

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

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Chair
Commissioner
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In the Matter of the Application of Minnesota Power for a Route Permit for the Great Northern Transmission Line Project in Roseau, Lake of the Woods, Beltrami, Koochiching, and Itasca Counties

ISSUE DATE: September 24, 2014

DOCKET NO. E-015/TL-14-21

ORDER AMENDING JULY 2, 2014 ORDER, STRIKING ADVISORY TASK FORCE STRUCTURE AND CHARGE, AND APPROVING WORK GROUP

PROCEDURAL HISTORY

On April 15, 2014, Minnesota Power (the Applicant) filed a petition for a route permit for its proposed Great Northern Transmission Line project in northern Minnesota. The proposed project is a 500 kilovolt (kV) transmission line to be located between the province of Manitoba in Canada and the Blackberry Substation in Itasca County (approximately 225 to 300 miles).

On July 2, 2014, the Commission issued an Order Finding Application Complete and Referring Matter to the Office of Administrative Hearings (OAH). Besides referring the matter to OAH, the order approved the creation of three advisory task forces to evaluate routes considered for designation.

On August 8, 2014, the Minnesota Department of Commerce Energy Environmental Review and Analysis division (the Department) filed a letter stating that low response to solicitations to join the task forces prevented the task forces from meeting statutory membership requirements. The Department recommended not pursuing the creation of task forces any further.

On August 12, 2014, the Commission solicited comments on the Department's request to reconsider establishing the approved task forces. Public comments during the comment period opposed eliminating the task force, and asserted that it is necessary to receive input that reflects the interests of residents, wildlife, and the environment.

On August 19, 2014, Minnesota Power filed comments agreeing with the Department's recommendation not to further pursue task force creation.

On September 5, 2014, the Department filed a letter summarizing the public comments received in response to the Department's request, and proposing alternatives to the advisory task force structure.

On September 11, 2014, the matter came before the Commission.

FINDINGS AND CONCLUSIONS

I. Introduction and Background

In its July 2 order finding Minnesota Power's route permit application complete, the Commission approved the creation of three advisory task forces under Minnesota Rule 7850.2400, subps. 1 and 3, and Minn. Stat. § 216E.08. The Commission concluded that the size and complexity of the project warranted the creation of at least one advisory task force. And, at the Department's request, the Commission adopted the Department's recommendation to appoint three advisory task forces to serve separate geographic regions that could be affected by the project.

Minn. Stat. § 216E.08 states that task forces appointed to evaluate sites or routes considered for designation must be comprised of at least one representative from each of the following: regional development commissions, counties and municipal corporations, and one town board member from each county in which a site or route is proposed to be located.

The Department solicited membership from 33 development commissions, county and municipal governments, and other potentially interested stakeholders. The Department received indications of interest in participating from just nine potential task force members: three for the Western task force, five for the Central task force, and one for the Eastern task force.

The number of potential participants increased slightly during the comment period opened by the Commission in response to the Department's letter. But, according to the Department, potential task force membership—even by combining task forces—remains insufficient to meet the minimum membership requirements under Minn. Stat. § 216E.08.

II. Positions of the Parties

The Department proposed an informal workgroup process to replace the approved advisory taskforce structure or, alternatively, to solicit input from local government units and nongovernmental organizations individually. At the Commission meeting, the Department outlined an anticipated schedule for the proposed workgroup. According to the Department's proposal, the workgroup would be constituted to serve the same purpose as the original advisory task force. And, the workgroup would receive similar staff support, access to applicant representatives, and a geographical information system for mapping potential route alternatives.

Minnesota Power supports the Department's recommendation to no longer pursue advisory task forces and, at the Commission meeting on the matter, indicated it did not oppose the workgroup concept provided the new approach does not appreciably change the timeline for consideration of the route permit.

III. Commission Action

The Commission is committed to broad spectrum citizen participation in siting and routing proceedings. The Commission agrees that limited interest in the approved task force structure prevents the task forces from being properly constituted. The Commission concludes that an alternative approach to gathering public input in this proceeding is necessary.

The Commission will therefore amend its previous order to remove the advisory task force structure and charge, and approve instead the workgroup process proposed by the Department. The workgroup structure will assure at a minimum that the concerns of those who had indicated interest in serving on the advisory task forces are recorded and considered, including developing potential alternative route segments and ensuring local input necessary for informed decision-making. The Commission will also request that the Department work directly with local government units, particularly to ensure that they have an opportunity to identify any potential zoning conflicts with the possible route alternatives before the scoping decision is issued.

ORDER

1. The Commission's July 2, 2014 order in this docket is amended to delete ordering paragraphs 2 and 3, which concern the appointment of an advisory task force.
2. The Commission requests that the Department develop a workgroup for respondents who have expressed an interest in the advisory task force and, in conducting the workgroup, to:
 - a. provide at least two meetings; and
 - b. consult directly with local governmental units, requesting that they identify any potential zoning conflicts with the possible route alternatives before the scoping decision is issued.
3. Minnesota Power shall make a geographical information system available at one or both workgroup meetings.
4. This order shall become effective immediately.

BY ORDER OF THE COMMISSION



Burl W. Haar
Executive Secretary



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