

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Katie J. Sieben	Chair
Hwikwon Ham	Commissioner
Audrey C. Partridge	Commissioner
Joseph K. Sullivan	Commissioner
John A. Tuma	Commissioner

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

ISSUE DATE: April 21, 2026

DOCKET NO. E-002, ET-2, ET-6675/
CN-25-117

ORDER ACCEPTING APPLICATION,
VARYING RULES, REQUIRING
FILINGS, AND NOTICE OF AND
ORDER FOR HEARING

PROCEDURAL HISTORY

On February 3, 2026, Great River Energy, ITC Midwest LLC (ITC Midwest), and Northern States Power Company doing business as Xcel Energy (Xcel Energy) (together, the Applicants) jointly filed an application for a certificate of need for the project known as PowerOn Midwest.

By February 23, 2026, the following entities and individuals filed initial comments:¹

- The Commission’s Energy Infrastructure Permitting (EIP) Staff;
- The Department of Commerce Division of Energy Resources (Department);
- Kyle Johnson (Johnson);
- Minnesota Center for Environmental Advocacy, the Citizens Utility Board of Minnesota, Sierra Club, Clean Grid Alliance, and Fresh Energy (collectively, Joint Commenters);
- Midcontinent Independent System Operator, Inc. (MISO);
- Carol A. Overland (Overland); and,
- Dale Thomforde (Thomforde).

On February 27, 2026, Overland and Thomforde filed more comments.

On March 2, 2026, the Applicants filed reply comments and Overland filed additional comments.

On March 9, 2026, the following entities and individual filed supplemental comments:

¹ The Commission also received filings from the Leech Lake Band of Ojibwe and the Shakopee Mdewakanton Sioux Community. Neither tribe commented on the application’s completeness nor otherwise raised an issue for the Commission to resolve at this time.

- The Applicants;
- The Department;
- North Route Group (NRG) and NO765MN; and,
- Trevor Scrabeck (Scrabeck).

On March 9, 2026, NRG and NO765MN also filed a petition for intervention.

On March 10, 2026, Thomforde filed supplemental comments.

On March 19, 2026, the Applicants filed a response to NRG and NO765MN's filings.

On March 20, 2026, NRG and NO765MN filed a "requested clarification."

On March 26, 2026, the Commission met to consider this matter.

FINDINGS AND CONCLUSIONS

I. Summary of Commission Action

The Commission will accept the Applicants' certificate of need application as substantially complete. The Commission will refer this matter to the Court of Administrative Hearings (CAH) for contested case proceedings and request that the administrative law judge (ALJ) decide whether to grant the petition for intervention of NRG and NO765MN. Further, the Commission will vary Minnesota Rules 7849.1200 and 7849.1400 consistent with changes effectuated through the Energy Infrastructure Permitting Act. Lastly, the Commission will establish various filing requirements for the Applicants.

II. Description of the PowerOn Midwest Project

According to the Applicants' petition, the PowerOn Midwest Project is an approved part of the Midcontinent Independent System Operator, Inc. (MISO) Long-Range Transmission Planning (LRTP) Tranche 2.1 Portfolio.² The Applicants framed the PowerOn Midwest Project as part of a new transmission backbone network through the Midwest and, ultimately, connecting to an existing transmission network in the eastern United States. The Applicants generally extolled the anticipated benefits of the PowerOn Midwest Project, including its ability to enhance how the transmission system moves energy into and out of Minnesota and surrounding areas.

The PowerOn Midwest Project will include 271 miles of new 765 kilovolt (kV) transmission lines across southern Minnesota connecting Minnesota, South Dakota, Iowa, and Wisconsin. The Applicants propose using four-legged self-supporting lattice structures for the 765 kV facilities. The PowerOn Midwest Project will also include 69 miles of a new 345 kV second circuit between the Pleasant Valley Substation, North Rochester Substation, and Hampton Substation. Here, the Applicants intend to use tubular steel monopole structures. The project will also include substation modifications, expansions, and connections via additional new 345 kV transmission

² The Tranche 2.1 Portfolio consists of 24 projects totaling approximately 3,600 miles of new and upgraded transmission in the MISO Midwest subregion.

lines. The Applicants contended that all segments of the project are expected to be in service in 2034 and are estimated to cost a total of \$3.327 billion to \$4.323 billion in 2024 dollars.

III. Completeness of the Certificate of Need Application

Before the Applicants may construct the PowerOn Midwest Project, the Commission must approve a certificate of need.³ Minnesota Rules 7829.2500 and 7849.0220 contain the filing requirements for this certificate of need application.⁴

The Department agreed with the Applicants that the certificate of need application was substantially complete. EIP Staff similarly affirmed that the application was substantially complete with respect to the environmental information required in Minn. R. 7849.0310. Overland did not appear to dispute that the certificate of need application contains all the required materials, asserting that the application “is essentially complete.”⁵

The Commission will find that the Applicants’ application for a certificate of need for the PowerOn Midwest Project is substantially complete. The Applicants have provided the information required under Minn. R. 7829.2500 and 7849.0220.

The Commission thanks Johnson and Thomforde for carefully reviewing this certificate of need application. Although Johnson takes issue with the Applicants’ discussion of a direct current (DC) alternative and an underground alternative to the alternating current (AC), overhead PowerOn Midwest Project, Johnson does not dispute that the application does, in fact, contain some discussion of these alternatives. Similarly, Thomforde addresses issues about no-build alternatives but does not dispute that the application contains such a discussion. Accordingly, the application is not incomplete on these issues. Instead, these issues relate to the merits of the application, which will be examined during the course of this proceeding.

IV. Rule Variance

The EIP Staff filed a comment requesting variances to Minn. R. 7849.1200 and 7849.1400. EIP Staff noted that these rules require the Commissioner of the Department of Commerce to provide notice to interested persons of the pending project, hold a public meeting, and scope and prepare an environmental report. EIP Staff recommended varying these references so that the Commission will perform these tasks rather than the Commissioner of the Department of Commerce. EIP Staff further requested rule variances to some of the deadlines contained in

³ Minn. Stat. §§ 216B.2421 and 216B.243. The Commission notes that a certificate of need would not be required to the extent any of the 345 kV connecting lines are less than a mile in length. However, the Applicants have indicated that one or more of their proposed substation connections may exceed one mile.

⁴ The Commission notes that its November 26, 2025 order in this matter exempted the Applicants from some filing requirements.

⁵ The Commission notes Overland’s belated arguments about the Commission’s decision to exempt the Applicants from some filing requirements and further seems to dispute the quality of the information in the application. Nonetheless, Overland has not persuaded the Commission that any required information is omitted, to the extent she makes such an argument. Overland’s concerns relating to the merits of the application will be examined during the course of this proceeding.

Minn. R. 7849.1400. The Applicants supported the requested variances and no other commenter addressed the issues.

The Commission's rule on rule variances is Minn. R. 7829.3200, which allows a variance when: A) enforcement of the rule would impose an excessive burden upon the applicant or others affected by the rule; B) granting the variance would not adversely affect the public interest; and C) granting the variance would not conflict with standards imposed by law.

Here, each of these factors supports varying the rules as requested. The Commission will vary Rules 7849.1200 and 7849.1400 to replace references to the Commissioner of the Department of Commerce with references to the Commission. The Energy Infrastructure Permitting Act effected a legislative transfer of environmental review personnel and responsibilities related to large energy infrastructure projects from the Department of Commerce to the Commission. Accordingly, it would be excessively burdensome to attempt to compel the Department to conduct the environmental review and this variance is consistent with the law and in the public interest.

Regarding the timing considerations in Minn. R. 7849.1400, the Commission will vary subparts three and seven such that 1) the Commission will not require a public meeting within 40 days of receiving the certificate of need application and 2) the Commission will not issue a scoping order within 10 days after the public comment period closes. The Commission finds that enforcing both deadlines would be excessively burdensome for a project of this geographic magnitude. Instead, these variances would serve the public interest by allowing sufficient planning and notice for the public to engage with the Applicants and Commission staff during public meetings and by allowing the Commission time to meet and carefully consider the scope of the environmental report. These variances are consistent with the legislative policies enacted via the Energy Infrastructure Permitting Act and, as such, do not conflict with any other laws or standards.⁶

V. Filing Requirements

The Commission will impose various filing requirements on the Applicants as detailed in the ordering paragraphs below. The Commission notes that the filing requirements are intended to begin developing a record to address the criteria enumerated in Minn. R. 7849.0120.

VI. Contested Case Proceedings

The Commission has jurisdiction over the Applicants' certificate of need application under Minn. Stat. § 216B.243 and Minn. Rules, Chapters 7849 and 7829. The Commission finds that it cannot satisfactorily resolve all questions regarding the prudence of the proposed transmission line project on the basis of the current filings. The Commission will therefore refer the matter to the Court of Administrative Hearings for contested case proceedings.⁷ Although several commenters preferred the Commission's informal process for addressing the instant application, no commenter opposed a referral to the Court of Administrative Hearings.

⁶ See, e.g., 216I.05, subds. 9 and 10.

⁷ Minn. R. 7829.1000.

The ultimate issue in this matter is whether the PowerOn Midwest Project meets the need criteria set forth in Minn. Stat. § 216B.243 and Minn. Rules Chapter 7849. This issue turns on numerous factors that are best developed in formal evidentiary proceedings. The parties to this proceeding should address these factors and whether the proposed project meets the criteria. The parties may also raise and address other issues relevant to the application. This record may include the concerns identified by the individual commenters, NRG, and NO765MN, including whether there is a more reasonable and prudent alternative considering facilities' cost, size, and type.

Although the Applicants disputed whether the individual commenters' concerns sufficiently justified a referral for contested case proceedings, the Applicants were not inherently opposed to such a proceeding.

VII. Procedural Outline for Contested Case Proceedings

A. Administrative Law Judge

The Administrative Law Judge assigned to this case is Joseph Meyer. His address is as follows: Court of Administrative Hearings, 600 North Robert Street, St. Paul, Minnesota 55101. His mailing address is P.O. Box 64620, St. Paul, Minnesota 55164-0620. He can be reached through his legal assistant, Samantha Cosgriff, at 651-361-7845 or samantha.cosgriff@state.mn.us.

B. Hearing Procedure

- *Controlling Statutes and Rules*

Hearings in this matter will be conducted in accordance with the Administrative Procedure Act, Minn. Stat. §§ 14.57–14.62; the rules of the Minn. R. 1400.5010-8400; and to the extent they are not superseded by those rules, the Commission's rules of Practice and Procedure, Minn. R. 7829.0100-4000. Hearings may be recessed and reset by the ALJ pursuant to Minn. R. 1405.1400 to 1405.2300.

These rules and statutes can be accessed free of charge through the State of Minnesota's website at www.revisor.mn.gov/pubs. Hardbound copies of Minnesota's statutes or rules are available from the Office of the Revisor of Statutes at 651-296-2868, or <https://www.revisor.mn.gov/office/order>.

The CAH conducts contested case proceedings in accordance with the Minnesota Rules of Professional Conduct and the Professionalism Aspirations adopted by the Minnesota State Bar Association.

- *Right to Counsel and to Present Evidence*

In these proceedings, parties may be represented by counsel, may appear on their own behalf, or may be represented by another person of their choice, unless otherwise prohibited as the unauthorized practice of law. They have the right to present evidence, conduct cross-examination, and make written and oral argument. Under Minn. R. 1400.7000, they may obtain subpoenas to compel the attendance of witnesses and the production of documents.

Parties should bring to the hearing all documents, records, and witnesses necessary to support their positions.

- *Discovery and Informal Disposition*

Any questions regarding discovery under Minn. R. 1400.6700 to 1400.6800 or informal disposition under Minn. R. 1400.5900 should be directed to Scott Ek (651) 539-1070, Minnesota Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, Minnesota 55101.

- *Protecting Not-Public Data*

State agencies are required by law to keep some data not public. Parties must advise the ALJ if not-public data is offered into the record. They should take note that any not-public data admitted into evidence may become public unless a party objects and requests relief under Minn. Stat. § 14.60, subd. 2.

- *Accommodations for Disabilities; Interpreter Services*

At the request of any individual, this agency will make accommodations to ensure that the hearing in this case is accessible. The agency will appoint a qualified neutral interpreter if necessary. Persons must promptly notify the ALJ if an interpreter is needed.

- *Scheduling Issues*

The times, dates, and places of evidentiary hearings in this matter will be set by order of the ALJ after consultation with the Commission and intervening parties.

- *Notice of Appearance*

Any party intending to appear at the hearing must file a notice of appearance (Attachment A) with the ALJ within 20 days of the date of this notice and order for hearing.

- *Sanctions for Non-compliance*

Failure to appear at a prehearing conference, a settlement conference, or the hearing, or failure to comply with any order of the ALJ, may result in facts or issues being resolved against the party who fails to appear or comply.

C. Parties and Intervention

The current parties to this case are Great River Energy, ITC Midwest LLC, Northern States Power Company doing business as Xcel Energy, and the Department of Commerce, Division of Energy Resources. Other persons wishing to become formal parties shall promptly file petitions to intervene with the ALJ. They shall serve copies of such petitions on all current parties and on the Commission consistent with Minn. R. 1400.6200.

The Commission notes that NRG and NO765MN filed a petition to intervene in this docket pursuant to Minn. R. 7829.0800. The Applicants timely objected to that petition. The

Commission finds that the record is insufficient to grant or deny the petition at this time. Instead, the Commission requests that the ALJ decide this issue. The Commission notes that it is unclear whether the intervention request is contingent on the Commission granting NRG and NO765MN's other request to consolidate this proceeding with the Gopher to Badger proceeding.⁸ Indeed, NRG and NO765MN's petition notes that the two groups are "separated geographically and have markedly different interests," and the petition suggests that NRG is most concerned with the Gopher to Badger project. Accordingly, it is unclear whether NRG would intervene in this PowerOn Midwest docket absent consolidation with the Gopher to Badger docket.⁹

D. Prehearing Conference

A prehearing telephone conference will be held on Monday, June 1, 2026, at 1:30 p.m. using the following call-in information:

Call-in Number: 651-395-7448
Conference Code: 681 311 502#

Persons participating in the prehearing conference should be prepared to discuss time frames, scheduling, discovery procedures, and similar issues. Potential parties are invited to attend the prehearing conference and to file their petitions to intervene as soon as possible.

VIII. Ex Parte Communications

Restrictions on *ex parte* communications with Commissioners and reporting requirements regarding such communications with Commission staff apply to this proceeding from the date of this order. Those restrictions and reporting requirements are set forth in Minn. R. 7845.7300 to 7845.7400, which all parties are urged to consult.

IX. Miscellaneous Requests

In addition to the issues identified above, the Commission will briefly address the miscellaneous requests advanced by individual commenters, NRG, and NO765MN. These requests include 1) reopening the comment period on application completeness to give members of the public an additional opportunity to participate; 2) consolidating this matter with docket number ET3, E-002/CN-25-121 (the Gopher to Badger project); 3) staying this certificate of need application until related route permits are filed; and, 4) allowing discovery to progress during a stay. The Applicants opposed each of these requests. The Commission agrees that none of these requests are required or appropriate here.

⁸ Docket No. ET3, E-002/CN-25-121.

⁹ NRG and NO765MN's "requested clarification" filing does not provide the Commission with sufficient clarity.

ORDER

1. The Commission accepts the certificate of need application as substantially complete.
2. The Commission refers the certificate of need application to the Court of Administrative Hearings for contested case proceedings under Minn. Stat. §§ 14.57 et seq.
3. The Commission varies Minnesota Rules 7849.1200 and 7849.1400, to align with the environmental review timing in the Energy Infrastructure Permitting Act and to reflect the legislative transfer of environmental review personnel and responsibilities related to large energy infrastructure projects from the Department of Commerce to the Commission.
4. Great River Energy, ITC Midwest LLC, and Northern States Power Company doing business as Xcel Energy must file into the docket answers to the following:
 - a. What are the electrical engineering limitations and safe distances that a 765 kV transmission line can be constructed from an existing wind turbine or solar facility? Are there any North American Electric Reliability Corporation (NERC) or other electrical standards that establish appropriate distances from wind turbines and solar facilities for a 765 kV transmission line?
 - b. Relating to the type of structures described in (c) below, what general criteria would be applied when running a generic 765 kV transmission line through or next to existing wind farms or solar facilities?
 - c. Provide several proof of concept examples of three 765 kV transmission line structures (the proposed lattice structure, tubular steel monopole under 200 feet and tubular steel H-frame – see Table 7.6-1 of the Application) moving through an area covering four sections of land (a section being approximately 640 acres in a typical township division) selected from each of the three areas identified below that will provide a fair representation of a rural mostly agricultural cross-section of the identified counties. A purpose is to show how the 765 kV transmission line routing practices the Applicants will use for each particular structure as the line moves through that landscape, and then also to provide what the viewshed would look like at distances of a quarter mile, a half mile, and a mile from the structures. The sections selected for providing these proofs of concepts routes across the landscape shall be selected from each of the following: a western portion of the area identified, the central portion of the area identified, and a portion near Rochester. Include an explanation for why each selected proof of concept is representative.

The general premise is that one would expect more structures and human impacts in the selected areas as they move from west to east, comparing the Nobles and Jackson area to the Freeborn and Mower area, and then from south to north comparing the Freeborn and Mower area to the Dodge and Olmsted area. The purpose is to identify how each of the proposed structures would comparatively

mitigate impacts on agricultural and on human residences and structures across these representative landscapes.

- d. Provide the best technical literature on the best ways to modify agricultural practices around the proposed lattice structure, tubular steel monopole under 200 feet and tubular steel H-frame for the 765 kV transmission line structures.
 - e. For each of the proof of concept examples in (c), estimate the number of agricultural acres per mile that would be lost to production when best management practices are used around the three types of identified structures and a description of the methodology used to determine that.
 - f. The Applicants shall provide a detailed description of how they propose to analyze paralleling highway rights of way in accordance with Minn. Stat. § 216I.05, subd. 11(e). The Applicants will also describe their coordination with MNDOT in accordance with Minn. Stat. § 161.45, the Next Gen Highway Act.
5. The Commission requests that the administrative law judge decide whether to grant the petition for intervention of North Route Group (NRG) and NO765MN.
 6. This order shall become effective immediately.

BY ORDER OF THE COMMISSION



Sasha Bergman
Executive Secretary



This document can be made available in alternative formats (e.g., large print or audio) by calling 651.296.0406 (voice). Persons with hearing or speech impairment may call using their preferred Telecommunications Relay Service or email consumer.puc@state.mn.us for assistance.

Attachment A

CAH Docket Number: 28-2500-41617

STATE OF MINNESOTA
COURT OF ADMINISTRATIVE HEARINGS

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

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE that:

1. The party/agency named below (Party/Agency) will appear at the prehearing conference and all subsequent proceedings in the above-entitled matter.

2. By providing its email address below, the Party/Agency acknowledges that it has read and agrees to the terms of the Court of Administrative Hearings' e-Filing policy and chooses to opt into receiving electronic notice from the Court of Administrative Hearings in this matter. **Note: Provision of an email address DOES NOT constitute consent to electronic service from any opposing party or agency in this proceeding.**¹⁰

3. The Party/Agency agrees to use best efforts to provide the Court of Administrative Hearings with the email address(es) for opposing parties and their legal counsel.

Party's/Agency's Name: _____
Email: _____ Telephone: _____
Mailing Address: _____

Party's/Agency's Attorney: _____
Firm Name: _____
Email: _____ Telephone: _____
Mailing Address: _____

Respondent's/Opposing Party's Name: _____
Email: _____ Telephone: _____
Mailing Address: _____

Dated: _____
Signature of Party/Agency or Attorney

¹⁰ In order to opt in to electronic notice, this form must be emailed to OAH.efiling.support@state.mn.us. If the party does not wish to opt in to electronic notice, this form may be filed with the Court of Administrative Hearings via facsimile, U.S. Mail, or personal service. See Minn. Stat. § 14.58, Minn. R. 1400.5550, subps. 2-5.

Note: This form must be served upon the opposing party/agency. Counsel may not withdraw from representation without written notice.