

Jeff Otto
25580 Dodd Blvd
Lakeville, MN 55044

January 21, 2009

Burl W. Haar
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
Saint Paul, MN 55101-2147

RE: In the Matter of the Route Permit Application for a 345 kV Transmission Line
from Brookings County, South Dakota to Hampton, Minnesota.
PUC Docket No. ET2/TL-08-1474

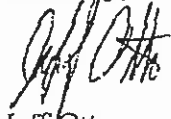
Dear Mr. Haar,

You will find enclosed, a petition to the Public Utilities Commission requesting appointment of a Citizens Advisory Task Force specific to Dakota County to assist in the determination of scoping and routing decisions with respect to the CapX 2020 Brookings, South Dakota – Twin Cities 345 kV transmission project ("Brookings Project").

We would request that this matter be considered at the Commission's meeting pertaining to the routing of the Brookings Project on Tuesday, January 27, 2009.

Thank you for your consideration of this matter. If you have any questions, please contact me at 612-702-6127. Thank you.

Sincerely,



Jeff Otto
Eureka Township Citizen

OKAY FOR PAPER COPY TRANSMITTAL:

Burl Haar, Executive Secretary/Date

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

In the Matter of the Route Permit Application
for a 345 kV Transmission Line from
Brookings County, South Dakota to Hampton,
Minnesota

PETITION FOR A CITIZENS ADVISORY TASK FORCE
REGARDING ROUTING IN DAKOTA COUNTY

We the undersigned, hereby petition the Minnesota Public Utilities Commission to appoint a Citizens Advisory Task Force in the above-captioned matter to address routing issues in Dakota County pursuant to Minnesota Statutes 216E.08 and Minnesota Rules 7849.5270. The undersigned request that this Task Force be approved on Tuesday, January 27 and appointed at the Commission's earliest opportunity.

1) The scope of this Dakota County Citizens Advisory Task Force would be to examine route alternatives for the CapX2020 Brookings, South Dakota to Twin Cities high voltage transmission line project ("Brookings Project") in the area of Dakota County, specifically considering any routes suggested from the Lake Marion Substation to a proposed Hampton area substation.

2) The charge of the Dakota County Citizens Advisory Task Force would be to assist the Minnesota Department of Commerce, Minnesota Office of Energy Security and Public Utilities Commission throughout the environmental review and routing process in considering issues affecting the broader community in Dakota County, as distinct from the interests of individual landowners. The Task Force would be charged a) to make recommendations as to scope of the environmental impact statement ("EIS") to consider

appropriate alternatives for the Brookings Project in the Dakota County area; b) to assist throughout the routing process in the identification and evaluation of alternative routes in the Dakota County area to mitigate the impacts of the Brookings Project on local land use, planning, areas of significant or outstanding biological diversity and the Dakota County Farmland and Natural Area Program.

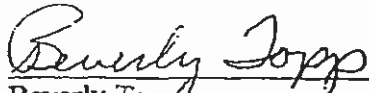
3) It is requested that the Dakota County Citizens Advisory Task Force be made up of at least one official representative from Dakota County, Eureka Township, Waterford Township, Sciota Township, Castle Rock Township and Hampton Township and that the rest of the 5 or more members of the Task Force be appointed from private citizens residing in Dakota County expressing interest and commitment to public participation in this process. Members of the Advisory Task Force would commit to consistent attendance at meetings as well to review sufficient information to become familiar with the range of issues affecting routing in Dakota County so that they can make reasoned recommendations to assist in this process.

4) It is requested that the Dakota County Citizens Advisory Task Force terminate at the completion of its charge, pursuant to Minn. R. 7849.5270, subd. 4, at such time as the Commission has made its determination regarding the route for the Brookings Project within Dakota County.

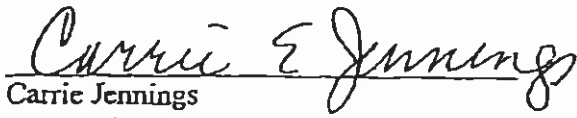
Further, we the undersigned support other public participation proposals identified by the Minnesota Department of Commerce (DOC) in these proceedings as part of the broad spectrum of citizen participation in this matter and request that the DOC consider more comprehensive notice mechanisms to enhance public participation. As suggested in the applicable statutes, which contain provision both for appointment of Advisory Task Forces (Minn. Stat. § 216E.08, Subd. 1) and a broad spectrum of public participation (Minn. Stat. § 216E.08, Subd. 2), we do not believe that the two strategies for public participation are in conflict with each other or that the more general public participation efforts of the DOC are sufficient to address the specific land use and routing concerns of Dakota County and the citizens and townships within Dakota County.

DATED: January 21, 2009


Respectfully submitted,




Beverly Topp



Carrie Jennings



Jeff Otto



Ken Olstad

STATE OF MINNESOTA
BEFORE THE
MINNESOTA PUBLIC UTILITIES COMMISSION

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

Chair
Commissioner
Commissioner
Commissioner
Commissioner

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

MPUC: E002/TL-08-1474

PETITION FOR CITIZEN ADVISORY TASK FORCE

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

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

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

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

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

7849.7030 ENVIRONMENTAL REPORT.

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

Minn. R. 7849.7030 (emphasis added).

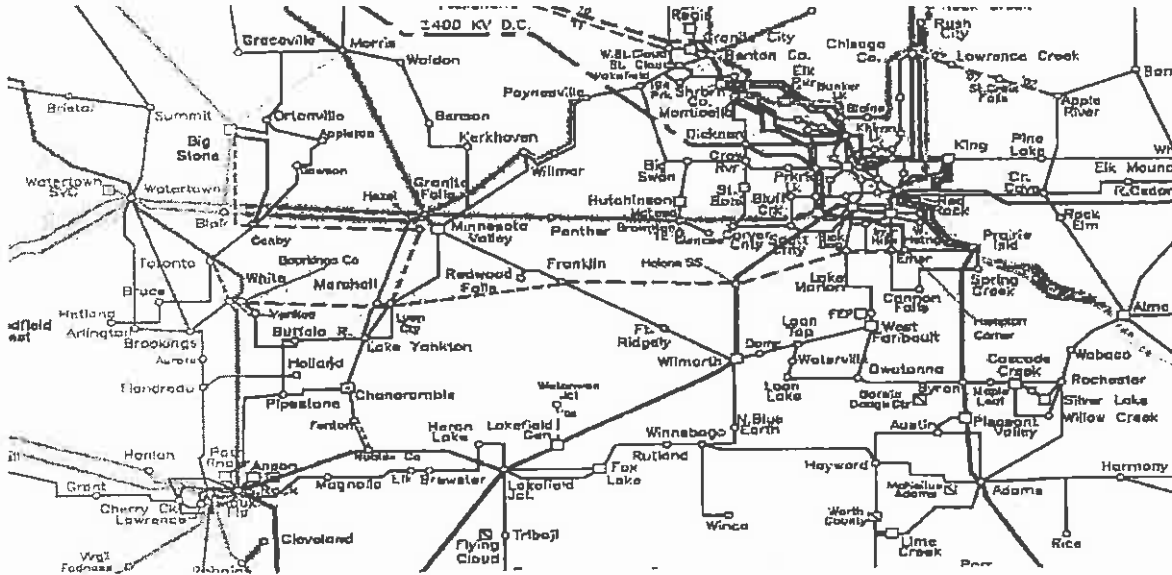
In the CapX 2020 Certificate of Need docket, much of the scoping document was declaring “Issues Outside of the Environmental Report.” Environmental Report Scoping Decision, p. 3.

ISSUES OUTSIDE OF THE ENVIRONMENTAL REPORT

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

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

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



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

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

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

¹ Environmental Report Scoping Decision: www.edockets.state.mn.us/EFiling/ShowFile.do?DocNumber=4948978

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

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

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

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


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

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

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

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

January 27, 2009



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