

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

In the Matter of the Petition of Northern
States Power Company d/b/a Xcel Energy
And Dairyland Power Cooperative for a
Certificate of Need for a 115kV and 161kV
Transmission Line from Taylors Falls to
Chisago County Substation

PUC Docket: E-002/CN-04-1176
E-002/TL-06-1677

OAH Docket: 8-2500-17840-2

**CITY OF LINDSTROM MOTION FOR EXTENSION OF TASK FORCE
OR IN THE ALTERNATIVE
MOTION FOR CERTIFICATION TO PUBLIC SERVICE COMMISSION**

City of Lindstrom is a municipal corporation of the state of Minnesota through which the Chisago transmission line will pass. In the above-captioned matter, the City of Lindstrom has filed a Petition for Intervention under Minn. R. 1400.6200, and the Petition is pending.

The City of Lindstrom makes this Motion for Extension of Task Force because the time frame established by the Department of Commerce is not workable and thwarts meaningful participation by the affected local governments and the public generally. A decade ago, in the prior Chisago transmission line proceeding, the Advisory Task Force provided much needed information and insight, informed the record and functioned as a task force should. Exhibit A, Expanded Horizons: Alternative Routes & Environmental Considerations for the Proposed Chisago Electric Transmission Line Project (1997).

Ten years later, the process is constricted and restricted. The timeline has made it very difficult for cities to participate, and the severely shortened time frame is the primary problem. For example, John Olinger, the City Administrator of the City of Lindstrom, received a Task Force application form and accompanying information on February 26, 2007. See Affidavit of Olinger. He was told that applications were due on March 5, one week later, that selection would be made, presumably by Commerce and that Task Force members would be notified on March 9, 2007, and that the first meeting would be held the

week of March 12, 2007. Olinger does not have authority to choose a representative, and the first City Council meeting after receiving the Task Force application was to be March 15, 2007, after the deadline. Administrator Olinger contacted David Birkholz, Commerce, about this short and unworkable time frame, and was told that the process would proceed. On March 12, 2007, Birkholz sent a letter, which noted that of nine local affected governments, only one had submitted an application. The shortened time frame is a likely reason for lack of response. The first "unofficial" Task Force meeting was held on March 19, 2007, and there are only two more scheduled, for Friday, March 23 and Monday, March 26, 2007. Task Force members have only until March 29, 2007 to get information into the record, with an April 9, 2007 deadline for additional submissions. The charge for the Task Force has not been disclosed.

In addition to the shortened time frame, Chisago City, through which the transmission line also passes, was not named on the Notice Plan, did not receive either the Certificate of Need or Routing application, and did not receive notice of the Task Force.

The level of detail and work in this Task Force report cannot be developed in just three meetings over a week and a half. Without representative members and without a charge and without direction, the Task Force cannot function. Without time, concerns of local governments and local citizens cannot meaningfully participate.

The City of Lindstrom respectfully requests that the term of the Task Force be extended for at least two months for the participants to adequately review the application and their charge, complete the work of the Task Force and participate in a meaningful way. In the alternative, the City of Lindstrom requests that this matter be certified to the Public Utilities Commission for an Order and clarification of the charge of the Task Force.

Dated: March 22, 2007


Carol A. Overland Lic. No. 254617
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AFFIDAVIT OF OLINGER, CITY ADMINISTRATOR, CITY OF LINDSTROM

STATE OF MINNESOTA)
) ss.
COUNTY OF CHISAGO)

John Olinger, after being duly sworn on oath, states and deposes as follows:

1. I am the City Administrator of the City of Lindstrom, a city through which the Chisago transmission line would run, and which has Petitioned for Intervention in the above-entitled matter.
2. Attached as Exhibit A is a true and correct copy of the original Task Force Report in the original Chisago Transmission Line proceeding. This document reflects the time and attention required to adequately address the issues presented to a Task Force.
3. I first received a Task Force application form and information on February 26, 2007, the day before the public informational and scoping meeting on February 27, 2007.
4. I was told by David Birkholz, Dept. of Commerce, that applications were due March 5, 2007, and that selection would be made and Task Force members notified on March 9, 2007, and that the first meeting would be held the week of March 12, 2007.
5. The City Council of Lindstrom's next meeting was March 15, 2007, and we did not have the opportunity to make an appointment to the Task Force prior to the deadline. It is my belief that other local governments had this same time limitation and could not respond prior to the deadline.
6. I spoke with Mr. Birkholz about this and did not receive any extension of the deadline or any helpful direction.

7. I do not have authority to appoint a Task Force member.
8. From a letter of March 12, 2007, by Mr. Birkholz, I learned that of the nine affected local governments, only one submitted a candidate application. In the letter, he states that he was intending to move forward on the same schedule, and that the Task Force may proceed on an informal basis. Attached as Exhibit B is a true and correct copy of the March 12, 2007, Birkholz letter.
9. The first meeting was held on March 19, 2007, and two more were scheduled, one for Friday, March 23 at 2:00 p.m., and the final meeting for March 26, 2007, at 7:00 p.m. The Task Force's work is supposed to be completed by that March 26, 2007, meeting.
10. The rushed nature of the Task Force appointments does not afford local governments a reasonable opportunity to participate. The work of the Task Force is detailed and intense and should not be under such an extreme deadline. The purpose and effect of public participation is lost.

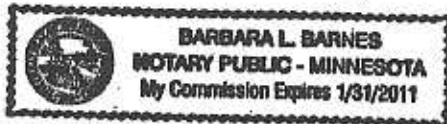
Further your affiant sayeth not.

Dated: March 22, 2007


John Olinger, City Administrator
City of Lindstrom

Signed and sworn to before me this
22nd day of March, 2007.


Notary Public



In the Matter of the CoN and Siting Application for the Chisago Transmission Line

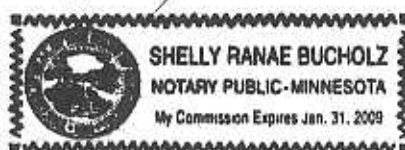
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|--|---|--|
| Burl W. Haar eFile Public Utilities Commission Suite 350 121 East Seventh Place St. Paul, MN 55101-2147 | Eric L. Lipman (Original + eFile) Office of Administrative Hearings Suite 1700 100 Washington Square Minneapolis, MN 55401-2138 | Sharon Ferguson eFile Department of Commerce Suite 500 85 7 th Place East St. Paul, MN 55101-2198 |
| Julia Anderson eFile Assistant Attorney General 1400 Bremer Tower 445 Minnesota St St. Paul, MN 55101-2131 | Valerie M. Smith eFile Assistant Attorney General 1400 Bremer Tower 445 Minnesota Street St. Paul, MN 55101-2131 | Curt Nelson eFile OAG-RUD 900 NCL Tower 445 Minnesota St. St. Paul, MN 55101-2130 |
| Michael C. Krikava eFile Thomas Erik Bailey Briggs and Morgan 2200 IDS Center Minneapolis, MN 55402 | James P. Johnson eFile Asst. General Counsel Xcel Energy 414 Nicollet Mall, 5 th Floor Minneapolis, MN 55401-1993 | SaGonna Thompson eFile Xcel Energy 414 Nicollet Mall, 7 th Floor Minneapolis, MN 55401-1993 |
| Jeffrey L. Landsman, Niles Berman & Joshua Gildea eFile Wheeler, Van Sickle & Anderson 25 W. Main St., Suite 801 Madison, WI 53703 | Chuck Thompson eFile Dairyland Power Cooperative P.O. Box 817 LaCrosse, WI 54602-0817 | Todd J. Guerrero eFile Lindquist & Venum 4200 IDS Center 80 South 8th Street Minneapolis, MN 55402-2274 |
| John Olinger, City Administrator eFile City of Lindstrom 13292 Sylvan Ave Lindstrom, MN 55045 | John & Laura Reinhardt 3552 – 26 th Ave So Mpls., MN 55406 | Todd Sherman MN/DOT Metropolitan Division Waters Edge 1500 W Co. Rd. B2 Roseville, MN 55113 |
| Charles and Gloria Wilberg Trout Brook Farm 2414 – 75 th Ave. Osceola, WI 54020 | Bill Neuman 18827 Osceola Road Shafer, MN 55074 | Janet Shaddix (pldgs, testimony) eFile Shaddix & Assoc. 9100 W. Bloomington Fwy, #122 Bloomington, MN 55431 |
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| tod.sherman@state.mn.us | CHARLES & GLORIA WILBERG - NEED EMAIL | |
| jolinger@cityoflindstrom.us | ayelink@earthlink.net | |

Carol A. Overland, after being duly sworn on oath, states and deposes that she has served the above parties with City of Lindstrom Motion for Extension of Task Force by mail at Red Wing Post Office with proper postage or eFiled and by email as noted, with two letters.

Signed and sworn to before me this
 22nd day of March, 2007.

Shelly Ranae Bucholz
 Notary Public

Carol A. Overland
 Carol A. Overland, Atty. for City of Lindstrom





March 12, 2007

Burl W. Haar
Executive Secretary
Minnesota Public Utilities Commission
127 7th Place East, Suite 350
St. Paul, MN 55101-2147

In the Matter of Route Permit and Certificate of Need Applications for a 115/161 kV Transmission Line Between the Chisago County Substation and the St. Croix River as proposed by Xcel Energy and Dairyland Power (MPUC Docket Numbers: E002,ET3/TL-06-1677 and E002,ET3/CN-04-1176)

Dear Dr. Haar:

In its "ORDER ACCEPTING ROUTE PERMIT APPLICATION AS COMPLETE, AUTHORIZING SELECTION of PUBLIC ADVISOR, AND COMBINING ENVIRONMENTAL REVIEW AND PUBLIC HEARING WITH CERTIFICATE OF NEED APPLICATION," dated February 12, 2007, as Provision number 7:

"The Commission authorizes the Department Energy Facilities Permitting staff to establish an advisory task force and develop a proposed structure and charge for the task force."

The Department did develop a proposed structure and charge, as described in the attached letter to local government officials. The Department made copies of a description of the advisory task force and a candidate application form available at the Public Meeting held in Lindstrom, MN on February 27, 2007, attended by approximately sixty people. In addition, the Department posted a notice and description of the task force and a candidate application form on the Chisago Transmission Project docket page on the PUC Energy Facilities Permitting web site and on the front page of that web site as well.

In response, the Department received candidate applications from five citizens representing either themselves or various interest groups. The Department received one application from an affected local government of the nine noticed in its mailing.

At least seven of those local governments are required to be represented on an advisory task force as per Minnesota Statute 218E.08, supd 1:

“Task forces appointed to evaluate sites or routes considered for designation shall be comprised of as many persons as may be designated by the commission, but at least one representative from each of the following: Regional development commissions, counties and municipal corporations and one town board member from each county in which a site or route is proposed to be located.”

The Department understands that the Commission’s authorization to establish a task force in their Order represents the Commission’s intent that there should be a task force developed. However, due to the lack of local interest, the Department is statutorily restricted from fulfilling that intent with an official advisory task force.

In its interest to comply with the wishes of the Commission, and in adherence to its own interest in enhanced public participation, the Department intends to pursue taking advantage of the interest that does exist to solicit further input on the scope of the Environmental Assessment and any alternate routes or route segments to be included in the analysis. The Department intends to do the following:

1. Contact the citizen applicants to arrange at least one meeting with that group and other interested parties to discuss issues that would have been addressed by the advisory task force;
2. Re-contact the affected local governments asking them to be represented at that meeting and any subsequent meetings the group feels might be warranted; and
3. Incorporate input from this unofficial group in the development of the scoping document in the same manner as input from an official advisory task force.

Sincerely,



David E. Birkholz
DOC EFP Project Manager

Attachment