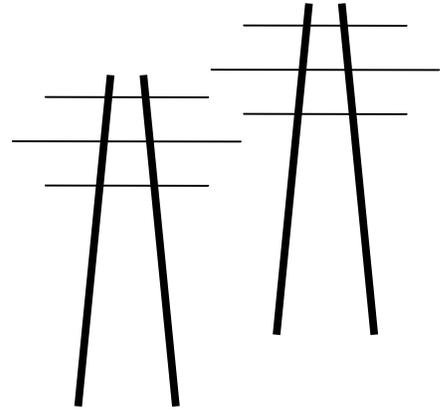


# Legalelectric, Inc.

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July 3, 2012

Clerk of Appellate Court  
Minnesota Court of Appeals  
305 Minnesota Judicial Center  
25 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155

RE: Informal Correspondence of Laymen for Christ o/o of Woodland Camp  
Oronoco Township Appeal – Appellate Case No. A12-\_\_\_\_\_  
**CapX 2020 Hampton-LaCrosse Transmission Project**  
PUC Docket TL-09-1448; OAH Docket# 3-2500-21181-2

Dear Clerk of Court:

I have been retained by the Laymen for Christ, Inc., owners and operators of Woodland Camp, a participant in the Public Utilities Commission docket with an interest in the above-entitled matter. Laymen for Christ, Inc. has filed a Response to Oronoco Township's Motion for Reconsideration.

It is our understanding from the Commission's eDocket system that an appeal was filed for Oronoco Township by Phillip R. Krass earlier this week. As of this writing it has not been assigned a case number.

There are two pending Motions for Reconsideration in this matter that were timely filed on June 19, 2012. The Commission has yet to make a determination regarding those Motions, as replies to the Motions were due just last Friday.

Recently the court addressed the issue of timing of appeals from Orders of the Public Utilities Commission when timely Motions for Reconsideration were pending, where appeals to this court were filed within 30 days after the Commission's Order upon written direction by Commission staff that Motions for Reconsideration did not toll the appeal window. The Court dismissed the appeal as premature while Motions for Reconsideration were pending, inviting

appeal after disposition of the pending Motions for Reconsideration. See Order, In the Matter of the Application of AWA Goodhue Wind, LLC, for a Site Permit for a 78 Megawatt Large Wind Energy Conversion System Project in Goodhue County, A11-1681; A11-1689; A11-1691; A11-1692 (attached). Based on this Order, this Oronoco Township appeal of a Commission decision should wait until the Commission has addressed the timely filed Motions for Reconsideration.

If it was Oronoco Township's intent to file this appeal 30 days after the Commission's Order, the filings are dated July 2, 2012, and 30 days was up on June 29, 2012.

If the Oronoco Township appeal does go forward, my client, Laymen for Christ, will likely participate, but at this time, while the Reconsideration Motions are pending, my client should not need to incur the appellate filing fee and other costs to raise this timing issue. If a formal filing is necessary, we will proceed, but are hoping that this can be resolved less formally.

Please add my name to the service list for this matter – I don't see formal parties or the participants who have filed Motions for Reconsideration and/or Replies in this Statement of the Case. In addition to the Laymen for Christ, Inc., in this proceeding I represent formal parties North Route Group, NoCapX 2020 and United Citizens Action Network, and also participant St. Paul's Lutheran School and Church and Cannon Falls Landowners in this docket.

Thank you for your consideration of this matter.

Very truly yours,



Carol A. Overland  
Attorney at Law

cc: Phillip R. Krass, Oronoco Township  
Burl Haar, Executive Secretary and Anna Jenks, Asst. A.G., PUC  
eFiled and eServed on PUC eDockets

STATE OF MINNESOTA  
IN COURT OF APPEALS



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In the Matter of the Application of  
AWA Goodhue Wind, LLC, for a Site  
Permit for a 78 Megawatt Large Wind  
Energy Conversion System Project in  
Goodhue County.

**O R D E R**  
**A11-1681**  
**A11-1689**  
**A11-1691**  
**A11-1692**

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Considered and decided by Johnson, Chief Judge; Wright, Judge; and Connolly,  
Judge.

**BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND FOR THE  
FOLLOWING REASONS:**

In an order filed on October 3, 2011, we consolidated these certiorari appeals by Belle Creek Township, Goodhue Wind Truth, Goodhue County, and the Coalition for Sensible Siting (A11-1681, A11-1689, A11-1691, and A11-1692, respectively). Relators seek review of decisions issued by the Minnesota Public Utilities Commission (the MPUC) on August 23, 2011, granting applications by respondent AWA Goodhue Wind, LLC, for a certificate of need and a site permit to construct, operate, maintain, and manage a large wind energy conversion system (LWECS) in Goodhue County. Because relators indicated that their motions for reconsideration were still pending before the MPUC, this court questioned jurisdiction. The MPUC, relators, and respondent AWA Goodhue Wind filed jurisdiction memoranda.

In a certiorari appeal, the appeal period and the acts required to invoke appellate jurisdiction are governed by the applicable statute. Minn. R. Civ. App. P. 115.01. The MPUC states that relators filed timely requests for reconsideration regarding the order issued on August 23, 2011, that granted the certificate of need, but that relators' requests for reconsideration were not filed within the time required for reconsideration of the order issued on August 23, 2011, granting the site permit. Although the MPUC argues that the appeal of the August 23 order granting the site permit is not premature, the MPUC and the other parties agree that the appeals should be either dismissed or stayed to allow the MPUC to rule on the pending requests for reconsideration. *See Little v. Arrowhead Reg'l Corr.*, 773 N.W.2d 344, 346 (Minn. App. 2009) (stating that even when an appeal is not premature due to a pending request for reconsideration, a pending postdecision motion provides an appropriate basis for deferring appellate review so that the original decision-maker can address the motion).

Within 20 days after the service by the MPUC of any decision constituting an order or determination, any party to the proceeding and any other person, aggrieved by the decision and directly affected thereby, may apply to the MPUC for a rehearing. Minn. Stat. § 216B.27, subd. 1 (2010). Any party to a proceeding before the commission or any other person, aggrieved by a decision and order and directly affected by it, may appeal from the decision and order of the MPUC in accordance with chapter 14. Minn. Stat. § 216B.52, subd. 1 (2010).

Any applicant, party, or person aggrieved by the issuance of a site permit or by a final order of the MPUC, may appeal to the court of appeals in accordance with chapter 14. Minn. Stat. § 216F.02(a) (2010) (incorporating Minn. Stat. § 216E.15). A request for reconsideration may be made within 10 days after the decision and order of the agency. Minn. Stat. § 14.64 (2010). Relators' requests for reconsideration were made within 20 days after issuance of the orders on August 23, 2011, but the MPUC contends that the requests for reconsideration regarding the issuance of the site permit were not timely because they were not made within 10 days after the order as required by Minn. Stat. § 14.64.

The general provisions of chapter 14 do not supersede more specific provisions governing appeals from the public utilities commission. *In re Complaint Against N. States Power Co.*, 447 N.W.2d 614, 615 (Minn. App. 1989), *review denied* (Minn. Dec. 15, 1989). The more specific provision controls. *Id.* Because under Minn. Stat. § 216B.27, subd. 1, the MPUC has jurisdiction to consider requests for reconsideration made within 20 days after service of the decision, relators' requests for reconsideration of both the August 23 order granting the certificate of need and the August 23 order granting the site permit were timely. Therefore, we will dismiss these appeals as premature.

**IT IS HEREBY ORDERED:**

1. The consolidated appeals are dismissed as premature.

2. If necessary, relators may file new appeals after the Minnesota Public Utilities Commission has ruled on the pending requests for reconsideration. No additional filing fees shall be required for the new appeals. Relators shall file a copy of this order with the appeal papers for the new appeals, if any.

Dated: November 1, 2011

**BY THE COURT**

/s/ \_\_\_\_\_  
Matthew E. Johnson  
Chief Judge