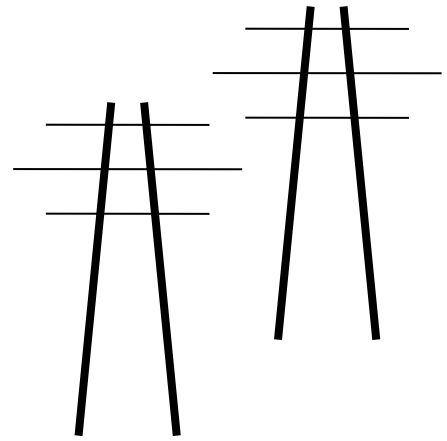


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May 8, 2014

James E. LaFave
Office of Administrative Hearings
P.O. Box 64620
St. Paul, Minnesota 55164-0620

eFiled and eServed

RE: 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

OAH Docket No.: 60-2500-30782
PUC Dockets: ET-6675/TL-12-1337
ET-6675/CN-12-1053

Dear Judge LaFave:

As I write DEIS comments, due tomorrow, it has come to my attention that environmental review is not addressed in the scheduling orders for either docket, i.e., scoping meetings, comments and decision; DEIS release, meetings and comments; and FEIS release and comments on adequacy.

Environmental review is to “accompany” a project permitting process. Typically, these environmental review milestones are incorporated into the scheduling orders, and the record remains open for public comment on the adequacy of the FEIS until at least a week after the FEIS is released, and briefing scheduled so that the FEIS may be addressed.

I’ve contacted Ray Kirsch, who informed me that the FEIS is due to be filed on July 11, 2014. July 11, 2014 is long after the public and evidentiary hearings have ended.

The Minnesota Environmental Policy Act (MEPA) specifies that the “final detailed environmental impact statement... shall accompany the proposal through an administrative review process.”

Prior to the preparation of a final environmental impact statement, the governmental unit responsible for the statement shall consult with and request the comments of every governmental office which has jurisdiction by law or special

*expertise with respect to any environmental effect involved. Copies of the drafts of such statements and the comments and views of the appropriate offices shall be made available to the public. **The final detailed environmental impact statement and the comments received thereon shall precede final decisions on the proposed action and shall accompany the proposal through an administrative review process.***

Minn. Stat. §116D.04, Subd. 6a. Comments (emphasis added).

This MEPA mandated accompaniment cannot occur when the Environmental Impact Statement is released after the public and evidentiary hearings have been completed and after public comment closes.

On this timeline, we ask that the record remain open for public comments until at least one week after the filing of the FEIS, to July 18 if filed by July 11, 2014, if not longer, so that the public can review it for adequacy. The briefing schedule should also be extended to reflect this FEIS release date with sufficient time to make comments, or leave granted to address the FEIS in reply briefs.

Can this matter be addressed informally, or would you prefer a formal Motion?

Thank you for your consideration of this scheduling issue.

Very truly yours,



Carol A. Overland
Attorney at Law

cc: Citizens Energy Task Force and No CapX 2020, all parties of record.