

May 12, 2006

Dr. Burl W. Haar  
Executive Secretary  
Minnesota Public Utilities Commission  
121 7<sup>th</sup> Place East, Suite 350  
St. Paul, MN 55101

**Re: Notice Plan and Exemption Request for a Certificate of Need for high voltage transmission lines**  
**PUC Docket number E017/CN-06-677**

Dear. Dr. Haar:

Minnesota Rules part 7829.2500 requires that persons seeking a Certificate of Need file a Notice Plan with the Minnesota Public Utilities Commission (Commission) prior to application. Otter Tail Power Company intends to submit an application for a Certificate of Need for the proposed construction of 115 kilovolt transmission line between a substation in Appleton, Minnesota, and a substation in Canby, Minnesota, located in the following western Minnesota counties: Yellow Medicine, Lac Qui Parle, and Swift.

The applicant's draft Notice Plan and Exemption Request are enclosed.

Otter Tail Power Company has served copies of the proposed Notice Plan and Exemption Request on the Department of Commerce and the Office of the Attorney General – Residential Utilities Division. Copies have also been served on all persons on the General List of Persons Interested in Power Plants and Transmission Lines as maintained under Minnesota Rules part 4400.1350, subp. 1, item A. Minnesota Rules part 7829.2550, subp. 2 provides that interested parties have 20 days from the date of this filing to provide comments on the proposed Notice Plan. Reply comments must be made within 20 days of expiration of the period for initial comments. Otter Tail Power Company will respond to any comments received in the time permitted.

Otter Tail Power Company will be prepared to file an application for a Route Permit in August at the same time the Certificate of Need is filed. The preferred route for the line will be the same route as an existing 41.6 kV line, which the company plans to rebuild to 115 kV specifications. Because the line is a 115 kV line, the alternative review procedures of Minnesota Statutes § 116C.575 and Minnesota Rules parts 4400.2000 to 4400.2950 will apply to the route permitting.

Otter Tail Power Company is represented in this matter by Lindquist & Vennum, P.L.L.P., 4200 IDS Center, 80 South Eighth Street, Minneapolis, Minnesota 55402-2274. Mr. Todd Guerrero (612-371-3258) and Mr. Alan Mitchell (612-371-5782) are the attorneys on this matter.

Please direct any questions you may have with respect to this notice to the undersigned at (218) 739-8416.

Thank you in advance for your consideration.

Sincerely,

Al Koeckeritz  
Project Manager  
Otter Tail Power Company

Enclosures  
c: Service list (with enclosures)

**STATE OF MINNESOTA  
BEFORE THE  
MINNESOTA PUBLIC UTILITIES COMMISSION**

LeRoy Koppendraye  
Marshall Johnson  
Kenneth Nickolai  
Thomas Pugh  
Phyllis Reha

Chair  
Commissioner  
Commissioner  
Commissioner  
Commissioner

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**In the matter of the request by Otter Tail Power Company for a Certificate of Need and a Route Permit for a 115 kilovolt transmission line from the Appleton substation to the Canby substation**

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**CERTIFICATE OF NEED  
NOTICE PLAN**

**Docket No. E017/CN-06-677**

**Public comments on this proposed Notice Plan must be filed with the Minnesota Public Utilities Commission by 4:30 p.m. on June 5, 2006.**

**Reply comments must be submitted to the Minnesota Public Utilities Commission by 4:30 p.m. on June 25, 2006.**

The Commission's address is: Minnesota Public Utilities Commission, 121 7<sup>th</sup> Place E., Suite 350, St. Paul, Minnesota 55101-2147

**I. Introduction**

Otter Tail Power Company is proposing to construct a 115-kilovolt transmission line between a substation in Appleton, Minnesota, and a substation in Canby, Minnesota, a distance of approximately 42 miles. This transmission line is needed to address a load-serving issue in the Yellow Medicine, Lac Qui Parle, Swift, and Chippewa County area.

A Certificate of Need is required under Minnesota Statutes § 216B.243 for a high voltage transmission line of the voltage and length proposed here. Minnesota Rules part 7829.2550 requires an applicant for a Certificate of Need for a high voltage transmission line to file a proposed Notice Plan with the Public Utilities Commission three months before filing a Certificate of Need Application. Otter Tail Power Company is planning to file its Certificate of Need application by August 15, 2006.

Presently, a 41.6 kV transmission line exists between the two substations. Otter Tail Power Company plans to seek a Route Permit authorizing a rebuild of the existing line to 115 kV specifications. Therefore, when Otter Tail Power Company submits its Certificate of Need Application in August, it also intends to submit the information required for a Route Permit. The application for the Route Permit will be submitted pursuant to the alternative review procedures in Minnesota Statutes § 116C.575 and Minnesota Rules parts 4400.2000 to 4400.2950.

Because the Certificate of Need application and the Route Permit application will be submitted simultaneously, the rules establishing notice requirements for permit applications – Minnesota Rules part 4400.2300 and 4400.1350 – will apply as well as the requirements for notification of Certificate of Need applications. The Notice Plan proposed herein is consistent with both sets of requirements.

## **II. Summary of plan**

The Notice Plan consists of several steps intended to notify local government, landowners, and the general public of the proposed project, including the proposed route. The following measures will be taken:

1. Informal meetings will be held in the spring and summer of 2006 prior to submission of the application with local government and various state and federal agencies.
2. At least two open houses will be held in the area of the line – one in Canby, Minnesota, and one on the north end near Appleton – to which the public will be invited, in the spring and summer of 2006 before the application is submitted.
3. Direct mail notice to certain individuals and local government will be given once the application is filed.
4. Notice will be published in local newspapers once the application is filed.

## **III. Plan specifics**

This proposed Notice Plan satisfies the requirements of both Minnesota Rules part 7829.2550 and part 4400.1350. It provides notice to those persons who must be given notice, and the notice provides all the information required in the rules. The following discussion identifies the specific notice that will be given.

*A. Direct mail notice to potentially affected landowners.* Minnesota Rules part 7829.2550, subp. 3.A., requires notice be mailed to all landowners reasonably likely to be affected by the proposed transmission line, using county tax records. Subpart 3.B. requires that notice be mailed to all mailing addresses within the area likely to be affected by the transmission line. In addition, Minnesota Rules part 4400.1350, subp. 2.C. requires notice to each owner whose property is within any of the proposed routes for the line. The rule specifies that persons shown on the records of the county auditor or county treasurer are acceptable.

Using the county records and other information such as plot maps, Otter Tail Power Company will identify every landowner within 1000 feet of the centerline of the proposed route (a corridor of 2000 feet) in the unincorporated areas and within 500 feet in the incorporated areas. In addition, Otter Tail Power Company will identify every landowner within 5/8 of a mile of the Appleton substation and the Canby substation. A list of these landowners will be prepared and Notice will be mailed to each of these people.

*B. Direct mail notice to persons on list.* The Public Utilities Commission maintains a list of persons who have registered their names to receive notice of filings of route permit applications. Minnesota Rules part 4400.1350, subp. 1.A. Otter Tail Power Company will mail to the persons on this list the same notice that is mailed to those persons identified in Part A above.

*C. Direct mail notice to local and tribal governments.* Minnesota Rules part 7829.2550, subp. 3.C., requires applicants to provide direct mail notice to tribal governments and to the governments of towns, statutory cities, home rule charter cities, and counties whose jurisdictions are reasonably likely to be affected by the proposed transmission line. Otter Tail Power Company will mail the same notice to the following tribal and local governments:

Counties	Townships	Cities	Tribal Governments
Swift	Appleton Edison	Appleton	Lower Sioux Indian Community
Lac Qui Parle	Hantho Cerro Gordo Riverside Hamlin Providence	Dawson Madison	Upper Sioux Indian Community
Yellow Medicine	Oshkosh Hammer	Canby	
Chippewa	Kragero		

In addition, Minnesota Rules part 4400.1350, subp. 2.B., requires that an applicant for a Route Permit give notice to each regional development commission in the area of the proposed project. In this case, Otter Tail Power Company will mail notice to the Upper Minnesota Valley Regional Development Commission in Appleton, the Southwest Regional Development Commission in Slayton, and the Mid-Minnesota Regional Development Commission in Willmar.

*D. Summary of Certificate of Need filing.* Minnesota Rules part 7829.2500, subp. 2, requires that a summary of the Certificate of Need filing must be served on certain interested persons. Otter Tail Power Company will include a short summary of the project, including identification of the proposed route, with the notice that is mailed out to those persons and organizations identified in part A, B, and C above.

*E. Published newspaper notice.* Minnesota Rules part 7829.2550, subp. 3.D., requires the applicant to publish notice in local newspapers. Minnesota Rules part 4400.1350, subp. 4,

also requires newspaper publication. Otter Tail Power Company will publish notice in local newspapers to satisfy the requirements of both of these rules. Notice will be published in the following papers:

Appleton Press  
Dawson Sentinel  
Montevideo American News  
Milan Standard-Watson Journal  
Ortonville Independent  
The Western Guard (Madison)

Canby News  
Morris Sun Tribune  
Marshall Independent  
Swift County Monitor-News (Benson)  
Granite Falls-Clarkfield Advocate-Tribune

*F. Content of notice.* Minnesota Rules part 7829.2550, subp. 4, and part 4400.1350, subp. 3, establish the requirements for what information must be included in the notice that is mailed to those individuals on the various lists that are created. The notice will contain all the information required by those rules. A draft notice is included with this Notice Plan.

Minnesota Rules part 4400.2750, subp. 2.A., requires the Department of Commerce to schedule a public meeting to advise the public about the project and to solicit comments from the public about the scope of the environmental review that will be conducted. If the Department is prepared within the timeframes allowed after the application is filed to schedule the public scoping meeting for preparation of the Environmental Assessment, Otter Tail Power Company will include information in the notice about the timing of the public meeting. Otherwise, a separate notice will have to be sent out by the Department at a later date. A draft notice announcing the filing of the application and the holding of the public meeting is included with this Notice Plan.

*F. Map.* Otter Tail Power Company will include with the notice that is mailed out and published in the newspapers a map showing the proposed route. A copy of a map showing the present transmission line that Otter Tail Power Company proposes to rebuild is included with this proposed Notice Plan.

*H. Open houses and other meetings.* In advance of filing the application for a Certificate of Need and a Route Permit, Otter Tail Power Company will schedule meetings with the cities of Appleton, Dawson, and Canby. Also, the company will schedule at least two open houses during June and July 2006 to be held in Canby and near Appleton. On April 26, 2006, Otter Tail Power Company met in Appleton with the Department of Natural Resources, the Department of Transportation, and the U.S. Fish and Wildlife Service. Other meetings with state and federal agencies will be arranged as necessary.

#### **IV. Implementation of plan**

Minnesota Rules part 7829.2550, subp. 6, requires the applicant to implement the proposed Notice Plan within 30 days of its approval by the Commission. However, because the Route Permit application will also be included in the application, Minnesota Rules part 4400.1350, subp. 2, will impose more specific requirements. That rule requires the applicant to provide notice within 15 days after submission of the application. Subpart 4 requires notice to be

published in the local newspapers within 15 days also. Otter Tail Power Company will mail the notice and publish the Notice in local newspapers within the time limits set out in the rule.

Otter Tail Power Company will provide the Commission and the Department with Affidavits of Service and Affidavits of Publication as required by Minnesota Rules part 4400.1350, subp. 5, within 30 days after the notice is mailed and published.

In sum, shortly after the application is submitted on August 15, Otter Tail Power Company will mail notice to landowners, local government, and others and will publish notice in local newspapers. The notice will contain all the information required by the rules as shown in the draft notice included with this Plan.

## **V. SERVICE OF THE PROPOSED NOTICE PLAN**

Minnesota Rules part 7829.2550, subp. 1, requires that a proposed Notice Plan be served on the Department of Commerce, the Attorney General's Office, Residential and Small Business Utilities Division, and those persons on the list maintained by the Commission. Otter Tail Power Company has served this entire proposed Notice Plan, including the map and the draft notices, on each of those persons. A list of those persons served is included with this submission.

## **VI. ATTACHMENTS**

The following draft documents are included with this Notice Plan:

- Draft notice of proposed transmission line
- Draft notice of proposed transmission line and public information meeting
- Map of proposed route

## **VII. CONCLUSION**

Otter Tail Power Company respectfully requests that the Public Utilities Commission approve this proposed Notice Plan for the Appleton-Canby 115 kV high voltage transmission line project.

Dated: May 11, 2006

Respectfully submitted,  
Otter Tail Power Company

By \_\_\_\_\_  
Al Koeckeritz  
Project Manager

# Notice of proposed transmission line and public information meeting

## In the matter of the application for a Certificate of Need and a Route Permit for a 115 kilovolt high voltage line from Appleton to Canby, Minnesota

MPUC Docket number \_\_\_\_\_

**PLEASE TAKE NOTICE** that the Minnesota Department of Commerce (DOC) will conduct public information meetings in the locations listed below, concerning an application by Otter Tail Power Company for a Certificate of Need and a Route Permit for a 115 kilovolt transmission line approximately 42 miles long between a substation in Appleton, Minnesota, and a substation in Canby, Minnesota.

The purposes of the meetings are to provide information to the public about the proposed project, answer questions, and scope an Environmental Assessment to be prepared by the Department addressing potential impacts and alternatives to the project.

### Public information meeting dates

Date	Place	Conduct
September	Name of place Appleton, Minnesota	The open house will start at 4:00 pm. A short presentation will begin at 5:30 pm.
September	Name of place Canby, Minnesota	The open house will start at 4:00 pm. A short presentation will begin at 5:30 pm.

### **Project description**

Otter Tail Power Company is proposing to upgrade a 41.6 kV transmission line to a 115 kV transmission line along the same route. A map showing the proposed route for the line is attached to this notice.

The need for this line is to address the increasing demand for electricity in the area. Load growth in the Appleton-Canby area could result in allowable capacity levels being exceeded under certain contingency conditions. Otter Tail Power Company reported this situation in the 2003 and 2005 Biennial Transmission Projects Reports filed with the Public Utilities Commission. A copy of these reports can be found at: [www.minnelectrans.com](http://www.minnelectrans.com) The Appleton-Canby situation is described in the 2005 Biennial Report at tracking number 2003-WC-N10.

The existing right-of-way is sufficient for the line. Otter Tail Power Company, however, may elect to obtain additional right-of-way in certain areas and may exercise its authority of eminent domain under Minnesota Statutes chapter 117 to obtain the land.

## **PUC review process**

On August 15, 2006, Otter Tail Power Company submitted an application to the Public Utilities Commission for a Certificate of Need and a Route Permit for the proposed transmission line. The rules applicable to the processing of the Certificate of Need application are found in Minnesota Rules chapter 7849. The applicable statute is Minnesota Statutes § 216B.243. The rules applicable to the processing of the Route Permit application are found in Minn. Rules Chapter 4400. The applicable statute is Minnesota Statutes § 116C.575. Otter Tail Power Company will not be authorized to construct the line unless it receives both a Certificate of Need and a Route Permit from the Commission for the line. By statute, the PUC has one year to make a final decision on the Certificate of Need and the Route Permit.

The Department of Commerce will prepare an Environmental Assessment on the project. The Environmental Assessment will consider issues relating both to the need for the project, including size, type, timing, voltage, and system configurations, and also to issues related to routing, such as construction impacts, environmental features, use of existing rights-of-way, and impacts on homeowners.

The meetings will follow an open-house format. The public is invited to review the applications and proposed routes, learn more about the PUC process, and ask questions. These meetings also will serve as scoping meetings where the public can propose additional routes to be considered for the new transmission line and comment on what issues should be addressed in the Environmental Assessment. Members of the public are welcome anytime during the hours of the open-house meetings. There will be a brief presentation shortly after the start of the meeting. The DOC will also accept written comments on the project and the scope of the Environmental Assessment until \_\_\_\_\_, 2006. Written comments should be mailed or e-mailed to Sharon Ferguson, Docket Manager, at 85 7<sup>th</sup> Place East, Suite 500, Saint Paul, Minnesota, 55101-2198.

Upon completion of the Environmental Assessment the Public Utilities Commission will conduct a public hearing on the project. Separate notice will be given regarding the time and place of that hearing.

## **Project contacts and information**

The Commission has designated DOC staff members \_\_\_\_\_ as project manager and \_\_\_\_\_ as the public advisor in this matter. Inquiries about this project and the review process can be directed to either the Commission or the Department of Commerce at the following addresses:

Public Utilities Commission  
350 Metro Square Building  
121 7<sup>th</sup> Place East, Suite 350  
St. Paul, Minnesota 55101

Department of Commerce  
85 7<sup>th</sup> place East, Suite 500,  
St. Paul, Minnesota 55101-2198

Other contact information: Toll-Free Tel: 1-800-657-3794, Fax: 651-297-7891 or TTY: Minnesota Relay Service, 800-627-3529, and ask for the DOC.

Copies of the application and other relevant documents, including Minnesota Rules governing the process, are available at: <http://energyfacilities.puc.state.mn.us/TransmissionLines.html>.

The application also is available on Otter Tail Power Company's web page, [www.otpc.com](http://www.otpc.com).

Copies of the CON application and the Route Permit application are also available at the following public libraries:

Canby Public Library  
110 Oscar Ave.  
Canby, MN 56220

Appleton Public Library  
322 W Schlieman Ave  
Appleton, MN 56208

General project information may also be obtained by emailing [akoeckeritz@otpc.com](mailto:akoeckeritz@otpc.com) or writing to Mr. Al Koeckeritz, Project Manager, at Otter Tail Power Company, 215 South Cascade Street, Fergus Falls, Minnesota 56538.

## Notice of proposed transmission line

### In the matter of the application for a Certificate of Need and a Route Permit for a 115 kilovolt high voltage transmission line from Appleton to Canby, Minnesota

MPUC Docket Number \_\_\_\_\_

**PLEASE TAKE NOTICE** that Otter Tail Power Company has applied to the Minnesota Public Utilities Commission for a Certificate of Need and a Route Permit for a 115 kilovolt transmission line approximately 42 miles long between a substation in Appleton, Minnesota, and a substation in Canby, Minnesota.

#### Project description

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The Department of Commerce will prepare an Environmental Assessment on the project. The Environmental Assessment will consider issues relating both to the need for the project,

including size, type, timing, voltage, and system configurations, and also to issues related to routing, such as construction impacts, environmental features, use of existing rights-of-way, and impacts on homeowners. The Department will be scheduling a public meeting within the next sixty days to solicit public input into the scope of the Environmental Assessment. The public may suggest alternative routes for the line.

Notice of the public meeting will be published in local newspapers and mailed to persons who register their names with the Department. Persons interested in adding their names to the mailing list should contact the project manager or register on the web page cited below.

Upon completion of the Environmental Assessment the Public Utilities Commission will conduct a public hearing on the project. Separate notice will be given regarding the time and place of that hearing.

### **Project contacts and information**

The Commission has designated DOC staff members \_\_\_\_\_ as project manager and \_\_\_\_\_ as the public advisor in this matter. Inquiries about this project and the review process can be directed to either the Commission or the Department of Commerce at the following addresses:

Public Utilities Commission  
350 Metro Square Building  
121 7<sup>th</sup> Place East, Suite 350  
St. Paul, Minnesota 55101

Department of Commerce  
85 7<sup>th</sup> place East, Suite 500,  
St. Paul, Minnesota 55101-2198

Other contact information: Toll-Free Tel: 1-800-657-3794, Fax: 651-297-7891 or TTY: Minnesota Relay Service, 800-627-3529, and ask for the DOC.

Copies of the application and other relevant documents, including Minnesota Rules governing the process, are available at: <http://energyfacilities.puc.state.mn.us/TransmissionLines.html>.

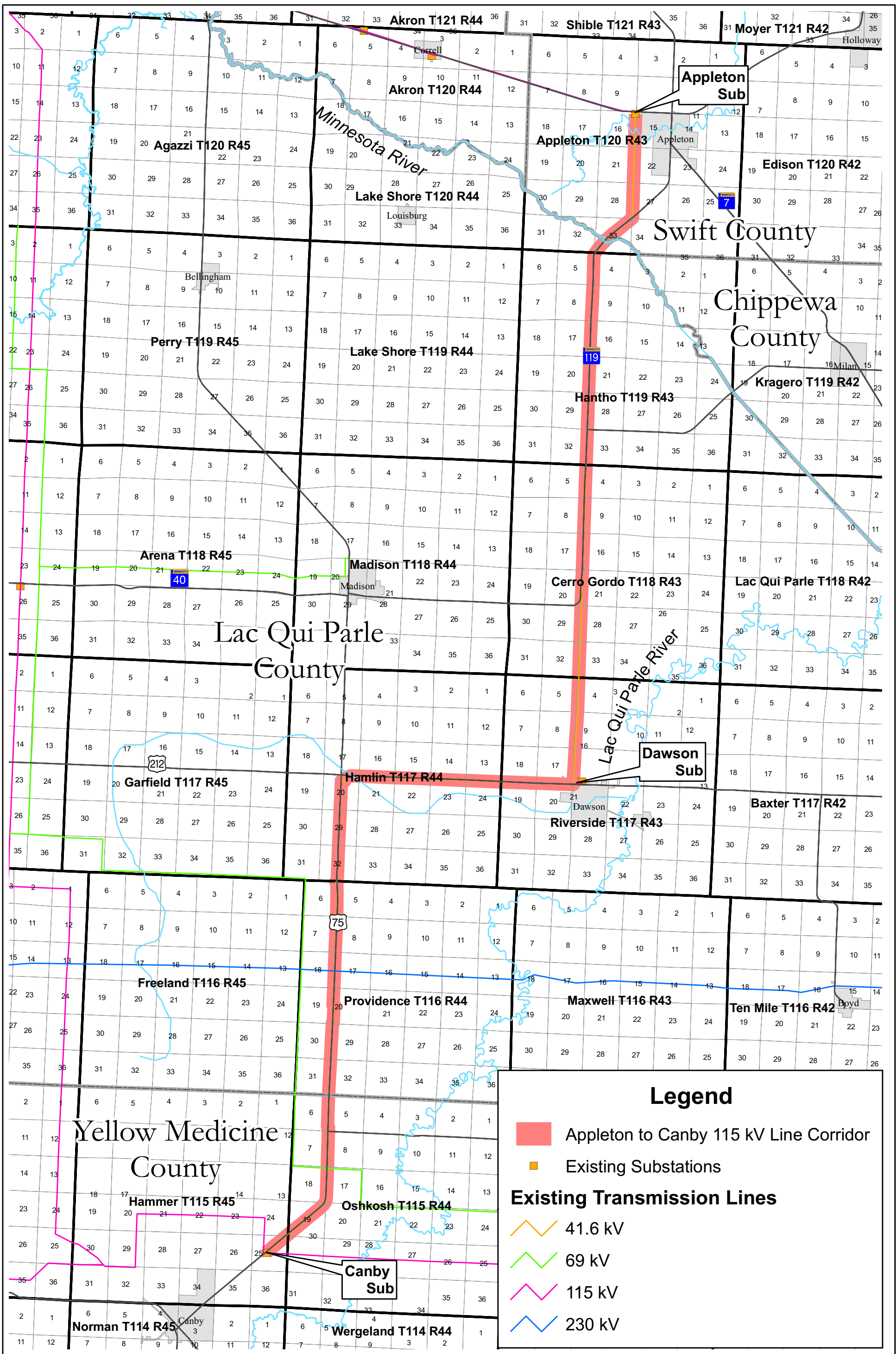
The application also is available on Otter Tail Power Company's web page, [www.otpco.com](http://www.otpco.com).

Copies of the CON application and the Route Permit application are also available at the following public libraries:

Canby Public Library  
110 Oscar Ave.  
Canby, MN 56220

Appleton Public Library  
322 West Schlieman Ave  
Appleton, MN 56208

General project information may also be obtained by emailing [akoeckeritz@otpco.com](mailto:akoeckeritz@otpco.com) or writing to Mr. Al Koeckeritz, Project Manager, at Otter Tail Power Company, 215 South Cascade Street, Fergus Falls, Minnesota 56538.

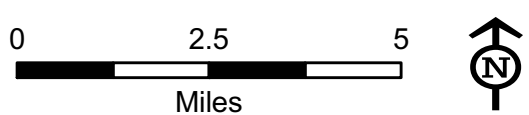


**Legend**

- Appleton to Canby 115 kV Line Corridor
- Existing Substations

**Existing Transmission Lines**

- 41.6 kV
- 69 kV
- 115 kV
- 230 kV



Appleton to Canby  
Transmission Line Project  
Certificate of Need Application

