

Staff Briefing Papers

Meeting Date: July 31, 2025

Agenda Item: *1

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

Docket: E-002/CN-22-131; E-002/TL-22-132

In the Matter of the Applications of Xcel Energy for a Certificate of Need and Route Permit for the Minnesota Energy Connection Project in Sherburne, Stearns, Kandiyohi, Wright, Meeker, Chippewa, Yellow Medicine, Renville, Redwood, and Lyon counties in Minnesota.

Issue: Should the Commission grant the requests to reconsider its June 11, 2025, Order Modifying and Adopting Administrative Law Judge Report, Granting Certificate of Need, and Issuing Route Permit for the Minnesota Energy Connection Project?

Note: The Commission has the authority to accept or decline a petition for reconsideration **with or without** a hearing or oral argument (Minnesota Rules 7829.3000, subp. 6).

Staff: Scott Ek scott.ek@state.mn.us 651-201-2255

✓ **Relevant Documents**

Date

Final Environmental Impact Statement (13 parts)

01/22/2025

Administrative Law Judge Proposed Findings of Fact, Conclusions of Law, and Recommendations

02/05/2025

The attached materials are work papers of the Commission Staff. They are intended for use by the Public Utilities Commission and are based upon information already in the record unless noted otherwise.

To request this document in another format such as large print or audio, call 651-296-0406 (voice). Persons with a hearing or speech impairment may call using their preferred Telecommunications Relay Service or email consumer.puc@state.mn.us for assistance.

Order Modifying and Adopting Administrative Law Judge Report, Granting Certificate of Need, and Issuing Route Permit for the Minnesota Energy Connection Project	06/11/2025
Request for Reconsideration by Lisa Hoffman (2 parts)	06/12/2025 06/23/2025
Xcel Energy Answer in Opposition to Hoffman Petition for Reconsideration	06/23/2025
Request for Reconsideration by Ann Brazil Johnson	06/23/2025
Request for Reconsideration by Miguel and Shannon Cabrera (2 parts)	06/30/2025
Request for Reconsideration by Barb and Paul Pladson	07/01/2025
Request for Reconsideration by Diane Jensen	07/01/2025
Request for Reconsideration by Gwen Schlemmer	07/02/2025 ¹
Xcel Energy Answer in Opposition to Johnson Petition for Reconsideration	07/03/2025
Request for Reconsideration by Linda Nesburg	07/08/2025 ²
Xcel Energy Answer in Opposition to Cabrera Petition for Reconsideration	07/10/2025
Xcel Energy Answer in Opposition to Jensen and Pladson Petition for Reconsideration	07/11/2025

ISSUE

Should the Commission grant the requests to reconsider its June 11, 2025, Order Modifying and Adopting Administrative Law Judge Report, Granting Certificate of Need, and Issuing Route Permit for the Minnesota Energy Connection Project?

¹ Received on July 1, 2025, but filed to eDockets on July 2, 2025.

² Received on July 1, 2025, but filed to eDockets on July 8, 2025.

I. PROJECT BACKGROUND

On June 11, 2025, the Commission issued its Order Modifying and Adopting Administrative Law Judge Report, Granting Certificate of Need, and Issuing Route Permit for the Minnesota Energy Connection Project (June 11 Order). The route permit authorized Xcel Energy to construct and operate approximately 176 miles of new 345-kilovolt double-circuit high-voltage transmission line and associated facilities in Sherburne, Stearns, Kandiyohi, Meeker, Renville, Redwood, and Lyon counties (MNEC Project or Project).

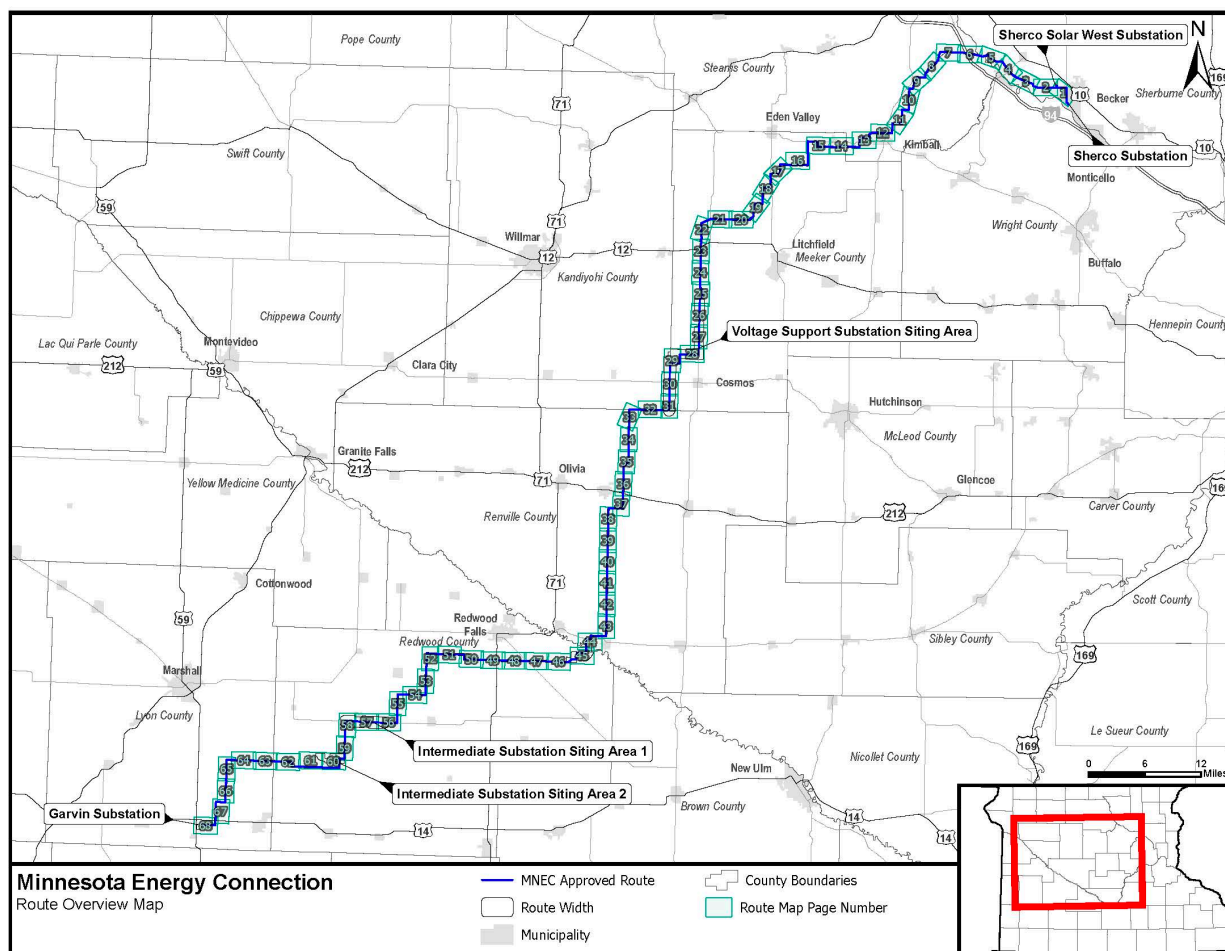
The route permit authorized a general route width of 1,000 feet with areas of reduced or expanded route width as identified in the table below. The permanent right-of-way for the transmission line was designated as 150 feet in width with wider rights-of-way in areas with site-specific conditions, specialty structures, or both.

Area	Route Width	Approximate Length of Route (mile)	Route Map Number(s) in Attachment 3 of Route Permit
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

Associated facilities authorized by the route permit included:

- expansion of the existing Sherco Solar West Substation and modifications to both the Sherco Solar West Substation and the existing Sherco Substation;
- construction of an approximately 30-acre voltage support substation;
- construction of an approximately 20-acre intermediate substation; and
- construction of an approximately 40-acre terminal substation (Garvin Substation).

Overview Map of Approved Route



Source: Overview Map from Official Route Permit identifying corresponding individual high detail route map pages.

II. RULES AND STATUTES

Under Minn. Stat. § 216B.27 and Minn. R. 7829.3000:

- A party or a person aggrieved and directly affected by a Commission decision or order may file a petition for reconsideration within 20 days of the date the decision or order is issued. Other parties to the proceeding may file answers to the petition within 10 days of filing the petition. Replies to answers are not permitted unless specifically authorized by the Commission.
- A petition for rehearing, amendment, vacation, reconsideration, or reargument must set forth specifically the grounds relied upon, or errors claimed on which the Commission's decision is unlawful or unreasonable.

- The Commission has the authority to decide a petition for reconsideration with or without a hearing or oral argument. The Commission may reverse, change, modify, or suspend its original decision if it finds its decision unlawful or unreasonable.
- Any application for rehearing or reconsideration not granted within 60 days from the date of filing shall be deemed denied.
- A second petition for rehearing of a Commission decision or order by the same party or parties and upon the same grounds as a former petition that has been considered and denied will not be entertained.

Minn. Stat. § 216B.25 provides that:

The Commission may at any time, on its own motion or upon motion of an interested party, and upon notice to the public utility and after opportunity to be heard, rescind, alter, or amend any order fixing rates, tolls, charges, or schedules, or any other order made by the commission, and may reopen any case following the issuance of an order therein, for the taking of further evidence or for any other reason. Any order rescinding, altering, amending, or reopening a prior order shall have the same effect as an original order.

Minn. Stat. § 216B.56 provides that:

In all proceedings before the Commission in which the modification or vacation of any order of the commission is sought, the burden of proof shall be on the person seeking such modification or vacation.

III. PROCEDURAL HISTORY

On June 11, 2025, the Commission issued its Order Modifying and Adopting Administrative Law Judge Report, Granting Certificate of Need, and Issuing Route Permit for the MNEC Project (June 11 Order).

By July 1, 2025, the Commission received seven separate requests that it reconsider its June 11 Order. Requests were filed by Lisa Hoffman (June 12 and 23, 2025), Ann Brazil Johnson (June 23, 2025), Miguel and Shannon Cabrera (June 30, 2025), Diane Jensen (July 1, 2025), Barb and Paul Pladson (July 1, 2025), Norma Schlemmer (July 1, 2025), and Linda Nesburg (July 1, 2025).

On June 23, 2025, Xcel Energy filed its Answer in Opposition to Lisa Hoffman's Request for Reconsideration.

On July 3, 2025, Xcel Energy filed its Answer in Opposition to Ann Brazil Johnson's Request for Reconsideration.

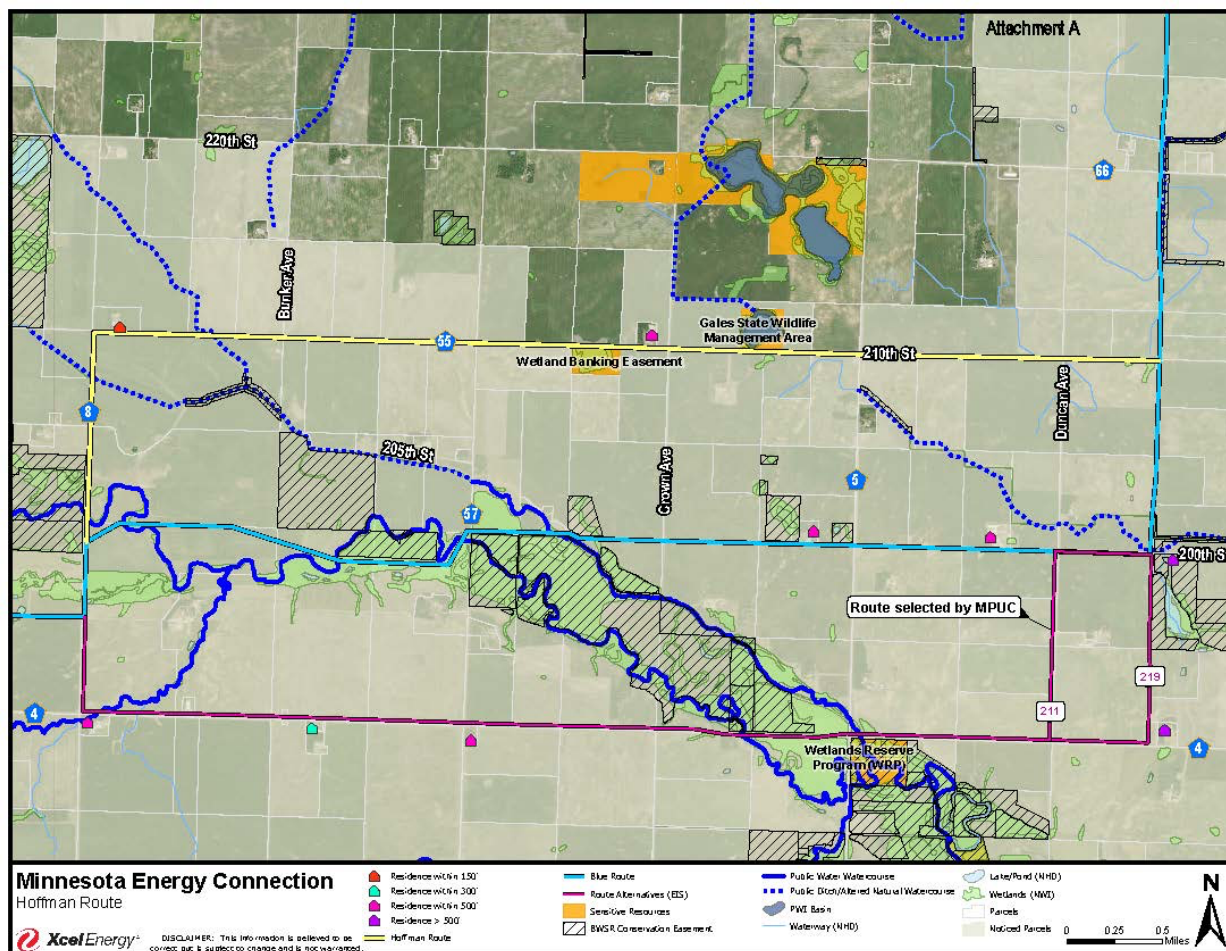
On July 10, 2025, Xcel Energy filed its Answer in Opposition to Miguel and Shannon Cabrerass' Request for Reconsideration.

On July 11, 2025, Xcel Energy filed its Answer in Opposition to Diane Jensen's and Barb and Paul Pladsons' requests for reconsideration.

IV. REQUESTS FOR RECONSIDERATION

A. Lisa Hoffman Reconsideration Request

Requested Action: Lisa Hoffman has requested that the Commission reconsider its decision to permit a transmission line route along Alternative Route 211 and instead permit that portion of the route along 210th Street/County Road 55.



Source: Xcel Energy Answer to Hoffman Reconsideration. Map is for visual purposes only.

In her letter, Ms. Hoffman, argued that her alternative route along 210th Street/County Road 55, submitted during the public hearing process, was not considered. Ms. Hoffman argued that the route permitted using Alternative Route 211 is very close to four homes that include a total of nine small children, and she has concerns over potential impacts such as electric and magnetic fields (EMF) of high-voltage transmission lines on humans, animals, and plants. In favor of a route along 210th Street/County Road 55, Ms. Hoffman argued that the route would be shorter, there would be two homes with no children impacted, it would travel past less wetland and wildlife areas, and it would cross the Cottonwood River once instead of twice.³

1. Xcel Energy Answer to Hoffman Reconsideration Request

Xcel Energy opposed Ms. Hoffman's petition for reconsideration, asserting that it failed to present any new issues or evidence and should therefore be denied. Xcel Energy specifically argued the following:

- Ms. Hoffman's proposed route was neither raised during the scoping process nor analyzed in the Environmental Impact Statement (EIS).
- Ms. Hoffman's proposed route would affect four parcels of land whose owners were not notified about the Project.
- The approved route includes fewer homes in close proximity to the transmission line compared to the route proposed by Ms. Hoffman.
- The Commission selected Alternative Route 211 after evaluating the transmission line's potential human and environmental impacts, including EMF. Both the EIS and the administrative law judge concluded that EMF is not expected to cause human health effects.
- Alternative Route 211 was supported by the Minnesota Department of Natural Resources (MDNR) and the Department of Commerce's Energy Environmental Review and Analysis (EERA) unit to minimize environmental impacts in the area.

³ Hoffman Reconsideration Letter (June 12, 2025), Document ID [20256-219853-01](#).

2. Staff Discussion

Ms. Hoffman submitted her proposed suggestion of routing the transmission line along County Road 55/210th Street during the public hearings, after the EIS scope had been finalized and the draft EIS prepared.⁴ Because the suggestion was made outside the designated timeframe for considering route alternatives, neither the EIS nor the administrative law judge evaluated it.

The EIS did evaluate the potential impacts of EMF from high-voltage transmission lines on human health and safety. It concluded that no adverse health effects from EMF exposure were anticipated. The article submitted by Ms. Hoffman does not present any new evidence beyond what was already considered in the EIS.

The Commission considered alternatives in the area including the Blue Route and alternative routes 211 and 219. Alternative Route 211 was supported by MDNR and EERA because it would impact less residences, and would reduce impacts to the Cottonwood River, Wabasha Creek, conservation land, and rare resources when compared to the other evaluated alternatives.

Commission Options

1. Deny Ms. Hoffman's request for reconsideration; or
2. Grant Ms. Hoffman's request for reconsideration which likely would include reopening the record to require that the Final EIS be amended to include an evaluation of a route along 210th Street/County Road 55. This would also include providing appropriate notice to landowners potentially affected by a transmission line route along 210th Street/County Road 55. Upon completion of the amended Final EIS, the Commission would again need to consider adequacy and whether the record of evidence supports a route along 210th Street/County Road 55 over other routes evaluated in the record, including notice and comment opportunities.

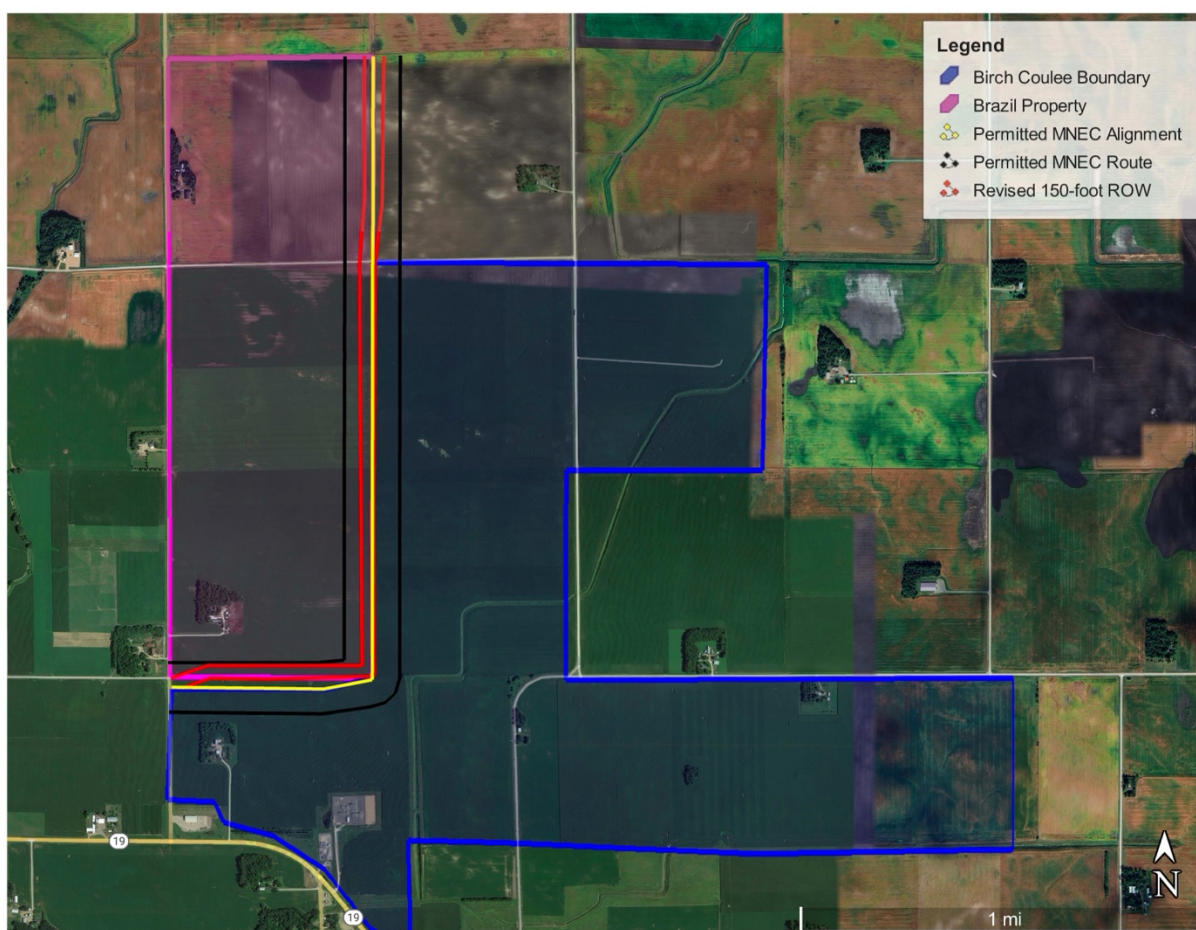
B. Ann Brazil Johnson Reconsideration Request

Requested Action: Ann Brazil Johnson has requested that the Commission reconsider or clarify its decision concerning the permitted route in sections 25 and 36 of Birch Coulee Township and sections 1 and 2 of Sherman Township. Specifically, the alignment identified in the Official Route Permit Maps through those sections and whether the alignment must follow the property lines as depicted.

⁴ Hoffman Public Hearing Letter (November 25, 2025), Document ID [202411-212380-03](#).

Ms. Johnson's primary concern is the final alignment of the transmission line within the permitted route through sections 25 and 36 of Birch Coulee Township and sections 1 and 2 of Sherman Township. Ms. Johnson argued that the Official Route Permit Maps identify an alignment that would follow her property lines in that area, property lines that she shares with the proposed Birch Coulee Solar Project.⁵ Ms. Johnson claimed that Xcel Energy, when performing initial survey and geotechnical work, indicated that rather than the transmission line alignment following along property lines, it has instead chosen to shift the alignment approximately 75 feet west and onto Ms. Johnson's property, thereby burdening Ms. Johnson with the entire 150-foot transmission right-of-way. Ms. Johnson argued that preference is being given to the Birch Coulee Solar Project, a project that will also encroach upon her property in addition to the transmission line.

Overview Map Concerning Johnson Reconsideration



Source: Map was created by staff to provide a visual representation only.

⁵ In the Matter of the Application of Birch Coulee Solar LLC for a Site Permit for the up to 125 MW Birch Coulee Solar Project in Renville County, Minnesota, PUC Docket IP-7119/GS-23-477.

1. Xcel Energy Answer to Johnson Reconsideration Request

Xcel Energy opposed Ms. Johnson's request for reconsideration. Xcel Energy stated that it does not believe the request presented any new issues, introduced new evidence, or demonstrated that the Commission's Order is unlawful or unreasonable, and therefore requested that the Commission deny the request.

Xcel Energy argued that the Commission approved the route, which includes a 1,000-foot-wide corridor encompassing Ms. Johnson's property as well as the adjacent land to the east where the Birch Coulee Solar Project is proposed. Xcel Energy maintained that the concerns raised by Ms. Johnson fall within the already authorized route width, and Ms. Johnson does not propose any changes to that width. Xcel Energy stated that it expects the final alignment to remain within the permitted corridor and to comply with the conditions set forth in the route permit concerning adjustments to the alignment.

Xcel Energy argued that, while there are rare cases where the Commission has mandated specific alignments, that approach is the exception rather than the norm. According to Xcel Energy, the Commission, in accordance with Minnesota law, generally approves a route width, within which the final alignment must be located. The Route Permit also outlines criteria to guide the selection of the final alignment.

Xcel Energy stated that it does not support granting reconsideration for the purpose of defining a specific alignment based on the concerns of a single landowner after a route permit has been issued. First, this would depart from the Commission's standard practice and the comprehensive record developed during this proceeding. Second, maintaining flexibility to adjust the alignment within the approved corridor is essential to address on-the-ground conditions, landowner input, and other issues that may arise after the permit is granted. Third, requiring the alignment proposed by Ms. Johnson would constrain efforts to coordinate effectively with the Birch Coulee Solar Project, potentially affecting its operations. Finally, the alignment suggested in Ms. Johnson's request impacts not only Ms. Johnson's land but also seven additional parcels, and the perspectives of those other landowners are neither included in the request nor represented elsewhere in the record.

Lastly, Xcel Energy argued that the Petition raises concerns related to agricultural impacts and proximity to existing infrastructure—issues that were thoroughly examined and addressed throughout the proceeding and in the Commission's final Order.

2. Staff Discussion

Staff notes that the Commission has, in fact, considered specific alignments in the routing of long linear energy facility projects. In this instance, the Commission did identify a specific alignment—one that was originally proposed by Xcel Energy. Staff agrees that the route permit provides for adjustments to the alignment; however, Xcel Energy has not provided substantial justification for shifting the initial alignment entirely onto Ms. Johnson’s property. The only reasons cited were that such an approach is not common practice, that it limits the ability to coordinate with the Birch Coulee Solar Project, and that it may affect seven other parcels.

First, staff notes that the Commission authorizes a route corridor within which a transmission line alignment may be placed. This designated route width may be as wide as 1.25 miles, alternatively, this width can be as narrow as 150 feet or even less.

Second, a site permit decision on the Birch Coulee Solar Project has not been decided by the Commission. Therefore, it is not known whether the transmission alignment requires adjustments due to the solar project, and if it does, this would appear to be new information the Commission was unable to completely consider.⁶

Accordingly, staff recommends that the Commission inquire whether a solar panel array—with its low-to-the-ground profile—could be allowed to encroach upon a transmission line right-of-way without fully occupying it. It is staff’s understanding that Xcel Energy has previously acknowledged, in other dockets, the possibility of allowing low-profile structures such as sheds or fences to encroach into transmission right-of-way areas. As provided in their route permit application, “Utilities may permit encroachment into that easement for buildings and other activities when they can be deemed safe and still meet the NESC minimum requirements.”⁷

Finally, staff does not understand Xcel Energy’s claim that seven additional parcels would be impacted if the alignment followed the property line as originally proposed. The initial alignment would remain centrally located within the 1,000-foot-wide permitted route corridor, which would remain unchanged.

Given the circumstances in this case, staff believes the Commission is within its discretion to reconsider its decision on an alignment or route width.

⁶ Staff understands that this matter may also be discussed in the Birch Coulee Solar Project docket (IP-7119/GS-23-477), scheduled as Item #2 on the July 31, 2025 Commission Agenda.

⁷ Route Permit Application at 131 (October 30, 2023) Document ID [202310-199981-01](#).

Commission Options

1. Deny Ms. Johnson's request for reconsideration; or
2. Grant Ms. Johnson's request for reconsideration and amend the route permit to identify an alignment, route width, or both in the area of Ms. Johnson's property and the proposed Birch Coulee Solar Project, including any conditions, as appropriate.

C. Miguel and Shannon Cabrera Reconsideration Request

Requested Actions: The Cabrerias have requested that the Commission reconsider its decisions to (1) grant a permit for the Blue Route where it crosses the Mississippi River and instead use either the Purple Route or Alternative Route 246 of the Blue Route to cross the Mississippi River; (2) find the Final EIS adequate and instead determine it inadequate; and (3) to consider the certificate of need application through the informal review process and instead refer the application to the Office of Administrative Hearings for a contested case proceeding.

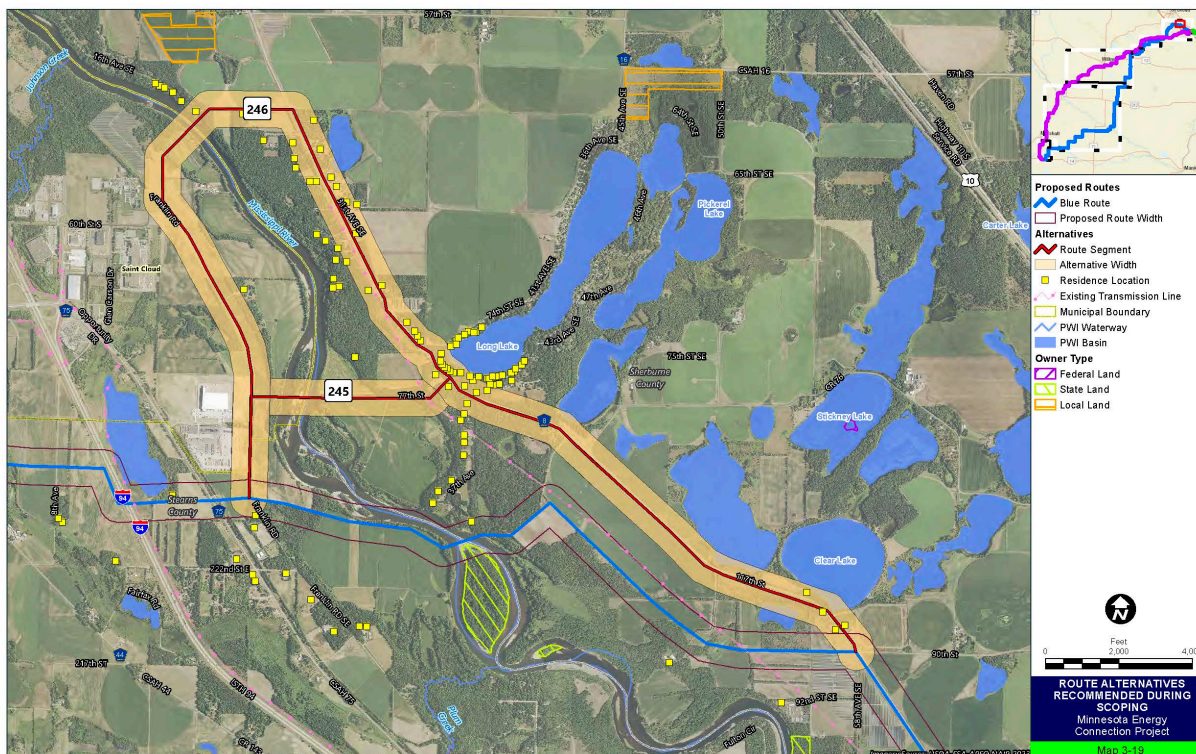
The Cabrerias' primary concern is the potential impact of the permitted route on the value of their property, their viewshed of the state-designated Scenic and Recreational Mississippi River, and eagle foraging and nesting. The Cabrerias contend that the Commission committed an error in its route permit decision by relying on a proxy route that was developed by Xcel Energy in the record and that was also evaluated and referenced by EERA in post-hearing filings. This proxy route was based on the Minnesota Department of Natural Resources (DNR) potential alternative routes (DNR Proxy Route). In particular, the Cabrerias argued that the Commission neglected to consider the DNR's preference for the Purple Route or Alternative Route 246 of the Blue Route for the crossing of the Mississippi River when it determined that the Final EIS was adequate and issued a route permit.

Concerning Final EIS adequacy, the Cabrerias maintained that the Final EIS did not adequately evaluate and compare the Blue Route, Purple Route, and Alternative Route 246 crossings of the Mississippi River. They argued that the Final EIS, "hides" the DNR's alternative route preferences and relied solely on the mischaracterized DNR Proxy Route and prioritized impacts to residences over impacts to natural resources.⁸ Furthermore, the Cabrerias contended that the Final EIS did not adequately consider the following: (1) the evaluation of aesthetics and viewsheds; (2) the impacts on property values; (3) the locations of eagle nests; and (4) the consideration of non-proliferation preferences in the routing of transmission lines.

⁸ In its argument that the Commission failed to prioritize impacts to residences over impacts to natural resources, the Cabrerias cited *People for Environmental Enlightenment and Responsibility (PEER) v. Minnesota Environmental Quality Council (MEQC)*, 266 N.W.2d 858 (Minn. 1978). Particularly, the issue of compensable and non-compensable impacts.

Lastly, the Cabrerass asserted that the Commission erred in its decision to allow specific data exemptions for the certificate of need application and to authorize a review under the informal process. Nevertheless, staff notes that the argument that the Commission erred in these decisions was not substantiated by any legal justification.

Map of Blue Route and Alternatives at Mississippi River



Source: Final EIS.

1. Xcel Energy Answer to Cabrera Reconsideration Request

Xcel Energy opposed the Cabrerass' petition, asserting that all regulatory and procedural standards were met, that the approved route best minimizes overall impacts, and that their reconsideration request fails to present new issues, evidence, or legal errors.

Xcel Energy pointed out that the Cabrerass neglected to highlight the impacts of the Purple Route and Alternative Route 246, which were evaluated in the Final EIS, and considered by the Commission when it approved the permitted route. For example, Xcel Energy maintained that the permitted route only affects 2 residences, whereas Alternative Route 246 impacts 42 residences due to insufficient right-of-way. Furthermore, Xcel asserted that both Alternative Route 246 and the Purple Route increase the length of the transmission line, cross more

sensitive areas (*e.g.*, Fish Creek Basin), and affect a greater number of agricultural and conservation lands.

Xcel Energy asserted that comments from the DNR were properly considered by the Commission. That the MDNR's preference for co-location was acknowledged in the Final EIS, and the DNR Proxy Route incorporated the most reasonable and least impactful route segments in regions where the DNR supported more than one route segment. Xcel Energy asserted that the inclusion of Alternative Route Segment 246 would have made the MDNR Proxy Route more impactful, not less.

Regarding the Cabrerias' reference to the PEER decision, Xcel Energy argued that PEER actually implied that no single routing factor was more significant than the others and that adhering to existing rights-of-way or linear features should not be at the expense of other routing factors. Xcel Energy maintained that the Commission understood that all of the routes have some impact on environmental and human resources, and that the Commission appropriately applied Minnesota law to select a route that overall minimizes environmental and human impacts.

Regarding the adequacy of the Final EIS, Xcel Energy asserted that the Cabrerias argument of inadequacy is based on the Commissions routing decision rather than a legal or procedural failing of the FEIS, pointing out that the Cabrerias do not identify any deficiencies under Minnesota Rule 7850.2500, subp. 10. Xcel Energy maintained that the Final EIS considered and incorporated DNR input, identified impacts across proposed routes, discussed potential mitigations (*e.g.*, shorter structures at the Mississippi River crossing), included an appendix on property values, and discussed the difference between subjective perceptions and market value. Additionally, the Final EIS accounted for available data and explained procedures to be followed if eagle nests are subsequently identified.

Finally, Xcel Energy argued that the certificate of need process was proper, pointing out that the MNEC Project was the result of a comprehensive Integrated Resource Plan (IRP) process in which the Commission directed Xcel Energy to pursue permitting. Additionally, the certificate of need application was processed lawfully under the informal process authorized by Minn. R. 7829.1200. The application data exemptions and use of the informal process were publicly noticed and subject to comment. Xcel Energy argued that the claims are both meritless and untimely.

2. Staff Discussion

The Final EIS evaluated four different route options for the crossing of the Mississippi River: the Blue Route, Purple Route, and alternatives routes 245 and 246 associated with the Blue Route. Alternative routes 245 and 246 were developed by EERA based on information provided by the Cabrerias to mitigate aesthetics concerns specific to their viewshed of the Mississippi River.⁹

Alternative Routes 245 and 246 were reviewed as refinements in the Final EIS. A refinement was defined as a route alternative that was included in the scoping decision but could not be combined and compared to a full equivalent route segment in Region G. Region G included six route segments (G1 through G6). For purposes of analysis, the refinements were considered in standalone comparisons against Purple Route or Blue Route equivalents.¹⁰ The DNR Proxy Route was not developed through the Draft EIS, rather, it was developed in post-hearing documents by Xcel Energy.

The Commission considered the Blue Route, Purple Route, and alternative routes 245 and 246 when making its decision. The ALJ included findings (375 through 673), that primarily referenced information in the EIS and discussed and contrasted the routing factors the Commission must consider when evaluating a proposed transmission line route.¹¹ The Commission, in adopting the ALJ Report, agreed that although the Purple Route and Alternative Route 246 do cross the Mississippi River where there is existing infrastructure, each of those alternatives invite countervailing negative impacts on other factors including, but not limited to, residential impacts, natural resources, reliability, and cost.¹²

The Purple Route was found to have more significant overall impact than the Blue Route or any combination thereof. Consequently, the Commission had to determine which alternative Mississippi River crossing associated with the Blue Route (Blue Route, Alternative Route 245, or Alternative Route 246) was least impactful in total in order to determine a complete route. In weighing those impacts, the Commission chose the approved route (using the Blue Route river crossing), which in part was based on impacts to existing residences.¹³ Consequently, the

⁹ EERA Comments and Recommendations on EIS Scope at 11 (April 17, 2024), Document ID [20244-205515-01](#); and EIS Scoping Decision at A-25 and A-26 (May 14, 2024), Document ID [20245-206732-01](#).

¹⁰ Final Environmental Impact Statement, Section 12.9 (January 22, 2025), Document ID [20251-214220-01](#).

¹¹ Administrative Law Judge Findings of Fact, Conclusions of Law, and Recommendation (ALJ Report) (February 5, 2025), Document ID [20252-214994-01](#).

¹² *Id.* at Finding 673.

¹³ The Blue Route does not have include any residences within 75-250 feet, whereas alternative routes 245 and 246, include 10 residences and 25 residences, respectively; and 245 would box in one property along its lengths (Table 12-17 of Final EIS).

Cabreras' are also citing to impacts to a residence in making its request for reconsideration, something the Commission has already considered in this case.

In addition, staff notes that, although the DNR expressed certain preferences for the Purple Route or Blue Route using Alternative Route 246, the DNR in past dockets has typically provided exceptions to an ALJ report and recommendation, as necessary. The DNR did not do so in this instance.

Concerning Final EIS adequacy, the Commission considered the entire record and in adopting the ALJ Report found that the Final EIS was adequate. Specifically, that the Final EIS satisfied the requirements under Minn. R. 7850.2500, subp. 10. in that it (1) addressed the issues and alternatives raised in scoping; (2) provided responses to substantive comments received on the Draft EIS; and (3) was prepared in compliance with Minn. R. 7850.¹⁴ Staff is not aware of any comments received during the designated comment period asserting that the EIS was not adequate.

Concerning the certificate of need review process, the Commission followed its past practice. In an order issued on June 28, 2022, and following a 28-day comment period, the Commission granted certain data exemptions from the certificate of need application requirements. Furthermore, in an order issued on May 2, 2023, following a 26-day comment period, much like it has in similar transmission line dockets and because no contested issues were identified at the time, authorized review under the informal review process. Also, the Commission approved joint public meetings, joint public hearings, and combined environmental review of the certificate of need and route permit applications including preparation of an EIS in lieu of an environmental report. Lastly, although not directly required by the Commission, the ALJ provided findings, conclusions, and recommendations regarding the certificate of need application. Therefore, although the certificate of need application was not reviewed under the contested case procedures, it essentially retained many of the components of that type of proceeding.

Commission Options

1. Deny the Cabreras' request for reconsideration; or
2. Grant the Cabreras' request for reconsideration (Cabreras) and require that the Final EIS be amended for further evaluation of a Mississippi River crossing. This would also include providing appropriate notice and opportunity for comment to landowners potentially affected by a transmission line route at the Mississippi River. Upon completion of the amended Final EIS, the Commission would again need to consider

¹⁴ *Id.* at findings 679 to 683, and Conclusion 8.

adequacy and whether the record of evidence supports a different route decision; and/or

3. Rescind the certificate of need, reopen the record, and refer the certificate of need application to the Office of Administrative Hearings for a contested case proceeding.

D. Barb and Paul Pladson Reconsideration Request

Requested Action: The Pladsons requested that the Commission reconsider its decision concerning the transmission alignment within the permitted Alternative Route 244.

The Pladsons, who reside on County Road 142 in St. Augusta, Minnesota, operate a Christmas tree farm that is situated between the Blue Route and Alternative Route 244. The Commission designated Alternative Route 244 as part of the permitted route. Prior to the Commission's decision, the Pladsons submitted comments opposing Route Alternative 244, arguing that it would have adverse impacts on their Christmas tree farm.

Alternative Route 244 was ultimately selected by the Commission as a part of the permitted route. Xcel Energy, EERA, and DNR supported the inclusion of Alternative Route 244 as a modification to the Blue Route. In addition to the information contained in the Final EIS,¹⁵ EERA provided the following in its Comments and Recommendations on January 29, 2025

“Route Segment 244 was proposed by DNR during scoping as an alternative to the Blue Route to avoid potential impacts on natural resources; however, it crosses an active Christmas Tree Farm. Route Segment 244 parallels significantly more existing infrastructure (86 percent versus two percent) and would require greater amounts of tree clearing than the Blue Route. Potential impacts to the Christmas Tree Farm can be mitigated through prudent routing and compensation for the lost economic value of the Christmas trees. Compensation would be negotiated between the applicant and landowner should Route 244 be selected.”¹⁶

The Pladsons have requested that the Commission identify a specific alignment and pole placement locations within Alternative Route 244 to avoid impacts to their Christmas tree farm, specifically:

- Move proposed structure #256 to the southeast corner their Christmas tree field;
- Move proposed structure #257 a few feet to the east; and
- Keep proposed structure #255 in its proposed location.

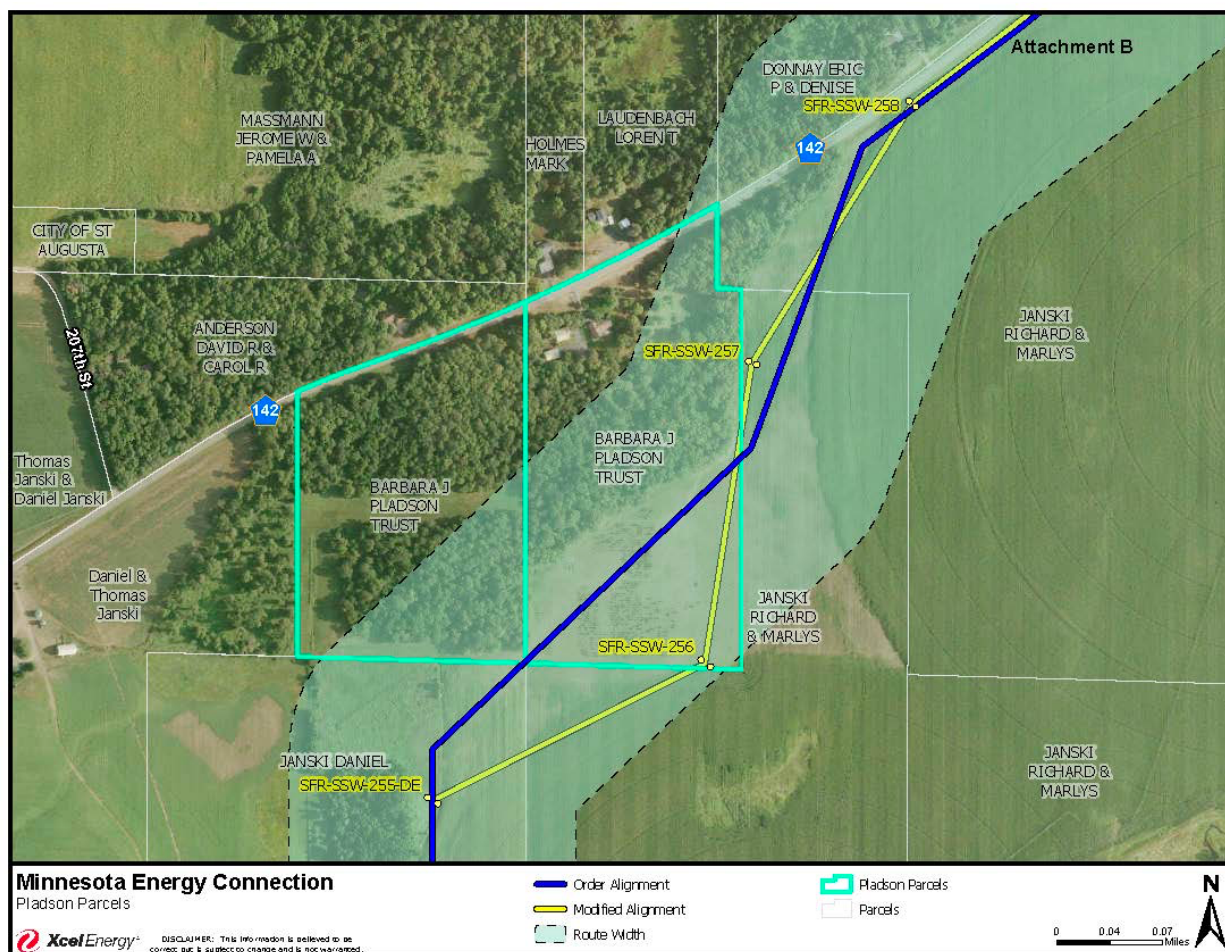
¹⁵ Final EIS at 447-448.

¹⁶ EERA Comments and Recommendations (January 29, 2025), Document ID [20251-214591-01](#).

1. Xcel Energy Answer to Pladson Reconsideration Request

Xcel Energy recommended that the Pladsons' reconsideration request be denied, because it does not specify an error in the Commission's Order, nor does it request that any part of the Order be modified. Rather, Xcel Energy stated that it is attempting to collaborate with the Pladsons and their neighbors in order to establish an alignment in this area. The below updated alignment map from Xcel Energy indicates that it can relocate structure 256 as requested by the Pladsons. However, it was unable to modify the other structures due to potential conflicts with neighboring landowners.

Map of Blue Route and Alternative 244



Source: Xcel Energy Answer to Pladson Reconsideration Request.

2. Staff Discussion

Staff does not believe that the Pladsons have presented any new arguments, evidence, ambiguities, or any other arguments that would suggest that the Commission's decision is unlawful or unreasonable. It appears that Xcel Energy is making an effort to work with the

Pladsons in order to identify an alignment in this area that would accommodate the Pladsons' preferences and minimize potential impacts to the extent possible.

Commission Options

1. Deny the Pladsons' request for reconsideration; or
2. Grant the Pladsons' request for reconsideration and amend the route permit as follows (Pladsons): move structure #256 to the southeast corner of the Pladsons' Christmas tree field; and move structure #257 so the deciduous trees located along the upper 1/3 of the transmission line between structures #256 and #257 are not destroyed.

E. Requests to Reconsider the Permitting of Alternative Route 213

Requested Action: The Commission received separate requests from Diane Jensen, Linda Nesburg, and Norma Schlemmer¹⁷ (Route 213 Petitioners) that the Commission reconsider its decision to permit Alternative Route 213. All the Route 213 Petitioners requested that the Commission reconsider its decision and permit the equivalent Blue Route in this area.

The most comprehensive comments regarding the petitions for reconsideration of Alternative Route 213 were provided by Diane Jensen. Ms. Jensen indicated that she was amenable to the Blue Route, which would run along 310th Street and the southern boundary of her property, but claims that she was not informed of the potential for the Commission to select Alternative Route 213 instead. Ms. Jensen raised concerns about Alternative Route 213 because it would bisect the middle of her property. Ms. Jensen indicated that, although Alternative Route 213 avoids RIM easements, it still bisects remnant prairie on her property and she is concerned with working under the transmission line, impacts to the prairie during construction, introduction of invasive seed mixes and the use of herbicides, as well as the effects on farming practices. In addition, according to Ms. Jensen, she did not receive notification of the public hearings; however, she did attend and give a speech at the hearings.¹⁸

¹⁷ The Commission received a comment letter from Cameron Liebl outside the established reconsideration period which seeks the same relief as the Route 213 Petitioners.

¹⁸ Staff has reviewed the mailing records and believes all the Route 213 Petitioners were sent the Notice of Public Informational Meetings, Public and Evidentiary Hearings, and Availability of Environmental Impact Statement (October 15, 2025), Document ID [202410-210963-02](#). Xcel Energy also explained in its answer to the Jensen Reconsideration Request that it has independently attempted to contact Ms. Jensen.

[illegible]

1. Xcel Energy Answer to Jensen Reconsideration Request

Xcel Energy stated that it initially opposed Route Segment 213 due to the presence of conservation easements and cost increases; however, they did not ultimately object to the Commission's selection of Alternative Route 213. Xcel Energy pointed to the Order which explains that Alternative Route 213 results in a net reduction of four residences within 300 feet of the transmission line, despite being closer to a residence on Kenwood Avenue.

Consequently, the Commission increased the width of the route in the area of Kenwood Avenue to allow for alignment adjustments to mitigate the impacts, including required consultation with affected landowners.

Xcel Energy pointed out that potential impacts on prairie were one of the resources considered by the Commission when comparing Alternative Route Segment 213 to the Blue Route. Xcel Energy stated that, with regard to Ms. Jensen's property, it plans to increase structure spacing to span native prairie habitats to the greatest extent possible and is committed to working with the landowners on a seed mix during restoration as is required by the permit.

Regarding the Kenwood Avenue area, Xcel Energy stated that it has been coordinating with the landowners affected by the expanded route width to evaluate whether an agreement could be reached with all affected landowners on an alignment that shifts the Project farther from Mr. Liebl's residence," but that there is currently no agreement among the landowners to shift the alignment to the north and east within the expanded route.

2. Staff Discussion

Staff does not believe that the Route 213 Petitioners have presented any new arguments, evidence, ambiguities, or any other arguments that would suggest that the Commission's decision is unlawful or unreasonable.

At its April 10, 2025 Agenda Meeting, the Commission conducted an exhaustive examination of Alternative Route 213 and the Blue Route equivalent, as provided in the Order. Jeff Potter introduced Route Alternative 213 into the record during the scoping of the EIS in order to mitigate the effects on farming operations and avoid adjacent residences. In the Final EIS, Alternative Route 213 was compared to its Blue Route equivalent, which included, but not limited to comparisons related to the paralleling of existing infrastructure, impacts on residences, and impacts on natural and designated habitat and vegetation.¹⁹

It appears that Xcel Energy is making an effort to work with Ms. Jensen and landowners in the vicinity of Kenwood Avenue to identify structure configurations and alignments in this area that would accommodate the landowners' preferences and minimize potential impacts to the greatest extent possible.

¹⁹ Final EIS at 287-388.

Commission Options

1. Deny the requests for reconsideration by Diane Jensen, Linda Nesburg, and Norma Schlemmer; or
2. Grant the requests for reconsideration by Diane Jensen, Linda Nesburg, and Norma Schlemmer and amend the route permit to use the Blue Route equivalent rather than Alternative Route 213 in this area.

STAFF DISCUSSION

With the exception of the Johnson Request for Reconsideration, staff does not believe the other requests for reconsideration of the Commission's June 11 order present new arguments, new evidence, ambiguities, or any other reason that would indicate that the decisions are unlawful or unreasonable. Moreover, staff notes that the mere existence of new arguments or new evidence does not compel reconsideration or rehearing if the Commission concludes that its initial decision is lawful and reasonable.

As previously discussed in these briefing papers, staff believes Ms. Johnson has identified information that the Commission may not have fully addressed at the time of its decision. The information provided by Ms. Johnson relates to two separate projects before the Commission: the MNEC Project and the proposed Birch Coulee Solar Project. The final EIS did mention the potential placement of the Birch Coulee Solar Project, but at the time, full engineering drawings indicating the locations of the solar panels and other facilities in relation to the approved route and alignment of the MNEC Project may not have been available. As a result, it is unclear whether Xcel Energy would have offered an alternative route, route width, or alignment in this location, or whether Xcel Energy had a more in-depth understanding of the Birch Coulee Solar Project that was not documented. It is also unclear whether the Commission would have reached a different decision or imposed extra limitations in this area.

COMMISSION DECISION OPTIONS

Lisa Hoffman Reconsideration Request

1. Deny Ms. Hoffman's request for reconsideration (Xcel Energy); or
2. Grant Ms. Hoffman's request for reconsideration (Hoffman) and
 - a. Reopen the record and require that the Final EIS be amended to include an evaluation of a new route along 210th Street/County Road 55. After the amended EIS is issued, the Executive Secretary will issue a notice of comment period on whether to amend the route permit in this area.

Ann Brazil Johnson Reconsideration Request

3. Deny Ms. Johnson's request for reconsideration (Xcel Energy); or
4. Grant Ms. Johnson's request for reconsideration and amend the route permit to identify an alignment, route width, or both in the area of Ms. Johnson's property and the proposed Birch Coulee Solar Project, including any conditions, as appropriate (Johnson).

Miguel and Shannon Cabrera Reconsideration Request

5. Deny the Cabrerass' request for reconsideration (Xcel Energy); or
6. Grant the Cabrerass' request for reconsideration (Cabrerass) and
 - a. Reopen the record and require that the Final EIS be amended for further evaluation of a Mississippi River crossing, specifically the Purple Route and alternatives routes 245 and 246 associated with the Blue Route. After the amended EIS is issued, the Executive Secretary will issue a notice of comment period on whether to amend the route permit related to this area.
7. Rescind the certificate of need for the Minnesota Energy Connection Project. Reopen the record and refer the certificate of need application to the Office of Administrative Hearings for a contested case proceeding.

Barb and Paul Pladson Reconsideration Request

8. Deny the Pladsons' request for reconsideration (Xcel Energy); or
9. Grant the Pladsons' request for reconsideration and amend the route permit as follows (Pladsons):
 - a. Move structure #256 to the southeast corner of the Pladsons' Christmas tree field.
 - b. Move structure #257 so the deciduous trees located along the upper 1/3 of the transmission line between structures #256 and #257 are not destroyed.

Request for Reconsideration Associated with Alternative Route 213

10. Deny the requests for reconsideration by Diane Jensen, Linda Nesburg, and Norma Schlemmer (Xcel Energy); or
11. Grant the requests for reconsideration by Diane Jensen, Linda Nesburg, and Norma Schlemmer and amend the route permit to use the Blue Route equivalent rather than Alternative Route 213 in this area. (Jensen, Nesburg, and Schlemmer).

Administrative

12. For procedural purposes only, grant the reconsiderations for the limited purpose of tolling the 60-day time period to allow additional time for consideration of the merits.