

# MINNESOTA REGULATORY PROCESS FOR HIGH VOLTAGE TRANSMISSION LINES

INFORMATION SHEET  
MINNESOTA



Before a new high-voltage transmission line can be built in the state, the Minnesota Public Utilities Commission must approve two permit applications, 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 and 1405, which starts when an application is filed. 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. Other intervening parties or state agencies may provide comments on any additional information if needed to complete the application 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 prepares an Environmental Report, which examines land use and natural resource considerations 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. The report is the only environmental document where issues of size, type and timing are reviewed. Written comments may also be submitted in this process.



## Scoping decision

Before the environmental report is prepared, it 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 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 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 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 Commission 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.
- 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.

## Scoping and routing additions

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.

## Citizen 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 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 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 revises 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 and conducts public hearings. The Commission may ask for verbal comments and ask questions of the participants. Either at that hearing or at a separate hearing, the Commission will deliberate and make a decision on the Route Permit application, including which route is selected. If a Route Permit is granted, the Commission permit supersedes local jurisdiction on the route itself, but the utility may still be subject to other local, state, and federal ordinances.

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## **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 [www.mn.gov/puc](http://www.mn.gov/puc).

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