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## Minnesota Regulatory Process for High Voltage Transmission Lines

This fact sheet provides an overview of the regulatory process associated with the major approvals necessary before a high voltage transmission line can be built in Minnesota. The CapX 2020 utilities have prepared similar fact sheets for each of the jurisdictions involved in the CapX 2020 projects. 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 (PUC) before a high voltage transmission line can be built: a Certificate of Need and a Route Permit. The Certificate of Need 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 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 Certificate of Need process. The Certificate of Need process starts with filing an application.

**Completeness review:** The PUC reviews the application and identifies any additional information needed to begin the review process. The PUC will issue notice of a comment schedule, and anyone can comment on the application's completeness. Once the application is found to be complete, the PUC refers the case to an independent Administrative Law Judge (ALJ) who will preside over the hearing process. The ALJ will set hearing schedules, intervention deadlines and address 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 that 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 intervener status from the ALJ assigned to the case. The ALJ will set deadlines for formal intervention.

**Environmental Report scoping public meetings:** The Minnesota Department of Commerce (DOC) will prepare an Environmental Report (ER), a document that examines the land use and natural resource considerations associated with the 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 also may be submitted to the DOC.

**Scoping decision:** Before the DOC prepares the Environmental Report it reviews all public input and publishes the DOC's Scoping Decision, which outlines the issues to be addressed in the Environmental Report.

**Environmental Report:** The DOC gathers information, then prepares and publishes an Environmental Report. The report must be published before public hearings on a Certificate of Need can take place. Anyone can provide written or oral comments on the document during hearings.

**Hearings on Certificate of Need:** The PUC requires a series of public hearings that are presided over by an ALJ. Notice is published prior to the start of the hearings. Anyone can present testimony and express opinions concerning the utility 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 PUC.

**PUC need decision:** In making a determination, the PUC considers all information and will hear 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

The other major approval necessary before a high voltage transmission line can be built is a Route Permit from the PUC. Once a Route Permit application is filed, the commission's 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 to be included in a Route Permit application.

**Route Permit process:** After the utilities file a Route Permit application, the process specified in the PUC regulations begins.

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

**Scoping and routing additions:** A full EIS will be prepared by the DOC. 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 DOC has specific regulations that must be followed. Once the DOC scope of the EIS is published, no new routing options will be considered in the EIS.

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

**Draft EIS:** The DOC will prepare and publish a Draft EIS that examines the land use and environmental issues associated with the proposal and the alternatives that were identified in scoping.

**EIS comment period and public meetings:** Once the Draft EIS is published, the DOC will establish a period to receive comments on the document. The DOC also will hold public meetings to obtain comments on the document.

**Public hearings:** An ALJ will conduct public hearings. Notice will be published in local newspapers prior to the hearings. The hearings 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 will

prepare a report that summarizes the hearings and may make routing and mitigation recommendations to the PUC.

**Final EIS:** The DOC will take all comments on the Draft EIS, respond to them, revise the draft accordingly and then prepare a Final EIS.

**PUC Route Permit decision:** At the end of the process the PUC considers all material and conducts one or two public meetings. If two meetings are held, the first is used to receive oral comments and ask questions of the participants, and the second is to deliberate and make a decision. Sometimes the two steps are combined in one meeting. A Route Permit decision cannot be made until after a Certificate of Need is granted. If a Route Permit is granted, the PUC permit supersedes local jurisdictions as to the route itself; the utility may still be subject to other federal, state and local ordinances, such as a Department of Natural Resources license to cross public waters.

**Concurrent permitting in other states:** Similar permitting processes are overseen by regulatory bodies in neighboring states.

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 agencies must comply with requirements of the National Environmental Policy Act. Depending on the circumstances and the application of federal regulations, an Environmental Assessment or an Environmental Impact Statement 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 CapX 2020 Web site at [www.capx2020.com](http://www.capx2020.com). To view the full docket (all documents filed with the Minnesota Public Utilities Commission) go to the PUC's Web site at [www.puc.state.mn.us](http://www.puc.state.mn.us), click on E-dockets on the left-hand side, click on Search Documents and search for docket 06-1115. In the search field, "06" stands for the year 2006 (when the first CapX 2020 document was filed). Use "06" for the year and "1115" in the second field, then press the search button. All filings in the CapX 2020 E-Docket will be listed.