

Staff Briefing Papers

Meeting Date: September 17, 2026

Agenda Item: **5

Company: Great River Energy, ITC Midwest LLC, and Northern States Power Company dba Xcel Energy

Docket: E002, ET2, ET6675/CN-25-117

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

Issues: Should the Commission reconsider its July 15, 2026 Order Clarifying Environmental Report Scope?

Staff: Scott Ek scott.ek@state.mn.us 651-539-1070

✓ Relevant Documents

Date

Great River Energy, ITC Midwest LLC, and Xcel Energy's (collectively, the Applicants) Request for Clarification and/or Objection to June 9, 2026, Order and Scoping Decision

06/16/2026

North Route Group and NO765MN Objection to Scoping Decision

06/22/2026

EIP Staff Briefing Papers for July 9, 2026 Agenda

07/01/2026

Order Clarifying Environmental Report Scope

07/15/2026

North Route Group and NO765MN Motion for Reconsideration

08/03/2026

The attached materials are work papers of the Commission Staff. They are intended for use by the Public Utilities Commission and are based upon information already in the record unless noted otherwise.

To request this document in another format such as large print or audio, call 651-296-0406 (voice). Persons with a hearing or speech impairment may call using their preferred Telecommunications Relay Service or email consumer.puc@state.mn.us for assistance.

Applicants' Response to Motion for Reconsideration

08/13/2026

I. ISSUE

Should the Commission reconsider its July 15, 2026 Order Clarifying Environmental Report Scope?

II. PROJECT

The PowerOn Midwest Project is proposed by Great River Energy, ITC Midwest LLC, and Xcel Energy (collectively, the Applicants). The project would include approximately 271 miles of new 765-kilovolt (kV) transmission line, a new 345-kV circuit on approximately 31 miles of rebuilt structures, a second 345-kV circuit on approximately 38 miles of existing structures, and related substation upgrades and expansions across southern Minnesota. The project is part of the Midcontinent Independent System Operator, Inc. (MISO) Long Range Transmission Planning Tranche 2.1 portfolio, approved by the MISO Board of Directors in December 2024 as part of the MISO Transmission Expansion Plan 2024 (MTEP24).

The Applicants state that the project is needed to address projected reliability issues, support compliance with national reliability standards, improve regional transmission capability, and provide capacity to serve forecasted residential, commercial, and industrial demand. The Applicants also state that the project would support replacing aging or less cost-effective generation with new generation resources, including carbon-free resources, while maintaining electric system reliability.

III. BACKGROUND

On June 9, 2026, the Commission issued an order approving the Environmental Report (ER) Scoping Decision (Scope) for the PowerOn Midwest Project certificate of need proceeding via the Consent Agenda approval process.

On June 16 and 22, 2026, respectively, the Applicants and North Route Group and NO765MN (NRG/NO765MN) filed objections to portions of the approved Scope. Those objections placed the Scope before the full Commission for a decision. The Applicants requested clarification about the level of review required for partial-build or delayed-build alternatives for the Pleasant Valley-to-North Rochester 765-kV segment. They argued that evaluating an alternative with different project endpoints could conflict with Minn. Stat. § 216B.243, subd. 3(6).

NRG/NO765MN asked the Commission to remove language it argued would limit ER analysis, identify specific projects as phased or connected actions, and revise other portions of the Scope based on its objections to the certificate of need application.

In its July 15, 2026 Order, the Commission granted the Applicants' request for clarification and affirmed the Scope with the following additional language regarding review of partial-build or delayed-build alternatives for the Pleasant Valley-to-North Rochester 765-kV segment:

The Environmental Report may address partial-build or delayed-build alternatives for the Pleasant Valley-to-North Rochester 765-kV segment at a screening level. Inclusion of an alternative in the scoping decision does not mean that detailed analysis is required for every alternative suggested. The Environmental Report must screen out alternatives that would require evaluation of different endpoints inconsistent with Minn. Stat. § 216B.243, subd. 3(6), are otherwise outside the Commission's authority to require, are infeasible, are unsupported by sufficient information, or would not meet the stated need for the project. If Commission staff determines that an alternative should not be carried forward for detailed analysis, the Environmental Report shall briefly explain the basis for that determination.

Additionally, the Commission denied NRG/NO765MN's requests to remove limiting language from the Scope and to identify specific projects as phased or connected actions.

On August 3, 2026, NRG/NO765MN filed a document titled Motion for Reconsideration (Motion).¹ NRG/NO765MN asked the Commission to strike the phrases “are unsupported by sufficient information” and “or would not meet the stated need for the project” from the clarification language in the July 15 Order. NRG/NO765MN argued that the first phrase would impose an unreasonable information requirement at this stage of the proceeding and shift responsibility for developing alternatives from the Applicants to intervenors and the public. It argued that the second phrase improperly assumes that the Applicants have established the need for the Project. It also argued that an alternative not evaluated in the ER would be unavailable for consideration in the contested case.

On August 13, 2026, the Applicants filed a response opposing the Motion. They argued that the Motion raises no new issues or evidence, identifies no error or ambiguity in the July 15 Order,

¹ NRG/NO765MN titled its filing a Motion for Reconsideration. Minn. R. 7829.3000 refers to this type of filing as a petition. This briefing paper uses "Motion" when referring to NRG/NO765MN's filing and "petition" when discussing the rule.

and provides no other reason for reconsideration. They also argued that Minn. R. 7849.1400, subp. 6, supports the challenged screening criteria and that the Order does not prevent parties from developing alternatives for the contested case record.

IV. REGULATORY FRAMEWORK

Under Minn. Stat. § 216B.27 and Minn. R. 7829.3000, the following requirements apply to requests for rehearing or reconsideration:

- A party, or another person aggrieved and directly affected by a Commission decision or order, may file a petition within 20 days after the decision or order is filed. Other parties must file answers within 10 days after service of the petition. Replies are not permitted unless the Commission authorizes them.
- The petition must specifically identify the grounds relied upon or errors claimed. A request to amend an order must identify the requested changes and explain why they should be made.
- The Commission may decide the petition with or without a hearing or oral argument and may vacate or stay the order while the petition is pending. If the Commission grants rehearing and later determines that its original decision was unlawful or unreasonable, it may reverse, change, modify, or suspend that decision.
- A petition not granted within 60 days after filing is deemed denied.
- The Commission will not consider a second petition by the same party or parties concerning the same decision and based on the same grounds as a petition previously considered and denied.

In practice, the Commission typically considers whether the petition:

1. raises new issues;
2. identifies new and relevant evidence;
3. identifies errors or ambiguities in the underlying order; or
4. otherwise provides a sufficient reason to reconsider the decision.

V. STAFF DISCUSSION

NRG/NO765MN's Motion was filed within the 20-day period in Minn. R. 7829.3000. It identifies the language NRG/NO765MN wants removed and explains the reasons for the request. It therefore satisfies the applicable filing and content requirements. The Motion does not, however, provide a sufficient basis for reconsideration. Staff recommends that the Commission deny the Motion.

The Motion raises no new issues or evidence. The Motion presents no new study, engineering analysis, cost estimate, or other evidence. Its discussion of underground high-voltage direct-current (HVDC) transmission is argument, not new evidence. NRG/NO765MN raised underground HVDC transmission, available information, and the Applicants' stated need in its June 22 objection. Staff addressed those issues in the July 9 briefing paper, and the Commission denied NRG/NO765MN's request to remove limiting language from the Scope.

The Order does not shift the burden of proof. Minn. R. 7849.1400, subp. 6, requires a person requesting review of an alternative to identify it, explain why it should be included in the ER, and submit the supporting information the person wants considered. The rule does not require a person to fully develop or prove an alternative at the scoping stage. The Order likewise directs staff, not intervenors or the public, to screen alternatives in the ER and explain why an alternative is not carried forward for detailed analysis. It does not reassign any party's burden in the contested case or predetermine the Commission's findings.

The Order does not presume that need has been proven. Under Minn. R. 7849.1400, subp. 6, an alternative may be excluded from analysis in the ER if it does not meet the project's underlying need or purpose. Using the Applicants' stated need as a screening criterion provides a comparison point; it is not a finding that the Applicants have proven need. The Commission will decide whether the certificate of need criteria are met after considering the full record.

The Motion establishes no legal error or ambiguity. The Motion cites no authority for its claim that an alternative excluded from detailed ER analysis cannot be considered in the contested case. Under Minn. R. 7849.0110, the Commission may consider only alternatives proposed before the close of the public hearing and supported by substantial evidence addressing the applicable criteria. The rule does not require an alternative to have been included in the ER.

VI. COMMISSION DECISION OPTIONS

1. Deny NRG/NO765MN's Motion for Reconsideration. (Applicants and EIP Staff)

Or

2. Grant NRG/NO765MN's Motion for Reconsideration and strike the following phrases from Ordering Paragraph 1 of the July 15, 2026 Order:
 - a. "are unsupported by sufficient information."
 - b. "or would not meet the stated need for the project." (NRG/NO765MN)

Staff Recommendation: 1