

**BEFORE THE MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE  
MINNESOTA PUBLIC UTILITIES COMMISSION**

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

OAH Docket No. 15-2500-19350-2

PUC Docket No. CN-06-1115

**AFFIDAVIT OF RUSSELL AND JUDY MARTIN**

Russell and Judy Martin, after being duly sworn on oath, state and depose as follows:

1. Russell Martin is the President of United Citizens Action Network, and Judy Martin is a Vice President of United Citizens Action Network.
2. United Citizens Action Network is an Intervenor with full party status in the above-entitled proceeding

**RELEVANT INFORMATION U-CAN INTENDS TO OFFER**

3. U-CAN's participation in this docket is necessary because we have a perspective, as affected landowners opposed to this line, that is not represented by any other party.
4. We also have a right of participation as affected landowners and have intervened to exercise this right.
5. U-CAN has already presented substantial information regarding environmental and land-based issues for consideration in the Environmental Report.
6. U-CAN intends to present, in its briefs, arguments, exceptions and post-hearing motions, if any, the affected landowners' perspective, including arguments regarding the costs to those directly affected by CapX 2020 transmission.
7. Those costs included disruption of daily life, physical damage to property, emotional damage and stress to the landowners.
8. U-CAN will also address economic costs to the community and individual, from decreased property values to questionable future marketability.
9. Other costs to be addressed include environmental damage, including damage to land for foundations, restrictions on agricultural and residential use, visual impacts in

communities and in protected natural resources, river corridor viewsheds, interference with migratory pathways, and fragmentation of forest habitat.

### **ROLE U-CAN INTENDS TO PLAY IN EVALUATING THE EVIDENCE**

10. As above, U-CAN will play an active role in evaluating the evidence, through its briefs, arguments, and exceptions to the Recommendation from the directly affected landowners perspective. No other party is taking this approach. We must be a part of this docket so that this view may be heard.

### **U-CAN MUST REMAIN A FULL PARTY**

11. U-CAN members have had a difficult time participating in the CapX 2020 hearing. We have been stretched to the edge of our endurance by the MinnCan pipeline which is now on our property. Our trees were cut down in January, and they started digging in June, installed it in July, and our property is now a scarred right of way. The culverts and drain-tile have been damaged, wetlands have been destroyed, the creek in the Jordan slew has been displaced and rerouted, spilling beyond its banks and flooding farmland. The pipeline company has ignored the Agricultural Mitigation Plan, and we have had to spend significant time calling and writing the company, the Army Corps of Engineers, the Soil and Water Resources Board and file multiple complaints with the PUC (see PUC docket 05-2003)..
12. Meanwhile, throughout this, we have been in the midst of a “quick take” and condemnation proceedings and an appeal of the pipeline decision. The Appellate Order is attached. The condemnation proceedings are stalled, but we’ve had to retain attorney, separate land and tree appraisers, and at this point there is no resolution in sight. It has been overwhelming.
13. Because of the pipeline struggles, the unfortunate reality is that we have not been able to devote much time to CapX 2020.
14. Because we are potentially affected landowners, we are doing the best we can, having filed Comments on the Notice Plan, significant Comments for the Scoping of the Environment Report, and have now attended two days of the hearing and have questioned the Dept. of Commerce’s witness supporting the Environmental Report.
15. We have been granted full party status and deserve to retain that status. We will be submitting briefs and exceptions, and we’ll make best efforts to be present and participate at the remaining days of the hearing in September, now that the pipeline is in.

### **U-CAN MUST PRESERVE ITS RIGHT OF APPEAL**


16. Both the ALJ’s rejection of members of U-CAN’s Petition for Intervention in the MinnCan case and the Appellate Court’s Opinion in that case, raise the issue of the

the importance of Intervention to preserve the right of appeal. We want to preserve this right, and this right should not be taken from us.


17. The members of U-CAN care and are deeply concerned about the CapX 2020 transmission proposal, and as directly affected landowners, want to be present and participate. Because of the magnitude of the MinnCan project and its impacts on us, we are overwhelmed and are struggling to keep up with CapX 2020. There are limits to what we can humanly do, and we are doing our best.

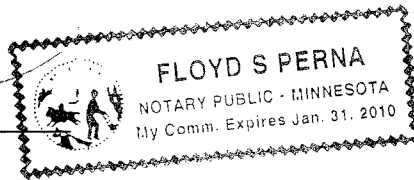
Further your affiant sayeth naught.

Dated: August 15, 2008

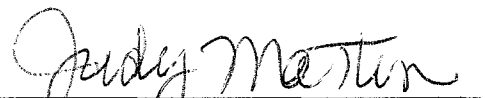
  
Russell Martin, President  
United Citizens Action Network

Signed and sworn to before me this  
15 day of August, 2008.


  
Notary Public



Dated: August 15, 2008

  
Judy Martin, Vice President  
United Citizens Action Network

Signed and sworn to before me this  
15 day of August, 2008.

  
Notary Public

