

MALKERSON GUNN MARTIN LLP

1900 U.S. BANK PLAZA SOUTH TOWER
220 SOUTH SIXTH STREET
MINNEAPOLIS, MINNESOTA 55402
TELEPHONE 612-344-1111
FACSIMILE 612-344-1414

Phillip R. Krass, Esq.
NATIONALLY CERTIFIED CIVIL TRIAL SPECIALIST

Direct: (612) 453-6630
rod.krass@mgallp.com

October 25, 2011

VIA ELECTRONIC FILING AND
REGULAR U.S. MAIL

Kathleen D. Sheehy
Administrative Law Judge
Office of Administrative Hearings
P.O. Box 64620
St. Paul, MN 55164-0620

RE: In the Matter of the Application by Xcel Energy for a Route Permit for the Hampton-Rochester-La Crosse 345-kV Transmission Line Project
OAH 3-2500-21181-2
PUC No.: E002/TL-09-1448

Dear Judge Sheehy:

Oronoco Township respectfully requests that you consider the following response to Ms. Agrimonti's October 17, 2011, letter. I will be very brief. With regard to Ms. Agrimonti's first point regarding right-of-way sharing,¹ if we were standing before Your Honor with the sheet maps in the FEIS and arguing this case, we could point out the same information that was included in our final argument.

Second, Ms. Agrimonti notes that the cost estimate for the 3A-Crossover Route is \$192.2 million. We have some difficulty determining the cost of the 3A-Crossover Route from the record, but are certainly willing to accept that number, which makes clear the economic viability of the 3A-Crossover Route.

Third, Ms. Agrimonti points out that we argued a "fall distance" of up to 340 feet.² She contends that "fall distance" is not a term used by the utilities, but notes that the FHA guidelines define the fall distance as the height of the pole. Ms. Agrimonti then asserts that the height of the pole can be as tall as 185 feet. The 340-foot fall distance in our brief is based on the assumption that the pole height was a maximum of 170 feet. Ms. Agrimonti neglects to point out that the fall distance goes in both directions. That is to say, the pole can fall perpendicularly to the line in either direction, thus creating a maximum fall distance of twice the pole's height. Our error was

¹ See Oronoco Final Post-Hearing Brief at p. 21.

² Oronoco Final Post-Hearing Brief at p. 20.

not realizing the poles can be as tall as 185 feet, so we actually understated the fall distance, which is really 370 feet, or 30 feet more than we argued.

Thank you for your consideration of these issues.

Very truly yours,

/s/ Phillip R. Krass

Phillip R. Krass

PRK/jlm
Enclosures

cc: Service List
Rachel R. Myers, Esq.
Client