

# The Intervenor

## CapX 2020 Brookings Line

### Hearing Schedule

**November 30**

**Monday**

**2 & 7 pm**

Granite Falls

**December 1**

**Tuesday**

**1 & 7 pm**

Marshall

**December 2**

**Wednesday**

**1 & 7 pm**

Redwood Falls

**December 3**

**Thursday**

**1 & 7 pm**

Winthrop

**December 7**

**Monday**

**1 & 7 pm**

Henderson

**December 8**

**Tues—Weds**

**1 & 7 pm**

Lonsdale

**December 9**

**Tues—Weds**

**1 & 7 pm**

New Prague

**December 10**

**Thursday**

**1 & 7 pm**

**December 11**

**Friday**

**9:30 am**

Lakeville

**December**

**15-18**

**PUC - St. Paul**

## Draft EIS Comments Monday, November 30, 2009

The Evidentiary hearing for the Brookings CapX 2020 line begins the week of November 30, and continues through December 18, 2009. Let them know what's special about your land, your community, and to do it specifically, with photos, drawings, maps, documents, studies and reports that support your statements. No one knows your area better than you, so please tell them **IN WRITING!**

**Scott Ek, Project Manager**  
**MOES—Dept of Commerce**  
**85—7th Place East, Suite 500**  
**St. Paul, MN 55101-2198**

**scott.ek@state.mn.us**

**(651) 297-7891 Fax**

## SEND COMMENTS TO ADMINISTRATIVE JUDGE!

Send Comments about your concerns about the project to the Administrative Law Judge by 4:30 p.m. January 15, 2010. You may send by mail, fax or email.

**Send Comments to:**  
**Judge Richard C. Luis**  
 Office of Admin. Hearings  
 P.O. Box 64620  
 St. Paul, MN 55164-0620

**Or by email or fax:**  
**capx.oah@state.mn.us**

**Write "Docket 08-1474" on Comment**



Members of the public may question the utility witnesses, testify and enter exhibits — you do not need to be a party — just show up!!

For more info, join the NoCapX 2020 mailing list — please visit  
**[www.nocapx2020.info](http://www.nocapx2020.info)** Send us your email, we'll keep you posted

## NoCapX & U-CAN appeal PUC Order

NoCapX 2020 and United Citizens Action Network have joined forces to appeal the PUC Order Granting Certificates of Need for CapX. We feel it's imperative to challenge this decision, before it gets down to the "Stick it There!" phase of routing. The issues raised in our appeal are:

Whether the Commission's failure to enter and consider evidence of significantly decreased demand in NoCapX's Offer of Proof, or remand to the Administrative Law Judge for further proceedings regarding need, constitutes an error of law.

Whether the Commission's failure to reopen/remand the proceeding for consideration of connected transmission projects announced after close of the record and before its decision constitutes error of law.

Whether the Commission's determination that the Environmental Report prepared by the Dept. of Commerce was adequate was an error of law.

We're over the first hurdle. The PUC tried to force it into District Court, and the Appellate Court said ONWARD. Expect oral argument in Spring or early Summer. We'll keep you posted! See [www.nocapx2020.info](http://www.nocapx2020.info) for updates

**Buy the Farm - 216E.12**

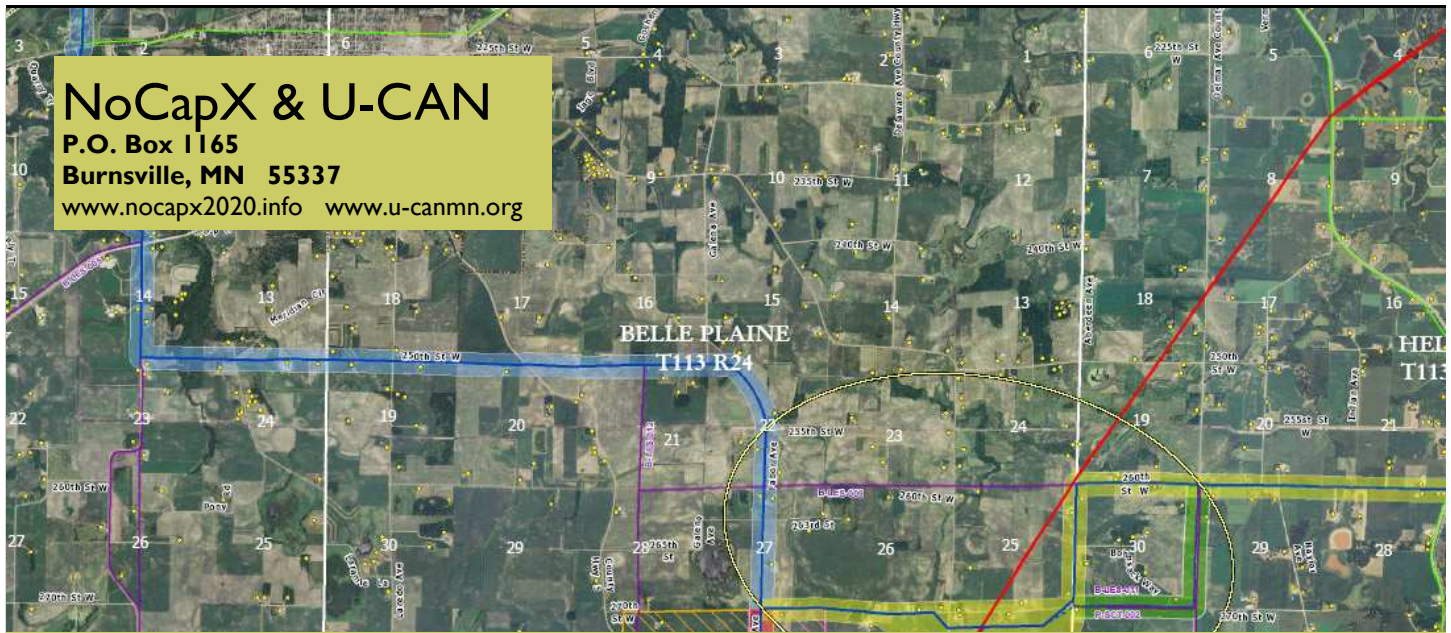
In Minnesota, we have "Buy the Farm," Minn. Stat. §216E.12, which means that if they're condemning your land, and you want out, you can tell them to "BUY THE FARM" and get out from under the transmission line. When they give you notice of condemnation, you have only 60 days to act!

## NoCapX & U-CAN

P.O. Box 1165

Burnsville, MN 55337

[www.nocapx2020.info](http://www.nocapx2020.info) [www.u-canmn.org](http://www.u-canmn.org)



# CapX wants your land? Stop! Call your attorney for advice!

If CapX 2020 has been eyeing your land, if you got a letter from CapX saying you're in the transmission corridor, subject to eminent domain, **STOP**, take a deep breath, and call your attorney! **Find one with eminent domain experience.** You have rights, and if you stand up, if you have experienced help, you'll have a better outcome. These important questions were found in a quick internet search — inform yourself, ask!

- Is the easement limited to a specific area, or is it a blanket easement over your entire property? Does compensation incorporate the entire area?
- Is there compensation not only for the actual easement or right of way area, but also for decrease in value or marketability of remaining property because of the presence of the line? There are losses beyond the easement boundaries.
- Is compensation a one-time payment, a long-term lease, or a stream of payments based on revenue? Negotiate — don't just take what's offered.
- Does the easement specify "one line" or type of line, or is it very, very broad? Can others follow and use that easement too?
- If you receive compensation for an easement, will your mortgage company take it? **Check your mortgage fine print carefully before signing anything!**

- Can you use the surface in any manner that does not interfere with the transmission line? Can they come in for maintenance at any time?
- Do they want a "lay-down area" or "temporary access easement" in exchange for additional compensation? Will they minimize damage and inconvenience to you?
- Is the company obligated to restore the easement area to its original condition when construction completed, responsible for against any damages that are caused directly or indirectly by the installation, operation, maintenance or removal of the transmission line?
- Will they preserve important trees and not enter to remove or trim trees or use herbicides without your consent? You'll need a tree appraiser!
- Will you be compensated for crop loss, crop & drain tile damage caused by the installation and construction phase as well as by the permanent easement?
- Does the easement terminate if it is unused for a certain length of time?

### SEE "BUY THE FARM" ON THE OTHER SIDE OF THIS FLYER!

Find an attorney who knows eminent domain and can help you through this process.

## NoCapX & U-CAN need your support for the CapX Intervention and Appeal!

Send donations made out to "Legalelectric" and send to: **U-CAN, PO Box 1165, Burnsville, MN 55337**

... or go to [www.nocapx2020.info](http://www.nocapx2020.info) and use Pay Pal for a donation

Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Address: \_\_\_\_\_

email: \_\_\_\_\_

(email is important—makes communications easy!)

### SPEAK OUT! I will help advocate for utility honesty and governmental accountability:

- \_\_\_\_\_ Letter to the Editor - see [www.nocapx2020.info](http://www.nocapx2020.info) and [www.u-canmn.org](http://www.u-canmn.org) for media addresses and ideas
- \_\_\_\_\_ Help with mailings or flyers at meetings
- \_\_\_\_\_ Phoning to let others know of meetings, events or hearings

Donations are for Certificate of Need appeal and are **NOT** tax deductible