

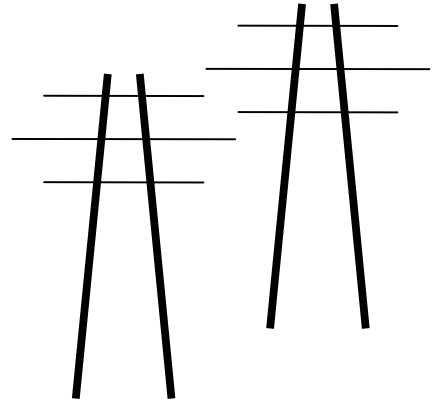
# Legalelectric, Inc.

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July 5, 2011

Sandra Paske  
Secretary to the Commission  
Public Service Commission of Wisconsin  
610 North Whitney Way, P.O. Box 7854  
Madison, WI 53707-7854

RE: Intervention Petition – NoCapX 2020  
In the Matter of the Application for a Route Permit for the CapX 2020 Hampton-Alma-  
LaCrosse High Voltage Transmission Lines  
Wisconsin PSC Docket 05-CE-136

Dear Ms. Paske:

I represent NoCapX 2020 and United Citizen Action Network in several dockets at the Minnesota PUC, and NoCapX 2020 is filing the attached Intervention Petition in the above-entitled docket.

I am a principal of NoCapX 2020, and an attorney licensed in good standing in Minnesota (Lic. No. 254617). In the past, I have represented parties and appeared before the Commission in two transmission dockets. The PSC rules of practice are silent regarding licensure, and in other proceedings at least one other non-Wisconsin-attorney, Deb Amberg, Minnesota Power, appeared and represented her client. Because the rules are silent, and based on past practice, I do not believe that licensure in Wisconsin is necessary to practice before the Commission. Please note that I have filed this Petition as an authorized agent, and not an attorney. If necessary, I will submit a Pro Hac Vice to appear as an attorney.

Thank you for your consideration

Very truly yours,

Carol A. Overland  
Attorney at Law

cc: Service List and Intervenors ATC and CUB

**State of Wisconsin  
Public Service Commission**

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Joint Application of Dairyland Power Cooperative,  
Northern States Power Company-Wisconsin, and  
Wisconsin Public Power, Inc. , for Authority to  
Construct and Place in Service 345kV Electric  
Transmission Lines and Electric Substation Facilities  
]for the CapX Twin Cities-Rochester-LaCrosse  
Project, Located in Buffalo, Trempealeau, and  
LaCrosse Counties, Wisconsin

PSC Docket No. 05-CE-136

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**Motion of NoCapX 2020 to Intervene  
and  
Notice of Appearance**

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Pursuant to Wis. Stat. §227.44(2m) and Wis. Admin. Code §2.21, NoCapX 2020 hereby Petitions the Wisconsin Public Service Commission to intervene in the above-entitled Certificate of Public Convenience and Necessity docket as a full party with all the responsibilities, rights and obligations of full party status.

**I. INTERESTS OF NO CAPX 2020**

No CapX 2020 (hereinafter “No CapX”) is an umbrella organization of legal and educational advocacy in Wisconsin and Minnesota, representing groups, individuals, the public interest and landowner interests, with participants who live, work, and own property in both states. NoCapX 2020 was formed in response to the dearth of intervenors and voices of opposition – the public was not engaged, unaware, and oblivious to the broad policy, economic and environmental impacts of CapX 2020. No CapX’s mission is as simple as its name, to say “NO!” to private transmission for private profit built on the backs of landowners and ratepayers who receive no benefit. NoCapX 2020 is a non-stock Minnesota non-profit corporation, and is not established as an IRS 501(c)(3) non-profit.

No CapX's list participants, members and directors have substantial interests that may be affected by any action in the above-captioned docket because the routes proposed could directly affect No CapX members. No CapX members are ratepayers of Xcel Energy a/k/a Northern States Power. No CapX members own land over which the Applicants have proposed transmission lines, and whose land could be taken by eminent domain if routed over their land. No CapX members should be granted intervention as a matter of right.

No CapX was an intervenor in the Minnesota Public Utilities Commission's (PUC) Certificate of Need proceeding, MPUC Docket 06-1115, which resulted in a Certificate of Need for this CapX 2020 Hampton-LaCrosse transmission line. NoCapX has participated in scoping and follow up of the USDA's Rural Utilities Service environmental review. NoCapX 2020 joined with United Citizens Action Network (hereinafter "U-CAN") in an appeal of the Minnesota Certificate of Need Order. Together U-CAN and NoCapX 2020 have intervened in subsequent routing proceedings in Minnesota, including the Hampton-Rochester-LaCrosse routing docket at issue in this proceeding in Wisconsin. After the second Wisconsin application, on June 20, 2011, the PSC issued a Notice of Proceeding with an intervention deadline.

No CapX's primary focus is on the impact of decreased demand on the need for this transmission line. In the years since that docket, opened in 2006, peak demand, upon which utilities base need, has decreased dramatically, with peak still below 2005 levels, pushing need further and further out into the future, if ever. No CapX is concerned that building transmission lines is against the public interest because it will increase wholesale coal and nuclear generation for sale in more lucrative markets at the expense of local ratepayers and landowners.

No CapX is concerned about the environmental impacts of crossing the Mississippi River at any of the crossings proposed, specifically that one is proposed for this docket, but that four

and then three are being studied by the USDA's Rural Utilities Service (hereinafter "RUS") in its Environmental Impact Statement for the same project! We are concerned about the failure of coordination and incorporation of the RUS EIS information into the state records, and of lack of coordination of state and federal environmental review.

NoCapX is concerned about the capacity of the project, and that it is grossly understated in this docket when compared with the Minnesota Certificate of Need docket, applicant press releases, and transmission studies. The understated capacity also has an impact on magnetic field modeling, which is based on capacity, and a full range of capacity must be modeled and considered, from purported capacity as found in the application, upward to 75% of conductor capacity ratings to 100% conductor ratings.

NoCapX is also concerned about the impact of the lines on property values; the impact of the announcement of a proposed route and of perception of impacts on public health and property values; diminished ability to secure FHA financing, and landowners ability to get out from under the line. NoCapX is also concerned about options for undergrounding the Mississippi River Crossing, as was done for the Chisago Project crossing of the St. Croix River, which would mitigate impacts on migratory birds, some covered by the Migratory Bird Act. This transmission line would also have significant visual impacts across the Mississippi River valley, as well as other areas, and which are protected in some locations by scenic easements and local viewshed setbacks. NoCapX also would address undergrounding as mitigation for avian impacts, and visual and aesthetic impacts, and public health impacts.

Based upon No CapX's interests and significant knowledge gleaned from past regulatory participation on CapX 2020 issues, No CapX should be granted permissive intervention as No

CapX's intervention will promote proper disposition of the issues and will not impede completion of this proceeding in any way.

## II. NOTICE OF APPEARANCE

Carol A. Overland of No CapX 2020 is the authorized agent representing No CapX in this proceeding. Carol A. Overland is a director of No CapX and has been authorized by the board to represent No CapX in this matter. Please add the following to the Official Service

List:

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## III. CONCLUSION

For the above reasons, No CapX requests that it be admitted in this proceeding as a full party with full party status.



July 5, 2011

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for NO CAPX 2020  
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