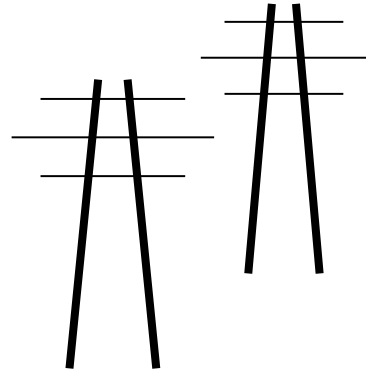


# Legalelectric, Inc.

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August 3, 2026

Sarah Bergman  
Executive Secretary  
Public Utilities Commission  
121 – 7<sup>th</sup> Place East, Suite 350  
St. Paul, MN 55101

**RE: Motion for Reconsideration – Amendment to Scoping Decision**  
PowerOn Midwest Transmission Line  
PUC Docket CN-25-117

Dear Secretary Bergman:

Attached please find Motion for Reconsideration of the Commission's amendment of the Scoping Decision for the Environmental Report in the above-named docket.

Please let me know if you have any questions or require anything further.

Very truly yours,

A handwritten signature in cursive script that reads "Carol A. Overland".

Carol A. Overland  
Attorney at Law

cc: North Route Group and NO765MN

**BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION**

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

**Chair  
Commissioner  
Commissioner  
Commissioner  
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

Docket No. CN-25-117

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**CERTIFICATE OF SERVICE**

**MOTION FOR RECONSIDRATION  
NORTH ROUTE GROUP AND NO765MN**

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I, Carol A. Overland, hereby certify that I have this day served a true and correct copy of the attached Motion for Reconsideration, Cover, and this Certificate of Service to all persons at the email addresses on the Public Utilities Commission eDockets service list by eFiling and eService.



August 3, 2026

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**NORTH ROUTE GROUP AND NO765kVMN**

**MOTION FOR RECONSIDERATION OF SCOPING DECISION**

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On June 9, 2026, the Public Utilities Commission issued the Environmental Report Scoping Decision, amended on its written order of July 15, 2026. This is the North Route Group and NO765MN’s Motion for Reconsideration, as provided by Minn. Stat. §216B.27, Subd. 1 and Minn. Stat. §216B.25.

The changes to the Scoping Decision are unreasonable as it sets up a logical impossibility for consideration of system alternatives by allowing “screening out” of alternatives that are “unsupported by sufficient information, or would not meet the stated need for the project.”

Specifically, the change read:

**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.**

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<sup>1</sup> Order, para. 1.

Neither of these screening criteria are possible to meet at this stage of the proceeding<sup>2</sup>. First, as the record has been informed only by limited filed Comments, there is no “sufficient” record now and will not be in time for drafting of the Environmental Report – “sufficient information” is a logical impossibility and unreasonable. Second, need has not been demonstrated for this project and reliance on an Applicants’ “stated need” is a presumption of need, unreasonable at this point in the proceeding because a demonstration of need is the core issue in a Certificate of Need docket. The burden of proof is on the Applicants. A statement in an application is not proof.

## **I. LEGAL STANDARD**

A Motion for Reconsideration may be filed by any party to a proceeding affected by an order within 20 days of filing of a Commission Order, in this case, filed in eDockets on July 15, 2026. Minn. Stat. §216B.27, Subd. 1. The North Route Group and NO765MN are Intervenor in this proceeding. This Motion is timely filed.

This Motion for Reconsideration is based upon the unreasonable nature of the Commission’s Order, that at this point in the proceeding no record has been established to make a determination of whether a system alternative is “unsupported by sufficient information,” for the scope of the Environmental Report. Use of “the stated need for the project” as a limiting criteria is also unreasonable – an applicant can “state” anything in its application – prior to demonstration of need, use of a “stated” need unreasonably limits system alternatives to be considered, particularly a MISO developed “need” not specific to LRPT 22-26. Presumption of need based on applicants’ “stated” need conflicts with and obviates the purpose of a Certificate of Need proceeding.

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<sup>2</sup> In addition, it is not clear whether the ordered change relates to only “partial-build or delayed-build alternatives for the Pleasant Valley-to-North Rochester 765 kV segment” or to every system alternative proposed. It appears a more general limitation than specific to LRPT 25.

**II. IT IS LOGICALLY IMPOSSIBLE TO HAVE “SUFFICIENT INFORMATION” IN THE RECORD AT THE POINT OF AN ENVIRONMENTAL REPORT SCOPING DECISION.**

The Commission’s Order requiring “sufficient information” for a system alternative to be considered in environmental review is an unreasonable change in light of the timing of building the record, and entails a shift of the burden of proof and production by requiring anyone suggesting a system alternative to provide “sufficient information” for that alternative to be considered.

What is “sufficient information?” Use of this broad limitation unreasonably allows for an alternative to be rejected indiscriminately based on the subjective whim of a decider.

When should an alternative be rejected? This is concerning where, for example, the Applicants rejected undergrounding based on the notion of undergrounding a 765 kV ALTERNATING CURRENT line. Application, p. 175-176. Applicants should be well aware that the standard for underground transmission is direct current, and that underground DC 525 kV can provide the “required” 3,000 amps. Applicants certainly did not provide “sufficient information” that would show that their offering of AC underground as an alternative is not a legitimate alternative nor a reasonable consideration of underground transmission.

Conversely, Applicants did not evaluate the industry standard of direct current underground as an alternative such as underground 525 kV DC lines at 3,000 amps, instead using that overtly preposterous “alternative” of 765 kV AC as an example, and using this unworkable AC underground alternative as a legitimate reason to reject the notion of undergrounding transmission.

The Applicants must not be relieved of their responsibility to address reasonable and feasible alternatives, a showing required for a Certificate of Need. Minn. Stat. §216b.243, Subd.

3(6).

The Commission's Order is unreasonable as it shifts the burden of proof to those proposing alternatives and relieves Applicants from reasonable consideration of alternatives. The Commission's Order is also unreasonable because it shifts the burden of production to a point in the proceeding before the Contested Case, before there's an opportunity to build the record. The Commission's Order is also requiring a higher standard for those proposing alternatives than for the Applicants!

For environmental review, it is unreasonable to require that Intervenors and members of the public proposing system alternatives in use in the industry, such as overhead and/or underground DC lines, or utilizing established highway and/or rail rights of way for undergrounding, to provide an undefined level of information, information readily available to the Applicants and the regulators, and information difficult to obtain by Intervenors and the public without the resources of Applicants and regulators. This limitation is unreasonable.

The phrase "are unsupported by sufficient information" must be stricken from the scoping decision.

### **III. USE OF APPLICANTS' STATED NEED FOR A PROJECT IS AN UNREASONABLE BAR TO FEASIBLE ALTERNATIVES**

Use of Applicants' "stated need" as a criteria for rejection of consideration of system alternatives is unreasonable.

This is a Certificate of Need proceeding, and Applicants have not demonstrated need, have only made a claim of need in the Application. Applicants can say nearly anything in an application, and have the burden of proof. Demonstrating need is the point of a Certificate of Need proceeding, yet that is now only beginning. The Commission's addition of language rejecting system alternatives in environmental review that "would not meet the stated need for

the project” presumes that Applicants stated need is in fact needed and presumes that the “stated need” is legitimate. This is unreasonable on its face.

The phrase “or would not meet the stated need for the project” must be stricken from the scoping decision.

**IV. THE TIMING OF THE COMMISSION’S LIMITATIONS TO CONSIDERATION OF SYSTEM ALTERNATIVES IS UNREASONABLE.**

The timing of the Commission’s limitations to consideration of system alternatives is unreasonable because this is the point at which system alternatives are first entered for consideration, at this point for evaluation in the Environmental Report. If a system alternative is not evaluated in environmental review, it is not available for consideration by the Commission in the subsequent Certificate of Need proceeding.

During the Commission’s deliberation of July 9, 2026, Commissioner Tuma repeatedly and forcefully argued that Intervenors would have a chance to address system alternatives in the Contested Case. This is not true. If a system alternative is not evaluated in the environmental review, it’s not an option in the Contested Case. The time to introduce system alternatives is now, in the Scoping Decision and then moving forward in environmental review. Based on the evaluation of a system alternative in environmental review, it may or may not be expanded upon, further informing the record, in the Contested Case.

The notion that system alternatives may be raised in the Contested Case, without evaluation in the Environmental Report, is false.

**V. THE PHRASE “ARE UNSUPPORTED BY SUFFICIENT INFORMATION, OR WOULD NOT MEET THE STATED NEED FOR THE PROJECT” MUST BE STRICKEN FROM THE SCOPING DECISION**

North Route Group and NO765MN request that the phrase “are unsupported by sufficient information, or would not meet the stated need for the project” be stricken from this Scoping

Decision because these are unreasonable limitations to entry of system alternatives to be considered in the Environmental Report.



Dated: August 3, 2026

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