

NEW DECISION OPTION
Proposed by Chair Sieben
September 17, 2026

DOCKET NUMBER	E-002, ET-2, ET-6675/CN-25-117
ANALYST	Scott Ek
DATE/TIME SUBMITTED	September 16, 2026
TITLE	Sieben New 3
ATTACHMENT	No
SUBJECT	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

Sieben New 3. Clarify the reasoning for the July 15, 2026 order as follows:

The Commission adopted the scoping decision for the reasons stated in the June 9, 2026 staff-proposed scoping decision filed with the June 9 subcommittee decision. In addition, the Commission adopted the clarifying language in Ordering Paragraph 1 of the July 15 order because it determined that it is beneficial to clarify when the Environmental Report may address partial-build or delayed-build alternative routes at a screening level, and when it must screen out alternative routes. This clarification ensures that the scope of the Environmental Report is consistent with Minn. Stat. § 216B.243, subd. 3(6), and will lead to a robust record to aid in the Commission’s decision making. This approach keeps the scope broad enough to address issues raised during scoping, while making clear that staff may screen alternatives and impacts based on legal availability, relevance to the certificate of need decision, feasibility, availability, sufficiency of information, and ability to meet the stated need. This is consistent with Minnesota Rules 7849.1400 and 7849.0110.

The Commission denied NRG/NO765MN’s request to remove certain allegedly limiting language from the scope because Minn. R. 7849.1400, subp. 6, provides that the Commission may “exclude from analysis any alternative that does not meet the underlying need for or purpose of the project . . .”; Minn. R. 7849.1400, subp. 6, requires an individual proposing an alternative route for study to submit all supporting information they would like the Commission to consider; and the order did not prematurely screen out alternatives, as Minn. R. 7849.0110, requiring the Commission to consider alternatives submitted before the close of the public hearing and for which there exists substantial evidence on the record, is unaffected by this order.

The Commission denied NRG/NO765MN's request to amend the scope to identify specific projects that will be studied as connected actions or phased actions because there is no requirement to follow chapter 4410 rules to study phased and connected actions as a single project in the context of an Environmental Report, the approved MEPA-compliant alternative form of review for a certificate of need for a transmission line project. Instead, the Commission may consider the combined effects of this proposed project with other planned projects in the area to the extent the Commission finds these effects relevant to the applicable statutory and rule criteria for this project.