

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

In the Matter of the Route Permit  
Application by Great River Energy and  
Xcel Energy for a 345 kV Transmission  
Line from Brookings County, South  
Dakota to Hampton, Minnesota.

**SECOND PREHEARING ORDER**

A telephone conference was held before Richard C. Luis, Administrative Law Judge, on September 1, 2009, for the purpose of discussing scheduling and locations for hearings.

Appearances:

Lisa M. Agrimonti and Valerie Herring, Attorneys at Law, Briggs and Morgan, P.A., 80 South Eighth Street, 2200 IDS Center, Minneapolis, MN 55402, on behalf of the Applicants.

Karen Finstad Hammel, Assistant Attorney General, 445 Minnesota Street, Suite 1500, St. Paul, MN 55101, on behalf of the Office of Energy Security (OES) of the Minnesota Department of Commerce (Department).

Paula Maccabee, Attorney at Law, 1961 Selby Avenue, St. Paul, MN 55104, on behalf of Robert and Patricia Johnson (the Johnsons).

Carol Overland, Attorney at Law, Overland Law Office, P.O. Box 176, Red Wing, MN 55066, on behalf of No CapX 2020 and U-CAN.

Phillip R. Krass, Attorney at Law, Krass, Monroe, 8000 Norman Center Drive, Suite 1000, Minneapolis, Minnesota 55437, appeared as a Non-Party Participant.

Bob Cupit appeared on behalf of the Commission Staff.

Discussion was held among the participants concerning the proposed schedule and other matters. At the invitation of the Administrative Law Judge, some of the parties provided comments on the scheduling proposals and other issues by the deadline provided of September 4, 2009. Based on those discussions and the filings in this matter, the Administrative Law Judge makes the following Prehearing Order.

IT IS HEREBY ORDERED:

**Schedule**

1. The schedule in this matter is amended as follows:

|  |                                       |
|--|---------------------------------------|
| Applicants' Direct Testimony Filed   | October 13, 2009                      |
| Draft EIS Available  | October 20, 2009                      |
| Intervention Deadline  | October 26, 2009                      |
| Intervenors' Direct Testimony and OES Comments   | November 9, 2009                      |
| Draft EIS Public Meetings  | November 10 – November 16, 2009       |
| All Parties' Rebuttal and OES Comments   | November 20, 2009                     |
| Draft EIS Comment Period Deadline  | November 30, 2009                     |
| Public/Evidentiary Hearings in Project Area (specific dates and general locations below) | November 30, - December 11, 2009      |
| Evidentiary Hearing (Saint Paul)   | December 15-18, 2009                  |
| Final EIS Available  | January 8, 2010                       |
| Public Comment Deadline  | January 15, 2010 (Tentative deadline) |
| Initial Briefs/OES Comments  | January 22, 2010 (Tentative deadline) |
| Reply Briefs/OES Comments  | TBD                                   |
| ALJ Report   | TBD                                   |
| Exceptions   | TBD                                   |
| Argument before the Commission   | TBD                                   |

|                  |     |
|------------------|-----|
| Commission Order | TBD |
|------------------|-----|

### Hearing Locations

2. The dates and approximate location of the public/evidentiary hearings are as follows:

| Hearing Location                 | Date and Time  |
|----------------------------------|--|
| Granite Falls                    | November 30, 2009<br>2:00 p.m. and 7:00 p.m.   |
| Marshall                         | December 1, 2009<br>1:00 p.m. and 7:00 p.m.  |
| Redwood Falls                    | December 2, 2009<br>1:00 p.m. and 7:00 p.m.  |
| Gaylord                          | December 3, 2009<br>1:00 p.m. and 7:00 p.m.  |
| Henderson                        | December 7, 2009<br>1:00 p.m. and 7:00 p.m.  |
| New Prague                       | December 8, 2009<br>1:00 p.m. and 7:00 p.m.<br>December 9, 2009<br>1:00 p.m. and 7:00 p.m. |
| Lakeville                        | December 10, 2009<br>1:00 p.m. and 7:00 p.m.<br>December 11, 2009<br>9:30 a.m.             |
| Evidentiary Hearing (Saint Paul) | December 15-18, 2009   |

3. The locations identified above are subject to the availability of suitable meeting places that are large enough to accommodate the anticipated attendance. The specific locations will be arranged jointly by the Applicants and OES. The Administrative Law Judge and Commission staff will be informed of

the locations and provided with a draft of the public notice to be published, prior to publication of that notice.

### **Presence of Witnesses at the Public/Evidentiary Hearings**

4. The Applicant shall have witnesses available at all of the public/evidentiary hearings in this matter who are capable of addressing questions raised by interested persons. Any other party who is presenting witnesses that have prefiled testimony shall either have those witnesses present or request an exemption under Minn. Rule 1405.2000. The Applicant may also request an exemption for particular witnesses, but a knowledgeable person must be available at the hearing to respond to questions where the particular witness is exempted from attending.

5. The deadline for requesting an exemption is dependent on the publication date for the notice of the hearings in this matter. To assist in meeting the rule provisions, parties shall request an exemption as soon as the need is known. The standard for granting an exemption is good cause shown. The Administrative Law Judge considers testimony that addresses only a limited portion of the proposed route to be good cause for exempting that witness from attending distant hearings. Whether any specific witness is exempted is subject to the process, including the right of other parties to object, set out in Minn. Rule 1405.2000.

### **Public Comment**

6. The comments provided at the public hearings in this matter will be included in the record of these proceedings. In addition to comments provided in person, written public comments that are filed with the Administrative Law Judge on or before **4:30 p.m. on January 15, 2010**, will be included. Comments may be filed by U.S. Mail, fax, or e-mail to [capx.oah@state.mn.us](mailto:capx.oah@state.mn.us).

### **Modification of Order**

7. The terms of this Order may be modified, for good cause shown, on motion of any party or at the discretion of the Administrative Law Judge.

Dated this 11<sup>th</sup> day of September, 2009.

/s/ Richard C. Luis  
RICHARD C. LUIS  
Administrative Law Judge



**MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS**

600 North Robert Street  
Saint Paul, Minnesota 55101

**Mailing Address:**  
P.O. Box 64620  
St. Paul, Minnesota 55164-0620

Voice: (651) 361-7900  
TTY: (651) 361-7878  
Fax: (651) 361-7936

September 11, 2009

To All Persons on the Service List

**BY U.S. MAIL AND  
eSERVICE**

RE: ITMO the Route Permit Application by Great River Energy and Xcel Energy for a 345 KV Transmission Line from Brookings County, South Dakota to Hampton, Minnesota; MPUC No. ET-2/TL-08-1474; OAH Docket No. 7-2500-20283-2

Please find enclosed and served on you the Second Prehearing Order of Judge Luis in the above-entitled matter.

Sincerely,

/s/ Michael W. Lewis

MICHAEL W. LEWIS  
Staff Attorney

Telephone: 651-361-7840

Enclosures

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
ADMINISTRATIVE LAW SECTION  
P. O. BOX 64620  
ST. PAUL, MINNESOTA 55164-0620

**CERTIFICATE OF SERVICE**

|  |   |
|--|---|
| <b>Case Title:</b> ITMO the Route Permit Application by Great River Energy and Xcel Energy for a 345 KV Transmission Line from Brookings County, South Dakota to Hampton, Minnesota; | MPUC No. ET-2/TL-08-1474<br>OAH Docket No. 7-2500-20283-2 |
|--|---|

Michael Lewis certifies that on the 11<sup>th</sup> day of September, 2009, he served a true and correct copy of the **attached letter**; by eFiling, and U.S. Mail, (in the manner indicated below) to the following individuals:

Official Service List: OFF\_SL\_8-1474\_CC-SL-7-1-2009

Members of this service list are displayed below.

**Service List Information**

Service List Type: Official Service List  
Docket Number: 08-1474  
Service List Name: OFF\_SL\_8-1474\_CC-SL-7-1-2009  
Description: Official Service List  
Status: Active  
Created By: michael.lewis@state.mn.us  
Created On: 07/01/2009  
Modified By: robin.benson@state.mn.us  
Modified On: 09/11/2009

**Service List Members**

| First Name | Last Name      | Email                              | Company Name           | Address   | Delivery Method    | View Trade Secret |
|------------|----------------|------------------------------------|------------------------|---|--------------------|-------------------|
| Craig      | Poorker        | cpoorker@grenergy.com              | Great River Energy     | 12300 Elm Creek Boulevard<br>Maple Grove, MN 55369            | Paper Service      | No                |
| Pamela J.  | Rasmussen      | pamela.jo.rasmussen@xcelenergy.com | Xcel Energy            | PO Box 8 1414 West Hamilton<br>Avenue<br>Eau Claire, WI 54701 | Paper Service      | No                |
| Carole     | Schmidt        | cschmidt@grenergy.com              | Great River Energy     | 12300 Elm Creek Boulevard<br>Maple Grove, MN 553694718        | Paper Service      | No                |
| Janet      | Shaddix Elling | jshaddix@janetshaddix.com          | Shaddix And Associates | Ste 122 9100 W Bloomington<br>Frwy<br>Bloomington, MN 55431   | Electronic Service | Yes               |
| Donna      | Stephenson     | dstephenson@grenergy.com           | Great River Energy     | 12300 Elm Creek Boulevard<br>Maple Grove, MN 55369            | Paper Service      | No                |

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| First Name    | Last Name | Email                        | Company Name                      | Address  | Delivery Method    | View Trade Secret |
|---------------|-----------|------------------------------|-----------------------------------|--|--------------------|-------------------|
| Lisa          | Agrimonti | lagrimonti@briggs.com        | Briggs And Morgan, P.A.           | 2200 IDS Center80 South 8th Street<br>Minneapolis, MN 55402      | Electronic Service | No                |
| Julia         | Anderson  | Julia.Anderson@state.mn.us   | MN Office Of The Attorney General | 1400 BRM Tower 445<br>Minnesota St<br>St. Paul, MN 551012131     | Paper Service      | Yes               |
| Bob           | Cupit     | bob.cupit@state.mn.us        | MN Public Utilities Commission    | Suite 350 121 7th Place East<br>St. Paul, MN 551012198           | Electronic Service | Yes               |
| Scott         | Ek        | scott.ek@state.mn.us         |                                   | N/A  | Electronic Service | No                |
| Sharon        | Ferguson  | sharon.ferguson@state.mn.us  | MN Department Of Commerce         | 85 7th Place E Ste 500<br>Saint Paul, MN 551012198               | Electronic Service | Yes               |
| Burl W.       | Haar      | burl.haar@state.mn.us        | MN Public Utilities Commission    | Suite 350 121 7th Place East<br>St. Paul, MN 551012147           | Electronic Service | Yes               |
| Karen Finstad | Hammel    | Karen.Hammel@state.mn.us     | MN Office Of The Attorney General | 1400 BRM Tower 445<br>Minnesota Street<br>St. Paul, MN 551012131 | Paper Service      | Yes               |
| Valerie T.    | Herring   | vherring@briggs.com          | Briggs and Morgan, P.A.           | 2200 IDS Center 80 S. Eighth Street<br>Minneapolis, MN 55402     | Paper Service      | No                |
| Michael       | Kaluzniak | mike.kaluzniak@state.mn.us   | MN Public Utilities Commission    | Suite 350 121 Seventh Place East<br>St. Paul, MN 55101           | Electronic Service | No                |
| Phillip R.    | Krass     | Pkrass@krassmonroe.com       | Krass Monroe, P.A.                | Suite 1000 8000 Norman Center Drive<br>Minneapolis, MN 554371178 | Paper Service      | No                |
| Michael       | Krikava   | mkrikava@briggs.com          | Briggs And Morgan, P.A.           | 2200 IDS Center80 South 8th Street<br>Minneapolis, MN 55402      | Electronic Service | No                |
| John          | Lindell   | agorud.ecf@state.mn.us       | OAG-RUD                           | 900 BRM Tower 445 Minnesota St<br>St. Paul, MN 551012130         | Paper Service      | Yes               |
| Richard C.    | Luis      | Richard.Luis@state.mn.us     | Office of Administrative Hearings | PO Box 64620<br>St. Paul, MN 551640620                           | Paper Service      | Yes               |
| Paula         | Maccabee  | Pmaccabee@visi.com           | Just Change Consulting            | 1961 Selby Avenue<br>St. Paul, MN 55104                          | Paper Service      | No                |
| Russell       | Martin    | bens@integra.net             |                                   | 11600 270th Street<br>Eko, MN 55020                              | Electronic Service | No                |
| Laureen Ross  | McCalib   | lrossmcalib@grenergy.com     | CapX2020/Great River Energy       | 12300 Elm Creek Boulevard<br>Maple Grove, MN 553694718           | Paper Service      | No                |
| Joyce H.      | Osborn    |                              |                                   | PO Box 1165<br>Burnsville, MN 55337                              | Paper Service      | No                |
| Carol         | Overland  | overland@legalelectric.org   | Overland Law Office               | P.O. Box 176<br>Red Wing, MN 55066                               | Paper Service      | No                |
| Priti R.      | Patel     | priti.r.patel@xcelenergy.com | Xcel Energy                       | 5th Floor 414 Nicollet Mall, 5th Fl<br>Minneapolis, MN 554011993 | Paper Service      | No                |
| Deborah       | Pile      | Deborah.Pile@state.mn.us     | Minnesota Department of Commerce  | Suite 50085 7th Place East<br>St. Paul, MN 551012198             | Electronic Service | No                |

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