

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

In the Matter of the application for a
Route Permit for the Bemidji-Grand
Rapids 230kV Transmission Project

NoCapX 2020 &
United Citizen Action Network
Motion to Intervene
or in the alternative
Motion to Extend Comment Period

NOCAPX 2020 & UNITED CITIZEN ACTION NETWORK
MOTION TO INTERVENE (LATE IN PROCEEDING)
or in the alternative
MOTION TO EXTEND COMMENT PERIOD

I. INTRODUCTION

NoCapX 2020 and United Citizen Action Network request an Order granting limited intervention as a full party, with all the rights of a party, in the above-captioned proceeding for the limited purpose of submitting comments on the record regarding the FEIS and routing issues raised in DEIS comments. Our requested is founded our experience of a significant failure in the CapX Brookings route docket -- failure to utilize material information learned in multiple agency DEIS comments on the Minnesota River Crossing to inform the routing process in time to avoid reliance on an infeasible route as the “Preferred Route” and ultimate remand for additional hearings on the river crossing.

In the alternative, NoCapX 2020 and United Citizens Action Network request that the public comment period in the routing docket be extended at least one week after the FEIS is available publicly.

II. MOTION TO INTERVENE

NO CAPX 2020 AND United Citizens Action Network (hereinafter U-CAN) hereby makes this Petition for Intervention as full parties, with all the rights of a party, for the limited purpose of submitting comments on the record regarding the FEIS and routing issues raised in DEIS comments with no delay in

the schedule. NO CAPX 2020 AND U-CAN are organizations of CapX affected landowners and residents in the immediate vicinity of proposed Phase I CapX 2020 transmission routing options.

Members of NO CAPX 2020 AND U-CAN will be directly affected by the outcome of this proceeding if a Routing Permit were to be granted. Process in this CapX Bemidji-Grand Rapids docket and the NEPA compliant Rural Utilities Service EIS conducted jointly under a Memorandum of Understanding with MOES, will have an impact on other routes with RUS involvement, such as the CapX Hampton-LaCrosse (Alma) route. The lessons learned in the CapX Brookings routing docket regarding utilization of material information learned in multiple agency DEIS comments on the Minnesota River Crossing to inform the routing process should be taken into account in this Bemidji-Grand Rapids docket to achieve a more complete record and a reasonable and legally supportable result. NO CAPX 2020 AND U-CAN wish to protect our interests and the public interest through development of the record through comments regarding routing issues raised in agency and public DEIS comments. Comments raised, particularly by agencies, are likely to provide important, if not determinative, guidance on feasibility of certain route segments – information not available in the Brookings routing docket until far too late.

Under the provisions of Minn.R. 1400.6200, subp.1, and 1405.0900, subp. 1, NO CAPX 2020 AND U-CAN make this Petition for an Order granting intervention as a full party, with all the rights of a party, in the above-captioned proceeding for the limited purpose of submitting comments on the record regarding the FEIS and routing issues raised in DEIS comments. NO CAPX 2020 AND U-CAN seeks to intervene in the Routing docket to build the record regarding the routing of the line and locations of substations. In this Routing docket, no parties have intervened, and the public interest is not represented. Given this late date, NoCapX and U-CAN request limited intervention in a manner that will not alter the schedule proposed, and will not cause any delay. Further, this will not prejudice any party.

NO CAPX 2020 AND U-CAN's interests in landowner rights and participatory process are distinct from that of applicants or MOES, and our presence is particularly important because there are no intervenors in this docket, and therefore none representing the public interest!

CapX 2020 will affect more landowners than any single infrastructure project in Minnesota history – and this is just the Bemidji-Grand Rapids section of Phase I. The record of this proceeding must be broadly developed by a range of parties with a range of interests in order to be capable of supporting any decision. It is highly probable that issues raised in the EIS have not been revealed or developed in the routing record, and based upon experience in the Brookings-Hampton routing docket, we seek to alleviate compartmentalization of information regarding impacts within the EIS and to facilitate the iterative nature of environmental review between EIS and routing processes.

NO CAPX 2020 AND U-CAN meet the criteria for intervention and respectfully requests that it be granted intervention as a full party, with all the rights of a party, specifically, at this late date, for the limited purpose of submitting comments on the EIS for the record in the above-captioned proceeding.

III. MOTION TO EXTEND COMMENT PERIOD

In the alternative, NoCapX 2020 and United Citizens Action Network request through this Motion that the public comment period be extended through at least one week after the FEIS is available publicly. This would provide the public with the opportunity to review agency and public comments and make comments for the record. This extension would not delay the proceeding, nor would it be unduly burdensome given the general lack of public comment in this proceeding thus far.

Thank you for your consideration of this matter.

Respectfully submitted:

Dated: August 9, 2010



Carol A. Overland Lic.254617
Attorney for NoCapX 2020 &
United Citizens Action Network
P.O. Box 176
Red Wing, MN 55066
(612) 227-8628
overland@legalelectric.org
www.nocapx2020.info
www.legalelectric.org