

September 22, 2014

RE: PUC Rulemaking Docket# R-12-1246

Dear Kate and Advisory Committee,

Thank you for the opportunity to comment on the Final Draft of Chapters 7849 and 7850.

As we move toward rules that reflect a sincere effort to maximize public participation, I offer the following.

-When transitioning from Need to Siting and Routing, there can be confusion with regard to the area of study. Inclusion of definitions describing the areas being considered for final route alignment.

7850.1000- Subp. 5. "Corridor". The area of land that contains all possible transmission route alternatives subject to environmental review and for consideration by the Commission as the final chosen route.

And: Subp. 16. **Route.** "Route" and "route alignment" means the location of a high voltage transmission line between two end points. A route may have a variable width of up to 1.25 miles within which a right-of-way for a high voltage transmission line can be located. For transmission projects that require a Certificate of Need, the route must be within the area defined in the Certificate of Need under Minn. R, Ch. 7849.

It would be helpful to have a definition for "macrocorridor" in 7849.0010" Subp. 17."Macrocorridor"- The area under consideration for transmission lines applied for under this chapter, and containing routes to e considered under PowerPlant Siting Act, MN Statute Ch. 216E andMN R 7850.

-With regard to Advisory Task Force, "Citizen" can be replaced by "Public", which may be even more inviting to individuals, groups or local government entities. This draft better reflects statute and has room for suggested direction and streamlining!

#### **7850.2375. ~~CITIZEN~~ PUBLIC ADVISORY TASK FORCE.**

Subp. 1. **Authority.** The commission has the authority to appoint ~~an citizen~~ public advisory task force. The commission shall determine whether to appoint such a task force as early in the process as possible. The commission shall establish the size of the task force and appoint its members in accordance with Minnesota Statutes, section 216E.08. In deciding whether to appoint an advisory task force, the commission will consider how to maximize public participation. ~~The commission shall advise of the appointment of the task force at the next monthly commission meeting.~~

Subp. 2. **~~Commission decision.~~ Request for Task Force.** If the commission decides not to appoint a citizen advisory task force and a person would like ~~such~~ a task force appointed, the person may request that the commission create a citizen advisory task force and appoint its members. Upon receipt of such a request, the commission shall place the matter on the agenda for the next regular monthly commission meeting.

Subp. 3. **Task force responsibilities.** Upon appointment of ~~an citizen~~ public advisory task force, the commission shall specify in writing the charge to the task force. The task force members shall be provided with the project application and all other information necessary to complete their charge. The charge shall include the identification of additional sites or routes to go to hearing and be included in

environmental review for particular impacts to be evaluated in the environmental impact statement. The commission may establish additional charges., including a request that the task force express a preference for a specific site or route if it has one. (Please delete. The ATF is not, by statute, to choose a preferred alternative route). THE ADVISORY TASK FORCE MEETINGS ARE OPEN TO PUBLIC OBSERVATION.

Subp. 4. Task Force Membership. Task force membership shall consist of the statutory requirements of local governments, non-governmental organizations, and interested members of the public such that the entire affected area is represented.

Subp. 5. Task Force Documents and Reports. Task Force minutes, documents, and report shall be eFiled in the project docket and made part of the record prior to the DEIS meetings and public hearing.

Subp. 6. **Termination of task force.** The task force expires upon completion of its charge, designation by the commission of alternative sites or routes to go to hearing, and to be included in the environmental impact statement, or the specific date identified by the commission in the charge, whichever occurs first.

- All Notice should be as clear, transparent and as early as possible. I suggest L. below be changed to A.

#### **7850.2400 PUBLIC INFORMATION AND SCOPING MEETING.**

L. a statement notifying landowners that their property could be in the final route selected.

-The Public information and scoping meeting continues to strain the public ability to absorb information. The comment period should be extended to at least the same time allotted in 7849. Language to identify the meeting as what it is should be reinstated. Also, all materials pertinent to the permit and project should be available at this meeting.

#### **7850.2400 ~~CITIZEN ADVISORY TASK FORCE~~ PUBLIC INFORMATION AND SCOPING MEETING.**

Subp. 5. ~~Conduct of public meeting~~ **Conduct of public meeting.** Commission role. The commission shall appoint a person, who may be a PUC staff person, to conduct the public meeting. The public meeting must be conducted in an informal manner designed to encourage public participation. The public must be afforded an opportunity to present comments and ask questions. ~~The PUC shall make available at the public meeting a copy of the application and other pertinent documents in the PUC files regarding the application.~~ (This should remain.. DO NOT STRIKE) The staff shall explain the permitting process to the persons in attendance. ~~The assigned public advisor and duties shall be presented.~~ ~~The PUC commission may elect to~~ **SHALL** keep ~~ana~~ transcript or audio recording of the meeting consistent with Minn. Stat. §216E.09.

Subp. 6. **Applicant role.** The applicant shall provide representatives at the public meeting who are capable of answering general questions about the proposed project.

Subp. 7. **Public role.** The public shall be encouraged to make oral comments and ask questions at the meeting. The public may make written comments, due 20 days after the final public meeting.

-In an effort to give broad notice, radio and PSA should be included.

#### 7850.2600 PUBLIC HEARING.

Subp. 3 . **Newspaper and Radio notice.** The notice must be published by the applicant in a legal newspaper of general circulation **and public service announcements** in the county in which the public hearing is to be held. The notice is subject to commission approval, and the applicant must file a copy of the affidavit of publication with the commission within five days of receiving the affidavit.

- Every opportunity to encourage public participation as dictated by statute must be a serious consideration and stressed.

#### **7850.4000 ~~STANDARDS AND CRITERIA~~ CONSIDERATIONS IN DESIGNATING SITES AND ROUTES.**

**Subpart 1.** State goals. **The commission's site and route permit determinations must be guided by the state's goals to conserve resources, minimize environmental impacts, minimize human settlement and other land use conflicts, and ensure the state's electric energy security through efficient, reliable, cost-effective power supply and electric transmission infrastructure, and maximize public participation, as required by the Power Plant Siting Act.** 7850.4500 **PUBLIC PARTICIPATION ADVISOR.**

**Subp. 1. Public Participation.** The commission shall adopt broad spectrum citizen participation as a principal of operation. The form of public participation shall not be limited to public hearings and advisory task forces and shall be consistent with Minn. Stat. 215E.08.

-Also, a section with robust public support and public advisor role is necessary.

#### **7850.4500 PUBLIC PARTICIPATION ADVISOR.**

**Subp. 1. Public Participation.** The commission shall adopt broad spectrum citizen participation as a principal of operation. The form of public participation shall not be limited to public hearings and advisory task forces and shall be consistent with Minn. Stat. 215E.08.

**Subp. 2. Public Advisor.** Upon acceptance of an application for a site or route permit, ~~t~~The commission shall designate a staff person to act as the public advisor during project review for the sole purpose of assisting and advising those affected and interested citizens on how to effectively participate in site or route proceedings. The public advisor must provide information and be available to answer questions from the public about the permitting process, including information about participation, comment periods, and intervention opportunities. The public advisor shall assist in soliciting interest and membership in any authorized Advisory Task Force. The public advisor shall not give legal advice or the advice that may affect the legal or due process rights of the person being advised, and the public advisor shall remain neutral and not act as an advocate on behalf of any person.

I appreciate the draft changes reflecting what I believe to be the intent of the PPSA and MN Statute promoting a transparent and progressive process that enhances public participation. And on behalf of the North Route Group, I appreciate the opportunity to have served on this Advisory Committee.

As always, thank you for your consideration of the above proposed draft changes.

Respectfully as always,

Suzanne Rohlfing  
North Route Group