

**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

NO CAPX 2020 AND U-CAN PETITION FOR INTERVENTION

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. NO CAPX 2020 and U-CAN are organizations of affected landowners and residents within and in the immediate vicinity of the Hampton-Rochester-LaCrosse transmission preferred and alternate routing options proposed for Phase I of CapX 2020. NO CAPX 2020 and U-CAN are joining together in this intervention to effectively utilize our limited resources.

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. Participation in the Routing docket is necessary, because NO CAPX 2020 and U-CAN wish to protect our interests and develop the record through discovery, testimony (if funding allows), cross-examination, motions, and briefing.

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.

NO CAPX 2020 and U-CAN are intervenors in the CapX 2020 Certificate of Need and Brookings routing dockets with participatory rights of a full party, and have appealed the Certificate of Need decision. NO CAPX 2020 and U-CAN seek to intervene in the LaCrosse Routing docket to build the record regarding the routing of the line and locations of substations. The position of NO CAPX 2020

and U-CAN, as participants in the Certificate of Need docket, is that this proposed \$2 billion capital expenditure for transmission infrastructure is not a prudent investment of Minnesota ratepayer dollars because it is not needed for local load serving, for electric “reliability,” nor is it transmission for wind. One obvious purpose of CapX 2020 is to provide transmission to increase the opportunity of utilities participate in the MISO Midwest Market. This purpose is not public and should not trigger eminent domain. In this Routing docket, landowners facing easements and condemnation must participate and be represented to prevent abuse of siting process, allow the fullest public participation under current law, and increase awareness regarding eminent domain and the “Buy the Farm” option.

NO CAPX 2020 and U-CAN’s interests also include process issues, working to inform the Environmental Impact Statement record and iterative exchanges between the Rural Utility Service EIS and Minnesota routing process, and environmental protection of the land CapX intends to traverse.

There are no parties requesting Intervention at this time, and there are no parties that could or would represent the interests of No CapX 2020 and U-CAN. CapX 2020 will affect more landowners than any infrastructure project in Minnesota history – and this is just the Hampton to LaCrosse 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.

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, in the above-captioned proceeding.



February 23, 2010

Carol A. Overland #254617
Attorney for NO CAPX 2020 & U-CAN
OVERLAND LAW OFFICE
P.O. Box 176
Red Wing, MN 55066
(612) 227-8638 overland@redwing.net
www.legalelectric.org
www.nocapx2020.com