

July 1, 2024

VIA E-FILING

Will Seuffert
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101-2147

Re: *In the Matter of the Application of Minnesota Power for a Certificate of Need and Route Permit for the HVDC Modernization Project*
Exceptions to the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommendation
MPUC Docket Nos. E015/CN-22-607; E015/TL-22-611
OAH Docket No. 5-2500-39600

Dear Mr. Seuffert:

Minnesota Power respectfully submits these exceptions to the Minnesota Public Utilities Commission ("Commission") for the HVDC Modernization Project. Minnesota Power appreciates the thoughtful approach and analysis by the Administrative Law Judge in developing the Findings of Fact, Conclusions of Law, and Recommendation ("ALJ Report") and provides these exceptions to clarify the record. Proposed exceptions are included in **Attachment A** to this filing.

New Findings 28a and 28b

During review of the ALJ Report, Minnesota Power identified that two procedural items were missing from the summary of the procedural history. These findings are proposed to ensure a complete procedural history is included for this proceeding.

Figure 1

Minnesota Power proposes a correction to an inadvertent typographical error in the label for Figure 1.

Findings 97 and 98

Minnesota Power proposes a correction to Finding 97 to correct an internal figure reference in the finding. Minnesota Power proposes a correction to Finding 98 to correct a minor typographical error.

New Footnote to Finding 164

Finding 164 outlines the statutory criteria for the Commission to consider when evaluating whether to grant a certificate of need. On May 24, 2024, Governor Walz signed Minnesota 2024 Session Law Ch. 127 into law. Minnesota 2024 Session Law Ch. 127, Art. 44, Sec. 2 amended Minn. Stat. § 216B.243, subd. 3(6) as follows:

In assessing need, the commission shall evaluate:

. . .

(6) possible alternatives for satisfying the energy demand or transmission needs including but not limited to potential for increased efficiency and upgrading of existing energy generation and transmission facilities, load-management programs, and distributed generation, except that the commission must not require evaluation of alternative end points for a high-voltage transmission line qualifying as a large energy facility unless the alternative end points are (i) consistent with end points identified in a federally registered planning authority transmission plan, or (ii) otherwise agreed to for further evaluation by the applicant; . . .

The effective date was May 25, 2024, and the amendment applies to “all pending applications.” Minnesota Power proposes a footnote to Finding 164 to explain this amendment to this statute.

In the ALJ Report, the ALJ acknowledged this statutory amendment and provided an analysis but concluded that the application of the law to the HVDC Modernization Project was to be determined by the Commission.¹ In his analysis, the ALJ pointed to requirements under Minn. R. 7849.0260 and concluded that “Minnesota Power did not address the ATC alternative as part of its application.”² However, while not called the “ATC Arrowhead Alternative”, Minnesota Power provided the analysis required under Minn. R. 7849.0260 in its Application for the HVDC Modernization Project, including evaluating alternate voltages and alternate end points.³ Additionally, as Minnesota Power explained in this proceeding, the ATC Arrowhead Alternative was dismissed from further consideration nearly nine months before the Combined Application was filed because it was infeasible given the existing regulatory restriction of 800 MVA on the ATC Arrowhead 345 kV/230 kV Substation.⁴

The analysis in the ALJ Report seems to consider the possibility of a third exception to the prohibition of the Commission requiring evaluation of alternative end points. His analysis seems to indicate that because Minnesota Power did not include a detailed analysis of its rejection of the ATC Arrowhead Alternative in its Combined

¹ ALJ Report at 3-4.

² ALJ Report at 3-4.

³ Combined Application at Sections 4.3.2 (different voltages) and 4.5 (different endpoints).

⁴ Ex. MP-121 at 55-56 (Winter Direct) (eDocket Nos. [20242-203446-08](#), [20242-203443-10](#), [20242-203443-08](#), [20242-203443-06](#), [20242-203446-07](#), [20242-203443-09](#), [20242-203443-07](#), [20242-203443-05](#)).

Application, there should now be further analysis of this alternative. This is precisely what the statutory amendment seeks to avoid: detailed evaluation of alternative end points unless such end points are part of a federally registered planning authority transmission plan or otherwise agreed to by the applicant for a certificate of need. Neither exception applies to the ATC Arrowhead Alternative and it should be removed from further evaluation for the HVDC Modernization Project.

Revised Footnote to Finding 240

Minnesota Power proposes an addition to Finding 240 to reflect recent actions taken by the Midcontinent Independent System Operator, Inc. (“MISO”) to include an Iron Range – St. Louis County – Arrowhead 345 kV Project in its near-final Long Range Transmission Plan (“LRTP”) Tranche 2.1 portfolio, and by including this project to acknowledge that the St Louis County 345 kV/230 kV Substation is a planned facility that is contemplated to be constructed prior to and separately from the LRTP Tranche 2.1 portfolio in the configuration and location proposed by Minnesota Power for the HVDC Modernization Project.

ATC has argued that MISO only considered the St. Louis County 345 kV/230 kV Substation as a “conceptual proposal” and never endorsed the specific iteration or location of the” St. Louis County 345 kV/230 kV Substation.⁵ Further, ATC argued that “in early March, MISO released its initial draft portfolio for LRTP” Tranche 2, which does not include any new transmission projects in northeastern Minnesota.”⁶

As demonstrated by MISO’s recent actions for LRTP Tranche 2.1, MISO considers the St. Louis County 345 kV/230 kV Substation to be more than a “conceptual proposal” and has now, in fact, begun to propose and evaluate at least one new transmission project in northeastern Minnesota that assumes the St. Louis County 345 kV/230 kV Substation is constructed as proposed by Minnesota Power in this HVDC Modernization Project proceeding. In its most recent LRTP stakeholder workshops, MISO has indicated that this project, the Iron Range – St. Louis County – Arrowhead 345 kV Project, is recommended for inclusion in the near-final portfolio for LRTP Tranche 2.1. MISO’s consideration of the St. Louis County 345 kV/230 kV Substation as more than a “conceptual proposal” is further demonstrated in the signing of the Facility Construction Agreements and obtaining acceptance of those by the Federal Energy Regulatory Commission.⁷

Revised Finding 564

Minnesota Power proposed a revision to Finding 564 and its associated footnote to correct a cross-reference in the ALJ Report.

⁵ ATC Initial Br. at 41.

⁶ ATC Initial Br. at 41.

⁷ ALJ Report at n.292; MISO LRTP Tranche 2 Reliability & Economic Alternative Review <https://cdn.misoenergy.org/20240529%20LRTP%20Workshop%20Item%2003%20Reliability%20%20Economic633034.pdf> (slide 4 and slide 29) (May 29, 2024).

New Finding 565a

Minnesota Power proposes a new Finding 565a to correct an error in formatting between the Findings and the next section heading.

Department of Commerce – Environmental Review and Analysis Exceptions

On June 24, 2024, the Department of Commerce – Environmental Review and Analysis filed exceptions to the ALJ Report. Minnesota Power has no objection to the exceptions filed by the DOC-EERA.

Conclusion

Minnesota Power respectfully requests that the Commission (1) conclude that the amendment to Minn. Stat. § 216B.243, subd. 3 apply to the HVDC Modernization Project and the ATC Arrowhead Alternative is, as a matter of law, precluded from further evaluation in this proceeding by the Commission; (2) adopt the ALJ Report with the exceptions identified in this filing; and (3) grant a Certificate of Need and issue a Route Permit for Minnesota Power's proposed configuration of the HVDC Modernization Project for the reasons set forth in the ALJ Report.

In the event the Commission does not find that the amendment to Minn. Stat. § 216B.243, subd. 3 applies to the pending HVDC Modernization Project docket, Minnesota Power requests that the Commission (1) adopt the ALJ Report with the exceptions identified in this filing and (2) grant a Certificate of Need and issue a Route Permit for Minnesota Power's proposed configuration of the HVDC Modernization Project for the reasons set forth in the ALJ Report.

If you have any questions, please feel free to contact me.

Sincerely,



David Moeller
ALLETE Senior Regulatory Counsel

cc: Service List

28. On September 20, 2023, Minnesota Power submitted a Request to Respond to Scoping Alternatives pursuant to Minn. R. 7850.3700, subp. 2(B), requesting that it be provided the opportunity to respond to any alternatives proposed during the scoping comment period.³⁶

28a. On September 29, 2023, Minnesota Power filed its Response to Route Alternative and Conditions Proposed to be Evaluated in the Environmental Assessment.^{36a}

28b. On October 3, 2023, Minnesota Power filed a Supplement Response to Route Alternative and Conditions Proposed to be Evaluated in the Environmental Assessment.^{36b}

29. On October 5, 2023, the DOC-EERA submitted comments on the scoping process, including a summary of public comments received during the scoping process, and provided recommendations regarding alternative routes and segments to be included in the scoping process.³⁷

30. On October 27, 2023, the Commission issued a Notice of Commission Meeting, scheduling the decision on the scope of the EA to be evaluated at the November 9, 2023 meeting.³⁸

31. On November 29, 2023, the Commission issued an Order on the DOC-EERA's EA Scoping Decision for the Project. In the Order, the Commission determined that Minnesota Power's proposed configuration, as well as ATC's alternative, should be evaluated as part of the EA, in addition to the items raised in the DNR's comments regarding the scope of the EA and Minnesota Power's responsive commitments. The Commission also granted the DOC-EERA's request to vary Minn. R. 7850.3700, subp. 3, to allow additional time to issue the scoping decision, to discontinue the informal certificate of need process and summary proceedings, and to refer the matter to the Office of Administrative Hearings for contested case proceedings.³⁹

(Public Comment – Solway Town Board of Supervisors) (eDocket No. [20239-199226-01](#)); Ex. DOC EERA-507 (Public Comment – Vanderscheuren) (eDocket No. [202310-199315-01](#)); Ex. DOC EERA-508 (Compiled Scoping Comments) (eDocket No. [202310-199399-01](#)).

³⁶ Ex. MP-115 (Minnesota Power Request to Respond to Scoping Alternatives) (eDocket Nos. [20239-199053-01](#), [20239-199053-02](#)).

^{36a} Ex. MP-116 (Response to Route Alternative and Conditions Proposed to be Evaluated in the Environmental Assessment) (eDocket Nos. [20239-199286-01](#), [20239-199286-02](#)).

^{36b} Ex. MP-117 (Supplemental Response to Route Alternative and Conditions Proposed to be Evaluated in the Environmental Assessment) (eDocket Nos. [202310-199303-01](#), [202310-199303-02](#)).

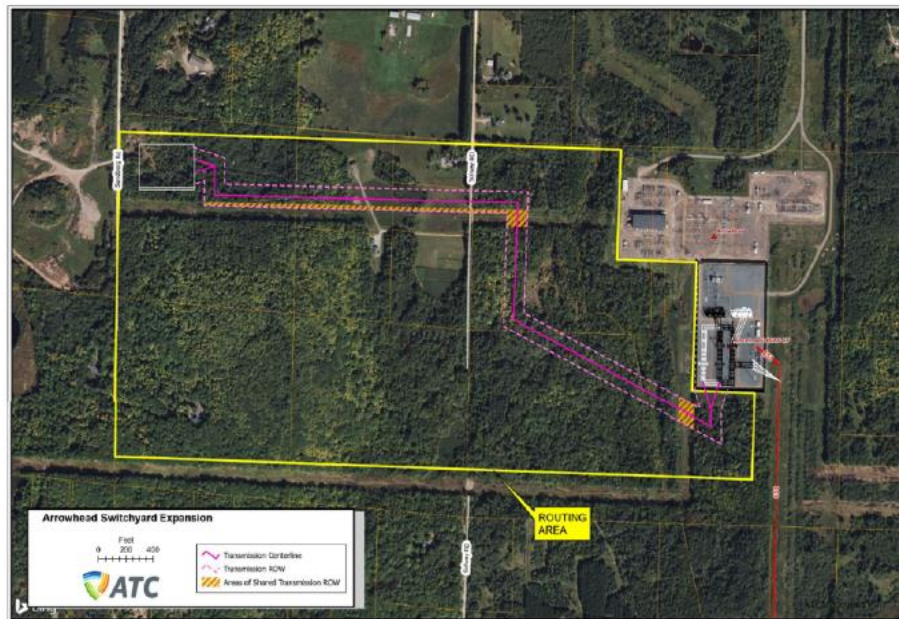
³⁷ Ex. DOC EERA-509 (EERA Scoping Recommendations) (eDocket No. [202310-199409-01](#)).

³⁸ Notice of Commission Meeting (eDocket Nos. [202310-199925-01](#), [202310-199925-04](#)).

³⁹ Ex. PUC-701 (Order Identifying Alternative Proposal for Environmental Assessment Scope, Granting Variance, and Notice of and Order for Hearing) (eDocket No. [202311-200811-01](#)).

82. A map of the ATC alternative is provided in Figure 1, below:¹¹³

Figure 14: ATC (Arrowhead Substation) Alternative



83. The alternative will not require the construction of a new substation along the route, and will not require an expansion of the footprint for ATC's existing Arrowhead Substation.¹¹⁴ As a result, the alternative avoids much of the aesthetic impact that would occur with the Minnesota Power proposal.¹¹⁵ ATC will further minimize the aesthetic impacts of the Arrowhead Substation alternative and, specifically, the visual impacts of the transmission infrastructure, through the use of weathering steel transmission structures.¹¹⁶

4. Timing

84. ATC prepared a high-level schedule for construction of the Arrowhead Substation alternative to confirm that ATC can meet the April 2030 in-service date (ISD).¹¹⁷ Procurement of substation materials, including a second new 345/230 kV transformer, has been identified as the critical path long lead time item. ATC contacted its approved vendors and incorporated the lead times communicated by them into this

¹¹³ See Ex. ATC-215, Schedule 1 (Bradley Direct).

¹¹⁴ Ex. ATC-214 at 10 (Bradley Direct).

¹¹⁵ Ex. ATC-214 at 10 (Bradley Direct).

¹¹⁶ Ex. ATC-214 at 10 (Bradley Direct).

¹¹⁷ Ex. ATC-205 at 8 (Johanek Direct); Ex. ATC-207, Schedule 2 (Johanek Direct); Ex. ATC-209 at 3-4 (Johanek Rebuttal). For the MP indicated in-service date, see Ex. MP-104 at §§ 2.2.1 and 2.2.3.

availability of sufficient areas of land for purchase by Minnesota Power; (4) avoidance of densely populated areas; (5) avoidance of major environmental/natural features; (6) maximizing transmission system efficiency and reliability; and (7) minimizing the distance between project facilities and existing facilities to be modernized, and between individual project components.¹³⁴

2. Public Participation and Stakeholder Involvement

96. The project study area was presented to the public at two open houses in November 2022 and in January 2023. In addition, individual tribal, local, state, and federal agencies were introduced to the project during the fall and winter of 2022–2023. These meetings provided information about the project to key stakeholders and allowed them to provide comments that would be used in the next steps of the routing process.¹³⁵

C. Route Refinement and Analysis

97. Based on feedback from stakeholders and the public, as well as technical guidelines, routing constraints, and routing opportunities, Minnesota Power identified in its Combined Application a single proposed route as identified in **Error! Reference source not found. Figure 2** above. The proposed route maximizes the need for project proximity to existing Minnesota Power facilities near the Arrowhead Substation in need of modernization. The proposed route will include land owned in fee by Minnesota Power to the extent possible, while avoiding routing constraints to the extent practicable.¹³⁶

98. Minnesota Power further modified the proposed route by including additional parcels that it had acquired within the project's route width. These additional parcels are located to the north of the proposed HVDC converter station and northeast of the proposed St. Louis County Substation. Expansion of the proposed route width will afford the Applicant an additional buffer of land to use for construction and fencing as may be needed for the Project. The updated Proposed Route is shown in Figure 3 below.¹³⁷

¹³⁴ Ex. MP-104 at 51 (Combined Application) (eDocket Nos. [20236-196333-03](#), [20236-196333-04](#)).

¹³⁵ Ex. MP-104 at 52 (Combined Application) (eDocket Nos. [20236-196333-03](#), [20236-196333-04](#)).

¹³⁶ Ex. MP-104 at 52 (Combined Application) (eDocket Nos. [20236-196333-03](#), [20236-196333-04](#)); Ex. MP-104, Appendix L, Map 1 (Combined Application) (eDocket Nos. [20236-196333-09](#), [20236-196333-10](#))).

¹³⁷ Ex. MP-114 (Minnesota Power's Written Scoping Comments) (eDocket Nos. [20239-198914-01](#), [20239-198914-02](#)); Ex. MP-120 (McCourtney Direct) (eDocket Nos. [20242-203446-10](#), [20242-203446-09](#)).

163. Minnesota Power met with the Solway Town Board Chair, Town Supervisors, Town Clerk, and Town Treasurer on November 15, 2022. Minnesota Power provided an overview of the proposed project and a summary of the proposed activities and timeline. The Township had some general project layout and noise questions.²⁰⁵

VII. Certificate of Need Criteria

164. Minn. Stat. § 216B.243 identifies the criteria the Commission must evaluate when assessing the need for a large energy facility, which includes:

- (1) the accuracy of the long-range energy demand forecasts on which the necessity for the facility is based;
- (2) the effect of existing or possible energy conservation programs under Minn. Stat. §§ 216C.05 to 216C.30 and 216B.243 or other federal or state legislation on long-term energy demand;
- (3) in the case of a high-voltage transmission line, the relationship of the proposed line to regional energy needs, as presented in the transmission plan submitted under Minn. Stat. § 216B.2425;
- (4) promotional activities that may have given rise to the demand for this facility;
- (5) benefits of this facility, including its uses to protect or enhance environmental quality, and to increase reliability of energy supply in Minnesota and the region;
- (6) possible alternatives for satisfying the energy demand or transmission needs including but not limited to potential for increased efficiency and upgrading of existing energy generation and transmission facilities, load-management programs, and distributed generation;^{205a}
- (7) the policies, rules, and regulations of other state and federal agencies and local governments;

²⁰⁵ Ex. MP-104 at 104 (Combined Application) (eDocket Nos. [20236-196333-03](#), [20236-196333-04](#)).

^{205a} [Minn. Stat. § 216B.243, subd. 3\(6\) was amended to prevent the Commission from requiring the “evaluation of alternative end points for a high-voltage transmission line qualifying as a large energy facility” except in two scenarios. Minn. Sess. Law Ch. 127, Ar. 44, Sec. 2 \(2024\). The effective date was May 25, 2024 and the amendment “applies to all pending application. This legislation was directed at the HVDC Modernization Project and, as written, would terminate further evaluation of the ATC Arrowhead Alternative in this proceeding. Labor Intervenors’ correspondence, dated June 17, 2024 \(eDocket No. 20246-207734-01\), provides a description of the legislative history of the amendment.](#)

11. Appropriateness of the Size, Type, and Timing of the Proposed Facility Compared to Those of Reasonable Alternatives

237. Minn. R. 7849.0120(B)(1) requires that the size, type, and timing of the proposed facilities be evaluated relative to reasonable alternatives. “Size” refers to the quantity of power transfers that a particular alternative enables and whether it is sufficient to meet the identified need. “Type” refers to the transformer nominal rating, rated capacity, surge impedance loading, and nature (AC or DC) of the power transported. Timing refers to the in-service date for the proposed facilities.²⁸⁴

238. Minnesota Power considered different voltages for both the HVDC portions of the project, as well as AC voltages for interconnection into the existing area AC transmission system.²⁸⁵

239. In northeastern Minnesota, the 230 kV AC transmission system forms the current “backbone” of Minnesota Power’s local northeastern Minnesota transmission system.²⁸⁶ Minnesota Power demonstrated that it is important to maintain the point of interconnection for the new HVDC converter station at the existing HVDC point of interconnection - the 230 kV system at the Minnesota Power Arrowhead 230 kV Substation - to ensure the project does not create unintended consequences to other parts of the regional AC transmission system.²⁸⁷

240. The Applicant sought to ensure that the HVDC converter stations would be sized appropriately to allow for future system flexibility.²⁸⁸ This flexibility is important given that the transformers at the HVDC converter stations account for 20 percent of the converter station cost.²⁸⁹ Additionally, MISO Long-Range Transmission Planning has

230 kV lines as proposed in the Application to a double-circuit crossing in this location along with removal of the existing HVDC Line and allowing the right-of-way to revegetate in this area in response to feedback from the MnDNR. Ex. MP-120 at 11-12 (McCourtney Direct) (eDocket Nos. [20242-203446-10](#), [20242-203446-09](#)); Ex. MP-129 at 3-6 (McCourtney Rebuttal) (eDocket Nos. [20243-204225-08](#), [20243-204225-07](#)); Minnesota Power Comments on the EA (Mar. 28, 2024)(eDocket Nos. [20243-204709-01](#), [20243-204709-02](#)); DOC-EERA Hearing Comments at 2-3 (Apr. 15, 2024) (eDocket Nos. [20242-203954-04](#), [20243-204084-02](#)).

²⁸⁴ *In the Matter of the Application of ITC Midwest LLC for a Route Permit for the Minnesota – Iowa 345 kV Transmission Line Project in Jackson, Martin and Faribault Counties*, Docket No. ET6675/TL-12-1337, ORDER GRANTING ROUTE PERMIT at 2 incorporating by reference ALJ FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATIONS at Finding 247 (Nov. 25, 2014).

²⁸⁵ Ex. MP-104 at 38-48 (Combined Application) (eDocket Nos. [20236-196333-03](#), [20236-196333-04](#)).

²⁸⁶ Ex. MP-121 at 5 (Winter Direct) (eDocket Nos. [20242-203446-08](#), [20242-203443-10](#), [20242-203443-08](#), [20242-203443-06](#), [20242-203446-07](#), [20242-203443-09](#), [20242-203443-07](#), [20242-203443-05](#)).

²⁸⁷ Ex. MP-121 at 16-17 (Winter Direct) (eDocket Nos. [20242-203446-08](#), [20242-203443-10](#), [20242-203443-08](#), [20242-203443-06](#), [20242-203446-07](#), [20242-203443-09](#), [20242-203443-07](#), [20242-203443-05](#)).

²⁸⁸ Ex. MP-121 at 16 (Winter Direct) (eDocket Nos. [20242-203446-08](#), [20242-203443-10](#), [20242-203443-08](#), [20242-203443-06](#), [20242-203446-07](#), [20242-203443-09](#), [20242-203443-07](#), [20242-203443-05](#)).

²⁸⁹ Ex. MP-104 at 39-40 (Combined Application) (eDocket Nos. [20236-196333-03](#), [20236-196333-04](#)).

indicated the potential need for 345 kV transmission system expansion in northeastern Minnesota that coincides with the transition to renewable energy in Minnesota.²⁹⁰

241. Minn. Stat. § 216E.04, subd. 9(b) provides that the Commission “may order the construction of high-voltage transmission line facilities that are capable of expansion in transmission capacity through multiple circuiting or design modifications.” The Commission has ordered such expandability previously when considering large investment transmission line projects.²⁹¹

242. Minnesota Power has incorporated expandability into its proposed configuration of the project to create optionality and flexibility for the HVDC system’s capacity to be increased by 350 MW (to 900 MW) for the transmission service requests held by Minnesota Power for the benefit of its customers, with potential future modifications to the existing HVDC line, which would be increased another 600 MW (to 1500 MW) if the HVDC line is rebuilt.²⁹² Neither of these increases are included in this proceeding.²⁹³ The incorporation of these expandability and flexibility features into Minnesota Power’s proposed configuration accounts for approximately \$100 million of the \$800 million project cost.²⁹⁴

²⁹⁰ Ex. MP-121 at 17-18 (Winter Direct) (eDocket Nos. [20242-203446-08](#), [20242-203443-10](#), [20242-203443-08](#), [20242-203443-06](#), [20242-203446-07](#), [20242-203443-09](#), [20242-203443-07](#), [20242-203443-05](#)). Subsequent to the briefing schedule in this proceeding, MISO added a project to LRTP Tranche 2, which connects the Minnesota Power Iron Range Substation, the new Minnesota Power St. Louis County Substation, and the existing ATC Arrowhead Substation; placing the St. Louis County Substation in the location proposed by Minnesota Power in this proceeding. <https://cdn.misoenergy.org/20240529%20LRTP%20Workshop%20Item%2003%20Reliability%20%20Economic633034.pdf> (slide 4 and slide 29).

²⁹¹ *In the Matter of the Application of Great River Energy, Northern States Power Company (d/b/a Xcel Energy) and Others for Certificates of Need for the CapX 345-kV Transmission Projects*; Docket No. ET2/E002, *et al.* CN-06-1115, ORDER GRANTING CERTIFICATES OF NEED WITH CONDITIONS at Order Point 3 (May 22, 2009) (Commission ordered construction of the Upsized Alternative, which leveraged the needed 345 kV transmission structures by ordering that they be constructed to 345 kV/345 kV double-circuit compatible, with the second circuit positions available for future needs. Fifteen years later, projects are currently being planned or evaluated to install the second circuit on the majority of these lines, including some which are part of the MISO LRTP).

²⁹² The Judge takes notice that on May 8, 2024, the Federal Energy Regulatory Commission (FERC) accepted for filing the facilities construction agreements (FCAs) executed between Minnesota Power and MISO for the 350 MW of transmission service requests in FERC Docket No. Docket No. ER24-1440-000. The FCAs were not protested by any person after FERC issued the required federal notice. ATC objected to the inclusion of this fact, arguing that it did not have the opportunity to challenge the underlying facts of the FCAs and that it is not relevant. The Judge finds, however, that the only fact noted here is what occurred, not the substance of what occurred. Moreover, while the fact is not directly relevant to the outcome of this case, it is noted in this footnote to the finding of fact about Minnesota Power’s design for expandability because that is a significant function of how Minnesota Power and MISO proceed, and so relevant to that limited extent.

²⁹³ Ex. MP-130 at 5-6 (Winter Rebuttal) (eDocket Nos. [20243-204225-12](#), [20243-204225-11](#)).

²⁹⁴ Ex. MP-127 at 18 (Gunderson Rebuttal) (eDocket Nos. [20243-204225-06](#), [20243-204225-05](#)).

behalf of Commerce. The scope of work must be developed in consultation with and approved by Commerce. This third-party monitor will report directly to and will be under the control of Commerce with costs borne by the Permittee.

- The Permittee must file with the Commission the scope of work and the name, address, email, and telephone number of the third party-monitor at least 30 days prior to commencing any construction or right-of-way preparation and upon any change in the scope of work or contact information that may occur during construction of the Project and restoration of the right-of-way.

XII. Consideration of Issues Presented by State Agencies and Local Units of Government

564. Minn. Stat. § 216E.03, subd. 7(12) requires the Commission to examine, when appropriate, issues presented by federal and state agencies and local units of government. The majority of the issues presented by federal, state, and local units of government are addressed as part of the analysis of the Commission's routing factors in Section ~~XI Error! Reference source not found.~~. The issues that have not previously been addressed are discussed below.⁶²⁷

565. The DNR submitted written comments regarding water resources and fisheries, wildlife friendly erosion control, vegetation management plan, water appropriation, and West Rocky Run. In addition to issues previously addressed, the DNR noted:

- Public Water Works Permit: "[I]f work is planned below the ordinary high water level not covered by a DNR Lands and Minerals license to cross public waters" that a public waters works permit will be required for the HVDC Modernization Project and recommended that the Permittee consult with the Area Hydrologist for more information.
- Minnesota Power Proposed Configuration West Rocky Run Crossing: The DNR supports the double-circuit 230 kV transmission line crossing of West Rocky Run.⁶²⁸

565a. The Judge Recommends that the Applicant Follow these DNR Recommendations to the Extent Not Already Required By Conditions in the Standard Route Permit Template

XIII. Summary of Certificate of Need Recommendations

⁶²⁷ Several of the recommendations of the MnDNR were discussed in Section ~~XI Error! Reference source not found.~~ of these Findings of Fact, Conclusions of Law, and Recommendation.

⁶²⁸ MnDNR Comments on the EA (Mar. 28, 2024) (eDocket No. [20243-204708-1](#)).