

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

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

Chair  
Commissioner  
Commissioner  
Commissioner  
Commissioner

In the Matter of the Application of Great River Energy for a Route Permit Application for the Laketown 115-kV Transmission Line in Carver County, Minnesota

ISSUE DATE: October 2, 2025

DOCKET NO. ET-2/TL-24-132

ORDER ADOPTING  
ADMINISTRATIVE LAW JUDGE  
REPORT AS MODIFIED, REQUIRING  
ADDITIONAL RECORD  
DEVELOPMENT, AND REMANDING  
FOR FURTHER PROCEEDINGS

**PROCEDURAL HISTORY**

On August 19, 2024, Great River Energy and Minnesota Valley Electric Cooperative (the Applicants) filed a route permit application for the Laketown 115-kilovolt (kV) transmission line project.

On October 1, 2024, the Commission issued its order accepting the application as substantially complete and referring the matter to an Administrative Law Judge (ALJ) at the Court of Administrative Hearings (CAH).

On October 23 and October 28, 2024, respectively, in-person and virtual public information meetings were held.

On November 25, 2024, the Department of Commerce Energy, Environmental Review and Analysis unit (DOC EERA) filed the public comments received during the EA scoping period, including the November 21, 2025 comment from the City of Carver stating that the City never received notice of the project.

On December 4, 2024, the Applicants submitted their response to the scoping comments, including that they had initiated contact with the City of Carver.

On December 12, 2024, DOC EERA submitted its scoping summary of comments and recommendations.

On February 4, 2025, the Commission adopted DOC EERA’s December 12, 2024 comments and recommendations.

On April 8, 2025, DOC EERA issued the environmental assessment (EA) for the Laketown 115-kV transmission line project.

On May 13, 2025, Great River Energy and Minnesota Valley Electric Cooperative filed comments on the environmental assessment.

On May 21 and 22, 2025, the ALJ held in-person and virtual public hearings.

Between May 7 and June 4, 2025, the Commission received comments from members of the public, state agencies, and local government units – including from the City of Carver in a comment stating that it never received notice of the project.

On June 2, 2025, the Department of Natural Resources (DNR) submitted comments regarding recommended permit conditions.

On June 9, 2025, the Applicants submitted their post-hearing comments in response to the public hearings, and they also submitted proposed Findings of Fact, Conclusions of Law, and Recommendations.

On June 17, 2025, DOC EERA filed its response to Great River Energy’s proposed findings.

On July 17, 2025, the ALJ submitted her Findings of Fact, Conclusions of Law, and Recommendations (ALJ’s Report).

On July 30, 2025, the Applicants submitted their exceptions to the ALJ’s Report.

On July 31, 2025, the Minnesota Public Utilities Commission – Energy Infrastructure Permitting Unit (PUC EIP) (formerly DOC EERA) submitted exceptions to the ALJ’s Report.

On September 4, 2025, the matter came before the Commission.

## **FINDINGS AND CONCLUSIONS**

### **I. The Project**

The project consists of an approximately 4.3-mile long, 115-kV high voltage transmission line project in Carver County, Minnesota. The project includes construction of a new substation (Laketown Substation), which would provide energy to customers in Carver, Sibley, Rice, and LeSeuer counties. The line would be constructed primarily with direct-embedded steel poles, which would be 70 to 95 feet above ground and placed 300 to 450 feet apart. Some poles would require concrete foundations. The Applicants would obtain a 100-foot-wide right of way for construction and operation of the transmission line. The Applicants anticipate starting construction on the Laketown Substation in Spring 2027.

## **II. ALJ's Report**

The ALJ prepared a well-reasoned and thorough report detailing the proceedings, evidence in the record, arguments of the parties and public commenters, and various issues analyzed in the process of evaluating the project.

### **A. Notice to the City of Carver and Exceptions to the ALJ's Report**

The ALJ concluded that the Applicants did not satisfy all applicable legal requirements because they did not provide notice to the City of Carver in accordance with Minn. Stat. § 216E.03, subd. 4, and Minn. R. 7850.2100, subps. 2 and 4.

On July 30, 2025, the Applicants filed extensive exceptions to the ALJ's Report, including their assertion that they met their notice obligations regarding the City of Carver. The Applicants argued that they were not required to provide notice to the City of Carver because the Project is proposed under the alternative permitting statute,<sup>1</sup> which does not require the 90-day notice outlined in Minn. Stat. § 216E.03, subd. 3a. Further, the Applicants argued that Minn. Stat. § 216E.04, subd. 4 requires notice to local governments "in which a site or route permit is proposed," and since none of the proposed project routes go through the City of Carver, notice to the City was not statutorily required. The Applicants also noted that the City of Carver actively engaged early in this process and significantly influenced the route alternatives studied in the EA.

### **B. Commission Action**

After a thorough review of the record and the ALJ's Report, the Commission concurs with the ALJ's findings, conclusions, and recommendations, other than the ALJ's findings concerning the sufficiency of the Applicants' notice to the City of Carver.

The Commission agrees with the Applicants' arguments concerning the sufficiency of notice they provided to the City of Carver. Therefore, the Commission will accept, adopt, and incorporate the attached report, except for the following conclusion:

Applicants failed to give notice as required by Minn. Stat. § 216E.04, subd. 4; Minn. R. 7850.2100, subp. 2; and Minn. R. 7850.2100, subp. 4 when they failed to provide notice to the City of Carver.

The Commission will modify the ALJ's Report (including but not limited to Findings 103, 107, 111, 112, 158, 313 and 314 and Conclusions of Law 5 and 7) to find that the Applicants provided appropriate notice pursuant to Minn. Stat. § 216E.04, subd. 4; Minn. R. 7850.2100, subp. 2; and Minn. R. 7850.2100, subp. 4.

## **III. Environmental Assessment and Route Alternative B**

Minn. R. 7850.3700 requires PUC EIP (formerly DOC EERA) to prepare an EA on behalf of the Commission for each proposed project reviewed under the alternative permitting process. The rule specifies that the EA must include information on the human and environmental impacts of

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<sup>1</sup> Minn. Stat. § 216E.04.

the proposed project and any alternative sites or routes, along with information about mitigative measures that could be reasonably implemented to eliminate or minimize adverse impacts. The EA is developed after PUC EIP issues a scoping decision identifying issues to be addressed, including any alternative sites or routes to be evaluated.

In this instance, one of the possible routes – Route Alternative B – was studied as a viable route in the EA, and the ALJ concluded that this route would be the least problematic for affected communities. The Applicants stated that this route alternative could raise reliability concerns; the Applicants stated that Route Alternative B would result in an uneven distribution of the load on the electrical system, including making the Laketown substation co-dependent on a single 115-kV circuit. Therefore, the Applicants stated that Route Alternative B may require construction of a new breaker station to maintain reliability, which the Applicants stated would necessitate the purchase of 20 acres of greenfield at an additional cost of \$8-10 million. However, the Applicants argued that the need for the new breaker station could be evaluated at a later time, and that they could pursue local review to build that breaker station if it is deemed necessary. In order to fully address the reliability concerns, the Applicants estimated that the overall cost of Route Alternative B could exceed the cost of the Applicants’ Proposed Route by approximately \$5 million.

Route Alternative B was recommended by members of the public living in the area. The Route Alternative did not receive any opposition or support from local government units or other members of the general public. The ALJ noted that the 20-acre greenfield required to build a breaker station for this route alternative was not included for study in the EA, and the ALJ further noted that questions remain about the extent to which the reliability of Route Alternative B has been fully reviewed. The Applicants indicated that they consider Route Alternative B an acceptable option for the project.

**A. Commission Action: Require Additional Information and Analysis from an Independent Consultant**

The Commission concurs with the ALJ and the parties that the EA and the record created in this matter satisfy applicable statutory and rule requirements and address the issues identified in DOC EERA’s Scoping Decision, except as the EA relates to the details of the reliability concerns of Route Alternative B as compared to the Applicants’ Proposed Route. As detailed in the ordering paragraphs below, the Commission will require the Applicants to provide a more detailed description of the following topics: (1) the reliability concerns for Route Alternative B; (2) the steps necessary to address those concerns; (3) all cost impacts of making distribution system modifications; and (4) the elements that make up the cost estimates the Applicants provided for achieving a similar reliability for the two route options.

To ensure accurate and unbiased record development, the Commission will require the Applicants to retain an independent engineering consultant to analyze these issues, including the route reliability concerns, the steps needed to address those concerns, and estimated costs related to Route Alternative B compared to the Applicants’ Proposed Route. The consultant’s report will be included in the record, as detailed in the ordering paragraphs below.

**B. Commission Action: Remand to the Court of Administrative Hearings for Additional Fact Finding**

The Commission finds that it cannot fully evaluate the merits of the route alternatives on the basis of the record before it. In its permitting decisions, the Commission must consider “electrical system reliability” at the time of permitting.<sup>2</sup> This consideration and related issues turn on specific facts that are best developed in formal proceedings. Additional disciplined record development will aid the Commission’s examination of the route alternatives before it and facilitate a fair and just final decision.

Therefore, to ensure the additional robust record development needed on the comparison between the Applicants’ Proposed Route and Route Alternative B, along with any related issues, the Commission requests a remand of this matter to the Court of Administrative Hearings for additional fact finding, pursuant to Minn. Stat. § 14.62, subd. 2b.

The ALJ assigned to this matter will conduct proceedings and submit a Report to the Commission. Following receipt of the ALJ’s report, the Commission will proceed to make its final decision.

**1. Issues Needing Further Fact Finding**

The Commission expects that in the course of this case on remand, the parties will develop a full record addressing issues raised that are relevant to the Commission’s evaluation of the Applicants’ Proposed Route in comparison with Route Alternative B. The developed record should provide the following, along with any other relevant considerations identified by the parties:

- a. Greater detail on the reliability concerns associated with Route Alternative B as compared to the Applicants’ Proposed Route, along with the steps necessary to address the reliability concerns and a more detailed description of the cost differential of achieving a similar level of reliability of the two route options;
- b. The Applicants’ response to the reliability and cost report from the independent consultant;
- c. Comments from Xcel Energy regarding any concerns about the reliability and cost of Route Alternative B;
- d. A reliability and cost analysis of moving the proposed alignment for Route Alternative B to the north side of Augusta Road on the existing distribution right-of-way with the distribution line either collocated on the project structures or buried; and
- e. Further input from local units of government and landowners who own property within the proposed route width of either route to provide any

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<sup>2</sup> Minn. R. 7850.4100, subp. K.

additional comments on any of the routing factors, including reliability requirements and cost estimates, as well as possible realignment of Route Alternative B to the north side of Augusta Road, to allow for a better side-by-side comparison.

## **2. Procedural Considerations**

As is discussed in the ordering paragraphs below, the Commission requests that the ALJ include notice to allow for additional written comments in the record from the impacted local units of government – including the City of Carver – and landowners whose property is within the proposed route width.

The Commission requests the ALJ’s Report by January 31, 2026.

### **ORDER**

1. The Commission adopts the ALJ’s Report to the extent it is consistent with the Commission’s Decisions in this matter except for the findings and conclusion that:
  - i. “Applicants failed to give notice as required by Minn. Stat. § 216E.04, subd. 4; Minn. R. 7850.2100, sub. 2; and Minn. R. 7850.2100, sup. 4 when they failed to provide notice to the City of Carver.”

The ALJ’s Report (including but not limited to Findings 103, 107, 111, 112, 158, 313 and 314 and Conclusions of Law 5 and 7) shall be modified to find that notice was appropriately given pursuant to Minn. Stat. § 216E.04, subd. 4; Minn. R. 7850.2100, subp. 2; and Minn. R. 7850.2100, subp. 4.

2. The Commission finds that the Environmental Assessment (EA) and the record created at the public hearing address the issues identified in the Scoping Decision, except as the EA relates to the details on the reliability concerns of Route Alternative B as compared to the Applicants’ Proposed Route. The Applicants shall, within seven days of this order, supplement their response at Appendix C of the EA to provide:
  - a. a more detailed description of the reliability concerns regarding Route Alternative B;
  - b. the steps necessary to address the reliability concerns;
  - c. a detailed discussion of all cost impacts of making distribution system modifications; and
  - d. a breakdown of all the elements that make up the cost estimate of approximately \$8-10 million to achieve a similar reliability with Route Alternative B compared to the Applicants’ Proposed Route.
3. Staff, within 30 days of this order, shall file any updated information from this filing on the reliability comparisons and cost estimates of the Applicants to supplement the record.

4. The Applicants shall retain an independent engineering consultant to analyze the reliability concerns, proposed steps necessary to address the concerns, and estimated costs relating to Route Alternative B compared to the Applicants' Proposed Route. The selection of the consultant shall be made with the advice and consent of the Executive Secretary and the work shall be directed by the Executive Secretary. The report shall be submitted directly to the ALJ and the Executive Secretary for inclusion in the record.
5. The Commission requests remand of this matter to the Court of Administrative Hearings to set the schedule and procedure for further record development and to issue findings, conclusions, and recommendations focused on comparison of the Applicants' Proposed Route and Route Alternative B by obtaining:
  - a. Greater detail on the reliability concerns associated with Route Alternative B as compared to the Applicants' Proposed Route, the steps necessary to address the reliability concerns, and a more detailed description of the cost differential of achieving a similar level of reliability of the two route options;
  - b. The Applicants' response to the reliability and cost report of the independent consultant;
  - c. Comments from Xcel Energy regarding any concerns about the reliability and cost of Route Alternative B;
  - d. A reliability and cost analysis of moving the proposed alignment for Route Alternative B to the north side of Augusta Road on the existing distribution right-of-way with the distribution line either collocated on the project structures or buried; and
  - e. Further input from local units of government and landowners who own property within the proposed route width of either route to provide any additional comments on any of the routing factors, including reliability requirements and cost estimates, as well as possible realignment of Route Alternative B to the north side of Augusta Road, to allow for a better side-by-side comparison.
6. The Commission requests that the ALJ include in the procedure for this record supplementation, at the minimum, notice that allows the impacted local units of government (including the City of Carver) and landowners who have property within the proposed route width to provide additional written comments in the record for the ALJ and Commission's comparison of Route Alternative B and the Applicants' Proposed Route in making the final route selection. The notice should include the independent engineering consultant's report on the reliability concerns, a description of a possible modification of Route Alternative B's proposed alignment to the north side of Augusta Road along with a corresponding map, steps to address the concerns, and estimated costs relating to Route Alternative B compared to the Applicants' Proposed Route. The notice should provide an opportunity to comment on any of the routing factors for consideration. The Commission requests the ALJ's Report by January 31, 2026.

7. The Commission delegates authority to the Executive Secretary to submit the remand request pursuant to Minn. Stat. § 14.62, subd. 2b.
8. If the Court of Administrative Hearings denies the remand request, the Commission authorizes the Executive Secretary to set a schedule and procedure for developing the record as outlined above.
9. This order shall become effective immediately.

BY ORDER OF THE COMMISSION



Sasha Bergman  
Executive Secretary



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## **CERTIFICATE OF SERVICE**

I, Anne Redmond, 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 ADOPTING ADMINISTRATIVE LAW JUDGE REPORT AS MODIFIED,  
REQUIRING ADDITIONAL RECORD DEVELOPMENT, AND REMANDING FOR  
FURTHER PROCEEDINGS**

Docket Number **ET-2/TL-24-132**

Dated this 2nd day of October, 2025

/s/ Anne Redmond

#	First Name	Last Name	Email	Organization	Agency	Address	Delivery Method	Alternate Delivery Method	View Trade Secret	Service List Name
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2	Sasha	Bergman	sasha.bergman@state.mn.us		Public Utilities Commission		Electronic Service		No	Official 24-132
3	Mike	Bull	mike.bull@state.mn.us		Public Utilities Commission	121 7th Place East, Suite 350 St. Paul MN, 55101 United States	Electronic Service		No	Official 24-132
4	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	Official 24-132
5	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	Official 24-132
6	Jacques	Harvieux	jacques.harvieux@state.mn.us		Public Utilities Commission	121 7th Place East Suite 350 Saint Paul MN, 55101-2147 United States	Electronic Service		No	Official 24-132
7	Logan	Hicks	logan.m.hicks@state.mn.us		Department of Commerce	85 7th Place East Suite 280 Saint Paul MN, 55101 United States	Electronic Service		No	Official 24-132
8	Spencer	Howe	spencerh@mvec.net	Minnesota Valley Electric Cooperative		125 Minnesota Valley Electric Dr Jordan MN, 55352 United States	Electronic Service		No	Official 24-132
9	Breann	Jurek	bjurek@fredlaw.com	Fredrikson & Byron PA		60 S Sixth St Ste 1500 Minneapolis MN, 55402 United States	Electronic Service		No	Official 24-132
10	Molly	Leisen	mleisen@fredlaw.com	Fredrikson & Byron P.A.		60 South Sixth Street Suite 1500 Minneapolis MN, 55402 United States	Electronic Service		No	Official 24-132
11	Sam	Lobby	sam.lobby@state.mn.us		Public Utilities Commission	350 Metro Square Building 121 7th Place East St. Paul MN, 55101 United States	Electronic Service		No	Official 24-132
12	Kimberly	Middendorf	kimberly.middendorf@state.mn.us		Office of Administrative Hearings	PO Box 64620 600 Robert St N Saint Paul MN, 55164-0620 United States	Electronic Service		No	Official 24-132
13	Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us		Office of the Attorney General -	1400 BRM Tower 445 Minnesota	Electronic Service		No	Official 24-132

#	First Name	Last Name	Email	Organization	Agency	Address	Delivery Method	Alternate Delivery Method	View Trade Secret	Service List Name
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14	Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates		7400 Lyndale Ave S Ste 190 Richfield MN, 55423 United States	Electronic Service		No	Official 24-132
15	Michael	Swenson	mswenson@greenergy.com	Great River Energy		12300 Elm Creek Boulevard Maple Grove MN, 55369-4718 United States	Electronic Service		No	Official 24-132
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	Official 24-132