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Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-1765**

Wright-Hennepin Cooperative Electric Association,
Appellant,

vs.

Susan Sween, as Trustee of the George H. Deziel Revocable Trust,
Respondent,

United Power Association, n/k/a GreatRiver Energy, et al.,
Respondents Below,

Shamrock Golf, Inc.,
Respondent.

**Filed June 22, 2026
Affirmed
Larson, Judge
Dissenting, Johnson, Judge**

Hennepin County District Court
File No. 27-CV-22-484

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Considered and decided by Schmidt, Presiding Judge; Johnson, Judge; and Larson, Judge.

NONPRECEDENTIAL OPINION

LARSON, Judge

This case arises from an eminent-domain proceeding whereby respondent Susan Sween, as Trustee of the George H. Deziel Revocable Trust (the trust), received a damages award that was 124.8% more than the last written offer appellant Wright-Hennepin Cooperative Electric Association (Wright-Hennepin) gave to the trust before petitioning the district court for an order transferring title and possession of approximately 5.30 acres of the trust's property.¹ Wright-Hennepin appeals the district court's decision to award the trust attorney fees, costs, and expenses. We affirm.

FACTS

Substations and the Transmission of Electricity

As experts described in the proceedings below, the electric transmission and distribution system moves electricity from electricity generators to users. Very broadly, once electricity is generated, a transformer “steps up” the electricity to a voltage that can be transmitted for long distances over transmission lines. Transmission voltages can reach as high as 345 kilovolts (kV). Transmission lines capable of carrying these higher voltages (known as high-voltage transmission lines) then transmit the electricity to local distribution systems. This happens through a series of substations that “step down” the voltage from the transmission lines into distribution-level voltages (e.g., 12 kV to 25 kV). The

¹ The trust owns the property in fee. Respondents Great River Energy, et al., and Shamrock Golf, Inc. each hold an easement interest in the property. Neither Great River Energy nor Shamrock Golf received a damages award. Shamrock Golf submitted correspondence to this court stating that it took no position on the issues raised in this appeal.

distribution-level voltages are then carried on smaller power lines to individual users where the voltages are “stepped down” again to voltages safe for the user (e.g., 120 or 240 volts).

As an electrical cooperative, Wright-Hennepin is a utility that services over 49,000 members. As such, Wright-Hennepin is a “public service corporation” capable of exercising government authority to take private property for public use. *See* Minn. Stat. §§ 117.025, subd. 10 (defining “public service corporation” to include a “cooperative association”); 216I.02, subd. 19 (defining utility) (2024); *see also* Minn. Stat. § 301B.02 (2024) (providing that a public service corporation “may acquire by power of eminent domain the private property necessary or convenient for the transaction of the public business for which it was formed”). Wright-Hennepin receives its electricity from Great River Energy. Great River Energy employs high-voltage transmission lines that carry more than 100 kV to bring electricity into Wright-Hennepin’s system. This case involves Wright-Hennepin’s construction of a distribution substation called Corcoran II (distribution substation) that, currently,² receives electricity at 69 kV and “steps down” the electricity to 12.47 kV. Thus, the transmission line that directly feeds into the distribution substation carries electricity at 69 kV.

Eminent-Domain Proceeding

The trust owned 38.91 acres of developable land in Corcoran, Minnesota. The trust entered into a purchase agreement with a developer to purchase the entire property for \$2.5 million. But before the sale closed, Wright-Hennepin contacted the buyer and stated

² The parties dispute whether Wright-Hennepin could easily modify the distribution substation to receive 115 kV.

that it planned to initiate condemnation proceedings against the property. Thereafter, the buyer canceled the purchase agreement.

In January 2022, Wright-Hennepin initiated eminent-domain proceedings, petitioning to transfer title and possession of approximately 5.30 acres of the land (the property) in a quick-take action.³ The district court approved Wright-Hennepin's petition, transferring title and possession of the property to Wright-Hennepin, and ordering Wright-Hennepin to pay the trust \$489,230.77. The district court then appointed three commissioners to determine the trust's damages.⁴

Before the commissioners' hearing, the trust moved the district court to amend Wright-Hennepin's petition to expand the scope of the taking to include a drainage easement. The district court granted the trust's motion and ordered Wright-Hennepin to "amend its [p]etition to include the new drainage easement." In January 2025, the commissioners held a three-day hearing. *See* Minn. Stat. § 117.085 (2024) (outlining the powers and duties of the commissioners). And on March 10, 2025, the commissioners issued their report, concluding that the taking caused the trust \$1.1 million in damages.

³ A "quick-take" action allows the condemning authority to take possession of the land before damages are ascertained, if, at least 90 days before possession, the condemning authority provides the landowner notice, and the condemning authority pays "an amount equal to petitioner's approved appraisal of value." Minn. Stat. § 117.042 (2024). The trust and Shamrock Golf did not challenge the district court's decision to approve Wright-Hennepin's petition. Great River Energy did not make an appearance.

⁴ After determining a taking is necessary and authorized by law, the district court must appoint three commissioners to "ascertain and report the amount of damages" the landowner will sustain. Minn. Stat. § 117.075, subd. 2(a) (2024).

Following this report, the trust filed a motion in district court seeking reasonable attorney fees, costs, and expenses under Minn. Stat. § 117.031(a) (2024). That statute provides that a landowner is entitled to attorney fees, costs, and expenses if a damages award in an eminent-domain proceeding “is more than 40[%] greater than the last written offer of compensation made by the condemning authority prior to the filing of the petition.” Minn. Stat. § 117.031(a). The trust argued that Wright-Hennepin’s last written offer was \$489,230.77, the commissioners awarded the trust \$1.1 million in damages, and therefore, the commissioners’ award was 124.8% more than the last written offer.

Citing Minn. Stat. § 117.189(a) (2024), Wright-Hennepin contested the trust’s motion on the ground that it was exempt from section 117.031(a). Broadly, section 117.189(a) provides that section 117.031 does “not apply to the use of eminent domain authority by public service corporations” (the exemption). The trust disagreed, arguing an exception to the exemption applied because Wright-Hennepin constructed a distribution substation on the property. For support, the trust relied on the language in section 117.189(a)(1) indicating that section 117.031 applies to a public service corporation’s “construction or expansion of . . . a high-voltage transmission line of 100 [kV] or more, *or ancillary substations.*” See Minn. Stat. § 117.189(a)(1) (the exception to the exemption).

The district court granted the trust’s motion, awarding attorney fees, costs, and expenses under section 117.031(a) in the amount of \$400,691.76. In doing so, the district court concluded the exception to the exemption applied; specifically, that Wright-

Hennepin took the property for the construction of an “ancillary substation.” *See* Minn. Stat. § 117.189(a)(1).

Wright-Hennepin appeals.

DECISION

Wright-Hennepin challenges the district court’s decision to award attorney fees, costs, and expenses in this eminent-domain proceeding, arguing the exemption applies because Wright-Hennepin did not take the property to build an “ancillary substation.”

For context, “[j]ust compensation” must be paid when private property is taken for public use. Minn. Const. art. I, § 13; U.S. Const. amend. V. But attorney fees and other costs and expenses incurred to evaluate “just compensation” are not part of the constitutional requirement. *State by Spannaus v. Carter*, 221 N.W.2d 106, 107 (Minn. 1974). Thus, they are only available under statute. *Id.*

The legislature adopted section 117.031(a) in 2006, authorizing attorney fees, costs, and expenses in eminent-domain proceedings. 2006 Minn. Laws ch. 214, § 4, at 198. The statute provides:

If the final judgment or award for damages, as determined at any level in the eminent domain process, is more than 40[%] greater than the last written offer of compensation made by the condemning authority prior to the filing of the petition, the court shall award the owner reasonable attorney fees, litigation expenses, appraisal fees, other experts fees, and other related costs in addition to other compensation and fees authorized by this chapter.

Minn. Stat. § 117.031(a); *see also State by Comm’r of Transp. v. Williams*, 26 N.W.3d 159, 166 (Minn. App. 2025) (addressing section 117.031(a)’s scope).

Also in 2006, the legislature created an exemption to section 117.031 for public service corporations like Wright-Hennepin. 2006 Minn. Laws ch. 214, § 14, at 203-04; *see also* Minn. Stat. § 117.189 (2006). From 2006 to 2010, section 117.189 provided a blanket exemption to section 117.031 for public service corporations. *See* Minn. Stat. § 117.189 (2006). Then in 2010, the legislature narrowed the exemption by adding certain exceptions, including the exception to the exemption at issue here. *See* 2010 Minn. Laws. ch. 288, § 1, at 1. Today, section 117.189(a) provides that section 117.031

do[es] not apply to the use of eminent domain authority by public service corporations for any purpose other than *construction or expansion of:*

(1) *a high-voltage transmission line of 100 [kV] or more, or ancillary substations;*

(2) *a natural gas, petroleum, or petroleum products pipeline, or ancillary compressor stations or pumping stations;*
or

(3) *a light rail transit or bus rapid transit line.*

Minn. Stat. § 117.189(a) (emphasis added).

Wright-Hennepin argues the district court legally erred when it applied the exception to the exemption for “ancillary substations” to its construction of the distribution substation. Wright-Hennepin’s argument presents a statutory interpretation question that we review de novo. *In re NorthMet Project Permit to Mine Application*, 959 N.W.2d 731, 744 (Minn. 2021); *see also State by Comm’r of Transp. v. Schneider*, 934 N.W.2d 140, 142 (Minn. App. 2019) (stating generally an award of attorney fees is reviewed for an abuse of discretion, but when “that decision turns on the interpretation of a statute, we review de novo”).

“The object of all interpretation and construction of laws is to ascertain and effectuate the intention of the Legislature.” *City of Brainerd v. Brainerd Invs. P’ship*, 827 N.W.2d 752, 755 (Minn. 2013); *see also* Minn. Stat. § 645.16 (2024). “When legislative intent is clear from the statute’s plain and unambiguous language, we interpret the statute according to its plain meaning.” *City of Brainerd*, 827 N.W.2d at 755. “We do not resort to extrinsic sources when interpreting a statute unless the statute is ambiguous.” *Id.* at 757. A statute is ambiguous if “the statutory language is susceptible to more than one reasonable interpretation.” *Spann v. Minneapolis City Council*, 979 N.W.2d 66, 73 (Minn. 2022) (quotation omitted).

A.

We begin with the statute’s text. The provision at issue is: “a high-voltage transmission line of 100 [kV] or more, *or ancillary substations*.” Minn. Stat. § 117.189(a)(1) (emphasis added). The parties dispute the meaning of the phrase “or ancillary substations” and offer conflicting plain-language interpretations. Wright-Hennepin contends the phrase only refers to substations that are directly fed by “a high-voltage transmission line of 100 [kV] or more.” The trust argues the phrase means all substations that are subordinate to a high-voltage transmission line, regardless of the voltage the substation receives.

When examining whether a statute is plain and unambiguous, we analyze “the statute’s text, structure, [and] punctuation” and use the preambiguity canons of interpretation. *State v. Pakhnyuk*, 926 N.W.2d 914, 921 (Minn. 2019); *see also State v. Riggs*, 865 N.W.2d 679, 682 n.3 (Minn. 2015) (distinguishing preambiguity “canons of

interpretation” and postambiguity “canons of construction”). “The preambiguity canons of interpretation include the ordinary-meaning canon, the whole-statute canon, the canon against surplusage, and the presumption of consistent usage.” *State v. Lee*, 22 N.W.3d 608, 614 (Minn. App. 2025) (citations omitted).

Here, the legislature did not define the phrase “ancillary substation.” When words or phrases are not defined, we apply “their plain and ordinary meaning.” *Buzzell v. Walz*, 974 N.W.2d 256, 262 (Minn. 2022) (quotation omitted). We must construe statutory words and phrases “according to the rules of grammar and common usage.” *Larson v. State*, 790 N.W.2d 700, 703 (Minn. 2010); *see also* Minn. Stat. § 645.08(1) (2024) (noting “words and phrases are construed according to rules of grammar and according to their common and approved usage”).

Relying on the dictionary definition of the word “ancillary,” Wright-Hennepin asserts that an “ancillary substation” refers to substations that are “subordinate” to something else. Wright-Hennepin claims that, by placing the word immediately after the phrase “a high-voltage transmission line of 100 [kV] or more,” the legislature plainly limited the exception to apply to substations that are *directly fed* by a high-voltage transmission line of 100 kV or more—meaning the substation must accept a minimum of 100 kV from the transmission line. The trust does not disagree that the term “ancillary” means “subordinate.” Instead, the trust asserts that all substations that are connected to the broader transmission and distribution system are “ancillary”—or subordinate to—high-voltage transmission lines and nothing in the statute’s plain language indicates that a substation must receive at least 100 kV of voltage for the exception to apply. The trust

further contends the word “of” in “high-voltage transmission line *of* 100 [kV] or more” introduces the limiting phrase “100 [kV] or more” and only modifies “high-voltage transmission line.” As such, tying the amount of voltage to the phrase “ancillary substation” would be contrary to the plain meaning of the statute.

With respect to the trust’s argument regarding the phrase “of 100 [kV] or more,” the word “of” is a preposition noting a relationship to “high-voltage transmission line.” *See The American Heritage Dictionary of the English Language* 1221-22 (5th ed. 2011) (defining “of” as a preposition meaning “composed or made from”); *The Chicago Manual of Style* § 5.176 (17th ed. 2017) (“A prepositional phrase consists of a preposition, its object, and any words that modify the object”). Given the sentence structure, we agree with the trust that the phrase “of 100 [kV] or more” only modifies “high-voltage transmission lines,” not “ancillary substations.”

That leaves the meaning of the word “ancillary.” Applying the ordinary meaning, *see In re Surveillance & Integrity Rev.*, 999 N.W.2d 843, 856 (Minn. 2024), we agree with the parties that “ancillary” means “subordinate.” *See Hagen v. Steven Scott Mgmt., Inc.*, 963 N.W.2d 164, 173 (Minn. 2021) (noting that “we may refer to dictionary definitions to discern its plain meaning” when a term is undefined). Black’s Law Dictionary defines “ancillary” as “supplementary; subordinate.” *Black’s Law Dictionary* 108 (12th ed. 2024) (defining ancillary). And nonlegal dictionaries offer similar definitions. *E.g.*, *Merriam-Webster’s Collegiate Dictionary* 46 (11th ed. 2014) (defining ancillary as “subordinate, subsidiary” or “auxiliary, supplementary”); *American Heritage*, *supra*, at 66 (“Of secondary importance; subordinate” or “Auxiliary or accessory”). “Subordinate” means to

belong “to a lower rank, class, or position” or “subject to another’s authority or control.” *Black’s Law Dictionary*, *supra*, at 1652; *see also American Heritage*, *supra*, at 1737 (similar).

With this meaning in mind, we conclude that both parties present reasonable interpretations of the phrase. As structured, the word “ancillary” does *not* resolve the proximity the substation must have to the high-voltage transmission line. The legislature could have intended that a substation needs to be directly connected to—or “subject to [the] . . . control” of—a high-voltage transmission line of 100 kV or more to be “subordinate.” But the legislature equally could have intended to include all substations that are “subordinate” because they are placed in a “lower . . . position” to a high-voltage transmission line of 100 kV or more, even if they are *not* directly fed by that transmission line.⁵

Because we conclude the statute is ambiguous, we consider other indicia of legislative intent.

⁵ Wright-Hennepin argues that this is not a reasonable interpretation because it does not comply with the canon that “[e]very law shall be construed, if possible, to give effect to all its provisions.” Wright-Hennepin contends that this interpretation provides no meaning to the word “ancillary” because all substations are subordinate, at some point, to a high-voltage transmission line of 100 kV or more. But, even if the vast majority of substations are subordinate to high-voltage transmission lines, we have been unable to find any evidence in the record demonstrating that *all* substations are subordinate to high-voltage transmission lines of 100 kV or more. Moreover, even if it did apply to *all* substations, the use of the word “ancillary” clarifies that the statute refers to the construction or expansion of an *electrical* substation, as opposed to another type of substation. *Cf. Chi., R.I. & P. Ry. Co. v. Stepp*, 164 F. 785, 791 (8th Cir. 1908) (discussing a train substation); *W. Union Tel. Co. v. Ivy*, 177 F. 63, 65 (8th Cir. 1910) (discussing a telegram substation); *State v. Wicklund*, 589 N.W.2d 793, 795 (Minn. 1999) (discussing a police substation); *United States v. Dittrich*, 204 F.3d 819, 820 (8th Cir. 2000) (discussing a postal substation).

B.

When a statute is ambiguous, we may consider other indicia of legislative intent.

Id. These include the post-ambiguity canons of construction, as well as

- (1) the occasion and necessity for the law;
- (2) the circumstances under which it was enacted;
- (3) the mischief to be remedied;
- (4) the object to be attained;
- (5) the former law, if any, including other laws upon the same or similar subjects;
- (6) the consequences of a particular interpretation;
- (7) the contemporaneous legislative history; and
- (8) legislative and administrative interpretations of the statute.

Minn. Stat. § 645.16; *see also Spann*, 979 N.W.2d at 73.

We begin with the “occasion and necessity for the law,” the “circumstances under which [the exception to the exemption] was enacted,” and the “mischief to be remedied.” The legislature adopted section 117.031(a) authorizing attorney fees, costs, and expenses in eminent-domain proceedings in 2006 as part of a broader set of eminent-domain reforms following the United States Supreme Court’s decision in *Kelo v. City of New London*, 545 U.S. 469 (2005). *See County of Dakota v. Cameron*, 839 N.W.2d 700, 712-15 (Minn. 2013) (Anderson, J., concurring in part, dissenting in part). These reforms were aimed at curbing the government’s use of eminent domain. *Id.*

In the beginning, the legislature fully exempted public service corporations from this provision. Landowners then presented legislators with numerous examples where public service corporations had undervalued property, requiring a commissioners’ hearing to determine damages, and—with the previous exemption—no mechanism to recover the associated attorney fees, costs, and expenses. Hearing on H.F. No. 1182 Before the H.

Energy Fin. & Pol’y Div. (Feb. 8, 2010) (statements of Rep. Bly & testifier Rod Krass); Hearing on S.F. No. 1112 Before the S. Comm. on State & Loc. Gov’t Operations & Oversight (Mar. 19, 2010) (statement by Rep. Dahle). Thus, in the midst of a discussion for a joint initiative of utilities to upgrade miles of high-voltage transmission lines across Minnesota, the legislature narrowed the exemption to incentivize public service corporations to make fair offers for large-scale projects that require takings. *Eminent Domain Revisions Passed*, Session Weekly (Minn. House of Reps. Pub. Info. Servs.), Mar. 26, 2010, at 7 (emphasis added).

The contemporary legislative history illuminates the legislature’s decision to specifically include “ancillary substations” in the exception to the exemption. When the amendment was introduced, the initial proposal was to repeal section 117.189 in its entirety. H.F. 1182, 2009 Reg. Sess., § 2 (Introduction) (Feb. 27, 2009); Hearing on H.F. No. 1182 Before the H. Comm. on Civ. Just. Pol’y (Mar. 3, 2010) (statement from Rep. Bly) (“[I]nitially I was asking for the public service corporation exemption to be removed from all public service corporations.”). The senate bill author specifically sought to have public service corporations treated the same as other government bodies with condemnation authority. Hearing on S.F. No. 1112 Before the S. Comm. on Energy, Utils., Tech. Commc’ns (Mar. 16, 2010) (statement of Rep. Dahle). Through a series of compromises, the legislature narrowed the exceptions to certain types of projects. At one point, a representative proposed that the exception to the exemption should include only a very narrow set of high-voltage transmission lines. Hearing on H.F. No. 1182 Before the H. Energy Fin. & Pol’y Div. (Feb. 8, 2010) (statement of testifier Paula Maccabee

regarding the “Wetli Amendment, H1182DE2”). But following a hearing in the House Energy Finance and Policy Division where specific testimony was offered regarding the damages to landowners when property was taken to construct electric “substations,” the first-engrossment of the bill included the “ancillary substations” language that was ultimately adopted. Hearing on H.F. No. 1182 Before the H. Energy Fin. & Pol’y Div. (Feb. 8, 2010) (statement of testifier Paula Maccabee); H.F. 1182, 2009 Reg. Sess., § 1 (1st engrossment) (Feb. 18, 2010). Thereafter, before passage, the bill was broadly described to “allow property owners to recoup some of their costs . . . for the placement of a high-voltage transmission line of 100-[kV] or more, *substations*, a natural gas or petroleum products pipeline, or an ancillary station.” *Eminent Domain Revisions Passed*, Session Weekly (Minn. House of Reps. Pub. Info. Servs.), Mar. 26, 2010, at 7 (emphasis added). This history indicates that, while the construction of high-voltage transmission lines spurred the conversation about the propriety of the exemption, the “ancillary substation” language was added in response to specific testimony regarding the damages landowners suffer when public service corporations take a landowner’s property to construct an electric substation.

Finally, we note the consequences of the parties’ proposed interpretations. Wright-Hennepin seeks to have the statute interpreted so that it can avoid the consequences of undervaluing a landowner’s property so long as it constructs a substation to receive electricity below 100 kV. In contrast, the trust seeks to hold public service corporations accountable when they *elect* to significantly undervalue a landowner’s property when taking it for the construction of an electric substation. Given the significant amount of

property needed to construct electric substations and the impact on surrounding property values once the substation is constructed, regardless of the voltage received, we conclude that an interpretation that more broadly protects landowners is the more reasonable interpretation of legislative intent. *See, e.g., Spaeth v. City of Plymouth*, 344 N.W.2d 815, 823 (Minn. 1984) (rejecting a narrow reading of a statute awarding attorney fees in an eminent domain proceeding because “the purpose of that section is to assure that any landowner who is forced to take legal action against an acquiring authority is made whole”). Further, there is nothing in the record indicating that a landowner whose land is taken for the construction of a substation is affected less when that substation receives 69 kV compared to 100 kV. And, here, although the substation currently receives electricity at 69 kV, the record evidence demonstrates that Wright-Hennepin may be able to expand the substation within the substation’s existing footprint, without any additional compensation to the landowner. The trust’s proffered interpretation offers greater protection to landowners, ensuring they are treated fairly, and are justly compensated—which is most consistent with legislative intent.

For these reasons, we conclude the more reasonable interpretation of the phrase “ancillary substations” is substations subordinate to a high-voltage transmission line of 100 kV or more, regardless of the amount of voltage the substation receives. It is undisputed that Wright-Hennepin receives its electricity from Great River Energy. And Great River Energy employs high-voltage transmission lines that carry more than 100 kV to bring electricity to Wright-Hennepin’s system. Accordingly, the distribution substation

receiving 69 kV was an “ancillary substation” because it was subordinate—or lower in class—to those high-voltage transmission lines of 100 kV or more.⁶

Affirmed.

⁶ Because we conclude the trust is entitled to attorney fees, costs, and expenses under section 117.031(a), we do not reach Wright-Hennepin’s or the trust’s alternative arguments regarding the application of Minn. Stat. § 117.045 (2024) (permitting reimbursement of reasonable attorney fees and expenses in inverse-condemnation cases).

JOHNSON, Judge (dissenting)

The statute at issue in this case, in conjunction with another statute, sometimes allows a property owner to seek attorney fees from a public-service corporation for the use of eminent-domain authority for the purpose of

construction or expansion of:

(1) *a high-voltage transmission line of 100 kilovolts or more, or ancillary substations;*

(2) a natural gas, petroleum, or petroleum products pipeline, or ancillary compressor stations or pumping stations;
or

(3) a light rail transit or bus rapid transit line.

Minn. Stat. § 117.189(a) (2024) (emphasis added); *see also* Minn. Stat. § 117.031 (2024).

I would interpret the first clause of this statute (which I have italicized) to apply only to the use of eminent-domain authority for the purpose of either (a) the construction or expansion of a high-voltage transmission line of 100 kilovolts or more or (b) the construction or expansion of a substation that is ancillary to a high-voltage transmission line of 100 kilovolts or more. I also would interpret the term “ancillary substations” to mean substations that are directly connected to a high-voltage transmission line of 100 kilovolts or more. The opinion of the court interprets the term “ancillary substations” too broadly, thereby allowing section 117.189(a)(1) to apply to the construction or expansion of *any* electrical substation, so long as the substation is part of an electrical transmission and distribution system with at least one high-voltage transmission line of 100 kilovolts or

more somewhere in the system. Therefore, I respectfully dissent from the opinion of the court.

I begin with the common and ordinary meaning of the word “ancillary.” *See In re Surveillance & Integrity Rev.*, 999 N.W.2d 843, 856 (Minn. 2024); *In re Krenik*, 903 N.W.2d 224, 229 (Minn. 2017). The most relevant definitions of the word, when used as an adjective, are “subservient” or “subordinate,” *The Oxford Universal Dictionary* 64 (3d ed. 1964); “in aid of,” *Webster’s New International Dictionary* 98 (2d ed. 1946); and “auxiliary” or “providing essential support or services to a central function or industry,” *Shorter Oxford English Dictionary* 78 (6th ed. 2007).

These definitions make clear that the word “ancillary” implies a connection or relationship between the noun it modifies and “something else.” *See supra* at 9. To determine the “something else” to which the term “ancillary substations” refers, we need look no further than the first part of the same clause, which says, “a high-voltage transmission line of 100 kilovolts or more.” *See* Minn. Stat. § 117.189(a)(1); *see also State v. Pakhnyuk*, 926 N.W.2d 914, 921 (Minn. 2019) (interpreting phrase “does so” and reasoning that it “simply refers the reader to the conduct described in the words that precede that phrase”).

The record in this case reveals that electrical substations receive electricity from transmission lines, reduce the electricity to a lower voltage, and allow the electricity to be transmitted onward toward consumers. It is clear from the meaning of the word “ancillary” and the context and structure of the statute that a substation is an “ancillary substation” only if the substation is directly connected to a high-voltage transmission line of 100

kilovolts or more. Such a substation is subservient and subordinate to, is in aid of, and provides essential support or services to a central function of a high-voltage transmission line of 100 kilovolts or more. *See Oxford Universal, supra*, at 64; *Webster's New International, supra*, at 98; *Shorter Oxford English, supra*, at 78.

The court reasons that the Corcoran II substation is an “ancillary substation” because “Wright-Hennepin receives its electricity from Great River Energy,” which “employs high-voltage transmission lines that carry more than 100 kV to bring electricity to Wright-Hennepin’s system.” *See supra* at 15. But it is undisputed that the Corcoran II substation receives electricity from Great River Energy at a voltage of 69 kilovolts. The court’s reasoning relies on high-voltage transmission lines that are operated by Great River Energy, located somewhere else, and not directly connected to the Corcoran II substation. In my view, a substation that is merely part of a broad system, but not directly connected to a high-voltage transmission line of 100 kilovolts or more, cannot be an “ancillary substation” because it would not be “in aid of” or “provid[e] essential support or services to a central function of” a high-voltage transmission line of 100 kilovolts or more. *See Webster's New International, supra*, at 98; *Shorter Oxford English, supra*, at 78.

In interpreting a statute, it is appropriate to “give effect to each word and phrase.” *Shire v. Rosemount, Inc.*, 875 N.W.2d 289, 292 (Minn. 2016). The court’s interpretation of the statute does not give effect to the word “ancillary.” The court’s interpretation gives the term “ancillary substations” the same meaning as the word “substations” by itself. The court’s interpretation allows the statute to apply to any electrical substation in an electrical transmission and distribution system that has at least one high-voltage transmission line of

100 kilovolts or more, even if the substation at issue is not directly connected to a high-voltage transmission line of 100 kilovolts or more. The court’s interpretation is contrary to the canon against surplusage, which “dictates that we avoid interpretations that would render a word or phrase superfluous, void, or insignificant.” *See Shefa v. Ellison*, 968 N.W.2d 818, 825 (Minn. 2022) (quotation omitted). Under the court’s interpretation of the first clause of section 117.189(a), the word “ancillary” is mere surplusage.

Because the statute is unambiguous, we need not consult extrinsic sources, such as legislative history. But even if the statute were ambiguous, the legislative history would not shed light on the meaning of the term “ancillary substations.” The legislative history discussed in the opinion of the court indicates that legislators were primarily concerned about high-voltage transmissions lines, not about substations generally. At a legislative hearing early in the 2010 session, the House sponsor of the bill stated that the bill “essentially focuses in on the areas of concern that I was most concerned about, which are the *high-voltage powerlines* and petroleum and natural gas pipelines.” Hearing on H.F. No. 1182 Before House Energy Fin. & Pol’y Div. (Feb. 15, 2010) (statement of Rep. Bly) (emphasis added). The sponsor also stated that the purpose of the bill was “primarily to put in place what we consider a fair process for property owners when eminent domain is used to take land for the purpose of a *high-voltage powerline* and pipelines.” *Id.* (emphasis added). The House sponsor said nothing about substations, even though the term “ancillary substations” was included in the bill at that time. H.F. 1182, 2010 Reg. Sess., § 1 (1st engrossment).

In sum, I would conclude that the trust is not entitled to attorney fees under section 117.031 because the Corcoran II substation is not directly connected to, and thus not ancillary to, a high-voltage transmission line of 100 kilovolts or more. I would reverse the district court's award of attorney fees under section 117.031, and I would remand to the district court for resolution of the parties' respective arguments concerning section 117.045.¹

¹Both parties acknowledge that, if this court were to reverse the district court's award of attorney fees and costs under section 117.031, the trust would be entitled to attorney fees and costs under section 117.045. The trust appears to argue that it could recover *all* of its fees and costs under section 117.045. Wright-Hennepin argues that if the trust is not entitled to attorney fees under section 117.031, the trust could seek attorney fees under section 117.045 only with respect to the fees "actually incurred" for the specific purpose of a drainage easement, which was an issue in the case because the trust moved to expand the scope of the eminent-domain proceedings. *See* Minn. Stat. § 117.045 (2024). According to Wright-Hennepin, the trust incurred approximately \$27,000 in attorney fees and costs with respect to the drainage easement, which is a small fraction of the total award of approximately \$401,000. The district court did not resolve the parties' arguments concerning section 117.045 because the district court determined that the trust was entitled to all of its fees and costs under section 117.031. The district court should determine in the first instance the legal and factual issues relevant to the application of section 117.045.