

RE: PUC EIP Staff Exceptions to ALJ Report

Mankato to Mississippi River 345 kV Transmission Project

PUC Docket Nos. E002/CN-22-532 and E002/TL-23-157

OAH Docket No. 65-2500-40099

Minnesota Public Utilities Commission Energy Infrastructure Permitting (EIP) staff has reviewed the Findings of Fact, Conclusions of Law, and Recommendations (ALJ report) issued by Administrative Law Judge Ann C. O'Reilly on October 30, 2025, for the Mankato to Mississippi River 345 kV Transmission Project (project).¹

EIP appreciates the comprehensive analysis of the record and submits the following exceptions to the ALJ report to ensure the accuracy of the record.

1. **Finding 301** of the ALJ report states:

Residences are classified as NAC-1. They are protected by MPCA's most restrictive noise limits. Moreover, different standards are specified for daytime and nighttime hours; as well as standards that may not be exceeded for more than 10 percent of the time during any hour (L10) and 50 percent of the time during any hour (L50). The applicable standards prohibit ambient noise levels in residential areas from exceeding:

- 60 A-weighted decibels for more than 50 percent of any daytime hour;
- 65 A-weighted decibels for more than 50 percent of any daytime hour;
- 50 A-weighted decibels for more than 50 percent of any nighttime hour; and,
- 55 A-weighted decibels for more than 10 percent of any nighttime hour.

To accurately reflect Minnesota Rules Chapter 7030, EIP staff recommends that the finding be amended to read:

Residences are classified as NAC-1. They are protected by MPCA's most restrictive noise limits. Moreover, different standards are specified for daytime and nighttime hours; as well as standards that may not be exceeded for more than 10 percent of the time during any hour (L10) and 50 percent of the time during any hour (L50). The

¹ On July 1, 2025, Department of Commerce Energy Environmental Review and Analysis (DOC EERA) unit staff moved to the Minnesota Public Utilities Commission Energy Infrastructure Permitting (PUC EIP) unit as directed by state law (Laws of Minn. 2024, ch.126, art. 7). While DOC EERA staff initiated environmental review of this proposal prior to July 1, 2025, the environmental review is now being completed by PUC EIP staff. For accuracy related to procedural history, references to previous filings by EERA will be identified as such, and "EIP" will be referenced throughout the remainder of this document.

applicable standards prohibit ambient noise levels in residential areas from exceeding:

- 60 A-weighted decibels for more than 50 percent of any daytime hour;
- 65 A-weighted decibels for more than ~~50~~ 10 percent of any daytime hour;
- 50 A-weighted decibels for more than 50 percent of any nighttime hour; and,
- 55 A-weighted decibels for more than 10 percent of any nighttime hour.

2. **Finding 362** of the ALJ report states:

Minn. Stat. § 216B.1691, subd. 1(e) (2024), defines an “environmental justice area” as an area that meets one or more of the following criteria: (1) 40 percent or more of the area’s total population is nonwhite; (2) 35 percent or more of households in the area have an income that is at or below 200 percent of the federal poverty level; (3) 40 percent or more of the area’s resident’s over the age of five have limited English proficiency; or (4) the area is located within Indian County, as defined in United States Code, title 18, section 1151.

EIP staff recommends that the finding be amended to read:

Minn. Stat. § 216B.1691, subd. 1(e) (2024), defines an “environmental justice area” as an area that meets one or more of the following criteria: (1) 40 percent or more of the area’s total population is nonwhite; (2) 35 percent or more of households in the area have an income that is at or below 200 percent of the federal poverty level; (3) 40 percent or more of the area’s resident’s over the age of five have limited English proficiency; or (4) the area is located within Indian ~~County~~ Country, as defined in United States Code, title 18, section 1151.

3. **Finding 457** of the ALJ report states:

Like the 345 kV route options, construction of the Route Options A, B, C, and D will result minor short-term air quality impacts from the operation of heavy-duty construction equipment and fugitive dust. The Applicant will employ familiar construction related practices to contain fugitive dust.

EIP staff recommends that the finding be amended to read:

Like the 345 kV route options, construction of the Route Options A, B, C, and D will result in minor short-term air quality impacts from the operation of heavy-duty construction equipment and fugitive dust. The Applicant will employ familiar construction related practices to contain fugitive dust.

4. **Finding 511** of the ALJ report states:

The table below summaries the number of acres of forested landcover in the four 161 kV route options for Segment 4.

EIP staff recommends that the finding be amended to read:

The table below ~~summaries~~ summarizes the number of acres of forested landcover in the four 161 kV route options for Segment 4.

Xcel Energy filed exceptions to the ALJ report on November 14, 2025. Xcel identified thirteen (13) exceptions that provided clarity to the Summary of Recommendation, Findings 106, 108, 223, 245, 280, 282, 290, 378, and 561, Footnotes 310 and 570, and the Recommendations sections of the ALJ report. EIP staff agrees with Xcel's identified exceptions.

EIP staff appreciates the opportunity to provide these exceptions.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Davis", written in a cursive style.

Richard Davis
Environmental Review Manager