



# Minnesota regulatory process for high voltage transmission lines

This fact sheet provides an overview of the regulatory process associated with major approvals necessary before a high voltage transmission line can be built in Minnesota. The CapX2020 utilities have prepared similar fact sheets for each of the jurisdictions involved in the CapX2020 project. Visit [www.capx2020.com](http://www.capx2020.com) for updated project information.

## MINNESOTA REGULATORY PROCESS

Two major approvals must be obtained from the Minnesota Public Utilities Commission (MN PUC) before a high voltage transmission line can be built: a Certificate of Need (CN) and a Route Permit. The CN proceeding examines whether the proposed facilities are necessary and what the appropriate size, configuration and timing of the project should be. In a separate Route Permit proceeding, the MN PUC determines the route and design of the line.

## CERTIFICATE OF NEED

Minnesota Statutes 216B.243 and Minnesota Rules 7849, 7829, 7849.0010-0110 and 1405 govern the CN process, which starts with filing an application.

**Completeness review:** The MN PUC reviews the application and identifies any additional information needed to begin the review process. The MN PUC issues notice of a comment schedule; anyone can comment on the application's completeness. Once the application is found complete, the MN PUC refers the case to an independent administrative law judge (ALJ), who presides over the hearing process, sets hearing schedules and intervention deadlines, and addresses other procedural matters.

**Intervention:** Anyone can attend meetings and hearings, file written comments and present written or oral testimony without being listed as an official intervening party. Parties who formally intervene typically are represented by an attorney (not required) and present a formal case that includes filing written testimony, cross examining witnesses and filing post hearing briefs. Parties must request intervenor status from the ALJ.

## Environmental Report scoping public meetings:

The Minnesota Department of Commerce, Office of Energy Security (OES) prepares an Environmental Report (ER), which examines the land use and natural resource considerations associated with the MN PUC's need-related decisions. Public meetings are conducted to describe the process and gather comments on issues and alternatives that should be addressed. The ER is the only environmental document where issues of size, type and timing are reviewed. Written comments may also be submitted to the OES.

**Scoping decision:** Before the OES prepares the ER, it reviews all public input and publishes its Scoping Decision, which outlines the issues to be addressed in the ER.

**Environmental Report:** The OES gathers information, then prepares and publishes the ER, which must be done before public hearings on the CN can take place. Anyone can provide written or oral comments on the document during hearings.

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**Hearings on the CN:** The MN PUC requires a series of public hearings that are presided over by the ALJ. Notice is published in local newspapers prior to the start of the hearings. Anyone can present testimony and express opinions concerning the utility's proposal or alternatives and the CN. After hearing testimony and comments, the ALJ provides a report summarizing the hearing process and makes recommendations to the MN PUC.

**MN PUC need decision:** In making a determination, the MN PUC considers all information and hears comments at one of its regular weekly public meetings. In some cases, a second meeting is scheduled so commissioners have the necessary time to deliberate prior to making a decision.

## **ROUTE PERMIT**

A Route Permit is also needed from the MN PUC prior to building a high voltage transmission line in Minnesota. Once a Route Permit application is filed, the regulatory process begins.

**Pre-application route development phase:** Route development generally occurs in three stages during which utilities:

- ▶ Identify a study area; gather land use and resource information from federal, state and local agencies and governments; prepare maps.
- ▶ Identify routing options based on technical considerations, routing criteria and resource mapping.
- ▶ Compare and evaluate the routing options; select two or more routes, including a preferred route, to be included in the Route Permit application.

**Route Permit process:** After the utility files a Route Permit application, the process specified in MN PUC regulations begins.

**Public meetings:** Upon receiving an application, the OES schedules public meetings to introduce the proposed project and the Route Permit process. Scoping for an Environmental Impact Statement (EIS) begins at these meetings.

**Scoping and routing additions:** A full EIS is prepared by the OES. The first step of the Route Permit process is to establish the scope of the environmental analysis. Prior to preparation of an EIS,

public comments are accepted on issues that should be examined in the EIS. Alternate routes to those proposed by the utility can also be proposed; however, the OES has specific regulations that must be followed. Once the OES scope of the EIS is published, no new routing options will be considered in the EIS.

**Citizen advisory task force:** The MN PUC may choose to establish an advisory task force committee (local government and interest group representatives) to help determine the EIS's scope and examine whether routing options should be added to those proposed by the utility.

**Draft EIS:** The OES prepares and publishes a Draft EIS that examines the land use and environmental issues associated with the proposal as well as the alternatives that were identified in scoping.

**EIS comment period and public meetings:** Once the Draft EIS is published, the OES establishes a period to receive comments on the document. The OES also holds public meetings to obtain comments on the document.

**Public hearings:** The ALJ conducts public hearings, which are designed to receive comments, opinions and supporting evidence on where the proposed lines should be located and how potential impacts of the line should be addressed. The ALJ prepares a report summarizing the hearings and may make routing and mitigation recommendations to the MN PUC. Notice is published in local newspapers prior to the hearings.

**Final EIS:** The OES takes all comments on the Draft EIS, responds to them, revises the draft accordingly and then prepares a Final EIS.

**MN PUC Route Permit decision:** At the end of the process, the MN PUC considers all material and conducts one or two public hearings. If two hearings are held, the first is used to receive oral comments and ask questions of the participants; the second is to deliberate and make a decision. Sometimes the two hearings are combined into one. A Route Permit decision cannot be made until after a CN is granted. If a Route Permit is granted, the MN PUC permit supersedes local jurisdictions as to the route itself; however, the utility may still be subject to other local, state and federal ordinances, such as Minnesota Department of Natural Resources stream crossing permits.

**Concurrent permitting in other states:** Regulatory bodies in neighboring states oversee similar permitting processes.

North Dakota Public Service Commission

- ▶ Certificate of Public Convenience and Necessity
- ▶ Certificate of Corridor Compatibility
- ▶ Transmission Facility Permit

Public Service Commission of Wisconsin

- ▶ Certificate of Public Convenience and Necessity
- South Dakota Public Utilities Commission
- ▶ Facilities Permit

**Federal environmental review:** Before federal agencies grant loans or issue permits for transmission lines, the utility must comply with National Environmental Policy Act requirements. Depending on the circumstances and the application of federal regulations, an Environmental Assessment or EIS may be prepared. Federal environmental review is usually done concurrently or jointly with state environmental review.

## STAY INFORMED

The best way to participate is to stay informed. Follow progress on the individual agency Web sites and on the CapX2020 Web site at [www.capx2020.com](http://www.capx2020.com). To view CN documents, go to the MN PUC's website at [www.puc.state.mn.us](http://www.puc.state.mn.us), click on "eFiling and eDockets" and then click on "Search Documents" and search for docket 06-1115. Use "06" for the year (when the first CapX2020 document was filed) and "1115" in the second field, then press the search button. All filings in the CapX2020 eDocket will be listed. The MN PUC can also be reached at 1-800-657-3782.