BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Katie J. Sieben	Chair
Hwikwon Ham	Commissioner
Audrey C. Partridge	Commissioner
Joseph K. Sullivan	Commissioner
John A. Tuma	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	SERVICE DATE: November 26, 2025 DOCKET NO. E-002,ET-2,ET-6675/CN-25-117

The above-entitled matter has been considered by the Commission and the following disposition made:

1. **Varied the application of Minn. R. 7849.0230 and instead used the current environmental review process set forth in Minn. R. 7849.1000 to 7849.2100.**
2. **Approved the requested exemptions with the provision of the proposed alternative data, as proposed.**
3. **Approved the proposed notice plan conditioned on: (1) adding state legislators with districts in the Notice Area to the list of notice recipients; and (2) adding the existing transmission facilities in the area to the map in Attachment 1.**
4. **Approved the proposed rule variance regarding duplicative notice.**
5. **Approved the proposed rule variance regarding notice timing.**

This decision is issued by the Commission's consent calendar subcommittee, under a delegation of authority granted under Minn. Stat. § 216A.03, subd. 8 (a). Unless a party, a participant, or a Commissioner files an objection to this decision within ten days of receiving it, it will become the Order of the full Commission under Minn. Stat. § 216A.03, subd. 8 (b).

The Commission agrees with and adopts the recommendations of the Department of Commerce, which are attached and hereby incorporated into the Order.

BY ORDER OF THE COMMISSION

Sasha Bergman
Executive Secretary

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COMMERCE DEPARTMENT

October 21, 2025

Sasha Bergman
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, Minnesota 55101-2147

RE: Comments of the Minnesota Department of Commerce
Docket No. E002, ET6675/CN-25-117

Dear Ms. Bergman,

Attached are the comments of the Minnesota Department of Commerce (Department) in the following matter:

> *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: Exemption Petition.*

The Petition was filed by Great River Energy, ITC Midwest LLC, and Northern States Power Company, doing business as Xcel Energy on October 1, 2025.

The Department recommends **approval with modifications** and is available to answer any questions the Minnesota Public Utilities Commission may have.

Sincerely,

/s/ Dr. SYDNIE LIEB
Assistant Commissioner of Regulatory Analysis

SR/ad
Attachment

COMMERCE DEPARTMENT

Before the Minnesota Public Utilities Commission

Comments of the Minnesota Department of Commerce

Docket Nos. E002, ET6675/CN-25-117

I. INTRODUCTION

Great River Energy (GRE), ITC Midwest LLC (ITC), and Northern States Power Company, doing business as Xcel Energy (Xcel) (together, Applicants), submitted a petition requesting the Commission approve exemptions from certain requirements as provided under Minn. R. 7849.0200, subp. 6 for a future Certificate of Need (CN) application.[1] The Applicants plan to file a CN petition in February 2026 for what is called the PowerOn Midwest Project (Project). The proposed Project consists of several elements:

A single-circuit 765 kilovolt (kV) high voltage transmission line between the following points:

- The South Dakota/Minnesota border and the Lakefield Junction Substation in Jackson County, Minnesota (LRTP 22);
- The Lakefield Junction Substation and the Minnesota/Iowa border (LRTP 23);
- The Lakefield Junction Substation and the Pleasant Valley Substation in Mower County, Minnesota (LRTP 24); and
- The Pleasant Valley Substation and the North Rochester Substation in Goodhue County, Minnesota (LRTP 24).
- A new 345 kV transmission circuit from the Pleasant Valley Substation to the North Rochester Substation. The existing 345 kV single-circuit structures are proposed to be removed and replaced with new double-circuit capable 345 kV structures (LRTP 25).
- A new, second 345 kV transmission circuit between the North Rochester Substation to the Hampton Substation to be strung on existing double-circuit capable 345 kV structures (LRTP 25).
- Expansions of the following existing substations:
  - Lakefield Junction Substation in Jackson County;
  - Pleasant Valley Substation in Mower County;
  - North Rochester Substation in Goodhue County; and
  - Hampton Substation in Dakota County.

[1] *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,* ITC, GRE, and Xcel, Exemption Petition, October 1, 2025, Docket No. E002, ET6675/CN-25-117, (eDockets) 202510-223482-03, (hereinafter "Exemption Petition").

II. PROCEDURAL BACKGROUND

October 1, 2025	The Applicants filed the Exemption Petition, requesting exemptions from certain content requirements for a CN application pursuant to Minn. R. 7849.0200, subp. 6. The Applicants also filed a notice petition, which will be addressed in separate comments.[2]
October 7, 2025	The Minnesota Public Utilities Commission (Commission) posted a notice of comment period for the petition.[3]

According to the Notice the following topics are open for comment:

- Should the Commission approve the notice plan proposed by the Applicants in their October 1, 2025, Notice Plan Petition?
- Should the Commission grant the exemptions requested by the Applicants in their October 1, 2025, Request for Exemption from Certain Certificate of Need Application Content Requirements?

These comments address the second topic: should the Commission grant the exemptions?

III. DEPARTMENT ANALYSIS

A. GOVERNING STATUTES AND RULES

The Applicants filed the Exemption Petition pursuant to Minn. R. 7849.0200, subp. 6, which states, in part:

> Before submitting an application, a person is exempted from any data requirement of parts 7849.0010 to 7849.0400 if the person (1) requests an exemption from specified rules, in writing to the commission, and (2) shows that the data requirement is unnecessary to determine the need for the proposed facility or may be satisfied by submitting another document. A request for exemption must be filed at least 45 days before submitting an application.[4]

Based on this standard, the Commission may grant exemptions when the data requirements are shown to be unnecessary to determine need or can be satisfied by submitting alternative information. In the

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[2] *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,* ITC, GRE, and Xcel, Notice Petition, October 1, 2025, Docket No. E002, ET6675/CN-25-117, (eDockets) 202510-223482-02, (hereinafter "Notice Petition").

[3] *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*, *Notice of Comment Period*, October 7, 2025, Docket No. E002, ET6675/CN-25-117, (eDockets) 202510-223642-01. (hereinafter "Notice").

[4] *See*, Minn. R. 7849.0200, subp. 6.

Petition, the Applicants request to be exempted from certain data requirements of Minn. R. 7849.0010 to 7849.0400.

B. REQUESTED EXEMPTIONS

The Exemption Petition requests exemptions from the following requirements:

- Minn. R. 7849.0230—Environmental Report[5]
- Minn. R. 7849.0260 A(3) and C(6)—Losses;[6]
- Minn. R. 7849.0260 B(4) and (8)—Transmission Lines with Different Terminals;
- Minn. R. 7849.0260(C)(5)—Effect on Rates Systemwide;
- Minn. R. 7849.0260(D)—System Map;
- Minn. R. 7849.0270, subps. 1-5—Peak Demand and Annual Consumption Forecast and System Revenue Requirements;[7]
- Minn. R. 7849.0280 subps. (B) through (I)—System Capacity;[8]
- Minn. R. 7849.0290—Conservation;[9]
- Minn. R. 7849.0300—Consequences of Delay;[10]
- Minn. R. 7849.0340—No Facility Alternative;[11] and
- Minn. R. 7849.0330(G)—Description of Major Features between Endpoints.[12]

The Department analyzes each of the requests below.

C. ANALYSIS OF EXEMPTION REQUESTS

C.1. Minn. R. 7849.0230

Minn. R. 7849.0230 requires "the information submitted under parts 7849.0240, 7849.0260, and 7849.0290 to 7849.0340 must be designated by the applicant as its 'draft environmental report'." The rest of Minn. R. 7849.0230 specifies procedures to be followed to comment on the draft environmental report then prepare and distribute a final environmental report.[13]

The Applicants state that this rule pre-dates the environmental review rules elsewhere in Chapter 7849.[14] Therefore, the Applicants request an exemption from Minn. R. 7849.0230. The Applicants state

[5] *See*, Minn. R. 7849.0230.
[6] *See*, Minn. R. 7849.0260.
[7] *See*, Minn. R. 7849.0270.
[8] *See*, Minn. R. 7849.0280.
[9] *See*, Minn. R. 7849.0290.
[10] *See*, Minn. R. 7849.0300.
[11] *See*, Minn. R. 7849.0340.
[12] *See*, Minn. R. 7849.0330.
[13] *See*, Minn. R. 7849.0230.
[14] Exemption Petition at 7.

that they will instead comply with the environmental review process set forth in Minn. R. 7849.1000–2100.[15]

It is not clear if an exemption is appropriate in this instance since the proposed rule specifies procedures rather than data requirements. However, the Department agrees with the Applicants that the Commission varied this rule in a prior docket.[16] In the CapX Order the Commission stated:

> Because these new rules supplant the old ones, the Commission will vary the application of Minnesota Rules part 7849.0230, subpart 1, to this docket. The Commission grants variances when enforcing the rule, would impose an undue hardship, and the variance would not harm the public interest or conflict with any other legal requirement. Minn. Rules, part 7829.3200. Here, the new environmental review rules safeguard the public interest and ensure legal compliance, whereas enforcing the old rule would require duplicative effort with no corresponding benefit. A variance is warranted under these circumstances.

The same logic applies here. Minn. R. 7829.3200 requires the Commission to grant a variance when it determines the following requirements are met:[17]

A. enforcement of the rule would impose an excessive burden upon the applicant or others affected by the rule;
B. granting the variance would not adversely affect the public interest; and
C. granting the variance would not conflict with standards imposed by law.

The requirements for a variance are met as follows:

A. enforcement of the rule would impose an excessive burden, as it has been superseded by other rules to accomplish the same end.
B. Granting the variance would not adversely affect the public interest, because the same environmental review would be performed, only using more recent procedures.
C. The Department is not aware of any conflict with any legal standards that granting the variance would create.

The Department recommends the Commission vary the application of Minn. R. 7849.0230 and instead use the current environmental review process set forth in Minn. R. 7849.1000–.2100.

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[15] *See*, Minn. R. 7849.1000.
[16] *In the Matter of the Application of Great River Energy, Northern States Power Company (d/b/a Xcel Energy) and Others for Certificates of Need for the CapX 345-kV Transmission Projects*, *Order Accepting Application as Substantially Complete Pending Supplemental Filing*, Nov. 21, 2007, Docket No. CN-06-1115, (eDockets) 4843886, (hereinafter "CapX Order").
[17] *See*, Minn. R. 7829.3200.

C.2. Minn. R. 7849.0260 A(3) and C(6)

Minn. R. 7849.0260 A(3) requires an applicant to provide "the expected losses under projected maximum loading and under projected average loading in the length of the transmission line and at the terminals or substations."[18] Minn. R. 7849.0260 C(6) requires an applicant to provide "its efficiency, expressed for a transmission facility as the estimated losses under projected maximum loading and under projected average loading in the length of the transmission line and at the terminals or substations."[19]

The Applicants request an exemption from Minn. R. 7849.0260 A(3) and C(6). The Applicants propose to provide system losses information in lieu of line-specific losses, the latter of which is required by the rules.

The Department agrees with the Applicants that the requested exemptions are consistent with several prior exemption requests approved by the Commission in other Certificate of Need transmission line dockets and is more relevant to the analysis.[20] Therefore, the Department recommends that the Commission approve the requested exemption from Minn. R. 7849.0260 A(3) and C(6) with the provision of the proposed alternative data.

C.3. Minn. R. 7849.0260 B(4) and (8)

Minn. R. 7849.0260 B(4) requires the Applicants provide "a discussion of the availability of alternatives to the facility, including but not limited to: […] transmission lines with different terminals or substations."[21] Minn. R. 7849.0260 B(8) requires the Applicants provide "a discussion of the availability of alternatives to the facility, including but not limited to: […] any reasonable combinations of the alternatives listed in subitems (1) to (7)."[22]

The Applicants note that Minn. Stat. § 216B.243, subd. 3(6) states in part that "the commission must not require evaluation of alternative end points for a high-voltage transmission line qualifying as a large energy facility unless the alternative end points are (i) consistent with end points identified in a federally registered planning authority transmission plan, or (ii) otherwise agreed to for further evaluation by the applicant."[23] In this case the Applicants have proposed end points that are consistent

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[18] *See*, Minn. R. 7849.0260 A(3).
[19] *See*, Minn. R. 7849.0260 C(6).
[20] The Applicants cite numerous examples, including the following: *In the Matter of Application of Xcel Energy for a Certificate of Need for Two Gen-Tie Lines from Sherburne County to Lyon County, Minnesota*, *Order Granting Applicant's Exemption Request*, June 28, 2022, Docket No. E-002/CN-22-131, (eDockets) 20226-186932-01; *In The Matter of The Application Of Northern States Power Company D/B/A Xcel Energy For A Certificate Of Need For The Upgrade Of The Southwest Twin Cities Bluff Creek – Westgate Area 69 kV Transmission Line To 115 kV Capacity*, *Order Granting Applicant's Exemption Request*, Nov. 16, 2011, Docket No. E002/CN-11-332, (eDockets) 201111-68376-01.
[21] *See*, Minn. R. 7849.0260 B(4).
[22] *See*, Minn. R. 7849.0260 B(8).
[23] *See*, Minn. Stat. 216B.243 subd. 3.

with Midcontinent Independent System Operator, Inc.'s (MISO) end points and do not consent to alternative end points.

The Department agrees with the Applicants that Minnesota Statutes limit the consideration of alternative end points in this matter and, therefore, an exemption is appropriate. The Department recommends that the Commission approve the requested exemption from Minn. R. 7849.0260 B(4) and (8).

C.4. Minn. R. 7849.0260 C(5)

Minn. R. 7849.0260 C(5) requires the Applicants provide "an estimate of its effect on rates systemwide and in Minnesota, assuming a test year beginning with the proposed in-service date."[24]

GRE and ITC request an exemption from this requirement because they do not serve retail customers. As substitute data GRE and ITC propose to provide information regarding the expected cost, MISO's cost allocation methodology, and the share that will be allocated to Minnesota utilities' load. In addition, Xcel will provide an annual revenue requirement impact for the capital costs of the Project for a 20-year period.[25]

The Department agrees that an exemption is necessary for GRE and ITC and that providing the proposed alternative information is reasonable. The Department also agrees that the information proposed by Xcel is reasonable. Therefore, the Department recommends that the Commission approve the requested exemption from Minn. R. 7849.0260 C(5) with the provision of the proposed alternative data.

C.5. Minn. R. 7849.0260 D

Minn. R. 7849.0260 C(5) requires the Applicants provide "a map (of appropriate scale) showing the applicant's system or load center to be served."

The Applicants argue that, as a transmission company, ITC does not directly serve load. Therefore, the Applicants propose instead to provide a map depicting high voltage transmission lines within the proposed notice area.

The Department notes that the rule requires a map of an applicant's system or load center. Therefore, the fact that ITC does not serve load is not persuasive. However, the Applicants' proposal to provide a map depicting high voltage transmission lines within the proposed Notice Area is more relevant than the information required by the rule. The Applicants' systems include some of the transmission lines in the proposed Project's area but not all of the transmission lines. Therefore, the Department recommends that the Commission approve the requested exemption from Minn. R. 7849.0260 C(5) with the provision of the proposed alternative data.

[24] *See*, Minn. R. 7849.0260 C(5).
[25] Exemption Petition, at 5-6.

C.6. Minn. R. 7849.0270, subps. 1-5

C.6.1. Minn. R. 7849.0270, subp. 1

Minn. R. 7849.0270 subp. 1 requires information be provided concerning peak demand and annual consumption for an applicant's entire service area and system.[26]

The Applicants request an exemption because the proposed Project is intended to support a broad geographic region. Instead, the Applicants propose to provide substitute data:

- systemwide forecast information included in GRE's and Xcel's most recent Annual Forecast Reports (AFR) (filed in Docket No. E999/PR-25-11);[27] and
- forecast information used by the Applicants and/or MISO in analyzing the need for the proposed Project.[28]

The Department agrees that the information proposed by the Applicants is reasonable. Therefore, the Department recommends the Commission approve the requested exemption to Minn. R. 7849.0270 subp. 1 with the provision of the proposed alternative data.

C.6.2. Minn. R. 7849.0270, subps. 2A and 2B

Minn. R. 7849.0270 subps. 2A and 2B require information be provided concerning:

- Subp. 2A: when the applicant's service area includes areas other than Minnesota, annual electrical consumption by ultimate consumers within the applicant's Minnesota service area; and
- Subp. 2B: estimates of the number of ultimate consumers within the applicant's system and annual electrical consumption by those consumers divided into 9 different customer classes.[29]

The Applicants state that:

> Energy consumption data is not relevant to establishing the need for a proposed transmission line. Transmission systems must be sized so that they have sufficient capacity to operate reliably during periods of peak demand.[30]

Applicants request the Commission approve as substitutes data from the applicable AFRs from GRE and Xcel and other forecast information used in analyzing the need for the proposed Project.

The Department agrees that the AFRs from GRE and Xcel, along with information used by the Applicants and/or MISO in analyzing the need for the proposed Project is appropriate. Therefore, the

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[26] *See*, Minn. R. 7829.0270, subp. 1.
[27] Note that ITC does not submit such filings pursuant to Minn. R. 7610.0300.
[28] Exemption Petition at 9.
[29] *See*, Minn. R. 7829.0270, subp. 2.
[30] Exemption Petition at 9.

Department recommends the Commission approve the requested exemption to Minn. R. 7849.0270 subps. 2A and 2B with the provision of the proposed alternative data.

C.6.3. Minn. R. 7849.0270, subps. 2C and 2D

Minn. R. 7849.0270 subps. 2C and 2D require information be provided concerning:

- Subp. 2C: estimate of the demand for power in the applicant's system at the time of annual system peak demand, including an estimated breakdown by customer class; and
- Subp. 2D: the applicant's system peak demand by month.[31]

The Applicants state that:

> Evaluation of the need for the transmission capacity for the Project is based on various demand scenarios across a broad region of MISO. Thus, Applicants propose to instead provide Annual Report forecast information (as discussed with respect to subpart 1) and discussion of the different regional demand scenarios evaluated in the analysis used by the Applicants and MISO to justify the Project.[32]

The Department agrees that the AFRs from GRE and Xcel, along with information used by the Applicants and/or MISO in analyzing the need for the proposed Project is appropriate. Therefore, the Department recommends the Commission approve the requested exemption to Minn. R. 7849.0270 subps. 2C and 2D with the provision of the proposed alternative data.

C.6.4. Minn. R. 7849.0270, subp. 2E

Minn. R. 7849.0270 subp. 2E requires information regarding "the estimated annual revenue requirement per kilowatt hour for the system in current dollars."[33]

Regarding this requirement the Applicants request is as follows:

- GRE: proposes to provide an explanation of how wholesale electricity costs are spread among users of the transmission grid and the general financial effects of the proposed Project on GRE's members;
- Xcel: proposes to provide an annual revenue requirement impact for the capital costs of the proposed Project for a 20-year period;
- ITC requests a full exemption; and
- Applicants further propose to provide information regarding the expected Project cost, MISO's cost allocation methodology, and the share that will be allocated to Minnesota utilities' load.

[31] *See*, Minn. R. 7829.0270, subp. 2.
[32] Exemption Petition at 10.
[33] *See*, Minn. R. 7829.0270, subp. 2.

The Department agrees with the Applicants that the alternative data will better inform the record regarding the need for and cost of the proposed Project and the LRTP Tranche 2.1 portfolio. Therefore, the Department recommends the Commission approve the requested exemption to Minn. R. 7849.0270 subp. 2E with the provision of the proposed alternative data.

C.6.5. Minn. R. 7849.0270, subp. 2F

Minn. R. 7849.0270 subp. 2F requires information regarding "the applicant's estimated average system weekday load factor by month."[34]

Regarding this data requirement, the Applicants state:

> Load factor is not a relevant consideration when evaluating the need for a transmission facility. Load factor is a measure of how demand varies over time and is relevant to the need determination for new generation. Moreover, transmission capacity must be designed to meet peak demand and other system power flow circumstances. This ensures there is sufficient transmission capacity to meet lower levels of instantaneous demand.[35]

The Department agrees with the Applicants that load factor is not relevant in this instance and that a full exemption is reasonable. Therefore, the Department recommends the Commission approve the requested exemption to Minn. R. 7849.0270 subp. 2F.

C.6.6. Minn. R. 7849.0270, subps. 3-5

Minn. R. 7849.0270, subps. 3-5, require the applicant to detail the forecast methodology employed, identify the database used for the forecast, and detail the assumptions made in preparing the forecasts.[36]

Regarding this data requirement the Applicants state that they "believe that forecast information and discussion of the different regional demand scenarios evaluated in the analysis used by the Applicants and MISO to justify the Project will better enable the Commission to evaluate the need for this Project."[37] Therefore, the Applicants proposal is similar to the sections above:

- GRE and Xcel will provide their AFRs;
- ITC requests a full exemption; and
- the Applicants will provide The forecast methodology used by MISO in analyzing the need for the proposed Project.

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[34] *See*, Minn. R. 7829.0270, subp. 2.
[35] Exemption Petition at 11.
[36] *See*, Minn. R. 7829.0270, subp. 3.
[37] Exemption Petition at 11.

The Department agrees with the Applicants that the proposed data will better address the need for the proposed Project than the required data. Therefore, the Department recommends the Commission approve the requested exemption to Minn. R. 7849.0270 subps. 3-5 with the provision of the proposed alternative data.

C.6.7. Summary

Overall, the Department agrees that the latest AFRs and the additional information specified above would be appropriate to assess need in this case. Therefore, the Department recommends that the Commission approve the requested exemption to Minnesota Rules 7849.0270 subparts 1 to 5 with the provision of the proposed alternative data.

C.7. Minn. R. 7849.0280 subps. (B) through (I)

Minnesota Rules 7849.0280 requires an applicant for a CN to provide information that describes the ability of its existing system to meet forecasted demand; in essence, load and capability information.[38]

The Applicants request that the Commission grant an exemption from Minn. R. 7849.0280 subps. (B) through (I). Subparts (B) through (I) pertain to an examination of generation adequacy and do not address transmission planning. The Commission has previously granted exemption requests from Minn. R. 7849.0280 subps. (B) through (I) in several other transmission line CN dockets where issues of transmission adequacy, rather than generation adequacy, were at issue.[39]

The Department agrees with the Applicants that the Commission has approved exemptions to Minn. R. 7849.0280, subps. (B) through (I) in similar circumstances and for similar reasons. Therefore, the Department recommends that the Commission approve the requested exemption to Minn. R. 7849.0280, subps. (B) through (I).

C.8. Minn. R. 7849.0290

Minn. R. 7849.0290 requires various information be provided on an applicant's energy conservation and efficiency programs.[40]

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[38] *See*, Minn. R. 7829.0280.
[39] *In re Application of Minnesota Power for a Certificate of Need for the Duluth Loop Reliability Project in St. Louis Cnty.*, *Order Approving Notice Plan and Granting Variances and Exemptions*, May 17, 2021, Docket No. E015/CN-21-140, (eDockets) 20215-174194-01; *In re Application of Great River Energy and Minnesota Power for a Certificate of Need for the Menahga Area 115 kV Transmission Line Project in Hubbard, Wadena and Becker Counties, Minnesota*, *Order Approving Exemption Request*, December 3, 2014, Docket No. E015/CN-14-787, (eDockets) 201412-105142-01; *In re Application of Great River Energy and Minnesota Power for a Certificate of Need for a 115 kV High Voltage Transmission Line in St. Louis and Carlton Counties*, *Order Approving Exemptions and Proposed Provision of Alternative Data*, November 2, 2010, Docket No. E015, ET2/CN-10-973, (eDockets) 201011-56126-01.
[40] *See*, Minn. R. 7829.0290.

GRE and Xcel propose to provide a summary of their Integrated Resource Plan and Energy Conservation and Optimization filings.[41] ITC has no end-use customers and therefore cannot affect their energy consumption levels. In addition, the Applicants will also provide information regarding how conservation and energy efficiency was considered by MISO in its evaluation of the proposed Project.[42]

In this case the most relevant data is how MISO considered energy efficiency in determining the need for the proposed Project. This information, along with a summary of the conservation-related filings to be provided by GRE and Xcel, will better inform the record as to the need for the proposed Project than the required information and will enable interested parties to pursue further information if desired.

The Department recommends that the Commission approve the requested exemption to Minn. R. 7849.0290 with provision of the proposed alternative data.

C.9. Minn. R. 7849.0300 and 7849.0340

Minn. R. 7849.0300 requires an applicant for a CN to provide detailed information regarding the consequences of delay at three specific, statistically-based levels of demand and energy consumption.[43] Minn. R. 7849.0340 requires an applicant for a CN to provide detailed information regarding the no build alternative at the same three statistically-based levels of demand and energy consumption.[44]

The Applicants state they "will evaluate the consequences of delay and a no-build alternative, Applicants propose to evaluate these based on impacts to congestion relief and request a variance from the portions of these rules that require the examination of delay to incorporate the three specific levels of demand."[45] In addition, the Applicants note that the Commission has approved similar partial exemption requests from the requirements of Minn. R. 7849.0300 and 7849.0340 in other transmission line Certificate of Need dockets.[46]

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[41] Exemption Petition at 12.
[42] *Ibid*.
[43] *See*, Minn. R. 7849.0300.
[44] *See*, Minn. R. 7829.0340.
[45] Exemption Petition at 12-13.
[46] Examples include: *In re Application of Minnesota Power for a Certificate of Need for the Duluth Loop Reliability Project in St. Louis Cnty.*, *Order Approving Notice Plan and Granting Variances and Exemptions*, May 17, 2021, Docket No. E015/CN-21-140, (eDockets) 20215-174194-01; *In re Application of Great River Energy and Minnesota Power for a Certificate of Need for the Menahga Area 115 kV Transmission Line Project in Hubbard, Wadena and Becker Counties, Minnesota*, *Order Approving Exemption Request*, December 3, 2014, Docket No. E015/CN-14-787, (eDockets) 201412-105142-01; *In re Request of Minnesota Power for a Certificate of Need for the Great Northern Transmission Line*, *Order Approving Notice Plan, Granting Variance Request, and Approving Exemption Request*, February 28, 2013, Docket No. E015/CN-12-1163, (eDockets) 20132-84248-01; *In the Matter of the Application of Northern States Power Company d/b/a Xcel Energy and Great River Energy for a Certificate of Need for the Upgrade of the Southwest Twin Cities (SWTC) Chaska Area 69 kV Transmission Line to 115 kV Capacity*, *Order Granting the Company's Exemption Request*, November 4, 2011, Docket No. E002/CN-11-826, (eDockets) 201111-68102-01.

The Department agrees with the Applicants that information on the consequences of delay and a no build alternative tied to three specific, statistically-based levels of demand and energy consumption is not likely to be a useful part of the analysis for the proposed Project and that a general discussion is appropriate; as noted in the Exemption Petition, similar exemptions were approved in other transmission CNs. Therefore, the Department recommends that the Commission approve the requested exemption to Minn. R. 7849.0300 and 7849.0340 with the provision of the proposed alternative data.

C.10. Minn. R. 7849.0330 G

Minn. R. 7849.0330 G requires an applicant for a CN to provide a narrative description of the major features of the region between the endpoints of the transmission facility. In particular, the rule requires that the region "shall encompass the likely area for routes between the endpoints."[47]

The Applicants state that, because the Project's specific route will be determined in future proceedings, they seek an exemption and propose instead to include a description of the major features within the Notice Area.[48] The Notice Area will be defined by the Commission's decision regarding the related Notice Petition.

The Department notes that the Notice Area should encompass the likely area for routes between the endpoints. Thus, an exemption technically may not be necessary. However, approval of the exemption, when combined with the Commission decision on the Notice Petition, will make the Commission's expectations on this point clear. Therefore, the Department recommends that the Commission approve the requested exemption to Minn. R. 7849.0330 G with the provision of the proposed alternative data.

IV. DEPARTMENT RECOMMENDATIONS

Based on analysis of Petition the Department has prepared recommendations, which are provided below. The recommendations correspond to the subheadings of Section III above.

C. ANALYSIS OF EXEMPTION REQUESTS

- C.1. Vary the application of Minn. R. 7849.0230 and instead use the current environmental review process set forth in Minn. R. 7849.1000–.2100.
- C.2. Approve the requested exemption from Minn. R. 7849.0260 A(3) and C(6) with the provision of the proposed alternative data.
- C.3. Approve the requested exemption from Minn. R. 7849.0260 B(4) and (8).
- C.4. Approve the requested exemption from Minn. R. 7849.0260 C(5) with the provision of the proposed alternative data.

[47] *See*, Minn. R. 7849.0330 G.
[48] Exemption Petition, at 13.

- C.5. Approve the requested exemption from Minn. R. 7849.0260 C(5) with the provision of the proposed alternative data.
- C.6.1. Approve the requested exemption to Minn. R. 7849.0270 subp. 1 with the provision of the proposed alternative data.
- C.6.2. Approve the requested exemption to Minn. R. 7849.0270 subps. 2A and 2B with the provision of the proposed alternative data.
- C.6.3 Approve the requested exemption to Minn. R. 7849.0270 subps. 2C and 2D with the provision of the proposed alternative data.
- C.6.4. Approve the requested exemption to Minn. R. 7849.0270 subp. 2E with the provision of the proposed alternative data.
- C.6.5. Approve the requested exemption to Minn. R. 7849.0270 subp. 2F.
- C.6.6. Approve the requested exemption to Minn. R. 7849.0270 subps. 3-5 with the provision of the proposed alternative data.
- C.7. Approve the requested exemption to Minn. R. 7849.0280, subps. (B) through (I).
- C.8. Approve the requested exemption to Minn. R. 7849.0290 with provision of the proposed alternative data.
- C.9. Approve the requested exemption to Minn. R. 7849.0300 and 7849.0340 with the provision of the proposed alternative data.
- C.10. Approve the requested exemption to Minn. R. 7849.0330 G with the provision of the proposed alternative data.

Attachments

COMMERCE DEPARTMENT

October 21, 2025

Sasha Bergman
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, Minnesota 55101-2147

RE: Comments of the Minnesota Department of Commerce
Docket No. E002, ET6675/CN-25-117

Dear Ms. Bergman,

Attached are the comments of the Minnesota Department of Commerce (Department) in the following matter:

> *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: Notice Plan Petition.*

The Petition was filed by Great River Energy, ITC Midwest LLC, and Northern States Power Company, doing business as Xcel Energy on October 1, 2025.

The Department recommends **approval with modifications** and is available to answer any questions the Minnesota Public Utilities Commission may have.

Sincerely,

/s/ Dr. SYDNIE LIEB
Assistant Commissioner of Regulatory Analysis

SR/ad
Attachment

COMMERCE DEPARTMENT

Before the Minnesota Public Utilities Commission

Comments of the Minnesota Department of Commerce

Docket Nos. E002, ET6675/CN-25-117

I. INTRODUCTION

Great River Energy (GRE), ITC Midwest LLC (ITC), and Northern States Power Company, doing business as Xcel Energy (Xcel) (together, Applicants), submitted a petition requesting approval of a notice plan for a future Certificate of Need (CN) application pursuant to Minn. R. 7829.2550.[1] The Applicants plan to file a CN petition in February 2026 for what is called the PowerOn Midwest Project (Project). The proposed Project consists of several elements:

A single-circuit 765 kilovolt (kV) high voltage transmission line between the following points:

- The South Dakota/Minnesota border and the Lakefield Junction Substation in Jackson County, Minnesota (Long Range Transmission Plan [LRTP] 22);
- The Lakefield Junction Substation and the Minnesota/Iowa border (LRTP 23);
- The Lakefield Junction Substation and the Pleasant Valley Substation in Mower County, Minnesota (LRTP 24); and
- The Pleasant Valley Substation and the North Rochester Substation in Goodhue County, Minnesota (LRTP 24).
- A new 345 kV transmission circuit from the Pleasant Valley Substation to the North Rochester Substation. The existing 345 kV single-circuit structures are proposed to be removed and replaced with new double-circuit capable 345 kV structures (LRTP 25).
- A new, second 345 kV transmission circuit between the North Rochester Substation to the Hampton Substation to be strung on existing double-circuit capable 345 kV structures (LRTP 25).
- Expansions of the following existing substations:
  - Lakefield Junction Substation in Jackson County;
  - Pleasant Valley Substation in Mower County;
  - North Rochester Substation in Goodhue County; and
  - Hampton Substation in Dakota County.

[1] *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,* ITC, GRE, and Xcel, Notice Petition, October 1, 2025, Docket No. E002, ET6675/CN-25-117, (eDockets) 202510-223482-02, (hereinafter "Notice Petition").

II. PROCEDURAL BACKGROUND

October 1, 2025	The Applicants filed the Notice Petition, requesting approval of a notice plan, through which potentially affected persons will be notified of the opportunity to participate in the regulatory process. The Applicants also filed an exemption petition, which will be addressed in separate comments.[2]
October 7, 2025	The Minnesota Public Utilities Commission (Commission) posted a notice of comment period for the petition.[3]

According to the Notice the following topics are open for comment:

- Should the Commission approve the notice plan proposed by the Applicants in their October 1, 2025, Notice Plan Petition?
- Should the Commission grant the exemptions requested by the Applicants in their October 1, 2025, Request for Exemption from Certain Certificate of Need Application Content Requirements?

These comments address the first topic: should the Commission approve the notice plan proposed by the Applicants?

III. DEPARTMENT ANALYSIS

A. GOVERNING STATUTES AND RULES

The Applicants filed the Notice Petition pursuant to Minnesota Rules 7829.2550, subp. 1,[4] which states, in part "[t]hree months before filing a certificate of need application for a high-voltage transmission line as defined by Minnesota Statutes, section 216B.2421, the applicant shall file a proposed plan for providing notice to all persons reasonably likely to be affected by the proposed line."

Minn. Stat. § 216B.2421[5] includes in its definition of a Large Energy Facility (LEF) "any high-voltage transmission line with a capacity of 300 kilovolts or more and greater than one mile in length in Minnesota." Given that the proposed Project is a 765 kV transmission line substantially longer than one

[2] *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,* ITC, GRE, and Xcel, Exemption Petition, October 1, 2025, Docket No. E002, ET6675/CN-25-117, (eDockets) 202510-223482-03, 202510-223482-01 at 2, (hereinafter "Exemption Petition").
[3] *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*, *Notice of Comment Period*, October 7, 2025, Docket No. E002, ET6675/CN-25-117, (eDockets) 202510-223642-01, (hereinafter "Notice").
[4] *See* Minn. R. 7829.2550.
[5] *See* Minn. Stat. § 216B.2421.

mile, the proposed Project falls within the definition of "large energy facility" and, therefore, requires a notice plan.

B. TYPES OF NOTICE

Minnesota Rules 7829.2550, subp. 3,[6] requires types of notice as follows:

- direct mail notice, based on county tax assessment rolls, to landowners reasonably likely to be affected by the proposed transmission line;
- direct mail notice to all mailing addresses within the area reasonably likely to be affected by the proposed transmission line;
- direct mail notice to tribal governments and to the governments of towns, statutory cities, home rule charter cities, and counties whose jurisdictions are reasonably likely to be affected by the proposed transmission line; and
- newspaper notice to members of the public in areas reasonably likely to be affected by the proposed transmission line.

The area proposed to be included in notices (Notice Area) is shown in Attachment 1 of the Notice Petition. The proposed Notice Area includes all or portions of the following counties: Lincoln, Pipestone, Rock, Lyon, Murray, Nobles, Redwood, Cottonwood, Jackson, Martin, Faribault, Waseca, Freeborn, Steele, Mower, Dodge, Olmsted, Goodhue, and Dakota.

The Notice Petition further states that:

> Applicants propose a relatively broad Notice Area that includes several large transportation corridors (US Interstate 90, US Highway 75, US Highway 59, and US Highway 14, along with multiple state highways) and existing utility corridors. For the portion of the Project that would connect the North Rochester Substation to the Hampton Substation in Dakota County, Minnesota, the proposed Notice Area was designed to include 0.5 miles on each side of the existing 345 kV centerline. The narrower proposed Notice Area along this segment is appropriate because this portion of the Project involves installation of a second circuit on the existing 345 kV structures within the existing right-of-way, rather than establishment of a new corridor.[7]

The list of individuals and entities to be provided notice is to be complied by Applicants is as follows:

- Regarding landowner notice—Applicants will review and use county tax assessment rolls where available. Applicants will also review the Minnesota Geospatial Commons administered by the State of Minnesota, as available, and/or ReportAll USA to determine the names

[6] *See* Minn. R. 7829.2550, subp. 3.
[7] Notice Petition, at 4.

and addresses of those landowners who own property within the proposed Notice Area.[8, 9]

- Regarding notice to mailing addresses—Addresses will be gathered from mailing lists maintained by the United States Post Office or from bulk mailing firms.[10]
- Regarding notice to tribal governments—Applicants will provide mail notice to the officials of all Tribal Nations within Minnesota. Also, Applicants propose to send notice to the officials of Tribal Nations with an interest within the proposed Notice Area, as identified in the federal government's Tribal Directory Assessment Tool (TDAT).[11]
- Regarding notice to local governmental jurisdictions—Applicants propose to provide direct mail notice to each member of a county board and the county clerk; city mayor and city clerk; and township chair and township clerk.[12]
- Applicants propose to publish notice in the local newspapers identified in the Petition's Attachment 6, which includes the newspaper of record in each county within the proposed Notice Area, as well as additional newspapers.[13]

The Department reviewed the list of proposed recipients of the notice in Attachments 4, 5, and 6. While not required by Minnesota Rules, in several past CN notice plans the Commission has approved notice plans sending the notice to state legislators with districts in the Notice Area.[14] The Department recommends the Commission require the Applicants to add state legislators with districts in the Notice Area to the list of notice recipients.

C. CONTENT OF NOTICE

Minnesota Rules 7829.2550, subp. 4[15] requires the notices to provide the following information:

- a map showing the end points of the line and existing transmission facilities in the area;

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[8] Notice Petition, at 5.
[9] Note that Applicants propose to exclude landowners and mailing addresses within municipalities with populations exceeding 200 from the Notice Plan due to routing difficulties. Exceptions to this exclusion are specified in Table 1 of the Notice Petition.
[10] Notice Petition, at 5.
[11] *Id*., at 6.
[12] *Ibid*.
[13] *Ibid*.
[14] See *In the Matter of the Application for a Certificate of Need for the Big Stone South – Alexandria – Big Oaks Transmission Project*, Minnesota Power, Otter Tail Power Company, Western Minnesota Municipal Power Agency, GRE, and Xcel, Notice Petition, March 10, 2023, Docket No. E002, E017, ET2, E015, ET10/CN-22-538, (eDockets) 20233-193820-01 at 5. *In the Matter of the Application of Xcel Energy for a Certificate of Need for the Mankato to Mississippi River 345 kV Transmission Line Project,* Xcel, Notice Petition, October 17, 2023, Docket No. E002/CN-22-532, (eDockets) 202310-199658-02 at 5.
[15] *See* Minn. R. 7829.2550, subp. 4.

- a description of general right-of-way requirements for a line of the size and voltage proposed and a statement that the applicant intends to acquire property rights for the right-of-way that the proposed line will require;
- a notice that the line cannot be constructed unless the Commission certifies that it is needed;
- the Commission's mailing address, telephone number, and website;
- if the applicant is a utility subject to chapter 7848, the address of the website on which the utility applicant will post or has posted its biennial transmission projects report required under that chapter;
- a statement that the Environmental Quality Board[16] will be preparing an environmental report on each high-voltage transmission line for which certification is requested;
- a brief explanation of how to get on the mailing list for the Environmental Quality Board's proceeding; and
- a statement that requests for certification of high-voltage transmission lines are governed by Minnesota law, including specifically chapter 4410, parts 7849.0010 to 7849.0400, and 7849.1000 to 7849.2100, and Minnesota Statutes, section 216B.243.

The Department reviewed the text of the proposed landowner/resident/governmental official notice provided in Attachments 2 and 3 of the Notice Petition and the map provided in Attachment 1 of the Notice Petition. Based on that review, the Department recommends that the Commission require the Applicants to add the existing transmission facilities in the area to the map in Attachment 1.

D. DUPLICATIVE NOTICE

Attachment 6 of the Notice Petition shows that the Applicants propose to publish notice in the Star Tribune, a paper of statewide circulation. This notice will be published shortly before the Certificate of Need application is filed. Thus, the Applicants request that the Commission vary the requirement under Minn. R. 7829.2500, subp. 5 and remove the additional requirement to publish notice of the application in a statewide paper after the Certificate of Need application is filed with the Commission.

Minnesota Rules, 7829.3200[17] governs such variance requests and establishes the following criteria:

1. enforcement of the rule would impose an excessive burden upon the applicant or others affected by the rule;
2. granting the variance would not adversely affect the public interest; and
3. granting the variance would not conflict with standards imposed by law.

[16] This function has since been transferred to the Commission. *See* Laws of Minn. 2005, ch. 97, art. 3.
[17] *See* Minn. R. 7829.3200.

The Applicants conclude that the requirements for a variance are met as follows:

1. The requirement would be an excessive burden as it requires duplicate notice and associated expense without an offsetting benefit;
2. the public interest would not be adversely affected because the public will receive the pre-application notice; and
3. the Commission has previously granted such a variance and there is no conflict with any standards imposed by law.

The Department agrees with the Applicants' assessment and recommends that the Commission approve the proposed rule variance regarding duplicative notice.

E. NOTICE TIMING

Minnesota Rules 7829.2500, subp. 6, requires an applicant to implement the notice plan within 30 days of its approval by the Commission.[18] In this case the Applicants request that the Commission grant a variance and direct the notices occur no more than 60 days and no less than one week prior to the filing of the CN application.

The Applicants conclude that the requirements for a variance are met as follows:

1. varying this timing requirement ensures that Applicants have sufficient time to complete the notice after the Notice Plan Petition is approved and ensures that members of the public will receive notice relatively close in time to the filing;
2. the variance will reduce confusion and enhance public participation; and
3. granting a variance would not conflict with standards imposed by law.

The Applicants also note that the Commission has approved similar variance requests in past CN dockets. The Department agrees with the Applicants' assessment and recommends that the Commission approve the proposed rule variance regarding notice timing.

IV. DEPARTMENT RECOMMENDATIONS

Based on analysis of the Notice Petition and the information in the record, the Department has prepared recommendations, which are provided below. The recommendations correspond to the subheadings of Section III above.

B. TYPES OF NOTICE

- Require the Applicants to add state legislators with districts in the Notice Area to the list of notice recipients.

[18] *See* Minn. R. 7829.2500, subp. 6.

C. CONTENT OF NOTICE

- Require the Applicants to add the existing transmission facilities in the area to the map in Attachment 1.

D. DUPLICATIVE NOTICE

- Approve the proposed rule variance regarding duplicative notice.

E. NOTICE TIMING

- Approve the proposed rule variance regarding notice timing.

Attachments

COMMERCE DEPARTMENT

November 14, 2025

Sasha Bergman
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, Minnesota 55101-2147

RE: Supplemental Comments of the Minnesota Department of Commerce
Docket No. E002, ET2, ET6675/CN-25-117

Dear Ms. Bergman:

The Minnesota Department of Commerce (Department) has reviewed the reply comments of Great River Energy, Northern States Power Company, doing business as Xcel Energy, and ITC Midwest LLC in this matter.[1] Based upon that review, the Department considers all issues to have been resolved and recommends the Minnesota Public Utilities Commission approve the Notice Petition as modified by the reply comment.

The Department is available to answer any questions the Commission may have.

Sincerely,

/s/ Sydnie Lieb, Ph.D.
Assistant Commissioner, Office of Regulatory Analysis

SR/ar

[1] *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*, Great River Energy, ITC Midwest LLC, and Xcel Energy, Reply Comment, November 10, 2025, Docket No. E002, ET6675/CN-25-117, (eDockets) 202511-224812-01.