

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Gregory Scott	Chair
Edward A. Garvey	Commissioner
Marshall Johnson	Commissioner
LeRoy Koppendrayner	Commissioner
Phyllis A. Reha	Commissioner

In the Matter of Transmission Projects Reports
and Development of Certified List of
Transmission Line Projects

ISSUE DATE: August 29, 2002

DOCKET NO. E-999/TL-01-961

ORDER DECLINING TO TAKE FURTHER
ACTION

PROCEDURAL HISTORY

Since the mid-1970s, people building large energy facilities in Minnesota – including large lines for transmitting high-voltage electricity – have had to obtain a certificate of need pursuant to Minn. Stat. § 216B.243 and Commission-adopted rules.

On May 29, 2001, the Governor signed the Minnesota Energy Security and Reliability Act, Minnesota Laws 2001, Chapter 212. Among other things, that Act creates Minnesota Statutes § 216B.2425 which directs the owners of electric transmission lines to file a “transmission projects report” with the Public Utilities Commission by November 1 of odd-numbered years. In these reports transmission owners must identify present and future inadequacies in the transmission system and describe alternative ways of addressing these inadequacies. They may also request certification of high-voltage transmission lines to remedy inadequacies, bypassing the traditional certificate of need process.

On June 28, 2001, the Commission opened this docket by soliciting comments.

By November 1, 2001, Minnesota’s transmission owners filed transmission projects reports. Those reports described the state of Minnesota’s transmission system and identified transmission inadequacies that the transmission owners believed required the construction of new transmission projects within the next few years. The reports did not seek certification of any high-voltage power lines.

This docket has served as a forum for the comprehensive discussion of transmission issues, ranging from maximizing public input to ensuring adequate development of non-transmission alternatives to establishing workable procedures to process these biennial filings. These discussions culminated in the Commission's March 20, 2002 ORDER REQUIRING SUPPLEMENTAL FILING, INITIATING COMMENT AND REPLY PERIOD, AND OPENING RULEMAKING DOCKET. Among other things, the order launched a rulemaking to codify filing, procedural, and public participation requirements for future biennial transmission projects reports.¹

On April 30, 2002 the Commission received the required supplemental filing from the Minnesota Transmission Owners (MTO). The Commission also received comments from Communities United for Responsible Energy (C.U.R.E.), the Minnesota Department of Commerce (the Department) and the staff of the Minnesota Environmental Quality Board (EQB Staff). By June 3 the Commission received reply comments from C.U.R.E., EQB Staff, MTO and the Public Intervenor's Network.

On July 25, 2002, the current docket again came before the Commission.

FINDINGS AND CONCLUSIONS

With the focus of this docket shifting to the rulemaking docket, the parties raise miscellaneous issues for the Commission's consideration. For example:

- C.U.R.E. recommended that transmission owners that had not yet submitted low-voltage mapping information should do so.
- The EQB Staff suggest ways for soliciting and responding to public comments on transmission planning.
- MTO lists certain projects that they alleged to be exempt from the requirements of § 216B.2425.

The Commission will decline to act on these suggestions at this time. This docket has served its purpose, and the information and perspectives shared here have provided a solid foundation for future biennial transmission projects reports and for the rulemaking. Where warranted, the remaining issues may be addressed in the ongoing rulemaking. The Commission will therefore decline to take further action in this docket, freeing the parties to concentrate on the rulemaking proceeding, conduct planning studies, meet with local authorities, landowners and the general public, and prepare for the next biennial transmission report.

¹Docket No. E-999/R-02-327 *In the Matter of Rulemaking to Develop Rules Governing Biennial Transmission Projects Reports Under Minn. Stat. § 216B.2425.*

ORDER

1. The Commission declines to take further action in this docket at this time.
2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

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