ARTICLE 1

MINNESOTA ENERGY INFRASTRUCTURE PERMITTING ACT

ARTICLE 2

CERTIFICATES OF NEED

ARTICLE 3

CONFORMING CHANGES

Section 1. Minnesota Statutes 2023 Supplement, section 10.65, subdivision 2, is amended to read:

Subd. 2. Definitions. As used in this section, the following terms have the meanings given:

(1) "agency" means the Department of Administration; Department of Agriculture; Department of Children, Youth, and Families; Department of Commerce; Department of Corrections; Department of Education; Department of Employment and Economic Development; Department of Health; Office of Higher Education; Housing Finance Agency; Department of Human Rights; Department of Human Services; Department of Information Technology Services; Department of Iron Range Resources and Rehabilitation; Department of Labor and Industry; Minnesota Management and Budget; Bureau of Mediation Services; Department of Military Affairs; Metropolitan Council; Department of Natural Resources; Pollution Control Agency; Department of Public Safety; Department of Revenue; Department of Transportation; Department of Veterans Affairs; Gambling Control Board; Racing Commission; the Minnesota Lottery; the Animal Health Board; the Public Utilities Commission; and the Board of Water and Soil Resources;

(2) "consultation" means the direct and interactive involvement of the Minnesota Tribal governments in the development of policy on matters that have Tribal implications; Consultation is the proactive, affirmative process of identifying and seeking input from appropriate Tribal governments and considering their interest as a necessary and integral part of the decision-making process. This definition adds to statutorily mandated notification procedures. During a consultation, the burden is on the agency to show that it has made a good faith effort to elicit feedback. Consultation is a formal engagement between agency officials and the governing body or bodies of an individual Minnesota Tribal government that the agency or an individual Tribal government may initiate. Formal meetings or communication between top agency officials and the governing body of a Minnesota Tribal government is a necessary element of consultation;
(3) "Matters that have Tribal implications" means rules, legislative proposals, policy statements, or other actions that have substantial direct effects on one or more Minnesota Tribal governments, or on the distribution of power and responsibilities between the state and Minnesota Tribal governments;

(4) "Minnesota Tribal governments" means the federally recognized Indian Tribes located in Minnesota including: Bois Forte Band; Fond Du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; Red Lake Nation; Lower Sioux Indian Community; Prairie Island Indian Community; Shakopee Mdewakanton Sioux Community; and Upper Sioux Community; and

(5) "Timely and meaningful" means done or occurring at a favorable or useful time that allows the result of consultation to be included in the agency's decision-making process for a matter that has Tribal implications.

EFFECTIVE DATE.

This section is effective August 1, 2024.

Sec. 2. Minnesota Statutes 2022, section 216A.037, subdivision 1, is amended to read:

Subdivision 1. Ex parte communications prohibitions; rules.

(a) The commission shall adopt rules under chapter 14 prescribing permissible and impermissible ex parte communications. The ex parte rules may prohibit only ex parte communications, directly or indirectly, between a commissioner and a participant or party under the commission's rules of practice and procedure relating to:

(1) a material issue during a pending contested case proceeding;

(2) a material issue in a rulemaking proceeding after the beginning of commission deliberations;

(3) a material issue in a disputed formal petition; and

(4) any other communication impermissible by law.

(b) The commission may apply ex parte prohibitions, prospectively and after notice to affected parties, to other commission proceedings as the commission deems necessary.

(c) A contested case is pending from the time the commission refers the matter to the Office of Administrative Hearings until the commission has issued its final order, and the time to petition for reconsideration has expired or the commission has issued an order finally disposing of an application for reconsideration, whichever is later.

(d) Commission staff and consultants that carry out environmental review and other activities identified in chapters 216G and 216I are not parties, participants, or decision making personnel, as defined under Minnesota Rules, part 7845.7000.

Section 1. Minnesota Statutes 2022, section 216B.2421, subdivision 2, is amended to read:

Subd. 2. Large energy facility. "Large energy facility" means:
any electric power generating plant or combination of plants at a single site with a
combined capacity of 50,000 kilowatts or more and transmission lines directly associated
with the plant that are necessary to interconnect the plant to the transmission system;
(2) any high-voltage transmission line with a capacity of 200,000 kilovolts or more and
greater than 1,500 feet in length in Minnesota;
(3) any high-voltage transmission line with a capacity of 100 kilovolts or more with
more than ten miles of its length in Minnesota or that crosses a state line;
(4) any pipeline greater than six inches in diameter and having more than 50 miles of
its length in Minnesota used for the transportation of coal, crude petroleum or petroleum
fuels or oil, or their derivatives;
(5) any pipeline for transporting natural or synthetic gas at pressures in excess of 200
pounds per square inch with more than 50 miles of its length in Minnesota;
(6) any facility designed for or capable of storing on a single site more than 100,000
gallons of liquefied natural gas or synthetic gas;
(7) any underground gas storage facility requiring a permit pursuant to section 103I.681;
(8) any nuclear fuel processing or nuclear waste storage or disposal facility; and
(9) any facility intended to convert any material into any other combustible fuel and
having the capacity to process in excess of 75 tons of the material per hour.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 2. Minnesota Statutes 2022, section 216B.243, subdivision 3, is amended to read:
Subd. 3. Showing required for construction. No proposed large energy facility shall
be certified for construction unless the applicant can show that demand for electricity cannot
be met more cost effectively through energy conservation and load-management measures
and unless the applicant has otherwise justified its need. In assessing need, the commission
shall evaluate:
(1) the accuracy of the long-range energy demand forecasts on which the necessity for
the facility is based;
(2) the effect of existing or possible energy conservation programs under sections 216C.05
to 216C.30 and this section or other federal or state legislation on long-term energy demand;
(3) the relationship of the proposed facility to overall state energy needs, as described
in the most recent state energy policy and conservation report prepared under section
216C.18, or, in the case of a high-voltage transmission line, the relationship of the proposed
line to regional energy needs, as presented in the transmission plan submitted under section 216B.2425;

(4) promotional activities that may have given rise to the demand for this facility;

(5) benefits of this facility, including its uses to protect or enhance environmental quality, and to increase reliability of energy supply in Minnesota and the region;

(6) possible alternatives for satisfying the energy demand or transmission needs including but not limited to potential for increased efficiency and upgrading of existing energy generation and transmission facilities, load-management programs, and distributed generation except that the commission must not require evaluation of alternative endpoints for a high-voltage transmission line qualifying as a large energy facility unless the alternative endpoints are (i) consistent with endpoints identified in a federally registered planning authority transmission plan, or (ii) otherwise agreed to for further evaluation by the applicant;

(7) the policies, rules, and regulations of other state and federal agencies and local governments;

(8) any feasible combination of energy conservation improvements, required under section 216B.241, that can (i) replace part or all of the energy to be provided by the proposed facility, and (ii) compete with it economically;

(9) with respect to a high-voltage transmission line, the benefits of enhanced regional reliability, access, or deliverability to the extent these factors improve the robustness of the transmission system or lower costs for electric consumers in Minnesota;

(10) whether the applicant or applicants are in compliance with applicable provisions of sections 216B.1691 and 216B.2425, subdivision 7, and have filed or will file by a date certain an application for certificate of need under this section or for certification as a priority electric transmission project under section 216B.2425 for any transmission facilities or upgrades identified under section 216B.2425, subdivision 7;

(11) whether the applicant has made the demonstrations required under subdivision 3a; and

(12) if the applicant is proposing a nonrenewable generating plant, the applicant's assessment of the risk of environmental costs and regulation on that proposed facility over the expected useful life of the plant, including a proposed means of allocating costs associated with that risk.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to all pending applications.

line to regional energy needs, as presented in the transmission plan submitted under section 216B.2425;

(4) promotional activities that may have given rise to the demand for this facility;

(5) benefits of this facility, including its uses to protect or enhance environmental quality, and to increase reliability of energy supply in Minnesota and the region;

(6) possible alternatives for satisfying the energy demand or transmission needs including but not limited to potential for increased efficiency and upgrading of existing energy generation and transmission facilities, load-management programs, and distributed generation except that the commission shall not evaluate alternative endpoints for a high-voltage transmission line unless the alternative endpoints are consistent with endpoints identified in a Transmission Expansion Plan approved by the board of directors of the Midcontinent Independent System Operator, or (ii) the applicant agrees to the evaluation of the alternative endpoints;

(7) the policies, rules, and regulations of other state and federal agencies and local governments;

(8) any feasible combination of energy conservation improvements, required under section 216B.241, that can (i) replace part or all of the energy to be provided by the proposed facility, and (ii) compete with it economically;

(9) with respect to a high-voltage transmission line, the benefits of enhanced regional reliability, access, or deliverability to the extent these factors improve the robustness of the transmission system or lower costs for electric consumers in Minnesota;

(10) whether the applicant or applicants are in compliance with applicable provisions of sections 216B.1691 and 216B.2425, subdivision 7, and have filed or will file by a date certain an application for certificate of need under this section or for certification as a priority electric transmission project under section 216B.2425 for any transmission facilities or upgrades identified under section 216B.2425, subdivision 7;

(11) whether the applicant has made the demonstrations required under subdivision 3a; and

(12) if the applicant is proposing a nonrenewable generating plant, the applicant's assessment of the risk of environmental costs and regulation on that proposed facility over the expected useful life of the plant, including a proposed means of allocating costs associated with that risk.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to dockets pending at the Public Utilities Commission on or after that date.
Sec. 3. Minnesota Statutes 2022, section 216B.243, subdivision 3a, is amended to read:

Subd. 3a. Use of renewable resource. The commission may not issue a certificate of need under this section for a large energy facility that generates electric power by means of a nonrenewable energy source, or that transmits electric power generated by means of a nonrenewable energy source, unless the applicant for the certificate has demonstrated to the commission's satisfaction that it has explored the possibility of generating power by means of renewable energy sources and has demonstrated that the alternative selected is less expensive, including environmental costs, than power generated by a renewable energy source. For purposes of this subdivision, "renewable energy source" includes hydro, wind, solar, and geothermal energy and the use of trees or other vegetation as fuel.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 4. Minnesota Statutes 2022, section 216B.243, subdivision 4, is amended to read:

Subd. 4. Application for certificate; hearing. Any person proposing to construct a large energy facility shall apply for a certificate of need and for a site or route permit under chapter 216E prior to construction of the facility. The application shall be on forms and in a manner established by the commission. In reviewing each application the commission shall hold at least one public hearing pursuant to chapter 14. The public hearing shall be held at a location and hour reasonably calculated to be convenient for the public. An objective of the public hearing shall be to obtain public opinion on the necessity of granting a certificate of need and, if a joint hearing is held, a site or route permit. The commission shall designate a commission employee whose duty shall be to facilitate citizen participation in the hearing process. Unless the commission determines that a joint hearing on siting and need under this subdivision and section 216E.03, subdivision 6, chapter 216I, is not feasible or more efficient, a joint hearing under those subdivisions shall this subdivision and chapter 216I must be held. When the commission authorizes a joint hearing under this subdivision, only the environmental requirements and review under chapter 216I apply to the certificate of need process.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 5. Minnesota Statutes 2023 Supplement, section 216B.243, subdivision 8, is amended to read:

Subd. 8. Exemptions. (a) This section does not apply to:

(1) cogeneration or small power production facilities as defined in the Federal Power Act, United States Code, title 16, section 796, paragraph (17), subparagraph (A), and paragraph (18), subparagraph (A), and having a combined capacity at a single site of less than 80,000 kilowatts; plants or facilities for the production of ethanol or fuel alcohol; or any case where the commission has determined after being advised by the attorney general that its application has been preempted by federal law;

(1) cogeneration or small power production facilities as defined in the Federal Power Act, United States Code, title 16, section 796, paragraph (17), subparagraph (A), and paragraph (18), subparagraph (A), and having a combined capacity at a single site of less than 80,000 kilowatts; plants or facilities for the production of ethanol or fuel alcohol; or any case where the commission has determined after being advised by the attorney general that its application has been preempted by federal law;
(2) a high-voltage transmission line proposed primarily to distribute electricity to serve the demand of a single customer at a single location, unless the applicant opts to request that the commission determine need under this section or section 216B.2425;

(3) the upgrade to a higher voltage of an existing transmission line that serves the demand of a single customer that primarily uses existing rights-of-way, unless the applicant opts to request that the commission determine need under this section or section 216B.2425;

(4) a high-voltage transmission line of one mile or less required to connect a new or upgraded substation to an existing, new, or upgraded high-voltage transmission line;

(5) conversion of the fuel source of an existing electric generating plant to using natural gas;

(6) the modification of an existing electric generating plant to increase efficiency, as long as the capacity of the plant is not increased more than ten percent or more than 100 megawatts, whichever is greater;

(7) a large wind energy conversion system, as defined in section 216E.01, subdivision 2, subdivision 6a, or a solar energy generating system, as defined in section 216E.01, subdivision 12, or a solar energy generating system that is a large energy facility, as defined in section 216F.01, subdivision 18, engaging in a repowering project that:

(i) will not result in the system exceeding the nameplate capacity under its most recent interconnection agreement; or

(ii) will result in the system exceeding the nameplate capacity under its most recent interconnection agreement, provided that the Midcontinent Independent System Operator has provided a signed generator interconnection agreement that reflects the expected net power increase;

(9) energy storage systems, as defined in section 216E.02, subdivision 7;

(10) transmission lines directly associated with large wind energy conversion systems, solar energy generating systems, or energy storage systems that are necessary to interconnect the facility to the transmission system or

(11) a high-voltage transmission line proposed primarily to distribute electricity to serve the demand of a single customer at a single location, unless the applicant opts to request that the commission determine need under this section or section 216B.2425;

(12) the upgrade to a higher voltage of an existing transmission line that serves the demand of a single customer that primarily uses existing rights-of-way, unless the applicant opts to request that the commission determine need under this section or section 216B.2425;

(13) a high-voltage transmission line of one mile or less required to connect a new or upgraded substation to an existing, new, or upgraded high-voltage transmission line;

(14) a high-voltage transmission line of one mile or less required to connect a new or upgraded substation to an existing, new, or upgraded high-voltage transmission line;

(15) conversion of the fuel source of an existing electric generating plant to using natural gas;

(16) the modification of an existing electric generating plant to increase efficiency, as long as the capacity of the plant is not increased more than ten percent or more than 100 megawatts, whichever is greater;

(17) a large wind energy conversion system, as defined in section 216E.01, subdivision 2, subdivision 6a, or a solar energy generating system, as defined in section 216E.01, subdivision 12, or a solar energy generating system that is a large energy facility, as defined in section 216F.01, subdivision 2, engaging in a repowering project that:

(i) will not result in the system exceeding the nameplate capacity under its most recent interconnection agreement; or

(ii) will result in the system exceeding the nameplate capacity under its most recent interconnection agreement, provided that the Midcontinent Independent System Operator has provided a signed generator interconnection agreement that reflects the expected net power increase;

(31) an energy storage system, as defined in section 216E.01, subdivision 3a; or

(32) a transmission line directly associated with and necessary to interconnect any of the following facilities with the electric transmission grid:

(i) a large wind energy conversion system, as defined in section 216E.01, subdivision 6a;

(ii) a solar energy generating system that is a large electric power generating plant; or

(iii) an energy storage system, as defined in section 216E.01, subdivision 3a;
(11) relocation of an existing high voltage transmission line to new right-of-way, provided that any new structures that are installed are not designed for and capable of operation at higher voltage.

(b) For the purpose of this subdivision, "repowering project" means:

(1) modifying a large wind energy conversion system or a solar energy generating system that is a large energy facility to increase its efficiency without increasing its nameplate capacity;

(2) replacing turbines in a large wind energy conversion system without increasing the nameplate capacity of the system; or

(3) increasing the nameplate capacity of a large wind energy conversion system.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 7. Minnesota Statutes 2022, section 216B.243, subdivision 9, is amended to read:

Subd. 9. Renewable energy standard and carbon-free energy standard facilities. This section does not apply to a wind energy conversion system or a solar electric generation facility that is intended to be used to meet the obligations of section 216B.1691, subdivision 2a or 2g; provided that, after notice and comment, the commission determines that the facility is a reasonable and prudent approach to meeting a utility's obligations under that section. When making this determination, the commission must consider:

(1) the size of the facility relative to a utility's total need for renewable resources;

(2) alternative approaches for supplying the renewable energy to be supplied by the proposed facility;

(3) the facility's ability to promote economic development, as required under section 216B.1691, subdivision 9;

(4) the facility's ability to maintain electric system reliability;

(5) impacts on ratepayers; and

(6) other criteria as the commission may determine are relevant.

EFFECTIVE DATE. This section is effective the day following final enactment.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 8. Minnesota Statutes 2022, section 216B.246, subdivision 3, is amended to read:

Subd. 3. Commission procedure. (a) If an electric transmission line has been approved for construction in a federally registered planning authority transmission plan, the incumbent electric transmission owner, or owners if there is more than one owner, shall give notice to the commission, in writing, within 60 days of approval, regarding its intent to construct, own, and maintain the electric transmission line. If an incumbent electric transmission owner gives notice of intent to build the electric transmission line then, unless exempt from the
requirements of section 216B.243, within 12 months from the date of the notice described in this paragraph or such longer time approved by the commission, the incumbent electric transmission owner shall file an application for a certificate of need under section 216B.243 or certification under section 216B.2425.

(b) If the incumbent electric transmission owner indicates that it does not intend to build the transmission line, such notice shall fully explain the basis for that decision. If the incumbent electric transmission owner, or owners, gives notice of intent not to build the electric transmission line, then the commission may determine whether the incumbent electric transmission owner or other entity will build the electric transmission line, taking into consideration issues such as cost, efficiency, reliability, and other factors identified in this chapter.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies to any electric transmission line that has been approved for construction in a federally registered planning authority transmission plan on or after that date.

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Section 1. **[216I.01] CITATION.**

This chapter may be cited as the "Minnesota Energy Infrastructure Permitting Act."

Sec. 2. **[216I.02] DEFINITIONS.**

Subdivision 1. **Applicability.** For purposes of this chapter, the terms defined in this section have the meanings given, unless context clearly indicates or provides otherwise:

**Subd. 2. Associated facility.** "Associated facility" means a building, equipment, communication instrumentation, or other physical structure that is necessary to operate a large energy infrastructure facility. Associated facility includes transmission lines designed for and capable of operating at 100 kilovolts or less that interconnect the large energy infrastructure facility with the existing high-voltage transmission system.

**Subd. 3. Commission.** "Commission" means the Public Utilities Commission; Commission also means the executive secretary of the Public Utilities Commission for purposes of the following:

(1) applicability determinations under section 216I.04;
(2) completeness determinations under section 216I.05;
(3) public meetings under section 216I.05, subdivision 9;
(4) draft environmental impact statements under section 216I.06, subdivision 1, paragraph (c); and
(5) public hearings under section 216I.06, subdivision 2, or 216I.07, subdivision 4.

**Subd. 4. Construction.** "Construction" means any clearing of land, excavation, or other action that adversely affects the site's or route's natural environment. Construction does not
2.25 include changes needed to temporarily use sites or routes for nonutility purposes, or uses
2.26 in securing survey or geological data, including necessary borings to ascertain foundation
2.27 conditions:
2.28 Subd. 5. Cultivated agricultural land. "Cultivated agricultural land" has the meaning
2.29 given in section 216G.01, subdivision 4.
2.30 Subd. 6. Energy storage system. "Energy storage system" means equipment and
2.31 associated facilities designed with a nameplate capacity of 10,000 kilowatts or more that is
2.32 capable of storing generated electricity for a period of time and delivering the electricity
2.33 for use after storage.
2.34 Subd. 7. Executive secretary. "Executive secretary" means the executive secretary of
2.35 the Public Utilities Commission under section 216A.04 or Public Utilities Commission staff
2.36 designated by the executive secretary.
2.37 Subd. 8. High-voltage transmission line. "High-voltage transmission line" means a
2.38 conductor of electric energy and associated facilities that is (1) designed for and capable of
2.39 operation at a nominal voltage of 100 kilovolts or more; and (2) is greater than 1,500 feet
2.40 in length.
2.41 Subd. 9. Large electric power generating plant. "Large electric power generating
2.42 plant" means electric power generating equipment and associated facilities designed for or
2.43 capable of operation at a capacity of 50,000 kilowatts or more.
2.44 Subd. 10. Large energy infrastructure facility. "Large energy infrastructure facility"
2.45 means a high-voltage transmission line, a large electric power generating plant, an energy
2.46 storage system, a large wind energy conversion system, and any associated facility.
2.47 Subd. 11. Large wind energy conversion system. "Large wind energy conversion
2.48 system" means any combination of wind energy conversion systems with a combined
2.49 nameplate capacity of 5,000 kilowatts or more, and may include transmission lines designed
2.50 for and capable of operating at 100 kilovolts or less that interconnect a large wind energy
2.51 conversion system with a high-voltage transmission line.
2.52 Subd. 12. Permittee. "Permittee" means a person to whom a site or route permit is
2.53 issued.
2.54 Subd. 13. Person. "Person" means an individual, partnership, joint venture, private or
2.55 public corporation, association, firm, public service company, cooperative, political
2.56 subdivision, municipal corporation, government agency, public utility district, or any other
2.57 entity, public or private, however organized.
2.59 enforceable agreement between two or more persons where one or more of the signatories
2.60 agrees to provide electrical power and one or more of the signatories agrees to purchase the
2.61 power.
Subd. 15. **Route.** "Route" means the location of a high-voltage transmission line between two end points. The route may have a variable width of up to 1.25 miles.

Subd. 16. **Site.** "Site" means the location of a large electric power generating plant, solar energy generating system, energy storage system, or large wind energy conversion system.

Subd. 17. **Small wind energy conversion system.** "Small wind energy conversion system" means any combination of wind energy conversion systems with a combined nameplate capacity of less than 5,000 kilowatts.

Subd. 18. **Solar energy generating system.** "Solar energy generating system" means a set of devices whose primary purpose is to produce electrically by means of any combination of collecting, transferring, or converting solar-generated energy with a combined nameplate capacity of 50,000 kilowatts alternating current or more.

Subd. 19. **Utility.** "Utility" means any entity engaged or intending to engage in generating, transmitting, or distributing electric energy in Minnesota. Utility includes but is not limited to a private investor-owned utility, cooperatively owned utility, and public or municipally owned utility.

Subd. 20. **Wind energy conversion system.** "Wind energy conversion system" means a device, including but not limited to a wind charger, windmill, or wind turbine and associated facilities, that converts wind energy to electrical energy.

Sec. 3. **SITING AUTHORITY.**

Subdivision 1. **Policy.** The legislature hereby declares it to be the policy of the state to locate large electric power facilities in an orderly manner compatible with environmental preservation and the efficient use of resources. In accordance with this policy the commission shall choose locations that minimize adverse human and environmental impact while ensuring continuing electric power system reliability and integrity and ensuring that electric energy needs are met and fulfilled in an orderly and timely fashion.

Subd. 2. **Jurisdiction.** (a) The commission has the authority to provide for site and route selection for large energy infrastructure facilities. The commission must issue permits for large energy infrastructure facilities in a timely fashion and in a manner consistent with the overall determination of need for the project under section 216B.2425 or 216B.243, if applicable.

(b) The scope of an environmental review conducted under this chapter must not include: (1) questions of need, including size, type, and timing; (2) alternative system configurations; or (3) voltage.

Subd. 3. **Interstate routes.** If a route is proposed in two or more states, the commission must attempt to reach an agreement with affected states on the entry and exit points before designating a route. The commission, in discharge of the commission's duties under this chapter, may make joint investigations, hold joint hearings within or outside of the state, and issue joint or concurrent orders in conjunction or concurrence with any official or agency.

SF 4784/SF 4942 - Energy Transmission
Senate Language S4784-5
House Language UES4942-1
6.4 Subdivision 1. Site permit. (a) A person is prohibited from constructing a large electric generating plant, a solar energy generating system, an energy storage system, or a large wind energy conversion system without a site permit issued by the commission. A person may construct a large electric generating plant, an energy storage system, a solar energy generating system, or a large wind energy conversion system only on a site approved by the commission.

(b) The commission must incorporate into one proceeding the route selection for a high-voltage transmission line that is directly associated with and necessary to interconnect the large electric generating plant, energy storage system, solar energy generating system, or large wind energy conversion system to the transmission system if the applications are submitted jointly under this chapter.

(c) A site permit does not authorize construction of a large electric generating plant until the permittee has obtained a power purchase agreement or some other enforceable mechanism for sale of the power to be generated by the project. If the permittee does not have a power purchase agreement or other enforceable mechanism at the time the permit is issued, the commission must provide in the permit that the permittee shall advise the commission when it obtains a commitment for purchase of the power. The commission may establish as a condition in the permit, a date by which the permittee must obtain a power purchase agreement or other enforceable mechanism, or the site permit is null and void.

Subd. 2. Route permit. A person is prohibited from constructing a high-voltage transmission line without a route permit issued by the commission. A person may construct a high-voltage transmission line only along a route approved by the commission.

Subd. 3. Application. (a) A person that seeks to construct a large energy infrastructure facility must apply to the commission for a site or route permit, as applicable.
6.28 (b) The application must contain:
6.29 (1) a statement of proposed ownership of the facility at the time of filing the application
6.30 and after commercial operation;
6.31 (2) the name of any person or organization initially named as permittee or permittees
6.32 and the name of any other person to whom the permit may be transferred if transfer of the
6.33 permit is contemplated;
6.34 (3) a description of the proposed large energy infrastructure facility and all associated
6.35 facilities, including size, type, and timing of the facility;
6.36 (4) the environmental information required under subdivision 4;
6.37 (5) the names of each owner described under subdivision 8;
6.38 (6) United States Geological Survey topographical maps, or other maps acceptable to
6.39 the commission, that show the entire proposed large energy infrastructure facility;
6.40 (7) a document that identifies existing utility and public rights-of-way along or near the
6.41 large energy infrastructure facility;
6.42 (8) the engineering and operational design concepts for the proposed large energy
6.43 infrastructure facility;
6.44 (9) a cost analysis of the proposed large energy infrastructure facility; including the costs
6.45 to construct, operate, and maintain the facility;
6.46 (10) a description of possible design options to accommodate the large energy
6.47 infrastructure facility's future expansion;
6.48 (11) the procedures and practices proposed to acquire, construct, maintain, and restore
6.49 the large energy infrastructure facility's right-of-way or site;
6.50 (12) a list and brief description of federal, state, and local permits that may be required
6.51 for the proposed large energy infrastructure facility;
6.52 (13) a discussion regarding whether a certificate of need application is required and, if
6.53 a certificate of need application is required, whether the certificate of need application has
6.54 been submitted;
6.55 (14) a discussion regarding any other sites or routes that were considered and rejected
6.56 by the applicant;
6.57 (15) any information the commission requires pursuant to an administrative rule; and

128.11 not in the application can be obtained from the applicant during the first phase of the process
128.12 and that information is not essential for notice and initial public meetings.
(16) a discussion of coordination with Minnesota Tribal governments, as defined under section 10.65, subdivision 2, by the applicant including but not limited to the notice required under subdivision 5 of this section.

Subd. 4. Environmental information. (a) An applicant for a site or route permit must include in the application environmental information for each proposed site or route. The environmental information submitted must include:

(1) a description of each site or route's environmental setting;
(2) a description of the effects the facility's construction and operation has on human settlement, including but not limited to public health and safety, displacement, noise, aesthetics, socioeconomic impacts, environmental justice impacts, cultural values, recreation, and public services;
(3) a description of the facility's effects on land-based economies, including but not limited to agriculture, forestry, tourism, and mining;
(4) a description of the facility's effects on archaeological and historic resources;
(5) a description of the facility's effects on the natural environment, including effects on air and water quality resources, flora, and fauna;
(6) a description of the greenhouse gas emissions associated with construction and operation of the facility;
(7) a description of the climate change resilience of the facility;
(8) a description of the facility's effects on rare and unique natural resources;
(9) a list that identifies human and natural environmental effects that are unavoidable if the facility is approved at a specific site or route; and
(10) a description of (i) measures that might be implemented to mitigate the potential human and environmental impacts identified in clauses (1) to (7), and (ii) the estimated costs of the potential mitigative measures.

(b) An applicant that applies using the standard process under section 216I.06 may include the environmental information required under paragraph (a) in the applicant's environmental assessment.

Subd. 5. Preapplication coordination. At least 30 days before filing an application with the commission, an applicant must provide notice to: (1) each local unit of government within which a site or route may be proposed; (2) Minnesota Tribal governments, as defined under section 10.65, subdivision 2; and (3) the state technical resource agencies. The notice must describe the proposed project and provide the entities receiving the notice an opportunity for preapplication coordination or feedback.

Subd. 2a. Preapplication coordination. (a) At least 30 days before filing an application with the commission, an applicant must provide notice to:

(1) each local unit of government within which a site or route may be proposed;
(2) Minnesota Tribal governments, as defined under section 10.65, subdivision 2; and
(3) the state agencies that are represented on the Environmental Quality Board; and
(b) Commission staff's draft application review must focus on the application's completeness and clarifications that may assist the commission's review of the application. Upon completion of the preapplication review under this subdivision, commission staff must provide the applicant a summary of the completeness review. The applicant may include the completeness review summary with the applicant's application under subdivision 3b.

Subd. 3b Preapplication consultation meetings. Within 30 days of receiving a project notice, local units of government may request the applicant to hold a consultation meeting with local units of government. Upon receiving notice from a local unit of government requesting a preapplication consultation meeting, the applicant shall arrange the meeting at a location chosen by the local units of government. A single public meeting for which each local government unit requesting a meeting is given notice satisfies the meeting requirement of this subdivision.

Subd. 4 Application notice. Within 15 days after submission of an application to the commission, the applicant shall publish notice of the application in a legal newspaper of general circulation in each county in which the site or route is proposed and send a copy of the application by certified mail to any regional development commission, county, incorporated municipality, and town in which any part of the site or route is proposed.
Within the same 15 days, the applicant shall also send a notice of the submission of the application and description of the proposed project to each owner whose property is within or adjacent to any of the proposed sites for the power plant or along any of the proposed routes for the transmission line. The notice must identify a location where a copy of the application can be reviewed. For the purpose of giving mailed notice under this subdivision, owners are those shown on the records of the county auditor or, in any county where tax statements are mailed by the county treasurer, on the records of the county treasurer; but other appropriate records may be used for this purpose. The failure to give mailed notice to a property owner, or defects in the notice, does not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made. Within the same 15 days, the applicant shall also send the same notice of the submission of the application and description of the proposed project to those persons who have requested to be placed on a list maintained by the commission for receiving notice of proposed large electric generating power plants and high voltage transmission lines.

Within the same 15 days, the applicant shall also send a notice of the application and description of the proposed project to any regional development commission, any Tribal government as defined under section 10.65, subdivision 2, county, incorporated municipality, and town in which any part of the site or route is proposed:

(3) provide notice of the application and description of the proposed project to each owner whose property is within or adjacent to the proposed site or route for the large energy infrastructure facility; and

(4) provide notice to persons who have requested to be placed on a list maintained by the commission to receive notice of proposed large energy infrastructure facilities.

(b) The commission must identify a standard format and content for application notices. At a minimum, the notice must include: (1) a description of the proposed project, including a map displaying the general area of the proposed site or route; (2) a description detailing how a person may receive more information and future notices regarding the application; and (3) a location where a copy of the application may be reviewed.

(c) The notice must also provide information regarding the date and location of the public meeting where the public can learn more about the proposed project and the commission’s review process.

(d) For the purposes of providing mailed notice under this subdivision, an owner is the person indicated in the records of the county auditor or, in a county where tax statements are mailed by the county treasurer, in the records of the county treasurer; if necessary, other appropriate records may be used for purposes of providing mailed notice. The failure to provide mailed notice to a property owner or defects in the notice do not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made.

Within the same 15 days, the applicant shall also send a notice of the submission of the application and description of the proposed project to each owner whose property is on or adjacent to any of the proposed sites for the power plant or along any of the proposed routes for the transmission line. The notice must identify a location where a copy of the application can be reviewed. For the purpose of giving mailed notice under this subdivision, owners are those shown on the records of the county auditor or, in any county where tax statements are mailed by the county treasurer, on the records of the county treasurer; but other appropriate records may be used for this purpose. The failure to give mailed notice to a property owner, or defects in the notice, does not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made. Within the same 15 days, the applicant shall also send the same notice of the submission of the application and description of the proposed project to those persons who have requested to be placed on a list maintained by the commission for receiving notice of proposed large electric generating power plants and high voltage transmission lines.

Within the same 15 days, the applicant shall also send a notice of the submission of the application and description of the proposed project to each owner whose property is on or adjacent to any of the proposed sites for the power plant or along any of the proposed routes for the transmission line. The notice must identify a location where a copy of the application can be reviewed. For the purpose of giving mailed notice under this subdivision, owners are those shown on the records of the county auditor or, in any county where tax statements are mailed by the county treasurer, on the records of the county treasurer; but other appropriate records may be used for this purpose. The failure to give mailed notice to a property owner, or defects in the notice, does not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made. Within the same 15 days, the applicant shall also send the same notice of the submission of the application and description of the proposed project to those persons who have requested to be placed on a list maintained by the commission for receiving notice of proposed large electric generating power plants and high voltage transmission lines.

Within the same 15 days, the applicant shall also send a notice of the submission of the application and description of the proposed project to each owner whose property is on or adjacent to any of the proposed sites for the power plant or along any of the proposed routes for the transmission line. The notice must identify a location where a copy of the application can be reviewed. For the purpose of giving mailed notice under this subdivision, owners are those shown on the records of the county auditor or, in any county where tax statements are mailed by the county treasurer, on the records of the county treasurer; but other appropriate records may be used for this purpose. The failure to give mailed notice to a property owner, or defects in the notice, does not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made. Within the same 15 days, the applicant shall also send the same notice of the submission of the application and description of the proposed project to those persons who have requested to be placed on a list maintained by the commission for receiving notice of proposed large electric generating power plants and high voltage transmission lines.

Within the same 15 days, the applicant shall also send a notice of the submission of the application and description of the proposed project to each owner whose property is on or adjacent to any of the proposed sites for the power plant or along any of the proposed routes for the transmission line. The notice must identify a location where a copy of the application can be reviewed. For the purpose of giving mailed notice under this subdivision, owners are those shown on the records of the county auditor or, in any county where tax statements are mailed by the county treasurer, on the records of the county treasurer; but other appropriate records may be used for this purpose. The failure to give mailed notice to a property owner, or defects in the notice, does not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made. Within the same 15 days, the applicant shall also send the same notice of the submission of the application and description of the proposed project to those persons who have requested to be placed on a list maintained by the commission for receiving notice of proposed large electric generating power plants and high voltage transmission lines.
10.5 Subd. 9. Public meeting. (a) The commission must hold at least one public meeting in a location near the proposed large energy infrastructure facility project's location to explain the permitting process, present major issues, and respond to questions raised by the public.

(b) At the public meeting and in written comments accepted at least ten days following the date of the public meeting, the commission must accept comments on potential impacts, permit conditions, and alternatives the commission should evaluate when considering the application.

10.11 Subd. 10. Draft permit; additional considerations. Upon close of the public comment period following the public meeting in subdivision 9, the commission must:

10.14 (1) prepare a draft site or route permit for the large energy infrastructure facility. The draft permit must identify the person or persons who are the permittee, describe the proposed project, and include proposed permit conditions. A draft site permit does not authorize a person to construct a large energy infrastructure facility. The commission may change the draft site permit in any respect before final issuance or may deny the permit; and

10.19 (2) identify the scope of the environmental impact statement prepared under section 216E.02 or the addendum prepared under section 216E.07.

10.21 Subd. 11. Designating sites and routes; considerations. (a) The commission's site and route permit determinations must be guided by the state's goals to conserve resources, minimize environmental impacts, minimize human settlement and other land use conflicts,

emissions as a result of increased efficiency from the production of thermal energy on the part of the customer operating or owning the proposed cogeneration facility.

10.15 Subd. 5a. Public meeting. (a) Within 20 days after the date the commission determines an application is complete, to the extent practicable, the commission must hold at least one public meeting in a location near the proposed project's location to explain the permitting process, present major issues, and respond to questions raised by the public.

(b) At the public meeting and in written comments that the commission must accept for at least ten days following the date of the public meeting, members of the public may submit comments on potential impacts, permit conditions, and alternatives the commission should evaluate when considering the application.

10.34 Subd. 7. Considerations in designating sites and routes. (a) The commission's site and route permit determinations must be guided by the state's goals to conserve resources, minimize environmental impacts, minimize human settlement and other land use conflicts,
and ensure the state’s energy security through efficient, cost-effective energy supply and infrastructure.

(b) To facilitate studying, researching, evaluating, and designating sites and routes, the commission must be guided by but is not limited to:

(1) evaluating research and investigations relating to (i) large electric power generation and transmission facilities’ effects on land, water, and air resources; and (ii) the effects of waste energy from proposed large electric power generation and transmission facilities on public health and welfare, vegetation, animals, materials, and aesthetic values, including baseline studies, predictive modeling, and evaluating new or improved methods to minimize adverse impacts of water and air discharges and other matters pertaining to large energy infrastructure facilities’ effects on the water and air environment;

(2) conducting environmental evaluation of sites and routes that are proposed for future development and expansion, and the relationship of proposed sites and routes for future development and expansion to Minnesota’s land, water, air, and human resources;

(3) evaluating the effects of measures designed to minimize adverse environmental effects;

(4) evaluating the potential for beneficial uses of waste energy from proposed large electric power generating plants;

(5) analyzing the direct and indirect economic impact of proposed sites and routes, including but not limited to productive agricultural land lost or impaired;

(6) evaluating adverse direct and indirect environmental effects that are unavoidable should the proposed site and route be accepted;

(7) evaluating alternatives to the applicant’s proposed site or route, if applicable;

(8) when appropriate, evaluating potential routes that would use or parallel existing railroad and highway rights-of-way;

(9) evaluating governmental survey lines and other natural division lines of agricultural land to minimize interference with agricultural operations;

(10) evaluating the future needs for large energy infrastructure facilities in the same general area as any proposed site or route;

(11) evaluating irreversible and irrevocable commitments of resources should the proposed site or route be approved;

and ensure the state’s electric energy security through efficient, cost-effective power supply and electric transmission infrastructure.

(b) To facilitate the study, research, evaluation, and designation of sites and routes, the commission shall be guided by but is not limited to, the following considerations:

(1) evaluating research and investigations relating to the effects on land, water and air resources of large electric power facilities and the effects of water and air discharges and electric and magnetic fields resulting from such facilities on public health and welfare, vegetation, animals, materials and aesthetic values, including baseline studies, predictive modeling, and evaluation of new or improved methods for minimizing adverse impacts of water and air discharges and other matters pertaining to the effects of power plants on the water and air environment;

(2) environmental evaluation of sites and routes proposed for future development and expansion and their relationship to the land, water, air and human resources of the state;

(3) evaluation of the effects of new electric power generation and transmission technologies and systems related to power plants designed to minimize adverse environmental effects;

(4) evaluation of the potential for beneficial uses of waste energy from proposed large electric power generating plants;

(5) analysis of the direct and indirect economic impact of proposed sites and routes, including; but not limited to, productive agricultural land lost or impaired;

(6) evaluation of adverse direct and indirect environmental effects that cannot be avoided should the proposed site and route be accepted;

(7) evaluation of alternatives to the applicant’s proposed site or route, proposed pursuant to subdivisions 1 and 2;

(8) evaluation of potential routes that would use or parallel existing railroad and highway rights-of-way;

(9) evaluation of governmental survey lines and other natural division lines of agricultural land to minimize interference with agricultural operations;

(10) evaluation of the future needs for additional high-voltage transmission lines in the same general area as any proposed route; and the advisability of ordering the construction of structures capable of expansion in transmission capacity through multiple circuiting or design modifications.

(11) evaluation of irreversible and irrevocable commitments of resources should the proposed site or route be approved;
(12) when appropriate, considering the potential impacts raised by other state and federal agencies and local entities;

(13) evaluating the benefits of the proposed facility with respect to (i) the protection and enhancement of environmental quality, and (ii) the reliability of state and regional energy supplies;

(14) evaluating the proposed facility's impact on socioeconomic factors; and

(15) evaluating the proposed facility's employment and economic impacts in the facility site's vicinity and throughout Minnesota, including the quantity, quality and compensation level of construction and permanent jobs. The commission must consider a facility's local employment and economic impacts, and may reject or place conditions on a site or route permit based on the local employment and economic impacts.

(e) If the commission's rules are substantially similar to existing federal agency regulations the utility is subject to, the commission must apply the federal regulations. (d) The commission is prohibited from designating a site or route that violates state agency rules.

(e) When applicable, the commission must make a specific finding that the commission considered locating a route for a high-voltage transmission line on an existing high-voltage transmission route and using parallel existing highway right-of-way. To the extent an existing high-voltage transmission route or parallel existing right-of-way is not used for the route, the commission must state the reasons.

Subd. 12. Final decision. (a) The commission shall issue a site or route permit that is demonstrated to be in the public interest pursuant to this chapter. The commission may require any reasonable conditions in the site or route permit that are necessary to protect the public interest. The commission maintains continuing jurisdiction over the route and site permits and any conditions therein.

(b) The commission is prohibited from issuing a site permit in violation of the site selection standards and criteria established under this section and in rules the commission adopts. When the commission designates a site, the commission must issue a site permit that...
the applicant with any appropriate conditions. The commission must publish a notice of the
commission's decision in the Environmental Quality Board Monitor within 30 days of the
date the commission issues the site permit.

(c) The commission is prohibited from issuing a route permit in violation of the route
selection standards and criteria established under this section and in rules the commission
adopts. When the commission designates a route, the commission must issue a permit for
the construction of a high-voltage transmission line that specifies the design, routing,
right-of-way preparation, and facility construction the commission deems necessary,
including any other appropriate conditions. The commission may order the construction of
high-voltage transmission line facilities that are capable of expanding transmission capacity
through multiple circuiting or design modifications. The commission must publish a notice
of the commission's decision in the Environmental Quality Board Monitor within 30 days
of the date the commission issues the route permit.

(d) The commission must require as a condition of permit issuance, including the issuance
of a modified permit for a repowering project, as defined in section 216B.243, subdivision
8, paragraph (b), that the recipient of a site or route permit to construct an energy
infrastructure facility, including all of the permit recipient's construction contractors and
subcontractors on the project: (1) must pay no less than the prevailing wage rate, as defined
in section 177.42; and (2) is subject to the requirements and enforcement provisions under
sections 177.27, 177.30, 177.32, 177.41 to 177.435, and 177.45.

Subd. 13. Commission; technical expertise and other assistance. (a) The commission
must consult with other state agencies and obtain technical expertise and other assistance
for activities and proceedings under this chapter.

(b) Notwithstanding the requirements of section 216B.33, employees of the commission
may take any action related to the requirements of this chapter immediately following a
hearing and vote by the commission, prior to issuing a written order, finding, authorization,
or certification.
Forms; assistance; written determination.

Subdivision 1. Generally, This section may be used to determine: (1) whether a proposal is subject to the commission's siting or routing jurisdiction under this chapter; or (2) which review process is applicable at the time of the initial application.

Subdivision 2. Solar, wind, or energy storage facilities. For solar energy generating systems, large wind energy conversion systems, or energy storage systems, the alternating current nameplate capacity of each solar energy generating system, wind energy conversion system, or energy storage system must be combined with the alternating current nameplate capacity of any other solar energy generating system, wind energy conversion system, or energy storage system that:

(1) is constructed within the same 12-month period; and

(2) exhibits characteristics of being a single development, including but not limited to ownership structure, an umbrella sales arrangement, shared interconnection, revenue sharing arrangements, and common debt or equity financing.

Subdivision 3. Transmission lines. For transmission lines, the petitioner must describe the applicability question and provide sufficient facts to support the determination.

Subdivision 4. Forms; assistance; written determination. (a) The commission must provide forms and assistance to help applicants make a request for an applicability determination.

(b) Upon written request from an applicant, the commission or its designee must provide a written determination regarding applicability under this section. The commission or its designee must provide the written determination within 30 days of the date the request was received or 30 days of the date information that the commission requested from the applicant is received, whichever is later. This written determination constitutes a final decision of the commission.

(a) The commission must provide a written determination regarding applicability under this section.

(b) Upon written request from an applicant, the commission must provide a written determination regarding applicability under this section. To the extent practicable, the commission must provide the written determination within 30 days of the date the request was received or 30 days of the date information that the commission requested from the applicant is received, whichever is later. This written determination constitutes a final decision of the commission.
Sec. 11. [216E.03] APPLICATIONS: MAJOR REVIEW.

Subdivision 1. Environmental review. (a) The commissioner of commerce shall prepare an environmental impact statement on each proposed large electric infrastructure facility for which a complete application has been submitted. The purposes for environmental review, the commission is prohibited from considering whether or not the project is needed. No other state environmental review documents are required. The commission must study and evaluate any site or route identified by the commission under section 216I.05, subdivision 10, clause (2).

(b) For a cogeneration facility as defined in section 216H.01, subdivision 1a, that is a large electric power generating plant and is not proposed by a utility, the commission must make a finding in the environmental impact statement whether the project is likely to result in a net reduction of carbon dioxide emissions, considering both the utility providing electric service to the proposed cogeneration facility and any reduction in carbon dioxide emissions resulting from increased efficiency from thermal energy production on the part of the customer that operates or owns the proposed cogeneration facility.

(c) The commission must publish a draft environmental impact statement in which the commission determines the scope of the environmental impact statement under section 216I.05, subdivision 10. The public may provide comments on the draft environmental impact statement at the public hearing and comment period under subdivision 2.

(d) The commission must publish a final environmental impact statement responding to the timely substantive comments on the draft environmental impact statement consistent with the scope approved by the commission under section 216I.05, subdivision 10, clause (2). The final environmental impact statement must discuss at appropriate points in the final environmental impact statement any reasonable opposing views relating to scoping issues that were not adequately discussed in the draft environmental impact statement and must indicate a response to the reasonable opposing views. When making the commission's final decision, the commission must consider the final environmental impact statement and the entirety of the record related to human and environmental impacts.

Subd. 2. Public hearing. (a) No sooner than 15 days after the date the draft environmental impact statement is published, the commission must hold a public hearing on an application for a large electric power generating plant or route permit. A hearing held to designate a site or route must be conducted by an administrative law judge from the Office of Administrative Hearings. The commission may designate a portion of the hearing to be conducted as a contested case proceeding under chapter 14. The commission must provide notice of the hearing at least ten days before but no earlier than 45 days before the date the hearing commences. The commission must provide notice by (1) publishing in a legal newspaper of general circulation in the county in which the public hearing is to be held. (2) mailing to chief executives of the regional development commissions, counties, organized towns, townships, and incorporated municipalities in which a site or route is proposed, and

Sec. 12. [216H.01] APPLICATIONS; MAJOR REVIEW.

Subdivision 1. Environmental review. (a) The commission must prepare an environmental impact statement on each proposed large electric power generating plant for which a complete application has been submitted. The commission shall not consider whether or not the project is needed. No other state environmental review documents are required. The commissioner shall study and evaluate any site or route proposed by an applicant and any other site or route the commission deems necessary that was proposed in a manner consistent with rules concerning the form, content, and timeliness of proposals for alternate sites or routes, excluding any alternate site for a solar energy generating system that was not proposed by an applicant.

(b) For a cogeneration facility as defined in section 216H.01, subdivision 1a, that is a large electric power generating plant and is not proposed by a utility, the commissioner must make a finding in the environmental impact statement whether the project is likely to result in a net reduction of carbon dioxide emissions, considering both the utility providing electric service to the proposed cogeneration facility and any reduction in carbon dioxide emissions as a result of increased efficiency from the production of thermal energy on the part of the customer operating or owning the proposed cogeneration facility.

Subd. 2. Public hearing. (a) In addition to the public meeting required under section 216I.03, subdivision 5a, the commission shall hold a public hearing on an application for a site or route permit for a large electric power facility. A hearing held for designating a site or route shall be conducted by an administrative law judge from the Office of Administrative Hearings pursuant to the contested case procedures of chapter 14 only if commission staff determines that a disputed matter exists that may require clarification through expert testimony. Notice of the hearing shall be given by the commission at least ten days in advance but no earlier than 45 days prior to the commencement of the hearing. Notice shall be by publication in a legal newspaper of general circulation in the county in which the public hearing is to be held and by certified mail to chief executives of the regional development commissions, Tribal governments, counties, organized towns, townships, and
Tribal governments as defined by section 10.65, subdivision 2. Any person may appear at the hearings and offer testimony and exhibits without the necessity of intervening as a formal party to the proceedings. The administrative law judge may allow any person to ask questions of other witnesses. The administrative law judge must hold a portion of the hearing in the area where the large energy infrastructure facility's location is proposed. The commission and administrative law judge must accept written comments no less than 20 days after the public hearing's date. The administrative law judge may allow any person to ask questions of other witnesses. The administrative law judge shall hold a portion of the hearing in the area where the power plant or transmission line is proposed to locate. The administrative law judge must issue a report and recommendations after completion of post-hearing briefing or the date the public comment period under subdivision 2 closes, whichever is later.

Subd. 3. Administrative law judge report. The administrative law judge must make a final decision on an application within 60 days of the date the administrative law judge's report is received. A final decision on the site or route permit request must be made within one year of the date the commission determines an application is complete. The commission may extend the time limit under this subdivision for up to three months for just cause or upon agreement with the applicant.

Subd. 4. Timing. The commission must make a final decision on an application within 60 days after receipt of the report of the administrative law judge, if applicable. A final decision on the request for a site permit or route permit shall be made within one year after the commission's determination that an application is complete. The commission may extend the time limit under this paragraph for up to three months for just cause or upon agreement with the applicant.

(b) To ensure that a final decision complies with the requirements of this subdivision, the commission shall establish deadlines for the submission of comments by state agencies on applications and environmental review documents that expedite the siting and route permitting process.

Subd. 4. Final decision. (a) No site permit shall be issued by the commission: (1) in violation of the site selection standards and criteria established in this section and in rules adopted by the commission; or (2) if the commission determines that the proposed project is not in the public interest. When the commission designates a site, the commission shall issue a site permit to the applicant with any appropriate conditions. The commission shall publish a notice of the commission's decision in the State Register within 30 days of issuance of the site permit.

(b) No route permit shall be issued by the commission: (1) in violation of the route selection standards and criteria established in this section and in rules adopted by the commission; or (2) if the commission determines that the proposed project is not in the public interest. When the commission designates a route, the commission shall issue a permit for the construction of a high-voltage transmission line specifying the design, routing, right-of-way preparation, and facility construction the commission deems necessary, and with any other appropriate conditions. The commission may order the construction of high-voltage transmission line facilities that are capable of expansion in transmission capacity through multiple circuiting or design modifications. The commission shall publish a notice.
Sec. 7. **APPLICATIONS; STANDARD REVIEW.**

Subdivision 1. **Standard review.** An applicant who seeks a site or route permit for which the applicant's proposal is one of the projects identified in this section may follow the procedures under this section in lieu of the procedures under section 216I.06. The applicant must notify the commission at the time the application is submitted which procedure the applicant has elected to follow.

Subd. 2. **Applicable projects.** The requirements and procedures under this section apply to projects for which the applicant's proposal is:

1. large electric power generating plants with a capacity of less than 80 megawatts;
2. large electric power generating plants that are fueled by natural gas;
3. high-voltage transmission lines with a capacity between 100 and 300 kilovolts;
4. high-voltage transmission lines with a capacity in excess of 300 kilovolts and less than 30 miles in length in Minnesota;
5. high-voltage transmission lines with a capacity in excess of 300 kilovolts; if at least 80 percent of the distance of the line in Minnesota, as proposed by the applicant, is located along existing high-voltage transmission line right-of-way;
6. solar energy systems;
7. (4) high-voltage transmission lines in excess of 200 kilovolts and less than 30 miles in length in Minnesota;
8. (5) high-voltage transmission lines in excess of 200 kilovolts if at least 80 percent of the distance of the line in Minnesota will be located along existing high-voltage transmission line right-of-way;
9. (6) a high-voltage transmission line rerouting to serve the demand of a single customer when the rerouted line will be located at least 80 percent on property owned or controlled by the customer or the owner of the transmission line;
10. (7) high-voltage transmission lines in excess of 200 kilovolts if at least 80 percent of the distance of the line in Minnesota will be located along existing high-voltage transmission line right-of-way;
11. (8) large electric power generating plants that are powered by solar energy; and
12. (9) large electric power generating plants that are fueled by natural gas.

Subdivision 2. **Alternative Standard review.** An applicant who seeks a site or route permit for which the applicant's proposal is one of the projects identified in this section shall have the option of following the procedures in this section rather than the procedures in section 216I.06. The applicant shall notify the commission at the time the application is submitted which procedure the applicant chooses to follow.

Subd. 2. **Applicable projects.** The requirements and procedures in this section apply to projects as presented in the application submitted to the commission:

1. large electric power generating plants with a capacity of less than 80 megawatts that are not fueled by natural gas;
2. large electric power generating plants that are fueled by natural gas;
3. high-voltage transmission lines with a capacity in excess of 300 kilovolts and less than 30 miles in length in Minnesota;
4. high-voltage transmission lines with a capacity in excess of 300 kilovolts, if at least 80 percent of the distance of the line in Minnesota, as proposed by the applicant, is located along existing high-voltage transmission line right-of-way;
5. large electric power generating plants that are powered by solar energy; and
6. large electric power generating plants that are fueled by natural gas.
Subd. 6. the proposed project's human and environmental impacts, and consistent with the scoping decision made pursuant to section 216I.06, subdivision 10,
216I addendum to the environmental assessment at the public hearing and comment period under Application.

(b) If after the public meeting the commission identifies other sites or routes or potential
following these procedures, ask questions of the applicant and commission staff. The commission

Subd. 4. Public hearing. After the commission issues any environmental assessment
addendum and a draft permit under section 216I.05, subdivision 10, the commission must
hold a public hearing in the area where the facility's location is proposed. The commission
must provide notice of the public hearing in the same manner as required under section
216I.06, subdivision 2. The commission must conduct the public hearing under procedures established by the commission and may request that an administrative law judge from the Office of Administrative Hearings conduct the hearing and prepare a report. The applicant must be present at the hearing to present evidence and to answer questions. The commission must provide opportunity at the public hearing for any person to present comments and to ask questions of the applicant and commission staff. The commission must also provide

Subd. 3. Environmental review. (a) For the projects identified in subdivision 2 and following the procedures under this section, the applicant must prepare and submit an environmental assessment with the application. A draft of the environmental assessment must also be provided to commission staff as part of the preapplication review under section
216I.05, subdivision 5. The environmental assessment must (1) contain information regarding the proposed project's human and environmental impacts, and (2) address mitigating measures for identified impacts. The environmental assessment is the only state environmental review document that must be prepared for the proposed project.

(b) If after the public meeting the commission identifies other sites or routes or potential impacts for review, the commission must prepare an addendum to the environmental assessment that evaluates (1) the human and environmental impacts of the alternative site or route, and (2) any additional mitigating measures related to the identified impacts consistent with the scoping decision made pursuant to section 216I.06, subdivision 10; clause (2). The public may provide comments on the environmental assessment and any addendum to the environmental assessment at the public hearing and comment period under subdivision 4. When making the commission's final decision, the commission must consider the environmental assessment, the environmental assessment addendum, if any, and the entirety of the record related to human and environmental impacts.

Subd. 5. Environmental review. For the projects identified in subdivision 2 and following these procedures, the commissioner of the Department of Commerce shall prepare for the commission an environmental assessment for projects identified in subdivision 2 that follows the procedures in section 216E.041. The environmental assessment shall contain information on the human and environmental impacts of the proposed project and other sites or routes identified by the commission and shall address mitigating measures for all of the sites or routes considered. The environmental assessment shall be the only state environmental review document required to be prepared on the project.

Subd. 3. Application. The applicant for a site or route permit for any of the projects listed in subdivision 2 who chooses to follow these procedures shall submit information as the commission may require, but the applicant shall not be required to propose a second site or route for the project. The applicant shall identify in the application any other sites or routes that were rejected by the applicant and the commission may identify additional sites or routes to consider during the processing of the application. The commission shall determine whether an application is complete and advise the applicant of any deficiencies.
interested persons an opportunity to submit written comments into the record after the public hearing.

Subd. 4. Notice of application. Upon submission of an application under this section, the applicant shall provide the same notice as required by section 216E.03, subdivision 4.

Subd. 7. Timing. (a) The commission shall make a final decision on an application within 60 days after completion of the public hearing. A final decision on the request for a site permit or route permit under this section shall be made within six months after the commission's determination that an application is complete. The commission may extend this time limit for up to three months for just cause or upon agreement with the applicant.

(b) To ensure that a final decision complies with the requirements of this subdivision, the commission shall establish deadlines for the submission of comments by state agencies on applications and environmental review documents that expedite the siting and route permitting process.

Subd. 8. Considerations. The considerations in section 216E.03, subdivision 7, shall apply to any projects subject to this section.

Subd. 9. Final decision. (a) No site permit shall be issued by the commission: (1) in violation of the site selection standards and criteria established in this section and in rules adopted by the commission; or (2) if the commission determines that the proposed project is not in the public interest. When the commission designates a site, it shall issue a site permit to the applicant with any appropriate conditions. The commission shall publish a notice of its decision in the State Register within 30 days of issuance of the site permit.

(b) No route designation shall be issued: (1) in violation of the route selection standards and criteria established in this section and in rules adopted by the commission; or (2) if the commission determines that the proposed project is not in the public interest. When the commission designates a route, it shall issue a permit for the construction of a high-voltage transmission line specifying the design, routing, right-of-way preparation, and facility construction it deems necessary and with any other appropriate conditions. The commission may order the construction of high-voltage transmission line facilities that are capable of expansion in transmission capacity through multiple circuiting or design modifications. The commission shall publish a notice of its decision in the State Register within 30 days of issuance of the permit.

(c) Immediately following the commission’s vote granting an applicant a site or route permit, and prior to issuance of a written commission order embodying the decision, the
Sec. 8. [216I.08] APPLICATIONS; LOCAL REVIEW.

Subdivision 1. Local review authorized. (a) Notwithstanding sections 216I.06 and 216I.07, an applicant who seeks a site or route permit for one of the projects identified in subdivision 2 may apply to the local units of government that have jurisdiction over the site or route for approval to build the project. If local approval is granted, a site or route permit is not required from the commission. If the applicant files an application with the commission, the applicant waives the applicant's right to seek local approval for the project.

(b) A local unit of government with jurisdiction over a project identified in this section to whom an applicant has applied for approval to build the project may request that the commission assume jurisdiction and make a decision on a site or route permit pursuant to the applicable provisions under this chapter. A local unit of government must file the request with the commission within 60 days of the date an applicant files an application for the project with any one local unit of government. If one of the local units of government with jurisdiction over the project requests that the commission assume jurisdiction, jurisdiction over the project transfers to the commission. If the local units of government maintain jurisdiction over the project, the commission must select the appropriate local unit of government to be the responsible governmental unit to conduct the project's environmental review.

Subd. 2. Applicable projects. An applicant may seek approval under this section from a local unit of government to construct:

(1) large electric power generating plants and solar energy generating systems with a capacity of less than 80 megawatts;

(2) large electric power generating plants of any size that burn natural gas and are intended to be a peaking plant;

(3) high-voltage transmission lines with a capacity between 100 and 200 kilovolts;

(4) substations with a voltage designed for and capable of operation at a nominal voltage of 100 kilovolts or more;

(5) a high-voltage transmission line service extension to a single customer between 200 and 500 kilovolts and less than ten miles in length;

(6) a high-voltage transmission line rerouting to serve the demand of a single customer if at least 80 percent of the rerouted line is located on property owned or controlled by the customer or the owner of the transmission line;

(7) energy storage systems; and
(8) large wind energy conversion systems with a capacity less than 25 megawatts.

Subd. 3. Notice of application. An applicant must notify the commission that the applicant has elected to seek local approval of the proposed project within ten days of the date the applicant submits an application to a local unit of government to approve an eligible project.

Subd. 4. Environmental review. A local unit of government that maintains jurisdiction over a qualifying project must prepare or request that the applicant prepare an environmental assessment on the project. The local unit of government must afford the public an opportunity to participate in developing the scope of the environmental assessment before the environmental assessment is prepared. Upon completing the environmental assessment, the local unit of government must publish notice in the EQB Monitor that indicates (1) the environmental assessment is available for review, (2) how a copy of the document may be reviewed, (3) that the public may comment on the document, and (4) the procedure for submitting comments to the local unit of government. Upon completion of the environmental assessment, the local unit of government must provide a copy of the environmental assessment to the commission. The local unit of government is prohibited from making a final decision on the permit until at least ten days after the date the notice appears in the EQB Monitor. If more than one local unit of government has jurisdiction over a project and the local units of government cannot agree which local unit of government prepares the environmental assessment, any local unit of government or the applicant may request that the commission select the appropriate local unit of government to be the responsible governmental unit to conduct an environmental review of the project.

Sec. 13. [216E.041] ENVIRONMENTAL ASSESSMENT PREPARATION.

Subdivision 1. Definitions. (a) For the purposes of this section, the following terms have the meanings given:

(b) "Commissioner" means the commissioner of commerce.

c) "General list" means a list maintained by the commission of persons who request to be notified of the acceptance of applications for site permits or route permits.

d) "Project contact list" means a list maintained by the commission of persons who request to receive notices regarding a specific project for which a site permit or route permit is sought.

Subd. 2. Environmental assessment; content. The applicant shall prepare and submit with the permit application an environmental assessment on each proposed project being reviewed under section 216E.04. The environmental assessment must contain, at a minimum:

1. a general description of the proposed facility;
(2) a list of any alternative sites or routes that were considered and rejected by the applicant;

(3) a discussion of the potential impacts of the proposed project and each alternative site or route on the human and natural environment;

(4) a discussion of mitigative measures that could reasonably be implemented to eliminate or minimize any adverse impacts identified for the proposed project and each alternative site or route analyzed;

(5) an analysis of the feasibility of each alternative site or route considered; and

(6) a list of permits required for the project.

Subd. 3. Environmental assessment; notification of availability. Upon receipt of the environmental assessment from the applicant, the commissioner shall publish notice in the EQB Monitor of the availability of the environmental assessment and mail notice of the availability of the document to those persons on the general list or the project contact list. The commissioner shall provide a copy of the environmental assessment to any public agency with authority to permit or approve the proposed project. The commissioner shall post the environmental assessment on the agency's web page.

Subd. 4. Environmental assessment; comments; addendum. (a) The commissioner shall provide the public with an opportunity to comment on the environmental assessment by holding a public meeting and by soliciting public comments. The commissioner shall mail notice of the meeting to those persons on either the general list or the project contact list at least ten days before the meeting. The commissioner shall provide at least seven days from the date of the public meeting for the public to submit comments on the environmental assessment.

(b) Any person or any member agency of the Environmental Quality Board may, at the public meeting or in written comments submitted to the commissioner, request that the Department of Commerce analyze any of the following issues in an addendum to the environmental assessment:

(1) one or more alternative sites or routes;

(2) additional mitigation measures for environmental impacts identified in the environmental assessment; or

(3) specific human or environmental impacts that were not addressed or not addressed adequately in the environmental assessment.

(c) A person requesting additional environmental analysis in an addendum under paragraph (b) must submit to the commissioner (1) an explanation of why the request should be accepted, and (2) all supporting information the person wants the commissioner to consider. The commissioner shall provide the applicant with an opportunity to respond to each request. The commissioner shall prepare an addendum in response to a request, or at
the commissioner's own discretion, only if the commissioner determines that the additional
142.23 analysis assists the commission's ultimate decision on the permit application, including the
142.24 establishment of permit conditions.
142.25 (d) In making the commission's final decision, the commission must consider the
142.26 environmental assessment, the addendum to the environmental assessment, if any, comments
142.27 received at or after the public meeting, and the entirety of the record on environmental and
142.28 human health impacts;
142.29 (e) The commissioner shall follow the notification procedures established for an
142.30 environmental assessment in subdivision 3 with respect to an addendum prepared under
142.31 subdivision 4.
142.32 Subd. 5. Matters excluded. If the commission has issued a certificate of need to an
142.33 applicant for a large electric power generating plant or high-voltage transmission line or
142.34 placed a high-voltage transmission line on the certified project list maintained by the
142.35 commission under section 216B.2425, subdivision 3, the environmental assessment of the
142.36 project shall not address (1) questions of need, including size, type, and timing; (2) questions
142.37 of alternative system configurations; or (3) questions of voltage.
142.38 Subd. 6. No additional environmental review. An environmental assessment and
142.39 addendum, if prepared, must be the only state environmental review documents required
142.40 to be prepared by the commission on a project qualifying for review under section 216E.04.
142.41 An environmental assessment worksheet or environmental impact statement is not required.
142.42 Environmental review at the certificate of need stage before the commission must be
142.43 performed in accordance with Minnesota Rules, parts 7849.1000 to 7849.2100.
142.44 Subd. 7. Cost. The commissioner shall assess the department's cost to prepare an
142.45 addendum to an environmental assessment to the applicant.

Sec. 14. [216E.042] PERMIT AMENDMENTS.
142.14 Subdivision 1. Applicability. This section applies to a request by the owner of the large
142.15 energy infrastructure facility to modify any provision or condition of a site or route permit
142.16 issued by the commission, including the following:
142.17 (1) upgrades or rebuilds an existing electric line and associated facilities to a voltage
142.18 capable of operating between 100 kilovolts and 300 kilovolts that does not result in significant
142.19 changes in the human and environmental impact of the facility; or
142.20 (2) repowers or refurbishes a large electric power generating plant, a large wind energy
142.21 conversion system, a solar energy generating system, or an energy storage system that
142.22 increases the efficiency of the system, provided the project does not increase the developed
142.23 area within the permitted site or increase the nameplate capacity of the facility's most recent
142.24 interconnection agreement. For a large electric power generating plant, an increase in
142.25 the amount of British thermal units required to generate a kilowatt-hour of electricity at the facility.

18.14 Sec. 9. [216I.09] PERMIT AMENDMENTS.
18.15 Subdivision 1. Applicability. This section applies to a request by the owner of the large
18.16 energy infrastructure facility to modify any provision or condition of a site or route permit
18.17 issued by the commission, including the following:
18.18 (1) upgrades or rebuilds an existing electric line and associated facilities to a voltage
18.19 capable of operating between 100 kilovolts and 300 kilovolts that does not result in significant
18.20 changes in the human and environmental impact of the facility; or
18.21 (2) repowers or refurbishes a large electric power generating plant, a large wind energy
18.22 conversion system, a solar energy generating system, or an energy storage system that
18.23 increases the efficiency of the system, provided the project does not increase the developed
18.24 area within the permitted site or increase the nameplate capacity of the facility's most recent
18.25 interconnection agreement. For a large electric power generating plant, an increase in
efficiency is a reduction in the amount of British thermal units required to produce a kilowatt-hour of electricity at the facility.

Subd. 2. Application. A person that seeks authorization to amend a large energy infrastructure facility must apply to the commission. The application must be in writing and must (1) describe the alteration to be made or the amendment sought; and (2) explain why the request meets the eligibility criteria under subdivision 1. The application must describe any changes to the environmental impacts evaluated by the commission as part of the initial permit approval. If there are significant changes to the environmental impacts evaluated by the commission as part of the initial permit approval, environmental review must be conducted pursuant to the applicable requirements of Minnesota Rules, chapter 4410 and parts 7849.1000 to 7849.2100.

Subd. 3. Notice. The commission must mail notice that the application was received to the persons on the general list and to the persons on the project contact list; if a project list exists.

Subd. 4. Public comment. The commission must provide at least a ten-day period for interested persons to submit comments on the application or to request that the matter be brought to the commission for consideration. The applicant may respond to submitted comments within seven days of the date the comment period closes.

Subd. 5. Timing. Within 30 days of the date the applicant responds to submitted comments under subdivision 4, the commission must decide whether to authorize the minor alteration or permit amendment, bring the matter to the commission for consideration, or determine that the application requires a permitting decision under another section in this chapter.

Subd. 6. Decision. The commission may authorize a minor alteration or amendment but impose reasonable conditions on the approval. The commission must notify the applicant in writing of the commission's decision and send a copy of the decision to any person who requested notification or filed comments on the application.

Subd. 7. Local review. For a large electric power generating plant or high-voltage transmission line that was not issued a permit by the commission, the owner or operator of

(b) A permit amendment must not be approved under this section if the permit amendment:

(1) results in significant changes in the environmental or human health impacts of the facility;

(2) increases the developed area within the permitted site; or

(3) increases the facility's nameplate capacity above the nameplate capacity in the facility's most recent interconnection agreement.

Subd. 2. Application. A person seeking a permit amendment under this section must submit an application in writing to the commissioner on a form prescribed by the commission. The application must describe:

(1) the permit modification sought;

(2) how the request meets the applicability criteria under subdivision 1; and

(3) any changes in environmental or health impacts that would result from implementation of the amendment that were not addressed in the environmental document accompanying the initial permit application.

Subd. 3. Notice. The commission must provide notice that the application was received to persons on the general list and, if applicable, to persons on the project contact list.

Subd. 4. Public comment. The commission must accept written comments on the application and requests to bring the amendment to the commission for consideration for at least ten days following service of notice. The applicant must respond to comments within seven days of the close of the comment period.

Subd. 5. Timing. Within 20 days of the date the public comment period closes, the commission's designee must decide whether to authorize the permit amendment, bring the matter to the commission for consideration, or determine that the application requires a permitting decision under another section in this chapter.

Subd. 6. Decision. The commission may approve an amendment that places reasonable conditions on the permit. The commission must notify the applicant in writing of the commission's decision and send a copy of the decision to any person who requested notification or filed comments on the application.

Subd. 7. Local review. An owner or operator of a large electric power generating plant or high-voltage transmission line that was not issued a permit by the commission may seek
the nonpermitted facility may seek approval of a project listed under subdivision 1 from the local unit of government if the facility qualifies for standard review under section 216I.07 or local review under section 216I.08.

Sec. 10. [216I.10] EXEMPT PROJECTS.

Subdivision 1. Permit not required. A permit issued by the commission is not required to construct:

1. a small wind energy conversion system;
2. a power plant or solar energy generating system with a capacity of less than 50 megawatts;
3. an energy storage system with a capacity of less than ten megawatts;
4. a transmission line that (i) has a capacity of 100 kilovolts or more, and (ii) is less than 1,500 feet in length; and
5. a transmission line that has a capacity of less than 100 kilovolts.

Subd. 2. Other approval. A person that proposes a facility listed in subdivision 1 must (1) obtain any approval required by local, state, or federal units of government with jurisdiction over the project, and (2) comply with the environmental review requirements under chapter 116D and Minnesota Rules, chapter 4410.

Sec. 11. [216I.11] PERMITTING REQUIREMENTS; EXCEPTIONS FOR CERTAIN FACILITIES.

Subdivision 1. Permit not required. The following projects do not constitute the construction of a large energy infrastructure facility and may be constructed without a permit issued by the commission:

1. maintaining or repairing an existing large energy infrastructure facility within an existing site or right-of-way;
2. adding equipment at an existing substation that does not (i) require more than a one-acre expansion of the land needed for the substation, and (ii) involve an increase in the voltage or changes in the location of existing transmission lines, except that up to the first five transmission line structures outside the substation may be moved to accommodate the equipment additions, provided the structures are not moved more than 500 feet from the existing right-of-way;
3. reconductoring or reconstructing a high-voltage transmission line that does not result in a change to voltage or a change in right-of-way;
4. relocating a high-voltage transmission line that is required by a local or state agency as part of road, street, or highway construction;
20.23 (5) converting the fuel source of a large electric power generating plant to natural gas, provided the plant is not expanded beyond the developed portion of the plant site; and
20.24 (6) starting up an existing large electric power generating plant that has been closed for any period of time at no more than the large electric power generating plant's previous capacity rating and in a manner that does not involve changing the fuel or expanding the developed portion of the plant site.

Subd. 2. Minor alteration or amendment. If a modification or other change to an existing large energy infrastructure facility does not qualify for an exception under subdivision 1, the modification or change may qualify as a minor alteration or amendment under section 216d.09.

Subd. 3. Notice. A person that proposes to implement changes to a large energy infrastructure facility under subdivision 1, clauses (2) to (5), must notify the commission in writing at least 30 days before commencing construction of the modification or change.

Sec. 16. [216E.055] COST AND ECONOMIC IMPACT REVIEW.

Subd. 1. Applicability. If a project proposed by a public utility applying for a site or route permit under this chapter was not required to obtain a certificate of need under section 216B.243, the commission must review the proposed cost of the project and the project's estimated economic impact on Minnesota ratepayers. The commission may reject a site or route permit application based solely on project costs that the commission determines are not reasonable and prudent.

Subd. 2. Review content. In determining a proposed facility's cost and economic impact, the commission must analyze and consider the following:

(1) the construction cost of the proposed facility and the cost of the energy the proposed facility generates, compared to the costs of reasonable alternatives;
(2) the economic impact of the proposed facility, or a suitable modification of the proposed facility, compared to:
   (i) the impact of reasonable alternatives; and
   (ii) not building the facility; and
(3) the cost and economic impact of the proposed facility compared with similar facilities located elsewhere.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to any site or route permit filed by the commission on or after that date.
Sec. 3. Minnesota Statutes 2023 Supplement, section 216E.06, is amended to read:

216E.06 EMERGENCY PERMIT

Subdivision 1. Utility emergency action. (a) Any utility whose electric power system requires the immediate construction of a large electric power energy infrastructure facility due to a major unforeseen event may apply to the commission for an emergency permit. The application shall provide notice in writing of the major unforeseen event and the need for immediate construction. The permit must be issued in a timely manner; no later than 185 days after the commission's acceptance of the application and upon a finding by the commission that (1) a demonstrable emergency exists, (2) the emergency requires immediate construction, and (3) adherence to the procedures and time schedules specified in section 216E.03 would jeopardize under this chapter jeopardizes the utility's electric power system or would jeopardize jeopardizes the utility's ability to meet the electric needs of the utility's customers in an orderly and timely manner.

Subd. 2. Utility emergency procedures. (b) A public hearing to determine if an emergency exists must be held within 90 days of the application. The commission, after notice and hearing, shall adopt rules specifying the criteria for emergency certification.

Sec. 4. Minnesota Statutes 2023 Supplement, section 216E.07, is amended to read:

216E.07 ANNUAL HEARING

The commission shall hold an annual public hearing at a time and place prescribed by rule in order to afford interested persons an opportunity to be heard regarding any matters relating to the siting and routing of large electric power energy infrastructure facilities. At the meeting, the commission shall advise the public of the permits issued by the commission in the past year. The commission shall provide at least ten days but no more than 45 days' notice of the annual meeting by mailing or serving electronically, as provided in section 216E.17, a notice to those persons who have requested notice and by publication in the EQB Monitor and the commission's weekly calendar.

Sec. 5. Minnesota Statutes 2022, section 216E.08, subdivision 2, is amended to read:

216E.08 Other Public participation. The commission shall adopt broad spectrum citizen participation as a principal of operation. The form of public participation shall not be limited to public meetings and hearings and advisory task forces and shall be consistent with the commission's rules and guidelines as provided for under section 216I.24.

Sec. 6. Minnesota Statutes 2023 Supplement, section 216E.10, subdivision 1, is amended to read:

Subdivision 1. Site or route permit prevails over local provisions. To assure the paramount and controlling effect of the provisions herein over other state agencies, regional, county, and local governments, and special purpose government districts, the issuance of a site permit or route permit and subsequent purchase and use of the site or route locations...
for large electric power energy infrastructure facility purposes shall be the sole site or route approval required to be obtained by the applicant. Such permit shall supersede, supersede and preempt preempts all zoning, building, or land use rules, regulations, or ordinances promulgated by regional, county, local and special purpose government.

Sec. 7. Minnesota Statutes 2023 Supplement, section 216E.10, subdivision 2, is amended to read:

Subd. 2. Other state permits. Notwithstanding anything herein to the contrary, utilities shall obtain state permits that may be required to construct and operate a large electric power energy infrastructure facilities. A state agency in processing a utility’s permit application shall be limited to the decisions of the commission, with respect to (a) the site or route designation, and with respect to (b) other matters for which authority has been granted to the commission by this chapter.

Sec. 8. Minnesota Statutes 2023 Supplement, section 216E.10, subdivision 3, is amended to read:

Subd. 3. State agency participation. (a) A state agency authorized to issue permits required for construction or operation of to construct or operate a large electric power facilities shall energy infrastructure facility must participate during routing and siting at public hearings and all other activities of the commission on specific site or route designations and design considerations of the commission, and shall clearly state whether the site or route being considered for designation or permit and other design matters under consideration for approval will be in compliance with state agency standards, rules, or policies.

(b) An applicant for a permit under this section or under chapter 216G shall notify the commissioner of agriculture if the proposed project will impact cultivated agricultural land, as that term is defined in section 145.01, subdivision 4. The commissioner may participate and advise the commission as to whether to grant a permit for the project and the best options for mitigating adverse impacts to agricultural lands if the permit is granted. The Department of Agriculture shall be the lead agency on the development of any agricultural mitigation plan required for the project.

(c) The Minnesota State Historic Preservation Office shall participate in the commission’s siting and routing activities as described in this section. The commission’s consideration and resolution of Minnesota State Historic Preservation Office’s comments satisfies the requirements of section 138.665, when applicable.

Sec. 9. Minnesota Statutes 2022, section 216E.11, is amended to read:

216E.11 IMPROVEMENT OF SITES AND ROUTES.

Utilities that have acquired a permit that acquires a site or route in accordance with this chapter may proceed to construct or improve the site or route for the intended purposes.
at any time, subject to section 216E.10, subdivision 2; provided that if the construction and improvement has not commenced within four years after a permit for the site or route has been issued, then the utility permittee must certify to the commission that the site or route continues to meet the conditions upon which the site or route permit was issued.

Sec. 10. Minnesota Statutes 2022, section 216E.13, is amended to read:

216E.13 FAILURE TO ACT.

If the commission fails to act within the times specified in section 216E.03 under this chapter, the applicant or any affected person may seek an order of the district court requiring the commission to designate or refuse to designate a site or route.

Sec. 11. Minnesota Statutes 2022, section 216E.14, is amended to read:

216E.14 REVOCATION OR SUSPENSION.

A site or route permit may be revoked or suspended by the commission after adequate notice of the alleged grounds for revocation or suspension and a full and fair hearing in which the affected utility permittee has an opportunity to confront any witness and respond to any evidence against it the permittee and to present rebuttal or mitigating evidence upon a finding by the commission of:

1) any false statement knowingly made in the application or in accompanying statements or studies required of the applicant, if a true statement would have warranted a change in the commission's findings;

2) failure to comply with material conditions of the site certificate or construction permit, or failure to maintain health and safety standards; or

3) any material violation of the provisions of this chapter, any rule promulgated pursuant thereto, or any order of the commission.

Sec. 12. Minnesota Statutes 2022, section 216E.15, is amended to read:

216E.15 JUDICIAL REVIEW.

Any applicant, party or person aggrieved by the issuance of a site or route permit, minor alteration, amendment, or emergency permit from the commission or a certification of continuing suitability filed by a utility permittee with the commission or by a final order in accordance with any rules promulgated by the commission, may appeal to the court of appeals in accordance with chapter 14. The appeal shall must be filed within 30 days after the publication in the State Register of date the notice of the issuance of the permit by the commission or commission's permit issuance is published in the EQB Monitor, certification is filed with the commission, or the filing of any final order is filed by the commission.
Sec. 13. Minnesota Statutes 2022, section 216E.16, is amended to read:

216E.16 RULES.

Subdivision 1. Commission rules. The commission, in order to give effect to the purposes of this chapter, may adopt rules consistent with this chapter, including promulgation of site and route designation criteria, the description of the information to be furnished by the utilities, establishment of minimum guidelines for public participation in the development, revision, and enforcement of any rule, plan, or program established by the commission; procedures for the revocation or suspension of a site or route permit; and the procedure and timeliness for proposing alternative routes and sites. No rule adopted by the commission shall not grant priority to state-owned wildlife management areas over agricultural lands in the designation of route avoidance areas. The provisions of Chapter 14 shall apply to the appeal of rules adopted by the commission to the same extent as it applies to review of rules adopted by any other agency of state government.

Subd. 2. Office of Administrative Hearings rules. The chief administrative law judge shall adopt procedural rules for public hearings relating to the site and route permit process. The rules shall attempt to maximize citizen participation in these processes consistent with the time limits for commission decision established in sections 216E.03, subdivision 10, and 216E.04, subdivision 7 under this chapter.

Sec. 14. Minnesota Statutes 2022, section 216E.18, subdivision 2a, is amended to read:

Subd. 2a. Route Application fee; appropriation. Every applicant for a transmission line site or route permit shall pay to the commissioner of commerce a fee to cover the necessary and reasonable costs incurred by the commission in acting on the permit application and carrying out the requirements of this chapter. The commission may adopt rules providing for the payment of the fee. Section 16A.1283 does not apply to the establishment of the fee under this subdivision. All money received pursuant to this subdivision shall be deposited in a special account. Money in the account is appropriated to the commissioner of commerce to pay expenses incurred in processing applications for site and route permits in accordance with this chapter and, in the event the expenses are less than the fee paid, to refund the excess fee paid to the applicant.

Sec. 18. Minnesota Statutes 2022, section 216F.02, is amended to read:

216F.02 EXEMPTIONS.

(a) The requirements of chapter 216E do not apply to the siting of LWECS, except for sections 216E.01, 216E.03, subdivisions 7, 216E.08, 216E.11, 216E.12, 216E.14, 216E.15, 216E.17, and 216E.18, subdivision 3, which do apply.

(b) Any person may construct an SWECS without complying with chapter 216E or this chapter.
Nothing in this chapter shall preclude a local governmental unit from establishing requirements for the siting and construction of SWECS.

The revisor of statutes shall renumber each section of Minnesota Statutes listed in Column A with the number listed in Column B. The revisor shall also make necessary cross-reference changes consistent with the renumbering.

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Sec. 21. REPEALER.

Subdivision 1. Minnesota Statutes, chapter 216E, repeals. (a) Minnesota Statutes 2022, sections 216E.08, subdivisions 1 and 4; 216F.01; subdivision 148.20
21, 216F.012, 216F.015; and 216F.03, are repealed.

Subdivision 1. Minnesota Statutes, chapter 216E, repeals. (a) Minnesota Statutes 2022, sections 216E.08, subdivisions 1 and 4; 216F.01; subdivision 148.21
21, 216F.012, 216F.015; and 216F.03, are repealed.

Subdivision 1. Minnesota Statutes, chapter 216F, repeals. (b) Minnesota Statutes 2023 Supplement, section 216F.04, is repealed.


Sec. 14. EFFECTIVE DATE. This article is effective January 1, 2025, and route applications filed with the commission on or after that date.
filings to commission staff for review immediately following the commission's vote for
granted applicant a site or route permit, but prior to the issuance of a written commission
order.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 16. **APPROPRIATION.**

$5,000 in fiscal year 2025 is appropriated to the Public Utilities Commission for the
administrative costs of rulemaking in this article. This is a onetime appropriation and is
available until June 30, 2026.

Sec. 17. **EFFECTIVE DATE.**

Sections 2 to 14 are effective January 1, 2025.