

Rulemaking on Certificates of Need (Chapter 7849) and Site and Route Permits (Chapter 7850) for Large Electric Generating Plants and Large High Voltage Transmission Lines

Docket No. E,ET,IP-999/R- 12-1246

Synopsis of October 2, 2013 Advisory Committee Meeting

Members Present:

Deborah Pile (Department of Commerce, Energy Facility Permitting);
Christy Brusven (Minnesota Wind Coalition);
Paul Lehman (Xcel Energy);
Lisa Agrimonti (Xcel Energy and ITC Midwest LLC);
Carole Schmidt (Great River Energy/Minnesota Power);
Tim Rogers (Xcel Energy);
Susan Medhaug (Department of Commerce Energy Regulation and Planning);
Paula Maccabee (Just Change Law Offices);
Randy Anderton and Cindy Kusnic for Alan Mitchell (Otter Tail Power Company;
Rochester Public Utilities; Southern Minnesota Municipal Power Agency; Missouri River
Energy Services; Minnkota Power Cooperative; and Dairyland Power Cooperative);
David Grover (ITC Midwest);
Carol A. Overland (NoCapX 2020 and U-CAN);
Marie McNamara for Suzanne Rohlfing (North Route Group); and
John Wachtler (Barr Engineering).

The following is a discussion of changes to the September 10 draft based on advisory committee comment and discussion.

1. Certificate of Need Criteria – 7849.0120

Item A –

The draft no longer rephrases the language in Item A, other than to add “the region” to the end of the sentence. This item therefore now reads:

The probable result of denial would be an adverse effect upon the future adequacy, reliability, or efficiency of energy supply to the applicant, to the applicant’s customers, or to the people of Minnesota and ~~neighboring states,~~ considering: the region.”

Item F –

There was a suggestion to include the phrase “including human health.” The draft has been updated to include this language.

2. Complete Applications – 7849.0205 – New numbering

The draft has relocated the completeness determination – it is now listed separately.

3. Exemptions – 7849.0206 (New numbering and updated language)

The draft has been updated to address exemptions in a separate provision. The draft has also been updated to rephrase the language on exemptions to help clarify the circumstances requiring an exemption request.

4. Proposed LEGF and Alternatives Application 7849.0250 and Proposed LHVTL and Alternatives Application 7849.0260

7849.0250, Item D (10)

7849.0260, Item E (6)

These provisions require the application to include information on the proposed project and alternatives. The rules contain lists of items for discussion, and there was a suggestion to include in the list the following language:

its effects on the natural and socioeconomic environment, including human health.

The draft has been updated to include this language.

5. 7849.0265 – Transmission Company LHVTL Applications

This provision has been eliminated. We will continue to discuss content requirements for transmission companies.

6. Generating Facilities – 7849.0320

- Item C (6) and (7) New Language

There was a suggestion to add language to item C to require information on pollutants. The draft has therefore been updated to include this language.

- Item F

There was a suggestion to require information on stormwater discharges and discharges to surface and groundwater. The draft has therefore been updated to include these changes.

7. Transmission Facilities – 7849.0330

- Item G

This portion of the rule requires the application to include a description of the major features of the region between the endpoints of the proposed line. There was a suggestion to update the list to require information on human health and safety and on hydrological resources. The draft has therefore been updated to include these changes.

8. Certificate of Need Changes – 7849.0400

It would be helpful to continue to discuss possible changes to this provision.

The draft does, however, update Item G to remove use of the term “imminent.” Item G now reads as follows:

G. An applicant, or current project owner if different from the original applicant, must promptly notify the commission of any change described in items A through F.