

December 6, 2002

Alan Mitchell
Minnesota Environmental Quality Board
Centennial Office Building – 3rd Floor
658 Cedar Street
St. Paul, MN 55155

RE: Amendments to MN Rules Part 4410

Dear Mr. Mitchell,

The Department of Commerce (Department) offers the following general comments on the Minnesota Environmental Quality Board's (EQB) request for comments on its possible amendments to rules governing the environmental review of large electric power generating plants (LEPGP) and high voltage transmission lines (HVTL).

Environmental review is an important and essential component of the record upon which the Public Utilities Commission (Commission) bases its decision on whether an entity can obtain a certificate of need to build a proposed large power plant or high voltage transmission line. The Commission considers this information along with other information in the record before the Commission. The Department encourages the EQB to work especially closely with the Commission to ensure that these rules allow for a thorough yet efficient examination of the potential environmental effects of these projects.

Should the EQB go forward with a rulemaking proceeding, the Department anticipates that a hearing would be beneficial in order to provide an opportunity for all stakeholders to present the information necessary to allow the optimal process to develop. While the Department has had preliminary discussions about these rules with the EQB staff, it appears that further discussion would help develop both general and specific issues. In addition to the general issues above, one example of a specific issue is the definition of a large energy facility. The Department notes that, if the proposed rule parts are intended to pertain only to projects for which a need decision is required by the Commission, it seems appropriate to reference the Minnesota statute that defines the electrical facilities subject to a Commission need proceeding (MN Stat. §216B.2421) when defining high voltage transmission line (HVTL) and large electric power generating plant (LEPGP) to avoid potential confusion as to which projects are subject to these rules. Further discussion of this and other issues would be helpful to develop clear, complete, and efficient rules. The Department looks forward to working with the EQB staff in further developing these rules.

Sincerely,

Kate O'Connell
Supervisor, Electric Planning and Advocacy

DO/SM/cw

c: Chairman Scott
Commissioner Gavin
Commissioner Johnson
Commissioner Koppendraye
Commissioner Reha
Janet Gonzalez
Burl Haar