

**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 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*

**Published Electronically:** *August 21, 2007*