

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE PUBLIC UTILITIES COMMISSION

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| <b>In the Matter of the Application to</b>   |  | <b>OAH Docket: 15-2500-19350-2</b>    |
| <b>Application to the Minnesota Public</b>   |  | <b>MPUC: ET-2, E002 <i>et al.</i></b> |
| <b>Utilities Commission for Certificates</b> |  | <b>CN-06-1115</b>                     |
| <b>of Need for Three 345 kV Transmission</b> |  |                                       |
| <b>Line Projects with Associated System</b>  |  | <b>PETITION TO INTERVENE OF</b>       |
| <b>Connections (CapX2020)</b>                |  | <b><u>THE MIDWEST ISO</u></b>         |

The Midwest Independent Transmission System Operator (“the Midwest ISO”), pursuant to Minn. Rules pt. 7829.0800, hereby petitions to intervene in the above-captioned proceeding. On April 9, 2008, the Midwest ISO received a letter from the Office of Energy Security (“OES”) at the Minnesota Department of Commerce, requesting the Midwest ISO participate “as a formal party in the above-referenced certificate of need proceeding” by providing “clear impartial background information, where needed, regarding electric transmission operations, markets and industry challenges as well as information directly pertinent to this case.” A copy of that OES letter is attached hereto as Exhibit “A.”

As more fully set forth below, the presiding Administrative Law Judge (“ALJ”) should grant the Midwest ISO’s Petition because: (1) the Midwest ISO has a direct and substantial interest in the matters and issues presented in this

docket; and (2) the Midwest ISO can and will be able to provide the Commission and other parties valuable and useful information related to the issues and shall do so in an independent, impartial manor. The Midwest ISO agrees with the OES that, in its oversight and planning role as the independent transmission system operator of the bulk transmission system in the Midwest region, together with its considerable overall energy expertise, "the Midwest ISO is uniquely positioned to assess or comment on electric transmission proposals such as this."

The Midwest ISO anticipates providing and presenting information through a qualified witness who would testify under oath to assist the ALJ and the Minnesota Public Utilities Commission ("the Commission") in processing and understanding the issues presented in this proceeding.

In support of its request, the Midwest ISO shows as follows:

1. The Midwest ISO is the independent regional transmission operator, whose operational area or "footprint" consists of 15 states, including Minnesota, and the province of Manitoba. The Midwest ISO administers a common tariff that applies to all transmission services to ensure that the same set of rules applies to all transmission customers.

2. Additionally, the Midwest ISO oversees and operates a wholesale energy market that provides non-discriminatory pricing for transmission

services and the balancing of generation supply to assure demand is satisfied in a reliable and efficient manner while managing transmission congestion.

3. The Midwest ISO is committed to reliability and, on a nondiscriminatory basis, operating of the bulk power transmission system, while working with all stakeholders to create the best, most cost-effective, and innovative solutions for the evolving electric industry, including coordinating regional transmission planning, refining workable interconnection processes, and establishing reasonable cost sharing methodologies. The Commission has previously authorized investor-owned electric utilities providing service in Minnesota to transfer control of their transmission facilities to the Midwest ISO.

4. One of the Midwest ISO's obligations and functions is to pursue long-term, inclusive studies of transmission needs and expansion in the Midwest ISO footprint. The Midwest ISO is actively involved in studying transmission needs and upgrades throughout the region, among other things, to increase the transfer capability in this region in order to provide additional load-serving opportunities to meet, among other things, renewable and demand response mandates, while continuing to accommodate existing as well as new generation resource needs.

5. The facilities proposed in this proceeding are items that have been raised and considered as part of the Midwest ISO's overall transmission

expansion planning processes under the stakeholder influenced “Midwest ISO Transmission Expansion Plans.” As a result, the Midwest ISO can and will address the proposals presented in the instant docket and the bases and impacts of transmission facilities generally.

6. The Midwest ISO does not—and cannot—have a bias in favor of or opposed to any particular form of energy, unlike at least some of the intervening parties which have stated policy agendas for specific forms or means of meeting electric service demands.

7. As stated in prior Commission dockets, the Midwest ISO is committed to working with the Commission to ensure the positive development of a market-based system for minimizing the overall costs of electric generation and transmission in the Midwest, as evidenced by the Midwest ISO’s participation (both before the Commission and on appeal) in the *MISO Day 2* proceeding, Docket No. E-002/M-04-1970 *et al.*

8. The names, addresses and telephone numbers of the individuals to whom all correspondence and communications should be addressed on behalf of the Midwest ISO are:

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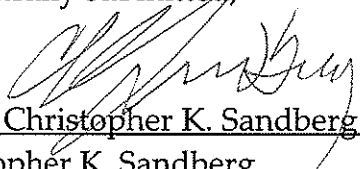
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9. It is the Midwest ISO's intention to present expert testimony, evidence, and perspectives in this proceeding which is impartial, unbiased, and useful to the ALJ, the Commission, and to all parties, thereby allowing each to better understand and frame the issues in the docket and ultimately reach sound decisions.

Based upon the foregoing, the Midwest ISO respectfully requests that its motion to intervene be granted and that it be permitted to participate in this proceeding with the full rights of a party.

Dated: April 11, 2008.

Respectfully submitted,

  
By s/ Christopher K. Sandberg  
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# **EXHIBIT A**



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April 9, 2008

Mr. Steven Kozey  
Corporate Counsel  
Midwest Independent Transmission System Operator, Inc.  
701 City Center Drive  
Carmel, Indiana 46032

RE: Application to the Minnesota Public Utilities Commission for Certificates of Need for  
Three 345 kV Transmission Line Projects with Associated System Connections  
PUC Docket No. ET2, E002/CN-06-1115  
OAH Docket No. 15-2500-19350-2

Dear Mr. Kozey:

As you know, one of the roles of the Minnesota Office of Energy Security (OES) is to ensure that the records of cases brought before the Minnesota Public Utilities Commission are developed as completely and as robustly as possible. It is with this goal in mind that OES writes today to request that the Midwest Independent Transmission System Operator (Midwest ISO) consider intervening as a formal party in the above-referenced certificate of need proceeding.

This proceeding, known as the "CAPX 2020 Project," is by far the largest (to date) single transmission facilities project that has been proposed to be constructed in the State of Minnesota or in the surrounding region. Applicants Great River Energy and Xcel Energy, together with other electric utility partners, propose comprehensive changes to the bulk transmission system in Minnesota that, if constructed, also will result in direct and significant impacts to the bulk transmission system of North Dakota, South Dakota and Wisconsin, as well as the remainder of the immediate region. Specifically, CAPX 2020 proposes construction of three 345 kV transmission lines criss-crossing nearly 600 miles in Minnesota with potential direct impacts on over 70,000 Minnesota land owners. A project of this size and complexity also is likely to have material effects on the bulk transmission system well beyond the borders of the four states just mentioned.

As such, OES views that the record in this proceeding will be based to a large extent on information and data that is directly impacted by, directly pertinent to or based on information and data gathered, compiled or generated by the Midwest ISO. Since this information is expected to comprise a material portion of this record, OES, along with other Parties, will be looking closely at this information and will be seeking expert explanations and information regarding this expected record evidence. These expectations have prompted us to make this request today to the Midwest ISO to consider intervening as a formal Party in this case for informational purposes and also to consider providing an Expert Witness to sponsor testimony

Mr. Steven Kozey  
April 9, 2008  
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providing further explanations during the course of this proceeding. To be clear, OES is not requesting that the Midwest ISO consider advocating for or against the project. The true value of the Midwest ISO's involvement, in OES' view, is to provide clear impartial background information, where needed, regarding electric transmission operations, markets and industry challenges as well as information directly pertinent to this case.

I think that you will agree that in its oversight and planning role as the independent transmission system operator of the bulk transmission system in the Midwest region, together with its considerable overall energy expertise, the Midwest ISO is uniquely positioned to assess or comment on electric transmission proposals such as this. The Administrative Law Judge has established an intervention deadline of April 15, 2008 for parties intending to offer witnesses at the evidentiary proceeding, and of June 27, 2008 as to persons seeking intervention for some other purpose.

For the reasons stated above, the OES respectfully urges the Midwest ISO to intervene as a party in the CAPX 2020 project. Thank you for your consideration, and please feel free to contact me with any questions you may have in this regard.

Sincerely,

/s/ MARYA M. WHITE  
Manager, Energy Regulation and Planning  
and Energy Facilities Permitting

MMW/jl

c: Mr. Edward A. Garvey, Director, OES  
Ms. Julia Anderson, Counsel for OES  
Mr. Clair Moeller, Midwest ISO  
Mr. Keith Bealle, Counsel for Midwest ISO  
Mr. Christopher Sandberg, External Counsel for Midwest ISO