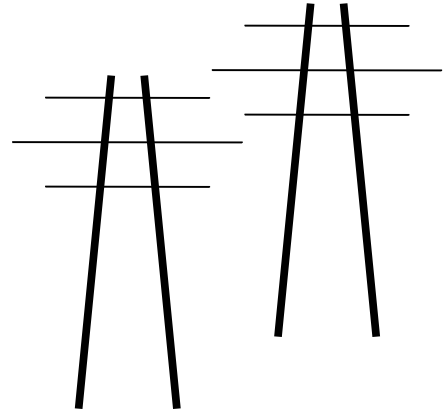


Legalelectric, Inc.

Carol Overland Attorney at Law, MN #254617
Energy Consultant—Transmission, Power Plants, Nuclear Waste
overland@legalelectric.org

P. O. Box 176
Red Wing, Minnesota 55066
612.227.8638

P.O. Box 69
Port Penn, Delaware 19731
302.834.3466



July 26, 2010

Kathleen Sheehy
Administrative Law Judge
Office of Administrative Hearings
P.O. Box 64620
St. Paul, MN 55164-0620

RE: In the Matter of the Application for a Route Permit for the CapX 2020 Hampton-Rochester-LaCrosse High Voltage Transmission Lines
OAH Docket No.: 3-2500-21181-2
PUC Docket No.: ET-2/TL-09-1448

Dear Judge Sheehy -

Attached please find NoCapX 2020 and United Citizen Action Network's proposed schedule for the CapX 2020 Hampton-Alma/LaCrosse routing docket.

The CapX 2020 Brookings docket took just over one year from issuance of the scoping decision to the PUC deliberation. I'd guess that this Hampton-Alma/LaX route will be as contested and take at least as long. This schedule is proposed, with "Notes – Rationale" to hopefully avoid some of the problems experienced in the Brookings routing docket, primarily that information that demonstrated that the Preferred Route was not feasible did not make its way into the evidentiary docket until very late, that much evidence was introduced after the record had closed and was not subject to discovery and/or cross-examination, and that affected landowners and communities did not receive prompt notice and others did not think they were affected because of the focus on the "Preferred" route, some not receiving specific notice until after the evidentiary and public hearings. Hearings should also be fairly distributed throughout the area.

I am grateful to see that at least one state agency is on this service list, and want to raise the issue of agency participation at next week's Prehearing conference. In the Brookings docket, and others such as Mesaba, state agency participation had a determinative impact, but important and necessary information, again, did not make its way into the evidentiary docket until way late. In this case, active and visible participation of the Rural Utilities Service, DOT, DNR, USFWS, Mississippi River Commission, and others is necessary.

Rural Utilities Service is in the midst of an Environmental Impact Statement, the Draft of which is due out "at the end of the summer." It is unfortunate that the state and RUS are not working jointly on the EIS, particularly considering the Commissions Certificate of Need appellate argument that routing was the time and place for joint environmental review with RUS. See also Minn. R. 4410.3900; Minn. R. 7850.1200. Here we are in routing. NoCapX and U-CAN request judicial notice of the RUS environmental review process and incorporation of that environmental review into this docket.

NoCapX2020 and U-CAN have continued concerns about the integrity of the Citizen Advisory Task Force process – we will raise these issues when the scoping decision is released, but I ask that these concerns noted at this time:

- Three watershed organizations were omitted in the scoping and Citizen Advisory Task Force process, not “just” the Cannon River Watershed Partnership and the Zumbro Watershed Partnership, discovered earlier, but also the Belle Creek Watershed District, a statutory “local unit of government.” The Mississippi River, important as it is, is not the only waterway at issue in this proceeding.
- In addition, “citizens” were excluded from participation in the Citizen Advisory Task Forces, either as members or through a “public comment” period at each meeting. When asked about exclusion of citizens, I was told the Task Forces were populated with “Land-Use Professionals” because this was a “Land Use” issue, and I observed they were directed to focus on “Land-Use” issues. Public comment periods are the norm at Task Force meetings, evidenced in the Brookings Task Force Reports, but public comment was not welcome.
- Task Force members were directed to narrow their lists of issues of concern, contrary to the charge of developing the range of issues for scoping.
- Information regarding the RUS environmental review underway was not provided to members of the CATF, who were left in a vacuum unable to review or consider facts or factors being addressed by RUS and relevant to state environmental review.

Thank you for your consideration of our proposed schedule and issues raised.

Very truly yours,



Carol A. Overland

For

NoCapX 2020 and United Citizen Action Network

cc: Parties of Record, Parties of Interest, and eFiled