EVIDENTIARY HEARING - 22-131 & 22-132 - 11-12-2 BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS OF THE STATE OF MINNESOTA	24					
OF THE STATE OF MINNESOTA						
FOR THE MINNESOTA PUBLIC UTILITIES COMMISSION						
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6						
7 In the Matter of the Route Permit Application for the Minnesota Energy Connection Project in Sherburne,	he					
8 Stearns, Kandiyohi, Wright, Meeker, Chippewa, Yellow Medicine, Renville, Redwood, and Lyon Counties in Minnesota	W					
10						
11 OAH DOCKET NO. 23-2500-39782						
PUC DOCKET NO. E-002/TL-22-132						
13						
14						
Virtually through WebEx and in						
Person at the Public Utilities Commission 16						
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Met, pursuant to Notice, at 10:00 in morning on November 12, 2024.	n the					
21						
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23						
24 BEFORE: Judge Suzanne Todnem						
25 REPORTER: Janet Shaddix Elling, RPR						

1	APPEARANCES:					
2	HALEY WALLER PITTS and LISA AGRIMONTI,					
3	Attorneys at Law, Fredrikson and Byron,					
4	hwallerpitts@fredlaw.com, lagrimonti@fredlaw.com,					
5	appeared for and on behalf of the Applicant.					
6	XCEL ENERGY: Matt Langan					
7	EERA STAFF: Andrew Levi					
8	PUC STAFF: Scott Ek					
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13	WHEREUPON, the following proceedings were					
14	duly had and entered of record, to wit:					
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1	JUDGE TODNEM: All right. It is 10:00							
2	a.m. so we can get started.							
3	This is the evidentiary hearing In the							
4	Matter of the Request for a Certificate of Need and							
5	Route Permit for the Minnesota Energy Connection							
6	Project in Sherburne, Stearns, Kandiyohi, Wright,							
7	Meeker, Chippewa, Yellow Medicine, Renville,							
8	Redwood, and Lyon Counties.							
9	This is OAH Docket Number 23-2500-39782							
10	and PUC Docket Number E-002/TL-22-132, and the							
11	companion case number E-002/CN-22-131.							
12	Today is November 12th, 2024, and it's							
13	10:00 a.m. We have convened in the small hearing							
14	room at the Offices of the Minnesota Public							
15	Utilities Commission.							
16	My name is Suzanne Todnem and I'm an							
17	Administrative Law Judge with the Office of							
18	Administrative Hearings.							
19	At this time I'd like the parties to							
20	state your appearances for the record, beginning							
21	with the Applicant.							
22	MS. HALEY WALLER PITTS: Good morning,							
23	Your Honor.							
24	Haley Waller Pitts, Fredrikson & Byron,							
25	on behalf of Xcel Energy.							

1	MR. MATT LANGAN: Matt Langan, on behalf						
2	of Xcel Energy.						
3	JUDGE TODNEM: Thank you.						
4	And for Commerce?						
5	MR. ANDREW LEVI: Andrew Levi, with the						
6	Minnesota Department of Commerce Energy						
7	Environmental Review and Analysis.						
8	JUDGE TODNEM: Thank you.						
9	And okay.						
10	MR. SCOTT EK: Scott Ek, with the						
11	Minnesota Public Utilities Commission.						
12	JUDGE TODNEM: Thank you.						
13	The Office of Administrative Hearings is						
14	an independent agency in state government. It is						
15	not a part of or affiliated with the Minnesota						
16	Public Utilities Commission, the Minnesota						
17	Department of Commerce, or the Applicant in this						
18	matter.						
19	The purpose of this hearing is to further						
20	develop evidence and argument on the issues in this						
21	case, which is whether Xcel Energy's application for						
22	the certificate of need and route permit should be						
23	approved by the Commission.						
24	Xcel Energy has made an application to						
25	the Commission for a certificate of need for the						

construction of a new 345 kilovolt double-circuit transmission line in Minnesota from the existing Sherburne County Generation Substation in the city of Becker, Minnesota to a new substation that would be built near the town of Garvin Minnesota.

The proposed high voltage transmission line is approximately 175 to 180 miles in length.

The proposed transmission line qualifies as a large energy facility under Minnesota law.

Combined public hearings were held on October 29th and 30th and November 6th and 7th.

This project is being evaluated in combined proceedings before the Commission and the Office of Administrative Hearings.

That is, Xcel Energy's request for the issuance of the certificate of need and the route permit application were both addressed at the public hearings, as well as the Draft EIS, and will be addressed at this evidentiary hearing.

This hearing will address the question of whether Xcel Energy has established that its project meets the criteria of law and rule for the issuance of a certificate of need and, if so, what proposed route best meets statute and rule criteria.

According Minnesota Statute Section

216B.243, subdivision 3, no proposed large energy facility shall be certified for construction unless the Applicant can show that demand for electricity cannot be met more cost-effectively through energy conservation and load management measures, and unless the Applicant has otherwise justified its need.

In assessing need, the Commission shall evaluate the 12 factors set forth in Minnesota Statute 216B.243, subdivision 3, and the additional criteria set forth in Minnesota Rule Part 7849.0120. And pursuant to Minnesota Statute Section 216E.03, no person may construct a high voltage transmission line without a route permit from the Commission. A high-voltage transmission line may be constructed only along a route approved by the Commission.

In assessing proposed routes, the Commission shall evaluate the 14 factors in Minnesota Rule Part 7850.4100.

The Applicant, Xcel Energy, has the burden to show by a preponderance of the evidence that its proposed project meets each of the criteria prescribed by law and rule.

I have been assigned by the Commission to preside over this hearing to compile a record for

the Public Utilities Commission to consider in making a final decision on the Applicant's request for a certificate of need and route permit and to prepare a report consisting of findings of fact, conclusions of law, and recommendations on the route permit.

My report will apply the route permit criteria set forth in Minnesota Statute Section 216E.03 and Minnesota Rule Part 7850.4100.

The purpose of my report is to summarize all the information presented in regard to the Applicant's request for a certificate of need and summarize and give a recommendation as to which proposed route should be selected if a certificate of need is granted by the Commission.

In order to ensure a fair disposition of this matter, it is important that we compile a record of the evidence and arguments that is as complete and accurate as possible.

So Minnesota Rule Part 1400.7100 provides that all parties have the right to present evidence, rebuttal testimony, and argument with respect to the issues, and to cross-examine witnesses.

At this time I would like to ask the parties if they intend to offer witnesses and whom,

1	and starting with the Applicant?
2	MS. HALEY WALLER PITTS: Thank you, Your
3	Honor.
4	Xcel Energy filed prefiled testimony from
5	Mr. Langan, Mr. Standing, and Mr. Samuel. And we do
6	not have any additional witnesses to call at this
7	time.
8	JUDGE TODNEM: And from the Department of
9	Commerce?
10	MR. ANDREW LEVI: The Department provided
11	the Draft EIS and other information is prior to
12	these meetings. I'm available to answer questions
13	today.
14	JUDGE TODNEM: All right. And do the
15	parties anticipate or have any questions?
16	MS. HALEY WALLER PITTS: No, Your Honor.
17	JUDGE TODNEM: All right.
18	MR. ANDREW LEVI: No, Your Honor.
19	JUDGE TODNEM: All right. Thank you.
20	So in that case, after this hearing the
21	parties will have the opportunity to present written
22	argument in the form of post hearing briefs. The
23	briefing schedule is as follows: The deadline for
24	the public to submit written comments is November
25	25th, 2024. Electronically submitted comments need

to be received by 4:30 p.m. and mailed comments must be post-marked on or by November 25th, 2024. The deadline for parties to file post hearing briefs, proposed findings, and responses to hearing comments filed by the Applicant is December 13th, 2024. And the deadline to file post hearing reply briefs and revised proposed findings is December 23rd of 2024. The Final Environmental Impact Statement shall be issued on or by January 22nd, 2025, with supplemental party filings by January 29th, 2025.

After the close of the public comment period and briefing periods I will prepare a written report consisting of findings of fact, conclusions of law, and a recommendation as to which route, assuming the certificate -- or if a certificate is granted, the Commission -- which route the Commission should permit for this project.

My report, however, is not a final decision, it is a recommendation that the Commission will then make a final decision on the certificate of need and route permit application at a separate meeting.

You can anticipate that my report will issued on before February 6th, 2025, and a final decision by the Commission is anticipated to follow

1	in March of 2025.					
2	All right. Are there any other questions					
3	or comments from the parties before we, I guess,					
4	conclude?					
5	MS. HALEY WALLER PITTS: Nothing from					
6	Xcel Energy. Thank you.					
7	MR. ANDREW LEVI: Nothing from the					
8	Department of Commerce.					
9	JUDGE TODNEM: And anything from the					
10	Commission that I've missed or you'd like to ask?					
11	MR. SCOTT EK: Thank you, Your Honor.					
12	Nothing from the Commission.					
13	JUDGE TODNEM: All right. Then, with					
14	that, we are adjourned.					
15	Thank you.					
16	UNIDENTIFIEDS: Thank you.					
17	(Proceedings concluded.)					
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1	STATE OF MINNESOTA)) ss.
2	COUNTY OF HENNEPIN)
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4	
5	
6	REPORTER'S CERTIFICATE
7	
8	
9	I, Janet Shaddix Elling, do hereby
10	certify that the above and foregoing transcript,
11	consisting of the preceding 10 pages is a
12	correct transcript of my stenographic notes, and is
13	a full, true and complete transcript of the
14	proceedings to the best of my ability.
15	Dated November 30, 2024.
16	
17	
18	
19	/s/Janet Shaddix Elling
20	JANET SHADDIX ELLING Registered Professional Reporter
21	Registered Floressional Reporter
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