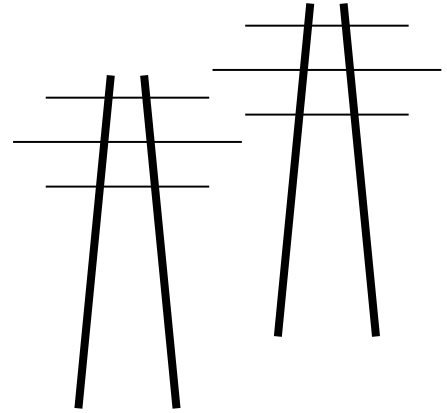


# Legalelectric, Inc.

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January 9, 2026

Judge Christa Moseng  
Administrative Law Judge  
Court of Administrative Hearings  
600 N. Robert  
PO Box 64620  
St. Paul, MN 55164-0620

via eDockets only

Sarah Bergman  
Executive Secretary  
Public Utilities Commission  
121 – 7<sup>th</sup> Place East, Suite 350  
St. Paul, MN 55101

via eDockets only

RE: Overland, Legalelectric, and NoCapX 2020 Comment and Exhibits  
Annual Hearing - EIPA, f/k/a PPSA  
PUC Docket PR-25-18  
CAH Docket 22-2500-41258

Dear Judge Moseng and Ms. Bergman:

Another year, another Annual Hearing. Once more with feeling, as we say in transmission, “It’s all connected.” I’m filing these supporting documents and comments based on 30 years dealing with utility infrastructure representing individual and group clients with infrastructure proposed in their community, local governments with ordinance and planning issues, and individuals facing utility easements on their property.

## **POWER PLANT SITING ACT HAS BEEN REPEALED – WHAT DOES THAT MEAN?**

An issue I forgot to bring up at the hearing is the 2024 legislation change eliminating the Power Plant Siting Act:

## 2023 Minnesota Statutes

This is an historical version of this statute chapter. Also view [the most recent published version](#).

### **216E.001 CITATION.**

This chapter shall be known as the "Minnesota Power Plant Siting Act."

**History:** [1973 c 591 s 1](#)

In 2024, this changed:

## 2025 Minnesota Statutes

**216E.001** MS 2022 [Repealed, [2024 c 126 art 7 s 15](#); [2024 c 127 art 43 s 15](#)]

**NOTE:** The amendments, renumbering instructions, and repeals made to this chapter by Laws 2024, chapter 126, articles 7 and 9, and Laws 2024, chapter 127, articles 43 and 45, are effective July 1, 2025. Laws 2024, chapter 126, article 7, section 16; Laws 2024, chapter 126, article 9, section 22; Laws 2024, chapter 127, article 43, section 16; and Laws 2024, chapter 127, article 45, section 22.

See also Minnesota Statutes, chapter 216I. For most recently published versions of this chapter, see 2022 Minnesota Statutes and 2023 Minnesota Statutes Supplement, as applicable.

The Power Plant Siting Act is gone, and it's now the "Minnesota Energy Infrastructure Permitting Act," ensconced in the new Chapter 216I:

## 2025 Minnesota Statutes

### **216I.01 CITATION.**

This chapter may be cited as the "Minnesota Energy Infrastructure Permitting Act."

**History:** [2024 c 126 art 7 s 1](#); [2024 c 127 art 43 s 1](#)

**NOTE:** This chapter, as added by Laws 2024, chapter 126, articles 7 and 9, and Laws 2024, chapter 127, articles 43 and 45, is effective July 1, 2025. Laws 2024, chapter 126, article 7, section 16; and Laws 2024, chapter 127, article 43, section 16.

Before July 1, 2025, see also 2022 Minnesota Statutes and 2023 Minnesota Statutes Supplement, chapters 216E and 216F, as applicable.

The Power Plant Siting Act was a fundamental foundation of Minnesota environmental law. What does it mean for legal precedent that the Power Plant Siting Act is gone?

### **MOST OF THE PPSA RULES IN CHAPTER 7850 WERE REPEALED!**

A second major concern is that there are so few remaining rules for siting utility infrastructure. Looking at CHAPTER 7850, SITE OR ROUTE PERMIT; POWER PLANT OR LINE, only these **THREE** rules remain:

[7850.4000](#) **STANDARDS AND CRITERIA.**

[7850.4300](#) **PROHIBITED ROUTES.**

[7850.4400](#) **PROHIBITED SITES.**

What was the legislature thinking repealing statutes and rules? There are MANY projects “in the pipeline.” How will infrastructure projects be routed and sited without rules? Irresponsibly!

### **Permits in Process in 2025**

#### **TRANSMISSION LINES**

- Mankato to Mississippi River 345 kV Transmission Line Project (TL-23-157)
- Big Stone to Alexandria 345 kV Transmission Line Project (TL-23-160)
- Laketown 115 kV Transmission Line Project (TL-24-132)
- Appleton to Benson 115 kV Transmission Line Project (TL-24-264)
- Otto Tap 115 kV Transmission Line Project (TL-25-269)

#### **GENERATION FACILITIES**

- Benton 100 MW Solar and 100 MW BESS Project (GS-23-423, ESS-24-283, TL-23-425)
- Lake Charlotte 150 MW Solar and 150 MW BESS Project (GS-25-205, ESS-25-206)
- Summit Lake 200 MW Solar and 200 MW BESS Project (GS-25-88, ESS-25-89)
- Boswell 85 MW Solar Project (GS-24-425)
- Castle Rock 150 MW Solar Project (GS-24-267)
- Lemon Hill 180 MW Solar Project (GS-25-126)
- Lyon County Generating Station Project (GS-25-154)

#### **PERMIT AMENDMENTS**

- Minnesota Energy Connection 345 kV Transmission Project Permit Amendment (TL-22-132)
- Big Bend Wind Farm Permit Amendment (WS-19-619)
- Dodge County Wind Farm Site Permit Amendment (WS-20-866)

#### **BATTERY ENERGY STORAGE SYSTEMS**

- Midwater 150 MW BESS Project (ESS-24-294, TL-24-295)
- North Star 100 MW BESS Project (ESS-25-132)
- Crane and Sandhill 200 MW BESS Projects (ESS-24-406, ESS-24-407)
- Blue Lake 135.5 MW BESS Project (ESS-25-214)
- Sherco South and West 600 MW BESS Project (ESS-25-319)

#### **WIND FARMS**

- Bent Tree North Wind Farm (WS-24-349)

#### **CERTIFICATES OF NEED**

- Lyon County Generating Station Project (CN-25-145)
- Appleton to Benson 115 kV Transmission Line Project (CN-24-263)
- Mankato to Mississippi River 345 kV Transmission Line Project (CN-22-532)

1

The Commission does have a rulemaking mandate in that 2024 legislation. Based upon the experience following the 2005 legislative changes to the Power Plant Site Act, including transfer of utility infrastructure siting and routing from the Environmental Quality Board to the Public Utilities Commission, rulemaking was not begun until 2012, seven years later! After a decade of

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<sup>1</sup> See Commission’s EIP unit’s 2025 Year in Review, p. 5, eDockets [202512-225602-01](https://www.puc.state.mn.us/eip/2025-2026/202512-225602-01)

advisory group meetings, the Commission tossed out all our work.<sup>2</sup> Will the Commission promulgate rules? And until they do, how exactly will siting and routing happen? I'm not going to hold my breath.

## **INCREASED COST OF PROJECTS CALLS PRUDENCY INTO QUESTION**

For all of those projects listed above, and for the Tranche 2.1 projects listed below, their justification by MISO, upon which the Commission improperly relies, is based on a cost/benefit analysis. The cost projections are old, the cost/benefit analyses are old, of particular importance due to the dramatic economic changes of the last year. I plan to file comments regarding increased costs in the Tranche 2.1 dockets.

These are the Tranche 2.1 projects <sup>3</sup> and the estimated costs on which MISO "approval" of the projects was based:

ID	Project Name	Predominate kV	Targeted ISD	Est. Cost (\$M, 2024)
19	Bison - Alexandria	345	2032	\$216
20	Maple River - Cuyuna	345	2033	\$908
21	Iron Range - Arrowhead	345	2032	\$428
22	Big Stone South - Brookings County - Lakefield Junction	765	2034	\$1,459
23	Lakefield Junction - East Adair	765	2034	\$1,375
24	Lakefield Junction - Pleasant Valley - North Rochester	765	2034	\$1,195
25	Pleasant Valley - North Rochester - Hampton Corner	345	2032	\$222
26	North Rochester - Columbia	765	2034	\$1,924
27	Rocky Run - Werner - North Appleton	345	2032	\$212
28	South Fond du Lac - Rockdale - Big Bend - Sugar Creek - Kitty Hawk	345	2033	\$1,102
29	Bluemond - Arcadian - Waukesha - Muskego - Elm Road - Racine	345	2032	\$731
30	Columbia - Sugar Creek	765	2034	\$743
31	Sugar Creek - Collins	765	2034	\$733
32	Ludington - Denver - Tittabawassee & Nelson Road	345	2032	\$1,553
33	Greentown - Sorenson - Lulu	765	2033	\$1,310
34	Oneida - Sabine Lake - Blackfoot & Majestic	345	2032	\$600
35	Southwest Indiana-Kentucky	345	2032	\$743
36	Southeast Indiana	345	2032	\$578
37	Maywood - Belleau - MRPD - Sioux - Bugle	345	2032	\$881
38	East Adair - Marshalltown - Sub T	765	2034	\$1,583
39	Lehigh - Marshalltown - Franklin North & Montezuma	345	2032	\$588
40	Sub T - Woodford County - Collins & Reynolds	765	2034	\$2,298
41	Woodford County - Fargo & Radbourn	345	2032	\$422
42	Burr Oak - Schahfer	345	2032	\$68
<b>TOTAL TRANCHE 2.1 PORTFOLIO COST</b>				<b>\$21,868</b>

<sup>2</sup> See PUC Docket 12-1246. I was so disheartened by 10 years of advisory committee, drafting, editing comments, only to have all that collective work tossed out, that I have my doubts they'll do anything. [Minn. R. ch 7849 & 7850 Rulemaking? DEAD!](https://legalelectric.org/weblog/23080/) March 1st, 2022 (<https://legalelectric.org/weblog/23080/>)

<sup>3</sup> MTEP24, p. 13. Online at: <https://cdn.misoenergy.org/20241212%20Board%20of%20Directors%20Item%2009a%20MTEP%20Executive%20Summary%20Appendix%20A%20Appendix%20F665158.pdf>

Taking that MISO cost/benefit analysis at face value, despite questionable categories of benefits, some of the projects barely pass the threshold for benefits compared to costs to justify the project. ALL of the projects listed above, and all of the projects listed below, are based on pre-Trump administration costs, pre-tariffs, pre-materials shortages, and costs have materially increased since 2024. For example, for the Northland Reliability Transmission Project, a 345 kV transmission line from the Iron Range substation near Grand Rapids south to the Sherco and Big Oaks substation, costs have risen 43%, of which 25% is “material and construction cost escalations” and the balance is claimed to be increased engineering and routing costs. According to MISO:

In accordance with Attachment FF, Section IX.C.I of the Tariff, if MISO determines that the estimated costs of the facilities in an MTEP project have exceeded, or are projected to exceed, the project’s Baseline Cost Estimate by 25% or more, MISO shall initiate Variance Analysis.

See Ex. A, p. 6.

Transmission lines use standard materials and have established best practices for construction that influences cost. If one transmission project has such substantial cost increases, it is likely there are other projects with other cost increases triggering a MISO variance analysis. This probability of cost increases signaling need for a MISO variance analysis and putting the economic benefits of the projects is something that must be considered by the Commission for both permitted but not constructed projects and for the Tranche 2.1 projects in the permitting process.<sup>4</sup> And then there’s the impact on Transmission Rider and Rate Cases...

### **PUBLIC PARTICIPATION HAS BEEN FURTHER LIMITED**

Although the Commission has a mandate regarding encouragement of public participation, options have been constrained over time. The 2024 legislative changes removed Advisory Task Forces

#### **216L.16 PUBLIC PARTICIPATION.**

##### **Subdivision 1. Public participation; generally.**

The commission must adopt broad spectrum citizen participation as a principal of operation. The form of public participation must not be limited to public meetings and hearings and must be consistent with the commission's rules and guidelines under section [216L.26](#).

[§](#)

##### **Subd. 2. Public advisor.**

The commission shall designate one staff person for the sole purpose of assisting and advising those affected and interested citizens on how to effectively participate in site or route proceedings.

The previous statute’s sections on Advisory and Scientific Task Forces were removed:

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<sup>44</sup> See PUC Dockets CN-25-109; CN-25-111 & TL-25-112; CN-25-116; CN-25-117 (now consolidated with CN-25-118, CN-25-119, and CN\_25-120); CN-25-121 and CN-25-122; and associated transmission routing dockets.

## **216E.08 PUBLIC PARTICIPATION.**

### **Subdivision 1. Advisory task force.**

The commission may appoint one or more advisory task forces to assist it in carrying out its duties. Task forces appointed to evaluate sites or routes considered for designation shall be comprised of as many persons as may be designated by the commission, but at least one representative from each of the following: Regional development commissions, counties and municipal corporations and one town board member from each county in which a site or route is proposed to be located. No officer, agent, or employee of a utility shall serve on an advisory task force. Reimbursement for expenses incurred shall be made pursuant to the rules governing state employees. The task forces expire as provided in section [15.059, subdivision 6](#). At the time the task force is appointed, the commission shall specify the charge to the task force. The task force shall expire upon completion of its charge, upon designation by the commission of alternative sites or routes to be included in the environmental impact statement, or upon the specific date identified by the commission in the charge, whichever occurs first.

### **Subd. 4. Scientific advisory task force.**

The commission may appoint one or more advisory task forces composed of technical and scientific experts to conduct research and make recommendations concerning generic issues such as health and safety, underground routes, double circuiting and long-range route and site planning. Reimbursement for expenses incurred shall be made pursuant to the rules governing reimbursement of state employees. The task forces expire as provided in section [15.059, subdivision 6](#). The time allowed for completion of a specific site or route procedure may not be extended to await the outcome of these generic investigations.

Removal of task forces was done gradually by the Commission by first denying Petitions requesting task forces, and then in this 2024 legislation.

Intervention, though allowed, is not explained in notices or by the Commission at public meetings and hearings. Instead, there is always a statement in Commission Orders that it is not necessary to intervene and become a party, that one may be a “participant,” which is reinforced in statements by staff at meetings and hearings. The public does not understand the distinction, and the system is arcane. For example:

#### **c. Parties and Intervention**

The current parties to this case are the Applicant and EERA. Other persons wishing to become formal parties must do so pursuant to Minn. R. 1405.0900. Subpart 1 of that rule prescribes the timing and contents of a petition to intervene. Subpart 2 prescribes the timing and content of any objection to the petition, and subpart 3 sets forth the standards for granting, denying, or requiring consolidation of similar petitions.

The hearing process established under Rule Chapter 1405 is designed to facilitate public participation, and persons need not intervene as parties to participate. All public participants have significant procedural rights, including but not limited to, the right to be present throughout the proceeding, to offer direct testimony in oral or written form, to question all persons who testify, and to submit comments to the Administrative Law Judge and the Commission.



Persons who intervene and are granted party status have additional rights and responsibilities, including, but not limited to, the right to object to another's petition for intervention, the right to submit direct testimony and conduct cross-examination of other parties' witnesses, and the duty to submit prefiled testimony, comply with discovery requests, produce witnesses, file briefs, and serve all documents on all other parties.

The description of rights in this section is summary in nature, as required by Minn. R. 1405.0500, subpart 1(I), and is not intended to be comprehensive. Interested parties are encouraged to review Chapter 1405 to identify the scope of rights and authority to act given to "persons" or restricted to "parties" under the various provisions of that chapter.

Order for Hearing, Mankato-Mississippi Transmission Project, PUC Dockets CN-22-532 and TL-23-157.

I spend an inordinate amount of time handing out flyers to explain the process and encourage people to participate, how to raise issues in comments for scoping and EIS and in the substantive dockets, with explanation on how to view dockets, file comments, in a way that goes beyond "NOT HERE!" or "STICK IT THERE." See Exhibit B, Mississippi-Mankato Handout. Such comments, though common, carry little weight. At project meetings, I try to "train" staff to provide more information on intervention, on options for participation that are often overlooked, such as entering exhibits and testifying under oath, questioning witnesses, which is allowed under the rules, but most ALJs do not allow public questioning. It's also a struggle to be sworn on oath, which can make a difference to Commissioners in deliberation – twice I've witnessed Commissioners ask whether public testimony was given under oath, and discounted if it was not.

Public participation has been at times actively discouraged, so much so that an investigation was completed by the Office of the Legislative Auditor, and the recommendations have been lost in oblivion.<sup>5</sup>

The Energy Infrastructure Permitting page shows two types of process for permitting, a "Standard Review" and "Major Review."

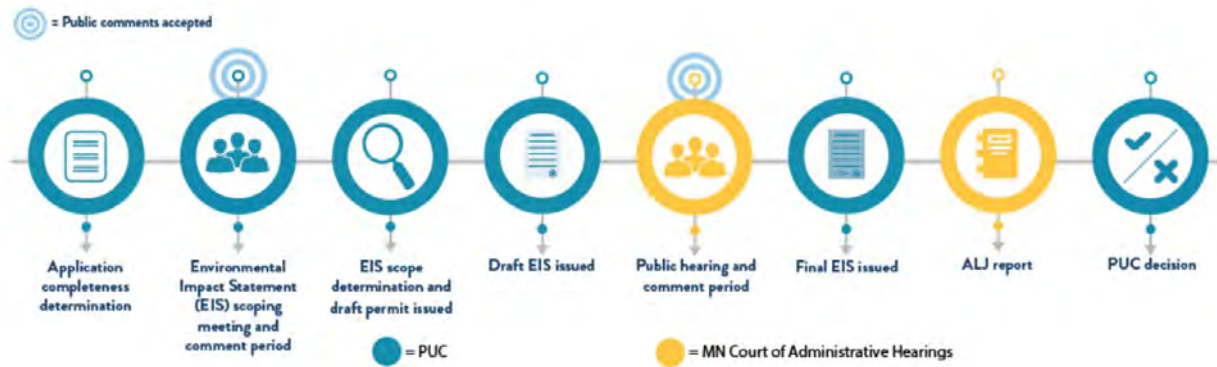
The new "Standard Process"<sup>6</sup> has just two points for public participation:



<sup>5</sup> Public Utilities Commission's Public Participation Processes: [https://legalelectric.org/f/2020/07/OLA-Report\\_PUC2020.pdf](https://legalelectric.org/f/2020/07/OLA-Report_PUC2020.pdf) \

<sup>6</sup> EIP page: Standard Review and <https://puc.eip.mn.gov/transmission-lines>

The “Major Review” also only shows two “public comment” points:



Task forces are gone, no comments on completeness of application, no disclosure of comment/exceptions for ALJ report and sufficiency of the FEIS, nothing about Reconsideration, etc. There’s no contested case shown for either, and in both write ups, there’s reference to Minnesota Rules Ch. 7850, which has been decimated.

A very important aspect that’s been ignored is agency comments. In transmission dockets, I’ve seen both DOT and DNR comments ignored, where comments were made specifically to raise a routing issue and the comments were not taken seriously, not addressed. Those agencies commenting should be required to testify under oath at a hearing in that docket about their comments in detail so that the comments will not be lost.

That’s it for now, unfortunately this has fallen in priority – need to paint some signs for our 49<sup>th</sup> consecutive Friday “Signs o’ Our Times” in Red Wing.

Very truly yours,

Carol A. Overland  
Attorney at Law

Enclosures

cc: [consumer.puc@state.mn.us](mailto:consumer.puc@state.mn.us)





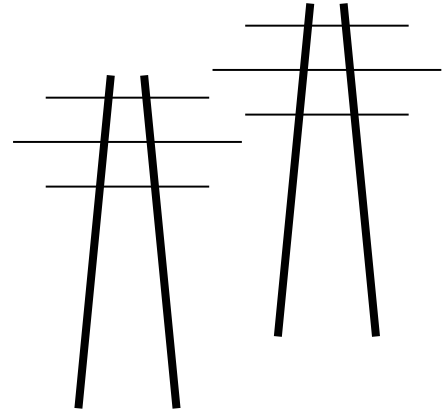
## Legalelectric, Inc.

**Carol Overland** Attorney at Law, MN #254617  
Energy Consultant—Transmission, Power Plants, Nuclear Waste  
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1110 West Avenue  
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December 22, 2025

Sasha Bergman  
Executive Secretary  
Public Utilities Commission  
121 – 7<sup>th</sup> Place East, Suite 350  
St. Paul, MN 55101



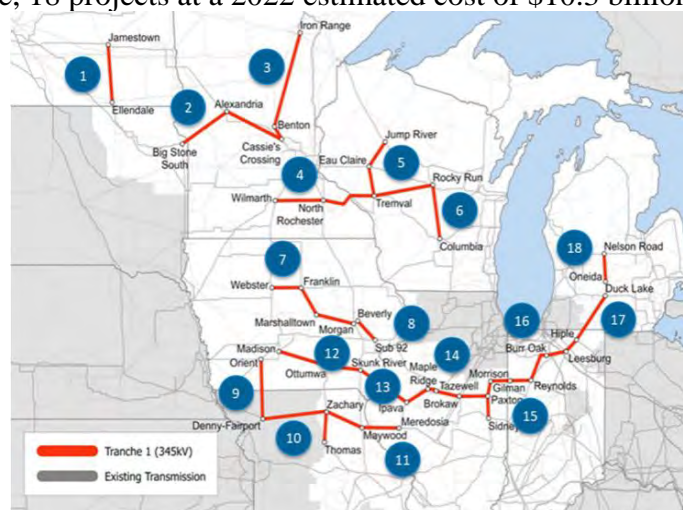
via eDockets

**RE: MISO's Variance Analysis based on 43% cost increase**  
**PUC Order presumes a \$251 million, 25.9%, cost increase!**  
Northland Reliability Project - E015, ET2/CN-22-416; E015, ET2/TL-22-415

To the Public Utilities Commission:

I'm sending these comments on behalf of NoCapX 2020 and Legalelectric, a frequent commenter and intervenor in other Public Utilities Commission dockets, and as an individual frequently commenting on Commission dockets.

The “need” for Northland Reliability Project is based on the MISO’s “approval” of the Tranche 1 projects and applicants’ reliance on MISO in this individual project’s application “need” section. The application projected a cost of \$969 million, and that this was the cost that MISO had used, adding it to the total used in calculating the cost/benefit analysis for the entire Tranche 1 group of projects. MISO’s transmission portfolios are not reviewed individually, but instead are considered as a whole, 18 projects at a 2022 estimated cost of \$10.3 billion.



MISO's Tranche 1 projects 2, 3 and 4 are in Minnesota.

The MISO cost/benefit analysis for Tranche 1 as a whole provided this result:

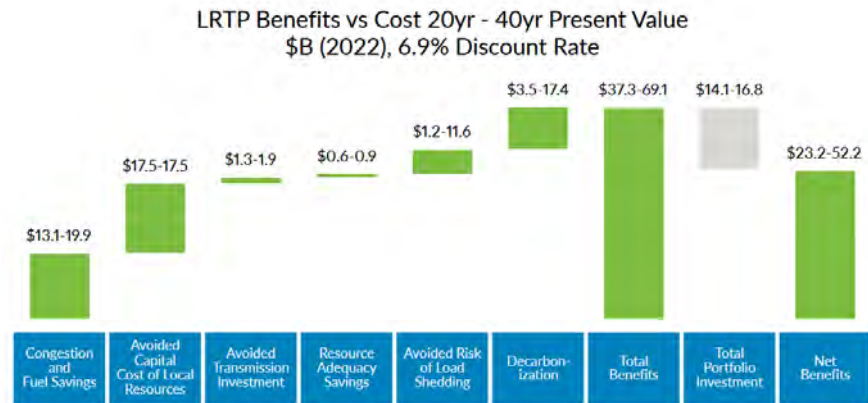


Figure 2: LRTP Tranche 1 Portfolio benefits far outweigh costs (Values as of 6/1/22)\*

\*Note: This implies benefit-to-cost (B/C) ratio ranges of 20-yr PV B/C = 2.6 and 40-yr PV B/C = 4.0

The MISO Report Addendum that discusses the LRTP Tranche 1 portfolio is also available at: <https://cdn.misoenergy.org/MTEP21%20Addendum-LRTP%20Tranche%201%20Report%20with%20Executive%20Summary625790.pdf>

MISO claims in this Addendum that “[t]he Tranche 1 portfolio has a benefit-to-cost ratio of between 2.6 and 3.8, and MISO studies show benefits of this investment at a benefit-to-cost ratio of at least 2.2 for every zone, with benefits well in excess of the LRTP costs.” Id., p. 5 of 87.

Criterion 2. A Multi-Value Project must provide multiple types of economic value across multiple pricing zones with a Total MVP Benefit-to-Cost ratio of 1.0 or higher where the Total MVP Benefit -to-Cost ratio is described in Section II.C.7 of this Attachment FF.

Id., p. 21 of 87.

Without getting into the validity or credibility of the inputs and results of a MISO “cost/benefit analysis,” which has its own problems, the extreme cost increase of this specific project presents an umbrella issue affecting the cost, \$9.8 billion or \$10.3 billion in MTEP 21 depending, of each of the 18 MISO projects in Tranche 1, including the three in Minnesota. Because of this extreme cost increase for this project, based on factors likely increasing the cost of all of the Tranche 1 projects not already built and operational, reliance on this MISO cost/benefit analysis for Commission approval of any Tranche 1 project is foolhardy.

The Commission, thanks to Commissioner Ham, recognized this extreme cost increase and upped the \$969 million initial cost to a Commission acceptable projected cost of \$1.2 billion. That’s a 25.9% increase! Why? This allowed cost increase is a significant error because it does not address MISO and applicants’ reliance on the \$969 million for this project’s part of the Tranche 1 cost/benefit analysis and MISO’s approval as a demonstration of “need.” There is no

record evidence supporting impacts of this cost increase on MISO's cost/benefit analysis. This increase likely it blows the MISO cost/benefit analysis out of the water, and with it, any justification for this project based on MISO!

#### 6.12 Revised Project Cost

Within 60 days of the date of this order, Applicants must file revised Project cost estimates in 2022 dollars reflecting the Commission's decision herein.

Northland Reliability Project Route Permit, p. 24-25.

If MISO, per Tariff FF, must initiate a "Variance Analysis" for any project with cost increase of 25% or more, and where this project did meet that threshold based on current economic conditions, particularly impacts of tariffs not present in 2024, these economic conditions will most likely affect every project, be it transmission, wind, solar or battery. Economic conditions will affect not only EVERY project, but will also affect the availability of materials and parts for construction of these projects.<sup>1</sup>

Given the grim economic conditions in the U.S. and the likelihood of further worsening over at least the next three years, it's likely that each of the Tranche 1 projects not yet constructed and operational will suffer similar extreme cost increases. More importantly, it is likely that these extreme cost increases will alter MISO's cost/benefit analysis and that could make much or all of Tranche 1 untenable by MISO standards. Some of these projects must be uneconomic. That must be determined, and applicants have the burden of proof of need and cost.

For Tranche 2.1, developed and then approved in December, 2024, it's the same situation, the cost estimates are 2024 cost estimates. Under the "more conservative" F1A future for Tranche 2.1, **FOUR** of the seven zones, zones 3, 4, 5, and 7, have a cost/benefit ratio of just 1.0. With any cost increase, it's likely the cost/benefit for F1A does not meet that 1.0 threshold for four of seven Subregion zones.

To the extent that applicants and the Commission are relying on MISO "approval" and analysis for most, if not all, transmission projects, the applicants and the Commission do have a problem that should be considered for each of these projects.

In addition to the MISO cost/benefit and approval issues, there's a more direct impact on Minnesota: **Is it reasonable to permit and put, in this case, the 25.9% cost increase allowed in the permit, and to consider the recently revealed 25% cost increase for "Material and construction cost escalations" and an 18% increase for "Routing and engineering design refinements" totalling at least a 43% increase on ratepayers?**

<sup>1</sup> I'm remembering the instances of force majeure for solar projects in Wisconsin: [Solar Force Majeure in WI – Coronavirus](https://legalelectric.org/weblog/19601/) <https://legalelectric.org/weblog/19601/>; [Cancellation of Force Majeure](https://legalelectric.org/weblog/19720/) <https://legalelectric.org/weblog/19720/>; and [U.S. wind, solar industries plead for "tweaks" to coronavirus stimulus to keep projects alive](https://www.reuters.com/article/health-coronavirus-usa-renewables/us-wind-solar-industries-plead-for-tweaks-to-coronavirus-stimulus-to-keep-projects-alive-idUSL1N2B11GC/) [www.reuters.com/article/health-coronavirus-usa-renewables/us-wind-solar-industries-plead-for-tweaks-to-coronavirus-stimulus-to-keep-projects-alive-idUSL1N2B11GC/](https://www.reuters.com/article/health-coronavirus-usa-renewables/us-wind-solar-industries-plead-for-tweaks-to-coronavirus-stimulus-to-keep-projects-alive-idUSL1N2B11GC/)

Considering these projects create additional revenue streams and profits through allowable cost recovery and provision of transmission services, the Commission should consider allocating cost increases to shareholders who receive benefits of gains and should also share in losses and these costs. The Commission must protect the public interest.

The Commission should consider this cost increase issue for the Northland Reliability Project and further, the Commission should examine each of the projects before the Commission, including all projects utilizing pre-2025 cost estimates not constructed and operation, i.e., Tranche 1 and Tranche 2 transmission and other projects including solar, wind, and BESS. Updated costs should be considered for every project to assure the projects proposed are economically sound and responsible.

If you have any questions, or require anything further, please let me know.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Carol A. Overland".

Carol A. Overland  
Attorney at Law

Enclosure: December 16, 2025 Variance Analysis Notification E015, ET2/CN-22-416; E015, ET2/TL-22-415

cc: OAH-RUD  
PPSA Annual Hearing 25-18

# Northland Reliability Project



December 16, 2025

VIA E-FILING

Sasha Bergman  
Executive Secretary  
Minnesota Public Utilities Commission  
121 7th Place East, Suite 350  
St. Paul, MN 55101-2147

**Re: Variance Analysis Notification (Order Point 4 and Route Permit Section 6.10)**

*In the Matter of the Application of Minnesota Power and Great River Energy for a Certificate of Need and Route Permit for the Northland Reliability Project 345 kV Transmission Line*

MPUC Docket Nos. E015,ET2/CN-22-416 and E015,ET2/TL-22-415

Dear Ms. Bergman:

On February 28, 2025, the Minnesota Public Utilities Commission ("Commission") issued an order ("Order") granting Great River Energy and Minnesota Power ("Permittees") a Certificate of Need and issuing a Route Permit for the Northland Reliability Project ("Project").

In compliance with Order Point 4 and Section 6.10 of the Route Permit, the Permittees hereby notify the Commission that on December 15, 2025,<sup>1</sup> the Midcontinent Independent System Operator, Inc. ("MISO") initiated a Variance Analysis under Attachment FF of the MISO Tariff for the Project.<sup>2</sup> A copy of MISO's notice of Commencement of Variance Analysis for the Project is included as **Attachment A**.

If you have any questions or need additional information, please contact Christian Winter at [CWinter@mnpower.com](mailto:CWinter@mnpower.com) or Matthew Ellis at [MEllis@GREnergy.com](mailto:MEllis@GREnergy.com).

/s/ Christian Winter

Christian Winter  
Minnesota Power  
Manager – Regional Transmission  
Planning

/s/ Matthew Ellis

Matthew Ellis  
Great River Energy  
Director – Transmission Planning &  
Compliance

cc: Service Lists

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<sup>1</sup> While a variance analysis was discussed by the MISO Board of Directors on December 10, 2025, the variance analysis commenced on December 15, 2025.

<sup>2</sup> Both the Order Point and the Route Permit require notice within five business days of initiation.





Attachment A  
Ex A. Comment & MISO Variance Analysis Notice

# LRTP Tranche 1 - Iron Range-Benton County-Big Oaks Transmission Project Commencement of Variance Analysis

Pursuant to Attachment FF, Section IX of the MISO Tariff, MISO has initiated Variance Analysis for the Iron Range-Benton County-Big Oaks Long Range Transmission Planning (LRTP) Tranche 1 project (Project) upon MISO's initial determination that the estimated costs of the facilities within the Project have exceeded, or are projected to exceed, the MISO Tariff's permitted cost increase threshold (defined herein) for a transmission project.<sup>1</sup> The purpose of Variance Analysis is for MISO to review the reasons and potential impacts of such increased costs and determine an outcome to resolve and conclude the Variance Analysis process for this Project. This communication constitutes MISO's public notice that it has initiated the Variance Analysis procedures contained in Attachment FF, Section IX of the MISO Tariff.

## BACKGROUND

On July 25, 2022, MISO's Board of Directors approved the LRTP Tranche 1 portfolio for inclusion in the MTEP21. Tranche 1 was made up of 18 discrete Eligible Projects, including the Project.<sup>2</sup> In accordance with the Tariff, following Board approval, MISO determined the facilities included in the Project were not eligible for the MISO Competitive Transmission Process and were therefore designated to the relevant incumbent Transmission Owners, Great River Energy (GRE) and Minnesota Power (MP). GRE was designated to construct five facilities of the Project, and MP was designated to construct six facilities of the Project.

At the time the Board approved the LRTP Tranche 1 portfolio, MISO estimated the Project cost to be \$969,900,000 (in 2022 dollars). As part of the Q2 2025 MTEP Quarterly Project updates, GRE and MP's combined estimated costs for the Project are projected to be \$1,389,895,000 (in 2022 dollars, an increase of approximately 43%).

GRE and MP attribute the 43% cost increase to three factors:

- 25% - Material and construction cost escalations
  - Initial estimated costs for the project were developed in 2022. Since then, there has been an increase in electrical component costs such as substation equipment, steel, and labor causing an increase to the project cost.
- 18% - Routing and engineering design refinements
  - Transmission line routing is determined by the Minnesota Public Utilities Commission which has the authority to select the route that best aligns with state statute, balancing land, environmental, and community impacts with costs. The Commission's approved route increased the overall Project costs.
  - Substation facilities' scopes of work were refined upon further engineering design.

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<sup>1</sup> See MISO Tariff, Attachment FF, § IX.C.I.

<sup>2</sup> The Project includes eleven facilities identified in MTEP21 as Facility ID Nos. 27051–27061. GRE was assigned five facilities of the Project: 27051, 27052, 27053, 27054, and 27055. MP was assigned six facilities of the Project: 27056, 27057, 27058, 27059, 27060, and 27061.

## INITIATION OF VARIANCE ANALYSIS

In accordance with Attachment FF, Section IX.C.I of the Tariff, if MISO determines that the estimated costs of the facilities in an MTEP project have exceeded, or are projected to exceed, the project's Baseline Cost Estimate by 25% or more, MISO shall initiate Variance Analysis. In light of the forecasted project cost increases submitted by both GRE and MP for the Project, MISO is initiating the Variance Analysis process.

This public notice shall denote the commencement of Variance Analysis for the Project. MISO will adhere to the applicable Tariff processes, including the Variance Analysis procedures set forth within Attachment FF, Section IX, as well as the confidentiality restrictions contained within the Tariff. MISO will publish on its website a description of, and rationale for, its Variance Analysis determination in due course.



**IMPORTANT:** Weigh in and participate in the Transmission routing docket. Some of the proposed routing affects those already subjected to CapX 2020 permitting, and some of the route would use “existing” RoW of CapX 2020, but although CapX is already there, adding another 345kV would require enlarged RoW, via eminent domain or a negotiated settlement. Weigh in on “need” in the Certificate of Need docket too, i.e., is Applicant’s claim of “need” legitimate, raising system alternatives to transmission that could address claimed need, because if Certificate of Need is granted for this project, it’s “needed” and then the routing docket will determine **WHERE** it goes, not **IF**, so do address the need issue!

Comments on **BOTH** dockets: Routing TL-23-157 and CoN CN-22-532

**NOW’S THE TIME!!! Scoping comments are due August 1 by 4:30 pm.**

**What should be covered in environmental review? Suggested topics:**

- Are there other ways to meet the stated need for the project, for example, a different size project or a different type of facility?
- What potential human and environmental impacts of the proposed project should be considered in the EIS?
- Are there any methods to minimize, mitigate, or avoid potential impacts of the proposed project that should be considered in the EIS?
- Are there any alternative routes or route segments that should be considered in the EIS to address or mitigate potential impacts associated with the proposed project?
- Are there any unique characteristics of the proposed project area that should be considered in the EIS?

**Send comments by August 1, 2024 to:**

**Online:** <https://mn.gov/commerce/energyfacilities/#comment>  
**Email:** [richard.davis@state.mn.us](mailto:richard.davis@state.mn.us)  
**U.S. Mail:** Richard Davis  
Minnesota Department of Commerce  
85 7th Place East, Suite 280  
St. Paul, MN 55101

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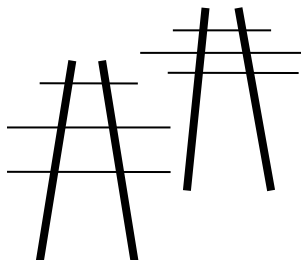
**Legalelectric**

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Energy Consultant—Transmission, Power Plants,

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**U.S. Mail:** Richard Davis  
Minnesota Department of Commerce  
85 7th Place East, Suite 280  
St. Paul, MN 55101

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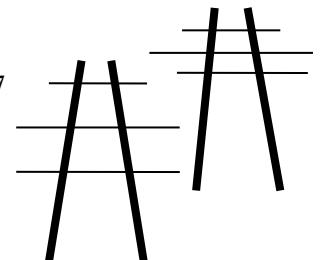
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### Two dockets are at issue, running in dual tracks:

- “Certificate of Need” docket **CN-22-532**, where our Public Utilities Commission determines if this transmission project is needed under statutory criteria. Minn. Stat. §216B.243. Because this was raised, PUC is essentially presuming it’s needed, but this presumption can, and should be challenged. However, the PUC Ordered the CoN to proceed under “informal” process.
- Routing docket **TL- 23-157**, where Commission determines where route shall go, IF project is deemed “needed.” The routing will proceed under “FULL” process.

**Note 1<sup>st</sup> topic for comment PRESUMES “need” as stated. ERROR! Be sure to comment on need. Is Xcel’s WANT a “need” under need criteria? This is the time to request that FULL process be used for the Certificate of Need, that “need” claims be carefully scrutinized.**

Check out what’s been filed so far for helpful hints about issues, particularly the public comments, in both dockets (CN-22-532 & TL-23-159):

“How to eDockets” -- <https://legalelectric.org/weblog/26049/>

This is a LONG line with significant impacts. It’s up to people on the ground to raise the impacts of each segment, ranging from the obviously environmental impacts, to socioeconomic, to human impacts AND cumulative impacts.

**Is this line needed when so many other projects are proposed for southern Minnesota? This project, plus THREE others!**

- Brookings-Hampton 2<sup>nd</sup> circuit CN-23-200 & TL-08-1474
- Big Stone-Alex-Big Oaks CN-22-538 & TL-23-159 & TL-23-160
- MN Energy CONnection CN-22-131 & TL-22-132

**FYI, ONLY** comments submitted orally during the meeting or in writing will be part of the record, not those made individually in the Open House before the meeting. **STAY FOR THE MEETING! Learn what issues are raised!**

Help your friends and neighbors write comments. Send by 4:30pm, August 1, 2024 , **include Docket Nos CN-22-532 and TL-23-157** to:

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*Environmental Quality Board*  
**HVTL Route and Power Plant Site**  
**Full Permitting Process**  
 Minn. Rule 4400.1000 to 4400.1900

Interim Guidelines

