

September 2, 2022

VIA ELECTRONIC FILING

Mr. Will Seuffert
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place E, Suite 350
Saint Paul, MN 55101-2147

**Re: Frazee to Erie 115 kV Transmission Line Project
MPUC Docket No. ET2/TL-20-423**

Dear Mr. Seuffert:

Great River Energy submits these comments in response to the Minnesota Public Utilities Commission's ("Commission") August 30, 2022 Notice of Comment Period ("Notice"). The Notice requested comments concerning Great River Energy's August 26, 2022 letter detailing its efforts to comply with Section 6.6 of the Route Permit for the Frazee to Erie 115 kV Transmission Line Project ("Project"), which requires Permittees to coordinate with landowners to avoid or transplant Showy Lady's Slipper within the Project right-of-way.

Update concerning transplant plans

Since August 26, 2022, Great River Energy has had additional discussions with the Minnesota Department of Natural Resources ("MDNR") and local stakeholders regarding the transplanting process. As a result of that coordination, the Showy Lady's Slipper will be transplanted by the Frazee-Vergas chapter of FFA, in coordination with MDNR. Because these stakeholders have found a more suitable alternative location to transplant, it does not appear that any tree-clearing on the Project right-of-way will be necessary. The FFA will perform the work in coordination with MDNR, which will involve removing the plants from the right-of-way and then back-filling the locations where the plants were removed. Overall, this plan reflects Great River Energy's extensive stakeholder engagement regarding this Project and its good faith implementation of the Route Permit's conditions.

Response to notice

The Notice requests comments on the following topics:

- What action, if any, should the Commission take on GRE's letter dated

August 26, 2022, filed in docket ET2/TL-20-423?

- Does GRE's request to transplant Showy Lady's Slipper using an excavator constitute "construction" under Minn. Stat. § 216E.01, Subd. 3?
- Does GRE's request to transplant the Showy Lady's Slipper require a permit amendment? If so, how should the permit be amended? If not, what procedural treatment is appropriate?

Given the current plans regarding the transplant process, including the facts that they do not include tree-clearing or transmission line construction activities, Great River Energy respectfully submits that no further Commission action is needed. Nonetheless, the permit condition (Section 6.6) is unique to the Project. There is a small possibility that the transplanting process may ultimately require additional equipment or tree clearing.¹ Accordingly, Great River Energy supports a permit amendment so that there is no doubt all requisite activities are authorized by the Route Permit.²

Great River Energy has coordinated with the Department of Commerce, Energy Environmental Review and Analysis ("EERA") regarding a potential permit amendment in these circumstances and supports amending Section 6.6 of the Route Permit to add the following language:

Notwithstanding Section 9.1 herein, the Permittees may take actions that would otherwise constitute construction to comply with landowner requests to transplant Showy Lady's Slipper plants. This includes necessary clearing and excavation. The Permittees must coordinate these actions with the Third-Party Monitor identified in Section 6.10 and the Department of Natural Resources.

Conclusion

Great River Energy appreciates the Commission's prompt consideration of these unique circumstances, including the Commission's waiver of Minn. R. 7829.2800, 7850.4900, and/or

¹ Great River Energy is aware of another landowner with a small number of Showy Lady's Slipper plants on their property but has not yet heard from that landowner regarding whether they would like the plants to be transplanted.

² In light of current transplant plans and EERA's agreement that a permit condition amendment would be appropriate, Great River Energy does not provide comments concerning whether the transplant work would constitute "construction".

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7829.1200. Great River Energy respectfully submits that a variance of these rules continues to be appropriate, given the limited scope of the activities at issue and the fact that Great River Energy has been engaged in ongoing coordination with interested stakeholders, including landowners.

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 L. Waller Pitts

Haley L. Waller Pitts
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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

CERTIFICATE OF SERVICE

MPUC Docket No. ET2/TL-20-423

Breann L. Jurek certifies that on the 2nd day of September, 2022, she e-filed on behalf of Great River Energy, a true and correct copy of the following documents:

1. Comments; and
2. Certificate of Service.

to the Minnesota Public Utilities Commission, via edockets (www.edockets.state.mn.us). Said documents were also served on the Official Service List on file with the Minnesota Public Utilities Commission and as attached hereto.

Executed on: September 2, 2022

Signed: /s/ Breann L. Jurek

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