

October 17, 2011

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## **ELECTRONIC FILING AND MAIL**

Hon. Kathleen Sheehy  
Administrative Law Judge  
Office of Administrative Hearings  
PO Box 64620  
St. Paul, MN 55164-0620

**Re: *In the Matter of the Route Permit Application for the CapX2020 Hampton-Rochester-La Crosse 345 kV Transmission Line***  
**MPUC Docket No. E-002/TL-09-1448**  
**OAH Docket No. 3-2500-21181-2**

Dear Judge Sheehy:

Applicant Northern States Power Company, a Minnesota corporation (“Xcel Energy”), respectfully requests that Your Honor consider the following comments in response to the Final Post-Hearing Brief of Oronoco Township (“Oronoco”). Xcel Energy recognizes that the briefing schedule does not authorize additional responsive memoranda. However, Oronoco’s final brief, which is three times as long as its opening brief (39 pages vs. 13), contains new information that contradicts the record evidence and raises new arguments not raised in its initial brief. These comments are offered to ensure that the record is complete and accurate.

First, Oronoco provides its own unique analysis of right-of-way sharing for the “3A-Crossover” route for Segment 3, on page 21 of its Final Post-Hearing Brief. This “summary” analysis was completed by some unidentified person(s) who viewed sheet maps in the Final Environmental Impact Statement (“FEIS”) and counted lines, roads, and property lines within a 1,000-foot corridor. *Id.* The “3A-Crossover” route identified by Oronoco includes the Modified Preferred Route from Hampton Substation to the north siting area for the North Rochester Substation and then uses a small portion of the Alternate Route to the Zumbro River, including the North Route crossing, and then goes south to connect with the Modified Preferred Route to the Mississippi River crossing.<sup>1</sup> There is right-of-way sharing data in the record about this route, which Oronoco Township fails to reference. Applicant’s response to Oronoco Information Requests No. 4 and 5 lists impacts and right-of-way sharing information for the Modified Preferred Route using the three alternate river crossings: the White Bridge crossing, Zumbro

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<sup>1</sup> Ex. 90. Exhibit 90 mislabels the 3P route along US-52 as 3A.

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Dam crossing, and the North Zumbro crossing. Applicant's response, which also includes cost estimates, was admitted to the record as Exhibit 71. Oronoco's 3A-Crossover Route is described as "North Zumbro to Preferred Route" in Exhibit 71. Whatever analysis Oronoco may have completed on its own and revealed in its reply brief is outside the record and is inconstant with Exhibit 71, which was subject to evaluation in the hearing, and should not be considered.

Second, Oronoco states that the cost of the 345 kV transmission line using Segment 1P and the 3A-Crossover Route is "unknown."<sup>2</sup> In fact, a cost estimate was provided in Exhibit 71: \$192.2 million. In addition, it should be noted that Oronoco's cost numbers on page 33 are end-to-end cost estimates (Hampton to Mississippi River) whereas the lengths provided are only for Segment 3. End-to-end, the Alternate 345 kV Route is 10 miles longer than the Modified Preferred 345 kV Route.

Third, Oronoco argues about Federal Housing Administration ("FHA") requirements and contends, without citation, that there is a "fall distance" of "up to 340 feet" associated with the proposed transmission line.<sup>3</sup> While "fall distance" is not a term used by utilities and Applicant does not agree that the FHA guidelines would apply to restrict mortgage eligibility, there is no reasonable dispute that the FHA defines "fall distance" as the height of the pole.<sup>4</sup> The proposed pole heights for the Hampton-Rochester-La Crosse 345 kV Project range from 135 to 185 feet.<sup>5</sup>

Thank you for your consideration of these issues.

Sincerely,

*/s/ Lisa M. Agrimonti*

Lisa M. Agrimonti

LMA/ts  
cc: Service List

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<sup>2</sup> Oronoco Final Post-Hearing Brief at p. 33.

<sup>3</sup> Oronoco Final Post-Hearing Brief at p. 20.

<sup>4</sup> Ex. 15 at pp. 3-4 (Hillstrom Rebuttal).

<sup>5</sup> Ex. 26 at pp. 8-9 (Stevenson Direct).

*In the Matter of the Application  
for a Route Permit for the CapX2020  
Hampton-Rochester-LaCrosse High  
Voltage Transmission Lines*

**CERTIFICATE OF SERVICE  
MPUC Docket No. ET-2/TL-09-1448  
OAH DOCKET NO. 7-2500-20283-2**

Diane Bailey-Andersen certifies that on the 17th day of October 2011, she filed true and correct copy of a **Northern States Power Company Letter** by posting it on [www.edockets.state.mn.us](http://www.edockets.state.mn.us). Said document was also served via U.S. Mail and e-mail as designated on the Official Service List on file with the Minnesota Public Utilities Commission in the above-referenced docket.

*/s/ Diane Bailey-Andersen'*  
Diane Bailey-Andersen

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