



---- Via Electronic Filing ----

3/21/2022

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

**RE: In the Matter of an Investigation of the
Implementation of Minnesota Statutes,
Section Minn. Stat. § 237.045 Regarding
Railroad Rights-of-Way Crossing, or
Paralleling by Utilities**

**DOCKET U-999/CI-22-
NO.: 89**

Date: 3/21/2022

Dear Mr. Sueffert:

The Minnesota Rural Electric Association (MREA) respectfully submits the attached comments in response to the request for comments from the Minnesota Public Utilities Commission (Commission) issued by the Commission in the above-referenced docket.

MREA represents the interests of the state's 44 electric distribution cooperatives and the six generation and transmission cooperatives that supply them with power. Our member cooperatives are not-for-profit electric utility businesses that are locally owned and governed by the member-consumers they serve.

The Minnesota Rural Electric Association appreciates the opportunity to submit comments in this matter on behalf of the member-owned electric cooperatives across Minnesota.

Sincerely,

/s/ Mike Bull

Mike Bull
Director of Policy and Regulatory Affairs
Minnesota Rural Electric Association

**State of Minnesota
before the
Minnesota Public Utilities Commission**

Katie Sieben	Chair
Joseph Sullivan	Vice Chair
Matt Schuerger	Commissioner
Valerie Means	Commissioner
John Tuma	Commissioner

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

**DOCKET U-999/CI-22-89
NO.:
Minnesota Rural Electric
Association Comments**

The Minnesota Rural Electric Association (MREA) represents Minnesota's 45 distribution and six generation and transmission cooperatives. MREA files the following response to the Commission's February 17, 2022, Notice of Comment Period. That Notice seeks comments responding to the following questions:

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

MREA recommends that the Commission open an investigation to: (1) gather information on the issues utilities and other providers are experiencing when attempting to deploy, replace, repair or maintain utility and communications infrastructure in or across railroad rights-of-way; and (2) obtain recommendations on possible steps the Commission could take in future dispute resolution proceedings under section 237.045 to better address those issues. The purpose of the investigation would be informational, aimed at providing the Commission with a better understanding of the issues right-of-way users are experiencing with railroads, the public interest implications of those issues, and suggestions on possible actions the Commission might take in future

proceedings under section 237.045 to address those difficulties and their public interest implications.

The scope of the investigation should include all issues or suggestions related to right-way use by utilities and other providers. It will important for the Commission to hear the experiences of a range of providers, and so we hope that parties other than rural electric cooperatives will also share their experiences. The Commission should use a simple notice and comment process with initial comments due sometime in the Fall of this year and reply comments due 60 days thereafter.

Importantly, MREA is not anticipating any formal action or findings by the Commission as part of this investigation. Section 237.045 authorizes the Commission to resolve disputes brought to it by railroads or right-of-way users. Therefore, any future action by the Commission would have to be within the context of such a dispute – either a petition for dispute resolution or a filing that seeks to enforce a prior Commission decision. To that end, consistent with how the Commission framed the issue in its Notice, MREA sees this investigation as an opportunity for further development of the broader issues raised in previous right-of-way disputes. Development of these issues, along with a full understanding of their public interest implications, will be important context for future consideration of disputes that might arise under section 237.045.

CERTIFICATE OF SERVICE

I, Mike Bull, hereby certify that I have this day, served copies of the following document on the attached list of persons by electronic filing, certified mail, e-mail, or by depositing a true and correct copy thereof properly enveloped with postage paid in the United States Mail at Maple Grove, Minnesota.

Minnesota Rural Electric Association

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the Implementation of Minnesota
Statutes, Section Minn. Stat. § 237.045
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Crossing, or Paralleling by Utilities**

Date: 3/21/2022

/s/Mike Bull

Mike Bull
Director of Policy and Regulatory Affairs

Minnesota Rural Electric Association