

The Commission met on **Thursday, May 16, 2024**, with Chair Sieben and Commissioners Ham, Means, and Tuma present.

The following matters were taken up by the Commission:

**E-208,115/SA-24-134**

**In the Matter of the Joint Request of Austin Utilities and Freeborn Mower Electric Cooperative to Modify Electric Service Territory Boundaries**

Commissioner Tuma moved that the Commission:

Approve the Joint Request of Austin Utilities and Freeborn Mower Electric Cooperative to allow Austin Utilities to provide electrical service to the proposed transfer area in Freeborn Mower Electric Cooperative's service territory and request MNGEO update the service territory map to reflect the changes on the map as provided.

The motion passed 4–0.

**IP-7009/GS-19-495**

**In the Matter of the Application of Elk Creek Solar, LLC for a Site Permit for the up to 160 MW Elk Creek Solar Project in Rock County, Minnesota**

Commissioner Tuma moved that the Commission:

1. Adopt the ALJ Summary of Comments, to the extent it is consistent with the Commission's decisions.
2. Find that the supplemental environmental assessment and the record address the issues identified in the scoping decision.
3. Issue an amended site permit for the proposed 160-MW Elk Creek Solar Project (consistent with Attachment A of EERA's February 26, 2024 Hearing Comments) incorporating the permit conditions and other modifications recommended by EERA in their April 11, 2024 reply comments.

4. Authorize Commission staff to update and modify the amended site permit to correct typographic and formatting errors, improve consistency, and ensure agreement with the Commission's final order in the matter.

The motion passed 4–0.

#### **E-999/M-23-91**

#### **In the Matter of the 2023 Minnesota Biennial Transmission Projects Report**

Commissioner Tuma moved that the Commission:

1. Accept the 2023 Biennial Transmission Projects Report.
2. Allow the MTO to publicize future Biennial Transmission Project Reports by posting a link to the report on the MTO website ([www.minnelectrans.com](http://www.minnelectrans.com)) and directions for finding the Commission's website via eDockets, in lieu of mailing compact discs or jump drives with electronic copies.
3. Encourage the Department to collect information on mitigation costs in future rate requests to recover the costs of new energy facilities.
4. Find that since no party has requested certification for any of the projects listed in the reports, it is unnecessary to certify, certify as modified, or deny certification of any projects.
5. Extend the variance to the public participation requirements of Minnesota Rules, part 7848.0900, and forego any requirements to convene a webinar presentation on the 2025 report.
6. Require the MTO to file a 2025 Report that meets the requirements of Minn. Stat. § 216B.2425, subd. 2, and contains content similar to the 2023 Report. Additionally, for all future Biennial Transmission Projects Reports require the MTO, beginning with the 2025 Report, to provide the following:
  - a. An update on the progress and/or performance of the Grid North Partners' proposal for nineteen transmission upgrade projects aimed at enhancing reliability and easing congestion in Minnesota;
  - b. Information about short-term solutions to increase the robustness of the transmission system they have deployed or plan on deploying along with a report on their performance such as:
    - 1) dynamic line ratings,
    - 2) transmission system optimization and reconfigurations,
    - 3) adjusting transmission conductor limitations to increase line ratings,

- 4) increasing substation limiter sizes, and
  - 5) other grid enhancing technologies that they have deployed or plan on deploying; and
- c. Updates to its response to the PUC Information Requests from May 12, 2023.
7. Open a docket to develop a record on transmission-curtailement matters, drivers, and potential solutions for limitations resulting from the Nobles substation.

The motion passed 4–0.

**E-002/CN-23-200**

**E-T2/TL-08-1474**

**In the Matter of the Application of Northern States Power Company d/b/a/ Xcel Energy for a Certificate of Need and a Minor Alteration for the Proposed 345 kV Brookings County to Lyon County and Helena to Hampton Second-Circuit Project in Lincoln, Lyon, Scott, and Dakota Counties**

Commissioner Means moved that the Commission:

1. Find that the environmental report and the record address the issues identifying in the scoping decision.
2. Grant a certificate of need for the Brookings Second Circuit Project.
3. Approve the minor alteration request, with the following conditions:
  - a. Modify the 2010 Original Brookings Route Permit by replacing the existing special condition on Blanding’s turtle as follows:  
The Permittee shall initiate the following measures during construction to avoid and/or mitigate for impacts to the Blanding’s turtle during construction:
    - Avoid wetland impacts during hibernation season, between October 5th and April 15th, unless the area is unsuitable for hibernation.
    - Provide the most current Blanding’s turtle flyer from the Department of Natural Resources (DNR) to all contractors working in the area.
    - Monitor for turtles during construction and report any sightings to the DNR Nongame Specialist.
    - If turtles are in imminent danger, they must be moved by hand out of harm’s way; otherwise they are to be left undisturbed.

4. Modify section IV.B.8 of the 2010 Original Brookings Route Permit to require compliance with the revised December 2023 Agricultural Impact Mitigation Plan instead of the previous version.
5. Modify the 2010 Original Brookings Route Permit to add the new special conditions recommended by the EERA on the following subjects:
  - Wildlife-Friendly Erosion Control
  - Dust Control
  - Northern Long-Eared Bat
  - Loggerhead Shrike 7
  - Henslow's Sparrow
  - Walk-in Access Easement
  - State Historic Preservation Office Recommendations
6. Authorize Commission staff to modify the permit language governing the project's plan and profile to expedite review of the portion affecting the western segment.

The motion passed 4-0.

**G-6915/GP-23-392**

**In the Matter of the Application of Dooley's Natural Gas II, LLC for a Route Permit for the Swift Pipeline Project in Swift County, Minnesota.**

Commissioner Tuma moved that the Commission:

1. Find that the proposed pipeline and associated facilities will not have a significant impact on humans, or the environment based on the criteria listed in Minn. R. 7852.0700, subp. 3, and grant the partial exemption from the pipeline route selection procedures requested by the applicant under Minn. R. 7852.0600.
2. Issue a pipeline route permit with the conditions proposed in EERA's April 26, 2024 filing.
3. Authorize the Applicant to proceed with preconstruction filings and notices, consistent with the pipeline route permit proposed in the EERA's April 26, 2024 filing. Where permit conditions require the Applicant to deliver a copy of the route permit prior to construction, a copy of the route permit proposed in the EERA's April 26, 2024, filing, as modified by this decision, shall be sufficient to satisfy such requirement until the final permit is issued by the Commission.

4. Authorize Commission staff to make further refinements to the route permit conditions as necessary to ensure consistency with the record, the language of recently issued permits, and the Commission's decision on this matter.

The motion passed 4-0.

There being no further business, the meeting was adjourned.

**APPROVED BY THE COMMISSION: August 28, 2024**

A handwritten signature in black ink, appearing to read "Will Seuffert", with a long horizontal flourish extending to the right.

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**Will Seuffert, Executive Secretary**