

February 24, 2026

Sasha Bergman
Executive Secretary
Public Utilities Commission
121 Seventh Place East, Suite 350
Saint Paul, MN 55101-2147

RE: Maple River to Cuyuna 345 kV Transmission Line Project
Certificate of Need Application Completeness Comments
Docket No. E015,ET2,E017/CN-25-109

Dear Ms. Bergman,

On February 9, 2026, the Minnesota Public Utilities Commission (Commission) issued a notice requesting comment on the certificate of need (CN) application filed by Minnesota Power, Great River Energy, and Otter Tail Power Company (applicants) for the Maple River to Cuyuna 345 kV Transmission Line Project.

Commission Energy Infrastructure Permitting (EIP) staff provide comments here on (1) application completeness with respect to the environmental information required by Minnesota Rule 7849.0310, and (2) variances to allow EIP staff to prepare an environmental report for the project.

Environmental Information

CN applications must contain environmental information for each system alternative discussed in the application. The information required is detailed in the parts of Minnesota Rule 7849.

EIP staff has reviewed the environmental information provided by the applicants for the proposed project and alternatives to the project. Staff finds that this portion of the CN application is substantially complete.

Variance Request

For CN applications, Minnesota Rules 7849.1200 and 7849.1400 direct the Commissioner of the Department of Commerce to provide notice to interested persons of the pending project, hold a public meeting, and scope and prepare an environmental report.

On July 1, 2025, Department of Commerce Energy Environmental Review and Analysis (DOC EERA) staff moved to the Commission EIP unit as directed by state law (Laws of Minn. 2024, ch.126, art. 7). To reflect this movement of personnel and agency responsibilities, staff recommends granting variances to replace “the commissioner of the Department of Commerce” or “the commissioner” with “Public Utilities Commission staff” and “Commission” as appropriate. Further, staff recommends granting a

variance to allow more than ten days for the Commission to issue a scoping decision for the environmental report.¹

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.

Sincerely,

A handwritten signature in black ink, appearing to read "Ray Kirsch". The signature is fluid and cursive, with the first name "Ray" and last name "Kirsch" clearly distinguishable.

Ray Kirsch
Energy Infrastructure Permitting

¹ Minn. Rule 7849.1400, Subp. 7.