

STAFF BRIEFING - ORAL ARGUMENTS - DELIBERATIONS  
BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Docket No. ET2/TL-08-1474  
Attachment D

In the Matter of the Application 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

OAH DOCKET NO. 7-2500-20283-2  
PUC DOCKET NO. ET-2/TL-08-1474

Minnesota Public Utilities Commission  
121 Seventh Place East  
Suite 350  
St. Paul, Minnesota

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1 MS. ROSS McCALIB: -- as I mentioned, the  
2 three 345 kV lines are before Commissioner -- Judge  
3 Jones Heydinger to evaluate the need for the three  
4 projects.

5 Just last week, in fact, we all -- the  
6 applicants and all parties filed the final briefs in  
7 that proceeding, and now the matter is before the  
8 administrative law judge for her review, a report  
9 upcoming. We're not sure when that may happen,  
10 expecting it could be anywhere from 30 to 60 days.  
11 So potentially there could be a recommendation from  
12 the judge coming out on the need for these three  
13 345 kV lines in March or April.

14 There are three projects that are  
15 associated with the CapX 2020 certificate of need.  
16 The docket you have before you today is one of those  
17 projects, the route permit application for the  
18 Brookings, South Dakota to Hampton, Minnesota 345 kV  
19 transmission project.

20 We also have two other 345 kV projects  
21 that are under development for the route permit  
22 applications. And that is one line proposed to run  
23 from Monticello, Minnesota up to the Fargo area in  
24 North Dakota. We're looking at filing that in two  
25 pieces for the route permit application.

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1 The first is the Monticello to St. Cloud  
2 piece, which we're hoping to file at the end of this  
3 quarter or early second quarter of 2009. The second  
4 part of that line would be from St. Cloud up to the  
5 Fargo area, and we're looking at filing that this  
6 summer of 2009. The third line that's part of the  
7 345 kV CapX 2020 projects is the Twin Cities to  
8 LaCrosse line. Again, we're developing that route  
9 permit application, we're expecting that that may be  
10 filed before you as the Commission the end of summer  
11 or early fall of 2009.

12 Part of the really concerted effort that  
13 we've made at CapX 2020 is to engage the public in  
14 the development of the route permit application, the  
15 development of the routes. We have had multiple  
16 outreach efforts that have been associated with  
17 that. We have held over 24 open houses just along  
18 this Brookings project itself as a means and  
19 mechanism to inform the public about the project,  
20 get ideas for what potential routes might be, help  
21 us to identify if there is sensitive areas or  
22 archaeological sites, and really talk with them  
23 about what criteria are for how would you determine  
24 a route, obviously following the Minnesota state  
25 guidelines for route permitting.

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1 We've also had 15 work groups, which were  
2 a new innovation of this project, where we asked  
3 people to sign up to be involved in further detail  
4 and discussion about route options. We invited some  
5 folks we knew would be interested. We invited local  
6 government units, counties, townships to come and  
7 really work with us in poring over the maps, taking  
8 a look at what areas might make sense, again, and  
9 helping inform us and helping, frankly, us  
10 understand what the criteria and thoughts were of  
11 folks who would potentially be involved in the  
12 project.

13 We've had continued communications  
14 through newsletters and the website with government  
15 agencies, direct mail pieces, and much of this is  
16 described in section four of the Brookings route  
17 permit application. We've also had extensive  
18 preapplication engagement with federal and state  
19 agencies, again, helping us to identify potential  
20 routes and what areas might make sense and what  
21 areas we need to avoid.

22 You know, and really throughout that  
23 project what we found is people have told us they  
24 have two really important criteria. One is to try  
25 to minimize the impact to homes as we selected our

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1 routes. The second was to use existing right-of-way  
2 in whatever ways we could. And so in the  
3 application that you have before you we have  
4 purposely and very specifically looked at those  
5 criteria in defining the areas that we're proposing  
6 for routes.

7 We also, obviously, are looking at  
8 wildlife management areas, we're looking at crossing  
9 the Minnesota River and where that best might  
10 happen, and sometimes determining the route is just  
11 a matter of point A to point B, along with the  
12 different variables that are associated with that.

13 We have worked in this route proposal  
14 that we've developed for our preferred and  
15 alternative routes where we found we could best  
16 minimize the impact to homes, to prime farmlands,  
17 minimize the impact to natural resources and  
18 archaeological sites, and also has fewer overall  
19 line miles, which would minimize costs and maximize  
20 efficiencies.

21 So that's a little bit about how we  
22 determined what the route application would be, how  
23 we came to this point to have it before you, and  
24 this is one of the several projects that you'll be  
25 seeing before you within the next several months.

2 (Pages 2 to 5)

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CHAIR BOYD: Have you or the Department had a conversation with South Dakota about a border crossing? Is that a topic that's come up?

MS. ROSS McCALIB: We have -- oh, do you want to go ahead, Greg?

MR. POORKER: Yes, we have had discussions with them and with the South Dakota Public Utilities Commission, and we need to follow up with them soon now that we've filed for this route application.

CHAIR BOYD: Okay. Questions on the project overview?

COMMISSIONER REHA: I just have one question, Mr. Chair, if I might. You talked about an 18-month process and how you reviewed. How many routes did you look at before coming up with the two preferred ones in this docket?

MS. ROSS McCALIB: Commissioner Reha, we -- we started looking at 6- to 12-mile wide potential corridors and then broke that into segments or possibilities. And I think looking at the segments, which could be anywhere from a mile to a few miles, it was actually about 1,800 route segments or sections that we looked at in trying to pull together where the best options might be.

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COMMISSIONER REHA: Okay. And then you applied those factors that you described about minimizing impact on homes and existing right-of-way and shortest distance between two locales and all those -- you used those criteria, then you set them over all the routes that you looked at?

MS. ROSS McCALIB: We did. And we talked with, again, the agencies, landowners, interested landowners about those criteria and did they make sense, so that all went into the compilation and definition of our final proposal, yes.

COMMISSIONER REHA: Okay. Thank you.

CHAIR BOYD: Mr. Ek, did you want to do an overview of the project from your perspective or should we hear from other parties first?

MR. EK: Mr. Chairman, yes, I have a slide presentation with a number of maps that kind of break down the route. And you can see kind of where it lies within Minnesota, if you like.

CHAIR BOYD: Please, go ahead.

MR. EK: All right. This first map is a general overview of the entire project, and you can see how it starts over on the South Dakota/Minnesota border at the Brookings County -- at Brookings County near Hendricks.

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The green line is the preferred route and the dark blue line is the alternative route that's proposed. It's -- again, it's 237 miles -- I'm sorry. The preferred route is 237 miles, the requested route width is 1,000 feet. However, there are some circumstances where that would be expanded to the maximum 1.25 miles. You can see -- well, actually, let me move to the next map. There will be areas where the route is expanded, such as in the dark blue area there, which would be typical for areas where the route would cross rivers, and also in the areas of newly proposed substations.

This would be the route from the border to Lyon County, and if we continue, it's divided into six segments. You can divide it into six segments. Also, the right-of-way width along most of the route would be 150 feet within that 1,000-foot requested route width.

As you can see, once you get over past, just past Marshall, the line would veer north up to a proposed Hazel Creek substation. And also it would continue west from the Lyon County substation, that's where it would fork there and go north and -- go east, I'm sorry, and continue across the state. I believe it runs through approximately 11 counties.

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And, again, there's another area by the Cedar Mountain substation where the route width, the requested route width is expanded in the green.

And, finally, you would make your way to south of the Twin Cities metro area and up into the proposed Hampton substation just north of the city of Hampton.

So that's a very quick review of the proposed transmission line project.

CHAIR BOYD: Are there questions for Mr. Ek?

MR. CUPIT: Mr. Chairman.

CHAIR BOYD: Mr. Cupit.

MR. CUPIT: May I note for the record that prior to the issuance -- or after the issuance of the staff briefing papers from OES and before the beginning of today's meeting we did receive two comment letters on matters before the Commission on this docket, and I just wanted to note that and that those parties are present. I believe the first, signed by Mr. Jeff Otto, is represented by Ms. --

MS. JENNINGS: Jennings.

MR. CUPIT: Jennings, thank you. And Carol Overland was the second party. And all those have been distributed to Commissioners and counsel.

3 (Pages 6 to 9)

1 I might add that we're not aware that  
2 other folks are here to speak to this issue, but  
3 there may be, just so you give that opportunity, if  
4 you wish.

5 CHAIR BOYD: Ms. Jennings and  
6 Ms. Overland both are requesting citizen advisory  
7 task forces, so why don't we go ahead and address  
8 that issue.

9 Mr. Ek, were you done? I'm sorry, I  
10 didn't mean to cut you off, but I don't know if you  
11 had any other comments.

12 MR. EK: No, Mr. Chairman. At this  
13 point, no, for review of the project. I can also  
14 get to the Commission decision options, unless there  
15 are more questions about the project.

16 CHAIR BOYD: Well, let's hold off on that  
17 a minute, I think it's a little early.

18 Mr. Eknes.

19 MR. EKNES: Thank you, Mr. Chair, if I  
20 might interject. I think it might be helpful for,  
21 if he doesn't mind, Mr. Ek to go through the draft  
22 public participation plan, because I think that lays  
23 out some of the issues related to the task force, or  
24 a task-force-like setup. And I'm also aware there  
25 is a person who lives in Scott County who would also

1 like to -- has not petitioned for a task force, but  
2 is interested in the opportunity to address the  
3 Commission.

4 CHAIR BOYD: If there's an opportunity.  
5 I'm not sure if we'll have time today. This isn't a  
6 public comment period, necessarily. But we'll see  
7 what we can do on time.

8 MR. EKNES: Thank you.

9 CHAIR BOYD: Mr. Ek, did you want to --  
10 Mr. Eknes is right, we probably should walk through  
11 your public participation plan and then we'll go  
12 into the requests for an advisory task force,  
13 forces.

14 MR. EK: Thank you, Mr. Chairman,  
15 Commissioners.

16 As you can see in the comments and  
17 recommendations, the idea with regards to a task  
18 force, it of course was looked at, and considering  
19 the size of the project, that is, you know, the  
20 length and the linear nature of this project, the  
21 one task force, our thoughts, would not be effective  
22 for this project. So the idea was to come up with a  
23 more robust public participation plan that would  
24 include creation of focus groups, multiple focus  
25 groups.

1 The reason for this is a task force, if  
2 it was placed in one area along the route, you  
3 are -- you are limiting that task force -- what am I  
4 trying to say? The task force would be limited to  
5 that, concerns in that specific area, and there  
6 may -- along this route there are going to be  
7 different concerns and different issues, I believe,  
8 with regards to different locales and citizens along  
9 the route.

10 Out in the west end of the route you're  
11 going to run into more agricultural-type issues, and  
12 as it gets closer to the Cities it's going to  
13 become -- there are going to be more concerns with  
14 residents.

15 So the thought was with a focus group we  
16 could target those select areas. And in most times  
17 during the public meetings that we hold, those  
18 concerns, those common concerns are usually revealed  
19 during those public meetings, during the question  
20 and answer periods during those meetings, as well as  
21 a lot of the phone calls and such that we take prior  
22 to and during the regular business as conducted.

23 So the thought is to tailor these focus  
24 groups in those areas along the route that -- where  
25 these concerns do arise and therefore focus on these

1 local issues and get input from those people who  
2 have those specific concerns.

3 CHAIR BOYD: Ms. Pile.

4 MS. PILE: Thank you, Mr. Chair.

5 I wanted to back up a little bit just to  
6 talk a bit about the whole draft public  
7 participation plan.

8 When we in Energy Facility Permitting  
9 approach a project we always are very cognizant of  
10 the need and techniques to try to get public  
11 involvement. We usually -- we obviously always have  
12 the things that are required by rule, the public  
13 information meetings, scoping meetings and that sort  
14 of thing, and then do add-ons as seem appropriate  
15 and necessary as we move through the process.  
16 Usually that's not officially written up, it's just  
17 something we do as we go along.

18 For a project like this, we felt it was  
19 really important to develop and document a specific  
20 approach and to really give a lot more thought to  
21 what are the ways that we can really enhance all of  
22 the techniques that we have to make it easier for  
23 people to participate. Along with that, we have  
24 recently added to our staff a person whose specific  
25 job is public involvement and helping us improve and

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1 enhance the tools that we have for public  
2 involvement.

3 So this is our first sort of official  
4 public participation plan in looking at -- trying to  
5 really look at it from the point of outcomes. What  
6 do we want to achieve by trying to get the public  
7 involved and then what are some approaches that we  
8 can take to achieve those outcomes? And that's what  
9 you have before you today. And I am hoping that  
10 people in the public, you, others, will help us to  
11 improve these kinds of approaches and give us more  
12 ideas.

13 As Scott mentioned, what we've proposed  
14 for the focus group concept seems -- seemed to be  
15 something that was able to really have a lot of  
16 flexibility. We know from the meetings we've had so  
17 far, scoping meetings that we had during the  
18 certificate of need process and comments that we've  
19 received through that, that there's certain areas  
20 where there are real concerns. Some other areas, we  
21 don't know yet, but it's possible through the  
22 meetings that we'll hold for this project that  
23 things will come up.

24 We like the -- we want to remain flexible  
25 and be able to design things as they come up, as

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1 we've done in quite a few of the other routing  
2 projects, where local people have had a concern  
3 about a particular area or a particular issue and  
4 we've been able to very quickly put together focus  
5 groups, concentrate on their issues, and help them  
6 identify alternatives that can be looked at in the  
7 process.

8 CHAIR BOYD: Thank you.

9 MS. PILE: So just that brief  
10 introduction.

11 CHAIR BOYD: Commissioner Reha, were you  
12 going to ask a question?

13 COMMISSIONER REHA: I was just going to  
14 ask, this issue of focus groups, it's kind of a  
15 different term that's really not anywhere in the  
16 statute or rules. And was it your contemplation  
17 that these are just a bunch of advisory groups with  
18 a smaller geographical area to focus on, and would  
19 they each have a charge, as contemplated by the  
20 statute?

21 Focus group kind of throw -- threw me a  
22 little bit because I didn't know what status a focus  
23 group had vis-a-vis an advisory group. And I don't  
24 want to get hung up on terms of art, but on a  
25 controversial project of this nature I think we need

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1 to be as specific and clear as possible.

2 MS. PILE: Yes. Chair, Commissioner  
3 Reha, I don't think we gave a lot of thought to the  
4 use of the term, other than that we were focusing on  
5 a geographic area, or perhaps focusing on an issue,  
6 maybe it's river crossings, for example --

7 COMMISSIONER REHA: I see.

8 MS. PILE: -- if that came up as an area  
9 of real concern. As Scott went through some of  
10 these slides here, for example, you'll see in -- I  
11 think it's in Renville County, there's some rather  
12 big areas noted where a substation might go. It's  
13 quite undefined. Now, that to me sort of jumps out  
14 as an area that I'm expecting local governments and  
15 citizens are going to want to have some real  
16 discussions with us about.

17 I'd view that, yes, they would have a  
18 charge, very much in the same way that an advisory  
19 task force does, that people would be specifically  
20 invited to the table to attend. Hopefully they  
21 would also commit to being involved and sticking  
22 with it.

23 We've used this -- I don't know if we've  
24 ever quite called them focus groups, but we've used  
25 groups, work groups or whatever one might want to

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1 title them, in other projects and have found that  
2 concentrating on some specific areas, some specific  
3 concerns, people are interested, they do  
4 participate, they are kind of motivated to come and  
5 exchange information.

6 CHAIR BOYD: Commissioner O'Brien.

7 COMMISSIONER O'BRIEN: I've participated  
8 in focus groups where you make forced choices. Now,  
9 I don't know if your -- if your focus group is  
10 simply another name for a citizen advisory group or  
11 if it's a forced choice group. Do you have --

12 MS. PILE: Chair, Commissioner, I don't  
13 understand that term. Could you explain that a  
14 little bit to me?

15 COMMISSIONER O'BRIEN: Sure. The focus  
16 group is focused, you want an outcome. If not this,  
17 this, and we'll rank and grade and come up with a  
18 focused outcome. That's a process, not a label.

19 MS. PILE: Um-hum.

20 COMMISSIONER O'BRIEN: It sounds to me  
21 like you're using a term that can mean one thing in  
22 the social sciences and another in the political  
23 arena and perhaps you're mixing them.

24 MS. PILE: Um-hum. Yeah, Chair and  
25 Commissioners, yes, it was not our intention that

5 (Pages 14 to 17)

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1 it's that kind of forced choice that you talk about.

2 When we've had them before, it's --  
3 sometimes we'll use the Department of Administration  
4 to help us with facilitating, and it's often more of  
5 a consensus type of an approach.

6 If a group -- you'll note in the plan we  
7 say if possible the group would recommend an  
8 alternative. If they can't, that's fine. It's  
9 more -- it's more documenting what they've had to  
10 say, getting ideas from them on what alternatives  
11 they want to have included. If the whole group is  
12 not -- is not of one mind on an alternative, that's  
13 certainly fine, advisory groups aren't often.

14 COMMISSIONER O'BRIEN: If I could just  
15 carry on with that thought a little bit. On a  
16 project of this scope and length we should have  
17 citizen advisory groups, clearly, in my view. But  
18 the citizen advisory group in Dakota County will  
19 have Dakota County issues and the citizen advisory  
20 group in -- if we get a request from one in Lyon  
21 County, will have a different procedure. And it  
22 kind of depends on where you start.

23 If you start at Lyon County and it's  
24 coming in a direction and at an angle and in a  
25 momentum that kind of sets up what's going to happen

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1 in Dakota County, or you start in Dakota County and  
2 go west, talk to me about that thought. I see it's  
3 described as Brookings to Hampton, is there a value  
4 judgment embedded in that thought or is that just  
5 happenstance?

6 CHAIR BOYD: Your concern is that one  
7 group might lead us wildly -- a recommendation would  
8 come that's wildly incompatible with the  
9 recommendation of another --

10 COMMISSIONER O'BRIEN: I guess I'll start  
11 back a little bit further and say it's captioned as  
12 from Brookings to Hampton. Would we get a different  
13 process if we captioned it Hampton to Brookings?

14 MS. PILE: Chair and Commissioners, I  
15 don't think so. It would still be the A to B or B  
16 to A, that the applicant has to have a preferred and  
17 alternative route and then we would be going out to  
18 the local governments and the public to ask about  
19 variations that could be totally different or they  
20 could be variations within a smaller scope of  
21 geography.

22 As to the concept, though, or the concern  
23 of having a group in one area and not in others, as  
24 are -- as we proposed in the public participation  
25 plan, our awareness effort includes reaching out to

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1 all local units of government.

2 And in many -- in my public participation  
3 career in state government, which is now about 34  
4 years, I found that often local governments like you  
5 to go to them rather than you hold a meeting and say  
6 you come to us. So our plan is to be going to the  
7 regional development commissions to talk with them,  
8 to go to the county planning and zoning  
9 administrators, in other words, so that there would  
10 be those feedback loops throughout the process so  
11 that as alternatives develop we can see how that  
12 plays in another area or connects with another area.

13 If that addresses your concern?

14 COMMISSIONER O'BRIEN: I'm not sure it  
15 does, but --

16 MS. PILE: Yeah.

17 COMMISSIONER O'BRIEN: -- I'm not sure  
18 that my concern is other than just a question.

19 MS. PILE: Yeah. Yeah.

20 COMMISSIONER O'BRIEN: I don't know, it  
21 just strikes me that it might be different, but I  
22 don't know, I'll wait to hear from the parties and  
23 the other participants.

24 CHAIR BOYD: Let's go ahead and -- oh,  
25 Mr. Eknes.

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1 MR. EKNES: Thank you, Mr. Chair, I'll  
2 interject again.

3 I do want to point out that there is  
4 something that the Department has recommended with  
5 these focus groups that is different, very  
6 specifically different than a task force group. And  
7 that is, is that, you know, the statute requires for  
8 a task force to be completed upon its charge, or the  
9 date that alternatives are developed, or another  
10 date picked by the Commission, whichever is first.

11 And what the Department has recommended  
12 in their paper, actually, is that these focus groups  
13 would continue beyond any of those points. And  
14 would, I guess, still be engaged to provide comments  
15 until -- on the draft EIS. So it's different in  
16 that respect, a task force would end when the  
17 alternatives are determined. These focus groups,  
18 apparently, would go to the point to where they'd  
19 comment on the draft.

20 And I just want to kind of indicate a  
21 concern with that. Because I'm not sure, then, you  
22 know, do these entities have a different status,  
23 then, on the comments that they make on a draft  
24 environmental impact statement as opposed to a  
25 citizen who makes one?

6 (Pages 18 to 21)

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1 So I just want to point out that that's  
2 different than anything we've done previously, it  
3 extends these groups beyond, and I'm not sure what  
4 status it gives these groups during that period that  
5 the environmental impact statement is out and open  
6 for comment.

7 COMMISSIONER O'BRIEN: Mr. Chair.

8 CHAIR BOYD: Commissioner O'Brien.

9 COMMISSIONER O'BRIEN: Without more  
10 information as to mission and process and direction  
11 and organizing principles, I'm reluctant to just say  
12 go forth, focus groups, and do your thing. I mean,  
13 that just strikes me as -- as not what the statutes  
14 contemplate and not particularly -- now, I might be  
15 dead wrong on that. Maybe this is cutting edge and  
16 we need to take a look at it, and I'll reserve  
17 judgment on that for some more, but to just pick a  
18 phrase, not really know exactly what it is and say  
19 this is what we're going to do, strikes me as a  
20 little risky.

21 CHAIR BOYD: Ms. Pile.

22 MS. PILE: Thank you, Mr. Chairman.

23 I want to thank Mr. Eknes for pointing  
24 out that element that I had not mentioned. And  
25 indeed, the focus groups or work groups or whatever

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1 you want to call it that we had scheduled to  
2 continue beyond the scope and to have meetings when  
3 the draft environmental impact statement came out so  
4 that they could not only comment on that, but if  
5 there was an alternative that they felt was the best  
6 alternative, they could make a remark on that at  
7 that time.

8 At the scope a group identifies items  
9 that they want covered in an environmental impact  
10 statement. You don't know, really, how those  
11 alternatives are going to play out until you've done  
12 all of the analysis to see what the impacts are.  
13 Once you have that packaged together, then the group  
14 would have another opportunity to say, okay, what do  
15 you think of these alternatives now, now that you've  
16 seen what the impacts are?

17 This is actually an approach we used in  
18 the Big Stone routing -- in the Big Stone routing  
19 portion, and in that particular case we used the  
20 regional development commission as the platform for  
21 a work group. That project just covered that space  
22 of geography, plus one county, they invited the  
23 other county in to join them. And that group did  
24 meet once the draft EIS was out and they did in fact  
25 comment on it and endorse a particular alternative.

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1 Whether a group can do that or not is really up to  
2 them, there might not be any kind of unanimity.

3 We have developed a description of the  
4 work for that first focus group or work group that  
5 we identified in the plan. And I think we can put  
6 that on the overhead, if you'd like to see it. I  
7 don't know how to do that, but someone here probably  
8 does.

9 And I think what you'll see with that is  
10 there's a two-part -- a two-part charge that we had  
11 developed, and the one part is essentially the kind  
12 of thing that an advisory task force can do. Part  
13 two is this extra item that Bret mentioned that goes  
14 beyond -- ooh-hoo.

15 CHAIR BOYD: It gets better.

16 MS. PILE: Oh, good. Yeah, okay. I see  
17 my little edits there. So, hmm.

18 MS. OVERLAND: Are there copies of this?

19 MS. PILE: This is the copy.

20 This is just to give you an idea of what  
21 we had come up with and what our thoughts were on  
22 the charge of such focus groups or work groups. And  
23 indeed, yeah, they would be asked to do a particular  
24 thing. I don't think it's appropriate to ask people  
25 to spend their time coming to these sorts of

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1 sessions and spend their time trying to come up to  
2 speed on a project without some real idea of what's  
3 going to come out of it and what's expected of them.

4 CHAIR BOYD: With respect to Mr. Eknes's  
5 point about -- maybe it's perception about status in  
6 commenting, really once the scope is done and the  
7 draft EIS is in and it's this period of comment you  
8 describe, you could argue that the same sort of  
9 thing could happen from a task force that had been  
10 disbanded, but the participants choose to  
11 collectively in some way intervene or make a comment  
12 as a group. There would be a way -- are there ways  
13 for things to happen?

14 I guess what I'm worrying about, in part,  
15 is managing expectation about what -- I think that  
16 was Mr. Eknes's point, about what level of official  
17 participation a focus group has as they make  
18 comments. Am I -- am I right, Mr. Eknes?

19 MR. EKNES: Yes, Mr. Chair.

20 COMMISSIONER REHA: Mr. Chair, I'm just  
21 kind of hung up on this focus group, advisory task  
22 force distinction. It seems to me that your focus  
23 group is an advisory task force, except that there's  
24 some -- some continuation of the group beyond the  
25 suggestion of alternatives, and I think the statute

7 (Pages 22 to 25)

1 specifically said that the advisory task force  
2 responsibility ends at the conclusion of the route  
3 selection.

4 So it seems that we're kind of  
5 circumventing what the law has indicated. And I  
6 would just prefer that we not develop a new kind of  
7 group and just call them -- we can set up an  
8 advisory task force, one or many, I don't think  
9 we're limited in the number. And it would just seem  
10 to me simpler to talk about an advisory task force  
11 or forces.

12 And we could certainly appoint them on a  
13 geographical basis along the line, you know, for  
14 Dakota County, or even as you've indicated down  
15 here, you know, in terms of who should be on each of  
16 the task forces, you know, to set it up  
17 geographically along the line. Because, obviously,  
18 the folks in Dakota County aren't quite as  
19 interested in the issues that they would be way over  
20 by Brookings, you know. But, you know, and there  
21 could be cross-communication among the advisory task  
22 forces.

23 But I just think by introducing -- my  
24 personal opinion is introducing another animal, you  
25 know, in the mix, could create issues. Especially

1 if the charge is broader than what the statute had  
2 contemplated.

3 So I guess I'm sort of a strict  
4 structuralist here on that, but I'll listen to  
5 others' opinions.

6 CHAIR BOYD: Commissioner Pugh.

7 COMMISSIONER PUGH: Thank you, Mr. Chair.  
8 And I did have one question. And that is, it seemed  
9 to me that in part the focus group concept emerged  
10 from a belief that there could be just one advisory  
11 task force. Is that correct? Does the statute or  
12 the rule limit us to just one advisory task force?

13 MS. PILE: No, Commissioner. In fact, I  
14 believe in our briefing paper we say that one  
15 approach would be to have multiple ones along the  
16 line, but the one downside is that those do end when  
17 the scope is issued.

18 COMMISSIONER PUGH: Mr. Chair, following  
19 on the comments of Commissioner Reha, I do have some  
20 concern of trying to create a new vehicle for, in  
21 this case, the focus groups to supplant the advisory  
22 task force. I would -- I'd favor having a number of  
23 advisory task forces that perhaps are supplemented  
24 by focus groups as well, but that we actually  
25 utilize the statutory framework for a set of task

1 forces.

2 And I don't know how many that should be  
3 today, but I'd prefer a mixed blend, perhaps. That  
4 we use the model that's set forth in statute, that  
5 we've used before, that a number of potential  
6 participants are asking for, which is their right  
7 under the statute. I'd prefer to do that. And then  
8 to the extent that you can supplement that with  
9 focus groups who could perhaps have a longer life to  
10 be involved in comments on the EIS, I wouldn't have  
11 a problem with that, but I wouldn't want them to  
12 supplant the advisory groups.

13 CHAIR BOYD: Commissioner O'Brien.

14 COMMISSIONER O'BRIEN: With respect to  
15 the document in front of us, if you substituted  
16 focus group, which I think appears five times, with  
17 advisory task force, you would eliminate the problem  
18 and get the product that you want. Unless I'm  
19 missing something.

20 CHAIR BOYD: Well, at least as far as we  
21 know the situation today, which can change.

22 MS. PILE: Yeah. Commissioners, you  
23 would have to eliminate charge two.

24 COMMISSIONER REHA: Right.

25 CHAIR BOYD: Yeah. I wonder if it makes

1 any sense to think about organizing a small number  
2 of task forces, roughly along the line, say three.  
3 And from there you could have subgroups working. I  
4 mean, this allows you to sort of focus on regional  
5 issues, but not create so many groups that I'm  
6 worried about running you two ragged. Completely  
7 ragged. We'll run you ragged, but not all the way  
8 ragged.

9 Is that something that can work as an  
10 organizing vehicle? I'm not sure where to draw the  
11 lines, but roughly an east, roughly a west, and  
12 something in the center part of the line?

13 MS. PILE: Commissioners, we did look at  
14 that kind of concept. And a couple of reasons why  
15 we didn't recommend that to you were that it's --  
16 it's not clear at this point that -- that an  
17 advisory task force is needed at every place along  
18 the line. That's why we were going to be reaching  
19 out to regional development commissions, out to the  
20 planning and zoning administrators and the other  
21 local governments, to see what kind of interest  
22 there was.

23 Part of our plan calls for sending out a  
24 questionnaire to them to just see what are the  
25 remaining issues. There might be some parts where



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1 the applicant has dealt with people's issues and  
2 they don't have the interest.

3 So we didn't want to artificially divide  
4 the route up into segments. For example, one could  
5 think maybe by county, but there's quite a few of  
6 those. One could look substation to substation, but  
7 there are several counties that would be then in two  
8 areas. So we were really looking for more of, you  
9 might call it an organic forming.

10 We certainly could attempt the formal  
11 ones at various parts of the route divided into  
12 parts. At this point I don't know what kind of  
13 response we'd get. I know in this area we will get  
14 response, absolutely. In some other parts of the  
15 state, the local governments might not respond. We  
16 have had that happen in some cases.

17 CHAIR BOYD: If we authorize the  
18 formation and there is no --

19 MS. PILE: Interest.

20 CHAIR BOYD: -- interest, the group is  
21 just idle.

22 MS. PILE: Um-hum. Okay.

23 CHAIR BOYD: Commissioner Wergin, then  
24 we'll start to hear from --

25 COMMISSIONER WERGIN: Thank you,

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1 Mr. Chair.

2 CHAIR BOYD: Turn your mic on, please.

3 COMMISSIONER WERGIN: I'm sorry, I turn  
4 it off because I don't want to cough into it.

5 Mr. Chair, Ms. Pile, how many RDCs are  
6 there along the route?

7 MS. PILE: Chair and Commissioner, there  
8 are four regional development commissions, plus the  
9 Metropolitan Council, so five.

10 COMMISSIONER WERGIN: So there are five.

11 MS. PILE: Yep.

12 COMMISSIONER WERGIN: Thank you.

13 MS. PILE: One of the counties is in  
14 southeastern Minnesota where there is no active RDC,  
15 so there's another region, but no RDC.

16 COMMISSIONER WERGIN: Thank you.

17 Mr. Chair, I was just trying to remember, because I  
18 thought maybe that was a logical breakup of areas,  
19 but that's quite a few.

20 CHAIR BOYD: Ms. Jennings.

21 MS. JENNINGS: Thank you, Mr. Chair.

22 I understand that it might be simple to  
23 substitute the words in this document before us, but  
24 I think one thing that strikes me is that it's who  
25 is empowering whom, and this document says people

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1 will be invited. And here we have a petition from a  
2 citizens group who wants to be participating in this  
3 process. We wanted to be participating in the  
4 process with CapX and felt like our needs weren't  
5 being heard. We as a township drafted an ordinance  
6 to suggest an alternate route. Not an ordinance,  
7 but a recommendation that I think is included in an  
8 appendix somewhere in the report. But it wasn't --  
9 we don't feel like it was heard.

10 I do feel like I'm uniquely qualified to  
11 comment on the entire route because of my 20-year  
12 mapping career with the state of Minnesota. I've  
13 mapped the official geology of the entire route.  
14 And I do think there's some natural breaks to make  
15 in this. You have the Prairie Coteau region, you  
16 have the lowlands of central Minnesota, you have  
17 river crossings.

18 And I also think that starting at about  
19 New Prague and coming east it's a very different  
20 landscape. And Dakota County in particular has the  
21 farmland and natural areas process, where we have  
22 identified in the county lands that we want to buy  
23 conservation easements on. And this kind of seems  
24 to have ignored that process. We have lands that we  
25 would like to protect that this route is going

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1 across, or the proposed and alternate routes are  
2 kind of ignoring these areas that we would like to  
3 preserve either right now or in the future.

4 And so it's for those reasons that we  
5 really feel like the citizens that are already  
6 active in this process, have been active the whole  
7 way, would like to be participants.

8 Let me just look at my notes to see if I  
9 covered everything.

10 And here, in this document I have, it  
11 states one to three meetings, this one says one to  
12 four. If it's extended over an even longer time  
13 period I just feel like that's not enough input.  
14 That's not very many meetings, especially if it's  
15 just limited to one or two.

16 Thank you.

17 CHAIR BOYD: Ms. Overland.

18 MS. OVERLAND: Thank you, Mr. Chair and  
19 Commissioners.

20 I've been involved in six task forces,  
21 too, somewhat as an observer, but for clients that I  
22 was representing. Starting with the Goodhue County  
23 Task Force on Nuclear Waste; Chisago One; the  
24 Southwest 345, that was more as an observer; the  
25 Mesaba project up north; the Chisago the third time

9 (Pages 30 to 33)

1 around; and as an observer of the Prairie Island  
2 Uprate Task Force.

3 There have been problems increasing in  
4 seriousness since the statute was changed in 2001,  
5 and -- let's see. I think you all have a copy of my  
6 request for a task force. And the statute is there  
7 and, Chair Boyd, you can see the language and the  
8 charge for task forces there.

9 My concerns -- first let me go to  
10 Commissioner O'Brien's question about the Brookings  
11 to Hampton phrase. And that's because the  
12 electricity goes from the west to the east. And so  
13 here we have it going from Brookings to Hampton,  
14 with a little frolic and detour going north  
15 connecting with the Big Stone transmission line at  
16 Granite Falls. So that's -- but it's Brookings to  
17 Hampton because that's the way electricity flows.

18 I want to request a statutory task force  
19 so that you do have that benefit, you know, and this  
20 is, you know, what the statute is about and not  
21 going by something that's amorphous. But with those  
22 subgroups, as divided out, and a number of task  
23 forces. And Commissioner Pugh, or maybe it was  
24 Commissioner O'Brien, I think it was Commissioner  
25 Pugh, raised the issue of, well, if we have one

1 where they're requested, but I think it should be  
2 broader than that and it should be a public  
3 participation search trying to bring people into  
4 this.

5 When people participate in a task force,  
6 though, if they're asked to make recommendations, I  
7 ask you to consider what is it that -- what gives  
8 them the authority to make a recommendation and who  
9 are they speaking for? Because if a task force  
10 makes a recommendation, these are certain people  
11 that are going to these meetings, but there's a lot  
12 of other people involved in this, a lot of other  
13 people will have transmission over their yards, over  
14 their houses, and does it really take into account,  
15 you know, who are these people speaking for? And  
16 consider that and I urge you not to promote  
17 recommendations of a task force. That's a problem.

18 Let's see. And it was raised about there  
19 might be no interest, but that was an issue with  
20 Chisago where there wasn't enough time for people to  
21 get interested, there wasn't enough time for the  
22 city to appoint someone to participate in the task  
23 force. So we have to have enough lead time here to  
24 get people involved, to find people, and not just  
25 local units of government, but actual, you know,

1 regular people who are affected.

2 So what I have urged you to consider is  
3 on the last page of my request. Because there have  
4 been problems and so these speak to those specific  
5 problems that we've had.

6 I've discussed number one, to order -- I  
7 ask you to order appointment of a citizen advisory  
8 task force with geographic subgroups. Number two,  
9 to order that the task force should continue to work  
10 as a focus group afterwards, which had been  
11 discussed with that Prairie Island task force, and  
12 that is something that could be implemented so that  
13 they can really look at the project.

14 Something that hasn't been discussed this  
15 morning is the importance of vetting the  
16 application, and that's something that the task  
17 forces do. And it's pretty hard to do that over a  
18 couple of days, you need more time than that in a  
19 project that's this large.

20 And number three, I ask that you order  
21 that the subgroups be led by a member of the group.  
22 The Department of Commerce has interpreted the  
23 statute to say that they should be leading the  
24 groups, and in the past, with Florence Township,  
25 with Chisago the first time around, it was led by a

1 member of the group, and I think you have a more  
2 authentic result if you do that.

3 Four, I ask that you order that they  
4 prepare a report, very specifically. Because that  
5 was discussed at the Prairie Island task force just  
6 recently, and I think it was Chair Boyd, you had  
7 suggested that language, to allow them to do it if  
8 they want to. But when it came down, Department of  
9 Commerce was saying, no, there will be no report.  
10 And it was a push to get a report. And it would  
11 help if the Commission would specify that, yes,  
12 there should be a report and there should be a  
13 report of the subgroups. You know, you're doing all  
14 that work and that's important.

15 And that this report -- I ask that this  
16 report -- you specify that this report be entered  
17 into the record and that all the appendices and the  
18 documents that the task force puts together in  
19 making their report, that that be entered into the  
20 record.

21 You could say, well, yeah, duh, that's an  
22 obvious, but no, it's not. It has been withheld and  
23 it was withheld in the Chisago the third time  
24 around, and we didn't discover this until the very  
25 end of the hearing. And it's important that these

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1 documents be a part of it so you can see where they  
2 got their information and what they based their  
3 decision on.

4 And then third, I ask that you order that  
5 the task force provide time for public comment, say  
6 at the end of the meeting, just allow people to  
7 speak. Because that was an issue in this Prairie  
8 Island one this last time around. And these are  
9 important things based on the experience I've had  
10 with task forces and we'll probably have going  
11 forward.

12 Thank you.

13 CHAIR BOYD: The purpose of the public  
14 comment period is to comment on the whole of the  
15 project or to be focused to the narrow topic at  
16 large, and how would that be different than other  
17 public comment opportunities that exist in the  
18 proceeding?

19 MS. OVERLAND: Okay. Primarily to focus  
20 on what's being discussed by the task force, you  
21 know, if there are issues that come up. Or to raise  
22 issues to the task force for consideration.

23 In a project like this, for regular  
24 people there's not much of an opportunity to  
25 comment. You can comment in writing within a

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1 particular time or you can go to a meeting, but if  
2 you're not an intervenor, your opportunities for  
3 comment are limited. There's not that many.

4 CHAIR BOYD: Ms. Pile, do you want to  
5 offer any thoughts on what you've heard? Or Mr. Ek,  
6 I'm sorry.

7 MS. PILE: I guess either one of us.  
8 Thank you, Chair.

9 I don't -- I don't want to sort of hash  
10 over past advisory groups. There have been a lot of  
11 different techniques used and a lot of different  
12 approaches used. And some have had reports, some  
13 haven't. Some have just had the report be a  
14 compilation of what they did in their meetings.  
15 Many times we've used a facilitator, we've started  
16 using more, as I mentioned, the Department of  
17 Administration, their management analysis group, to  
18 help the groups in their charge. And those people  
19 are really facilitators, they're not participants.  
20 They do the recording, they write the things down,  
21 they then process it, get it back to the group to  
22 get their response. That's what we did on the  
23 Bemidji to Grand Rapids project on the advisory task  
24 force we had there. We did have problems in that  
25 task force getting people to participate. And,

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1 quite frankly, I was kind of surprised, that's a  
2 pretty controversial project from a lot of people's  
3 standpoint. But local governments have various  
4 reasons why it's not something they want to get  
5 involved with. So there is that that can occur.

6 We're not as a staff interpreting the  
7 statute as saying anything about how those groups  
8 operate. It's really something that's based in the  
9 charge.

10 COMMISSIONER O'BRIEN: Mr. Chair.

11 CHAIR BOYD: Commissioner O'Brien.

12 COMMISSIONER O'BRIEN: I have a question  
13 as to the document in front of us and the  
14 designation on the top third of the page. I'm  
15 referring to Commissioner Reha's earlier comments  
16 about task force expiration.

17 I've looked at the statute and it seems  
18 to me that we control expiration, for these reasons.  
19 The task force shall expire upon completion of its  
20 charge, and we get to make the charge. Upon  
21 designation by the Commission of alternative sites  
22 or routes to be included, that's our decision, so we  
23 can keep the task force going until we make that  
24 decision. Or upon the date specified by the  
25 Commission in the charge, again, our decision. So I

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1 don't think law triggers or eliminates task forces,  
2 I think we get to control task forces. So I'll  
3 defer to staff on that question, but --

4 CHAIR BOYD: I think that's correct. But  
5 once the alternate routes have been set and  
6 the EIS --

7 COMMISSIONER O'BRIEN: But that's our  
8 decision.

9 CHAIR BOYD: But at that point the EIS  
10 goes in, into production. Am I right, am I wrong?  
11 You talk about setting the scope for the Draft EIS,  
12 so at that point --

13 MS. PILE: Yes. Commissioners, there are  
14 some oddities in statute and rule that occurred when  
15 the program was transferred down here. And there's  
16 some things that Mr. Cupit and I have been working  
17 to identify, places where something was blanketly  
18 changed and there are some things that don't seem to  
19 quite jive.

20 The decision on the scope of the  
21 environmental impact statement is the decision of  
22 the Commissioner of the Department of Commerce. And  
23 the environmental impact statement preparation is  
24 also the responsibility of the Department of  
25 Commerce. So we hold scoping meetings, get input on

11 (Pages 38 to 41)

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1 the scope, and then the Commissioner makes the  
2 scoping decision. So that would -- when that  
3 happens, this one-time cutoff trigger is hit.

4 COMMISSIONER O'BRIEN: So is the -- so I  
5 understand the way this scheme operates, as soon as  
6 we move to the environmental impact process, public  
7 advisory groups are not allowed? I can't -- I think  
8 that's a very strained reading.

9 CHAIR BOYD: Ms. Overland.

10 MS. OVERLAND: The black and white  
11 letters, upon the specific date, it's an or.  
12 There's letter A, there's letter B, or upon the  
13 specific date identified by the board in the charge.  
14 I mean, I would say you're absolutely correct. You  
15 can do whatever you want.

16 COMMISSIONER O'BRIEN: Yeah, but you've  
17 got to do something with whichever date first  
18 occurs. But it seems to me that --

19 MS. OVERLAND: Yeah, that's true. Oh,  
20 oh, oh.

21 COMMISSIONER O'BRIEN: But it seems to me  
22 that, I don't know, I guess I'd like to reflect on  
23 that awkward drafting precluding citizen input on  
24 environmental impact. I don't know.

25 CHAIR BOYD: It only precludes the task

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1 force from commenting, it doesn't preclude the group  
2 or in some other re-creation from commenting.

3 COMMISSIONER O'BRIEN: I'd be surprised  
4 that that was legislative intent.

5 CHAIR BOYD: It may not be.

6 Ms. Jennings.

7 MS. JENNINGS: I have one more point I  
8 forgot to make, it's not on this topic. Is that  
9 okay?

10 CHAIR BOYD: Please, go ahead.

11 MS. JENNINGS: Okay. One of the other  
12 things I think that an advisory group would be able  
13 to do is dig into the data set a little better than  
14 a focus group.

15 I believe that the route planners have  
16 assembled a useful database, you know, it's probably  
17 robust, they probably haven't missed much. But the  
18 rules that they've applied in selecting their route,  
19 that's what we don't completely understand. How  
20 much weight did they give to a certain type of  
21 residential development? Did they give any weight  
22 to open space and view shed? So we don't really  
23 understand their logic for how they used the  
24 database.

25 And I think that a citizens advisory

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1 group could actually look into some of that  
2 methodology, especially if it were provided to us in  
3 a GIS format where we could actually work with the  
4 data and play around with weighting it in a  
5 different way and see what we came up with.

6 CHAIR BOYD: Commissioner Wergin.

7 COMMISSIONER WERGIN: Mr. Chair, it seems  
8 to me that no one is certainly terribly averse to a  
9 citizens advisory task force. It seems like there's  
10 a fair amount of consensus around forming a citizens  
11 advisory task force. The issue becomes more the  
12 content and that type of thing. And then in  
13 Ms. Overland's paper, that's what I'm looking at.  
14 There is the suggestion with geographic subgroups, I  
15 don't know that there's a big issue with that  
16 either.

17 So at what point do we basically say this  
18 is what we're going to do, and then do we allow the  
19 Department to decide what subgroups are appropriate?  
20 Which I would think would work because they  
21 obviously will know where the interest is coming  
22 from and whether a subgroup is necessary for a  
23 particular area.

24 But we get back down to how many citizens  
25 advisory task forces do you want to set up. I think

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1 that's a little trickier issue. I think you can do  
2 so many that you start digging into minutia that  
3 probably doesn't have a place at this point in time.  
4 Or we can say there's going to be --

5 CHAIR BOYD: It seems to me there's two  
6 logical choices right now. You either consider  
7 authorizing the one, the one specific geographic  
8 area task force; you could -- I think Ms. Overland's  
9 suggestion was you create a task force for the  
10 length of the line and let it become subdivided.

11 Or I think you could also today, if you  
12 wanted to, authorize this notion of geographic,  
13 however you want to break geography, by natural  
14 terrain, authorize those groups. If they don't  
15 populate they don't become active, that's fine, but  
16 that saves a little bit of time in terms of getting  
17 these groups going as opposed to waiting for further  
18 requests to come to the Commission to form more task  
19 forces. So those look like the options to me.

20 Ms. Maccabee.

21 MS. MACCABEE: I'm sorry. My name is  
22 Paula Maccabee, and in the certificate of need  
23 proceeding I represented a citizens group, Citizens  
24 Energy Task Force, in challenging need for the other  
25 lines and in requesting that this Brookings line

12 (Pages 42 to 45)

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1 have conditions that would make sure it's used for  
2 wind, not for coal. Our organization did not oppose  
3 certification of the Brookings line, the one that's  
4 in front of you.

5 But in response to Commissioner O'Brien's  
6 question, the reason why it's Brookings, and  
7 actually it's Brookings to Twin Cities in the  
8 certificate of need, not Brookings to Hampton, is  
9 because the location where the new energy, the new  
10 wind energy, according to our request, would come on  
11 line is in western Minnesota and South Dakota, it's  
12 on the Buffalo Ridge and surrounding areas, and the  
13 place that would use that energy, the demand center,  
14 is the Twin Cities. And one of the points we made  
15 as a citizens group in the certificate of need is  
16 that exactly where that end point should be is not  
17 really clear. There's really good record evidence  
18 going as far as Marion Lake and not as far as  
19 Hampton.

20 So one of the issues is making sure that  
21 however these task forces -- whether it's as  
22 subgroups or as individual task forces -- are  
23 constituted, that it comes from the community and  
24 their concerns, rather than trying to suggest a  
25 location now.

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1 And then I'm not speaking for the Dakota  
2 County group because I have an individual client for  
3 the Brookings routing perspective. And that's Bob  
4 and Trish Johnson, to be real clear about this. But  
5 their perspective is the more this comes up from the  
6 bottom, the more likely it is going to be that it is  
7 a true choice rather than a forced choice. And so  
8 that whether this -- the Commission would prefer to  
9 go with Ms. Jennings' recommendation, or prefer to  
10 go with Ms. Overland's recommendation, my sense is  
11 that the Dakota County community has already said we  
12 are the appropriate designation. And whether that's  
13 as a Citizens Energy Task Force or as a subgroup, if  
14 the Commission believes that Ms. Overland's concept  
15 is better.

16 But I think it's really important just  
17 from a single citizen's point of view that we feel  
18 that the folks in our community have a say on how  
19 these are grouped. And my own perspective, I think  
20 what the Department was trying to do is actually  
21 give the citizens the ability to keep commenting  
22 beyond what looks like a very strained statute. I  
23 don't think what they were trying to do is reduce  
24 participation, but actually to facilitate it. It's  
25 just that if there are groups coming up from the

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1 grass-roots asking for citizens advisory task  
2 forces, I think that the viewpoint of the Commission  
3 that that's the way to go is a very good one. But  
4 not in any way to criticize what I think the  
5 Department has done, which is trying to give as much  
6 voice to citizens as possible, not knowing at what  
7 point, if any, citizens would come forward and ask.

8 CHAIR BOYD: I agree. I know, I'm quite  
9 sure their intent was to try and encourage  
10 conversation, not to stifle it. And that's the same  
11 reason -- I have my concerns about a single task  
12 force. I think it's so big, so broad, I don't know  
13 how you even populate it sensibly. And so I can't  
14 conceive of a single entity. And I was trying to  
15 find some middle ground, which might be expedient,  
16 and let more things pop up and be dealt with a  
17 little faster, and maybe that's ill conceived.

18 COMMISSIONER O'BRIEN: Mr. Chair.

19 CHAIR BOYD: Ms. Pile is -- Ms. Pile.

20 MS. PILE: Thank you, Chairman.

21 One suggestion might be, as part of --  
22 excuse me -- as part of what we had written on the  
23 last page of the public participation plan, this is  
24 really talking about the focus groups or work  
25 groups, but we could do it instead in the context of

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1 an advisory task force. At the end of the first  
2 bullet at the bottom of the page, the first of the  
3 three there, we said we had planned to, and I  
4 mentioned this before, solicit input from local  
5 units of government, solicit from them questions on  
6 unresolved issues that might indicate the need for a  
7 focus group. So we could instead have that be the  
8 need for an advisory task force at their local  
9 level.

10 We know there's a need and the desire in  
11 the Dakota County area, and perhaps, I think as  
12 we're suggesting here, it probably ought to spread  
13 out a little bit further than that just because of  
14 the sort of natural divides of the effort there.  
15 But through this solicitation, our hope was we would  
16 uncover other interests and other issues and then  
17 could form groups around what emerged.

18 CHAIR BOYD: Well, given what we know and  
19 what we don't know, maybe it's most sensible to  
20 authorize the Lake Marion to Hampton task force and  
21 wait to see what else comes to us.

22 Ms. Overland.

23 MS. OVERLAND: Something else  
24 (inaudible).

25 CHAIR BOYD: I understand that.

13 (Pages 46 to 49)

1 Ms. Jennings.

2 MS. JENNINGS: If I could boot up my  
3 laptop I could provide you with a geographic map, if  
4 you so desire. Something that shows a little more  
5 terrain than the flat maps that we have before us.

6 CHAIR BOYD: I don't think so.

7 Ms. Overland.

8 MS. OVERLAND: I want to express an  
9 objection to forming just the Lake Marion/Hampton  
10 group as you stated. I mean, is that what you  
11 meant, of forming just that one?

12 CHAIR BOYD: For now.

13 MS. OVERLAND: And so what do -- do we  
14 just petition again and petition again? Is that  
15 what you're saying?

16 CHAIR BOYD: Well, I'm not sure. Maybe  
17 I've missed something about --

18 MS. OVERLAND: I'm not part of that --  
19 no, my clients are not part of that area.

20 CHAIR BOYD: In which portion of the line  
21 are your clients interested? How do we -- how do  
22 I --

23 MS. OVERLAND: The Minnesota River  
24 crossings and, if you want specifics, Minnesota  
25 River crossings, which are at least two, I think

1 three, and also from Helena sub over to Lake Marion.  
2 I apologize if I didn't put that in, the geographic  
3 location.

4 CHAIR BOYD: Well, since I wasn't here  
5 when it arrived at 9:40 this morning, we're dealing  
6 under a fairly constrained timeline here. I don't  
7 object to making another task force as long as we  
8 can nail down where its concerns are and where its  
9 points of study are.

10 Commissioner Wergin -- or Commissioner  
11 O'Brien.

12 COMMISSIONER O'BRIEN: I could help, I  
13 think. I'm inclined to favor the -- the one that  
14 was on the screen just a little bit ago, I can't  
15 think of the name of it, I think that's Dakota  
16 County.

17 MS. OVERLAND: Lake Marion to Hampton.

18 COMMISSIONER O'BRIEN: And then with  
19 respect to your comment, how do I get a long and  
20 specific advisory task force, I'm not sure that's  
21 good judgment. That doesn't mean you can't -- that  
22 doesn't mean we preclude you, you can petition, but  
23 if we want -- my concern would be this. If we have  
24 an overarching citizen advisory task force, you're  
25 diminishing the work of other advisory task forces,

1 elevating that status and that begins to resemble  
2 top down as opposed to bottom up input. And I want  
3 to get bottom up input wherever I can.

4 It seems to me that we go forward with  
5 this task force, we welcome other task forces, put a  
6 little bit more time into your project in terms of  
7 geographic limitation or some limiting matter so we  
8 don't have an overarching task force, 'cause you'll  
9 get resistance, at least from me 'cause I'm trying  
10 to keep it citizen friendly, not hierarchal.

11 CHAIR BOYD: Ms. Overland.

12 MS. OVERLAND: May I address that? I  
13 thought I did narrow it specifically, too. And  
14 there's two constituent groups here. But one is the  
15 Minnesota River crossings, which is a specific  
16 geographic area --

17 COMMISSIONER O'BRIEN: Well, I mean, do  
18 it in writing so we can have staff recommendations  
19 and evaluations and some thought behind it, rather  
20 than just taking it on the fly as it occurs to us.  
21 That would be my suggestion, but you can do what you  
22 want.

23 MS. OVERLAND: And I'd like to also say  
24 that the other area was specifically Helena Township  
25 to Lake Marion, which is as narrow as that other

1 one. Helena Township is the one that's just to the  
2 west.

3 COMMISSIONER O'BRIEN: I don't see that  
4 in your -- in your petition.

5 MS. OVERLAND: No, we've never before had  
6 to -- it's never been a requirement in a petition to  
7 specify a geographic area, and so that's why I had  
8 said in number one, an advisory task force with  
9 geographic subgroups, which could be just a number  
10 of citizen advisory task forces. It's never been a  
11 requirement to narrow it to a geographic area, but I  
12 can and have.

13 CHAIR BOYD: Commissioner Wergin.

14 COMMISSIONER WERGIN: Mr. Chair, thank  
15 you. I'm just looking at the Commission decision  
16 options just so that we have a place to get some  
17 focus here.

18 And I'm looking at C specifically, number  
19 one, where it says authorize the Office of Energy  
20 Security -- Energy Security Energy Facility  
21 Permitting staff to establish an advisory task force  
22 or task forces, and develop a structure and charge  
23 for the task forces. We could insert a not to  
24 exceed number, but that still --

25 CHAIR BOYD: I'm not sure that'll help

1 us. We just don't know what's going to pop up here.  
2 A not to exceed number would be just pulled out of  
3 the air, I'm worried about that, too.

4 Ms. Pile.

5 MS. PILE: Thank you, Mr. Chair.

6 One concern I have is, as you know, once  
7 the application is accepted we start the time clock  
8 and it's a year, and can be extended for cause up to  
9 three months, but that's still a pretty short time  
10 frame for scoping and environmental document  
11 preparation and hearings and the like.

12 And part of the concern people have had  
13 with the task force is that if they're petitioning,  
14 the time it takes for that to then get back on your  
15 agenda and a decision to be made that, yeah, go  
16 ahead and do one, a month may have passed.

17 And I think, if I'm understanding what  
18 Commissioner Wergin was suggesting is coming up with  
19 some language that would enable us to act on forming  
20 a task force in addition to this one we've already  
21 identified, if we get the kind of feedback from  
22 local governments and citizens that make it seem  
23 that it's warranted.

24 CHAIR BOYD: Well, that was exactly my  
25 premise in authorizing three, they're sort of

1 geographically split, because now you've created the  
2 template if it's -- if it's necessary, and now we've  
3 already authorized a rough framework to work with  
4 and --

5 COMMISSIONER O'BRIEN: Here's another  
6 suggestion. It would be C 1, authorize Office of  
7 Energy Security Facility Permitting staff to  
8 establish advisory task forces, and develop a  
9 structure and charge for these task forces. And  
10 don't -- and then we'll see what happens.

11 CHAIR BOYD: I would really -- I would  
12 want the Commission to at least be in conversation  
13 with all this, 'cause if task forces becomes dozens,  
14 the system crashes and burns. There's no way to  
15 make that function.

16 COMMISSIONER O'BRIEN: A dichotomy isn't  
17 particularly helpful, I get that.

18 CHAIR BOYD: Please.

19 MS. ROSS McCALIB: Commissioner Boyd,  
20 Commissioners, if you don't mind me entering the  
21 debate as the applicants, first we would hope and  
22 recommend that the Commission find the application  
23 complete. But secondly --

24 CHAIR BOYD: Oh, we have to decide that?

25 MS. ROSS McCALIB: In terms of

1 definitions of the task force, we of course support  
2 public participation in whatever way you all and the  
3 office and the PUC staff find best.

4 Based on what we have found in being out  
5 in the field and talking with people and work groups  
6 and open houses, we might recommend three task  
7 forces. But of course, again, we would be very open  
8 to discussions further about it.

9 But on the western section it seems,  
10 again, because of the difference in geography and  
11 also participation, is having one from Brookings to  
12 Lyon County, the second would be Lyon County to the  
13 Helena substation, and the third the Helena  
14 substation to Hampton, or Dakota County, as you've  
15 suggested here.

16 CHAIR BOYD: And of course the downside  
17 to that is it's possible issues fall into two of  
18 these creations and that's inconvenient.

19 COMMISSIONER O'BRIEN: Or Ms. Overland's  
20 doesn't fit within either of them and --

21 CHAIR BOYD: Ms. Jennings.

22 MS. JENNINGS: I think that the natural  
23 geographic breakdown would have seven different  
24 districts. There's the Prairie Coteau region from  
25 Brookings to Lynd, or maybe extending down the slope

1 to Marshall, that's 900 feet higher than the rest of  
2 the state, that's why there's wind up there, it's a  
3 prairie pothole region, it's just quite unique.

4 Then from Lynd, or essentially Marshall  
5 to Redwood Falls, farming area, flat, somewhat of a  
6 regional center, you know, between those two cities,  
7 some university activity there. There's a mining  
8 district from Redwood Falls to Franklin where  
9 there's hard rock aggregate and clay mine, and I  
10 think there would be some unique concerns in that  
11 region.

12 And then the middle one is Sibley County,  
13 basically. You know, it's one county that wouldn't  
14 be too hard to organize, and it's a very similar  
15 region, kind of tornado-fraught alley, I would say.  
16 The next would be a crossing again on the Minnesota  
17 River that's, you know, very narrow on the river,  
18 that's a very deep gorge. If you've driven 19 down  
19 to Henderson or across in any of those areas, it's  
20 just a scenic and unique area.

21 And then I would divide it from,  
22 basically, as you come up out onto 169 over to  
23 New Prague or Elko New Market, that would be the  
24 sixth, and then Elko New Market to wherever you  
25 decide to end the line. So that's seven.

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<p>1 CHAIR BOYD: Ms. Maccabee.  2 MS. MACCABEE: Thank you very much,  3 Mr. Chair.  4 I think what I would probably suggest,  5 and this maybe goes back a little bit to what the  6 Department was saying, is that the basis for  7 organizing the task force would be both the  8 geological information that Ms. Jennings cited and  9 also factors in terms of interest. Do the citizens  10 come forward, do the townships come forward, what  11 areas are controversial.  12 So perhaps the best way to do it is say  13 that the Department should -- authorizes the  14 appointment of the Dakota County, or Lake Marion to  15 Hampton task force, and up to three others based on  16 geography and interest and participation, and that  17 the Department can come back for more approval if it  18 turns out that seven are needed instead of four.  19 But that would give them at least a place to start,  20 which is looking at both geography and interest, and  21 then approving the one where geography and interest  22 have already sort of come together.  23 Is that -- if that's too complicated, I  24 apologize.  25 CHAIR BOYD: No, it's not too</p>	<p>1 as though we've basically circled around to what I  2 read and suggested.  3 CHAIR BOYD: No, you didn't want to put a  4 number in, though.  5 COMMISSIONER WERGIN: No, I did, I said  6 not to exceed three.  7 CHAIR BOYD: I'm kidding.  8 COMMISSIONER WERGIN: I just -- I still  9 think --  10 CHAIR BOYD: Okay, you're right  11 Commissioner Pugh.  12 COMMISSIONER PUGH: Mr. Chair, I'm fine  13 with authorizing the Department to create task  14 forces and develop the charges and not having any  15 number. I'm not prepared to determine whether three  16 is right or six is too many today based on anything.  17 They will have the ability to look at the maps, the  18 geography, the interest level, the population  19 densities.  20 COMMISSIONER O'BRIEN: The staffing.  21 COMMISSIONER PUGH: And they can, I  22 assume, come back and let us know whether that  23 logically is three, five. I do think Dakota County  24 offers -- it probably makes some sense to have that  25 as one, but I'd give the Department the authority to</p>
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<p>1 complicated, I just don't know that we have enough  2 resources to populate all those. And I would say  3 that if we -- I don't know, I'm obsessed on the  4 number three. But if we have three and there are  5 subgroups that are geographically interested within  6 one of them, they can accomplish much of what  7 happens out of six or seven. And in essence, then,  8 we would have the first one -- we know the first one  9 is already going to have an active participating  10 function.  11 COMMISSIONER O'BRIEN: Well, I think we  12 have the first two.  13 CHAIR BOYD: Well, will, if not now, then  14 shortly we would have the second one.  15 COMMISSIONER O'BRIEN: If we left that up  16 to the Department.  17 COMMISSIONER WERGIN: Mr. Chair.  18 CHAIR BOYD: That's the notion of -- I  19 keep thinking, if we just create these boxes and  20 these shelves and let the Department figure out how  21 to use them, that'll keep people from coming back to  22 petition endlessly, that the Department can then go  23 ahead and get the ball rolling.  24 Commissioner Wergin.  25 COMMISSIONER WERGIN: Mr. Chair, it seems</p>	<p>1 come forward with advisory task forces.  2 CHAIR BOYD: And is there a way, then,  3 for you to just -- even if it's informally, let us  4 know what's going on periodically? I think I would  5 like that. I would have some comfort in getting  6 feedback.  7 COMMISSIONER O'BRIEN: Sure, they're  8 ultimately going to be advising us, so we should  9 have some sense of what's going on there.  10 CHAIR BOYD: I'm just worried about task  11 force proliferation.  12 A couple of quick things. I assume that  13 if alternate routes come out of any of the task  14 forces, that the analysis will be done with the same  15 right-of-ways, the same parameters that we have on  16 the routes that are in the application. True? The  17 1,000-foot, as a rule, and the 150-foot  18 right-of-way, those values --  19 MS. ROSS McCALIB: We would be happy to  20 work with that framework.  21 CHAIR BOYD: Okay. And then as -- tell  22 me, procedurally, how you envision this happening?  23 Once segment alternative or other pieces come  24 forward, how do you envision working with the  25 information that would come from differing entities?</p>



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<p>1 MS. ROSS McCALIB: Well, I would expect  2 that many of the proposals or alternatives that came  3 forward, there would be one we have some familiarity  4 with. Or if not, I mean, certainly we would  5 continue to evaluate those, as we have the other  6 alternatives as they come in. Again, based on the  7 criteria that we have in the route application and  8 the input from the citizens.  9 COMMISSIONER PUGH: Mr. Chair.  10 CHAIR BOYD: Commissioner Pugh.  11 COMMISSIONER PUGH: Your concern is that  12 the groups don't come up with a recommendation from  13 Grand Forks to LaCrosse?  14 CHAIR BOYD: Something like that.  15 Something like that, yes.  16 COMMISSIONER O'BRIEN: Grand Forks to  17 International Falls.  18 COMMISSIONER PUGH: Yeah, there you go.  19 COMMISSIONER WERGIN: Well, Mr. Chair,  20 I'll give this a stab. I will move A-1, B-1, C-1,  21 amended to read, Establish an advisory task force or  22 task forces and develop a structure and charge for  23 them. Okay. And then D-1.  24 CHAIR BOYD: Discussion of the motion?  25 All those in favor of the motion indicate</p>	<p>1 STATE OF MINNESOTA)  ) ss.  2 COUNTY OF HENNEPIN)  3  4  5 REPORTER'S CERTIFICATE  6  7  8 I, Janet Shaddix Elling, do hereby  9 certify that the above and foregoing transcript of the  10 tape-recorded proceeding, consisting of the preceding 63  11 pages is a full, true and complete transcript of the  12 tape-recorded proceedings to the best of my ability.  13 Dated December 7, 2009.  14  15  16  17  18 JANET SHADDIX ELLING  19 Registered Professional Reporter  20  21  22  23  24  25</p>
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<p>1 by saying aye.  2 ALL COMMISSIONERS: Aye.  3 CHAIR BOYD: Opposed, same sign.  4 Motion carries, four-zero. We did lose  5 Commissioner Reha, she has a bit of a family issue  6 to take care of.  7 That's -- we're done. We stand  8 adjourned. Thank you.  9 MS. JENNINGS: Thank you.  10 MS. ROSS McCALIB: Thank you.  11  12  13  14  15  16  17  18  19  20  21  22  23  24  25</p>	