

MINNESOTA REGULATORY PROCESS FOR HIGH VOLTAGE TRANSMISSION LINES

INFORMATION SHEET
MINNESOTA



Before a new high-voltage transmission line can be built in the state, two approvals may be required by the Minnesota Public Utilities Commission, a Certificate of Need and a Route Permit.

Certificate of Need

The Certificate of Need details the size, type and timing of new infrastructure to be built and examines if it's necessary to serve customers.

The Certificate of Need is governed by Minnesota Statutes 216B.243, which starts a process that when a utility files an application. Several steps are required before the Commission determines if a Certificate of Need is approved.

Completeness Review

The Commission reviews the application and identifies any additional information needed to begin the formal review process. Interested parties may provide comments on whether an application is complete through the Commission's comment process.

Once the application is found complete, the Commission can refer the case to an independent Administrative Law Judge (ALJ) through either a contested case proceeding, which can include several rounds of testimony and reply testimony, or through the Commission's informal process, which is also overseen by an ALJ.

The ALJ will preside over the hearing process, including setting a hearing schedule, intervention deadlines, and addresses other procedural matters.

Intervention

Anyone can attend meetings and hearings, submit written comments and present written or verbal testimony without being listed as an official intervening party. Parties who formally intervene are typically 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 public scoping meetings

The Minnesota Department of Commerce, Energy and Environmental Review Analysis (EERA) prepares an Environmental Report, which examines potential human and environmental impacts associated with the Commission's need-related decisions. Public meetings are conducted to describe the process and gather comments on issues and alternatives that should be addressed.

Scoping decision

Before the environmental report is prepared, the Department of Commerce reviews all public input and publishes a scoping decision, which outlines the issues to be addressed in the report.

Environmental Report

The EERA gathers information, then prepares and publishes the report, which must be done before public hearings on the Certificate of Need can take place. Anyone can provide written or verbal comments on the document during hearings.

Certificate of Need hearings

The Commission requires a public hearing 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 Certificate of Need. After hearing testimony and comments, the ALJ provides a report summarizing the hearing process and makes recommendations to the Commission.

Minnesota Public Utilities Commission Need Decision

In making a determination the Commission considers all information at a public meeting. 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 Commission prior to building a high-voltage transmission line in Minnesota. Once a Route Permit application is filed, the regulatory process begins. The process described below is the Commission full routing process.

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.
- Identify routing options based on technical considerations, routing criteria and map natural resources; begin public outreach asking for feedback about route options and land use impacts.
- Compare and evaluate the routing options; select two or more routes to be included in the Route Permit application.

Route Permit process

After the utility files a Route Permit application, the process specified in the Commission's regulations begins

Public meetings

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

Environmental scoping and route alternatives

A full EIS is prepared by the EERA. 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 EERA has specific regulations that must be followed. Once the EERA scope of the EIS is published, no new routing options will be considered in the EIS.

Advisory task force

The Commission may choose to establish an advisory task force committee (often comprised of 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 EERA prepares and publishes a Draft EIS that examines potential human and environmental impacts 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 EERA establishes a period to receive comments on the document and may hold 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 should be addressed. The ALJ prepares a report summarizing the hearings and may make routing and mitigation recommendations to the Commission. Notice is published in local newspapers prior to the hearings.

Final EIS

The EERA takes all comments on the Draft EIS, responds to them, and revised the draft accordingly before preparing and publishing the Final EIS.

MN PUC Route Permit decision

At the end of the process, the Commission considers all material presented in the application, testimony and comments. The Commission may ask for verbal comments and ask questions of the participants. The Commission will deliberate and make a decision on the Route Permit application at one of its open meetings. A Route Permit issued by the Commission preempts local zoning, building, and land use regulations, but the project may still be subject to other local, state, or federal requirements.

Stay informed

The best way to participate in a transmission line project is to stay informed. Follow progress on individual agency websites or the utility project website.

You can sign up with the Commission to be informed when new applications are filed, or when documents are submitted in a docket. You'll need to know the year the filing originated and the docket number. The Minnesota Public Utilities Commission's website is mn.gov/puc.