

Staff Briefing Papers

Meeting Date April 9, 2026

Agenda Item 5*

Company Minnesota Power, Great River Energy, Ottertail Power

Docket No. E015, ET2, E017/CN-25-109

In the Matter of the Application of Minnesota Power, Great River Energy, and Otter Tail Power Company for a Certificate of Need for the Maple River – Cuyuna 345kV Transmission Line Project.

- Issues**
1. Should the Commission accept the Certificate of Need Application as substantially complete?
 2. Should the Commission authorize review of the Certificate of Need Application using the informal process or refer the matter to the Court of Administrative Hearings for contested case proceedings?
 3. Should the Commission consider any additional procedural items?

Staff	Jacques Harvieux	Jacques.harvieux@state.mn.us	651-201-2233
	Jim Sullivan	Jim.sullivan@state.mn.us	651-539-1064

 **Relevant Documents**

	Date
Applicants – Filing Letter & Certificate of Need Application (8 parts)	January 30, 2026
Donna J. Andersen and Curtis Andersen, et al. – Comments	February 24, 2026
DOC DER – Comments	February 24, 2026
MISO – Comments	February 24, 2026
PUC-EIP – Comments	February 24, 2026
Overland Legalectric – Reply Comments – Overland Reply Comment – Xcel Peak Demand Down	February 27, 2026

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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.

✓ Relevant Documents

	Date
Donna J. Andersen and Curtis Andersen and Donna's Acres LLC – Reply Comments	March 3, 2026
Applicants – Reply Comments	March 3, 2026
Donna J. Andersen and Curtis Andersen and Donna's Acres LLC – Supplemental Comments	March 10, 2026
DOC DER – Supplemental Comments	March 10, 2026
LIUNA – Comments	March 11, 2026

Issues

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Project Background

The Maple River to Cuyuna (MR-C) transmission project is being proposed by Minnesota Power (MP), Great River Energy (GRE), and Otter Tail Power (OTP) (collectively the Applicants). Currently, the Applicants have submitted their Certificate of Need (CN) application and plan on filing their route permit application in the third quarter of this year (2026). The project itself is an approximately 160-180 mile 345-kilovolt (kV) high voltage transmission line (HVTL) that as proposed will connect OTP's Maple River Substation in Cass County, North Dakota to MP's Cuyuna Substation in Crow Wing County. Figure 1 is the corresponding anticipated project schedule as shown in the Applicants' CN application.¹ The project is currently estimated to cost between \$1.11 - \$1.33 billion.² In the application, the Applicants asserted that the project is needed to:

- Support the reliability of the regional transmission system, particularly in northern Minnesota and eastern North Dakota;
- Provide additional transmission capacity and regional transfer capability to reliably integrate future generation resources;
- Meet growing electrical demand, enhance resiliency during extreme weather events,

¹ [CN Application Project Schedule](#)

² [CN Application, Project Cost Estimates - Pg. 19](#)

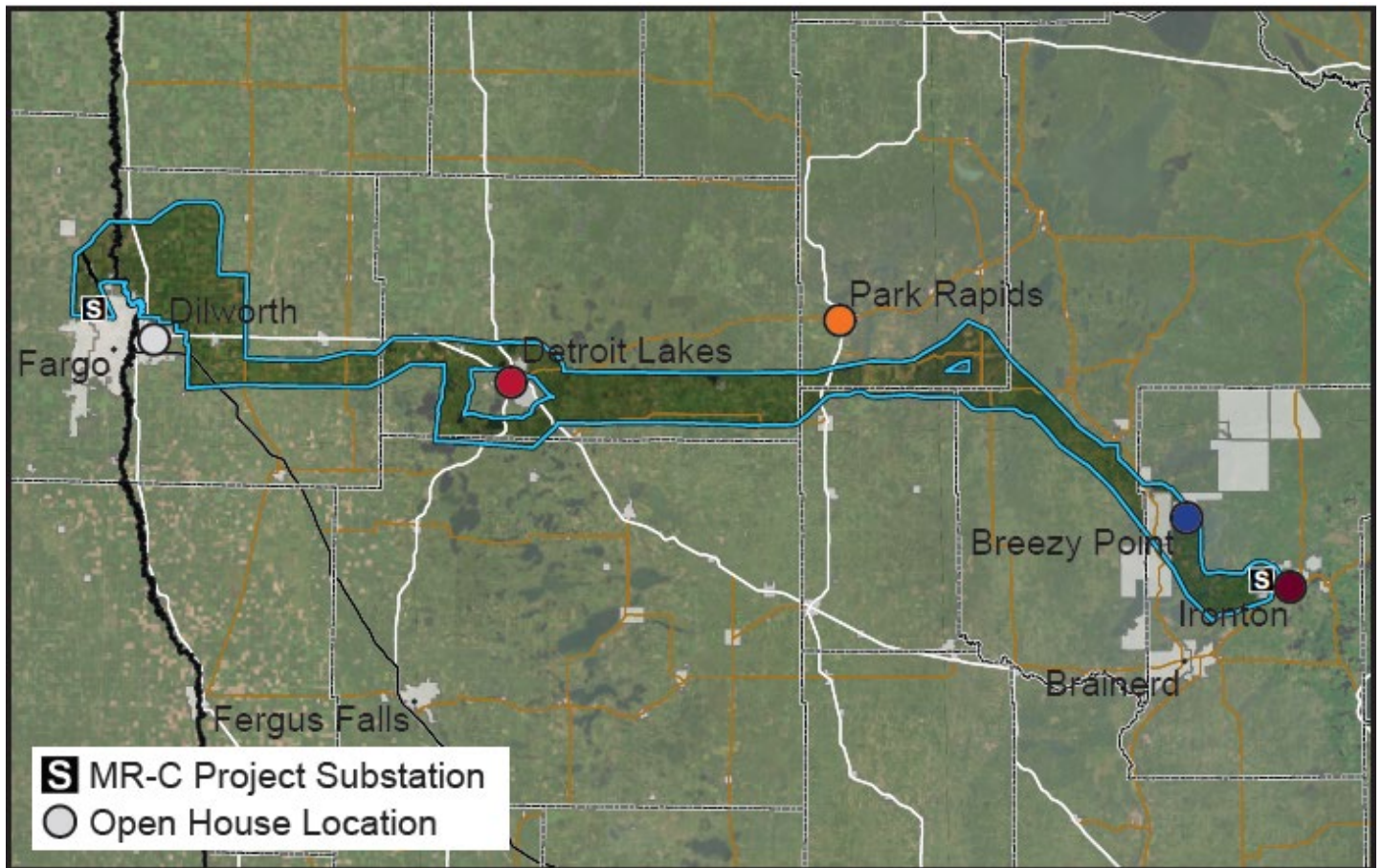
and enable cost-effective regional energy transfers supporting economical grid operations.³

Figure 1.

Milestone	Anticipated Date
Certificate of Need Application filed	January 30, 2026*
Route Permit Application filed	August 2026
Scoping meeting	October 2026
Addendum to EA issued ¹⁷	January 2027
Public hearing and comment period	February 2027
Commission meeting	March 2027
Written order issued	March – June 2027 ¹⁸
Land Acquisition Begins	Late 2027 – Early 2027
Construction Begins	2028
In-Service	By June 1, 2033 ¹⁹

³ [CN Application Introduction](#)

Current Refined Study Area of Potential Routes



Procedural History

The Project was studied and reviewed as part of the Midcontinent Independent System Operator, Inc. (MISO) Long-Range Transmission Planning (LRTP) Tranche 2.1 Portfolio and were approved in July 2024 under the MISO Transmission Expansion Plan 2024 (MTEP24).

On February 7, 2025, Minnesota Power, Great River Energy and Otter Tail Power filed Notices of Intent to Construct, Own, and Maintain the Maple River to Cuyuna 345kV Transmission Project (Maple River - Cuyuna).

On October 21, 2025, in response to the Applicants' August 27, 2025, request, the Commission issued an order approving the Applicants' Notice Plan Petition and granting certain exemptions from the Certificate of Need application content requirements.

On January 23, 2026, the Applicants made a compliance filing demonstrating they had implemented the approved Notice Plan for the application.

On January 30, 2026, the Applicants filed an application for a Certificate of Need for the proposed Maple River to Cuyuna HVTL project.

On February 9, 2026, the Commission issued a notice requesting comments on: (1) whether the Certificate of Need application contains the information required by Minnesota Rule Chapter 7849.0220; (2) whether there are any contested issues of fact with respect to the representations made in the application; (3) whether the Commission should stay the Certificate of Need application, so that it can be reviewed in a joint proceeding with the route permit application; and (4) whether there are any other issues or concerns related to the matter. Initial comments were due February 24, 2026, reply comments were due March 3, 2026, and supplemental comments were due March 10, 2026.

By the close of the initial comment period comment letters were received from Bianca Wyffels, James Cox, Donna J and Curtis Andersen et al., Department of Commerce (DER), Midcontinent Independent System Operator, Inc. (MISO), and PUC EIP.

By the close of the reply comment period, comments were received from Overland Legalectric, Donna J. Andersen and Curtis Andersen and Donna's Acres, LLC, and the Applicants.

By the close of the supplemental comment period comments were received from Donna J. Andersen and Curtis Andersen and Donna's Acres, LLC, Department of Commerce (DER), and LIUNA.

Rules and Statutes

The statutes and rules relevant to Certificate of Need applications for large energy facilities that are high-voltage transmission lines include Minn. Stat. ch. 216B and Minn. R. chapters 7829 and 7849.

Requirements

Minn. Stat. § 216B.243, subd. 2, provides that no large energy facility shall be sited or constructed in Minnesota without the issuance of a Certificate of Need by the Commission. Under Minn. Stat. 216B.2421, Subd. 2 (2) the proposed Maple River to Cuyuna Project meets the definition of a large energy facility because it would have a capacity of 300kV or more and greater than 1-mile in length.

Application Completeness

Under Minn. R. 7849.0220, an application for a Certificate of Need for a large high-voltage transmission line must include all information required by parts 7849.0240, 7849.0260 to 7849.0340, and, if applicable, 7849.0270. The Commission may exempt certain data requirements pursuant to Minn. R. 7849.0200, subp. 6.1 Under Minn. R. 7849.0200, subp. 5, the Commission must notify the Applicant within 30 days of the receipt of an application if the

application is not substantially complete. Upon notification, the Applicant may correct any deficiency and may resubmit the application. If the revised application is substantially complete, the date of its submission is considered the application date.

Procedural Treatment

Under Minn. R. 7829.2500, subp. 9, the Commission may choose one of two procedural methods to evaluate a Certificate of Need application: (1) the informal process designated under Minn. R. 7829.1200 (also known as the notice and comment process); or (2) referral to the Court of Administrative Hearings for contested case proceedings under Minn. Stat. § 14.57 et seq.

Joint Proceeding

Minn. Stat. § 216B.243 subd. 4 states that “unless the commission determines that a joint hearing on siting and need under this subdivision and chapter 216I is not feasible or more efficient, or otherwise not in the public interest, a joint hearing under this subdivision and Chapter 216I must be held.

Environmental Report

Minn. R. 7849.1000 to 7849.2100, establish the requirements for preparing an environmental report for a large energy facility requiring a certificate of need. The environmental report describes the human and environmental impacts associated with the proposed project’s size, type, and timing; evaluates system alternatives to the proposed project; and addresses measures to mitigate potential adverse impacts.

Timing

Under Minn. Stat. § 216B.243, subd. 5, the Commission must approve or deny a Certificate of Need application for a large energy facility within 12 months after an application is submitted. The Commission may extend that period for good cause or by consent of the parties.

Comments

The Commission issued a Notice of Comment Period on Application Completeness⁴ on February 9, 2026. The notice provided for initial, reply, and supplemental comment periods.

⁴ [Notice of Comment Period on CN Application Completeness](#)

General Comments Received

Karen Plemel

Karen Plemel filed comments before the CN application was filed opposing the proposed project.

Bianca Wyffels (May Township Clerk, Cass County)

The May Township Clerk, Bianca Wyffels, filed comments asserting her and her community's opposition to the project due to the removal of trees, potential effect on property values, current easement issues, potential negative effects on home-based businesses, and potential health effects. Ms. Wyffels further added that if the Southern route is selected then the two existing (115kV and 230kV) lines should be stacked to allow the new 345kV line to use the existing right-of-way (ROW).

James Cox

James Cox filed comments giving information on siting and routing concerns pertaining to his property and opposing the proposed project.

Susan Holden

Susan Holden filed comments giving information on siting and routing concerns pertaining to her property and opposing the proposed project.

Comments on the Completeness of the CN and Procedural Questions

***Donna J Andersen & Curtis Andersen, et al.*⁵**

Donna J Andersen and Curtis Andersen, et al. (Andersens) submitted comments during the comment period on February 24, March 3, and March 10, 2026. All sets of comments reiterated the same points, but the reply and supplemental comments contained more information regarding the Andersen's property⁶⁷. In their supplemental comments the Andersen's also asked that if the process is determined at this agenda meeting that the informal process be rejected and the application be referred to the Court of Administrative Hearings (CAH) for contested case proceedings. Among other things in their comments, the Andersens expressed that the Commission failed to send the Notice of Comment Period on

⁵ [Andersen Initial Comments](#)

⁶ [Andersen Reply Comments](#)

⁷ [Andersen Supplemental Comments](#)

Application Completeness to landowners.⁸ Lastly, the Andersen's asserted that while the application contains the information required, there are many contested issues of fact regarding the application. Among them, they argued the following points:

- The “desire” for the additional regional transmission as stated in the application is distinct from Minnesota need as defined by statute.
- The capacity of the proposed HVTL and the need for that capacity is contested.
- The Applicants do not have access to the specific assessment MISO used to establish the High SIL⁹ Requirement, and outdated economic modeling assumptions were used to calculate valid cost estimates which in 2026 require updating.
- MISO's cost/benefit analysis must use current numbers to determine whether a project is feasible, much less conveys a benefit.
- Transmission lines exist, have been proposed, permitted, and are under construction in the geographical and electrical vicinity of this project, calling the “need” for this project into question.
- Applicants claim that ratepayers will be responsible for only a small portion of the cost of this project is disingenuous.
- System alternatives must be equitably evaluated.
- An underbuild of the line on the 345kV structures in the potato field¹⁰ is a reasonable system alternative.
- Batteries are a reasonable and economic alternative to transmission and provide grid support.

The Andersen's concluded their comments by stating the Commission should stay the CN proceeding and refer the CN to the Court of Administrative Hearings (CAH) for joint CN and routing contested case proceedings.

⁸ Staff notes that the notice was issued pursuant to and consistent with [Minn. R. 7829.2500](#).

⁹ [CN Application - Transmission Structure and Conductor Design](#), Surge Impedance Loading Requirement – The goal of the High SIL Requirement is to optimize the loadability of the proposed 345 kV transmission line as it is integrated into the regional grid, maximizing its efficiency and usefulness as a high-capacity expressway for regional transfers of energy. The SIL rating of a transmission line is determined by the physical characteristics of the line, including its operating voltage and characteristic or “surge” impedance. - Pg. 12, Applicants' CN Application

¹⁰ The Andersen's refer to a [potato field](#) as a siting and routing alternative near their property.

Department of Commerce

The Department of Commerce (Department, DOC DER) submitted comments stating that the Applicants' petition is substantially complete, they are unaware of any contested issues of fact and believe the Commission's informal review process of comment and reply would be sufficient to develop and address the issues in this proceeding. DOC DER also indicated that the Applicants request to suspend the CN application until the route permit application has been filed is reasonable and recommended the Commission stay the CN following a determination on completeness.

Other Issues Identified by the Department. The Department identified the following other issues that should be addressed by the Applicants.

- Minn. R. 7849.0260 item B(5):
 1. The Applicants should elaborate on why MISO deemed it necessary to increase the SIL impedance on the double circuit capable line yet still approved it to operate as a single circuit. The Applicants should provide work papers, communications, or collaborations with MISO on this topic. The petition should also address the tradeoffs of this approach versus the following:
 - a. Single-circuiting the line and following with a double-circuit once approved by MISO and the Commission.
 - b. Double-circuiting the line now and operating it as a double circuit line with the higher impedance.
 2. The Applicants should provide more in-depth cost estimates of building the double circuit line relative to costs of building a double-circuit capable structure with an initial single-circuit and provide quantitative and qualitative reasoning on the cost savings of both approaches.
- Minn. R. 7849.0260 item C(1):
 1. The Applicants should provide more details of how the project components cost estimates were calculated and what portion is related to risk reserves?
 2. The Applicants should provide more details of project costs and how they are affected with section 232 tariffs for steel, copper and aluminum, in addition to any other potential cost drivers?



3. The original cost estimate approved by MISO for the project was \$907.8 million. The cost estimate was then increased to a range of \$1,108.4 million to \$1,332.8 million. The Applicants should provide further detail as to why the cost increased. The Applicants noted the project was further developed after MISO approved it. The Applicants should specify which components were added after MISO already approved the project.
 4. At the higher \$1,332.8 million cost, does the project still meet the benefit/cost ratio of 1.25?
 5. The threshold for triggering a variance analysis at MISO is 25%. The lower end, \$1,108.4 million, would still be within 25%, but the higher end, \$1,332.8 million would not. Are the Applicants aware that the higher cost would trigger a variance analysis?
- Minn. R. 7849.0260 item C(5):
 1. Will the project be classified as a retail or a wholesale line for ratemaking purposes?
 - a. If retail, can the Applicants commit that all related revenues be included with costs in future cost recovery?
 - b. If wholesale, can the Applicants ensure all costs (besides keeping related revenues) are tracked and paid for by the wholesale?

Midcontinent Independent System Operator, Inc.

The Midcontinent Independent System Operator, Inc. submitted comments outlining their planning process and stating, “MISO’s planning process includes the development of necessary transmission projects that are included in the annual MTEP. MTEP24 includes the Project as an essential part of the LRTP Tranche 2.1 portfolio of twenty-four transmission projects. MISO has assessed the portions of the application that support the need for the Project and finds them to be accurate.”

Regarding the stay of the CN application, MISO indicated in their comments that the Applicant anticipates an in-service date between 2031 and 2033. The Applicants’ anticipated in-service date is expected to match or be sooner than the planned in-service date contained in MISO’s planning report (June 1, 2033). Due to this MISO stated that the Applicants’ proposal to stay the review of the Certificate of Need until its route proposal is submitted does not appear to present a challenge.

PUC EIP

PUC EIP submitted comments asserting that the environmental information provided by the Applicants for the proposed project and alternatives to the project are substantially complete. PUC EIP also recommended the Commission grant a variance to MN Rule 7849.1200 and 7849.1400 to reflect recent changes in law as well as to allow more than ten days for the Commission to issue a scoping decision for the environmental report.

Legalelectric, Inc. (Carol Overland)

Legalelectric, Inc. (Overland-Legalelectric) submitted comments.¹¹ The comments were generalized and filed into multiple dockets for recently filed projects. Overland-Legalelectric indicated that all of the projects mentioned pose issues of fact, because the forecasted demand for energy reflected in Xcel's recently filed 2025 SEC 19-K report contradicts the Applicants' stated justification of need in their application.

Applicants Reply Comments

The Applicants provided reply comments, in response to the comments received as follows:

DOC DER. The Applicants expressed their appreciation of the comments made by the DOC DER and also provided responses to the Department's request for additional information. The applicants also indicated that any remaining information that the Department may need to evaluate their project will be provided in the route permit application, as well as through information requests made by the Department.

The Department filed a supplemental comment¹² stating that the Applicants have addressed the Department's questions presented in their initial comments.

PUC EIP. The Applicants appreciated PUC EIP's comments and agreed with their request for a variance, explaining that it would be consistent with the requirements under Minn. R. 7829.3200, subp. 1.

MISO. The Applicants expressed appreciation of MISO's comments and its support to stay the Certificate of Need proceeding until the route permit application is filed.

Andersens. In their reply to the Andersens the Applicants stated that if the Andersen's property remains in consideration for siting and routing through the process that the limitations the Andersens identify to be considered can be addressed during the route permit proceedings.

¹¹ [Legalelectric, Inc. Comments](#)

¹² [Department of Commerce - Supplemental Comments](#)

Regarding the several questions the Andersens raised pertaining to their advocacy for a contested case proceeding, the Applicants noted that the application includes a discussion on the topics that were raised. Furthermore, to the extent that additional information is needed, it can be addressed through the comment and reply process that is provided during informal proceedings. The Applicants posit that while the Andersens posed several topics for further inquiry, they have not identified contested issues of material fact under Minnesota law that would benefit from a contested case proceeding.

Regarding the Notice of Comment Period on Application Completeness, the Applicants noted that it was sent pursuant to and consistent with Minn. R. 7829.2500 and the Commission-approved Notice Plan.

Lastly, regarding the environmental report, the type of environmental report to be used (environmental assessment or environmental impact statement) will be determined based upon the proposed route pursuant to Minn. Stat. §§ 216I.06 and 216I.07. The Applicants concluded their reply comments by requesting the Commission:

- Find the Certificate of Need application to be substantially complete under Minn. R. 7849.0220, subp. 2;
- Determine there are no contested issues of fact with respect to the representations made in the Certificate of Need application and evaluate the Certificate of Need under the Commission's informal comment and reply process; and
- Stay the Certificate of Need proceeding until the route permit application is filed later in 2026 and evaluate both applications in a joint proceeding.

LIUNA Minnesota & North Dakota

LIUNA filed comments stating that they believe the application satisfies the requirements of applicable statutes and rules and urged the Commission to accept the applications as complete and order an informal review process. LIUNA further stated they do not believe any party has identified contested issues of fact requiring contested case proceedings and respectfully disagreed with the Andersens and Overland Legalectric.

Staff Discussion

Alternatives

The below alternatives¹³ were considered by the Applicants. The Applicants argued that none

¹³ [Certificate of Need Application, Alternatives - Pg. 76](#)

of the alternatives considered presented a more reasonable or prudent solution than the proposed project:

1. Generation, demand-side management, and non-wires alternatives;
2. Various transmission alternatives, including system upgrades, different configurations, and voltage levels; and
3. The possibility of not building the project at all (no-build).

MISO

The Project is the Minnesota portion of MISO LRTP Tranche 2.1¹⁴ Project No. 20. The Project serves a key role in the execution of MISO LRTP Tranche 2.1 by addressing reliability needs specific to northern Minnesota and eastern North Dakota. The LRTP Tranche 2.1 Portfolio includes 24 projects totaling approximately 3,600 miles of new and upgraded transmission in MISO's Midwest subregion. The LRTP Tranche 2.1 Portfolio builds upon and is enabled by the LRTP Tranche 1 portfolio and other previous enhancements to the existing transmission grid. MISO asserted that the LRTP Tranche 2.1 portfolio is needed to address reliability issues, economic issues, cost effectiveness, and generation transition and public policy.

*Economic Need*¹⁵

MISO's economic analysis identified that the LRTP Tranche 2.1 Portfolio would reduce economic congestion on transmission by 29.5 percent and improve access to economic generation through reducing generation curtailment by 11.2 percent (27.1 million MWh) in the Future 2A Year 20 models. In addition to congestion reduction and curtailment relief, MISO's economic modeling found that the LRTP Tranche 2.1 portfolio would decrease the system cost of serving load by reducing price separation across the region, facilitate more economic dispatch of generation (leading to \$8.1 billion in adjusted production cost ("APC") savings), and provide a robust regional transmission backbone to support nearly 116 GW of new resource additions under Future 2A assumptions. The MISO LRTP Tranche 2.1 Portfolio is projected to deliver net economic benefits estimated at \$23.1 billion to \$72.4 billion over the first 20 years of service. MISO estimated the projected savings achieved by the LRTP Tranche 2.1 Portfolio will still offset the capital cost by a benefit-cost ratio of 1.2 to 2.2.

Timing

Staff notes that Minn. Stat. § 216B.243 subd. 4 states that unless it is not feasible or not efficient joint hearings for the CN and route permit applications must be held. Noting this,

¹⁴ [Certificate of Need Application, LRTP Tranche 2.1 - Pg. 39](#)

¹⁵ [Certificate of Need Application, Economic Need - Pg. 45](#)

based upon the current timetables, if the processes were to remain separated, scoping meetings and public hearings would be held separately. Staff are incapable of giving exact dates because the current schedules are merely estimates of when these meetings and hearings would occur. This would not be efficient or cost-effective for the public as multiple scoping meetings and public hearings will need to be held to give all members of the public along the proposed study area and eventual proposed route an opportunity to attend. If the processes remain separated the number of these meetings needing to occur will potentially double. Due to this Staff recommends staying the certificate of need and utilizing a joint process once the route permit application is filed.

The following main issues are before the Commission:

- whether the Certificate of Need application is substantially complete;
- whether the Commission should proceed using the informal process to develop the record or instead refer the matter to the Court of Administrative Hearings for contested case proceedings; and
- whether the Commission should address the following administrative and procedural items: a stay request and rule variances.

Application Completeness

Staff recommends that the Commission find the Certificate of Need application substantially complete. No commenter identified missing information required for a completeness determination under the applicable statutes and rules, and the additional information that was requested by the Department was submitted.

Procedural Process

When reviewing a Certificate of Need application, the Commission generally has discretion to develop the record through either the informal process or the contested case process. The difference is primarily about what the Commission needs the process to do.

Informal Process

The informal process is designed to efficiently gather information and public input when the issues can be addressed through written filings and a public hearing. Under the informal process, the record is typically developed through written comment periods (initial and reply) and a public hearing at which members of the public may ask questions and provide testimony. The informal process is commonly used because it is streamlined and works well when significant public controversy is not expected. It allows the Commission to develop an adequate record without the additional procedural steps associated with a contested case. Importantly, selecting the informal review process at the start does not necessarily foreclose a contested

case later. The Commission may structure the procedural schedule so that requests for a contested case are considered later in the process (historically after the reply comment deadline on the merits) once parties and persons have had an opportunity to review the application and the record.

That said, the informal process has limits. It is not designed to resolve disputed facts through cross-examination or other formal evidentiary tools. If a case begins informally but later develops into one requiring formal factual development, the Commission may ultimately need to convert the matter to a contested case. In that event, the process may become more time-consuming and complex than if the Commission had referred the matter at the outset.

Contested Case Process

The contested case process is designed for matters involving disputed issues of material fact, or for circumstances in which the Commission cannot reach a sufficiently informed decision without a more formal evidentiary record. In a contested case, an administrative law judge at the Court of Administrative Hearings manages the proceeding. Parties present evidence and expert testimony, and the hearing format allows cross-examination and more structured record development. The administrative law judge then issues a report with findings and recommendations for the Commission's consideration when making its final decision.

A notable point is that starting with a contested case does not always add significant time, particularly for large projects where public hearings would occur in either process. The main difference is whether the record needs formal tools to resolve disputed issues and support a defensible decision.

There do not appear to be any clearly identified valid disputes regarding the material facts in the application. Due to this Staff recommends using the informal process.

Administrative and Other Procedural Items

Stay Certificate of Need Application

As previously mentioned, Staff recommends staying the Certificate of Need application so that it's process can run jointly with the route permit application. All commenters, including the Applicant, who chose to address this question suggested staying the application. Lastly, Staff believes it is in the public's interest to do so.

Rule Variance

Staff recommends that the Commission vary Minn. R. 7849.1200 and 7849.1400 in this docket in order to reflect the staffing changes within the units responsible for processing siting and routing applications under the Energy Infrastructure Permitting Act. The Commission has granted similar variances in other recent dockets.

Staff recommends granting the variances to MN Rule 7849.1200 to replace “the commissioner of the Department of Commerce” or “the commissioner” with “Public Utilities Commission staff” and “Commission” as appropriate. Staff also recommends granting a variance to MN Rule 7849.1400 to allow more than ten days for the Commission to issue a scoping decision for the environmental report.

In order to vary its rules, the Commission must determine if the following requirements are met under Minnesota Rule 7829.3200 subpart 1:

- A. enforcement of the rule would impose an excessive burden upon the applicant or others affected by the rule;
- B. granting the variance would not adversely affect the public interest; and
- C. granting the variance would not conflict with standards imposed by law.

Enforcing Minnesota Rules 7849.1200 and 7849.1400 as written would impose an excessive burden by requiring the Department of Commerce to perform environmental review activities that the legislature has tasked Commission staff with conducting for large energy infrastructure facilities.

The variance would not adversely affect the public interest; rather, it would promote efficiency by allowing Commission EIP staff to conduct the environmental review for all project approvals required from the Commission.

Finally, granting the variance would not conflict with standards imposed by law; the variance is consistent with the legislature’s decision to transfer responsibility for administering environmental review of large energy infrastructure projects from the Department of Commerce to the Commission.

Commission Decision Options

Certificate of Need Application

1. Accept the Certificate of Need application as substantially complete (Department, Applicants, Overland Legalectric, Andersens, MISO, LIUNA, Staff).

Or

2. Reject the Certificate of Need application and indicate the specific deficiencies.

Procedural Process

3. Defer consideration of any contested case requests until after the route permit application has been submitted.

Or

4. Direct that the Certificate of Need application be reviewed using the informal review process (Department, Applicants, MISO, LIUNA, Staff).

If the Commission selects Decision Option 4, it may also consider Decision Options 5.

5. Request an administrative law judge at the Court of Administrative Hearings preside over the required public hearings and prepare a summary of public comments (Staff).

Or

6. Refer the Certificate of Need application to the Court of Administrative Hearings for contested case proceedings under Minn. Stat. § 14.57 et seq. (Overland Legalectric, Andersens)

Requests to Stay Proceeding

7. Stay review of the Certificate of Need application until the route permit application is filed. (Department, Applicants, MISO, LIUNA, Andersens, Staff).

Or

8. Deny the request to stay review of the Certificate of Need Proceeding.

Administrative

9. Vary Minnesota Rules 7849.1200 and 7849.1400, to align with the environmental review timing in the Energy Infrastructure Permitting Act and to reflect the legislative transfer of environmental review personnel and responsibilities related to large energy infrastructure projects from the Department of Commerce to the Commission.
(Staff, PUC EIP)

Staff Recommendation: 1, 4, 5, 7 and 9