

**STATE OF MINNESOTA
BEFORE THE
MINNESOTA PUBLIC UTILITIES COMMISSION**

**Beverly Heydinger
J. Dennis O'Brien
David C. Boyd
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

**LAYMEN FOR CHRIST, INC. AND WOODLAND CAMP
REPLY TO ORONOCO TOWNSHIP, et al., RESPONSE TO
COMPLAINT OF ATTEMPTED INDIRECT EX PARTE COMMUNICATIONS**

In its Ex Parte Complaint, Laymen for Christ, o/o of Woodland Camp (hereinafter “Laymen for Christ”), specifically did not request severe sanctions, only requesting simple acknowledgement of Oronoco Township’s violation, disclosure of any actual ex parte communications, and removal of any Oronoco generated ex parte communications from the docket such that they would not be available for consideration by the Commission. A township, planning commission and/or planning commission members new to Commission participation could easily not be aware of ex parte prohibitions’ applicability to the township, and could unknowingly violate the ex parte rules. However, ex parte violations are ex parte violations and can pose a threat to the integrity of the process and the Commission.

Oronoco Township, et al, have responded to the Ex Parte Complaint of Laymen for Christ, and rather than responding constructively, they squabble and try to obscure ex parte law and regulations. Laymen for Christ takes issue with the representations of Oronoco Township, particularly now that Oronoco has had the opportunity to carefully review the laws and rules.

First, Oronoco Township states that Laymen for Christ has no standing and its Ex Parte Complaint should be stricken. However, Oronoco is wrong: “Any person” may file a Complaint.

Subd. 4. Complaint procedure; hearing; sanctions.

(a) **Any person** seeking sanctions for alleged violations of the rules adopted under this section may file a complaint with the commission.

Minn. Stat. §216A.037, Subd. 4(a) (emphasis added). Laymen for Christ, Inc., as a corporation, is a “person” in the eyes of the State of Minnesota.

Second, Oronoco Township states that an “attempt” is not prohibited. However, Oronoco is wrong: The rules prohibit “attempt” of ex parte contact:

7845.7200 PROHIBITED EX PARTE COMMUNICATIONS.

Subpart 1. Communications with commissioners.

An ex parte communication, either direct or indirect, must not be made or **attempted** to be made between a commissioner and a party or a participant concerning:

A. a material issue during a pending contested case proceeding, from the date the matter is referred to the Office of Administrative Hearings until the commission issues its final order and the time to petition for reconsideration expires, or until the commission issues a final order responding to the petition for reconsideration, whichever is later;

Minn. R. 7845.7200, Subp. A (emphasis added).

After making these arguments which are contrary to governing ex parte statute and rule, Oronoco Township claims that:

Woodland has attempted to create a nonexistent violation of the ex parte communication statute to harass and cause needless expense to Oronoco. Alleging a nonexistent violation, which requires Oronoco to respond, is clearly done for an improper purpose.

Oronoco Response, p. 4-5. Oronoco Township is wrong.

Oronoco Township does not address the complained of behavior in the Laymen for Christ ex parte complaint – it instead responds with threats of Minn. Stat. §549.211 civil sanctions.

Minn. Stat. §549.211 sanctions aside, parties to Commission proceedings are warned early and often that ex parte rules apply¹. Oronoco is not exempt from ex parte statutes and rules.

Again, Laymen for Christ, Inc. and Woodland Camp seek nominal equitable sanctions sufficient to put the township on notice regarding ex parte rules and to prevent any advantage

Respondents may seek through these efforts:

1. Disclosure and filing in eDockets of any and all ex parte staff and/or Commissioner reports, memos, or emails regarding Oronoco Township direct and/or indirect ex parte contact in this docket, to be filed in eDockets with “Ex Parte Contact” identification in the area for document name;
2. Declaratory Order that Oronoco Township, the Oronoco Township Planning Advisory Commission, and OPAC member Javon Bea have violated the statutory and regulatory ex parte provisions; and
3. Order that communications to the Public Utilities Commission by the Oronoco Township Planning Advisory Commission, its individual members, and Oronoco Township residents regarding Reconsideration be stricken from the record, retaining for consideration by the Commission only those legitimate Oronoco Township filings by and through its counsel.
4. Such other sanctions deemed appropriate.

Respectfully submitted,

July 9, 2012



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¹ See e.g., Notice of Commission Meeting – April 12, 2012, available online at [20123-73137-01](#) PUBLIC 09-1448
TL PUC NOTICE OF COMMISSION MEETING--APRIL 12, 2012 03/30/2012

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Carol A. Overland certifies that on July 9, 2012, she filed a true and correct copy of the attached filing of the Laymen for Christ, Inc., owners and operators of Woodland Camp, by filing on eDockets on the PUC's website and served by U.S. Mail to those not designated for eFiling including the Department, Residential Utilities Division OAG and all Respondents.

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