



## How to Participate in the Energy Facility Permitting Process: An Overview

The State of Minnesota has established a policy of locating energy facilities in an orderly manner compatible with environmental preservation, sustainable development, and efficient use of resources. The State has given responsibility for locating and permitting energy facilities to the Minnesota Public Utilities Commission (Commission or PUC). Thus, when a utility or other energy developer wishes to build a transmission line, power plant, wind farm, or pipeline, they apply to the Commission for a permit.

The Commission has a challenging job – it must balance policy goals that may be in conflict, and determine the most reasonable and prudent location for the proposed energy facility. The Commission begins its work by getting help. The Commission engages other state agencies to help it build a record upon which a good decision can be made. Though the specifics vary with project type and size, the Commission relies on two state agencies for help, the Department of Commerce (DOC) and the Office of Administrative Hearings (OAH). These agencies, working separately but in a coordinated fashion, develop a record which is then submitted to the Commission so that the Commission can make a permit decision.

Though permitting processes for energy facilities vary with project type and size, there are common themes and tools for participating in all processes. These theme and tools are designed to integrate citizen knowledge into the permitting process, and to the aid the Commission in making a prudent permitting decision. The tools are designed to (1) provide information to the public so that citizens are aware and knowledgeable concerning the permitting of a proposed project, and (2) provide opportunities and assistance for citizens to comment on a project.

### Project Dockets

All permitting processes start when an applicant applies to the Commission for a site or route permit. The application is assigned a docket number and a project docket is opened. The docket is expressed as a year and four digit ID number, e.g., 09-1234. This docket is a place to organize and view the documents of the permitting process, i.e. the record. You can download and read documents; you can follow the permitting process as it unfolds.

There are two ways to access and view project dockets. First, you can view dockets on the Commission's energy facilities webpage, [www.energyfacilities.puc.state.mn.us](http://www.energyfacilities.puc.state.mn.us). This webpage provides multiple functions, including the ability to search for projects by type and location. You'll find information on the permitting process, a project status indicator, and contact information for the state permit manager and public advisor. The webpage includes mailing list sign-ups for specific projects (see "Staying Informed" below). It also includes the ability to comment electronically on projects with open comment periods (see "Participate and Comment" below). Finally, the webpage includes key documents in the permitting process with brief explanations by DOC staff.

Second, you can view project dockets through the Department of Commerce's eDockets system, [www.edockets.state.mn.us/EFiling/search.jsp](http://www.edockets.state.mn.us/EFiling/search.jsp). The eDockets system allows you to see all of the documents related to a specific docket. It is searchable by the project docket number and by keywords. The eDockets webpage is likely of most benefit to parties to a contested case hearing who need to see all of the legal documents for a case, e.g., briefs, orders, petitions (see "Intervention - Becoming a Party"

below). Note that eDockets contains all of the documents in the record, while the Commission's energy facility permitting webpage contains only the key documents in the record.

### **Staying Informed**

Acceptance of an application by the Commission triggers a coordinated environmental review and hearing process. This process includes several opportunities for public comment, including public meetings and public hearings. There are several tools that can help citizens stay informed about these opportunities.

First, and most important, is the project mailing list. All energy facility projects have a project mailing list, which is used to send notice of project milestones and comment opportunities. Notices are sent by U.S. mail. If you're interested in a proposed project, sign up for the project mailing list.

There are several ways to sign up for the project mailing list, including electronically via the Commission's energy facilities webpage. If you're unsure of how to sign up for the project mailing list, contact the state permit manager or public advisor. These persons are noted on the project docket page

Second, you can subscribe to the eDockets system such that you receive an email every time a document is filed in the docket for a proposed project. Since notices of public meetings, hearings, and Commission meetings are placed in the docket, you will receive an email when these notices are issued. You may get a lot of email if you subscribe to a project docket (you'll get an email for every document), but you will get notice of public comment opportunities.

Third, you can sign up for electronic feeds from the Commission's energy facilities webpage. There are two types of feeds – Real Simple Syndication (RSS) feeds, and Twitter feeds.

Finally, notice of public meetings and hearings is always published in a local newspaper. So, you can keep an eye out for upcoming comment opportunities by being a regular newspaper reader.

Notices – no matter how you receive them (project mailing list, eDockets subscription, RSS feed, Twitter) – include the “who, what, when, where, and how” for the event and related comment opportunities. Notices include contact information for citizen assistance. If you have a question about a project, a notice, an upcoming comment period, or any other matters related to a project, please contact these folks.

### **Participate and Comment**

Once you know of a public meeting that you're interested in ... attend and participate! Meetings typically include a discussion of the proposed project and opportunities to ask questions and make comments and suggestions.

Importantly, early public meetings provide an opportunity to shape the environmental review for the project – i.e., to determine the scope of the environmental review. This is your chance to propose alternate routes and sites that should be studied in the environmental review. If you think there's a better route for a transmission line or a better location for a power plant, then propose your alternative. If you don't propose an alternative for the Commission to consider, they can't permit it – i.e., if you don't put your suggestion into the hat, it can't be picked.

There is always a comment period after a meeting, typically 10 days or more. So, if you think of a suggestion or an alternative after the meeting, you have time to send it in. But make sure you get your comments in by the comment period deadline. All meeting notices include how to comment, where to comment, and the comment period deadline. For comment periods where comments are directed to the state permit manager, you can comment directly on the Commission's energy facilities webpage.

For public meetings, a record of public comments is created by a court reporter. These comments, plus all written comments received are part of the record and are (1) placed in the docket (eDockets) and (2) placed on the Commission's energy facilities permitting webpage. Thus, citizens can see all of the comments received for a specific project, at a specific permitting milestone, including their own.

For some permitting processes, comments are solicited on a draft environmental impact statement (draft EIS). These comments and the responses to the comments are included in the final EIS – which is placed in the docket and on the Commission's energy facility permitting webpage.

### **Public Hearings**

Many permitting processes include a public hearing. A hearing is basically a more formal public meeting. It is typically presided over by an administrative law judge (ALJ). Public hearings require public notice, so if you've signed up for mail or electronic notice, you will be good to go. Once you know of a public hearing that you're interested in ... attend and participate! Citizens can ask questions, submit exhibits, and make comments. Hearings are an opportunity for citizens to advocate – to make their case for what they believe is the most prudent location for the proposed project and why. There is a comment period after the public hearing; the notice will describe how to send comments to the judge.

For public hearings, a transcript of the hearing is created by a court reporter. Transcripts are different from a "record of public comments." Transcripts are not directly available electronically. They must be purchased by interested parties. However, printed copies of transcripts are made available at public libraries for citizens to review.

Some permitting processes include a special type of public hearing, a contested case hearing. These hearings provide another possible way to participate in the permitting process. Persons, organizations, and other entities that feel they have a unique stake in the permitting and placement of the proposed project can intervene and become a party to the hearing. Requests to intervene and become a party must be directed to the ALJ for the hearing. You can find out who the ALJ is and how to intervene by reading the judge's pre-hearing order. You can find the pre-hearing order in the project docket, e.g., via the eDockets system.

As might be imagined, intervening is a "step up" from participating in a public hearing and submitting comments. It requires you to be more involved in the hearing and to interact with the ALJ and parties to the hearing. Thus, it takes more time and energy. Some citizens find it helpful to hire a lawyer to assist them in intervening and participating as a party.

### **Information at Public Libraries**

Important documents in the permitting process are available for review at public libraries. These libraries are typically along and near the proposed project. Libraries which have documents for a specific project are listed in the public notices for that project. Typically, libraries will have a copy of (1) the permit application, (2) the environmental review document, and (3) the transcript from the public hearing (if there is a hearing).

### **Public Utilities Commission Meetings**

After all the public meetings, environmental review, and public hearings, there is a substantial record on which the Commission can make a permit decision. Citizens can attend Commission meetings. The Commission, at its discretion, may or may not take public comment at the Commission meetings. You can find out how the Commission will handle meeting logistics by contacting Commission staff. Notice of the Commission meeting at which permit issuance will be considered is mailed to those persons on the project contact list and placed in the docket.

## **Contacts – For Help and Information**

If you have questions about a project or the permitting process in general, you can contact DOC and Commission staff directly. Project dockets on the Commission's energy facilities webpage provide contact information for a state permit manager and public advisor. These are DOC staff persons who are managing the permitting process; they can help answer questions about participating in the process. Contact information for DOC energy facility permitting staff and for Commission staff is noted below.

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Minnesota Department of Commerce  
Energy Facility Permitting  
85 7<sup>th</sup> Place East, Suite 500  
Saint Paul, MN 55101  
651-296-4026  
[www.energyfacilities.puc.state.mn.us](http://www.energyfacilities.puc.state.mn.us)

Minnesota Public Utilities Commission  
121 7th Place East, Suite 350  
Saint Paul, MN 55101-2147  
Local: 651-296-7124  
Toll Free: 1-800-657-3782  
[www.puc.state.mn.us](http://www.puc.state.mn.us)