

2.2 **ARTICLE 1** 119.14
2.3 **MINNESOTA ENERGY INFRASTRUCTURE PERMITTING ACT** 119.15

ARTICLE 12
ELECTRIC TRANSMISSION

22.19 **ARTICLE 2**
22.20 **CERTIFICATES OF NEED**

28.1 **ARTICLE 3**
28.2 **CONFORMING CHANGES**

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

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

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

28.19 (2) "consultation" means the direct and interactive involvement of the Minnesota Tribal
28.20 governments in the development of policy on matters that have Tribal implications.
28.21 Consultation is the proactive, affirmative process of identifying and seeking input from
28.22 appropriate Tribal governments and considering their interest as a necessary and integral
28.23 part of the decision-making process. This definition adds to statutorily mandated notification
28.24 procedures. During a consultation, the burden is on the agency to show that it has made a
28.25 good faith effort to elicit feedback. Consultation is a formal engagement between agency
28.26 officials and the governing body or bodies of an individual Minnesota Tribal government
28.27 that the agency or an individual Tribal government may initiate. Formal meetings or
28.28 communication between top agency officials and the governing body of a Minnesota Tribal
28.29 government is a necessary element of consultation;

28.30 (3) "matters that have Tribal implications" means rules, legislative proposals, policy
28.31 statements, or other actions that have substantial direct effects on one or more Minnesota
28.32 Tribal governments, or on the distribution of power and responsibilities between the state
28.33 and Minnesota Tribal governments;

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

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

29.9 **EFFECTIVE DATE.** This section is effective August 1, 2024.

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

29.11 Subdivision 1. **Ex parte communications prohibitions; rules.** (a) The commission
29.12 shall adopt rules under chapter 14 prescribing permissible and impermissible ex parte
29.13 communications. The ex parte rules may prohibit only ex parte communications, directly
29.14 or indirectly, between a commissioner and a participant or party under the commission's
29.15 rules of practice and procedure relating to:

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

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

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

29.20 (4) any other communication impermissible by law.

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

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

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

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

22.22 Subd. 2. **Large energy facility.** "Large energy facility" means:

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

119.17 Subd. 2. **Large energy facility.** "Large energy facility" means:

22.23 (1) any electric power generating plant or combination of plants at a single site with a
22.24 combined capacity of 50,000 kilowatts or more and transmission lines directly associated
22.25 with the plant that are necessary to interconnect the plant to the transmission system;

22.26 (2) any high-voltage transmission line with a capacity of ~~200~~ 300 kilovolts or more and
22.27 greater than ~~1,500 feet~~ one mile in length in Minnesota;

22.28 (3) any high-voltage transmission line with a capacity of 100 kilovolts or more with
22.29 more than ten miles of its length in Minnesota or that crosses a state line;

23.1 (4) any pipeline greater than six inches in diameter and having more than 50 miles of
23.2 its length in Minnesota used for the transportation of coal, crude petroleum or petroleum
23.3 fuels or oil, or their derivatives;

23.4 (5) any pipeline for transporting natural or synthetic gas at pressures in excess of 200
23.5 pounds per square inch with more than 50 miles of its length in Minnesota;

23.6 (6) any facility designed for or capable of storing on a single site more than 100,000
23.7 gallons of liquefied natural gas or synthetic gas;

23.8 (7) any underground gas storage facility requiring a permit pursuant to section 103I.681;

23.9 (8) any nuclear fuel processing or nuclear waste storage or disposal facility; and

23.10 (9) any facility intended to convert any material into any other combustible fuel and
23.11 having the capacity to process in excess of 75 tons of the material per hour.

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

23.13 Sec. 2. Minnesota Statutes 2022, section 216B.243, subdivision 3, is amended to read:

23.14 Subd. 3. **Showing required for construction.** No proposed large energy facility shall
23.15 be certified for construction unless the applicant can show that demand for electricity cannot
23.16 be met more cost effectively through energy conservation and load-management measures
23.17 and unless the applicant has otherwise justified its need. In assessing need, the commission
23.18 shall evaluate:

23.19 (1) the accuracy of the long-range energy demand forecasts on which the necessity for
23.20 the facility is based;

23.21 (2) the effect of existing or possible energy conservation programs under sections 216C.05
23.22 to 216C.30 and this section or other federal or state legislation on long-term energy demand;

23.23 (3) the relationship of the proposed facility to overall state energy needs, as described
23.24 in the most recent state energy policy and conservation report prepared under section
23.25 216C.18, or, in the case of a high-voltage transmission line, the relationship of the proposed

119.18 (1) any electric power generating plant or combination of plants at a single site with a
119.19 combined capacity of 50,000 kilowatts or more and transmission lines directly associated
119.20 with the plant that are necessary to interconnect the plant to the transmission system;

119.21 (2) any high-voltage transmission line with a capacity of ~~200~~ 300 kilovolts or more and
119.22 greater than ~~1,500 feet~~ 30 miles in length;

119.23 ~~(3) any high-voltage transmission line with a capacity of 100 kilovolts or more with~~
119.24 ~~more than ten miles of its length in Minnesota or that crosses a state line~~;

119.25 ~~(4)~~ (3) any pipeline greater than six inches in diameter and having more than 50 miles
119.26 of its length in Minnesota used for the transportation of coal, crude petroleum or petroleum
119.27 fuels or oil, or their derivatives;

119.28 ~~(5)~~ (4) any pipeline for transporting natural or synthetic gas at pressures in excess of
119.29 200 pounds per square inch with more than 50 miles of its length in Minnesota;

119.30 ~~(6)~~ (5) any facility designed for or capable of storing on a single site more than 100,000
119.31 gallons of liquefied natural gas or synthetic gas;

120.1 ~~(7)~~ (6) any underground gas storage facility requiring a permit pursuant to section
120.2 103I.681;

120.3 ~~(8)~~ (7) any nuclear fuel processing or nuclear waste storage or disposal facility; and

120.4 ~~(9)~~ (8) any facility intended to convert any material into any other combustible fuel and
120.5 having the capacity to process in excess of 75 tons of the material per hour.

120.6 **EFFECTIVE DATE.** This section is effective the day following final enactment and
120.7 applies to any project that has filed an application for a certificate of need or a site or route
120.8 permit from the commission on or after that date.

122.19 Sec. 5. Minnesota Statutes 2022, section 216B.243, subdivision 3, is amended to read:

122.20 Subd. 3. **Showing required for construction.** No proposed large energy facility shall
122.21 be certified for construction unless the applicant can show that demand for electricity cannot
122.22 be met more cost effectively through energy conservation and load-management measures
122.23 and unless the applicant has otherwise justified its need. In assessing need, the commission
122.24 shall evaluate:

122.25 (1) the accuracy of the long-range energy demand forecasts on which the necessity for
122.26 the facility is based;

122.27 (2) the effect of existing or possible energy conservation programs under sections 216C.05
122.28 to 216C.30 and this section or other federal or state legislation on long-term energy demand;

122.29 (3) the relationship of the proposed facility to overall state energy needs, as described
122.30 in the most recent state energy policy and conservation report prepared under section
122.31 216C.18, or, in the case of a high-voltage transmission line, the relationship of the proposed

23.26 line to regional energy needs, as presented in the transmission plan submitted under section
23.27 216B.2425;

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

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

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

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

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

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

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

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

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

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

122.32 line to regional energy needs, as presented in the transmission plan submitted under section
122.33 216B.2425;

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

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

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

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

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

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

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

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

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

123.31 EFFECTIVE DATE. This section is effective the day following final enactment and
123.32 applies to dockets pending at the Public Utilities Commission on or after that date.

24.29 Sec. 3. Minnesota Statutes 2022, section 216B.243, subdivision 3a, is amended to read:

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

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

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

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

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

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

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

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

124.1 Sec. 6. Minnesota Statutes 2023 Supplement, section 216B.243, subdivision 8, is amended
124.2 to read:

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

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

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

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

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

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

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

26.14 (7) a large wind energy conversion system, as defined in section ~~216F.01, subdivision~~
26.15 ~~2 216I.02, subdivision 12~~, or a solar energy generating system, as defined in section ~~216E.01,~~
26.16 ~~subdivision 9a 216I.02, subdivision 18~~, for which a site permit application is submitted by
26.17 an independent power producer under chapter ~~216E or 216F 216I~~; ~~or~~

26.18 (8) a large wind energy conversion system, as defined in section ~~216F.01, subdivision~~
26.19 ~~2 216I.02, subdivision 12~~, or a solar energy generating system ~~that is a large energy facility,~~
26.20 as defined in section ~~216B.2421, subdivision 2 216I.02, subdivision 18~~, engaging in a
26.21 repowering project that:

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

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

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

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

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

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

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

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

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

124.23 (7) a large wind energy conversion system, as defined in section ~~216F.01~~ 216E.01,
124.24 subdivision ~~2 6a~~, or a solar energy generating system, as defined in section 216E.01,
124.25 subdivision 9a, for which a site permit application is submitted by an independent power
124.26 producer under chapter 216E or 216F; ~~or~~

124.27 (8) a large wind energy conversion system, as defined in section ~~216F.01~~ 216E.01,
124.28 subdivision ~~2 6a~~, or a solar energy generating system ~~that is a large energy facility,~~
124.29 in section 216B.2421, subdivision 2, engaging in a repowering project that:

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

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

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

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

125.7 (i) a large wind energy conversion system, as defined in section 216E.01, subdivision
125.8 6a;

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

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

27.1 (11) relocation of an existing high voltage transmission line to new right-of-way, provided
27.2 that any new structures that are installed are not designed for and capable of operation at
27.3 higher voltage.

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

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

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

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

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

27.12 Sec. 6. Minnesota Statutes 2022, section 216B.243, subdivision 9, is amended to read:

27.13 Subd. 9. **Renewable energy standard and carbon-free energy standard facilities.** This
27.14 section does not apply to a wind energy conversion system or a solar electric generation
27.15 facility that is intended to be used to meet the obligations of section 216B.1691, subdivision
27.16 2a or 2g; provided that, after notice and comment, the commission determines that the
27.17 facility is a reasonable and prudent approach to meeting a utility's obligations under that
27.18 section. When making this determination, the commission must consider:

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

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

27.22 (3) the facility's ability to promote economic development, as required under section
27.23 216B.1691, subdivision 9;

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

27.25 (5) impacts on ratepayers; and

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

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

125.12 (11) relocation of an existing high-voltage transmission line, provided the line's voltage
125.13 is not increased.

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

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

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

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

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

125.22 Subd. 9. **Renewable energy standard and carbon-free energy standard facilities.** This
125.23 section does not apply to a wind energy conversion system or a solar electric generation
125.24 facility that is intended to be used to meet the obligations of section 216B.1691, subdivision
125.25 2a or 2g; provided that, after notice and comment, the commission determines that the
125.26 facility is a reasonable and prudent approach to meeting a utility's obligations under that
125.27 section. When making this determination, the commission must consider:

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

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

126.1 (3) the facility's ability to promote economic development, as required under section
126.2 216B.1691, subdivision 9;

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

126.4 (5) impacts on ratepayers; and

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

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

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

126.8 Subd. 3. **Commission procedure.** (a) If an electric transmission line has been approved
126.9 for construction in a federally registered planning authority transmission plan, the incumbent
126.10 electric transmission owner, or owners if there is more than one owner, shall give notice to
126.11 the commission, in writing, within 90 30 days of approval, regarding its intent to construct,
126.12 own, and maintain the electric transmission line. If an incumbent electric transmission owner
126.13 gives notice of intent to build the electric transmission line then, unless exempt from the

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

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

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

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

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

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

2.17 (1) applicability determinations under section 216I.04;

2.18 (2) completeness determinations under section 216I.05;

2.19 (3) public meetings under section 216I.05, subdivision 9;

2.20 (4) draft environmental impact statements under section 216I.06, subdivision 1, paragraph
2.21 (c); and

2.22 (5) public hearings under section 216I.06, subdivision 2, or 216I.07, subdivision 4.

2.23 Subd. 4. **Construction.** "Construction" means any clearing of land, excavation, or other
2.24 action that adversely affects the site's or route's natural environment. Construction does not

126.14 requirements of section 216B.243, within 18 12 months from the date of the notice described
126.15 in this paragraph or such longer time approved by the commission, the incumbent electric
126.16 transmission owner shall file an application for a certificate of need under section 216B.243
126.17 or certification under section 216B.2425.

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

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

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.

3.1 Subd. 6. **Energy storage system.** "Energy storage system" means equipment and
3.2 associated facilities designed with a nameplate capacity of 10,000 kilowatts or more that is
3.3 capable of storing generated electricity for a period of time and delivering the electricity
3.4 for use after storage.

3.5 Subd. 7. **Executive secretary.** "Executive secretary" means the executive secretary of
3.6 the Public Utilities Commission under section 216A.04 or Public Utilities Commission staff
3.7 designated by the executive secretary.

3.8 Subd. 8. **High-voltage transmission line.** "High-voltage transmission line" means a
3.9 conductor of electric energy and associated facilities that is (1) designed for and capable of
3.10 operation at a nominal voltage of 100 kilovolts or more, and (2) is greater than 1,500 feet
3.11 in length.

3.12 Subd. 9. **Large electric power generating plant.** "Large electric power generating
3.13 plant" means electric power generating equipment and associated facilities designed for or
3.14 capable of operation at a capacity of 50,000 kilowatts or more.

3.15 Subd. 10. **Large energy infrastructure facility.** "Large energy infrastructure facility"
3.16 means a high-voltage transmission line, a large electric power generating plant, an energy
3.17 storage system, a large wind energy conversion system, and any associated facility.

3.18 Subd. 11. **Large wind energy conversion system.** "Large wind energy conversion
3.19 system" means any combination of wind energy conversion systems with a combined
3.20 nameplate capacity of 5,000 kilowatts or more, and may include transmission lines designed
3.21 for and capable of operating at 100 kilovolts or less that interconnect a large wind energy
3.22 conversion system with a high-voltage transmission line.

3.23 Subd. 12. **Permittee.** "Permittee" means a person to whom a site or route permit is
3.24 issued.

3.25 Subd. 13. **Person.** "Person" means an individual, partnership, joint venture, private or
3.26 public corporation, association, firm, public service company, cooperative, political
3.27 subdivision, municipal corporation, government agency, public utility district, or any other
3.28 entity, public or private, however organized.

3.29 Subd. 14. **Power purchase agreement.** "Power purchase agreement" means a legally
3.30 enforceable agreement between two or more persons where one or more of the signatories
3.31 agrees to provide electrical power and one or more of the signatories agrees to purchase the
3.32 power.

4.1 Subd. 15. **Route.** "Route" means the location of a high-voltage transmission line between
4.2 two end points. The route may have a variable width of up to 1.25 miles.

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

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

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

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

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

4.19 Sec. 3. **[216L.03] SITING AUTHORITY.**

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

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

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

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

5.6 of any state or of the United States. The commission may, pursuant to any consent of
5.7 Congress, negotiate and enter into any agreements or compacts with agencies of other states
5.8 for cooperative efforts to certify the construction, operation, and maintenance of large
5.9 electric power facilities in a manner consistent with this chapter's requirements and to enforce
5.10 the respective state laws regarding large electric power facilities.

6.3 Sec. 5. **[216I.05] DESIGNATING SITES AND ROUTES.**

6.4 Subdivision 1. **Site permit.** (a) A person is prohibited from constructing a large electric
6.5 generating plant, a solar energy generating system, an energy storage system, or a large
6.6 wind energy conversion system without a site permit issued by the commission. A person
6.7 may construct a large electric generating plant, an energy storage system, a solar energy
6.8 generating system, or a large wind energy conversion system only on a site approved by
6.9 the commission.

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

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

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

6.26 Subd. 3. **Application.** (a) A person that seeks to construct a large energy infrastructure
6.27 facility must apply to the commission for a site or route permit, as applicable.

127.1 Sec. 9. Minnesota Statutes 2022, section 216E.03, as amended by Laws 2023, chapter 7,
127.2 sections 25, 26, 27, and 28, and Laws 2023, chapter 60, article 12, sections 50, 51, 52, 53,
127.3 and 54, is amended to read:

127.4 **216E.03 DESIGNATING SITES AND ROUTES.**

127.5 Subdivision 1. **Site permit.** ~~No person may construct~~ A large electric generating plant
127.6 ~~or~~ an energy storage system, or a large wind energy conversion system that has not received
127.7 a site permit from a county under section 216E.05, subdivision 4, may not be constructed:
127.8 (1) without a site permit from the commission. ~~A large electric generating plant or an energy~~
127.9 ~~storage system may be constructed only;~~ and (2) on a site other than the site approved by
127.10 the commission. The commission must incorporate into one proceeding the route selection
127.11 for a high-voltage transmission line that is directly associated with and necessary to
127.12 interconnect ~~the a~~ large electric generating plant, energy storage system, or large wind
127.13 energy conversion system to the transmission system and whose need is certified under
127.14 section 216B.243.

127.15 Subd. 2. **Route permit.** No person may construct a high-voltage transmission line without
127.16 a route permit from the commission. A high-voltage transmission line may be constructed
127.17 only along a route approved by the commission.

128.3 Subd. 3. **Application.** (a) Any person seeking to construct a large electric power facility
128.4 must apply to the commission for a site or route permit, as applicable. The application shall
128.5 contain such information as the commission may require. The applicant shall propose ~~at~~
128.6 ~~least two sites~~ a single site for a large electric power facility and ~~two routes~~ one route for a
128.7 high-voltage transmission line. ~~Neither of the two proposed routes may be designated as a~~
128.8 ~~preferred route and all proposed routes must be numbered and designated as alternatives.~~
128.9 ~~The commission shall determine whether an application is complete and advise the applicant~~
128.10 ~~of any deficiencies within ten days of receipt. An application is not incomplete if information~~

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.~~

- 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;
- 7.1 (3) a description of the proposed large energy infrastructure facility and all associated
7.2 facilities, including size, type, and timing of the facility;
- 7.3 (4) the environmental information required under subdivision 4;
- 7.4 (5) the names of each owner described under subdivision 8;
- 7.5 (6) United States Geological Survey topographical maps, or other maps acceptable to
7.6 the commission, that show the entire proposed large energy infrastructure facility;
- 7.7 (7) a document that identifies existing utility and public rights-of-way along or near the
7.8 large energy infrastructure facility;
- 7.9 (8) the engineering and operational design concepts for the proposed large energy
7.10 infrastructure facility;
- 7.11 (9) a cost analysis of the proposed large energy infrastructure facility, including the costs
7.12 to construct, operate, and maintain the facility;
- 7.13 (10) a description of possible design options to accommodate the large energy
7.14 infrastructure facility's future expansion;
- 7.15 (11) the procedures and practices proposed to acquire, construct, maintain, and restore
7.16 the large energy infrastructure facility's right-of-way or site;
- 7.17 (12) a list and brief description of federal, state, and local permits that may be required
7.18 for the proposed large energy infrastructure facility;
- 7.19 (13) a discussion regarding whether a certificate of need application is required and, if
7.20 a certificate of need application is required, whether the certificate of need application has
7.21 been submitted;
- 7.22 (14) a discussion regarding any other sites or routes that were considered and rejected
7.23 by the applicant;
- 7.24 (15) any information the commission requires pursuant to an administrative rule; and

7.25 (16) a discussion of coordination with Minnesota Tribal governments, as defined under
7.26 section 10.65, subdivision 2, by the applicant including but not limited to the notice required
7.27 under subdivision 5 of this section.

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

7.31 (1) a description of each site or route's environmental setting;

8.1 (2) a description of the effects the facility's construction and operation has on human
8.2 settlement, including but not limited to public health and safety, displacement, noise,
8.3 aesthetics, socioeconomic impacts, environmental justice impacts, cultural values, recreation,
8.4 and public services;

8.5 (3) a description of the facility's effects on land-based economies, including but not
8.6 limited to agriculture, forestry, tourism, and mining;

8.7 (4) a description of the facility's effects on archaeological and historic resources;

8.8 (5) a description of the facility's effects on the natural environment, including effects
8.9 on air and water quality resources, flora, and fauna;

8.10 (6) a description of the greenhouse gas emissions associated with construction and
8.11 operation of the facility;

8.12 (7) a description of the climate change resilience of the facility;

8.13 (8) a description of the facility's effects on rare and unique natural resources;

8.14 (9) a list that identifies human and natural environmental effects that are unavoidable if
8.15 the facility is approved at a specific site or route; and

8.16 (10) a description of (i) measures that might be implemented to mitigate the potential
8.17 human and environmental impacts identified in clauses (1) to (7), and (ii) the estimated
8.18 costs of the potential mitigative measures.

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

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

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

127.20 (1) each local unit of government within which a site or route may be proposed;

127.21 (2) Minnesota Tribal governments, as defined under section 10.65, subdivision 2;

127.22 (3) the state agencies that are represented on the Environmental Quality Board; and

8.28 Subd. 6. **Preapplication review.** (a) Before submitting an application under this chapter,
8.29 an applicant must provide a draft application to commission staff for review. A draft
8.30 application must not be filed electronically.

8.31 (b) Commission staff's draft application review must focus on the application's
8.32 completeness and clarifications that may assist the commission's review of the application.
9.1 Upon completion of the preapplication review under this subdivision, commission staff
9.2 must provide the applicant a summary of the completeness review. The applicant may
9.3 include the completeness review summary with the applicant's application under subdivision
9.4 3.

9.5 Subd. 7. **Complete applications.** (a) The commission or the commission's designee
9.6 must determine whether an application is complete and advise the applicant of any
9.7 deficiencies within ten working days of the date an application is received.

9.8 (b) An application is not incomplete if: (1) information that is not included in the
9.9 application may be obtained from the applicant prior to the initial public meeting; and (2)
9.10 the information that is not included in the application is not essential to provide adequate
9.11 notice.

9.12 Subd. 8. **Application notice.** (a) Upon finding an application is complete, the commission
9.13 must:

9.14 (1) publish notice of the application in a legal newspaper of general circulation in each
9.15 county in which the site or route is proposed;

127.23 (4) the State Historic Preservation Office.

127.24 (b) The notice must describe the proposed project and provide the entities receiving the
127.25 notice an opportunity for preapplication coordination or feedback.

127.26 Subd. 2b. **Preapplication review.** (a) Before submitting an application under this chapter,
127.27 an applicant must provide a draft application to commissioner of commerce for review. A
127.28 draft application must not be filed electronically.

127.29 (b) The commissioner of commerce's draft application review must focus on the
127.30 application's completeness and clarifications that may assist the commission's review of the
127.31 application. Upon completion of the preapplication review under this subdivision,
127.32 commissioner of commerce must provide the applicant a summary of the completeness
128.1 review. The applicant may include the completeness review summary with the applicant's
128.2 application under subdivision 3.

128.13 (b) The commission's designee must determine whether an application is complete and
128.14 advise the applicant of any deficiencies within ten days of the date an application is received.

128.15 (c) An application is not incomplete if:

128.16 (1) information that is not included in the application may be obtained from the applicant
128.17 prior to the initial public meeting; and

128.18 (2) the information that is not included in the application is not essential to provide
128.19 adequate notice.

128.20 ~~Subd. 3a. **Project notice.** At least 90 days before filing an application with the~~
128.21 ~~commission, the applicant shall provide notice to each local unit of government within~~
128.22 ~~which a route may be proposed. The notice must describe the proposed project and the~~
128.23 ~~opportunity for a preapplication consultation meeting with local units of government as~~
128.24 ~~provided in subdivision 3b.~~

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

128.32 Subd. 4. **Application notice.** Within 15 days after submission of an application to the
128.33 commission, the applicant shall publish notice of the application in a legal newspaper of
129.1 general circulation in each county in which the site or route is proposed and send a copy of
129.2 the application by certified mail to any regional development commission, county,
129.3 incorporated municipality, and town in which any part of the site or route is proposed.

9.16 (2) provide notice of the application to any regional development commission, Minnesota
9.17 Tribal government as defined under section 10.65, subdivision 2, county, incorporated
9.18 municipality, and town in which any part of the site or route is proposed;

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

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

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

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

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

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

129.18 **Subd. 5. Environmental review.** (a) The commissioner of the Department of Commerce
129.19 shall prepare for the commission an environmental impact statement on each proposed large
129.20 electric power facility for which a complete application has been submitted. The
129.21 commissioner shall not consider whether or not the project is needed. No other state
129.22 environmental review documents shall be required. The commissioner shall study and
129.23 evaluate any site or route proposed by an applicant and any other site or route the commission
129.24 deems necessary that was proposed in a manner consistent with rules concerning the form,
129.25 content, and timeliness of proposals for alternate sites or routes, excluding any alternate
129.26 site for a solar energy generating system that was not proposed by an applicant.

129.27 (b) For a cogeneration facility as defined in section 216H.01, subdivision 1a, that is a
129.28 large electric power generating plant and is not proposed by a utility, the commissioner
129.29 must make a finding in the environmental impact statement whether the project is likely to
129.30 result in a net reduction of carbon dioxide emissions, considering both the utility providing
129.31 electric service to the proposed cogeneration facility and any reduction in carbon dioxide

10.5 Subd. 9. **Public meeting.** (a) The commission must hold at least one public meeting in
10.6 a location near the proposed large energy infrastructure facility project's location to explain
10.7 the permitting process, present major issues, and respond to questions raised by the public.

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

10.12 Subd. 10. **Draft permit; additional considerations.** Upon close of the public comment
10.13 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
10.15 draft permit must identify the person or persons who are the permittee, describe the proposed
10.16 project, and include proposed permit conditions. A draft site permit does not authorize a
10.17 person to construct a large energy infrastructure facility. The commission may change the
10.18 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
10.20 216I.06 or the addendum prepared under section 216I.07.

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

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

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

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

129.34 Subd. 6. **Public hearing.** ~~The commission shall hold a public hearing on an application~~
129.35 ~~for a site or route permit for a large electric power facility. All hearings held for designating~~
130.1 ~~a site or route shall be conducted by an administrative law judge from the Office of~~
130.2 ~~Administrative Hearings pursuant to the contested case procedures of chapter 14. Notice~~
130.3 ~~of the hearing shall be given by the commission at least ten days in advance but no earlier~~
130.4 ~~than 45 days prior to the commencement of the hearing. Notice shall be by publication in~~
130.5 ~~a legal newspaper of general circulation in the county in which the public hearing is to be~~
130.6 ~~held and by certified mail to chief executives of the regional development commissions,~~
130.7 ~~counties, organized towns, townships, and the incorporated municipalities in which a site~~
130.8 ~~or route is proposed. Any person may appear at the hearings and offer testimony and exhibits~~
130.9 ~~without the necessity of intervening as a formal party to the proceedings. The administrative~~
130.10 ~~law judge may allow any person to ask questions of other witnesses. The administrative~~
130.11 ~~law judge shall hold a portion of the hearing in the area where the power plant or transmission~~
130.12 ~~line is proposed to be located.~~

130.21 Subd. 6a. **Draft permit.** Within 30 days after the date the public comment period closes
130.22 following the public hearing in section 216.035, subdivision 2, or section 216E.04,
130.23 subdivision 6, to the extent practicable, the commission must:

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

130.29 (2) identify any issues or alternatives that must be evaluated in an addendum to an
130.30 environmental assessment prepared under section 216E.041 or an environmental impact
130.31 statement prepared under section 216E.035.

130.32 Subd. 7. **Considerations in designating sites and routes.** (a) The commission's site
130.33 and route permit determinations must be guided by the state's goals to conserve resources,
130.34 minimize environmental impacts, minimize human settlement and other land use conflicts,

10.24 and ensure the state's energy security through efficient, cost-effective energy supply and
10.25 infrastructure.

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

10.28 (1) evaluating research and investigations relating to: (i) large energy infrastructure
10.29 facilities' effects on land, water, and air resources; and (ii) the effects water and air discharges
10.30 and electric and magnetic fields resulting from large energy infrastructure facilities have
10.31 on public health and welfare, vegetation, animals, materials, and aesthetic values, including
10.32 baseline studies, predictive modeling, and evaluating new or improved methods to minimize
11.1 adverse impacts of water and air discharges and other matters pertaining to large energy
11.2 infrastructure facilities' effects on the water and air environment;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

132.1 (11) evaluation of irreversible and irretrievable commitments of resources should the
132.2 proposed site or route be approved;

11.23 (12) when appropriate, considering the potential impacts raised by other state and federal
11.24 agencies and local entities;

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

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

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

12.3 (c) If the commission's rules are substantially similar to existing federal agency
12.4 regulations the utility is subject to, the commission must apply the federal regulations.

12.5 (d) The commission is prohibited from designating a site or route that violates state
12.6 agency rules.

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

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

12.17 (b) The commission is prohibited from issuing a site permit in violation of the site
12.18 selection standards and criteria established under this section and in rules the commission
12.19 adopts. When the commission designates a site, the commission must issue a site permit to

132.3 (12) when appropriate, consideration of problems raised by other state and federal
132.4 agencies and local entities;

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

132.8 (14) evaluation of the proposed facility's impact on socioeconomic factors; and

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

132.14 (c) If the commission's rules are substantially similar to existing regulations of a federal
132.15 agency to which the utility in the state is subject, the federal regulations must be applied by
132.16 the commission.

132.17 (d) No site or route shall be designated which violates state agency rules.

132.18 (e) The commission must make specific findings that it has considered locating a route
132.19 for a high-voltage transmission line on an existing high-voltage transmission route and the
132.20 use of parallel existing highway right-of-way and, to the extent those are not used for the
132.21 route, the commission must state the reasons.

132.22 Subd. 8. **Recording of survey points.** The permanent location of monuments or markers
132.23 found or placed by a utility in a survey of right-of-way for a route shall be placed on record
132.24 in the office of the county recorder or registrar of titles. No fee shall be charged to the utility
132.25 for recording this information.

132.26 Subd. 9. **Timing.** The commission shall make a final decision on an application within
132.27 60 days after receipt of the report of the administrative law judge. A final decision on the
132.28 request for a site permit or route permit shall be made within one year after the commission's
132.29 determination that an application is complete. The commission may extend this time limit
132.30 for up to three months for just cause or upon agreement of the applicant.

132.31 Subd. 10. **Final decision.** (a) No site permit shall be issued in violation of the site
132.32 selection standards and criteria established in this section and in rules adopted by the
132.33 commission. When the commission designates a site, it shall issue a site permit to the

12.20 the applicant with any appropriate conditions. The commission must publish a notice of the
12.21 commission's decision in the Environmental Quality Board Monitor within 30 days of the
12.22 date the commission issues the site permit.

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

12.33 (d) The commission must require as a condition of permit issuance, including the issuance
12.34 of a modified permit for a repowering project, as defined in section 216B.243, subdivision
13.1 8, paragraph (b), that the recipient of a site or route permit to construct an energy
13.2 infrastructure facility, including all of the permit recipient's construction contractors and
13.3 subcontractors on the project: (1) must pay no less than the prevailing wage rate, as defined
13.4 in section 177.42; and (2) is subject to the requirements and enforcement provisions under
13.5 sections 177.27, 177.30, 177.32, 177.41 to 177.435, and 177.45.

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

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

133.1 applicant with any appropriate conditions. The commission shall publish a notice of its
133.2 decision in the State Register within 30 days of issuance of the site permit.

133.3 (b) No route permit shall be issued in violation of the route selection standards and
133.4 criteria established in this section and in rules adopted by the commission. When the
133.5 commission designates a route, it shall issue a permit for the construction of a high-voltage
133.6 transmission line specifying the design, routing, right-of-way preparation, and facility
133.7 construction it deems necessary, and with any other appropriate conditions. The commission
133.8 may order the construction of high-voltage transmission line facilities that are capable of
133.9 expansion in transmission capacity through multiple circuiting or design modifications. The
133.10 commission shall publish a notice of its decision in the State Register within 30 days of
133.11 issuance of the permit.

133.12 (e) The commission must require as a condition of permit issuance, including issuance
133.13 of a modified permit for a repowering project, as defined in section 216B.243, subdivision
133.14 8, paragraph (b), that the recipient of a site permit to construct a large electric power
133.15 generating plant, including all of the permit recipient's construction contractors and
133.16 subcontractors on the project: (1) pay no less than the prevailing wage rate, as defined in
133.17 section 177.42; and (2) be subject to the requirements and enforcement provisions under
133.18 sections 177.27, 177.30, 177.32, 177.41 to 177.435, and 177.45.

133.19 Subd. 11. **Department of Commerce to provide technical expertise and other**
133.20 **assistance.** (a) The commissioner of the Department of Commerce shall consult with other
133.21 state agencies and provide technical expertise and other assistance to the commission or to
133.22 individual members of the commission for activities and proceedings under this chapter
133.23 and chapters 216F and chapter 216G. This assistance shall include the sharing of power
133.24 plant siting and routing staff and other resources as necessary. The commissioner shall
133.25 periodically report to the commission concerning the Department of Commerce's costs of
133.26 providing assistance. The report shall conform to the schedule and include the required
133.27 contents specified by the commission. The commission shall include the costs of the
133.28 assistance in assessments for activities and proceedings under those sections and reimburse
133.29 the special revenue fund for those costs. If either the commissioner or the commission deems
133.30 it necessary, the department and the commission shall enter into an interagency agreement
133.31 establishing terms and conditions for the provision of assistance and sharing of resources
133.32 under this subdivision.

133.33 (b) Notwithstanding the requirements of section 216B.33, the commissioner may take
133.34 any action required or requested by the commission related to the environmental review
134.1 requirements under chapter 216E ~~or 216F~~ immediately following a hearing and vote by the
134.2 commission, prior to issuing a written order, finding, authorization, or certificate.

134.3 Subd. 12. **Prevailing wage.** The commission must require as a condition of permit
134.4 issuance, including issuance of a modified permit for a repowering project, as defined in
134.5 section 216B.243, subdivision 8, paragraph (b), that the recipient of a site permit to construct

5.11 Sec. 4. **[216L.04] APPLICABILITY DETERMINATION.**

5.12 Subdivision 1. **Generally.** This section may be used to determine: (1) whether a proposal
5.13 meets the definition of large energy infrastructure facility and is subject to the commission's
5.14 siting or routing jurisdiction under this chapter; or (2) which review process is applicable
5.15 at the time of the initial application.

5.16 Subd. 2. **Solar, wind, or energy storage facilities.** For solar energy generating systems,
5.17 large wind energy conversion systems, or energy storage systems, the alternating current
5.18 nameplate capacity of one solar energy generating system, wind energy conversion system,
5.19 or energy storage system must be combined with the alternating current nameplate capacity
5.20 of any other solar energy generating system, wind energy conversion system, or energy
5.21 storage system that:

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

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

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

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

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

134.6 a large electric power generating plant, including all of the permit recipient's construction
134.7 contractors and subcontractors on the project;

134.8 (1) pay no less than the prevailing wage rate, as defined in section 177.42; and

134.9 (2) is subject to the requirements and enforcement provisions under sections 177.27,
134.10 177.30, 177.32, 177.41 to 177.435, and 177.45.

134.11 Subd. 13. **Application.** This section applies to applications for a site or route permit
134.12 filed under section 216E.035 or 216E.04.

134.13 Sec. 10. **[216E.031] APPLICABILITY DETERMINATION.**

134.14 Subdivision 1. **Generally.** This section may be used to determine:

134.15 (1) whether a proposal is subject to the commission's siting or routing jurisdiction under
134.16 this chapter; or

134.17 (2) which review process is applicable at the time of the initial application.

134.18 Subd. 2. **Size determination.** An applicant must follow the provisions of section
134.19 216E.021 or 216E.022, as applicable, to determine the size of a solar energy generating
134.20 system or a wind energy conversion system. In determining the size of an energy storage
134.21 system, an applicant must combine the alternating current nameplate capacity of any other
134.22 energy storage system that:

134.23 (1) is constructed within the same 12-month period as the energy storage system; and

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

134.27 Subd. 3. **Transmission lines.** For transmission lines, the applicant must describe the
134.28 applicability issue and provide sufficient facts to support the determination.

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

135.1 (b) Upon written request from an applicant, the commission must provide a written
135.2 determination regarding applicability under this section. To the extent practicable, the
135.3 commission must provide the written determination within 30 days of the date the request
135.4 was received or 30 days of the date information that the commission requested from the
135.5 applicant is received, whichever is later. This written determination constitutes a final
135.6 decision of the commission.

13.13 Sec. 6. **[216L.06] APPLICATIONS; MAJOR REVIEW.**

13.14 Subdivision 1. **Environmental review.** (a) The commission must prepare an
13.15 environmental impact statement on each proposed large energy infrastructure facility for
13.16 which a complete application has been submitted. For the purposes of environmental review,
13.17 the commission is prohibited from considering whether or not the project is needed. No
13.18 other state environmental review documents are required. The commission must study and
13.19 evaluate any site or route identified by the commission under section 216L.05, subdivision
13.20 10, clause (2).

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

13.28 (c) The commission must publish a draft environmental impact statement in which the
13.29 commission determines the scope of the environmental impact statement under section
13.30 216L.05, subdivision 10. The public may provide comments on the draft environmental
13.31 impact statement at the public hearing and comment period under subdivision 2.

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

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

135.7 Sec. 11. **[216E.035] APPLICATIONS; MAJOR REVIEW.**

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

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

135.24 Subd. 2. **Public hearing.** (a) In addition to the public meeting required under section
135.25 216E.03, subdivision 5a, the commission shall hold a public hearing on an application for
135.26 a site or route permit for a large electric power facility. A hearing held for designating a
135.27 site or route shall be conducted by an administrative law judge from the Office of
135.28 Administrative Hearings pursuant to the contested case procedures of chapter 14 only if
135.29 commission staff determines that a disputed matter exists that may require clarification
135.30 through expert testimony. Notice of the hearing shall be given by the commission at least
135.31 ten days in advance but no earlier than 45 days prior to the commencement of the hearing.
135.32 Notice shall be by publication in a legal newspaper of general circulation in the county in
135.33 which the public hearing is to be held and by certified mail to chief executives of the regional
135.34 development commissions, Tribal governments, counties, organized towns, townships, and

14.19 (3) Tribal governments as defined by section 10.65, subdivision 2. Any person may appear
14.20 at the hearings and offer testimony and exhibits without the necessity of intervening as a
14.21 formal party to the proceedings. The administrative law judge may allow any person to ask
14.22 questions of other witnesses. The administrative law judge must hold a portion of the hearing
14.23 in the area where the large energy infrastructure facility's location is proposed. The
14.24 commission and administrative law judge must accept written comments no less than 20
14.25 days after the public hearing's date.

14.26 Subd. 3. **Administrative law judge report.** The administrative law judge must issue a
14.27 report and recommendations after completion of post-hearing briefing or the date the public
14.28 comment period under subdivision 2 closes, whichever is later.

14.29 Subd. 4. **Timing.** The commission must make a final decision on an application within
14.30 60 days of the date the administrative law judge's report is received. A final decision on the
14.31 site or route permit request must be made within one year of the date the commission
14.32 determines an application is complete. The commission may extend the time limit under
14.33 this subdivision for up to three months for just cause or upon agreement with the applicant.

136.1 the incorporated municipalities in which a site or route is proposed. Any person may appear
136.2 at the hearings and offer testimony and exhibits without the necessity of intervening as a
136.3 formal party to the proceedings. The administrative law judge may allow any person to ask
136.4 questions of other witnesses. The administrative law judge shall hold a portion of the hearing
136.5 in the area where the power plant or transmission line is proposed to be located.

136.6 (b) The commission must accept written comments submitted for at least ten days
136.7 following the hearing regarding project impacts, permit conditions, and alternatives the
136.8 commission should evaluate when considering the application.

136.9 Subd. 3. **Timing.** (a) The commission shall make a final decision on an application
136.10 within 60 days after receipt of the report of the administrative law judge, if applicable. A
136.11 final decision on the request for a site permit or route permit shall be made within one year
136.12 after the commission's determination that an application is complete. The commission may
136.13 extend the time limit under this paragraph for up to three months for just cause or upon
136.14 agreement with the applicant.

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

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

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

15.1 Sec. 7. **[216L.07] APPLICATIONS; STANDARD REVIEW.**

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

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

15.9 (1) large electric power generating plants with a capacity of less than 80 megawatts;

15.10 (2) large electric power generating plants that are fueled by natural gas;

15.11 (3) high-voltage transmission lines with a capacity between 100 and 300 kilovolts;

15.12 (4) high-voltage transmission lines with a capacity in excess of 300 kilovolts and less
15.13 than 30 miles in length in Minnesota;

15.14 (5) high-voltage transmission lines with a capacity in excess of 300 kilovolts, if at least
15.15 80 percent of the distance of the line in Minnesota, as proposed by the applicant, is located
15.16 along existing high-voltage transmission line right-of-way;

15.17 (6) solar energy systems;

137.1 of the commission's decision in the State Register within 30 days of issuance of the permit,
137.2 to the extent practicable.

137.3 (c) Immediately following the commission's vote granting an applicant a site or route
137.4 permit, and prior to issuance of a written commission order embodying that decision, the
137.5 applicant may submit to commission staff for review preconstruction compliance filings
137.6 specifying details of the applicant's proposed site operations.

137.7 Sec. 12. Minnesota Statutes 2022, section 216E.04, as amended by Laws 2023, chapter
137.8 7, section 29, and Laws 2023, chapter 60, article 12, section 55, is amended to read:

137.9 **216E.04 ALTERNATIVE APPLICATIONS; STANDARD REVIEW OF**
137.10 **APPLICATIONS.**

137.11 Subdivision 1. **Alternative Standard review.** An applicant who seeks a site permit or
137.12 route permit for one of the projects identified in this section shall have the option of following
137.13 the procedures in this section rather than the procedures in section ~~216E.03~~ 216E.035. The
137.14 applicant shall notify the commission at the time the application is submitted which procedure
137.15 the applicant chooses to follow.

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

137.18 (1) large electric power generating plants with a capacity of less than 80 megawatts that
137.19 are not fueled by natural gas;

137.20 ~~(2) large electric power generating plants that are fueled by natural gas;~~

137.23 (3) high-voltage transmission lines of between 100 and 300 kilovolts of any length;

137.21 ~~(2) high-voltage transmission lines of between 100 and 200 kilovolts below 345~~
137.22 kilovolts and less than 30 miles of length in Minnesota;

137.24 ~~(4) high-voltage transmission lines in excess of 200 kilovolts and less than 30 miles in~~
137.25 length in Minnesota;

137.26 ~~(5) high-voltage transmission lines in excess of 200 kilovolts if at least 80 percent of~~
137.27 the distance of the line in Minnesota will be located along existing high-voltage transmission
137.28 line right-of-way;

137.29 ~~(6) a high-voltage transmission line service extension to a single customer between 200~~
137.30 and 300 kilovolts and less than ten miles in length;

138.1 ~~(7) (4) a high-voltage transmission line rerouting to serve the demand of a single customer~~
138.2 when the rerouted line will be located at least 80 percent on property owned or controlled
138.3 by the customer or the owner of the transmission line;

138.4 ~~(8) (5) large electric power generating plants that are powered by solar energy; and~~

15.18 (7) energy storage systems; and

15.19 (8) large wind energy conversion systems.

15.20 Subd. 3. **Environmental review.** (a) For the projects identified in subdivision 2 and
15.21 following the procedures under this section, the applicant must prepare and submit an
15.22 environmental assessment with the application. A draft of the environmental assessment
15.23 must also be provided to commission staff as part of the preapplication review under section
15.24 216I.05, subdivision 6. The environmental assessment must (1) contain information regarding
15.25 the proposed project's human and environmental impacts, and (2) address mitigating measures
15.26 for identified impacts. The environmental assessment is the only state environmental review
15.27 document that must be prepared for the proposed project.

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

16.6 Subd. 4. **Public hearing.** After the commission issues any environmental assessment
16.7 addendum and a draft permit under section 216I.05, subdivision 10, the commission must
16.8 hold a public hearing in the area where the facility's location is proposed. The commission
16.9 must provide notice of the public hearing in the same manner as required under section
16.10 216I.06, subdivision 2. The commission must conduct the public hearing under procedures
16.11 established by the commission and may request that an administrative law judge from the
16.12 Office of Administrative Hearings conduct the hearing and prepare a report. The applicant
16.13 must be present at the hearing to present evidence and to answer questions. The commission
16.14 must provide opportunity at the public hearing for any person to present comments and to
16.15 ask questions of the applicant and commission staff. The commission must also provide

138.7 ~~(7)~~ energy storage systems.

138.5 (6) a wind energy conversion system of five megawatts or greater alternating current
138.6 capacity; and

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

138.8 Subd. 3. **Application.** The applicant for a site or route permit for any of the projects
138.9 listed in subdivision 2 who chooses to follow these procedures shall submit information as
138.10 the commission may require, but the applicant shall not be required to propose a second
138.11 site or route for the project. The applicant shall identify in the application any other sites
138.12 or routes that were rejected by the applicant and the commission may identify additional
138.13 sites or routes to consider during the processing of the application. The commission shall
138.14 determine whether an application is complete and advise the applicant of any deficiencies.

138.26 Subd. 6. **Public hearing.** (a) In addition to the public meeting required under section
138.27 216E.03, subdivision 5a, the commission shall hold a public hearing in the area where the
138.28 facility is proposed to be located. The commission shall give notice of the public hearing
138.29 in the same manner as notice under section 216E.03, subdivision 6 216E.035, subdivision
138.30 2. The commission shall conduct the public hearing under procedures established by the
138.31 commission. The applicant shall be present at the hearing to present evidence and to answer
138.32 questions. The commission shall provide opportunity at the public hearing for any person
138.33 to present comments and to ask questions of the applicant and commission staff. The
139.1 commission shall also afford interested persons an opportunity to submit written comments
139.2 into the record.

16.16 interested persons an opportunity to submit written comments into the record after the public
16.17 hearing.

16.18 Subd. 5. **Timing.** The commission must make a final decision on an application within
16.19 60 days of the date the public comment period following completion of the public hearing
16.20 closes, or the date the report is filed, whichever is later. A final decision on the request for
16.21 a site or route permit under this section must be made within six months of the date the
16.22 commission determines the application is complete. The commission may extend the time
16.23 limit under this subdivision for up to three months for just cause or upon agreement with
16.24 the applicant.

139.3 (b) The commission must accept written comments submitted for at least ten days
139.4 following the hearing regarding project impact, permit conditions, and alternatives the
139.5 commission should evaluate when considering the application.

138.15 Subd. 4. **Notice of application.** Upon submission of an application under this section,
138.16 the applicant shall provide the same notice as required by under section 216E.03, subdivision
138.17 4.

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

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

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

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

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

139.33 (c) Immediately following the commission's vote granting an applicant a site or route
139.34 permit, and prior to issuance of a written commission order embodying the decision, the

- 140.1 applicant may submit to commission staff for review preconstruction compliance filings
- 140.2 specifying details of the applicant's proposed site operations.

16.25 Sec. 8. **[216L.08] APPLICATIONS; LOCAL REVIEW.**

16.26 Subdivision 1. **Local review authorized.** (a) Notwithstanding sections 216L.06 and
16.27 216L.07, an applicant who seeks a site or route permit for one of the projects identified in
16.28 subdivision 2 may apply to the local units of government that have jurisdiction over the site
16.29 or route for approval to build the project. If local approval is granted, a site or route permit
16.30 is not required from the commission. If the applicant files an application with the commission,
16.31 the applicant waives the applicant's right to seek local approval for the project.

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

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

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

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

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

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

17.18 (5) a high-voltage transmission line service extension to a single customer between 200
17.19 and 300 kilovolts and less than ten miles in length;

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

17.23 (7) energy storage systems; and

17.24 (8) large wind energy conversion systems with a capacity less than 25 megawatts.

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

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

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

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

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

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

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

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

140.15 (1) a general description of the proposed facility;

- 140.16 (2) a list of any alternative sites or routes that were considered and rejected by the
140.17 applicant;
- 140.18 (3) a discussion of the potential impacts of the proposed project and each alternative site
140.19 or route on the human and natural environment;
- 140.20 (4) a discussion of mitigative measures that could reasonably be implemented to eliminate
140.21 or minimize any adverse impacts identified for the proposed project and each alternative
140.22 site or route analyzed;
- 140.23 (5) an analysis of the feasibility of each alternative site or route considered; and
- 140.24 (6) a list of permits required for the project.
- 140.25 Subd. 3. **Environmental assessment; notification of availability.** Upon receipt of the
140.26 environmental assessment from the applicant, the commissioner shall publish notice in the
140.27 EQB Monitor of the availability of the environmental assessment and mail notice of the
140.28 availability of the document to those persons on the general list or the project contact list.
140.29 The commissioner shall provide a copy of the environmental assessment to any public
140.30 agency with authority to permit or approve the proposed project. The commissioner shall
140.31 post the environmental assessment on the agency's web page.
- 141.1 Subd. 4. **Environmental assessment; comments; addendum.** (a) The commissioner
141.2 shall provide the public with an opportunity to comment on the environmental assessment
141.3 by holding a public meeting and by soliciting public comments. The commissioner shall
141.4 mail notice of the meeting to those persons on either the general list or the project contact
141.5 list at least ten days before the meeting. The commissioner shall provide at least seven days
141.6 from the date of the public meeting for the public to submit comments on the environmental
141.7 assessment.
- 141.8 (b) Any person or any member agency of the Environmental Quality Board may, at the
141.9 public meeting or in written comments submitted to the commissioner, request that the
141.10 Department of Commerce analyze any of the following issues in an addendum to the
141.11 environmental assessment:
- 141.12 (1) one or more alternative sites or routes;
- 141.13 (2) additional mitigation measures for environmental impacts identified in the
141.14 environmental assessment; or
- 141.15 (3) specific human or environmental impacts that were not addressed or not addressed
141.16 adequately in the environmental assessment.
- 141.17 (c) A person requesting additional environmental analysis in an addendum under
141.18 paragraph (b) must submit to the commissioner (1) an explanation of why the request should
141.19 be accepted, and (2) all supporting information the person wants the commissioner to
141.20 consider. The commissioner shall provide the applicant with an opportunity to respond to
141.21 each request. The commissioner shall prepare an addendum in response to a request, or at

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

141.22 the commissioner's own discretion, only if the commissioner determines that the additional
141.23 analysis assists the commission's ultimate decision on the permit application, including the
141.24 establishment of permit conditions.

141.25 (d) In making the commission's final decision, the commission must consider the
141.26 environmental assessment, the addendum to the environmental assessment, if any, comments
141.27 received at or after the public meeting, and the entirety of the record on environmental and
141.28 human health impacts.

141.29 (e) The commissioner shall follow the notification procedures established for an
141.30 environmental assessment in subdivision 3 with respect to an addendum prepared under
141.31 subdivision 4.

141.32 Subd. 5. **Matters excluded.** If the commission has issued a certificate of need to an
141.33 applicant for a large electric power generating plant or high-voltage transmission line or
142.1 placed a high-voltage transmission line on the certified project list maintained by the
142.2 commission under section 216B.2425, subdivision 3, the environmental assessment of the
142.3 project shall not address (1) questions of need, including size, type, and timing; (2) questions
142.4 of alternative system configurations; or (3) questions of voltage.

142.5 Subd. 6. **No additional environmental review.** An environmental assessment and
142.6 addendum, if prepared, must be the only state environmental review documents required
142.7 to be prepared by the commissioner on a project qualifying for review under section 216E.04.
142.8 An environmental assessment worksheet or environmental impact statement is not required.
142.9 Environmental review at the certificate of need stage before the commission must be
142.10 performed in accordance with Minnesota Rules, parts 7849.1000 to 7849.2100.

142.11 Subd. 7. **Cost.** The commissioner shall assess the department's cost to prepare an
142.12 addendum to an environmental assessment to the applicant.

142.13 Sec. 14. **[216E.042] PERMIT AMENDMENTS.**

142.14 Subdivision 1. **Applicability.** (a) This section applies to a request by the owner of a
142.15 large electric power facility to modify any provision or condition of a site or route permit
142.16 issued by the commission, including permit amendments to:

142.17 (1) upgrade or rebuild an existing electric line and associated facilities to a voltage
142.18 capable of operating between 100 kilovolts and 300 kilovolts; or

142.19 (2) repower or refurbish a large electric power generating plant, a large wind energy
142.20 conversion system, a solar energy generating system, or an energy storage system that
142.21 increases the efficiency of the facility. For a large electric power generating plant, an increase
142.22 in efficiency means a reduction in the amount of British thermal units required to generate
142.23 a kilowatt hour of electricity at the facility.

18.26 efficiency is a reduction in the amount of British thermal units required to produce a kilowatt
18.27 hour of electricity at the facility.

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

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

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

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

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

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

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

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

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

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

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

143.4 (1) the permit modification sought;

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

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

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

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

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

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

143.23 Subd. 7. **Local review.** An owner or operator of a large electric power generating plant
143.24 or high-voltage transmission line that was not issued a permit by the commission may seek

19.21 the nonpermitted facility may seek approval of a project listed under subdivision 1 from
19.22 the local unit of government if the facility qualifies for standard review under section 216I.07
19.23 or local review under section 216I.08.

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

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

19.27 (1) a small wind energy conversion system;

19.28 (2) a power plant or solar energy generating system with a capacity of less than 50
19.29 megawatts;

19.30 (3) an energy storage system with a capacity of less than ten megawatts;

19.31 (4) a transmission line that (i) has a capacity of 100 kilovolts or more, and (ii) is less
19.32 than 1,500 feet in length; and

20.1 (5) a transmission line that has a capacity of less than 100 kilovolts.

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

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

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

20.11 (1) maintaining or repairing an existing large energy infrastructure facility within an
20.12 existing site or right-of-way;

20.13 (2) adding equipment at an existing substation that does not (i) require more than a
20.14 one-acre expansion of the land needed for the substation, and (ii) involve an increase in the
20.15 voltage or changes in the location of existing transmission lines, except that up to the first
20.16 five transmission line structures outside the substation may be moved to accommodate the
20.17 equipment additions, provided the structures are not moved more than 500 feet from the
20.18 existing right-of-way;

20.19 (3) reconductoring or reconstructing a high-voltage transmission line that does not result
20.20 in a change to voltage or a change in right-of-way;

20.21 (4) relocating a high-voltage transmission line that is required by a local or state agency
20.22 as part of road, street, or highway construction;

143.25 approval to modify a project listed under subdivision 1, clause (1) or (2), from the local unit
143.26 of government if the facility qualifies for standard review under section 216E.04 or local
143.27 review under section 216E.05.

143.28 Sec. 15. **[216E.05I] EXEMPT PROJECTS.**

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

143.31 (1) a small wind energy conversion system;

143.32 (2) a power plant or solar generating system with a capacity of less than 50 megawatts;

144.1 (3) an energy storage system with a capacity of less than ten megawatts;

144.2 (4) a transmission line that (i) has a capacity of 100 kilovolts or more, and (ii) is less
144.3 than 1,500 feet in length; or

144.4 (5) a transmission line that has a capacity of less than 100 kilovolts.

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

20.23 (5) converting the fuel source of a large electric power generating plant to natural gas,
20.24 provided the plant is not expanded beyond the developed portion of the plant site; and

20.25 (6) starting up an existing large electric power generating plant that has been closed for
20.26 any period of time at no more than the large electric power generating plant's previous
20.27 capacity rating and in a manner that does not involve changing the fuel or expanding the
20.28 developed portion of the plant site.

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

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

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

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

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

144.18 (1) the construction cost of the proposed facility and the cost of the energy the proposed
144.19 facility generates, compared to the costs of reasonable alternatives;

144.20 (2) the economic impact of the proposed facility, or a suitable modification of the
144.21 proposed facility, compared to:

144.22 (i) the impact of reasonable alternatives; and

144.23 (ii) not building the facility; and

144.24 (3) the cost and economic impact of the proposed facility compared with similar facilities
144.25 located elsewhere.

144.26 **EFFECTIVE DATE.** This section is effective the day following final enactment and
144.27 applies to any site or route permit filed by the commission on or after that date.

30.1 Sec. 3. Minnesota Statutes 2023 Supplement, section 216E.06, is amended to read:

30.2 **216E.06 EMERGENCY PERMIT PERMITS.**

30.3 Subdivision 1. **Utility emergency action.** ~~(a)~~ Any utility whose electric power system
30.4 requires the immediate construction of a large electric power energy infrastructure facility
30.5 due to a major unforeseen event may apply to the commission for an emergency permit.
30.6 The application ~~shall~~ must provide notice in writing of the major unforeseen event and the
30.7 need for immediate construction. The permit must be issued in a timely manner, no later
30.8 than 195 days after the commission's acceptance of the application and upon a finding by
30.9 the commission that (1) a demonstrable emergency exists, (2) the emergency requires
30.10 immediate construction, and (3) adherence to the procedures and time schedules specified
30.11 in section 216E.03 would jeopardize under this chapter jeopardizes the utility's electric
30.12 power system or would jeopardize jeopardizes the utility's ability to meet the electric needs
30.13 of ~~its~~ the utility's customers in an orderly and timely manner.

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

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

30.18 **216E.07 ANNUAL HEARING.**

30.19 The commission ~~shall~~ must hold an annual public hearing at a time and place prescribed
30.20 by rule in order to afford interested persons an opportunity to be heard regarding any matters
30.21 relating to the siting and routing of large electric power energy infrastructure facilities. At
30.22 the meeting, the commission ~~shall~~ must advise the public of the permits issued by the
30.23 commission in the past year. The commission ~~shall~~ must provide at least ten days but no
30.24 more than 45 days' notice of the annual meeting by mailing or serving electronically, as
30.25 provided in section 216.17, a notice to those persons who have requested notice and by
30.26 publication in the EQB Monitor and the commission's weekly calendar.

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

30.28 Subd. 2. **Other Public participation.** The commission ~~shall~~ must adopt broad spectrum
30.29 citizen participation as a principal of operation. The form of public participation ~~shall~~ must
30.30 not be limited to public meetings and hearings and advisory task forces and ~~shall~~ must be
30.31 consistent with the commission's rules and guidelines as provided for in under section
30.32 ~~216E.16~~ 216L.24.

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

31.3 Subdivision 1. **Site or route permit prevails over local provisions.** To assure the
31.4 paramount and controlling effect of the provisions herein over other state agencies, regional,
31.5 county, and local governments, and special purpose government districts, the issuance of a
31.6 site permit or route permit and subsequent purchase and use of ~~such~~ the site or route locations

31.7 ~~for large electric power energy infrastructure facility purposes shall be is the sole site or~~
31.8 ~~route approval required to be obtained by the utility permittee. Such The permit shall~~
31.9 ~~supersede supersedes and preempt preempts all zoning, building, or land use rules,~~
31.10 ~~regulations, or ordinances promulgated by regional, county, local and special purpose~~
31.11 ~~government.~~

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

31.14 Subd. 2. **Other state permits.** Notwithstanding anything herein to the contrary, ~~utilities~~
31.15 ~~shall a permittee~~ must obtain state permits that may be required to construct and operate
31.16 large electric power energy infrastructure facilities. A state agency in processing a ~~utility's~~
31.17 ~~permittee's facility permit application shall be is~~ bound to the decisions of the commission,
31.18 with respect to (1) the site or route designation, and with respect to (2) other matters for
31.19 which authority has been granted to the commission by this chapter.

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

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

31.30 (b) An applicant for a permit under this section or under chapter 216G ~~shall must~~ notify
31.31 the commissioner of agriculture if the proposed project ~~will impact impacts~~ cultivated
31.32 agricultural land, ~~as that term is defined in section 216G.01, subdivision 4.~~ The commissioner
31.33 may participate and advise the commission as to whether to grant a permit for the project
32.1 and the best options for mitigating adverse impacts to agricultural lands if the permit is
32.2 granted. The Department of Agriculture ~~shall be is~~ the lead agency on the development of
32.3 any agricultural mitigation plan required for the project.

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

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

32.9 **216E.11 IMPROVEMENT OF SITES AND ROUTES.**

32.10 ~~Utilities that have acquired~~ A permittee that acquires a site or route in accordance with
32.11 ~~this chapter may proceed to construct or improve the site or route for the intended purposes~~

145.1 Sec. 17. Minnesota Statutes 2023 Supplement, section 216E.10, subdivision 3, is amended
145.2 to read:

145.3 Subd. 3. **State agency participation.** (a) ~~State agencies~~ authorized to issue permits
145.4 required ~~for construction or operation of~~ large electric power facilities ~~shall~~ participate
145.5 during routing and siting at public hearings and all other activities of the commission on
145.6 specific site or route designations and design considerations of the commission, and ~~shall~~
145.7 clearly state whether the site or route being considered for designation or permit and other
145.8 design matters under consideration for approval ~~will be in compliance~~ with state agency
145.9 standards, rules, or policies.

145.10 (b) An applicant for a permit under this section or under chapter 216G ~~shall~~ notify the
145.11 commissioner of agriculture if the proposed project ~~will impact~~ cultivated agricultural land,
145.12 ~~as that term is defined in section 216G.01, subdivision 4.~~ The commissioner may participate
145.13 and advise the commission as to whether to grant a permit for the project and the best options
145.14 for mitigating adverse impacts to agricultural lands if the permit is granted. The Department
145.15 of Agriculture ~~shall be~~ the lead agency on the development of any agricultural mitigation
145.16 plan required for the project.

145.17 (c) ~~The State Historic Preservation Office must comply with the requirements of this~~
145.18 ~~section. The commission's consideration of the State Historic Preservation Office's comments~~
145.19 ~~satisfies the requirements of section 138.665, when applicable.~~

32.12 at any time, subject to section 216E.10, subdivision 2 216L.16, subdivision 2, provided that
32.13 if the construction and improvement has not commenced within four years after a permit
32.14 for the site or route has been issued, then the utility permittee must certify to the commission
32.15 that the site or route continues to meet the conditions upon which the site or route permit
32.16 was issued.

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

32.18 **216E.13 FAILURE TO ACT.**

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

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

32.23 **216E.14 REVOCATION OR SUSPENSION.**

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

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

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

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

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

33.6 **216E.15 JUDICIAL REVIEW.**

33.7 Any applicant, party or person aggrieved by the issuance of a site or route permit, minor
33.8 alteration, amendment, or emergency permit from the commission or a certification of
33.9 continuing suitability filed by a utility permittee with the commission or by a final order in
33.10 accordance with any rules promulgated by the commission, may appeal to the court of
33.11 appeals in accordance with chapter 14. The appeal shall must be filed within 30 days after
33.12 the publication in the State Register of date the notice of the issuance of the permit by the
33.13 commission or commission's permit issuance is published in the EQB Monitor, certification
33.14 is filed with the commission, or the filing of any final order is filed by the commission.

33.15 Sec. 13. Minnesota Statutes 2022, section 216E.16, is amended to read:

33.16 **216E.16 RULES.**

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

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

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

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

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

145.21 **216F.02 EXEMPTIONS.**

145.22 ~~(a)~~ The requirements of chapter 216E do not apply to the siting of LWECs, except for
145.23 ~~sections 216E.01; 216E.03, subdivision 7; 216E.08; 216E.11; 216E.12; 216E.14; 216E.15;~~
145.24 ~~216E.17; and 216E.18, subdivision 3, which do apply.~~

145.25 ~~(b)~~ (a) Any person may construct an SWECS without complying with ~~chapter 216E or~~
145.26 ~~this chapter.~~

21.4 Sec. 12. **REVISOR INSTRUCTION.**

21.5 The revisor shall renumber each section of Minnesota Statutes in Column A with the
21.6 number in Column B.

21.7	<u>Column A</u>	<u>Column B</u>
21.8	<u>216E.06</u>	<u>216I.12</u>
21.9	<u>216E.07</u>	<u>216I.13</u>
21.10	<u>216E.08, subdivision 2</u>	<u>216I.14, subdivision 1</u>
21.11	<u>216E.08, subdivision 3</u>	<u>216I.14, subdivision 2</u>
21.12	<u>216E.09</u>	<u>216I.15</u>
21.13	<u>216E.10</u>	<u>216I.16</u>
21.14	<u>216F.084</u>	<u>216I.17</u>
21.15	<u>216E.11</u>	<u>216I.18</u>
21.16	<u>216E.12</u>	<u>216I.19</u>
21.17	<u>216E.03, subdivision 8</u>	<u>216I.20</u>
21.18	<u>216E.13</u>	<u>216I.21</u>
21.19	<u>216E.14</u>	<u>216I.22</u>
21.20	<u>216E.15</u>	<u>216I.23</u>
21.21	<u>216E.16</u>	<u>216I.24</u>
21.22	<u>216E.17</u>	<u>216I.25</u>
21.23	<u>216E.18, subdivision 2a</u>	<u>216I.26, subdivision 1</u>
21.24	<u>216E.18, subdivision 3</u>	<u>216I.26, subdivision 2</u>

145.27 ~~(b)~~ (b) Nothing in this chapter shall preclude a local governmental unit from establishing
145.28 requirements for the siting and construction of SWECS.

148.4 Sec. 20. **REVISOR INSTRUCTION.**

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

148.8	<u>Column A</u>	<u>Column B</u>
148.9	<u>216F.01, subdivision 2</u>	<u>216E.01, subdivision 6a</u>
148.10	<u>216F.01, subdivision 3</u>	<u>216E.01, subdivision 9b</u>
148.11	<u>216F.01, subdivision 4</u>	<u>216E.01, subdivision 11</u>
148.12	<u>216F.011</u>	<u>216E.022</u>
148.13	<u>216F.02</u>	<u>216E.023</u>
148.14	<u>216F.06</u>	<u>216E.055</u>
148.15	<u>216F.07</u>	<u>216E.10, subdivision 1a</u>
148.16	<u>216F.08</u>	<u>216E.05, subdivision 4</u>
148.17	<u>216F.081</u>	<u>216E.05, subdivision 5</u>
148.18	<u>216F.084</u>	<u>216E.125</u>

21.25 Sec. 13. **REPEALER.**

21.26 Subdivision 1. **Minnesota Statutes, chapter 216E, repeals.** (a) Minnesota Statutes
21.27 2022, sections 216E.001; 216E.01, subdivisions 1, 2, 3, 4, 5, 7, 8, 9, and 10; 216E.02;
21.28 216E.021; 216E.03, subdivisions 2, 3a, 3b, 4, and 9; 216E.04, subdivisions 1, 3, 4, 5, 6, 7,
21.29 8, and 9; 216E.05, subdivisions 1 and 3; 216E.08, subdivisions 1 and 4; and 216E.18,
21.30 subdivisions 1 and 2, are repealed.

21.31 (b) Minnesota Statutes 2023 Supplement, sections 216E.01, subdivisions 3a, 6, and 9a;
21.32 216E.03, subdivisions 1, 3, 5, 6, 7, 10, and 11; 216E.04, subdivision 2; and 216E.05,
21.33 subdivision 2, are repealed.

22.1 Subd. 2. **Minnesota Statutes, chapter 216F, repeals.** (a) Minnesota Statutes 2022,
22.2 sections 216F.01; 216F.011; 216F.012; 216F.015; 216F.02; 216F.03; 216F.05; 216F.06;
22.3 216F.07; 216F.08; and 216F.081, are repealed.

22.4 (b) Minnesota Statutes 2023 Supplement, section 216F.04, is repealed.

22.5 Subd. 3. **Minnesota Rules, chapter 7854, repeals.** Minnesota Rules, parts 7854.0100;
22.6 7854.0200; 7854.0300; 7854.0400; 7854.0500; 7854.0600; 7854.0700; 7854.0800;
22.7 7854.0900; 7854.1000; 7854.1100; 7854.1200; 7854.1300; 7854.1400; and 7854.1500, are
22.8 repealed.

22.9 Subd. 4. **Minnesota Rules, chapter 7850, repeals.** Minnesota Rules, parts 7850.1000;
22.10 7850.1100; 7850.1200; 7850.1300; 7850.1400; 7850.1500; 7850.1600; 7850.1700;
22.11 7850.1800; 7850.1900; 7850.2000; 7850.2100; 7850.2200; 7850.2300; 7850.2400;
22.12 7850.2500; 7850.2600; 7850.2700; 7850.2800; 7850.2900; 7850.3000; 7850.3100;
22.13 7850.3200; 7850.3300; 7850.3400; 7850.3500; 7850.3600; 7850.3700; 7850.3800;
22.14 7850.3900; 7850.4000; 7850.4100; 7850.4200; 7850.4500; 7850.4600; 7850.4700;
22.15 7850.4800; 7850.4900; 7850.5000; 7850.5100; 7850.5200; 7850.5300; 7850.5400;
22.16 7850.5500; and 7850.5600, are repealed.

22.17 Sec. 14. **EFFECTIVE DATE.**

22.18 This article is effective January 1, 2025.

34.13 Sec. 15. **ADMINISTRATIVE RULEMAKING.**

34.14 (a) The Public Utilities Commission must adopt rules, using the expedited process under
34.15 Minnesota Statutes, section 14.389, that amend Minnesota Rules, chapter 7850, to conform
34.16 with the changes made in this act.

34.17 (b) The Environmental Quality Board must adopt rules, using the expedited process
34.18 under Minnesota Statutes, section 14.389, that amend Minnesota Rules, chapter 4410, to
34.19 conform with the changes made in this act.

34.20 (c) The Public Utilities Commission must amend Minnesota Rules, chapter 7850, to
34.21 authorize applicants for site and route permits to begin submitting preconstruction compliance

148.19 Sec. 21. **REPEALER.**

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

148.22 (b) Minnesota Statutes 2023 Supplement, section 216F.04, is repealed.

148.23 (c) Minnesota Rules, parts 7850.2400; and 7850.3600, are repealed.

148.24 **EFFECTIVE DATE.** This section is effective September 1, 2024, and applies to site
148.25 and route applications filed with the commission on or after that date.

34.22 filings to commission staff for review immediately following the commission's vote for
34.23 granting the applicant a site or route permit, but prior to the issuance of a written commission
34.24 order.

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

34.26 Sec. 16. **APPROPRIATION.**

34.27 \$5,000 in fiscal year 2025 is appropriated to the Public Utilities Commission for the
34.28 administrative costs of rulemaking in this article. This is a onetime appropriation and is
34.29 available until June 30, 2026.

34.30 Sec. 17. **EFFECTIVE DATE.**

34.31 Sections 2 to 14 are effective January 1, 2025.