

November 28, 2018

Daniel P. Wolf
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
Saint Paul, Minnesota 55101-2147

RE: **Comments of the Minnesota Department of Commerce, Division of Energy Resources**
Docket No. IP-6997/CN-18-699

Dear Mr. Wolf:

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

Notice Plan Petition for the Application of Plum Creek Wind Farm, LLC for a Certificate of Need for an up to 414 MW Large Wind Energy Conversion System and 345 kV Transmission Line in Cottonwood, Murray, and Redwood Counties, Minnesota.

The petition was filed on behalf of Plum Creek Wind Farm, LLC on November 9, 2018 by:

Christina K. Brusven
Lisa M. Agrimonti
Fredrickson and Byron, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, Minnesota, 55402-1425

The Department recommends that the Minnesota Public Utilities Commission (Commission) **approve the petition, with modifications**. The Department is available to answer any questions the Commission may have.

Sincerely,

/s/ MICHAEL N. ZAJICEK
Rates Analyst

MNZ/jl
Attachment



Before the Minnesota Public Utilities Commission

Comments of the Minnesota Department of Commerce Division of Energy Resources

Docket No. IP-6997/CN-18-699

I. INTRODUCTION

On November 11, 2018, Plum Creek Wind Farm, LLC (Plum Creek or the Applicant) filed a *Notice Plan Petition for the Application of Plum Creek Wind Farm, LLC for a Certificate of Need for an up to 414 MW Large Wind Energy Conversion System and 345 kV Transmission Line in Cottonwood, Murray, and Redwood Counties, Minnesota*. (Notice Petition). The Notice Petition provides the Applicant's proposed Notice Plan to communicate its intent to construct a 345-kilovolt (kV) transmission line and construct associated facilities in Cottonwood, Murray, and Redwood Counties, Minnesota. According to Plum Creek, the project is required to connect a 414-megawatt (MW) wind farm located in Cottonwood, Murray, and Redwood Counties, Minnesota, to the existing Brookings to Hampton 345-kV transmission line in Redwood County, Minnesota. The Notice Petition includes a draft notice for landowners and residents, a draft notice for governmental entities, and a draft newspaper notice.

Below are the Comments of the Minnesota Department of Commerce, Division of Energy Resources, Energy Regulation and Planning Unit (Department) on the Notice Petition.

II. DEPARTMENT ANALYSIS

Minnesota Rules, part 7829.2550 state, in part:

Three months before filing a certificate of need application for a high-voltage transmission line as defined by Minnesota Statutes, section 216B.2421, the applicant shall file a proposed plan for providing notice to all persons reasonably likely to be affected by the proposed line.

Minnesota Statutes § 216B.2421 includes in its definition of a Large Energy Facility (LEF):

(2) any high-voltage transmission line with a capacity of 200 kilovolts or more and greater than 1,500 feet in length;

(3) any high-voltage transmission line with a capacity of 100 kilovolts or more with more than ten miles of its length in Minnesota or that crosses a state line;

Given that the Plum Creek Wind Farm is expected to require a 345-kV generation-tie line approximately 25 miles long, this associated transmission line falls within the definition of “large energy facility” and, therefore, is considered a high-voltage transmission line for which a notice plan filing is required. The Department concludes that a notice plan is required regardless of whether a certificate of need for the associated transmission line is requested through a certificate of need application for a large generating plant (as an associated facility), or whether it is requested separately.

A. TYPES OF NOTICE

Minnesota Rules 7829.2550, subp. 3 requires the following types of notice:

- direct mail notice, based on county tax assessment rolls, to landowners reasonably likely to be affected by the proposed transmission line;
- direct mail notice to all mailing addresses within the area reasonably likely to be affected by the proposed transmission line;
- direct mail notice to tribal governments and to the governments of towns, statutory cities, home rule charter cities, and counties whose jurisdictions are reasonably likely to be affected by the proposed transmission line; and
- newspaper notice to members of the public in areas reasonably likely to be affected by the proposed transmission line.

Regarding landowner and resident notice, Plum Creek proposed to provide notice to landowners in the notice area¹ via names and addresses obtained using county tax assessment rolls, other relevant county records, and mailing lists maintained by the United States Postal Service or bulk mailing firms. The Department concludes that this is reasonable.

Regarding newspaper notice, the Applicant listed and selected three local newspapers. The Department concludes that the Applicants’ proposed plan for newspaper notice is reasonable.

¹ See map included in the Petition.

Regarding governmental notice, the Department's review of Plum Creek's list of governments proposed to receive notice complies with the requirements of the rule, with the addition of certain governmental bodies. Regarding tribal governments, the Applicant proposed to notify the Lower Sioux Indian Community. The Department recommends that the Applicant also provide notice to state and federal senators and representatives whose districts are within the Notice Area. With these modifications the Department concludes that Plum Creek's proposed Notice plan for local governments is reasonable.

In summary, the Department concludes that the Applicant's Notice Plan for residents, landowners, and governmental entities is reasonable with the addition of notification of state and federal senators and representatives whose districts are within the Notice Area.

B. CONTENT OF NOTICE

Minnesota Rules 7829.2550, subp. 4 require the notices to provide the following information:

- A. a map showing the end points of the line and existing transmission facilities in the area;
- B. a description of general right-of-way requirements for a line of the size and voltage proposed and a statement that the applicant intends to acquire property rights for the right-of-way that the proposed line will require;
- C. a notice that the line cannot be constructed unless the [Minnesota Public Utilities Commission (Commission)] certifies that it is needed;
- D. the Commission's mailing address, telephone number, and website;
- E. if the applicant is a utility subject to chapter 7848, the address of the website on which the utility applicant will post or has posted its biennial transmission projects report required under that chapter;
- F. a statement that the Environmental Quality Board^[2] will be preparing an environmental report on each high-voltage transmission line for which certification is requested;
- G. a brief explanation of how to get on the mailing list for the Environmental Quality Board's proceeding; and

² The Department notes that while the statutes have changed regarding routing authority and location of the staff preparing the environmental report, Minnesota Rules have not yet been updated to reflect these changes

- H. a statement that requests for certification of high-voltage transmission lines are governed by Minnesota law, including specifically chapter 4410, parts 7849.0010 to 7849.0400, and 7849.1000 to 7849.2100, and Minnesota Statutes, section 216B.243.

The Department reviewed the cover letters and maps provided by the Applicant and concludes that the Applicant's proposal for the resident/landowner notice, governmental notice, and newspaper notice generally contains the required information and is acceptable, with one exception. The Department notes that Minnesota Rules 7829.2550, subp. 4(H) requires that the notification letters include a list of Minnesota laws that are applicable, including Chapters 4410 and 7849, and Minnesota Statutes, section 216B.243. Plum Creek's letters do not include references to Chapter 4410, and thus the Department recommends that references to Chapter 4410 be included in the notification letters.

The Department concludes that, with the modification to include reference to Minnesota Rules Chapter 4410 in the notification letters, the Applicant's proposed notice content is reasonable.

III. DEPARTMENT RECOMMENDATIONS

As discussed above, the Department recommends that the Commission approve the Applicant's proposed Notice Plan with the following modifications:

- include notification of state and federal senators and representatives whose districts are within the Notice Area, and
- include reference to Minnesota Rules Chapter 4410 in the notification letters.

/jl

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. IP6997/CN-18-699

Dated this 28th day of November 2018

/s/Sharon Ferguson

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Lisa	Agrimonti	lagrimonti@fredlaw.com	Fredrikson & Byron, P.A.	200 South Sixth Street Suite 4000 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_18-699_Official Service List
Christina	Brusven	cbrusven@fredlaw.com	Fredrikson Byron	200 S 6th St Ste 4000 Minneapolis, MN 554021425	Electronic Service	No	OFF_SL_18-699_Official Service List
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1800 St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_18-699_Official Service List
Ian	Dobson	residential.utilities@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_18-699_Official Service List
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 280 Saint Paul, MN 551012198	Electronic Service	No	OFF_SL_18-699_Official Service List
Daniel P	Wolf	dan.wolf@state.mn.us	Public Utilities Commission	121 7th Place East Suite 350 St. Paul, MN 551012147	Electronic Service	Yes	OFF_SL_18-699_Official Service List