

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

In the Matter of the Application for a
Route Permit for the Monticello to St.
Cloud 345 kV Transmission Line Project

PREHEARING ORDER

A prehearing conference was held before Beverly Jones Heydinger, Administrative Law Judge, on September 25, 2009, at the Public Utilities Commission, 350 Metro Square Building, 121 Seventh Place East, St. Paul, Minnesota.

Appearances:

Lisa M. Agrimonti, Briggs and Morgan, P.A., and Priti R. Patel, Xcel Energy, appeared on behalf of Northern States Power Company and Great River Energy (Applicants). Laureen Ross McCalib, Great River Energy, and Darrin F. Lahr, Xcel Energy, were also present.

Karen Finstad Hammel, Assistant Attorney General, appeared on behalf of the Department of Commerce, Office of Energy Security, Energy Facility Permitting Staff (Department).

Deb Pile, Public Advisor, Department of Commerce, Office of Energy Security, was present.

Commission staff, Bret Eknes and Bob Cupit, were present.

David Seykora, Minnesota Department of Transportation, also attended.

Discussion was held among the participants concerning the proposed schedule. The Administrative Law Judge makes the following Prehearing Order.

IT IS HEREBY ORDERED:

Intervention

1. Members of the public need not become formal parties to participate in the hearing. They may offer either oral or written testimony, and they may offer exhibits for

inclusion in the record. Any person may “subscribe” to the E-docket system to receive electronic notice when documents are filed in E-docket in this matter. However, any person desiring to become a formal party must file a petition to intervene.

2. Persons who wish to intervene in this proceeding are requested to file a written petition to intervene with the Administrative Law Judge no later than **January 22, 2010**, as set forth in Minn. R. 1400.6200. Any objection to a petition shall be filed within seven business days of service of the petition. The petition shall be served upon all parties, pursuant to the E-service list in effect at the time of the petition. A Notice of Appearance shall be filed with the Petition.

3. The Department will provide a copy of this Order to the Local Governmental Units that may be affected by this proceeding and post a copy on its website.

Schedule

4. The following schedule is adopted:

Direct Testimony,	January 28, 2010
Rebuttal Testimony of Parties, Comments from OES	February 17, 2010
Surrebuttal Testimony, Comments from OES	February 24, 2010
List of Proposed Exhibits and Witnesses	March 1, 2010

It is anticipated that the Draft Environmental Impact Statement will be available on January 11, 2010, and the Final Environmental Impact Statement will be filed by March 19, 2010.

5. The Witness List shall state the order in which the party’s witnesses are expected to testify.

6. A combined public hearing and evidentiary hearing will be held on **March 8, 2010**, at 2:00 p.m. and 7:00 p.m., at the Clearwater Township Hall, Clearwater, Minnesota, and will continue on February 9-12, 2010, as necessary to complete the hearing.

7. Public Comments may also be submitted in writing to the Administrative Law Judge and must be received by 4:30 p.m. on **March 19, 2010**.

8. The parties shall file their post-hearing briefs on **April 2, 2010**, and responsive briefs on **April 16, 2010**.

9. A telephone conference will be held on **January 29, 2010, at 9:30 a.m.** to review the hearing schedule. Parties will be sent call in information.

Publication of Hearing Schedule

10. The staff and the Applicant shall develop a notice of hearing specifying the date, time and location of the hearing, for publication no fewer than 10 days and no more than 45 days in advance of the hearing, and shall serve notice as specified in Minn. Stat. § 216E.03, subd. 6. As required by Minn. R. pt. 7850.3800, subd. 1, a portion of the hearing must be held in one of the counties where the proposed high voltage transmission line will be located, and Clearwater is so located.

Date of Filing, Sending or Receipt

11. Any document that is filed, or is sent to request or in response to a request for discovery, or for any other purpose, after 4:30 p.m. on a business day, on a weekend day or on a Minnesota state holiday shall be considered filed, sent or received on the next business day.

Discovery

12. A party may serve requests for information on any other party. All requests for information shall be made in writing by e-mail, and the requesting party shall follow the e-mail with a copy of the request sent by regular U.S. mail or other delivery service to all parties, unless the party receiving the request agrees to e-mail service only. To the extent that a request includes material designated as Trade Secret or Nonpublic under the Minnesota Government Data Practices Act, Chapter 13, an e-mail request is required only between the requesting and responding party. Requests shall be sent to the person(s) designated to receive data requests.

13. The responding party shall provide the requested information to the requesting party within ten business days of receipt of the request. In accordance with Minn. R. 1400.6100, subpt. 1, the day that the information request is received shall not be counted in the ten-day period.

14. Responses to information requests shall be submitted by e-mail, and the responding party shall follow the e-mail with a copy of the response sent by regular U.S. mail or other delivery service, unless the party receiving the response agrees to e-mail service only. To the extent that a response includes material designated as Trade Secret or Nonpublic, an e-mail response is required only between the requesting party and the responding party.

15. In the event that due to the volume or nature of information included in a response, the responding party is unable to send the response by e-mail, the responding party shall send the response by facsimile, regular U.S. mail or other delivery service so that the requesting party receives the entire response by the date due, including any material designated as Trade Secret or Nonpublic. Responding parties may utilize CDs to convey large volumes of data. If the response is sent by facsimile, the responding party shall follow the facsimile with a copy of the response sent by regular U.S. mail or other delivery service.

16. There shall be a continuing obligation to update and supplement information responses with any responsive material that may subsequently be discovered or acquired by the responding party. The responsive information shall be supplied to each party that requested it.

17. A party that wishes to receive e-mail copies of requests or responses shall notify the requesting/responding party, who shall provide the information in that format. If the request or response contains material designated as Trade Secret or Nonpublic information, the providing party may seek a Protective Order in this matter before providing the information.

18. In the event the information cannot be supplied within ten business days, the responding party shall notify the requesting party as soon as reasonably possible in advance of the deadline of the reasons for not being able to supply the information and agree on a schedule of compliance with the requesting party.

19. All disputes concerning the reasonableness of discovery requests and the timing and sufficiency of responses shall be resolved by the Administrative Law Judge upon motion of a party. Hearings on such motions may be conducted by telephone conference call.

Prefiled Testimony

20. Prefiled testimony shall be marked as an exhibit with the case docket number and offered for admission into the record at the hearing. A hard copy shall be provided for that purpose and, if the document has been previously e-filed, the offering party shall provide the unique E-docket identifying number. The Administrative Law Judge will assign a hearing exhibit number to the document at the time that it is offered into evidence at the hearing.

21. Prefiled testimony that is amended or not offered into the record shall be considered withdrawn and no witness shall be cross-examined concerning the withdrawn testimony. Any new affirmative matter that is not offered in reply to another party's direct case will not be allowed in rebuttal testimony and exhibits. Except for good cause shown, all revisions or substantive corrections to any prefiled testimony shall be in writing and served upon the Administrative Law Judge and the parties no later than three days prior to the commencement of the evidentiary hearing.

Order of Testimony

22. Unless the parties agree otherwise, the order of testimony shall be: the Applicants, intervenors, if any, in the order of intervention, and the Department. Questioning of the witnesses shall proceed in the same order, subject to change by agreement of the parties or further order of the Administrative Law Judge.

Examination of Witnesses

23. Witnesses shall be allowed ten minutes to summarize their prefiled testimony. For good cause shown, witnesses will be permitted to respond to any new matters not addressed in prefiled testimony through direct examination.

24. Parties shall examine and cross-examine witnesses through their attorneys, if the parties are represented by counsel. Any party not represented by counsel may examine and cross-examine each witness through any one representative chosen by the party.

25. Except for good cause shown, objections by any party relative to the qualifications of a witness or the admissibility of any portion of a witness's prefiled testimony shall be considered waived unless the objecting party states its objection by motion made to the Administrative Law Judge, and serves a copy of such objections on the parties, no later than **March 3, 2010**.

Procedure

26. The rules of the Office of Administrative Hearings and Minn. R. 7850.3100 *et seq.*, govern the conduct of the hearings, and the Professionalism Aspirations adopted by the Minnesota Supreme Court will be observed.

Filing of Documents (Excluding Information Requests and Responses)

27. The service list for the contested case proceeding shall be maintained and revised as necessary by the Office of Administrative Hearings.

28. Prefiled testimony and exhibits may be in any reasonable format that is understandable, logically organized, and capable of being cited by page and line number, paragraph number, or similar identifier.

29. The parties have agreed to file all documents, including prefiled testimony, using the E-Docket system of the Public Utilities Commission, the Department and the Office of Administrative Hearings. Such e-filing constitutes service on those offices and upon any other party that has agreed to accept e-filing as service, as specified on the E-service list.

30. Documents or exhibits that can not be e-filed shall be mailed by U.S. Mail or delivered to the parties.

31. The effective date of filing shall be the date the document is e-filed, mailed by U.S. Mail, or delivered to the Administrative Law Judge. Parties using the E-file system must retain the unique document identifier as proof of service through that system. Proof of service shall be filed with each document or within three business days thereafter.

32. The original and one copy of each document shall also be mailed or delivered to the Administrative Law Judge and one hard copy shall be mailed or delivered to the Commission staff.

33. After the Administrative Law Judge's Report is issued, the parties shall file the original of all documents with the Executive Secretary of the Commission.

34. If trade secret or nonpublic data is filed with the Administrative Law Judge, it shall be prepared and marked in accordance with the Public Utilities Commission's September 1, 1999, Revised Procedures for Handling Trade Secret and Privileged Data. The procedures may be viewed at www.puc.state.mn.us/PUC/consumers/data-practices/index.html. The party submitting the data may request a Protective Order.

Court Reporter

35. A court reporter will be present at the hearing. Parties must make arrangements with the court reporter to obtain a copy of the transcript.

Request for Accommodation

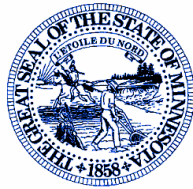
36. No person has requested accommodation for a disability or appointment of an interpreter. The Office of Administrative Hearings shall be notified promptly if either an accommodation or interpreter is needed.

Subpoenas

37. Requests for subpoenas for the attendance of witnesses or the production of documents shall be made in writing to the Administrative Law Judge pursuant to Minn. R. 1400.7000. A copy of the subpoena request shall be served on the other parties. A subpoena request form is available at www.oah.state.mn.us.

Dated this 29th day of September, 2009.

s/Beverly Jones Heydinger
BEVERLY JONES HEYDINGER
Administrative Law Judge



MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

600 North Robert Street
Saint Paul, Minnesota 55101

Mailing Address:
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St. Paul, Minnesota 55164-0620

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

September 29, 2009

To All Parties Listed on the OAH E-Docket
System Service List

**Re: *In the Matter of the Application for a Route Permit for the
Monticello to St. Cloud 345 kV Transmission Line Project***
OAH 15-2500-20665-2; PUC No. E-002/TL-09-246

Dear Parties:

The document listed below has been filed with the E-Docket system and served as specified on the OAH E-Docket service list.

Prehearing Order

Sincerely,

s/Beverly Jones Heydinger

BEVERLY JONES HEYDINGER
Administrative Law Judge

Telephone: (651) 361-7838

BJH:nh

Enclosure

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
ADMINISTRATIVE LAW SECTION
600 NORTH ROBERT STREET
PO BOX 64620
ST. PAUL, MINNESOTA 55164-0620

CERTIFICATE OF SERVICE

<i>In the Matter of the Application for a Route Permit for the Monticello to St. Cloud 345 kV Transmission Line Project</i>	OAH 15-2500-20665-2 PUC No. E-002/TL-09-246
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Nancy J. Hansen certifies that on the 29th day of September, 2009, she served a true and correct copy of the attached Prehearing Order by serving it as specified on the OAH E-Docket service list.

Service List Member Information

Electronic Service Member(s)

Last Name	First Name	Email	Company Name	Delivery Method	View Trade Secret
Hammel	Karen Finstad	Karen.Hammel@state.mn.us	MN Office Of The Attorney General	Electronic Service	Yes
Shaddix Elling	Janet	jshaddix@janetshaddix.com	Shaddix And Associates	Electronic Service	Yes
Pile	Deborah	Deborah.Pile@state.mn.us	Minnesota Department of Commerce	Electronic Service	Yes
Patel	Priti R.	priti.r.patel@xcelenergy.com	Xcel Energy	Electronic Service	No
Krikava	Michael	mkrikava@briggs.com	Briggs And Morgan, P.A.	Electronic Service	No
Ferguson	Sharon	sharon.ferguson@state.mn.us	MN Department Of Commerce	Electronic Service	Yes
Birkholz	David	David.Birkholz@state.mn.us	State of MN - DOC	Electronic Service	Yes
Cupit	Bob	bob.cupit@state.mn.us	MN Public Utilities Commission	Electronic Service	Yes

Haar	Burl W.	burl.haar@state.mn.us	MN Public Utilities Commission	Electronic Service	Yes
Agrimonti	Lisa	lagrimonti@briggs.com	Briggs And Morgan, P.A.	Electronic Service	No
Stephenson	Donna	dstephenson@greenergy.com	Great River Energy	Electronic Service	No

Paper Service Member(s)

Last Name	First Name	Company Name	Address	Delivery Method	View Trade Secret
Eknes	Bret	MN Public Utilities Commission	Suite 350 121 7th Place East, St. Paul, MN-551012147 ,USA	Paper Service	Yes
Heydinger	Beverly	Office Of Administrative Hearings	PO Box 64620, St. Paul, MN-551640620 ,USA	Paper Service	Yes