

OAH 23-2500-40748
MPUC ET-2, E-017, ET-6135, E-100/
CN-24-263 and ET-2, E-017, ET-6135,
E-100/TL-24-264

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE PUBLIC UTILITIES COMMISSION

In the Matter of the Application of Great River Energy, Otter Tail Power Co., Western Minnesota Municipal Power Agency, Agralite Electric Coop., and the City of Benson (the Applicants) for a Certificate of Need and Route Permit for the Appleton to Benson 115 Kilovolt Transmission Line Project

FIRST PREHEARING ORDER

On April 14, 2025, Administrative Law Judge Suzanne Todnem convened a prehearing conference in this matter. The prehearing conference was held by videoconference.

Cody Bauer, Fredrickson & Byron, P.A., appeared on behalf of Great River Energy, Otter Tail Power Co., Western Minnesota Municipal Power Agency, Agralite Electric Coop., and the City of Benson (the Applicants), with Mark Strohfus.

Sam Weaver, Environmental Review and Analysis, appeared on behalf of the Department of Commerce (Department or DOC).

Sam Lobby, Director, Energy Facilities Planner, Public Utilities Commission (Commission), appeared on behalf of Commission staff.

The Commission referred the joint certificate of need and route permit application matter to the Office of Administrative Hearings. The Commission requested the Administrative Law Judge hold joint public hearings and prepare a full report for the project in its March 10, 2025, Order accepting the Application as substantially complete (Commission's Order).¹

Based upon the record herein and the agreement of the parties,

¹ Commission's Order (March 10, 2025).

IT IS HEREBY ORDERED:

1. **Parties.** The parties to this matter are the Applicants and the Department.
2. **Service List.** A copy of this Prehearing Order shall be served according to the Service List maintained by the Commission. Thereafter, the Service List shall be established by the Office of Administrative Hearings. All documents filed in this contested case proceeding shall be served in accordance with the Office of Administrative Hearings Service List. Interested members of the public who are not on the service list are invited to receive notifications through the "Subscriptions" feature of the PUC's eFiling system. All other interested individuals shall subscribe to the docket on the PUC's eFiling system. Filing a notice of appearance does not place a person or group on the official service list, nor does it grant a person or group party status.
3. **eFiling.** Original documents shall be filed using the Commission's eFiling system (eFiling) where feasible, in accordance with Minn. Stat. § 216.17, subd. 3 (2024), and the Commission's standards. The parties are not required to file documents with the Office of Administrative Hearings. All public comments received by the Commission and at hearing shall be entered into eFiling for public review.
4. **Effective Time of Filing.** The effective date and time of filing shall be the date and time the document is filed and accepted into eFiling. Parties using the eFiling system should retain the unique document identifier as proof of filing through that system.
5. **Public Participation.** Members of the public are welcome and encouraged to attend and provide comment at the public hearings. Members of the public may receive notices of filings and access to public documents filed in the case by subscribing to the docket on the PUC's eFiling system at <https://www.edockets.state.mn.us/>. To subscribe, create a subscription after selecting the "Subscriptions" menu item in the eService menu. Upon subscribing to the docket, you will be provided with electronic notice of all filings, as well as access to the public documents filed in the case.²
6. **Public Hearings.** The Commission accepted the Applicants' Petition as substantially complete and authorized the use of informal proceedings for developing the record.³ Joint public hearings on the Certificate of Need application and Route Permit application will be held per the schedule below.⁴
7. **Primary Exhibit List.** At the hearing, the parties shall jointly provide a primary exhibit list that identifies each exhibit offered into the hearing record, with its hearing exhibit number, unique eFile identifying number, and a hyperlink to the corresponding document on eDockets. The eFiled documents constitute the official record of the proceeding, along with any supplemental record data that cannot be eFiled.

² Minn. R. 1400.6200, subp. 5, 1400.7150, subp. 1, 7829.0800, subp. 6, and 7829.0900 (2023).

³ Commission's Order (March 10, 2025).

⁴ See PUC Docket Nos. ET-2, E-017, ET-6135, E-100/ CN-24-263 and ET-2, E-017, ET-6135, E-100/TL-24-264.

Any such supplemental record data will be identified by the Administrative Law Judge as included in the official record.

8. **Schedule.** The following schedule is adopted:

Milestone	Date
Application filed	December 27, 2024
Application complete	March 10, 2025
Public information and scoping meetings	March 12 and 13, 2025
Close of public comment period	March 28, 2025
Scoping decision	April 25, 2025
Environmental assessment issued	August 1, 2025
Applicants' direct testimony	August 14, 2025
Public hearings	September 3 (in-person) and 4 (virtual), 2025 Applicants propose in-person hearings in Appleton (mid-day) and Benson (evening) on September 3.
Close of public comment period	September 16, 2025
Applicant's proposed findings and response to public comments	September 23, 2025
EERA revisions to Applicants' proposed findings	October 7, 2025
Administrative Law Judge report issued	November 14, 2025
Exceptions	December 1, 2025
MPUC meeting (tentative)	December 2025 – January 2026

9. **Hearing Notice.** The Parties shall submit to the Administrative Law Judge a proposed Notice of Public Hearing with specific times and locations on the dates referenced above by **4:30 p.m. on August 18, 2025.**

Public Hearings

10. **Order of Presentation.** The Judge shall conduct the public hearings. The Judge will open the hearing followed by presentations from Commission staff, the Department and Applicants. Thereafter, the Judge will open the floor for public comments. Representatives from the Applicants and the Department, as well as at least one Commission staff member, shall be present to address questions from members of the public and interested parties.

11. **Court Reporter.** Commission staff shall arrange for a court reporter to be present at both public hearings. Transcripts of the hearings shall be provided to the Judge, the parties, and the Commission. Transcripts of the hearing shall also be filed in eFiling as part of the official record of the public hearings.

Comments

12. **Public Comments.** Public comments may be submitted: (1) electronically using the PUC's eDocket system; (2) by hand delivery or U.S. Mail addressed to the Public Utilities Commission Office in St. Paul, MN; and (3) offered orally or in writing at the public hearing. Persons who provide oral comments at the hearing will also be invited to submit their written comments as an exhibit in the hearing record. The Notice of Public Hearing shall provide detailed instruction on how to submit public comments.

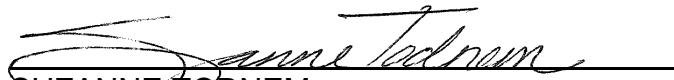
13. **Deadline.** All comments regarding the Application or Environmental Assessment must be received **by 4:30 p.m. on September 16, 2025**. Late comments may not be included in the Judge's Report and may not be considered by the Commission.

Requests for Accommodation and Contact with Judge

14. **Accommodations or Interpreters.** Any person requesting accommodations for disability or interpreters shall contact the Commission in writing at least one week prior to the public hearing. The Commission shall be responsible for providing all necessary accommodations and interpreters.

15. **Contact with Judge.** Ex parte contact with the Judge is strictly prohibited. Procedural questions or concerns can be directed to Judge Todnem's legal assistant, Cara Hunter at samantha.cosgriff@state.mn.us. Communications directed to the Judge must include all other parties.

Dated: April 17, 2025



SUZANNE TODNEM
Administrative Law Judge

EXHIBIT LIST TEMPLATE

In the Matter of _____

PUC Docket No. _____

OAH Docket Number: __-2500-____

Hearing Exhibit No.	Supporting Party or Agency	Exhibit Description	Date e-filed	Public (P) or Trade Secret (TS)	eDocket Document ID	Offered	Received
PUC-1	PUC	Notice of Comment Period	04/23/2021	P	20214-173269-01	✓	✓

April 17, 2025

See Attached Service List

Re: *In the Matter of the Application of Great River Energy, Otter Tail Power Co., Western Minnesota Municipal Power Agency, Agralite Electric Coop and the City of Benson (the Applicants) for a Certificate of Need and Route Permit for the Appleton to Benson 115 Kilovolt Transmission Line Project*

**OAH 23-2500-40748
MPUC ET-2, E-017, ET-6135, E-100/CN-24-263 and ET-2, E-017,
ET-6135, E-100/TL-24-264**

To All Persons on the Attached Service List:

Enclosed and served upon you is the Administrative Law Judge's **FIRST PREHEARING ORDER** in the above-entitled matter.

If you have any questions, please contact me at (651) 361-7845, samantha.cosgriff@state.mn.us, or via facsimile at (651) 539-0310.

Sincerely,


SAMANTHA COSGRIFF
Legal Assistant

Enclosure

cc: Docket Coordinator

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
PO BOX 64620
600 NORTH ROBERT STREET
ST. PAUL, MINNESOTA 55164

CERTIFICATE OF SERVICE

In the Matter of the Application of Great River Energy, Otter Tail Power Co., Western Minnesota Municipal Power Agency, Agralite Electric Coop and the City of Benson (the Applicants) for a Certificate of Need and Route Permit for the Appleton to Benson 115 Kilovolt Transmission Line Project	OAH Docket No.: 23-2500-40748 MPUC ET-2, E-017, ET-6135, E-100/CN-24-263 and ET-2, E-017, ET-6135, E-100/TL-24-264
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On April 17, 2025, a true and correct copy of the **FIRST PREHEARING ORDER** was served by eService, and United States mail, (in the manner indicated on the attached service list) to the following individuals:

#	First Name	Last Name	Email	Organization	Agency	Address	Delivery Method	Alternate Delivery Method	View Trade Secret	Service List Name
1	Lisa	Agrimonti	lagrimonti@fredlaw.com	Fredrikson & Byron, P.A.		60 South Sixth Street Suite 1500 Minneapolis MN, 55402-4400 United States	Electronic Service		No	24-263 Official CC Service List
2	Cody M.	Bauer	cbauer@fredlaw.com	Fredrikson & Byron, P.A.		60 South 6th Street, Suite 1500 Minneapolis MN, 55402 United States	Electronic Service		No	24-263 Official CC Service List
3	Generic	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General - Department of Commerce		445 Minnesota Street Suite 1400 St. Paul MN, 55101 United States	Electronic Service		No	24-263 Official CC Service List
4	Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce		85 7th Place E Ste 280 Saint Paul MN, 55101-2198 United States	Electronic Service		No	24-263 Official CC Service List
5	Thomas	Hoffman	thoffman@agralite.com	Agralite Electric Cooperative		320 Highway 12 SE Benson MN, 56215 United States	Electronic Service		No	24-263 Official CC Service List
6	Breann	Jurek	bjurek@fredlaw.com	Fredrikson & Byron PA		60 S Sixth St Ste 1500 Minneapolis MN, 55402 United States	Electronic Service		No	24-263 Official CC Service List
7	Kris	Koch	kkoch@otpco.com	Otter Tail Power Company		215 S. Cascade Street Fergus Falls MN, 56537 United States	Electronic Service		No	24-263 Official CC Service List
8	Stacy	Kotch Egstad	stacy.kotch@state.mn.us	MINNESOTA DEPARTMENT OF TRANSPORTATION		395 John Ireland Blvd. St. Paul MN, 55155 United States	Electronic Service		No	24-263 Official CC Service List
9	Stephen	Kowal	skowal@bensonmnlaw.com	Wilcox Law Office, P.A.		1150 Wisconsin Avenue Benson MN, 56215 United States	Electronic Service		No	24-263 Official CC Service List
10	David C.	McLaughlin	dmclaughlin@fluegellaw.com	Western Minnesota Municipal Power Agency		129 2nd Street Ortonville MN, 56278 United States	Electronic Service		No	24-263 Official CC Service List
11	Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General - Residential Utilities Division		1400 BRM Tower 445 Minnesota St St. Paul MN, 55101-2131	Electronic Service		No	24-263 Official CC Service List

#	First Name	Last Name	Email	Organization	Agency	Address	Delivery Method	Alternate Delivery Method	View Trade Secret	Service List Name
						United States				
12	Will	Seuffert	will.seuffert@state.mn.us		Public Utilities Commission	121 7th Pl E Ste 350 Saint Paul MN, 55101 United States	Electronic Service		No	24-263 Official CC Service List
13	Janet	Shaddix Elling	jshaddix@janetshaddix.com		Shaddix And Associates	7400 Lyndale Ave S Ste 190 Richfield MN, 55423 United States	Electronic Service		No	24-263 Official CC Service List
14	Mark	Strohfus	mstrohfus@greenergy.com		Great River Energy	12300 Elm Creek Boulevard Maple Grove MN, 55369-4718 United States	Electronic Service		No	24-263 Official CC Service List
15	Suzanne	Todnem	suzanne.todnem@state.mn.us		Office of Administrative Hearings	600 Robert St N PO Box 64620 St. Paul MN, 55164 United States	Electronic Service		No	24-263 Official CC Service List
16	Haley	Waller Pitts	hwallerpitts@fredlaw.com		Fredrikson & Byron, P.A.	60 S Sixth St Ste 1500 Minneapolis MN, 55402-4400 United States	Electronic Service		No	24-263 Official CC Service List
17	Sam	Weaver	sam.weaver@state.mn.us		Department of Commerce		Electronic Service		No	24-263 Official CC Service List
18	Brian	Zavesky	brianz@mrenergy.com		Missouri River Energy Services	3724 West Avera Drive P.O. Box 88920 Sioux Falls SD, 57108-8920 United States	Electronic Service		No	24-263 Official CC Service List

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1	Lisa	Agrimonti	lagrimonti@fredlaw.com	Fredrikson & Byron, P.A.		60 South Sixth Street Suite 1500 Minneapolis MN, 55402-4400 United States	Electronic Service		No	24-264 Official CC Service List
2	Cody M.	Bauer	cbauer@fredlaw.com	Fredrikson & Byron, P.A.		60 South 6th Street, Suite 1500 Minneapolis MN, 55402 United States	Electronic Service		No	24-264 Official CC Service List
3	Generic	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General - Department of Commerce		445 Minnesota Street Suite 1400 St. Paul MN, 55101 United States	Electronic Service		No	24-264 Official CC Service List
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6	Breann	Jurek	bjurek@fredlaw.com	Fredrikson & Byron PA		60 S Sixth St Ste 1500 Minneapolis MN, 55402 United States	Electronic Service		No	24-264 Official CC Service List
7	Kris	Koch	kkoch@otpco.com	Otter Tail Power Company		215 S. Cascade Street Fergus Falls MN, 56537 United States	Electronic Service		No	24-264 Official CC Service List
8	Stacy	Kotch Egstad	stacy.kotch@state.mn.us	MINNESOTA DEPARTMENT OF TRANSPORTATION		395 John Ireland Blvd. St. Paul MN, 55155 United States	Electronic Service		No	24-264 Official CC Service List
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