

7829.2550 NOTICE PLANS WHEN SEEKING CERTIFICATION OF HIGH-VOLTAGE TRANSMISSION LINES.

Subpart 1. **Filings required, service requirements.** Three 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. Applicants shall serve their proposed plans on the following persons:

- A. the department;
- B. the Residential and Small Business Utilities Division of the Office of the Attorney General; and
- C. all persons on the "General List of Persons Interested in Power Plants and Transmission Lines" maintained under part 7850.2100, subpart 1, item A.

Subp. 2. **Procedural schedule, notice of procedural schedule.** Initial comments on proposed notice plans must be filed within 20 days of the date of filing. Reply comments must be filed within 20 days of the expiration of the initial comment period. Applicants shall include with the proposed notice plan a clear and conspicuous notice of these comment periods.

Subp. 3. **Types of notice.** Proposed notice plans must include notice to the following persons by the method specified:

- A. direct mail notice, based on county tax assessment rolls, to landowners reasonably likely to be affected by the proposed transmission line;
- B. direct mail notice to all mailing addresses within the area reasonably likely to be affected by the proposed transmission line;
- C. 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
- D. newspaper notice to members of the public in areas reasonably likely to be affected by the proposed transmission line.

Subp. 4. **Notice content.** Proposed notice plans must provide notice recipients with the following information:

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

C. a notice that the line cannot be constructed unless the commission certifies that it is needed;

D. the commission's mailing address, telephone number, and Web site;

E. if the applicant is a utility subject to chapter 7848, the address of the Web site on which the utility applicant will post or has posted its biennial transmission projects report required under that chapter;

F. a statement that the Environmental Quality Board will be preparing an environmental report on each high-voltage transmission line for which certification is requested;

G. a brief explanation of how to get on the mailing list for the Environmental Quality Board's proceeding; and

H. 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.

Subp. 5. **Supplementary notice.** The commission shall require supplementary notice to persons reasonably likely to be affected by system alternatives developed in the course of certification proceedings if it appears that those system alternatives are as likely to be certified as the proposed high-voltage transmission line.

Subp. 6. **Notice time frames.** The applicant shall implement the proposed notice plan within 30 days of its approval by the commission.

Subp. 7. **Good faith sufficient.** The commission shall not deny a request for certification of a high-voltage transmission line on grounds of defective notice if the applicant acted in good faith, in substantial compliance with the notice requirements of this part, and in substantial compliance with any commission orders issued under this part.

Statutory Authority: *MS s 14.06; 216A.05; 216B.08; 216B.243*

History: *29 SR 5; L 2005 c 97 art 3 s 19*

Published Electronically: *October 13, 2009*