

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Katie J. Sieben  
Hwikwon Ham  
Joseph K. Sullivan  
John A. Tuma

Chair  
Commissioner  
Commissioner  
Commissioner

In the Matter of the Application for a Route Permit for the Big Stone, South Dakota to Alexandria, Minnesota 345- kV Transmission Project in West-Central Minnesota

ISSUE DATE: January 9, 2025

DOCKET NO. E-017,ET-10/TL-23-160

ORDER REFERRING CASE FOR CONTESTED CASE HEARINGS; NOTICE OF AND ORDER FOR HEARING

**PROCEDURAL HISTORY**

On October 22, 2024, Otter Tail Power Company and Western Minnesota Municipal Power Agency filed a route permit application to construct a 345 kilovolt (kV) alternating current high voltage transmission line (HVTL) and associated facilities from the existing Big Stone South Substation in Big Stone, South Dakota to the existing Alexandria Substation in Alexandria, Minnesota.

On December 3, 2024, the Commission issued an order finding the application substantially complete.

The above titled matter has been considered by the Commission and the following disposition made.

**FINDINGS AND CONCLUSIONS**

**I. The Project**

The applicants propose to construct over 90 miles of new HVTL from Big Stone, South Dakota to Alexandria, Minnesota along portions of Big Stone, Swift, Stevens, Pope, and Douglas Counties. This project would connect the existing Big Stone South and Alexandria substations and represents the west segment of the larger Big Stone – Alexandria – Big Oaks transmission line project.

The entire project was studied, reviewed, and approved as part of the Long-Range Transmission Plan Tranche 1 Portfolio by the Midcontinent Independent System Operator, Inc.’s (MISO)

Board of Directors in July 2022 as part of its 2021 Transmission Expansion Plan. A certificate of need for the entire project was issued by the Commission on October 3, 2024. The proposed project would construct double-circuit structures and install one circuit, leaving one circuit open for a future transmission line. The proposed route generally proceeds east along U.S. Highway 12 up to 42 miles from Big Stone South, South Dakota to Tara Township in Swift County, then heads northeast up to 39 miles towards Ben Wade Township in Pope County, and lastly routes up to 26 miles northeast to the Alexandria Substation in Douglas County.

Because the proposed project is a high-voltage transmission line with a capacity of 300 kilovolts or more and longer than one mile in length, it is subject to a route permit from the Commission.<sup>1</sup>

## **II. Jurisdiction and Referral for Contested Case Proceedings**

As required by statute, the Commission will refer this matter to the Office of Administrative Hearings for contested case proceedings.<sup>2</sup> This is a finding as to form only; it implies no judgment on the merits of the applications.

## **III. Issues to be Addressed**

The Commission expects that in the course of this proceeding, the parties will develop a full record addressing issues raised that are relevant to the Commission's route permit decisions.

## **IV. Procedural Outline**

### **A. Administrative Law Judge**

The Administrative Law Judge assigned to this case is Christa Moseng. Her address is as follows: Office of Administrative Hearings, 600 North Robert Street, St. Paul, Minnesota 55101. Her mailing address is P.O. Box 64620, St. Paul, Minnesota 55164-0620. She can be reached through her assistant Majeste Phillip at 651-361-7853; [majeste.phillip@state.mn.us](mailto:majeste.phillip@state.mn.us), 651-361-7900.

### **B. Hearing Procedure**

- *Controlling Statutes and Rules*

Hearings in this matter will be conducted in accordance with the Administrative Procedure Act, Minn. Stat. §§ 14.57-14.62; Minn. R. 1400.5010-8400; and to the extent they are not superseded by those rules, the Commission's rules of Practice and Procedure, Minn. R. 7829.0100 to 7829.4000. Hearings may be recessed and reset by the Administrative Law Judge pursuant to Minn. R. 1405.1400 to .2300.

Copies of these rules and statutes may be purchased from the Print Communications Division of the Department of Administration, 660 Olive Street, St. Paul, Minnesota 55155; (651) 297-3000. These rules and statutes also appear on the State of Minnesota's website at [www.revisor.mn.gov/pubs](http://www.revisor.mn.gov/pubs).

---

<sup>1</sup> Minn. Stat. § 216E.03, subd. 2.

<sup>2</sup> Minn. Stat. § 216E.03, subd. 6.

The OAH conducts contested case proceedings in accordance with the Minnesota Rules of Professional Conduct and the Professionalism Aspirations adopted by the Minnesota State Bar Association.

- *Right to Counsel and to Present Evidence*

In these proceedings, parties may be represented by counsel, may appear on their own behalf, or may be represented by another person of their choice, unless otherwise prohibited as the unauthorized practice of law. They have the right to present evidence, conduct cross-examination, and make written and oral argument. Under Minn. R. 1405.1300, they may obtain subpoenas to compel the attendance of witnesses and the production of documents.

Parties should bring to the hearing all documents, records, and witnesses necessary to support their positions.

- *Discovery and Informal Disposition*

Any questions regarding discovery under Minn. R. 1400.6700 to 1400.6800 or informal disposition under Minn. R. 1400.5900 should be directed to Sam Lobby, Minnesota Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, Minnesota, 55101-2147, [sam.lobby@state.mn.us](mailto:sam.lobby@state.mn.us).

- *Protecting Not-Public Data*

State agencies are required by law to keep some data not public. Parties must advise the Administrative Law Judge if not-public data is offered into the record. They should take note that any not-public data admitted into evidence may become public unless a party objects and requests relief under Minn. Stat. § 14.60, subd. 2.

- *Accommodations for Disabilities; Interpreter Services*

At the request of any individual, this agency will make accommodations to ensure that the hearing in this case is accessible. The agency will appoint a qualified neutral interpreter if necessary. Persons must promptly notify the Administrative Law Judge if an interpreter is needed.

- *Scheduling Issues*

The times, dates, and places of evidentiary hearings in this matter will be set by order of the Administrative Law Judge after consultation with the Commission and intervening parties.

- *Notice of Appearance*

Any party intending to appear at the hearing must file a notice of appearance (Attachment A) with the Administrative Law Judge within 20 days of the date of this Notice and Order for Hearing.

- *Sanctions for Non-Compliance*

Failure to appear at a prehearing conference, a settlement conference, or the hearing, or failure to comply with any order of the Administrative Law Judge, may result in facts or issues being resolved against the party who fails to appear or comply.

### **C. Parties and Intervention**

The current parties to this case are the applicants and the Department of Commerce. Other persons wishing to become formal parties must do so pursuant to Minn. R. 1405.0900. Subpart 1 of that rule prescribes the timing and contents of a petition to intervene. Subpart 2 prescribes the timing and content of any objection to the petition, and subpart 3 sets forth the standards for granting, denying, or requiring consolidation of similar petitions.

The hearing process established under Rule Chapter 1405 is designed to facilitate public participation, and persons need not intervene as parties to participate. All public participants have significant procedural rights, including but not limited to, the right to be present throughout the proceeding, to offer direct testimony in oral or written form, to question all persons who testify, and to submit comments to the Administrative Law Judge and the Commission.

Persons who intervene and are granted party status have additional rights and responsibilities, including, but not limited to, the right to object to another's petition for intervention, the right to submit direct testimony and conduct cross-examination of other parties' witnesses, and the duty to submit pre-filed testimony, comply with discovery requests, produce witnesses, file briefs, and serve all documents on all other parties.

The description of rights in this section is summary in nature, as required by Minn. R. 1405.0500, subpart 1(I), and is not intended to be comprehensive. Interested parties are encouraged to review Chapter 1405 to identify the scope of rights and authority to act given to "persons" or restricted to "parties" under the various provisions of that chapter.

### **V. Prehearing Conference**

A prehearing conference will be held on January 9, at 11:00 a.m., via Microsoft Teams, as follows.

**Scheduled – Prehearing Telephone Conference on 1/9/2025 at 11:00 AM.**

**Call-in Information -**

**+1 651-395-7448**

**Phone Conference ID: 973 538 609#**

Persons participating in the prehearing conference should be prepared to discuss time frames, scheduling, discovery procedures, and similar issues. Potential parties are invited to attend the prehearing conference and to file their petitions to intervene as soon as possible.

## VI. *Ex Parte* Communications

Restrictions on *ex parte* communications with Commissioners and reporting requirements regarding such communications with Commission staff apply to this proceeding from the date of this Order. Those restrictions and reporting requirements are set forth in Minn. R. 7845.7300 – 7845.7400, which all parties are urged to consult.

### ORDER

1. The Commission refers this matter to the Office of Administrative Hearings.

**This decision is issued by the Commission’s consent calendar subcommittee, under a delegation of authority granted under Minn. Stat. § 216A.03, subd. 8 (a). Unless a party, a participant, or a Commissioner files an objection to this decision within ten days of receiving it, it will become the Order of the full Commission under Minn. Stat. § 216A.03, subd. 8 (b).**

BY ORDER OF THE COMMISSION



Will Seuffert  
Executive Secretary



This document can be made available in alternative formats (e.g., large print or audio) by calling 651.296.0406 (voice). Persons with hearing or speech impairment may call using their preferred Telecommunications Relay Service or email [consumer.puc@state.mn.us](mailto:consumer.puc@state.mn.us) for assistance.

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Application for a  
Route Permit for the Big Stone, South  
Dakota to Alexandria, Minnesota, 345  
Kilovolt Transmission Line Project

**NOTICE OF APPEARANCE**

TO: Administrative Law Judge Moseng, 600 North Robert Street, PO Box 64620,  
St. Paul, MN 55164

**PLEASE TAKE NOTICE that:**

- 1. The party named below will appear at the prehearing conference and subsequent proceedings in the above-entitled matter.
- 2. By providing its email address below, the party named below hereby acknowledges that it has read and agrees to the terms of the Office of Administrative Hearings' e-Filing policy and chooses to opt into electronic notice from the Office of Administrative Hearings with respect to this matter. **Note: Provision of an email address DOES NOT constitute the party's consent to electronic service from the opposing party/ies in this proceeding.**
- 3. The party named below agrees to use best efforts to provide the Office of Administrative Hearings with the email address(es) for opposing parties and their legal counsel and to advise the Office of Administrative Hearings of any change in all parties' email address(es).

**Party's/Agency's Name:** \_\_\_\_\_

Email: \_\_\_\_\_ Telephone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

**Party's/Agency's Attorney:** \_\_\_\_\_

Firm Name: \_\_\_\_\_

Email: \_\_\_\_\_ Telephone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

**Respondent's/Opposing Party's Name:** \_\_\_\_\_

Email: \_\_\_\_\_ Telephone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Dated: \_\_\_\_\_



## BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

### ENERGY ENVIRONMENTAL REVIEW AND ANALYSIS COMMENTS AND RECOMMENDATIONS

#### BIG STONE SOUTH TO ALEXANDRIA 345 kV TRANSMISSION PROJECT DOCKET NO. E017, ET10/TL-23-160

---

**Date:** November 5, 2024

**EERA Staff:** Jenna Ness | 651-539-1693 | jenna.ness@state.mn.us

#### **In the Matter of the Application for a Route Permit for the Big Stone South to Alexandria 345-kV Transmission Project in West-Central Minnesota**

**Issues Addressed:** These comments and recommendations address the completeness of the route permit application, the need for an advisory task force, and the presence of contested issues of fact.

#### **Documents Attached:**

- (1) Map 1: Project Overview Map
- (2) Table 1. Application Completeness Requirements
- (3) Table 2. Draft Permitting and Environmental Review Schedule

Additional documents and information can be found on:

- eDockets via <https://www.edockets.state.mn.us/EFiling/search.jsp> (23-160) and;
- The Department of Commerce’s website via <http://mn.gov/commerce/energyfacilities>.

This document can be made available in alternative formats (i.e., large print or audio) by calling 651-539-1530 (voice).

---

## **Introduction and Background**

On October 22, 2024, Otter Tail Power Company and Western Minnesota Municipal Power Agency, through its agent, Missouri River Energy Services (hereinafter the applicants) filed a route permit application with the Minnesota Public Utilities Commission (Commission) to construct a 345 kilovolt (kV) alternating current high voltage transmission line (HVTL) and associated facilities from the existing Big Stone South Substation in Big Stone South, South Dakota to the existing Alexandria Substation in Alexandria, Minnesota (Map 1).<sup>1</sup> Both of the existing substations would require minor

---

<sup>1</sup> The Applicants, Big Stone South to Alexandria 345 kV Transmission Project. Application to the Minnesota Public Utilities Commission for a Route Permit for a High Voltage Transmission Line, October 22, 2024, eDockets No. [202410-211190-01](#) (through -07), [202410-211191-01](#) (through -02), [202410-211192-01](#), [202410-211193-01](#), [202410-211194-01](#), [202410-211195-01](#), [202410-211196-01](#), [202410-211197-01](#), [202410-211198-01](#), [202410-211201-01](#), [202410-211202-01](#) (through -07), and [202410-211228-01](#) [hereinafter the “Route Permit Application”].

expansions.

On October 25, 2024, the Commission issued a notice soliciting comments on the completeness of the route permit application, the need for an advisory task force, the advisability of authorizing the applicants to consultation with State Historic Preservation Office (SHPO), and the presence of contested issues of fact.<sup>2</sup>

## Project Purpose

The applicants indicate that the project is needed to provide additional transmission capacity, to mitigate current capacity issues, and to improve electric system reliability throughout the region as more renewable energy resources are added to the electric system in and around the region.<sup>3</sup> The current 345 kV transmission system is at capacity which leads to several reliability concerns that could affect customers' service.<sup>4</sup>

## Project Description

The applicants propose to construct over 90 miles of new HVTL from Big Stone South, South Dakota to Alexandria, Minnesota along portions of Big Stone, Swift, Stevens, Pope, and Douglas Counties.<sup>5</sup> This new HVTL will connect the existing Big Stone South and Alexandria substations and represents the west segment of the larger Big Stone – Alexandria – Big Oaks transmission line project. The entire project was studied, reviewed, and approved as part of the Long-Range Transmission Plan Tranche 1 Portfolio by the Midcontinent Independent System Operator, Inc.'s (MISO) Board of Directors in July 2022 as part of its 2021 Transmission Expansion Plan.<sup>6</sup> A certificate of need for the entire project was issued by the Commission on October 3, 2024.<sup>7</sup>

The proposed project would construct double-circuit structures and install one circuit, leaving one circuit open for a future transmission line. As shown in Map 1, the route generally proceeds east along U.S. Highway 12 up to 42 miles from Big Stone South, South Dakota to Tara Township in Swift County, then heads northeast up to 39 miles towards Ben Wade Township in Pope County, and lastly routes up to 26 miles northeast to the Alexandria Substation in Douglas County.

## Regulatory Process and Procedures

In Minnesota, no person may construct an HVTL without a route permit from the Commission.<sup>8</sup> An HVTL is defined as a transmission line with a capacity of 100 kV or more and greater than 1,500 feet in

---

<sup>2</sup> Public Utilities Commission, Notice of Comment Period on Application Completeness. October 25, 2024, eDockets No. [202410-211322-01](#).

<sup>3</sup> Route Permit Application, Section 1.

<sup>4</sup> Northern States Power Company, doing business as Xcel Energy, along with Great River Energy, Minnesota Power, Otter Tail Power Company, and Missouri River Energy Services, on behalf of Western Minnesota Municipal Power Agency, Alexandria to Big Oaks 345 kV Transmission Project. Application to the Minnesota Public Utilities Commission for a Route Permit for a High Voltage Transmission Line, September 29, 2023, eDockets Nos. [20239-199287-01](#) (through -08)

<sup>5</sup> Route Permit Application, Section 1.

<sup>6</sup> See MTEP21 Report Addendum: Long Range Transmission Planning Tranche 1 Executive Summary (2022). <https://cdn.misoenergy.org/MTEP21%20Addendum-LRTP%20Tranche%201%20Report%20with%20Executive%20Summary625790.pdf>

<sup>7</sup> Docket Nos. TL-23-159 and CN-22-528. Commission Order Granting Certificate of Need And Issuing Route Permit. October 30, 2024, eDockets No. 202410-211465-01.

<sup>8</sup> Minnesota Statute 216E.03.



length.<sup>9</sup> As the proposed route would be at least 90 miles of new HVTL, a route permit from the Commission is required. Certain projects qualify for the alternative review process because of their voltage or length. This project does not. Therefore, the project will be reviewed under the full permitting process outlined in Minnesota Rules 7850.1700 – 7850.2700.

The proposed project will operate at a voltage greater than 200 kV and will have a length in Minnesota greater than 1,500 feet in length; accordingly, the project is a large energy facility and requires a certificate of need from the Commission.<sup>10</sup> A certificate of need was issued on October 3, 2024, for the project.<sup>11</sup>

## Route Permit Application Acceptance

Route permit applications for HVTLs must provide information about the applicant, a description of the project, and discussion of potential human and environmental impacts and mitigation measures.<sup>12</sup> Review under the full permitting process requires an applicant to propose two routes in their permit application; neither of the proposed routes may be designated as a preferred route.<sup>13</sup>

The Commission may accept an application as complete, reject an application and require additional information to be submitted, or accept an application as complete upon filing of supplemental information.<sup>14</sup> The environmental review and permitting process begins on the date the Commission determines that a route permit application is complete.<sup>15</sup> The Commission has one year (or 15 months, with just cause) from the date of this determination to reach a route permit decision.<sup>16</sup>

## Public Advisor

Upon acceptance of a route permit application, the Commission must designate a public advisor.<sup>17</sup> The public advisor answers questions about the permitting process but cannot provide legal advice or act as an advocate for any person.

## Environmental Review

Route permit applications are subject to environmental review conducted by Department of Commerce, Energy Environmental Review and Analysis (EERA) staff. Projects proceeding under the full permitting process require the preparation of an environmental impact statement (EIS).<sup>18</sup> An EIS is a written document which contains an overview of the resources affected by a proposed project and describes the potential human and environmental impacts and possible mitigation measures. An EIS is published in both a draft and final form. It is the only state environmental review document required for route permit applications reviewed under the full permitting process.

---

<sup>9</sup> Minnesota Statute 216E.01.

<sup>10</sup> Minn. Stat. 216B.2421; Minn. Stat. 216B.243.

<sup>11</sup> Docket No. CN-22-528. Commission Order Granting Certificate of Need and Issuing Route Permit. October 30, 2024, eDockets No. [202410-211465-01](#).

<sup>12</sup> Minnesota Rules 7850.1900 and 7850.3100.

<sup>13</sup> Minnesota Statute 216E.03.

<sup>14</sup> Minn. R. 7850.2000.

<sup>15</sup> *Id.*

<sup>16</sup> Minn. R. 7850.2700.

<sup>17</sup> Minnesota Rule 7850.3400.

<sup>18</sup> Minnesota Rule 7850.2500.

EERA and Commission staff conduct public information and scoping meetings during a public comment period to inform the content of the EIS.<sup>19</sup> The Department of Commerce issues the scope of the EIS,<sup>20</sup> and may include alternative routes suggested during the scoping process if they would aid the Commission in making a permit decision.

## Public Hearings

Route permit applications under the full permitting process require a contested case hearing be held after the draft EIS for the project has been prepared.<sup>21</sup> The hearing is typically presided over by an administrative law judge (ALJ) from the Office of Administrative Hearings. The Commission may request that the ALJ solely provide a summary of public testimony. Alternately, the Commission may request that the ALJ provide a full report with findings of fact, conclusions of law, and recommendations regarding the project.

## Advisory Task Force

The Commission may appoint an advisory task force to aid the environmental review process.<sup>22</sup> An advisory task force must include representatives of local governmental units in the project area.<sup>23</sup> A task force would assist EERA staff with identifying additional routes or impacts and mitigation measures to be evaluated in the EIS. A task force expires upon issuance of the EIS scoping decision.<sup>24</sup>

The Commission is not required to appoint an advisory task force for every project. If the Commission does not appoint a task force, citizens may request that one be appointed.<sup>25</sup> If such a request is made, the Commission must make this determination at its next regularly scheduled meeting. The decision whether to appoint an advisory task force does not need to be made at the time of application acceptance; however, it should be made as soon as practicable to ensure it can complete its charge prior to issuance of the EIS scoping decision.

## EERA Staff Analysis and Comments

EERA staff provides the following analysis and comments in response to the Commission's notice requesting comments on completeness and other issues related to the applicants' route permit application.

### Application Completeness

EERA staff conferred with the applicants about the proposed project and reviewed a draft route permit application. EERA staff believes that staff's comments on the draft application have substantially been addressed in the route permit application submitted to the Commission. Staff evaluated the route permit application against the application completeness requirements of Minnesota Rule 7850.1900 (see Table 1). Staff finds that the application contains appropriate and complete information with respect to these requirements. However, staff notes one area of the application that warrants additional information: formal Natural Heritage Review.

---

<sup>19</sup> Minn. R. 7850.2300; Minn. R. 7850.2500.

<sup>20</sup> Minn. R. 7850.2500.

<sup>21</sup> Minn. R. 7850.2600.

<sup>22</sup> Minnesota Statute 216E.08.

<sup>23</sup> *Ibid.*

<sup>24</sup> Minnesota Rule 7850.3600.

<sup>25</sup> *Ibid.*

EERA staff recommends that the Commission accept the applicants' application as substantially complete and require submittal into the record of a formal Natural Heritage Review with concurrence from the Department of Natural Resources (DNR) prior to issuance of the EIS scoping decision for the project. Review via DNR's Natural Heritage Information System is not only required for environmental review but will further inform the EIS on the occurrence of MBS sites, native plant communities, and endangered flora and fauna suspected within the proposed route width. This will ensure agencies and the public have a chance to review the Natural Heritage Review and provide input on the project's impact to natural resources. The applicants submitted a supplemental NHIS database request for the application route options to DNR on September 24, 2024.<sup>26</sup>

EERA expects that the applicants will consult with the Office of the State Archeologist and Tribal Historic Preservation Officers, as applicable, as more information is obtained after Phase Ia archaeological assessments are completed for the project.<sup>27</sup>

### Advisory Task Force

EERA staff has analyzed the merits of establishing an advisory task force for the project and concludes that a task force is not warranted for the project at this time.

In analyzing the need for an advisory task force for the project, EERA staff considered four characteristics: project size, project complexity, known or anticipated controversy, and sensitive resources.

**Project Size.** The project consists of at least 90 miles of double-circuit 345 kV transmission line and existing substation expansions. The project is expected to have up to 575 transmission line structures 120 to 180 feet in height with spans ranging from 400 to 1,400 feet. The length, voltage, and size of the structures make this a relatively large transmission line project for Minnesota. These size factors weigh in favor of a task force.

**Project Complexity.** The proposed facilities are not complex. Land use and population density vary along the proposed routes. Built features including an interstate highway, state, county and township roads, railroads, and existing transmission lines. Natural features include wetlands, watercourses, native plant communities, and potential archaeological or historic sites. Crossing these features is not uncommon, and the application identified the necessary techniques and practices to construct a project near these features. While crossing built and natural features requires additional planning, coordination, and construction steps, it is not uncommon. Complexity factors do not weigh for or against a task force.

**Known or Anticipated Controversy.** To date, comments have been received from persons with concerns about the project. The applicants detail how some of these concerns have informed their route selection process and have hosted several open houses in an attempt to address or get ahead of these concerns.<sup>28</sup> Other public engagement and outreach has been conducted such as direct mailings.<sup>29</sup> Staff notes that because of the project's size and length, some controversy is expected. On whole, controversy factors weigh slightly in favor of a task force.

---

<sup>26</sup> Route Permit Application, Section 8.1.2.3.

<sup>27</sup> Route Permit Application, Appendix F (page 423-424). SHPO, December 28, 2023.

<sup>28</sup> Route Permit Application, Section 2.3 and Table 3.2-1.

<sup>29</sup> Ibid.

**Sensitive Natural Resources.** There are rare and unique natural resources in the project area including state-listed and federally listed rare species, habitats with biological significance, native plant communities, conservation easements, and others.<sup>30</sup> The applicants' proposed routes avoid or span many of these resources; however, some impacts to these resources will occur. The applicants have committed to work with resource agencies to minimize impacts to sensitive natural resources. On whole, potential impacts to sensitive natural resources weigh in favor of a task force.

Based on the assessment of the factors above, an advisory task force might be helpful; however, EERA staff believes that an advisory task force is not warranted for the project at this time. The resources and potential impacts discussed above occur over the length of the project, i.e., over 90 miles. To EERA staff's understanding, there is not, at this time, a specific area of the project where resource impacts will be difficult to address in the normal course of scoping, environmental review, and contested case hearing. An advisory task force is best suited for specific, defined geographies and impacts. It would not be useful or efficient, for example, to have a task force consisting of all the local units of government along the 90-mile length of the project. Thus, EERA staff believes there is a relatively poor fit between the widely distributed potential impacts of the project and the structure and usefulness of a task force.

Additionally, the applicants considered, and rejected, several routing alternatives in developing the proposed routes. These alternatives generally address the balancing between potential impacts to human and environmental resources. EERA staff believes these routing alternatives are well documented in the application.<sup>31</sup> EERA staff believes that some of these alternatives, or variations of these alternatives, could be proposed during scoping to be evaluated in the EIS in addition to new alternatives recommended during public comment. These routing alternatives, being distributed along the length of the project and responsive to potential impacts of the project, are a good means (likely a better means than a task force), for addressing the potential human and environmental impacts of the project.

### Contested Issue of Fact

Based on its review of the route permit application and the record to date, EERA staff has not identified any contested issues of fact. Staff is unaware of any issues or concerns associated with the application or project that require a contested case hearing.

EERA staff recommends that the Commission request a full ALJ report for the project. EERA staff believe that a full ALJ report with recommendations provides an unbiased, efficient, and transparent method to voice and resolve any issues that may emerge as the record is developed. Requiring a full ALJ report reduces the burden on staff and helps to ensure that the Commission has a robust record on which to base its decision. Additionally, a full ALJ report does not significantly lengthen the route permitting process. EERA staff provided a draft schedule for the applicants' permitting process, which includes a comparison of potential hearing work products and schedules – i.e., a summary of public testimony versus a full ALJ report with findings, conclusions, and recommendations (see Table 2).

---

<sup>30</sup> Route Permit Application, Section 7.4.12.

<sup>31</sup> Route Permit Application, Appendix H.

## **EERA Staff Recommendations**

EERA staff recommends that:

- The Commission accept the applicants' route permit application as substantially complete and require the applicants to submit into the record formal Natural Heritage Review with DNR concurrence prior to issuance of the EIS scoping decision for the project.
- The Commission not appoint an advisory task force for the route permit application.
- The Commission request a full ALJ report with findings, conclusions, and recommendations.

**Table 1. Application Completeness Requirements**

Minnesota Rule 7850.1900, Subpart 2	Location in Route Permit Application	EERA Staff Comments
A. a statement of proposed ownership of the facility at the time of filing the application and after commercial operation;	1.1	Satisfactory.
B. the precise name of any person or organization to be initially named as permittee or permittees and the name of any other person to whom the permit may be transferred if transfer of the permit is contemplated;	1.1	Satisfactory.
C. at least two proposed routes for the proposed high voltage transmission line and identification of the applicant's preferred route and the reasons for the preference;	Appendix C	Satisfactory.
D. a description of the proposed high voltage transmission line and all associated facilities including the size and type of the high voltage transmission line;	1	Satisfactory.
E. the environmental information required under subpart 3;	See Minnesota Rule 7850.1900, subpart 3 completeness in the table below.	
F. identification of land uses and environmental conditions along the proposed routes	7.2.1	Satisfactory.
G. the names of each owner whose property is within any of the proposed routes for the high voltage transmission line;	Appendix N	Satisfactory.
H. United States Geological Survey topographical maps or other maps acceptable to the commission showing the entire length of the high voltage transmission line on all proposed routes;	Appendix D	Satisfactory.
I. identification of existing utility and public rights-of-way along or parallel to the proposed routes that have the potential to share the right-of-way with the proposed line;	7.2.13.1	Satisfactory.

Minnesota Rule 7850.1900, Subpart 2	Location in Route Permit Application	EERA Staff Comments
J. the engineering and operational design concepts for the proposed high voltage transmission line, including information on the electric and magnetic fields of the transmission line;	3.4 and Appendix E	Satisfactory.
K. cost analysis of each route, including the costs of constructing, operating, and maintaining the high voltage transmission line that are dependent on design and route;	3.6 and Appendix C	Satisfactory.
L. a description of possible design options to accommodate expansion of the high voltage transmission line in the future;	3.4	Structures will be double-circuit capable.
M. the procedures and practices proposed for the acquisition and restoration of the right-of-way, construction, and maintenance of the high voltage transmission line;	6	Satisfactory.
N. a listing and brief description of federal, state, and local permits that may be required for the proposed high voltage transmission line; and	2.4	Satisfactory.
O. a copy of the Certificate of Need or the certified HVTL list containing the proposed high voltage transmission line or documentation that an application for a Certificate of Need has been submitted or is not required.	1	A certificate of need has been issued for the project.

Minnesota Rule 7850.1900, Subpart 3	Location in Route Permit Application	EERA Staff Comments
A. a description of the environmental setting for each route or route;	7.1	Satisfactory.
B. a description of the effects of construction and operation of the facility on human settlement, including, but not limited to, public health and safety, displacement, noise, aesthetics, socioeconomic impacts, cultural values, recreation, and public services;	7.2	Satisfactory.

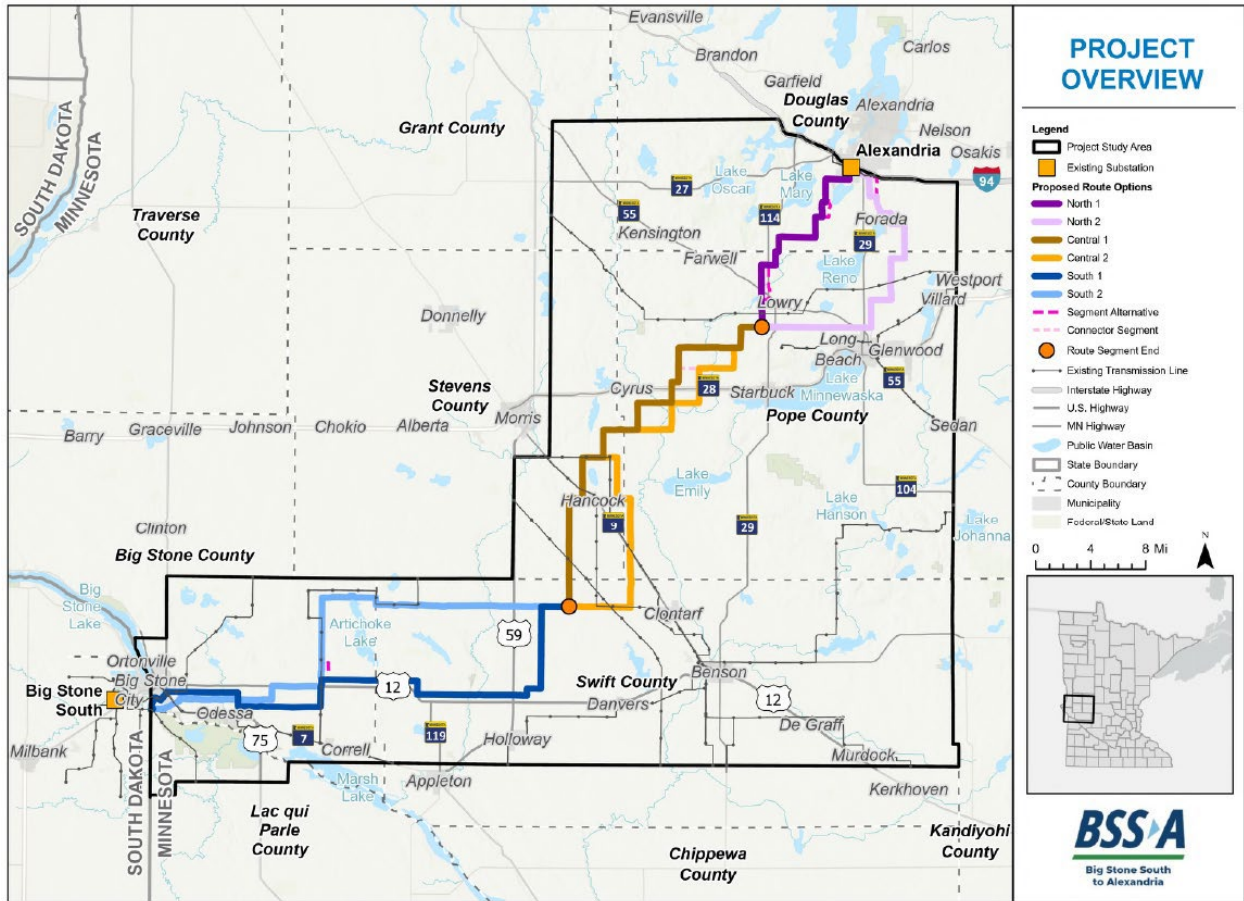
Minnesota Rule 7850.1900, Subpart 3	Location in Route Permit Application	EERA Staff Comments
C. a description of the effects of the facility on land-based economies, including, but not limited to, agriculture, forestry, tourism, and mining;	7.3	Satisfactory.
D. a description of the effects of the facility on archaeological and historic resources;	7.5	Satisfactory.
E. a description of the effects of the facility on the natural environment, including effects on air and water quality resources and flora and fauna;	7.4	Satisfactory.
F. a description of the effects of the facility on rare and unique natural resources;	7.4.12	Satisfactory.
G. identification of human and natural environmental effects that cannot be avoided if the facility is approved at a specific route or route; and	7.6	Satisfactory.
H. a description of measures that might be implemented to mitigate the potential human and environmental impacts identified in items A to G and the estimated costs of such mitigative measures.	Within each category under Chapter 7	Satisfactory.



**Table 2. Draft Permitting and Environmental Review Schedule**

<b>Permitting Day</b>	<b>Process Step (Summary of Public Testimony)</b>	<b>Process Step (Full ALJ Report)</b>
0	Route Permit Application Filed	
	Comment Period on Application Completeness	
	Reply and Supplemental Comment Periods	
	Commission Considers Application Completeness	
1	Application Acceptance Order	
5	Public Information and Scoping Meeting Notice	
25	Public Information and Scoping Meetings	
40	Scoping Comment Period Closes	
55	Commission Considers Routing Alternatives	
65	Scoping Decision Issued	
185	Draft EIS Issued   Notice of Draft EIS Meeting and Comment Period	
200	Draft EIS Meetings	
230	Comment Period Closes	
275	Final EIS Issued   Notice of Public Hearing and Comment Period	
290	Public and Evidentiary Hearings	
320	Comment Period Closes	
345	Applicant Proposes Findings of Fact	
365	EERA Submits Technical Analysis and Replies to Proposed Findings	
365	ALJ Submits Summary of Public Testimony	NA
395	Commission Prepares Findings and Proposed Route Permit	ALJ Submits Full Report
410	NA	Exceptions to ALJ Report
415	Commission Considers Route Permit	NA
425	NA	Commission Prepares Route Permit
445	NA	Commission Considers Route Permit

# Map 1: Project Overview Map



## **CERTIFICATE OF SERVICE**

I, Robin Benson, hereby certify that I have this day, served a true and correct copy of the following document to all persons at the addresses indicated below or on the attached list by electronic filing, electronic mail, courier, interoffice mail or by depositing the same enveloped with postage paid in the United States mail at St. Paul, Minnesota.

**Minnesota Public Utilities Commission  
ORDER REFERRING CASE FOR CONTESTED CASE HEARINGS; NOTICE  
OF AND ORDER FOR HEARING**

Docket Numbers: **E-017,ET-10/TL-23-160**

Dated this **9th** day of **January, 2025**

/s/ Robin Benson

#	First Name	Last Name	Email	Organization	Agency	Address	Delivery Method	Alternate Delivery Method	View Trade Secret	Service List Name
1	Jon	Brekke	jbrekke@greenergy.com	Great River Energy		12300 Elm Creek Boulevard Maple Grove MN, 55369-4718 United States	Electronic Service		No	23-160Official CC Service List
2	Christina	Brusven	cbrusven@fredlaw.com	Fredrikson Byron		60 S 6th St Ste 1500 Minneapolis MN, 55402-4400 United States	Electronic Service		No	23-160Official 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	23-160Official CC Service List
4	Richard	Dahl	richard.dahl@mrenergy.com	Missouri River Energy Services		3724 West Avera Drive Sioux Falls SD, 57108 United States	Electronic Service		No	23-160Official CC Service List
5	Bridget	Duffus	bduffus@fredlaw.com	Fredrikson & Byron, P.A.		60 S Sixth St Ste 1500 Minneapolis MN, 55402-4400 United States	Electronic Service		No	23-160Official CC Service List
6	Robert M.	Endris	rendris@otpc.com	Otter Tail Power Company		215 South Cascade St. Fergus Falls MN, 56537 United States	Electronic Service		No	23-160Official CC Service List
7	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	23-160Official CC Service List
8	Jessica	Fyhrie	jfyhrie@otpc.com	Otter Tail Power Company		PO Box 496 Fergus Falls MN, 56538-0496 United States	Electronic Service		No	23-160Official CC Service List
9	Barton	Gernander	bgernander@burnshansen.com			8401 Wayzata Blvd., Ste. 300 Minneapolis MN, 55426 United States	Electronic Service		No	23-160Official CC Service List
10	Erik	Gravley	egravley@earthlink.net			3871 Woodsmen Ln SW Alexandria MN, 56308 United States	Electronic Service		No	23-160Official CC Service List
11	Amber	Grenier	agrenier@otpc.com	Otter Tail Power Company		215 S. Cascade St. Fergus Falls MN, 56537 United States	Electronic Service		No	23-160Official CC Service List
12	Adam	Heinen	aheinen@dakotaelectric.com	Dakota Electric Association		4300 220th St W Farmington MN, 55024 United States	Electronic Service		No	23-160Official CC Service List
13	Lori	JohnsonWarner	lori.johnson@earthlink.net			18198 145th St. NW Elk River MN, 55330 United States	Electronic Service		No	23-160Official CC Service List

#	First Name	Last Name	Email	Organization	Agency	Address	Delivery Method	Alternate Delivery Method	View Trade Secret	Service List Name
14	Nick	Kaneski	nick.kaneski@enbridge.com	Enbridge Energy Company, Inc.		11 East Superior St Ste 125 Duluth MN, 55802 United States	Electronic Service		No	23-160Official CC Service List
15	James D.	Larson	james.larson@avantenergy.com	Avant Energy Services		220 S 6th St Ste 1300 Minneapolis MN, 55402 United States	Electronic Service		No	23-160Official CC Service List
16	Benjamin	Levine	blevine@mnpower.com	Minnesota Power		30 West Superior Street Duluth MN, 55802 United States	Electronic Service		No	23-160Official CC Service List
17	Larry	Mahoney				1910 50th St. NW Appleton MN, 56208 United States	Paper Service		No	23-160Official CC Service List
18	Kavita	Maini	kmains@wi.rr.com	KM Energy Consulting, LLC		961 N Lost Woods Rd Oconomowoc WI, 53066 United States	Electronic Service		No	23-160Official CC Service List
19	Andrew	Moratzka	andrew.moratzka@stoel.com	Stoel Rives LLP		33 South Sixth St Ste 4200 Minneapolis MN, 55402 United States	Electronic Service		No	23-160Official CC Service List
20	Christa	Moseng	christa.moseng@state.mn.us		Office of Administrative Hearings	P.O. Box 64620 Saint Paul MN, 55164-0620 United States	Electronic Service		Yes	23-160Official CC Service List
21	Matthew	Olsen	molsen@otpc.com	Otter Tail Power Company		215 South Cascade Street Fergus Falls MN, 56537 United States	Electronic Service		No	23-160Official CC Service List
22	Kevin	Pranis	kpranis@liunagro.com	Laborers' District Council of MN and ND		81 E Little Canada Road St. Paul MN, 55117 United States	Electronic Service		No	23-160Official CC Service List
23	Generic Notice	Regulatory	regulatory_filing_coordinators@otpc.com	Otter Tail Power Company		215 S. Cascade Street Fergus Falls MN, 56537 United States	Electronic Service		No	23-160Official CC Service List
24	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 United States	Electronic Service		No	23-160Official CC Service List
25	Stephan	Roos	stephan.roos@state.mn.us		Minnesota Department of Agriculture	625 Robert St N Saint Paul MN, 55155-2538 United States	Electronic Service		No	23-160Official CC Service List
26	J.P.	Schumacher	jps@mrenergy.com	Missouri River Energy Services		null null, null United States	Electronic Service		No	23-160Official CC Service List

#	First Name	Last Name	Email	Organization	Agency	Address	Delivery Method	Alternate Delivery Method	View Trade Secret	Service List Name
27	Christine	Schwartz	regulatory.records@xcelenergy.com	Xcel Energy		414 Nicollet Mall FL 7 Minneapolis MN, 55401-1993 United States	Electronic Service		No	23-160Official CC Service List
28	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	23-160Official CC Service List
29	Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates		7400 Lyndale Ave S Ste 190 Richfield MN, 55423 United States	Electronic Service		Yes	23-160Official CC Service List
30	Dalah	Smith	jjsmithmn@gmail.com			4972 Broadmoor Drive Independence MN, 55359 United States	Electronic Service		No	23-160Official CC Service List
31	Cary	Stephenson	cstephenson@otpc.com	Otter Tail Power Company		215 South Cascade Street Fergus Falls MN, 56537 United States	Electronic Service		No	23-160Official CC Service List
32	Stuart	Tommerdahl	stommerdahl@otpc.com	Otter Tail Power Company		215 S Cascade St PO Box 496 Fergus Falls MN, 56537 United States	Electronic Service		No	23-160Official CC Service List
33	Stacy	Wahlund	swahlund@otpc.com	Otter Tail Power Company		215 S. Cascade St Fergus Falls MN, 56537 United States	Electronic Service		No	23-160Official CC Service List
34	Jason	Weiers	jweiers@otpc.com	Otter Tail Power Company		215 South Cascade Street PO Box 496 Fergus Falls MN, 56538 United States	Electronic Service		No	23-160Official CC Service List
35	Brian	Zavesky	brian.zavesky@mrenergy.com	Missouri River Energy Services		3724 West Avera Dr PO Box 88920 Sioux Falls SD, 57108 United States	Electronic Service		No	23-160Official CC Service List