7849.0130 **PROJECT NOTICE**.

Subpart 1. **Basic requirements.** At least 20 days but not more than 60 days before filing a certificate of need application for a LHVTL or an LEGF under this Chapter, the applicant must provide notice of its proposed project in accordance with the requirements of subparts 2 through 9.

 Subpart 2. **Service of notice.** An applicant shall serve written notice of its proposed project on the Commission and on the following:

 A. the department;

 B. the Office of the Attorney General;

 C. all persons on the "General List of Persons Interested in Power Plants and Transmission Lines" maintained under part 7850.2100, subpart 1, item A;

 D. the U.S. Army Corps of Engineers;

 E. the U.S. Fish and Wildlife Service;

 F. the following Minnesota state agencies:

 (1) the Department of Natural Resources;

 (2) the Pollution Control Agency;

 (3) the Department of Transportation;

 (4) the Department of Agriculture;

 (5) the Department of Health;

 (6) the Office of Pipeline Safety;

 (7) the Board of Water and Soil Resources;

 (8) the Metropolitan Council;

 (9) the Minnesota Historical Society; and

 (10) the Environmental Quality Board.

G. each county, incorporated municipality, township, and regional development commission within ten miles of a proposed project.

H. any tribal government within ten miles of a proposed project.

Subp. 3. **Additional notice for LHVTL.** An applicant for a certificate of need for a LHVTL shall also serve written notice on the following:

 All landowners, based on county tax assessment rolls, who are on or adjacent to a proposed transmission line route.

 All mailing addresses within the area reasonably likely to be affected by the proposed transmission line.

Subp. 4. **Additional notice for LEGF.** An applicant for a certificate of need for an LEGF shall also serve written notice on all landowners, based on county tax assessment rolls, who are within the proposed facility’s footprint or within one-half mile of the proposed facility’s footprint.

Subp. 5. **Notice content.** The written notice served pursuant to subparts 2 – 4 shall contain the following information:

1. a description of the proposed project

 B. a notice that the proposed project cannot be constructed unless the commission certifies that it is needed;

 C. the commission's mailing address, telephone number, and Web site and a brief explanation of how to get on the mailing list for the commission’s proceeding and the docket number for the matter;

 D. if the applicant is a utility subject to Minnesota Statutes § 216B.2425, the address of the Web site on which the utility applicant posted its most recent biennial transmission projects report required under that statute;

 E. a statement that the department will be conducting environmental review on each high voltage transmission line or large energy facility for which certification is requested;

 F. a statement that requests for certification of high-voltage transmission lines or large energy facilities are governed by Commission rules, including specifically chapter 7849, parts 7849.0010 to 7849.0400, and 7849.1000 to 7849.2100, and Minnesota Statutes, section 216B.243.

 G. a statement that a public meeting will be held by the commissioner and that the public will have an opportunity to ask questions about the project and to suggest alternatives and impacts to address in the environmental review.

 H. a statement informing the public of where a copy of the application may be reviewed.

 I. the name and contact information for the Commission’s public advisor.

 J. information concerning whether the applicant may exercise the power of eminent domain to acquire the land necessary for the proposed project and the basis for such authority.

Subp. 6. **Map and right-of-way.**

In addition to the information required in subpart 5, the applicant for a certificate of need for a HVTL shall include the following in the written notice:

(1) a map showing the end points of the line and existing transmission facilities in the area, including transmission facilities 64 kilovolts or greater;

 (2) a description of general right-of-way requirements for a line of the size and voltage proposed and a statement that the applicant intends to acquire property rights for the right-of-way that the proposed line will require;

B. In addition to the information required in subpart 5, the applicant for a certificate of need for an LEGF shall include the following in the written notice:

 (1) a map showing the location of the proposed facility;

 (2) a description of general right-of-way requirements for a facility of the size proposed and a statement that the applicant intends to acquire property rights for the right-of –way that the proposed facility will require.

Subp. 7. **Service of written notice.** The applicant may serve the written notice required under subparts 2 and 3 by email, direct mail notice, or in person.

Subp. 8. **Publication of notice.** The applicant shall publish notice in a legal newspaper of general circulation in each county in which a site or route is proposed to be located that an application for a certificate of need will be submitted to the Commission and a description of the proposed project. The notice shall also state where a copy of the application can be reviewed and where additional information can be found.

Subp.9. **Press release.** The applicant shall send a press release to at least one radio station broadcasting in the area of the proposed facility announcing that a certificate of need will be filed with the Commission within a certain number of days.

Subp. 10. **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 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. 11. **Compliance filing.** Within 30 days after providing the requisite notices, the applicant shall file a compliance filing describing the notices that have been given. The applicant must also file each affidavit of publication by newspaper within seven days of the applicant’s receipt of the affidavit.