

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

**In the Matter of Application of Great River Energy, Northern States Power Company (d/b/a Xcel Energy) and unknown others for Certificates of Need for the CapX 345kV Transmission Projects**

**OAH Docket: 15-2500-19350-2**

**MPUC: E002/CN-06-1115  
(and dockets 06-857; 06-979)**

**NO CAPX 2020 PETITION TO INTERVENE**

**I. INTRODUCTORY HOUSEKEEPING DETAIL**

The CapX 2020 project was initially assigned three docket numbers, 06-857, 06-979, and 06-1115, one for each of the large lines proposed. The PUC subsequently ordered the dockets “combined” but that has not occurred – although since that Order the three lines have proceeded under one docket number, 06-1115, the early filings in dockets 06-857 and 06-979 remain unincorporated into the new docket. NO CAPX 2020 raised this issue at the first Pre-Hearing Conference, but these dockets have yet to be consolidated. NO CAPX 2020 again asks that dockets 06-857 and 06-979 be fully integrated into docket 06-1115.

**II. NO CAPX 2020 PETITION FOR INTERVENTION**

NO CAPX 2020 hereby makes this Petition for Intervention as a full party, with all the rights of a party. NO CAPX 2020 is an organization of affected landowners and residents within and in the immediate vicinity of the transmission corridor proposed for Phase I of CapX 2020.

Members of NO CAPX 2020 will be directly affected by the outcome of this proceeding if a

Certificate of Need were to be granted. Participation in the “need” docket, prior to the “siting” docket, is necessary, because the Certificate of Need docket determines “if” the project will be built. NO CAPX 2020 wishes to participate to protect its interests and develop the record from its unique perspective, and in so doing, retain specific participation rights inherent in participation in the “need” docket, that is, to participate as a full party to help to sufficiently build the “need” record<sup>1</sup> through options such as discovery, testimony, cross-examination, motions, and briefing.

Under the provisions of Minn.R. 1400.6200, subp.1, and 1405.0900, subp. 1, NO CAPX 2020 makes this Petition for an Order granting intervention as a full party, with all the rights of a party, in the above-captioned proceeding.

NO CAPX 2020 seeks to intervene to build the record regarding the claimed need and purpose of the line, and to assure that any rate recovery mechanism and timing is based on demonstrated purpose. The position of NO CAPX 2020, at this point after years of watching CapX develop, is that this proposed \$2 billion capital expenditure for transmission infrastructure is unnecessary and is not a prudent investment of Minnesota ratepayer dollars because it is not needed in Minnesota. CapX 2020 is not needed for local load serving, for “reliability” however defined, nor is it needed for transmission of wind. One unstated, but obvious, purpose of CapX 2020 is to provide transmission to increase the opportunity of utilities to make unregulated and very profitable market transactions. Ratepayer reimbursement is not reasonable where there is no need, no public purpose, and where it’s not demonstrably “transmission for renewables.”

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<sup>1</sup> mncoalgasplant.com, an actively participating Intervenor in Mesaba, was denied participatory rights in the Mesaba siting docket, first having Intervenor status revoked and then recently prohibited to reasonably question witnesses and enter exhibits at the siting evidentiary hearing, as were other participants and individual members of the public. UCAN, in CapX proceedings, alludes to a similar inability of members to participate as non-party participants in the MNCAN docket. NO CAPX 2020 strongly wishes to avoid a recurrence of this predicament in the CapX 2020 need docket.

NO CAPX 2020's interests and its "need" and "purpose" focus are distinct from that of parties admitted thus far -- distinct from UCAN's landowner and eminent domain rights and notice focus, distinct from Prairie Island Indian Community's interests as a potentially directly affected sovereign nation, and distinct from NAWO/ILSR's interest in community based renewable energy projects directly impacted by the nature of the transmission grid.

NO CAPX 2020 interests and purpose are also notably distinct from that of MCEA, IWLA, Fresh Energy, NAWO and Wind on the Wires. MCEA, IWLA, NAWO and Fresh Energy, as their intervention petition states, were parties to the Xcel Energy certificate of need docket for four high voltage transmission line projects in Southwestern Minnesota for 825 MW of outlet capacity for mandated wind power, MPUC Docket No. E-002/CN-01-1958, OAH Docket No. 15-2500-14699-2. During the evidentiary hearing for this docket, negotiations began with Xcel regarding Collector Systems, noted in the ALJ Recommendation in that docket. The negotiations grew to an agreement entered in the TRANSLink docket,<sup>2</sup> where interests, support, and promotion of certain transmission and regulatory interests by the parties to this agreement are prescribed.<sup>3</sup> The terms of this MCEA, NAWO, IWLA and ME3 (Fresh Energy) agreement with Xcel, and the interests of these parties in their Intervention, are diametrically opposed to the interests of NO CAPX 2020.

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<sup>2</sup> A copy of this agreement is online on the PUC's eDockets, docket 01-1958. IWLA and Fresh Energy were parties to the Xcel Energy certificate of need docket for four high voltage transmission line projects in Southwestern Minnesota for 825 MW of outlet capacity for mandated wind power, MPUC Docket No. E-002/CN-01-1958, OAH Docket No. 15-2500-14699-2

<sup>3</sup> Specific terms regarding actions that these parties are bound to include, but are not limited to:

- Prohibitions of and limitation to exemption requests for Certificate of Need.
- Support for development in transmission footprint of small-scale community-based and large-scale wind generation, including planning, infrastructure, operational solutions and tariff changes, but not where costs are not recoverable.
- Investigate and implement creative solutions or alternatives for procurement of and landowner compensation for transmission rights of way, and shall not object to recovery of associated reasonable costs in rates.
- Identify impediments to transmission and ancillary services "for wind" and develop federal and/or state regulatory filings to eliminate or minimize regulatory impediments.
- Agreement that approval of this transmission only entity "will bring about beneficial opportunities for stakeholder involvement in expanding the transmission infrastructure, operations and tariffs that support significant wind power expansion, and withdrawal of opposition to transmission only entity.
- Upon request, submission of written comments or correspondence expression support for applications for transfer of control of transmission facilities in other jurisdictions.

Phase I of CapX 2020 is the largest single electrical infrastructure investment in Minnesota history, and as such, it will affect more landowners than any single infrastructure project in Minnesota history – and this is just Phase I. The recent legislative changes to the Certificate of Need statute and need criteria adds to the importance of the record in this proceeding. The record of this proceeding must be broadly developed by a range of parties with a range of interests in order to be capable of supporting any decision.

### **III. CONCLUSION**

NO CAPX 2020 meets the criteria for intervention and respectfully requests that it be granted intervention as a full party, with all the rights of a party, in the above-captioned proceeding.

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