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In re Xcel Energy's Application for a Route Permit for CapX 2020 Hampton-Rochester-La Crosse High Voltage Transmission Line

Court of Appeals of Minnesota - June 10, 2013 - Not Reported in N.W.2d - 2013 WL 2460343

Consolidated certiorari appeals challenged a high-voltage-transmission-line (HVTL) route permit issued by Minnesota Public Utilities Commission (MPUC) to Northern States Power Company, doing business as Xcel Energy (Xcel).

The appeal of a church and landowners concerned the first segment of the permitted route. The church and landowners argued that the MPUC erred by designating Xcel's preferred route for that segment because: (1) Xcel improperly modified its proposed route late in the application process, which violated statutory notice and environmental-review requirements; (2) the route violated Minnesota's nonproliferation policy; and (3) the MPUC relied on extrarecord information in designating the route.

On certiorari review, the court of appeals will affirm the MPUC's decision to issue an HVTL route permit unless the decision is arbitrary or capricious, exceeds the agency's jurisdiction or statutory authority, is made upon unlawful procedure, reflects an error of law, or is unsupported by substantial evidence in view of the entire record. The court concluded that none of these elements existed, affirming the MPUC's decision.