

1.1 ..... moves to amend H.F. No. 4700 as follows:

1.2 Delete everything after the enacting clause and insert:

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

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

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

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

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

1.13 ~~(4)~~ (3) any pipeline greater than six inches in diameter and having more than 50 miles  
1.14 of its length in Minnesota used for the transportation of coal, crude petroleum or petroleum  
1.15 fuels or oil, or their derivatives;

1.16 ~~(5)~~ (4) any pipeline for transporting natural or synthetic gas at pressures in excess of  
1.17 200 pounds per square inch with more than 50 miles of its length in Minnesota;

1.18 ~~(6)~~ (5) any facility designed for or capable of storing on a single site more than 100,000  
1.19 gallons of liquefied natural gas or synthetic gas;

1.20 ~~(7)~~ (6) any underground gas storage facility requiring a permit pursuant to section  
1.21 103I.681;

1.22 ~~(8)~~ (7) any nuclear fuel processing or nuclear waste storage or disposal facility; and

2.1 ~~(9)~~ (8) any facility intended to convert any material into any other combustible fuel and  
2.2 having the capacity to process in excess of 75 tons of the material per hour.

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

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

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

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

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

2.16 (3) the relationship of the proposed facility to overall state energy needs, as described  
2.17 in the most recent state energy policy and conservation report prepared under section  
2.18 216C.18, or, in the case of a high-voltage transmission line, the relationship of the proposed  
2.19 line to regional energy needs, as presented in the transmission plan submitted under section  
2.20 216B.2425;

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

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

2.24 (6) possible alternatives for satisfying the energy demand or transmission needs including  
2.25 but not limited to potential for increased efficiency and upgrading of existing energy  
2.26 generation and transmission facilities, load-management programs, and distributed generation,  
2.27 except that the commission shall not evaluate alternative endpoints for a high-voltage  
2.28 transmission line unless the alternative endpoints are consistent with endpoints identified  
2.29 in a Transmission Expansion Plan approved by the board of directors of the Midcontinent  
2.30 Independent System Operator, or the applicant agrees to the evaluation of the alternative  
2.31 endpoints;

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

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

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

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

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

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

3.20 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
3.21 applies to dockets pending at the Minnesota Public Utilities Commission on or after that  
3.22 date.

3.23 Sec. 3. Minnesota Statutes 2023 Supplement, section 216B.243, subdivision 8, is amended  
3.24 to read:

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

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

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

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

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

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

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

4.14 (7) a large wind energy conversion system, as defined in section ~~216F.01~~ 216E.01,  
4.15 subdivision 2, or a solar energy generating system, as defined in section 216E.01, subdivision  
4.16 9a, for which a site permit application is submitted by an independent power producer under  
4.17 chapter 216E or 216F; ~~or~~

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

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

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

4.27 (9) a transmission line that connects any of the following projects with the electric  
4.28 transmission grid:

4.29 (i) a large wind energy conversion system, as defined in section 216E.01, subdivision  
4.30 6a;

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

4.32 (iii) an energy storage system, as defined in section 216B.2422, subdivision 1;

5.1 (10) an energy storage system, as defined in section 216B.2422, subdivision 1; or

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

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

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

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

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

5.11 Sec. 4. Minnesota Statutes 2022, section 216B.243, subdivision 9, is amended to read:

5.12 Subd. 9. **Renewable energy standard and carbon-free energy standard facilities.** This  
5.13 section does not apply to a wind energy conversion system or a solar electric generation  
5.14 facility that is intended to be used to meet the obligations of section 216B.1691, subdivision  
5.15 2a or 2g; provided that, after notice and comment, the commission determines that the  
5.16 facility is a reasonable and prudent approach to meeting a utility's obligations under that  
5.17 section. When making this determination, the commission must consider:

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

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

5.21 (3) the facility's ability to promote economic development, as required under section  
5.22 216B.1691, subdivision 9;

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

5.24 (5) impacts on ratepayers; and

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

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

5.27 Sec. 5. Minnesota Statutes 2022, section 216B.246, subdivision 3, is amended to read:

5.28 Subd. 3. **Commission procedure.** (a) If an electric transmission line has been approved  
5.29 for construction in a federally registered planning authority transmission plan, the incumbent  
5.30 electric transmission owner, or owners if there is more than one owner, shall give notice to

6.1 the commission, in writing, within ~~90~~ 30 days of approval, regarding its intent to construct,  
 6.2 own, and maintain the electric transmission line. If an incumbent electric transmission owner  
 6.3 gives notice of intent to build the electric transmission line then, unless exempt from the  
 6.4 requirements of section 216B.243, within ~~18~~ nine months from the date of the notice  
 6.5 described in this paragraph ~~or such longer time approved by the commission~~, the incumbent  
 6.6 electric transmission owner shall file an application for a certificate of need under section  
 6.7 216B.243 or certification under section 216B.2425. The commission may extend the  
 6.8 nine-month period once for up to 90 days for good cause.

6.9 (b) If the incumbent electric transmission owner indicates that it does not intend to build  
 6.10 the transmission line, such notice shall fully explain the basis for that decision. If the  
 6.11 incumbent electric transmission owner, or owners, gives notice of intent not to build the  
 6.12 electric transmission line, then the commission may determine whether the incumbent  
 6.13 electric transmission owner or other entity will build the electric transmission line, taking  
 6.14 into consideration issues such as cost, efficiency, reliability, and other factors identified in  
 6.15 this chapter.

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

6.19 Sec. 6. Minnesota Statutes 2022, section 216E.03, as amended by Laws 2023, chapter 7,  
 6.20 sections 25, 26, 27, and 28, and Laws 2023, chapter 60, article 12, sections 50, 51, 52, 53,  
 6.21 and 54, is amended to read:

6.22 **216E.03 DESIGNATING SITES AND ROUTES.**

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

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

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

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

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

7.5 (3) the state technical resource agencies, and the State Historic Preservation Office.

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

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

7.11 (b) The commissioner of commerce's draft application review must focus on the  
7.12 application's completeness and clarifications that may assist the commission's review of the  
7.13 application. Upon completion of the preapplication review under this subdivision,  
7.14 commissioner of commerce must provide the applicant a summary of the completeness  
7.15 review. The applicant may include the completeness review summary with the applicant's  
7.16 application under subdivision 3.

7.17 Subd. 3. **Application.** (a) Any person seeking to construct a large electric power facility  
7.18 must apply to the commission for a site or route permit, as applicable. The application shall  
7.19 contain such information as the commission may require. The applicant shall propose at  
7.20 least two sites a single site for a large electric power facility and two routes one route for a  
7.21 high-voltage transmission line. Neither of the two proposed routes may be designated as a  
7.22 preferred route and all proposed routes must be numbered and designated as alternatives.  
7.23 The commission shall determine whether an application is complete and advise the applicant  
7.24 of any deficiencies within ten days of receipt. An application is not incomplete if information  
7.25 not in the application can be obtained from the applicant during the first phase of the process  
7.26 and that information is not essential for notice and initial public meetings.

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

7.30 (c) An application is not incomplete if:

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

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

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

8.8 ~~Subd. 3b. **Preapplication consultation meetings.** Within 30 days of receiving a project~~  
8.9 ~~notice, local units of government may request the applicant to hold a consultation meeting~~  
8.10 ~~with local units of government. Upon receiving notice from a local unit of government~~  
8.11 ~~requesting a preapplication consultation meeting, the applicant shall arrange the meeting at~~  
8.12 ~~a location chosen by the local units of government. A single public meeting for which each~~  
8.13 ~~local government unit requesting a meeting is given notice satisfies the meeting requirement~~  
8.14 ~~of this subdivision.~~

8.15 Subd. 4. **Application notice.** Within 15 days after submission of an application to the  
8.16 commission, the applicant shall publish notice of the application in a legal newspaper of  
8.17 general circulation in each county in which the site or route is proposed and send a copy of  
8.18 the application by certified mail to any regional development commission, county,  
8.19 incorporated municipality, and town in which any part of the site or route is proposed.  
8.20 Within the same 15 days, the applicant shall also send a notice of the submission of the  
8.21 application and description of the proposed project to each owner whose property is on or  
8.22 adjacent to any of the proposed sites for the power plant or along any of the proposed routes  
8.23 for the transmission line. The notice must identify a location where a copy of the application  
8.24 can be reviewed. For the purpose of giving mailed notice under this subdivision, owners  
8.25 are those shown on the records of the county auditor or, in any county where tax statements  
8.26 are mailed by the county treasurer, on the records of the county treasurer; but other  
8.27 appropriate records may be used for this purpose. The failure to give mailed notice to a  
8.28 property owner, or defects in the notice, does not invalidate the proceedings, provided a  
8.29 bona fide attempt to comply with this subdivision has been made. Within the same 15 days,  
8.30 the applicant shall also send the same notice of the submission of the application and  
8.31 description of the proposed project to those persons who have requested to be placed on a  
8.32 list maintained by the commission for receiving notice of proposed large electric generating  
8.33 power plants and high voltage transmission lines.

8.34 Subd. 5. **Environmental review.** (a) ~~The commissioner of the Department of Commerce~~  
8.35 ~~shall prepare for the commission an environmental impact statement on each proposed large~~



9.1 electric power facility for which a complete application has been submitted. The  
9.2 commissioner shall not consider whether or not the project is needed. No other state  
9.3 environmental review documents shall be required. The commissioner shall study and  
9.4 evaluate any site or route proposed by an applicant and any other site or route the commission  
9.5 deems necessary that was proposed in a manner consistent with rules concerning the form,  
9.6 content, and timeliness of proposals for alternate sites or routes, excluding any alternate  
9.7 site for a solar energy generating system that was not proposed by an applicant.

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

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

9.29 Subd. 5a. **Public meeting.** (a) Within 20 days after the date the commission determines  
9.30 an application is complete, the commission must hold at least one public meeting in a  
9.31 location near the proposed large energy infrastructure facility project's location to explain  
9.32 the permitting process, present major issues, and respond to questions raised by the public.

9.33 (b) At the public meeting and in written comments accepted at least ten days following  
9.34 the date of the public meeting, the commission must accept comments on potential impacts,

10.1 permit conditions, and alternatives the commission should evaluate when considering the  
10.2 application.

10.3 Subd. 6a. **Draft permit.** Within 30 days after the date the public comment period closes  
10.4 following the public meeting in section 216E.031, subdivision 2, or section 216E.04,  
10.5 subdivision 6, the commission must:

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

10.11 (2) identify any issues or alternatives the department must evaluate in the department's  
10.12 environmental impact statement prepared under section 216I.06 or the addendum prepared  
10.13 under section 216I.07.

10.14 **Subd. 7. Considerations in designating sites and routes.** (a) The commission's site  
10.15 and route permit determinations must be guided by the state's goals to conserve resources,  
10.16 minimize environmental impacts, minimize human settlement and other land use conflicts,  
10.17 and ensure the state's electric energy security through efficient, cost-effective power supply  
10.18 and electric transmission infrastructure.

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

10.21 (1) evaluation of research and investigations relating to the effects on land, water and  
10.22 air resources of large electric power facilities and the effects of water and air discharges  
10.23 and electric and magnetic fields resulting from such facilities on public health and welfare,  
10.24 vegetation, animals, materials and aesthetic values, including baseline studies, predictive  
10.25 modeling, and evaluation of new or improved methods for minimizing adverse impacts of  
10.26 water and air discharges and other matters pertaining to the effects of power plants on the  
10.27 water and air environment;

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

10.30 (3) evaluation of the effects of new electric power generation and transmission  
10.31 technologies and systems related to power plants designed to minimize adverse environmental  
10.32 effects;

- 11.1 (4) evaluation of the potential for beneficial uses of waste energy from proposed large  
11.2 electric power generating plants;
- 11.3 (5) analysis of the direct and indirect economic impact of proposed sites and routes  
11.4 including, but not limited to, productive agricultural land lost or impaired;
- 11.5 (6) evaluation of adverse direct and indirect environmental effects that cannot be avoided  
11.6 should the proposed site and route be accepted;
- 11.7 (7) evaluation of alternatives to the applicant's proposed site or route proposed pursuant  
11.8 to subdivisions 1 and 2;
- 11.9 (8) evaluation of potential routes that would use or parallel existing railroad and highway  
11.10 rights-of-way;
- 11.11 (9) evaluation of governmental survey lines and other natural division lines of agricultural  
11.12 land so as to minimize interference with agricultural operations;
- 11.13 (10) evaluation of the future needs for additional high-voltage transmission lines in the  
11.14 same general area as any proposed route, and the advisability of ordering the construction  
11.15 of structures capable of expansion in transmission capacity through multiple circuiting or  
11.16 design modifications;
- 11.17 (11) evaluation of irreversible and irretrievable commitments of resources should the  
11.18 proposed site or route be approved;
- 11.19 (12) when appropriate, consideration of problems raised by other state and federal  
11.20 agencies and local entities;
- 11.21 (13) evaluation of the benefits of the proposed facility with respect to (i) the protection  
11.22 and enhancement of environmental quality, and (ii) the reliability of state and regional  
11.23 energy supplies;
- 11.24 (14) evaluation of the proposed facility's impact on socioeconomic factors; and
- 11.25 (15) evaluation of the proposed facility's employment and economic impacts in the  
11.26 vicinity of the facility site and throughout Minnesota, including the quantity and quality of  
11.27 construction and permanent jobs and their compensation levels. The commission must  
11.28 consider a facility's local employment and economic impacts, and may reject or place  
11.29 conditions on a site or route permit based on the local employment and economic impacts.
- 11.30 (c) If the commission's rules are substantially similar to existing regulations of a federal  
11.31 agency to which the utility in the state is subject, the federal regulations must be applied by  
11.32 the commission.

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

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

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

12.10 ~~Subd. 9. **Timing.** The commission shall make a final decision on an application within~~  
12.11 ~~60 days after receipt of the report of the administrative law judge. A final decision on the~~  
12.12 ~~request for a site permit or route permit shall be made within one year after the commission's~~  
12.13 ~~determination that an application is complete. The commission may extend this time limit~~  
12.14 ~~for up to three months for just cause or upon agreement of the applicant.~~

12.15 ~~Subd. 10. **Final decision.** (a) No site permit shall be issued in violation of the site~~  
12.16 ~~selection standards and criteria established in this section and in rules adopted by the~~  
12.17 ~~commission. When the commission designates a site, it shall issue a site permit to the~~  
12.18 ~~applicant with any appropriate conditions. The commission shall publish a notice of its~~  
12.19 ~~decision in the State Register within 30 days of issuance of the site permit.~~

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

12.29 ~~(c) The commission must require as a condition of permit issuance, including issuance~~  
12.30 ~~of a modified permit for a repowering project, as defined in section 216B.243, subdivision~~  
12.31 ~~8, paragraph (b), that the recipient of a site permit to construct a large electric power~~  
12.32 ~~generating plant, including all of the permit recipient's construction contractors and~~  
12.33 ~~subcontractors on the project: (1) pay no less than the prevailing wage rate, as defined in~~

13.1 ~~section 177.42; and (2) be subject to the requirements and enforcement provisions under~~  
13.2 ~~sections 177.27, 177.30, 177.32, 177.41 to 177.435, and 177.45.~~

13.3 **Subd. 11. Department of Commerce to provide technical expertise and other**  
13.4 **assistance.** (a) The commissioner of the Department of Commerce shall consult with other  
13.5 state agencies and provide technical expertise and other assistance to the commission or to  
13.6 individual members of the commission for activities and proceedings under this chapter  
13.7 ~~and chapters 216F~~ and chapter 216G. This assistance shall include the sharing of power  
13.8 plant siting and routing staff and other resources as necessary. The commissioner shall  
13.9 periodically report to the commission concerning the Department of Commerce's costs of  
13.10 providing assistance. The report shall conform to the schedule and include the required  
13.11 contents specified by the commission. The commission shall include the costs of the  
13.12 assistance in assessments for activities and proceedings under those sections and reimburse  
13.13 the special revenue fund for those costs. If either the commissioner or the commission deems  
13.14 it necessary, the department and the commission shall enter into an interagency agreement  
13.15 establishing terms and conditions for the provision of assistance and sharing of resources  
13.16 under this subdivision.

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

13.21 **Subd. 12. Prevailing wage.** The commission must require as a condition of permit  
13.22 issuance, including issuance of a modified permit for a repowering project, as defined in  
13.23 section 216B.243, subdivision 8, paragraph (b), that the recipient of a site permit to construct  
13.24 a large electric power generating plant, including all of the permit recipient's construction  
13.25 contractors and subcontractors on the project: (1) pay no less than the prevailing wage rate,  
13.26 as defined in section 177.42; and (2) be subject to the requirements and enforcement  
13.27 provisions under sections 177.27, 177.30, 177.32, 177.41 to 177.435, and 177.45.

13.28 **Subd. 13. Application.** This section applies to applications for a site or route permit  
13.29 under section 216E.03 or 216E.04.

13.30 **Sec. 7. [216E.031] APPLICABILITY DETERMINATION.**

13.31 Subdivision 1. Generally. This section may be used to determine: (1) whether a proposal  
13.32 is subject to the commission's siting or routing jurisdiction under this chapter; or (2) which  
13.33 review process is applicable at the time of the initial application.

14.1 Subd. 2. **Size determination.** An applicant must follow the provisions of section  
14.2 216E.021 or 216E.022, as applicable, to determine the size of a solar energy generating  
14.3 system or a wind energy conversion system. In determining the size of an energy storage  
14.4 system, an applicant must combine the alternating current nameplate capacity of any other  
14.5 energy storage system that:

14.6 (1) is constructed within the same 12-month period as the solar energy generating system;  
14.7 and

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

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

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

14.15 (b) Upon written request from an applicant, the commission must provide a written  
14.16 determination regarding applicability under this section. The commission must provide the  
14.17 written determination within 30 days of the date the request was received or 30 days of the  
14.18 date information that the commission requested from the applicant is received, whichever  
14.19 is later.

14.20 Sec. 8. **[216E.035] APPLICATIONS; MAJOR REVIEW.**

14.21 Subdivision 1. **Environmental review.** (a) The commissioner of the Department of  
14.22 Commerce shall prepare for the commission an environmental impact statement on each  
14.23 proposed large electric power facility for which a complete application has been submitted.  
14.24 The commissioner shall not consider whether or not the project is needed. No other state  
14.25 environmental review documents shall be required. The commissioner shall study and  
14.26 evaluate any site or route proposed by an applicant and any other site or route the commission  
14.27 deems necessary that was proposed in a manner consistent with rules concerning the form,  
14.28 content, and timeliness of proposals for alternate sites or routes, excluding any alternate  
14.29 site for a solar energy generating system that was not proposed by an applicant.

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

15.1 electric service to the proposed cogeneration facility and any reduction in carbon dioxide  
15.2 emissions as a result of increased efficiency from the production of thermal energy on the  
15.3 part of the customer operating or owning the proposed cogeneration facility.

15.4 Subd. 2. **Public hearing.** (a) The commission shall hold a public hearing on an application  
15.5 for a site or route permit for a large electric power facility. A hearing held for designating  
15.6 a site or route shall be conducted by an administrative law judge from the Office of  
15.7 Administrative Hearings pursuant to the contested case procedures of chapter 14 only if  
15.8 commission staff determines that a disputed matter exists that may require clarification  
15.9 through expert testimony. Notice of the hearing shall be given by the commission at least  
15.10 ten days in advance but no earlier than 45 days prior to the commencement of the hearing.  
15.11 Notice shall be by publication in a legal newspaper of general circulation in the county in  
15.12 which the public hearing is to be held and by certified mail to chief executives of the regional  
15.13 development commissions, counties, organized towns, townships, and the incorporated  
15.14 municipalities in which a site or route is proposed. Any person may appear at the hearings  
15.15 and offer testimony and exhibits without the necessity of intervening as a formal party to  
15.16 the proceedings. The administrative law judge may allow any person to ask questions of  
15.17 other witnesses. The administrative law judge shall hold a portion of the hearing in the area  
15.18 where the power plant or transmission line is proposed to be located.

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

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

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

15.31 Subd. 4. **Final decision.** (a) No site permit shall be issued in violation of the site selection  
15.32 standards and criteria established in this section and in rules adopted by the commission.  
15.33 When the commission designates a site, it shall issue a site permit to the applicant with any

16.1 appropriate conditions. The commission shall publish a notice of its decision in the State  
16.2 Register within 30 days of issuance of the site permit.

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

16.12 (c) The commission must require as a condition of permit issuance, including issuance  
16.13 of a modified permit for a repowering project, as defined in section 216B.243, subdivision  
16.14 8, paragraph (b), that the recipient of a site permit to construct a large electric power  
16.15 generating plant, including all of the permit recipient's construction contractors and  
16.16 subcontractors on the project:

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

16.18 (2) be subject to the requirements and enforcement provisions under sections 177.27,  
16.19 177.30, 177.32, 177.41 to 177.435, and 177.45.

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

16.24 Sec. 9. Minnesota Statutes 2022, section 216E.04, as amended by Laws 2023, chapter 7,  
16.25 section 29, and Laws 2023, chapter 60, article 12, section 55, is amended to read:

16.26 **216E.04 ALTERNATIVE APPLICATIONS; STANDARD REVIEW OF**  
16.27 **APPLICATIONS.**

16.28 Subdivision 1. **Alternative review.** An applicant who seeks a site permit or route permit  
16.29 for one of the projects identified in this section shall have the option of following the  
16.30 procedures in this section rather than the procedures in section 216E.03. The applicant shall  
16.31 notify the commission at the time the application is submitted which procedure the applicant  
16.32 chooses to follow.



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

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

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

17.6 ~~(3)~~ (2) high-voltage transmission lines ~~of between 100 and 200 kilovolts~~ below 345  
17.7 kilovolts and less than 30 miles of length in Minnesota;

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

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

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

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

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

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

17.20 (9) a wind energy conversion system of five megawatts or greater alternating current  
17.21 capacity; and

17.22 ~~(9)~~ (10) energy storage systems.

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

17.30 Subd. 4. **Notice of application.** Upon submission of an application under this section,  
17.31 the applicant shall provide the same notice as required ~~by~~ under section 216E.03, subdivision  
17.32 4.

18.1 Subd. 5. **Environmental review.** ~~For the projects identified in subdivision 2 and~~  
18.2 ~~following these procedures, the commissioner of the Department of Commerce~~ The applicant  
18.3 shall prepare for the commission an environmental assessment for projects identified in  
18.4 subdivision 2 that follows the procedures in section 216E.041. ~~The environmental assessment~~  
18.5 ~~shall contain information on the human and environmental impacts of the proposed project~~  
18.6 ~~and other sites or routes identified by the commission and shall address mitigating measures~~  
18.7 ~~for all of the sites or routes considered. The environmental assessment shall be the only~~  
18.8 ~~state environmental review document required to be prepared on the project.~~

18.9 Subd. 6. **Public hearing.** (a) The commission shall hold a public hearing in the area  
18.10 where the facility is proposed to be located. The commission shall give notice of the public  
18.11 hearing in the same manner as notice under section 216E.03, subdivision 6. The commission  
18.12 shall conduct the public hearing under procedures established by the commission. The  
18.13 applicant shall be present at the hearing to present evidence and to answer questions. The  
18.14 commission shall provide opportunity at the public hearing for any person to present  
18.15 comments and to ask questions of the applicant and commission staff. The commission  
18.16 shall also afford interested persons an opportunity to submit written comments into the  
18.17 record.

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

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

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

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

18.32 Subd. 9. **Final decision.** (a) No site permit shall be issued in violation of the site selection  
18.33 standards and criteria established in this section and in rules adopted by the commission.  
18.34 When the commission designates a site, it shall issue a site permit to the applicant with any

19.1 appropriate conditions. The commission shall publish a notice of its decision in the State  
19.2 Register within 30 days of issuance of the site permit.

19.3 (b) No route designation shall be made in violation of the route selection standards and  
19.4 criteria established in this section and in rules adopted by the commission. When the  
19.5 commission designates a route, it shall issue a permit for the construction of a high-voltage  
19.6 transmission line specifying the design, routing, right-of-way preparation, and facility  
19.7 construction it deems necessary and with any other appropriate conditions. The commission  
19.8 may order the construction of high-voltage transmission line facilities that are capable of  
19.9 expansion in transmission capacity through multiple circuiting or design modifications. The  
19.10 commission shall publish a notice of its decision in the State Register within 30 days of  
19.11 issuance of the permit.

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

19.16 Sec. 10. [216E.041] ENVIRONMENTAL ASSESSMENT PREPARATION.

19.17 Subdivision 1. Definitions. (a) For the purposes of this section, the following terms have  
19.18 the meanings given.

19.19 (b) "Commissioner" means the commissioner of the Department of Commerce.

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

19.22 (d) "Project contact list" means a list maintained by the commission of persons who  
19.23 want to receive notices regarding a specific project for which a site permit or route permit  
19.24 is sought.

19.25 Subd. 2. Environmental assessment; content. (a) The applicant shall prepare and  
19.26 submit with the permit application an environmental assessment on each proposed project  
19.27 being reviewed under section 216E.04. The environmental assessment must contain, at a  
19.28 minimum:

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

19.30 (2) a list of any alternative sites or routes that are addressed;

19.31 (3) a discussion of the potential impacts of the proposed project and each alternative site  
19.32 or route on the human and natural environment;

20.1 (4) a discussion of mitigative measures that could reasonably be implemented to eliminate  
20.2 or minimize any adverse impacts identified for the proposed project and each alternative  
20.3 site or route analyzed;

20.4 (5) an analysis of the feasibility of each alternative site or route considered; and

20.5 (6) a list of permits required for the project.

20.6 Subd. 3. **Environmental assessment; notification of availability.** Upon receipt of the  
20.7 environmental assessment from the applicant, the commissioner shall publish notice in the  
20.8 EQB Monitor of the availability of the environmental assessment and mail notice of the  
20.9 availability of the document to those persons on the project contact list. The commissioner  
20.10 shall provide a copy of the environmental assessment to any public agency with authority  
20.11 to permit or approve the proposed project. The commissioner shall post the environmental  
20.12 assessment on the agency's web page, if possible.

20.13 Subd. 4. **Environmental assessment; comments; addendum.** (a) The commissioner  
20.14 shall provide the public with an opportunity to comment on the environmental assessment  
20.15 by holding a public meeting and by soliciting public comments. The public meeting required  
20.16 under section 216E.04, subdivision 6, satisfies this requirement. The commissioner shall  
20.17 mail notice of the meeting to those persons on either the general list or the project contact  
20.18 list at least ten days before the meeting. The commissioner shall provide at least seven days  
20.19 from the day of the public meeting for the public to submit comments regarding the scope  
20.20 of the environmental assessment.

20.21 (b) Any person or any member agency of the Environmental Quality Board may, at the  
20.22 public meeting or in written comments submitted to the commissioner, request that the  
20.23 Department of Commerce analyze any of the following issues in an addendum to the  
20.24 environmental assessment:

20.25 (1) one or more alternative sites or routes;

20.26 (2) additional mitigation measures for environmental impacts identified in the  
20.27 environmental assessment; or

20.28 (3) specific human or environmental impacts that were not addressed or not addressed  
20.29 adequately on the environmental assessment.

20.30 A person requesting additional environmental analysis in an addendum must submit to the  
20.31 commissioner an explanation of why the request should be accepted, and all supporting  
20.32 information the person wants the commissioner to consider. The commissioner shall provide  
20.33 the applicant with an opportunity to respond to each request. The commissioner shall prepare

21.1 an addendum in response to a request, or at the commissioner's own discretion, only if the  
21.2 commissioner determines that the additional analysis will assist the commission's ultimate  
21.3 decision on the permit application, including the establishment of permit conditions. In  
21.4 making its final decision, the commission must consider the environmental assessment, the  
21.5 addendum to the environmental assessment, if any, comments received at or after the public  
21.6 meeting, and the entirety of the record on environmental and human health impacts.

21.7 Subd. 5. **Environmental assessment; notification of availability.** Upon receipt of the  
21.8 environmental assessment from the applicant, the commissioner shall publish notice in the  
21.9 EQB Monitor of the availability of the environmental assessment and mail notice of the  
21.10 availability of the document to those persons on the project contact list. The commissioner  
21.11 shall provide a copy of the environmental assessment to any public agency with authority  
21.12 to permit or approve the proposed project. The commissioner shall post the environmental  
21.13 assessment on the agency's web page, if possible. The commissioner shall follow the  
21.14 procedures in this subdivision with respect to any addendum to an environmental assessment  
21.15 prepared under subdivision 4.

21.16 Subd. 6. **Matters excluded.** If the commission has issued a certificate of need for a large  
21.17 electric power generating plant or high-voltage transmission line or placed a high-voltage  
21.18 transmission line on the certified HVTL list maintained by the commission under section  
21.19 216B.2425, subdivision 3, the environmental assessment of the project shall not address  
21.20 questions of need, including size, type, and timing; questions of alternative system  
21.21 configurations; or questions of voltage.

21.22 Subd. 7. **No additional environmental review.** An environmental assessment must be  
21.23 the only state environmental review document required to be prepared by the commissioner  
21.24 on a project qualifying for review under section 216E.04. No environmental assessment  
21.25 worksheet or environmental impact statement shall be required. Environmental review at  
21.26 the certificate of need stage before the commission must be performed in accordance with  
21.27 Minnesota Rules, parts 7849.1000 to 7849.2100.

21.28 Subd. 8. **Cost.** The cost of the preparation of an environmental assessment must be  
21.29 assessed to the applicant as part of the application fee as specified in Minnesota Rules, part  
21.30 7850.1800.

21.31 Sec. 11. **[216E.042] MINOR ALTERATIONS; PERMIT AMENDMENTS.**

21.32 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have  
21.33 the meanings give.

22.1 (b) "Large energy infrastructure facility" means a high-voltage transmission line, a large  
22.2 electric power generating plant, an energy storage system, a large wind energy conversion  
22.3 system, and any associated facility.

22.4 (c) "Minor alteration" or "minor permit amendment" means an alteration or permit  
22.5 amendment that:

22.6 (1) does not increase the developed area within the permitted site or increase the  
22.7 nameplate capacity of a facility's most recent interconnection agreement; and

22.8 (2) does not result in a significant change to the facility's human and environmental  
22.9 impact.

22.10 Subd. 2. **Applicability.** This section applies to a project that:

22.11 (1) upgrades or rebuilds an existing electric line and associated facilities to a voltage  
22.12 capable of operating between 100 kilovolts and 300 kilovolts, provided not more than one  
22.13 mile of the upgrade or rebuilding is located more than 50 feet from either side of the  
22.14 centerline of the existing electric line;

22.15 (2) reroutes a high-voltage transmission line to serve the demand of a single customer,  
22.16 if at least 80 percent of the rerouted line is located on property owned or controlled by the  
22.17 customer or the owner of the transmission line;

22.18 (3) repowers or refurbishes a large electric power generating plant, a large wind energy  
22.19 conversion system, a solar energy generating system, or an energy storage system that  
22.20 increases the efficiency of the facility. For a large electric power generating plant, an increase  
22.21 in efficiency is a reduction in the amount of British thermal units required to produce a  
22.22 kilowatt hour of electricity at the facility;

22.23 (4) is requested by the owner of the large energy infrastructure facility to modify any  
22.24 provision or condition of a site or route permit issued by the commission; and

22.25 (5) changes a large energy infrastructure facility.

22.26 Subd. 3. **Application.** A person that seeks authorization to make a minor alteration in  
22.27 a large energy infrastructure facility must apply to the commission. The application must  
22.28 be in writing and must (1) describe the alteration to be made or the amendment sought, and  
22.29 (2) explain why the request meets the eligibility criteria under subdivision 1. The application  
22.30 must describe any changes to the environmental impacts evaluated by the commission as  
22.31 part of the initial permit approval.

23.1 Subd. 4. **Notice.** The commission must mail notice that the application was received to  
23.2 the persons on the general list and to the persons on the project contact list, if a project list  
23.3 exists.

23.4 Subd. 5. **Public comment.** The commission must provide at least a ten-day period for  
23.5 interested persons to submit comments on the application or to request that the matter be  
23.6 brought to the commission for consideration. The applicant must respond to submitted  
23.7 comments within seven days of the date the comment period closes.

23.8 Subd. 6. **Timing.** Within twenty days of the date the public comment period closes, the  
23.9 commission must decide whether to authorize the minor alteration or permit amendment,  
23.10 bring the matter to the commission for consideration, or determine that the application  
23.11 requires a permitting decision under another section in this chapter.

23.12 Subd. 7. **Decision.** The commission may authorize a minor alteration or amendment but  
23.13 impose reasonable conditions on the approval. The commission must notify the applicant  
23.14 in writing of the commission's decision and send a copy of the decision to any person who  
23.15 requested notification or filed comments on the application.

23.16 Subd. 8. **Local review.** For a large electric power generating plant or high-voltage  
23.17 transmission line that was not issued a permit by the commission, the owner or operator of  
23.18 the nonpermitted facility may seek approval of a project listed under subdivision 1 from  
23.19 the local unit of government if the facility qualifies for standard review under section 216I.07  
23.20 or local review under section 216I.08.

23.21 Sec. 12. **[216E.051] EXEMPT PROJECTS.**

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

23.24 (1) a small wind energy conversion system;

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

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

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

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

23.30 Subd. 2. **Other approval.** A person that proposes a facility listed in subdivision 1 must  
23.31 (1) obtain any approval required by local, state, or federal units of government with

24.1 jurisdiction over the project, and (2) comply with the environmental review requirements  
24.2 under chapter 116D and Minnesota Rules, chapter 4410.

24.3 Sec. 13. **[216E.055] COST REVIEW.**

24.4 If a project proposed by a public utility applying for a site or route permit under this  
24.5 chapter was not required to obtain a certificate of need under section 216B.243, the  
24.6 commission must review the proposed cost of the project and its estimated economic impact  
24.7 on Minnesota ratepayers. The commission may reject a site or route permit application  
24.8 based solely on project costs that it determines are not reasonable and prudent.

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

24.11 Sec. 14. Minnesota Statutes 2023 Supplement, section 216E.10, subdivision 3, is amended  
24.12 to read:

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

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

24.27 (c) The Minnesota State Historic Preservation Office must comply with the requirements  
24.28 of this section. The commission's consideration of Minnesota State Historic Preservation  
24.29 Office's comments satisfies the requirements of section 138.665, when applicable.



25.1 Sec. 15. Minnesota Statutes 2022, section 216F.02, is amended to read:

25.2 **216F.02 EXEMPTIONS.**

25.3 ~~(a) The requirements of chapter 216E do not apply to the siting of LWECS, except for~~  
 25.4 ~~sections 216E.01; 216E.03, subdivision 7; 216E.08; 216E.11; 216E.12; 216E.14; 216E.15;~~  
 25.5 ~~216E.17; and 216E.18, subdivision 3, which do apply.~~

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

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

25.10 Sec. 16. **REVISOR INSTRUCTION.**

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

	<u>Column A</u>	<u>Column B</u>
25.14		
25.15	<u>216F.01, subdivision 2</u>	<u>216E.01, subdivision 6a</u>
25.16	<u>216F.01, subdivision 3</u>	<u>216E.01, subdivision 9b</u>
25.17	<u>216F.01, subdivision 4</u>	<u>216E.01, subdivision 11</u>
25.18	<u>216F.011</u>	<u>216E.022</u>
25.19	<u>216F.02</u>	<u>216E.023</u>
25.20	<u>216F.06</u>	<u>216E.055</u>
25.21	<u>216F.07</u>	<u>216E.10, subdivision 1a</u>
25.22	<u>216F.08</u>	<u>216E.05, subdivision 4</u>
25.23	<u>216F.081</u>	<u>216E.05, subdivision 5</u>
25.24	<u>216F.084</u>	<u>216E.125</u>

25.25 Sec. 17. **REPEALER.**

25.26 (a) Minnesota Statutes 2022, sections 216E.08, subdivisions 1 and 4; 216F.01, subdivision  
 25.27 1; 216F.012; 216F.015; and 216F.03, are repealed.

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

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

25.30 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
 25.31 applies to site and route applications filed with the commission on or after that date."

26.1 Amend the title accordingly