

for considering the permit application; (B) provides responses to the timely substantive comments received during the DEIS review process; and (C) was prepared in compliance with the procedures in Minnesota Rules 7850.1000 to 7850.5600.⁶⁹⁷

556. The record demonstrates that the FEIS is adequate because it addresses the issues and alternatives raised in the Scoping Decision, provides responses to the substantive comments received during the DEIS review process, and was prepared in compliance with Minnesota Rules 7850.1000 to 7850.5600.

CONCLUSIONS

1. The Public Utilities Commission and Administrative Law Judge have jurisdiction to consider Applicants' Application for a Route Permit.⁶⁹⁸

2. The Commission determined that the Application was substantially complete and accepted the Application on January 29, 2009.

3. OES has conducted an appropriate environmental analysis of the Project for purposes of this route permit proceeding and the FEIS satisfies Minn. R. 7850.2500. Specifically, the FEIS addresses the issues and alternatives raised through the scoping process in light of the availability of information and the time limitations for considering the permit application, provides responses to the timely substantive comments received during the DEIS review process, and was prepared in compliance with the procedures in Minn. R. 7850.1000-7850.5600.

4. Applicants gave notice as required by Minn. Stat. § 216E.03, subd. 3a; Minn. Stat. § 216E.03, subd. 4; Minn. R. 7850.2100, subp. 2; and Minn. R. 7850.2100, subp. 4.

5. OES gave notice as required by Minn. Stat. § 216E.03, subd. 6; Minn. R. 7850.2300, subp. 2; Minn. R. 7850.2500, subp. 2; Minn. R. 7850.2500, subp. 7; Minn. R. 7850.2500, subp. 8; and Minn. R. 7850.2500, subp. 9.

6. Public hearings were conducted in communities located along the proposed high voltage transmission line routes. Applicants and OES gave proper notice of the public hearings, and the public was given the opportunity to speak at the hearings and to submit written comments. All procedural requirements for the Route Permit were satisfied.

7. The record demonstrates that the Modified Preferred Route, as modified by adoption of Alternative 6P-06 between Lake Marion and Hampton Substations, and its Associated Facilities, satisfies the route permit criteria set forth in Minnesota Statute § 216E.03, subd. 7 and Minnesota Rule 7850.4100.

⁶⁹⁷ *Id.*

⁶⁹⁸ Minn. Stat. §§ 14.57-.62 and 216E.02, subd. 2.

8. The record establishes that the Crossover Route, connecting the Modified Preferred Route and Alternate Route in Sibley County, and crossing the Minnesota River west of Belle Plaine, as further revised by adoption of Alternative 6P-06 between Lake Marion and Hampton Substations, and its Associated Facilities, satisfies the route permit criteria set forth in Minnesota Statute § 216E.03, subd. 7 and Minnesota Rule 7850.4100.

9. The record demonstrates that the Modified Preferred Route, as further revised by Alternative 6P-06 in the Hampton area, is the best alternative for the 345 kV transmission line between Brookings County Substation and Hampton Substation.

10. The record demonstrates that it is appropriate to grant a Route Permit for the 345 kV transmission line and Associated Facilities along the Modified Preferred Route, modified by Alternative 6P-06.

11. The record demonstrates that it is appropriate for the Route Permit to provide the requested route width of 600 feet, except for those locations where Applicants are requesting a route width of 1,000 feet or up to 1.25 miles, as shown on Attachment 2 to Applicants' Proposed Findings of Fact, Conclusions and Recommendation.⁶⁹⁹

12. The record demonstrates that the Revised Cedar Mountain South 115 kV Route satisfies the route permit criteria set forth in Minnesota Statute § 216E.03, subd. 7 and Minnesota Rule 7850.4100. No party submitted post-hearing comments contesting the appropriateness of issuing a Route Permit for the Revised Cedar Mountain South 115 kV Route for the proposed 115 kV transmission line between the Franklin Substation and Cedar Mountain Substation.

13. The record demonstrates that it is appropriate to grant a Route Permit for the Revised Cedar Mountain South 115 kV Route, as shown on Attachment 7.

14. The record demonstrates that it is appropriate for the Route Permit to provide Applicants with a route width of 4,225 feet, or approximately 0.5 miles where requested by the Applicants, for the Revised Cedar Mountain South 115 kV Route.

15. It is appropriate for the Route Permit to require Applicants to obtain all required local, state, and federal permits and licenses, to comply with the terms of those permits or licenses, and to comply with all applicable rules and regulations.


16. Any Findings more properly designated Conclusions are adopted as such.

⁶⁹⁹ Applicants' Proposed Findings of Fact, Conclusions and Recommendation, filed 02/16/10, Doc. Id. 20102-47095-09.

THIS REPORT IS NOT AN ORDER AND NO AUTHORITY IS GRANTED HEREIN. THE MINNESOTA PUBLIC UTILITIES COMMISSION WILL ISSUE THE ORDER WHICH MAY ADOPT OR DIFFER FROM THE FOLLOWING RECOMMENDATION.

Based on the Findings of Fact, Conclusions, and the record, the Administrative Law Judge makes the Recommendations set forth above in this Report.

Dated: April 21, 2010


RICHARD C. LUIS
Administrative Law Judge

Recorded: Janet Shaddix and Associates
Transcripts Prepared

NOTICE

Under the PUC's Rules of Practice and Procedure, Minn. R. 7829.0100 to 7829.3200, exceptions to this Report, if any, by any party adversely affected must be filed within 15 days of the mailing date hereof with the Executive Secretary of the PUC, 350 Metro Square Building, 121 Seventh Place East, St. Paul, Minnesota 55101-2147. Exceptions must be specific, relevant to the matters at issue in this proceeding, and stated and numbered separately. Proposed Findings of Fact, Conclusions, and Order should be included, and copies thereof served upon all parties.

The PUC shall make its determination on the applications for the Certificate of Need and Route Permits after expiration of the period to file Exceptions as set forth above, or after oral argument, if such is requested and had in this matter. In accordance with Minn. R. 4400.1900, the PUC shall make a final decision on the Route Permits within 60 days after receipt of this Report.

Notice is hereby given that the PUC may accept, modify, condition, or reject this Report of the Administrative Law Judges and that this Report has no legal effect unless expressly adopted by the PUC.

Attachment 1

Oral Testimony at the Public Hearings

Well over 1,500 people attended the 17 public hearings held in eight different Minnesota communities along the Modified Preferred Route and the Alternate Route between November 30 and December 28, 2009.⁷⁰⁰ A large number of those in attendance offered oral testimony during these proceedings. These Findings summarize many of the significant comments offered during the public hearings. The Administrative Law Judge regrets that he has not summarized everyone's testimony, but much of the testimony offered repeats or is similar in substance to that presented below. The remarks of everyone were heard, read, and considered carefully by the Administrative Law Judge.

Granite Falls

In Granite Falls, most of the commentators expressed concern about the Applicants' plan for a 345 kV line connecting Marshall and Granite Falls. This line would run between the Lyon County Substation and the proposed Hazel Creek Substation in Yellow Medicine County near Granite Falls.

Cheryl Rude and others stated their opposition to one of the Route Alternatives, which would run along the right of way of State Highway 23 approaching Granite Falls from the southwest. It was noted by Ms. Rude that the proposal (2B-01), would traverse an area crowded by another power line, the right of way for a railroad, and the vicinity of airport runways near Granite Falls. Applicants' spokesman, Craig Poorker, Land Rights Manager for Great River Energy, agreed that following this portion of Highway 23 was not a good alternative.

Kathy Torke appeared at Granite Falls and noted that the preferred route between the Lyon County Substation and the Minnesota Valley Substation at Granite Falls (which would connect with the new Hazel Creek Substation) contains more than twice the number of homes within 500 feet of the proposed transmission line, compared to the route she proposes. Her proposal was to follow Highway 23 between the communities of Cottonwood and Hanley Falls (the southern part of Route 2B-01), and then follow the preferred route leading to the existing Minnesota Valley Substation.

In response to Ms. Torke, Mr. Poorker pointed out that the Applicants had not looked at Highway 23 as part of their route application. He noted that the Applicants' intent was to follow an existing 115 kV line out of the Lyon County Substation, which line would be removed from service in connection with the building of the 345 kV line proposed. He also noted that the Applicants have selected an area in the proposed

⁷⁰⁰ See Attachment 2.

“Hazel Creek Substation South Area” for construction of the substation that would connect to the Minnesota Valley Substation at Granite Falls.

Mr. Poorker pointed out that the Applicants are required by the Certificate of Need to connect through a proposed Hazel Creek Substation, on the way to the Minnesota Valley Substation. As a result, the Applicants believe that running the proposed 345 kV line along Highway 23 is not a possibility in the immediate Granite Falls vicinity.

Steven Prah, a resident of Brown County, appeared at the evening hearing in Granite Falls. Mr. Prah’s house and farm lie one mile east of the Brown-Redwood County Line. The originally-designated Preferred Route runs 54 feet from his house, or 120 feet away if the line is constructed on the other side of the road running by his property. Either way, “It’s right over the top of you.”⁷⁰¹

Mr. Prah’s suggestion, which is to place the Preferred Route away from his house along a line indicated as Alternative 3P-04, has been accepted by the Applicants as part of their “Modified Preferred Route.”⁷⁰²

Paul Sheggeby spoke in favor of the Highway 23 proposal at the hearing. Mr. Sheggeby submitted a written comment on January 14, 2010, that noted the Highway 23 approach was too close to the airport for placement of an HVTL. Instead, Mr. Sheggeby supported the Alternative Route running north of Hanley Falls to 260th Avenue, then proceeding to either the Preferred or Alternative route where they intersect. Mr. Sheggeby contended that this approach had a limited impact on landowners because it followed “natural field boundaries.”⁷⁰³

Marshall

Speakers at the afternoon and evening sessions in Marshall were concerned with a variety of issues, including assurance that the preferred route stayed away from the community of Ghent, several miles northwest of Marshall on State Highway 68. One of the alternative routes (1P-02) would skirt the southern boundary of Ghent, and a number of people were interested in avoiding such a result. Also in Marshall, accusations were made against the Staff of the Office of Energy Security, Minnesota Department of Commerce, that Staff had misled residents in two different Lyon County Townships about the formation of advisory task forces (ATFs).⁷⁰⁴ There also was concern regarding routing near the City of Lynd, southwest of Marshall, and various

⁷⁰¹ Granite Falls Evening Transcript at 43.

⁷⁰² See Finding 57. As used in this Report, the terms “Preferred Route” and “Modified Preferred Route” are interchangeable.

⁷⁰³ Sheggeby Comment, January 14, 2010.

⁷⁰⁴ In response to the allegations of having misled people, the OES e-filed Exhibit 43 on December 22, 2009. ID #200912-45333.

individuals expressed concern because of the proximity of their properties to either the Preferred or Alternate Routes.

Dawn Vlamincik, from Ghent, Minnesota, a community several miles northwest of Marshall on State Highway 68, spoke on behalf of many of the citizens of the community. Ms. Vlamincik is Ghent's City Administrator. She filed Public Exhibit 303, a seven-page-long statement with Appendices or Additions, maps, photographs and diagrams, on behalf of the City government. The City of Ghent is opposed to Route Alternative 1P-02, which would skirt the south and east edges of the city in Section 15 of Grandview Township, Lyon County. Many of the citizens of Ghent are opposed to such a routing of the Project, as opposed to the Modified Preferred Route, which would proceed two miles north of the city along 340th Street (the Lyon-Yellow Medicine County line). Future prospects for the City of Ghent to grow occur in the east and south vicinities of the city, because landowners north of the city are reluctant to sell their properties.

The Applicants noted that they find alternative 1P-02 to be inferior because it has more permanent wetland impacts, impacts more Wildlife Management Areas, and is closer to the City of Ghent, which limits the City's expansion.

Ordell Seaverson expressed an opinion shared by many rural-farm residents living along the Proposed Route, in stating that "It seems like they're avoiding wildlife areas more than they're avoiding people. I don't think that's quite right."⁷⁰⁵

Daniel Wambeke appeared in Marshall, and later at Lakeville. Mr. Wambeke lives in Section 1 of Fairview Township, at the corner where the Applicants' Modified Preferred Route turns south from 340th Street, and travels in that southerly line to 290th Street. Another transmission line, carrying 115kV and owned by East River Electric, currently runs across the road from the Wambeke farm. Mr. Wambeke requests that the proposed 345kV line be placed on the west side of the existing 115kV line. Mr. Wambeke pointed out that there is no house on the west side of the road opposite his residence.

If the Applicants place the Project's poles on the opposite side of the road from the Wambeke residence, the Applicants will work with those landowners on precise pole placement in an effort to mitigate effects on access by farm equipment, with a view to minimizing any impeding of their farming operations.

Mr. Wambeke also expressed a desire that the Applicants avoid a Wildlife Management Area lying north of his vicinity.

Deb Johnson is the clerk of Nordland Township, Lyon County, and her residence would be impacted if alternative 1P-02 is selected. Ms. Johnson, along with many people in the Marshall vicinity, was concerned because she never received (to her

⁷⁰⁵ Marshall Afternoon Transcript at 38.

knowledge) a copy of Exhibit 21, which is a Notice from the Office of Energy Security to the effect that her residence may be affected by one of the routes (Alternative 1P-02 in this case) that was selected for further study during the scoping process undertaken by the OES.

The Affidavit of Mailing that accompanies the Notice to Landowners who potentially may be impacted by the Project indicates that Ms. Johnson was mailed the appropriate Notice at her last known address, but, like many in the Marshall area, Ms. Johnson has no recollection of receiving that mailing.

Ms. Johnson also does not recall receiving mailing of the Notice discussed above in her capacity as Clerk of Nordland Township.

Deb Johnson's husband, Kevin Johnson, notes that in addition to himself and Deb Johnson, there are eight or ten people he knows that live on the route within three miles of him who also have not received the Notice in question, which was mailed on September 18, 2009.⁷⁰⁶

Galen Boerboom and several other witnesses at Marshall, both in the afternoon and evening, expressed concern that Advisory Task Forces (ATFs) were not formed in the Marshall area. The witnesses contend that they requested to have ATFs established for two Townships in Lyon County, Westerheim and Grandview.

Mr. Boerboom alleges that the township clerks in Westerheim and Grandview Townships assembled and sent to the OES all the appropriate documentation needed to establish ATFs. Mr. Boerboom is concerned that the allegation of the OES to the effect that it mailed Notice of the possible effect of Alternative 1P-02 on local residents is a "lie", because OES lied earlier to residents of Westerheim and Grandview townships, in representing falsely to them that the Public Utilities Commission would form Advisory Task Forces for their area(s) because they had assembled properly all of the documentation necessary for the formation of ATFs.

The Administrative Law Judge finds that the concerns expressed above by officials and residents of the Marshall area, specifically people from Westerheim and Grandview Townships, is misplaced. The OES's response to the accusations that they lied or made misrepresentations establishes that Advisory Task Force applications from the two Townships in question were never completed properly or lacked the required written support of certain officials, so it was appropriate for the Public Utilities Commission to reject any Petition to form them.⁷⁰⁷ The record does not establish any false representations on the part of OES officials.

Dee Lisnetski has started a Petition related to concerns surrounding the Project, because "people are worried about the increased health risk, risk to livestock, stray

⁷⁰⁶ Marshall Afternoon Transcript at 71.

⁷⁰⁷ See Ex. 43, Hamel Memorandum and Affidavit of Scott Ek.

voltage, decreasing property values, and how living closely to this transmission line may impact their life.”⁷⁰⁸ During the Comment Period, Ms. Lisnetski filed her Petition, which was signed by 39 people.

The concerns expressed by Ms. Lisnetski, on behalf of her neighbors and herself in Lincoln County, are reflected by many public witnesses appearing throughout all of the hearings in this proceeding. Like many others, Ms. Lisnetski enriched the record with a number of documents (most retrieved from internet searches) highlighting alleged dangers of living by power lines. The Administrative Law Judge is urged by these witnesses to “take into account the studies and the findings . . . mentioned and the concerns of the people . . . that don’t want this transmission line and the petition that also proves that.”⁷⁰⁹

The Administrative Law Judge explained to many of the witnesses whose testimony was similar to that of Ms. Lisnetski that the issue of need for the Project had already been decided by the Public Utilities Commission. Many of the witnesses speaking about the alleged adverse health effects of transmission lines urged the Administrative Law Judge to recommend choosing an alternate route instead of a route that passes in their vicinity.

Ken Van Keulen, whose land is on the Preferred Route northwest of Marshall, noted that the Applicants have informed him that they will attempt to route the line around the residence and other buildings on his property, should the Preferred Route be chosen. This response is an example of one that many witnesses received at every location the hearings were held, that is, that the Applicants would do everything possible to mitigate any direct impact on human settlement along the line chosen for the Project.

Mr. Van Keulen also noted a concern about why the Applicants are not proposing to follow more “main thoroughfares” and “rights of way.”⁷¹⁰ He suggests more use by the applicants of fence lines and ditch lines that are placed away from residences.

Specifically in response to Mr. Van Keulen, the Applicants’ witness, Craig Poorker, explained that following the main thoroughfare in the area, State Highway 19, and also the railroad line in that part of western Minnesota, goes directly through too many cities, such that the applicants would have to “jog around every city that we came to.”⁷¹¹

⁷⁰⁸ Marshall Afternoon Transcript at 99.

⁷⁰⁹ Marshall Afternoon Transcript at 109-110.

⁷¹⁰ Marshall Afternoon Transcript at 139.

⁷¹¹ Marshall Afternoon Transcript at 141.

On behalf of the Applicants, Mr. Poorker noted that they tried to follow roadways and in instances tried to follow fence lines as well with a focus to avoid residences as much as possible.⁷¹²

Mr. Van Keulen also inquired about why one route is designated by the applicants as "Preferred" and the other as "Alternate." In response, Mr. Poorker explained that under the state law and rules, the Applicants have to declare at least two routes for a project of this nature, and have to declare also one of them Preferred and one of them Alternate. The Preferred Route was chosen because it is approximately 25 miles shorter than the Alternate Route, and when the Applicants balanced out all of the impacts to homes and all the other criteria, they concluded that the Preferred Route came out better than the route designated as the Alternate Route.⁷¹³

During the afternoon hearing at Marshall, Craig Poorker noted that for two miles along the preferred route just north of Ghent, the Applicants' request that the route be widened to 2,600 feet (roughly the northern half of Section 3) in Grandview Township. This modification will allow the Applicants more flexibility in routing the project through property owned by Ken Van Keulen.

Mr. Dean Louwagie, a member of the Fairview Township Board, did not receive specific notice that alternative 1P-02, if accepted, would run within 500 feet of his house, which lies in Section 11. OES Staff (specifically, Scott Ek) explained that the only people who would have received word directly of the acceptance of Alternative 1P-02 during the Scoping Process would be those who initiated the proposal, in this case, the Board of Grandview Township.⁷¹⁴

Mr. Poorker explained that when the company submitted a route request that was 1,000 feet wide, that route was intended to measure 500 feet either side of a section line or the center line of a roadway, for a total width of 1,000 feet. The applicants want the opportunity to work with landowners on where to actually spot poles and other utility equipment after a given route is selected by the Public Utilities Commission. Mr. Poorker explained further that any right-of-way acquired for the project would be 150 feet wide, 75 feet on each side of the centerline. The 150 foot wide right-of-way would be the width of the actual easement acquired from the property owner, if any. The Applicants will work with landowners to find specific locations for poles and other equipment while negotiating for easements with the landowners along the route chosen.⁷¹⁵

⁷¹² Marshall Afternoon Transcript at 142.

⁷¹³ Marshall Afternoon Transcript at 143.

⁷¹⁴ It was clarified later that Alternative 1P-02 had the initial support of two individual Board Members from Grandview Township, not the support of the Board itself.

⁷¹⁵ Marshall Evening Transcript at 48.

Linda Stoddard is the neighbor across the road from Mr. Louwagie on Alternate Route 1P-02, and her house lies only 145 feet from the centerline of the road, so she would be affected even more greatly if that Alternative Route is designated for the Project.

Robert Blomme appeared at the evening hearing in Marshall, and expressed essentially the same concerns as Daniel Wambeke had that afternoon regarding the siting of the route. Mr. Blomme's mother has land in Sections 13 and 14 of Fairview Township, Lyon County, but the house is on the east side of the road in Section 13. The Applicants plan to route the line to the west side of the existing 115kV line owned by East River Cooperative.

Mike Pasquariello lives in the community of Lynd, which lies several miles southwest of Marshall on Highway 23. The community of Lynd lies along the Applicants' Alternate Route. If the Alternate Route is chosen, the various meanderings of the Redwood River would complicate siting of the 345kV line. Mr. Pasquariello's concern arises because certain maps distributed by the Applicants indicate the centerline of the Alternate Route passing near a development where he lives.

Mr. Poorker explained that the Applicants have applied for the maximum width to be authorized if the Alternate Route is chosen in the vicinity of Lynd, so that the Applicants would have a 1.25 mile-wide corridor in which to decide where to acquire right-of-way.⁷¹⁶ Mr. Poorker explained that the Project has no defined route through the area of Lynd near the various branches of the Redwood River, but that it has asked for a wider route because of the homes that are there, the presence of a golf course, and also because the river crossing(s) present extra challenges.

Bernard Louwagie owns property that could be affected by the Applicants' Modified Preferred Route, which land is already impacted by a small substation for East River Coop and a power line owned by Otter Tail Electric. Mr. Poorker explained that routing the Proposed Project in Mr. Louwagie's area to the west side of the 150kV line and owned by East Central should avoid the Bernard Louwagie residence, just as it does the residence of Daniel Wambeke.⁷¹⁷

The East River Cooperative substation in question lies in the northeast quadrant of Section 25, Fairview Township in Lyon County.⁷¹⁸

Redwood Falls

The Administrative Law Judge conducted public hearings in Redwood Falls on the afternoon and evening of December 2, 2009.

⁷¹⁶ Marshall Evening Transcript at 70.

⁷¹⁷ Marshall Evening Transcript at 80.

⁷¹⁸ Marshall Evening Transcript at 83.

Tom Sterzinger of Taunton, Minnesota, in Lincoln County, appeared and raised concerns about health risks associated with high voltage transmission lines, including electromagnetic fields (EMF). Like other witnesses from Lincoln County who appeared in Marshall, Mr. Sterzinger and his spouse did extensive Internet research.

Dr. Peter Valberg, the Applicants' expert witness on the subject of the EMF generated by transmission lines, addressed Mr. Sterzinger's concerns from the Applicants' point of view.

Mr. Sterzinger owns most of Section 12 in Limestone Township, Lincoln County.

Alternate Route 1P-02 runs along the east side of Section 12, which is the Lincoln-Lyon County line. The north side of the Section is along the Applicants' Modified Preferred Route. Mr. Sterzinger is opposed to the Modified Preferred Route because there will be large power poles that he has to farm around. He also believes that his land will be devalued if the Project is approved along that Route. Mr. Sterzinger's primary concern with citing the 345 kV line on the Modified Preferred Route between Sections 1 and 12 of Limestone Township is that his wife is still of child-bearing age, and he believes that proximity to high voltage transmission lines can have an effect on pregnant women. Mr. Sterzinger is concerned that the data supplied by the Applicants is not accurate and people will be exposed to a degree greater than what is represented. He suggests underground burial of the 345 kV line when it would be run so close to peoples' residences.

Alternate Route 1P-01 is located along the west and north sides of Section 2, and the north side of Section 1 in Limestone Township. If this Alternate Route section is chosen the power line Project would be moved away from the area where Mr. Sterzinger lives and farms. He prefers that location because he would not have to farm around it or worry about the dangers of EMF to his wife and children. He also alleges he would not have to worry about any decreased value of his land because of the aesthetic effects of powers poles.

In a subsequent Finding in this Report, the Applicants express disfavor with Alternate Route 1P-01 because it does not use as much existing road right-of-way as the Modified Preferred Route.

Regarding the effects of electric and magnetic fields on residences that are close to high voltage transmission lines, Dr. Peter Valberg explained that there are currently no federal guidelines stating that homes should be placed within certain distances of high voltage transmission lines. Dr. Valberg pointed out also that sources of magnetic fields already exist in people's residences, and everybody is exposed to magnetic fields from wiring, grounding currents, and appliances. Regarding the study from the California Department of Health that looked at the issue of potential effects of high voltage transmission lines on pregnancy outcomes, Dr. Valberg cautions that one individual study does not, in fact, establish that an effect on pregnancy is actually

caused by transmission lines.⁷¹⁹ He points out that studies indicating that there may be such effects have not been validated over the course of time, and the State of California has no regulations as to particular levels or particular distances from power lines that have to be maintained resulting from such studies.

Dr. Valberg notes that human bodies are basically transparent to the effects of magnetic fields, so he concludes that the best science on the matter is that there is no effect on human bodies from such sources.⁷²⁰

Duane Anderson lives west of Morgan in Redwood County. His property lies 500 feet south of the Modified Preferred Route. Mr. Anderson's concerns are effect on property value, health issues, and aesthetics. Mr. Anderson supports the positions taken by Thomas Sterzinger in his earlier testimony on the afternoon of December 2 in Redwood Falls. Mr. Anderson posed the question to Dr. Valberg as to whether the Applicants' witness would purchase a home that was in the proximity of a high voltage transmission line, and Dr. Valberg that he would not hesitate to do so.⁷²¹

Mr. Anderson prefers that the Project follow the Alternate Route in the vicinity of Redwood Falls and Redwood County, which Alternate Route crosses the Minnesota River at North Redwood Falls and proceeds through Renville County approximately 12 miles north of Morgan.

In response to Mr. Anderson's concerns about aesthetics, Applicants' witness Craig Poorker responded that the Project would use single-pole structures made from steel. They are somewhat weathered in appearance, or rusty colored, and sit on a concrete base roughly eight feet in diameter. Each pole would be about six feet in diameter, bolted to the top of a concrete base, and each would have a height of 135 to 175 feet. The poles would be placed roughly every thousand feet apart and would have four arms on each (including one shield arm).

In response to Mr. Anderson's concerns, Mr. Poorker pointed out that the Applicants will seek a wider route to cross the Minnesota River at North Redwood Falls if the Alternate Route is chosen, and also a wider route to cross the Minnesota River just south of Franklin at County Roads 3 (in Renville County) and 8 (in Brown County), southeast of the Redwood Falls-Morton area. Both Morton and Franklin lie north of the Minnesota River in Renville County.

At the afternoon hearing in Redwood Falls, David Seykora, Associate General Counsel of the Minnesota Department of Transportation (Mn/DOT), filed Public Exhibit 309, which is a Memorandum containing comments from Mn/DOT respecting the areas where the prospective routes in the Project would cross highway property that is owned

⁷¹⁹ Redwood Falls Afternoon Transcript at 52.

⁷²⁰ Redwood Falls Afternoon Transcript at 54-55.

⁷²¹ Redwood Falls Afternoon Transcript at 71.

or administered by Mn/DOT. Mr. Seykora also explained what would be taken into consideration by Mn/DOT in issuing permits for crossing land that it owns or administers, such as the type of traffic and volume of traffic that travels over the roadway, the type of oversized vehicles that may use a highway, maintenance activities on highways and bridges, inspection schedules, and other details pertinent to the safety of the traveling public so that they do not come into contact with energized high voltage wires. Mn/DOT also hopes to assure that there is sufficient space so that various pieces of equipment can operate safely, and will also look at plans and projections for where additional highway work will be done in the future such as the addition of highway lanes or wider shoulders. In some cases, there may be plans to add overpasses or interchanges on some highways, and Mn/DOT does not want location of high voltage lines put in areas where they might need to be moved later.⁷²²

William Schwandt, and his son, Tyson Schwandt, appeared at the Redwood Falls Evening Hearing and indicated support for the CapX2020 project. In that connection, William Schwandt pointed out that Tyson Schwandt's house lies much closer to the center line of the Preferred Route along Section 10 in Three Lakes Township, Redwood County, than the Applicants believe. Mr. Poorker assured the Schwandts that the Applicants will make sure that all houses are outside of their 150-foot-wide easement at any point along the Project right-of-way.

Clint Gronau lives on a farm near Franklin, Renville County, in Camp Township, north of the proposed Minnesota River crossing from County Highway 8 in Brown County to County Highway 3 in Renville County. Mr. Gronau experiences shortness of breath and headaches whenever he is in the vicinity of a 115 kV transmission line that runs on or near his property.

Mr. Gronau recommends that the point where the Modified Preferred Route turns east (from north) along County Road 3 in Renville County be chosen so that the west-to-east portion be routed across farm fields and away from roads and all the farm residences that would be in the vicinity of the Projects' route, in order to mitigate any possible adverse effects on human health. It is his further preference for the CapX2020 Project 345 kV line to follow the Alternate Route running farther north across Renville County after crossing the Minnesota River at North Redwood Falls.

Mr. Poorker pointed out in response to Mr. Gronau's suggestion regarding the Minnesota River crossing between Brown County and Renville County, approximately eight miles southeast of the crossing of the Alternate Route at North Redwood Falls, that the crossing area is one where the Applicants varied from their 1,000-foot wide route corridor and made it wider, to approximately 1.25 miles, in order to allow flexibility about precisely where to cross the Minnesota River.

Dr. Peter Valberg responded to Mr. Gronau's evidence on health concerns. Dr. Valberg noted that he has been following the EMF controversy for a long period of time,

⁷²² Redwood Falls Afternoon Transcript at 105.

but is unable to add any concrete evidence regarding the headaches Mr. Gronau experiences when he is in the proximity of the 115 kV transmission line.

Winthrop

The Administrative Law Judge conducted public hearings at the Veterans Club in Winthrop during the afternoon and evening of December 3, 2009.

Diane and David Swedzinski from Milroy spoke in opposition to Alternative 3P-06. Alternative 3P-06 would proceed along the north and east sides of Section 36, in Underwood Township of Redwood County. The Applicants' Modified Preferred Route runs along the other two sides (west and south) of the Section. The Swedzinskis are opposed to either route.

The Swedzinskis are opposed to Alternative 3P-06 and the Modified Preferred Route because they would pass close to their house and another house in Section 36. They also are concerned about the fate of threatened and endangered species along the Route. They question also the Applicants' assertion that routing on Alternative 3P-06 would decrease the number of historical sites within one mile of the route.

In response to the Swedzinskis, Mr. Poorker of Great River Energy noted that Alternative 3P-06 is favored by the Applicants over the original Preferred Route, and has become part of the Modified Preferred Route. Mr. Poorker explained that Alternative 3P-06 takes two homes out of the 1000 foot-wide Preferred Route corridor.

The Swedzinskis are concerned also with their Internet service, which connects to a dish on their house that lines up with the elevator in Vesta, a nearby community. They are afraid their service will be compromised by the placement of power line poles. Mr. Poorker indicated that when the Applicants marked the center line on the Preferred Route, that it was placed at the locations shown for measurement purposes, and "by no means" indicates that that is where the center line is going to end up.⁷²³ He noted that the Applicants could place the line, if that route is chosen, on either side of the road or anywhere within the 1000 foot corridor.

Mr. Poorker believes also that there would be no interference with Internet service to place an electric transmission line between the Swedzinskis' and the Vesta elevator.

The Swedzinskis challenge the Applicants' assertion that the north to south portion of Alternative 3P-06, which runs along the west side of the Section, follows field lines. They maintain that the Section line is in the middle of their field. They also dispute the Applicants' assertion that the 3P-06 Alternative avoids a wetland that would be on or close to the Preferred Route.

⁷²³ Winthrop Afternoon Transcript at 42.

Mr. Swedzinski also submitted a written comment contending that the Applicants did not provide adequate support for their route selection, particularly for Segment 3P-06. He also maintained that the maps used by the Applicants contained many erroneous descriptions of land types. He suggested that the Applicants use National Cooperative Soil Survey maps. He also suggested that the routing should emphasize going through Reinvest In Minnesota (RIM) agricultural land as this land is less valuable than prime farmland. He suggested that Applicants "start over" due to the inaccurate information relied on in the Application.⁷²⁴

Diane Swedzinski noted that Mr. Poorker has acknowledged that Applicants erred in alleging, among the reasons for choosing Alternative Segment 3P-06, that following that Alternative would avoid the habitat of endangered species and sites of historical significance.⁷²⁵

Donald Schuelke owns land and conducts farming operations along the Modified Preferred Route in Yellow Medicine County near Minneota. Mr. Schuelke prefers the Route to proceed into fields several hundred feet north of 340th Street (he lives on the south side). Mr. Poorker explained that the Applicants' intention was to site the line on the north side of 340th Street, opposite the Schuelke property, but that the Applicants will attempt to "stick close to road right-of-way."⁷²⁶

James Mayer is a member of the Board of Supervisors for Cornish Township in Sibley County, southwest of Winthrop. He is concerned about running the Project's 345 kV transmission line in the vicinity of other utilities, particularly a pipeline going through the vicinity. Another concern of Mr. Mayer is that the bottom half of a four-mile long north-south stretch south of Highway 19 is not covered by road but is fields for two miles, before turning east again on 320th Street. Mr. Mayer noted that even if the Preferred Route is built over the last two miles of fields along its north-south path in Cornish Township, and those fields are along field lines between farmers, that the poles would be placed on one side of the line or the other, so that somebody's land would be compromised for farming.

Mr. Mayer is concerned also about the possibility of an explosion if electrical transmission lines are placed in the vicinity of where drainage occurs from the pipeline, which is done periodically along a pipeline to alleviate pressure.

Devang Joshi from Great River Energy responded to Mr. Mayer's pipeline-related concern. Mr. Joshi stated that a large concern is that electrical shocks would be thrown off of and could harm persons in the vicinity of the pipeline. He stated the company will

⁷²⁴ Swedzinski Comment, January 29, 2010 (Doc. Id. 20101-46593-01)..

⁷²⁵ Swedzinski Comment, January 15, 2010 (Doc. Id. 20101-46105-02); Poorker Letter, January 14, 2010 (Doc. Id. 20101-46243-01)..

⁷²⁶ Winthrop Afternoon Transcript at 66.

work with the pipeline company (in this case, Hutchinson Gas) to avoid such consequences.⁷²⁷

Allen Messerli proposed a line for the Applicants' Crossover Route, which would follow a rail line running from Franklin, through Renville and Sibley Counties roughly southwest to northeast, and connecting with the Alternative Route as it runs along the north side of Arlington Township, Sibley County, and then onward to the Minnesota River crossing at Belle Plaine. As noted in earlier Findings, the Applicants proposed using a different Crossover Route. One major reason is that following the railroad would require the 345 kV transmission line to pass through several communities. Applicants want to avoid all of the problems involved with possible condemnation of land and moving of buildings that could occur in Franklin, Fairfax, Gibbon, Winthrop, Gaylord, and Arlington.

Duane Kamrath lives on Doppy Lane in Le Sueur, an area that could be in the direct line of the 345 kV transmission poles if the Applicants' Modified Preferred Route is adopted. He favors crossing the Minnesota River at Belle Plaine, avoiding Le Sueur altogether. He is concerned also about the environmental consequences of crossing the Minnesota River at Bucks Lake near Le Sueur, if the MPUC chooses a Le Sueur crossing. Mr. Kamrath suggests that the Modified Preferred Route be altered to avoid Highway 169 completely in the Le Sueur area, except for where it has to cross that road. He suggests following the Old Highway 169 route and County Road 28.⁷²⁸

Mr. Poorker responded to Mr. Kamrath by acknowledging that the Le Sueur area is an extremely challenging vicinity to determine a final route. For that reason, the Applicants have asked for authorization of an extra-wide area so that a number of alternatives can be evaluated.

If the Minnesota River is to be crossed at Le Sueur, rather than at Belle Plaine, Mr. Kamrath notes that Alternative 4P-04 is far enough south, below Bucks Lake and south of a sensitive heron rookery, such that the route would avoid any environmental impact on those areas.

Mr. Kamrath suggested crossing Highway 169 alternatively at the point where County Road 28 joins with Commerce Street in Le Sueur. Routing along County Road 28 would avoid interfering with the view that people on Doppy Lane enjoy of the Minnesota River Valley as it drops down in elevation along Highway 169 from a ridge on the north side of Le Sueur.

Mr. Kamrath later withdrew his alternative route proposals for Option 3 (County Road 28, presented first at Henderson) and Option 5 (Modified Myrick Street, presented first at New Prague) in favor of the Belle Plaine crossing. Mr. Kamrath cited the impact on the scenic easement held by MN/DOT and the impact on the wooded area near the

⁷²⁷ Winthrop Afternoon Transcript at 80.

⁷²⁸ Winthrop Afternoon Transcript at 111-129.

Green Giant sign as the reason for avoiding the Le Sueur crossing option. A number of persons from Le Sueur signed the letter expressing this position.⁷²⁹

Vera Hahn appeared in the evening proceeding at Winthrop and related her allegations that the proximity of power lines to human settlement can cause difficult consequences. She believes her cancer was caused by nearby power lines and related an anecdote that televisions near power lines will automatically turn on if the power passing through the transmission lines increases.

Kelly Baggenstoss maintained that dairy cattle production is affected by the proximity of transmission lines.

Loni Lund offered testimony regarding the Minnesota River crossing between Brown and Renville Counties southeast of Redwood Falls (along the Modified Preferred Route). He noted concern over the crop spraying done on his land every year, because any new transmission line would also be in the area of a pre-existing line. He also was concerned about the issue of stray voltage. Mr. Poorker, on behalf of the Applicants, noted that Mr. Lund's house is approximately 1000 feet from the center line of the Proposed Modified Preferred Route, which would run along the west side of the County Road after crossing the Minnesota River.

Mr. Lund spoke against choosing Alternatives 4P-01 or 4P-02, as opposed to the Modified Preferred Route, for corridors traveling to the east off Renville County Road 3 as it runs north-south from the Minnesota River crossing. His concern is that either one of those lines would "box him in" if the eastern direction did not start along Highway 19. Mr. Poorker noted that the Applicants did not advance, nor do they favor, either Alternative 4P-01 or 4P-02.⁷³⁰

Leon Lang lives southwest of Winthrop, in Section 10 of Cornish Township, Sibley County. Mr. Lang, whose house and property would be impacted on the south side if Alternative 4P-01 is selected (it would run along County Highway 25 in that vicinity) spoke against acceptance of that Alternative.

Henderson

Afternoon and evening hearings were conducted in Henderson on December 7, 2009. A number of witnesses testified regarding the proposed crossings of the Minnesota River at Le Sueur (Modified Preferred Route) or Belle Plaine (Alternative Route and Crossover Route).⁷³¹ Much concern was expressed regarding the effect of

⁷²⁹ Kamrath Comments, January 12, 2010 (Doc. Id. 20101-46568-02).

⁷³⁰ Winthrop Evening Transcript at 81.

⁷³¹ The Crossover Route starts in Sibley County, proceeding North twelve miles to join the Alternate Route, which it follows all the way to the Project's eastern end at Hampton. Except where a distinction is obvious from the context, for purposes of this portion of the Report, the terms "Alternate Route" and "Crossover Route" are interchangeable.

any aerial crossing by the 345 kV transmission line because of the potential impact on birds that use the Minnesota River Valley as flyways, resting spots, roosting and breeding areas, and for hunting smaller creatures and fish, if the bird species in question are predators.

Cornish Township Supervisor James Mayer, who appeared originally in Winthrop, also appeared in Henderson and expressed concern over the difficulties involved for farm operations to continue around or in the vicinity of power poles. He also went into greater detail than he had previously regarding his concern about co-location possibilities (which he does not favor) for the Applicants' Preferred Route and the pipeline in Cornish Township.

Alvin Mueller owns a family farm in Section 5 of Arlington Township in Sibley County. His testimony expressed concerns about the portion of the Applicants' Proposed Crossover Route connecting their Modified Preferred and Alternate Routes.

Specifically, Mr. Mueller commented on what is referred to in the record as the "US Fish and Wildlife Service (USFWS), Minnesota Department of Natural Resources" (MDNR) Alternate Route. Mr. Mueller notes that that specific proposal would have a detrimental and adverse effect on the home farm and the farming operations undertaken on his land, as well as negative and unfavorable impacts on the overall environment in the area. Mr. Mueller has his land enrolled in the Conservation Reserve Program (CRP), and also portions of his property are Designated Wetland Areas affected by the High Island Creek system, which provides habitat for many wildlife species including pheasants, turkeys, deer and song birds.

Mr. Mueller notes also that there is a natural gas pipeline right-of-way across his farm, constructed several years ago, traveling in a northwest to southeast direction. Applicants' witness Craig Poorker noted that the newest version of the Applicants' Crossover Route is actually approximately 1.5 miles west of the United States Fish and Wildlife Service route that concerns Mr. Mueller. The Applicants made the shift 1.5 miles to the west in the Crossover Route because they too were worried about waterfowl migration and interference with the large wetland complex lying northwest of Mr. Mueller's property.

Duane Kamrath, who appeared first in Winthrop, also came to the Henderson proceedings, this time with his wife, Grace Kamrath. Mr. Kamrath prefers crossing the Minnesota River at Belle Plaine, and prefers the Crossover Route advanced by Alan Messerli at Winthrop, which would follow the rail line from Franklin to its connection with the Alternate Route northeast of Arlington.

If it is necessary to proceed along the Applicants' Modified Preferred Route crossing the Minnesota River somewhere at Le Sueur, Mr. Kamrath offered a third option for such a crossing and routing through that community. The first option is the original Preferred Route. The second is to follow Alternative 4P-04, including portions of County Road 28 (Old Highway 169). Mr. Kamrath's third option would avoid placing power poles along the four-lane corridor of Highway 169 as it slopes downhill at

Le Sueur past the Green Giant sign. His third option also would avoid the 20 homes in the Dobby Lane and Woods Drive areas in the northern part of Le Sueur. Option three crosses Highway 169 400 feet southwest of Highway 93 where 93 intersects with Highway 169. It follows the same line as Option two but diverts at the point where Option two continues to follow the four-lane highway, and comes closer to downtown Le Sueur. Option three from Mr. Kamrath would run south of Le Sueur Creek. The Kamrath Option three goes through a valley lying south of the Dobby Lane area, and there are no houses in the valley. After following the path of County Road 28 in the valley behind the Green Giant sign, Mr. Kamrath's proposed Option three route would reattach to the Preferred Route on the southeast side of Highway 169 south of the Minnesota River Valley rest area.⁷³²

Mr. Kamrath believes that his route Option number three helps avoid Bucks Lake and the herons and eagles in that area of the Minnesota River, by crossing to the south of it. Mr. Kamrath estimates that the transmission lines in his newest proposal would cross the Minnesota River about one mile from the southern most point of Bucks Lake. As it travels through Le Sueur after crossing the Minnesota River, along County Road 28, Mr. Kamrath's proposed route Option number three would be in the valley, where the view of the poles would be shielded from the Dobby Lane/Woods Drive neighborhoods by the ridge north of the valley and south of Dobby Lane.

Karen Hammel, counsel for the Office of Energy Security, is concerned that people affected by Mr. Kamrath's Option three, particularly the Petersons, had not yet received notice of his proposal.

Grace Kamrath noted that, on a clear day, people living in the Dobby Lane/Woods Drive area of Le Sueur can see from their position on the top of the ridge down across the three-mile view past the Green Giant sign and beyond that, to the spire of the Gustavus Adolphus College Chapel in St. Peter, approximately ten miles away. She introduced to the record several photographs illustrating the view from the Kamrath's back porch.⁷³³

David Seykora of Mn/DOT identified the areas where the Minnesota Department of Transportation has acquired for land for scenic easement purposes in the Le Sueur vicinity. He also noted that Scenic Area Order Number 40049 protects a corridor along the side of Highway 169 leading downhill and including the area of the "iconic sign of the Green Giant."⁷³⁴

Mr. Kamrath later withdrew his alternative route proposals in favor of the Belle Plaine crossing. Mr. Kamrath cited the impact on the scenic easement held by MN/DOT and the impact on the wooded area near the Green Giant sign as the reason for

⁷³² Public Exhibit 312; Winthrop Afternoon Transcript at 86.

⁷³³ Exs. 314-317. Henderson Afternoon Transcript at 106.

⁷³⁴ Henderson Afternoon Transcript at 116-117.

avoiding the Le Sueur crossing option. A number of persons from Le Sueur signed the letter expressing this position.⁷³⁵

Delores Hagen spoke on behalf of Henderson Feathers, a birding group based in Henderson that is concerned with bird life and habitat in the Minnesota River Corridor, specifically the 12-mile "Henderson/Le Sueur Recovery Zone." Ms. Hagen noted the area is home to beautiful terrain and wildlife, flora, fauna, and many varieties of avian creatures. She also presented copies for the record of letters to Public Utilities Commission Chair, David Boyd, from officials of the USFWS. Ms. Hagen interprets the United States Fish and Wildlife Service's position, stated in its April 30, 2009 letter⁷³⁶ as advocating non-aerial crossings of the Minnesota River, whether at Le Sueur or at Belle Plaine.

Steve Coman, representing RES Specialty Pyrotechnics, a fireworks manufacturer, appeared at Henderson and urged the Commission to route the Preferred Route around his company's property in Le Sueur County.⁷³⁷

Mr. Coman noted that officials of Applicant Great River Energy had visited with him and acknowledged that they were not aware of the existence of the RES facility at the time they prepared their Preferred Route. After that, the Applicants' Modified Preferred Route was adjusted to run at least 1000 feet away from RES's explosive magazines. The Applicants presented the realignment sought by RES in Mr. Poorker's Rebuttal Testimony.

Irene Casey owns land in Sections 22 and 23 of Tyrone Township, Le Sueur County, that would be crossed by the Applicants' Modified Preferred Route. Ms. Casey's concerns are multiplied by the fact that she already has an overhead power line on her western boundary, and an underground power line in the same vicinity.⁷³⁸

Fourteen-year-old Savannah Zippel made an impassioned plea to preserve the bird life in the Henderson vicinity along the Minnesota River, south to Le Sueur. Ms. Zippel moved to the Henderson vicinity from the Twin Cities, and it is at Henderson where she had her first experience observing eagles.

At the evening hearing in Henderson, the Administrative Law Judge read into the record a letter handed in late that afternoon by an official of the City of Le Sueur. In the letter, Mayor Robert Oberle stated that the City of Le Sueur agrees with the decision to upgrade the electric transmission system reflected in the Certificate of Need docket for CapX 2020. The mayor noted also:

⁷³⁵ Kamrath Comment, January 29, 2010.

⁷³⁶ Public Exhibit 322.

⁷³⁷ Henderson Afternoon Transcript at 134-144.

⁷³⁸ Henderson Afternoon Transcript at 149.

One, the City of Le Sueur recognizes that Bucks Lake has significant value in terms of natural habitat for natural wildlife.⁷³⁹

The City recommends that Bucks Lake be excluded from the Preferred Route proposed by the Project. The City's second point regards a 69 kV transmission line in proximity to the proposed Project in Le Sueur, which transmission line is owned by the City and runs from west to east from the Rush River area and the community of Le Sueur. The City is willing to cooperate with CapX 2020 officials to provide the use of the City's existing transmission corridor/easement to help mitigate the impact of the proposed Project on numerous properties. In addition, at the area where the proposed Project runs parallel with north Highway 169, the City recommends that the Preferred Route be located south of that Highway to mitigate the impact on Woods Subdivision and other residential properties in the vicinity. Mayor Oberle's letter points out also that the City of Le Sueur owns a large tract of property (Mayo Park) on the south side of the highway and is willing to make that park available to the Project's developers as a possible modification to the Project's Preferred Route.⁷⁴⁰

Mayor Oberle's offer regarding the route crossing at Le Sueur (making property in Mayo Park available) was clarified by his comment letter of January 6, 2010. Mayor Oberle reiterated that the City of Le Sueur favored the Belle Plaine crossing and the Mayo Park option was suggested only because the Preferred Route crossing of the Minnesota River at Le Sueur had been described as inevitable.⁷⁴¹

Molly Boisen owns property along County Road 28 in Derrynane Township, Le Sueur County, that may be impacted by the Modified Preferred Route or by any of the alternatives 4B-01, 4B-02 or 4B-04 suggested in the vicinity. Mr. Pooker, on behalf of the Applicants, pointed out that neither alternative for 4B-01 nor 4B-02 are favored by the Applicants. He believes they were offered during the scoping process as possible connectors between the preferred and alternate routes.

Scott Ek of the OES staff noted that routes 4B-01 and 4B-04 were suggested during the scoping process by the Lake Marion-Hampton Advisory Task Force.

Linda Rist, in addition to expressing her concern for preserving the natural character of the Minnesota River Valley, both for ascetic purposes and as well life habitat, pointed out that much of the area near where the Modified Preferred Route would cross in the Le Sueur vicinity, including the Mayo Park area, is subject to frequent flooding.

Lori Ammann, who lives near Sections 24 and 25 of Henderson Township in Sibley County, was concerned about Electromagnetic Field (EMF) effects if the Modified

⁷³⁹ Henderson Evening Transcript at 23.

⁷⁴⁰ Public Exhibit 327.

⁷⁴¹ Oberle Comment, January 6, 2010 (Doc. Id. 20101-46568-02).

Preferred Route is chosen and the Project is constructed near her area. Mr. Pooker acknowledged that, if the Modified Preferred Route is chosen, the construction could occur in the vicinity of the Ammanns. Dr. Peter Valverg, on behalf of the Applicants, responded to Ms. Ammann's concerns regarding EMF hazards.

Molly Fixsen asked Mr. Pooker whether the power poles to be constructed along the Project could withstand an F-5 Class tornado. Mr. Pooker responded with "It would take something much more catastrophic than that to make those poles actually tip over."⁷⁴²

Pat Jostad, who lives in Kelso Township, Sibley County, which is an area traversed by the Modified Preferred Route, urges that the Project avoid construction in the Rush River area, which is the western edge remnant of the "Big Woods" hardwood forest that used to spread across the entire eastern half of the United States, until meeting up with the Great Plains.⁷⁴³ Mr. Jostad also urged the Applicants to take care to avoid old Indian Mounds in the area.

Shirley Katzenmeyer lives on a farm and wildlife area in Tyrone Township, Le Sueur County, with her husband Mark Katzenmeyer. They are concerned about any proposals that would route the CapX 2020 345 kV transmission line along Myrick Street, which is their road. Their property is one of the largest rest areas in the region for wildlife and migratory waterfowl, and much of their land is registered in a Conservation Reserve Program. The Katzenmeyers urged strong consideration to crossing the river at Belle Plaine, rather than the Modified Preferred Route through Le Sueur and County Road 28, which is a migratory flyway.

Mr. Wayne Bohlke, a retired executive of a Fortune 500 company, who lives in the Le Sueur area, is concerned about line loss. He noted that his repeated request for specific data regarding how much energy is lost along the length of the CapX 2020 proposed Brookings to Hampton line has elicited no response, as of the time of the hearings in Henderson. Mr. Bohlke was perplexed he had received no response because the Applicants, when they do respond, would then have to disclose data that "would not be conducive to this line going through at all".⁷⁴⁴

Kelly Baggenstoss and Vera Hahn, who also appeared earlier at Winthrop, expressed their concerns at the evening hearing in Henderson regarding the dangers of proximity to power lines being connected to cancer.

Darick Schultz expressed concern about the crossing by the alternate and Crossover Routes coming south into Scott County from Belle Plaine and their possible proximity to a crude oil pipeline (MinnCan). At the point of possible junction, the

⁷⁴² Henderson Evening Transcript at 119.

⁷⁴³ Henderson Evening Transcript at 122.

⁷⁴⁴ Henderson Evening Transcript at 144.

pipeline is buried approximately six to eight feet underground. Mr. Pooker indicated that the Applicants would make efforts to drain current away from any pipelines that the 345 kV transmission line crosses or parallels.⁷⁴⁵

Mr. Schultz favors following the Alternate Route all the way from the Minnesota River crossing to the Hampton Substation. It was noted also that the MinnCan pipeline, at the point it crosses the Minnesota River near Belle Plaine, is buried underground.

Roger Juse expressed concern about stray voltage, which was responded to by Pam Rasmussen of Xcel Energy and Davang Joshi of Great River, as well as Applicants' expert Dr. Peter Valverg. In that connection, Mr. Pooker noted that the maximum sag expected in any of the 345 kV wires extending between the Project's poles would be to an above-ground altitude of 37 feet. Mr. Pooker acknowledged that anyone working with a large crane in the vicinity of such sagging wires would be exposed to electrocution hazards.⁷⁴⁶

James Sameulson, a Belle Plaine resident who is employed as a construction union official, believes that powerlines will not destroy eagles, or transmit cancer. He also does not believe that there is any danger of putting electric powerlines in the vicinity of gas or oil pipelines, because such pipelines get ground resistance that takes away any problem that may be caused by EMF or stray voltage.⁷⁴⁷

Duane Kamrath expressed concern with the proposal by the City of Le Sueur, as stated in the letter from Mayor Oberle, because the proposal would allow the placement of power lines along and parallel to Highway 169. To alleviate that issue, Mr. Kamrath suggests using the south side of Mayo Park, closer to Route 28, to minimize encroachment of power poles in the more scenic areas along Highway 169.

The City of Le Sueur's offer to have the Modified Preferred Route run along the same corridor as the 69 kV line that serves the Le Sueur Municipal Electric Utility was placed on the record for the first time at the Henderson Public Hearing.⁷⁴⁸

Lonsdale

The Administrative Law Judge conducted afternoon and evening hearings at the American Legion Hall in Lonsdale on December 8, 2009.

Delores Salaba, and her husband Clarence Salaba, appeared at Lonsdale and presented written remarks filed on behalf of Margaret and Elmer Vikla.⁷⁴⁹ The Salabas

⁷⁴⁵ Henderson Evening Transcript at 164.

⁷⁴⁶ Henderson Evening Transcript at 178.

⁷⁴⁷ Henderson Evening Transcript at 184.

⁷⁴⁸ Testimony of Scott Ek, Henderson Evening Transcript at 199.

⁷⁴⁹ Public Ex. 340.

offered testimony regarding several variations of the Applicants' Alternate Route in Le Sueur and Rice Counties. The Salabas live in Wheatland Township, Rice County.

The Salaba's home, along 60th Street in Wheatland Township, was on the Applicants' originally-designated Alternate Route, and also is near Alternative 5A-03, which also runs through Wheatland Township and continues farther to the east. The Applicants do not favor acceptance of any of the three alternatives near the Salaba home, 5A-01, 5A-02, or 5A-03.

The testimony of Delores Salaba went into great detail regarding a number of the effects that siting a 345 kV power line along the Alternate Route or any of the "5A" alternative alignments would affect, including one individual who has colonies of honey bees on their land. Many of the houses along the "5A" alternatives are extremely close to the center line of any right-of-way the Applicants may acquire if any of those alternatives are selected. Snowmobiling along trails in the area near Independence Avenue may also be impacted. Ms. Salaba also pointed out the possible impacting of a herd of bison that are kept in the vicinity and also an area where natural gas is vented from a pipeline in the vicinity.

Clarence Salaba was a member of an Advisory Task Force, and he is concerned about the extra expense if the Alternate Route is chosen, and that there would be much more damage done to humans, wildlife and nature if the Alternate Route is chosen in their portion of Rice County.

Paul Entinger lives in Section 13 of Lanesburg Township, Le Sueur County, which is the section of land just across Independence Avenue from the Salabas. He shares with the Salabas similar concerns about the quality of human life, and effects on the environment and nature if either the Alternate Route, or Alternates 5A-01, 5A-02, or 5A-03 are selected. Similar concerns are shared by Edwin and Marian Topic and Jerry Minar, who also farm in that general vicinity near the Le Sueur-Rice County line.

Mr. Paul Entinger is a member of the Lanesburg Township Board of Supervisors. Clarence Salaba is clerk of the Wheatland Township Board.

As a member of the Task Force studying route alternatives in the Le Sueur-Rice County area, Mr. Salaba was frustrated by the experience because, even though the majority of the Task Force did not favor Alternative 5A-03, he recalls the Task Force was not allowed to vote on the various alternatives by the facilitator appointed by the Office of Energy Security.

Marian and Edwin Topic were not informed of the existence of Alternates 5A-01 or 5A-03 until approximately two weeks before the Lonsdale proceeding. However, they were notified in September 2009 of the possibility that their land could be affected.⁷⁵⁰

⁷⁵⁰ OES Ex. 21.

Delores Salaba is concerned about the “numerous” people who have said they did not get the mailings the OES alleges were sent to them. She notes that if a person receives a letter telling them a power line is coming on their farm, or right past the front door, they would remember having received it because it makes the kind of impact over which people lose sleep.⁷⁵¹

Edwin Topic noted that, if Alternative 5A-03 is selected, the line would go straight across his fields and also cut through a portion of the original “Big Woods” remnant in that Section of Lanesburg Township.

Duane Boyle, who lives in Webster Township of Rice County, is opposed to Route Alternative 5A-04, which runs along 50th Street in Webster Township. Alternative 5A-04 runs approximately 4.5 miles from west to east (to Interstate Highway 35) across the north sides of Sections 13, 14, 15, 16, and 17 in Webster Township. It is parallel to a portion of the Applicants’ Alternate Route, which runs parallel to 5A-04 along 57th Street west approximately 3/4 of a mile to the south.

Mr. Boyle also is against either the Alternate Route or Alternative 5P-04. He favors selection of the Modified Preferred Route as it runs through the eastern portion of Scott County, south of Cedar Lake and through Cedar Lake and New Market Townships. Mr. Boyle disputes the allegation that there are fewer houses along Alternate 5A-04 (50th Street) for the 4.5 mile length in question, than there are along the parallel portion of 57th Street.

Mr. Boyle and his neighbors have planted over 4,000 trees and shrubs along the 50th Street corridor, which would be disrupted if Alternate 5A-04 is selected. The wildlife area about which he is concerned is habitat for numerous creatures (raptors, ducks and geese, herons, egrets, pheasants, and turkeys).

Mr. Boyle is also concerned because selection of Alternative 5A-04 would bring a 345 kV transmission line that much closer to a private airfield in the Webster vicinity, known as Sky Harbor Airpark. Sky Harbor is home to approximately 70 aircraft that are used frequently for training private pilots, helicopters, low-flying balloons, medical evacuation helicopters and aircraft that is chartered for use by law enforcement agencies in the vicinity. The Airpark is located near the middle of Section 10, Webster Township, Rice County.

In response to Mr. Boyle’s concerns about Sky Harbor Airpark, Craig Poorker of Great River Energy responded that the proximity to Sky Harbor is a major reason why the Applicants do not like Alternative 5A-04.⁷⁵²

Roger Tupy owns and operates a certified organic farm northeast of New Prague in Cedar Lake Township, Scott County. Mr. Tupy already has the MinnCan crude oil

⁷⁵¹ Lonsdale Afternoon Transcript at 100.

⁷⁵² Lonsdale Afternoon Transcript at 134.

pipeline buried underneath his property, which lies along the Applicants' Preferred Route. Mr. Tupy has difficulty with the fact that the selection of a Preferred and Alternate Route by the Applicants has created a north (Scott County) versus south (Le Sueur and Rice Counties) division among residents in the general area between New Prague and Interstate Highway 35.

Hilary Scheffler lives and farms along County Road 2 in Wheatland Township, Rice County. Mr. Scheffler pointed out that he and a number of other people live along the Applicants' designated Alternate Route, a number of them very close to the potential right-of-way for the 345 kV transmission line.⁷⁵³

Nancy Johnson owns farmland in Sections 13 and 14 of Wheatland Township, Rice County, north and east of the community of Lonsdale. The Applicants' Alternate Route runs along the southern edges of those two Sections. The Johnsons raise buffalo, and little is known about the effect of a high voltage transmission line being constructed and operated in the midst of the bison species. If the Alternate Route is constructed where proposed, the 345 kV transmission line would cut through open fields where Ms. Johnson's buffalo are raised.

Linnea Hautman lives along one of the "5A" Alternatives near the Le Sueur-Rice County line. The center line proposed along Alternate 5A-03, would pass 89 feet from Ms. Hautman's house and garage in Section 18 of Wheatland Township. Ms. Hautman is especially concerned about the effect that a high voltage transmission line might have on her husband's insulin pump. The Hautmans built their house in the middle of a stand of the Big Woods in order to assure themselves of quiet and privacy, but now are concerned about possible electric shocks and buzzing noises from the operation of high voltage power lines.

Applicants' witness Craig Poorker responded to Ms. Hautman that the Applicants would work closely with the manufacturer of her husband's insulin pump, as they do with manufacturers of implants on other people impacted by the proximity of a high voltage transmission line, so that all are informed of the possibilities of the situation. However, Mr. Poorker emphasizes that the Applicants do not favor Alternative 5A-03. One reason the Applicants are against 5A-03 is because it would sever the pristine woodland lying along that Alternate Route.

Delores Salaba noted that the individuals who suggested Alternative 5A-03 did so with a view to avoiding the vicinity of the City of Lonsdale, which lies two to three miles east of the Big Woods area of concern. While it is true that Alternative 5A-03 would move the 345 kV transmission line one mile farther away from the built-up portion of Lonsdale, it is noted also that the Alternate Route (Rice County Highway 2) is separated from the housing in Lonsdale by a high ridge.

⁷⁵³ Lonsdale Afternoon Transcript at 152.

Howard Braith lives in Section 24 of Lanesburg Township, Le Sueur County, and he is concerned about adverse conditions such as cancer for people living in the proximity of high voltage power lines. Mr. Braith will be extremely close to the Applicants' 345 kV line if Alternative 5A-01 is adopted.

In partial response to Mr. Braith, Dr. Peter Valberg noted that the electric lines will be configured in such a way that both the electric fields and magnetic fields cancel each other to some degree, and will not be doubled in size with a double-circuit design.⁷⁵⁴

Mr. Braith is concerned that any power line constructed by the applicants would interfere with the business of his auto repair shop, which he fears may be directly underneath the line.

Gary Morrison made his own (late) Alternate Route proposal at the Lonsdale Evening hearing, which is to proceed along Independence Avenue approximately three miles farther north than the point where the Alternative Route turns to the east, northward to County Road 3, and then turn east to Interstate Highway 35. Mr. Morrison believes that his suggestion would alleviate concerns about being too close to the Sky Harbor Airpark, which is a primary concern for him. He also advocates burial of the 345 kV transmission line proposed by the Applicants.

Applicants' witness Craig Poorker agrees that the Applicants are opposed to approval of Alternate 5A-04 because of its proximity to Sky Harbor. Mr. Poorker is unaware of a 345 kV transmission line being buried anywhere in the State of Minnesota. A line of that capacity is difficult to bury, and is extremely expensive to maintain.

David Vikla lives along the proposed 5A-03 Alternative Route. Mr. Vikla is opposed to adoption of that route because it would cut through his "Big Woods" property, where his family has not allowed any logging, so as not to disturb the plants and animals found living in his area of Rice County. Mr. Vikla entered into the record a series of greeting cards, on which he drew delicately detailed images of various birds found in his woods.

Roy Fuhrmann and Michael Balfany (along with his wife, Anastasia Balfany, and his children, Anna and Connor Balfany) all live in the vicinity of the Sky Harbor Airpark, and do not want the flight patterns in the area to be disrupted by a power line, as would happen if Alternative 5A-04 is accepted as an alternate route through Webster Township, Rice County. Mr. Fuhrmann believes that the Applicants' Alternate Route may also be out of compliance with Federal Aviation Administration (FAA) Regulations because of its relative proximity to Sky Harbor Airpark.

Michael Balfany, a retired United State Air Force Lieutenant Colonel, is against the placement of any CapX 2020 Segment 5 alternate routes through northern Rice

⁷⁵⁴ Lonsdale Evening Transcript at 33.

County.⁷⁵⁵ He believes that the Draft Environmental Impact Statement indicates very clearly that the alternate routes in northern Rice County disturb vastly more wetland and wildlife habitat, as well as critical archeological and historically relevant architectural sites, as opposed to the Modified Preferred and Alternate Routes. He notes that in addition to the 70 aircraft at Webster's Sky Harbor Airpark, there is a cluster of 52 houses. Mr. Balfany, who flew fighter jets for sixteen years, pointed out that if airplanes landing at Sky Harbor follow FAA protocol and rules, they will be dangerously close to the power lines if they are routed on Alternative 5A-04 as they drop in altitude to approach the runway. Mr. Balfany also believes that the Applicants' alternate route is also dangerous for the same reason, but that "5A-04 is probably slightly more dangerous."⁷⁵⁶

Applicants' witness Craig Poorker responded that the Applicants would work with the FAA to lower the height of any power poles in the vicinity of Sky Harbor Airpark, if that route is chosen by the Public Utilities Commission.

Anna Balfany related her experience of being in a rural area that is also in the vicinity of a small private airport (Sky Harbor) she recalls a hot air balloon landing in one of the Balfany's fields, which would have created a possibly-deadly incident if a power line had been in the way. She noted that she and her brother, Connor, would have to wait right underneath the power lines for their school bus if Alternative 5P-04 is chosen.

Anastasia Balfany spoke of how the Balfanys and their neighbors take pride that they live in an area that is rich in natural beauty and a haven for wildlife and outdoor enthusiasts. This lifestyle would be disrupted greatly by the introduction of a 345 kV transmission line in the area, in the opinion of Mrs. Balfany.

Connor Balfany addressed his concerns about damage to the environment and adverse aesthetic effects, if a power line is constructed in the vicinity of Sky Harbor Airpark. He urged locating the 345 kV line along a highway right-of-way.

James and Roberta Meehan have a 185 acre farm in Henderson Township of Sibley County. The Modified Preferred Route would traverse their land.⁷⁵⁷ Mr. Meehan offered the Applicants specific routing advice as (if) the Modified Preferred Route in their vicinity is selected.⁷⁵⁸

On behalf of the Applicants, Mr. Poorker responded that the area about which the Meehans are concerned is one in which the Applicants understand there are a variety of center line options, so they have asked for a wider route corridor through that territory, of 1 mile to 1.25 miles in width.

⁷⁵⁵ Lonsdale Evening Transcript at 78.

⁷⁵⁶ Lonsdale Evening Transcript at 98.

⁷⁵⁷ Lonsdale Evening Transcript at 124.

⁷⁵⁸ Lonsdale Evening Transcript at 130.

Ms. Roberta Meehan added to the detailed testimony offered by her husband, with further details about where power poles could be placed in the vicinity, where the topography is complicated by Minnesota River bluffs and ravines.

Cindy Helmberger of Lakeville offered her opinion that high voltage transmission lines should follow existing rights-of-way, particularly and specifically along State Highway 19. She also stated it was extremely unfair if people live near power lines but do not have land specifically that would be crossed, yet they "lose out on the value of their property" because of the aesthetic effects but "don't get any kind of compensation."⁷⁵⁹

Cal Schumacher is concerned because of the proximity of his wife's daycare operation to one of the proposed routes. The concern is that families might not want to send their children for daycare to a house that is next to a power line, so the business operated by his wife may suffer. The Schumachers live in Section 23 of Cedar Lake Township, which is along the Modified Preferred Route (a part of Scott County Highway 2).

Tim Kretchmer lives in Derrynane Township in Le Sueur County, at the point where the Alternate and Crossover Route turn east from the Helena Substation South area. Mr. Kretchmer does not favor that routing of the Alternate Route, but he is even more opposed to Alternative 5A-02, running north of the Alternate Route, which at that point is known also as 300th Street. Alternative 5A-02, which is not favored by the Applicants because it would impact more homes than the parallel stretch of the alternate route, and runs closer to the town of Heidelberg, was proposed by a person along the Modified Preferred Route who operates a daycare business. Alternative 5A-02 also adds length to the route and significant cost because of corner structures that would have to be erected.

Larry Coffing operates an organic dairy farm that lies along proposed Alternate Route 5A-04 in Webster Township. Mr. Coffing is concerned about being compensated for any damage to dairy cattle exposed to magnetic fields. Pam Rasmussen of Xcel Energy explained that stray voltage is caused by either improper wiring on the farm or by issues with how the distribution system is constructed, and the transmission lines do not directly cause stray voltage because they are not grounded at each pole (they are grounded at the substations along the route).⁷⁶⁰ Ms. Rasmussen noted that electric milking machines, such as those used by Mr. Coffing, create their own magnetic fields. Mr. Coffing related an anecdote about a personal friend in the Jordan, Minnesota, area who has a "high power line" running a quarter mile from his farm, to the effect that when the power lines operate during certain peak times of the day "his cows are starting dancing in the barn. He'd be milking them, they would be fine. Then all of a sudden,

⁷⁵⁹ Lonsdale Evening Transcript at 146.

⁷⁶⁰ Lonsdale Evening Transcript at 187.

they start dancing around.”⁷⁶¹ Ms. Rasmussen urged Mr. Coffing to work with his local utility to help solve the problem, and stated that Xcel will do the same.

Lakeville

The Administrative Law Judge conducted afternoon and evening hearings at the Holiday Inn-Lakeville South on December 10, 2009, and a morning proceeding (that lasted until mid-afternoon) at the same location on December 11, 2009.

The City of Elko New Market was represented at the afternoon hearing in Lakeville by Richard Revering and Mark Nagel, and is opposed to Route Alternative 5P-03, which would proceed (east to west) along County Road 2 through Elko New Market from Interstate Highway 35, approximately four miles, and another mile (across the bottom of Section 19 in New Market Township) and then uniting with the Preferred Route (which runs 1.5 miles north of 5P-03 before dropping south on the west sides of Sections 19 and 18) to proceed farther west through Cedar Lake Township and the rest of Scott County.⁷⁶² The city of Elko New Market is also concerned about the Applicants’ alternate route, which it believes would affect adversely any development along I-35, particularly in the area of future interchange improvements that will be necessary to accommodate the growth they foresee.

Route Alternative 5A-03 would proceed directly through downtown Elko New Market, where there are many businesses and many more residences in the immediate vicinity than would be affected by the comparable east-west routing of the Applicant’s Modified Preferred Route through Sections 14, 15, 16, 17, and 18 of New Market Township.

Mr. Revering noted that the Comprehensive Plan for Scott County and the Metropolitan Council contemplates that the City of Elko New Market will grow to a population of 20,000 in the year 2030 and ultimately to a population of 80,000.⁷⁶³

Applicants’ witness Craig Poorker stated that the Applicants are against routing along Route Alternative 5P-03 because of all the complications around the situation of routing directly through the downtown of Elko New Market.

Cindy Helmberger suggested the Applicants consider the possibility of building along Alternative 5P-03, but placing the route underground in the actual downtown portion of the Elko New Market community. Mr. Revering and the City are opposed to such a plan because, wherever the line was not placed underground, the power poles would disrupt future growth along the same right-of-way (County Highway 2).

⁷⁶¹ Lonsdale Evening Transcript at 189.

⁷⁶² Lakeville Afternoon Transcript at 35 (12/10/09).

⁷⁶³ The present population of Elko New Market is around 3,800. Lakeville Afternoon Transcript at 53 (12/10/09).

Reid Johnson from Elko New Market believes that the situation could be resolved simply, by accepting the Alternate Route through Rice County.

Marlin Reinardy is the director of Public Works for the City of Hampton. On behalf of the City of Hampton, Mr. Reinardy urges construction of any power line to stay away from the west side of Highway 52 as it crosses through the City. Most of the homes in Hampton, as well as recreational facilities such as the town ballpark, are west of Highway 52, and would be less disturbed if the 345kV line was constructed east of Highway 52.

Mr. Reinardy's remarks are operative only if the Alternate Route is chosen by the Public Utilities Commission. The present population of Hampton is approximately 750 people.

Applicants' witness Craig Poorker pointed out that acceptance of Alternative 6P-08 would add approximately 20 miles to the Alternate Route which is already 25 miles longer than the Modified Preferred Route. He also pointed out that Alternative 6P-08 provides no connection to the Lake Marion Substation, in contravention of the terms of the Certificate of Need issued by the Public Utilities Commission.⁷⁶⁴

Cindy Helmberger pointed out that Scott County has zoning provisions that allows for more density of population in rural areas than does Rice County. She notes that the estimated market value of Cedar Lake and New Market Townships in Scott County is 1.25 billion dollars, whereas the estimated market value in the Rice County Townships of Webster and Wheatland total 583 million dollars.⁷⁶⁵ Ms. Helmberger believes it is appropriate to route the new transmission line along Interstate Highway 35.

Roger Tupy noted that the farm three miles to the west of him along Scott County Road 2, owned by David and Florence Minar, is a certified organic dairy operation. The Minar property also, like Mr. Tupy's, lies along the modified preferred route in southern Scott County. The Minar property is in Helena Township.

Kristen Johnson (not related to parties Robert and Patricia Johnson) lives on Darsow Avenue, which is on the Applicants' Preferred Route for the 345kV transmission line. Ms. Johnson is in a house located 75 feet from the center line of the preferred route. She notes that the preferred route along Highway 50 – Darsow Avenue in the Hampton vicinity has 28 homes that will be impacted negatively from the Applicants' project, if the Modified Preferred Route is accepted in that vicinity. Ms. Johnson fears that her property value would tumble, and that there would be much additional noise from the power lines if the Modified Preferred Route is accepted through Hampton along Highway 50. Ms. Johnson advocates acceptance of Alternative Route 6P-06, which would run north of and roughly parallel to the Modified Preferred Route along Highway 50 in the Hampton area.

⁷⁶⁴ Lakeville Afternoon Transcript at 97 (12/10/09).

⁷⁶⁵ Lakeville Afternoon Transcript at 107 (12-10-09).

Greg Entinger of rural New Prague lives approximately 50 feet away from the center line of the Applicants' Alternate Route in Le Sueur County. He asked questions of the Applicants about house displacement, if necessary, and the cost of power poles intended to be used for the Project. He noted also that farms are getting larger, so that the section lines within townships do not necessarily constitute property lines, as was more common in the past. Greg Entinger also asked for an estimate of comparable costs of burying power lines as compared to erecting power poles.

In partial response to Mr. Entinger, Mr. Poorker noted that "if we were to bury a 345kV transmission line, we would have to build a pretty significant structure where we go underground and again where we come back up."⁷⁶⁶ He notes that the testimony of Applicants' witness Kevin Lennon addresses the point specifically, and the area involved for construction of a structure to service underground lines is approximately one acre, around 200 feet by 200 feet (40,000 square feet).

Mr. Entinger lives in Section 13 of Lanesburg Township, Le Sueur County. He is familiar with the area around the community of Lonsdale, specifically where the Modified Preferred Route comes to the corner of Rice County Road 2 and Independence Avenue, before turning north. Mr. Entinger lives along Alternate Route 5A-03, and he maintains that route, which runs one mile north of County Road 2, thus avoiding Lonsdale, in fact does no better job to avoid that community than the Alternate Route along Highway 2. This is so because the intersection of County Road 2 and Independence Avenue, where the Alternate Route would turn from east-west to north-south, is actually screened from all but approximately two residences in the community of Lonsdale because of a high ridge between the community and the County Road 2-Independence Avenue intersection.

Mr. Entinger raised questions on a variety of power line construction issues, such as earthen spoils in the areas that are excavated for placement of the poles, effects on GPS systems, damage to drainage tiles, and compaction of soil.

Theresa Ruhland lives on a farm that has been in her husband's family since 1892, and in a house that began construction in 1904. Ms. Ruhland owns property on both sides of State Highway 19, which is the border between Scott and Le Sueur Counties. In Le Sueur County, to the south, the Ruhland property is in Section 3 of Derrynane Township. In Scott County, their property is in Section 34 of Belle Plaine Township.

The north-south road that cuts through the Ruhland property, and through the centers of Section 34 in Belle Plaine Township and Section 3 in Derrynane Township, is known Fabor Avenue. As was pointed out by Mrs. Ruhland, Fabor Avenue has not been constructed in Le Sueur County, such that the route proposal would go through her fields at any place south of Highway 19. It is noted that the 345kV transmission line corridor from the middle of Section 10 in Derrynane Township, proceeding north through

⁷⁶⁶ Lakeville Afternoon Hearing at 141 (12/10/09).

Section 34 of Belle Plaine Township, a distance of approximately 2.5 miles, is on all the Applicants' Modified, Preferred, and Crossover Routes (which proceed up from the south after coming across Le Sueur County from Le Sueur) and the Alternate Route, which has proceeded south from Belle Plaine. This common corridor, at its southern end, is the start of the Alternate/Crossover Routes which then proceed east to Hampton. The Preferred Route runs from south to north through the 2.5 mile corridor, and then proceeds east to Hampton by way of a Scott County route to Interstate Highway 35 and the Lake Marion Substation.

The Ruhland farm does have a very narrow unimproved field road that runs into the center of Section 3 of Derrynane Township south of Highway 19. However, the Modified Preferred, Crossover Route and Alternate Route along that half mile from Highway 19 south to the center of Section 3, do not use the field road. Instead they cross the Ruhlands' open fields. Also in Section 3, at the point where the Applicants plan to divert 1,000 feet to the east of RES Pyrotechnics, the Proposed Routes would run approximately 3,800 feet through the middle of the Ruhlands' fields before crossing into Scott County. Mrs. Ruhland wonders aloud "How can carving up our farm in such a fashion be the only route alternative?"⁷⁶⁷

Mrs. Ruhland pointed out also that another power line runs to the west of her property, so the CapX2020 Project would completely surround her farm by power lines.

Mrs. Ruhland suggests that the Applicants share the corridor already occupied 1,500 feet to the east of Fabor Avenue by another Xcel Energy transmission line. Mrs. Ruhland's suggested route, noted on the record as segment Alternative 4B-04, was determined by the Applicants to be inferior because it does not support the reliable operation of the transmission system due to the fact that it parallels an existing 345 kV line, impacts more agricultural lands, increases small forest impacts, and increases impacts to wetlands.

Parnell Mahowald is in Section 17 of New Market Township, along the Applicants' Modified Preferred Route in eastern Scott County. The Modified Preferred Route would go near Mr. Mahowald's house, and he is concerned about the health of his 80-year-old father, who needs a pacemaker for his heart. He notes also that there is a camp in the near vicinity for handicapped children, many of whom have heart pacemakers. Mr. Mahowald uttered the classic phrase "I don't want it in my backyard", in the context of stating that power line construction should stay on public rights-of-way such as county and state roads.⁷⁶⁸

Donald Pflaum lives in Section 1 of Eureka Township, near Alternate Route 6P-04. He is approximately 2.5 miles from the Airlake Airport at Lakeville. Mr. Pflaum noted that there is a large air traffic control center at the corner of 220th Street and

⁷⁶⁷ Lakeville Afternoon Transcript at 182 (12/10/09).

⁷⁶⁸ Lakeville Evening Transcript at 58 (12/10/09).

Essex in Farmington, and that it may be hazardous to construct power lines near that point. Mr. Pflaum also has bees on his land, and is concerned about the effect that routing of a power line would have on his center pivot irrigation system. He expressed concern also about the danger power line structures present to birds in flight.

In response to Mr. Pflaum, Mr. Poorker noted that alternate 6P-04 is one not favored by the Applicants because of the impact it would make on the Airlake Airport.

Nancy Sackett expressed concern about possible deleterious health effects on humans who are in the proximity of high voltage transmission lines, including possible effects of possible effects on people with autism and Asperger's disease.

Robert Johnson, and his wife, Patricia Johnson, live two miles west of Hampton on 220th Street East (Highway 50). Their residential property runs along the south side of 220th Street. Mr. Johnson believes the presence of power lines can have a large and negative impact on property values. He also is concerned about various possible negative health consequences, and noted that magnetic fields may harm people in different ways, such as increasing leukemia in children, Alzheimer's in adults, and possibly certain forms of breast cancer in women.⁷⁶⁹

Mr. Johnson estimated that any habitable property where transmission lines are closer than 200 feet can expect a market value discount of fifty percent or more.

It has been Mr. Johnson's observation that pivot irrigation systems indeed are able to operate underneath or in the immediate vicinity of 345 kV lines, this knowledge gained from his observation of a 345 kV line near Hampton that connects to Xcel's Prairie Island plant.⁷⁷⁰ The Johnsons, who are parties to the evidentiary hearing in this matter, recommend and support Alternative Route 6P-06, which they believe is a practical route that would avoid many of the negative impacts on property values and significantly reduce the numbers of homes and special land uses affected adversely if the 345 kV transmission line is routed on 220th Street.⁷⁷¹

Frank Carlson, who lives in Section 15 of New Market Township, suggests that the preferred route continue straight along the half section line of Sections 15 and 14 in New Market Township, into the Lake Marion substation area, rather than turn north one-quarter mile along County Road 91 before turning east to go through the two sections in question. The area suggested for adjustment through Sections 15 and 14 by Mr. Carlson is already occupied by a 69 kV transmission line.

Lynn Koch lives in Section 1 of Eureka Township, and advocates adoption of Alternatives 6P-05 and 6P-01, which would run north from the Lake Marion Substation

⁷⁶⁹ Lakeville Evening Transcript at 102 (12/10/09).

⁷⁷⁰ Lakeville Evening Transcript at 108 (12/10/09).

⁷⁷¹ Lakeville Evening Transcript at 109 (12/10/09).

to Highway 70, and proceed east from there several miles through the southern portion of the City of Lakeville. After traversing east for approximately five miles, the Route Alternatives split, with 6P-01 traveling along Highway 50 for the next four miles and 6P-05 traveling cross country to Dakota County Highway 74 (Denmark Avenue) just west of Farmington. At that point, 6P-05 drops south one mile to join the Applicants' Modified Preferred Route.

Ms. Koch notes that much of the right-of-way along Highway 70 is industrial, rather than residential, so that there is less disturbance with human settlement if 6P-01/6P-05 are accepted. In the vicinity of the Airlake Airport near Lakeville, Ms. Koch recommends burial of the line. Ms. Koch notes also that the Preferred Route, as it runs through Eureka Township, goes along a gravel road that traverses the property of people who chose to live a rural lifestyle. In summary, Ms. Koch emphasizes that she is "for 86th (Highway 70) and against 240th Street (the Applicants' Modified Preferred Route)."⁷⁷²

In response to Ms. Koch, Craig Poorker noted that County Road 70 was not investigated by the Applicants because there is an existing transmission line already along its route. He reiterated his earlier remarks regarding staying away from Airlake Airport. Ms. Koch pointed out that most of the homes along Highway 70 were built after the industrial area was developed, so she believes those homeowners were aware of the situation.

Devang Joshi of Great River Energy responded to the effect that there already exists a 115 kV double-circuit transmission line along County Road 70. Mr. Joshi referred anyone concerned to the testimony of Kevin Lennon, where it is noted that the transmission corridor that would allow the build of a 345 kV transmission line would cause the line to be placed over the top of some of the buildings along Highway 70.

Daniel Wambeke appeared at Lakeville and entered documents designed to establish that the Townships of Westerheim and Grandview in Lyon County submitted all that was necessary for the establishment of an Advisory Task Force in their territory, including completed request forms from officials of each Township and an application from John Biren from the Lyon County Office of Zoning and Planning. Mr. Wambeke introduced also an application from Fairview Township in Lyon County.⁷⁷³

Testimony was heard from Jeff Otto, Chair of Dakota County's Eureka Township Board of Supervisors. Mr. Otto, and the Township Board, are most opposed to the 240th Street routing of the Applicants' Modified Preferred Route, which cuts through the center of Eureka Township. Mr. Otto and Eureka Township favor adoption of Alternative 6P-08, which goes east-west through Greenvale Township in Rice County. As it passes through Greenvale Township, alternative 6P-08 runs along 307th Street

⁷⁷² Lakeville Evening Transcript at 141 (12/10/09).

⁷⁷³ See Exhibit 43.

West for six miles, crosses east into Waterford Township (Rice County) for a short distance, and then turns north and east for 2.5 miles to the Alternate Route, which runs parallel to and one-half mile south of County Road 86. County Road 86 is Alternative 6A-04 at that point.

Mr. Otto and the Eureka Township Board fear that development of a power line moving across Eureka Township from east to west two miles south of the Township's northern border, that is along the Modified Preferred Route or 340th Street, would lead to further development and possible annexation of portions of the Township by communities such as Lakeville.⁷⁷⁴

In response to Mr. Otto, counsel for the Applicants, Lisa Agrimonti, noted that the Certificate of Need granted for the CapX 2020 Project requires a connection at the existing Lake Marion Substation but the 6P-08 alternative does not include such a connection, so the Applicants believe that alternative 6P-08 is not viable.

Wayne Tonsager lives in Section 15 of New Market Township, Scott County. At the point where the Modified Preferred Route turns north along the western edge of Section 15, it also would cross a northern natural gas pipeline, and this confluence is on Mr. Tonsager's property and the property of his neighbor. Mr. Tonsager maintains that the buildings owned by himself and his neighbor, and a small wetland in the vicinity, will block development of a 345 kV transmission line along the ¼ - mile path that the Applicants intend to travel to move away from an existing 69 kV transmission line. In order to accomplish moving the 345 kV transmission line ¼ - mile north and ½ - mile east through Section 15, the Applicants will have to construct several corner poles, which are extremely expensive, and would disrupt Mr. Tonsager's view and property.

Mr. Tonsager already has a 70-foot-high Xcel power line crossing his property, and the noise from the current flowing through those wires is disturbing, so he cannot imagine how much noise would be generated by a 345 kV line.

Mr. Tonsager notes that County Road 91, which runs north and south past Section 15 of New Market Township, is a zoning boundary within Scott County. Property to the west of County Road 91 requires one house every eight acres if a large piece of property is developed, whereas property on the east side of the road is zoned for one house every 2.5 acres.

Mr. Poorker, in response to Mr. Tonsager, pointed out that the route width requested by the Applicant in that particular area through Sections 15 and 14 in New Market Township is 3,000 feet wide, in order to allow the Applicants to pursue the routing challenges in the area, including the challenges posed by Mr. Tonsager in his testimony. In some cases, the Applicants recognize that they may have to acquire certain buildings if the center line of their ultimate right-of-way comes within 75 feet of such buildings.

⁷⁷⁴ Lakeville Evening Transcript at 166 (12/10/09).

Patricia Johnson, one of the parties to the evidentiary hearing in this proceeding, noted that 64 adults and 14 children lived along the Modified Preferred Route on 220th Street or Highway 50 in Hampton. Six of the adults have, or are in remission from, cancer, another four adults and one child have chronic illnesses that have compromised their immune systems, and two adults have pacemakers and defibrillators. At three of the residences, grandparents provide daycare to their grandchildren, and one of the houses is a home daycare that usually has six to eight children under the age of six every working day.⁷⁷⁵

Ed O'Brien lives in Section 18 of Eureka Township, which is traversed on its south and center portions by the Applicants' Modified Preferred Route, as that Route proceeds east from the Lake Marion Substation. The Modified Preferred Route will run across the south and eastern ends of Mr. O'Brien's property, coming within 200 feet of his house.⁷⁷⁶ Mr. O'Brien prefers that the power line be constructed off his land.

Karen Priebe, a past mayor of Hampton, appeared at the Lakeville hearing on December 11, 2009. Ms. Priebe's property is along the Alternate Route, and she urges CapX2020 to proceed along either Option 6P-04 or 6P-05 as they construct the transmission line through the city limits of Hampton.

Kim Purdon lives in Section 24 of New Market Township, Scott County, south of the Lake Marion Substation. She lives near the Alternate Route as it travels south from the Lake Marion Substation. Ms. Purdon cautions the Applicants to be aware that the Master Plan of Scott County for the year 2030 includes the widening of several roads in the Elko New Market vicinity, including County Road 2. Ms. Purdon introduced to the record a Resolution from the Board of County Commissioners for Scott County, which Resolution (2009-059, Adopted April 7, 2009) opposes the proposed routes for the CapX2020 transmission line project, and recommends a new Alternate Route running from the Minnesota River crossing at Le Sueur, along the Modified Preferred Route to Derrynane Township, Le Sueur County, and then along the Alternate Route from Derrynane Township, Le Sueur County to the Hampton Substation.⁷⁷⁷

Dan Callahan owns land in Section 22 of Derrynane Township, Le Sueur County. Mr. Callahan's farm is about a mile north of County Road 28, on County Road 32 near where the Helena Substation South, if that substation location is chosen, will be constructed. Mr. Callahan hopes that the northern routes, through Scott County, will be chosen for the construction of the CapX2020 line, which would include crossing the Minnesota River at Belle Plaine and following the Alternate Route from that point.

Joel Helmberger, a New Market Township Supervisor, appeared at the December 11 hearing in Lakeville. He described his experience as a member of the

⁷⁷⁵ Lakeville Transcript (12/11/09) at 34.

⁷⁷⁶ Lakeville Transcript (12/11/09) at 53.

⁷⁷⁷ Public Exhibit 367.

Lake Marion-Hampton Advisory Task Force. At the beginning of the third meeting of the ATF, Mr. Helmberger had polled members and believed he had at least 12 of the 17 present willing to recommend following the Applicants' Alternate Route from Helena Substation South, across Rice County, through Dakota County to the Hampton Substation. He is extremely frustrated with the way the third meeting was "altered" by the facilitator, in a manner designed, he believes, to foil the efforts of the majority of the Task Force members behind the Alternate Route.⁷⁷⁸

The route for which Mr. Helmberger testified he had assembled approval of 12 members of the ATF includes following Alternative 5A-03 in order to avoid Lonsdale, but basically followed the Applicants' Alternate Route except for that.

Mr. Helmberger also raised the possibility of developing a substation where the Alternate Route reached the vicinity of Interstate Highway 35 in Section 23 of Webster Township in the ATF proceedings, which would have made more feasible the possibility of running a line along what became Alternative 6P-08, but that plan was also foiled.⁷⁷⁹ Mr. Helmberger favors adoption of the Applicants' Alternate Route, among the options still available for choice. He points out that the Applicants' Preferred Route, as it runs through New Market Township, mostly goes across fields and uses very little highway right-of-way. He also produced data establishing that the Townships of New Market and Cedar Lake in Scott County have double the population and have considerably more land value than the Townships of Wheatland and Webster in Rice County.

Mandy Urness lives in Section 14 of New Market Township, and the Modified Preferred Route would pass directly in front of her house. She is concerned about health effects and the diminution of her property value if the Modified Preferred Route is adopted in that area.

Math Sirek appeared at the December 11 hearing in Lakeville and related that he has been told by his doctors that he should avoid living next to power lines. Mr. Sirek lives on Scott County Highway 2 in Section 28 of Cedar Lake Township. An existing power line goes between his house and County Road 2.

Ray Kaufenberg lives in Section 18 of Eureka Township, Dakota County. He is concerned about property land values, impact on the environment, impact on the Vermillion River system and creeks, aesthetics and electromagnetic fields. He notes also that any power line would disrupt farming and the raising of livestock and horses, and also would impact cultural values in an area. Mr. Kaufenberg notes that the Preferred Route would go past the only residential development in Eureka Township (Eureka Estates).

⁷⁷⁸ Lakeville Transcript (12/11/09) at 31.

⁷⁷⁹ Lakeville Transcript (12/11/09) at 42.

Because of the many impacts Mr. Kaufenberg believes the project will have, he suggests a re-routing to Alternative 6P-01. He also suggests considering Route Alternatives 6P-04 or 6P-05.

Mr. Kaufenberg suggests following the Alternate Route south out of Lake Marion Substation to 280th Street West in Scott County, then east into Dakota County along the same road, nominated as County Road 86 in Dakota County. He believes the wide road and better construction conditions that exist along Highway 86 would be better for power line construction than the Preferred Route, which would run along a gravel road further north in Eureka Township. Mr. Kaufenberg noted also that the Preferred Route makes approximately 17 turns, which are all very costly to construct on power poles, between the Lake Marion and Hampton Substations, whereas the Alternate Route would have only two turns if Alternate 6A-04 is chosen, or three if the Applicants' Alternate Route is followed.

Mr. Kaufenberg recommends also, that if a substation is built farther south from the Lake Marion Substation, in Webster Township near Highway I-35, that a routing using Alternative 6P-08 would also be feasible.

Ray Kaufenberg went into great detail with descriptions regarding the properties along County Road 9 (Dodd Boulevard) near the western end of the Alternate Preferred Route between Lake Marion and Hampton Substations, describing the potential impacts on all of them.⁷⁸⁰

Mr. Kaufenberg believes the Dodd Boulevard situation could be mitigated in part if Alternative 6P-07 is chosen as a shorter path between the Lake Marion substation and Dodd Boulevard than that followed by the Modified Preferred Route. He notes that the residences indicated along 245th Street (north of Alternate 6P-07) are built in such a way that they do not look at the street and thus the power line would not be visible from the front areas of those houses.

Mr. Kaufenberg also takes issue with some of the Applicants' data regarding how many homes would be impacted by the Preferred and Alternate Routes, the amount of mileage and percentage of existing right-of-way on the Preferred versus the Alternate Route, and the comparative number of acres that would be impacted by constructing the Alternate Route, compared to the Preferred Route between Lake Marion and Hampton.

Ray Kaufenberg criticizes the OES for hiring a professional facilitator who drove through a "very tight regimented agenda that did not allow for free and open input and discussion on issues" during the meetings of the Lake Marion to Hampton Advisory Task Force.⁷⁸¹ He went into detail regarding the segmenting of the ATF group to focus on specific, local possible routes, whereby the only "consensus" heard was that of the

⁷⁸⁰ Lakeville Transcript (12/11/09) at 122.

⁷⁸¹ Lakeville Transcript (12/11/09) at 139.

individual small groups. Mr. Kaufenberg alleges that the professional facilitator did not allow for discussion or expansion on major issue topics.

New Prague

The New Prague hearings were scheduled initially for December 9, 2009, but were postponed until December 28th due to a blizzard. The Administrative Law Judge conducted the New Prague Public Hearings during the afternoon and evening of December 28, 2009, at the Knights of Columbus Hall in that community.

Wayne Bohlke, who appeared initially at Henderson and asked for line loss data from the Applicants, reported that he still had not received the data he had asked for. The Applicants responded that the data Mr. Bohlke was seeking was in a letter that had been mailed to him just recently.

Duane Kamrath appeared at New Prague. He presented another Option ("Modified Myrick Option 5) for routing of the 345 kV transmission line through Le Sueur, which utilizes Myrick Street as a portion of the corridor. In presenting his latest Option for the record, Mr. Kamrath emphasizes that he prefers that the transmission line cross the Minnesota River at Belle Plaine, but if it must cross at Le Sueur he prefers his earlier-offered "Option 3". Under Mr. Kamrath's final option, he reaches Myrick Street more directly than with any of the Options offered earlier by himself or the Applicants.

During the final public comment period, Mr. Kamrath withdrew his "Modified Myrick Number 5" Option. That Option was different than the Myrick Street Option presented in Mr. Poorker's supplemental testimony.

In New Prague, Applicants' spokesperson Craig Poorker noted that Mr. Kamrath's proposal involves using territory that is outside the original, expanded corridor space the Applicants have applied for in the Le Sueur vicinity.

Delores Hagen appeared in New Prague and presented a package of letters and environmental information, including a Petition urging no crossing of the Minnesota River at Le Sueur. The Petition, known also as the "Help Save Bucks Lake" Petition, was signed by 511 people (267 handwritten, 244 electronically.)⁷⁸²

One main difference between the Myrick Street alternative offered earlier by the Applicants and the one introduced by Mr. Kamrath on December 28 is that the Applicants' proposal would run the 345 kV line for more length along Highway 169. Mr. Kamrath urged his "Option 5", in part, because it crosses Highway 169 and moves away from its right-of-way immediately after the crossing. Before the Highway 169 crossing, Mr. Kamrath's proposal also would approach the 169 right-of-way directly.⁷⁸³

⁷⁸² Public Exhibit 373 N.

⁷⁸³ New Prague Afternoon Transcript at 60.

Randy Kubes introduced for the record the Scott County Comprehensive Plan for the year 2030, which he believes demonstrates that Scott County, which is already more densely populated along the Applicants' Preferred Route than the territory in Le Sueur and Rice Counties along the Alternate Route, plans for even further density in the southeast portion of the County, around Elko New Market.⁷⁸⁴

Robb Schoenbauer lives in an area northeast of New Prague, along County Highway 2, near the Applicants' Preferred Route. He pointed out that the Modified Preferred Route through Helena Township would cross six separate 40-acre parcels owned by his family, four of which are the same as already crossed by the MinnCan Crude Oil Pipeline.

Dave Hennen, who lives on Myrick Street in Le Sueur, opposes Mr. Kamrath's proposal for the Myrick Street route, which he said comes "absolutely out of the blue for everybody that lives on Myrick Street."⁷⁸⁵

Bob Altmann also lives on Myrick Street in Le Sueur, and he shares the concerns expressed by Dave Hennen. If a Myrick Street alternative is chosen, Mr. Hennen is concerned about disturbance of the soil along a portion of the proposed area for power line construction, which he emphasizes does not have tree cover and is not held together by a root system, making it highly susceptible to erosion.⁷⁸⁶

Irv Parker, who lives in the Farmington vicinity, appeared and expressed opposition to Alternative Routes 6P-03 and 6P-06. He urges routing of the Applicants' power line through Dakota County along established highway rights-of-way.

Jon Juenke farms in the vicinity of Hampton. His property would be disturbed by the Applicants' Modified Preferred Route along Highway 50, and also by Alternative 6P-03, as it runs through Section 35 of Castle Rock Township.

Steve Ruhland, son of Theresa Ruhland, pointed out that there is no road along the portion of the Ruhland's property proposed for a crossing by the CapX 2020 transmission line in Le Sueur County. The improved part of Fabor Avenue ends at the Scott-Le Sueur County line (State Highway 19). Mr. Ruhland believes that the 1,000-foot east option, to route around RES Pyrotechnics, is "unacceptable".⁷⁸⁷

Dave Minar, whose land is in Helena Township in the immediate proximity of the Modified Preferred Route along Scott County Highway 2, owns an organic dairy farm, known as Cedar Summit Farm. Cedar Summit markets its products extensively in the Twin Cities area. Mr. Minar is concerned about all the possible impacts the Applicants'

⁷⁸⁴ Public Exhibit 376; New Prague Afternoon Transcript at 69.

⁷⁸⁵ New Prague Afternoon Transcript at 95.

⁷⁸⁶ New Prague Afternoon Transcript at 102.

⁷⁸⁷ New Prague Afternoon Transcript at 134.

proposal for a 345 kV transmission line would have on his dairy farm. Mr. Minar is concerned also about the possible disruption the Modified Preferred Route would make to the Sand Creek flood plain in Helena Township near County Road 2.

Shirley Gassman owns farm property in Section 26 of Lanesburg Township, Le Sueur County. Her property would be affected by the alternate route and Alternative 5P-02.

Jodi Prchal offered testimony regarding the impacts on her property and the property of a number of her neighbors, that would be made if the Applicants' Alternate Route is selected.

Charles Louis, who farms near Hampton, would have his irrigation pivots affected adversely if Alternatives 6P-03 or 6P-06 are selected. He prefers the Modified Preferred Route, which would keep the line along 220th Street through Hampton.⁷⁸⁸

Mr. Louis's opposition to Alternatives 6P-03 and 6P-06, noted in the preceding Finding, is shared by Steve Duff. Mr. Duff owns a number of bee colonies and is concerned about the possible effect on that part of his operations should a 345 kV power line be built nearby.

Mr. Duff's concerns are shared by his neighbor, Tim McNaughton, who breeds and raises Labrador retrievers.

Jeff Hancock represents Bimeda, Inc., an animal pharmaceutical manufacturing company, which has a production facility along Myrick Street in Le Sueur that employs 50 people. Bimeda, Inc., is opposed to the Myrick Street option, particularly because of the presence of isopropyl alcohol tanks on the property. Isopropyl alcohol is flammable and combustible, and Bimeda, Inc. does not want to be in the vicinity of a 345 kV transmission line that could cause a fire or explosion hazard if any stray voltage effects occur.

Roger Tupy stated that he was very disappointed in the task force process, and it appears to him that the decision makers in this matter already have their minds made up.⁷⁸⁹

Terra Lund presented further information on the possible impacts on the Sand Creek flood plain if the Modified Preferred Route is accepted. She presented detailed maps indicating errors in the data relied upon by the Applicants.⁷⁹⁰ She also added further support for avoiding the Cedar Summit Dairy.

⁷⁸⁸ New Prague Afternoon Transcript at 176-177.

⁷⁸⁹ New Prague Afternoon Transcript at 203.

⁷⁹⁰ New Prague Afternoon Transcript at 208.

Theresa Ruhland appeared at the evening hearing in New Prague and described how stray voltage from power lines can affect cattle. She reiterated her concern about the incursion into her fields that would be caused by the diversion of the Routes to avoid the RES Pyrotechnics facility. Mrs. Ruhland is upset because she believes the Applicants could have planned appropriately to avoid RES if they had proceeded with their planning on that issue at the time she brought it to their attention in March and April of 2008.

In response to Theresa Ruhland, Mr. Poorker of Great River Energy noted that the Applicants are asking for a 1.25 mile-wide corridor in which to choose a final location for the joint Alternate/Modified Preferred and Crossover Routes that cross Mrs. Ruhland's farm properties. His testimony implied that the Applicants could choose to move anywhere in that 1.25 mile-wide band in a manner that best accommodates the land usage by the Ruhlands.⁷⁹¹

David Seykora of Mn/DOT clarified some of his testimony that had been given in the Evidentiary Hearing held December 15 – 18, 2009, during which he was asked questions of a legal nature comparing Minnesota law to Wisconsin law and relating to procedures by which the Minnesota Public Utilities Commission directs or selects routes for high voltage transmission lines. Mr. Seykora clarified that the answers he gave at the Evidentiary Hearing were his own interpretation of the various laws, and that he was not stating an official position of the Minnesota Department of Transportation.

Shirley and Mark Katzenmeyer, who live along Myrick Street in Le Sueur, appeared the evening of December 28 in New Prague (Shirley Katzenmeyer appeared also in Henderson) to comment on the various alternatives for routing of the proposed 345 kV transmission line through Le Sueur, specifically along Myrick Street. The Katzenmeyers were particularly concerned by the Myrick Street alternative offered for the record by Duane Kamrath at the afternoon proceeding in New Prague. Under questioning by Ms. Overland, Mr. Poorker noted that there were no new land owners involved in the extra portion of land added to the Route in order to accommodate the Applicants' Myrick Street Alternative Alignment. He added that all of them had been notified earlier that their property could be chosen for the Project.⁷⁹²

Jan Rezac also owns land along Myrick Street in Le Sueur, and believes that the proposal offered by Mr. Kamrath would come right down the center of her property.⁷⁹³ She added that she "just became aware of this and I was not previously told about this power line situation, so I was totally amazed at what was going on."⁷⁹⁴

⁷⁹¹ New Prague Evening Transcript at 38.

⁷⁹² New Prague Evening Transcript at 59.

⁷⁹³ New Prague Evening Transcript at 61.

⁷⁹⁴ *Id.*

Karen Hammel, representing the Office of Energy Security, noted that the additional territory that would have to be added on the southern edge of the Applicants' proposed corridor for the Applicants' Myrick Street Alternative has not been studied, nor has it been commented upon in the Draft Environmental Impact Statement (DEIS) and, since any such alternatives involving Myrick Street were raised after the comment deadline for the Final EIS (FEIS), they would not have been studied by the Office of Energy Security.⁷⁹⁵

Christi Ryburn lives near the Preferred Route on County Highway 2. She is concerned about day care for her young children, and day care for many of the young children who are in families along the Modified Preferred/Crossover Route. There is one day care establishment in her vicinity, which is also close to the proposed location for the 345 kV transmission line, and Ms. Ryburn is concerned that the day care operation may be put out of business if the operator moves away from the power line or loses enough business because of her proximity to the power line.

Math Sirek lives along Scott County Highway 2, at a portion that would be impacted by the Modified Preferred/Crossover Route of the Applicants. He notes that Scott County is considering widening County Highway 2 to four lanes, so he fears the 75-foot-wide actual easement will come to a point where "my windowsill is going to be pretty close, won't it?"⁷⁹⁶

Bruce Polson lives in the northeast corner of Section 29, Cedar Lake Township, Scott County, which will be impacted directly if the Modified Preferred Route is selected. His main concern is the structural integrity of the poles for the proposed 345 kV transmission line.

Ed Townsend, appeared at New Prague to represent himself and the City of Belle Plaine. He introduced a resolution from the Belle Plaine City Council, which resolution states the City's opposition to the Alternate Route (also called the Crossover Route) for the Project, which would cross the Minnesota River in the vicinity of Belle Plaine.⁷⁹⁷ Mr. Townsend served for ten years on the Planning and Zoning Commission of the City of Belle Plaine, and for ten years on its City Council.

Kim Howard owns Majestic Hills Ranch, the aforementioned horse ranch and day camp for handicapped children, north of County Highway 2 in New Market Township, Section 17. She is concerned about the effects of EMF from transmission lines on animals and on people with implants (pacemakers).

Roger Weiers lives along the Applicants' Modified Preferred/Crossover Route in Belle Plaine Township, Scott County, east of the area where the Route proceeds out of

⁷⁹⁵ New Prague Evening Transcript at 63.

⁷⁹⁶ New Prague Evening Transcript at 126.

⁷⁹⁷ Public Exhibits 401 - 402; New Prague Evening Transcript at 151.

the Helena Substation area. The line would proceed on 270th Street in Belle Plaine Township, which street is 150 feet from the Weiers's house.

Mr. Poorker clarified that, if a route is designated by the Commission to proceed near the Weiers's house, the Applicants would do what they can to avoid his residence, such as taking into consideration moving the power line poles on the opposite side of the road. Mr. Weiers noted that he would not have an objection if the power line was run an appropriate distance behind his house.⁷⁹⁸

Mr. Weiers noted that he has lived and farmed underneath power lines for 25 years, and that such lines crack and buzz continuously, particularly if the day is foggy or misty, which he finds unacceptable. He finds it ironic that his property would be protected more from the power line if he had a fish pond or cattails in his front yard, rather than his lawn.⁷⁹⁹

Joan Lucas and Jeff Docken, neighbors who live near Webster in Rice County, are concerned that the Alternate Route would pass through and disturb the native wetlands and large woods that lie in the area. Ms. Lucas noted that she is in support of the testimony of Mr. Docken and her other neighbors, farmers in the area, and people who wish to protect the Sky Harbor Airpark in Webster Township.

Kevin Fahey lives in Section 25, Faxon Township, Sibley County, across the Minnesota River from Belle Plaine. If the Alternate/Crossover Route is designated for the Applicants' 345 kV transmission corridor, Mr. Fahey's property will be surrounded on two sides by different transmission lines, the CapX 2020 Project and the existing line of the Minnesota Valley Electric Cooperative. In response, Mr. Poorker stated that, should the Crossover Route near Belle Plaine be selected, and the Project be routed near Mr. Fahey's property, the Applicants would work with Minnesota Valley Electric Cooperative and Mr. Fahey with respect to their concerns, and do their best to place the transmission line poles appropriately.

Written Comments from the Public

A large number of written comments were received from concerned members of the public, State and Federal agencies, and businesses. These comments addressed a variety of issues, almost all requesting that the route ultimately chosen be in a location away from the property of the commentator. Some of the public comments have been addressed in the Report where the issue raised is addressed. The summary provided here does not reference all of the comments received. The following Findings summarize the issues presented by the commentators, referencing some of the instances where the issues were raised.

⁷⁹⁸ New Prague Evening Transcript at 160.

⁷⁹⁹ New Prague Evening Transcript at 173.

The potential for adverse health effects from EMF/ELF, and to a lesser extent, stray voltage, is discussed in the findings on those topics as affecting health and safety. A large number of commentators raised this issue.⁸⁰⁰

Theresa Ruhland questioned the adequacy of the Agricultural Impact Mitigation Plan referenced in the FEIS regarding damages arising from HVTL maintenance. She urged that poles not be placed in the middle of agricultural fields to avoid damage to crops, drain tiles, and irrigation systems.⁸⁰¹

Michael and Tracy Reese, owners and operators of the Eaglecrest K9 Resort, LLC (a dog boarding facility) expressed concern about the potential for impact to their business should the HVTL run along County Road 2 in Scott County, which is parallel to the dogs' play area.⁸⁰²

Joe Skluzacek expressed concern that the presence of current through the HVTL, if placed along his property line, would raise the risk of electric shocks when working with metal under the line.⁸⁰³

Tara Lund, a resident of New Prague along County Road 2 between Highway 21 and County Road 15 expressed her concerns that an HVTL on County Road 2 would disrupt and destroy natural waterways and wetlands through clear cutting the land and maintaining a service road underneath the lines. She expressed concern that a service road underneath the HVTL could impact the flow of Sand Creek during high water months and ultimately change the flood plain. She noted that about half of her 7.8 acres is already in the flood plain. Ms. Lund also expressed a concern that the Cedar Summit Organic Dairy Farm, which is an organic dairy farm producing pasturized milk,

⁸⁰⁰ Ruhland comment, February 8, 2010 (Doc. Id. 20102-46900-04); Ruhland Comment, February 11, 2010 (Doc. Id. 20102-47014-01); Ruhland Comment, January 22, 2010 (Doc. Id. 20101-46295-01); Rovenstine Comment, February 8, 2010 (Doc. Id. 20102-46952-03); Schumacher Comment, February 8, 2010 (Doc. Id. 20102-46952-03); Simones Comment, February 8, 2010 (Doc. Id. 20102-46952-03); Hutchinson Comment, February 8, 2010 (Doc. Id. 20102-46900-06); Maas Comment, February 8, 2010 (Doc. Id. 20102-46900-06); Markell Comment, February 8, 2010 (Doc. Id. 20102-46900-06); Markell comment, February 2, 2010 (Doc. Id. 20102-46900-02); Johnson Comment, February 8, 2010 (Doc. Id. 20102-46900-07); Kubes Comment, February 8, 2010 (Doc. Id. 20102-46900-07); Longtin Comment, February 7, 2010 (Doc. Id. 20102-46900-07); Roe Comment, February 8, 2010 (Doc. Id. 20102-46900-07); Hoy Comment, February 8, 2010 (Doc. Id. 20102-46900-03); Albrecht Comment, February 8, 2010 (Doc. Id. 20102-46900-03); Shell Comment, February 3, 2010 (Doc. Id. 20102-46790-01); Jacoby Comment, January 29, 2010 (Doc. Id. 20101-46593-01); Ozment Comment, January 22, 2010 (Doc. Id. 20101-46485-01); Kruger Comments, January 23, 2010 (Doc. Id. 20101-46433-03); Howard Comment, January 26, 2010 (Doc. Id. 20101-46433-01); Johnson Comment, January 23, 2010 (Doc. Id. 20101-46433-02); Enggren Comment, January 26, 2010 (Doc. Id. 20101-46433-02); Benham Comment, January 26, 2010 (Doc. Id. 20101-46433-02); Townsend Comment, January 26, 2010 (Doc. Id. 20101-46433-02).

⁸⁰¹ Ruhland Comment, February 11, 2010 (Doc. Id. 20102-47014-01).

⁸⁰² Reese Comment, February 8, 2010 (Doc. Id. 20102-46952-03).

⁸⁰³ Skluzacek Comment, February 8, 2010 (Doc. Id. 20102-46952-03).

butter, and ice cream from their own creamery, would have its digital equipment affected by the power line.⁸⁰⁴

Steven Palmquist expressed his belief that, in the absence of a compelling need all public infrastructure should be routed along existing public infrastructure routes and easements. Any new routes and easements required should be placed where there is the minimum disruption to current populations. He recommended routing the proposed HVTL along federal or state highways and/or existing utility rights-of-way. He described this outcome as longer than the most direct route but the best compromise.⁸⁰⁵

Alice Nytes urged adoption of the Alternative 5P-02 route to take the HVTL away from the five homes, feedlot, 100-year old maple trees, apple trees and windbreak that would be affected by placing the HVTL on the Preferred Route. She noted that her property already has the MinnCan pipeline running through it.⁸⁰⁶

Kim Miller opposed adoption of the alternative route that would follow 180th Avenue to 350th Street in Grandview Township, Lyon County. The commentator indicated that this alternative would affect more residences and result in a longer power line.⁸⁰⁷

Cindy Helmberger objected to routing the HVTL through Scott County (rather than Rice County) based on the relative population affected and the potential for development of the land in Scott County. She also objected to some of the notice provisions and the increase in capacity of the Lake Marion Substation.⁸⁰⁸

Bob and Alice Nytes supported adoption of the P5-02 alternative to the Preferred Route as affecting five fewer homes. They noted that their property already has the MinnCan pipeline and a 345 kV HVTL running through it.⁸⁰⁹

Tracy Ferrell urged routing the transmission line within the right-of-way along CR 62 in Scott County, co-locating the HVTL with the already existing 69kV poles and lines rather than turning the proposed HVTL north into agricultural and residential property. She noted that this suggestion falls within the already identified CapX2020 preferred

⁸⁰⁴ Lund Comment, February 8, 2010 (Doc. Id. 20102-46952-04).

⁸⁰⁵ Palmquist Comment, February 8, 2010 (Doc. Id. 20102-46952-04).

⁸⁰⁶ Nytes Comment, February 9, 2010 (Doc. Id. 20102-46952-02).

⁸⁰⁷ Miller Comment, February 9, 2010 (Doc. Id. 20102-46952-02).

⁸⁰⁸ Helmberger Comment, February 9, 2010 (Doc. Id. 20102-46952-02) and February 9, 2010 (Doc. Id. 20102-46900-01).

⁸⁰⁹ Nytes Comment, February 10, 2010 (Doc. Id. 20102-46952-02). Nytes Comment, February 8, 2010 (Doc. Id. 20102-46900-06).

route. She proposed another alternative route, running in the right-of-way along Highway 2, burying the line between Highways 27 & 91 to lessen its impact to residences.⁸¹⁰

Mn/DOT made the following comment regarding this proceeding:

DNR 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.⁸¹¹

Mn/DNR submitted a review of the FEIS prepared for this proceeding which stated:

Previous comments submitted by the DNR requested information on permanent and temporary impacts to resources such as Wildlife

⁸¹⁰ Ferrell Comment, February 8, 2010 (Doc. Id. 20102-46952-02).

⁸¹¹ Mn/DOT comment, February 8, 2010 (Doc. Id. 20102-46900-07).

Management Areas (WMAs), Minnesota County Biological Survey (MCBS) sites of biodiversity, public water and river crossings, native prairies, wetlands, and trails. The responses provided in the FEIS included references to very general information in the DEIS such as descriptions of the value of resources and general expected impacts if an area were to be crossed. Mitigation methods are also generally listed. Distances to resources are given in a table and the number of watercourse and Public Waters Inventory watercourse crossings is given for each route. However, this does not describe expected impacts in enough detail to evaluate specific routes and segments. It is difficult for the DNR to provide constructive input during the environmental review process about which route or segments would best protect state resources if information such as estimated acreage of permanent and temporary impacts for each location, total impact acreage for each route, and specific plans for mitigation of impacts are not provided in the Draft or Final Environmental Impact Statements. This EIS also did not identify whether impacts would be expected on existing transmission line corridors or new corridors. The above information is necessary for evaluation of impacts to natural resources and evaluation of license to cross permits.

The project applicant is encouraged to coordinate directly with the DNR through a pre-application meeting(s) concerning impacts to DNR administered lands, public waters, public water wetlands, and state-listed species prior to application for waters permits and utility licenses to cross public lands and public waters. The applicant is encouraged to further develop mitigation plans for impacts related to these resources and review these with the DNR prior to applying for any DNR permits. Specific examples of crossings discussed in the attached November 30, 2009 letter from the DNR to the Minnesota Department of Commerce, Office of Energy Security (OES) that should be discussed in pre-application meetings include the Bucks Lake, Chub Lake, and Minnesota River crossings. As described in the referenced letter, the DNR does not support a crossing of Bucks Lake due to the high concentration of species using the area for resting, roosting, feeding and nesting, and associated recreational value for the community. The DNR also has concerns regarding the construction of a transmission line through Chub Lake due the adjacent boundary of Chub Lake WMA, the presence of a Central Region Regionally Significant Ecological Area, the Chub Creek Marsh wetland complex, high usage by waterfowl and migratory bird species, and categorization of the location as an area of High Biodiversity Significance.

Further coordination is also encouraged with environmental review staff regarding temporary or permanent impacts to native prairie, Species of Special Concern plants, rock outcrops, basswood forests, and MCBS sites of biodiversity.

The DNR recommends that an independent environmental monitor be employed to evaluate compliance with permit requirements during project construction. An environmental monitor employed by the DNR or an independent firm may also be required as part of license to cross permitting.

The FEIS includes Comment Response Number 269w, which narrows the areas identified for new and existing substations. This additional information is appreciated. However, it was difficult to locate many of the areas identified with the directions provided in the FEIS response to comments. A map with substation locations would better inform the DNR review in preparation for permitting.⁸¹²

The USFW provided supplemental comments relating specifically to the potential impact of the proposed HVTL on eagles, stating:

In particular, we wish to address the Minnesota River crossing alternatives near Le Sueur and Belle Plaine, Minnesota, and how this activity could affect bald and golden eagles. During the last several months, the Fish and Wildlife Service has promulgated new regulations under the Bald and Golden Eagle Protection Act (BGEPA). These new regulations are designed to help landowners and developers comply with BGEPA while being compatible with the preservation of eagles. We have hired new staff, and have been working diligently with citizens and businesses to avoid and minimize impacts to bald and golden eagles. In that spirit, we would like to offer our additional input regarding potential impacts of your project on eagles. As discussed below, we strongly encourage you to consider a non-aerial river crossing regardless which crossing site is ultimately selected.

For the reasons discussed in the attached analysis ("Disturbance of Bald Eagles at Winter Roosting/Foraging Areas and Effects of Transmission Line River Crossings on Bald Eagles"), the Fish and Wildlife Service concludes that both the proposed Le Sueur and Belle Plaine crossings will likely disturb nesting, foraging, and winter roosting eagles. Both Bald Eagles and Golden Eagles are present in the Minnesota River Valley. The placement of the power line crossing in an area of such high eagle concentration and in a major movement corridor (the Minnesota River) can reasonably be expected to cause eagle mortality through both line collisions and electrocution. Additionally, erecting structures in this high eagle concentration area will encourage eagles to nest on poles and transmission lines, causing electrocution of eagles and damage to the power lines (electrical shorts, fires, power outages). These disturbances (including harassment and mortality) of bald and golden eagles are a

⁸¹² MnDNR comment, February 8, 2010 (Doc. Id. 20102-46952-01).

violation of the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c).

Permits are available (and required) for all activities that kill or disturb eagles. (See Eagle Permit Regulations at 50 C.F.R. Part 22). However, no permit would be available unless an applicant has first taken all practicable steps to avoid take of eagles. (See 50 C.F.R. 22.3, defining “practicable.”) In this context, we urge you to further analyze both the economic and technological feasibility of a non-aerial line at any Minnesota River crossing, and to follow the other recommendations in the attached document.⁸¹³

Scott County conducted its own evaluation of Sections 1-7 of the Draft EIS document. Scott County expressed concerns with segments of the Preferred and Alternate Route options that cross Scott County as follows:

1. Impact on Highway Corridor & Interchange Plans: Scott County remains concerned that the Preferred Helena to Lake Marion Substation route segment is proposed along 12 miles of County Road 2. Locating the proposed transmission line along this corridor will negatively impact the County’s long-term plans to widen and expand County Road 2. This roadway is classified as an A-minor arterial and the corridor right-of-way is planned to widen to 150 to 200 feet under the County’s adopted 2030 Transportation Plan (attached is a map of the adopted Future Functional Classification Map for Scott County). The placement of the transmission lines within this county highway corridor should consider this future ROW need, and could result in placing transmission line poles deeper into adjacent farmland which might cause considerable agricultural impacts. The County is not in a position to pay for the relocation of any transmission line poles as part of any future corridor improvement project.

Section 6.9.1 of the Draft EIS acknowledges this issue and indicates that the applicants plan to install poles just outside the existing public ROW — about five feet into fields or other private property when possible. It further states that the applicant’s reason for this placement is to “avoid potential liability for the cost of moving the poles if the roadway is expanded in the future.” Again, to avoid potential liability for the costs of moving poles by either the private utility or the local government, the County recommends that the routes do not follow roadways planned for future expansion — such as County Road 2.

Scott County and the Minnesota Department of Transportation have entered into a Joint Powers Agreement to jointly prepare a CSAH 2 and I35 Interchange Footprint Study. The footprint will be used as a tool to

⁸¹³ USFW comment, February 8, 2010 (Doc. Id. 20102-46903-01).

preserve the necessary right-of-way for planned interchange improvements (which falls within the proposed Alternate route corridor). This potential routing issue needs to be addressed in the Final EIS.

2. Impact on Existing Homes/Human Settlements: Scott County remains concerned that the Preferred Helena to Lake Marion Substation route segment impacts more existing homes than the Alternate Helena to Lake Marion Substation route segment. The Draft EIS in Section 7.5.4.1 confirms Staff's previous analysis that the Preferred route segment crosses more existing homes - within 500 feet of the proposed route centerline than the Alternate route segment. Using the criteria discussed throughout the public involvement process of "keeping the line as far away from homes as possible," it appears to staff that the Alternate route segment continues to better meet this set of criteria.

County staff shares concerns and opposition raised by the City of Elko-New Market regarding the alternative route 5P-03 through the city's downtown. This route will have a significant impact on the community. This route option should be dropped from further consideration.

3. Impact on Planned Future Development Areas and Parcels: Scott County remains concerned that the Preferred Helena to Lake Marion Substation route impacts planned future development areas and individual parcels more than the Alternate Helena to Lake Marion Substation route segment. Staff is pleased to see the County's adopted 2030 Land Use Plan analyzed during the Draft EIS process. As noted in the Draft EIS, the Preferred Helena to Lake Marion Substation route segment crosses Urban Expansion Areas slated for long-term urban service areas (with end land use densities guided at 3 units per acre) and Rural Residential Reserve Areas (with end land use densities guided at 2.5 to 10 acre lots). The Draft EIS accurately notes that the Alternate Helena to Lake Marion Substation route segment crosses areas in Rice and Le Sueur Counties that are not planned for this much residential development.

Staff is concerned that Section 7.5.4.7 does not acknowledge the potential impact the transmission line corridor will have on those properties along County Highway 2 that are already impacted by the MinnCan pipeline corridor. These two utility corridors in close proximity create undue hardship on the future development options for these landowners and impede local government's ability to provide logical extension or roads and other infrastructure in this area.⁸¹⁴

Scott County also submitted a map prepared by the Scott County Planning Department identifying the parcels along the Preferred Helena to Lake Marion

⁸¹⁴ Scott County comment, January 8, 2010.

Substation route segment that would be dually impacted by the transmission line and the existing MinnCan pipeline.⁸¹⁵

Dan Prchal expressed concern that the HVTL route would run through prime agricultural farmland just south of New Prague in Lanesburgh township, affecting Century Farms that have been operated by multiple generations. He noted that these farms are smaller, increasing the impact of the HVTL's 8 foot diameter poles. He expressed concern that the poles running through the middle of fields can break drainage tiles. He noted that there is a natural gas pipeline already running through his farm field. While the Applicants indicated that there will be compensation for broken tile and compaction, Mr. Prchal was concerned that the process of obtaining compensation would be unduly burdensome.⁸¹⁶

Steve Ruhland objected to the HVTL running on the south side of 280th street as it would put the line diagonally through his fields, which he contended would ruin them and put the animals in his livestock facilities in jeopardy. He maintained that the soil structure cannot hold up a 150 foot tall tower with the weight of the cables attached. He related his experience with HVTL running across a farm field:

[While the actual "pole impact area" may be 1000 square feet as stated in the final EIS response 82b, the amount of agricultural land impacted is much larger. In a modern farming operation equipment is very wide, some planters and sprayers may be up to 120 feet wide, if a post happens to be in the middle of your path with this equipment that would mean you would have to move more than 60 feet to get around the pole. In this process you would be running over crop to get around this post, wasting land and expensive inputs.

On the aforementioned rented farm I have to go around three sets of posts in the middle of fields so I know first hand of the impacts they cause, with areas at least ten times the "pole impact" area unusable. Running lines through the middle of fields also makes it impossible for aerial application of crop protection chemicals to be carried out. This practice of using planes or helicopters is common because it is economical and limits crop damage but can't be done with a power line running diagonally through a field. If the poles were placed at the edges of farms, such as on property lines or along roads, the impact is greatly reduced because all that is necessary to avoid the posts is to swerve around the post as they would always be on one end of the machine. It also allows aerial applications to proceed with limited impacts. For these reason running through the middle of fields should not be allowed for this line, and the preferred and alternate line in this area should not be used.

⁸¹⁵ Scott County January 8, 2010.

⁸¹⁶ Prchal comment, February 8, 2010 (Doc. Id. 20102-46900-04).

He urged that, if the Le Sueur river crossing is chosen, that the HVTL should continue east staying to the southern route in Le Sueur County. For a Belle Plaine crossing, he suggested that the line continue eastward using the northern route through Scott County. In the alternative he suggested that the existing 345kv line from 296th street in Le Sueur County to 270th street in Scott County be used, updating it to a triple circuit HVTL. Mr. Ruhland noted that this approach would minimize the impact of poles in productive fields, reduce the number of homes within 500 feet of the HVTL, and reduce the impact on livestock from the power line.⁸¹⁷

Clarence L. & Delores M. Salaba objected to the Alternate Route & the alternative to the Alternate running along 60th St. to Leaf Trail in Wheatland Township, Rice County. The commentators noted that the Alternate route, running along Le Sueur Cty. #28 & Rice County #2, then north along Hwy. #19, would put the lines in close proximity to several homes, and Century Farms. The Salabas' land along Hwy. #19 would have approximately six poles. The commentators noted that these would impede the farmer who rents that land from farming, using huge equipment directed by GPS systems. The renter also checks his crops by using his plane to do some low flying over those fields. The 60th Street to Leaf Trail alternative would place the HVTL in very close proximity to several homeowners with businesses at their residences, including a beekeeper, a greenhouse, a dairy herd, and a woodworker.⁸¹⁸

Steve and Stacy Schmitz and Gordie and Ann Schmitz objected to 260th Street/County Road 2 portion of the preferred route as inconsistent with the Scott County 2030 Comprehensive Land Use Plan, designating the area for future residential development. The commentators noted that this area was already used for the installation of the MinnCan Pipeline, and maintained that routing the HVTL along a similar route would be unjust and unreasonable. They contended that moving the line to the south side of 260th Street, as proposed by the Department of Commerce in the DEIS Section 7.5.1.1 Alignment Alternatives - Inset #1 would not address anyone's concerns.⁸¹⁹

Lance Wagner objected to Alternate Route 5A-02 as likely to impair the small runway on his property for an ultralight aircraft, take more land, increase the cost of the HVTL by millions of dollars and destroy a wetland.⁸²⁰

Daniel and Arlene Markell objected to the Preferred Route along 340th Street between 190th Avenue and 260th Avenue in Section 1 of Grandview Township, Lyon County. The Markells noted that the Preferred Route would likely destroy their windbreak, which includes many older trees and provides habitat for wildlife. They

⁸¹⁷ Ruhland comment, February 8, 2010 (Doc. Id. 20102-46900-04).

⁸¹⁸ Salaba comment, February 8, 2010 (Doc. Id. 20102-46900-04).

⁸¹⁹ Schmitz comment, February 8, 2010 (Doc. Id. 20102-46900-04) and Schmitz comment, February 4, 2010 (20102-46839-01).

⁸²⁰ Wagner comment, February 8, 2010 (Doc. Id. 20102-46900-02).

noted the significant number of homes that would be in close proximity to the HVTL. As an alternative, they suggested that the HVTL be run on 190th Avenue north from 340th Street for one mile to 350th Street. From that point, the HVTL would run east on the south side of 350th Street for five miles, resuming the Preferred Route at 280th Avenue. They noted that far fewer residences are located on 350th Street and it is a minimum maintenance street. Failing that adjustment of the route, they requested that the HVTL be run on the north side of 340th Street, to preserve their windbreak.⁸²¹

Donald and Suzanne Decrock, Betty and Don Verkinderen, Nathan and Tresa Rigge, Gary and Sharon Kesteloot, Gordon Timmerman, Madeline Timmerman, and Bruce Timmerman objected to the proposal to run the HVTL on 190th Avenue north from 340th Street for one mile to 350th Street, thence east along 350th Street, resuming the Preferred Route at 280th Avenue. They expressed their belief that such a route would affect more residences than the 340th Street segment as well as crossing a wildlife management area.⁸²²

Michelle Johnson maintained that the HVTL would result in “irrevocable negative effects on sensitive natural resources, including rare and threatened plant species, disruptions in migratory paths for both birds and land animals, and destruction of an already low number of wetlands, woodlots, and other natural corridors. She contended that her property, along with three adjacent parcels located southeast of Dennison, constituted an active and critical environment with rare sedge grass, compass plant, and other native prairie grasses being returned through restoration efforts. She maintained that this area is a critical wildlife habitat for dozens of bird species (including wild turkey and pheasant), deer, and many animals. She also described the property as “a very large and important wetland complex, providing habitat and migratory corridors.” She proposed that the HVTL follow the existing route along along the Highway 52 industrial corridor.⁸²³

Deb McKay noted that, while the Minnesota River is considered one of the more polluted waterways in the country, the MPCA has been working hard to clean up the river and the proposed HVTL would affect the natural beauty and wildlife in and around the cities of Le Sueur and Henderson in the Minnesota River Valley. She described this as vital for drawing tourists and visitors. She contended that bed and breakfasts, nature organizations like Henderson Feathers, Inc, Henderson Hummingbird Hurrah, Inc, and public parks and nature educational centers like Rush River State Park & the Ney Nature Center are vital to the Le Sueur/Henderson area. As an alternative, she

⁸²¹ Markell comment, February 2, 2010 (Doc. Id. 20102-46900-02).

⁸²² Timmerman Comments, February 5, 2010 (Doc. Id. 20102-46839-01); Decrock Comment, February 3, 2010 (Doc. Id. 20102-46790-01); Verkinderen Comments, February 3, 2010 (Doc. Id. 20102-46790-01); Rigge Comments, February 3, 2010 (Doc. Id. 20102-46790-01); Kesteloot Comments, February 4, 2010 (Doc. Id. 20102-46790-01).

⁸²³ Johnson Comment, February 8, 2010 (Doc. Id. 20102-46900-07).

proposed that the HVTL cross the Minnesota River at Belle Plaine where there is more business and industry and less effort at becoming a tourist destination.⁸²⁴

The Derrynane Township Board in Le Sueur County urged that the HVTL stay in the general area of the Minnesota River crossing (if at Belle Plaine, staying north in Scott County near County Road 2, if at Le Sueur, then staying south in Le Sueur County). The Board objected to routing the HVTL in a zig-zag fashion and urged the Commission to consider other alternatives that avoid Derrynane Township.⁸²⁵

Ron Ovans maintained that the HVTL would create a link in the accident chain if placed too close to the flight paths utilized by aircraft taking off and landing at the Sky Harbor Airpark, near Webster, Minnesota. He urged that the HVTL be located as far away from the airfield as possible.⁸²⁶

Lori Endres objected to the alternate to the alternate route (identified as 6A-01 and 6A-02 on Exhibit 202) as dividing two quarter sections of prime agricultural land (NE ¼ of section 4 and NW ¼ of section 3 in Hampton Township, Dakota County) that have overlapping pivot style irrigation systems that would be rendered useless. She objected to the alternate to the alternate route identified as 6A-03 running north and south near County Road 47 as harming one of the few untouched and undeveloped wooded wetlands and karst features remaining in southern Minnesota. She noted that the karst feature was not identified on Exhibit 202 and she provided maps to indicate its location.⁸²⁷

Lynn Albrecht urged that the USFW and Mn/DOT suggestions be followed by making any crossing of the Minnesota River a non-aerial crossing.⁸²⁸

Allan Mueller provided additional comments regarding mitigation, particularly regarding wildlife around High Island Creek in Sibley County. He objected to the labeling of the Preferred Route and the various alternatives as indicating some form of preferential treatment.⁸²⁹

Al and Laurie Dietz objected to the Alternate Route proposed to run south of New Prague where the route diverts off of Highway 28, creating 90 degree turns and infringing on the buffer zone of New Prague. They contended that this route would destroy prime properties and dissect farms senselessly. They urged that the line be

⁸²⁴ McKay Comment, February 7, 2010 (Doc. Id. 20102-46900-07).

⁸²⁵ Derrynane Township Board Comment, February 8, 2010 (Doc. Id. 20102-46900-03).

⁸²⁶ Ovans Comment, February 8, 2010 (Doc. Id. 20102-46900-03) and (Doc. Id. 20102-46839-01).

⁸²⁷ Endres Comment, February 7, 2010 (Doc. Id. 20102-46900-03).

⁸²⁸ Albrecht Comment, February 8, 2010 (Doc. Id. 20102-46900-03).

⁸²⁹ Mueller Comment, February 5, 2010 (Doc. Id. 20102-46839-01).

routed along existing roadways where there are already utility lines and legal setbacks in place.⁸³⁰

RES Specialty Pyrotechnic, Inc. expressed its support for the Applicants' proposed adjustment of the route around the RES facility (RES 1000). RES Comments, February 3, 2010 (Doc. Id. 20102-46790-01).

Ralph Sullivan objected to the HVTL being sited in either Rice or Le Sueur Counties as being unfair to the land owners in these locations. He contended that the compensation offered to land owners by the Applicants was insufficient for the harm done.⁸³¹

Ray and Donia Kaufenberg urged the adoption of Alternative Segment 6P-07 between Pillsbury Avenue and Dodd Road along 245th Street East. They identified the impacts to a number of farms, other properties, wildlife areas, and cultural resources that would be affected by the Preferred Route in this area.⁸³²

Todd Trabant, Merrily Trabant, and Caitlin Trabant urged that any HVTL be placed within the right-of-way along CR 62 in Scott County, replacing or adding to the already existing 69kV poles and lines rather than sending the line north into agricultural and residential property. As an alternative, they suggested that the route follow County Highway 2, mitigating the impact to residences there by burying the line between Highways 27 and 91.⁸³³

Brandt and Rachelle Volk indicated that Appendix C, page 8, section 17 of the FEIS showed a neighbor's building located within 75' of the proposed HVTL, but their home, (located 62' from the line) and their large pole building (35' from the line) were not marked on the map. They urged that the line be located elsewhere due to the extremely close proximity of the HVTL to their buildings.⁸³⁴

Bimeda, Inc. objected to the Myrick Street Alignment Alternative and requested that a route be chosen for the HVTL that does not affect Bimeda's property. Bimeda maintained that the presence of stored isopropyl alcohol, a highly flammable liquid and vapor used in Bimeda's operations, creates an extremely hazardous situation that can only be remedied by relocating the HVTL. The alcohol will be stored in one 10,000 gallon and two 5,000 gallon vented tanks, which are currently being installed. Bimeda has obtained the necessary permits for its tank farm, adjacent to its manufacturing plant, and the only work remaining is installation of the tanks themselves. Within

⁸³⁰ Dietz Comment, February 4, 2010 (Doc. Id. 20102-46790-01).

⁸³¹ Sullivan Comment, February 4, 2010 (Doc. Id. 20102-46790-01).

⁸³² Kaufenberger Comment, February 4, 2010 (Doc. Id. 20102-46790-01).

⁸³³ Trabant Comments, February 2, 2010 (Doc. Id. 20102-46790-01) and January 27, 2010 (Doc. Id. 20101-46485-01).

⁸³⁴ Volk Comment, February 2, 2010 (Doc. Id. 20102-46790-01).

Bimeda's Le Sueur facility, Bimeda noted that it operates a full service FDA-approved laboratory, which is the only laboratory Bimeda uses for testing in the United States. This laboratory utilizes high precision instruments to conduct the tests, such as High Performance Liquid Chromatography and Gas Chromatography, which Bimeda contends could be affected by the EMF/ELF emitted by the HVTL.⁸³⁵

Roger Schneider, Ph.D., noted that Bimeda's bulk storage of a flammable liquid within 100 feet of the HV transmission line could create a hazard to both the stored liquid and the HVTL itself. Dr. Schneider performed a risk assessment using combustion science and fire dynamics data and concepts. He concluded, to a reasonable degree of scientific and engineering certainty, that the closest point of approach between the proposed HVTL and Bimeda's flammable liquid storage tank farm should be no less than 750 feet. Since the proposed Myrick Street Alignment would come closer to Bimeda's tank farm, Dr. Schneider recommend that the Applicant's Belle Plaine Alternate Route be selected for the Minnesota River crossing.⁸³⁶

Richard and Jennifer Gerster noted that both the Preferred Route and Alternate Route segments 6P-06 and 6P-03 would affect land that they own and fields that they rent. On the Preferred Route, there currently are two irrigators in their field of 105 acres along the east end of 220th Street and the route would prevent at least one of these two irrigators from being fully utilized. In the fields that they rent, east of 220th Street, pivot irrigation systems are in the planning stages. They contend that the Preferred line would also negatively impact their ability to sell subdivided lots in the future. They maintained that alternative segments 6P-06 and 6P-03 are likely to impact one irrigator on 100 acres of land.⁸³⁷

Jon Hendricks supported adoption of the Alternative Route between the Helena and Lake Marion substations because of the impacts of the Preferred Route on the properties along Scott County Road 2, future transportation plans, the visual impact to Cedar Lake Farm Regional Park, and the potential to reduce property values, resulting in lower property tax revenues.⁸³⁸

Ardis Bengtson, Mona Bengtson, and Vida Kollath supported adoption of the P6-06 route to avoid impacts to the properties along 220th Street, near Hampton.⁸³⁹

Milo Christensen, Jr. and Barbara Christensen objected to the manner in which farm impairments are compensated through a one time easement payment along with

⁸³⁵ Bimeda Comment, January 28, 2010 (Doc. Ids. 20101-46568-01, 02 and 03).

⁸³⁶ Dr. Schneider Comment, January 27, 2010 (Doc. Id. 20101-46568-02).

⁸³⁷ Gerster Comments , January 29, 2010 (Doc. Id. 20101-46593-01) and January 27, 2010 (Doc. Id. 20101-46485-01).

⁸³⁸ Hendricks Comments, January 29, 2010 (Doc. Id. 20101-46593-01) and January 19, 2010 (Doc. Id. 20101-46485-01).

⁸³⁹ Bengtson Comment, January 29, 2010 (Doc. Id. 20101-46593-01).

compensation for crop damage, compaction, etc. They proposed a continuous payment be established for as long as the line exists so that the owners in future decades could also receive some compensation.⁸⁴⁰

Dick Ozment and Marilyn Seehausen supported following the southern Alternate Route through Dakota County or, if that is not chosen, Alternative Segment 6P-06. Those alternatives would limit the impact of the line on the residents of 220th Street. The 6P-06 segment would put the line along only one side of the their property and avoid having the line over all-terrain vehicle trails that they have created on their property.⁸⁴¹

Joyce Osborn and Judy Martin of the United Citizens Action Network (UCAN) objected to perceived inequities in the eminent domain statutes and urged that changes be adopted.⁸⁴²

Douglas and Marcene Kruger urged that the P6-06 Alternative Segment be adopted to move the HVTL away from 220th Street, where Mr. Kruger plans to use his land for flying ultralight aircraft. They also expressed concern over the possible impact of the line on nearby wetlands.⁸⁴³

Karen (Kim) Howard, Owner of the Majestic Hills Ranch for Children (Majestic Hills) in Scott County submitted comments, a petition signed by 167 persons and letters from parents, board members and an educational psychologist. Majestic Hills provides therapy to children with disabilities through horseback riding. Typically over 100 children are served each week. Ms. Howard expressed concern that the noise emitted by HVTLs could have a disproportionate impact on some of the children served at Majestic Hills, because their disabling conditions make them particularly sensitive to such stimuli. Ms. Howard noted that the HVTL was proposed to run through the hay field of Majestic Hills and interrupt the existing riding trail. Ms. Howard and the numerous persons writing on behalf of Majestic Hills urged that the HVTL be sited away from the ranch.⁸⁴⁴

Eric Johnson noted that, when measured on the ground, the proposed HVTL appears to be located only 50 feet from his home.⁸⁴⁵

Mary Ann Enggren noted that a large variety of birds used the wetlands in the vicinity of her property as habitat and the HVTL was likely to increase avian mortality.

⁸⁴⁰ Christensen Comment, January 27, 2010 (Doc. Id. 20101-46485-01).

⁸⁴¹ Ozment Comment, January 22, 2010 (Doc. Id. 20101-46485-01).

⁸⁴² Osborn Comment, January 16, 2010 (Doc. Id. 20101-46485-01).

⁸⁴³ Kruger Comments, January 23, 2010 (Doc. Id. 20101-46433-03).

⁸⁴⁴ Howard Comment, January 26, 2010 (Doc. Id. 20101-46433-01).

⁸⁴⁵ Johnson Comment, January 23, 2010 (Doc. Id. 20101-46433-02).

She noted that the noise of the line and the visibility of the poles would have a significant negative impact due to the close proximity of the line. She expressed concern that automobile collisions could occur with the power poles. She noted that the Preferred Route, even with Alternative 6P-06 would put the line uncomfortably close to her home.⁸⁴⁶

Connie Townsend, Ruth Beadle, and Lynn Brady noted that the Preferred Route would require that many trees on their property be removed. They expressed concern over the potential impact on their Kuvasz Kennel. They supported Alternative Segment 6P-06 as affecting fewer homes than the Preferred Route.⁸⁴⁷

⁸⁴⁶ Enggren Comment, January 26, 2010 (Doc. Id. 20101-46433-02).

⁸⁴⁷ Townsend Comment, January 26, 2010 (Doc. Id. 20101-46433-02).

**Attachment 2 - Attendance at Public Hearings for the
Brookings County to Hampton 345 kV Transmission Line Project**

Date / Location	Time	Estimated Public Attendance
November 30, 2009 Prairie's Edge Casino & Resort 5616 Prairie's Edge Lane Granite Falls, MN	2:30 P.M. – 5:00 P.M.	50
	7:00 P.M. – 10:00 P.M.	50
December 1, 2009 Best Western 1500 East College Drive Marshall, MN	1:00 P.M. – 5:00 P.M.	100
	7:00 P.M. – 10:00 P.M.	100
December 2, 2009 Redwood Area Community Center 901 Cook Street Redwood Falls, MN	1:00 P.M. – 5:00 P.M.	75
	7:00 P.M. – 10:00 P.M.	75
December 3, 2009 Winthrop Veterans Club 206 North Main Street Winthrop, MN	1:00 P.M. – 5:00 P.M.	75
	7:00 P.M. – 10:00 P.M.	75
December 7, 2009 Brass Top Hall/Hog Wild Saloon 514 Main Street Henderson, MN	1:00 P.M. – 5:00 P.M.	150
	7:00 P.M. – 10:00 P.M.	150
December 8, 2009 Lonsdale American Legion 115 2 nd Avenue Northwest Lonsdale, MN	1:00 P.M. – 5:00 P.M.	100
	7:00 P.M. – 10:00 P.M.	100
December 9, 2009 New Prague, MN	Canceled / Rescheduled	
December 10, 2009 Holiday Inn Hotel & Suites 20800 Kenrick Avenue Lakeville, MN	1:00 P.M. – 5:00 P.M.	100
	7:00 P.M. – 10:00 P.M.	150
December 11, 2009 Holiday Inn Hotel & Suites 20800 Kenrick Avenue Lakeville, MN	9:30 A.M. – 12:30 P.M.	75
December 28, 2009 Knights of Columbus Hall 411 4 th Ave. New Prague, MN	1:00 P.M. – 5:00 P.M.	200
	7:00 P.M. – 10:00 P.M.	200
TOTAL		~1825