

UNITED STATES DEPARTMENT OF ENERGY

**Office of Fossil Energy
Washington, D.C.**

FE Docket No. PP-78

Minnesota Power & Light Company

Amendment to Presidential Permit

**Authorizing Construction, Connection,
Operation and Maintenance of
Electric Transmission Facilities at the
United States Border with Canada**

Order No. PP-78-1

May 11, 1994

MINNESOTA POWER & LIGHT COMPANY

AMENDMENT TO
PRESIDENTIAL PERMIT PP-78

Order No PP-78-1

BACKGROUND

On August 8, 1991, the Minnesota Power & Light Company (MP&L) applied to the Office of Fossil Energy of the Department of Energy (DOE) to amend the Presidential permit issued by the DOE on November 29, 1984, in Docket No. PP-78. The facilities previously authorized by Presidential Permit PP-78 consist of one 115-kilovolt (kV) transmission line that crosses the U.S.-Canadian international border at International Falls, Minnesota, and extends approximately 1.5 miles south, terminating at MP&L's International Falls Substation.

In January 1992 MP&L requested that the DOE temporarily suspend consideration of its application due to legal concerns regarding possible dual ownership of the international facility and future permitting responsibilities. The DOE agreed to that request. During the delay, MP&L designed an alternative modification to the existing facilities which incorporates a double-circuited crossing of the international boundary. The revised design and subsequent agreements between MP&L and the Boise Cascade Company have also addressed the ownership concerns.

On June 16, 1993, MP&L submitted a revised application for the amendment of Presidential Permit PP-78. The original application

for amendment proposed that MP&L construct conventional phase-shifting equipment at the International Falls Substation and add a second set of conductors and cross-arms on the double-circuit towers supporting the existing 115-kV international transmission line. MP&L also proposed to add approximately 2.3 acres to the International Falls Substation to house the phase -shifting equipment.

In the modified application, MP&L also proposed to dismantle 0.1 miles of the existing single-circuit, 115-kV international transmission line which crosses the Rainy River. It will be replaced, on the same center line and over the same distance, by two, 115-kV circuits which will occupy the same support structures. To accomplish, this, one existing support structure on the Minnesota side of the river will be replaced. One of the two, 115-kV circuits crossing the Rainy River will be owned and operated by MP&L. The second circuit will be owned by the Boise Cascade Company and is the subject of a separate Presidential permit application.

Notice of the original application was placed in the Federal Register on September 23, 1991, (56 FR 47945) and notice of the revised application was published in the Federal Register on August 23, 1993 (58 FR 44508). No comments, protests or petitions to intervene were received to either notice.

The Secretary of State and the Secretary of Defense favorably recommended that the request for amendment be granted as hereinafter provided.

DECISION

The DOE also has assessed the potential environmental impacts associated with the proposed amendment and has determined that this action is among those classes of actions not normally requiring preparation of environmental assessment or an environmental impact statement and, therefore, is eligible for categorical exclusion under Appendix B to Subpart D, paragraph B4.6 of the revised DOE Regulations implementing the National Environmental Policy Act of 1969. A memorandum documenting the use of this categorical exclusion has been placed in this docket.

After a review of the information in the Docket, the DOE determined that the proposed project would not adversely impact the reliability of the U.S. electric power supply system. A staff analysis in support of this determination has been placed in this docket.

ORDER

Pursuant to the provisions of Executive Order No. 10485, as amended by Executive Order No. 12038, and the Rules and Regulations thereunder (Title 10, Code of Federal Regulations,

section 205.320 et seq.), the Presidential permit in Docket PP-78 granted to Minnesota Power & Light Company to construct, connect, operate, and maintain electric transmission facilities at the international border of the United States and Canada, as further described in Article 2 below, is hereby amended to read as follows:

Article 1. The facilities herein described shall be subject to all conditions, provisions and requirements of this permit. This permit may be modified or revoked by the President of the United States without notice, or by the DOE after public notice, and may be amended by the DOE after proper application thereto.

Article 2. The facilities covered by and subject to this permit shall include the following facilities and all supporting structures within the right-of-way occupied by such facilities:

One 115-kV, 60 hz transmission line (operated at 120-kV) extending approximately 1.5 miles from the existing International Falls Substation to the U.S.-Canadian international border at Fort Francis, Ontario, Canada. The facilities authorized herein also shall include phase-shifting transformers at the International Falls Substation.

These facilities are more specifically shown and described in the application filed by the applicant on June 16, 1993.

Article 3. The facilities described in Article 2 shall be designed and operated in accordance with the applicable criteria established by the Mid-Continent Area Power Pool and consistent with that of the North American Electric Reliability Council. Furthermore, the facilities authorized herein shall be operated in such a manner that the maximum rate of transmission in the import mode shall not exceed 150 megawatts.

Article 4. No change shall be made in the facilities covered by this permit or in the authorized operation of these facilities unless such change has been approved by the DOE.

Article 5. MP&L or its agent shall at all times maintain the facilities covered by this permit in a satisfactory condition so that all requirements of the National Electric Safety Code in effect at the time of construction are fully met.

Article 6. The operation and maintenance of the facilities covered by this permit shall be subject to the inspection and approval of a properly designated representative of the DOE, who shall be an authorized representative of the United States for such purposes. MP&L shall allow officers or employees of the United States with written authorization for free and unrestricted access into, through and across any lands occupied by these facilities in the performance of their duties.

Article 7. MP&L shall investigate any complaints from nearby residents of radio or television interference identifiably caused by the operation of the facilities covered by this permit. MP&L shall take appropriate action as necessary to mitigate such situations. Complaints from individuals residing within one-half mile of the center of the transmission circuit are the only ones which must be resolved. MP&L shall maintain written records of all complaints received and of the corrective actions taken.

Article 8. The United States shall not be responsible or liable: for damages to or loss of the property of, or injuries to, persons; for damages to, or loss of the facilities covered by this permit; or for damages to, or loss of the property of, or injuries to the person of MP&L officers, agents, servants or employees, or of others who may be on said premises; any of which may arise from or be incident to the exercise of the privileges granted herein; and MP&L shall hold the United States harmless from any and all such claims.

Article 9. MP&L shall arrange for the installation and maintenance of appropriate metering equipment to record permanently the hourly flow of all electric energy transmitted between Canada and the United States over the facilities authorized herein. MP&L shall prepare, maintain, and preserve complete and accurate records concerning the transfer of such electric energy; and shall furnish the DOE an annual report, for

the previous calendar year, which will be due on or before February 15th of each year, detailing the transmission of such electric energy, as follows: (1) the gross amount of kilowatt-hours of electric energy received ; (2) the maximum hourly rate of transmission in kilowatts; and (3) the consideration paid for such energy during each month.

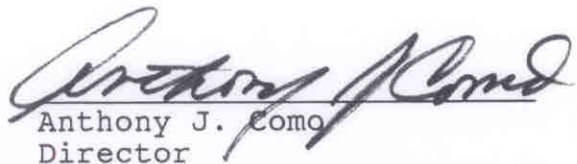
Article 10. Neither this permit nor the facilities covered by this permit, or any part thereof, shall be transferable or assignable, except in the event of the involuntary transfer of the facilities by the operation of law. In the case of such an involuntary transfer, this permit shall continue in effect for a period of 60 days and then shall terminate unless an application for a new permit pursuant to Title 10, Code of Federal Regulations, section 205.323, has been received by the DOE. Upon receipt by the DOE of such an application, this existing permit shall continue in effect pending a decision on the new application. During this decision period, the facilities authorized herein shall remain substantially the same as before the transfer.

Article 11. Upon the termination, revocation or surrender of this permit, the 115-kV ac transmission line, which is owned, connected, operated, and maintained by MP&L and described in Article 2 of this permit, shall be removed within such time as DOE may specify and at the expense of MP&L. If MP&L fails to

remove such facilities and/or any portion thereof authorized by this permit, DOE may direct that such actions be taken for the removal of the facilities or the restoration of the land associated with the facilities at the expense of MP&L. MP&L shall have no claim for damages by reason of such possession, removal or repair. However, upon a showing by MP&L that certain facilities authorized herein, such as portions of its rights-of-way or the transmission line within the United States, are useful to other utility operations within the bounds of the United States, the DOE will not require that those facilities be removed and the land restored to its original condition upon termination of the international interconnection.

Article 12. This permit shall be valid upon receipt by the DOE of the Testimony of Acceptance properly executed.

Issued in Washington, D.C. on May 11, 1994.



Anthony J. Como
Director
Office of Coal & Electricity
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