

**7849.1900 JOINT PROCEEDING.**

Subpart 1. **Environmental assessment.** In the event an applicant for a certificate of need for a LEPGP or a HVTL applies to the commissioner of the Department of Commerce for a site permit or route permit prior to the time the commissioner completes the environmental report, and the project qualifies for alternative review by the commissioner under part 7850.2800, the commissioner may elect to prepare an environmental assessment in accordance with part 7850.3700 in lieu of the environmental report required under part 7849.1200. If combining the processes would delay completion of environmental review under parts 7849.1000 to 7849.2100, the commissioner can combine the processes only if the applicant and the Public Utilities Commission agree to the combination. If the processes are combined, the commissioner shall include in the environmental assessment the analysis of alternatives required by part 7849.1500, but is not required to prepare an environmental report under parts 7849.1000 to 7849.2100.

Subp. 2. **Environmental impact statement.** In the event an applicant for a certificate of need for a LEPGP or a HVTL applies to the commissioner for a site permit or route permit prior to the time the commissioner completes the environmental report, and the project does not qualify for alternative review by the commissioner under part 7850.2800, the commissioner may elect to prepare an environmental impact statement in lieu of the environmental report required under part 7849.1200 if the applicant and the Public Utilities Commission agree to the additional time that will be required to prepare the environmental impact statement. In this event, the commissioner shall include in the EIS the analysis of alternatives required by part 7849.1500, but is not required to prepare an environmental report under part 7849.1200.

Subp. 3. **Procedures.** In the event the commissioner combines the two processes pursuant to subpart 1 or 2, the procedures of parts 7850.1000 to 7850.5600 shall be followed in conducting the environmental review.

Subp. 4. **Joint hearing.** If the commissioner determines that a joint hearing with the Public Utilities Commission to consider both permitting and need issues is feasible, more efficient, and may further the public interest, the commissioner may decide to hold a joint hearing with the approval of the commission.

**Statutory Authority:** *MS s 116D.04*

**History:** *28 SR 951; L 2005 c 97 art 3 s 19*

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