

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

In the Matter of the 2024 Annual Power Plant Siting Act Hearing      **REPORT TO THE COMMISSION**

On October 31, 2024, the Public Utilities Commission (PUC or Commission) requested that the Office of Administrative Hearings conduct, on its behalf, the 2024 Annual Hearing on Power Plant Siting and Transmission Lines Routing Programs, under Minn. Stat. § 216E.07 (2024) and Minn. R. 7850.5400 (2023). Administrative Law Judge Christa L. Moseng was assigned to preside over the public hearing. The Commission issued a Notice for the hearing on November 19, 2024.<sup>1</sup>

The hearing commenced at 9:00 a.m. on December 10, 2024, in person in the Commission's Small Hearing Room at 121 7th Place East, St. Paul, and using the Cisco WebEx teleconferencing platform. The hearing record closed at 4:30 p.m. on January 10, 2025, at the end of the published public comment period.<sup>2</sup>

The Annual Hearing has two key purposes. First, it is meant to advise the public of matters relating to the siting of large electric power generating plants and routing of high voltage transmission lines. Second, it affords interested persons an opportunity to be heard regarding the Commission's activities, duties, and policies pursuant to the Power Plant Siting Act (PPSA).<sup>3</sup>

**I. Notice of Annual Hearing**

Minn. Stat. § 216E.07 and Minn. R. 7850.5400 require that the Commission hold a public hearing each year to afford interested persons an opportunity to be heard on any matter relating to the siting of large electric generating power plants and the routing of high-voltage transmission lines. At the hearing, the Commission must inform the public of the permits issued by the Commission in the past year.<sup>4</sup> The Commission must provide at least ten days', but no more than 45 days', notice of the annual hearing, along with a tentative agenda for the hearing.<sup>5</sup> The hearing notice must be mailed to or served electronically on those persons who have requested notice and must be

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<sup>1</sup> See Exhibit (Ex.) 1 (Notice of Power Plant Siting Act Annual Hearing, (Nov. 28, 2023) (eDockets No. [202311-200773-01](#))).

<sup>2</sup> Ex. 1 at 3.

<sup>3</sup> See Minn. Stat. § 216E.07; Minn. R. 7850.5400, subp. 2.

<sup>4</sup> Minn. Stat. § 216E.07; Minn. R. 7850.5400, subp. 1.

<sup>5</sup> Minn. Stat. § 216E.07; Minn. R. 7850.5400, subp. 2.

published in *Environmental Quality Board (EQB) Monitor* and on the Commission's calendar.<sup>6</sup>

On November 19, 2024, the Commission served, by U.S. Mail or electronic mail,<sup>7</sup> the Notice of the Power Plant Siting and Transmission Line Routing Program Annual Hearing (Notice of Hearing) on those persons who requested notice.<sup>8</sup> The Notice of Hearing contained an agenda for the hearing, as required by Minn. R. 7850.5400.<sup>9</sup> On November 19, 2024, the *EQB Monitor* (an electronic newsletter issued by the Environmental Quality Board) published the Notice of Hearing.<sup>10</sup> The Commission also posted the Notice of Hearing on the Commission's online calendar throughout the notice and public comment periods.<sup>11</sup>

Representatives from the Commission, Minnesota Department of Commerce (DOC), and Department of Natural Resources (DNR) attended the hearing and gave presentations. Three members of the public attended the hearing and provided comments: Dan Wambeke, Carol A. Overland, and Nathan Dull.<sup>12</sup> The DOC's Energy Environmental Review and Analysis unit (EERA);<sup>13</sup> the Minnesota Department of Transportation (MnDOT or DOT);<sup>14</sup> and Overland submitted written comments.<sup>15</sup> All comments submitted by the comment deadline are summarized below.<sup>16</sup>

## **II. Introductions and Agency Presentations**

Sam Lobby, a Commission staff member, explained the work of the Commission's Energy Facilities Permitting Unit.<sup>17</sup>

Ray Kirsch, a staff member with the EERA, explained the EERA's work and cooperation with the Commission.<sup>18</sup> Kirsch noted that the EERA filed a summary of the projects that the Commission permitted in 2024 or that were in the permitting process, including solar and wind farm projects and associated power lines.<sup>19</sup> He provided an overview of the landscape for environmental review and permitting of energy facilities in

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<sup>6</sup> Minn. Stat. § 216E.07; Minn. R. 7850.5400, subp. 2.

<sup>7</sup> Minn. Stat. § 216.17, subd. 2 (2022), permits service of notices by electronic mail.

<sup>8</sup> See Ex. 1 at Certificate of Service and Service List (Nov. 28, 2023).

<sup>9</sup> Ex. 1 at 3.

<sup>10</sup> *Minnesota Environmental Quality Board Monitor*, Vol. 48, No. 47 (Nov. 19, 2024), 3–4, available at <https://www.eqb.state.mn.us/sites/eqb/files/November%2019%2C%202024.pdf>.

<sup>11</sup> See PUC Calendar, <https://mn.gov/puc/about-us/calendar/> (last visited on Jan. 25, 2023).

<sup>12</sup> Public Hearing Transcript (Hearing Tr.) at 19–30 (Wambeke Oral Comments), 30–40 (Overland Oral Comments), and 40–43 (Dull Oral Comments).

<sup>13</sup> EERA Summary (eDockets No. [202411-212522-01](#)).

<sup>14</sup> MnDOT Comments (eDockets No. [20251-213721-01](#)).

<sup>15</sup> Overland Written Comments (eDockets No. [20251-213844-01](#)).

<sup>16</sup> Communities United for Responsible Energy (CURE) submitted comments received on February 4, 2025. (eDockets No. [20252-214904-01](#)). Carol Overland submitted supplemental comments on received on January 13, 2025. (eDockets No. [20251-213845-01](#)) Because they were filed after the comment deadline they are not summarized in this Report but are noted for the Commission.

<sup>17</sup> Hearing Tr. at 6–10.

<sup>18</sup> Hearing Tr. at 10–13.

<sup>19</sup> EERA Summary (eDockets No. [202312-201090-01](#)).

2024. In particular, he highlighted the passage of the Minnesota Energy Infrastructure Permitting Act.<sup>20</sup> He reported that Commission staff and EERA staff have been “diligently working since the legislation was passed to try to make a smooth transition to the new law.”<sup>21</sup> He also noted that regulators are seeing an increase in the number of solar farms and battery energy storage systems as a result of 2023 legislation.<sup>22</sup>

Mr. Kirsch indicated that the Midcontinent Independent System Operator (MISO) was about to approve a second round of large energy infrastructure which will be built in Minnesota and throughout the upper Midwest.<sup>23</sup> He noted that EERA completed the environmental review of the first carbon dioxide pipeline in Minnesota in 2024.<sup>24</sup> And he commented that EERA partnered with Argon National Laboratories to study the eco-system benefits of solar farms, and with Great Plains Institute on a similar project concerning the social science aspects of solar farm projects.<sup>25</sup>

Samantha Bump, staff member of the DNR, provided comments about the DNR’s participation in power plant siting.<sup>26</sup> The DNR provides licenses for power lines to cross public lands and waters.<sup>27</sup> The DNR also provides input to the utility permitting process by considering and sharing concerns regarding wildlife and natural resources with involved parties.<sup>28</sup> The DNR coordinates with applicants early in the permitting process to provide them with information and technical expertise about proposed project impacts on natural resources and potential permitting conflicts.<sup>29</sup> DNR wishes to encourage early coordination as much as possible, particularly in light of a rule change expected in 2026.<sup>30</sup>

Bump described DNR’s work on two interagency working groups: a working group addressing vegetation management plans and an interagency environmental working group, each led by EERA.<sup>31</sup> She thanked the Commission for consistently including DNR-recommended permit conditions for facility lighting, dust control, wildlife-friendly erosion control materials, and the standard condition requiring coordination with the DNR on security fencing at solar facilities.<sup>32</sup> Bump noted that the consistency results in consistent project construction and operations, and improves project sites throughout the state.<sup>33</sup>

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<sup>20</sup> Hearing Tr. at 10.

<sup>21</sup> Hearing Tr. at 10.

<sup>22</sup> Hearing Tr. at 11.

<sup>23</sup> Hearing Tr. at 12.

<sup>24</sup> Hearing Tr. at 12.

<sup>25</sup> Hearing Tr. at 12–13.

<sup>26</sup> Hearing Tr. at 13.

<sup>27</sup> Hearing Tr. at 14.

<sup>28</sup> Hearing Tr. at 14.

<sup>29</sup> Hearing Tr. at 14, 15.

<sup>30</sup> Hearing Tr. at 15.

<sup>31</sup> Hearing Tr. at 15.

<sup>32</sup> Hearing Tr. at 16.

<sup>33</sup> Hearing Tr. at 16.

Bump noted that cumulative avian and bat impacts remain a serious concern, and that DNR looks forward to working with EERA and the Commission to reduce fatalities at existing, new, and re-powered wind projects.<sup>34</sup> And, finally, she noted successes with big projects: the third phase of the Sherco solar project and the Alexandria–Great Oaks 345kv transmission line. For the transmission line, she credited early coordination efforts for the ability to eliminate a crossing over the Mississippi River.<sup>35</sup>

### **III. Summary of Public Comments**

#### **A. Oral Comments**

##### **i. Dan Wambeke**

Wambeke began by recalling his involvement in the permitting process for CapX2020. He recalled encountering Bob Cupit, who he considered patient and kind, telling him that permitting proceedings have “winners” and “losers.”<sup>36</sup> Wambeke considers himself on the losing side of the CapX2020 build-out.<sup>37</sup>

Wambeke stated that, depending on Commission decisions in a pending permit application, he would be completely surrounded by high voltage transmission lines—despite living “in the middle of nowhere.”<sup>38</sup> He now believes that there is a gold rush to build and that the “winners are those who stand to gain a lot of money.”<sup>39</sup>

He asserted that “[t]ransmission is built out on the backs of people who have no say in the matter,” and believes that people in outstate Minnesota are “resigned to their fate.”<sup>40</sup> Wambeke asserted that many people affected by transmission lines are not compensated fairly.<sup>41</sup>

He then asked for help with a stray voltage issue on his property, which he believes is being caused by the CapX2020 transmission line near his property.<sup>42</sup> He has been shocked in the shower.<sup>43</sup> According to Wambeke, his distribution utility measured 15 volts in his shower.<sup>44</sup> He has also had other shocks and had electrical equipment fail.<sup>45</sup> Then, when CapX2020 shut down the existing line to construct a second circuit, there was a corresponding effect on the voltage on Wambeke’s property.<sup>46</sup>

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<sup>34</sup> Hearing Tr. at 17.

<sup>35</sup> Hearing Tr. at 17.

<sup>36</sup> Hearing Tr. at 20.

<sup>37</sup> Hearing Tr. at 20.

<sup>38</sup> Hearing Tr. at 21.

<sup>39</sup> Hearing Tr. at 21.

<sup>40</sup> Hearing Tr. at 22.

<sup>41</sup> Hearing Tr. at 23.

<sup>42</sup> Hearing Tr. at 24.

<sup>43</sup> Hearing Tr. at 25.

<sup>44</sup> Hearing Tr. at 25.

<sup>45</sup> Hearing Tr. at 25.

<sup>46</sup> Hearing Tr. at 26.

Wambeke believes that the transmission line is inducing voltage on a parallel distribution line.<sup>47</sup> He took issue with the fact that neither his distribution utility nor CapX had addressed the stray voltage issue, and that CapX denied responsibility.<sup>48</sup> Wambeke asked if the PUC could help.

Bret Eknes, Commission staff member, asked Wambeke to share his contact information, the name of his electrical co-op, and the property location.<sup>49</sup> Eknes said that CapX has been responsive when Commission staff has raised issues, and said he would ask them to look into it.<sup>50</sup>

## **ii. Carol Overland**

Overland began by stating that she finds the same frustrations and has had similar experiences as Wambeke.<sup>51</sup> She stated that the statute authorizing advisory task forces was repealed, so they are no longer an option for public input in permitting.<sup>52</sup> Overland asserted that advisory task forces were an important part of nuclear waste siting and the Chisago project.<sup>53</sup>

Overland noted that the Power Plant Siting Act, Minn. Stat. §§ 216E.001–18, has largely been repealed or renumbered into Minn. Stat. §§ 216I.01–28 (Energy Infrastructure Permitting).<sup>54</sup> She claimed that the change has reduced individual and landowner power in the permitting process.<sup>55</sup> Overland advocated for intervenor compensation in siting and routing, which she stated is currently excluded by statute.<sup>56</sup> She asserted that difficulty intervening is inequitable.<sup>57</sup>

She objected to protecting “valuable transmission interconnection rights” as a basis for building a transmission line.<sup>58</sup> Overland observed that the transmission line’s costs are borne by ratepayers; she suggested that they should be borne by shareholders.<sup>59</sup> Overland also objected to interconnection of renewable projects as a basis for building transmission—she asserted the Commission should not allow renewable generation to be sited where it cannot interconnect.<sup>60</sup>

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<sup>47</sup> Hearing Tr. at 27.

<sup>48</sup> Hearing Tr. at 27.

<sup>49</sup> Hearing Tr. at 29.

<sup>50</sup> Hearing Tr. at 29.

<sup>51</sup> Hearing Tr. at 30.

<sup>52</sup> Hearing Tr. at 31.

<sup>53</sup> Hearing Tr. at 31.

<sup>54</sup> Hearing Tr. at 32.

<sup>55</sup> Hearing Tr. at 32.

<sup>56</sup> Hearing Tr. at 33.

<sup>57</sup> Hearing Tr. at 35–36.

<sup>58</sup> Hearing Tr. at 36, 38.

<sup>59</sup> Hearing Tr. at 36, 38.

<sup>60</sup> Hearing Tr. at 37.

Overland noted that some transmission line routes are not double-circuited or bundled, and those could be ways to increase capacity without routing new lines.<sup>61</sup>

She objected to the conduct of certain public hearings, saying that she has been to public hearings where witnesses were not present for examination by members of the public.<sup>62</sup> Overland expressed concern about the effect of the Power Plant Siting Act no longer existing, including on judicial decisions and public participation.<sup>63</sup>

### **iii. Nathan Dull**

Dull asked a question about the new permit review process in the energy permitting law. He requested information about how it would be determined whether a project would go through a standard or major review, and what the timelines would be.<sup>64</sup> Bret Eknes responded that the Commission has subcommittees looking at implementation of the new statute so it could be implemented when it becomes effective in July 2025.<sup>65</sup> Eknes added that the statute has capacity thresholds for standard or major review, and stated the timelines for each.<sup>66</sup>

## **B. Written Comments**

### **i. EERA**

EERA's written comments align with its oral presentation at the hearing.<sup>67</sup> The comments summarize its role in the energy-facility-permitting process, describe legislative changes during the 2024 legislative session, and note the MISO Tranche 1 and 2.1 Transmission Line Portfolios and carbon dioxide pipeline projects.<sup>68</sup>

Finally, EERA states that it is participating in two research projects funded by U.S. Department of Energy grants "to examine the potential ecosystem benefits of solar farms."<sup>69</sup> One project, led by the Argonne National Laboratory will quantify soil-related ecosystem services at solar farms, such as carbon storage in soils.<sup>70</sup> Another project, led by the Great Plains institute, will develop tools and models to demonstrate the potential ecosystem benefits of solar farms.<sup>71</sup> EERA wrote that its participation will ensure the research is informed by regulatory perspective and could ultimately benefit informed regulatory decision-making.<sup>72</sup>

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<sup>61</sup> Hearing Tr. at 37.

<sup>62</sup> Hearing Tr. at 39.

<sup>63</sup> Hearing Tr. at 39–40.

<sup>64</sup> Hearing Tr. at 41.

<sup>65</sup> Hearing Tr. at 41.

<sup>66</sup> Hearing Tr. at 42.

<sup>67</sup> EERA Summary (eDockets No. [202411-212522-01](#)).

<sup>68</sup> *Id.* at 1–2.

<sup>69</sup> *Id.* at 1–2.

<sup>70</sup> *Id.* at 2.

<sup>71</sup> *Id.*

<sup>72</sup> *Id.*

## ii. MnDOT

MnDOT's written comments addressed its role in the siting and routing process, how it participates in the process, and how it engages with projects after a permit is approved.<sup>73</sup> MnDOT participates in the siting and routing process in accordance with Minn. Stat. § 216E.10, subd. 3 (2024).<sup>74</sup> MnDOT protects current and future rights-of-way and evaluates and mitigates potential siting and routing effects on land the MnDOT owns.<sup>75</sup> MnDOT attempts to accommodate utilities within rights-of-way or as near to them as possible.<sup>76</sup>

Prior to Commission permit approval, MnDOT proactively seeks early engagement and coordination with project proposers, and provides guidance materials to facilitate project reviews and downstream permit approvals.<sup>77</sup> It also provides information to the government agencies involved and submits comments throughout the life of the Commission's permitting process.<sup>78</sup>

MnDOT noted participation in reviews and coordination for 10 transmission line projects; seven non-wind generation or energy storage facility projects; one wind generation project; and three pipeline projects.<sup>79</sup> In addition to formal participation and project reviews, MnDOT held numerous meetings, exchanged hundreds of emails, and provided detailed guidance to project proposers.<sup>80</sup>

Finally, MnDOT stated it is interested in engaging in discussions with Commission and Department of Commerce staff on vegetation management plans, 2024 legislative changes, right-of-way setback requirements for wind turbines, and clarifying solar and energy and storage-facility boundaries in official project maps.<sup>81</sup>

## iii. Carol Overland

Carol Overland provided written comments, in addition to her oral comments.<sup>82</sup> This portion of the summary addresses only her timely-submitted written comments.

Overland wrote that the Power Plant Siting Act (PPSA) no longer exists. She expressed criticism of a resulting reduction in public participation. She asked what the new permitting law means for application of PEER, MEPA (Minn. Stat. ch 116D), and

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<sup>73</sup> MnDOT Comments (eDockets No. [20251-213721-01](#)).

<sup>74</sup> *Id.*

<sup>75</sup> *Id.*

<sup>76</sup> *Id.*

<sup>77</sup> *Id.*

<sup>78</sup> *Id.*

<sup>79</sup> MnDOT Comments.

<sup>80</sup> *Id.*

<sup>81</sup> *Id.*

<sup>82</sup> Overland Written Comments (eDockets No. [20251-213844-01](#)).

NERA (Minn. Stat. ch. 116B).<sup>83</sup> She criticized the Commission's role in the legislative changes.<sup>84</sup>

Overland noted that caselaw concerning power plant and transmission siting relates to the PPSA, and asked what the statutory change would mean for existing caselaw.<sup>85</sup> Overland stated that advisory task forces were eliminated in the new legislation, although the rule authorizing them remains.<sup>86</sup> She described some history of advisory task forces under the PPSA.<sup>87</sup>

Overland also stated that intervention in Commission proceedings has become more difficult.<sup>88</sup> She asserted that environmental organizations are allowed to intervene even when “they often have no dog in the fight, [and] no direct relationship to the people or areas at issue.”<sup>89</sup> Overland then related that “those on the ground” are often denied intervention and allowed to participate as “participants.”<sup>90</sup> She criticized the conduct of hearings because she or her clients could not examine witnesses who didn’t attend the public hearing and because Administrative Law Judges have refused to swear in participants.<sup>91</sup>

Overland’s comments then turn to intervenor compensation.<sup>92</sup> She stated that the new legislation allows intervenor compensation but excludes siting and routing proceedings. Overland asserted that this excludes “[t]hose most affected by the impossibility of financing representation and expert witnesses.”<sup>93</sup> She contended that not allowing intervenor compensation excludes “regular people struggling to have their voices heard,” and favors organizations that have funding.

Next, Overland contended that final environmental impact statements should not be filed after an evidentiary hearing, public comment, or briefing.<sup>94</sup> She asserted that Minn. Stat. § 116D.04, subd. 6a requires it.<sup>95</sup> Overland stated that the public needs to be able to comment specifically on the adequacy of the EIS.<sup>96</sup>

Overland claimed that public participation was more accessible when the Environmental Quality Board (EQB) had jurisdiction. She then cited the Office of the Legislative Auditor report concerning the Commission’s Public Participation

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<sup>83</sup> Overland Written Comments at 1.

<sup>84</sup> Overland Written Comments at 1–2.

<sup>85</sup> Overland Written Comments at 3.

<sup>86</sup> Overland Written Comments at 3.

<sup>87</sup> Overland Written Comments at 3–4.

<sup>88</sup> Overland Written Comments at 4.

<sup>89</sup> Overland Written Comments at 4.

<sup>90</sup> Overland Written Comments at 4.

<sup>91</sup> Overland Written Comments at 4.

<sup>92</sup> Overland Written Comments at 4–5.

<sup>93</sup> Overland Written Comments at 5.

<sup>94</sup> Overland Written Comments at 5.

<sup>95</sup> “The final detailed environmental impact statement and the comments received thereon shall precede final decisions on the proposed action and shall accompany the proposal through an administrative review process.”


<sup>96</sup> Overland Written Comments at 5.



Processes.<sup>97</sup> Overland asserted that “[t]he key findings and recommendations were clear that the Commission was not facilitating public participation, much less adopting a broad spectrum of public participation as a principle of operation.”<sup>98</sup> She then criticized the Commission for participating in the legislative process which resulted in more limited public participation.<sup>99</sup>

She concluded that she is “disgusted, frustrated, [and] incensed,” and plans to continue showing up to appear before the Commission.<sup>100</sup>

Dated: March 5, 2025

  
CHRISTA L. MOSENG  
Administrative Law Judge

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<sup>97</sup> Overland Written Comments at 6. Public Utilities Commission’s Public Participation Processes 2020 Evaluation Report, *available at* [https://legalelectric.org/f/2020/07/OLA-Report\\_PUC2020.pdf](https://legalelectric.org/f/2020/07/OLA-Report_PUC2020.pdf)

<sup>98</sup> Overland Written Comments at 6.

<sup>99</sup> Overland Written Comments at 6.

<sup>100</sup> Overland Written Comments at 7.

March 5, 2025

See Attached Service List

**Re: In the Matter of the 2024 Annual Power Plant Siting Act Hearing**  
**OAH 22-2500-40414**  
**MPUC E-999/PR-24-18**

To All Persons on the Attached Service List:

Enclosed and served upon you is the Administrative Law Judge's **REPORT TO THE COMMISSION** in the above-entitled matter.

If you have any questions, please contact me at (651) 361-7845, [samantha.cosgriff@state.mn.us](mailto:samantha.cosgriff@state.mn.us), or via facsimile at (651) 539-0310.

Sincerely,

  
SAMANTHA COSGRIFF  
Legal Assistant

Enclosure

cc: Docket Coordinator

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**CERTIFICATE OF SERVICE**

In the Matter of the 2024 Annual Power Plant Siting Act Hearing	OAH Docket No.: 22-2500-40414 MPUC E-999/PR-24-18
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On March 5, 2025, a true and correct copy of the **REPORT TO THE COMMISSION** was served by eService, and United States mail, (in the manner indicated on the attached service list) to the following individuals:

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