

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

American Transmission Company LLC

v.

**Midwest Independent Transmission System
Operator, Inc., and**

Docket No. EL13-9-000

**Xcel Energy Services Inc., Northern States
Power Company, a Wisconsin corporation,
and Northern States Power Company, a
Minnesota company**

**MOTION TO INTERVENE AND COMMENTS
OF DAIRYLAND POWER COOPERATIVE**

Pursuant to Rule 214 of the Commission’s Rules of Practice and Procedure (18 C.F.R. § 385.214) and the Commission’s Notice of Complaint dated October 3, 2012, Dairyland Power Cooperative (“Dairyland”) hereby moves to intervene in the above-captioned docket relating to the filing of a Complaint and Request For Fast Track Processing by American Transmission Company LLC (“ATC”). As described in the Notice of Complaint, the complaint alleges that pursuant to relevant provisions of the Midwest Independent Transmission System Operator, Inc., (“MISO”) Tariff and the MISO Transmission Owners Agreement, ATC and Xcel Energy (“Xcel”) (on behalf of its utility subsidiaries Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin)) are each entitled to own and construct fifty percent of the 345 kV facilities from the Twin Cities area in Minnesota to the Madison area in Wisconsin.

Dairyland supports ATC's Request for Fast Track Processing. MISO approved the Hampton Corners-Rochester-La Crosse 345 kV transmission project (the "HRL Project") proposed by its developers¹ as a "Baseline Reliability Project" in 2008. Both the Public Service Commission of Wisconsin ("PSCW") and the Minnesota Public Utilities Commission ("MPUC") have determined that the HRL Project is needed, and have approved routes in their respective states for the HRL Project. The HRL Project is one of the original seven transmission projects selected by the Rapid Response Team for Transmission (in which the Commission is a participant) created by President Obama in 2009 "to expedite and simplify building of transmission lines on Federal lands."² The utilities participating in the HRL Project are proceeding to complete the negotiations that will lead to the execution of final project documents, and they anticipate commencing construction of the HRL Project in 2013. The pending ATC Complaint adds another layer of complexity and uncertainty in the development of an already complex project involving five utilities in two states.

As described below, the Commission should summarily deny ATC's Complaint.

In support, Dairyland states the following:

COMMUNICATIONS

Dairyland requests that the following persons be included on the official service list in this proceeding, and that all communications concerning this Motion and this Docket be addressed to the following persons:

¹ At all times relevant to this Docket, the developers of the HRL Project have been Dairyland, Rochester Public Utilities, Southern Minnesota Municipal Power Agency, WPPI Energy, and Xcel's two utility subsidiaries, Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin). As explained below, the HRL Project is one of the high-voltage transmission projects being developed by CAPX2020.

² The Commission is one of the nine federal entities participating in the Rapid Response Team for Transmission. See, <http://trackingsystem.nisc-llc.com/etrans/utility/Search.seam> (last visited October 17, 2012).

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MOTION TO INTERVENE

Dairyland is a not-for-profit generation and transmission electric cooperative (“G&T”) headquartered in La Crosse, Wisconsin. Dairyland is owned by and provides the wholesale power requirements for 25 separate distribution cooperatives in southern Minnesota, western Wisconsin, northern Iowa, and northern Illinois. Dairyland also provides wholesale power requirements for 15 municipal utilities in Wisconsin, Minnesota, and Iowa. Dairyland owns electric transmission facilities that are subject to the functional control of the Midwest Independent Transmission System Operator, Inc. (“MISO”).

Dairyland is participating in the development of the HRL Project, which is part of the CAPX2020 joint regional transmission planning initiative of 11 utilities in the upper Midwest to ensure continued reliable and affordable transmission service.

Dairyland has a direct, substantial interest in the outcome of this docket that is distinguished from an interest common to the public or ratepayers and cannot be adequately represented by any other party. Dairyland’s timely intervention in the above-captioned docket is appropriate and in the public interest.

COMMENTS

I. BACKGROUND.

The HRL Project is one of the high-voltage transmission projects being developed by CAPX2020. CAPX2020 is an initiative of 11 transmission-owning utilities in Minnesota and the surrounding region to expand the electric transmission grid to ensure continued reliable and affordable service.³ The new transmission lines will be built in phases designed to meet this increasing demand as well as to support renewable energy expansion, and in addition to the HRL Project include:

- Bemidji-Grand Rapids, 68 miles, 230 kV
- Fargo-St. Cloud, about 210 miles, 345 kV
- Monticello-St. Cloud, about 28 miles, 345 kV
- Brookings County-Hampton, 250 miles, 345 kV

ATC's Complaint asks the Commission to issue an order enabling ATC to participate on a 50% ownership basis in the HRL Project. ATC's Complaint is an outgrowth of the Commission's decision to grant Xcel Energy's Complaint in Docket No. ER12-28-000.⁴ As the Commission is aware, Xcel claimed the right to construct and own 50% of a proposed 345 kV transmission line connecting Xcel's facilities near La Crosse, Wisconsin, with ATC's facilities near Madison, Wisconsin (the "La Crosse—Madison Line"). In the *Xcel* Order, the Commission granted Xcel's Complaint, determined that MISO is responsible for approving a regional expansion plan that designates the transmission owners responsible for particular facilities, and MISO had correctly assigned Xcel responsibility for 50% of the La Crosse—Madison Line.

³ See <http://www.capx2020.com/index.html> (last visited Oct. 15, 2012).

⁴ See, *Xcel Energy Services Inc. v. American Transmission Co. LLC*, 140 FERC ¶ 61,058 (2012) ("*Xcel Order*"), *reh'g pending*.

In Docket No. ER12-28-000, ATC argued⁵ that if the Commission ruled in favor of Xcel, ATC should be afforded the rights to 50% ownership of all of the CAPX2020 projects. The Commission rejected ATC's argument without prejudice, finding that it was beyond the scope of Xcel's Complaint and was more appropriately characterized as a complaint related to the CAPX2020 projects.⁶

ATC's Complaint in this docket raises the issues previously dismissed without prejudice in the *Xcel Order*.

II. THE HRL PROJECT AND THE LA CROSSE—MADISON LINE DO NOT CONSTITUTE ONE PROJECT.

A. MISO Correctly Designated The Transmission Owners Responsible For The HRL Project.

The ATC Complaint recognizes that the HRL Project and the La Crosse—Madison Line were approved by MISO in different planning cycles. The HRL Project was approved by MISO in the 2008 MISO Transmission Expansion Plan ("MTEP") as a stand-alone project, without it being dependent upon the La Crosse—Madison Line, and without any reference to the La Crosse—Madison Line. MISO accordingly did not designate ATC as a transmission owner responsible for the HRL Project; it designated the entities developing the HRL Project (Dairyland, Rochester Public Utilities, Southern Minnesota Municipal Power Agency, WPPI Energy, and Xcel) as the responsible entities for the HRL Project.

In contrast, in its approval of the La Crosse—Madison Line in the 2011 MTEP, MISO designated both Xcel and ATC as transmission owners responsible for the La Crosse—Madison Line. The *Xcel Order* granted Xcel's Complaint that ATC had not complied with the MISO

⁵ *Id.*, at P 68.

⁶ *Id.*

Tariff and the Transmission Owners Agreement, pursuant to which MISO had designated Xcel as one of the transmission owners responsible for the La Crosse—Madison Line. The *Xcel Order* specifically rejected ATC’s argument that MISO lacks the authority to require that ATC share responsibility for the La Crosse—Madison Line with Xcel.⁷

In preparing the 2008 MTEP, MISO was required to consider whether separate projects should be consolidated. MISO Tariff Attachment FF, Section I.B. in effect when the 2008 MTEP was being prepared,⁸ provided as follows:

B. Project Coordination: In the course of [the MTEP preparation] process, the Transmission Provider shall seek out opportunities to coordinate or consolidate, where possible, individually defined transmission projects into more comprehensive cost-effective developments subject to the limitations imposed by prior commitments and lead-time constraints. The Transmission Provider shall coordinate with Transmission Owners to develop expansion plans to meet the needs of their respective systems. (Emphasis added.)

The HRL Project was approved by MISO in the 2008 MTEP as a “Baseline Reliability Project.” “Baseline Reliability Projects” were defined in Attachment FF, Section II.A.1. of the MISO Tariff to be:

... Network Upgrades identified in the base case as required to ensure that the Transmission System is in compliance with applicable national Electric Reliability Organization (“ERO”) reliability standards and reliability standards adopted by Regional Reliability Organizations and applicable within the Transmission Provider Region. Baseline Reliability Projects include projects that are needed to maintain reliability while accommodating the ongoing needs of existing Market Participants and Transmission Customers.

In addition, though, MISO is authorized to combine facilities into one project for consideration as a Baseline Reliability Project. MISO Tariff Attachment FF, Section II.A.1. continued:

⁷ *Id.*

⁸ Unless specified otherwise, all references in Dairyland’s Comments to MISO Tariff Attachment FF refer to the provisions in effect when the 2008 MTEP was approved.

Baseline Reliability Projects may consist of a number of individual facilities that in the judgment of the Transmission Provider constitute a single project for cost allocation purposes.

Collaboration and consideration of how a project fits with the future plans of other transmission owners in a planning initiative, as required by the MISO Tariff, does not in and of itself make an entire planning initiative a single project. Here, transmission studies prepared at the time indicated the need for the HRL Project was more immediate than the need for the La Crosse—Madison Line. If justified, MISO could have treated the HRL Project and the La Crosse—Madison Line as a single project for purposes of assigning transmission owner responsibility, but that is not the case here. The ATC Complaint correctly cites the Xcel Complaint granted in the *Xcel Order* as proof that the HRL Project ““was not developed or proposed in isolation. It was studied extensively along with other region-enhancing transmission line projects as one aspect of a long-range, phased, program to deploy transmission assets throughout the Upper Midwest region to enhance regional reliability and facilitate the transfer of energy to major regional load centers.””⁹ However, the fact that a project is studied in conjunction with other projects does not automatically transform all the facilities considered into one grand project. Projects are approved when the need and timing are justified, which is why the La Crosse area (and not the Madison area) was the eastern terminus of the HRL Project. The La Crosse—Madison Line was not shown to be needed until several years later.

According to the ATC Complaint, the study process for both the HRL Project and the La Crosse—Madison Line commenced as early as 1998. The HRL Project was not approved by MISO until the 2008 MTEP. Had ATC believed that the HRL Project and the La Crosse—Madison Line should be evaluated by MISO as one project pursuant to Attachment FF of the

⁹ ATC Complaint at 8.

MISO Tariff, it could have (and should have) raised the issue during the 2008 MTEP process. The ATC Complaint does not allege that it requested that the HRL Project and the La Crosse—Madison Line be considered as one project during the 2008 MTEP process, and it does not allege that MISO failed to comply with its Tariff in approving the 2008 MTEP.

The MISO transmission system is highly interconnected. Each MTEP evaluates the system as it exists, together with proposed projects included in previous MTEPs. The Commission should not, as ATC requests, re-open prior MTEPs every time a new project is proposed in a new MTEP process. The uncertainty that would result if the Commission authorized reopening of previous MTEPs will unnecessarily complicate planning, delay needed infrastructure, increase costs, and ultimately harm reliability.

Since it is undisputed that MISO did not designate ATC as a transmission owner responsible for the HRL Project in the 2008 MTEP, ATC's Complaint should be denied.

B. Prior To Filing Its Complaint, ATC Acknowledged That The HRL Project And The La Crosse—Madison Line Were Separate Projects.

Eleven pages of the ATC Complaint are devoted to arguing that the HRL Project and the La Crosse—Madison Line constitute a single project.¹⁰ According to the ATC Complaint, since the HRL Project and the La Crosse—Madison Line constitute a single project, the Commission should direct Xcel to enter into negotiations with ATC to develop the terms and conditions for shared ownership of the entire project.¹¹

ATC's Complaint fails to disclose, however, that prior to the *Xcel Order*, ATC recognized that the HRL Project and the La Crosse—Madison Line were two separate projects. ATC fails to allege adequate facts supporting its change of position, and ATC's argument fails to

¹⁰ ATC Complaint, at 8-19.

¹¹ *Id.*, at 25.

cite any court decisions, FERC orders, or agency rules as precedent supporting its current position that the La Crosse—Madison Line and the HRL Project constitute one project.

The HRL Project has been the subject of three contested proceedings in two states prior to the filing of ATC’s Complaint in this docket. In Minnesota, the HRL Project has received both a Certificate of Need and a Route Permit from the Minnesota Public Utilities Commission (“MPUC”). ATC did not participate in those proceedings.¹² Had ATC considered the HRL Project to be considered only a part of a larger HRL—La Crosse—Madison Line project, ATC would undoubtedly have participated in the MPUC proceedings.

More explicitly, however, ATC actively participated in the PSCW’s proceedings to consider whether to grant a Certificate of Public Convenience and Necessity (“CPCN”) for the HRL Project. The PSCW’s Final Decision in the CPCN proceeding (the “CPCN Final Decision”) concisely summarized ATC’s position in the CPCN proceedings:

ATC supports the proposed project crossing into western Wisconsin and running toward the La Crosse area. The proposed project will provide significant reliability and service benefits to Wisconsin customers and a continuous 345 kV interconnection for potential future projects such as the possible Badger-Coulee 345 kV project [a/k/a the La Crosse—Madison Line]. (Emphasis added.)¹³

More details about ATC’s position in the CPCN proceedings were provided in the PSCW’s Final Environmental Impact Statement:

¹² See, *In the Matter of the Application of Northern States Power Company (d/b/a Xcel Energy) and Others for a Certificate of Need for the CapX Twin Cities-Rochester-La Crosse 345-kV Transmission Project*, Order Granting Certificates Of Need With Conditions (“MPUC CON Order”), MPUC Docket No. E-002/CN-06-979 *et al.* (May 22, 2009); *In the Matter of Xcel Energy’s Application for a Route Permit for the CapX 2020 Hampton-Rochester-La Crosse High Voltage Transmission Line*, MPUC Docket No. E-002/TL-09-1448 (May 30, 2012).

¹³ *Joint Application of Dairyland Power Cooperative, Northern States Power Company-Wisconsin, and Wisconsin Public Power, Inc., for Authority to Construct and Place in Service 345 kV Electric Transmission Lines and Electric Substation Facilities for the CapX Twin Cities-Rochester-La Crosse Project, Located in Buffalo, Trempealeau, and La Crosse Counties, Wisconsin*, Final Decision at 16, PSCW Docket No. 5-CE-136 (May 30, 2012) (“CPCN Decision”).

MISO and ATC generally support the proposed project. ATC is the transmission company that builds and controls high-voltage lines in the eastern part of Wisconsin. It is currently developing the Badger-Coulee project that would interconnect with the La Crosse Transmission Project if it is approved. ATC intends to ask the Commission to consider in its routing and siting decisions how its project can best interconnect with the proposed project.²²

²² Witness List and Statement of Position of ATC and ATC Management Inc. December 19, 2011. PSCW REF #157216.

(Emphasis added.)¹⁴

Other than ATC's view that the HRL Project and the La Crosse—Madison Line are now one project, nothing has changed except the Commission's decision in the *Xcel Order*.

C. ATC's New Position That The HRL Project And The La Crosse—Madison Line Are One Project Should Be Rejected.

ATC's Complaint points to certain factors it believes demonstrates that the HRL Project and the La Crosse—Madison Line together constitute one project in which ATC should own 50%. Those factors, which ATC takes out of context, do not demonstrate that the HRL Project and the La Crosse—Madison Line are one project.

1. The HRL project and the La Crosse—Madison Line were correctly approved as separate projects; the existence of regional benefits does not transform the HRL project and the La Crosse—Madison Line into one project.

As approved by MISO and state regulatory authorities, the HRL Project is not dependent upon the La Crosse—Madison Line being constructed, and has a different purpose than the La Crosse—Madison Line. They are different projects.

The HRL Project was approved by MISO in the 2008 MTEP as a "Baseline Reliability Project." As explained above, the primary purpose of a "Baseline Reliability Project" is to ensure

¹⁴ PSCW *Final Environmental Impact Statement*, Volume 1, at 8, CapX2020 Alma—La Crosse 345 kV Transmission Project, PSCW Docket No. 5-CE-136 (January 2012).

that the Transmission System is in compliance with applicable ERO reliability standards and applicable reliability standards adopted by Regional Reliability Organizations. As shown below, the state regulatory agencies with jurisdiction over the HRL Project approved the HRL Project primarily to address the local reliability needs.

There is no question that the HRL Project provides regional benefits. But providing regional benefits does not transform the nature of the HRL Project or make it dependent upon the La Crosse—Madison Line. In fact, it is apparent from their approval orders that neither the MPUC nor the PSCW focused on the regional benefits of the HRL Project to the exclusion of the many other factors justifying the need for the HRL Project, especially local reliability needs.

a) The PSCW CPCN Final Decision.

The PSCW had jurisdiction over the portion of the HRL Project located in Wisconsin. The PSCW recognized that the application for a CPCN that was under consideration was part of a larger transmission initiative, but that larger initiative was the CAPX2020 initiative and did not include the La Crosse—Madison Line. The PSCW explained:

The applicants propose to construct a new 345 kV electric transmission line and substation. The 345 kV line extends from the Wisconsin border at the Mississippi River west of Alma, Wisconsin, in Buffalo County, through Trempealeau County to a new 345/161 kV substation to be built on the southwest side of Holmen, Wisconsin, in La Crosse County. The new substation will be referred to as the Briggs Road Substation.

The proposed project is part of a larger multi-utility project called the “Hampton- Rochester-La Crosse 345 kV Transmission Project.” The Hampton-Rochester-La Crosse project, in turn, is part of the CapX2020 Transmission Expansion Initiative (CapX2020), which will serve the state of Minnesota and parts of Iowa, the Dakotas, and Wisconsin.¹⁵

The PSCW summarized the purpose of the HRL Project as follows:

¹⁵ The CPCN Final Decision at 7-8.

The Hampton-Rochester-La Crosse project will serve the following purposes:

- Local reliability -to serve increasing electric demand in the La Crosse, Wisconsin, and Winona and Rochester, Minnesota, areas.
- Regional reliability - to maintain the reliability of the regional electrical system.
- Generation support - to provide a means for getting local electric generation output onto the electric grid.
- Regional benefits - to enhance power transfers from states located west of the Mississippi River, access to more economical generation, and access to sources of renewable generation.

The primary basis of the need for the Wisconsin portion of the proposed project is local reliability and regional benefits.¹⁶

That the primary focus of the PSCW's consideration of the HRL Project was local reliability needs is clear from the CPCN Final Decision. The PSCW stated:

The Commission finds that neither the lower-voltage alternatives nor the hybrid alternative meet the long-term needs of the La Crosse local area. As such, the Commission finds the proposed 345 kV project to be the best alternative to address the long-term needs of the La Crosse local area, while also providing regional benefits.¹⁷

The PSCW went on to identify the regional benefits to be provided by the HRL Project. The PSCW determined that the HRL Project would reduce system losses by 10 MW (a present value savings of about \$45 million over the life of the project.)¹⁸ The PSCW also found that the HRL Project "by itself will increase transfer capability by 800 MW."¹⁹ (Emphasis added.) The only mention of the La Crosse—Madison Line in the CPCN Final Decision is in describing ATC's position in support of the HRL Project based on it providing a "345 kV interconnection

¹⁶ *Id.*, at 8-9.

¹⁷ *Id.*, at 14-15.

¹⁸ *Id.*, at 15.

¹⁹ *Id.* Without specifically referring to the La Crosse—Madison Line, the PSCW also found that "if the 345 kV transmission network is extended to the east, the transfer capability will rise to 1,200 MW." *Id.*

for potential future projects such as the possible Badger-Coulee 345 kV project [a/k/a the La Crosse—Madison Line].”²⁰ (Emphasis added.)

The ATC Complaint contends that “much of the case for justifying a 345 kV version of the [HRL Project] explicitly referred to and/or relied upon the accrual of regional benefits that would be made possible *only* through the development of the La Crosse—Madison segment” and provides a list of “excerpts” it contends illustrates its contention.²¹ In fact, many of the examples cited by ATC address the issue of whether the HRL Project should be approved as a 161 kV project as opposed to a 345 kV project, and have nothing to do with consideration of the HRL Project and the La Crosse—Madison Line together as one project, much less addressing regional benefits that would be made possible only through the development of the La Crosse—Madison Line. Even so, it is apparent from the CPCN Final Decision that the PSCW did not justify its decision to issue a CPCN for the HRL Project on the development of the La Crosse—Madison Line. Indeed, the last “excerpt” included in the ATC Complaint’s list demonstrates that approval of the HRL Project by the PSCW was not dependent on the development or existence of the La Crosse—Madison Line:

- This analysis does not prejudge the probability of an eastern 345 kV connection, but instead merely considers the high probability that MISO will approve a 345 kV connection between La Crosse and Madison in late 2011.²² (footnote omitted.)

b) The MPUC CON Order.

ATC contends that the MPUC CON Order recognized that the HRL Project would provide community reliability, *regional reliability*, and generator outlet benefits to Minnesota

²⁰ *Id.*, at 16. See n. 8, *supra*, and accompanying text.

²¹ ATC Complaint at 10-12. (Emphasis in original.)

²² ATC Complaint at 12.

and neighboring states, as described in the ATC Complaint.²³ That is not, however, the MPUC's finding. Rather, pursuant to Minn. Rule 7849.0120,²⁴ the MPUC explicitly stated (in pertinent part):

On the basis of its analysis of the record, and with due consideration for the conditions discussed herein, the Commission concludes that the requirements of Minn. Rules, part 7849.0120, have been fulfilled:

- First, the record shows that denying the application would probably impair the future adequacy, reliability, or efficiency of energy supply to Applicants, to Applicants' customers, or to the people of Minnesota and neighboring states. Failure to act would frustrate the interests of regional and community reliability, and generation outlet.²⁵ (Emphasis added.)

Rather than making an affirmative finding that the HRL Project provided regional benefits, the MPUC found, in accordance with Minn. Rule 7849.0120, that denying the application would impair regional reliability. The MPUC made no finding as to the La Crosse—Madison Line, and did not even mention the La Crosse—Madison Line specifically in the MPUC CON Order.

²³ *Id.*, at 10 (emphasis in ATC Complaint).

²⁴ Minn. Rule 7849.0120 provides, in pertinent part:

A certificate of need must be granted to the applicant on determining that:

- A. the probable result of denial would be an adverse effect upon the future adequacy, reliability, or efficiency of energy supply to the applicant, to the applicant's customers, or to the people of Minnesota and neighboring states, considering:
- (1) the accuracy of the applicant's forecast of demand for the type of energy that would be supplied by the proposed facility;
 - (2) the effects of the applicant's existing or expected conservation programs and state and federal conservation programs;
 - (3) the effects of promotional practices of the applicant that may have given rise to the increase in the energy demand, particularly promotional practices which have occurred since 1974;
 - (4) the ability of current facilities and planned facilities not requiring certificates of need to meet the future demand; and
 - (5) the effect of the proposed facility, or a suitable modification thereof, in making efficient use of resources;

²⁵ MPUC CON Order at 42.

To the extent the MPUC considered a project such as the La Crosse—Madison Line in the MPUC CON Order, the MPUC made it clear that its approval of the HRL Project was not dependent upon the installation of the La Crosse—Madison Line. The MPUC CON Order provides in pertinent part:

[Two intervenors] contend that once Applicants build their proposed projects, they will use them to ship bulk power across Minnesota from the resource-rich states west of Minnesota to large urban centers to the east of Minnesota. Applicants, MISO and OES dispute this assertion. While no witnesses testified in support of [these intervenors'] theory, MISO and OES witnesses testified that the proposed projects would not provide a practical means of transmitting power across the breadth of Minnesota. The ALJ found these witnesses to be the credible.

The Commission agrees; [the intervenors'] contentions are not supported in the record. Moreover, their contentions are not inconsistent with a demonstration of need. This Commission considers needs both within the state and in neighboring states in evaluating a Certificate of Need application. And given that Minnesota imports more electricity than it exports, the state clearly benefits from having a robust interstate transmission grid - a grid capable of both importing and exporting power.²⁶

The MPUC CON Order adopted the findings, conclusions and recommendations contained in the Administrative Law Judge's February 27, 2009 Findings of Fact, Conclusions and Recommendation except as inconsistent with the MPUC CON Order or otherwise specified therein, with the following correction as to the HRL Project:

4) *Memorandum, page 97, 3rd full paragraph:* Some of the parties and members of the public are certain that the proposed projects, and especially the Upsized Alternative, are a subterfuge to speed development of transfer of power from the western states of North and South Dakota to load in Wisconsin and points further to the ~~west~~ east. The record does not support this fear. Each of the planning engineers credibly testified that the lines are intended to strengthen regional reliability to serve Minnesota load by providing alternative paths to the

²⁶ *Id.*, at 26.

metropolitan area and the identified communities, reducing current congestion, and helping Minnesota meet its renewable energy goals.²⁷

From the record it is clear that the MPUC viewed and approved the HRL Project as a stand-alone improvement to the regional transmission system that was not reliant or dependent upon a possible future La Crosse–Madison Line.

III. CONCLUSION.

In the 2008 MTEP, MISO correctly designated the entities developing the HRL Project (Xcel, Dairyland, Rochester Public Utilities, Southern Minnesota Municipal Power Agency, and WPPI Energy) as the responsible entities for the HRL Project. The HRL Project was then approved by the state regulatory agencies with jurisdiction as a single project that was not dependent upon the construction of the La Crosse—Madison Line. Reopening the 2008 MTEP to add ATC as a transmission owner responsible for the HRL Project would inject uncertainty into MISO’s planning process, unnecessarily complicate planning, delay needed infrastructure, increase costs, and ultimately harm reliability. The Commission should grant the Request for Fast Track Processing and summarily dismiss ATC’s Complaint.

²⁷ *Id.*, at 44.

WHEREFORE, based on the foregoing, Dairyland respectfully moves to intervene in this docket to participate with full party status, and requests that the Commission consider Dairyland's comments.

Dated this 22nd day of October, 2012.

Respectfully submitted,

/s/ Jeffrey L. Landsman

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COOPERATIVE

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document on those parties listed on the official service list compiled by the Secretary for this docket.

Dated this 22nd day of October, 2012.

Respectfully submitted,

/s/ Jeffrey L. Landsman _____

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