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December 26, 2014

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VIA ELECTRONIC FILING AND U.S. MAIL

Dr. Burl W. Haar
Executive Secretary
Minnesota Public Utilities Commission
350 Metro Square Building
121 Seventh Place East
St. Paul, MN 55101

Re: ITC Midwest LLC's Answer to Petition for Reconsideration
In the Matter of the Application of ITC Midwest LLC for a Route Permit for the
Minnesota – Iowa 345 kV Transmission Line Project and Associate Facilities in
Jackson, Martin, and Faribault Counties
Docket No. ET6675/TL-12-1337
OAH Docket No. 60-2500-30782

Dear Dr. Haar:

Enclosed for filing in the above-referenced docket is ITC Midwest LLC's Answer to the Petition for Reconsideration submitted by Maynard Jagodzinske and signed by several landowners living in Sections 13, 24, 25, 26, and 35 of Fox Lake Township and Sections 18, 19, and 30 of Fraser Township, along with our Certificate of Service.

Sincerely,

/s/ Lisa M. Agrimonti

Lisa M. Agrimonti

LMA/jy
Enclosures
cc: Service List (w/encs.)

**STATE OF MINNESOTA
BEFORE THE
MINNESOTA PUBLIC UTILITIES COMMISSION**

Beverly Jones Heydinger	Chair
David C. Boyd	Commissioner
Nancy Lange	Commissioner
Dan Lipschultz	Commissioner
Betsy Wergin	Commissioner

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. ET6675/TL-12-1337

**ITC MIDWEST LLC'S ANSWER
TO JAGODZINSKE PETITION
FOR RECONSIDERATION**

I. INTRODUCTION

ITC Midwest LLC ("ITC Midwest") submits this answer to the Petition for Reconsideration ("Petition") of the Minnesota Public Utilities Commission's ("Commission") November 25, 2014 Order Issuing a Route Permit in the above-referenced Docket ("Route Permit Order") submitted by Maynard Jagodzinske and signed by several landowners living in Sections 13, 24, 25, 26, and 35 of Fox Lake Township and Sections 18, 19, and 30 of Fraser Township ("Jagodzinskes").

In the Route Permit Order, the Commission determined that Modified Route A was the most appropriate route for the Minnesota - Iowa 345 kV Transmission Project ("Project"). The Commission's issuance of a Route Permit for Modified Route A to construct the 345 kV transmission line and associated facilities was appropriate and the Jagodzinskes' Petition seeking designation of a new route should be denied.

II. DISCUSSION

A. Reconsideration Standard.

The Commission may decide to reconsider an order when (1) new issues it has not yet considered are raised; (2) new facts not yet in evidence are presented for consideration; (3) there are errors or ambiguities in the Commission's order; or (4) the Commission is otherwise persuaded to reconsider an order.¹

B. Jagodzinskes' Petition Fails to Satisfy Reconsideration Criteria.

The Jagodzinskes request that the Commission reconsider its decision to issue a Route Permit for Modified Route A and, instead, issue a Route Permit for a route that follows Interstate 90 ("I90") between Fox Lake and the intersection of State Highway 15 with the existing 161 kV transmission line.² This is equivalent to Alternative I90-2 that was fully evaluated in the Route Permit proceeding.³ As such, the Jagodzinskes' Petition does not satisfy any of the reconsideration criteria and should therefore be denied.

The Jagodzinskes request reconsideration because of several factors, including length, proximity to homes and livestock and costs.⁴ The motion raises no new issues and the facts upon which it is based are not new. The issues and

¹ *In the Matter of Detailing Criteria and Standards for Measuring an Electric Utility's Good Faith Efforts in Meeting the Renewable Energy Objectives Under Minn. Stat. § 216B.1691*, ORDER AFTER RECONSIDERATION at 9, Docket No. E999/CI-03-869 (Aug. 13, 2004).

² Petition at 1.

³ ITC Midwest notes that one of the maps accompanying the Jagodzinskes' Petition includes handwriting that states a route following I90 "all the way to Blue Earth" is most economical and less intrusive. However, the I90-2 is the only option advanced in the Petition and there is no further detail provided on this option. Further, the Route Permit proceeding also fully evaluated route options that followed I90 farther into Faribault County and determined they were inferior alternatives to Modified Route A. Administrative Law Judge Findings of Fact, Conclusions of Law, and Recommendations ("ALJ Report") at 116, Conclusion 19.

⁴ Petition at 1.

facts presented in the Petition were considered in this proceeding in the EIS,⁵ in briefing,⁶ by the Administrative Law Judge (“ALJ”),⁷ and by the Commission.⁸

Alternative I90-2 was developed during the scoping process and evaluated in the draft and final Environmental Impact Statements (“EIS”). The possibility of removing the existing 161 kV line from Lake Charlotte and Fox Lake was also analyzed as part of this alternative.⁹ In briefing, the Department of Commerce, Energy Environmental Review and Analysis (“EERA”) noted that the decision between I90-2 and Modified Route A was “a very close call” when compared against the factors in Minnesota Rule 7850.4100.¹⁰ ITC Midwest agreed that I90-2 was most similar to Modified Route A.¹¹ ITC Midwest, however, provided evidence that Alternative I90-2 presented operational concerns due to having twice as many miles of triple-circuit construction when compared to Modified Route A.¹²

The Administrative Law Judge analyzed Alternative I90-2 in his Findings of Fact, Conclusions of Law, and Recommendations (“ALJ Report”) and wrote an accompanying memorandum that specifically evaluated Alternative I90-2 compared to Modified Route A. The ALJ determined that Modified Route A was preferred because it (i) was more reliable because it minimized the amount of

⁵ Ex. 32, Middleton Rebuttal at Schedule 29; Ex. 117, Final Environmental Impact Statement (“FEIS”) at Chapter 5, Section 6.1, and Chapter 7.

⁶ EERA Initial Comments at 2-6; ITC Midwest Reply Br. at 2-13; Ex. 108A, Draft Environmental Impact Statement (DEIS) at Map 3-8; Ex. 117, FEIS at Map 3-8.

⁷ ALJ Report at 122-23.

⁸ Route Permit Order at 8-9.

⁹ Ex. 108A, DEIS at Section 3.6.1 and Table 3-1; Ex. 117, FEIS at Section 3.6.1 and Table 3-1.

¹⁰ EERA Initial Comments at 5.

¹¹ ITC Midwest Reply Br. at 3.

¹² ITC Midwest Reply Br. at 9 and Table 1.

triple circuit miles and (ii) had public support.¹³ In making his recommendation, the ALJ carefully considered the record, the testimony provided during the public hearings, and comments received during the public hearing comment period.¹⁴ The Commission also considered the information in the record and the ALJ Report in authorizing construction of the Project along Modified Route A.¹⁵

The Petition also fails to identify any errors or ambiguities in the Commission's Route Permit Order. Rather, the Jagodzinskes challenge the Commission's judgment based on undisputed facts. Finally, the Jagodzinskes have not provided any other persuasive information that would warrant reconsideration.

III. CONCLUSION

For the reasons set forth above, particularly the Jagodzinskes' failure to raise new issues not yet considered by the Commission, or present any new facts not yet in evidence, ITC Midwest respectfully requests that the Commission deny the Jagodzinskes' Petition.

Dated: December 26, 2014

Respectfully submitted:

BRIGGS AND MORGAN

By: /s/ Lisa M. Agrimonti

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¹³ ALJ Report at 122-23.

¹⁴ For consideration of public comment, *see* ALJ Report at F.384 to F.392 and at 122-123.

¹⁵ Route Permit Order at 8-9.

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

MPUC Docket No. ET6675/TL-12-1337
OAH Docket No. 60-2500-30782

CERTIFICATE OF SERVICE

Jill N. Yeaman certifies that on the 26th day of December, 2014, she efiled a true and correct copy of the following document via eDockets (www.edockets.state.mn.us):

1. ITC MIDWEST LLC'S ANSWER TO JAGODZINSKE PETITION FOR RECONSIDERATION.

Said document was also served via U.S. Mail and email through the eDockets system as designated on the Official Service List on file with the Minnesota Public Utilities Commission in the above-referenced docket.

/s/ Jill N. Yeaman

Jill N. Yeaman

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