



**STATE OF MINNESOTA**  
Office of Energy Security



Issued: September 10, 2010

**NOTICE OF PUBLIC HEARING**

**In the Matter of the Route Permit Application for a 345 kV Transmission Line from  
Brookings County, South Dakota to Hampton, Minnesota**

**PUC Docket Number: ET2/TL-08-1474**

**PLEASE TAKE NOTICE** that limited public hearings will be held on behalf of the Minnesota Public Utilities Commission (Commission) on the Great River Energy and Xcel Energy route permit application for a new 345 kV transmission line facility. The public hearings will be held at the times and locations listed below. Ending times reflect the latest a public hearing will run. Hearings may conclude earlier where all attendees have had the opportunity to comment and all other business has been concluded.

**PUBLIC HEARING DATES & LOCATIONS**

October 4, 2010 (Monday)	2:00 p.m. – 5:00 p.m.	Le Sueur Community Center Gym 821 East Ferry Street Le Sueur, MN 56058 (507) 665-3325
October 4, 2010 (Monday)	6:30 p.m. – 10:00 p.m.	Arlington Community Center 204 Shamrock Drive Arlington, MN 55307 (507) 964-2378
October 5, 2010 (Tuesday)	2:00 p.m. – 5:00 p.m. & 6:30 p.m. – 10:00 p.m.	Valley View Golf Course Belle Plaine Banquet Room 23795 Laredo Avenue Belle Plaine, MN 56011 (952) 873-4653

**Note:** Evidentiary Hearings, if necessary, will be held October 6, 2010, from 9 a.m. to 5 p.m. at the Minnesota Public Utilities Commission, 121 7<sup>th</sup> Place East, St. Paul, MN 55101.

**Background.** The Commission met on July 13 and 15, 2010, to hear oral argument and consider the matter of a route permit for the proposed Brookings to Hampton 345 kV transmission line project. One of the principal contested issues in this matter is whether the transmission line should cross the Minnesota River at Le Sueur or at Belle Plaine. Subsequent to the administrative law judge (ALJ) issuing his report and recommendation favoring the crossing at Le Sueur, the U.S. Fish and Wildlife Service (USFWS) filed a letter on this issue dated June 10, 2010, stating that, "... an aerial crossing [of the Minnesota River] at Le Sueur is more likely to harm bald eagles than an aerial crossing at Belle Plaine. Again, since the Belle Plaine option is practicable, it appears unlikely that a BGEPA [Bald and Golden Eagle Protection Act] permit would be issued for an aerial crossing at Le Sueur."

Since the USFWS's letter bears directly on the river crossing issue, and because the ALJ and the parties had no opportunity to address the letter in the contested case process, the Commission, in a July 27, 2010, Order, remanded the issue of which route is preferable for crossing the Minnesota River (a crossing at Le Sueur or a crossing at Belle Plaine) to the ALJ for further contested case proceedings.

**Scope and Purpose of Hearing.** The contested case hearing is strictly limited to the segments of the proposed project that would connect the Cedar Mountain Substation in Renville County to the Helena Substation in Le Sueur County (*See attached Figure*). The purpose of the tightly-focused contested case hearing is to: (1) give the public and parties adequate opportunity to develop the record with respect to the USFWS's June 10, 2010 letter, and (2) allow the ALJ to consider, in light of the USFWS's letter and the record developed with respect to it, if he wishes to modify or augment his findings of fact, conclusions of law, and recommendations with respect to both the river crossings and the crossover route to the river crossing at Belle Plaine, if necessary, accordingly. The Commission will make a final decision on the route permit for this segment of the project at a subsequent Commission hearing.

**Administrative Law Judge.** Administrative Law Judge, Richard C. Luis will preside at the hearings. His address and contact information is: Office of Administrative Hearings, P.O. Box 64620, 600 North Robert Street, St. Paul, Minnesota 55164-0620, Phone: (651) 361-7900, Fax: (651) 361-7936, email: [capx.oah@state.mn.us](mailto:capx.oah@state.mn.us).

**Written Comments.** Written comments regarding the route permit for the segments of the proposed project noted above should be submitted directly to Judge Luis. Comments may be submitted by U.S. Mail, Fax or email. Comments will be accepted through October 18, 2010, and should reference the Office of Administrative Hearings Docket Number: 7-2500-20283-2. Mailed comments must be postmarked by that date. Faxed, emailed, and delivered comments must be received by 4:30 P.M. on October 18, 2010. The ALJ will consider comments consistent with the Commission's limited grant of jurisdiction on the remanded issues (appropriate crossing points, impacts on wildlife or impacts arising from the necessary changes to the route arising from changing the Minnesota River crossing point).

**Relevant Documents.** Electronic versions of the Commission Order, USFWS letter, Route Permit Application, Scoping Decision Document, Draft EIS and other documents relevant to this matter are available for viewing and download on the Commission's website at: <http://energyfacilities.puc.state.mn.us/Docket.html?Id=19860> or eDockets at: <https://www.edockets.state.mn.us/EFiling/search.jsp> (search "08" year and "1474" number).

**Office of Administrative Hearing Rules.** The ALJ will conduct the contested case hearings in accordance with Minnesota Statutes, Chapter 14, and the Office of Administrative Hearings procedural rules for the Commission's energy facility permitting process (Minnesota Rules, Chapter 1405). The applicable statutes and rules are available on the Office of the Revisor of Statutes webpage at: <https://www.revisor.leg.state.mn.us/index.php>. Statutes and rules may also be purchased at Minnesota's Bookstore, 660 Olive St., St. Paul, MN 55155, phone (651) 297-3000.

**Conduct of Hearing.** At the start of each hearing session, the ALJ will explain the procedural rules for the hearing, including the sequence for providing testimony and questioning witnesses. Members of the public will be allowed to participate without the necessity of intervening as a party. Representation by legal counsel is permitted but not required. Participation includes: a) offering direct testimony; b) offering testimony or other material in written form at or following the hearing; and c) questioning witnesses.

Any person who wishes to question a witness, but does not want to ask the questions, may submit questions in writing to the ALJ, who will then question the witness. Questions may be submitted during the hearing or may be sent to the ALJ in advance of the hearing. A transcript of the proceedings will also be made available for viewing on request.

**Continuation of Hearing.** The ALJ may elect to recess the hearing and set additional days for hearing, if necessary.

**Identified Parties.** The parties to this proceeding identified on the date of this Notice are as follows:

*Applicants*

Dan Leshner, Great River Energy, 12300 Elm Creek Boulevard, Maple Grove, MN 55369, 763-445-5975, [dlesher@greenergy.com](mailto:dlesher@greenergy.com).

Timothy Rogers, Xcel Energy, 414 Nicollet Mall (MP 8A), Minneapolis, MN 55401, 612-330-1955, [timothy.g.rogers@xcelenergy.com](mailto:timothy.g.rogers@xcelenergy.com).

Lisa Agrimonti, Briggs and Morgan, P.A., 2200 IDS Center, 80 South 8<sup>th</sup> Street, Minneapolis, MN 55402, (Lead Attorney for Great River Energy).

*Intervenors*

Robert and Patricia Johnson, Represented by Paula Maccabee, Attorney at Law, 1961 Selby Avenue, St. Paul, MN 55104.

No CapX and U-CAN, Represented by Carol Overland, Attorney at Law, Overland Law Office, P.O. Box 176, Red Wing, MN 55066.

**Project Contacts.** If you have questions or would like further information about this project please contact Office of Energy Security (OES) staff. Scott Ek is the project manager (email: [scott.ek@state.mn.us](mailto:scott.ek@state.mn.us), phone: 651-296-8813) and Ray Kirsch is the public advisor (email: [raymond.kirsch@state.mn.us](mailto:raymond.kirsch@state.mn.us), phone: 651-296-7588). The public advisor is available to answer questions about the permitting procedures and how to effectively participate in the process, but does not provide legal advice. The address for staff is: Minnesota Office of Energy Security, 85 7<sup>th</sup> Place East, Suite 500, St. Paul, MN 55101-2198.

**OES Legal Counsel.** Karen Finstad Hammel, Minnesota Attorney General's Office, 1400 Bremer Tower, 445 Minnesota Street, St. Paul, MN 55101-2127, Phone (651) 757-1248, Fax (651) 297-1138, [karen.hammel@state.mn.us](mailto:karen.hammel@state.mn.us).

