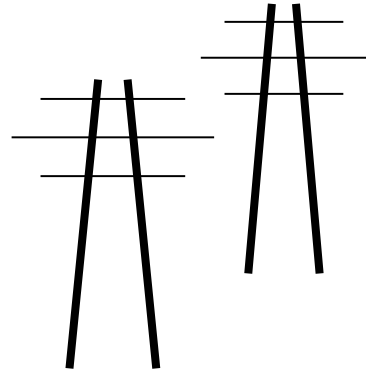


# Legalelectric, Inc.

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April 24, 2026

Sasha Bergman  
Executive Secretary  
Public Utilities Commission  
121 – 7<sup>th</sup> Place East  
St. Paul, MN 55101

via eFiling only

RE: Initial Comment of NRG and NO765MN – Ch. 7850 Rulemaking  
Example of Need for Rulemaking – Use of Repealed Rules & “Guidance”  
PUC Docket R-26-172  
TL-22-132 Minnesota Energy Connection Permit Amendment

Dear Ms. Bergman:

This comment is submitted on behalf of North Route Group and NO765MN.

Earlier today I received the Amended Permit for the “Minnesota Energy Connection,” PUC Docket TL-22-142.<sup>1</sup> Looking at this amendment, it’s a clear example of why Minn. R. ch. 7850 rulemaking is necessary.

Attached please find selected pages from the Amended Permit filed and served today, specifically the EIP Recommendation and the Amended Route Permit citing rules of 7850 which have been **REPEALED**. The conundrum of the missing rules is apparent in the language in the Staff Recommendation and Amended Permit:

- EIP Staff Comments and Recommendation, pps. 2-3 and 5.
- Amended Route Permit, Cover and pps. 1, 3, 5, 16, 18, 21-22.

I’m recalling the Rulemaking Petition PUC Docket R-25-81 focused on the premise of guidance being used as if it were a rule. In this case, in today’s filing, there are references to “guidance,” lack of guidance in statute, and multiple citations of specific routing Rules of ch. 7850 that were repealed in the 2024 legislative session. See EIP Staff Recommendation, pps. 2-3.

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<sup>1</sup> This amendment and comment are not related to the Cabrera lawsuit in District Court, Court File 62 CV-25-9688.

The legislation, Chapter 126, SF4942, was signed on May 22, 2024, and Chapter 127, HF5247, signed on May 23, 2024, and directs the Commission to promulgate rules.

**216I.26 RULES.**

Subdivision 1. **Commission rules.** The commission, in order to give effect to the purposes of this chapter, may adopt rules consistent with this chapter, including promulgation of site and route designation criteria, the description of the information to be furnished by the utilities, establishment of minimum guidelines for public participation in the development, revision, and enforcement of any rule, plan, or program established by the commission, procedures for the revocation or suspension of a site or route permit, and the procedure and timeliness for proposing alternative routes and sites. A rule adopted by the commission must not grant priority to state-owned wildlife management areas over agricultural lands in the designation of route avoidance areas. Chapter 14 applies to the appeal of rules adopted by the commission to the same extent as it applies to review of rules adopted by any other agency of state government.

However, the statutory language uses “may” and not “shall,” giving the Commission an out. It’s the end of April, almost May, 2026, the Commission has long known that MISO Tranche 2.1 was coming soon, and now, here we are. The Commission has not initiated rulemaking.

After the wasteful fiasco of the prior rulemaking for chapter 7850, and also 7849, PUC Docket R-12-1246, over nine years in the making and unceremoniously withdrawn by the Commission, and now given the Commission’s failure to act over these two years since the bulk of Chapter 7850 was repealed, it could be inferred that the Commission has no intention of adopting rules.

The “Notice of Comment Period” asks the question:

- Should the Commission grant or deny the petition for rulemaking?

Why is this a question?

There’s no plausible excuse for the Commission’s abdication of its regulatory responsibility. Failure to promulgate rules with a long list of transmission dockets pending is an issue of the Commission’s making, and ignoring the lack of rules will not make this problem go away. Without rules, it is not possible to reasonably and responsibly route these massive transmission projects.

This situation demands a stay of all dockets requiring routing and siting permits until the chapter 7850 rulemaking is complete. A stay should provide ample motivation to get to work.

Very truly yours,



Carol A. Overland  
Attorney for NRG and NO765MN

As explained by Xcel Energy, the changes are intended to:

- 1) Avoid wetland drainages
- 2) Avoid shallow agricultural drainage tile outlets
- 3) Reduce tree clearing
- 4) Accommodate a landowner's planned agricultural erosion-control berms

On December 4, 2025, the Commission issued a notice soliciting comments on the on the route permit amendment application.<sup>3</sup> The Commission identified the following topics for comment:

- 1) Should the Commission amend the route permit as requested by Xcel Energy?
- 2) If the route permit amendment is authorized, what additional conditions, if any, should the Commission impose?
- 3) Are there other issues or concerns related to this matter?

## Regulatory Process and Procedures

Under Minn. Stat. § 216I.09, the owner of a large energy infrastructure facility may request to modify any provision or condition of a site or route permit issued by the Commission. Applicants requesting an amendment must describe the alteration to be made or the amendment sought and must describe any changes to the environmental impacts evaluated by the Commission as part of the initial permit approval. After a public comment period, the Commission must decide whether to authorize a requested permit amendment or determine that some other action is required. The Commission may impose reasonable conditions on any amendment it authorizes.

The text of Minn. Stat. § 216I.09 does not provide guidance for the Commission as to when a permit amendment should be authorized. The route permit for the Minnesota Energy Connection project (project) includes guidance for changes to the anticipated alignment of the project within the designated route. Section 4 of the permit reads, in part:

Any right-of-way or alignment modifications within the Designated Route shall be located so as to have comparable overall impacts relative to the factors in Minn. R. 7850.4100, as does the right-of-way and alignment identified in this route permit, and shall be specifically identified and documented in and approved as part of the plan and profile submitted pursuant to Section 9.2 of this route permit.<sup>4</sup>

This guidance – comparable overall impacts relative to the factors in Minn. R. 7850.4100 – is applicable to changes in the anticipated alignment within the designated route. EIP staff believes that it would be

<sup>3</sup> Minnesota Public Utilities Commission, *Notice of Comment Period on Route Permit Amendment Application*, December, 4, 2025, eDockets No. [202512-225525-01](#)

<sup>4</sup> Route Permit, Minnesota Energy Connection Project, pg. 5, Section 4 – Right-Of-Way, June 11, 2025, eDockets No. [20256-219826-01](#)

appropriate to use this guidance (or something similar) to evaluate entirely new routes and alignments. Accordingly, EIP staff uses this guidance in evaluating Xcel Energy's proposed permit amendment.

## EIP Staff Analysis and Comments

EIP staff have reviewed the permit amendment request and provides the following analysis and comments in response to the Commission's notice. Staff notes that Xcel Energy's proposed amended route was not analyzed as an alternative route option in the Environmental Impact Statement (EIS) prepared for this project.<sup>5</sup> Thus, analysis and comments here are based on Xcel Energy's permit amendment request.

### Human Settlement Impacts

EIP staff believes that Xcel Energy's proposed amended route will increase impacts to human settlements in the project area, particularly with respect to aesthetic and property values.

Xcel Energy notes that the amended route will not result in additional residences within 500 feet of the proposed amended alignment.<sup>6</sup> However, for purposes of analyzing certain impacts of the project, 500 feet is not a relevant distance. The EIS for the project describes the regions of influence (ROI) for specific project impacts.<sup>7</sup> The ROI for aesthetic impacts and for property value impacts is noted in the EIS as the "local vicinity," which is defined as "within 1,600 feet of the anticipated alignment."<sup>8</sup>

The proposed amended route will bring three, new residences within this 1,600 feet ROI (Table 1, Map 1). Thus, there will be new aesthetic and property value impacts for these residences. Impacts that would not occur along the permitted route.

**Table 1. Additional Residences with 1,600 Foot ROI<sup>9</sup>**

Residence	Distance from Alignment of Permitted Route (feet)	Distance from Alignment of Amended Route (feet)
A	1,900	700
B	3,400	800
C	3,500	900

<sup>5</sup> Minnesota Department of Commerce, Energy Environmental Review and Analysis, *EIS Main Text*, January 22, 2025, eDockets No. [20251-214220-01](#) (Hereinafter EIS)

<sup>6</sup> RPAR, pg. 5, Section 3.1 Human Settlement -Proximity to Residences

<sup>7</sup> EIS, pg. 74, Section 5.1.2 Regions of Influence

<sup>8</sup> EIS, pg. 75, Table 5-1 – Regions of Influence

<sup>9</sup> Distances in the table were determined using MN Energy Connection WebView GIS mapping tool which can be found on the Commission's Website, accessed December 16, 2025, <https://puc.eip.mn.gov/web/project/15000>.

In comparison to the permitted route, the proposed amended route will result in a reduction of 3.2 acres of upland forest clearing.<sup>16</sup> It is unclear to EIP staff what percentage reduction this acreage represents.

### EIP Staff Recommendations

Based on the above analysis, EIP staff believes that the proposed amended route would increase aesthetic and property value impacts of the project and would decrease environmental impacts of the project specifically related to tree clearing. If the Commission believes that the proposed amended route has comparable overall impacts relative to the factors in Minn. R. 7850.4100, then staff believes the Commission should authorize the permit amendment. If not, staff believes the Commission should deny the permit amendment.

Staff notes that of the four rationales provided for the permit amendment, three of them – avoiding wetland drainages, avoiding drain tile outlets, and accommodating erosion control berm – appear to be addressable by prudent structure placement along the permitted route. Staff believes that the fourth rationale, tree clearing, is marginally addressed by structure placement and depends to a much greater extent on the route selected for the project in this area.

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<sup>16</sup> RPAR, pgs. 8-9 Section 3.10.4 Vegetation

STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

AMENDED ROUTE PERMIT FOR THE  
MINNESOTA ENERGY CONNECTION PROJECT

A HIGH-VOLTAGE TRANSMISSION LINE AND ASSOCIATED FACILITIES

IN

SHERBURNE, STEARNS, KANDIYOHI, MEEKER, RENVILLE, REDWOOD, AND LYON COUNTIES

ISSUED TO

NORTHERN STATES POWER COMPANY D/B/A XCEL ENERGY

PUC DOCKET NO. E-002/TL-22-132

In accordance with the requirements of Minnesota Statutes Chapter 216E and Minnesota Rules Chapter 7850 this route permit is hereby issued to:

**Northern States Power Company d/b/a Xcel Energy**

Northern States Power Company d/b/a Xcel Energy (Permittee) is authorized by this route permit to construct and operate approximately 176 miles of 345-kilovolt double-circuit high-voltage transmission line and associated facilities.

The high-voltage transmission line and associated facilities shall be built within the route identified in this route permit and as portrayed on the route maps and in compliance with the conditions specified in this route permit.

Approved and adopted this 24th day of April, 2026

BY ORDER OF THE COMMISSION



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Sasha Bergman,  
Executive Secretary

## 1 ROUTE PERMIT

The Minnesota Public Utilities Commission (Commission) hereby issues this route permit to Northern States Power Company d/b/a Xcel Energy (Permittee) pursuant to Minnesota Statutes Chapter 216E and Minnesota Rules Chapter 7850. This route permit authorizes the Permittee to construct and operate a 345-kilovolt double-circuit high-voltage transmission line and associated facilities as identified in the attached route maps, hereby incorporated into this document (Minnesota Energy Connection Project, henceforth known as Transmission Facility).

### 1.1 Pre-emption

Pursuant to Minn. Stat. § 216E.10, this route permit shall be the sole route approval required for construction of the transmission facilities and this route permit shall supersede and preempt all zoning, building, or land use rules, regulations, or ordinances promulgated by regional, county, local and special purpose governments.

## 2 TRANSMISSION FACILITY DESCRIPTION

The transmission facility includes the construction and operation of approximately 176 miles of new 345-kilovolt double-circuit high-voltage transmission line and associated facilities, including modifications to existing substations and construction of a terminal substation (Garvin Substation), an intermediate substation, and a voltage support substation, as identified in the attached route maps.

### 2.1 Structures

The structure types as described in the Permittee’s route permit application are detailed in the table below.

Line Type	Structure		Foundation Diameter (feet)	Structure Height (feet)	Average Span Between Structures (feet)
	Type	Material			
345-kilovolt Double-Circuit, Tangent, Small and Medium Angles	Monopole with Davit Arms	Weathering Steel	7-10	90-160	1,000

### 3 DESIGNATED ROUTE

The route and route widths designated by the Commission are summarized below and shown on the detailed route maps attached to this route permit (Designated Route). The Designated Route can be summarized as follows:

The northernmost endpoint of the route begins at the existing Sherco Solar West Substation near the city of Becker, Minnesota, and proceeds southwest for approximately 176 miles through Sherburne, Stearns, Kandiyohi, Meeker, Renville, Redwood, and Lyon counties ending at the southernmost endpoint, a new Garvin Substation near the town of Garvin, Minnesota.

The Designated Route generally has an authorized route width of 1,000 feet with areas of reduced or expanded route width as identified in the table below.

Area	Route Width	Approximate Length of Route (mile)	Route Map Number(s) in Attachment 3
Sherco to Sherco Solar West Substations	150 feet	3.14	Map 1
Voltage Support Substation	1.25 mile	15.70	Maps 25 to 31
Intermediate Substation 1	1.25 mile	5.30	Maps 59 to 61
Intermediate Substation 2	1.01 mile	2.86	Maps 56 to 58
Garvin Substation	0.48 mile	---	Map 68
Conservation Easement	0.80 mile	1.92	Map 45
Special Expanded Route Width A	2,000 feet	1.05	Map 7
Special Expanded Route Width B	3,200 feet	1.00	Map 50
Special Expanded Route Width C	Variable 3,000-4,000 feet	2.46	Maps 44 and 45

The Designated Route includes an anticipated alignment and a right-of-way. The right-of-way is the physical land needed for the safe operation of the transmission line. The Permittee shall locate the alignment and associated right-of-way within the Designated Route unless otherwise authorized by this route permit or the Commission. The Designated Route provides the Permittee with flexibility for minor adjustments of the alignment and right-of-way to accommodate landowner requests and unforeseen conditions.

Any modifications to the Designated Route or modifications that would result in right-of-way placement outside the Designated Route shall be specifically reviewed by the Commission in accordance with Minn. R. 7850.4900 and Section 10 of this route permit.

## 4 RIGHT-OF-WAY

This route permit authorizes the Permittee to obtain a new permanent right-of-way for the transmission line up to 150 feet in width. In certain locations, a wider right-of-way may be required due to site-specific conditions, specialty structures, or both. The permanent right-of-way is typically 75 feet on both sides of the transmission line measured from its centerline or alignment.

The anticipated alignment is intended to minimize potential impacts relative to the criteria identified in Minn. R. 7850.4100. The final alignment must generally conform to the anticipated alignment identified on the route maps unless changes are requested by individual landowners and agreed to by the Permittee or for unforeseen conditions that are encountered or as otherwise provided for by this route permit.

Any right-of-way or alignment modifications within the Designated Route shall be located so as to have comparable overall impacts relative to the factors in Minn. R. 7850.4100, as does the right-of-way and alignment identified in this route permit, and shall be specifically identified and documented in and approved as part of the plan and profile submitted pursuant to Section 9.2 of this route permit.

Where the transmission line parallels existing highway and other road rights-of-way, the transmission line right-of-way shall occupy and utilize the existing right-of-way to the maximum extent possible; consistent with the criteria in Minn. R. 7850.4100, and the other requirements of this route permit; and for highways under the jurisdiction of the Minnesota Department of Transportation, the procedures for accommodating utilities in trunk highway rights-of-way.

### 4.1 Special Alignment A

The east-west alignment of the transmission line in Redwood County shall be placed on the south side of Highway 68 starting at the intersection of County Highway 7 and State Highway 68 and extending west for approximately 1.5 miles (Attachment 3, Map 56).

### 4.2 Special Alignment B

The east-west alignment of the transmission line in Stearns County shall be placed on the south side of 135th Street between 108th Avenue and 113th Avenue (Attachment 3, Map 13).

have comparable overall impacts relative to the factors in Minn. R. 7850.4100, as does the right-of-way and alignment identified in this route permit.

#### **6.4 City of Saint Augusta**

The Permittee shall coordinate with the city of Saint Augusta to further understand the Project's potential impacts to the city's ongoing residential developments. Proof of this coordination shall be filed 14 days prior to the plan and profile submittal for this location.

#### **6.5 Substation Construction**

Notwithstanding any other requirements in this Route Permit, the Permittee may commence construction of the substations identified in Section 2.1 of this Route Permit, provided that Permittee complies, as applicable, with Sections 9.1 and 9.2 of this Route Permit with respect to the specific scope of the construction activities sought to be conducted by Permittee.

#### **6.6 Public Safety Emergency Response Plan**

The Permittee shall file a public version of its public safety emergency response plan 14 days prior to its last plan and profile submittal.

#### **6.7 Groundwater**

The Permittee shall conduct geotechnical evaluations prior to Project construction to identify locations where potential groundwater impacts could occur. If shallow depths to groundwater resources are identified during geotechnical design of the Project, the Permittee shall employ appropriate structures with wider, shallower foundations. These locations must be shown on the plan and profile submitted for the Project, and appropriate mitigation measures must be identified as part of the filing.

#### **6.8 Protected Species**

The Permittee shall coordinate with the DNR to avoid adverse impacts to protected species and implement appropriate, species-specific BMPs if project activities take place during any of the species' active seasons. Proof of this coordination shall be filed with the respective plan and profile submittal(s) for the Project.

2. the gross number of hours worked by or full-time equivalent workers who are residents of other states, but maintain a permanent residence within 150 miles of the Project; and
3. the total gross hours worked or total full-time equivalent workers.

The Permittee shall work with its contractor to determine the suitable reporting metric. The report may not include personally identifiable data.

#### 6.14 Prevailing Wage

The Permittee, its contractors, and subcontractors shall pay no less than the prevailing wage rate as defined in Minn. Stat. § 177.42 and shall be subject to the requirements and enforcement provisions under Minn. Stat. §§ 177.27, 177.30, 177.32, 177.41 to 177.435, and 177.45. The Permittee shall keep records of contractor and subcontractor pay and provide them at the request of Commerce or Commission staff.

### 7 DELAY IN CONSTRUCTION

If the Permittee has not commenced construction or improvement of the route within four years after the date of issuance of this route permit the Permittee shall file a Failure to Construct Report and the Commission shall consider suspension of this route permit in accordance with Minn. R. 7850.4700.

### 8 COMPLAINT PROCEDURES

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission the complaint procedures that will be used to receive and respond to complaints.

The complaint procedures shall be in accordance with the requirements of Minn. R. 7829.1500 or Minn. R. 7829.1700, and as set forth in the complaint procedures attached to this route permit.

Upon request, the Permittee shall assist Commerce or Commission staff with the disposition of unresolved or longstanding complaints. This assistance shall include, but is not limited to, the submittal of complaint correspondence and complaint resolution efforts.

## **12 REVOCATION OR SUSPENSION OF ROUTE PERMIT**

The Commission may initiate action to revoke or suspend this route permit at any time. The Commission shall act in accordance with the requirements of Minn. R. 7850.5100, to revoke or suspend this route permit.

upon reasonable notice, upon presentation of credentials and at all times in compliance with the Permittee's site safety standards:

- (a) To enter upon the facilities easement of the property for the purpose of obtaining information, examining records, and conducting surveys or investigations.
- (b) To bring such equipment upon the facilities easement of the property as is necessary to conduct such surveys and investigations.
- (c) To sample and monitor upon the facilities easement of the property.  
To examine and copy any documents pertaining to compliance with the conditions of this route permit.

## **10 ROUTE PERMIT AMENDMENT**

This route permit may be amended at any time by the Commission. Any person may request an amendment of the conditions of this route permit by submitting a request to the Commission in writing describing the amendment sought and the reasons for the amendment. The Commission will mail notice of receipt of the request to the Permittee. The Commission may amend the conditions after affording the Permittee and interested persons such process as is required under Minn. R. 7850.4900.

## **11 TRANSFER OF ROUTE PERMIT**

The Permittee may request at any time that the Commission transfer this route permit to another person or entity (transferee). In its request, the Permittee must provide the Commission with:

- (a) the name and description of the transferee;
- (b) the reasons for the transfer;
- (c) a description of the facilities affected; and
- (d) the proposed effective date of the transfer.

The transferee must provide the Commission with a certification that it has read, understands and is able to comply with the plans and procedures filed for the Transmission Facility and all conditions of this route permit. The Commission may authorize transfer of the route permit after affording the Permittee, the transferee, and interested persons such process as is required under Minn. R. 7850.5000.