

**STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE MINNESOTA PUBLIC UTILITIES COMMISSION**

**In the Matter of the Application of ITC
Midwest LLC for a Certificate of Need
for the Minnesota–Iowa 345 kV
Transmission Line Project in Jackson,
Martin, and Faribault Counties**

PUC Docket No. ET6675/CN-12-1053

OAH Docket No. 60-2500-30782

INITIAL BRIEF

OF

**WIND ON THE WIRES, FRESH ENERGY, IZAAK WALTON LEAGUE – MIDWEST
OFFICE, AND MINNESOTA CENTER FOR ENVIRONMENTAL ADVOCACY**

JULY 11, 2014

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Wind on the Wires, Fresh Energy, Izaak Walton League – Midwest Office, and Minnesota Center for Environmental Advocacy (“Clean Energy Intervenors” or “CEI”) support ITC Midwest LLC’s (“ITC”) petition for a certificate of need (“CON”) under Minnesota Statutes section 216B.243 (2012). ITC is requesting approval of the Minnesota-Iowa 345 kilovolt (“kV”) transmission project (the “Project”). CEI asserts that the Project and the renewable energy it will transmit will enhance regional deliverability of electricity and lower consumer costs, that the record does not contain evidence of a more reasonable or prudent alternative to the Project, and that the Project and the renewable energy it will transmit will protect and enhance environmental quality.¹

INTRODUCTION

The Project is a new transmission line that was identified by Midcontinent Independent System Operator² (“MISO”) as one of 17 transmission lines (“MVP Portfolio”) needed to efficiently and cost-effectively convey electricity from renewable energy resources to states within MISO’s footprint. The Project is proposed to be built from the existing Lakefield Junction substation east to the new substation in Huntley and then south to Iowa. In Kossuth, Iowa, the Project interconnects with two additional proposed 345 kV transmission lines and facilities that are also part of the MVP Portfolio.

CEI supports the Project due to its ability to provide capacity for both the wind energy facilities that are already approved by the Minnesota Public Utilities Commission

¹ CEI intervened in the Certificate of Need proceeding and did not intervene in ITC’s application for a route permit. As such, CEI will not be addressing issues regarding the alignment of the route or the design and construction aspects of the Project.

² MISO is a not-for-profit Regional Transmission Organization authorized and regulated by the Federal Energy Regulatory Commission. MISO provides electric transmission system reliability and market services from the Ohio-Indiana border to Montana in the West, to New Orleans in the South. Overall it is responsible for transmission in parts of fifteen states. *See* MISO Exh. 1.0 at 1:15-347).

(“Commission”) and MISO and for future wind energy development to occur. The additional wind energy resources will enable Minnesota to meet its renewable energy standard (“RES”) with lower-cost renewable energy, and will improve the robustness of the transmission system so the region can meet its electricity needs and state RESs at a lower cost than if the line were not built. Moreover, the additional wind energy results in direct reductions in coal and natural gas use, and corresponding reductions in power plant air emissions, water use, and various environmental impacts associated with fossil fuel producing and transporting those fuels.

ARGUMENT

I. Statutory Framework.

Minnesota Statutes defines the criteria that the Commission must evaluate when an applicant requests a CON for a transmission line. Minn. Stat. § 216B.243, subd. 3. Some of these criteria are specific to proposed generation facilities (*see, e.g., id.*, subd. 3(12)), and some are not relevant to this proceeding (*see, e.g., id.*, subd. 3(4)). CEI will therefore focus on the four criteria that it believes are most relevant to the Commission’s task in this proceeding. Specifically, CEI will address the region’s energy needs (*id.*, subd. 3 (3)), and how the Project will enhance regional reliability, access, and deliverability of wind energy and thereby lower costs for electric consumers in Minnesota, (*id.*, subd. 3 (9)). Additionally, CEI will address possible alternatives to the Project (*id.*, subd 3(6)), and the fact that the Project will protect and enhance environmental quality in Minnesota and the region (*id.*, subd. 3(5)).

After the Commission evaluates all of the criteria required by Minnesota’s CON statute, Minnesota rules require that the Commission grant a CON upon making four determinations; namely, the Commission must determine that:

- A. the probable result of denial would be an adverse effect upon the future adequacy, reliability, or efficiency of energy supply to the applicant, to the applicant’s customers, or to the people of Minnesota and neighboring states[;]

- ...
- B. a more reasonable and prudent alternative to the proposed facility has not been demonstrated by a preponderance of the evidence on the record[;]

...

 - C. by a preponderance of the evidence on the record, the proposed facility, or a suitable modification of the facility, will provide benefits to society in a manner compatible with protecting the natural and socioeconomic environments, including human health[; and]

...

 - D. the record does not demonstrate that the design, construction, or operation of the proposed facility, or a suitable modification of the facility, will fail to comply with relevant policies, rules, and regulations of other state and federal agencies and local governments.

Minn. R. 7849.0120. CEI asserts that the record before the Commission compels these four determinations, and Minnesota law, in turn, compels that the Commission grant the CON.

II. ITC’s Proposed Project Meets Minnesota’s Standard For Granting A CON.

A. The Project Will Enhance The Reliability, Access, And Deliverability Of The Energy Supply In Minnesota.

Minnesota law directs the Commission to consider, “with respect to high-voltage transmission lines, the benefits of enhanced regional reliability, access, or deliverability to the extent these factors improve the robustness of the transmission system or lower costs for electric consumers in Minnesota.” Minn. Stat. § 216B.243 subd. 3(9). Given the need for renewable energy in Minnesota, coupled with the fact that the Project has the potential to lower electricity costs for Minnesota ratepayers, CEI argues that consideration of this criterion supports approving ITC’s CON application.

1. Regional energy needs.

Minnesota’s future renewable energy needs will be based, in part, on Minnesota’s Renewable Energy Standard (“RES”). *See* Minn. Stat. § 216B.1691 (Supp. 2013). Minnesota law requires a certain percentage of utilities’ total retail sales to be generated by renewable energy technologies by certain benchmark years. *Id.* In addition to the current law, in the most recent

legislative session there was discussion of increasing the Minnesota RES to 40% by 2030. *See* HF 880 (2013).³ Other states within the MISO footprint also have RESs. (CEI Ex. 300 at 11:241-42.) For example, wind energy generated in Minnesota, Iowa and the Dakotas is eligible for satisfying compliance with RESs for Illinois, Wisconsin, Missouri and Indiana. (*Id.* at 35:853-56.)

According to the American Wind Energy Association (“AWEA”), between 6,841 and 9,422 megawatts (“MW”) of incremental wind capacity, beyond what was installed as of the end of 2013, will be needed to satisfy the requirements of the RESs in MISO states through the year 2025. (*Id.* at 10:219-26.) This includes between 1,120 MW and 1,388 MW of wind capacity needed to satisfy just the Minnesota RES. (CEI Ex. 304 at 6:131.)

The need for this amount of renewable energy is supported by statements from Xcel Energy. In its petition for approval of the Border Winds wind project Xcel Energy stated:

Xcel Energy will need to acquire well over 1,000 MW of additional wind power, even after the addition of the 600 MW proposed in docket No E002/M-13-603 in order to maintain compliance.

...
We project that over 2.6 million megawatt hours of wind powered electric production will be needed in the 2024 time frame once our bank of RECs is depleted. **Using a 40% capacity factor it will take roughly 1,000 MW more wind generation to maintain compliance after Odell, Courtenay, Pleasant Valley and Border Winds.**

(*Id.* at 5:96-117 quoting *In the Matter of the Petition of Northern States Power Company for Approval of the Acquisition of 150 MW of Wind Generation*, Docket No. E002/ M-13-716 at 8 (August 9, 2013) (emphasis added).) The Commission also acknowledged the need in its final order:

³*Available at:*
http://www.house.leg.state.mn.us/bills/billnum.asp?Billnumber=HF880&ls_year=88&session_year=2013&session_number=0.

Xcel must acquire electricity from renewable sources sufficient to serve up to 30 percent of the energy required by its Minnesota retail customers by 2020. **Xcel estimates that it will require an additional 1000 MW of electricity from wind power to meet this standard.**

(*Id.* at 5:118-25 quoting *Order Approving Acquisitions with Conditions*, Dockets E-002/M-13-603 and E-002/M-13-716 at 14 (December 13, 2013) (emphasis added).)

These regional energy needs must be considered by the Commission. Indeed, Minnesota law directs the Commission to consider “the relationship of the proposed line to regional energy needs, as presented in the transmission plan submitted under section 216B.2425.” Minn. Stat. § 216B.243 subd. 3(3). Section 216B.2425 requires the Commission to approve transmission plans every two years, which is accomplished through the Minnesota Biennial Transmission Projects Report (“Report”). Part of the purpose of the biennial reports is to “address necessary transmission upgrades to support development of renewable energy resources required to meet upcoming Renewable Energy Standard milestones.” 2013 Report, § 8.1.⁴ According to this Report, by 2025 there will be a need of 1,102 additional MW of renewable energy required by Minnesota utilities to meet the RES in Minnesota and in other jurisdiction in which the utilities operate. *Id.* The Report identified the Project as a “Needed Project” to meet these renewable energy needs. *Id.*, § 6.7.

2. Wind generation and transmission, together, can lower the cost of electricity and renewable energy for Minnesota consumers.

There is plenty of wind energy supply to meet the regional energy needs just identified. Minnesota and its neighboring states have some of the best wind energy resources in the United States. According to the United States Department of Energy’s National Renewable Energy Laboratory’s (“NREL”) wind resource assessment data, Minnesota alone has 489,271 MW of

⁴ Available at www.minnelectrans.com/report-2013.html.

developable wind energy resources, which could provide 1,679 terawatt-hours per year, or enough generation to meet Minnesota's electricity consumption almost 25 times over. (CEI Ex. 300 at 13:273-78.) That same analysis found that North Dakota possesses 770,196 MW of developable wind energy resources, South Dakota has 882,412 MW, and Iowa has 570,714 MW. (*Id.* at 13:272-80.) This is approximately 26% of the total onshore wind generation potential in the lower 48 U.S. states, or enough generation to meet 250% of the current electricity consumption of the U.S. (*Id.* at 13:281-85.) Excess supply of wind energy will tend to lower the price of renewable energy. (*Id.* at 35:856-36:860.) And, in addition, wind energy with a high capacity factor—such as Minnesota wind—will sell at a lower price than low-capacity-factor wind. (*Id.* at 15:326-34; 16:340-47.)

There are several notable studies of how wind and transmission can lower the cost of electricity. Several analyses by Charles River Associates, International (“CRAI”) quantified the value of these broad-based benefits. One study looked at an investment in a high-voltage transmission overlay to access wind resources in Kansas, Oklahoma, and Texas. (*Id.* at 31:763-32:775.) CRAI concluded the transmission investment would provide economic benefits of around \$2 billion per year for the region, more than four times the \$400-500 million annual cost of the transmission investment. (*Id.*) \$900 million of these benefits would be in the form of direct consumer savings on their electric bills, with \$100 million of these savings coming from the significantly higher efficiency of high-voltage transmission, which would reduce electricity losses by 1,600 gigawatt-hours each year. (*Id.*) The remaining cost savings would stem from reduced congestion on the grid allowing customers to obtain access to cheaper power. (*Id.*)

Similarly, a European literature review identified a number of studies that have found wind energy tends to drive electricity market prices downward. That report explains:

Wind power normally has a low marginal cost (zero fuel costs) and therefore enters near the bottom of the supply curve. Graphically, this shifts the supply curve to the right, resulting in a lower power price, depending on the price elasticity of the power demand.... When wind power reduces the spot power price, it has a significant influence on the price of power for consumers. When the spot price is lowered, this is beneficial to all power consumers, since the reduction in price applies to all electricity traded – not only to electricity generated by wind power.

(*Id.* at 33:800-10 quoting PÖyry, *Wind Energy and Electricity Prices*, at 11-12). Similarly, an analysis of Massachusetts’ renewable energy market found that the benefits of the state’s renewable initiatives “that accrue to electric customers are nearly two and half times greater than \$1.1 billion cost of implementing these initiatives.” (*Id.* at 33:810-34:813 quoting *Recent Electricity Market Reforms in Massachusetts: A Report of Benefits and Costs*, at 29 (July 2011).)

Specific to the MISO region, CRAI’s analysis of the proposed Green Power Express, which would connect 17 gigawatts of wind to the MISO transmission system, found that the transmission plan would yield benefits of \$4.4 to \$6.5 billion per year for the region (in 2008 dollars). This savings was well above the annualized cost of the transmission line, which was estimated to be between \$1.2 billion and \$1.44 billion. (*Id.* at 32:776-80.)

In addition, a May 2012 report by Synapse Energy Economics found that adding 20 to 40 gigawatts of wind energy and the accompanying transmission to the MISO region would save a typical household between \$63 and \$200 per year. Synapse found that electricity market prices decrease drastically as more wind capacity is added to the MISO system. As the report explains, “Since wind energy ‘fuel’ is free, once built, wind power plants displace fossil-fueled generation and lower the price of marginal supply—thus lowering the energy market clearing price.” (*Id.* at 32:789-33:796 quoting Synapse Energy Economics, Inc., *The Potential Rate Effects of Wind Energy and Transmission in the Midwest ISO Region*, at 3 (May 22, 2012).)

With respect to how the Project would lower the cost of electricity for consumers, ITC witness Todd Schatzki analyzed the impact the Project would have on consumers' rates. (ITC Ex. 23 at 6:2-11.) Schatzki found savings for Minnesota ratepayers of between \$36.1 and \$52.5 million when the Project and MVP 4 are analyzed together. (*Id.* at 21:18-21.) Similarly, the Project and MVP 4 together reduce the total MISO cost of producing electricity by between \$114.9 million and \$136.9 million, or 0.9%. (*Id.* at 22:13-15.)

The Project is needed to realize these economic benefits of increased wind energy. The Project is one of a portfolio of 17 transmission projects ("MVP Portfolio") developed over a multi-year planning effort to benefit the MISO region. (CEI Ex. 300 at 9:176-78.) Those projects are necessary to "enable RPS mandates to be met at the lowest delivered wholesale energy costs." (*Id.* at 36:864-65.) The MVP Portfolio was designed to

"take[] advantage of the linkages between local and regional reliability and economic benefits to promote a competitive and efficient electric market within MISO. The portfolio was designed using reliability and economic analyses, applying several Future Scenarios to determine the robustness of the designed portfolio under a number of potential energy policies."

(MISO Ex. 400 at 21:392-96.) The MVP Portfolio is a cost-effective way to enable the development of wind energy facilities and enable states to meet their state RESs with projects that are either local or regional. (*Id.* at 33:642-47.)

MISO's MVP Report uses a benefit-cost methodology to analyze whether the MVP Portfolio enables the transmission system to deliver energy in support of energy policy mandates or laws in a manner that is more reliable or economic than it otherwise would be without the transmission upgrade. (*Id.* at 18:332-43.) MISO concluded that "[t]he recommended MVP [P]ortfolio allows for a more efficient dispatch of generation resources, opening markets to competition and spreading the benefits of low cost generation throughout the MISO footprint."

(Ex. 37 at 49.) As explained in detail within the MVP Report, the total package of MVP projects will “[p]rovide an average annual value of \$1,279 million over the first 40 years of service, at an average annual revenue requirement of \$624 million.” (*Id.* at 1.) The MVP Report goes on to explain that benefits were found to exceed costs by a factor of 1.8 to 5.8, which translates to total benefits net of costs between \$6.8 billion and \$32.8 billion to the states in the MISO footprint.⁵ (*Id.* at 49.) Accordingly, the Project, as part of the MVP Portfolio, was considered to meet the identified needs and will deliver energy in a way that is more reliable and more economic than would be possible if the Project were not constructed.

MISO’s interconnection queue suggests that if ITC’s CON application is approved, many of these economic benefits will be immediately realized. Indeed, the MISO interconnection queue includes 13,448.7 MW of proposed wind projects.⁶ Minnesota currently accounts for 2,080.9 MW of the proposed wind projects in the MISO interconnection queue, while Iowa has 3,082.4 MW, and North and South Dakota have 881.5 MW and 989 MW, respectively. (*See* CEI Ex. 300 at 16:359-17:367.) The large quantity of proposed wind energy development in Minnesota and Iowa indicates that the Project will connect the MISO Region with large quantities of economically viable wind energy resources and significant developer interest in utilizing those resources. (*Id.* at 17:377-80).

⁵ The categories of benefits analyzed by MISO and the total cost savings for the MISO footprint are as follows:

Congestion and fuel savings:	\$12.4 billion to \$40.9 billion
Operating reserves:	\$28 million to \$87 million
System planning reserve margins:	\$1 billion to \$5.1 billion
Transmission line losses:	\$111 million to \$396 million
Wind turbine investment:	\$1.4 billion to \$2.5 billion
Future transmission investment:	\$226 million to \$794 million

(Ex. 37 at 49.)

⁶ MISO interconnection queue, *available at*:

<https://www.midwestiso.org/Planning/GeneratorInterconnection/Pages/InterconnectionQueue.aspx> (data downloaded on March 29, 2013).

Thus, the Project enhances regional reliability and deliverability of wind energy in a manner that will lower costs for electric consumers in Minnesota and the region.

B. There Are No Alternatives To The Project That Provide The Same Benefits And Are More Reasonable Or Prudent.

In determining whether or not to grant an application for a CON, the Commission must also consider “possible alternatives for satisfying the energy demand or transmission needs including but not limited to potential for increased efficiency and upgrading of existing energy generation and transmission facilities, load-management programs, and distributed generation.” Minn. Stat. § 216B.243 subd. 3(6). Then, the Commission must grant a CON if “a more reasonable and prudent alternative has not been demonstrated by a preponderance of the evidence on the record.” Minn. R. 7849.0120.

The Department had submitted testimony in this proceeding that the rebuilding of an existing 161 kV line in the area of the Project could be a more reasonable and prudent alternative to the proposed Project. By the close of the evidentiary hearing, all parties were in agreement that the record did not demonstrate by a preponderance of the evidence that the 161 kV Rebuild was a reasonable alternative. As noted by the Department’s witness Steve Rakow, “the current record does not include any analysis to allow a determination of whether the 161 kV Rebuild would meet the Odell Wind Farm’s Transmission needs.” (Ex. 209.) Consequently, the Department’s witness Steve Rakow withdrew his objection to the Project that was based on the 161 kV Rebuild being a sufficient alternative. (Id.) Therefore, there is no reasonable and prudent alternative to the Project being proposed, and certainly none has been demonstrated to meet the regional energy and transmission needs by a preponderance of the evidence.

C. The Project Benefits Or Enhances Environmental Quality.

Of paramount importance to CEI is the requirement that the Commission consider the “benefits of this facility, including its uses to protect or enhance environmental quality, and to increase reliability of energy supply in Minnesota and the region.” Minn. Stat. § 216B.243 subd. 3(5). The Project was designed to facilitate wind development in Minnesota, Iowa, and the Dakotas and to make the wind energy from those wind farms accessible to Minnesota and to load centers in Illinois, Wisconsin, Missouri, and Indiana. (Ex. 300 at 35:850-53.) Accordingly, by increasing the amount of wind energy, the Project has the potential to lower harmful pollutants in Minnesota and the region.

Using larger amounts of wind energy results in direct reductions in coal and natural gas use, and corresponding reductions in power plant air emissions, water use, and various environmental impacts associated with producing and transporting those fuels. Air emissions associated with fossil fuel production and consumption include the greenhouse gases carbon dioxide (“CO₂”) and methane, particulate matter, sulfur dioxide (“SO₂”), nitrogen oxides (“NO_x”), mercury and other hazardous air pollutants. With respect to particulate matter, Minnesota Pollution Control Agency (“MPCA”) recently stated in an evaluation of a proposed retrofit of a Minnesota coal plant that

Fine particles are associated with a range of adverse health effects, such as coughing, phlegm, shortness of breath, acute and chronic bronchitis, asthma symptoms, increased susceptibility to respiratory infections, reduced lung function, heart attacks, and increased risk of death from cardiovascular and respiratory conditions.

(*Id.* at 36:877-82 quoting *Minnesota Pollution Control Agency’s Environmental Assessment of Minnesota Power’s Mercury Emissions-Reduction Plan for Boswell Center Unit 4*, March 1, 2013, Docket M-12-920.) These adverse health impacts will be incrementally alleviated as

Minnesota is able to move to additional sources of renewable energy—which will be directly facilitated by this Project.

ITC witness Schatzki calculated the emission savings directly associated with the construction of the Project and MVP 4. These savings correspond to annual societal savings of \$53.9 million to \$58.4 million, or 0.4 to 0.5% of Minnesota’s total emissions costs, based on values approved by the Commission or previously used in Commission proceedings. (ITC Ex. 23, at 24:8-14.)

MISO’s MVP Report quantified the CO₂ emissions reductions associated with the full MVP Portfolio. That report found the increased use of wind energy would reduce MISO’s CO₂ emissions by between 8.3 million and 17.8 million tons annually, depending on the scenario analyzed. (Ex. 37 at 78.) In certain scenarios, this was calculated to provide savings of between \$3.8 and \$15.4 billion annually. (Ex. 37 at 79).

CEI witness Goggin used the EPA’s Avoided Emissions and Generation Tool (AVERT) to calculate the avoided emissions associated with adding 41 million megawatt-hours of additional wind energy to MISO, which is the incremental amount enabled by the MVP Projects as calculated by the MVP Report. (CEI Ex. 300 at 37:899-905.) AVERT uses empirical power system data and a statistical algorithm to identify which of a region’s power plants will have their output displaced by the addition of wind energy. (*Id.*) AVERT calculated MISO-wide annual SO₂ reductions of 125 million pounds, annual NO_x emissions savings of 66 million pounds, and annual CO₂ emissions savings of 37.8 million tons. (*Id.* at 37:905-38:907.) For Minnesota alone, the annual savings were 7.6 million pounds of SO₂, 9.2 million pounds of NO_x, and 5.4 million tons of CO₂. (*Id.* at 38:908-09.)

Wind also plays an important role in offsetting water consumption of other forms of electricity generation. Wind energy requires virtually zero water, while most conventional forms of electricity generation consume hundreds of gallons of water per megawatt-hour produced. (*Id.* at 38:911-13.) A Department of Energy (“DOE”) report concluded that a U.S. energy portfolio that derives 20% of its energy from wind would save 4 trillion gallons through 2030. (*Id.* at 38:913-15.) These water savings would produce broad benefits, as all people consume water. (*Id.* at 38:915-16.) These benefits would be particularly large in an agricultural state like Minnesota, and the benefit of reduced costs for producing food and other agricultural products would benefit all consumers. (*Id.* at 38:915-19.)

Wind energy can also reduce the amount of natural gas that is needed, thus providing a hedge against natural gas price volatility. DOE found that a 15% federal RES would reduce consumer natural gas expenditures by a cumulative \$1 billion between 2005 and 2030, although that analysis used a natural gas price higher than today’s values, so the savings at today’s gas prices would likely be somewhat lower. (*Id.* at 34:815-20.) These benefits would accrue not just to electricity consumers who benefit from having electricity produced from lower priced natural gas, but also to homeowners using gas for heating, chemical factories using it as a feedstock, and farmers buying fertilizer made from natural gas, just to name a few. (*Id.* at 34:820-24.)

Thus, the Project protects or enhances environmental quality in Minnesota and the region by facilitating new wind resources that would offset and thereby reduce harmful pollutants emitted from coal and natural gas plants and conserve water use.

CONCLUSION

Minnesota Statute section 216B.243 identifies the criteria that the Commission must consider when reviewing an application for a CON. CEI has highlighted several of these criteria in this brief, and respectfully recommend that the Commission make the findings in Rule

7849.0120 and grant ITC's CON. Specifically, because this Project will increase the ability to develop and utilize additional renewable energy facilities, which are needed to meet the RESs of the region and increase the reliability and affordability of energy to Minnesota and regional ratepayers, CEI asserts that ITC has shown that a probable denial of its application would have an adverse effect upon the future adequacy, reliability, or efficiency of energy supply to the people of Minnesota and neighboring states. *See* Minn. R. 7849.0120 (A). Additionally, as noted, the record does not demonstrate by a preponderance of the evidence that a more reasonable and prudent alternative exists. *Id.*(B). In contrast, the record demonstrates by a preponderance of the evidence that the Project will provide benefits to society in a way that protects the natural and socioeconomic environments, including human health. *Id.*(C). In particular, the Project will lower the costs of electricity for Minnesota ratepayers while dramatically reducing emissions of both criteria pollutants and greenhouse gases. And finally, there is nothing in the record that demonstrates that the Project will fail to comply with relevant policies, rules, and regulations of other state and federal agencies and governments. *Id.*(D).

Based on these findings, CEI respectfully requests that the Commission grant ITC's CON.

Dated: July 11, 2014

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