



Minnesota Department of Transportation

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February 8, 2010

Hon. Richard Luis
Administrative Law Judge
Minnesota Office of Administrative Hearings
P.O. Box 64620
St. Paul, MN 55164-0620

Re: In the Matter of the Route Permit Application for a 345 kV Transmission Line
from Brookings County, South Dakota to Hampton, Minnesota
MPUC Docket Number: ET2/TL-08-1474; OAH Docket No.: 7-2500-20283-2

Dear Judge Luis:

On behalf of the Minnesota Department of Transportation (Mn/DOT), I am submitting these additional comments regarding the proposed Brookings to Hampton 345 kV transmission line application submitted by CapX2020.

Mn/DOT has participated in this proceeding pursuant to Minn. Stat. §216E.10, Subd. 3, as a state agency authorized to issue permits required for construction of a high voltage transmission line. Both the preferred and alternate routes proposed by CapX2020 have a number of locations that either cross or run parallel to highways that are part of the state trunk highway system. In our participation in this proceeding, Mn/DOT has endeavored to articulate the potential impacts that the transmission line may have on the transportation system, and on trunk highways in particular. Mn/DOT will consider these impacts in deciding whether to issue a permit for each location where the HVTL would occupy a portion of a trunk highway right-of-way.

As we have explained, Mn/DOT's Utility Accommodation Policy seeks to permit utilities to occupy portions of the highway rights-of-way where such occupation does not put the safety of the traveling public or highway workers at risk or unduly impair the public's investment in the transportation system. The exact location for the poles of a high voltage transmission line along a trunk highway cannot be determined until we can examine all the specifics of each proposed pole location, including but not limited to factors such as the width of the highway right-of-way at that location, the geometry of the

highway, the topography of the drainage ditch, and the presence of other structures in the area. For this reason, Mn/DOT believes that for any location where the HVTL route that is ultimately selected either crosses or runs parallel to a highway right-of-way, the route should not be limited to specific alignments. Rather, Mn/DOT respectfully requests that the selected route at these locations be as wide as the full width of the routes proposed in the CapX2020 application. This would be sufficiently wide to enable Mn/DOT and CapX2020 to examine each pole location to determine where the HVTL can be placed to accommodate the needs of both parties.

Respectfully submitted,



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Office of the Chief Counsel

cc:

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