

Remand Direct Testimony and Schedules
Daniel R. Leshner

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

In the Matter of the Route Permit
Application by Great River Energy and
Xcel Energy For a 345 kV
Transmission Line From Brookings
County, South Dakota To Hampton,
Minnesota

PUC Docket No. E002/TL-08-1474
OAH Docket No. 7-2500-20283-2

REMAND DIRECT TESTIMONY OF

DANIEL R. LESHER

On Behalf of

APPLICANTS

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

September 10, 2010

Exhibit ____

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1 I. INTRODUCTION

2 Q. PLEASE STATE YOUR NAME AND YOUR BUSINESS ADDRESS.

3 A. My name is Daniel R. Leshar and my business address is 12300 Elm Creek
4 Boulevard, Maple Grove, Minnesota 55369.

5
6 Q. BY WHOM ARE YOU EMPLOYED AND WHAT IS YOUR POSITION?

7 A. I am employed by Great River Energy as a Routing Lead. In my current
8 position, I am responsible for the permitting of the CapX2020 Brookings
9 County – Hampton 345 kV Project (“Brookings County – Hampton 345 kV
10 Project” or “Project”). My resume is attached as Schedule 1.

11
12 Q. SUMMARIZE YOUR EDUCATIONAL BACKGROUND AND PROFESSIONAL
13 EXPERIENCE.

14 A. I received a Bachelor of Science degree in Land Use Planning—Resource
15 Management with a minor in Natural Science from the University of Wisconsin
16 – Stevens Point in December 1999. From 2000 through 2001, I worked for
17 American Tower Corporation in the markets of Green Bay, La Crosse, and Eau
18 Claire, Wisconsin in addition to Duluth and Winona, Minnesota obtaining
19 zoning approvals including conditional use, rezoning and land use permits for
20 wireless infrastructure sites. From 2001 through 2007, I worked as a
21 Project/Site Acquisition Manager for TH Inc. Wireless/FMHC Corporation. In
22 that position I managed employees and contractors for site build-outs,
23 conducted field research including working with landowners to secure land
24 rights, and was responsible for federal and local filings and applications necessary
25 for construction projects.

1 I joined Great River Energy in August 2007 as a Senior Field Representative. In
2 this position, I was responsible for land title research, right-of-way negotiations,
3 permit acquisition, and conducting public meetings or meeting with local
4 government officials related to transmission line projects and communication
5 towers. In February 2010 I was promoted to Routing Lead. In my position as
6 Senior Field Representative and as Routing Lead, I have been responsible for
7 route development for the Project, meetings with the public, and
8 communications with both state and federal agencies. I will also be responsible
9 for overseeing land rights acquisition for the Project.

10
11 I have been a member of the International Right of Way Association ("IRWA")
12 since 2007 and am currently the Vice President/Treasurer of IRWA Chapter 20.
13 I have also completed 144 credits of the required 160 toward Senior Right-of-
14 Way Agent ("SR/WA") Certification.

15
16 **Q. FOR WHOM ARE YOU TESTIFYING?**

17 A. I am testifying on behalf of Great River Energy, a Minnesota cooperative
18 corporation, and Northern States Power Company, a Minnesota corporation
19 ("Xcel Energy"), (collectively, "the Applicants"), for a Route Permit in this
20 proceeding.

21
22 **Q. HAVE YOU PREVIOUSLY PROVIDED TESTIMONY IN THIS PROCEEDING ON**
23 **BEHALF OF APPLICANTS?**

24 A. No. My predecessor, Craig Poorker, provided Direct, Rebuttal and
25 Supplemental Testimony in this proceeding relating to route development and
26 agency comments.

1
2 **Q. ARE YOU ABLE TO ANSWER QUESTIONS REGARDING TESTIMONY PREVIOUSLY**
3 **PROVIDED BY MR. POORKER?**

4 A. Yes. I assisted with the drafting of the Route Permit Application, and
5 participated in all of the hearings associated with the contested case. I have
6 reviewed and I adopt Craig Poorker's testimony in this proceeding.
7

8 **Q. WHAT IS THE PURPOSE OF YOUR DIRECT TESTIMONY?**

9 A. I am providing Direct Testimony to address three issues:

- 10 • Communications with the United States Fish & Wildlife
11 Service ("USFWS"),
- 12 • Applicants' evaluation of the two potential crossings of
13 the Lower Minnesota River, and
- 14 • Applicants' evaluation of the two crossover routes
15 between Cedar Mountain Substation (South Site) and
16 Helena Substation (North Site) currently under
17 consideration on remand.

18
19 I will refer to the route between the Cedar Mountain and Helena substation that
20 crosses from the Modified Preferred Route to the Alternate Route at Arlington
21 as the "Arlington Crossover Route" and the route between the Cedar Mountain
22 and Helena substation that crosses near Gibbon as the "the Gibbon Crossover
23 Route". I note that the routes were discussed by the Department of Commerce
24 Office of Energy Security ("OES") in their Briefing Papers filed July 2, 2010. In
25 the Briefing Papers, the Arlington Crossover Route was identified as "the
26 Crossover Route" and the Gibbon Crossover Route was identified as "the

1 Alternative Crossover Route.” I understand the Arlington Crossover Route was
2 referred to as the “Crossover Route” and the Gibbon Crossover Route was
3 referred to as the “Alternate Crossover Route” in the Notice of Remand Public
4 Hearings sent to interested parties by the OES.
5

6 **Q. WHAT SCHEDULES ARE ATTACHED TO YOUR TESTIMONY?**

7 A. Schedule 1: Resume of Daniel R. Leshner.

8 Schedule 2: February 8, 2010 letter to USFWS from Applicants

9 Schedule 3: May 13, 2010 letter to USFWS from Applicants

10 Schedule 4: June 10, 2010 letter to Applicants from USFWS

11 Schedule 5: June 23, 2010 letter to USFWS from Applicants

12 Schedule 6: August 2010 emails exchanged between OES and USFWS

13 Schedule 7: August 25, 2010 Letter to USFWS from Applicants requesting
14 USFWS involvement in remand public hearing or comment
15 period

16 Schedule 8: Map of Alternative Route and Modified Preferred Route and
17 Connectors developed before the close of record February 8,
18 2010

19 Schedule 9: Map of the Cedar Mountain to Helena portion of the Project
20 illustrating the Arlington and Gibbon crossover routes

21 Schedule 10: Cedar Mountain to Helena Route Impact Tables

22 Schedule 11: Wetland Comparison Table for the Project
23

24 **II. REMAND ORDER**

25 **Q. THE COMMISSION REMANDED A PORTION OF THE ROUTE FOR THE PROJECT**
26 **TO ADMINISTRATIVE LAW JUDGE RICHARD LUIS TO FURTHER DEVELOP THE**

1 RECORD WITH RESPECT TO THE MOST APPROPRIATE AERIAL CROSSING OF
2 THE LOWER MINNESOTA RIVER. WHICH CROSSINGS ARE BEING
3 CONSIDERED?

4 A. Crossings at Le Sueur and Belle Plaine are under consideration. The Le Sueur
5 crossing was recommended by Administrative Law Judge Richard Luis ("ALJ
6 Luis") in his original Findings of Fact, Conclusions, and Recommendation (filed
7 April 22, 2010 and amended April 30, 2010). In Briefing Papers, the OES
8 recommended a crossing at Belle Plaine, based in part on a letter submitted by
9 the USFWS after the record closed on February 8, 2010. The Minnesota Public
10 Utilities Commission (the "Commission") directed that ALJ Luis hold public
11 hearings, receive public comments on the crossing of the Lower Minnesota River
12 at Le Sueur or Belle Plaine and review the June 10, 2010 USFWS letter. *See In the*
13 *Matter of the Route Permit Application for a 345 kV Transmission Line from Brookings*
14 *County, South Dakota to Hampton, Minnesota*, Docket No.: ET-2/TL-08-1474,
15 Order Remanding to Office of Administrative Hearings (July 27, 2009).

16
17 Q. WHAT INFORMATION DID THE USFWS LETTER CONTAIN?

18 A. The USFWS June 10, 2010 letter was directed to the Applicants and addressed
19 the Bald and Golden Eagle Protection Act ("BGEPA"). The letter was e-filed in
20 the Commission's docket. USFWS stated it believes it is "unlikely that a BGEPA
21 permit would be issued for an aerial crossing at [the] Le Sueur" crossing of the
22 Lower Minnesota River.

1
2 **Q. DID THE COMMISSION APPROVE A ROUTE FOR OTHER PORTIONS OF THE**
3 **PROJECT?**

4 A. Yes. The Commission approved all segments of the Project between the South
5 Dakota/Minnesota state line and Cedar Mountain Substation and between
6 Helena Substation (north site) and Hampton Substation. The Commission
7 remanded only the Cedar Mountain-Helena segment. The Commission
8 determined that ALJ Luis should have further proceedings to consider the
9 USFWS letter to determine if the letter affected his earlier recommendation on
10 the appropriate Lower Minnesota River crossing. The Commission further
11 directed that if ALJ Luis were to conclude that Belle Plaine is the preferred
12 crossing, that he make a recommendation regarding the appropriate crossover
13 from the Modified Preferred Route to the Alternate Route: Arlington or Gibbon.
14

15 **III. USFWS COMMUNICATIONS**

16 **Q. DID APPLICANTS SEEK INPUT FROM USFWS PRIOR TO SUBMITTING THE**
17 **ROUTE PERMIT APPLICATION FOR THE PROJECT ON DECEMBER 29, 2008?**

18 A. Yes. Applicants sent an initial contact letter was sent to USFWS in late 2007.
19 Applicants then met with USFWS on January 7, 2008, April 25, 2008, and
20 September 4, 2008, and conducted a field visit of all the Project river crossings
21 on September 19, 2008. The first meeting was tailored to the agency and the
22 topics included major avoidance areas, State routing criteria, Project schedule and
23 route selection process. During the second meeting. Applicants presented route
24 corridors and requested information on specific agency concerns within the
25 route corridors, and the information collected was used in the route selection
26 process.

1
2 At the September 4, 2008 meeting before submitting the Route Permit
3 Application ("Application"), Applicants presented several preliminary route
4 options based on prior input and provided an opportunity for the USFWS to
5 comment on the routes under consideration to identify important resources.
6 Applicants then made further adjustments to the routes based on the feedback
7 received before developing the Preferred Route and Alternate Route. Finally,
8 Applicants mailed a letter on November 3, 2008 identifying the routes to be
9 included in the Application to USFWS and requested that the agency provide any
10 additional information it believed would be helpful in the routing process.
11

12 **Q. DID THE USFWS PROVIDE COMMENTS ON THIS PROJECT PRIOR TO THE**
13 **CLOSE OF THE RECORD ON FEBRUARY 8, 2010?**

14 **A.** Yes. Following is a chronological list of the communications entered into the
15 record:

- 16 • December 8, 2008: USFWS issued a letter indicating a preference for the
17 Le Sueur crossing of the Lower Minnesota River. Ex. 140 at Schedule 42
18 (Supplemental Testimony of Craig Poorker ("Poorker Supplemental")).
- 19 • March 5, 2009: USFWS wrote to Scott Ek of the OES requesting that the
20 previous comments of the USFWS be held "in abeyance" until the
21 USFWS had time to evaluate additional information. Ex. 140 at Schedule
22 43 (Poorker Supplemental).
- 23 • April 30, 2009: USFWS mailed a letter to Chair Boyd of the Commission
24 stating that it preferred the Le Sueur crossing of the Lower Minnesota
25 River if the crossing were non-aerial. Ex. 140 at Schedule 44 at p. 1
26 (Poorker Supplemental). The USFWS further stated that if a non-aerial

1 crossing were not possible, then it preferred the Belle Plaine crossing. Ex.
2 140 at Schedule 44 at pp. 2-3 (Poorker Supplemental).

- 3 • October 6, 2009 and November 30, 2009: USFWS issued two additional
4 letters to Scott Ek of the OES. USFWS provided additional information
5 for consideration by the OES in the Draft Environmental Impact
6 Statement (“DEIS”), but did not indicate any further preference for a
7 specific Lower Minnesota River crossing. Ex. 140 at Schedules 45 & 46.
- 8 • February 8, 2010: the USFWS sent a letter to Mr. Craig Poorker requesting
9 Applicants “to further analyze both the economic and technological
10 feasibility of a non-aerial line” at both Lower Minnesota River crossings
11 and provided additional information regarding the BGEPA. This letter
12 from the USFWS is attached to my testimony as **Schedule 2**. ALJ Luis
13 considered these comments in preparing his Findings of Fact, Conclusions
14 and Recommendation. *See* Findings of Fact, Conclusions and
15 Recommendation at Finding 355.

16
17 **Q. WAS THERE ANY WRITTEN CORRESPONDENCE BETWEEN USFWS AND**
18 **APPLICANTS FROM FEBRUARY 8, 2010, UNTIL THE COMMISSION’S ORDER**
19 **REMANDING THE ISSUE OF THE RIVER CROSSING BACK TO THE OFFICE OF**
20 **ADMINISTRATIVE HEARINGS?**

21 A. Yes. Applicants evaluated comments we received from the USFWS during a
22 meeting in April 2010 and responded to the USFWS by letter on May 13, 2010.
23 The Applicants’ May 13, 2010 submission is attached to my testimony as
24 **Schedule 3** (e-filed on May 24, 2010 by Applicants).

1 The USFWS responded to Applicants' letter in writing on June 10, 2010. The
2 letter from the USFWS is attached as **Schedule 4** (e-filed on June 11, 2010 by
3 OES). In the June 10, 2010 letter, the USFWS recommended that the OES
4 recommend Applicants use the Belle Plaine crossing. USFWS stated that a
5 crossing at Le Sueur is likely to result in a taking of bald eagles and, because there
6 is a "practicable alternative" crossing at Belle Plaine, it is "unlikely that a BGEPA
7 permit would be available" to Applicants for the Le Sueur crossing.

8
9 On June 24, 2010, Applicants sent a letter to USFWS and thanked USFWS for
10 its comments (**Schedule 5**) (e-filed by Applicants on July 1, 2010).

11
12 **Q. HAVE THERE BEEN ANY WRITTEN COMMUNICATIONS TO OR FROM THE**
13 **USFWS SINCE THE COMMISSION'S JULY 27, 2010 REMAND ORDER?**

14 A. Yes. The OES emailed the USFWS and requested its attendance at the August
15 16, 2010 pre-hearing conference before ALJ Luis. The OES request and the
16 USFWS response are attached to my testimony as **Schedule 6**. In its emailed
17 response, the USFWS stated it "will not be participating in the upcoming status
18 conference, or any subsequent hearing" citing "regulations and Department
19 policy against making appearances in state judicial or administrative
20 proceedings." The USFWS further provided that "our written correspondence
21 with Great River Energy [on June 10, 2010] represents our best thinking on the
22 issue of bald eagle impacts We stand by this correspondence."

23
24 On August 25, 2010, Applicants' mailed a letter to the USFWS requesting its
25 participation in the remand hearings. The letter is attached to my testimony as

1 **Schedule 7.** As of the date of this testimony, no response from USFWS has
2 been received.

3
4 **Q. WILL APPLICANTS CONTINUE TO WORK WITH USFWS?**

5 A. Yes. Applicants are committed to working closely with USFWS and the
6 Minnesota Department of Natural Resources ("MnDNR") to design structures
7 and to implement mitigation techniques to minimize avian interactions with the
8 Project. In addition to various structure designs, Applicants have discussed line
9 marking options with the USFWS and the MnDNR and structure design
10 alternatives to minimize bird interactions. Kevin Lennon's Remand Direct
11 Testimony provides visual simulations to illustrate what two of the design
12 alternatives could look like at the Belle Plaine Lower Minnesota River crossing.

13
14 **IV. LOWER MINNESOTA RIVER CROSSINGS**

15 **Q. HOW DID APPLICANTS GO ABOUT DETERMINING WHICH LOWER**
16 **MINNESOTA RIVER CROSSINGS WOULD BE PROPOSED IN THE APPLICATION**
17 **FILED IN DECEMBER 2008?**

18 A. Initially, Applicants identified a number of crossings where existing infrastructure
19 already crossed the Lower Minnesota River . Applicants then reviewed
20 environmental data, met with local governments, and met with and state and
21 federal agencies to gather more information about the possible crossing locations
22 and solicited input from other stakeholders. The full list of agencies and local
23 governments Applicants consulted is contained in Table 10-1 of the Application.
24 Additionally, on September 19, 2008, Applicants conducted a field visit with
25 several agencies, including USFWS, to view the possible crossing locations of the
26 Lower Minnesota River. Based on this input and further analysis, Applicants

1 narrowed the possible crossing locations to a preferred location, Le Sueur, where
2 there is an existing bridge crossing, and an alternate location, Belle Plaine, where
3 there are existing transmission line facilities.
4

5 **Q. YOU MENTIONED THAT APPLICANTS IDENTIFIED LOCATIONS WHERE**
6 **EXISTING INFRASTRUCTURE CROSSED THE LOWER MINNESOTA RIVER.**
7 **HOW IMPORTANT WAS THIS FACTOR IN NARROWING THE LIST OF POTENTIAL**
8 **LOWER MINNESOTA RIVER CROSSINGS?**

9 A. The presence of an existing corridor at a potential river crossing was very
10 important in the analysis. Impacts are minimized by placing new transmission
11 infrastructure in already disturbed areas which was confirmed by agencies during
12 the field visits. As I noted, both of the proposed crossings are disturbed
13 corridors; at Le Sueur there is a bridge, and at Belle Plaine there are existing
14 transmission facilities.
15

16 **Q. WERE THERE KEY ROUTING CRITERIA APPLICANTS RELIED UPON DURING**
17 **DEVELOPMENT OF LOWER MINNESOTA RIVER CROSSINGS?**

18 A. Yes. As I previously mentioned, Applicants first identified areas of the Lower
19 Minnesota River where existing infrastructure crossings were present (“use of
20 existing transportation, pipeline, and electrical transmission systems or rights-of-
21 way” Minn. R. 7850.4100(J)). Applicants also relied on input from state and
22 federal agencies regarding potential impacts at any crossing (“effects on the
23 natural environment . . .” Minn. R. 7850.4100(E)). In addition to considering all
24 other State routing factors generally considered for a transmission line project
25 (Minn. R. 7850.4100), Applicants considered the constructability and
26 maintenance access of possible crossing locations (“costs of constructing,

1 operating, and maintaining the facility which are dependent on design and route .
2 . .”; Minn. R. 7850.4100(L)). Applicants also received input from other
3 stakeholders regarding the Lower Minnesota River crossings. It was through
4 evaluating all the routing criteria with additional attention paid to these specific
5 factors and input that Applicants established the Le Sueur and Belle Plaine
6 crossings of the Lower Minnesota River.

7
8
9 **Q. WHAT IS APPLICANTS’ PREFERENCE FOR THE LOWER MINNESOTA RIVER**
10 **CROSSING?**

11 A. During the initial contested case proceeding Applicants supported either the
12 Modified Preferred Route, which utilizes the Le Sueur crossing, or the Arlington
13 Crossover Route, which crosses at Belle Plaine. Applicants continue to believe
14 that both crossings are constructible and satisfy the State’s routing criteria.
15 However, Applicants also recognize the USFWS’s and OES’s preference for the
16 Belle Plaine crossing. Additionally, there are a number of other differentiating
17 circumstances supporting the Belle Plaine crossing, that although not largely
18 significant by themselves, when combined, lead Applicants to slightly prefer the
19 Belle Plaine crossing.

20
21 **Q. WHAT, IN YOUR OPINION, ARE THE DISTINGUISHING CIRCUMSTANCES**
22 **SURROUNDING THE CROSSINGS THAT SHOULD BE CONSIDERED?**

23 A. I believe that there are three sets of circumstances that differentiate the two
24 crossings: 1) alignment flexibility and associated engineering constraints; 2)
25 agency input; and 3) use of existing corridors.

Scenic easement at the intersection of
169 and German Rd (City Rd. 53) South of 169
and East of City Rd 53 (Confirmed w/
Scenic byway Dave Seykora -MNDOT)

1 Q. PLEASE DESCRIBE YOUR ANALYSIS OF THESE CIRCUMSTANCES FOR THE LE
2 SUEUR CROSSING.

3 A. The first consideration is alignment flexibility. At Le Sueur, alignment flexibility
4 would be substantially limited due to Minnesota Department of Transportation
5 ("Mn/DOT") scenic easements on the east end of the crossing. See Ex. 140 at
6 Schedule 50 (Poorker Supplemental). When Applicants filed the Route Permit
7 Application in December 2008, Applicants proposed an alignment that followed
8 US 169 up to the Minnesota Valley Rest Area. This alignment allowed for
9 maximum corridor sharing along a major roadway, provided a greater distance
10 from homes, and minimized overall area disturbance, including removal of
11 forested areas, compared with other alignments.

12
13 After the alignment was proposed, the MnDNR provided comments that it
14 would not support crossing Buck's Lake. As a result, the initial route crossing
15 the City of Le Sueur sewage retention ponds was abandoned.

16
17 A more significant adjustment to the proposed alignment had to be made almost
18 a year after the initial filing. In late fall 2009 after Applicants had several
19 meetings with Mn/DOT about the Project, Mn/DOT learned and advised
20 Applicants that it had scenic easements along the Le Sueur crossing area that
21 posed permitting problems. In a November 30, 2009 letter, Mn/DOT formally
22 advised that it "would be unable to issue a permit" for crossing the scenic
23 easements. Public Exhs. 309 & 309A; Seykora 3 Vol. 167-68. In response to
24 this determination by Mn/DOT, Applicants developed the Myrick Alignment
25 Alternative. See Ex. 140 at pp. 11-14 and Schedule 51 (Poorker Supplemental).

1 The Myrick Alignment Alternative moves away from US 169 and follows
2 property not encumbered by Mn/DOT scenic easements for approximately 1.5
3 miles. When compared to the original alignment which traversed 0.4 miles of
4 cross-country terrain, the Myrick Alignment Alternative traverses 1.1 miles of
5 cross-country terrain. It would require removal of 7.6 acres of forested area
6 along the hillside. The Myrick Alignment Alternative is a constructible route but
7 presents engineering challenges and design constraints that are described in
8 Kevin Lennon's Direct Testimony. Although Applicants' current assessment is
9 that the Myrick Alignment Alternative would not result in displacement of
10 homes, the alignment is approximately 130 feet from one house and engineering
11 requirements may require that the line be located closer to the house.

12
13 The second key consideration is agency input. The most significant agency
14 concern at the crossings is potential impacts to bald eagles. USFWS has opined
15 that the potential risk to eagles is lower at Belle Plaine than Le Sueur. As
16 mentioned previously, the OES prefers the Belle Plaine crossing of the Lower
17 Minnesota River over the Le Sueur crossing.

18
19 The third key consideration is use of existing corridors. The Le Sueur crossing
20 as originally designed followed US 169 across the river and to the east. The new
21 alignment is south of US 169. The Myrick Alignment Alternative follows some
22 roads, but also goes cross country across a forested area. Overall, the Modified
23 Preferred Route would share existing roads, railroad and transmission line rights-
24 of-way for approximately 48 miles in the Cedar Mountain to Helena segment (72
25 percent).

1 Q. WHAT IS YOUR ANALYSIS OF THESE KEY CONSIDERATIONS AT THE BELLE
2 PLAINE CROSSING?

3 A. The alignment flexibility at the Belle Plaine crossing is more desirable because
4 there are no scenic easement or other limiting design constraints like those
5 encountered at Le Sueur. Mn/DOT has identified no scenic easements that
6 would be affected if the Belle Plaine crossing were selected. Seykora 3 Vol. 212-

7 13. German Rd Scenic easement

8
9 USFWS also supports the Belle Plaine crossing over Le Sueur. USFWS has
10 concluded that "an aerial crossing at Le Sueur is more likely to harm bald eagles
11 than an aerial crossing at Belle Plaine." Schedule 4 at p. 3.

12 USFWS retracted letter and research to date
13 shows no wintering eagles at Bucks Lake.

14 Finally, with either the Gibbon or Arlington crossover routes, the Minnesota
15 River crossing parallels an existing 69 kV transmission line. On the Gibbon
16 Crossover, the route follows existing roads, railroad and transmission line rights-
17 of-way for approximately 47 miles between the Cedar Mountain and Helena
18 substations (68 percent). The Arlington Crossover Route follows existing rights-
19 of-way for approximately 54 miles (71 percent).

20 V. CROSSOVER ROUTE ANALYSIS

21 Q. WHY IS A CROSSOVER ROUTE NECESSARY?

22 A. If the Commission grants a permit for the Belle Plaine crossing of the Lower
23 Minnesota River for the Project, a crossover route must be used through the area
24 west of Belle Plaine in Sibley County to connect Applicants' Modified Preferred
25 Route to the Alternate Route and reach the Belle Plaine crossing. A map from

1 the prior routing proceedings showing the Alternate Route and Modified
2 Preferred Route and connectors are shown on **Schedule 8**.

3
4 **Q. WHAT ARE THE TWO CROSSOVER ROUTES UNDER CONSIDERATION ON**
5 **REMAND?**

6 A. The Arlington Crossover Route and the Gibbon Crossover Route. The two
7 routes are shown on **Schedule 9**.

8
9 **Q. WERE THERE OTHER CROSSOVER SEGMENTS CONSIDERED IN THE ROUTING**
10 **PROCEEDING?**

11 A. Yes. There were two other crossover segments evaluated in the DEIS and the
12 Final Environmental Impact Statement ("FEIS").

13
14 *** Q. WHY ARE THESE TWO OTHER CROSSOVER ROUTES NOT UNDER**
15 **CONSIDERATION ON REMAND?**

16 A. Neither one of these crossover routes was recommended by the OES or ALJ
17 Luis. In addition, these segments would result in greater impacts to human
18 settlement and the environment.

19
20 **Q. WERE THE CROSSOVER ROUTES UNDER CONSIDERATION IN THE REMAND**
21 **PROCEEDINGS EVALUATED IN THE FEIS?**

22 A. Yes, they were discussed in both the DEIS and the FEIS.
23

1 Q. HAVE APPLICANTS COMPLETED ANY ADDITIONAL REVIEW OF THESE TWO
2 ROUTES?

3 A. Applicants have independently evaluated these routes and the impacts tables are
4 attached to my testimony as **Schedule 10**. Applicants found that the two routes
5 are very similar in most respects, with some differences in mileage and impacts.

6
7 The Gibbon Crossover Route is approximately seven (7) miles shorter in length
8 than the Arlington Crossover Route. The two routes are identical in the number
9 of homes within 150 feet of the proposed centerline, but the Gibbon Crossover
10 Route has 10 fewer homes within 500 feet of the proposed centerline and a
11 lower resulting concentration of occupied homes per mile. The Gibbon
12 Crossover Route has six (6) more acres of prime farmland within the right-of-
13 way than the Arlington Crossover Route. Additionally, the Gibbon Crossover
14 Route crosses one (1) less stream or river, but crosses five (5) more Public Water
15 Inventory streams than the Arlington Crossover Route. Finally, the Gibbon
16 Crossover Route has three fewer archaeological sites within one mile and one
17 less historical site.

18
19 Various wetland impacts have also been evaluated and are attached to my
20 testimony as **Schedule 11**. The Gibbon Crossover Route has 1.2 fewer acres of
21 wetlands within the right-of-way. Both routes cross nine (9) forested wetlands
22 and the Arlington Crossover Route crosses four (4) fewer wetlands in total. The
23 Gibbon Crossover Route is within close proximity to a wetland complex the
24 MnDNR identified during the routing proceeding. Based on conversations with
25 the MnDNR regarding the Gibbon Crossover Route we understand that
26 additional mitigation measures may be required in this area.

1
2 The Gibbon Crossover Route is also the lower cost option. The Arlington
3 Crossover Route is estimated to cost \$186 million and the Gibbon Crossover
4 Route is estimated to cost \$168 million. Please see Kevin Lennon's Remand
5 Direct Testimony for more information on costs.
6

7 **Q. WHICH OF THE CROSSOVER ROUTES DO APPLICANTS PREFER?**

8 A. Applicants prefer the Gibbon Crossover Route that OES developed because it is
9 shorter and reduces impacts to human settlement, wetlands within the right-of-
10 way, total stream crossings, and archaeological and historical sites.
11

12 VI. CONCLUSION

13 **Q. DOES THIS CONCLUDE YOUR REMAND DIRECT TESTIMONY?**

14 A. Yes.
15
16

2694675v1



STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

March 1, 2011

TO: Persons on Project List

SUBJECT: Notice of Availability of Final Order

PUC Docket ET2/TL-08-1474

A final Order has been issued by the Minnesota Public Utilities Commission designating a route and issuing a construction permit for final proposed route segment for the Minnesota portion of the 345 kV Transmission Line from Brookings, South Dakota to Hampton, Minnesota Project. The remaining five segments of the project were approved by the Commission on July 15, 2010. The Order contains findings and conclusions made by the Commission in its February 3, 2011 decision in this matter.

The Order Granting Route Permit and accompanying approved final route maps can be reviewed on the Commission's website at:

<https://www.edockets.state.mn.us/EFiling/verification/viewServedDocument.do?method=showSubmissionInfo&reqFrom=viewServedDocuments&selectedId=25003&docketNumber=ET2/TL-08-1474&showList=true#displayInfo>

You may also access this information and the complete docket record at the Commission's website: www.puc.state.mn.us (Select "Search eDockets" and enter year "08" and number "1474").

The Permit specifically requires the Permittees (Great River Energy and Xcel Energy) to provide all affected landowners with a copy of the permit at or before the first contact with the landowner.

Any person aggrieved and directly affected by a commission decision or order may petition for reconsideration pursuant to Minn. Rule 7829.3000. Any person subsequently aggrieved by the issuance of a route permit may appeal to the Minnesota Court of Appeals pursuant to Minn. Stat. 216E.15.

CERTIFICATE OF SERVICE

I, Margie DeLaHunt, hereby certify that I have this day, served a true and correct copy of the following document to all persons at the addresses indicated below or on the attached list by electronic filing, electronic mail, courier, interoffice mail or by depositing the same enveloped with postage paid in the United States mail at St. Paul, Minnesota.

Minnesota Public Utilities Commission NOTICE OF AVAILABILITY OF FINAL ORDER

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

Dated this **1st** day of **March, 2011**

/s/ Margie DeLaHunt

DEBBIE L ZEHNDER
20974 281 AVE
BELLE PLAINE MN 56011

DAVID & CONNIE ZEHNDER
20978 281 AVE
BELLE PLAINE MN 56011

VICTOR MICHAEL & TRISHA ZEIHNER
22932 341 AVE
HENDERSON MN 56044

STEVEN A & ANN M ZEIHNER
33756 316
LE SUEUR MN 56058

CRAIG D ZELASKO
35501 316 ST
LE SUEUR MN 56058

GERALD & NANCY ZEMPEL
32373 360TH ST
FRANKLIN MN 55333

RONALD L & BETTY L ZEMPEL
32749 360TH ST
FRANKLIN MN 55333

DIANE ZIMMER
24998 MERIDIAN CIR
BELLE PLAINE MN 56011

DEBRA ZIPRIL
32365 316TH ST
LE SUEUR MN 56058

MARK D ZOLLNER
64689 CTY RD 16
FAIRFAX MN 55332

JUDITH MOHR & DAVID ZOLLNER
PO BOX 231
FAIRFAX MN 55332

169 DQ INC
31000 HWY 169 N
LE SUEUR MN 56058

ALVIN O KAISER REVOCABLE TRUST
38426 230 ST
ARLINGTON MN 55307

BAGGENSTOSS FAMILY TRUST
29295 441 AVE
GAYLORD MN 55334

BANDON FARM PARTNERSHIP
69864 CO RD 27
FAIRFAX MN 55332

BIMEDA INC
291 FOREST PRAIRIE RD
LE SUEUR MN 56058

BIRD POND PROPERTIES LLC
19450 281 AVE
BELLE PLAINE MN 56011

C L C DEVELOPMENT INC
26239 STATE HIGHWAY 25
BELLE PLAINE MN 56011

CARLSON FAMILY TRUST
43197 236TH ST
ARLINGTON MN 55307

CENTRAL EV LUTHERAN CHURCH
64268 430 ST
FRANKLIN MN 55333

CHURCH OF ST WILLIBRORD
PO BOX 187
GIBBON MN 55335

CITY OF FAIRFAX
PO BOX K
FAIRFAX MN 55332

CITY OF FRANKLIN
PO BOX 326
FRANKLIN MN 55333

CITY OF GIBBON
PO BOX 106
GIBBON MN 55335

CITY OF LESUEUR
PO BOX 176
LE SUEUR MN 56058

COACHLIGHT INN INC
PO BOX 62
LE SUEUR MN 56058

DAVIS FAMILY LLC
704 MAIN ST N
LE SUEUR MN 56058

DENZER FAMILY TRUST
405 DOPPY LN
LE SUEUR MN 56058

EDNA V SANDQUIST REVOC TRUST
251 6TH ST APT 2
LAFAYETTE MN 56054

FIVE STAR DAIRY LLC
PO BOX 466
UNIT 7B
ARLINGTON MN 55307

FORT RIDGELY LUTHERAN
CONGREGATION
63811 430 ST
FRANKLIN MN 55333

GARY L MOELLER REVOC TRUST
811 MAIN ST W
ARLINGTON MN 55307

GENESIS
1273 W DERRYNANE ST
LE CENTER MN 56057

HARCATH INC
222 S 2ND
PO BOX 43
LE SUEUR MN 56058

HEDGEWOOD FARMS INC
40735 280 ST
ARLINGTON MN 55307

JANET R STRAUB TRUST
29031 320TH ST
LE SUEUR MN 56058

L & T PIOSKE FARMS INC
42069 330 ST
LE SUEUR MN 56058

LE SUEUR COUNTY
88 PARK AVE S
LE CENTER MN 56057

LE SUEUR DEVELOPMENT CO
500 MAIN ST N STE 109
LE SUEUR MN 56058

LE SUEUR FARMER'S ELEV CO
316 MAIN ST N
LE SUEUR MN 56058

LE SUEUR MAINSREET PROP LLC
415 MAIN ST N
LE SUEUR MN 56058

LONE TREE RIDGE FARMS, INC
42655 STATE HWY 19
FRANKLIN MN 55333

MARS PETCARE US INC
315 COOL SPRINGS BLVD
FRANKLIN TN 37067

O & L DETERLING FAMILY TRUST
67295 CO RD 27
FAIRFAX MN 55332

ORVILLE L PIOSKE TRUST
32786 411 AVE
PO BOX 111
LE SUEUR MN 56058

PHYLLIS SEVERIN FAMILY TRUST
46652 320 ST
GAYLORD MN 55334

REDEEMER LUTHERAN CHURCH
14226 280 ST W
HENDERSON MN 56044

RIVER HILLS CHRISTIAN CHURCH
415 N 2ND ST
LE SUEUR MN 56058

RIVER VALLEY RECREATIONAL
CLUB
65436 410TH ST
FRANKLIN MN 55333

SELL FAMILY LTD PARTNERSHIP
PO BOX 493
FAIRFAX MN 55332

SIBLEY COUNTY
PO BOX 171
GAYLORD MN 55334

ST ANDREWS CHURCH
PO BOX C
FAIRFAX MN 55332

ST JOHNS LUTHERAN CHURCH
PO BOX 217
FAIRFAX MN 55332

ST PATRICKS CHURCH
FRANKLIN MN 55333

TRINITY LUTHERAN CHURCH
COUNTY RD 8
GAYLORD MN 55334

TYRONE TOWNSHIP
31428 TYRONE RD
LE SUEUR MN 56058

WOESTEHOFF LP
17366 280 ST W
HENDERSON MN 56044

ZION UNITED CHURCH OF CHRIST
240 S ELMWOOD
LE SUEUR MN 56058

MN DEPT OF EMPLOYMENT AND
ECONOMIC DEVELOPMENT
1ST NATIONAL BANK BUILDING,
SUITE E200
332 MINNESOTA ST
ST. PAUL MN 55101

CITY OF HENDERSON
600 MAIN ST
PO BOX 433
HENDERSON MN 56044

Le Sueur

Crossing Exist. lines

/ Approx. 1/4 S. of
#93 & 169 Intersect.



B-8 Crossin' / The corridor is so grown shut they will
need to clear as much as
establishing a new corridor

