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ITC Midwest Transmission Project - Information Request #7

Docket Number: PUC Docket No.: ET6675/CN-12-1053 Request Date: February 18, 2014
OAH Docket No.: 60-2500-30782

Requested From: Elizabeth Goodpaster, MCEA, as attorney for MCEA, WOW, Fresh Energy,
and Izaak Walton League.

Party Requesting Information: Carol A. Overland for NoCapX 2020 and CETF

If you feel your responses are trade secret or privileged, please indicate this on your response.

Request No.	ITC Transmission Project
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7. The positions and interests of MCEA, Wind on the Wires, Fresh Energy and Izaak Walton League in this docket are not clear. MCEA initially represented Wind on the Wires in its intervention, and then months later filed a Petition for Intervention for MCEA, Fresh Energy, and Izaak Walton League requesting party status in this proceeding, and all these intervention requests have been granted. The WOW Petition identifies interests in “substantial additional outlet capacity for renewable energy..., relieving congestion constraints, and facilitating an efficient energy market,” and “ensuring that the Commission has a developed factual and legal record...” The “Petition of Fresh Energy and Izaak Walton League of America – Midwest Office” does not name MCEA in the caption nor does the first paragraph request intervention of MCEA, and the Petition contains one paragraph each describing the only work of Fresh Energy, IWLA and MCEA, and no showing of interests, legal rights, duties or privileges affected, or the grounds and purposes of intervention. MCEA Intervention is then requested in the final paragraph, and MCEA is included as a Petitioning party in the eDocket filing description. The Order of January 31, 2014 includes admission of MCEA as a full party.

Under the Administrative rules:

The petition shall show how the petitioner's legal rights, duties, or privileges may be determined or affected by the contested case; shall show how the petitioner may be directly affected by the outcome or that petitioner's participation is

authorized by statute, rule, or court decision; shall set forth the grounds and purposes for which intervention is sought.

Minn. R. 1400.6200, Subp. 1.

Interventions are approved *“unless the judge finds that the petitioner's interest is adequately represented by one or more parties participating in the case.”*

Minn. R. 1400.6200, Subp. 3.

- a. Please identify the distinct interests of MCEA, Wind on the Wires, Fresh Energy, and Izaak Walton League, specifically, *how the petitioner's legal rights, duties, or privileges may be determined or affected by the contested case; shall show how the petitioner may be directly affected by the outcome or that petitioner's participation is authorized by statute, rule, or court decision; shall set forth the grounds and purposes for which intervention is sought.*
- b. To the extent the interests of these entities are the same, how are those intervenors not “adequately represented by one or more parties participating in the case.”
- c. To the extent that the interests of these entities are different, how is legal representation by MCEA of parties with differing interests not a conflict of interest?
- d. Identify MCEA’s basis for intervention while also representing, as attorney, Wind on the Wires, Fresh Energy, and Izaak Walton League, and why there is not either 1) adequate representation of its interests by one or more parties participating in the case, or 2) an attorney/client conflict due to differing interests of the parties.
- e. Identify each of the four organizations’ contractual and/or funding obligations and incentives to intervene.

These requests are continuing, and if new or additional information is discovered, please supplement your responses as soon as possible.

Electronic format preferred, via email or CD.

Response by:	_____	List sources of information:	_____
Title:	_____		_____
Department:	_____		_____
Telephone:	_____		_____

**STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE MINNESOTA PUBLIC UTILITIES COMMISSION**

In the Matter of the Application of ITC
Midwest LLC for a Certificate of Need for
the Minnesota-Iowa 345 kV Transmission
Line Project in Jackson, Martin, and
Faribault Counties

PUC Docket No. ET-6675/TL-12-1337
ET-6675/CN-12-1053

OAH Docket No. 60-2500-30782

**PETITION TO INTERVENE OF FRESH ENERGY AND IZAAK WALTON LEAGUE
OF AMERICA –MIDWEST OFFICE**

Fresh Energy, the Izaak Walton League of America – Midwest Office (“IWLA”), and the Minnesota Center for Environmental Advocacy (“MCEA”) hereby request leave to intervene in the above-captioned docket, pursuant to Minn. R. 1400.6200. Wind on the Wires (“WOW”) petitioned to intervene on July 23, 2013 and has been granted party status. The foregoing Midwest regional nonprofit organizations intend to participate jointly in the proceeding.

Fresh Energy is a nonprofit (501c3) organization with a mission to provide clean energy and transportation policy solutions, advocacy, expertise, and sound analysis. Fresh Energy’s unique focus boosts the economy, creates jobs, promotes health, connects communities, and preserves the environment for future generations. Fresh Energy has a long history of work on clean energy transmission in the region, working in highly technical planning forums as well as with community groups engaged in siting and routing issues on the ground. Fresh Energy executive director Michael Noble was also a long-term board member for the regional wind energy association Wind on the Wires.

IWLA is a national nonprofit (501c3) conservation organization committed to protecting fish and wildlife, critical habitat, air, and water resources. IWLA has local chapters in South Dakota, Minnesota, Wisconsin, and Iowa. The Midwest Office of the IWLA works on energy

and air quality issues throughout the Midwest including matters concerning the relationship between transmission and clean energy.

MCEA is a nonprofit environmental organization (501c3) that works in the courts, the legislature and state agencies to protect Minnesota's wildlife, natural resources and the health of its people. MCEA's five program areas include an Energy Program to advance the pursuit of environmentally sustainable energy policies.

Therefore, Fresh Energy, IWLA, and MCEA request that the Commission grant their request to jointly intervene with WOW as full parties in the above-captioned docket in order to advocate on behalf of their members' interests and further the missions of the organizations.

Dated: January 15, 2014

Respectfully submitted,

/s/ Elizabeth Goodpaster
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*Attorney for Wind on the Wires, Fresh Energy,
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Advocacy*

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE PUBLIC UTILITIES COMMISSION

In the Matter of the Application of ITC Midwest LLC for a Certificate of Need and Route Permit for the Minnesota-Iowa 345 kV Transmission Line Project in Jackson, Martin, and Faribault Counties

**ORDER ON PETITIONS TO
INTERVENE BY FRESH ENERGY, THE
IZAAK WALTON LEAGUE OF
AMERICA-MIDWEST OFFICE AND
THE MINNESOTA CENTER FOR
ENVIRONMENTAL ADVOCACY**

On January 15, 2014, Fresh Energy filed a Petition to Intervene. No objections have been filed to that Petition.

On January 15, 2014, the Izaak Walton League of America – Midwest Office (IWLA) filed a Petition to Intervene. No objections have been filed to that Petition.

On January 15, 2014, the Minnesota Center for Environmental Advocacy (MCEA) filed a Petition to Intervene. No objections have been filed to that Petition.

Based on all of the files and proceedings of the matter, the Administrative Law Judge makes the following:

ORDER

1. Fresh Energy is admitted to this proceeding as a full party.
2. IWLA the Izaak Walton League of America – Midwest Office (IWLA) is admitted as a full party.
3. MCEA is admitted to this proceeding as a fully party.

Dated: January 31, 2014

s/James E. LaFave

JAMES E. LAFAVE
Administrative Law Judge

MEMORANDUM

Fresh Energy, IWLA and MCEA are (501c3) nonprofit organizations that have petitioned to intervene in this case.

The standards for intervention are set out in Minn. Rules 1400.6200 and 1405.0900. The latter rule states in part:

Subp. 1. **Petition.** Any person desiring to intervene in the hearing as a party shall submit a timely petition to intervene to the administrative law judge and shall serve the petition upon all existing parties. Timeliness will be determined by the administrative law judge in each case based on the circumstances at the time of filing. The petition shall show how the petitioner's legal rights, duties, or privileges are not otherwise represented, and shall set forth the grounds and purposes for which intervention is sought and shall indicate petitioner's statutory or legal right to intervene, if one should exist. The administrative law judge, with the consent of all the parties, may waive the requirement that the petition be in writing.¹

Fresh Energy, IWLA and MCEA filed timely petitions and have identified particular interests and groups that are not already represented in this proceeding. Admitting these groups as parties to this matter will ensure that their interests are adequately represented in this contested case proceeding.

J. E. L.

¹ Minn. Rule 1404.0900, subp. 1