

7829.2560 NOTICE PLANS WHEN SEEKING CERTIFICATION OF PIPELINES.

Subpart 1. **Filings required, service requirements.** At least three months before filing a certificate of need application for any pipeline under chapter 7849, 7851, 7853, or 7855, the applicant shall file a proposed plan for providing notice to all persons reasonably likely to be affected by the proposed pipeline. Applicants shall serve their proposed plans on the following persons:

- A. the Office of Energy Security of the Department of Commerce;
- B. the Office of the Attorney General; and
- C. the Army Corps of Engineers.

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. Applicants shall 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 pipeline;
- B. direct mail notice to all mailing addresses within the area reasonably likely to be affected by the proposed pipeline;
- C. direct mail notice to tribal governments and to the governments of towns, statutory cities, home rule charter cities, and counties whose jurisdictions are reasonably likely to be affected by the proposed pipeline; and
- D. newspaper notice to members of the public in areas reasonably likely to be affected by the proposed pipeline.

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

- A. a map showing the end points of the pipeline and existing related pipelines and related facilities in the area;
- B. a description of general right-of-way requirements for a pipeline of the size and type proposed and a statement that the applicant intends to acquire property rights for the right-of-way that the proposed pipeline will require;
- C. a notice that the pipeline cannot be constructed unless the commission certifies that it is needed;

- D. the commission's mailing address, telephone number, and Web site;
- E. a brief explanation of how to get on the mailing list for the commission's proceeding; and
- F. a statement that requests for certification of pipelines are governed by Minnesota law, including specifically chapters 7851, 7853, and 7855 and Minnesota Statutes, section 216B.243.

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

Subp. 6. **Notice time frames.** The applicant 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 pipeline on grounds of defective notice if the applicant acted in good faith, in substantial compliance with the notice requirements of this part, and in substantial compliance with any commission orders issued under this part.

Subp. 8. **Compliance filing.** The applicant shall submit a compliance filing within 60 days from the date of implementation of the approved notice plan. The filing must include a copy of the notice and a service list that includes the names and addresses of those persons to whom the notice was sent.

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

History: *35 SR 1530; 40 SR 1329*

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