

NOTICE OF COMMENT PERIOD

Issued: February 17, 2022

In the Matter of an Investigation of the Implementation of Minnesota Statutes, Section 237.045 Regarding Railroad Rights-of-Way, Crossing, or Paralleling by Utilities

PUC Docket Number: U-999/CI-22-89

Comment Period: Initial comment period closes March 21, 2022 at 4:30pm

Reply comment period closes April 4, 2022 at 4:30pm

Comments received after the close of the comment period may or may not be considered by the Commission.

Issue: Should the Commission open a formal investigation to facilitate the further development of the broader issues raised in previous right-of-way disputes under Minnesota Statutes, Section 237.045 related to the potential affects on the construction of utility facilities proposed to cross or parallel railroad rights-of-way?

Topics Open for Comment:

- Should the Commission open a formal investigation regarding the implementation of Minn. Stat. § 237.045 for the purposes of improving its application?
- What should the scope of any proposed investigation be?
- What process should the Commission use to conduct the investigation?
- Any other information relevant to improving the implementation of Minn. Stat. § 237.045?

Background:

In 2016, the Minnesota Legislature enacted Minnesota Statutes, Section 237.045. The statute authorized the Commission to consider objections to proposed utility crossing or paralleling of railroads, and determine whether additional requirements may be imposed upon proposed crossings. The Commission is also authorized to refer a dispute for mediation or arbitration and modify any additional requirements imposed upon on a utility.

The first matter reviewed and determined by the Commission under the statute was in Docket No. P-421/RW-17-569. The Commission's November 7, 2017, Order was appealed to the Minnesota Court of Appeals which affirmed the Commission's decision.¹ The only other decision of the

¹ In the MATTER OF a Petition by QWEST CORPORATION dba CenturyLink QC for Resolution of a Dispute with BNSF
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121 7TH PLACE EAST • SUITE 350 • SAINT PAUL, MINNESOTA 55101-2147

Commission under the statute was in Docket No. PT-5817/RW-21-268. In its October 5, 2021, Order the Commission, among other things, announced that it would open a separate docket to examine whether it should open a formal investigation regarding the application of Minn. Stat. § 237.045 to facilitate further development of the broader issues raised in these dockets and to improve the implementation of the statute.

Filing Requirements: Utilities, telecommunications carriers, official parties, and state agencies are **required** to file documents using the Commission's electronic filing system (eFiling). All parties, participants and interested persons are encouraged to use eFiling: mn.gov/puc, select *eFiling*, and follow the prompts.

Submit Public Comments:

Online: Visit mn.gov/puc, select Comment and follow the prompts

Email: consumer.puc@state.mn.us

U.S. Mail: Consumer Affairs Office
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul MN 55101

Full Case Record: See all documents filed in this docket via the Commission's website at mn.gov/puc, select *Search eDockets*, enter the year (22) and the docket number (89), select *Search*.

Subscribe to receive email notification when new documents are filed in this docket at mn.gov/puc, select *Subscribe*, or click [HERE](#) and follow the prompts.

Questions about this docket or Commission process and procedure? Contact Commission staff, Michael Kaluzniak at mike.kaluzniak@state.mn.us; 651-201-2257 or Bret Eknes at bret.eknes@state.mn.us; 651-201-2236.

Change your mailing preferences: Email docketing.puc@state.mn.us or call Leesa Norton at 651-201-2246.

To request this document in another format such as large print or audio, call 651-296-0406 (voice). Consumers with a hearing or speech impairment may call using their preferred Telecommunications Relay Service or email consumer.puc@state.mn.us for assistance.

CERTIFICATE OF SERVICE

I, Chrishna Beard, 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 NOTICE OF COMMENT PERIOD

Docket Number **U999/CI-22-89**

Dated this 17th day of February, 2022

/s/ Chrishna Beard

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All Investor Owned Electric and Gas

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U13247 Greater Minnesota Gas, Inc. Kristine Anderson Regulatory Administra 1900 Cardinal Lane PO Box 798 Faribault MN 55021	U10788 Minnesota Energy Resources Richard Stasik Director Gas Regulatory WEC Energy Group - Business Services 231 W Michigan St - P321 Milwaukee WI 53233	U10680 Minnesota Power Benjamin Levine Senior Utility Load For 30 W Superior St Duluth MN 55802-2191
U12000 Northern States Power Company dba Xcel Benjamin C. Halama Manager 414 Nicollet Mall 401 FL 7 Minneapolis MN 55401	U10735 Northern States Power Company dba Xcel Benjamin C Halama Manager, Revenue Ar 414 Nicollet Mall FL 7 Minneapolis MN 55401	U10740 Northwestern Wisconsin Electric Co. David M Dahlberg President 104 South Pine Street P.O. Box 9 Grantsburg WI 54840-0009
U10756 Otter Tail Power Company Stuart Tommerdahl PO Box 496 215 S Cascade St Fergus Falls MN 56538-0496		