

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

LeRoy Koppendraye  
Marshall Johnson  
Ken Nickolai  
Thomas Pugh  
Phyllis A. Reha

Chair  
Commissioner  
Commissioner  
Commissioner  
Commissioner

In the Matter of the Application of Minnesota  
Pipe Line Company for a Certificate of Need  
for a Large Petroleum Pipeline

ISSUE DATE: January 24, 2006

DOCKET NO. PL-5/CN-06-02

ORDER EXTENDING COMPLETENESS  
REVIEW PERIOD

**PROCEDURAL HISTORY**

On January 3, 2006, Minnesota Pipe Line Company filed an application for a certificate of need to construct a large petroleum pipeline approximately 24 inches in diameter and running from Clearbrook, Minnesota to Rosemount, Minnesota. On January 4, 2006, the Commission issued a Notice of Comment Periods, seeking comments on the substantial completeness of the application. That notice required initial comments by January 18 and reply comments by January 27.

On January 12, 2006, after notice to all interested persons, the Commission took up the issue of whether to extend the 15-day deadline set by Commission rule for determining the completeness of the application.

**FINDINGS AND CONCLUSIONS**

The certificate of need rules require the Commission to determine within 15 days of filing whether or not a certificate of need application is substantially complete.<sup>1</sup> The Commission has reviewed the application filed by Minnesota Pipe Line Company and finds that careful consideration of its completeness will require more than 15 days.

This case is complex and in many ways unique. To avoid delay and inefficiency as the case progresses, it is critical to begin with a substantially complete filing. The Commission has therefore solicited comments on completeness from interested persons. Receiving, analyzing, and acting on those comments will require more than 15 days from the date the application was filed.

Minn. Rules 7829.3200 authorizes the Commission to vary any of its rules upon making the following findings:

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<sup>1</sup> Minnesota Rules 7853.0200, subp. 7.

- (1) Enforcing the rule would impose an excessive burden upon the applicant or others affected by the rule;
- (2) Granting the variance would not adversely affect the public interest; and
- (3) Granting the variance would not conflict with any standards imposed by law.

The Commission will therefore vary the 15-day time line for determining the completeness of this application based on the following findings:

- (1) Enforcing the 15-day time line would impose an excessive burden upon the public, upon parties to the proceeding, and upon the Commission by jeopardizing the thoroughness of completeness review, which in turn could jeopardize the efficient and orderly processing of this application.
- (2) Varying the 15-day time line would not adversely affect the public interest and would in fact serve the public interest by protecting the Commission's decision-making process.
- (3) Varying the 15-day time line would not conflict with any other standards imposed by law.

The Commission will promptly review the comments of the parties and will determine whether or not the application is substantially complete as soon as practicable.

The Commission will so order.

### **ORDER**

1. The Commission varies Minn. Rules 7853.0200, subp. 7 to extend the time for determining whether the certificate of need application is substantially complete.
2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar  
Executive Secretary

(S E A L)

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