

Surrebuttal Testimony and Schedules
Darrin Lahr

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

IN THE MATTER OF THE APPLICATION
FOR A ROUTE PERMIT FOR THE FARGO
TO ST. CLOUD 345 KV TRANSMISSION
LINE PROJECT

PUC DOCKET No. E002/TL-09-1056
OAH DOCKET No. 15-2500-20995-2

SURREBUTTAL TESTIMONY OF

Darrin Lahr

On Behalf of

APPLICANTS

NORTHERN STATES POWER COMPANY, A MINNESOTA CORPORATION
and GREAT RIVER ENERGY, A MINNESOTA COOPERATIVE
CORPORATION

November 30, 2010

Exhibit _____

TABLE OF CONTENTS

	Page
I. INTRODUCTION	1
II. HOMES ALONG MODIFIED PREFERRED ROUTE	2
III. MAGNETIC FIELDS	4
IV. CONCLUSION	5

I. INTRODUCTION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

Q. PLEASE STATE YOUR NAME.

A. Darrin Lahr.

Q. HAVE YOU PREVIOUSLY PROVIDED TESTIMONY IN THIS PROCEEDING ON BEHALF OF APPLICANTS?

A. Yes. I provided Direct and Rebuttal testimony.

Q. WHAT IS THE PURPOSE OF YOUR SURREBUTTAL TESTIMONY?

A. I am providing Surrebuttal testimony to update our analysis of concerns raised by North Route Citizens’ Alliance (“NoRCA”) regarding house counts along the segments of the Modified Preferred Route (“MPR”) and Route A between Sauk Center and St. Cloud.

Q. WHAT SCHEDULES ARE ATTACHED TO YOUR TESTIMONY?

- A. Schedule 15: North Route Citizens’ Alliance Response to Applicants’ Information Request No. 1 (Nov. 17, 2010) (written response and table only)
- Schedule 16: Homes within 500 feet of Modified Preferred Route Alignment (Sauk Centre to St. Cloud)

1 **II. HOMES ALONG MODIFIED PREFERRED ROUTE**

2 **Q. THE DIRECT TESTIMONY FILED ON BEHALF OF NORCA STATED THAT “AS**
3 **MANY AS 115 HOMES” LOCATED WITHIN 500 FEET OF THE MODIFIED**
4 **PREFERRED ROUTE WERE NOT IDENTIFIED IN DEIS. IN YOUR REBUTTAL**
5 **TESTIMONY, YOU STATED THAT APPLICANTS HAD REQUESTED**
6 **ADDITIONAL INFORMATION REGARDING THESE CLAIMS. DID NORCA**
7 **PROVIDE ADDITIONAL INFORMATION?**

8 A. Yes. On November 17, 2010, NoRCA provided responses to Applicants’
9 Information Request No. 1. A copy of the written response and table included
10 in NoRCA’s response are attached as **Schedule 15**.

11 **Q. PLEASE SUMMARIZE THE INFORMATION NORCA PROVIDED.**

12 A. Initially, NoRCA clarified that “NoRCA suggested there would be a total of
13 115 homes in preferred corridor, Not an additional 115.” *Id.* In its response,
14 NoRCA listed addresses for homes it believes are located within 500 feet of the
15 Modified Preferred Route, Route A, or the north/south segment near the
16 Quarry Substation where the Modified Preferred Route and Route A overlap.
17 Specifically, NoRCA listed 13 addresses that are common to both routes and
18 an additional 6 for each, totaling 25 in all. My understanding is that NoRCA
19 members drove the routes, personally inspected the properties and at times
20 contacted the landowners for additional information.

1 **Q. NORCA’S CLAIMS RELATE SPECIFICALLY TO THE DRAFT ENVIRONMENTAL**
2 **STATEMENT (“DEIS”), WHICH WAS PREPARED BY THE OFFICE OF ENERGY**
3 **SECURITY. WHAT INFORMATION CAN APPLICANTS PROVIDE?**

4 A. While I cannot respond directly to what is in the DEIS, I can provide
5 Applicants’ analysis of NoRCA’s list with respect to what Applicants included
6 in the Route Permit Application and in testimony.

7 **Q. WHAT ARE APPLICANTS’ COUNTS FOR HOMES WITHIN 500 FEET OF THE**
8 **MODIFIED PREFERRED ROUTE AND ROUTE A ALIGNMENTS BETWEEN THE**
9 **QUARRY SUBSTATION AND SAUK CENTER?**

10 A. Applicants have identified 83 homes within 500 feet of the Modified Preferred
11 Route alignment and 116 homes for Route A. *See* Schedule 8 (Lahr Rebuttal),
12 p. 9 of 9.

13 **Q. WHAT IS APPLICANTS’ ASSESSMENT OF THE ADDITIONAL ADDRESSES**
14 **NORCA PROVIDED?**

15 A. Applicants analyzed the list and evaluated the locations based on a review of
16 2009 aerial photography. Applicants’ specific comments regarding each
17 address are provided in **Schedule 16**. A summary for the 25 addresses is as
18 follows:

19	Farther than 500 feet from alignment:	6 (5 overlap, 1 Route A)
20	Confirmed Previously Omitted:	3 (1 MPR, 2 Route A)
21	Included in prior counts	3 (2 overlap, 1 MPR)
22	Inconclusive:	<u>13</u>
23	TOTAL	25

1 “Inconclusive” means that based on our methods, we were unable to locate a
2 building at the address given or we were unable to determine the use of the
3 specific building as residential.

4 **Q. DOES YOUR ANALYSIS CHANGE APPLICANTS’ ASSESSMENT OF THE**
5 **RELATIVE RESIDENTIAL IMPACTS OF THE ROUTES UNDER**
6 **CONSIDERATION?**

7 A. No.

8 **Q. WHY NOT?**

9 A. It is important to use the same analytic methodology for all of the routes being
10 evaluated in order to fairly compare them. Applicants undertook an analysis of
11 all routes using aerial photography and on-site review from public areas.
12 NoRCA used a different methodology for the Modified Preferred Route and
13 Route A by contacting individual landowners. To make an apples to apples
14 comparison across all routes, this same methodology would need to be applied.

15 **III. MAGNETIC FIELDS**

16 **Q. SINCE YOUR PRIOR TESTIMONY WAS FILED, HAVE ADDITIONAL ISSUES BEEN**
17 **RAISED WITH REGARD TO MAGNETIC FIELDS?**

18 A. Yes. NoCapX2020 has raised questions regarding magnetic field calculations
19 provided by Applicants, including Schedule 7 to my Direct Testimony, and
20 issued discovery requests relating to magnetic fields and health effects. In
21 response, Applicants have submitted the Surrebuttal testimony of Daniel Kline
22 and Dr. Peter Valberg. Mr. Kline will now be addressing the information
23 contained in Schedule 7. Dr. Valberg will provide testimony regarding
24 magnetic fields and health effects.

1

IV. CONCLUSION

2 **Q. DOES THIS CONCLUDE YOUR PRE-FILED REBUTTAL TESTIMONY?**

3 A. Yes.

3046566

North Route Citizens Alliance

November 17, 2010

Lisa M. Agrimonti
Briggs and Morgan
2200 IDS Center
80 South 8th Street
Minneapolis, MN 55402-2157

Re: In the Matter of the Application for a Route Permit for the Fargo to St. Cloud 345 kV Transmission Line Project.

MPUC Docket No. E002, ET-2TL-09-1056

OAH Docket No. 15-2500-20995-2

Dear Ms. Agrimonti

Please find attached the answers and detail to the Information Request No. 1 to The North Route Citizens Alliance.

Sincerely,



Brent Schmitt
North Route Citizens Alliance
(320)249-1542
bschmitt@bernicks.com

Information Request Answers

Answers to Questions:

- A) NoRCA Suggested there would be a total of 115 homes in preferred corridor, Not an additional 115.
- B) Analysis was not completed for all potential routes
- C) Listing of Information is listed in Attachment "Reply_Detail"
Information Provided with Notes: Please see Index below of "Reply_Detail"
Maps utilized in finding missing homes are in Attachment "DEIS_Maps_Utilized"
- D) Maps with missing locations not provided. These may be provided with a time extension.

Detail Index

Part 1: Missing Homes withing 500' on Map

Note: There are a select few that may not be within 500' but are very close if not.

Part 2: Other Missing Significant Items

Note: These are other structures not Identified

Part 3: Locations that appear to be within 75'

Part 4: Missing Homes within the 1.25 mile easement of the Eastery Preferred Route

Note: These are not within the 500' mark but are within the easment.

Part 5: Endangered Species and the Hemker Park and Zoo

Note: Home of 5 African Penguins which are on the Endangered Species Listing and Line is projected to be within 500'

REPLY DETAIL:

Missing Homes within 500' on Map - No Yellow Dots					
Name / Description	Count	Address	City/Township	Route	Other Notes
2- Homes (3 homes on property)	2	39057 Co Rd 132	Brockway Twp	Preferred & Alt A	CO Rd 132
2- Homes (Converted Pole Bldg + Trailer Home)	2	39082 115th Avenue	Brockway Twp	Preferred & Alt A	115th Avenue, Brockway
1- Home	1	9752 380th Street	Brockway Twp	Preferred & Alt A	380th Street (Dead end from 105 Ae.)
1- Home	1	9240 or 9255 378th Street	St. Wendel Twp	Preferred & Alt A	378th St (Dead End from Co Rd 2)
1- Home, Converted Pole Building	1	91441 Co Rd 4	St. Wendel Twp	Preferred & Alt A	
1- Home	1	91st Avenue	St. Wendel Twp	Preferred & Alt A	91. st Avenue (Dead end from Co Rd 2)
1- new Home	1	7753 322 Street	St. Joseph Twp	Preferred & Alt A	322 st near Co Rd 133
1- Home	1	8025 Mullen Road	St. Joseph Twp	Preferred & Alt A	
1- Home	1	8038 Mullen Road	St. Joseph Twp	Preferred & Alt A	
1- Home	1	7855 Mullen Road	St. Joseph Twp	Preferred & Alt A	
1- Home (2 total on property)	1	13792 or 13796 Co Rd 52	Holding Twp	Preferred	Co Rd 52, near Co Rd 3
1- Home	1	33845 91st Ave	St. Wendel Twp	Preferred & Alt A	On 91st Ae, West of Co Rd 2
1- Home (2 share 1 driveway)	1	17474 or 17472 360th Street	Avon Twp	Preferred	360th and Co Rd 9
1- Home: Blattner	1	21571 Trestle Ridge Road	Albany Twp	Preferred	CSAH 10 and 380th Street
1- Home: Benkowski	1	37762 145th Ave	Avon Twp	Preferred	145th Ave and Co Rd 52
1- Home: Iverson	1	37874 225th Ave	Albany Twp	Preferred	225th Ave and 380th St
1- Home: Hoffman: Not Missing but not located correctly	1	37373 Co Rd 155	Avon Twp	Preferred	Co Rd 155 and 145th Ave
1- Home	1	15845 Co Rd 151	Holding Twp	Alt A	
1- Home	1	16996 Co Rd 151	Holding Twp	Alt A	
1- Home	1	17013 Co Rd 151	Holding Twp	Alt A	
1- Home	1	22648 Co Rd 17	Milwood Twp	Alt A	
1- Home	1	27828 Co Rd 17	Milwood Twp	Alt A	
1- New Home Jim Guiese	1	23401 Co Rd 17	Krain	Alt A	

Count Total 25
Missing on the Preferred Route Total 19
Missing on the Alternate A Route Total 19

Other Missing Significant Items					
Name / Description	Count	Address	City/Township	Route	Nearest Intersection (Description)

1- Missing Business within 500' - Berkon 1 40997 Co Rd 9 Preferred
 1- New Chicken Barn being constructed 500' is questionable 1 South of 370th St aka. St Anna Dr. Albany Twp Preferred

Count Total 2

Locations that Appear to be within 75'					
Name / Description	Count	Address	City/Township	Route	Nearest Intersection (Description)

1- Included. in DEIS , but appears to be w/in 75 feet 1 33674 83rd Ave St. Wendel Twp Preferred & Alt A
 1- Included in DEIS, but 1 of the 2 will appear to be well within 75 ft 1 38183 in Krain Sec 33 or 37964 in Albany Sec 4 Krain and Albany Preferred 380th St and Hwy 238

Count Total 2

Missing Homes within the 1.25 mile easement on Eastern Preferred Route

Name / Description	Count	Address	City/Township	Route	Nearest Intersection (Description)
3-Homes	3	37575 County Road 2	St. Wendel Twp	Preferred & Alt A	On County Road 2, south of 378th Street
1-Home	1	36801 County Road 2	St. Wendel Twp	Preferred & Alt A	On County Road 2, north of 368th Street
1-Home	1	8193 360th Street	St. Wendel Twp	Preferred & Alt A	On 360th Street, East of Co. Rd. 2
1-Home	1	8195 360th Street	St. Wendel Twp	Preferred & Alt A	On 360th Street, East of Co. Rd. 2
1-Home	1	33416 County Road 2	St. Wendel Twp	Preferred & Alt A	On County Road 2, South of County Road 4
1-Home	1	34406 County Road 4	St. Wendel Twp	Preferred & Alt A	On County Road 4, East of County Road 2
1-Home	1	34294 County Road 4	St. Wendel Twp	Preferred & Alt A	On County Road 4, East of County Road 2
1-Home	1	33641 County Road 4	St. Wendel Twp	Preferred & Alt A	On County Road 4, West of County Road 133
1-Home	1	9198 341st Street	St. Wendel Twp	Preferred & Alt A	On 341st Street, West of County Road 2
1-Home	1	9181 341st Street	St. Wendel Twp	Preferred & Alt A	On 341st Street, West of County Road 2
1-Home	1	9176 341st Street	St. Wendel Twp	Preferred & Alt A	On 341st Street, West of County Road 2
1-Home	1	???? 341st Street	St. Wendel Twp	Preferred & Alt A	On 341st Street, West of County Road 2
1-Home	1	33919 91st Avenue	St. Wendel Twp	Preferred & Alt A	On 91st Ave, West of County Road 2
1-Home	1	32362 County Road 133	St. Joseph Twp	Preferred & Alt A	On County Road 13, No. of 85th Ave.
1-Home	1	32263 County Road 133	St. Joseph Twp	Preferred & Alt A	On County Road 13, No. of 85th Ave.
1-Home	1	32279 County Road 133	St. Joseph Twp	Preferred & Alt A	On County Road 13, No. of 85th Ave.
1-Home	1	32295 County Road 133	St. Joseph Twp	Preferred & Alt A	On County Road 13, No. of 85th Ave.
1-Home	1	8343 County Road 134	St. Joseph Twp	Preferred & Alt A	On County Road 13, No. of Hwy 75
1-Home	1	8345 County Road 134	St. Joseph Twp	Preferred & Alt A	On County Road 13, No. of Hwy 75
1-Home	1	8349 County Road 134	St. Joseph Twp	Preferred & Alt A	On County Road 13, No. of Hwy 75
1-Home	1	???? County Road 4	St. Wendel Twp	Preferred & Alt A	Off County Road 4, on Watab River
New Home under construction					

Total Preferred and Alt A Count 23

Endangered Species and The Hemker Park and Zoo within 500'

Hemker Park and Zoo
 26715 Co Rd 39
 Freeport, MN 56331

Endangered Species: The Black-Footed Penguin

- 5 African Penguins, also know as the Black-footed Penguin are cared for at, and by, the Hemker Zoo
 - In September 2010, the African Penguin was listed as endangered under the U.S. Endangered Species Act.

More Information on the endangered listing may be found at:

www.fws.gov/engdangered

Other item:

- Many Other Animals and species are cared for at the Hemker Park and Zoo as well.

Applicants' Response to Information Provided in NoRCA IR Response No. 1

Missing Homes within 500-ft on Map - No Red Dots				
Name / Description	Count	Address	City/Township	Route
2 Homes (3 on Property)	2	39057 CORD 132	Brockway TWP	Preferred & Route A
2 Homes (Converted Pole Bldg + Trailer Home)	2	39082 115th Ave	Brockway TWP	Preferred & Route A
1 Home	1	9752 380th St	Brockway TWP	Preferred & Route A
1 Home	1	9240 or 9255 378th St	St. Wendel TWP	Preferred & Route A
1 Home, Covered Pole Building	1	91441 CORD 4	St. Wendel TWP	Preferred & Route A
1 Home	1	91th Ave	St. Wendel TWP	Preferred & Route A
1 New Home	1	77753 322nd St	St. Joseph TWP	Preferred & Route A
1 Home	1	8025 Mullen Rd	St. Joseph TWP	Preferred & Route A
1 Home	1	8038 Mullen Rd	St. Joseph TWP	Preferred & Route A
1 Home	1	7855 Mullen Rd	St. Joseph TWP	Preferred & Route A
1 Home (2 on property)	1	13792 or 13796 CORD 52	Holding TWP	Preferred Route
1 Home	1	33845 91st Ave	St. Wendel TWP	Preferred & Route A
1 Home (2 Share 1 driveway)	1	17474 or 17472 360th St	Avon TWP	Preferred Route
1 Home: Blattner	1	21571 Trestle Ridge Rd	Albany TWP	Preferred Route
1 Home: Benkowski	1	37762 145th Ave	Avon TWP	Preferred Route
1 Home: Iverson 500 ft Rithe there, Missing	1	37874 225th Ave	Albany TWP	Preferred Route
1 Home: Hoffman: Not missing but not located correctly	1	37373 CORD 155	Avon TWP	Preferred Route
1 Home	1	15845 CORD 151	Holding TWP	Route A
1 Home	1	16996 CORD 151	Holding TWP	Route A
1 Home	1	17013 CORD 151	Holding TWP	Route A
1 Home	1	22648 CORD 17	Milwood TWP	Route A
1 Home	1	27828 CORD 17	Milwood TWP	Route A
1 new Home Jim Guiese	1	23401 CORD 17	Krain TWP	Route A

Locations that Appear to be within 75-ft				
Name / Description	Count	Address	City/Township	Route
1 Included in DEIS, but appears to be within 75 ft	1	33674 83th Ave	St. Wendel TWP	Preferred & Route A
1 Included in DEIS, but 1 of the 2 will appear to be well within 75 Ft	1	38183 in Drain Sec33 or 3794	Krain and Albany TWP	Preferred & Route A

Applicants' Response
 Aerials show potential homes in trees, not visible from road; use of converted pole building unknown
 No home located within 500 ft along 380th St
 Home not located within 500 feet
 Home not located within 500 feet
 All 3 homes along 91 st within 500 feet were included
 Applicants are unable to identify home on 2009 aerials
 Structure identified as non-residential structure; current use unknown
 Home not located within 500 feet of alignment
 Home not located within 500 feet of alignment
 Second building was marked as a non-residential structure; current use
 All 3 homes along 91st within 500 feet were included
 Second building was marked as a non-residential structure, actual use
 Applicants are unable to identify a second home on 2009 aerials
 Home confirmed (166 feet from alignment), omitted from original counts
 Applicants are unable to identify a home on 2009 aerials

Our Response
 Home counted, but marked in wrong location
 Applicants are unable to identify a home on 2009 aerials
 Applicants are unable to identify a home on 2009 aerials
 Home located 750 feet from alignment
 Home not found, unable to pinpoint exact location of address
 Home confirmed (256 feet), omitted from original counts
 Home confirmed (350 feet), omitted from original counts