



414 Nicollet Mall
Minneapolis, MN 55401

May 31, 2017

Daniel P. Wolf
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, Minnesota 55101

—Via Electronic Filing—

RE: IN THE MATTER OF POSSIBLE AMENDMENTS TO RULES GOVERNING
CERTIFICATES OF NEED AND SITE AND ROUTE PERMITS FOR LARGE ELECTRIC
POWER PLANTS AND HIGH-VOLTAGE TRANSMISSION LINES, MINNESOTA
RULES, CHAPTERS 7849 AND 7850; AND TO RULES GOVERNING NOTICE PLAN
REQUIREMENTS FOR HIGH-VOLTAGE TRANSMISSION LINES, MINNESOTA
RULES, PART 7829.2550

DOCKET NO. E, ET, IP-999/R-12-1246

Dear Mr. Wolf:

Northern States Power Company, doing business as Xcel Energy, submits to the Minnesota Public Utilities Commission (“Commission”) these limited reply comments in response to comments provided by the Minnesota Department of Commerce, Energy Environmental Review and Analysis (“DOC-EERA”) and Just Change Law (“JCL”).

DOC-EERA

DOC-EERA recommends a change to the description of affected landowners in the Certificate of Need and Route Permit rules. (*See e.g.*, Minn. R. 7849.0125, subp. 4; 7850.1610, subp. 4(A).) Specifically, DOC-EERA notes that the description of landowners to be noticed “along a transmission line” is unclear. (*See e.g.* DOC-EERA, p. 1.) DOC-EERA suggests that the language be revised to describe landowners “within a proposed transmission line route”. Xcel Energy generally supports the clarification but believes the language should be broader to afford for more notice and match Xcel Energy’s practice of notifying landowners within a route or immediately adjacent to a route. Therefore, Xcel Energy recommends that affected landowners provided with notice include those “within or immediately adjacent to a proposed route”.

DOC-EERA recommends that Minn. R. 7850.1680 should explicitly state that the Commission will make its task force decision at the close of the draft application comment period. (DOC-EERA, p. 2). As detailed in initial comments, Xcel Energy does not support a comment process for the draft application. Xcel Energy does, however, agree that the rules should seek comments on a task force in connection with the Commission's review after completeness and that the public should be advised of when the decision will be made.

DOC-EERA also notes that the Commission must refer a full permitting process application for a contested case and that a hearing must be held for alternative forms of review applications. (*See, e.g.*, DOC-EERA, p. 4.) Therefore, DOC-EERA recommends that the Commission not take comments on whether a matter should be referred for a contested case, as set forth in Minn. R. 7850.2140, subp. 1. Xcel Energy agrees with the statutorily set process for both the full and alternative permitting processes. However, the Commission has the authority to tailor the hearing process for an alternative application and comments from the public on specific issues could assist the Commission in its decision. Specifically, comments could be solicited on whether an administrative law judge should oversee the hearing, what type of record should be made of the proceeding and whether a report and recommendation should be filed (if an administrative law judge is assigned).

JCL

JCL recommends that when an Environmental Impact Statement ("EIS") is required, the Final EIS should be released prior to the contested case hearing. (JCL, p. 3.) The Final EIS has as a matter of practice been published after the contested case hearing. Xcel Energy believes that any requirement to advance the Final EIS would delay the contested case proceeding and recommends that the Commission seek input from DOC-EERA before making any such significant change.

XCEL ENERGY RECOMMENDATION

To ensure that there is no debate regarding the application of proposed rules that the Commission may adopt, Xcel Energy recommends that the final rules provide that they will apply to applications filed with the Commission after the effective date of the rules.

CONCLUSION

Thank you for the opportunity to submit these reply comments. We have electronically filed this document with the Minnesota Public Utilities Commission, and copies have been served on the parties on the attached service list. Please contact me at (612) 330-1955 or Timothy.G.Rogers@xcelenergy.com with any questions.

Sincerely,



TIMOTHY ROGERS
MANAGER, SITING AND LAND RIGHTS

