



**In the Matter of a Possible Rulemaking to Amend Minnesota Rules, Chapters 7849, 7850**

**PUC Docket Number: E-999/R-26-172**

**Reply Comments**

LIUNA Minnesota and North Dakota (“LIUNA”) appreciates the opportunity to offer comments on the petition filed by Carol Overland calling on the Minnesota Public Utilities Commission (“Commission”) to initiate rulemaking to amend Minnesota Rules chapters 7849 and 7850. We agree with comments filed by Minnesota Transmission Owners (“MTO”) which explain why such rulemaking is neither required by law nor prudent. In our view, the rulemaking proceeding sought by Ms. Overland would take the state in the wrong direction, overwhelming a functional existing process with red tape in a critical moment and at the expense of workers, utility customers and host communities alike.

LIUNA represents more than 14,000 skilled construction laborers across Minnesota and North Dakota, including thousands that build on energy infrastructure projects, and thousands more that rely on affordable, reliable electric service at home and at work. Our members have an interest both as consumers and as workers in the predictable, timely approval (or disapproval where necessary) of energy generation and transmission projects. Our members support infrastructure projects that advance these priorities, and a permitting process that facilitates these critical investments

In 2024, recognizing the need to accelerate deployment of generation and transmission projects in order to meet carbon-free requirements and growing demand, the Minnesota Legislature passed the Energy Infrastructure Permitting Act (“EIPA”). LIUNA played a key role in the development and final passage of the law, which was drafted with the goal of simplifying, streamlining, and ultimately shortening the duration of the siting and routing process without lowering substantive standards, or sacrificing opportunities for public input.

One priority identified by both advocates and legislative champions was a process that the Commission could implement “out-of-the-box” without the delay and uncertainty associated with rulemaking. If the Legislature had wanted the Commission to interpret the statute via rulemaking, the statute would say so. Instead their desire to speed the process and avoid unnecessary entanglements is reflected in a law that provides the Commission with both clear direction and broad authority to dispose of permitting applications on a case-by-case basis.

It is notable that many of the objections offered by Ms. Overland to the Commission’s current permitting process are similar to objections she has made in other dockets prior to passage of the 2024 law. Yet to our knowledge, there has not been one successful challenge to the validity of clean energy generation or transmission permits issued under the previous statute, and Ms. Overland provides no explanation for why a new law designed to simplify the process strengthens her case for a drawn-out rulemaking process.

We do appreciate Ms. Overland's understandable frustration over having wasted time and effort in the previous rulemaking effort which spanned a full 17 years between passage of the 2005 law and the Commission's *rejection* of the final product. The lesson we take away from that experience is that rulemaking on the Commission's permitting process would likely be costly, time-consuming and potentially unsatisfying to a wide range of stakeholders.

The Commission currently oversees a permitting process that provides ample opportunity for party and stakeholder input, and the Commission has shown itself capable of adapting the process and making nuanced decisions based on the evidence in the record. We urge the Commission to stick with a process that works and reject the rulemaking petition. We also encourage parties with specific concerns and suggestions to bring them forward in specific permitting dockets so they can inform the Commission's consideration of both the instant case and similar cases going forward.

We thank the Commission for its consideration in this matter.

Sincerely,

Kevin Pranis  
Marketing Manager  
LIUNA Minnesota and North Dakota