

**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 for a Route Permit
for the CapX 2020 Hampton-Rochester-LaCrosse
High Voltage Transmission Project**

MPUC: E002/TL-09-1448

**PETITION FOR ORDER FOR JOINT COOPERATIVE ENVIRONMENTAL REVIEW
AND IN THE ALTERNATIVE
PETITION FOR CITIZEN ADVISORY TASK FORCE**

NO CAPX 2020 and United Citizens Action Network (U-CAN) are intervenors in the CapX 2020 Certificate of Need docket and are appealing that Order, and are joint intervenors in the CapX 2020 Brookings routing docket. NoCapX 2020 and U-CAN have also separately Petitioned to Intervene in the above-entitled docket. NoCapX 2020 and U-CAN request that MOES be ordered to conduct environmental review for the CapX 2020 Hampton-LaCrosse transmission line in conjunction and cooperation with the Rural Utilities Service. In the alternative, we request that, if the matter of a Citizen Advisory Task Force is taken up, that the Commission Order that several Citizen Advisory Task Forces be established, under Minn. Stat. §216E.08 and Minn. R. 4400.1600, Subp. 2, at minimum at each proposed terminus and at least at one point in between on the identified Preferred and Alternate routes.

Initially, it was not clear why a Task Force is requested in this proceeding because the Rural Utilities Service has begun environmental review of the CapX 2020 Hampton-LaCrosse transmission line. Rural Utilities Service initiated environmental review some time ago, with scoping meetings held in July, 2009. It is also not clear why this Task Force recommend from MOES is occurring so late in the environmental review process that was initiated by the federal agency. When considering that conundrum, a call to MOES Staff revealed that there was no joint effort on the Environmental Impact Statement, that

there was going to be two separate environmental reviews of the same transmission line with the same impacts and requiring the same mitigation if built. **SEPARATE REVIEW?!?!?! WHAT?!?!?** Suffice it to say, NoCapX 2020 and U-CAN are appalled that these environmental review processes are separated. This is inefficient, contrary to Minnesota Rules, contrary to public policy, and it's just not right.

The rules state that the agencies shall, **SHALL**, cooperate in environmental review:

4410.3900 JOINT FEDERAL AND STATE ENVIRONMENTAL DOCUMENTS.

Subpart 1. Cooperative processes.

Governmental units shall cooperate with federal agencies to the fullest extent possible to reduce duplication between Minnesota Statutes, chapter 116D, and the National Environmental Policy Act, United States Code 1976, title 42, sections 4321 to 4361.

Subp. 2. Joint responsibility.

Where a joint federal and state environmental document is prepared, the RGU and one or more federal agencies shall be jointly responsible for its preparation. Where federal laws have environmental document requirements in addition to but not in conflict with those in Minnesota Statutes, section [116D.04](#), governmental units shall cooperate in fulfilling these requirements as well as those of state laws so that one document can comply with all applicable laws.

Subp. 3. Federal EIS as draft EIS.

If a federal EIS will be or has been prepared for a project, the RGU shall utilize the draft or final federal EIS as the draft state EIS for the project if the federal EIS addresses the scoped issues and satisfies the standards set forth in part [4410.2300](#).

NoCapX 2020 and U-CAN request that MOES be ordered to conduct environmental review for the CapX 2020 Hampton-LaCrosse transmission line in conjunction and cooperation with the Rural Utilities Service, which has already begun this work.

Again, in the alternative, if the Commission should for some reason decide not to Order joint environmental efforts as required by the rules, and if the matter of a Citizen Advisory Task Force is taken up, that the Commission Order that several Citizen Advisory Task Forces be ordered under Minn. Stat. §216E.08 and Minn. R. 4400.1600, Subp. 2, and that Task Forces be established at each proposed

terminus and at least at one point in between on the identified Preferred and Alternate routes. A Order with specifics would be clarifying and would help avoid the Brookings fracas when Commerce did not establish a Task Force for the western end of the Brookings line despite specific requests.

Toward that end, if joint environmental review is not ordered, 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 contested case record of the CapX LaCrosse routing 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.

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