

**STATE OF MINNESOTA  
BEFORE THE  
MINNESOTA PUBLIC UTILITIES COMMISSION**

**David C. Boyd  
J. Dennis O'Brien  
Thomas Pugh  
Phyhs A. Reha  
Betsy Wergin**

**Chair  
Commissioner  
Commissioner  
Commissioner  
Commissioner**

**In the Matter of Application of Great River Energy  
Northern States Power Company (d/b/a Xcel Energy)  
and unknown others for Routing Permit for the Brookings  
to Hampton Corner CapX 2020 Transmission Project**

**MPUC: E002/TL-08-1474**

**PETITION FOR CITIZEN ADVISORY TASK FORCE**

NO CAPX 2020 and United Citizens Action Network (U-CAN) request that the Commission appoint a Citizen Advisory Task Force, under Minn. R. 4400.1600, Subp. 2. This request is made individually, as an observer of the good work Florence Township and Chisago I Task Forces, and a more distant observer of the SW Minnesota Task Force, a supportive observer of the struggles of the Prairie Island Uprate and Dry Cask Task Force, and the farcical exercises in the Mesaba and Chisago (third iteration) Projects. This request is also made on behalf of NoCapX 2020 and U-CAN, Intervenors in the CapX 2020 Certificate of Need docket.

The rule of the Citizens Advisory Task Force was sharply eviscerated in 2001:

Subdivision 1. [ADVISORY TASK FORCE.] The board may appoint one or more advisory task forces to assist it in carrying out its duties. Task forces appointed to evaluate sites or routes considered for designation shall be comprised of as many persons as may be designated by the board, but at least one representative from each of the following: Regional development commissions, counties and municipal corporations and one town board member from each county in which a site or route is proposed to be located. No officer, agent, or employee of a utility shall serve on an advisory task force. Reimbursement for expenses incurred shall be made pursuant to the rules governing state employees. The task forces expire as provided in section 15.059, subdivision 6. At the time the task force is appointed, the board shall specify the charge to the task force. The task force shall expire upon completion of its charge, upon designation by the board of alternative sites or routes to be included in the environmental impact statement, or

upon the specific date identified by the board in the charge, whichever occurs first.

Minn. Stat. §216E.08, Subd. 1 (2001)(revisions – Chap. 212, Article 7, Section 18. The rules Therefore, under the 2001 limitations, the primary charge of the Task Force has been interpreted to be vetting the application and developing alternatives for inclusion in the scope of environmental review. In the CapX 2020 Certificate of Need docket, where an Environmental Report was required, meetings were held across the state and 54 comments were received.

### **7849.7030 ENVIRONMENTAL REPORT.**

The commissioner of the Department of Commerce shall prepare an environmental report on a proposed high voltage transmission line or a proposed large electric power generating plant at the need stage. **The environmental report must contain information on the human and environmental impacts of the proposed project associated with the size, type, and timing of the project, system configurations, and voltage. The environmental report must also contain information on alternatives to the proposed project and shall address mitigating measures for anticipated adverse impacts.** The commissioner shall be responsible for the completeness and accuracy of all information in the environmental report.

Minn. R. 7849.7030 (**emphasis added**).

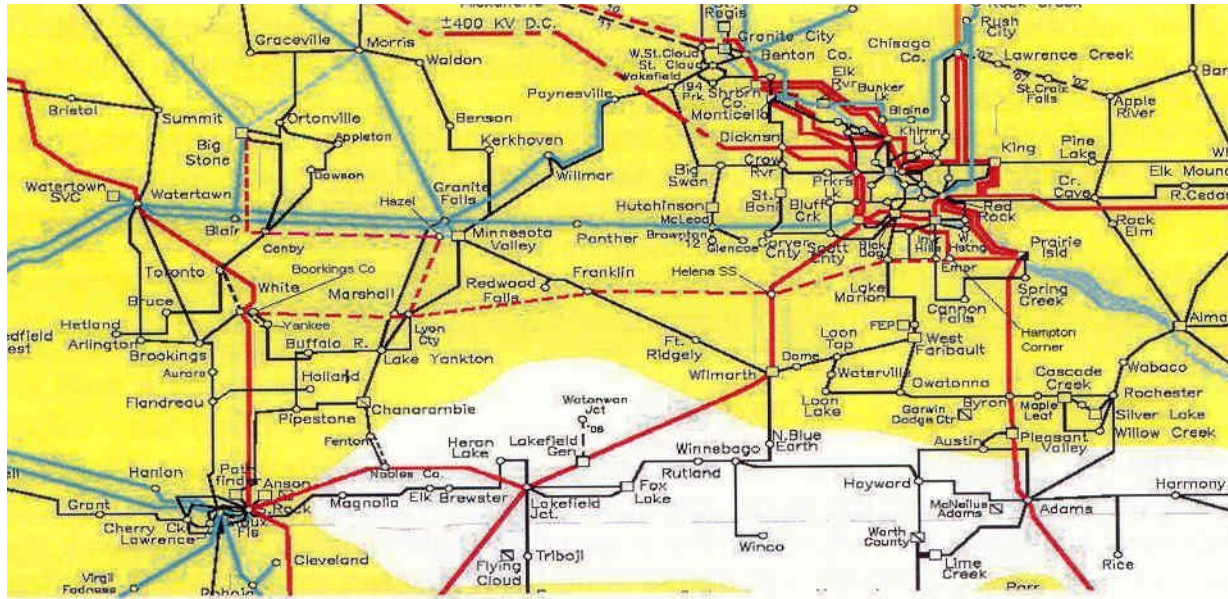
In the CapX 2020 Certificate of Need docket, much of the scoping document was declaring “Issues Outside of the Environmental Report.” Environmental Report Scoping Decision, p. 3.

### **ISSUES OUTSIDE OF THE ENVIRONMENTAL REPORT**

The ER will not consider the impacts or mitigative measures associated with specific routes within the proposed corridors. Site specific concerns (i.e., along specific routes) will be addressed in separate PUC permitting proceedings for each of the three line proposals expected to be filed sometime in late 2008. The ER will only identify the general potential impacts from the construction, operation, and maintenance of the proposed HVTLs along the broad geographic areas proposed, and the measures generally available to mitigate these potential impacts.

The ER will not review impacts of specific energy sources in addressing the project, such as carbon outputs from coal-generated facilities or environmental impacts from a wind generation installation. The proposal is a set of transmission lines designed, as stated, to serve local needs and to improve the access of Minnesota renewable energy sources unto the grid. Transmission operates irrespective of the source of energy and is managed on the grid by the Midwest Independent System Operators independent of generation type. Therefore, these transmission lines are not directly associated with any particular source. This project differs from others designed to accommodate or compensate for the connection of a proposed generating facility onto the grid.

The CapX 2020 Brookings project, like all of the CapX lines, has the potential of enabling new and existing coal. The Brookings line has a direct connection to the planned Big Stone II transmission approved by the Commission earlier this month:



CapX Brookings Map, showing CapX' Granite Falls connection to Big Stone II transmission. From Sept. 6, 2005 letter from William Kaul, describing the Big Stone II line as the first part of CapX (sent to Burl Haar and Ed Garvey – in IR response, MOES claims to have no record of this letter!).

For the Commissioner to say that “these transmission lines are not directly associated with any particular generation source” is contrary to the evidence in this proceeding. *Id.*

Because the scope of the Environmental Report was limited by the Commissioner of Commerce, there has been no evaluation of impacts of CapX 2020 enabling of coal. This is an issue of primary concern for Minnesotans breathing during air pollution alerts last week, catching mercury laden and inedible fish, and rolling up our pants legs and jockeying for oceanfront property in Minnesota. Alternative scenarios of various percentages of coal generation on the CapX 2020 lines has not been addressed, nor has mitigation of impacts of increased coal generation.

<sup>1</sup> Environmental Report Scoping Decision: [www.edockets.state.mn.us/EFiling/ShowFile.do?DocNumber=4948978](http://www.edockets.state.mn.us/EFiling/ShowFile.do?DocNumber=4948978)

Because the scope of the Environmental Report was limited by the Commissioner of Commerce, and because staff and the Commissioner accepted the premise of the application rather than investigate alternatives that could lessen the need for or replace CapX 2020, there has been no meaningful environmental review of system alternatives to the project and the impacts of this project in comparison. Commerce's improper limitation of alternatives and failure to analyze a full range of alternatives has been cited by the EPA and U.S. Army Corps of Engineers objecting to the Mesaba Project environmental review, stating that it would not pass scrutiny under federal law. Improper limitations of environmental review should be avoided in the review of the CapX 2020 transmission lines.

A Citizens Advisory Task Force would help inform the record on these crucial issues and assure sufficient inclusion of alternatives and proper environmental review.

Staff recommends multiple "focus groups" because of the vast geographic territory covered by the proposed project and the time necessary to do the job. Prior Task Force's have had too compressed a time frame. However, focus groups are not contemplated in the statute or rules. A Citizen Advisory Task Force, perhaps with multiple subgroups, should be ordered. Communication between the subgroups should be encouraged to prevent reinvention of the wheel. As staff notes, it would be useful to have the term of the group extended, and to implement this, the Commission could specify that the Task Force shall become a "focus group" after the statutory sunset.

Commerce staff requires direction from the Commission regarding leadership of the Task Force, writing of a Task Force Report, and public participation at meetings – details available on request. For example, a written report with attachments has been produced by Task Forces. However, Commerce staff failed to include Appendices with the report of the Chisago Task Force in the record, discovered near the very end of the hearing and only partially corrected. The Prairie Island uprate and dry cask Task Force was ordered, and the Commission noted that a Report could be written if the Task Force desired. Commerce staff said that no Report would be written yet the Task Force persisted despite staff resistance. An Order would be clarifying. In addition, Commerce staff has interpreted Commission appointment of a CATF with Commerce facilitating to mean that Commerce is leading the meetings – this lets Commerce

staff set the agenda and it becomes a “Commerce” task force rather than Citizen Advisory and the Citizens have to wrestle with staff to do their job. An Order would be clarifying. CATF meetings typically have a time for the public to comment, but public participation was actively discouraged in the Prairie Island Task Force meetings. An Order would be clarifying.

No CapX 2020 and U-CAN request that the Commission:

1. Order appointment of a Citizen Advisory Task Force with geographic subgroups.
2. Order specifically that CATF shall continue as “work/focus group” at group discretion
3. Order that CATF and subgroups shall be led by a member of the group.
4. Order that CATF shall prepare report that includes reports of subgroups.
5. Order that CATF and subgroup reports and all appendices shall be entered into the record of the CapX Brookings docket.
6. Order that CATF meetings shall have a time set aside for public comments.

Thank you for the opportunity to submit these comments and requests.



January 27, 2009

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Carol A. Overland #254617  
Attorney for NO CAPX 2020 & U-CAN  
OVERLAND LAW OFFICE  
P.O. Box 176  
Red Wing, MN 55066  
(612) 227-8638 [overland@redwing.net](mailto:overland@redwing.net)  
[www.legalelectric.org](http://www.legalelectric.org)  
[www.nocapx2020.com](http://www.nocapx2020.com)