

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

In the Matter of the Route Permit
Application by Great River Energy and
Xcel Energy for a 345 kV Transmission
Line from Brookings County, South
Dakota to Hampton, Minnesota.

SECOND PREHEARING ORDER

A telephone conference was held before Richard C. Luis, Administrative Law Judge, on September 1, 2009, for the purpose of discussing scheduling and locations for hearings.

Appearances:

Lisa M. Agrimonti and Valerie Herring, Attorneys at Law, Briggs and Morgan, P.A., 80 South Eighth Street, 2200 IDS Center, Minneapolis, MN 55402, on behalf of the Applicants.

Karen Finstad Hammel, Assistant Attorney General, 445 Minnesota Street, Suite 1500, St. Paul, MN 55101, on behalf of the Office of Energy Security (OES) of the Minnesota Department of Commerce (Department).

Paula Maccabee, Attorney at Law, 1961 Selby Avenue, St. Paul, MN 55104, on behalf of Robert and Patricia Johnson (the Johnsons).

Carol Overland, Attorney at Law, Overland Law Office, P.O. Box 176, Red Wing, MN 55066, on behalf of No CapX 2020 and U-CAN.

Phillip R. Krass, Attorney at Law, Krass, Monroe, 8000 Norman Center Drive, Suite 1000, Minneapolis, Minnesota 55437, appeared as a Non-Party Participant.

Bob Cupit appeared on behalf of the Commission Staff.

Discussion was held among the participants concerning the proposed schedule and other matters. At the invitation of the Administrative Law Judge, some of the parties provided comments on the scheduling proposals and other issues by the deadline provided of September 4, 2009. Based on those discussions and the filings in this matter, the Administrative Law Judge makes the following Prehearing Order.

IT IS HEREBY ORDERED:

Schedule

1. The schedule in this matter is amended as follows:

Applicants' Direct Testimony Filed	October 13, 2009
Draft EIS Available	October 20, 2009
Intervention Deadline	October 26, 2009
Intervenors' Direct Testimony and OES Comments	November 9, 2009
Draft EIS Public Meetings	November 10 – November 16, 2009
All Parties' Rebuttal and OES Comments	November 20, 2009
Draft EIS Comment Period Deadline	November 30, 2009
Public/Evidentiary Hearings in Project Area (specific dates and general locations below)	November 30, - December 11, 2009
Evidentiary Hearing (Saint Paul)	December 15-18, 2009
Final EIS Available	January 8, 2010
Public Comment Deadline	January 15, 2010 (Tentative deadline)
Initial Briefs/OES Comments	January 22, 2010 (Tentative deadline)
Reply Briefs/OES Comments	TBD
ALJ Report	TBD
Exceptions	TBD
Argument before the Commission	TBD

Commission Order	TBD
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Hearing Locations

2. The dates and approximate location of the public/evidentiary hearings are as follows:

Hearing Location	Date and Time
Granite Falls	November 30, 2009 2:00 p.m. and 7:00 p.m.
Marshall	December 1, 2009 1:00 p.m. and 7:00 p.m.
Redwood Falls	December 2, 2009 1:00 p.m. and 7:00 p.m.
Gaylord	December 3, 2009 1:00 p.m. and 7:00 p.m.
Henderson	December 7, 2009 1:00 p.m. and 7:00 p.m.
New Prague	December 8, 2009 1:00 p.m. and 7:00 p.m. December 9, 2009 1:00 p.m. and 7:00 p.m.
Lakeville	December 10, 2009 1:00 p.m. and 7:00 p.m. December 11, 2009 9:30 a.m.
Evidentiary Hearing (Saint Paul)	December 15-18, 2009

3. The locations identified above are subject to the availability of suitable meeting places that are large enough to accommodate the anticipated attendance. The specific locations will be arranged jointly by the Applicants and OES. The Administrative Law Judge and Commission staff will be informed of

the locations and provided with a draft of the public notice to be published, prior to publication of that notice.

Presence of Witnesses at the Public/Evidentiary Hearings

4. The Applicant shall have witnesses available at all of the public/evidentiary hearings in this matter who are capable of addressing questions raised by interested persons. Any other party who is presenting witnesses that have prefiled testimony shall either have those witnesses present or request an exemption under Minn. Rule 1405.2000. The Applicant may also request an exemption for particular witnesses, but a knowledgeable person must be available at the hearing to respond to questions where the particular witness is exempted from attending.

5. The deadline for requesting an exemption is dependent on the publication date for the notice of the hearings in this matter. To assist in meeting the rule provisions, parties shall request an exemption as soon as the need is known. The standard for granting an exemption is good cause shown. The Administrative Law Judge considers testimony that addresses only a limited portion of the proposed route to be good cause for exempting that witness from attending distant hearings. Whether any specific witness is exempted is subject to the process, including the right of other parties to object, set out in Minn. Rule 1405.2000.

Public Comment

6. The comments provided at the public hearings in this matter will be included in the record of these proceedings. In addition to comments provided in person, written public comments that are filed with the Administrative Law Judge on or before **4:30 p.m. on January 15, 2010**, will be included. Comments may be filed by U.S. Mail, fax, or e-mail to capx.oah@state.mn.us.

Modification of Order

7. The terms of this Order may be modified, for good cause shown, on motion of any party or at the discretion of the Administrative Law Judge.

Dated this 11th day of September, 2009.

/s/ Richard C. Luis
RICHARD C. LUIS
Administrative Law Judge



MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

600 North Robert Street
Saint Paul, Minnesota 55101

Mailing Address:
P.O. Box 64620
St. Paul, Minnesota 55164-0620

Voice: (651) 361-7900
TTY: (651) 361-7878
Fax: (651) 361-7936

September 11, 2009

To All Persons on the Service List

**BY U.S. MAIL AND
eSERVICE**

RE: ITMO the Route Permit Application by Great River Energy and Xcel Energy for a 345 KV Transmission Line from Brookings County, South Dakota to Hampton, Minnesota; MPUC No. ET-2/TL-08-1474; OAH Docket No. 7-2500-20283-2

Please find enclosed and served on you the Second Prehearing Order of Judge Luis in the above-entitled matter.

Sincerely,

/s/ Michael W. Lewis

MICHAEL W. LEWIS
Staff Attorney

Telephone: 651-361-7840

Enclosures

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
ADMINISTRATIVE LAW SECTION
P. O. BOX 64620
ST. PAUL, MINNESOTA 55164-0620

CERTIFICATE OF SERVICE

Case Title: ITMO the Route Permit Application by Great River Energy and Xcel Energy for a 345 KV Transmission Line from Brookings County, South Dakota to Hampton, Minnesota;	MPUC No. ET-2/TL-08-1474 OAH Docket No. 7-2500-20283-2
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Michael Lewis certifies that on the 11th day of September, 2009, he served a true and correct copy of the **attached letter**; by eFiling, and U.S. Mail, (in the manner indicated below) to the following individuals:

Official Service List: OFF_SL_8-1474_CC-SL-7-1-2009

Members of this service list are displayed below.

Service List Information

Service List Type: Official Service List
Docket Number: 08-1474
Service List Name: OFF_SL_8-1474_CC-SL-7-1-2009
Description: Official Service List
Status: Active
Created By: michael.lewis@state.mn.us
Created On: 07/01/2009
Modified By: robin.benson@state.mn.us
Modified On: 09/11/2009

Service List Members

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret
Craig	Poorker	cpoorker@grenergy.com	Great River Energy	12300 Elm Creek Boulevard Maple Grove, MN 55369	Paper Service	No
Pamela J.	Rasmussen	pamela.jo.rasmussen@xcelenergy.com	Xcel Energy	PO Box 8 1414 West Hamilton Avenue Eau Claire, WI 54701	Paper Service	No
Carole	Schmidt	cschmidt@grenergy.com	Great River Energy	12300 Elm Creek Boulevard Maple Grove, MN 553694718	Paper Service	No
Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates	Ste 122 9100 W Bloomington Frwy Bloomington, MN 55431	Electronic Service	Yes
Donna	Stephenson	dstephenson@grenergy.com	Great River Energy	12300 Elm Creek Boulevard Maple Grove, MN 55369	Paper Service	No

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www.edockets.state.mn.us/Efiling/servicelist/servicelist.do?method=viewServiceList

Tools Help

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret
Lisa	Agrimonti	lagrimonti@briggs.com	Briggs And Morgan, P.A.	2200 IDS Center80 South 8th Street Minneapolis, MN 55402	Electronic Service	No
Julia	Anderson	Julia.Anderson@state.mn.us	MN Office Of The Attorney General	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Paper Service	Yes
Bob	Cupit	bob.cupit@state.mn.us	MN Public Utilities Commission	Suite 350 121 7th Place East St. Paul, MN 551012198	Electronic Service	Yes
Scott	Ek	scott.ek@state.mn.us		N/A	Electronic Service	No
Sharon	Ferguson	sharon.ferguson@state.mn.us	MN Department Of Commerce	85 7th Place E Ste 500 Saint Paul, MN 551012198	Electronic Service	Yes
Burl W.	Haar	burl.haar@state.mn.us	MN Public Utilities Commission	Suite 350 121 7th Place East St. Paul, MN 551012147	Electronic Service	Yes
Karen Finstad	Hammel	Karen.Hammel@state.mn.us	MN Office Of The Attorney General	1400 BRM Tower 445 Minnesota Street St. Paul, MN 551012131	Paper Service	Yes
Valerie T.	Herring	vherring@briggs.com	Briggs and Morgan, P.A.	2200 IDS Center 80 S. Eighth Street Minneapolis, MN 55402	Paper Service	No
Michael	Kaluzniak	mike.kaluzniak@state.mn.us	MN Public Utilities Commission	Suite 350 121 Seventh Place East St. Paul, MN 55101	Electronic Service	No
Phillip R.	Krass	Pkrass@krassmonroe.com	Krass Monroe, P.A.	Suite 1000 8000 Norman Center Drive Minneapolis, MN 554371178	Paper Service	No
Michael	Krikava	mkrikava@briggs.com	Briggs And Morgan, P.A.	2200 IDS Center80 South 8th Street Minneapolis, MN 55402	Electronic Service	No
John	Lindell	agorud.ecf@state.mn.us	OAG-RUD	900 BRM Tower 445 Minnesota St St. Paul, MN 551012130	Paper Service	Yes
Richard C.	Luis	Richard.Luis@state.mn.us	Office of Administrative Hearings	PO Box 64620 St. Paul, MN 551640620	Paper Service	Yes
Paula	Maccabee	Pmaccabee@visi.com	Just Change Consulting	1961 Selby Avenue St. Paul, MN 55104	Paper Service	No
Russell	Martin	bens@integra.net		11600 270th Street Eko, MN 55020	Electronic Service	No
Laureen Ross	McCalib	lrossmcalib@grenergy.com	CapX2020/Great River Energy	12300 Elm Creek Boulevard Maple Grove, MN 553694718	Paper Service	No
Joyce H.	Osborn			PO Box 1165 Burnsville, MN 55337	Paper Service	No
Carol	Overland	overland@legalelectric.org	Overland Law Office	P.O. Box 176 Red Wing, MN 55066	Paper Service	No
Priti R.	Patel	priti.r.patel@xcelenergy.com	Xcel Energy	5th Floor 414 Nicollet Mall, 5th Fl Minneapolis, MN 554011993	Paper Service	No
Deborah	Pile	Deborah.Pile@state.mn.us	Minnesota Department of Commerce	Suite 50085 7th Place East St. Paul, MN 551012198	Electronic Service	No

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