

PUC Docket No. ET665/TL-12-1337
OAH Docket No. 60-2500-30782

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

IN THE MATTER OF THE APPLICATION
OF ITC MIDWEST LLC FOR A ROUTE
PERMIT FOR THE MINNESOTA - IOWA
345 kV TRANSMISSION LINE PROJECT
IN JACKSON, MARTIN AND FARIBAULT
COUNTIES

**ITC MIDWEST LLC'S PROPOSED
FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND RECOMMENDATION**

TABLE OF CONTENTS

	<u>Page</u>
STATEMENT OF ISSUE	2
FINDINGS OF FACT	2
I. Applicant and Other Parties	2
II. Procedural Summary	4
III. Description of the Project	23
IV. Routes Evaluated.....	24
V. Transmission Line Structure Types and Spans.....	34
VI. Transmission Line Conductors	35
VII. Route Widths.....	35
VIII. Transmission Line Right-of-Way	37
IX. Project Schedule.....	39
X. Project Costs	39
XI. Permittee	41
XII. Public and Local Government Participation	41
A. Public Comments	41
1. Comments at Public Hearings.....	41
2. Public Hearing Comment Period.....	41
B. Local Government and Federal and State Agencies	43
1. City of Jackson	43
2. City of Sherburn	43
3. Faribault County	44
4. Martin County	44
5. Rutland Township.....	44
6. Minnesota Department of Transportation.....	45
7. Minnesota Department of Natural Resources	45
XIII. Factors for a Route Permit.....	47
XIV. Application of Routing Factors to Routes on the Record	50

TABLE OF CONTENTS
(continued)

	<u>Page</u>
A. Effects on Human Settlement	50
1. Displacement	50
2. Noise.....	51
3. Aesthetics.....	53
4. Cultural Values.....	53
5. Recreation.....	53
6. Public Service and Infrastructure	54
B. Effects on Public Health and Safety.....	55
1. Construction and Operation of the Project.....	55
2. Electric and Magnetic Fields.....	55
C. Effects on Land-Based Economies	57
1. Agriculture	57
2. Forestry	58
3. Mining.....	59
4. Tourism.....	59
D. Effects on Archeological and Historic Resources.....	59
E. Effects on Natural Environment	60
1. Air Quality.....	60
2. Water Quality and Resources.....	61
3. Flora.....	63
4. Fauna.....	64
F. Effects on Rare and Unique Natural Resources.....	64
G. Application of Various Design Considerations	65
A. Use or Paralleling of Existing Right-of-Way, Survey Lines, Natural Division Lines, and Agricultural Field Boundaries.....	66

TABLE OF CONTENTS
(continued)

	<u>Page</u>
B. Use of Existing Transportation, Pipeline, and Electrical Transmission System Rights-of-Way	66
C. Electrical System Reliability.....	67
D. Costs of Constructing, Operating, and Maintaining the Facility	70
E. Adverse Human and Natural Environmental Effects Which Cannot be Avoided.....	70
F. Irreversible and Irretrievable Commitments of Resources	70
XV. Notice	71
ADEQUACY OF THE EIS	74
CONCLUSIONS	74
RECOMMENDATION	78

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

IN THE MATTER OF THE APPLICATION
OF ITC MIDWEST LLC FOR A ROUTE
PERMIT FOR THE MINNESOTA – IOWA
345 kV TRANSMISSION LINE PROJECT
IN JACKSON, MARTIN AND FARIBAULT
COUNTIES

**ITC MIDWEST LLC’S PROPOSED
FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND RECOMMENDATION**

An evidentiary hearing was held before Administrative Law Judge (“ALJ”) James LaFave on May 19, 2014 in St. Paul, Minnesota in the above-captioned matter. Public hearings were held in Blue Earth, Minnesota and Jackson, Minnesota on May 13, 2014, and Fairmont, Minnesota on May 14, 2014. Written public comments were received until May 30, 2014.

Post hearing briefs were filed on July 11, 2014, and responsive briefs were filed on August 8, 2014.

The following appearances were made:

Lisa M. Agrimonti and Kodi Jean Church, Attorneys at Law, Briggs and Morgan, 2200 IDS Center, 80 South Eighth Street, Minneapolis, Minnesota 55402, appeared for and on behalf of the ITC Midwest LLC (“ITC Midwest”). ITC Midwest in-house counsel Timothy Iannettoni and Matthew Carstens were also present.

Julia Anderson, Assistant Attorney General, 445 Minnesota Street, Suite 900, St. Paul, Minnesota 55101, appeared for and on behalf of the Minnesota Department of Commerce, Division of Energy Resources (“DOC DER”).

Linda S. Jensen and Jocelyn F. Olson, Assistant Attorney Generals, 445 Minnesota Street, Suite 900, St. Paul, Minnesota 55101, appeared for and on

behalf of the Minnesota Department of Commerce – Energy Environmental Review and Analysis (“EERA”). EERA Director Deborah Pile was also present.

Elizabeth Goodpaster and Leigh Currie, Attorneys at Law, Minnesota Center for Environmental Advocacy (“MCEA”), 26 East Exchange Street, Suite 206, St. Paul, Minnesota 55101, appeared for and on behalf of Wind on the Wires, Fresh Energy, Izaak Walton League-Midwest Office, Minnesota Center for Environmental Advocacy “Clean Energy Intervenors” or “CEI”).

Jeffrey L. Small, Attorney at Law, P.O. Box 4202, Carmel, Indiana 46082-4202, appeared for and on behalf of the Midcontinent Independent System Operator, Inc. (“MISO”).

Carol Overland, Attorney at Law, Legalectric, Inc., 1110 West Avenue, Red Wing, Minnesota 55066, appeared for and on behalf of the Citizens Energy Task Force and NoCapX2020 (collectively, “NoCapX2020/CETF”).

Scott Ek, staff of the Minnesota Public Utilities Commission (“PUC” or “Commission”) was also present for the hearing.

STATEMENT OF ISSUE

Has ITC Midwest satisfied the factors set forth in Minnesota Statutes Section 216E.03 and Minnesota Rules Chapter 7850 for a Route Permit for the Minnesota – Iowa 345 kV Transmission Project and associated facilities in Jackson, Martin, and Faribault counties, Minnesota?

Based on the information in the Certificate of Need Application and Route Permit Application to the Commission, the Environmental Impact Statement (“EIS”), the testimony at the public hearings and evidentiary hearing, written comments, exhibits received in this proceeding, and other evidence in the record, the ALJ makes the following:

FINDINGS OF FACT

I. APPLICANT AND OTHER PARTIES

1. ITC Midwest is a transmission-only utility that owns approximately 6,600 circuit miles of transmission lines and more than 200 transmission substations in Iowa, Minnesota, Illinois, and Missouri. ITC Midwest is a “transmission company” pursuant to Minnesota Statutes Section 216B.02, subd. 10. ITC Midwest is a public utility under Section 203 of the Federal Power Act.

As such, ITC Midwest is subject to plenary rate regulation and other oversight by the Federal Energy Regulatory Commission (“FERC”). ITC Midwest is a transmission-owning member of MISO, with headquarters in Cedar Rapids, Iowa, and operating locations in Dubuque, Iowa City, and Perry, Iowa; and Albert Lea and Lakefield, Minnesota. In December 2007, ITC Midwest acquired the electric transmission assets previously owned by Alliant Energy’s subsidiary, Interstate Power & Light Company (MPUC Docket No. E001/PA-07-540). ITC Midwest connects more than 700 communities over almost 54,000 square miles in Iowa, southern Minnesota, and northwestern Illinois.¹

2. The DOC DER is statutorily authorized to intervene in Certificate of Need proceedings and to participate in Commission matters involving utility rates and the adequacy of utility services. The DOC DER is only a party to the Minnesota - Iowa 345 kV Transmission Project Certificate of Need Docket (Docket No. ET6675/CN-12-1053).²

3. MISO is a not-for-profit, member-based, Regional Transmission Organization (“RTO”) providing reliability and market services over 65,700 miles of transmission lines in fifteen states and one Canadian province. MISO’s regional area of operations “stretches from the Ohio-Indiana line in the east to eastern Montana in the west, and south to New Orleans (MISO’s South Region serves parts of Arkansas, Louisiana, Mississippi, and Texas). MISO is governed by an independent eight-member Board of Directors. As an RTO, MISO is responsible for operational oversight and functional control, market operations, and planning of the transmission systems of its member Transmission Owners”.³ MISO reports on its recommended transmission projects in its annual MISO Transmission Expansion Plan (“MTEP”). MISO is only a party to the Minnesota - Iowa 345 kV Transmission Project Certificate of Need Docket (Docket No. ET6675/CN-12-1053).⁴

4. Clean Energy Intervenors are a group of organizations whose work

¹ Ex. 6 at 15-16 (Certificate of Need Application). *See* Federal Power Act §§ 201(b)(1), 205(a), and 206(a); 16 U.S.C. §§ 824b(1), 824d(a), and 824e(a) (2012) (granting FERC exclusive jurisdiction over interstate transmission electric rates, including the authority to determine whether such rates are just, reasonable, and unduly discriminatory or preferential).

² Minn. Stat. §§ 216C.09; 216C.10(a)(9); 216B.243, subd. 7 (2012).

³ Ex. 400 at 1-2 (Chatterjee Direct).

⁴ Ex. 6 at 44 (Certificate of Need Application)

focuses, in part, on clean energy transmission in the Midwest region.⁵

5. CETF/NoCapX 2020 are Minnesota and Wisconsin based organizations representing landowners, residents, and ratepayers who have intervened in the CapX 2020 Certificate of Need docket, among other dockets.⁶

II. PROCEDURAL SUMMARY⁷

6. On September 27, 2012, ITC Midwest mailed letters to officials of local governments within or adjacent to a route for the Minnesota – Iowa 345 kV Transmission Project (“Project” or “MN-IA 345 kV Project”) in accordance with Minnesota Statutes Section 216E.03, subdivision 3a.⁸

7. On September 28, 2012, ITC Midwest submitted its Notice Plan Petition for its Certificate of Need Application to construct the MN-IA 345 kV Project to the Commission for approval.⁹

8. In Minnesota, the proposed project includes approximately 75 miles of new 345 kV facilities from the Lakefield Junction substation to a new Huntley Substation by Winnebago, and on to the Iowa border south of Blue Earth.¹⁰ The project also includes modifications of four existing 161 kV lines, that currently terminate at the Winnebago Substation, to connect at the Huntley Substation and

⁵ *In the Matter of Application of ITC Midwest LLC for a Certificate of Need for the Minnesota-Iowa 345 kV Transmission Line Project in Jackson, Martin, and Faribault Counties*, Docket No. 12-1053, Petition to Intervene of Wind on the Wires at 1 (Jul. 23, 2013); *In the Matter of Application of ITC Midwest LLC for a Certificate of Need for the Minnesota-Iowa 345 kV Transmission Line Project in Jackson, Martin, and Faribault Counties*, Docket No. 12-1053, Petition to Intervene of Fresh Energy and Izaak Walton League of America – Midwest Office at 1-2 (Jan. 15, 2014).

⁶ *In the Matter of Application of ITC Midwest LLC for a Certificate of Need for the Minnesota-Iowa 345 kV Transmission Line Project in Jackson, Martin, and Faribault Counties*, Docket No. 12-1053, Out-of-Time Petition for Limited Intervention Citizens Energy Task Force and No CapX 2020 at 1 (Jan. 20, 2014).

⁷ Given the joint proceeding of the Certificate of Need and Route Permit applications, this section includes the combined procedural history for the Certificate of Need (ET6675/CN-12-1053) and Route Permit (ET6675/TL-12-1337) dockets. Additional motions concerning discovery, intervention, and other matters were filed and additional orders were issued. All of the documents are included in the record.

⁸ Ex. 7 at Section 9.1.3 and Appendix B (Route Permit Application).

⁹ Ex. 1 at 1 (Minnesota – Iowa 345 kV Transmission Project Notice Plan Petition).

¹⁰ Ex. 1 at 1 (Minnesota – Iowa 345 kV Transmission Project Notice Plan Petition).

south to the Iowa border.¹¹

9. South of the border in Iowa, the 345 kV line will connect to a new ITC Midwest Ledyard Substation near Ledyard, Iowa, and continue south to provide additional 345 kV interconnections at a new substation in Kossuth County, owned by MidAmerican Energy Company (“MidAm”), an Iowa corporation, near Burt, Iowa.¹²

10. On October 18, 2012, the DOC DER filed comments recommending the Commission approve ITC Midwest’s proposed notice plan with modifications.¹³ The DOC DER recommended that the notice plan be modified to include: a statement that the Department of Commerce’s EERA staff¹⁴ would prepare an environmental report for the certificate of need proceeding, a statewide newspaper for notice of the Project, an expanded notice corridor, and revised notice language.¹⁵

11. On November 7, 2012, ITC Midwest filed Reply Comments on the Notice Plan Petition.¹⁶ In its reply comments, ITC Midwest agreed with the DOC DER’s recommendations, with slight modifications, and provided a revised notice that incorporated the DOC DER’s recommendations.¹⁷

12. On November 21, 2012, the Commission issued a Notice of Commission Meeting on ITC Midwest’s Notice Plan Petition for December 6, 2012 at 9:30 a.m. in St. Paul, Minnesota.¹⁸

13. On December 4, 2012, ITC Midwest filed a Request for Exemptions from Certain Certificate of Need Application Content Requirements under Minnesota Rule 7849.0200, Subpart 6, requesting exemptions from certain

¹¹ Ex. 1 at 1 (Minnesota – Iowa 345 kV Transmission Project Notice Plan Petition).

¹² Ex. 1 at 1 (Minnesota – Iowa 345 kV Transmission Project Notice Plan Petition).

¹³ Ex. 531 (DOC DER Comments on Notice Plan Petition).

¹⁴ At the time of filing, the agency was referred to as the Department of Commerce, Energy Facilities Permitting. During the proceeding, the agency’s name was changed to “EERA”. EERA will be used throughout these Proposed Findings for consistency.

¹⁵ Ex. 531 at 5.

¹⁶ Ex. 2 (Reply Comments – On Notice Plan Petition).

¹⁷ Ex. 2 (Reply Comments – On Notice Plan Petition).

¹⁸ Ex. 500 (Notice of Commission Meeting on Notice Plan Petition Completeness (December 6, 2012); Certificate of Service).

certificate of need content requirements.¹⁹

14. On December 6, 2012, the Commission staff issued briefing papers on the proposed notice plan.²⁰

15. On December 11, 2012, the Commission issued a Notice of Comment Period on ITC Midwest's requests for exemptions from certificate of need requirements.²¹ In its notice, the Commission stated that it would consider initial comments on the exemption request until December 28, 2012 at 4:30 p.m. and reply comments until January 11, 2013, at 4:30 p.m.²²

16. On December 20, 2012, the Commission staff issued briefing papers on whether the Commission should clarify its December 6, 2012 decision on ITC Midwest's Notice Plan.²³

17. On December 27, 2012, the Commission issued a Notice of Commission Meeting for January 8, 2013 at 9:30 a.m. in St. Paul, Minnesota to consider whether the Commission should vary Minnesota Rule 7849.0200, Subpart 6, to allow more time to consider the exemption request.²⁴

18. On December 28, 2012, the DOC DER filed comments on ITC Midwest's Request for Exemptions from Certain Certificate of Need Content Requirements.²⁵

19. On December 31, 2012, the Commission issued an Order Approving

¹⁹ Ex. 3 (Request for Exemptions from Certain Certificate of Need Application Content Requirements).

²⁰ Ex. 501 (Commission Staff Briefing Papers on Notice Plan Petition Completeness).

²¹ Ex. 502 (Notice of Comment Period on the Request for Exemptions from Certain Filing Requirements; Certificate of Service).

²² Ex. 502 (Notice of Comment Period on the Request for Exemptions from Certain Filing Requirements; Certificate of Service).

²³ Ex. 503 (Commission Staff Briefing Papers on Commission's Decision on Notice Plan Petition).

²⁴ Ex. 504 (Notice of Commission Meeting on Time Variance to Consider Exemption Request (January 8, 2012); Certificate of Service).

²⁵ Ex. 532 (Department of Commerce Division of Energy Resources Comments on Request for Exemptions from Certain Certificate of Need Content Requirements).

Notice Plan and Granting Variances.²⁶

20. On January 2, 2013, Commission staff issued briefing papers addressing whether the Commission should vary Minnesota Rule 7849.0200, Subpart 6, to allow more time to consider the exemption request.²⁷

21. On January 10, 2013, the Commission issued an Order Extending Time to Act on Exemption Request, in which the Commission varied Minnesota Rule 7849.0200, Subpart 6, to extend the 30-day time limit for Commission consideration of exemption requests.²⁸

22. On January 11, 2013, ITC Midwest filed Reply Comments on Request for Exemptions from Certain Certificate of Need Application Content Requirements.²⁹ In its reply comments, ITC Midwest requested that the Commission grant its requests for exemptions as modified by the recommendations of the DOC DER.³⁰

23. On January 18, 2013, the Commission issued a Notice of Commission Meeting for January 31, 2013 at 9:30 a.m. in St. Paul, Minnesota.³¹

24. On January 23, 2013, the Commission issued Revised Notice of Commission Meeting for January 31, 2013 at 11:00 a.m. in St. Paul, Minnesota.³²

25. On January 23, 2013, the Commission staff issued briefing papers on ITC Midwest's request for exemption from certain application content requirements.³³

²⁶ Ex. 505 (Commission Order Approving Notice Plan and Granting Variances; Certificate of Service).

²⁷ Ex. 506 (Commission Staff Briefing Papers on Time Variance to Consider Exemption Request).

²⁸ Ex. 507 (Commission Order Extending Time to Act on Exemption Request; Certificate of Service).

²⁹ Ex. 4 (Reply Comments - On Exemption Request).

³⁰ Ex. 4 (Reply Comments - On Exemption Request).

³¹ Ex. 508 (Notice of Commission Meeting on the Request for Exemptions from Certain Filing Requirements (January 31, 2013); Certificate of Service).

³² Ex. 510 (Revised Notice of Commission Meeting on the Request for Exemptions from Certain Filing Requirements (January 31, 2013); Certificate of Service).

³³ Ex. 509 (Commission Staff Briefing Papers on the Request for Exemptions from Certain Filing Requirements).

26. On February 8, 2013, the Commission issued its Order on ITC Midwest's exemption requests.³⁴ In its order, the Commission granted ITC Midwest's requested exemption to Minnesota Rules 7849.0240, Subpart 2 (B); 7849.0250(D); and 7849.0290.³⁵ The Commission also granted ITC Midwest's exemption to the following rules with proposed alternative data set forth in the Department's December 28, 2012 comments to Minnesota Rules 7849.0260, Subpart C(5); 7849.0260 A(3) and C(6); 7849.0270 except Subpart 2(F); 7849.0280, (B) through (G) and (I); 7849.0300; and 7849.0340.³⁶ And, the Commission denied ITC Midwest's requested exemptions to Minnesota Rules 7849.0120 A(1); 7849.0120 A(2); 7849.0120 A(3); and 7849.0330 (G).³⁷

27. On February 20, 2013, ITC Midwest filed its Notice Plan Compliance Filing, which demonstrated that ITC Midwest had fulfilled all of the notice elements under the Notice Plan as required by the Commission.³⁸

28. On March 22, 2013, ITC Midwest filed its Application for a Certificate of Need for the Project.³⁹

29. On March 27, 2013, the Commission issued a Notice of Comment Period on Application Completeness.⁴⁰ The notice stated that the initial comment period would close on April 10, 2013 at 4:30 p.m. and the reply comment period would close on April 17, 2013 at 4:30 p.m.⁴¹

30. On March 28, 2013, ITC Midwest submitted to the Commission its

³⁴ Ex. 511 (Commission Order on the Request for Exemptions from Certain Filing Requirements; Certificate of Service).

³⁵ Ex. 511, at 1 (Commission Order on the Request for Exemptions from Certain Filing Requirements; Certificate of Service).

³⁶ Ex. 511, at 1 (Commission Order on the Request for Exemptions from Certain Filing Requirements; Certificate of Service).

³⁷ Ex. 511, at 1 (Commission Order on the Request for Exemptions from Certain Filing Requirements; Certificate of Service).

³⁸ Ex. 5 (Notice Plan Compliance Filing).

³⁹ Ex. 6 (Certificate of Need Application).

⁴⁰ Ex. 522 (Notice of Comment Period on the Completeness of the Route Permit Application; Certificate of Service).

⁴¹ Ex. 522 (Notice of Comment Period on the Completeness of the Route Permit Application; Certificate of Service).

Application for a Route Permit for the Project.⁴² In its Application, ITC Midwest requested that pursuant to Minnesota Statutes Section 216B.243, subdivision 4, the Commission combine the certificate of need and route permit proceedings.⁴³

31. On April 1, 2013, the Commission issued a Notice of Comment on Route Permit Application Completeness stating the initial comment period would close April 22, 2013 and the reply comment period would close May 3, 2013.⁴⁴

32. On April 3, 2013, the DOC DER requested an extension from the Commission to file its completeness comments on ITC Midwest's Application for a Certificate of Need.⁴⁵

33. On April 4, 2013, the Commission granted the DOC DER additional time to file its completeness comments on ITC Midwest's Application for a Certificate of Need.⁴⁶

34. On April 9, 2014, ITC Midwest submitted a Supplement to its Application for Certificate of Need.⁴⁷ The supplement consisted of a new Appendix N, a revised list of appendices, and a revised Appendix Table of Contents.⁴⁸

35. On April 15, 22, and 29, 2013, the Commission filed public comment letters received during the comment period on the Route Permit Application completeness.⁴⁹

36. On April 22, 2013, EERA filed comments and recommendations on the completeness of the Route Permit Application and the appointment of an

⁴² Ex. 7 (Route Permit Application).

⁴³ Ex. 7 (Route Permit Application).

⁴⁴ Ex. 522 (Notice of Comment Period on the Completeness of the Route Permit Application; Certificate of Service).

⁴⁵ Ex. 533 (Department of Commerce Division of Energy Resources Letter Requesting Extension of Time to Submit Completeness Comments).

⁴⁶ Ex. 513 (Notice of Extension of Time to File Completeness Comments; Certificate of Service).

⁴⁷ Ex. 9 (Supplement to Certificate of Need Application (With Errata)).

⁴⁸ Ex. 9 (Supplement to Certificate of Need Application (With Errata)).

⁴⁹ Ex. 523 (Public Comment Letters Received During Comment Period on Route Permit Application Completeness).

advisory task force.⁵⁰

37. On April 23, 2013, ITC Midwest filed affidavits of mailing and publication in compliance with Minnesota Statutes Section 216E.03, subdivision 4, and Minnesota Rule 7850.2100, Subpart 5, confirming that ITC Midwest had provided all notices required under statute and rule for the Route Permit Application.⁵¹

38. On May 1, 2013, the DOC DER filed comments on the completeness of ITC Midwest's Petition for Certificate of Need.⁵²

39. On May 3, 2013, ITC Midwest submitted reply comments to the EERA comments regarding the route permit application and appointment of an advisory task force.⁵³

40. On May 8, 2013, ITC Midwest filed a Second Supplement to its Application for a Certificate of Need.⁵⁴

41. On May 8, 2013, ITC Midwest filed Reply Comments on Completeness of Application for Certificate of Need.⁵⁵

42. On May 10, 2013, the Commission issued a Notice of Commission Meeting for May 23, 2013 at 9:30 a.m. in St. Paul, Minnesota to consider the completeness of ITC Midwest's Route Permit Application.⁵⁶

43. On May 10, 2013, the Commission also issued a Notice of Commission Meeting for May 23, 2013 to consider whether the Commission should accept both ITC Midwest's Certificate of Need Application and Route

⁵⁰ Ex. 100 (EERA Comments and Recommendations to Commission on Route Permit Application Completeness). ""

⁵¹ Ex. 9 (Confirmation of Notice - Affidavits of Mailing and Publication of Route Permit Application Filing).

⁵² Ex. 534 (Department of Commerce Division of Energy Resources Comments on Certificate of Need Application Completeness).

⁵³ Ex. 11 (Reply Comments - Route Permit Application Completeness).

⁵⁴ Ex. 13 (Second Supplement to Certificate of Need Application).

⁵⁵ Ex. 12 (Reply Comments - Certificate of Need Application Completeness)

⁵⁶ Ex. 524 (Notice of Commission Meeting on the Completeness of the Route Permit Application (May 23, 2013); Certificate of Service).

Permit Application as complete.⁵⁷

44. On May 15, 2013, the Commission staff filed briefing papers on ITC Midwest's Route Permit Application.⁵⁸

45. On May 15, 2013, the Commission staff issued briefing papers on whether the Commission should accept the Certificate of Need Application as substantially complete.⁵⁹

46. On June 5, 2013, ITC Midwest submitted an affidavit confirming the mailing of two copies of the Certificate of Need Application and Route Permit Application to the Jackson County Library in Jackson, Minnesota, Lakefield Public Library in Lakefield, Minnesota, Fairmont Public Library in Fairmont, Minnesota, Sherburn Public Library in Sherburn, Minnesota, Blue Earth Public Library in Blue Earth, Minnesota, and Muir Library in Winnebago, Minnesota per Commission Order.⁶⁰

47. On June 24, 2013, the Commission issued a Notice of Public Information and Environmental Impact Statement Scoping Meetings.⁶¹ The public meetings were noticed for July 16, 2013 in Fairmont, Minnesota, July 17, 2013 in Jackson, Minnesota, and July 18, 2013 in Blue Earth, Minnesota.⁶²

48. On June 27, 2013, the Commission issued a Notice and Order for Hearing in the Route Permit proceeding.⁶³ In its order, the Commission referred ITC Midwest's Route Permit Application to the Office of Administrative

⁵⁷ Ex. 514 (Notice of Commission Meeting on the Completeness of the Certificate of Need Application (May 23, 2013); Certificate of Service).

⁵⁸ In the Matter of the Application of ITC Midwest LLC for a Route Permit for the Minnesota-Iowa 345 kV Transmission Line Project in Jackson, Martin, and Faribault Counties, Docket No. ET-6675/TL-12-1337 (ITC Midwest Route Permit), *Staff Briefing Papers* (May 23, 2013).

⁵⁹ Ex. 515 (Commission Staff Briefing Papers on the Completeness of the Certificate of Need Application).

⁶⁰ Ex. 14 (Compliance Filing - Affidavit of Mailing of Certificate of Need Application to Libraries), Ex. 15 (Compliance Filing - Affidavit of Mailing Route Permit Application to Libraries).

⁶¹ Ex. 101 (Mailed Notice of Public Information and Scoping Meetings).

⁶² Ex. 101 (Mailed Notice of Public Information and Scoping Meetings).

⁶³ Ex. 526 (Commission Notice and Order for Hearing; Certificate of Service).

Hearings (“OAH”) for contested case proceedings.⁶⁴

49. On June 27, 2013, the Commission issued a Notice and Order for Hearing in the Certificate of Need proceeding.⁶⁵ In its order, the Commission referred ITC Midwest’s Application for a Certificate of Need to the OAH for contested case proceedings to be conducted jointly with the contested case review of ITC Midwest’s Route Permit Application.⁶⁶

50. On June 27, 2013, the Commission issued an Order Granting Exemption, Finding Application Complete, Granting Variances, and Finding Joint Proceedings in the Public Interest.⁶⁷ In the order, the Commission varied the time period of Minnesota Rule 7849.0200, Subpart 6, and granted ITC Midwest an exemption to the content requirements of Minnesota Rule 7849.0280(A) and (H); finding ITC Midwest’s Certificate of Need Application complete. It also varied Minnesota Rule 7849.0200, Subpart 5, to extend the 30 day time limit for determining application completeness. And, varied Minnesota Rule 7849.1400, Subpart 3, to extend the 40 day time limit for the Department to conduct a public meeting.⁶⁸ The Commission also ordered joint proceedings and a combined environmental review for ITC Midwest’s certificate of need and route permit applications.⁶⁹

51. On June 27, 2013, the Commission issued an Order Finding Application Complete, Authorizing Advisory Task Force, and Requesting Draft Route Alternatives.⁷⁰ In its order, the Commission accepted ITC Midwest’s Route Permit Application as complete, authorized the Department to establish an

⁶⁴ Ex. 526 (Commission Notice and Order for Hearing; Certificate of Service).

⁶⁵ Ex. 517 (Commission Notice and Order for Hearing).

⁶⁶ Ex. 517 (Commission Notice and Order for Hearing).

⁶⁷ Ex. 517 (Commission Order Granting Exemption, Finding Certificate of Need Application Complete, Granting Variances, and Finding Joint Proceedings in the Public Interest; Certificate of Service).

⁶⁸ Ex. 517 (Commission Order Granting Exemption, Finding Certificate of Need Application Complete, Granting Variances, and Finding Joint Proceedings in the Public Interest; Certificate of Service).

⁶⁹ Ex. 517 (Commission Order Granting Exemption, Finding Certificate of Need Application Complete, Granting Variances, and Finding Joint Proceedings in the Public Interest; Certificate of Service).

⁷⁰ Ex. 527 (Commission Order Finding Route Permit Application Complete, Authorizing Advisory Task Force, and Requesting Draft Route Alternatives; Certificate of Service).

advisory task force, and requested that, prior to issuance of the EIS scoping decision, the Department present draft route alternatives to facilitate Commission input on the scope of the EIS.⁷¹

52. On July 10, 2013, the Commission sent a letter to state agency representatives requesting their participation in the record development and public hearings for the Project.⁷²

53. On July 11, 2013, MISO filed a Notice of Appearance and Petition to Intervene.⁷³

54. On July 17, 2013, ITC Midwest submitted proof of publication of the Notice of Public Information and Environmental Impact Scoping Meeting in Jackson, Martin, and Faribault counties.⁷⁴ The notice was published in the Faribault County Register on July 1, 2013, Fairmont Daily Sentinel on July 2, 2013, the Jackson County Pilot on July 4, 2013, and the Lakefield Standard on July 4, 2013.⁷⁵

55. The Commission held public information and scoping meetings on July 16, 2013 in Fairmont, Minnesota, July 17, 2013 in Jackson, Minnesota, and July 18, 2013 in Blue Earth, Minnesota.⁷⁶

56. On July 24, 2013, Wind on the Wires filed a Petition to Intervene in the Certificate of Need proceeding.⁷⁷

57. On August 2, 2013, the Department of Natural Resources

⁷¹ Ex. 527, at 3 (Commission Order Finding Route Permit Application Complete, Authorizing Advisory Task Force, and Requesting Draft Route Alternatives; Certificate of Service).

⁷² Ex. 518 (Commission Letter Requesting State Agency Participation in Record Development and Public Hearings; Certificate of Service).

⁷³ In the Matter of the Application of ITC Midwest LLC for a Certificate of Need for the Minnesota-Iowa 345 kV Transmission Line Project in Jackson, Martin, and Faribault Counties, Minnesota, Docket No. ET6675/CN-12-1053 (ITC Midwest Certificate of Need), *Notice of Appearance* (July 11, 2013), ITC Midwest Certificate of Need, *Petition to Intervene by Midcontinent Independent System Operator, Inc.* (July 11, 2013) (Document ID No. 20137-89040-01).

⁷⁴ Ex. 102 (Publication of Notice of Public Information and Scoping Meetings).

⁷⁵ Ex. 102 (Publication of Notice of Public Information and Scoping Meetings).

⁷⁶ Ex. 16 (Public Information and Scoping Meeting Presentation).

⁷⁷ ITC Midwest Certificate of Need, *Petition to Intervene* (July 24, 2013) (Document ID No. 20137-89472-01, 20137-89472-02, 20137-89472-03).

("MnDNR") filed comments on the Route Permit Application and the scope of the EIS.⁷⁸

58. On August 2, 2013, the Minnesota Department of Transportation ("MnDOT") filed comments on the scope of the EIS.⁷⁹

59. On August 9, 2013, ALJ LaFave issued a Notice of Prehearing Conference for August 27, 2013 at 9:30 a.m. in St. Paul, Minnesota.⁸⁰

60. On August 9, 2013, ALJ LaFave issued an Order Granting Motion for Admission of Warren J. Day and Jeffrey L. Small Pro Hac Vice.⁸¹

61. On August 15, 2013, the EERA filed oral comments received on the scope of the EIS during the public information and scoping meetings held on July 16-18, 2013 in Fairmont, Minnesota.⁸²

62. On August 16, 2013, the EERA filed the Minnesota to Iowa 345 kilovolt (kV) Transmission Line Advisory Task Force Report.⁸³

63. On August 20, 2013, the EERA filed written comments received on the scope of the EIS by ITC Midwest, governmental agencies, local government

⁷⁸ ITC Midwest Route Permit, Letter from the DNR to Ray Kirsch re: Route Permit Application for Minnesota-Iowa 345 kV Transmission Line Project in Jackson, Martin, and Faribault Counties, Minnesota (Aug. 2, 2013) (Document ID No. 20138-89878-01).

⁷⁹ In the Matter of the Application of ITC Midwest LLC for a Certificate of Need and a Route Permit for the Minnesota-Iowa 345 kV Transmission Line Project in Jackson, Martin and Faribault Counties, Docket Nos. ET-6675/TL-12-1337, ET-6675/CN-12-1053 (ITC Midwest Certificate of Need and Route Permit), Letter from MnDOT to Ray Kirsch re: In the Matter of the Application of ITC Midwest, LLC for a Certificate of Need and a Route Permit for the Minnesota - Iowa 345 kV Transmission Line Project in Jackson, Martin, and Faribault Counties (Aug. 2, 2013) (Document ID No. 20138-89850-01).

⁸⁰ ITC Midwest Certificate of Need and Route Permit, *Notice of Prehearing Conference* (Aug. 9, 2013) (Document ID No. 20138-90122-01).

⁸¹ ITC Midwest Certificate of Need and Route Permit, *Order Granting Motion for Admission of Warren J. Day and Jeffrey L. Small Pro Hac Vice* (Aug. 9, 2013) (Document ID No. 20138-90122-01).

⁸² Ex. 103A (Oral Comments Received on Scope of Environmental Impact Statement).

⁸³ Ex. 103F (Advisory Task Force Report).

units, and public citizens.⁸⁴

64. On September 6, 2013, the EERA filed a summary of the scoping process of the EIS for the Project and the route alternatives that had been proposed during the process.⁸⁵

65. On September 13, 2013, the Commission issued a Notice of Commission Meeting for September 25, 2013 at 9:30 a.m. in St. Paul, Minnesota to consider what action the Commission should take regarding route alternatives to be evaluated in the EIS and whether it should approve the proposed permit template for review and comment during the permit proceedings.⁸⁶

66. On September 19, 2013, the Commission staff issued briefing papers regarding which action the Commission should take regarding route alternatives to be evaluated in the EIS and whether the Commission should approve the proposed permit template for review and comment during the permit proceedings.⁸⁷

67. On September 16, 2013, ALJ LaFave issued a Scheduling Order for the combined certificate of need and route permit proceedings.⁸⁸

68. On September 17, 2013, ALJ LaFave issued an Amended Scheduling Order for the combined certificate of need and route permit proceedings.⁸⁹

69. On October 24, 2013, the DOC EERA sent a letter to landowners that may be directly or indirectly affected by the route and site permits for the Project providing them with information on the Project, the route permitting process,

⁸⁴ Ex. 103B (Written Agency Comments Received on Scope of EIS), Ex. 103C (Written LGU Comments Received on Scope of EIS), Ex. 103D (Written Applicant Comments Received on Scope of EIS), 103E (Written Citizen Comments Received on Scope of EIS).

⁸⁵ Ex. 104 (EERA Comments and Recommendations to Commission on Scoping Process and Route Alternatives).

⁸⁶ Ex. 528 (Notice of Commission Meeting on Route Alternatives and Generic Route Permit Template (September 25, 2013); Certificate of Service).

⁸⁷ Ex. 529 (Commission Staff Briefing Papers on Route Alternatives and Generic Route Permit Template)

⁸⁸ ITC Midwest Certificate of Need and Route Permit, *Scheduling Order* (Sept. 16, 2013).

⁸⁹ ITC Midwest Certificate of Need and Route Permit, *Amended Scheduling Order* (Sept. 17, 2013).

and future opportunities to participate in the process.⁹⁰

70. On October 15, 2013, the DOC EERA issued a Notice of Environmental Impact Scoping Decision.⁹¹

71. On December 24, 2013, ALJ LaFave issued the Second Amended Scheduling Order.⁹²

72. On January 15, 2014, Fresh Energy, Izaak Walton League of America – Midwest Office (IWLA), and the MCEA filed a Petition to Intervene in the Certificate of Need proceeding.⁹³

73. On January 20, 2014, the CETF and NoCapX2020 filed a Petition for Limited Intervention of Citizens Energy Task Force and NoCapX2020 in the Certificate of Need and Route Permit proceedings.⁹⁴

74. On January 27, 2014, ITC Midwest filed a letter with ALJ LaFave in which it responded to the Out-of-Time Petition for Limited Intervention by CETF and NoCapX2020.⁹⁵ In its letter, ITC Midwest stated that it supported broad participation in the docket and did not oppose granting party status to the Intervenors.⁹⁶

75. On January 31, 2014, ALJ LaFave issued an Order on Petitions to Intervene by Fresh Energy, the Izaak Walton League of America-Midwest Office and the Minnesota Center for Environmental Advocacy in which he admitted Fresh Energy, IWLA, and MCEA as full parties in the Certificate of Need

⁹⁰ Ex. 107 (Mailed Notice of Scoping Decision to New Landowners)

⁹¹ Ex. 106 (Mailed Notice of Scoping Decision to Project Mailing List).

⁹² ITC Midwest Certificate of Need and Route Permit, *Second Amended Scheduling Order* (Dec. 24, 2013) (Document ID Nos. 201312-94903-01, 201312-94902-01).

⁹³ ITC Midwest Certificate of Need and Route Permit, *Petition to Intervene of Fresh Energy and Izaak Walton League of America – Midwest Office* (Jan. 15, 2014) (Document ID Nos. 20141-95479-02, 20141-95479-01).

⁹⁴ ITC Midwest Certificate of Need and Route Permit, *Petition for Limited Intervention of Citizens Energy Task Force and NoCapX 2020* (Jan. 21, 2014) (Document ID Nos. 20141-95631-02, 20141-95631-01).

⁹⁵ Ex. 18 (Letter – Responding to Out-of-Time Petition and Limited Intervention by Citizens Energy Task Force and NoCapX2020).

⁹⁶ Ex. 18 (Letter – Responding to Out-of-Time Petition and Limited Intervention by Citizens Energy Task Force and NoCapX2020).

proceeding.⁹⁷

76. On January 31, 2014, ALJ LaFave also issued an Order on Petitions to Intervene by the Citizens Energy Task Force and NoCapX2020 in which he admitted CETF and NoCapX2020 as a limited parties to the proceedings.⁹⁸ In the Order, ALJ LaFave limited their participation to reviewing discovery and information requests between the parties, and filing an initial brief, reply brief, and exceptions.⁹⁹

77. On February 24, 2014, the Direct Testimony and Schedules of David B. Grover (“Grover Direct”), Amy Ashbacker (“Ashbacker Direct”), Joe Berry (“Berry Direct”), William Richard Coeur (“Coeur Direct”), Jack Middleton (“Middleton Direct”), and Todd Schatzki (“Schatzki Direct”) was filed on behalf of ITC Midwest.¹⁰⁰

78. On March 12, 2014, ALJ LaFave issued a Second Notice of Prehearing Conference to be held on April 3, 2014 at 1:30 p.m. in St. Paul, Minnesota.¹⁰¹

79. On March 21, 2014, the DOC EERA filed the Draft Environmental Impact Statement (“DEIS”) for the Project.¹⁰²

80. On March 24, 2014, the DOC EERA filed an amended DEIS

⁹⁷ ITC Midwest Certificate of Need and Route Permit, *Order on Petitions to Intervene by Fresh Energy, the Izaak Walton League of America-Midwest Office and the Minnesota Center for Environmental Advocacy* (Jan. 31, 2014) (Document ID Nos. 20141-96024-02, 20141-96026-01).

⁹⁸ ITC Midwest Certificate of Need and Route Permit, *Order on Petitions to Intervene by the Citizens Energy Task Force and No CapX 2020* (Jan. 31, 2014) (Document ID Nos. 20141-96024-02, 20141-95798-01).

⁹⁹ ITC Midwest Certificate of Need and Route Permit, *Order on Petitions to Intervene by the Citizens Energy Task Force and No CapX 2020* (Jan. 31, 2014) (Document ID Nos. 20141-96024-02, 20141-95798-01).

¹⁰⁰ Ex. 19 (Testimony – Direct Testimony and Schedules Filing Letter), Ex. 20 (Grover Direct), Ex. 21 (Ashbacker Direct), Ex. 22 (Berry Direct), Ex. 23 (Schatzki Direct), Ex. 24 (Coeur Direct), Ex. 25 (Middleton Direct).

¹⁰¹ ITC Midwest Certificate of Need and Route Permit, *Second Notice of Prehearing Conference* (Mar. 12, 2014).

¹⁰² Ex. 108 (Draft Environmental Impact Statement (DEIS) (Submission Number 20143-97486 through 20143-97490 correspond to Docket No. ET6675/TL-12-1337; Submission Numbers 20143-97491 through 20143-97495 correspond to Docket No. ET6675-CN-12-1053).

Appendix L Map Book.¹⁰³

81. On March 24, 2014, the DOC issued Notices of Availability of DEIS Public Information Meetings to the Project Mailing List and New Landowners informing the public that the DEIS was available and that public information meetings would be held on April 22, 2014 in Fairmont, Minnesota, April 23, 2014 in Jackson, Minnesota, and April 24, 2014 in Blue Earth, Minnesota.¹⁰⁴

82. On March 27, 2014, the DOC EERA mailed the DEIS to public libraries, governmental agencies, and local government units.¹⁰⁵

83. On March 28, 2014, the MISO filed Direct Testimony of Digaunto Chatterjee (“Chatterjee Direct”).¹⁰⁶

84. On March 28, 2014, DOC DER filed the Direct Testimony and Schedules of Adam Heinen (“Heinen Direct”), Mark A. Johnson (“Johnson Direct”), and Dr. Steve Rakow (“Rakow Direct”).¹⁰⁷

85. On March 28, 2014, CEI filed the Direct Testimony of Michael Goggin (“Goggin Direct”).¹⁰⁸

86. On March 31, 2014, the DOC EERA published notice in the EQB Monitor that the DEIS had been released and was available and noticed public information meetings on April 22, 2014 in Fairmont, Minnesota, April 23, 2014 in Jackson, Minnesota, and April 24, 2014 in Blue Earth Minnesota on the DEIS.¹⁰⁹

87. On April 10, 2014, ALJ LaFave issued the Third Amended Scheduling Order.¹¹⁰ ALJ LaFave also issued an order on the Petition to Intervene

¹⁰³ Ex. 108B (Amended Appendix L of DEIS).

¹⁰⁴ Ex. 111 (Mailed Notice of DEIS Availability and Public Information Meetings to Project Mailing List), Ex. 112 (Mailed Notice of DEIS Availability and Public Information Meetings to New Landowners).

¹⁰⁵ Ex. 109 (mailing of DEIS to Public Libraries), Ex. 110 (Mailing of DEIS to Agencies).

¹⁰⁶ Ex. 400 (Direct Testimony of Digaunto Chatterjee).

¹⁰⁷ Ex. 201 (Heinen Direct), Ex. 203 (Johnson Direct), Ex. 205 (Rakow Direct); Ex. 206 (Rakow Direct Attachments).

¹⁰⁸ Ex. 300 (Goggin Direct), Ex. 301 (Goggin Direct Exhibit A).

¹⁰⁹ Ex. 113 (Notice in EQB Monitor of DEIS Availability and Public Information Meetings).

¹¹⁰ ITC Midwest Certificate of Need and Route Permit, *Third Amended Scheduling Order* (Apr. 10, 2014) (Document ID Nos. 20144-98187-01 and 20144-98190-01).

by MISO in which ALJ LaFave admitted MISO to the proceeding as a full party.¹¹¹

88. On April 10, 2014, the DOC EERA issued a Guide to eFiling of the DEIS.¹¹²

89. EERA held DEIS public information meetings on April 22, 2014 in Fairmont, Minnesota, April 23, 2014 in Jackson, Minnesota, and April 24, 2014 in Blue Earth Minnesota.¹¹³

90. On April 22, 2014, the Commission issued a Notice of Public Hearing for public hearings to be held on May 13, 2014 in Blue Earth, Minnesota, May 13, 2014 in Jackson, Minnesota, and May 14, 2014, in Fairmont, Minnesota.¹¹⁴

91. On April 25, 2014, MISO filed the Rebuttal Testimony and Schedules of Mr. Chatterjee (“Chatterjee Rebuttal”).¹¹⁵

92. On April 25, 2014, DOC DER filed the Rebuttal Testimony of Dr. Rakow (“Rakow Rebuttal”).¹¹⁶

93. On April 25, 2014, CEI filed the Rebuttal Testimony and Schedules of Randall Porter (“Porter Rebuttal”).¹¹⁷

94. On April 25, 2014, ITC Midwest filed the Rebuttal Testimony and Schedules of Ms. Ashbacker (“Ashbacker Rebuttal”), Mr. Berry (“Berry Rebuttal”), Douglas Collins (“Collins Rebuttal”), Mr. Grover (“Grover Rebuttal”), Mr. Middleton (“Middleton Rebuttal”), and Dr. Schatzki (“Schatzki Rebuttal”).¹¹⁸

¹¹¹ ITC Midwest Certificate of Need and Route Permit, *Order on Petitions to Intervene by Midcontinent Independent System Operator, Inc.* (Apr. 10, 2014) (Document ID Nos. 20144-98189-01, 20144-98186-01).

¹¹² Ex. 114 (Guide to eFiling of Draft EIS).

¹¹³ Ex. 111 (Mailed Notice of DEIS Availability and Public Information Meetings to Project Mailing List).

¹¹⁴ Ex. 519 (Notice of Public Hearing; Certificate of Service; Certified Mail Receipts).

¹¹⁵ Ex. 401 (Chatterjee Rebuttal).

¹¹⁶ Ex. 207 (Rakow Rebuttal).

¹¹⁷ Ex. 302 (Porter Rebuttal), Ex. 303 (Porter Rebuttal Exhibit A).

¹¹⁸ Ex. 28 (Ashbacker Rebuttal), Ex. 29 (Berry Rebuttal), Ex. 30 (Collins Rebuttal), Ex. 31 (Grover Rebuttal), Ex. 32 (Middleton Rebuttal), Ex. 33 (Schatzki Rebuttal).

95. On April 28, 2014, the Commission published Notice of Filing and Comment Period for the Project's Certificate of Need in the Minnesota State Register.¹¹⁹

96. On May 1, 2014, the DOC-EERA filed proof of publication of the notice of the DEIS and Public Information Meetings.¹²⁰

97. On May 2, 2014, ITC Midwest filed affidavits of mailing the Direct Testimony and Rebuttal Testimony of ITC Midwest to the Jackson County Library in Jackson, Minnesota, Lakefield Public Library in Lakefield, Minnesota, Fairmont Public Library in Fairmont, Minnesota, Sherburn Public Library in Sherburn, Minnesota, Blue Earth Public Library in Blue Earth, Minnesota, and Muir Library in Winnebago, Minnesota.¹²¹

98. On May 7, 2014, the Commission filed proof of publication of the Notice for Public Hearings.¹²² The notice was published in the Faribault County Register on April 28, 2014, the Fairmont Daily Sentinel on April 30, 2014, the Jackson County Pilot on May 1, 2014, the Lakefield Standard on My 1, 2014, and the Martin County Star on April 30, 2014.¹²³

99. On May 8, 2014, MISO filed the Surrebuttal Testimony of Mr. Chattejee ("Chatterjee Surrebuttal").¹²⁴

100. On May 9, 2014, DOC DER filed the Surrebuttal Testimony and Attachments of Dr. Rakow ("Rakow Surrebuttal"), Mr. Heinen ("Heinen Surrebuttal"), and Mr. Johnson ("Johnson Surrebuttal").¹²⁵

101. On May 9, 2014, CEI filed the Surrebuttal Testimony of Mr. Goggin

¹¹⁹ Ex. 521 (State Register Notice of Filing and Comment Period on Certificate of Need Application).

¹²⁰ Ex. 115 (Publication Notice of DEIS Availability and Public Information Meetings).

¹²¹ Ex. 34 (Compliance Filing - Affidavit of Mailing of ITC Midwest Direct and Rebuttal Testimony to Libraries).

¹²² Ex. 520 (Notice of Public Hearing Affidavit of Newspaper Publication).

¹²³ Ex. 520 (Notice of Public Hearing Affidavit of Newspaper Publication).

¹²⁴ Ex. 402 (Chatterjee Surrebuttal).

¹²⁵ Ex. 208 (Rakow Surrebuttal), Ex. 202 (Heinen Surrebuttal), Ex. 204 (Johnson Surrebuttal).

("Goggin Surrebuttal").¹²⁶

102. On May 9, 2014, ITC Midwest and the MnDNR submitted comments on the DEIS with the EERA.¹²⁷

103. Public hearings were held on May 13, 2014 at Hamilton Hall in Blue Earth, MN and the National Guard Armory in Jackson, MN and on May 14, 2014 at the Holiday Inn in Fairmont, MN.¹²⁸

104. On May 16, 2014, the EERA efiled written and oral comments received on the DEIS.¹²⁹

105. On May 19, 2014, an evidentiary hearing was held in the small hearing room of the Commission offices.¹³⁰

106. On May 23, 2014, the Court Reporter mailed the transcripts for the Public Hearings held on May 13 and 14, 2014 and the Evidentiary Hearing held on May 19, 2014, to the Jackson County Library in Jackson, Minnesota, Lakefield Public Library in Lakefield, Minnesota, Fairmont Public Library in Fairmont, Minnesota, Sherburn Public Library in Sherburn, Minnesota, Blue Earth Public Library in Blue Earth, Minnesota, and Muir Library in Winnebago, Minnesota.¹³¹

107. On May 25 and 27, 2014, the Court Reporter filed Public Hearing Exhibits received during the administrative hearings.¹³²

¹²⁶ Ex. 304 (Surrebuttal Testimony of Michael Goggin).

¹²⁷ Ex. 36 (Comments - ITC Midwest LLC Comments on the Draft Environmental Impact Statement), ITC Midwest Certificate of Need and Route Permit, Letter to Ray Kirsch from the Minnesota Department of Natural Resources re: Draft Environmental Impact Statement for the Minnesota to Iowa 345 kV Transmission Line Project Proposed by ITC Midwest, LLC in Jackson, Martin and Faribault Counties PUC Docket Number ET6675/TL-12-1337 (May 9, 2014).

¹²⁸ Ex. 115 (Publication Notice of DEIS Availability and Public Information Meetings).

¹²⁹ Ex. No. 116A (Oral Comments Received on DEIS at Public Information Meetings), 116B (Agency Comments Received on DEIS), Ex. No. 116C (LGU Comments Received on DEIS), 116D (Applicant Comments Received on DEIS, 116E (Written Citizen Comments Received on DEIS).

¹³⁰ Ex. 115 (Publication Notice of DEIS Availability and Public Information Meetings).

¹³¹ ITC Midwest Certificate of Need and Route Permit, *Letter to Libraries* (May 23, 2014) (Document ID Nos. 20145-99802-01 and 20145-99802-02).

¹³² Ex. 600-A (Map-Routing Options, DEIS & Modified Route A), 600-B (Map - Routing Options in DEIS & Modified Route A, Map Sheet 1 of 5), 600-C (Map - Routing Options in DEIS &

108. On May 27, 2014, the Court Reporter filed the Public Hearing Transcripts from the May 13, 2014 public hearing in Jackson, Minnesota,¹³³ the May 13, 2014 public hearing in Blue Earth,¹³⁴ Minnesota, the May 14, 2014 public hearing in Fairmont, Minnesota,¹³⁵ and the evidentiary hearing on May 19, 2014 in St. Paul, Minnesota.¹³⁶

109. On May 30, 2014, the MnDNR and CETF and NoCapX2020 filed public comments.¹³⁷

110. On June 2 and 3, 2014, the Commission filed public comments received during the public comment period of the administrative proceeding.¹³⁸

111. On June 4, 2014, the OAH filed public comments received during the

Modified Route A, Map Sheet 2 of 5), 600-D (Map - Routing Options in DEIS & Modified Route A, Map Sheet 3 of 5), 600-E (Map - Routing Options in DEIS & Modified Route A, Map Sheet 4 of 5), 600-F (Map - Routing Options in DEIS & Modified Route A, Map Sheet 5 of 5), 600-G (Map - Routing Options in DEIS & Modified Route A), 600-H (Map - Jackson Airport DEIS Variation Map), 600-I (Map - Fox Lake DEIS Variation Map #1), 600-J (Map - Fox Lake & Lake Charlotte DEIS Variation Map #2), 600-K (Map - Lake Charlotte DEIS Variation Map #1), 600-L (Map - Faribault County DEIS Variation Map), 600-M (Map - DEIS Route Alternatives I90 Options 1-4), 600-N (Map - Associated Facilities - Route A, Route B, Modified Route A, I90-1, I90-2, I90-3, and I90-4), 600-O (Map - DEIS Route Alternatives, I90-5 Options 1 & 2), 600-P (Map - MVP Projects 3 & 4, Conceptual Only), Ex. 209 (Statement of Dr. Steve Rakow), Ex. 210 (Errata to Dr. Steve Rakow Surrebuttal at 13), Ex. 211 (Errata to Mark A. Johnson Surrebuttal at 37), 601 (Department of Natural Resources Comments), 602 (Krieger), 603 (Manthei Brothers), 604 (Murphy), 605 (Murphy), 606 (Moore), 607 (Mulder), 608 (Mixer), 609 (Durkee), 610 (Tonne), 611 (Rohman), 612 (Tonne).

¹³³ ITC Midwest Certificate of Need and Route Permit, *May 13, 2014 Public Hearing Transcript ("Pub. Hrg. Tr.")*, Jackson, Minnesota (May 13, 2014) (Document ID Nos. 20145-99815-03 and 20145-99815-04).

¹³⁴ ITC Midwest Certificate of Need and Route Permit, *May 13, 2014 Pub. Hrg. Tr., Blue Earth, Minnesota* (May 13, 2014) (Document ID Nos. 20145-99815-01 and 20145-99815-02).

¹³⁵ ITC Midwest Certificate of Need and Route Permit, *May 14, 2014 Pub. Hrg. Tr., Fairmont, Minnesota* (May 14, 2014)(Document ID Nos. 20145-99815-05 and 20145-99815-06).

¹³⁶ ITC Midwest Certificate of Need and Route Permit, *May 19, 2014 Evidentiary Hearing Transcript, St. Paul, Minnesota ("Ev. Hrg. Tr.") (May 20, 2014)* (Document ID Nos. 20145-99815-07 and 20145,99815-08).

¹³⁷ Document ID Nos. 20145-100009-02, 20145-100021-01, 20145-100021-02.

¹³⁸ Document ID Nos. 20146-100112-01, 20146-100071-01, 20146-100111-01, 20146-100076-01.

public hearing comment period.¹³⁹

112. On June 23, 2014, the OAH filed an amended batch of public comments received.¹⁴⁰

III. DESCRIPTION OF THE PROJECT

113. “Project” as it relates to ITC Midwest’s Route Permit Application refers only to the 75-miles of proposed 345 kV transmission line, substations, and three 69 kV and four 161 kV transmission lines within the State of Minnesota.¹⁴¹

114. The Project consists of approximately 75 miles of 345 kV transmission line in Minnesota.¹⁴²

115. ITC Midwest proposes to construct the Project on 161 kV/345 kV double-circuit capable structures.¹⁴³

116. There are locations where 69 kV/161 kV/345 kV triple-circuit capable structures are proposed to be installed.¹⁴⁴

117. The Project would either be co-located with existing 161 kV or 69 kV transmission lines or only the 345 kV circuit arms would be installed and conductors strung at the time of initial construction, leaving the 161 kV position open if future conditions warrant installation of an additional circuit.¹⁴⁵

118. The Project includes several associated facilities.¹⁴⁶

119. ITC Midwest proposes to expand the existing Lakefield Junction Substation, construct a new Huntley Substation, and decommission and remove

¹³⁹ Document ID Nos. 20146-100148-01, 20146-100148-02, 20146-100148-03, 20146-100148-04, 20146-100148-05, 20146-100148-06, 20146-100148-07, 20146-100148-08, 20146-100148-09, and 20146-100148-10.

¹⁴⁰ Document ID Nos. 20146-100686-01 and 20146-100686-02

¹⁴¹ Ex. 7 at 1 (Route Permit Application).

¹⁴² Ex. 7 at 1 (Route Permit Application).

¹⁴³ Ex. 7 at 10 (Route Permit Application).

¹⁴⁴ Ex. 25 at 28 and 30 (Middleton Direct); Ex. 32 at 15-16 (Middleton Rebuttal).

¹⁴⁵ Ex. 7 at 10 (Route Permit Application); Ex. 24 at 33 (Coeur Direct); Ex. 25 at 28 and 30 (Middleton Direct); Ex. 32 at 15-16 (Middleton Rebuttal).

¹⁴⁶ Ex. 7 at 11-12 (Route Permit Application).

the existing Winnebago Junction Substation.¹⁴⁷

120. As a result of decommissioning the Winnebago Junction Substation and constructing the new Huntley Substation, four 161 kV transmission lines and three 69 kV transmission lines (to be built to 161 kV standards as part of the Project), will be relocated from the Winnebago Junction Substation to the new Huntley Substation.¹⁴⁸

121. The expansion at the Lakefield Junction Substation will require approximately 2.7 acres of new graded and fenced area.¹⁴⁹ ITC Midwest has entered into a purchase agreement for more land than is necessary for the graded and fenced area to provide a buffer between the Lakefield Junction Substation and the adjacent landowners.¹⁵⁰

122. The Huntley Substation at the location proposed by ITC Midwest (“Proposed Huntley Substation”) will require approximately 12 acres of fenced area.¹⁵¹ To accommodate the fenced area, property setbacks, line clearances, grading, and ponding requirements for this substation, ITC Midwest acquired a 40-acre parcel for the Huntley Substation.¹⁵²

IV. ROUTES EVALUATED

123. ITC Midwest proposed two routes, Route A and Route B, for the 345 kV transmission line in its Route Permit Application.¹⁵³ ITC Midwest proposed a third route, Modified Route A, in its Direct Testimony in response to comments made during the EIS scoping meetings and subsequent comment period.¹⁵⁴ Route A, Route B, and Modified Route A are shown on Exhibits 35-B, 35-C, 35-D, 35-E,

¹⁴⁷ Ex. 7 at 11-12 (Route Permit Application).

¹⁴⁸ Ex. 7 at 11-12 (Route Permit Application).

¹⁴⁹ Ex. 28 at 18 (Ashbacker Rebuttal).

¹⁵⁰ Ex. 28 at 18 (Ashbacker Rebuttal).

¹⁵¹ Ex. 21 at 18-19 (Ashbacker Direct).

¹⁵² Ex. 21 at 18-19 (Ashbacker Direct). In these Findings, “Proposed Huntley Substation” refers to the substation site owned by ITC Midwest.

¹⁵³ Ex. 7 at Figure 1 (Route Permit Application).

¹⁵⁴ Ex. 25 at 18 and Schedule 11 (Middleton Direct).

and 35-F.¹⁵⁵

124. All three routes proposed by ITC Midwest are approximately 75 miles long.¹⁵⁶ Route A, Route B, and Modified Route A all originate at the Lakefield Junction Substation and head east to a 40-acre parcel owned by ITC Midwest for the Huntley Substation before turning south to terminate at the Iowa Border where the existing Lakefield Junction - Fox Lake - Winnebago - Faribault - Winnco 161 kV Transmission Line (“Lakefield to Border 161 kV Transmission Line”) crosses the border between Minnesota and Iowa.¹⁵⁷

125. Route A primarily follows the existing Lakefield to Border 161 kV Transmission Line owned by ITC Midwest from the Lakefield Junction Substation east to the Proposed Huntley Substation site and south to the Iowa border.¹⁵⁸ Route A co-locates the new 345 kV transmission line with the existing Lakefield to Border 161 kV Transmission Line for approximately 56 miles of its 73-mile length.¹⁵⁹ Route A does not follow the existing Lakefield to Border 161 kV Transmission Line north of the Jackson Municipal Airport, at Fox Lake, at Lake Charlotte, for a short distance west of the Winnebago Junction Substation, and in locations where development close to the existing right-of-way precludes co-location along the same alignment.¹⁶⁰

126. Route B is located less than two miles from Route A for almost the entirety of its length.¹⁶¹ Route B does not propose to co-locate the 345 kV transmission line with existing transmission line infrastructure, except for a short portion near the Proposed Huntley Substation.¹⁶² Instead, Route B primarily follows field lines, section lines, and roadways.¹⁶³ ITC Midwest proposed using 161 kV/345 kV double-circuit structures for Route B to allow future co-location

¹⁵⁵ Ex. 35 (Maps of Routes under Consideration Available in Large Format at Public Hearings (“Large Format Hearing Maps”).

¹⁵⁶ Ex. 7 at 1 and 10 (Route Permit Application); Ex. 24 at 5 (Coeur Direct).

¹⁵⁷ Ex. 24 at Schedules 2, 3, 5, and 12 (Coeur Direct).

¹⁵⁸ Ex. 7 at 10 (Route Permit Application); Ex. 24 at 8 (Coeur Direct).

¹⁵⁹ Ex. 24 at 9 (Coeur Direct).

¹⁶⁰ Ex. 7 at VI and 73-74 (Route Permit Application); Ex. 24 at 9 (Coeur Direct).

¹⁶¹ Ex. 24 at 10 (Coeur Direct).

¹⁶² Ex. 7 at 81 (Route Permit Application); Ex. 24 at 10 (Coeur Direct).

¹⁶³ Ex. 7 at 81 (Route Permit Application); Ex. 24 at 10 (Coeur Direct).

of a 161 kV transmission line should conditions warrant.¹⁶⁴

127. Modified Route A primarily follows Route A but differs from Route A in four locations: the Des Moines River, Fox Lake, Lake Charlotte, and the Blue Earth River south of the Proposed Huntley Substation.¹⁶⁵ Additionally, Modified Route A has a narrower route width near the Iowa border than Route A.¹⁶⁶ Further, Modified Route A has one slight alignment modification from Route A's application alignment east of the Des Moines River and north of the Jackson County Municipal Airport along 820th Street.¹⁶⁷

128. At the Des Moines River, Modified Route A is proposed to cross the river more perpendicularly than Route A and increase the distance of the north-south portion of the alignment from the Des Moines River banks than the alignment proposed for Route A.¹⁶⁸

129. At Fox Lake, Route A crosses to the south of Interstate 90 before it reaches State Highway 4 and the City of Sherburn from the west, remaining within 100 feet of Interstate 90.¹⁶⁹ Modified Route A remains north of Interstate 90 as it crosses State Highway 4 from the west until approximately 100 feet east of the existing double-circuit 69 kV transmission line.¹⁷⁰ At this location, Modified Route A picks up the 69 kV transmission line currently located along 125th Street, co-locating it on 69 kV/161 kV/345 kV triple-circuit structures leaving the 161 kV position open, and crossing south of Interstate 90 for approximately 1.5 miles before crossing back north to rejoin Route A.¹⁷¹ Modified Route A then continues along the existing 69 kV transmission line and Route A until the point where Route A and Route B intersect at 140th Street.¹⁷² Once

¹⁶⁴ Ex. 7 at 10 (Route Permit Application); Ex. 24 at 10 (Coeur Direct).

¹⁶⁵ Ex. 25 at 19 (Middleton Direct). The route modification to Modified Route A from Route A at the Blue Earth River south of the Proposed Huntley Substation also includes a slight alignment modification from F1-R/HI-1 as identified in the EIS Scoping Decision/DEIS. Ex. 24 at Schedule 11 (Coeur Direct); Ex. 25 at 19 and Schedule 10 (Middleton Direct); Ex. 105 at Map Sheet 5 (EIS Scoping Decision); Ex. 108A at Map 3-16 (DEIS).

¹⁶⁶ Ex. 25 at 19 (Middleton Direct).

¹⁶⁷ Ex. 25 at 19 (Middleton Direct).

¹⁶⁸ Ex. 25 at 20 (Middleton Direct).

¹⁶⁹ Ex. 25 at 23 (Middleton Direct).

¹⁷⁰ Ex. 25 at 24 (Middleton Direct).

¹⁷¹ Ex. 25 at 24 (Middleton Direct).

¹⁷² Ex. 25 at 24 (Middleton Direct).

Modified Route A no longer follows the 69 kV line, ITC Midwest proposes to use 345 kV/161 kV structures.¹⁷³ Modified Route A turns east along Route B/140th Street to 130th Avenue before turning north along 130th Avenue for approximately 2.5 miles to Route A.¹⁷⁴

130. At Lake Charlotte, Modified Route A turns south from Route A approximately one mile west of where Route A turns south and continues in this direction for approximately 0.5 mile.¹⁷⁵ Modified Route A then turns east and continues approximately 3.2 miles along 160th Street before turning north along a field line to the existing Lakefield to Border 161 kV Transmission line and then east to rejoin Route A.¹⁷⁶

131. South of the Proposed Huntley Substation, ITC Midwest had encountered maintenance concerns through the Blue Earth River riparian area with the existing Lakefield to Border 161 kV Transmission Line.¹⁷⁷ Additionally, the MnDNR had indicated a preference for the existing Lakefield to Border 161 kV Transmission Line to be removed from this riparian area.¹⁷⁸ Modified Route A still includes the existing Lakefield to Border 161 kV Transmission Line right-of-way, but provides an alignment that would place the Project close to the edge of a cultivated field.¹⁷⁹ Modified Route A would remove transmission infrastructure from the Blue Earth River riparian area as the 161 kV line would be co-located with the Project.¹⁸⁰

132. In its Route Permit Application, ITC Midwest offered one proposal for the associated facilities, including substations and 69 kV and 161 kV transmission lines.¹⁸¹

¹⁷³ Ex. 25 at 24 (Middleton Direct).

¹⁷⁴ Ex. 25 at 24 (Middleton Direct).

¹⁷⁵ Ex. 25 at 29 (Middleton Direct).

¹⁷⁶ Ex. 25 at 29 (Middleton Direct).

¹⁷⁷ Ex. 25 at 31 (Middleton Direct).

¹⁷⁸ Ex. 103B at 3 (Written Agency Comments on the Scope of EIS).

¹⁷⁹ Ex. 25 at 31 (Middleton Direct).

¹⁸⁰ Ex. 25 at 31-32 (Middleton Direct).

¹⁸¹ Ex. 7 at § 2.4 (Route Permit Application).

133. ITC Midwest identified that its existing Lakefield Junction Substation would need to be expanded for the Project.¹⁸²

134. ITC Midwest proposes to expand the Lakefield Junction Substation fenced area by approximately 2.2 acres, however, grading of approximately three acres of property east of the existing substation property is anticipated.¹⁸³ The new 345 kV transmission equipment necessary for the Project at the Lakefield Junction Substation is anticipated to include one 345 kV bay, using one position at this time, and a future bay position to allow for three future connections.¹⁸⁴

135. For the Huntley Substation, ITC Midwest proposes to construct a substation with a fenced area of approximately 12 acres.¹⁸⁵ Approximately 32 acres are the minimum site size required for the Huntley Substation to accommodate the fenced area, property setbacks, line clearances, grading, and ponding requirements.¹⁸⁶ ITC Midwest proposes to install two 345 kV breaker-and-a-half bays with three 345 kV breakers, associated switches, steel, foundations, and deadend structures.¹⁸⁷ A 345 kV/161 kV transformer and four 161 breaker-and-a-half bays with eleven 161 kV breakers, associated switches, steel, foundations, and deadend structures will also be installed.¹⁸⁸ Reactors are also proposed to be installed at the Huntley Substation.¹⁸⁹ ITC Midwest also proposes to install certain 69 kV equipment, including two 161 kV/69 kV transformers, three 69 kV breakers, and associated switches, steel, foundations, and deadend structures.¹⁹⁰ ITC Midwest also proposes to construct a control building and road access for the Huntley Substation.¹⁹¹

136. ITC Midwest initially investigated expanding the Winnebago Junction Substation, but determined that the property at the site was not

¹⁸² Ex. 7 at 15-19 (Route Permit Application).

¹⁸³ Ex. 7 at 16-17 (Route Permit Application).

¹⁸⁴ Ex. 7 at 16 (Route Permit Application).

¹⁸⁵ Ex. 21 at 19 (Ashbacker Direct).

¹⁸⁶ Ex. 21 at 19 (Ashbacker Direct).

¹⁸⁷ Ex. 7 at 19 (Route Permit Application).

¹⁸⁸ Ex. 7 at 19 (Route Permit Application).

¹⁸⁹ Ex. 21 at 19 (Ashbacker Direct).

¹⁹⁰ Ex. 7 at 19 (Route Permit Application).

¹⁹¹ Ex. 7 at 19 (Route Permit Application).

sufficient in size to allow the required expansion for the Project's 345 kV equipment.¹⁹² Further, much of the Winnebago Junction Substation 69 kV and 161 kV equipment, including breakers and the control building, was original to the 1950s construction.¹⁹³ Equipment of this vintage is approaching the end of its operational life and would need to be replaced in the near term.¹⁹⁴ In light of this, ITC Midwest identified and acquired the Proposed Huntley Substation property, located slightly over one mile south of the Winnebago Junction Substation.¹⁹⁵

137. ITC Midwest proposes, as part of the Project, to decommission and remove all substation infrastructure from the Winnebago Junction Substation parcel after the Huntley Substation is constructed and energized.¹⁹⁶

138. Because ITC Midwest proposes to decommission the Winnebago Junction Substation, four 161 kV transmission lines and three 69 kV transmission lines that currently terminate at the site need to be reconfigured to the Huntley Substation.¹⁹⁷ The 69 kV transmission lines to be reconfigured are proposed to be constructed to 161 kV standards.¹⁹⁸ ITC Midwest's proposed reconfiguration collocates these transmission lines where possible to minimize additional right-of-way requirements.¹⁹⁹ This reconfiguration is not anticipated to increase impacts to the natural environment in the area and will remove a 161 kV transmission line from a National Wetland Inventory ("NWI") wetland.²⁰⁰ The reconfigured transmission lines will be placed primarily within widened, but existing, 161 kV transmission line rights-of-way and along roadways ("161 kV Proposed Associated Facilities").²⁰¹

¹⁹² Ex. 7 at 18 (Route Permit Application).

¹⁹³ Ex. 7 at 18 (Route Permit Application).

¹⁹⁴ Ex. 7 at 18 (Route Permit Application).

¹⁹⁵ Ex. 7 at 19 (Route Permit Application).

¹⁹⁶ Ex. 7 at 18-19 (Route Permit Application); Ex. 25 at 35 (Middleton Direct).

¹⁹⁷ Ex. 7 at 19-21 (Route Permit Application); Ex. 25 at 37 (Middleton Direct).

¹⁹⁸ Ex. 7 at 112-13 (Route Permit Application).

¹⁹⁹ Ex. 7 at 23 (Route Permit Application).

²⁰⁰ Ex. 7 at 217 (Route Permit Application).

²⁰¹ Ex. 7 at 112-13 (Route Permit Application).

139. The EIS evaluates additional Route Alternatives and Route Variations.²⁰²

140. The EIS divided Route Alternatives into two segments: Lakefield Junction Substation to the Huntley Substation and the Huntley Substation to the Iowa border.²⁰³ The only Route Alternatives between the Huntley Substation and the Iowa border are Route A and Route B, as proposed by ITC Midwest.²⁰⁴

141. A Route Alternative is a complete connection from the Lakefield Junction Substation to the Huntley Substation.²⁰⁵ All Route Alternatives between the Lakefield Junction Substation to the Huntley Substation follow, to varying extents, Interstate 90 and are labeled as "I90 alternatives."²⁰⁶

142. A Route Variation is a shorter section of Route A or Route B that is designed to mitigate a specific impact.²⁰⁷ There are four Route Variation areas in the area between the Lakefield Junction Substation and the Huntley Substation with a total of 15 Route Variations.²⁰⁸ There are two Route Variation areas in the area between the Huntley Substation and the Iowa border with a total of five Route Variations.²⁰⁹ Route Variations are labeled according to the area in which they occur.²¹⁰

143. Route Alternative I90-1 follows Route A for the first nearly 12 miles after leaving the Lakefield Junction Substation before turning south for 1.0 mile to Interstate 90.²¹¹ I90-1 then turns east and follows, offset by at least 30 feet, the Jackson - Fox Lake 161 kV transmission line for approximately 11.5 miles until it joins the 69 kV transmission line along 125th Street.²¹² I90-1 then follows the 69 kV

²⁰² Ex. 108A at S-2 and Map 3-9 (DEIS).

²⁰³ Ex. 108A at S-2 (DEIS).

²⁰⁴ Ex. 108A at S-2 (DEIS).

²⁰⁵ Ex. 108A at S-2 (DEIS).

²⁰⁶ Ex. 108A at S-2 (DEIS).

²⁰⁷ Ex. 108A at S-2 (DEIS).

²⁰⁸ Ex. 108A at S-2 (DEIS).

²⁰⁹ Ex. 108A at S-2 (DEIS).

²¹⁰ Ex. 108A at S-2 (DEIS).

²¹¹ Ex. 108A at Map 3-4 (DEIS).

²¹² Ex. 108A at Map 3-4 (DEIS).

transmission line for approximately 15 miles to State Highway 15.²¹³ In this area, I90-1 would likely not be able to follow the existing 69 kV transmission centerline because of the existing 69 kV transmission line proximity to “MnDOT” right-of-way.²¹⁴ Route Alternative I90-1 turns north and follows State Highway 15 for approximately 3.4 miles until it rejoins Route A for approximately 14.6 miles to the Huntley Substation.²¹⁵

144. Route Alternative I90-2 follows Route A for the first nearly 23 miles after leaving the Lakefield Junction Substation until it reaches State Highway 4.²¹⁶ I90-2 stays north of Interstate 90 for 1.4 miles until it joins the 69 kV transmission line along 125th Street.²¹⁷ I90-1 then follows the 69 kV transmission line for approximately 15 miles to State Highway 15.²¹⁸ In this area, I90-2 would likely not be able to follow the existing 69 kV transmission centerline as portions are less than 10 feet from the MnDOT right-of-way.²¹⁹ Route Alternative I90-2 turns north and follows State Highway 15 for approximately 3.4 miles until it rejoins Route A for approximately 14.6 miles to the Huntley Substation.²²⁰

145. For Route Alternatives I90-1 and I90-2, the EIS evaluates the possibility of removing the existing Lakefield to Border 161 kV Transmission Line from Fox Lake and Lake Charlotte and possibly from certain areas between the lakes.²²¹ ITC Midwest has not proposed to remove the crossings at Fox Lake and Lake Charlotte that were rebuilt within the last five years at a cost of \$7 million.²²² ITC Midwest has, however, proposed to construct Modified Route A on structures capable of carrying the 161 kV circuit in the future when conditions warrant its removal from the lake.²²³ Ordering removal of the existing Lakefield to Border 161 kV Transmission Line from Fox Lake and Lake Charlotte at this

²¹³ Ex. 108A at Map 3-4 (DEIS).

²¹⁴ Ex. 32 at 16 and Schedule 29 at 1 (Middleton Rebuttal).

²¹⁵ Ex. 108A at Map 3-4 (DEIS).

²¹⁶ Ex. 108A at Map 3-4 (DEIS).

²¹⁷ Ex. 108A at Map 3-4 (DEIS).

²¹⁸ Ex. 108A at Map 3-4 (DEIS).

²¹⁹ Ex. 32 at 16 (Middleton Rebuttal).

²²⁰ Ex. 108A at Map 3-4 (DEIS).

²²¹ Ex. 108A at Map 3-8 (DEIS).

²²² Ex. 24 at 31-32 (Coeur Direct).

²²³ Ex. 24 at 33 (Coeur Direct); Ex. 32 at 16 (Middleton Rebuttal).

time is not necessary as part of the Project. The proposed structure design for the Project has been planned to allow relocation the Lakefield to Border 161 kV Transmission Line in this area when it need to be rebuilt due to age or other considerations.²²⁴

146. Route Alternative I90-3 follows Route A for nearly the first 12 miles after leaving the Lakefield Junction Substation before turning south for 1.0 mile to Interstate 90.²²⁵ I90-3 then turns east and follows, offset by at least 30 feet, the Jackson - Fox Lake 161 kV transmission line for approximately 11.5 miles until it joins the 69 kV transmission line along 125th Street.²²⁶ I90-3 then follows the 69 kV transmission line for approximately 15 miles to State Highway 15.²²⁷ In this area, I90-3 would likely not be able to follow the existing 69 kV transmission centerline because of the existing 69 kV transmission line proximity to the MnDOT right-of-way.²²⁸ I90-3 continues east along Interstate 90 for approximately 13.8 miles.²²⁹ I90-3 then turns north for approximately 3.7 miles to 160th Street where it turns east for approximately 1.0 mile to the Proposed Huntley Substation.²³⁰

147. Route Alternative I90-4 follows Route A for nearly the first 12 miles after leaving the Lakefield Junction Substation before turning south for 1.0 mile to Interstate 90.²³¹ I90-4 then turns east and follows, offset by at least 30 feet, the Jackson - Fox Lake 161 kV transmission line for approximately 11.5 miles until it joins the 69 kV transmission line along 125th Street.²³² I90-4 then follows the 69 kV transmission line for approximately 15 miles to State Highway 15.²³³ In this area, I90-4 would likely not be able to follow the existing 69 kV transmission centerline because of the existing 69 kV transmission line proximity to the MnDOT right-of-way.²³⁴ I90-4 continues east along Interstate 90 for approximately 14.8 miles.²³⁵

²²⁴ Ex. 24 at 33 (Coeur Direct); Ex. 32 at 16 (Middleton Rebuttal).

²²⁵ Ex. 108A at Map 3-4 (DEIS).

²²⁶ Ex. 108A at Map 3-4 (DEIS).

²²⁷ Ex. 108A at Map 3-4 (DEIS).

²²⁸ Ex. 32 at 16 and Schedule 29 at 1 (Middleton Rebuttal).

²²⁹ Ex. 108A at Map 3-4 (DEIS).

²³⁰ Ex. 108A at Map 3-4 (DEIS).

²³¹ Ex. 108A at Map 3-4 (DEIS)

²³² Ex. 108A at Map 3-4 (DEIS).

²³³ Ex. 108A at Map 3-4 (DEIS).

²³⁴ Ex. 32 at 16 and Schedule 29 at 1 (Middleton Rebuttal).

I90-4 then turns north at the existing 161 kV transmission line for approximately 3.7 miles to the Proposed Huntley Substation.²³⁶

148. Route Alternative I90-5 follows Route A for the first nearly 12 miles after leaving the Lakefield Junction Substation before turning south for 1.0 mile to Interstate 90.²³⁷ I90-5 then turns east and follows, offset by at least 30 feet, the Jackson – Fox Lake 161 kV transmission line for approximately 11.5 miles until it joins the 69 kV transmission line along 125th Street.²³⁸ I90-5 then follows the 69 kV transmission line for approximately 15 miles to State Highway 15.²³⁹ In this area, I90-5 would likely not be able to follow the existing 69 kV transmission centerline because of the existing 69 kV transmission line proximity to the MnDOT right-of-way.²⁴⁰ I90-5 continues east along Interstate 90 for approximately 14.8 miles to Section 2 of Jo Daviess Township.²⁴¹ For Route Alternative I90-5 approximately 32 acres of property would need to be acquired for the Huntley Substation in Section 2 of Jo Daviess Township (“South Huntley Substation”).²⁴² No site within this section has been identified for the South Huntley Substation.²⁴³ The 161 kV and 69 kV associated facilities that require relocation from the Winnebago Junction Substation to the South Huntley Substation would be configured on separate rights-of-way in primarily separate corridors totaling approximately 18 miles of associated facilities corridors along Route Alternative I90-5 Option 1.²⁴⁴ The 161 kV and 69 kV associated facilities that require relocation from the Winnebago Junction Substation to the South Huntley Substation would be configured on separate, but parallel rights-of-way totaling approximately 4.5 miles on a 450-foot right-of-way for Route Alternative I90-5 Option 2.²⁴⁵

²³⁵ Ex. 108A at Map 3-4 (DEIS).

²³⁶ Ex. 108A at Map 3-4 (DEIS).

²³⁷ Ex. 108A at Map 3-4 (DEIS).

²³⁸ Ex. 108A at Map 3-4 (DEIS).

²³⁹ Ex. 108A at Map 3-4 (DEIS).

²⁴⁰ Ex. 32 at 16 and Schedule 29 at 1 (Middleton Rebuttal).

²⁴¹ Ex. 108A at Map 3-4 (DEIS).

²⁴² Ex. 21 at 18 (Ashbacker Direct).

²⁴³ Ex. 21 at 19 (Ashbacker Direct).

²⁴⁴ Ex. 108A at Map 3-6 (DEIS).

²⁴⁵ Ex. 108A at Map 3-7 (DEIS).

149. Route Variations were developed north of the Jackson Municipal Airport, around Fox Lake, around Lake Charlotte, west and south of the Center Creek Wildlife Management Area (“WMA”), south of the Proposed Huntley Substation, and between the Faribault Substation and the Iowa border.²⁴⁶

V. TRANSMISSION LINE STRUCTURE TYPES AND SPANS

150. ITC Midwest proposes to primarily use single pole, weathering or galvanized steel structures.²⁴⁷

151. Primarily double-circuit (345 kV/161 kV) structures are proposed for the 345 kV portions of the Project.²⁴⁸ Triple-circuit (345 kV/161 kV/69 kV) structures are proposed in certain segments should Modified Route A, I90-1, or I90-2 be selected.²⁴⁹ ITC Midwest proposes to place structures using spans of approximately 700 to 1,000 feet.²⁵⁰ Structures are proposed to be installed on concrete foundations.²⁵¹

152. For the 161 kV transmission line associated facilities, ITC Midwest proposes to use single pole weathering or galvanized steel single-circuit and 161 kV/161 kV double-circuit structures.²⁵² ITC Midwest proposes to construct the transmission line associated facilities using spans of approximately 600 to 800 feet.²⁵³

153. Specialty structures may be necessary due to environmental conditions developed in cooperation with other State or federal agencies or to accommodate particular design considerations that cannot be identified until detailed survey work and soil sampling has been completed for the Project.²⁵⁴

²⁴⁶ Ex. 108A at Map 3-9 (DEIS).

²⁴⁷ Ex. 7 at 27 (Route Permit Application).

²⁴⁸ Ex. 7 at 27 (Route Permit Application).

²⁴⁹ Ex. 32 at Schedule 29 at 1 (Middleton Rebuttal).

²⁵⁰ Ex. 7 at 27 (Route Permit Application).

²⁵¹ Ex. 7 at 27 (Route Permit Application).

²⁵² Ex. 7 at 32 (Route Permit Application).

²⁵³ Ex. 7 at 32 (Route Permit Application).

²⁵⁴ Ex. 7 at 28 (Route Permit Application).

VI. TRANSMISSION LINE CONDUCTORS

154. ITC Midwest proposes to use two twisted pair Drake (2-795) Aluminum Conductor Steel Reinforced (“ACSR”) 3000 amp, or comparable, conductor for each 345 kV phase.²⁵⁵

155. ITC Midwest proposes to use twisted pair Drake (2-795) ACSR 1600 amp, or comparable, conductor for each 161 kV phase, with the exception of the N.B.E.I. – Huntley 161 kV transmission line.²⁵⁶ ITC Midwest proposes to construct the N.B.E.I. – Huntley 161 kV transmission line using Aluminum Conductor Steel Supported 565 kcmil Calumet, or equivalent 1400 amp, conductor.²⁵⁷

156. For the three 69 kV transmission lines to be relocated from the Winnebago Junction Substation to the Huntley Substation, ITC Midwest proposes to use twisted pair Drake (2-795) ACSR 1600 amp, or comparable, conductor.²⁵⁸ Modified Route A and other Route Alternatives and Route Variations are proposed to co-locate existing 69 kV transmission lines with the Project near Fox Lake or Lake Charlotte.²⁵⁹ These 69 kV lines are proposed to be constructed using 600 amp, or comparable, conductor for each 69 kV phase.²⁶⁰

VII. ROUTE WIDTHS

157. ITC Midwest requests a route width up to 1,000 feet for the majority of the length of the routes it has proposed in accordance with Minnesota Statutes Section 216E.02, subdivision 1.²⁶¹ In specific areas, ITC Midwest requested a route with up to 1.25 miles in width in two areas along Route A, one area along Route B, and five areas along Modified Route A.²⁶²

²⁵⁵ Ex. 7 at 29 (Route Permit Application).

²⁵⁶ Ex. 7 at 29 and 31 (Route Permit Application).

²⁵⁷ Ex. 7 at 31-32 (Route Permit Application).

²⁵⁸ Ex. 24 at 22 (Coeur Direct).

²⁵⁹ Ex. 24 at 22 (Coeur Direct); Ex. 108A at Maps 3-2 to 3-9 (DEIS).

²⁶⁰ Ex. 24 at 22 (Coeur Direct).

²⁶¹ Ex. 7 at 14 (Route Permit Application); Ex. 24 at 28 (Coeur Direct); Ex. 25 at 33 (Middleton Direct).

²⁶² Ex. 7 at 14 (Route Permit Application); Ex. 24 at 28 (Coeur Direct); Ex. 25 at 33-34 (Middleton Direct).

158. For Route A, ITC Midwest requests a route width of 1,800 feet near the interchange of Interstate 90 and State Highway 4 to provide flexibility in coordinating routing near the interchange consistent with the requirements of MnDOT.²⁶³

159. For both Route A and Route B, ITC Midwest initially requested a route width of 1.25 miles from 30th Street in Pilot Grove Township south to the Iowa border to provide flexibility in coordinating routing of the Project with the Iowa portion of the MN-IA 345 kV Project.²⁶⁴

160. ITC Midwest proposes expanding the route width for Route B west and south of the Center Creek WMA to 3,500 feet to locate the route outside the recently-acquired WMA boundaries.²⁶⁵ Additionally, Route B requires a 1,000-foot wide connector segment between Route B and the existing Lakefield to Border 161 kV Transmission Line that runs on the north side of the Iowa border.²⁶⁶

161. ITC Midwest requests a route width wider than 1,000 feet for Modified Route A in five locations to address specific land use concerns: (1) Des Moines River (1,400 feet); (2) south of Lake Charlotte (1,200 feet); (3) east of Lake Charlotte near State Highway 15 (1,400 feet); (4) south of and adjacent to the Proposed Huntley Substation (2,200 feet); and (5) along the Blue Earth River south of the Proposed Huntley Substation (1,700 feet).²⁶⁷ The route width of Modified Route A from 30th Street to the Iowa border is 1,000 feet and was narrowed from the 1.25 miles requested for Route A by ITC Midwest during the Route Permit proceeding.²⁶⁸

162. The increased route width at the Des Moines River will provide additional flexibility to work with both the “MnDNR” and landowners, as practicable, to design the most appropriate crossing of the Des Moines River.²⁶⁹

²⁶³ Ex. 7 at 14 (Route Permit Application).

²⁶⁴ Ex. 7 at 14 (Route Permit Application).

²⁶⁵ Ex. 17 (Comments – Scoping Period Comment Letter and Attachments); Ex. 25 at 34 (Middleton Direct).

²⁶⁶ Ex. 24 at 29 and Schedule 12 (Coeur Direct).

²⁶⁷ Ex. 24 at 28 (Coeur Direct); Ex. 25 at 33-34 (Middleton Direct).

²⁶⁸ Ex. 24 at 29 and Schedule 12 (Coeur Direct).

²⁶⁹ Ex. 25 at 34 (Middleton Direct).

163. Additional route width south of Lake Charlotte along 160th Street will provide ITC Midwest flexibility to work around a residence in this area.²⁷⁰

164. An increased route width east of Lake Charlotte and west of State Highway 15 will enable ITC Midwest to work around existing agricultural operations and residences in this area.²⁷¹

165. Additional route width south of the Proposed Huntley Substation will help to ensure that the Project, including associated facilities, can all be routed in and out of the substation as necessary.²⁷²

166. Finally, a route width greater than 1,000 feet along the Blue Earth River south of the Proposed Huntley Substation will enable ITC Midwest to move the existing 161 kV transmission line and co-locate it with the Project out of the Blue Earth River riparian area.²⁷³

VIII. TRANSMISSION LINE RIGHT-OF-WAY

167. A 200-foot wide right-of-way will be needed for all but one short segment of the 345 kV transmission line portions of the Project.²⁷⁴

168. Within the 200-foot right-of-way, ITC Midwest will restrict placement of its structures to the center 150-foot area.²⁷⁵ ITC Midwest will have vegetation management rights, will place its structures in the centerline of the right-of-way, and will prohibit placement of other structures within the center 150-foot area.²⁷⁶ In the outer 25 feet on either side of this center 150-foot area of the 200-foot easement, ITC Midwest will ensure that no structures or other improvements are constructed in this outer 25 feet that pose a safety concern to the Project.²⁷⁷ This 200-foot width is needed to provide sufficient area to ensure safe and reliable operation of the line in compliance with National Electric Safety Code (“NESC”), North American Electric Reliability Corporation (“NERC”), and

²⁷⁰ Ex. 25 at 34 (Middleton Direct).

²⁷¹ Ex. 25 at 34 (Middleton Direct).

²⁷² Ex. 25 at 34 (Middleton Direct).

²⁷³ Ex. 25 at 34 (Middleton Direct).

²⁷⁴ Ex. 7 at 34 (Route Permit Application).

²⁷⁵ Ex. 7 at 34 (Route Permit Application).

²⁷⁶ Ex. 7 at 34 (Route permit Application).

²⁷⁷ Ex. 7 at 34 (Route Permit Application).

ITC Midwest standards.²⁷⁸

169. The easements ITC Midwest plans to acquire will not allow ITC Midwest to manage vegetation beyond the 200-foot easement without additional rights or permission obtained from landowners.²⁷⁹

170. Along Route A and Modified Route A, a narrower right-of-way is proposed for approximately 0.5 mile through the Pilot Grove Lake Waterfowl Production Area (“WPA”).

171. These routes traverse the WPA along the centerline of the existing Lakefield to Border 161 kV Transmission Line.²⁸⁰ The existing right-of-way through the WPA is 100 feet.²⁸¹ The right-of-way for the Project through the Pilot Grove Lake WPA will be 100 feet.²⁸² ITC Midwest’s existing easements provide broad rights to manage vegetation beyond the 100-foot right-of-way that might interfere with the safe operation of the transmission line.²⁸³ ITC Midwest determined that given the objectives of the United States Fish and Wildlife Service (“USFWS”) for managing WPA land and the broad vegetation management rights under the existing easements, the narrower right-of-way is acceptable in this limited area.²⁸⁴

172. For the 161 kV associated facilities requiring reconfiguration from the Winnebago Junction Substation to the Proposed Huntley Substation that will not be co-located with a 345 kV transmission line, ITC Midwest requires a 150-foot right-of-way.²⁸⁵ Several of these reconfigured lines can be co-located to reduce the need for additional right-of-way.²⁸⁶ Because the distance between the Winnebago Junction Substation and the Proposed Huntley Substation is short (approximately 1.5 miles with two 161 kV lines proposed to be constructed in parallel for approximately 0.75 mile), a reduced right-of-way is possible to allow

²⁷⁸ Ex. 21 at 8 (Ashbacker Direct); Ev. Hrg. Tr. at 27-28 (Ashbacker).

²⁷⁹ Ev. Hrg. Tr. at 28 (Ashbacker).

²⁸⁰ Ex. 7 at 79 (Route Permit Application).

²⁸¹ Ex. 7 at 257 (Route Permit Application).

²⁸² Ex. 21 at 9 (Ashbacker Direct).

²⁸³ Ex. 21 at 9 (Ashbacker Direct).

²⁸⁴ Ex. 21 at 9 (Ashbacker Direct).

²⁸⁵ Ex. 21 at 10 (Ashbacker Direct); Ev. Hrg. Tr. at 28-29 (Ashbacker).

²⁸⁶ Ex. 7 at 214 (Route Permit Application).

construction of up to five circuits on three parallel, overlapping, rights-of-way.²⁸⁷ For this reason, ITC Midwest proposes a right-of-way of 250 feet instead of 450 feet between 170th Street and the Proposed Huntley Substation.²⁸⁸

173. The 200-foot right-of-way for the 345 kV facilities and the 150-foot right-of-way for the 161 kV facilities are reasonably necessary for construction of the Project.

174. If I90-5 Option 2 were selected for the Project, a 450-foot right-of-way between 170th Street and the South Huntley Substation would be required.²⁸⁹ This right-of-way width is reasonably necessary for this alternative given reliability requirements.²⁹⁰

IX. PROJECT SCHEDULE

175. ITC Midwest proposes to begin construction of the Project, including right-of-way clearing in the fourth quarter of 2015.²⁹¹

176. ITC Midwest anticipates the second quarter of 2017 to be the in-service date of the last segment of the Project.²⁹²

X. PROJECT COSTS

177. Route A is estimated to cost approximately \$208 million to construct and Modified Route A is estimated to cost approximately \$207 million to construct.²⁹³ Route B is estimated to cost approximately \$196 million to construct, with only the 345 kV transmission circuit installed.²⁹⁴ To install the 161 kV circuit along Route B, the total cost increases to approximately \$224 million.²⁹⁵ These

²⁸⁷ Ex. 24 at 14 (Coeur Direct).

²⁸⁸ Ex. 7 at 21 (Route Permit Application); Ex. 25 at Schedule 2 (Middleton Direct).

²⁸⁹ Ex. 25 at 50 (Middleton Direct). I90-5 Option 2 was referred to as I-90-R Option 2.

²⁹⁰ Ex. 22 at 16 (Berry Direct).

²⁹¹ Ex. 21 at 7 (Ashbacker Direct). These estimates were developed for Route A, Route B, and Modified Route A. Ex. 21 at 3 (Ashbacker Direct).

²⁹² Ex. 21 at 7 (Ashbacker Direct). "Project" refers only to the portions of the 345 kV transmission line and associated facilities proposed in Minnesota.

²⁹³ Ex. 24 at 21, Table 2 (Coeur Direct).

²⁹⁴ Ex. 7 at 25 (Route Permit Application); Ex. 24 at 21 (Coeur Direct).

²⁹⁵ Ex. 7 at 25 (Route Permit Application); Ex. 24 at 21, Table 2 at n. c (Coeur Direct).

costs include the cost to construct the 161 kV Associated Facilities, the Lakefield Junction Substation, and the Proposed Huntley Substation (including \$2 million for reactors at the Proposed Huntley Substation) and to remove the Winnebago Junction Substation.²⁹⁶

178. Only Route Alternative I90-2 is less costly than Modified Route A or Route A.²⁹⁷

179. The cost estimates for the substation costs in the DEIS did not include the estimated additional \$2 million for reactors that are required at the Huntley Substation.²⁹⁸

180. The evidence on the record demonstrates that it will be least costly to construct the Project, including associated facilities, along Modified Route A, Route A, or Route Alternative I90-2.²⁹⁹

181. If the Commission requires ITC Midwest to remove the 161 kV transmission lines from Fox Lake, Lake Charlotte, and the existing right-of-way between these two lakes, the cost of the Project is estimated to increase by approximately \$7.8 million.³⁰⁰

182. Annual operation and maintenance costs are anticipated to be approximately the same for any of the routes proposed by ITC Midwest. Operation and maintenance costs are estimated at approximately \$2,000 per mile.³⁰¹

²⁹⁶ Ex. 24 at 21, Table 2 at n. a and b (Coeur Direct).

²⁹⁷ Ex. 108A at 119 (DEIS). Route B is more costly than Route A or Modified Route A if the second circuit were installed. Ex. 24 at Table 2 (Coeur Direct).

²⁹⁸ Ex. 21 at 19 (Ashbacker Direct); Ex. 24 at Table 2 at n. c (Coeur Direct) (\$41 million for substations). *See* Ex. 7 at Table 3 (Route Permit Application (\$39 million for substations) and Ex. 108A at Table 6-5 (\$39 million for substations).

²⁹⁹ Ex. 24 at 21, Table 2 (Coeur Direct); Ex. 108A at 119 (DEIS).

³⁰⁰ Ex. 108A at 119 (DEIS). This value is estimated based on comparing the costs of I90-2 and I90-2 with removal of the 161 kV from Fox Lake and Lake Charlotte.

³⁰¹ Ex. 7 at 48 (Route Permit Application).

XI. PERMITTEE

183. ITC Midwest LLC is the Permittee for the Project.³⁰²

XII. PUBLIC AND LOCAL GOVERNMENT PARTICIPATION

A. Public Comments

1. COMMENTS AT PUBLIC HEARINGS

184. Approximately 70 people spoke during the public hearings held in Blue Earth, Jackson, and Fairmont, MN.³⁰³ Comments received on the route for the Project are discussed here while comments on need for the Project are discussed in the Proposed Findings of Fact in the Certificate of Need Docket (ET6675/TL-12-1053).

185. Several stakeholders spoke in opposition to Route Alternative I90-5 Option 1 and Option 2 because of its proximity to a residential subdivision near Blue Earth, MN.³⁰⁴

186. Multiple comments were received in support of Modified Route A for the Project.³⁰⁵

187. Other comments and questions were received on various agricultural or environmental impacts and were responded to by ITC Midwest representatives during the hearing.³⁰⁶

2. PUBLIC HEARING COMMENT PERIOD

188. Approximately 175 comments were received from stakeholders, including agencies, local units of government, landowners with property subject to wind farm leases west of the Project area, parishioners of the Regional

³⁰² Ex. 7 at 3 (Route Permit Application).

³⁰³ Blue Earth Pub. Hrg. Tr.; Jackson Pub. Hrg. Tr.; Fairmont Pub. Hrg. Tr.

³⁰⁴ Blue Earth Pub. Hrg. Tr. at 35:16-10 (Krieger), 79:9-24 (Moore), 97:18-98:1 (Lawrence), 1019-102:13 (Heinitz); Fairmont Pub. Hrg. Tr. at 98:17-104:16 (Ankeny).

³⁰⁵ Blue Earth Pub. Hrg. Tr. at 50:23-51:1 (Young), 57:11-14 (Murphy), 73:5-19 (Warmka), 98:2-6 (Lawrence), 100:21-25 (Alleven); Jackson Pub. Hrg. Tr. at 18:23-25 (Buresch); Fairmont Pub. Hrg. Tr. at 18:15-17 (R. Mixer), 28:4-5 (McBrayer), 30:5-7 (Jagodzinske Rohman).

³⁰⁶ See e.g. Fairmont Pub. Hrg. Tr. at 164:2-17 (Hilgendorf) and 167:21-165:23 (Coeur) and 165:24-166:6 (Ashbacker), 194:7-14 (Zeitz) and 194:15-23 (Ashbacker).

Worship Center in Sherburn, landowners along a route proposed by ITC Midwest or along a Route Alternative, and others interested in the proceeding, during the public hearing comment period.³⁰⁷

189. Of the written comments that stated a preference for a route for the Project, the majority support selection of Modified Route A.³⁰⁸ Many comments also opposed any route that crossed south of Interstate 90 in the City of Sherburn and across property owned by a church in this area.³⁰⁹

190. Several comments objected to Route B.³¹⁰ Others opposed I90-1, I90-3, I90-4, and I90-5 that would rebuild the Jackson to Fox Lake 161 kV transmission line as it would remove windbreaks between Interstate 90 and either homes or fields.³¹¹

191. Comments, oral and an exhibit, were received from the landowner who owns property directly west of the Blue Earth River south of the Proposed Huntley Substation whose property would be affected by the change in alignment in this area requested to be reviewed by the MnDNR (F1-R in the EIS Scoping Decision, HI-1 in the DEIS, and incorporated into Modified Route A with some adjustment in alignment).³¹² Ms. Durkee stated an intent to construct a new horse barn with stalls and a riding area where the Modified Route A anticipated alignment crossed her property.³¹³ Ms. Durkee stated a preference for Route A, along the existing Lakefield to Border 161 kV Transmission Line.³¹⁴

³⁰⁷ Document ID Nos. 20146-100148-01, 20146-100148-03, 20146-100148-05, 20146-100148-07, 20146-100148-09, and 20146-100686-01 (June 4, 2014).

³⁰⁸ See e.g. Document ID Nos. 20146-100148-01 (Fransen); 20146-100148-03 (Coulter) (Faber); and 20146-100148-07 (Caven) (Cuba) (Bakken) (Harris) (Dannen) (Nelson) (Janssen).

³⁰⁹ See e.g. Document ID Nos. 20146-100148-01 (Ebeling); 20146-100148-03 (G. Mixer) (Grimm); 20146-100148-07 (Walsh); and 20146-100148-07 (Dannen) (Haugen).

³¹⁰ See e.g. Document ID Nos. 20146-100148-03 (Hartung); 20146-100148-07 (Walter); and 20146-100148-09 (Rignell).

³¹¹ See e.g. Document ID Nos. 20146-100148-01 (M. Zehms) (Eisenmenger); 20146-100148-03 (Leet).

³¹² Ex. 609 (Durkee); Fairmont Pub. Hrg. Tr. at 34:20-37:22 (Roesler).

³¹³ Ex. 609 at 2 (Durkee).

³¹⁴ Ex. 609 at 2 (Durkee).

192. Multiple comments were received opposing I90-5 Option 1 and Option 2 because of its proximity to a residential subdivision near Blue Earth, MN.³¹⁵

B. Local Government and Federal and State Agencies

1. CITY OF JACKSON

193. The City of Jackson manages the Jackson Municipal Airport and its development.³¹⁶

194. The Jackson Municipal Airport has developed an airport layout plan (“ALP”) for potential airport expansion.³¹⁷ ITC Midwest developed Route A and Modified Route A north of the Jackson Municipal Airport to avoid conflicts with air navigation at the existing or expanded airport.³¹⁸ ITC Midwest intends to submit specific structure information to the Federal Aviation Administration after design is complete to ensure that the Project will not conflict with Jackson Municipal Airport operations.³¹⁹

2. CITY OF SHERBURN

195. The Mayor of Sherburne, Dorothy Behne, submitted comments on the Project.³²⁰ Mayor Behne requested that “Alternate” (Modified) Route A or Route B be considered for the Project instead of a route that crosses to the south of Interstate 90 into the Sherburn City Limits.³²¹

³¹⁵ See e.g. Document ID Nos. 20146-100148-07 (Moore); 20146-100148-09 (Ankeny).

³¹⁶ Ex. 116C at 4 (LGU Comments Received on the DEIS).

³¹⁷ Ex. 7 at 114 and Appendix K (Route Permit Application).

³¹⁸ Ex. 7 at 114 (Route Permit Application). Modified Route A north of the Jackson County Municipal Airport is the same as Route A. See Ex. 25 at Schedule 7 (Middleton Direct).

³¹⁹ Ex. 7 at 153 (Route Permit Application).

³²⁰ Fairmont Pub. Hrg. Tr. at 46-48 (D. Behne); Document ID No. 20146-100148-07 (D. Behne).

³²¹ Fairmont Pub. Hrg. Tr. at 48:11-13 (D. Behne); Document ID No. 20146-100148-07 (D. Behne).

196. The Sherburn City Administrator, Sam Hansen, submitted written comments on behalf of the residents of Sherburn objecting to Route A and stating support for Modified Route A and Route B.³²² Mr. Hansen also provided similar comments during the public hearing.³²³

3. *FARIBAULT COUNTY*

197. On May 22, 2014, Faribault County provided written comments in support of Modified Route A by a County Board vote of 4-0 with one abstention.³²⁴

4. *MARTIN COUNTY*

198. On May 14, 2014, Martin County provided a letter supporting the Project.³²⁵

199. Martin County stated four concerns in its letter: 1) that the route not cross through the City of Sherburn; 2) that the Project not cross over existing homes or livestock buildings; 3) that the Project not cross Fox Lake; and 4) that it preferred a route along Interstate 90.³²⁶

5. *RUTLAND TOWNSHIP*

200. On May 15, 2014, Rutland Township provided written comments on the Project.³²⁷

201. The township's comments stated concern for property values in the township and an opposition to any routes "in close proximity" to residences.³²⁸ The letter does not clarify what "close proximity" means in the context of Rutland Township's letter.³²⁹

³²² Document ID No. 20146-100148-07 (Hansen).

³²³ Fairmont Pub. Hrg. Tr. at 65:13-66:8 (Hansen).

³²⁴ Document ID No. 20146-100148-07 (Faribault County).

³²⁵ Document ID No. 20146-100148-09 (Martin County).

³²⁶ Document ID No. 20146-100148-09 (Martin County).

³²⁷ Document ID No. 20146-100148-07 (Rutland Township).

³²⁸ Document ID No. 20146-100148-07 (Rutland Township).

³²⁹ Document ID No. 20146-100148-07 (Rutland Township).

202. Rutland Township also stated its opposition to Route A and Route B.³³⁰

6. *MINNESOTA DEPARTMENT OF TRANSPORTATION*

203. On May 15, 2014, MnDOT provided comments on the routes proposed by ITC Midwest and the additional routes evaluated in the DEIS.³³¹

204. In its comments, MnDOT identified various issues that must be considered or addressed by ITC Midwest before MnDOT would issue a utility permit.³³² Many of these items have been addressed by ITC Midwest in its development of Modified Route A.³³³

205. In its comments, MnDOT did not identify any routes that would not be permissible.³³⁴ MnDOT did not provide testimony at the hearings.

7. *MINNESOTA DEPARTMENT OF NATURAL RESOURCES*

206. In scoping comments, the MnDNR requested that additional analysis related to specific features be included in the EIS for Route A and Route B.³³⁵ The MnDNR requested that an alignment “the farthest possible to the east in Section 3, Township 102N, Range 35W” away from the east bank of the Des Moines River be developed.³³⁶ In the scoping comments, the MnDNR also requested that the EIS include an evaluation of a more perpendicular route to the river compared to a parallel route.³³⁷ The MnDNR also identified a discrete area along Route B where the MnDNR “is unlikely to issue a license to cross” in Sections 20 and 21, Township 103N, Range 29W, through the Center Creek WMA.³³⁸

³³⁰ Document ID No. 20146-100148-07 (Rutland Township).

³³¹ Document ID No. 20145-99538-01 (May 15, 2014).

³³² Document ID No. 20145-99538-01 at 2 (May 15, 2014).

³³³ See Ex. 24 (Coeur Direct); Ex 25 (Middleton Direct).

³³⁴ See Document ID No. 20145-99538-01 (May 15, 2014).

³³⁵ Ex. 103B at 2-3 (Written Agency Comments Received on Scope of EIS).

³³⁶ Ex. 103B at 2 (Written Agency Comments Received on Scope of EIS).

³³⁷ Ex. 103B at 2 (Written Agency Comments Received on Scope of EIS).

³³⁸ Ex. 103B at 4 (Written Agency Comments Received on Scope of EIS).

207. ITC Midwest developed Modified Route A across and east of the Des Moines River in response to these MnDNR requests.³³⁹

208. On May 30, 2014, the MnDNR provided additional comments regarding the Des Moines River crossing during the written public hearing comment period on Modified Route A.³⁴⁰

209. In its May 30, 2014 comments, the MnDNR discussed the crossings of the Des Moines River and requested further evaluation by ITC Midwest of the existing 161 kV transmission line crossing and Modified Route A.³⁴¹ The MnDNR indicated that it preferred use of the existing 161 kV transmission line crossing (referred to as Route Variation JA-2 in the DEIS) over Modified Route A, unless Modified Route A could be constructed in a way that allowed vegetation to remain on the banks of the Des Moines River in the lowest area of the valley.³⁴² The MnDNR identified that there is the possibility of historic vegetation in this area and indicated a desire to retain this vegetation to the greatest extent practicable.³⁴³

210. ITC Midwest supports working with the MnDNR and the landowners, to the extent practicable, to identify the most appropriate crossing of the Des Moines River.³⁴⁴

211. Modified Route A provides sufficient width in this area to provide flexibility to work with these stakeholders on the most appropriate Des Moines River crossing.³⁴⁵

³³⁹ Ex. 25 at 21-22 (Middleton Direct).

³⁴⁰ Document ID Nos. 20145-100021-01 and 20145-100021-02 (May 30, 2014).

³⁴¹ Document ID Nos. 20145-100021-01 and 20145-100021-02 (May 30, 2014).

³⁴² Document ID Nos. 20145-100021-01 and 20145-100021-02 (May 30, 2014).

³⁴³ Document ID Nos. 20145-100021-01 and 20145-100021-02 (May 30, 2014).

³⁴⁴ Ex. 25 at 34 (Middleton Direct).

³⁴⁵ Ex. 25 at 34 (Middleton Direct); Ex. 35-H at DEIS Route Variation JA-2 (Large Format Maps).

212. In its comments, MnDNR only identified that a license to cross the Center Creek WMA was unlikely and did not identify any routes proposed by ITC Midwest, Route Alternatives, or Route Variations that would not be permissible.³⁴⁶

XIII. FACTORS FOR A ROUTE PERMIT

213. The Power Plant Siting Act (“PPSA”), Minnesota Statutes Chapter 216E, requires that route permit determinations “be guided by the state’s goals to conserve resources, minimize environmental impacts, minimize human settlement and other land use conflicts, and ensure the state’s electric energy security through efficient, cost-effective power supply and electric transmission infrastructure.”

214. Under the PPSA, the Commission and the ALJ must be guided by the following responsibilities, procedures, and considerations:

- (1) evaluation of research and investigations relating to the effects on land, water and air resources of large electric power generating plants and high-voltage transmission lines and the effects of water and air discharges and electric and magnetic fields resulting from such facilities on public health and welfare, vegetation, animals, materials and aesthetic values, including baseline studies, predictive modeling, and evaluation of new or improved methods for minimizing adverse impacts of water and air discharges and other matters pertaining to the effects of power plants on the water and air environment;
- (2) environmental evaluation of sites and routes proposed for future development and expansion and their relationship to the land, water, air and human resources of the state;
- (3) evaluation of the effects of new electric power generation and transmission technologies and systems related to power plants designed to minimize adverse environmental effects;
- (4) evaluation of the potential for beneficial uses of waste energy from proposed large electric power generating plants;

³⁴⁶ See Ex. 103B (Written Agency Scoping Comments); Document ID No. 20145-100021-01 (May 30, 2014). Note that Route B no longer includes the Center Creek WMA crossing.

- (5) analysis of the direct and indirect economic impact of proposed sites and routes including, but not limited to, productive agricultural land lost or impaired;
- (6) evaluation of adverse direct and indirect environmental effects that cannot be avoided should the proposed site and route be accepted;
- (7) evaluation of alternatives to the applicant's proposed site or route proposed pursuant to subdivision 1 and 2;
- (8) evaluation of potential routes that would use or parallel existing railroad and highway rights-of-way;
- (9) evaluation of governmental survey lines and other natural division lines of agricultural land so as to minimize interference with agricultural operations;
- (10) evaluation of future needs for additional high-voltage transmission lines in the same general area as any proposed route, and the advisability of ordering the construction of structures capable of expansion in transmission capacity through multiple circuiting or design modifications;
- (11) evaluation of irreversible and irretrievable commitments of resources should the proposed site or route be approved; and
- (12) when appropriate, consideration of problems raised by other state and federal agencies and local entities.

215. Also, Minnesota Statutes Section 216E.03, subdivision 7(e), provides that the Commission "must make specific findings that it has considered locating a route for a high-voltage transmission line on an existing high-voltage transmission route and the use of parallel existing highway right-of-way and, to the extent those are not used for the route, the [C]ommission must state the reasons."

216. In addition to the PPSA, the Commission and the ALJ are governed by Minnesota Rule 7850.4100, which mandates consideration of the following factors when determining whether to issue a route permit for a high voltage transmission line:

- A. effects on human settlement, including, but not limited to, displacement, noise, aesthetics, cultural values, recreation, and public services;
- B. effects on public health and safety;
- C. effects on land-based economies, including, but not limited to, agriculture, forestry, tourism, and mining;
- D. effects on archaeological and historic resources;
- E. effects on the natural environment, including effects on air and water quality resources and flora and fauna;
- F. effects on rare and unique natural resources;
- G. application of design options that maximize energy efficiencies, mitigate adverse environmental effects, and could accommodate expansion of transmission or generating capacity;
- H. use or paralleling of existing rights-of-way, survey lines, natural division lines, and agricultural field boundaries;
- I. use of existing large electric power generating plant sites;
- J. use of existing transportation, pipeline, and electrical transmission systems or rights-of-way;
- K. electrical system reliability;
- L. costs of constructing, operating, and maintaining the facility which are dependent on design and route;
- M. adverse human and natural environmental effects which cannot be avoided; and
- N. irreversible and irretrievable commitments of resources.

217. There is sufficient evidence on the record for the ALJ to assess the routes on the record using the criteria and factors set out above.

XIV. APPLICATION OF ROUTING FACTORS TO ROUTES ON THE RECORD

A. Effects on Human Settlement

218. Minnesota Rule 7850.4100(A) requires consideration of the proposed routes' effects on human settlement, including displacement of residences and businesses, noise created during construction and by operation of the Project, and impacts to aesthetics, cultural values, recreation, and public services.

1. *DISPLACEMENT*

219. For the Project, displacement of a residence or business was defined to include any such structure within the proposed right-of-way for the Project; within 100 feet of a proposed 345 kV alignment; or within 75 feet of a proposed 161 kV (not co-located with a 345 kV transmission line) alignment.³⁴⁷

220. The record evidence demonstrates that none of the routes proposed by ITC Midwest will result in displacement.³⁴⁸

221. Route A has two homes within 75 to 150 feet of the alignment, 13 homes within 150 to 300 feet of the alignment, and 12 homes within 300 to 500 feet of the alignment.³⁴⁹

222. Route B has two homes within 75 to 150 feet of the alignment, 16 homes within 150 to 300 feet of the alignment, and 15 homes within 300 to 500 feet of the alignment.³⁵⁰

223. Modified Route A has two homes within 75 to 150 feet of the alignment, 8 homes within 150 to 300 feet of the alignment, and 12 homes within 300 to 500 feet of the alignment.³⁵¹

³⁴⁷ Ex. 7 at 131-32 and Appendix D, Faribault County, Sheet 2 of 12 (Route Permit Application).

³⁴⁸ Ex. 7 at 131-32 (Route Permit Application); Ex. 24 at Schedule 5 (Coeur Direct); Ex. 25 at Schedule 11 (Middleton Direct).

³⁴⁹ Ex. 25 at Schedule 2 at 1 (Middleton Direct).

³⁵⁰ Ex. 25 at Schedule 2 at 1 (Middleton Direct).

³⁵¹ Ex. 25 at Schedule 12 (Middleton Direct).

224. Modified Route A will have the least impact on human settlement within 300 feet of the proposed alignment when compared to the anticipated impacts of Route A or Route B.³⁵²

225. There are no homes within 150 feet of the 161 kV Associated Facilities.³⁵³

226. Although no displacement is anticipated with Route A, Route B, or Modified Route A, many comments were received regarding the proximity of Route A to the Sherburn Regional Worship Center.³⁵⁴ In response to these comments, ITC Midwest developed Modified Route A in this area.³⁵⁵

227. None of the Route Alternatives will result in displacement.³⁵⁶

228. Route Alternative I90-4 has the fewest number of homes within 100 to 200 feet of the anticipated alignment of any of ITC Midwest's proposed routes or other Route Alternatives between Lakefield Junction and Huntley substations.³⁵⁷

229. Of the routes proposed by ITC Midwest and the Route Alternatives, Modified Route A has the fewest number of residences within 100 to 500 feet of the anticipated alignment.³⁵⁸

2. NOISE

230. The Minnesota Pollution Control Agency ("MPCA") has established noise limits for residential, commercial, and industrial land use activities.³⁵⁹

³⁵² Ex. 25 at Schedule 2 at 1 and Schedule 12 (Middleton Direct).

³⁵³ Ex. 25 at Schedule 2 at 6 (Middleton Direct).

³⁵⁴ See e.g. Document ID Nos. 20146-100148-01 (Ebeling); 20146-100148-03 (G. Mixer) (Grimm); 20146-100148-07 (Walsh); 20146-100148-07 (Dannen) (Haugen).

³⁵⁵ Ex. 25 at 25 and 27 (Middleton Direct).

³⁵⁶ Ex. 108A at 55 (DEIS).

³⁵⁷ Ex. 32 at Schedule 27 at Figure 1 (Middleton Rebuttal).

³⁵⁸ Ex. 32 at Schedule 27 at Figure 1 (Middleton Rebuttal).

³⁵⁹ Ex. 7 at 134 (Route Permit Application).

231. The most restrictive Noise Area Classification (“NAC”) is for residences at 60-65 A-weighted decibel (“dBA”) during the daytime and 50-55 dBA during the nighttime.³⁶⁰

232. The maximum calculated noise level during operation of the Project for the transmission lines is anticipated to not exceed these NAC levels under the transmission line and at the edge of the right-of-way.³⁶¹

233. Noise receptors near the Lakefield Junction Substation are not anticipated to experience any significant changes in noise levels as a result of the Project.³⁶²

234. The maximum noise calculated for the Proposed Huntley Substation does not exceed the MPCA noise levels at the nearest residence.³⁶³

235. The DEIS confirmed this analysis and concluded that noise impacts from the Project are expected to be within the MPCA noise levels.³⁶⁴

236. While ITC Midwest anticipates that most construction activities will occur between daytime hours as defined by the MPCA, there may be instances where construction outside these hours is necessary.³⁶⁵ ITC Midwest has requested that it be allowed to occasionally construct the Project outside daytime hours or on a weekend if ITC Midwest is required to work around customer schedules or line outages, or the Project has been significantly impacted due to other factors.³⁶⁶

³⁶⁰ Ex. 7 at 135 (Route Permit Application).

³⁶¹ Ex. 7 at 135 (Route Permit Application).

³⁶² Ex. 7 at 201 (Route Permit Application).

³⁶³ Ex. 7 at 208 (Route Permit Application).

³⁶⁴ Ex. 108A at 56 (DEIS).

³⁶⁵ Ex. 36 at 9 (ITC Midwest LLC Comments on the DEIS (“ITC Midwest Comment Letter on the DEIS”)).

³⁶⁶ Ex. 36 at 9 (ITC Midwest Comment Letter on the DEIS).

3. *AESTHETICS*

237. Modified Route A and Route A are anticipated to minimize impacts on aesthetics when compared to Route B and the Route Alternatives as they make the greatest use of existing transmission line rights-of-way.³⁶⁷

238. Modified Route A is anticipated to minimize impacts on aesthetics more than Route A as it makes a greater use of existing transmission line rights-of-way than Route A.³⁶⁸

4. *CULTURAL VALUES*

239. There are no anticipated impacts to cultural values as a result of constructing the Project along any of ITC Midwest's proposed routes or the Route Alternatives.³⁶⁹

5. *RECREATION*

240. The record evidence demonstrates that Modified Route A has a lower potential to impact recreational resources than Route A or Route B.³⁷⁰

241. Impacts to recreation are anticipated to be minimal and limited to the aesthetic impact of the Project.³⁷¹

³⁶⁷ Ex. 25 at Schedule 2 and Schedule 12 (Middleton Direct); Ex. 108A at Appendix J (DEIS).

³⁶⁸ Ex. 25 at Schedule 2 and Schedule 12 (Middleton Direct).

³⁶⁹ Ex. 7 at 76 (Route Permit Application). Impacts to cultural values, when anticipated, are based on impacts to the Project area. Based on no anticipated impacts to cultural values from the construction along Route A or Route B, no anticipated impacts to cultural values are anticipated from the construction along Modified Route A or Route Alternatives.

³⁷⁰ Ex. 7 at 79 (Route Permit Application); Ex. 24 at Schedule 2 and Schedule 12 (Middleton Direct). Modified Route A is proposed to reduce the crossing length at the Des Moines River, co-locate an existing 69 kV transmission line with the Project in the Fox Lake Game Refuge, and remove a 161 kV transmission line from the Blue Earth River riparian area south of the Proposed Huntley Substation. Ex. 25 at Schedule 7, Schedule 8, and Schedule 10 (Middleton Direct).

³⁷¹ Ex. 108A at 74 (DEIS).

6. PUBLIC SERVICE AND INFRASTRUCTURE

242. Construction and operation of the Project is not anticipated to impact the operation of any existing public services, including public airports.³⁷² Modified Route A reduces potential conflicts with private airstrips when compared to Route A.³⁷³

243. The Jackson Municipal Airport is located within one mile of Route Alternatives and Route Variations.³⁷⁴

244. No impacts to Jackson Municipal Airport are anticipated as a result of the construction of the Project although mitigation measures may be necessary to ensure that transmission line structures do not interfere with safe operation of the airport.³⁷⁵

245. No impacts to electronic devices are anticipated as a result of the Project.³⁷⁶ Interference due to electromagnetic noise is not anticipated.³⁷⁷

246. Interference due to line-of-sight obstruction could occur in select areas but could be mitigated by prudent placement of transmission line poles and electronic antennas.³⁷⁸ ITC Midwest has committed to work with affected landowners, should electronic interference occur as a result of the Project, on a case-by-case basis to assess the cause of the interference and, to the extent practicable, restore electronic reception to pre-project quality.³⁷⁹

³⁷² Ex. 7 at 76 and 153 (Route Permit Application).

³⁷³ Ex. 24 at 27 (Coeur Direct); Ex. 25 at 27 and 30 (Middleton Direct); Ex. 32 at Schedule 29 at 1 (Middleton Rebuttal).

³⁷⁴ Ex. 108A at 121 (DEIS).

³⁷⁵ Ex. 108A at 122 (DEIS).

³⁷⁶ Ex. 108A at 58 (DEIS).

³⁷⁷ Ex. 108A at 58 (DEIS).

³⁷⁸ Ex. 108A at 58 (DEIS).

³⁷⁹ Ex. 36 at 10 (ITC Midwest Comments on the DEIS).

B. Effects on Public Health and Safety

247. Minnesota Rule 7850.4100(B) requires consideration of the Project's effect on public health and safety. The evidence on the record demonstrates that health and safety issues are not anticipated during construction and operation of the facilities.

1. CONSTRUCTION AND OPERATION OF THE PROJECT

248. The Project will be designed to meet or surpass all applicable local and State building, NESC, and NERC requirements, and additional standards developed by ITC Midwest.³⁸⁰

249. Safety protocols, procedures, and standards will be followed during design and construction and after installation.³⁸¹

250. The Project will be equipped with protective devices (circuit breakers and relays located in substations where transmission lines terminate) to safeguard the public in the event of an accident or if a structure or conductor falls to the ground.³⁸²

251. This equipment will de-energize the transmission line should such an event occur.³⁸³

252. Further, substations will be properly fenced and accessible only by authorized personnel.³⁸⁴

2. ELECTRIC AND MAGNETIC FIELDS

253. Minnesota Statutes Section 216E.03, subdivision 7 requires consideration of the effects of electric and magnetic fields on public health and welfare.

254. The evidence on the record demonstrates that the Project will comply with the Commission's standards for electric fields and no adverse

³⁸⁰ Ex. 7 at 29 (Route Permit Application); Ex 108A at 10, 70, and B1-4 (DEIS).

³⁸¹ Ex. 7 at 29 (Route Permit Application).

³⁸² Ex. 7 at 129 (Route Permit Application); Ex. 108A at 63 (DEIS).

³⁸³ Ex. 7 at 129 (Route Permit Application); Ex. 108A at 63 (DEIS).

³⁸⁴ Ex. 7 at 129 (Route Permit Application).

impacts due to electric or magnetic fields are anticipated as a result of the Project.³⁸⁵

255. Electric field strength is measured in kilovolts per meter (“kV/m”).³⁸⁶ The strength of an electric field decreases rapidly as the distance from the source increases.³⁸⁷

256. The Commission has established that the maximum electric field for one meter above ground under a transmission line must not exceed 8 kV/m.³⁸⁸

257. The maximum electric field for the Project under the transmission line is not anticipated to exceed 5.29 kV/m.³⁸⁹

258. Magnetic field strength is measured in milliGauss (“mG”).³⁹⁰ The strength of a magnetic field decreases rapidly as the distance from the source increases.³⁹¹

259. There are no Minnesota or federal standards for transmission line magnetic fields.³⁹²

260. Several states and international organizations have established magnetic field guidelines for general public and occupational exposure.³⁹³ The lowest of these guidelines for general public exposure is 85 mG at the edge of the right-of-way.³⁹⁴

³⁸⁵ Ex. 108A at 64-66 (DEIS).

³⁸⁶ Ex. 7 at 48 (Route Permit Application); Ex. 108A at 63 (DEIS).

³⁸⁷ Ex. 108A at 63 (DEIS).

³⁸⁸ Ex. 7 at 49 (Route Permit Application); Ex. 108A at 64 (DEIS).

³⁸⁹ Ex. 24 at Schedule 7 (Coeur Direct); Ex. 108A at 66 (DEIS).

³⁹⁰ Ex. 7 at 48 (Route Permit Application); Ex. 108A at 63 (DEIS).

³⁹¹ Ex. 108A at 63 (DEIS)

³⁹² Ex. 7 at 51 (Route Permit Application); Ex. 108A at 64 (DEIS).

³⁹³ Ex. 108A at 65 and Appendix H1 (DEIS).

³⁹⁴ Ex. 108A at 65 (DEIS). Massachusetts does not prohibit a magnetic field in excess of 85 mG at the edge of the right-of-way, but a level above 85 mG may trigger additional review of alternatives or mitigation measures. *Id.*

261. The highest predicted magnetic field during peak operation is less than 30 mG at the edge of the right-of-way.³⁹⁵

262. The DEIS confirmed that “[n]o adverse health impacts from electric or magnetic fields are expected for persons living or working near the [P]roject.”³⁹⁶

263. No stray voltage impacts are anticipated as a result of the Project.³⁹⁷

264. No induced voltage impacts are anticipated as a result of the Project.³⁹⁸

C. Effects on Land-Based Economies

265. Minnesota Rule 7850.4100(C) requires consideration of the Project’s effects on land-based economies, specifically agriculture, forestry, tourism, and mining. The record evidence demonstrates that construction along Modified Route A will have the least potential to impact land-based economies.

1. AGRICULTURE

266. Construction of the Project will result in permanent and temporary impacts to farmland.³⁹⁹

267. Construction of the Project along Route A or Modified Route A will replace H-frame structures with single pole structures where the Project follows the existing Lakefield to Border 161 kV Transmission Line between the Lakefield Junction Substation and the Proposed Huntley Substation, while Route B introduces a new transmission line to the area.⁴⁰⁰

³⁹⁵ Ex. 24 at Schedule 7 (Coeur Direct); Ex. 108A at 66 (DEIS).

³⁹⁶ Ex. 108A at 66 (DEIS).

³⁹⁷ Ex. 108A at 97 (DEIS).

³⁹⁸ Ex. 108A at 97 (DEIS).

³⁹⁹ Ex. 7 at 160 (Route Permit Application); Ex. 32 at Schedule 29 at 1 (Middleton Rebuttal).

⁴⁰⁰ Ex. 7 at 162 and 223 (Route Permit Application).

268. Construction along I90-1, I90-2, I90-3, I90-4, and I90-5 would result in increased impacts to agricultural operations where existing 69 kV or 161 kV transmission lines along Interstate 90 would be rebuilt because the Project would need to be placed further into agricultural fields than the existing transmission lines.⁴⁰¹

269. Construction along Route A or Modified Route A would minimize impacts to agricultural lands as the routes follow existing transmission line rights-of-way.⁴⁰² Using Interstate 90 for the Project does not mitigate agricultural impacts as well as using transmission line rights-of-way.⁴⁰³ Modified Route A, Route A, and Route Alternative I90-2 best minimize impacts to agricultural lands.⁴⁰⁴

270. ITC Midwest prepared an Agricultural Impact Mitigation Plan (“AIMP”) for the Project.⁴⁰⁵ The Minnesota Department of Agriculture approved the AIMP on May 1, 2014.⁴⁰⁶

2. FORESTRY

271. No known marketable forestry resources exist in the right-of-way for any of the routes proposed by ITC Midwest, the Route Alternatives, or the Route Variations.⁴⁰⁷

⁴⁰¹ Ex. 25 at 26 (Middleton Direct); Ex. 32 at Schedule 29 at 1 (Middleton Rebuttal).

⁴⁰² Ex. 32 at Schedule 29 at 1 (Middleton Rebuttal); Ex. 108A at Figure 7.2 (DEIS).

⁴⁰³ Ex. 32 at Schedule 29 at 1 (Middleton Rebuttal); Ex. 108A at Figure 7.2 (DEIS).

⁴⁰⁴ Ex. 108A at 98 (DEIS). Modified Route A, while not specifically discussed in the DEIS, primarily follows Route A and is anticipated to only have approximately 500 ft² of permanent impacts to agricultural land than Route A. Further, Modified Route A is anticipated to only have one more acre of temporary impacts to agricultural land than Route A. Ex. 25 at Schedule 2 and Schedule 12 (Middleton Direct).

⁴⁰⁵ Ex. 36 at 21 (ITC Midwest Comments on the DEIS).

⁴⁰⁶ Ex. 36 at Attachment G (ITC Midwest Comments on the DEIS).

⁴⁰⁷ Ex. 108A at 98 (DEIS).

3. MINING

272. No known mining resources exist in the right-of-way for any of the routes proposed by ITC Midwest, the Route Alternatives, or the Route Variations.⁴⁰⁸

4. TOURISM

273. Any potential effect on tourism due to construction of the Project is anticipated to be minor and temporary in nature, lasting only for the duration of construction.⁴⁰⁹

D. Effects on Archeological and Historic Resources

274. Minnesota Rule 7850.4100(D) requires consideration of the Project's effects on archaeological and historic resources.

275. There are known archaeological and historical sites in the vicinity of the routes proposed by ITC Midwest.⁴¹⁰

276. ITC Midwest will avoid known resources to the extent practicable during construction of the Project.⁴¹¹

277. The evidence on the record demonstrates that Modified Route A has the lowest number of archaeological and historic resources within one mile when compared to Route A and Route B.⁴¹²

278. Route A, Modified Route A, and Route Alternatives I90-1, I90-2, and I90-4 all have one identified archaeological resources within 100 feet of the anticipated alignment.⁴¹³

⁴⁰⁸ Ex. 108A at 98 (DEIS).

⁴⁰⁹ Ex. 108A at 74 (DEIS).

⁴¹⁰ Ex. 25 at Schedule 2 and Schedule 12 (Middleton Direct).

⁴¹¹ Ex. 36 at 16 (ITC Midwest Comments on the DEIS).

⁴¹² Ex. 25 at Schedule 2 and Schedule 12 (Middleton Direct). Although Modified Route A has two more archaeological sites within one mile than Route B it has one fewer than Route A. Modified Route A has 17 historical sites within one mile, Route A has 31 historical sites within one mile, and Route B has 25 historical sites within one mile. *Id.*

⁴¹³ Ex. 108A at 102-103 (DEIS).

279. Route A, Modified Route A, and Route Alternatives I90-1 and I90-2 are all within 100 feet of an archaeological site which is listed on the National Register of Historic Places (“NRHP”).⁴¹⁴

280. Route Alternative I90-4 is within 100 feet of a site which has not been evaluated for its eligibility for listing on the NRHP.⁴¹⁵

281. No recorded archaeological resources are located within 100 feet of the anticipated alignment for Route B between the Lakefield Junction and Huntley Substation or for Route Alternatives I90-3, I90-5 Option 1, and I90-5 Option 2.⁴¹⁶

282. Impacts to resources can be avoided by prudent pole placement such that resources are spanned or avoided.⁴¹⁷

E. Effects on Natural Environment

283. Minnesota Rule 7850.4100(E) requires consideration of the Project’s effects on the natural environment including effects on air and water quality and flora and fauna. The evidence on the record demonstrates that the Project is not anticipated to have a material effect on the natural environment.

1. AIR QUALITY

284. Construction of the Project is anticipated to only result in temporary air quality impacts similar to those of agricultural activities common in the area.⁴¹⁸

285. Emissions from operating the Project would have negligible impacts on air quality.⁴¹⁹

⁴¹⁴ Ex. 108A at 103 (DEIS).

⁴¹⁵ Ex. 108A at 103 (DEIS).

⁴¹⁶ Ex. 108A at 103 (DEIS).

⁴¹⁷ Ex. 108A at 75-76 (DEIS)

⁴¹⁸ Ex. 108A at 70 (DEIS).

⁴¹⁹ Ex. 108A at 70 (DEIS).

2. WATER QUALITY AND RESOURCES

286. The routes considered for the Project will require crossing lakes, watercourses, floodplains, and wetlands.⁴²⁰ All routes cross impaired watercourses, Public Water Inventory (“PWI”) waters, and “NWI” wetlands.⁴²¹

287. Lakes and watercourses that are crossed by the Project will be spanned.⁴²² NWI and PWI wetlands will also be spanned to the extent practicable.⁴²³

288. Some transmission line structures may need to be placed in wetlands greater than 1,000 feet wide.⁴²⁴

289. Route B, between the Lakefield Junction and Huntley Substations crosses the fewest number of impaired waters.⁴²⁵ In this segment, Route Alternatives I90-4 and I90-5 followed by Route A and Modified Route A, cross the second and third fewest number of impaired waters, respectively.⁴²⁶ For the segment between the Proposed Huntley Substation and the Iowa border, only Route A crosses an impaired watercourse.⁴²⁷

290. Route B has the fewest number of PWI watercourse crossings followed by Modified Route A and I90-2.⁴²⁸ Route B, however, would require new crossings of these watercourses and the Existing Lakefield to Border 161 kV Transmission Line would remain across multiple watercourses.⁴²⁹

291. All routes cross the Des Moines River near the Jackson Municipal

⁴²⁰ Ex. 108A at 76 (DEIS).

⁴²¹ Ex. 32 at Schedule 27 at Figure 4 (Middleton Rebuttal).

⁴²² Ex. 108A at 78 (DEIS).

⁴²³ Ex. 108A at 78 (DEIS).

⁴²⁴ Ex. 108A at 78 (DEIS).

⁴²⁵ Ex. 32 at Schedule 27 at Figure 4 (Middleton Rebuttal).

⁴²⁶ Ex. 32 at Schedule 27 at Figure 4 (Middleton Rebuttal).

⁴²⁷ Ex. 108A at 191, Figure 6-33 (DEIS). This watercourse is the Blue Earth River south of the Proposed Huntley Substation and is not crossed by the Modified Route A anticipated alignment. Ex. 108A at 190 (DEIS).

⁴²⁸ Ex. 32 at Schedule 27 at Figure 4 (Middleton Rebuttal).

⁴²⁹ Ex. 108A at 104 (DEIS).

Airport.⁴³⁰ All routes, or a route's associated facilities, cross the Blue Earth River.⁴³¹

292. Modified Route A reduces impacts to the Des Moines River and Blue Earth River. At the Des Moines River, Route A and I90 Route Alternatives cross the Des Moines River at a long running, angle along the existing Lakefield to Border 161 kV Transmission Line centerline.⁴³² Modified Route A at the Des Moines River crosses more perpendicularly to the river than Route A, crosses at the narrowest point of the Minnesota Biological Survey ("MBS") site, and is proposed to relocate the existing Lakefield to Border 161 kV Transmission Line in this new location and allow the current 161 kV right-of-way to re-vegetate.⁴³³

293. ITC Midwest proposed Modified Route A to include both the Route A alignment and the Modified Route A alignment to provide flexibility and provide the opportunity to work with the MnDNR and the landowners along the river, as practicable, to identify the most appropriate alignment.⁴³⁴

294. At the Blue Earth River, Modified Route A removes the existing Lakefield to Border 161 kV Transmission Line from the Blue Earth River riparian area and would place the Project and 161kV line on the west bank.⁴³⁵

295. Route A, Modified Route A, I90-1, and I90-2 do not cross any lakes.⁴³⁶

296. Of the options for the transmission line associated facilities, the 161 kV Associated Facilities would have the fewest acres of wetlands within the proposed right-of-way when compared to I90-5 Option 1 and I90-5 Option 2.⁴³⁷ I90-5 Option 1 and I90-5 Option 2 are the only associated facilities that would cross forested wetlands.⁴³⁸ The I90-5 Option 1 right-of-way is anticipated to cross

⁴³⁰ Ex. 35-B (Large Format Public Hearing Map).

⁴³¹ Ex. 35-E (Large Format Public Hearing Map).

⁴³² Ex. 25 at Schedule 7 (Middleton Direct).

⁴³³ Ex. 25 at Schedule 7 (Middleton Direct).

⁴³⁴ Ex. 25 at 34 (Middleton Direct).

⁴³⁵ Ex. 25 at Schedule 10 (Middleton Direct).

⁴³⁶ Ex. 108A at 104 (DEIS).

⁴³⁷ Ex. 108A at Figure 6-8 (DEIS).

⁴³⁸ Ex. 108A at Figure 6-8 (DEIS).

nearly four acres of forested wetlands.⁴³⁹ The I90-5 Option 2 right-of-way is anticipated to cross over five acres of forested wetlands.⁴⁴⁰

297. ITC Midwest will obtain a general construction stormwater permit and develop a Project-specific stormwater pollution prevention plan that identifies best management practices to be implemented during Project construction to prevent erosion and sedimentation in surface waters.⁴⁴¹

3. FLORA

298. Impacts to existing vegetation communities caused by construction and operation of the Project are anticipated to be both temporary and permanent.⁴⁴² Except for the transmission line structure foundation, impacts to flora are anticipated to be temporary as the majority of the disturbed area will be reseeded or allowed to return to agricultural activities.⁴⁴³

299. ITC Midwest has committed to developing a Vegetation Management Plan (“VMP”) for the construction of the Project so long as vegetation management requirements do not violate sound engineering, design principles or system reliability criteria.⁴⁴⁴

300. Route A, Modified Route A, I90-1, and I90-2 all have the fewest number of MnDNR Natural Heritage Information System native plant community acres within the proposed right-of-way.⁴⁴⁵ I90-3, I90-4, and I90-5 have the fewest acres of MBS sites within the proposed right-of-way followed by Route A and then Modified Route A.⁴⁴⁶ Modified Route A has the fewest acres of MBS native plant communities within the proposed right-of-way compared to all other routes proposed by ITC Midwest and all Route Alternatives.⁴⁴⁷

⁴³⁹ Ex. 108A at Figure 6-8 (DEIS).

⁴⁴⁰ Ex. 108A at Figure 6-8 (DEIS).

⁴⁴¹ Ex. 7 at 177 (Route Permit Application); Ex. 108A at 77 (DEIS).

⁴⁴² Ex. 108A at 80 (DEIS).

⁴⁴³ Ex. 108A at 80 (DEIS).

⁴⁴⁴ Ex. 36 at 21 (ITC Midwest Comments on the DEIS).

⁴⁴⁵ Ex. 32 at Schedule 27, Figure 6 (Middleton Rebuttal).

⁴⁴⁶ Ex. 32 at Schedule 27, Figure 6 (Middleton Rebuttal).

⁴⁴⁷ Ex. 32 at Schedule 27, Figure 6 (Middleton Rebuttal).

4. FAUNA

301. Impacts to wildlife, either temporary or permanent, are anticipated as a result of Project construction.⁴⁴⁸ All routes proposed by ITC Midwest and all Route Alternatives have the potential to impact avian species through collisions with conductors.⁴⁴⁹

302. The routes proposed by ITC Midwest and the Route Alternatives on the record cross or are adjacent to the Pilot Grove Lake WPA, which is managed by the USFWS.⁴⁵⁰

303. Both Route A and Modified Route A cross no WMAs.⁴⁵¹ Route B and all Route Alternatives cross at least one WMA.⁴⁵²

304. The potential impacts to avian species could be mitigated by marking the shield wire of the Project transmission lines in areas where waterfowl or other birds would be traveling between habitats or over open water.⁴⁵³

305. ITC Midwest has committed to developing an Avian Mitigation Plan (“AMP”) that will identify measures to minimize the potential impacts to avian species and will work with the MnDNR and the USFWS to develop the plan.⁴⁵⁴

F. Effects on Rare and Unique Natural Resources

306. Minnesota Rule 7850.4100(F) requires consideration of the Project’s effects on rare and unique resources.

307. Eight rare and unique resources, including threatened and endangered species have been found in the vicinity of the routes proposed by ITC Midwest and the Route Alternatives.⁴⁵⁵

⁴⁴⁸ Ex. 32 at Schedule 29 at 2 (Middleton Rebuttal); Ex. 108A at 82 (DEIS).

⁴⁴⁹ Ex. 32 at Schedule 29 at 2 (Middleton Rebuttal).

⁴⁵⁰ Ex. 108A at 81-82 (DEIS).

⁴⁵¹ Ex. 25 at Schedule 2 and Schedule 12 (Middleton Direct).

⁴⁵² Ex. 108A at 101 (DEIS).

⁴⁵³ Ex. 108A at 84 (DEIS).

⁴⁵⁴ Ex. 36 at 21 (ITC Midwest Comments on the DEIS).

⁴⁵⁵ Ex. 108A at 111 (DEIS).

308. Modified Route A has one occurrence of a threatened or endangered species within the route.⁴⁵⁶ Route B has the greatest number of threatened or endangered species within the route (seven).⁴⁵⁷

309. Potential impacts can likely be mitigated by designing the Project to span critical habitat or to install bird flight diverters where the potential for avian impacts are of concern.⁴⁵⁸

G. Application of Various Design Considerations

310. Minnesota Rule 7850.4100(G) requires consideration of whether the applied design considerations maximize energy efficiencies, mitigate adverse environmental effects, and could accommodate expansion of transmission or generating capacity.

311. The evidence on the record demonstrates that Modified Route A best satisfies this factor. Modified Route A makes the greatest use of the existing Lakefield to Border 161 kV Transmission Line right-of-way and also provides for the co-location of other transmission lines with the Project.⁴⁵⁹

312. While Route B provides the greatest ability to accommodate expansion of transmission capacity through its 345 kV/161kV double-circuit capable design, Modified Route A best utilizes existing transmission rights-of-way and co-location opportunities along existing transmission line centerlines to minimize impacts to human settlement and the natural environment.⁴⁶⁰

313. Further, even in areas where Modified Route A is not proposed to be co-located with another transmission line or where Modified Route A is proposed to be co-located with a 69 kV transmission line, the structures will have an open position for a 161 kV transmission line in the future when conditions

⁴⁵⁶ Ex. 25 at Schedule 12 (Middleton Direct). Ex. 108A at 148 and Appendix L at LH14 (DEIS). Note that Modified Route A follows Route Variations LC-3 and LC-5 near Lake Charlotte. Exhs. 35-J and 35-K (Large Format Maps).

⁴⁵⁷ Ex. 25 at Schedule 2 and Schedule 12 (Middleton Direct).

⁴⁵⁸ Ex. 108A at 85-86 and 148 (DEIS).

⁴⁵⁹ Ex. 25 at Schedule 2 and Schedule 12 (Middleton Direct).

⁴⁶⁰ Ex. 25 at Schedule 2 and Schedule 12 (Middleton Direct).

warrant.⁴⁶¹

314. ITC Midwest has acquired sufficient property at both the Lakefield Junction Substation and the Proposed Huntley Substation to accommodate expansion beyond that necessary for the Project.⁴⁶²

A. Use or Paralleling of Existing Right-of-Way, Survey Lines, Natural Division Lines, and Agricultural Field Boundaries

315. Minnesota Rule 7850.4100(H) requires consideration of the use or paralleling of existing rights-of-way, survey lines, natural division lines, and agricultural field boundaries.

316. Route B makes the least use of existing rights-of-way.⁴⁶³ Route Alternatives I90-3 and I90-5 Option 1 have associated facilities routes that use existing rights-of-way only in part.⁴⁶⁴

317. Modified Route A, Route A, and Route Alternatives I90-1, I90-2, I90-4, and I90-5 Option 2 are most consistent with this factor.⁴⁶⁵

B. Use of Existing Transportation, Pipeline, and Electrical Transmission System Rights-of-Way

318. Minnesota Rule 7850.4100(J) requires consideration of use or paralleling of existing transportation, pipeline, and electrical transmission system rights-of-way.

319. None of the routes proposed by ITC Midwest share pipeline rights-of-way, although all three cross pipeline rights-of-way.⁴⁶⁶

320. Route A, Modified Route A, and all Route Alternatives use existing

⁴⁶¹ Ex. 7 at 10 (Route Permit Application); Ex. 24 at 33 (Coeur Direct); Ex. 25 at 28 and 30 (Middleton Direct); Ex. 32 at 16 (Middleton Rebuttal).

⁴⁶² Ex. 21 at 19 (Ashbacker Direct); Ex. 28 at 18 (Ashbacker Rebuttal).

⁴⁶³ Ex. 108A at 226, Figure 7-2 (DEIS).

⁴⁶⁴ Ex. 108A at 226, Figure 7-2 (DEIS).

⁴⁶⁵ Ex. 108A at 227 (DEIS).

⁴⁶⁶ Ex. 25 at Schedule 2 and Schedule 12 (Middleton Direct).

transportation and electrical transmission system rights-of-way to some extent.⁴⁶⁷

321. The evidence on the record demonstrates that Modified Route A makes the greatest use of existing high voltage transmission line rights-of-way.⁴⁶⁸

C. Electrical System Reliability

322. Minnesota Rule 7850.4100(K) requires consideration of electrical system reliability when selecting a route for a high voltage transmission line.

323. ITC Midwest has proposed to construct the Project on 161 kV/345 kV double-circuit capable structures.⁴⁶⁹

324. There are locations where triple-circuit capable structures are proposed to be installed.⁴⁷⁰

325. The Project would either be co-located with existing 161 kV or 69 kV transmission lines or only the 345 kV circuit arms would be installed and conductors strung at the time of construction, leaving the 161 kV position open if future conditions warrant installation.⁴⁷¹

326. Route Alternatives I90-4 and I90-5 Option 2 would likely negatively impact electrical systems reliability as these alternatives place several transmission lines in close proximity and increase the risk of a multiple-line outage over the other Route Alternatives.⁴⁷²

327. Route Alternatives I90-1, I90-3, I90-4, and I90-5 have the potential to negatively impact electrical systems reliability during construction.⁴⁷³ These Route Alternatives would require rebuilding the existing Jackson to Fox Lake 161

⁴⁶⁷ Ex. 32 at Schedule 2 (Middleton Direct).

⁴⁶⁸ Ex. 25 at Schedule 2 and Schedule 12 (Middleton Direct); Ex. 32 at Schedule 26 (Middleton Rebuttal); Ex. 35 at 35-B through 35-F (Large Format Maps); Ex. 108A at Appendix J at J-10 (DEIS).

⁴⁶⁹ Ex. 7 at 10 (Route Permit Application).

⁴⁷⁰ Ex. 25 at 28 (Middleton Direct); Ex. 32 at 15 (Middleton Rebuttal).

⁴⁷¹ Ex. 7 at 10 (Route Permit Application); Ex. 24 at 33 (Coeur Direct); Ex. 25 at 28 (Middleton Direct); Ex. 32 at 16 (Middleton Rebuttal).

⁴⁷² Ex. 108A at S-3 and 226, Figure 7-2 (DEIS).

⁴⁷³ Ex. 21 at 12-13 (Ashbacker Direct).

kV transmission line along Interstate 90.⁴⁷⁴ Rebuilding this line presents some unique considerations that do not arise with rebuilding the Lakefield to Border 161 kV Transmission Line.⁴⁷⁵

328. Construction of Route Alternatives I90-1, I90-3, I90-4, and I90-5 is not possible along the existing Jackson to Fox Lake 161 kV transmission line centerline as the existing structures locations would not be permitted by MnDOT today.⁴⁷⁶ Any of these Route Alternatives would need to be constructed at least 30 feet from the Jackson to Fox Lake 161 kV line centerline to avoid conflicts with MnDOT permit requirements.⁴⁷⁷ Reconstructing this line at this minimum requirement of 30 feet raises operational concerns because it would require that the Jackson to Fox Lake 161 kV transmission line be taken out of service during construction.⁴⁷⁸

329. Taking the Jackson to Fox Lake 161 kV line out of service has a significant negative impact on reliability and transfer capability.⁴⁷⁹ When the line is out of service, the City of Jackson load is served radially from the Lakefield Junction Substation via the Lakefield Junction - Jackson 161 kV transmission line.⁴⁸⁰ Taking this line out of service for reconstruction is possible, but it would be subject to a potential 72-hour notice “recall” by MISO if certain system contingencies occur.⁴⁸¹ This means that ITC Midwest would be required to restore the Jackson to Fox Lake 161 kV line to service within 72 hours of a recall.⁴⁸² Due to this recall requirement and accessibility issues along the interstate, more costly and time-intensive construction techniques must be implemented.⁴⁸³ Additionally, a significant delay in the construction of the Project could occur if the Jackson to Fox Lake 161 kV line were recalled into

⁴⁷⁴ Ex. 108A at Map 3-4 (DEIS).

⁴⁷⁵ Ex. 21 at 13 (Ashbacker Direct).

⁴⁷⁶ Ex. 25 at 26 (Middleton Direct).

⁴⁷⁷ Ex. 25 at 26 (Middleton Direct).

⁴⁷⁸ Ex. 21 at 13 (Ashbacker Direct).

⁴⁷⁹ Ex. 21 at 5 (Ashbacker Direct).

⁴⁸⁰ Ex. 21 at 5 (Ashbacker Direct).

⁴⁸¹ Ex. 21 at 5 and 13-14 (Ashbacker Direct); Ex. 22 at 19-20 (Berry Direct).

⁴⁸² Ex. 22 at 21 (Berry Direct).

⁴⁸³ Ex. 21 at 5 (Ashbacker Direct).

service due to a catastrophic event.⁴⁸⁴

330. To avoid additional construction costs and issues related to a recall of this line, Route Alternatives I90-1, I90-3, I90-4, and I90-5 would need to be constructed at least 100 feet from the existing Jackson to Fox Lake 161 kV transmission line, increasing impacts on agricultural operations, human settlement, and natural environments.⁴⁸⁵

331. East of Fox Lake, Route Alternatives I90-1, I90-2, I90-3, I90-4, and I90-5 could not be constructed along the same centerline as the existing 69 kV transmission line because of the proximity of the existing line to the MnDOT right-of-way.⁴⁸⁶ This is likely to increase impacts on agricultural operations in this area along Interstate 90.

332. One option for I90-1 and I90-2 contemplated in the DEIS would remove the existing Lakefield to Border 161 kV Transmission Line from its current location between the Fox Lake Substation and the Rutland Substation, co-locating it on triple-circuit structures for a length much longer than any triple-circuit portion of Modified Route A.⁴⁸⁷

333. Route Alternatives I90-3, I90-4, and I90-5 would also co-locate the Project on triple-circuit structures for approximately 14.8 miles⁴⁸⁸ which presents a much greater risk than Modified Route A, with only 6.2 miles of triple-circuit structures, of a common outage on multiple circuits.⁴⁸⁹ The triple-circuit structures for Modified Route A were proposed to address landowner concerns near the lakes.⁴⁹⁰

334. The evidence on the record demonstrates that negative impacts on system reliability are not anticipated if Modified Route A, Route A, or Route B are selected for the Project.

⁴⁸⁴ Ex. 21 at 5 (Ashbacker Direct).

⁴⁸⁵ Ex. 21 at 15 (Ashbacker Direct); Ex. 25 at 53-54 (Middleton Direct).

⁴⁸⁶ Ex. 32 at Schedule 29 (Middleton Rebuttal).

⁴⁸⁷ Ex. 32 at Schedule 29 (Middleton Rebuttal).

⁴⁸⁸ Ex. 108A at Appendix L (DEIS).

⁴⁸⁹ Ev. Hrg. Tr. at 26-27 (Ashbacker).

⁴⁹⁰ Ev. Hrg. Tr. at 26-27 (Ashbacker).

D. Costs of Constructing, Operating, and Maintaining the Facility

335. Minnesota Rule 7850.4100(L) requires consideration of the cost to construct proposed routes and the cost of operation and maintenance.

336. The evidence on the record demonstrates that it will be most cost-effective to construct the Project, including associated facilities, along Modified Route A, Route A, or Route Alternative I90-2.⁴⁹¹

337. If the Commission requires ITC Midwest to remove the 161 kV transmission lines from Fox Lake, Lake Charlotte, and the existing right-of-way between these two lakes, the cost of the Project is estimated to increase by approximately \$7.8 million.⁴⁹²

338. Annual operation and maintenance costs are anticipated to be approximately the same for any of the routes proposed by ITC Midwest. Operation and maintenance costs are estimated at approximately \$2,000 per mile.⁴⁹³

E. Adverse Human and Natural Environmental Effects Which Cannot be Avoided

339. Minnesota Rule 7850.4100(M) requires consideration of unavoidable human and environmental impacts. Even with mitigation strategies, there are adverse impacts of the Project which cannot be avoided including aesthetic impacts, temporary construction-related impacts, impacts to soils and agriculture, and certain impacts to the natural environment.⁴⁹⁴

340. The evidence on the record demonstrates that Modified Route A will have fewer unavoidable adverse human and natural environment impacts than the other route options.

F. Irreversible and Irretrievable Commitments of Resources

341. Minnesota Rule 7850.4100(N) requires consideration of the

⁴⁹¹ Ex. 24 at 21, Table 2 (Coeur Direct); Ex. 108A at 119 (DEIS).

⁴⁹² Ex. 108A at 119 (DEIS). This value is estimated based on comparing the costs of I90-2 and I90-2 with removal of the 161 kV from Fox Lake and Lake Charlotte.

⁴⁹³ Ex. 7 at 48 (Route Permit Application).

⁴⁹⁴ Ex. 108A at 240 (DEIS).

irreversible and irretrievable commitments of resources that are necessary for the Project. These types of commitments are anticipated to be similar for all routes proposed.⁴⁹⁵

342. The Project will require few irreversible and irretrievable commitments of resources.⁴⁹⁶

343. Construction resources such as steel, concrete, and hydrocarbon resources will be irreversibly and irretrievably committed for the Project.⁴⁹⁷

XV. NOTICE

344. Minnesota statutes and rules require an applicant for a Route Permit to provide certain notice to public and local governments before and during the Application for a Route Permit process.⁴⁹⁸

345. ITC Midwest provided notice to the public and local governments in satisfaction of Minnesota statutory and rule requirements.

346. On September 27, 2012, ITC Midwest mailed letters to officials of local governments within the Project area in accordance with Minnesota Statutes Section 216E.03, subdivision 3a.⁴⁹⁹

347. On April 5, 2013, ITC Midwest mailed a notice to landowners shown on the county record whose property was within or adjacent to any of the routes, connector segments, transmission line associated facilities, or substation sites, the list of persons on the Project service list, and to the list of persons requesting notice of submitted High Voltage Transmission Line Applications for Route Permits maintained by the Commission in accordance with Minnesota Statutes Section 216E.03, subdivision 4, Minnesota Rule 7850.2100, Subpart 2(A); and Minnesota Rule 7850.2100, Subpart 2(C).⁵⁰⁰

⁴⁹⁵ Ex. 108A at 240 (DEIS).

⁴⁹⁶ Ex. 108A at 240 (DEIS).

⁴⁹⁷ Ex. 108A at 240 (DEIS).

⁴⁹⁸ Minn. Stat. § 216E.03, subd. 3a; Minn. Stat. § 216E.03, subd. 4; Minn. R. 7850.2100, Subp. 2; Minn. R. 7850.2100, Subp. 4.

⁴⁹⁹ Ex. 7 at Section 9.1.3 and Appendix B (Route Permit Application).

⁵⁰⁰ Ex. 10 (Confirmation of Notice – Affidavits of Mailing and Publication of Route Permit Application Filing).

348. ITC Midwest mailed a copy of the Route Permit Application to officials of local governments within the proposed routes in accordance with Minnesota Statutes Section 216E.03, subdivision 4 and Minnesota Rule 7850.2100, Subpart 2(B).⁵⁰¹

349. During the period from April 8, 2013 to April 11, 2013, ITC Midwest published notice of the filing of the Route Permit Application in the Fairbault County Register, Fairmont Daily Sentinel, Tri County News, Jackson County Pilot, Kiester Courier Sentinel, Lakefield Standard, Minnesota Lake Tribune, Martin County Star, Truman Tribune, Wells Mirror, and Worthington Daily Globe in accordance with Minnesota Statutes Section 216E.03, subdivision 4 and Minnesota Rule 7850.2100, Subpart 4.⁵⁰²

350. On March 28, 2013, ITC Midwest mailed a copy of the Route Permit Application to public libraries within the Project area in accordance with Minnesota Statutes Section 216E.03, subdivision 4.⁵⁰³

351. On April 17, 2014, and April 30, 2014, ITC Midwest mailed copies of its direct and rebuttal testimony to public libraries within the Project area in accordance with Minnesota Rule 1405.1900, Subpart 1(D).⁵⁰⁴

352. In addition to the required notices, ITC Midwest mailed a notice to landowners whose property was within the study area for the Project but whose property was not within or adjacent to any of the routes, connector segments, transmission line associated facilities, or substation sites.⁵⁰⁵ This letter encouraged these landowners to add their name to the Project Contact List to stay informed as the process progressed.⁵⁰⁶

353. Minnesota statutes and rules also require EERA and the

⁵⁰¹ Ex. 10 (Confirmation of Notice - Affidavits of Mailing and Publication of Route Permit Application Filing).

⁵⁰² Ex. 10 at 195 (Confirmation of Notice - Affidavits of Mailing and Publication of Route Permit Application Filing).

⁵⁰³ Ex. 15 (Compliance Filing - Affidavit of Mailing of Route Permit Application to Libraries).

⁵⁰⁴ Ex. 34 (Affidavit of Mailing of ITC Midwest Direct and Rebuttal Testimony to Libraries).

⁵⁰⁵ Ex. 10 at 122 (Confirmation of Notice - Affidavits of Mailing and Publication of Route Permit Application Filing).

⁵⁰⁶ Ex. 10 at 122-23 (Confirmation of Notice - Affidavits of Mailing and Publication of Route Permit Application Filing).

Commission to provide certain notice to the public throughout the Route Permit process.⁵⁰⁷

354. EERA and the Commission provided notice in satisfaction of Minnesota Statutes and rules.

355. On June 24, 2013, EERA mailed Notice of Public Information and EIS Scoping Meetings in accordance with Minnesota Rule 7850.2300, Subpart 2 and Minnesota Rule 7850.2500, Subpart 2.⁵⁰⁸

356. Over a period from July 1, 2013 to July 4, 2013, EERA published Notice of Public Information and EIS Scoping Meetings in the Faribault County Register, Fairmont, Daily Sentinel, Jackson County Pilot, Lakefield Standard, and Martin County Star in accordance with Minnesota Rule 7850.2300, Subpart 2 and Minnesota Rule 7850.2500, Subpart 2.⁵⁰⁹

357. On October 16, 2013, EERA mailed Notice of the EIS Scoping Decision in accordance with Minnesota Rule 7850.2500, Subpart 2.⁵¹⁰

358. On March 21, 2014, EERA mailed Notice of DEIS Availability and Public Information Meetings in accordance with Minnesota Rule 7850.2500, Subpart 7 and Minnesota Rule 7850.2500, Subpart 8.⁵¹¹

359. EERA mailed copies of the DEIS to public libraries in each county where the Project may be located in accordance with Minnesota Rule 7850.2500, Subpart 7.⁵¹²

360. On March 31, 2014, EERA published Notice of Availability of the DEIS in the EQB Monitor in accordance with Minnesota Rule 7850.2500, Subpart

⁵⁰⁷ Minn. Stat. § 216E.03, subd. 6; Minn. R. 7850.2300, Subp. 2; Minn. R. 7850.2500, Subp. 2; Minn. R. 7850.2500, Subp. 7; Minn. R. 7850.2500, Subp. 8; and Minn. R. 7850.2500, Subp. 9

⁵⁰⁸ Ex. 101 (Mailed Notice of Public Information and Scoping Meetings).

⁵⁰⁹ Ex. 102 (Publication Notice of Public Information and Scoping Meetings).

⁵¹⁰ Ex. 106 (Mailed Notice of Scoping Decision to Project Mailing List); Ex. 107 (Mailed Notice of Scoping Decision to New Landowners).

⁵¹¹ Ex. 111 (Mailed Notice of DEIS Availability and Public Information Meeting to Project Mailing List); Ex. 112 (Mailed Notice of DEIS Availability and Public Information Meetings to new Landowners).

⁵¹² Ex. 109 (Mailing of DEIS to Public Libraries).

361. In addition to the required notices, EERA also published Notice of Availability of the DEIS in the Faribault County Register, Fairmont, Daily Sentinel, Jackson County Pilot, Lakefield Standard, and Martin County Star over a period from April 2, 2014 to April 10, 2014.⁵¹⁴

362. On April 22, 2014, Commission Staff mailed Notice of Public Hearings as required by Minnesota Statutes Section 216E.03, subdivision 6.⁵¹⁵

363. Over a period from April 28, 2014 to May 1, 2014, the Commission Staff published Notice of Public Hearings in the Faribault County Register, Fairmont, Daily Sentinel, Jackson County Pilot, Lakefield Standard, and Martin County Star in accordance with as required by Minnesota Statutes Section 216E.03, subdivision 6.⁵¹⁶

ADEQUACY OF THE EIS

364. The Commission is required to determine the adequacy of the EIS.⁵¹⁷

365. [As of the date of these Proposed Findings, the final EIS (“FEIS”) has not been issued. ITC Midwest will provide amended findings to address the FEIS with its Reply Brief].

CONCLUSIONS

366. The Commission and the ALJ have jurisdiction to consider ITC Midwest’s Route Permit Application.

367. The Commission determined that the Application was substantially complete and accepted the Application June 27, 2013.

368. EERA has conducted an appropriate environmental analysis for the Project for purposes of this Route Permit proceeding.

369. ITC Midwest gave notice as required by Minnesota Statutes Section

⁵¹³ Ex. 113 (Notice in EQB Monitor of DEIS Availability and Public Information Meetings).

⁵¹⁴ Ex. 115 (Publication Notice of DEIS Availability and Public Information Meetings).

⁵¹⁵ Ex. 519 (Notice of Public Hearing).

⁵¹⁶ Ex. 520 (Notice of Public Hearing Affidavit of Newspaper Publication).

⁵¹⁷ Minn. R. 7850.2500, Subp. 10.

216E.03, subdivisions 3a and 4; Minnesota Rule 7850.2100 Subparts 2 and 4.

370. EERA gave notice as required by Minnesota Statutes Section 216E.03, subdivision 6; Minnesota Rule 7850.2300, Subpart 2; Minnesota Rule 7850.2500, Subparts 2 and 7-9.

371. Public hearings were conducted in communities along the proposed transmission line routes. ITC Midwest and the Commission gave proper notice of the public hearings and the public was given the opportunity to appear at the hearings or submit written comments. All procedural requirements for processing the Route Permit were met.

372. The record evidence demonstrates that Modified Route A, including the Lakefield Junction Substation expansion, decommissioning of the Winnebago Junction Substation and returning the site to a more natural state, the Proposed Huntley Substation, and the 161 kV Associated Facilities, satisfies the Route Permit criteria set forth in Minnesota Statutes Section 216E.03, subdivision 7(a) and Minnesota Rule 7850.4100 based on the factors in Minnesota Statutes Section 216E.03, subdivision 7 and Minnesota Rule 7850.4000.

373. The evidence on the record demonstrates that constructing the Project along Modified Route A does not present a potential for significant adverse environmental effects pursuant to the Minnesota Environmental Rights Act, Minnesota Statutes Sections 116B.01-116B.13, and the Minnesota Environmental Policy Act, Minnesota Statutes Sections 116D.01-116D.11.

374. The record evidence demonstrates that Modified Route A, as shown on **Attachment 1**, is the best alternative for the Project.

375. ITC Midwest's request for a route width of 1,000 feet, up to 2,200 feet in those locations identified on the record along Modified Route A, is reasonable and appropriate for the Project.

376. ITC Midwest's request for a right-of-way for the 345 kV transmission lines of 200 feet and for the 161 kV transmission lines of 150 feet is reasonably necessary for construction of the Project.

377. Any of the forgoing Findings more properly designated Conclusions are hereby adopted as such.

378. It is not appropriate at this time to order ITC Midwest to remove the existing Lakefield to Border 161 kV Transmission Line between the Fox Lake and

Rutland substations or from crossing Fox Lake and Lake Charlotte.

379. Standard Route Permit Condition 4.2.4 should be modified to acknowledge that occasionally construction activities may occur outside the defined daytime hours of 7 a.m. to 10 p.m. or on a weekend if ITC Midwest is required to work around customer schedules, line outages, or has been significantly impacted due to other factors.

380. Standard Route Permit Condition 4.7.3 regarding interference with communication devices should be modified to read:

Should electronic interference with radio or television, satellite, wireless internet, GPS-based agriculture navigation systems or other communication devices occur as a result of the presence or operation of the transmission line, ITC Midwest will work with affected landowners on a case-by-case basis to assess the cause of the interference and, to the extent practicable, restore electronic reception to pre-Project quality.

381. A Special Route Permit Condition requiring an AIMP is appropriate for the Project.

382. A Special Route Permit Condition requiring ITC Midwest to prepare an AMP in consultation with the MnDNR and the USFWS is appropriate for the Project.

383. A Special Route Permit Condition requiring ITC Midwest to prepare a VMP is appropriate for the Project.

384. A Special Route Permit Condition requiring ITC Midwest to prepare a SWPPP is appropriate for the Project.

385. A Special Route Permit Condition requiring a Construction Environmental Control Plan for the Project worded as follows is appropriate:

The Construction Environmental Control Plan shall include all environmental control plans and special conditions imposed by permits or licenses issued by state or federal agencies related to agency-managed resources. Plans within the Construction Environmental Control Plan shall include the Agricultural Impact

Mitigation Plan (AIMP), an Avian Mitigation Plan (AMP), a Vegetation Management Plan (VMP), and a Stormwater Pollution Prevention Plan (SWPPP). The Construction Environmental Control Plan shall be filed with the Commission ten (10) days prior to submitting the Plan and Profile. The Construction Environmental Control Plan shall include the following:

1. Identification of and contact information for an Environmental Monitor to oversee the construction process and monitor compliance with the Construction Environmental Control Plan and all plans therein.
2. A process for reporting construction status to the Commission.
3. A process for internal tracking of construction management, including required plan or permit inspection forms.

386. The following Special Route Permit Condition for the Des Moines River crossing is appropriate for the Project:

This Route Permit shall allow ITC Midwest to construct the Project across the Des Moines River within Modified Route A along either the existing 161 kV transmission line centerline (referred to as JA-2 in the EIS) or the Modified Route A alignment without providing additional information on the potential for environmental impacts. ITC Midwest intends to work with the MnDNR and the landowners on the east and west banks of the Des Moines River, to the extent practicable. To accommodate various considerations regarding impacts to environmental features and to avoid interference with air navigation at the Jackson Municipal Airport, ITC Midwest may use specialty structures if necessary.

387. It is not appropriate to require ITC Midwest to train construction

workers in the handling of archaeological resources but it is appropriate to require ITC Midwest to inform construction workers of known archaeological and historic resource areas along the Project given the limited risk for impact to archaeological and historic resources as Modified Route A primarily follows disturbed areas including agricultural fields.

RECOMMENDATION

388. The Commission conclude that all relevant statutory and rule criteria necessary to obtain a Route Permit for Modified Route A have been satisfied and that there are no statutory or other requirements that preclude granting a Route Permit based on the record.

389. The Commission should grant ITC Midwest a Route Permit for the Minnesota - Iowa 345 kV Transmission Line Project and Associated Facilities in Jackson, Martin, and Faribault Counties, Minnesota to construct the Project along Modified Route A.

390. The Standard Route Permit Conditions should be incorporated into the Route Permit, unless modified herein.

391. The Special Route Permit Conditions identified herein should be incorporated into the Route Permit.

392. That ITC Midwest be required to take those actions necessary to implement the Commission's orders in this proceeding.

THIS REPORT IS NOT AN ORDER AND NO AUTHORITY IS GRANTED HEREIN. THE MINNESOTA PUBLIC UTILITIES COMMISSION WILL ISSUE THE ORDER OF AUTHORITY WHICH MAY ADOPT OR DIFFER FROM THE FOLLOWING RECOMMENDATION.

Based on the foregoing Findings of Fact, Conclusions of Law, and the record in this proceeding, the Administrative Law Judge makes the Recommendations set forth in this Report.

Dated on: _____

James E. LaFave
Administrative Law Judge