

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Katie J. Sieben
Dan Lipschultz
Valerie Means
Matthew Schuerger
John A. Tuma

Chair
Commissioner
Commissioner
Commissioner
Commissioner

To Official Service List

SERVICE DATE: November 7, 2019

DOCKET NO. ET-2/TL-19-311

In the Matter of the Application of Great River Energy for a Route Permit for a 115 kV High Voltage Transmission Line to Accommodate the Lake Eunice Substation Conversion in Becker County.

The above entitled matter has been considered by the Commission and the following disposition made:

1. No action taken regarding route alternatives to be evaluated in the environmental assessment

This decision is issued by the Commission's consent calendar subcommittee, under a delegation of authority granted under Minn. Stat. § 216A.03, subd. 8 (a). Unless a party, a participant, or a Commissioner files an objection to this decision within ten days of receiving it, it will become the Order of the full Commission under Minn. Stat. § 216A.03, subd. 8 (b).

The Commission agrees with and adopts the recommendations of the Department of Commerce, which are attached and hereby incorporated into the Order. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION



Daniel P. Wolf
Executive Secretary

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BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION**COMMENTS AND RECOMMENDATIONS OF THE
MINNESOTA DEPARTMENT OF COMMERCE
ENERGY ENVIRONMENTAL REVIEW AND ANALYSIS**

DOCKET NO. ET2/TL-19-311

Date..... October 14, 2019
EERA Staff: William Cole Storm.....(651) 539-1844

**In the Matter of the Application of Great River Energy for a Route Permit for the Lake Eunice
115 kilovolt (kV) Conversion Project in Becker County**

Issues Addressed: Summary of the scoping process for the Environmental Assessment (EA).

Additional documents and information can be found on the Department of Commerce's Project Docket page at <https://mn.gov/eera/web/project/13653/> and on eDockets <http://www.edockets.state.mn.us/EFilin/search.jsp> (19-311).

This document can be made available in alternative formats; i.e. large print or audio tape by calling (651) 539-1530.

Introduction and Background

On June 3, 2019, Great River Energy (GRE) submitted a route permit application to the Minnesota Public Utilities Commission (Commission) under the alternative review process (Minnesota Statute 216E.04; Minnesota Rule 7850.2800-3900). GRE proposes to convert an approximately 0.8 mile portion of GRE's 41.6 kilovolt (kV) LR-LET transmission line to 115 kV standards in Becker County, Minnesota to serve the proposed 115 kV conversion of the Lake Eunice Substation owned by Lake Region Electric Cooperative.

Project Purpose and Description

The project is being proposed to improve electrical service to members in the rural area southwest of Detroit Lakes, Minnesota including Lake Eunice, Dunn and Lake View townships (**Figure 1**). These proposed upgrades will allow over ten miles of 41.6 KV radial transmission to be replaced by a 0.8 mile 115 KV loop fed transmission line. This new line will improve the reliability of the transmission feeding the existing Lake Eunice Substation and thus improve the reliability of the approximate 2,000 members served off of this substation.

After the conversion to 115 kV, the south 0.8 mile and north 2.85 miles of the 41.6 kV conductor will be removed. Lake Region Electric Cooperative will own the remaining 6.59 miles of the 41.6 kV line for distribution purposes and retain all existing distribution lines in the area.

Regulatory Process and Procedures

In Minnesota, no person may construct a high voltage transmission line (HVTL) without a route permit from the Commission (Minnesota Statute 216E.03). A high voltage transmission line is defined as a conductor of electric energy designed for and capable of operation at a voltage of 100 kV or more and greater than 1,500 feet in length (Minnesota Statute 216E.01, Subd. 4).

The proposed project will consist of new 115 kV transmission line in excess of 1,500 feet and therefore requires a route permit from the Commission.

Route Permit Application and Acceptance

Minnesota Rule 7850.2800 states applicants intending to submit a project under the Commission's alternative permitting process for transmission lines are required to provide a 10-day advance notice of this intent to the Commission before submitting their route permit application. GRE provided that notice¹ on May 8, 2019.

The voltage of the new transmission line will be between 100 and 200 kV, so the project qualifies for the Commission's alternative permitting process (Minnesota Rule 7850.2800, subp. 1C).

Route permit applications for HVTLs must provide specific information about the proposed project including, but not limited to, applicant information, route description, and potential environmental impacts and mitigation measures (Minnesota Rule 7850.3100). Review under the alternative permitting process does not require the applicant to propose alternative routes in the permit application. However, if the applicant has evaluated and rejected alternative routes they must include these and the reasons for rejecting them in the route permit application.

The Commission may accept an application as complete, reject it and require additional information to be submitted, or accept it as complete upon filing of supplemental information (Minnesota Rule 7850.2000). The environmental review and permitting process begins on the date the Commission determines that a route permit application is complete. The Commission has six months from the date of this determination to reach a route permit decision; though the decision can be extended for three months for cause, or with the Applicant's agreement (Minnesota Rule 7850.3900).

¹ Notice of Intent to Submit a Route Permit Application under the Alternative Permitting Process for the GRE 115 kilovolt conversion, May 8, 2019, eDocket no. 20196-153418-01.

In an Order dated August 5, 2019, the Commission accepted the HVTL Route Application as complete and authorized review under the alternative permitting process defined in Minn. Stat. § 216.04 and Minn. R.7850.2800 to 7850.3900 and referred the matter to the Office of Administrative Hearings for appointment of an Administrative Law Judge to prepare a Summary Report.²

Environmental Review

Applications for HVTL route permits are subject to environmental review conducted by EERA staff (Minnesota Rule 7850.3700). Projects proceeding under the alternative permitting process require the preparation of an Environmental Assessment (EA).

An EA is a document which describes the potential human and environmental impacts of the proposed project and potential mitigative measures. This is the only state environmental review document required for the Project (Minnesota Statute 216E.04, subd. 5). Staff provides notice and conducts a public scoping meeting to solicit comments on the scope of the EA.

The Department of Commerce Commissioner (delegated to Assistant Commissioner Katherine Blauvelt) determines the scope of the EA. The Department may include alternative routes suggested by the public in the scope of the EA if such alternatives will aid in the Commission's decision on the route permit application.

Under Minn. R. 7850.3700, subp. 3, the scope of the environmental assessment must be determined by the Department within ten days after the closing of the public comment period. Minn. Stat. § 216E.04, subd. 5 anticipates, however, that the Commission will have the opportunity to identify other routes for consideration prior to environmental review of a project. The statute states that the environmental assessment must contain information on the proposed project, as well as on other routes identified by the Commission. The rule's ten-day timeline for determining the scope of the environmental assessment after the close of the public comment period constrains the Commission's ability to evaluate public input and identify other possible routes prior to environmental review.

Under Minn. Rules, part 7829.3200, the Commission has the authority to vary its rules, and in this docket has chosen to vary Minn. R. 7850.3700, subp. 3, to extend the 10-day timeline.

The EA will be completed and made available prior to the public hearing for the project.

Under Minnesota Rule, 7850.3700, subp. 4, the Environmental Assessment must include the following:

- A. A general description of the proposed project;
- B. A list of any alternative sites or routes that are addressed;

² Commission Order finding the application complete and referring the matter to the OAH, August 5, 2019. eDocket No. 20198-154930-01.

- C. A discussion of the potential impacts of the proposed project and each alternative site or route on the human and natural environment;
- D. A discussion of mitigative measures that could reasonably be implemented to eliminate or minimize any adverse impacts identified for the proposed project and each alternative;
- E. An analysis of the feasibility of each alternative site or route considered;
- F. A list of permits required for the project; and
- G. A discussion of other matters identified in the scoping process.

Scoping Summary

On September 9, 2019, Commission and EERA staff sent notice of the place, date and time of the Public Information and Scoping meeting to local government units and those persons on the Project contact/general list.³

Commission staff and EERA staff jointly held a Public Information and EA Scoping meeting at the Holiday Inn in Detroit Lakes on September 25, 2019. The purpose of the meeting was to provide information to the public about the proposed Project, to answer questions, and to allow the public an opportunity to suggest alternatives and impacts (i.e., scope) that should be considered during preparation of the environmental review document. A court reporter was present at the meeting to document oral statements.

Scoping Comments

Three people attended the public information and scoping meeting; during the comment period, which closed on October 9, 2019, no public comments were received, but two letters were received from state agencies.⁴

The Minnesota Department of Natural Resources (MNDNR) requested that EERA include, within the EA document, a discussion on the regulatory requirements, and the potential impacts/mitigative measures associated with Lake Region Cooperative's removal of the 41.6 kV line between Structure 161 and the Audubon Switch.

The Minnesota Department of Transportation (MnDOT) noted that the removal of the 2.85 miles of 41.6 kV line that crosses US 10 will likely require a Miscellaneous Permit (Form 1723) from MnDOT, accompanied by Traffic Control measures. Early coordination with MnDOT District 4 staff is recommended prior to commencement of this work.

³ Notice of Public Information/Scoping Meeting, September 9, 2019, eDocket no. 20199-155731-01 and -02.

⁴ Public Scoping Comments through October 9, 2019, Close of Comment Period (Oral and Written Comments), eDocket No. 201910-156467-01, 201910-156468-01, and 201910-156470-01.

Proposed Alternatives

The process for individuals to request that specific alternative routes, alternative route segments, and/or alignment modifications be included in the scope of the environmental review document was discussed at the public meeting.

No alternative routes, alternative route segments, and/or alignment modifications were put forth for consideration during the scoping comment period.

Applicant Comments

Pursuant to Minn. Rule 7850.3700, subpart 2(B), applicants have the right to review proposed alternatives. No requests for alternative routes, alternative route segments, and/or alignment modifications were received during the scoping comment period.

EERA Staff Analysis and Comments

The scoping process for environmental review in Minnesota is designed to identify and analyze "only those potentially significant issues relevant to the proposed project" and alternatives to the project.⁵

EERA is currently drafting, for the Department of Commerce Assistant Commissioner's consideration, the *EA Scoping Decision* for the Great River Energy Lake Eunice 115 kV Conversion project under the alternative review process. The recommendation for the scope of the EA will cover those items required under Minnesota Rule 7850.3700 subp. 4.

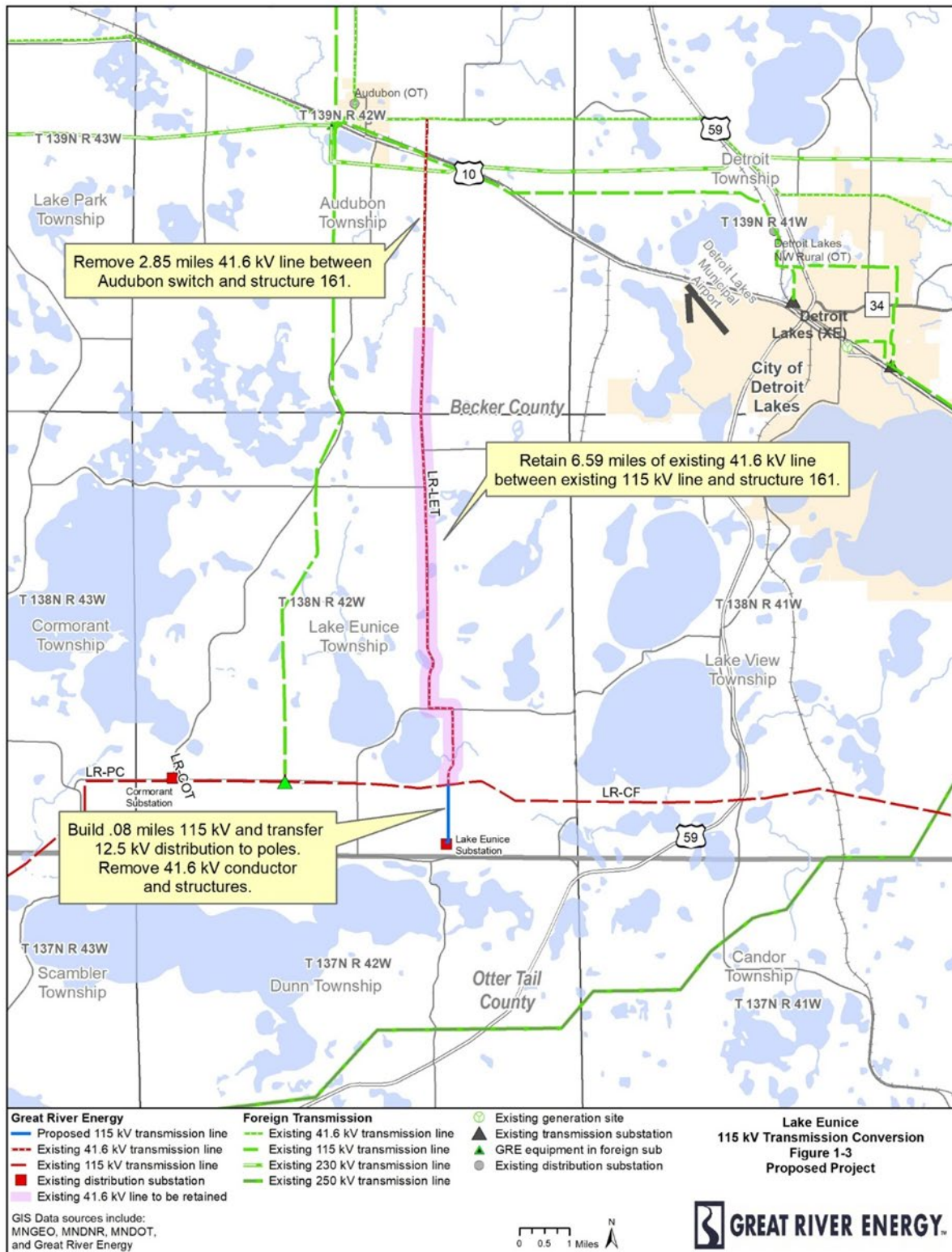
The following issues will not be included in EERA's scoping decision recommendation:

- Certificate of Need (need issues, including size, type, and timing; alternative system configurations or voltage).
- The impacts of specific energy sources, such as carbon outputs from coal-generated facilities.
- The manner in which landowners are compensated for transmission rights-of-way easements.

EERA staff will not be recommending any alternatives routes, alternative route segments, and/or alignment modifications.

⁵ Minnesota Rule 4410.2100, Subp. 1

Figure 1 Project Location



CERTIFICATE OF SERVICE

I, Robin Benson, hereby certify that I have this day, served a true and correct copy of the following document to all persons at the addresses indicated below or on the attached list by electronic filing, electronic mail, courier, interoffice mail or by depositing the same enveloped with postage paid in the United States mail at St. Paul, Minnesota.

Minnesota Public Utilities Commission ORDER

Docket Number: **ET-2/TL-19-311**

Dated this **7th** day of **November, 2019**

/s/ Robin Benson

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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_19-311_TL-19-311
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_19-311_TL-19-311
Dan	Leshner	dlesher@greenergy.com	Great River Energy	12300 Elm Creek Blvd Maple Grove, MN 55369	Electronic Service	No	OFF_SL_19-311_TL-19-311
Patrick	Mahlberg	pmahlberg@fredlaw.com	Fredrikson & Byron, P.A.	200 S 6th St Ste 4000 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_19-311_TL-19-311
Marsha	Parlow	mparlow@greenergy.com	Great River Energy	12300 Elm Creek Boulevard Maple Grove, MN 553694718	Electronic Service	No	OFF_SL_19-311_TL-19-311
Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	OFF_SL_19-311_TL-19-311
Haley	Waller Pitts	hwallerpitts@fredlaw.com	Fredrikson & Byron, P.A.	200 S 6th St Ste 4000 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_19-311_TL-19-311
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_19-311_TL-19-311