

July 3, 2025

—Via Electronic Filing—

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

RE: ANSWER IN OPPOSITION TO PETITION FOR RECONSIDERATION
Minnesota Energy Connection Project
Docket Nos. E002/CN-22-131; E002/TL-22-132

Dear Mr. Seuffert:

Northern States Power Company doing business as Xcel Energy submits this answer to the petition for reconsideration (Petition) filed on behalf of Ann Brazil Johnson on June 20, 2025, related to the Minnesota Public Utilities Commission's (Commission) June 11, 2025, ORDER MODIFYING AND ADOPTING THE ADMINISTRATIVE LAW JUDGE REPORT, GRANTING A CERTIFICATE OF NEED, AND ISSUING A ROUTE PERMIT FOR THE MINNESOTA ENERGY CONNECTION PROJECT (Order).¹

In her Petition, Ms. Johnson raises concerns regarding the alignment of the Minnesota Energy Connection Project (Project) within the route width approved by the Commission and appears to request that the Commission now require a specific alignment within her area of concern. Because the Petition does not raise new issues, point to new evidence, or otherwise show that the Commission's Order is unlawful or unreasonable, Xcel Energy respectfully requests that the Petition be denied.

A petition for reconsideration must be timely filed and must specifically set forth the grounds for rehearing.² The Commission "may reverse, change, modify, or suspend" its original decision only if "the original decision, order, or determination is in any respect unlawful or unreasonable."³ Generally, the Commission will review petitions for reconsideration to determine whether the petition (i) raises new issues, (ii) points to new and relevant evidence, (iii) exposes errors or ambiguities in the underlying order, or (iv) otherwise persuades the

¹ Ann Brazil Johnson Reconsideration (June 23, 2025) (eDocket No. 20256-220110-01).

² Minn. Stat. § 216B.27, subd. 2; *see also* Minn. R. 7829.3000, subp. 2.

³ Minn. Stat. § 216B.27, subd. 3; *see also* Minn. Stat. § 14.69 (providing that, on appeal, a reviewing court may affirm an agency decision unless, among other things, it is not supported by substantial evidence or is arbitrary or capricious).

Commission that it should rethink its decision.⁴ The Commission may decide on a petition for reconsideration with or without a hearing and oral argument.⁵

I. Background

Ms. Johnson owns property in Renville County, Minnesota, that is crossed by the Project's route. The property is near the City of Franklin and borders private property proposed to be used for the Birch Coulee Solar Project. Ms. Johnson has not previously submitted comments in this proceeding. As referenced in the Petition, however, Ms. Johnson submitted comments in the Birch Coulee Solar proceeding, Docket No. IP7119/GS-23-477, on March 21, 2025, highlighting the proximity of the Project to the proposed Birch Coulee Solar Project.⁶

The Commission closely considered this region during its review of the Project's route; for example, there was a Notice of Comment Period from March 14, 2025 through March 24, 2025 that requested comments regarding the Project's configuration with respect to existing and proposed facilities near the City of Franklin; Xcel Energy submitted detailed comments in response (including Attachment 1, a figure of the area).⁷

In the Project Order, the Commission selected the Blue Route in this area, including a 1,000 foot route width that includes Ms. Johnson's property, as well as the property to the east where the Birch Coulee Solar Project is proposed to be located. Xcel Energy is working to finalize the Project alignment in coordination with the Birch Coulee Solar Project to ensure the final alignment is consistent with the solar project.

Xcel Energy has also been coordinating with Ms. Johnson and her tenant.⁸ Ms. Johnson initially granted right-of-entry for survey on her property. The Petition references a bounced check related to this right-of-entry—this was due to administrative error, and the check was reissued. Ms. Johnson, however, subsequently requested that soil borings not occur, and no soil borings have been conducted on her property.⁹

Overall, the Petition raises issues with respect to the alignment of the Project within the route width on Ms. Johnson's property. The Petition does not challenge any specific component of the Order, nor does the Petition demonstrate that the Order is unlawful or unreasonable. As such, as discussed further in this response, the Petition should be denied.

⁴ See, e.g., *In the Matter of the Formal Complaint and Request for Relief by the Minnesota Solar Advocates*, MPUC Docket No. E-002/C-23-424, Order Denying Petition for Reconsideration at 1 (Apr. 26, 2024).

⁵ Minn. R. 7829.3000, subp. 6.

⁶ See Ann Brazil Johnson Reconsideration (June 23, 2025) (eDocket No. 20256-220110-01); see also *In the Matter of the Application of Birch Coulee Solar LLC for a Site Permit for the up to 125 MW Birch Coulee Solar Project in Renville County, Minnesota*, MPUC Docket No. IP-7119/GS-23-477, Ann Brazil Public Comment (March 24, 2025).

⁷ See Notice of Public Hearings and Availability of Environmental Assessment (Feb. 26, 2025) (eDocket No. 20252-215778-01).

⁸ Farming tenant. There are no residences on Ms. Johnson's property.

⁹ Although Xcel Energy may not agree with all of the factual representations in the Petition, those issues relate to the land acquisition process, and Xcel Energy accordingly does not address those issues in detail here.

II. Discussion

The Petition should be denied because it does not identify an error in the Order, nor does it request that any portion of the Order actually be modified. Instead, the Petition now asks for a specific alignment within the route width related to a single landowner in a discrete location. Although there are limited circumstances in which the Commission has ordered specific alignments, that is the exception. Instead, as specifically contemplated by Minnesota law,¹⁰ the Commission authorizes a route width. The alignment must be within the route width, and the Route Permit also identifies parameters for identifying the final alignment.

Here, the issues raised in the Petition are all within the route width authorized by the Commission, and the Petition does not seek to modify the route width. Xcel Energy anticipates that the final alignment will be within the route width and will comply with Section 3 of the Route Permit. As such, there is no basis for reconsideration of the Order.

Xcel Energy does not support the Commission granting reconsideration for the purpose of ordering a specific alignment in response to an individual landowner's concern post-route permit. First, doing so is inconsistent with the Commission's practice and the fulsome record developed in this proceeding. Second, the flexibility to shift an alignment within the approved route width is critical for addressing site-specific conditions, landowner concerns, or other post-permit issues that can arise. Third, if the Commission required the alignment supported by Ms. Johnson, it would significantly limit the ability to coordinate with the Birch Coulee Solar Project to identify a final alignment that is also consistent with the operation of that project. Fourth, and finally, the alignment requested in the Petition should not be ordered by the Commission because it affects not only Ms. Johnson's property, but also seven other parcels, and the input from the owners of those parcels is not reflected in the Petition or elsewhere.

Further, the types of issues raised in the Petition (related to agriculture and the Project's proximity to other existing infrastructure) were thoroughly analyzed and evaluated in this record and in the Commission's Order.¹¹

III. Conclusion

Xcel Energy recognizes that Ms. Johnson's property is near both existing and proposed energy infrastructure and understands she has concerns about impacts on her property related to this infrastructure. Xcel Energy is committed to continuing to coordinate with Ms. Johnson regarding her property, as well as coordinating with neighboring landowners and stakeholders to finalize an alignment that, consistent with the Order, minimizes land use conflicts. Reconsideration is neither needed nor appropriate to ensure that outcome—it is already reflected in and required by

¹⁰ See Minn. R. 7850.1000, subp. 15 (providing that a "route may have a variable width of up to 1.25 miles within which a right-of-way for a high voltage transmission line can be located"). Indeed, Minnesota law contemplates that the Commission may authorize far more flexibility than the 1,000-foot route width it authorized here.

¹¹ See, e.g., EIS Main Text at 46-48, 198-199, 213-215, 256-257, 303-306, 337-338, 361-363, 388-390, and 420-421 (Jan. 22, 2025) (eDocket No. 20251-214220-01); and Order Modifying and Adopting Administrative Law Judge Report, Granting Certificate of Need, and Issuing Route Permit for the Minnesota Energy Connection Project at 12, 14-15, 17, 19-20, Ordering ¶ 11, and ¶ 12.k (June 11, 2025) (eDocket No. 20256-219826-01).

the Commission's Order. The Order was carefully considered and the result of a thorough review of the record, and Xcel Energy respectfully requests that the Petition be denied.

We have electronically filed this document with the Minnesota Public Utilities Commission. Copies have been served on parties on the attached service lists.

Sincerely,

FREDRIKSON & BYRON, P.A.

/s/ Lisa M. Agrimonti

Lisa M. Agrimonti

Direct Dial: 612.492.7344

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Enclosure

C: Service Lists

**In the Matter of the Certificate of Need
and Route Permit Applications for the
Minnesota Energy Connection Project**

CERTIFICATE OF SERVICE

**MPUC Docket Nos. E002/CN-22-131 and
TL-22-132**

Abby Goshgarian certifies that on the 3rd day of July 2025, she e-filed on behalf of Northern States Power Company, doing business as Xcel Energy, a true and correct copy of the following documents:

- Answer in Opposition to Petition for Reconsideration; and
- Certificate of Service,

with the Minnesota Public Utilities Commission via eDockets (www.edockets.state.mn.us). Said documents were also served on the Official Service Lists of record on file with the Minnesota Public Utilities Commission and as attached hereto.

Executed on: July 3, 2025

Signed: /s/ Abby Goshgarian

Fredrikson & Byron, P.A.

60 South Sixth Street

Suite 1500

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4	Todd	Boonstra	todd_boonstra@fws.gov	U.S. Fish and Wildlife Service		22274 615th Ave Litchfield MN, 55355 United States	Electronic Service		No	22-131 Official CC Service List
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22	Dawn S	Marsh	dawn_marsh@fws.gov	U.S. Fish & Wildlife Service		Minnesota-Wisconsin Field Offices 4101 American Blvd E Bloomington MN, 55425 United States	Electronic Service		No	22-132Official
23	James	Mortenson	james.mortenson@state.mn.us		Office of Administrative Hearings	PO BOX 64620 St. Paul MN, 55164-0620 United States	Electronic Service		No	22-132Official
24	Carol A.	Overland	overland@legalelectric.org	Legalelectric - Overland Law Office		1110 West Avenue Red Wing MN, 55066 United States	Electronic Service		No	22-132Official
25	Stephen	Rakow	stephen.rakow@state.mn.us		Department of Commerce	Suite 280 85 Seventh Place East St. Paul MN, 55101-2198 United States	Electronic Service		No	22-132Official

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27	Stephan	Roos	stephan.roos@state.mn.us		Minnesota Department of Agriculture	625 Robert St N Saint Paul MN, 55155-2538 United States	Electronic Service		No	22-132Official
28	Christine	Schwartz	regulatory.records@xcelenergy.com	Xcel Energy		414 Nicollet Mall, MN1180-07-MCA Minneapolis MN, 55401-1993 United States	Electronic Service		No	22-132Official
29	Will	Seuffert	will.seuffert@state.mn.us		Public Utilities Commission	121 7th PI E Ste 350 Saint Paul MN, 55101 United States	Electronic Service		Yes	22-132Official
30	Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates		7400 Lyndale Ave S Ste 190 Richfield MN, 55423 United States	Electronic Service		No	22-132Official
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37	Cynthia	Warzecha	cynthia.warzecha@state.mn.us	Minnesota Department of Natural Resources		500 Lafayette Road Box 25 St. Paul MN,	Electronic Service		No	22-132Official

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