

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

In the Matter of the Route Permit
Application by Great River Energy and
Xcel Energy for a 345 kV Transmission
Line from Brookings County, South
Dakota to Hampton, Minnesota.

**AMENDMENTS TO
FINDINGS OF FACT,
CONCLUSIONS, AND
RECOMMENDATION ON
REMAND**

Administrative Law Judge Richard C. Luis issued Findings of Fact, Conclusions, and Recommendation on Remand in this proceeding on December 22, 2010. Subsequently, several clerical errors were identified in the report issued on that date. Pursuant to Minn. Rule 1400.8300, the Administrative Law Judge hereby corrects the Report in the identified locations to read:

[Page 1]

Michael Kaluzniak, Planning Director, Minnesota Public Utilities Commission (“Commission,” “PUC,” or “MPUC”), 121 Seventh Place East, Suite 350, St. Paul, MN 55101 appeared on behalf of the Commission Staff.

[FINDINGS OF FACT, page 4, Finding 11]

11. The Hearing record closed for all purposes on March 22, 2010. On April 22, 2010, ALJ issued Findings of Fact, Conclusions of Law and Recommendation for the Route Permit Application for the Project (ALJ Recommendation). The ALJ recommended that the Commission approve the Modified Preferred Route with a Lower Minnesota River crossing at Le Sueur. The ALJ also determined that Applicants’ Alternate Route, which crossed at Belle Plaine, satisfied the routing criteria. [footnote retained]

[FINDINGS OF FACT, page 6, Finding 21]

21. Applicants also proposed an Alternate Route for Route Segment 4 in their Application, which, in Sibley County, ran roughly parallel to and north of the Preferred Route, to cross the Minnesota River at Belle Plaine. ~~The Alternate Route, running from west to east, follows the same line as the Preferred Route to the east of Gibbon, where the Alternate Route turns north to run eastward along the north of Arlington, Minnesota (the crossover having been referred to as the “Arlington Crossover” or “the Crossover~~

Route”). [footnote deleted] In order to connect the (Modified) Preferred Route with the Alternate Route, the Applicants subsequently developed the “Arlington Crossover”, which connects the Preferred Route southeast of Gaylord with the Alternate Route northwest of Arlington. From that location, the Alternate Route runs eastward and further north to a point to the west of Belle Plaine. From that location, the line runs south, crossing the Minnesota River, then traveling south and turning east to the Helena Substation [footnote retained] The Arlington Crossover Route runs for approximately 76 miles, following existing rights-of-way for approximately 54 miles (71 percent). [footnote retained]

[FINDINGS OF FACT, page 6, Finding 22]

22. Applicants selected ~~these two~~ the Preferred and Alternate routes at the end of a 15-month route development process that was driven by extensive public participation and agency coordination.[footnote retained] During this process, Applicants gathered environmental data, held open houses and work group meetings, collected public comments, and analyzed the statutory and rule factors set forth in the Power Plant Siting Act (“PPSA”), Minnesota Statutes Chapter 216E and Minnesota Rules Chapter 7850 to develop the Preferred Route and the Alternate Route for the Project.[footnote retained]

[FINDINGS OF FACT, page 7, Finding 24, Footnote 35]

Remand Ex. 163, at 12 (Leshner Remand Direct); see Findings 71-76, *infra*. The Findings finally proposed by the OES included the Applicants’ concerns about a Le Sueur Crossing utilizing the Myrick Alternative described at Finding 49, *infra*.

[FINDINGS OF FACT, page 15, Finding 63, Footnote 105]

Ex. 140 at Schedule 49 at p. 3 8 (Poorker Supplemental).

[FINDINGS OF FACT, page 15, Finding 63, Footnote 106]

Ex. 140 at Schedule 49 at p. 2 (Poorker Supplemental) *Id.*

[FINDINGS OF FACT, page 15, Finding 63, Footnote 107]

Ex. 140 at Schedule 49 at p. 3 (Poorker Supplemental) *Id.*

[FINDINGS OF FACT, page 16, Finding 67, Footnote 114]

Applicants’ Reply Brief, March 16, 2010, at 11-13.

[FINDINGS OF FACT, page 34, Finding 163]

163. U-CAN and NoCapX favor an underground crossing of the Minnesota River, and asserted that “the relative weight of the economic and environmental costs of an aerial crossing have increased due to acknowledged potential for eagle takes at

either crossing, evidence of consistent and essentially similar impacts the length of the Valley, and the prohibitive DOT scenic easements near LeSueur”

[**CONCLUSIONS**, page 37, number 7]

7. The record demonstrates that the Modified Preferred Route for Segment 4, and its Associated Facilities, with an aerial crossing of the Minnesota River at Le Sueur, satisfies the route permit criteria set forth in Minnesota Statute § 216E.03, subd. 7 and Minnesota Rule 7850.4100.

[**CONCLUSIONS**, page 37, number 8]

8. The record establishes that both the Gibbon Crossover Route and the Arlington Crossover Route, each connecting the Modified Preferred Route and Alternate Route in Sibley County, ~~and~~ with an aerial crossing of the Minnesota River west of Belle Plaine, and its Associated Facilities, satisfy the route permit criteria set forth in Minnesota Statute § 216E.03, subd. 7 and Minnesota Rule 7850.4100.

Dated: December 23, 2010

s/Richard C. Luis

RICHARD C. LUIS
Administrative Law Judge



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December 23, 2010

To: All Participants on the Service List

Re: *In the Matter of the Application of the Route Permit Application by Great River Energy and Xcel Energy for a 345 KV Transmission Line from Brookings County, South Dakota to Hampton, Minnesota;*
MPUC Docket No. ET-2/TL-08-1474
OAH Docket No. 7-2500-20283-2

Dear Parties:

The document listed below has been filed with the E-Docket system and served as specified on the attached service list.

Amendments to Findings of Fact, Conclusions, and Recommendation on Remand

Very truly yours,

s/Richard C. Luis

RICHARD C. LUIS
Administrative Law Judge

Telephone: (651) 361-7843

RCL:dsc
Enclosure

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CERTIFICATE OF SERVICE

Case Title: <i>In the Matter of the Application of the Route Permit Application by Great River Energy and Xcel Energy for a 345 KV Transmission Line from Brookings County, South Dakota to Hampton, Minnesota</i>	OAH Docket No. 7-2500-20283-2 MPUC Docket No. ET-2/TL-08-1474
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Denise S. Collins certifies that on the 23rd day of December, 2010, she served a true and correct copy of the Amendments to Findings of Fact, Conclusions, and Recommendation on Remand; by electronic mail (or as indicated on the Service List) to the following individuals:

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