

CHAPTER 7848
PUBLIC UTILITIES COMMISSION
BIENNIAL TRANSMISSION PROJECTS REPORTS

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7848.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

Subp. 2. **Board.** "Board" means the Minnesota Environmental Quality Board.

Subp. 3. **Commission.** "Commission" means the Minnesota Public Utilities Commission.

Subp. 4. **Department.** "Department" means the Minnesota Department of Commerce.

Subp. 5. **High-voltage transmission line.** "High-voltage transmission line" means (1) any transmission line that has capacity of 200 kilovolts or more or (2) any transmission line that has capacity of 100 kilovolts or more with more than ten miles of its length in Minnesota or that crosses a state line.

Subp. 6. **Local government.** "Local government" includes town, statutory city, home rule charter city, and county governments.

Subp. 7. **Person.** "Person" means a natural person, corporation, municipal corporation, public corporation, utility, state and local government or other governmental entity, government agency, association, tribal government, partnership, receiver, joint venture, trustee at common law or statutory trust guardian, or executor.

Subp. 8. **Reliability administrator.** "Reliability administrator" means the person occupying the position established in Minnesota Statutes, section 216C.052.

Subp. 9. **Utility.** "Utility" means any entity required to file a biennial transmission projects report under part 7848.0400 or its delegatee under part 7848.0500.

Statutory Authority: *MS s 216A.05; 216B.08; 216B.09*

History: *27 SR 1820*

7848.0200 APPLICABILITY.

This chapter applies to:

A. public utilities, as that term is defined in Minnesota Statutes, section 216B.02, subdivision 4, that own or operate electric transmission lines in Minnesota;

B. municipal utilities that own or operate electric transmission lines in Minnesota;

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C. cooperative electric associations that own or operate electric transmission lines in Minnesota;

D. generation and transmission organizations that own or operate electric transmission lines in Minnesota; and

E. generation and transmission organizations filing transmission projects reports on behalf of public utilities, municipal utilities, or cooperative electric associations that own or operate transmission lines in Minnesota.

Statutory Authority: *MS s 216A.05; 216B.08; 216B.09*

History: *27 SR 1820*

7848.0300 RULES OF PRACTICE AND PROCEDURE APPLY.

Proceedings under this chapter must be conducted according to the commission's rules of practice and procedure, chapter 7829, to the extent that those rules are consistent with the requirements of this chapter.

Statutory Authority: *MS s 216A.05; 216B.08; 216B.09*

History: *27 SR 1820*

7848.0400 BIENNIAL TRANSMISSION PROJECTS REPORTS REQUIRED.

By November 1 of each odd-numbered year, the following entities shall jointly or individually file transmission projects reports:

A. any public utility, as that term is defined in Minnesota Statutes, section 216B.02, subdivision 4, that owns or operates electric transmission lines in Minnesota;

B. any municipal utility that owns or operates electric transmission lines in Minnesota;

C. any cooperative electric association that owns or operates electric transmission lines in Minnesota; and

D. any generation and transmission organization that owns or operates electric transmission lines in Minnesota.

Statutory Authority: *MS s 216A.05; 216B.08; 216B.09*

History: *27 SR 1820*

7848.0500 DELEGATING FILING RESPONSIBILITIES.

Any person required to make filings under part 7848.0400 may, by agreement with the generation and transmission organization that serves it, delegate its filing responsibilities under this chapter to that organization. If the generation and transmission organization to which the utility has delegated its filing responsibilities fails to make the filing, the utility remains responsible for making the filing.

Statutory Authority: *MS s 216A.05; 216B.08; 216B.09*

History: *27 SR 1820*

7848.0600 COOPERATION WITH DEPARTMENT.

Utilities shall participate in any public outreach or transmission planning program that has been developed or is sponsored by the department or the reliability administrator and in which the department or the reliability administrator invites their participation.

Statutory Authority: *MS s 216A.05; 216B.08; 216B.09*

History: *27 SR 1820*

7848.0700 TRANSMISSION PLANNING ZONES.

To facilitate meaningful public participation in transmission planning, the state is hereby divided into six transmission planning zones: northwest, northeast, southwest,

southeast, west central, and Twin Cities metropolitan. The boundaries of these transmission planning zones are shown in the map at part 7848.9900.

Statutory Authority: *MS s 216A.05; 216B.08; 216B.09*

History: *27 SR 1820*

7848.0800 TRANSMISSION PLANNING MAILING LISTS.

Each utility shall maintain a mailing list, called the transmission planning mailing list, of persons who ask to be notified of transmission planning meetings and related matters. Each utility shall post on its Web site a telephone number and e-mail address that members of the public may use to place their names on this list.

Statutory Authority: *MS s 216A.05; 216B.08; 216B.09*

History: *27 SR 1820*

7848.0900 TRANSMISSION PLANNING MEETINGS.

Subpart 1. **Securing input of the public and local and tribal governments.** Jointly or individually, utilities shall seek the assistance and input of local government officials, tribal government officials, and interested members of the public in identifying transmission inadequacies and alternative means of addressing them. To help secure this assistance and input, each utility shall hold transmission planning meetings as follows:

A. at least one transmission planning meeting each year in each transmission planning zone in which the utility intends to propose a high-voltage transmission line within the next five years; and

B. at least two transmission planning meetings in each affected transmission planning zone in the year in which it files for certification of a proposed high-voltage transmission line.

Utilities may fulfill this obligation by holding joint transmission planning meetings. Transmission planning meetings must be open to the public.

Subp. 2. **Issues to address in transmission planning meetings.** At transmission planning meetings the utilities shall:

A. answer questions;

B. seek information on local transmission needs and related energy needs;

C. seek input on transmission inadequacies they have identified and input on different ways to address these identified transmission inadequacies;

D. present an overview of:

(1) the Minnesota transmission system;

(2) any inadequacies in the Minnesota transmission system that the utility believes must be addressed within the next ten years and alternative ways, including non-transmission alternatives, to address these inadequacies; and

(3) the factors that influence transmission needs in the transmission zone, the state, and adjacent states;

E. provide a description of any high-voltage transmission line under serious consideration for construction within the transmission zone in the next five years;

F. provide a general description of each line's probable social, environmental, and economic effects and an account of all alternatives considered;

G. present information on the best routing information available;

H. provide a description of general right-of-way requirements for a line of the size and voltage proposed and a statement that the utility intends to acquire property rights for the right-of-way that the proposed line will require; and

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I. present a brief description of the regulatory approval processes to which each line is subject.

Statutory Authority: *MS s 216A.05; 216B.08; 216B.09*

History: *27 SR 1820*

7848.1000 OUTREACH EFFORTS FOR TRANSMISSION PLANNING MEETINGS.

Subpart 1. **Notice to interested persons.** Utilities shall conduct outreach efforts to inform local government officials, tribal government officials, and members of the public about the transmission planning meetings required in this part. At a minimum, utilities shall take the following actions:

A. mail to each county government within the transmission planning zone written materials briefly summarizing the transmission planning process; inviting local government input; giving the date, time, and place of the transmission planning meeting; and inviting the county to designate someone to serve as a liaison between the county and the utility on transmission issues;

B. mail to each tribal government within the transmission planning zone written materials briefly summarizing the transmission planning process; inviting tribal government input; giving the date, time, and place of the transmission planning meeting; and inviting the tribal government to designate someone to serve as a liaison between the tribal government and the utility on transmission issues;

C. mail to the League of Minnesota Cities written materials briefly summarizing the transmission planning process; inviting input from the league and municipalities within the transmission planning zone; giving the date, time, and place of the transmission planning meeting; and inviting the league to designate someone to serve as a liaison between the league and the utility on transmission issues;

D. mail to the Association of Minnesota Counties written materials briefly summarizing the transmission planning process; inviting input from the association; giving the date, time, and place of the transmission planning meeting; and inviting the association to designate someone to serve as a liaison between the association and the utility on transmission issues;

E. mail to the Minnesota Association of Townships written materials briefly summarizing the transmission planning process; inviting input from the association; giving the date, time, and place of the transmission planning meeting; and inviting the association to designate someone to serve as a liaison between the association and the utility on transmission issues;

F. mail to the board, the department, the Minnesota Pollution Control Agency, the Minnesota Department of Agriculture, the Minnesota Department of Natural Resources, the United States Fish and Wildlife Service, and the United States Park Service written materials briefly summarizing the transmission planning process; inviting input from these agencies; giving the date, time, and place of the transmission planning meeting; and inviting each of these agencies to designate a person to serve as its liaison between the agency and the utility on transmission issues;

G. publish display advertisements in at least one newspaper of general circulation in the county seat of each county within the transmission planning zone briefly summarizing the transmission planning process; inviting public input; and giving the date, time, and place of the transmission planning meeting;

H. mail to all persons who have asked to be on the utility's transmission planning mailing list and to all persons on the official service list for the previous biennial transmission projects report a notice of the date, time, and place of the transmission planning meeting; and

I. post on the utility's Web site information about transmission planning meetings briefly summarizing the transmission planning process; identifying utility representatives who can provide further information; inviting public input; providing addresses, telephone numbers, and e-mail addresses for public input; and giving the date, time, and place of upcoming transmission planning meetings.

Subp. 2. **Timing of mailings.** The written materials required under subpart 1, items A through F, must be mailed no later than 15 days before the transmission planning meeting to which they relate. The written materials required under subpart 1, item H, must be mailed no sooner than 30 days or later than ten days before the transmission planning meeting to which they relate. The newspaper advertisements required under subpart 1, item G, must appear no sooner than 30 days and no later than ten days before the transmission planning meeting to which they relate.

Statutory Authority: *MS s 216A.05; 216B.08; 216B.09*

History: *27 SR 1820*

7848.1100 FOLLOW-UP ON TRANSMISSION PLANNING MEETINGS.

Utilities shall encourage but not require persons attending transmission planning meetings to sign an attendance register and to list mailing and e-mail addresses to which the utility can send transmission planning updates. Following each transmission planning meeting the utility shall prepare a synopsis of its presentation, public input received, and how the public input has influenced its decision-making process. The utility shall mail or e-mail this synopsis to all persons who signed the attendance register and listed a mailing or e-mail address, all persons who have asked to be on the utility's transmission planning mailing list, and each transmission liaison designated under part 7848.1000, subpart 1. The utility shall also post the synopsis on its Web site.

Statutory Authority: *MS s 216A.05; 216B.08; 216B.09*

History: *27 SR 1820*

7848.1200 KEEPING RECORDS RELATED TO TRANSMISSION PLANNING MEETINGS.

Utilities shall retain the following materials for ten years:

- A. attendance registers from transmission planning meetings;
- B. copies of written materials mailed or published under part 7848.1000, subpart 1;
- C. copies of written materials distributed at, after, or otherwise in connection with transmission planning meetings;
- D. mailing and publication lists for materials mailed or published under part 7848.1000, subpart 1, or otherwise in connection with transmission planning meetings;
- E. copies of all written and e-mail comments on transmission planning issues received from members of the public, local government officials, and tribal government officials; and
- F. copies of notes on telephone comments on transmission planning issues received from members of the public, local government officials, and tribal government officials.

Statutory Authority: *MS s 216A.05; 216B.08; 216B.09*

History: *27 SR 1820*

7848.1300 CONTENT OF BIENNIAL TRANSMISSION PROJECTS REPORT.

Each biennial transmission projects report, whether or not it seeks certification of a high-voltage transmission line, must contain at least the following information:

- A. a contact person for each utility covered by the filing, including the person's address, telephone number, and e-mail address;

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B. a copy of the most recent regional load and capability report of the Mid-Continent Area Power Pool or other appropriate regional reliability council;

C. a copy of the most recent regional transmission plan produced by the appropriate regional transmission organization;

D. a list of inadequacies in the transmission system currently affecting reliability within the utility's assigned service area and a list of reasonably foreseeable future inadequacies expected to affect reliability within the utility's assigned service area over the next ten years;

E. a list of all alternative means of addressing each inadequacy identified, including nontransmission alternatives;

F. a list of studies that have been completed, are in progress, or are planned that are relevant to each of the inadequacies identified in item D;

G. a general description of the economic, environmental, and social issues raised by each alternative means identified in item E;

H. an account of the measures the utility took to gather public input and to involve local government officials, tribal government officials, and other interested persons in identifying transmission inadequacies and analyzing alternative means of addressing them;

I. a report on the number of members of the public who provided input and the substance of that input;

J. a report on the number of local and tribal government officials who provided input, the elective or appointive positions they held, and the substance of their input;

K. a list and description of every transmission project the utility considers necessary now or in the next ten years to remedy any transmission inadequacies identified in its biennial report;

L. a list and description of every nontransmission project the utility considers necessary now or in the next ten years to remedy any transmission inadequacies identified in its biennial report;

M. a statement as to whether the utility seeks certification in this proceeding of any transmission project identified in item K or the approximate time frame within which it plans to file a certificate of need application for any project requiring a certificate of need; and

N. the approximate time frame within which the utility plans to file a certificate of need application for any nontransmission project identified as necessary in the filing, for which a certificate of need would be required.

Statutory Authority: *MS s 216A.05; 216B.08; 216B.09*

History: *27 SR 1820*

7848.1400 REQUIRED INFORMATION FOR CERTIFICATION OF HIGH-VOLTAGE TRANSMISSION LINES.

Subpart 1. **Highly complex or controversial lines.** Any biennial transmission projects report must comply with both the filing requirements of this chapter and the filing requirements of the certificate of need rules, parts 7849.0010 to 7849.0400, for certification of each high-voltage transmission line that (1) has the capability of transmitting at least 300 kilovolts and has at least 25 miles of its length in Minnesota, (2) has the capability of transmitting at least 200 kilovolts and has at least 50 miles of its length in Minnesota, or (3) crosses the Minnesota border into another state or Canada.

Subp. 2. **Filing requirements.** Any biennial transmission projects report that seeks certification of a high-voltage transmission line in the course of the biennial transmission

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report proceeding must include the information listed below for each high-voltage transmission line proposed:

A. the transmission inadequacies the line is designed to address and every service area the line would benefit;

B. a detailed description of the line, including its length, supporting structures, number of phases, types of conductors, maximum power-carrying capacity for each line segment, projected load during peak-load conditions, projected line losses during peak-load conditions and during average conditions, and induced voltages during operation;

C. a map showing the end points of the line and existing transmission facilities in the area;

D. a narrative description of the major features of the region between the end points, emphasizing the area within three miles of the end points;

E. the estimated cost of constructing the line and the effect of those costs on rates;

F. the estimated annual cost of operating and maintaining the line and the effect of those costs on rates;

G. a summary of the input the utility has gathered from local government officials, tribal government officials, and members of the public on the proposed line;

H. the expected depreciation and service lives of the line;

I. an analysis of the effect of the line on service reliability, both within the utility's assigned service area and throughout the state;

J. an analysis of the economic, environmental, and social consequences of the line;

K. a description of measures generally available to mitigate any adverse environmental impacts from the construction, operation, and maintenance of a transmission line of the size and voltage proposed and a description of any additional mitigation measures likely to be required for the proposed line;

L. a description of right-of-way requirements for the line at the voltage proposed, a description of land use patterns between the end points, a discussion of routing considerations that may influence subsequent routing proceedings, and the best routing information available;

M. an analysis of the feasibility and cost-effectiveness of remedying, in whole or in part, the transmission inadequacies the line is designed to address, through any combination of conservation, energy conservation improvements, and load management measures;

N. the likely consequences of not building the line;

O. the energy forecasts or other modeling upon which the need for the line is based and a description of the methodology underlying each forecast or model;

P. an account of all promotional activities that may have contributed to the need for the line;

Q. a list of all other state agencies, federal agencies, local governments, and tribal governments whose approval of the proposed line must be obtained for it to proceed, and an analysis of the line's compliance with their policies, rules, and regulations;

R. an analysis of the likely effects of present or future energy conservation programs authorized under Minnesota Statutes, sections 216C.05 and 216C.30, or other state and federal laws, on long-term energy demand and the long-term need for the line;

S. an analysis of the relationship between the line and overall state energy needs, as described in the most recent state energy policy and conservation report prepared under Minnesota Statutes, section 216C.18;

T. a list and analysis of all feasible transmission and nontransmission alternatives to the line, including, but not necessarily limited to, increasing the efficiency of existing facilities, upgrading existing facilities, adding new lines of different voltages or locations,

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double-circuiting existing lines, rebuilding existing lines, using distributed generation, using small-scale generation near the load center, utilizing load management programs, and implementing energy efficiency programs;

U. a list of all transmission and nontransmission alternatives to the line that were considered and rejected as not feasible and the grounds on which they were determined to be not feasible; and

V. a discussion of the factors listed in Minnesota Statutes, section 216B.243, subdivision 3, to the extent that they are not addressed in response to items A through U.

Statutory Authority: *MS s 216A.05; 216B.08; 216B.09*

History: *27 SR 1820*

7848.1500 REQUIRED INFORMATION ON ALTERNATIVES TO PROPOSED HIGH-VOLTAGE TRANSMISSION LINES.

Any biennial transmission projects report that seeks certification of a high-voltage transmission line in the course of the biennial transmission report proceeding must include the following information for each feasible alternative to each high-voltage transmission line proposed:

- A. a detailed description of the alternative;
- B. an analysis of the economic, environmental, and social consequences of the alternative;
- C. the probable location of the alternative and a list of all locations under serious consideration;
- D. the estimated cost of constructing the alternative and the effect of those costs on rates;
- E. the estimated annual cost of operating and maintaining the alternative and the effect of those costs on rates;
- F. a summary of the input the utility has gathered from local government officials, tribal government officials, and members of the public on the alternative;
- G. the expected depreciation and service lives of the alternative;
- H. an analysis of the effect of the alternative on service reliability, both within the utility's assigned service area and throughout the state;
- I. a description of measures the utility could take to mitigate any adverse environmental impacts from construction, operation, or maintenance of the alternative;
- J. the amount of land required for construction of the alternative and for its operation and maintenance, and a description of the uses to which the land is currently devoted; and
- K. a list of all other state agencies, federal agencies, local governments, and tribal governments whose approval of the alternative must be obtained for it to proceed, and an analysis of the alternative's compliance with their policies, rules, and regulations.

Statutory Authority: *MS s 216A.05; 216B.08; 216B.09*

History: *27 SR 1820*

7848.1600 ENVIRONMENTAL REVIEW.

The board, in accordance with its own rules, shall prepare and distribute an environmental report on each high-voltage transmission line for which a utility seeks certification.

Statutory Authority: *MS s 216A.05; 216B.08; 216B.09*

History: *27 SR 1820*

7848.1700 REQUESTS FOR EXEMPTIONS FROM FILING REQUIREMENTS.

Subpart 1. **Exemption requests.** Utilities shall file any request for an exemption from any of the filing requirements of this chapter no later than August 1 of the year in which

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the biennial transmission projects report will be filed. Utilities shall include the reasons for the request and suggest alternative filing requirements that would address the purposes of any filing requirements from which they seek exemption.

Subp. 2. **Procedural schedule, notice of procedural schedule.** Initial comments on exemption requests must be filed within 20 days of the date of filing. Reply comments must be filed within 20 days of the expiration of the initial comment period. Utilities shall include with any exemption request a clear and conspicuous notice of these comment periods.

Subp. 3. **Service requirements.** Utilities shall serve their exemption requests on the following persons:

- A. the Department of Commerce;
- B. the Residential and Small Business Utilities Division of the Office of the Attorney General;
- C. each member of the board;
- D. the general service list for biennial transmission projects reports established under part 7829.0600;
- E. every county government in the state; and
- F. every tribal government in the state.

Subp. 4. **Granting exemptions.** The commission shall grant an exemption if it finds that the data requirement is unnecessary to determine need for a proposed facility, that the data requirement is unnecessary for it to evaluate and act on a biennial transmission projects report, or that the data requirement may be satisfied by submitting a document other than the one specified in the rules.

Statutory Authority: *MS s 216A.05; 216B.08; 216B.09*

History: *27 SR 1820*

7848.1800 PROCEDURAL TREATMENT OF BIENNIAL TRANSMISSION PROJECTS REPORTS NOT SEEKING CERTIFICATION OF HIGH-VOLTAGE TRANSMISSION LINE.

Subpart 1. **Service requirements.** Utilities shall serve their biennial transmission projects reports on the following persons:

- A. the Department of Commerce;
- B. the Residential and Small Business Utilities Division of the Office of the Attorney General;
- C. the general service list for biennial transmission projects reports established under part 7829.0600;
- D. every county government in the state;
- E. every tribal government in the state;
- F. each member of the Environmental Quality Board;
- G. the United States Army Corps of Engineers;
- H. the United States Environmental Protection Agency;
- I. the United States Fish and Wildlife Service;
- J. the State Historical Society;
- K. the Minnesota Environmental Conservation Library;
- L. the Legislative Reference Library; and
- M. every regional development commission in the state and every regional development library in the state.

Subp. 2. **Web site posting.** Each utility shall post its biennial transmission projects report on its Web site within five days of filing.

Subp. 3. **Challenges to compliance with filing requirements.** Any person or party wishing to challenge the compliance of a biennial transmission projects report with filing requirements set by rule or statute shall do so within 20 days of the date of filing. The commission shall set an expedited procedural schedule for resolving the challenge, taking into consideration the number and complexity of the issues on which noncompliance is claimed. The commission shall require utilities to promptly amend or supplement biennial transmission projects reports that it finds do not comply with filing requirements.

Subp. 4. **Petition to intervene.** A person who desires to become a party to a biennial transmission projects report proceeding and is not a party as of right shall file an intervention petition under part 7829.0800 by January 15. The person may combine the intervention petition with initial comments.

Subp. 5. **Initial comments.** Initial comments must be filed by January 15, unless the commission has found the report incomplete. If the commission has found the report incomplete, the commission shall set an initial comment deadline, taking into consideration the degree to which the filing was incomplete, the complexity of the issues, and the statutory deadline for commission action on the filing.

Subp. 6. **Comments to include procedural recommendation.** Initial comments must include a recommendation on what procedural framework the commission should use to examine and act on the filing. Commenting persons shall specifically identify any issues which they believe require a contested case proceeding.

Subp. 7. **Reply comments.** Reply comments must be filed by March 1, unless the commission has found the report incomplete. If the commission has found the report incomplete, the commission shall set a reply comment deadline, taking into consideration the number and complexity of the issues and the statutory deadline for commission action on the filing.

Subp. 8. **Additional comments.** If additional information is required to make a fully informed decision, the commission shall require or permit additional comments.

Subp. 9. **Discovery procedures.** Parties shall respond to information requests served upon them by other parties within ten days of receipt.

Subp. 10. **Commission action.** The commission shall accept, reject, modify, or require further action in regard to biennial transmission projects reports. Further action may include, but is not limited to, requiring additional filings, requiring periodic reporting on specific issues, requiring collaboration between specific utilities, and ordering infrastructure investments or preventative maintenance under Minnesota Statutes, section 216B.79.

Statutory Authority: *MS s 216A.05; 216B.08; 216B.09*

History: *27 SR 1820*

7848.1900 NOTICE PLANS WHEN SEEKING CERTIFICATION.

Subpart 1. **Filings required, service requirements.** On or before June 1 of the year in which biennial transmission projects reports will be filed, utilities shall file proposed plans for providing notice to all persons reasonably likely to be affected by any transmission line proposed for certification in those reports. Utilities shall serve their proposed plans on the following persons:

- A. the Department of Commerce;
- B. the Residential and Small Business Utilities Division of the Office of the Attorney General; and
- C. the general service list for biennial transmission projects reports established under part 7829.0600.

Subp. 2. **Procedural schedule, notice of procedural schedule.** Initial comments on proposed notice plans must be filed within 20 days of the date of filing. Reply comments must be filed within 20 days of the expiration of the initial comment period. Utilities shall

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include with the proposed notice plan a clear and conspicuous notice of these comment periods.

Subp. 3. **Types of notice.** Proposed notice plans must include notice to the following persons by the method specified:

A. direct mail notice, based on county tax assessment rolls, to landowners reasonably likely to be affected by the proposed transmission line;

B. direct mail notice to all mailing addresses within the area reasonably likely to be affected by the proposed transmission line;

C. direct mail notice to local and tribal governments whose jurisdictions are reasonably likely to be affected by the proposed transmission line; and

D. newspaper notice to members of the public in areas reasonably likely to be affected by the proposed transmission line.

Subp. 4. **Notice content.** Proposed notice plans must provide notice recipients with the following information:

A. a map showing the end points of the line and existing transmission facilities in the area;

B. a description of general right-of-way requirements for a line of the size and voltage proposed and a statement that the utility intends to acquire property rights for the right-of-way that the proposed line will require;

C. a notice that the line cannot be constructed unless the commission certifies that it is needed;

D. the commission's mailing address, telephone number, and Web site;

E. the address of the Web site on which the utility or utilities proposing the line will post their biennial transmission projects reports;

F. a statement that the board will be preparing an environmental assessment of each high-voltage transmission line for which certification is requested;

G. a brief explanation of how to get on the mailing list for the board's proceeding; and

H. a statement that requests for certification of high-voltage transmission lines are governed by Minnesota law, including specifically this chapter, chapter 4410, and parts 7849.1000 to 7849.2100, and Minnesota Statutes, section 216B.2425.

Subp. 5. **Supplementary notice.** The commission shall require supplementary notice to persons reasonably likely to be affected by system alternatives developed in the course of certification proceedings if it appears that those system alternatives are as likely to be certified as the proposed high-voltage transmission line.

Subp. 6. **Notice time frames.** The utility shall implement the proposed notice plan within 30 days of its approval by the commission.

Subp. 7. **Good faith sufficient.** The commission shall not deny a request for certification of a high-voltage transmission line on grounds of defective notice if the utility acted in good faith, in substantial compliance with the notice requirements of this subpart, and in substantial compliance with any commission orders issued under this subpart.

Statutory Authority: *MS s 216A.05; 216B.08; 216B.09*

History: *27 SR 1820*

7848.2000 PROCEDURAL TREATMENT OF BIENNIAL TRANSMISSION PROJECTS REPORTS SEEKING CERTIFICATION OF HIGH-VOLTAGE TRANSMISSION LINE.

Subpart 1. **Service requirements.** Utilities shall serve biennial transmission projects reports in which they seek certification of high-voltage transmission lines on the following persons:

- A. the department;
- B. the Residential and Small Business Utilities Division of the Office of the Attorney General;
- C. the general service list for biennial transmission projects reports established under part 7829.0600;
- D. every county government in the state;
- E. every local government required to receive notice under any notice plan approved under part 7848.1900;
- F. every tribal government in the state;
- G. each member of the board;
- H. the United States Army Corps of Engineers;
- I. the United States Environmental Protection Agency;
- J. the United States Fish and Wildlife Service;
- K. the State Historical Society;
- L. the Environmental Conservation Library;
- M. the Legislative Reference Library; and
- N. every regional development commission in the state and every regional development library in the state.

Subp. 2. **Web site posting.** Each utility shall post its biennial transmission projects report on its Web site within five days of filing.

Subp. 3. **Challenges to compliance with filing requirements.** Any person or party wishing to challenge the compliance of a biennial transmission projects report with filing requirements set by rule or statute shall do so within 20 days of the date of filing. The commission shall set an expedited procedural schedule for resolving the challenge, taking into consideration the number and complexity of the issues on which noncompliance is claimed. The commission shall require utilities to promptly amend or supplement biennial transmission projects reports that do not comply with filing requirements, with the exception of requests for certification of high-voltage transmission lines.

Subp. 4. **Certification requests not substantially complying with filing requirements.** If a request for certification of a high-voltage transmission line does not comply with filing requirements set by statute or rule, the commission shall determine whether the request can be supplemented or amended to comply within a time frame that will permit adequate development and consideration of the issues. If the commission determines that adequate development and consideration of the issues would be compromised by permitting the utility to amend or supplement the request, the commission shall reject the request and advise the utility that it should file an application for a certificate of need when it has compiled the information necessary to comply with certificate of need filing requirements.

Subp. 5. **Procedural comments.** Within 20 days of the date the biennial transmission projects report is filed, interested persons and parties shall file comments on what procedural framework the commission should use to examine and act on the filing. Commenting persons shall specifically state whether each request for certification of a high-voltage transmission line requires a contested case proceeding.

Subp. 6. **Petition to intervene.** A person who desires to become a party to a biennial transmission projects report proceeding and is not a party as of right shall file an intervention

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petition under part 7829.0800 by February 15. The person may combine the intervention petition with initial comments.

Subp. 7. **Comment periods on nonreferred issues.** Initial comments on issues not referred for contested case proceedings must be filed by February 15. Reply comments on nonreferred issues must be filed by March 15.

Subp. 8. **Additional comments.** If additional information is required to make a fully informed decision, the commission shall require or permit additional comments.

Subp. 9. **Discovery procedures.** Parties shall respond to information requests served upon them by other parties within ten days of receipt. On issues referred for contested case proceedings, the discovery rules of the Office of Administrative Hearings apply.

Subp. 10. **Public liaison.** The commission shall designate a staff member to act as its liaison with the public for each request for certification of a high-voltage transmission line.

Subp. 11. **Public hearing.** The commission shall hold at least one public hearing on each request for certification of a high-voltage transmission line. The purpose of the public hearing must be to hear the views of members of the public on the proposed line. The hearing must be scheduled for a time, date, and place reasonably convenient for members of the public.

Subp. 12. **Commission action on report.** The commission shall accept, reject, modify, or require further action in regard to biennial transmission projects reports. Further action may include, but is not limited to, requiring additional filings, requiring periodic reporting on specific issues, requiring collaboration between specific utilities, and ordering infrastructure investments or preventative maintenance under Minnesota Statutes, section 216B.79.

Subp. 13. **Commission action on certification requests.** The commission shall certify, certify as modified, or deny certification for each high-voltage transmission line for which certification is sought in a biennial transmission projects report. The commission shall certify a line only if it finds that the line is:

A. necessary to maintain or enhance the reliability of electric service to Minnesota consumers;

B. needed, applying the criteria in Minnesota Statutes, section 216B.243, subdivision 3; and

C. in the public interest, taking into account electric energy system needs and economic, environmental, and social interests affected by the project.

Statutory Authority: *MS s 216A.05; 216B.08; 216B.09*

History: *27 SR 1820*

7848.2100 TIME PERIODS VARIED.

Except for time periods set by statute, the commission may vary the time periods established by this chapter on its own motion or at the request of a person for good cause shown. The commission may delegate the authority to set time periods and to vary time periods to the executive secretary.

Statutory Authority: *MS s 216A.05; 216B.08; 216B.09*

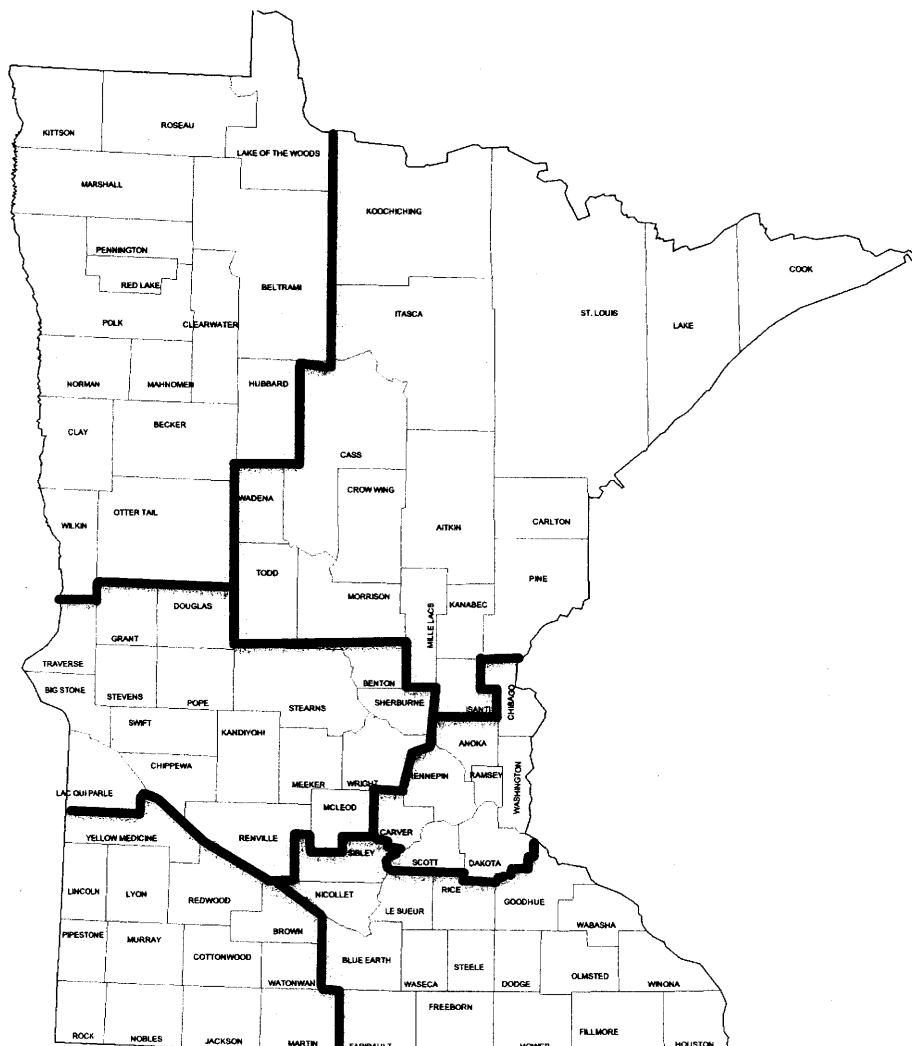
History: *27 SR 1820*

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Statutory Authority: *MS s 216A.05; 216B.08; 216B.09*

History: *27 SR 1820*