

The public hearing presentation will begin shortly

Thank you for your patience

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Call-In Number: 1-855-282-6330

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Public Hearing

Power Point Siting Act Annual Hearing

OAH Docket No. 22-2500-40414

MPUC Docket No. 24-18

December 10, 2024

Introduction

- **Administrative Law Judge: Christa Moseng**
- **Office of Administrative Hearings (OAH)** is an independent state agency that provides fair and impartial hearings.
- The **Public Utilities Commission (PUC)** requested that an administrative law judge from OAH preside over this hearing.
- **Hearing Authority:** Minn. Stat. § 216E.07 and Minn. R. 7850.5400

Administrative Law Judge
Christa Moseng



Objectives of Today's Hearing

- To afford interested persons an opportunity to be heard regarding any matters relating to the siting of large electric generating power plants and routing of high-voltage transmission lines.
- To advise the public of the permits issued by the Commission in the past year. This may include a description of the projects initiated or completed this year, as well as projects currently pending or anticipated in the near future.

Role of Administrative Law Judge

- Preside over the public hearing
- Prepare a report summarizing the public comments for the Commission
- Issue a report within 60 days
 - No action on the report is required by the Commission
 - The purpose of the report is to inform the Commission

Agenda for Today's Hearing

➤ **Introduction** – Christa Moseng, Administrative Law Judge

➤ **Overview of Programs**

Minnesota Public Utilities Commission – Energy Facilities Permitting Unit

Minnesota Department of Commerce – Energy Environmental Review and Analysis (EERA)

Minnesota Department of Natural Resources (DNR)

Project Review

Projects initiated in 2024, projects completed in 2024, and projects pending and anticipated

➤ **Public Questions and Comments** – Moderated by the Administrative Law Judge

Presenters

- Sam Lobby, PUC
- Ray Kirsch, Commerce
- Samantha Bump, DNR



Public Utilities Commission

2024 Permitting Reform Legislation

In 2023, the commission created a stakeholder group to identify permitting reform proposals to improve and refine the Commission's permitting process, which was originally passed in 1973 as the Power Plant Siting Act.

In 2024, permitting reform legislation was enacted as part of the Agriculture and Energy Omnibus Bill in response to the stakeholder group's recommendations and the need to meet Minnesota's ambitious 100% carbon-free standards.

The new law creates the **Energy Infrastructure Permitting Act (Minnesota Statutes Chapter 216I)**, and repeals or renumbers the majority of:

- Minnesota Statutes Chapter 216E (Power Plant Siting Act)
- Minnesota Statutes Chapter 216F (Wind Energy Conversion Systems)
- Minnesota Rules Chapter 7850 (Power Plant or Transmission Line Site or Route Permit)
- Minnesota Rules Chapter 7854 (Large Wind Energy System Site Permit)

Public Utilities Commission

Major Changes

- Environmental analysis of large energy infrastructure facilities is transferred from the Department of Commerce to the Public Utilities Commission (Effective July 1, 2025)
- An applicability determination process is created.
- A formal pre-application process is created.
- Two review are processes created:
 - ✓ Standard Review
 - ✓ Major Review
- Environmental assessments are to be prepared by the applicant under Standard Review. Environmental impact statements (EIS) will be prepared by PUC staff under Major Review.
- A formal draft permit process is created.

Public Utilities Commission

Other Changes - General

- The definition of “commission” has been expanded to allow the Executive Secretary to make applicability determinations, application completeness determinations.
- Advisory task force determinations are no longer required.
- Requires applications to include information on environmental justice, greenhouse gases, and climate change resilience.
- Explicitly requires participation of the State Historic Preservation Office.

Public Utilities Commission

Other Changes – Permit Decisions and Conditions

- Requires applications to include information on environmental justice, greenhouse gases, and climate change resilience.
- Modifies commission considerations in making permit decisions.
- Permits require permittee to obtain power purchase agreements
- Creates a formal permit amendment process and repeals minor alterations.
- Creates a formal permit transfer and permit revocation process.
- Preconstruction filings may be submitted immediately following the commission's vote.

Public Utilities Commission

Other Changes

Certificates of Need

- **Only includes:** high-voltage transmission lines with a capacity greater than 300 kV and more than one mile of length; or with a capacity of 100 kV or more and more than 10 miles of length.
- **Exempt:** energy storage systems and high-voltage transmission lines that directly interconnect large wind energy conversion systems, solar energy generating systems, or energy storage systems to the transmission system.
- Alternative endpoints for high-voltage transmission line may not be considered by the commission in certificate of need proceedings except in limited circumstances.

Pipelines

- Carbon dioxide pipelines are added to Minnesota Statutes Chapter 216G and require the preparation of an EIS under Minnesota Rules Chapter 4410. However, other pipeline types continue to require a comparative environmental analysis.

Role of Commerce - EERA

Energy Environmental Review and Analysis

- Provide technical expertise and assistance to the PUC including environmental review of proposed energy facilities.
- Identify and undertake research on potential impacts of energy facilities.
- Create guidance materials to ensure consistent analysis of potential impacts.

EERA Review of 2024

- Legislature enacted the Minnesota Energy Infrastructure Permitting Act to expedite the permitting of energy facilities.
- Carbon-free by 2040 law changing the number and types of energy facilities proposed.
- Continuing build-out of transmission line infrastructure.
- Environmental review of the first carbon dioxide pipeline in Minnesota.
- Research regarding the ecosystem benefits of solar farms.

MN Department of Natural Resources

2024 in Review

- Staffing Changes
 - Samantha Bump: HVTL, Pipelines, and Hydropower
 - Martin Donovan: Wind, Solar, and Hydropower
- DNR Participation
- Interagency Coordination
- 2024 Highlights



Public Questions and Comments

How to Indicate You Want to Speak at Today's Hearing

- **By Webex:** Click on the **hand raise** icon and send a message indicating that you would like to speak, or say you would like to speak in the chat (no comments though)
- **By telephone:** Press ***3** on your telephone to to add yourself to the comment queue
 - Press ***3** again to remove yourself from the queue
- To speak again, do the same



Presentation of Comments

- Each person who wants to comment at today's hearing will have an opportunity to speak.
- Speakers will comment in the order they joined the queue, alternating with in-person commenters.
- When it is your turn to speak, we will **call on you by name or phone number.**
- We will then unmute your line (telephone) or permit you to unmute and turn on your video (Webex)
- If you are joining by Webex, we encourage you to turn on your camera.

Presentation of Comments

- State and spell your first and last name.
- Speak **loudly** and **clearly** so that the court reporter can hear you.
- To ensure everyone is heard, please limit your initial comments to **ten minutes**.
- If there is time after everyone has been heard, you can add yourself to the queue to speak again.



How to Comment

Comment period closes Friday, January 10, 2025 at 4:30 PM

- Provide **oral comments** at today's hearing
- **Email:** consumer.puc@state.mn.us
- **eFile:** mn.gov/puc/consumers/public-comments
- **Mail:**

Public Advisor

Minnesota Public Utilities Commission

121 7th Place East, Ste. 350

St. Paul, MN 55101

Public Comment Deadline

**Comment period closes
Friday, January 10, 2025
at 4:30 PM***

***Comments received after this deadline will not be considered or included in the Administrative Law Judge's Report.**

Administrative Law Judge's Report

Within **60 days** of the close of the comment period, the Administrative Law Judge will file her report on eDockets.

You may access all documents filed in this docket by visiting docket 24-18 in eDockets:

eDockets - Search Documents

Docket #s (space separated)
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Important Reminders

- Comments made in this docket regarding a particular project, program, or case will not be added to the hearing record for that particular program, project, or case.
- This is a separate docket and comments submitted in this action remain in this docket only.
- Comments will be made available to the public via the Commission's website. The Commission does not edit or delete personal identifying information from submissions.
- The Comment Period closes on **Friday, January 10, 2025, at 4:30 p.m.**

Public Questions and Comments


Sam Lobby

Energy Facility Planner

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- Click the **Chat icon** and send a message indicating that you would like to speak 
- Press ***3** on your telephone to add yourself to the comment queue
 - Press ***3** again to remove yourself from the queue
- Repeat if you want to speak again

Thank You!

- The Minnesota Public Utilities Commission values your input, thank you for attending this important annual meeting
- Thank you to Administrative Law Judge Christa Moseng for presiding over the hearing