. Stat. § 216E.04, subd. 5, and Minn. R. 7850.3700.

131. The Public Utilities Commission has considered all the pertinent factors relative to its determination of whether a route permit should be approved as required by Minn. Stat. § 216E.03, subd. 7, and Minn. Rule 7850.4100.

[127] Route Modification

RECOMMENDATION

132. The Commission should conclude that all relevant statutory and rule criteria necessary to obtain a site permit have been satisfied and that there are no statutory or other requirements that preclude granting a route permit based on the record.

133. The Commission should grant Odell Wind Farm, LLC a route permit to construct approximately 9.5 miles of new overhead 115 kV transmission line between the proposed project substation for the Odell Wind Farm and the proposed Woad Hill Substation and to construct the Woad Hill Substation.

    a. Approximately 9.5 miles of new overhead 115 kV transmission line between the proposed project substation for the Odell Wind Farm and the proposed Woad Hill Substation. The Project will extend from the new Odell Wind Farm Substation, located in Section 32 of Mountain Lake Township in Cottonwood County, to the new Woad Hill Substation, in Section 16 of Cedar Township in Martin County. The HVTL line originates at the Odell Wind Farm Substation and heads east along County Highway 17 to Jackson County Highway 85/600th Avenue. The Project then continues south for approximately one mile. The Project then turns to run east along Jackson County's 930th Street where, after approximately one mile, it crosses into Martin County and continues east along 240th Street for approximately two miles until the intersection of 240th Street and 30th Avenue. The Project turns South for the final time on 30th Avenue, ending approximately one and a half miles south at the proposed Woad Hill Substation at the intersection of 30th Avenue and 230th Street in Martin County. The route width for the transmission line is between 150 and 600 feet. For the majority of the Proposed Route, the route width is 150 feet extending from the road centerline. In Sections 1 and 12 of T104 R34 in Jackson County, the route width is 300 feet, 150 feet on each side of the road centerline. In Sections 6 and 7 of T104 R33 in Martin County, the route width is 600 feet; and,

    b. The Woad Hill Substation, which will be a 345/115 kV substation on the Lakefield Generation-Fieldon segment of Xcel Energy's Lakefield Junction-Wilmarth 345 kV transmission line. The Woad Hill Substation will be located in section 16 of Cedar Township in Martin County at the intersection of 230th Street and 30th Avenue with the final configuration determined during discussions and negotiations between the Applicant and Xcel Energy.

134. That the standard route permit conditions should be incorporated into the route permit, unless modified herein.

135. That the Applicant be required to take those actions necessary to implement the Commission's orders in this proceeding.

THIS REPORT IS NOT AN ORDER AND NO AUTHORITY IS GRANTED HEREIN. THE MINNESOTA PUBLIC UTILITIES COMMISSION WILL ISSUE THE ORDER OF

AUTHORITY WHICH MAY ADOPT OR DIFFER FROM THE FOLLOWING RECOMMENDATION.

Based on the foregoing Findings of Fact, Conclusions of Law, and the record in this proceeding, the Administrative Law Judge makes the Recommendations set forth above in this Report.

Dated: _____, 2014

Steven M. Mihalchick
Administrative Law Judge

50809946_6

AFFIDAVIT OF SERVICE

In the Matter of Odell Wind Farm LLC's Route Permit Application for a 115 kV Transmission Line and Associated Facilities in Cottonwood, Jackson, and Martin Counties

MPUC Docket No. IP6914/TL-13-591

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

Kristen A. Swenson, of Minneapolis, Hennepin County, in the State of Minnesota, being duly sworn, says that on the 23rd day of July, 2014, she e-filed with the Minnesota Public Utilities Commission the following:

1. **Proposed Summary of Public Testimony, Findings of Fact, Conclusions of Law and Recommendation; and**

2. **Affidavit of Service.**

A copy has also been served in accordance with the attached service lists of record.

Kristen A. Swenson

Subscribed and sworn to before me this 23rd day of July, 2014.

(SEAL)

Notary Public, Hennepin County, Minnesota
My Commission Expires 1/31/2015

MELONEE R HAM
NOTARY PUBLIC - MINNESOTA
MY COMMISSION EXPIRES 01/31/2015

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