March 19, 2026

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

RE: IN THE MATTER OF THE APPLICATION FOR A CERTIFICATE OF NEED FOR THE GOPHER TO BADGER LINK 765 KV HIGH VOLTAGE TRANSMISSION LINE PROJECT (LRTP 26)
DOCKET NO. ET3, E002/CN-25-121

Dear Ms. Bergman:

Northern States Power Company, doing business as Xcel Energy, and Dairyland Power Cooperative respectfully submit the enclosed Response to North Route Group and NO765MN Petition for Consolidation, Request for Leave to Begin Discovery During Stay, Request for Contested Case and Joint Hearing, and Petition for Intervention the Minnesota Public Utilities Commission regarding the above-captioned docket.

This document has been e-filed today through www.edockets.state.mn.us. A copy of this filing is also being served upon the persons on the attached Service List. If you have any questions or need additional information, please contact Jody Londo at jody.l.londo@xcelenergy.com or Kathleen Galioto at kathleen.galioto@dairylandpower.com.

Sincerely,

/s/ Jody Londo

Jody Londo
Director, Regulatory and Strategic Analysis
Northern States Power Company

/s/ Kathleen Galioto

Kathleen Galioto
VP/Deputy General Counsel
Dairyland Power Cooperative

STATE OF MINNESOTA
BEFORE THE
PUBLIC UTILITIES COMMISSION

Katie Sieben	Chair
Joseph K. Sullivan	Vice-Chair
Audrey Partridge	Commissioner
Hwikwon Ham	Commissioner
John Tuma	Commissioner

In the Matter of the Application for a Certificate of Need for the Gopher to Badger Link 765 kV High Voltage Transmission Line Project (LRTP 26)	Docket No. ET3, E002/CN-25-121

APPLICANTS' RESPONSE TO NORTH ROUTE GROUP AND NO765MN PETITION FOR CONSOLIDATION, REQUEST FOR LEAVE TO BEGIN DISCOVERY DURING STAY, REQUEST FOR CONTESTED CASE AND JOINT HEARING, AND PETITION FOR INTERVENTION

INTRODUCTION & BACKGROUND

Dairyland Power Cooperative and Northern States Power Company, doing business as Xcel Energy (together, Applicants) have submitted a Joint Certificate of Need Application (Application) for the Gopher to Badger Link Project (Project). The Applicants submit this response to various filings from the North Route Group (NRG) and NO765MN which seek to consolidate this docket with other dockets (including route permit dockets that do not yet exist), stay the proceeding for an indefinite period of time, and generally create an unwieldy and potentially unmanageable administrative proceeding.[1] The Applicants oppose these requests. The Applicants have already agreed to stay this docket until they submit a Route Permit Application this Fall and

[1] NRG and NO765MN Supplemental Filings, eDockets Nos. 20263-229071-01, 20263-229071-02, 20263-229071-03, and 20263-229071-04 (Mar. 9, 2026).

do not support further delays. As described further below, it is not in the public interest to proceed as proposed by NRG and NO765MN.

The Project is part of a portfolio of 765 kilovolt (kV) and 345 kV facilities in the upper Midwest identified by the Midcontinent Independent System Operator, Inc. (MISO). MISO's Tranche 2.1 portfolio includes 23 projects. Prior to approving Tranche 2.1, MISO studied all of the projects in the portfolio together. Gopher to Badger Link includes the Minnesota portion of project no. 26 and extends into Wisconsin. The PowerOn Midwest Project (which NRG and NO765MN seek to consolidate with this Project) includes the Minnesota portions of project nos. 22, 23, 24, and 25. Project no. 22 also extends into South Dakota, and project no. 23 extends into Iowa.[2]

Consistent with MISO's analysis of Tranche 2.1, certain portions of the analysis presented in the Application address project nos. 22 through 26. Other portions of the Application are specific to the Minnesota portions of project no. 26.[3]

The Applicants coordinated to submit the Application jointly for the Minnesota portion of project no. 26 (rather than submit separate applications for their respective portions) to minimize regulatory burden and public confusion. The Applicants also intend to submit one Route Permit Application—covering the same geographic scope as the Certificate of Need Application—this Fall. This Project proposes rebuilding and co-locating with a 161 kV line in an existing corridor for much of its length. Separately, PowerOn Midwest (Docket CN-25-117) is the Minnesota portion of project nos. 22-25 and will be owned by a different group of utilities (although Xcel

[2] Certificate of Need Application at 85-86, eDocket No. 20262-227902-02 (Feb. 6, 2026).

[3] *Compare* Application Ch. 7 to Application Ch. 8. The same is true for the PowerOn Midwest application. This analysis, however, does not necessitate or authorize the Minnesota Public Utilities Commission (Commission) to consolidate separate applications. The projects in Tranche 1 were also studied in combination in some respects, and they were each permitted separately by the Commission.

Energy is an owner in both projects). The PowerOn Midwest applicants have indicated that they plan to submit three separate route permit applications, beginning in February 2027.[4]

Ignoring these facts, NRG and NO765MN ask the Commission to halt everything and throw it all together in one proceeding. NRG and NO765MN have no legal support for this extraordinary ask. The Applicants oppose the request for that reason alone, as well as because the process proposed by NRG and NO765MN would increase public burden and confusion and put the Project's schedule at risk with no corresponding benefit.

ARGUMENT

I. Applicants Oppose the Petition for Consolidation

NRG and NO765MN request that the Commission consolidate this docket with PowerOn Midwest (Docket CN-25-117), as well as with all future (but as of yet nonexistent) routing proceedings related to both projects. NRG and NO765MN refer to Minn. R. 1400.6350 and Minn. Stat. § 216B.243, subd. 4, neither of which compel or support their request.

First, Minn. R. 1400.6350 is a Court of Administrative Hearings (CAH) rule and thus does not apply to this proceeding unless and until it is referred to CAH. Minn. R. 1400.6350 is not currently applicable to the Commission. Regardless, the rule is permissive ("the cases *may* be consolidated for hearing") and requires consideration of "sav[ing] time and costs" and prejudice to any party.[5] The consolidation proposed by NRG and NO765MN would not save time and costs—it would increase the duration and complexity of this proceeding. Likewise, the Applicants

[4] *See In the Matter of the Application for a Certificate of Need for the PowerOn Midwest 765 kV and 345 kV High Voltage Transmission Line Project*, eDockets No. E002, ET2, ET6675/CN-25-117, Completeness Supplemental Comments (Mar. 9, 2026).

[5] Minn. R. 1400.6350, subp. 1.

would be prejudiced by consolidation because of delay and the increased burden of such a large proceeding.

Second, Minn. Stat. § 216B.243, subd. 4, states a preference for a joint hearing on siting/routing and need, but it must be feasible, efficient, and in the public interest. Here, the Applicants have already agreed to stay the CN until the Fall and conduct a joint need and route proceeding.[6] In contrast, PowerOn Midwest is not expected to file route permit applications until 2027.[7] Waiting until 2027 to combine *six* separate dockets is neither feasible nor efficient, and it is not in the public interest to require members of the public to participate in six consolidated dockets and wade through what would be a vast record to represent an interest that may be unique to a defined geographical area. Delaying the Gopher to Badger Link applications to wait for the PowerOn route proceedings is also directly contrary to the Legislature's recent direction that sought to reduce the amount of time between MISO's approval of projects and certificate of need applications.[8]

II. Applicants Oppose the Request for Leave to Begin Discovery during Stay

Despite requesting a prolonged stay, NRG and NO765MN nonetheless assert that they should be allowed to proceed with discovery now. NRG and NO765MN provide no legal support for the theory that they should be allowed to conduct months of prolonged discovery in a stayed proceeding. Allowing such activity defeats the purpose of a stay, and the Applicants oppose such a request.

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[6] Applicants' Reply Comments at 17, eDockets No. 20263-228942-01 (Mar. 4, 2026).

[7] *See In the Matter of the Application for a Certificate of Need for the PowerOn Midwest 765 kV and 345 kV High Voltage Transmission Line Project*, eDockets No. E002, ET2, ET6675/CN-25-117, Completeness Supplemental Comments (Mar. 9, 2026).

[8] Specifically, in 2024, the Legislature reduced the time to file an application after giving notice of intent under Minn. Stat. § 216B.246, subd. 3, from 18 months to 12 months. This new 12-month timeframe applies to the Project.

III. Response to Request for a Contested Case & Joint Hearing and Petition for Intervention

NRG and NO765MN continue to request a contested case and have submitted a petition for intervention.[9] As detailed in the Applicants' Reply and Supplemental Comments,[10] the Applicants respectfully request that the Commission defer decisions on procedural issues like this until a Route Permit Application is filed this Fall. This approach is also supported by the Department of Commerce, Division of Energy Resources,[11] and would allow the Commission to establish an orderly process to reduce public confusion and burden.

CONCLUSION

The procedure proposed by NRG and NO765MN would consolidate two certificate of need applications and four route permit applications (for which no dockets have been opened and no applications yet filed) that cover the entirety of the southern portion of Minnesota. The Applicants oppose this request because it is not authorized or supported by the law, would delay the Project, and would result in increased public burden and confusion. The Applicants thus respectfully request that the Commission deny these requests. The Applicants further request that the Commission defer decisions on a contested case proceeding and the petition for intervention until the Route Permit Application is filed this Fall.

[9] NRG and NO765MN Supplemental Filings, eDockets No. 20263-229071-03 (Mar. 9, 2026).

[10] Applicants' Reply Comments, eDockets No. 20263-228942-01 (Mar. 4, 2026) and Applicants' Supplemental Comments, eDockets No. 20263-229062-01 (Mar. 9, 2026).

[11] Department of Commerce, Division of Energy Resources, eDockets No. 20263-229099-01 (Mar. 10, 2026).

Dated: March 19, 2026

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IN THE MATTER OF THE APPLICATION FOR A CERTIFICATE OF NEED FOR THE GOPHER TO BADGER LINK 765 KV HIGH VOLTAGE TRANSMISSION LINE PROJECT (LRTP 26)

DOCKET NO. ET3, E002/CN-25-121

CERTIFICATE OF SERVICE

Breann L. Jurek certifies that on the 19th of March, 2026, she e-filed a true and correct copy of the **Response to North Route Group and NO765MN Petition for Consolidation, Request for Leave to Begin Discovery During Stay, Request for Contested Case and Joint Hearing, and Petition for Intervention,** on behalf of Northern States Power Company, doing business as Xcel Energy, and Dairyland Power Cooperative via eDockets (www.edockets.state.mn.us).

Said document was also served as designated on the Official Service List on file with the Minnesota Public Utilities Commission and as attached hereto.

Executed on March 19, 2026

Signed: /s/ Breann L. Jurek

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