



Mara N. Koeller
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February 27, 2013

VIA ELECTRONIC FILING AND U.S. MAIL

Hon. Eric L. Lipman
Administrative Law Judge
State of Minnesota, Office of Administrative Hearings
PO Box 64620
St. Paul, MN 55164-0620

**Re: *In the Matter of the Application for a Certificate of Need for the
Hollydale 115 kV Transmission Line Project in the Cities of Plymouth
and Medina***
MPUC Docket No. E002, ET2/CN-12-113
OAH Docket No.: 8-2500-23147-2

Dear Judge Lipman:

Applicants Northern States Power Company, doing business as Xcel Energy, and Great River Energy write to request a continuance, pursuant to Minnesota Rule 1400.7500, of the Certificate of Need proceeding for the Hollydale 115 kV Transmission Project.

Applicants request a continuance based on a bill introduced on February 25, 2013, which would apply to the Hollydale Project. A copy of this proposed bill is attached. If enacted, this bill would require a Certificate of Need for the Hollydale Project and would allow for approval of that Certificate of Need only if the Minnesota Public Utilities Commission finds by “clear and convincing evidence” that there is “no feasible and available distribution level alternative” to the proposed 115 kV transmission line. In addition, this legislation requires that the pending Route Permit proceeding be “suspended” until Commission “has made a determination that the transmission line is needed.” This bill is described in more detail in the rebuttal testimony of Paul Lehman filed today on edockets.

If enacted, this bill would change the review process for the Certificate of Need for the Hollydale Project. Given the uncertainties surrounding this pending legislation and its potential impact on Applicants’ Certificate of Need request, Applicants

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believe that there is good cause to continue the proceeding. Applicants request that the Certificate of Need proceeding be continued until the legislation is acted upon by the Governor or until it becomes apparent that a route over 10 miles in length may be selected by the Commission.

Applicants note that the public hearings in the Certificate of Need docket are scheduled for March 6 and 7, 2013. As a result, we respectfully request that Your Honor rule on Applicants' continuance request at the earliest possible time so that members of the public and other stakeholders can be notified as soon as possible if these upcoming hearings are postponed.

Applicants plan to submit the remainder of our rebuttal testimony on Friday, March 1st in accordance with current prehearing order.

Sincerely,

A handwritten signature in black ink that reads "Mara Koeller". The signature is fluid and cursive, with a long horizontal flourish at the end.

Mara N. Koeller

Enclosure

cc: Julia Anderson
Paula Maccabee
Tammy Pust
James Strommen
Karen Hammel
Mike Kaluzniak
Service List

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH LEGISLATURE

S.F. No. 716

(SENATE AUTHORS: BONOFF, Rest, Limmer and Osmek)

DATE	D-PG	OFFICIAL STATUS
02/25/2013	383	Introduction and first reading Referred to Environment and Energy

1.1 A bill for an act
 1.2 relating to energy; regulating the assessment of need and routing of certain
 1.3 transmission lines.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. **TRANSMISSION LINE; CERTIFICATE OF NEED REQUIRED**
 1.6 **AND EVIDENCE REQUIRED.**

1.7 (a) A high-voltage transmission line with a capacity of 100 kilovolts or more
 1.8 proposed to be located within a city in the metropolitan area as defined in Minnesota
 1.9 Statutes, section 473.121, subdivision 2, for which a route permit application was filed
 1.10 between June 2011 and August 2011, and a certificate of need application was filed
 1.11 between June 2012 and August 2012, to rebuild approximately eight miles of 69 kilovolt
 1.12 transmission with a high-voltage transmission line to meet local area distribution needs,
 1.13 must be approved in a certificate of need proceeding conducted under Minnesota Statutes,
 1.14 section 216B.243. The certificate of need may be approved only if the commission finds
 1.15 by clear and convincing evidence that there is no feasible and available distribution level
 1.16 alternative to the transmission line.

1.17 (b) Further proceedings regarding the routing of a high-voltage transmission line
 1.18 described in this section shall be suspended until the Public Utilities Commission has
 1.19 made a determination that the transmission line is needed.

1.20 **EFFECTIVE DATE.** This section is effective the day following final enactment and
 1.21 applies to route permits and certificate of need applications pending on or after that date.

**IN THE MATTER OF THE APPLICATION OF
NORTHERN STATES POWER COMPANY,
D/B/A XCEL ENERGY, AND GREAT RIVER
ENERGY FOR A CERTIFICATE OF NEED
FOR THE HOLLYDALE 115 KV TRANSMISSION
LINE PROJECT IN THE CITIES OF PLYMOUTH
AND MEDINA**

CERTIFICATE OF SERVICE

**DOCKET No. E002, ET2/CN-12-113
OAH DOCKET No. 8-2500-23147-2**

Val Herring certifies that on the 27th day of February 2013, she filed a true and correct copies of the **Applicants' Request for Continuance** by posting the same on www.edockets.state.mn.us. Said Request for Continuance has also been served via U.S. Mail or e-mail as designated on the attached Official Service List on file with the Minnesota Public Utilities Commission in the above-referenced docket.

/s/ Val Herring

Theresa Senart

Service List Member Information

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