

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

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**Chair
Commissioner
Commissioner
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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

Docket No. CN-25-117

**NORTH ROUTE GROUP AND NO765kVMN
OBJECTION TO SCOPING DECISION
AS PROVIDED BY
Minn. Stat. §216A.03, Subd. 8(b) AND Minn. R. 7849.1400**

On June 9, 2026, the Public Utilities Commission issued the Environmental Report Scoping Decision. This is the North Route Group and NO765MN's Objection, as provided by Minn. Stat. §216A.03, Subd. 8(b) to refer the Scoping Decision to the full Commission:

Minn. Stat. §216A.03, Subd. 8(b) is a procedural step, and not for a substantive review:

Upon objection by a party, a participant, or a commissioner, a decision by a subcommittee must be referred to the full commission.

North Route Group and NO765MN request that this Scoping Decision be taken up by the full Public Utilities Commission as provided by Minn. Stat. §216A.03, Subd. 8(b).

This Objection is also the North Route Group and NO765MN's request for referral to "the Commissioner" for substantive review as provided by Minn. R. 7849.1400, knowing that "the Commissioner" no longer is responsible for environmental review and that this responsibility has been assigned to the Public Utilities Commission, and presuming that "the

Commissioner" is understood to mean "the Commission." The omission of this rule in the cover sheet noticing the Consent Agenda decision is significant. That rule provides:

Subp. 8. **Notice of decision.** At the time of the commissioner's decision, the commissioner shall mail the order to those persons who have requested to be notified. Any person may request to bring the matter of what alternatives or impacts to include in the environmental report to the commissioner in accordance with part [4405.0600](#), subpart 5. Such request shall be filed in writing with the commissioner within ten days of the commissioner's decision. A request to bring the matter to the commissioner shall not preclude the commissioner from beginning preparation of the environmental report in accordance with the commissioner's decision.

Minn. R. 7849.1400, Subp. 8. If a party or participant only objects under Minn. Stat. §216A.03, Subd. 8(b), and neglects to request substantive reconsideration, the Commission could duck substantive review and merely rubber stamp the Consent decision. Commission consideration of the substantive aspects of this Scoping Decision is necessary, and NRG and NO765MN request careful consideration of the substantive matters in this Scoping Decision by the full Commission.

SUBSTANTIVE OBJECTIONS AND CRITIQUE

With specificity, North Route Group and NO765MN offer the following substantive objections and critique of the Scoping Decision, and as above, request that the full Commission consider the particulars of this Scoping Decision:

I. PROJECT PURPOSE

The Commission accepts the “project purpose” as set out by MISO, and states that “MISO and the Applicants have identified a need for up to 10,000 megawatts of additional transmission capacity in Minnesota.” Scoping Decision, p. 2. This statement is not relevant to the “project,” as there is no attribution of additional transmission capacity, either provided by this project or specifically for Minnesota. Although “Minnesota” is stated, it’s not been demonstrated and is doubtful that 10,000 MW of transmission capacity is necessary in our state. This has not been proven and should not be stated as fact for the purpose of environmental review. The purpose of this specific project should be what is stated.

II. REGULATORY BACKGROUND

This section cites Minn. R. 7849.0120 as focusing on the major headings of that rule. However, Minn. R. 7849.0120, Subps. A and D's focus is mostly on "need," whereas the others focus more on the system alternatives and environmental impacts, which are to be considered in the Environmental Report, and each of these factors should be specifically included and analyzed in the Environmental Report, particularly where this Environmental Report is the only review required in this need proceeding. Alternatives should be analyzed in light of the CoN factors:

B. a more reasonable and prudent alternative to the proposed facility has not been demonstrated by a preponderance of the evidence on the record, considering:

- (1)** the appropriateness of the size, the type, and the timing of the proposed facility compared to those of reasonable alternatives;
- (2)** the cost of the proposed facility and the cost of energy to be supplied by the proposed facility compared to the costs of reasonable alternatives and the cost of energy that would be supplied by reasonable alternatives;
- (3)** the effects of the proposed facility upon the natural and socioeconomic environments compared to the effects of reasonable alternatives; and
- (4)** the expected reliability of the proposed facility compared to the expected reliability of reasonable alternatives;

C. by a preponderance of the evidence on the record, the proposed facility, or a suitable modification of the facility, will provide benefits to society in a manner compatible with protecting the natural and socioeconomic environments, including human health, considering:

- (1)** the relationship of the proposed facility, or a suitable modification thereof, to overall state energy needs;
- (2)** the effects of the proposed facility, or a suitable modification thereof, upon the natural and socioeconomic environments compared to the effects of not building the facility;
- (3)** the effects of the proposed facility, or a suitable modification thereof, in inducing future development; and
- (4)** the socially beneficial uses of the output of the proposed facility, or a suitable modification thereof, including its uses to protect or enhance environmental quality...

The Commission must look closely at these issues without financial or chronological constraint.

III. ENVIRONMENTAL REVIEW – SUMMARY OF SCOPING COMMENTS

Issues raised in the Summary of Scoping Comments should more fully follow through to “Matters to Be Addressed.” While the ER is the only environmental review necessary for the Certificate of Need, and “it is not a route permit environmental review document and will not determine the final route of any transmission line segment,” the Certificate of Need docket is the only venue where system alternatives will be considered.

One issue standing out is viewshed effects, scenic and esthetic resources, a MERA supported environmental consideration. *State by Drabik v. Martz*, 451 N.W.2d 893, 896-97 (Minn. App. 1990) (scenic and esthetic resources impacted by proposed radio tower protected natural resource). For example, the project appears to have a potential route near the Jeffers Petroglyphs, which is subject to a Settlement Agreement regarding visual impacts and requires siting of wind turbines at least seven (7) miles from the Petroglyphs.¹ The lay of the land in the area proposed for the PowerOn Midwest transmission line demands attention be paid to “scenic and esthetic resources.”

The term “consultation” is used in the introductory summary, but not in the decision in relation to Prairie Island Indian Community and Hutterites. In a similar vein, the Prairie Island Indian Community (PIIC) has filed a comment requesting that the project be further west of its Elk Run property, purchased, as stated in the comment, “specifically to provide a refuge for tribal members wishing to live apart from this major infrastructure project...”² to avoid environmental and cultural impacts. As above, the Scoping Decision should have a clear requirement of examination of impacts, deleting the “to the extent information is available for need-stage review,” and insert a directive to consult meaningfully with PIIC as a sovereign

¹ Online at [20219-177943-05](#) plus additional Exhibits in PUC docket WS-19-619.

² Comment [20265-232074-01](#) filed on eDockets May 20, 2026.

nation to obtain the information and conduct sufficient analysis of impacts and alternatives. The same goes for consultation with the Hutterite community – insert a directive to consult with the Hutterite community to obtain the information, and due to technology based potential communication issues, to actively consult and solicit information.

The importance of visual impacts is acknowledged by the Commission’s Order of April 21, 2026, that Applicants produce visual depictions in various specified areas. Applicants have already missed the deadline and have stated that they intend to produce these depictions by the end of July, 2026. See Scoping Decision, p. 8, that does not incorporate these requests for production. The Scoping Decision should specifically reference the Commission’s April Order, requiring that production in a timely manner for analysis in the ER.

This section of the scoping decision notes that cost issues were raised, issues which are the core of a Certificate of Need analysis:

Costs, benefits, and fairness, including project costs, cost allocation, the distribution of project benefits, whether local communities would bear disproportionate impacts, and whether the project would provide identifiable local reliability or other benefits.

Costs, socioeconomic issues, are not sufficiently moved forward into the “Matters To Be Addressed” in the Scoping Decision.

Similarly, Alternatives Identified are indeed identified, but are not sufficiently weighed and are improperly constrained in the “Matters To Be Addressed” in the Scoping Decision.

Comments Related to Process or Merits are also improperly dismissed with tunnel vision avoiding the impacts and alternatives. For example, the impact of MISO planning and MISO influence is a matter of “the effects of the proposed facility, or a suitable modification thereof, in inducing future development...” Minn. R. 7849.1200. The criteria of “inducing future development,” is tucked into a Public Utilities Commission docket without regard to local

planning and state economic development plans vis a vis MISO's MTEP marketing and "transmission expansion" agenda may well have a negative socioeconomic impact on Minnesota and may not be in the public interest. See also Minn. Stat. §216B.243, Subd. 3(4) (promotional activities that may have given rise to the demand for this facility). The socioeconomic aspects of this project are a legitimate subject for the Environmental Report.

Comments regarding use of co-location or existing-right-of-way were deemed relevant and that they "may inform... discussion in the ER."

IV. MATTERS TO BE ADDRESSED

The "Matters to be addressed" section is more descriptive and thorough than in Scoping Decisions in prior dockets, a change that's good to see. That said, there are some questionable statements and missing matters to be addressed.

In the introductory paragraph, there's the statement "as relevant to the Commission's certificate of need decision." Scoping Decision, p. 5. Another troubling statement is that "The ER will evaluate... to the extent sufficient information is available for certificate of need review." Id., p. 6. In some minds, unfortunately, the whole notion of environmental review may be irrelevant to the Certificate of Need decision. A better statement would refer to assurance of obtaining "sufficient information" and compliance with the Minnesota Environmental Policy Act and Certificate of Need rules for environmental review.

a. General Description of the Project

Again, the Scoping Decision refers to "Applicants' stated need," which Applicants agree has not been proven. It's encouraging to see that "how the project would fit into the regional transmission system" will be considered, and this should also include Minnesota – how will it fit into Minnesota's electrical system and environment, what does it do for Minnesota, weighed

against the impacts. It is also encouraging to see that the Commission will address “the extent to which data centers or other large loads are part of the Applicants’ stated need.” Applicants repeatedly state that data centers, and specifically the Pine Island data center, is not related to PowerOn Midwest. However, on Monday, June 15, 2026, the Commission held a meeting for a short double circuit transmission line for the Pine Island data center, from the “North Rochester” substation across Hwy. 52 to the Phase 1 site of Google’s Echo Zone data center. This Google project is directly connected to the proposed 765kV PowerOn Midwest substation with a 345kV line. In addition to CapX 2020’s Brookings-Hampton and Hampton-La Crosse lines meeting at that North Rochester substation, what’s also connected is:

- Data Center Phase 2 & necessary transmission
- Pleasant Valley-N Roch-Hampton MISO LRPT #25 (PUC Docket CN-25-117)
- Pleasant Valley-N Roch MISO LRPT #24 (PUC Docket CN-25-117)
- Gopher to Badger 765kV Xmsn, (PUC Docket CN-25-121)
- Mankato-Mississippi 345kV Xmsn (PUC Dockets CN-22-532 & TL-23-157)
- Xcel Energy ESA to power Google Echo Zone (PUC Docket M-26-135)
- Lyon Co. to Hampton (PUC Docket CN-23-200 and TL-08-1484 adding capacity in southern Minnesota)

This web of transmission in the area must be disclosed in the ER and impacts studied. It’s also hard to imagine that all of these dockets before the Commission focused on this area are not connected to the data center when they are geographically and electrically connected. The phrase “otherwise relevant to the Commission’s certificate of need decision” should not limit holistic Commission consideration of these projects. PowerOn Midwest does not exist in a vacuum.

This is a Certificate of Need docket, and demonstrating need is the point of this exercise at the PUC. Need issues are mentioned, “[a]pplicants’ stated need, MISO planning assumptions, forecasted demand, or **otherwise relevant to the Commission’s certificate of need decision**” (emphasis added). In a need decision such as this, which is totally reliant on MISO’s claim of

need.

Project benefits, total cost, cost allocation, and project schedule are crucial, and both benefits and cost should not only be “total” for MISO, all of MISO LRPT 22, 23, 24, 25 (excluding 26), but also should address only Minnesota specifically and not include sections of South Dakota, Iowa, or Wisconsin. Where discrete parts of the project extend to other states, i.e., MISO 22 and 23, or incorporate other projects AND states, such as MISO 26 North Rochester to Columbia, WI, a/k/a Gopher to Badger Link, PUC Docket CN-25-121, the benefits and costs for ONLY Minnesota should be disclosed LRPT project by LRPT project, and socioeconomic impacts evaluated.

b. Regulatory Framework

If permits are necessary from other jurisdictions and coordination is required, the range of specific permit conditions that may be addressed in a later route permit should be disclosed.

c. Alternatives to the Project

As above, another troubling statement is that “The ER will evaluate... to the extent sufficient information is available for certificate of need review.” Id., p. 6. Again, in some minds, the whole notion of environmental review may be irrelevant to the Certificate of Need decision. What is the basis for a determination of relevancy? A better statement would refer to assurance of obtaining “sufficient information” and compliance with the Certificate of Need and Minnesota Environmental Policy Act laws and rules for environmental review.

The Applicants object to evaluation of “transmission alternatives including partial-build or delayed-build alternatives for the Pleasant Valley-to-North Rochester 765kV segment.” Dale Thomforde objects to this objection -- particularly targeted at the alternatives proposed that he

has proposed.³ Applicant's primary objection is that it does not utilize "endpoints," which is not defined. He begins his objection with a concise observation: "The applicants appear to interpret every substation as an endpoint." Another similar situation is MISO's LRPT25, Pleasant Valley-North Rochester-Hampton Corner, a 345 kV line with three substations. What are the "endpoints" for this line? This is applicable to North Rochester, or the Pleasant Valley, or in MISO 26, even Marion on the east side of Hwy. 52 is neither North Rochester or Columbia.

Despite different MISO LRPT numbers, LRPT 24, a 765kV line from Lakefield Junction-Pleasant Valley-North Rochester, and LRPT 25, a 345kV line from Pleasant Valley-North Rochester-Hampton Corner, they run together from Pleasant Valley-North Rochester. Duplication is likely waste of resources, and No-Build should also be considered for this redundant Pleasant Valley to North Rochester.

Thomforde's alternatives are a connector between Pleasant Valley substation and the Adams substation, eliminating the 96 miles of transmission between Pleasant Vally and North Rochester and significantly lowering cost and line loss. The other alternative is "No Build" for Segment 1 and a "Partial Build" of segment 2. Both eliminate the north/south jog from Pleasant Valley to North Rochester and from North Rochester to Pleasant Valley, with different timing.

Mr. Thomforde estimates this would save 96 miles of transmission and that "potential savings could exceed \$1,000 million."⁴ Thomforde notes that the explanations for the north/south jog to North Rochester make sense.

It has not been shown how routing the backbone of the 765kV transmission line through the new North Rochester Substation [adjacent to the existing North Rochester substation] will have a significant impact on reducing overloading. MISO claims the 765kV Substation at North Rochester is needed to supply power

³ Mr. Thomforde is a township official and a resident in the PowerOn Midwest study area, on the west side of Highway 52, south of the North Rochester substation. He is not a member of either North Route Group or NO765MN, but we support his alternatives as proposed.

⁴ Thomforde Objection to Scoping Decision, p. 2.

to the Twin Cities (citation omitted). Either the Certificate of Need is incomplete, or MISO is not being transparent and future plans have not been disclosed.

Id. Considering the lengthy MISO planning process, these projects have been known for some time, and future plans are already moving forward. These are phased and connected actions going forward and must not be ignored.

There could well be a third option. Where MISO is making the determination of “need,” calling the shots for both the applicants, who base their entire need claim for both CN-25-117 and CN-25-121 on MISO’s “requirements and specifications,” MISO is the essentially applicant. Transparency is indeed necessary. What is the socioeconomic cost of MISO’s regulatory capture to Minnesota and Minnesotans?

In an Objection, Trevor Scrabeck raises the distinction between the substantive need evaluation and environmental review in support of Commission evaluation of the “No Build” option in the Environmental Report:

Minn. Stat. 216B.243 subd. 3 states: “In assessing need, the commission shall evaluate: ” It goes on to say that “the commission must not require evaluation of alternative endpoints.” As indicated by the title of Minn. Stat. 216B.243 CERTIFICATE OF NEED FOR LARGE ENERGY FACILITY, it is apparent that it is intended as a guideline for determining “need” and not the scope of an Environmental Report. The “No Build Pleasant Valley to North Rochester 765kV Option” has a lot of support from both local governments and residents and offers the greatest amount of relief for the greatest number of people and certainly deserves to be included in the Environmental Report.⁵

The analysis of some alternatives proposed are beyond the expertise of the Commission. The Commission “will evaluate the following alternatives, to the extent sufficient information is available for certificate of need review.” Scoping Decision, p. 6 of 10. Alternatives will only be evaluated in a Certificate of Need proceeding, and it is on the Commission to make best efforts to address these reasonable and prudent alternatives,

⁵ Scrabeck, eFiled 6/17/2026 [20266-233023-01](#).

including retaining expert consultants able to perform a solid valuation.

Alternatives to the project as proposed by MISO in its Transmission Expansion Plan are necessary because the interests of MISO and Minnesota and the public and the ratepayers are likely to diverge. A serious evaluation of alternatives is particularly necessary for direct current and direct current underground,⁶ because costs have declined, projects have been applied for and permitted. The public and legislative pressure for shared right-of-way corridor and direct current underground is rising. Underground direct current addresses environmental concerns of noise, property values, viewshed, right-of-way expansion, line loss, eminent domain, electric and magnetic fields, and most if not all public opposition. All could be solved by using direct current.

Alternatives such as overhead direct current, underground direct current, and underground direct current along existing highway and railroad rights-of-way have been raised in scoping comments. The environmental review and substantive record must be sufficiently developed to support a decision, and that is true even for a Commission decision not to pursue an alternative⁷. Consideration of alternatives requires that they be reasonable, feasible, and the record must have sufficient information to make that determination. In areas where the Commission's expertise is limited, the Commission needs assistance.

The Scoping Decision should be amended:

If relevant information cannot be obtained within timelines prescribed by statute and rule, the cost of obtaining such information is excessive, environmental review staff shall request funding to cover the cost of consultants to fairly evaluate the alternatives proposed and a time extension if necessary. ~~¶~~If the means to obtain it is unknown, the ER will include a statement that such information is incomplete or unavailable and will explain the relevance of the information in evaluating potential

⁶ See Comments of Kyle Johnson in this docket, [20262-228467-01](#), and in CN-25-121, incorporated here in eDocket CN-25-117: [20262-228473-01](#).

⁷ While the record must be well-developed to support a decision to utilize an alternative, that is for the substantive part of the Certificate of Need proceeding, not environmental review – there is no expectation that the record regarding an alternative be fully developed in scoping, at this early juncture. The record is sufficiently developed to provide direction on reasonable and prudent alternatives.

impacts or alternatives.

V. **Affected Environment, Potential Impacts, Mitigative Measures**

The introduction in this sections contains a troubling statement that would unreasonably limit analysis:

If relevant information cannot be obtained within timelines prescribed by statute and rule, the cost of obtaining such information is excessive, or the means to obtain it is unknown, the ER will include a statement that such information is incomplete or unavailable and will explain the relevance of the information in evaluating potential impacts or alternatives.

Excessive cost? The weight of the cost of expert consultants in this transmission docket should be similar to that of the Electric Service Agreement (ESA) dockets for the Hermantown and Pine Island data centers, PUC Dockets M-26-159 and M-26-170 respectively and the precedent set therein. Where the Commission does not have the expertise to evaluate a project, consultants are a necessary cost, and applicants (and ratepayers) can be assessed.

This project, and the connected Gopher to Badger PUC Docket CN-25-121, are the first ever 765kV transmission lines in Minnesota, and alternatives proposed are also first of a kind, yet alternatives which have been applied for and permitted in other jurisdictions, such as the Soo Green underground DC project in railroad right-of-way. Fact-finding and analysis of such alternatives requires expertise not within the Commission, now responsible for environmental review. In a similar situation where outside expertise was needed, Commerce-DER recently requested \$250,000 for consultants to review the ESAs, because:

The novelty and interest in these projects underscore the importance of developing a robust process for evaluating the grid integration costs and revenues of large data center loads and ensuring equitable allocation of those costs.

Analysis of these cases requires specialized expertise that the Department does not possess.

Funding Request, April 14, 2026, Commerce-DER (PUC ID #[20264-230402-01](#)). Such a

situation exists in these two 765kV dockets, and the Commission should sign off on funding to evaluate as it did on May 26, 2026 in those dockets:

Authorized the Minnesota Department of Commerce's request to incur \$250,000 in costs for specialized technical services under Minn. Stat. §216B.62 subd. 8.

This authorization and the acknowledgement of need for review by those with expertise is particularly important in light of the shift of burden of production demonstrating the feasibility and reasonableness of alternatives from the applicants to intervenors and the Commission. This is also particularly important when the legislature, likely at the behest of the Commission, instituted Intervenor Compensation⁸ for multiple types of Commission dockets but notable NOT for Certificate of Need and Routing dockets, the very dockets where unfunded intervenors struggle to participate effectively without resources. It is up to the Commission to utilize its resources to comply with the requirements of the Minnesota Environmental Policy Act and to reasonably and fairly evaluate alternatives.

The Scoping Decision should be amended:

If relevant information cannot be obtained within timelines prescribed by statute and rule, the cost of obtaining such information is excessive, environmental review staff shall request funding to cover the cost of consultants to fairly evaluate the alternatives proposed and a time extension if necessary. ~~¶~~If the means to obtain it is unknown, the ER will include a statement that such information is incomplete or unavailable and will explain the relevance of the information in evaluating potential impacts or alternatives.

a. Human Settlement

Potential impacts of residences shall be considered in light of PEER, the ruling case of environmental review in Minnesota. PEER requires a balancing of environmental v. residences

⁸ See Power Plant Siting Act Annual Hearing Reports for decades of requests for Intervenor Compensation in routing and siting proceedings. [Annual PPSA Hearing, or is it EIP? legalelectric.org/weblog/30763/](http://legalelectric.org/weblog/30763/)

where residences are non-compensable. If residences are deemed non-compensable, the ER shall provide rationale and support:

(3) The balancing process mandated by the PPSA should only be utilized after more than one form of noncompensable intrusion has been identified.

(a) There is no evidence that the taking of some homes will create noncompensable loss within the meaning of “human impact” intended by the legislature. Nothing in the record before us supports the conclusion that the structures that will be condemned if Route 3 is utilized have unique characteristics which would make it difficult or impossible to assess adequately the damages to be paid for their taking. In the event of condemnation, there is no evidence that the homeowners could not acquire other equivalent accommodations.

People for Environmental Enlightenment and Responsibility, 266 N.W.2d 858, Minn., 1978.

Environmental review is more than a numbers game counting houses. The ER must make the distinction in counting homes, of those compensable and non-compensable, and weigh accordingly in a comparison of impacts.

Noise is listed in this section, and is more appropriately part of the “Public Health and Safety” section. See comments of Dr. W. Ben Johnson,⁹ noting that noise is a health hazard going back decades, and must be viewed as not only producing "annoyance" or potential hearing loss but as an extreme noise stressor. In addition to direct health impacts there is an increasing objective community-level economic and "social" burden, and also accelerated aging and resultant shortening of life duration and quality of life – all being measures of "health." Id. See Public Health and Safety.

Noise is clearly an issue in this docket for the Environmental Report, and though the word “noise” is in the Scoping decision, no specifics are provided, and should be. Noise has been proven to be a legitimate issue – it’s hard for the Commission to ignore the two noise settlements in the Bent Tree Wind Project, where two families were living near wind turbines that were

⁹ Comments of W. Ben Johnson, M.D., PUC eDockets [20262-228677-01](#), [20263-228808-01](#), [20265-232059-01](#), [20265-232062-01](#),

violating noise standards, as demonstrated and replicated by Commerce noise studies. These families were bought out and had to move from their homes.¹⁰ The ER should include noise studies modeled using the appropriate 0.0 ground factor for an elevated source, where there is nothing between the source and the receptor.¹¹ There is information about noise, but the ER should have more depth

The Scoping Decision should be amended:

Potential noise... and landscape setting. ER will include noise studies modeled using the appropriate 0.0 ground factor for an elevated source, where there is nothing between the source and the receptor, and noise levels will be shown in chart and map form showing 5 dB gradations in noise from 40 dB and above.

Potential impacts on aviation/private airstrips is stated in the Scoping Decision, but it should require mapping of all airstrips within 10 miles of the proposed transmission project. The private airstrips are particularly important in this area due to the extent of aerial spraying.

b. Land-based Economies, Landowner, and Representative Landscape Impacts

The Commission has ordered provision of some information on impacts on agriculture by Applicants, which will need to be substantiated in the ER and likely replicated.

Impacts on agricultural operations, “recreation, managed lands, forestry, mining and local or regional economic activity should be broadened to specifically include areas under DNR Woodland Stewardship Plan land, tree farms, flower farms and other specialty agriculture enterprises. The Department of Agriculture should also be solicited for relevant information.

In considering “future land-use restrictions,” the ER should at least link to county and township land use plans. Many in southern Minnesota have specifically restricted dividing parcels, building permits for residential, in specific and planned effort to support agriculture and

¹⁰ Hagen noise settlement online: https://legalelectric.org/f/2018/05/FILED_BentTreeWPLSettlementAgr-Hagen.pdf
Langrud noise settlement online: https://legalelectric.org/f/2018/05/FILED_BentTreeWPLSettlementAgr-Langrud.pdf

¹¹ The Commission/Commerce has been using ground factors too high for modeling, ones that understate the noise.

rural life.

In addressing “decommissioning plan,” the ER should clearly state that a complete decommissioning plan, not “concepts of a plan,” will be incorporated into any permit.

Impacts on recreation should include local, county, state, and federal parks, forests, and historical sites. State water trails and associated campgrounds are sometimes missed in environmental review. “Planned uses” are not a factor to be considered, as “planned” is speculative and vague – existing uses should be the focus, with the PEER compensable v. non-compensable distinction in mind.

Adding “new facilities parallel and adjacent to existing transmission” is vague, and where “new facilities” is this transmission line, siting parallel and adjacent to existing transmission is a criteria to be used for siting transmission – existing corridors are preferred.

Landscape impacts are real and should be modeled, as requested by the Commission. As above, the visual impact must be considered, and, for example, compared with impact of wind turbines near the Jeffers Petroglyphs. In the relatively flat landscape of southwest and southern Minnesota, the 765kV lattice towers will be visible for miles and miles.

While the state has jurisdiction over transmission lines, local land-use schemes that foster “land-based economies” must be considered. For example, considering community development and rural residential character, some counties purposely limit residences per acre to preserve rural character and agricultural uses, and Commission practice of attempting to avoid homes, without regard to whether compensable or non-compensable, puts these ag-preservation communities at an unreasonable disadvantage in transmission routing, begging the question of quantification of the literal and socioeconomic cost of overriding the local land-use scheme.

“Representative Landscape Impacts” is more accurately addressed in the “Natural

Environment” section below.

Inclusion of “available viewshed examples or visual information designs for lattice structures, tubular steel monopoles, H-frame structures, and other relevant designs where useful for the certificate-of-need decision” is too selective and subjective, using “available” and “relevant.” The Commission requested the information, see Order, and the Commission should give best efforts to gathering this information. Review should be purposefully inclusive and utilize examples filed as comments and other resources.

Impacts of “future land-use restrictions” should be stricken from the Scope. Potential and future land-use is not a criteria subject to avoidance or mitigation. One can imagine anything, such as a private airfield, housing development, but these do not exist and in fact might be imagined as means to thwart the project.

In addressing avoidance and mitigation criteria, the Commission must be mindful of the distinction between state and local jurisdictions and sovereign nation status and must include a discussion of this distinction and impact on state process and proceedings and avoidance and mitigation criteria. The Prairie Island Indian Community has filed a comment in this docket and the Commission should conduct active consultation as required.

“Potential effects of structure placement and line configuration on agricultural field layout and specialized field practices, including diagonal crossings, contour farming, field fragmentation, aerial application, manure-dragline use” are obvious examples of failure to utilize existing corridor, and which is contrary to the most fundamental routing practices, i.e.

AVOIDANCE of all of the above. This is not a routing docket, but these listed factors should not be included in even a general discussion, unless that avoidance is the policy statement.

c. Natural Environment

Unfortunately, Minnesota has gone backward in its environmental review. At the time of the PEER decision, there were specific areas where transmission must not be routed and the importance of consideration of feasible and prudent alternatives -- the transmission line exclusion criteria was very specific:

(2) Transmission Line Avoidance Areas. In addition to exclusion areas, the following land use areas shall not be approved for HVTL routes when feasible and prudent alternatives with lesser adverse human and environmental effects exist. Economic considerations alone shall not justify approval of avoidance areas. Any approval of such areas shall include all possible planning to minimize harm to these areas. HVTL avoidance areas are: national parks; national historic sites and districts and natural landmarks; national monuments; national wildlife refuge areas; national wild, scenic, and recreational riverways; state wild, scenic, and recreational rivers and their land use districts; state parks; state registered historic sites; state historic districts; Nature Conservancy preserves; state scientific and natural areas; county parks; metropolitan parks; designated state and federal recreational trails; designated state canoe and boating routes; and any other area designated a transmission line avoidance area by the Council.

People for Environmental Enlightenment and Responsibility, 266 N.W.2d 858, 869, Minn., 1978. (emphasis added). The ER should take these factors into consideration. Incorporating use of “MISO endpoints” into Certificate of Need law, and Applicant’s use of MISO plan, a “study area,” and proposed routes removes important environmental factors from consideration, and applicants avoid consideration of “avoidance areas.” The ER must address, and the Commission must carefully consider, the reasonable and prudent system alternatives and balance with the Applicants framing of the project using MISO plan rather than Minnesota criteria.

d. Cultural, Historical, and Tribal Resources

In the Scoping Decision, the plan is to address “potential effects” “to the extent information is available for need-stage review for both Prairie Island Indian Community and the Mower County Hutterite Community.” Rather than utilize that “availability” opt-out, the

Commission, in the Scoping Decision, should commit to consultation and giving best efforts to assemble information sufficient to analyze potential effects.

The Scoping Decision limits review related to Prairie Island Indian Community's Elk Run property "to the extent information is available for need stage review." This is contrary to the state's consultation requirements – seek out information. PIIC filed a Comment on May 20, 2026.¹² However, the map is confusing in light of comments.

PIIC's concerns focus on 31 miles of 345/765kV from Pleasant Valley Substation to North Rochester Substation, which is both LRPG 24 and LRPT 25. The Community has requested that the line be built further to the west¹³ and requested additional opportunities for necessary discussion and input, consultation. PIIC has raised issues of undue community burden and past injustices, and Tribal Natural Resources, explaining that the Elk Run purchase was "[s]pecifically to provide a refuge for tribal members..." and that the "proposed route will undermine the purpose of its acquisition of Elk Run by perpetuating undue infrastructure burdens without corresponding benefit, on a historically disadvantaged Tribal Community." This situation requires thorough environmental justice review. The Commission should also be mindful of the setbacks required for the protection of the viewshed, cultural integrity, and historic character of the Jeffers Petroglyph site and use these setbacks as an example.

PIIC has requested that the impacts can be avoided or minimized "by prioritizing a route that is further west of Elk Run and not directly adjacent..."¹⁴ and that "Alternate routes should be fully reviewed during the environmental assessment..." This Certificate of Need docket is the only venue for evaluation of system alternatives, several of which may address these concerns,

¹² Prairie [20265-232074-01](#)

¹³ PIIC Comment, p. 2, 3.

¹⁴ Id.

such as the “No Build” alternative, the “No Build Segment 1 and Partial Build Segment 2,” the Thomforde 17 mile connector link between Pleasant Valley Substation and the Adams Substation that eliminates the connection from Pleasant Valley and North Rochester, and the underground direct current system alternative.

The Commission must engage in rigorous consultation with PIIC mindful of the environmental justice component of a community so long burdened with nuclear generation, nuclear waste, and even lattice transmission towers directly across the street from the Community’s Administration Building. Cultural, historical, and tribal resources are at issue.

In a similar vein, the Scoping Decision limits review related to Mower County Hutterite community “to the extent information is available for need stage review.” As above, the Commission should do more, and work to engage not just Hutterites but Amish and Mennonite communities as well. The Commission should actively seek out information.

e. Public Health and Safety

A primary purpose of government is protection of public health and safety, of which there are obvious and discrete components.

Noise must be evaluated in the context of “Public Health and Safety” because of the dangers it poses. Categorization of issues/impacts raised can be problematic because it affects the analysis. For example, noise was raised as a health and safety concern, but in the Scoping Decision, it’s found in “Human Settlement.” It should remain in the “Public Health and Safety” category. Why? Because public health and safety is at issue, well documented by peer-review studies going back decades showing that noise is a health hazard. A summary of Dr. Johnson’s comments filed in this docket and Gopher to Badger Link, PUC Docket CN-25-121:

Noise must be viewed as not only producing "annoyance" or potential hearing loss as was addressed in the 1974 EPA framework; in the case of the extreme

noise stressor, in this case 765kV transmissions lines, with dramatically increased acoustical noise energy shedding, one must include the non-habituating consequences of continuous “autonomic activation.” Such “threat exposures” CANNOT be “electively” ignored or compartmentalized. The noise produced – particularly the far-ranging, low-frequency 120Hz continuous tonal “pounding” and the highly-impulsive corona discharge plausibly produces consequential biological impacts. Many countries in Europe have recognized this threat and now bury their EHV voltage lines.

Modern science recognizes noise like the 765 kV noise emissions as producing a real, physical mechanical pressure” directly on the biological cellular, as well as, the experienced noise, when assessed for dBZ noise content and for its unique character, activating systemic inflammation becoming a continuous “fueling” source of chronic inflammatory disease.

Cytokine production from 765kV transmission has been seen in primates. The World Health Organization's 2018 Environmental Noise Guidelines updated with the European Environment Agency in 2025 show substantial and serious cardiovascular consequences at an increased rate, reporting an 8% increase in ischemic heart disease, 5% increase in CV mortality and heart failure per 10 dB increase in road traffic noise. While there is no such 765kV-specific data, because it has never been collected, general scientific consensus is that the continuous, continuous and worse during nighttime, sleep, of the 120Hz tonal/corona discharge is objectively worse than road traffic noise.

In addition to health impacts, not only are there an expected significant increases in cardiovascular consequences due to triggered/sustained chronic systemic inflammation, but that such imposed “allostatic burden” will likely produce substantial cost-shifting to affected residents for necessary healthcare, increasing objective community-level economic and “social” burden, and also accelerated aging and resultant shortening of life duration and quality of life – all being measures of “health.”

The ER should also consider the work of Dr. Martin Blank, who studied the increased stress levels experienced due to exposure to EMF¹⁵.

Health impacts are documented and also have costs that can be quantified, and which should be in the ER and noted in the section on socioeconomic impacts.

While the application repeatedly states that MISO “requires” the project to have a 3,000

¹⁵ See e.g., testimony of Dr. Martin Blank from the Susquehanna-Roseland transmission docket in New Jersey. <https://legalelectric.org/f/2009/07/testimony-of-dr-martin-blank.pdf>

amp capability, the magnetic field chart shows 2,264, and should at least add a 3,000 amp row to table 8.6-2, p. 196:

Table 8.6-2 Magnetic Field Calculation Summary for the Project (mG) ^a												
Transmission Line Voltage	Current (Amps)	Distance to Proposed Centerline (feet)										
		-125	-100	-75	-50	-25	0	25	50	75	100	125
765 kV	2,264	75.7	108.6	155.8	203.9	225.3	225.0	225.3	203.9	155.8	108.6	75.7
345 kV ^b	1,850	-	-	45	90	161	237	167	95	45	-	-

^a Both transmission line voltages were analyzed using a system condition of highest loading – system intact.
^b The right-of-way for the 345 kV transmission line is 150 feet, so greater distances were not included in the analysis.

Even with the grossly understated amperage in the application chart, 2,264 amps compared to the “MISO requirement” of 3,000 amps, the magnetic field at the edge of the right of way conflicts with the recommendation NIEHS’ EMF Rapid Report.¹⁶

Public safety is utilized by MISO and utilities to avoid scrutiny when they overstate and overuse Critical Energy Infrastructure Information and “sensitive security details.” Scoping Decision, p. 9. Histrionics and misuse of CEII declarations serves to prevent the public from participating in MISO and Commission meetings. Use of CEII, Confidential, and Trade Secret should be judiciously exercised.

f. Existing Infrastructure, Highway Right-of-Way, and Co-location Considerations

A statutory change requires that the Department of Transportation coordinate with Applicants regarding co-location in DOT right of way. The ER should include information regarding coordination with the DOT by Applicants as required by legislation, also with the

¹⁶ [NIEHS’s EMF Rapid Report \(1999\)](https://webharvest.gov/peth04/20041030122311/http://www.niehs.nih.gov/emfrapid/html/EMF_DIR_RPT/NIEHS_Report.pdf) (passive regulatory action is warranted such as a continued emphasis on educating both the public and the regulated community on means aimed at reducing exposures. p. 10), NIEHS suggests that the power industry continue its current practice of siting power lines to reduce exposures and continue to explore ways to reduce the creation of magnetic fields around transmission and distribution lines without creating new hazards. p. 38)
https://webharvest.gov/peth04/20041030122311/http://www.niehs.nih.gov/emfrapid/html/EMF_DIR_RPT/NIEHS_Report.pdf

Commission, and should include additional colocation opportunities not yet addressed.

The ER should also include information regarding colocation along railroad easements, as with the Soo Green DC transmission line, as noted in scoping comments of Kyle Johnson and others.¹⁷ The Soo Green underground direct current transmission project was proposed with an alternate route in southeast Minnesota, also along a CP Rail route. The ER should include a map of all rail lines in Minnesota, with emphasis on CP Rail because of their willingness to work with Soo Green in siting transmission, and this system alternative be seriously studied. Routing a DC line underground along a rail corridor would remove most objections.

The DOT has records of its coordination with the Applicants which have been obtained through a Data Practices Request and which will be forwarded to the Commission.

g. Cumulative Impacts and Phased or Connected Actions

There are many cumulative impacts and phased or connected actions that are not disclosed in the application. This area of the North Rochester substation and expansions may be the most intense cluster of transmission in the state. The cumulative impacts of so many transmission projects, phased and connected actions, demand review in this Environmental Report.

As above, Applicants repeatedly state that data centers, and specifically the Pine Island data center, are not related to PowerOn Midwest. The PowerOn Midwest 765kV substation will have a short 345kV transmission line connector to the North Rochester 345kV substation, and from there, the short transmission line for the Pine Island data center which hops across Hwy. 52 to the Phase I site of Google's Echo Zone data center. This PowerOn Midwest project is electrically and physically connected to the proposed data center via the North Rochester

¹⁷¹⁷ See Comments of Kyle Johnson in this docket, [20262-228467-01](#), and in CN-25-121, incorporated here in eDocket CN-25-117: [20262-228473-01](#).

substation with a new 345kV line.

In addition to CapX 2020's Brookings-Hampton and Hampton-La Crosse lines meeting at that North Rochester substation, what's also connected is:

- Data Center Phase 2 & transmission for that
- Pleasant Valley-N Roch-Hampton MISO LRPT #25 (PUC Docket CN-24-117)
- Pleasant Valley-N Roch MISO LRPT #24 (PUC Docket CN-25-117)
- Gopher to Badger 765kV Xmsn, (PUC Docket CN-25-121)
- Mankato-Mississippi 345kV Xmsn (PUC Dockets CN-22-532 & TL-23-157)
- Xcel Energy ESA to power Google Echo Zone (PUC Docket M-26-170)

All of these projects are phased and connected actions with cumulative impacts. It's hard to imagine, it's not credible, that these many projects in the same area, utilizing the same substations, are not connected to the data center. The phrase "otherwise relevant to the Commission's certificate of need decision" should not limit holistic Commission consideration of these connected projects. PowerOn Midwest does not exist in a vacuum.

VI. Issues outside of the scope of the ER

In setting out the issues outside the scope, it's important not to overuse and under-report information about alternatives.

The Scoping Decision declares "final engineering details" outside the scope – first, there probably are not "final" engineering details at this stage, but it is also difficult to address "size, type, timing, system configuration, voltage, feasibility, availability, or broad human and environmental impacts at the certificate of need stage" without a high level of detail, sufficient to support the ER as credible. Details are necessary for adequate environmental review,

The scoping decision states that it will not address "Alternatives with different endpoints than those identified for the proposed project." Scoping Decision p. 10. This is problematic where the MISO projects 22, 23, 24, and 25 are lumped together and applied for in one jumble, and the MISO endpoints are different than those of the Applicants, This issue also appears on the Gopher-Badger Link, CN-25-121, where the MISO 2 project is "North Rochester-Columbia"

without the Marion stop along the way. Whose endpoints are controlling? Relying on MISO as the applicants do, knowing that MISO did all the planning, cost estimates, cost/benefit analysis, reliability studies, to establish Tranche 2.1, sufficient for the applicants to cut and paste for their Certificate of Need applications, including establishing the end points for each of the projects, there's no basis for endpoints other than those established by MISO. If other endpoints are used by the applicant, declaring middle points "endpoints," that opens the door to any endpoint.

"Environmental impacts uniquely associated with other future infrastructure projects not proposed in this application, except at a general level..." "Cumulative impacts and phased and connected actions," particularly those directly connected electrically to this project and those enabled by this project and its connections are relevant and are expected to have significant impacts. The Applicants and MISO have a long timeline for their planning, and future plans have not been disclosed. For this project specifically, the Pine Island Echo Zone Google Center is a current known project, connected to this 765 kV project, LRPT 24 and LRPT 25, and both transmission lines contribute to the electricity at the North Rochester, where the exiting 345kV transmission line necessary to power the data center begins. Impacts of all these projects MUST be evaluated. The Scoping Decision should expressly state that cumulative impacts and phased or connected actions includes the 765 kV, 345kV parts of this project; the "Skyway" transmission project (TL-26-135); the Xcel ESA powering the Google Echo Zone data center, and the Echo Zone data center Phase I and Phase 2, and that the expected impacts will be addressed in detail.

As above, the ER must consider that underground direct current eliminates most environmental concerns, from noise, discharge, viewshed, right-of-way expansion, eminent domain, property values, electric and magnetic fields, line loss, and thereby eliminating most, if not all, public opposition. There would be much less controversy because contentious issues could be solved by use of direct current. Like the Soo Green line, use of direct current enables

the energy transition as an inherently cleaner, less impactful means of moving electricity cross country.

North Route Group and NO765MN expect the Commission to be cautious about the procedural and substantive precedent it establishes in the environmental review for this Certificate of Need docket. This is uncharted territory, both in procedure and the magnitude of this transmission. If there is an agreement forthcoming on how transmission projects will be reviewed, how Minn. Stat. ch. 216I will be implemented, it should be transparent, revealed to the general public, notice provided, and open for comment.

At this time, the North Route Group and NO765MN request that this Scoping Decision be taken up by the full Public Utilities Commission as provided by Minn. Stat. §216A.03, Subd. 8(b). North Route Group and NO765MN also request referral to the full Commission for substantive review of the Scoping Decision as provided by Minn. R. 7849.1411¹⁸.

Thank you for the opportunity to file this Objection to the Scoping Decision for the Environmental Report in the PowerOn Midwest transmission line docket. North Route Group and NO765MN look forward to scrutinizing the ultimate Environmental Report.



Dated: June 19, 2026

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¹⁸ This request for substantive Commission review of the Scoping Decision acknowledges the need for updating of the rule post legislative changes of 2024 to reflect the shift of environmental review from Commerce to the Commission, and that the Commission recently determined that rulemaking was not necessary. “Commissioner” as used in the rule is presumed to now mean “Commission.”