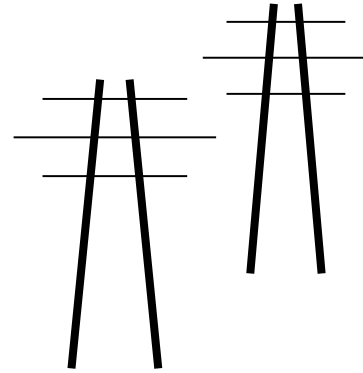


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May 7, 2026

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

via eFiling only

RE: Reply Comment and Request for Oral Argument – Rulemaking
PUC Docket R-26-172

Dear Ms. Bergman:

This Comment is submitted on behalf of myself, and also my clients in the “PowerOn Midwest” and “Gopher to Badger” 765kV transmission dockets (CN-25-117 and CN-25-121) and the Andersens’ in the Maple River to Cuyuna 345kV transmission docket (CN-25-109).

At this time, I request oral argument on this matter when it comes before the Commission.

The question presented, unlike electricity, is not binary.

Once more with feeling, the legislation urges the Commission to promulgate rules.

216L.26 RULES.

Subdivision 1. **Commission rules.** The commission, in order to give effect to the purposes of this chapter, may adopt rules consistent with this chapter, including promulgation of site and route designation criteria, the description of the information to be furnished by the utilities, establishment of minimum guidelines for public participation in the development, revision, and enforcement of any rule, plan, or program established by the commission, procedures for the revocation or suspension of a site or route permit, and the procedure and timeliness for proposing alternative routes and sites. A rule adopted by the commission must not grant priority to state-owned wildlife management areas over agricultural lands in the designation of route avoidance areas. Chapter 14 applies to the appeal of rules adopted by the commission to the same extent as it applies to review of rules adopted by any other agency of state government.

Admittedly, the statutory language uses “may” and not “shall,” and history¹ unfortunately shows

¹ See PUC Docket R-12-1246.

that the Commission is not wanting to update rules. I shouldn't have to remind the Commission, but the Commission IS the regulator, and regulation requires... well... regulations! The "Notice of Comment Period" asks the question:

- **Should the Commission grant or deny the petition for rulemaking?**

This is not merely a binary question. As Minnesota Transmission Owners note, the Petition "The Petition urges the Commission to promptly initiate rulemaking for both chapters—prioritizing Chapter 7850—using draft rules previously developed through 2021 under now-repealed renumbered Minn. Stat. § 216E as a starting point, appointing an advisory committee, widely soliciting public input, and staying ongoing routing and siting proceedings until rules are in place."² There are four matters before the Commission:

- 1. Promptly initiate rulemaking, prioritizing Chapter 7850—using draft rules previously developed through 2021 under now-repealed/renumbered Minn. Stat. § 216E as a starting point;**
- 2. Appointing an advisory committee;**
- 3. Widely soliciting public input; and**
- 4. Staying ongoing routing and siting proceedings until rules are in place.**

MTO does have a point, that a blanket stay would likely throw a procedural wrench in the gears of permitting. First, Minn. R. ch. 7849 is essentially unaffected. The routing chapter, Minn. R. ch. 7850 is another matter, because only three of the chapter's many rules remain. 7850 has been gutted, repealed outright, and "renumbered." Where the chapter shows "renumbered," go to the "renumbered" rule and that too has been repealed. **ONLY THREE RULES REMAIN** (yes, I'm shouting). In the recent permit amendment for Xcel's Gen-Tie line, TL-22-132, it was clear that without rules, staff was in freefall without a net, grasping at the repealed rules to support recommendations.

Without rules to regulate, the Commission's abdication of its regulatory mandate is impossible to ignore. It's hard to characterize a regulator without regulations as anything but intentional – and I do recall questions to utilities such as "how can we speed this up," and "how can we make this easier for you," and statements that the MISO Tranche 2.1 is such a high priority. Those statements were public and are recorded for posterity, the Commission promoting rather than regulating.

Back to the questions at hand. When considering impacts of a stay, it should be noted that stays are in place now, ordered by the Commission, for two transmission dockets, the Maple River-Cuyuna 345kV line (PUC docket CN-25-109) and the Gopher to Badger 765kV line (PUC docket CN-25-121) while they wait for the routing application. PowerOn Midwest, with 765kV and 345kV projects (consolidated in PUC docket CN-25-117), has yet to apply for the route, a "stay" of its own making.

The route permitting for these three Tranche 2.1 dockets is not pressing, and the first of the three issues before the Commission are reasonable in this utility initiated pause:

² MTO Initial Comment, p. 2.

1. Promptly initiate rulemaking, prioritizing Chapter 7850, using draft rules previously developed through 2021 under now-repealed/renumbered Minn. Stat. §216E as a starting point;
2. Appointing an advisory committee;
3. Widely soliciting public input.

Initiating and promulgating rules while these three specific transmission line route applications are stayed or pending is reasonable. To proceed with routing transmission projects of this magnitude is unreasonable

The Commission should initiate rulemaking **now**, while the Maple River-Cuyuna 345kV line (PUC docket CN-25-109), the Gopher to Badger 765kV line (PUC docket CN-25-121), and the PowerOn Midwest 765kV/345kV project (PUC docket CN-25-117) are paused. There would be no harm to the applicants, and of course the applicants would participate in the advisory committee.

On what basis could/would the Commission argue against promulgating its own rules?

At this time, I request oral argument on this matter when it comes before the Commission.

Very truly yours,



Carol A. Overland
Attorney at Law