

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE PUBLIC UTILITIES COMMISSION

In the Matter of the Application of Minnesota Power for a Certificate of Need for the HVDC Modernization Project in Hermantown, Saint Louis County;

**ORDER GRANTING THE LABOR INTERVENORS' PETITION TO INTERVENE AS A FULL PARTY**

In the Matter of the Application of Minnesota Power for a Route Permit for a High Voltage Transmission Line for the HVDC Modernization Project in Hermantown, Saint Louis County.

This matter came before Administrative Law Judge Jim Mortenson on the International Union of Operating Engineers Local 49 (Local 49) and North Central States Regional Council of Carpenters (NSRCC) (collectively, Labor Intervenors) Petition for Intervention, filed January 16, 2024. On January 17, 2024, Minnesota Power (Applicant), filed a letter noting it did not object to the Unions' intervention.

Nate Runke, Regulatory and Political Affairs Coordinator Local 49, and Richard Kolodziejski, Government Affairs Director NSRCC, appeared on behalf of Labor Intervenors.<sup>1</sup> David R. Moeller, ALLETE Senior Regulatory Counsel, appeared on behalf of Minnesota Power.

Pursuant to Minn. R. 1400.5500, .6200 (2023), and for the reasons explained below,


---

<sup>1</sup> The Judge does not know if Runke or Kolodziejski are licensed attorneys in Minnesota. If either gentleman is not, he is reminded that this matter is a contested case, pursuant to the Public Utilities Commission's Order of November 29, 2023. Importantly, Minn. Stat. § 481.02, governing the unauthorized practice of law, does not appear to permit a non-lawyer to represent a labor union in court. The exception is that a "bona fide labor organization [may give] legal advice to its members in matters arising out of their employment." Minn. Stat. § 481.02, subd. 3(5) (2022). In short, while the Judge does not intend to manage the practice of law in this matter, parties should be aware that potential issues could arise for non-lawyers who are not statutorily exempted from the general prohibition of non-lawyer practice of law in Minn. Stat. § 481.02. The Lawyers Professional Responsibility Board may be a resource for more information on this topic.

**IT IS HEREBY ORDERED,**

1. The Petition is **GRANTED**.
2. Labor Intervenors may intervene as a party with all the rights of a party.

Dated: January 26, 2024



---

JIM MORTENSON  
Administrative Law Judge

**MEMORANDUM**

Minnesota Power has filed applications for a certificate of need and a site permit related to modernizing its high-voltage direct-current (HVDC) transmission line across northern Minnesota. The HVDC line terminates at a substation in Hermantown, Minnesota. On November 29, 2023, the Public Utilities Commission (Commission) referred this matter to the Office of Administrative Hearings for a contested case proceeding.<sup>2</sup> The purpose of the proceeding is to develop the record to enable the Commission to better consider American Transmission Company's (ATC) alternative proposal to Minnesota Power's modernization plan.<sup>3</sup> The Commission determined that the contested case process "will allow the Commission to make a thorough, informed, and well-reasoned decision."<sup>4</sup>

Labor Intervenors are labor organizations representing more than 24,000 employees in Minnesota.<sup>5</sup> They are advocating for their members' interests impacted by the construction and outcome of the Applicant's project, or the alternative, at issue here.<sup>6</sup> The particular version of the project the Commission selects may impact the work opportunities of their members.<sup>7</sup> Likewise, it may impact other electric infrastructure projects which employ their members.<sup>8</sup> Finally, the safety and reliability of the electrical grid upon which Labor Intervenors' members and their communities rely upon for living and work are identified interests.<sup>9</sup>

Intervention in a contested case proceeding is governed by Minn. R. 1400.6200. Under that rule, a person seeking to intervene must show:

---

<sup>2</sup> Order Identifying Alternative Proposal for Environmental Assessment Scope, Granting Variance, and Notice and Order for Hearing, Docket Nos. E-015/CN-22-607, E-015/TL-22-611 (Nov. 29, 2023).

<sup>3</sup> *Id.* at 5.

<sup>4</sup> *Id.* at 6.

<sup>5</sup> Petition for Intervention (Jan. 16, 2024).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

- (1) how the petitioner's legal rights, duties, or privileges may be determined or affected by the contested case;
- (2) how the petitioner may be directly affected by the outcome of the case or that petitioner's participation is authorized by statute, rule, or court decision;
- (3) the grounds and purposes for which intervention is sought; and
- (4) petitioner's statutory right to intervene if one should exist.<sup>10</sup>

The presiding Judge shall allow intervention if the petitioner establishes these elements, unless the Judge finds that petitioner's interests are adequately represented by one or more parties already participating in the case.<sup>11</sup> Further, the judge must specify the extent of the petitioner's participation, as the rule allows for limited or full intervention.<sup>12</sup> Under Minn. R. 1400.6200, subp. 3(A)-(C), an intervenor may be allowed to: (1) file a written brief without acquiring the status of a party; (2) intervene as a party with all the rights of a party; or (3) intervene as a party with all the rights of a party but limited to specific issues and to the means necessary to present and develop those issues.

Labor Intervenors have shown how their duties or privileges may be impacted by the case and the grounds and purposes for which intervention is sought. Which project is selected to proceed will affect the employment opportunities of union members for both the immediate project and other or future energy infrastructure projects. These are things Labor Intervenors advocate on behalf of their members for regularly. Moreover, the safety and reliability of the grid for members' communities may also be affected by the project, and the well-being of their members is central to Labor Intervenors' purpose and existence. These interests in the current and future construction opportunities presented by the project, and its safety, functionality, and reliability, are all cause to permit full party status to the Labor Intervenors and permit them provide insights into the record in the contested case. The number of members employed for this project, and other projects which may be impacted, is a significant outcome for which Labor Intervenors will be permitted to advocate on.

For these reasons, Labor Intervenors are permitted to participate in this contested case as a full party.

**J. R. M.**

---

<sup>10</sup> Minn. R. 1400.6200, subp. 1.

<sup>11</sup> *Id.*, subp. 3.

<sup>12</sup> *Id.*