

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.

Minnesota Regulatory Process

Utilities must obtain two types of approvals from the Minnesota Public Utilities Commission (PUC) before a high voltage transmission line can be built: a Certificate of Need and a Route Permit. These two processes may be combined. 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. The Route Permit process examines potential effects of various routes, considers input from affected parties and seeks to identify and approve the route with the least impact to people and the environment.

Permitting Process for Certificate of Need and Route Permit

Pre-application phase: Before applications are filed, utilities engage in extensive outreach with potentially affected landowners, government units and state and federal agencies. Route studies are performed and route options are identified. During this phase, the utilities typically organize public meetings and there is no formal state government involvement. Utilities use information collected during public outreach to develop applications.

Permit Application: The PUC requires a thorough description of the proposed project, studies of potential effects for each route option and a record of the pre-application outreach performed. Submittal of need and siting applications to the PUC will start the state process.

Completeness review: The PUC reviews the application and identifies any additional information needed to begin the review process. 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.

Public meetings: After the applications are accepted as complete, Department of Commerce (DOC) staff will schedule public meetings to introduce the proposed project and the permitting 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 or route segments to those proposed by the utility can also be proposed and included in the scope of the EIS. Once the DOC determines the scope of the EIS, it is published.

Draft EIS: The DOC will prepare and publish a Draft EIS that examines the land use and environmental issues associated with the proposed and alternative routes 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 the proposed route and route alternatives 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 takes all comments on the Draft EIS, responds to them, revises the draft accordingly and then prepares a Final EIS.

MN PUC Project Need and 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. If the Need and Route Permits are granted, the PUC approval pre-empts local zoning ordinances. However the utility may still be subject to other federal and state approvals, such as Department of Natural Resources permits.

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.

Stay informed

The best way to participate is to stay informed. Follow progress on the individual agency web sites and on the Huntley-Wilmarth project web site. The entire process is open to public review. All documents considered during the process are presented on the PUC's web site at www.puc.state.mn.us, click on E-dockets on the left-hand side, click on Search Documents and search for the docket.

Resources

Minnesota Department of Commerce Link

<https://mn.gov/commerce/energyfacilities/#ui-tabs-6=&tabs=0>

Minnesota PUC Link

<https://mn.gov/puc/resources/energy-facilities.jsp>

<https://mn.gov/commerce/energyfacilities/documents/How%20to%20Participate,%20Understanding%20Process%20Flowchart,%208.18.14.pdf>