



85 7th Place East, Suite 500
St. Paul, Minnesota 55101-2198
651.296.4026 FAX 651.297.1959 TTY 651.297.3067

February 9, 2007

Burl W. Haar
Executive Secretary
Minnesota Public Utilities Commission
127 7th Place East, Suite 350
St. Paul, MN 55101-2147

RE: Supplement and Amendments to Comments and Recommendations of the Minnesota Department of Commerce Energy Facility Permitting Staff
Docket No. PL5/PPL-05-2003

Dear Dr. Haar:

On January 31, 2007, DOC EFP staff filed its comments and recommendation and attachments in the above referenced PUC Docket. DOC EFP staff would like to supplement and amend its comments and recommendations at two different locations and also make a minor revision to the proposed pipeline routing permit.

The first staff proposed supplement and amendment (see page 41-A, attached) replaces the entire "EFP Staff Analysis:" discussion beginning on bottom half page 41 and ending on page 42. The supplemental information provides additional staff analysis on route width and provides the correct date for the pipeline route maps.

The second staff amendment (see page 64-A, attached) replaces page 64 in the staff comments and recommendations and also provides the correct date for the pipeline route maps.

The third staff amendment (see page 11-A, attached) replaces page 11 in the pipeline routing permit (Attachment 11) and provides the correct language for permit distribution.

Staff is available to answer any questions the Commission may have the supplement and amendments to its Comments and Recommendations filed on January 31, 2007.

Sincerely,

/s/ LARRY B. HARTMAN
DOC EFP Staff

LBH/sm
Attachments

Replaces (7.A.) EFP Staff Analysis Beginning on Page 41 and ending on Page 42 in Comments and Recommendations

EFP Staff Analysis

With respect to Mr. Giesen's exceptions, it appears that Mr. Giesen is objecting to the Commission's acceptance of the Belle Plaine Alternative in its July decision on alternatives. Mr. Giesen's proposal is more akin to a motion for reconsideration or rehearing. Department EFP staff makes no recommendation on Mr. Giesen's proposal beyond noting that to consider it would require the Commission to reopen the record to consider the issues he raises. His exceptions include factual statements that are not in the record and have not been subject to discovery or cross-examination. Further, it is not apparent from his filings whether Mr. Giesen's property is affected by the Belle Plaine Alternative or the initial Belle Plaine route segment.

Staff proposes two modifications to Conclusion 7. First, the EFP staff recommends correction of a typo in the milepost (MP) number. It should be "119" rather than "199" and is corrected in two different places in the Conclusion.

Second, Staff is proposing to further limit the width of the route as proposed by the ALJ to something more restrictive. MPL continued their attempt to work with landowners to further refine its pipeline alignment within the route as suggested by the ALJ and DOC EFP staff.

Between September 28, 2006, and the end of the year, MPL made numerous alignment modifications to further accommodate landowners requests and limit the width of the route to something less than 500 feet on either side of the existing right-of-way between MP 0-119 and less than 1/3 of a mile between MP 119-303.

On January 5, 2007, MPL submitted a revised set of pipeline route maps that reflected additional alignment modifications and also further limited the width of the route while minimizing human and environmental impacts consistent with the criteria in Minn. R. 4415.0100. Therefore, for purposes of this permit EFP staff is recommending a route width of 300 feet or 150 feet on either side of MPL's proposed centerline alignment as shown on Attachment 13 (Pipeline Route Maps-January 5, 2007). It is staffs' understanding that MPL believes that it no longer needs the route width recommended to the ALJ. The proposed Amended Conclusion would read as follows:

7. MPL has demonstrated that its ~~September 15~~ January 5, 2007 Alignment, reflecting the Staples Alternative, Belle Plaine Alternative and GOE Stipulation, as well as other alignment changes developed in consultation with landowners, meets the statutory and rule criteria and a corresponding Routing Permit should issue. The approved route should be narrowed as follows:

- (a) From MP 0 to ~~19~~19 where the proposed route is parallel with MPL's existing pipeline system, a route width of ~~500~~ 150 feet on each side of the ~~September 15~~ January 5, 2007 Alignment;

- (b) From MP 119 where the route diverges from the existing pipeline system to the end of the route in Dakota county (the “Greenfield” portion of the route), a route width of a distance of ~~1/3 mile~~ 150 feet on each side of the ~~September 15~~ January 5, 2007 Alignment;
- (c) From approximately MP 274.5 to 275.5, a route width consistent with MPL’s Stipulation with GOE.

Replaces Page 64 in comments and Recommendations

~~public hearing in Scott County was published in the Belle Plaine Herald on August 23, 2006. It included a small inset map generally depicting the proposed route and the Alternative.~~

- 3) Take other action deemed more appropriate.

EFP Staff Recommendation: Staff recommends Option A. 2).

B. ALJ Findings 307-311 – Reinhardt’s Exceptions to Findings 307 and 309 concerning notice to landowners; MPIRG exceptions to Findings 307-311 (page 37).

- 1) Adopt ALJ Findings 307-311 as written.
- 2) Take other action deemed more appropriate.

EFP Staff Recommendation: Staff recommends Option B. 1).

7. ROUTE DESIGNATION.

A. ALJ Finding 263 and Conclusion 7 – MPL comments on consistency with Conclusion 7, Giesen exception and staff recommendations on corrections and route modifications (page 40).

- 1) Adopt ALJ Finding 263 and Conclusion 7 as written.
- 2) Adopt Finding 263 as written and adopt Conclusion 7 with the following staff suggested modification:

7. MPL has demonstrated that its ~~September 15~~ January 5, 2007 Alignment, reflecting the Staples Alternative, Belle Plaine Alternative and GOE Stipulation, as well as other alignment changes developed in consultation with landowners, meets the statutory and rule criteria and a corresponding Routing Permit should issue. The approved route should be narrowed as follows:

- (a) From MP 0 to 19~~19~~ where the proposed route is parallel with MPL’s existing pipeline system, a route width of ~~500~~ 150 feet on each side of the ~~September 15~~ January 5, 2007 Alignment;
- (b) From MP 119 where the route diverges from the existing pipeline system to the end of the route in Dakota county (the “Greenfield” portion of the route), a route width of a distance of ~~1/3 mile~~ 150 feet on each side of the ~~September 15~~ January 5, 2007 Alignment;

This Page Replaces Page 11 in Pipeline Routing Permit (Attachment 11)

VII. PERMIT DISTRIBUTION

The Permittee shall, within 10 days of receipt of this pipeline routing permit from the PUC, send a copy of the permit with the complete set of the aerial photos depicting the designated route in all counties to the office of each regional development commission of a development region, soil and water conservation district, watershed district, watershed management district office, office of the auditor of each county, and clerk of each city and township crossed by the designated route.

At least 10 days before commencing construction of the pipeline on a landowner's property, the Permittee shall provide a copy of this pipeline routing permit with a set of aerial photos depicting the designated route in the county or counties where the landowner's property is located. (Minn. R. 4415.0175, subp. 2).

VIII. TERMINATION OF PUC JURISDICTION OVER THE PIPELINE

Upon determination by the Permittee that it has completed construction of the pipeline and restored the land in accordance with all permit conditions and agreements with landowners, the Permittee shall file with the PUC a written certification that the permitted pipeline construction has been completed in compliance with all permit conditions. The certification shall be considered by the PUC within 60 days of its filing. The PUC shall accept or reject the certification of completion and make a final determination regarding costs or reimbursements due. If the PUC rejects the certification, it shall inform the Permittee in writing of which deficiencies, if corrected, will allow the certification to be accepted. When corrections of the deficiencies are completed, the Permittee shall notify the PUC, and the PUC shall reconsider the certification at its next regularly scheduled meeting, provided the notification is received at least 20 days before the meeting. After acceptance of the certification by the PUC, the PUC's jurisdiction over the Permittee's pipeline routing permit shall be terminated. (Minn. R. 4415.0207).

