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December 4, 2007

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**VIA ELECTRONIC FILING**

Burl Haar  
Executive Secretary  
Minnesota Public Utilities Commission  
121 East Seventh Place, Suite 350  
St. Paul, MN 55101-2147

**Re: *In the Matter of the Application of Northern States Power Company d/b/a Xcel Energy and Dairyland Power Cooperative for a Certificate of Need for a High Voltage Transmission Line in Chisago County Minnesota***  
**Docket Nos.: E-002, ET3/CN-04-1176 (NEED)**  
**E-002, ET3/TL-06-1677 (ROUTE)**  
**OAH Docket No.: 8-2500-17840-2**

Dear Dr. Haar:

Enclosed for filing please find Xcel Energy's Exceptions to the Administrative Law Judge's Report in the above-captioned matter. By copy of this letter, all parties of record are being served with same.

Sincerely,

Catherine A. Biestek

CAB/tas  
Enclosures

cc: The Attached Service List  
Eric L. Lipman  
Karen Finstad Hammel

**STATE OF MINNESOTA  
BEFORE THE  
MINNESOTA PUBLIC UTILITIES COMMISSION**

LeRoy Koppendrayer	Chair
Phyllis Reha	Commissioner
Marshall Johnson	Commissioner
Thomas Pugh	Commissioner
David Boyd	Commissioner

IN THE MATTER OF THE APPLICATION OF  
NORTHERN STATES POWER COMPANY  
D/B/A XCEL ENERGY AND DAIRYLAND  
POWER COOPERATIVE FOR A  
CERTIFICATE OF NEED FOR A HIGH  
VOLTAGE TRANSMISSION LINE IN  
CHISAGO COUNTY MINNESOTA

MPUC Docket Nos.:  
E-002, ET3/CN-04-1176 (NEED)  
E-002, ET3/TL-06-1677 (ROUTE)

AND

**XCEL ENERGY'S EXCEPTIONS TO  
THE ADMINISTRATIVE LAW JUDGE'S  
REPORT**

IN THE MATTER OF THE PETITION OF  
NORTHERN STATES POWER COMPANY  
D/B/A XCEL ENERGY AND DAIRYLAND  
POWER COOPERATIVE FOR A ROUTE  
PERMIT FOR A 115 kV AND 161 kV  
TRANSMISSION LINE FROM TAYLORS  
FALLS TO CHISAGO COUNTY SUBSTATION

**INTRODUCTION**

Co-Applicants Northern States Power Company, a Minnesota corporation ("NSPM," "Xcel Energy" or the "Company"), and Dairyland Power Cooperative ("Dairyland")(collectively "Applicants") commenced these Certificate of Need and Route Permit proceedings for authority from the Minnesota Public Utilities Commission ("Commission") to upgrade and replace an existing 69 kV transmission line with a 115 kV transmission line from the Chisago County Substation near North Branch to Taylors Falls, Minnesota; and with a 161 kV transmission line from Taylors

Falls to the Minnesota/Wisconsin state border (and continuing in Wisconsin). After several days of evidentiary and public hearings, and post-hearing briefs, Administrative Law Judge Eric Lipman (the "ALJ") issued his Summary of Testimony at the Public Hearings, Findings of Fact, Conclusions and Recommendations ("Report") on November 19, 2007.

The Report correctly finds that Applicants proved the proposed upgrade is needed and is the most appropriate system configuration in the record. Indeed, the record establishes this upgrade project is needed as soon as possible and delays in completing the upgrade should be avoided. And the Report is largely correct in analyzing the route for this upgrade project, including the need to place the line underground in the St. Croix River Valley to comply with regulatory requirements of the U.S. National Park Service and Minnesota Department of Natural Resources.

The main point of controversy in the record was routing the upgraded line through the City of Lindstrom ("Lindstrom"). Applicants proposed to use the existing corridor on First Avenue and replace the 12 existing 60 to 70-foot wood poles with 7 new 90-foot steel poles along the existing alignment. The ALJ suggests that the Commission add seven miles of new corridor, impacting more than 40 additional landowners by going "Around-the-Lakes" between the Lindstrom and Shafer Substations. The ALJ's suggestion to route the line around the lakes should be rejected, and Xcel Energy takes exception to that aspect of the Report, because:

- (i) it would result in more impacts to more landowners;
- (ii) it would result in additional incremental impacts since the existing wood poles would remain in the existing corridor in downtown Lindstrom;
- (iii) it is inconsistent with Minnesota law and is not supported by the record;
- (iv) it could create delay in a project that needs to be implemented now; and
- (v) it could require reopening the record to give affected landowners the right to comment on this previously unproposed route and to evaluate the environmental impacts of this route variant.

## DISCUSSION

Applicants agree with the recommendations pertaining to the Certificate of Need. And Applicants agree with most of the Report's Routing analysis. Thus, these Exceptions are narrowly focused on whether the Commission has a basis on this record to require a segment of the 115 kV line to be routed around the Lakes, north of Lindstrom, on a new transmission route rather than through downtown Lindstrom along the alignment of the existing 69 kV transmission line.

### **A. The Record Is Inadequate for Routing Around-the-Lakes**

The only real dispute pertains to Segment 3 of the proposed route. As proposed, Segment 3 goes from the Lindstrom Substation to the Shafer Substation using the pre-existing alignment of the 69 kV line and includes an approximately four block portion on First Avenue in Lindstrom. Segment 3 calls for replacing the 12 existing 60 to 70-foot wood poles along First Avenue with 7 new 90-foot steel poles.

The record is inadequate to support selecting the Around-the-Lakes variant as an appropriate alternative to Segment 3 of the proposed route. No routing proposal was ever submitted for the Around-the-Lakes variant.<sup>1</sup> Instead, this route variant was first raised in response to discovery requests during the case. Xcel Energy provided a preliminary review of variations, including going around the lakes (as well as going under the lakes), primarily to demonstrate why the proposed route using the existing alignment was superior to the other route variations. Other than the preliminary review during discovery, Xcel Energy conducted no further analysis of this route.<sup>2</sup>

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<sup>1</sup> This routing proceeding occurred under the Commission's alternative permitting process, governed by Minn. R. 7849.5500 to 7849.5720. Under that process, formal "alternative routes" are not required. *See* Minn. R. 7849.5530. Thus the Application did not include formal alternatives for going through Lindstrom and did not study alternative corridors.

<sup>2</sup> Notably, the City of Lindstrom did not advocate the Around-the-Lakes variant in its pre-filed testimony, but instead recommended the Under-the-Lakes variant, which was not adopted by the ALJ. *See* LIND Ex. 201 at 4-5; LIND Ex. 204. No party submitted pre-filed testimony or evidentiary support for the Around-the-Lakes variant.

Moreover, the Minnesota Department of Commerce Energy Permitting Facilities Staff ("EFP Staff") determined that the Around-the-Lakes variant was not feasible or viable for review in its Environmental Assessment ("EA") and, therefore, did not conduct an environmental review of the Around-the-Lakes variant in its EA.<sup>3</sup>

And while the Commission's rules for notice requirements were technically satisfied with respect to this route segment regardless of the specific route ultimately selected, selection of the Around-the-Lakes variant would be problematic without reopening the record to ensure that the approximately 45 landowners and others impacted by this major change in the route have notice and the opportunity to be heard.<sup>4</sup> Since some of those properties are literally miles away from the existing line and the proposed route, it was very reasonable that many of these property owners would conclude that this proceeding was not relevant to their property interests. They may have views about the Around-the-Lakes variant that did not get expressed on the record since that route variant was not analyzed as a formal alternative. Therefore, the desires of these potentially-affected property owners should be explored before the Commission approves selection of this route.

No other party provided evidence showing whether the Around-the-Lakes variant is viable or further explored it as an option. The ALJ notes only that the current and former Mayors of Lindstrom stated at the public hearings that they preferred the transmission line be routed around the lakes to avoid the Lindstrom business district.<sup>5</sup> But that statement of preference does not provide the record

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<sup>3</sup> See XE/DPC 4 at 73-74 (explaining why the EFP Staff did not think that Around-the-Lakes variant qualified as a "feasible or viable alternative[] for review in the EA").

<sup>4</sup> By contrast, the proposed route is supported with a detailed assessment of all the route segments, preliminary assessments for configuring the line and an analysis of the impacts on landowners affected by the proposal.

<sup>5</sup> ALJ's Report at 50.

support necessary to select the Around-the-Lakes variant as a viable option. For example, there is no City Council resolution or other formal position of the City of Lindstrom supporting this as an alternative.<sup>6</sup> To the contrary, the statements of these individuals (even public officials) cannot be relied on to represent the opinions of all of the 45 landowners along the Around-the-Lakes variant who could have reasonably believed that they would not be impacted by the transmission line as proposed by the Applicants and, therefore, did not believe it necessary to attend the public hearings to opine on the Around-the-Lakes variant.

Thus if the Commission is interested in the Around-the-Lakes variant, it might want to reopen the record on the route segment between the Lindstrom and Shafer Substations to allow (i) additional proceedings before the ALJ to vet the options for this route segment; (ii) completion of an environmental assessment by the EFP Staff of the various route variants; and (iii) an opportunity to all affected landowners to share their opinions on the impacts of a new route for the proposed transmission line.

Xcel Energy, however, is concerned with the potential for delay that this outcome could cause. It would be unfortunate if Applicants lost a construction season for the entire line while addressing issues arising out of a single short segment of the line. It is clear from the record that there is an immediate need for the upgraded facilities and that taking more time to implement this upgrade project will only further exacerbate the risks to reliable service that customers face in this region of the State. Thus if the Commission decides to reopen the proceedings to further explore the Around-the-Lakes variant, Xcel Energy suggests that the Commission grant the Certificate of Need and issue a Route Permit for Segments 1, 2, 4, 5, and 6

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<sup>6</sup> *McQuillin Mun. Corp.*, § 12.126.10 (3rd ed.) (providing that a “municipality is not liable for or bound by the unauthorized statements of its officers or employees”). At the hearings, the city administrator of Lindstrom testified that the Lindstrom city council passed no resolution authorizing the city administrator to recommend various route variants in or around Lindstrom. Sept. 6, 2007 Hearing Transcript Vol. 3 at 242-43.

(all segments except Segment 3's proposed alignment along First Avenue). This would allow Applicants to explore the option of advancing construction of some portion of the project while the route for segment 3 is being finalized.

**B. Greater Environmental Impacts With a New Corridor**

The ALJ suggested the Around-the-Lakes variant, concluding that creating more than seven miles of new corridor around North Lindstrom and North Center Lakes “avoids the special and definite tourism-related impacts associated with routing the line along the City of Lindstrom’s downtown corridor ....”<sup>7</sup> Requiring creation of more than seven miles of new corridor when a preexisting corridor is available creates greater environmental impacts and is inconsistent with Minnesota law, particularly when the existing corridor will remain after the new line goes around the lakes.

1. The PEER Decision

In his memorandum, the ALJ interpreted the Minnesota Supreme Court case *People for Env'tl. Enlightenment & Responsibility (PEER), Inc. v. Minnesota Env'tl. Quality Council*, 266 N.W.2d 858 (Minn. 1978) (hereinafter "PEER") to support the ALJ's recommended modification, concluding that the Around-the-Lakes variant “does not implicate the same type of unique and ‘noncompensable’ environmental assets as was the case in PEER.”<sup>8</sup> The ALJ concluded instead that it was downtown Lindstrom that possesses “unique regional assets” that “deserv[e] special guardianship” as opposed to “the more rural path around Chisago Lake.”<sup>9</sup> Xcel Energy respectfully disagrees with the ALJ's analysis and application of the ruling in PEER.

In PEER, the Minnesota Supreme Court concluded that

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<sup>7</sup> ALJ's Report at 44.

<sup>8</sup> ALJ's Report at 50.

<sup>9</sup> ALJ's Report at 50.

in order to make the route-selection process comport with Minnesota's commitment to the principle of nonproliferation, the MEQC must, as a matter of law, choose a pre-existing route unless there are extremely strong reasons not to do so. We reach this conclusion partly because the utilization of a pre-existing route minimizes the impact of the new intrusion by limiting its effects to those who are already accustomed to living with an existing route. More importantly, however, the establishment of a new route today means that in the future, when the principle of nonproliferation is properly applied, residents living along this newly established route may have to suffer the burden of additional powerline easements.

266 N.W.2d at 868 (emphasis added). In reaching this conclusion, the Court emphasized that persons “who lose their homes can be fully compensated in damages,” whereas the “destruction of protectible environmental resources [which in *PEER* included a lake and woods], however, is noncompensable and injurious to all present and future residents.” *Id.* at 869.

Here, it is Xcel Energy's proposed route between the Lindstrom and Shafer Substations that closely adheres to the nonproliferation doctrine. Xcel Energy's proposed route follows the route alignment of the existing 69 kV transmission line along First Avenue in Lindstrom, and nothing in the record establishes the requisite strong reasons for deviating from this existing alignment.

Lindstrom primarily takes issue with the aesthetic impact of the proposal, essentially arguing that the State of Minnesota should take the reconstruction of the transmission line as an opportunity to remove the line from First Avenue. The ALJ suggests that the replacement of the existing 69 kV transmission line with a 115 kV transmission line may impact Lindstrom's ability to be a “retail and tourism center.” There is no evidence in the record that the proposed route would have such an impact on Lindstrom, but to the extent that such an impact might occur, it would be incremental to the impact Lindstrom already experiences from the existing 69 kV

transmission line.<sup>10</sup> And even if the proposed transmission line were re-routed along the Around-the-Lakes variant, Lindstrom would realize little to no aesthetic benefit because the existing wood poles along First Avenue would still remain in order to continue supporting the Company's existing electrical distribution lines and other utility lines that are currently on these poles.<sup>11</sup> Reliance on unfounded assumptions about aesthetic impacts, taken in isolation, without considering the environmental impacts of the Around-the-Lakes variant is not a strong enough justification for the Commission to decline to route the proposed 115 kV transmission line along the existing 69 kV transmission line alignment through Lindstrom.

## 2. Additional Impacts

Unlike the proposed route, the Around-the-Lakes variant would result in several additional new environmental impacts.<sup>12</sup> Routing the transmission line around the lakes would (i) require approximately 7.3 miles of new corridor; (ii) require clearing approximately 2,700 linear feet of trees along the right-of-way, resulting in an approximate total of three acres of tree clearing; (iii) require crossing nine wetlands that are listed in the National Wetlands Inventory ("NWI"), including one currently un-impacted wetland that is approximately 800 feet wide and might need to be filled in to cross; and (iv) impact approximately 45 residences.<sup>13</sup>

Routing the line around the lakes would also result in two corridors instead of the existing one corridor. The First Avenue corridor will exist whether or not the

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<sup>10</sup> XE/DPC Ex. 18 at 13, 16. Compare the photographs of the existing 69 kV transmission line and the proposed 115 kV transmission line on First Avenue in Lindstrom. XE/DPC Ex. 4 at 43.

<sup>11</sup> XE/DPC Ex. 18 at 13.

<sup>12</sup> Non-environmental considerations include that the Around-the-Lakes variant would cost an approximate additional \$1.4 million to construct, and it may conflict with planned development in the alternative segment area. Ex. XE/DPC 17; Ex. XE/DPC 20 at 8, 13.

<sup>13</sup> Ex. XE/DPC 20 at 8-9, 13; Ex. XE/DPC 4 at 74.

upgraded transmission line follows that corridor. Furthermore, the undisputed record evidence is that if the Commission orders a different route, the existing wood poles on First Avenue will remain in place. Xcel Energy's existing distribution circuit will remain on those poles as well as the telecommunications lines that are placed on those poles pursuant to a pole attachment agreement.<sup>14</sup>

The very real and incremental environmental impacts of the Around-the-Lakes variant would need to be explored. These important considerations far outweigh the incremental impacts of seven 90-foot steel poles replacing twelve 60 to 70-foot wood poles along the existing First Avenue corridor.

### 3. Underground Along Newell Avenue

If the Commission concludes that following the existing alignment along First Avenue is unacceptable, the only potentially viable route variation in this record for Segment 3 is to move the line two blocks south from First Avenue to Newell Avenue and construct that segment underground. In contrast to the Around-the-Lakes variant, undergrounding the proposed transmission line along Newell Avenue was discussed repeatedly during the contested case proceeding and could constitute a viable alternative to Route Segment 3 if the Commission prefers to avoid First Avenue.<sup>15</sup> And since the transmission line route along Newell Avenue would be underground in a right-of-way (a city street) under the authority of the city of Lindstrom and in close proximity to the Company's proposed alignment, it is less likely that affected landowners will be able to claim unfair surprise or lack of notice.

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<sup>14</sup> Ex. XE/DPC 10 at 10-11.

<sup>15</sup> The Newell Avenue Underground Option was referred to at least 14 times during the hearings. Sept. 4, 2007 Hearing Transcript Vol. 1C at 46; Sept. 5, 2007 Hearing Transcript Vol. 2A at 61-62, 67, 106 and Vol. 2B at 10, 19, 29-30, 34. Whereas, the Around-the-Lakes variant was mentioned only five times during the hearings. Sept. 6, 2007 Hearing Transcript Vol. 3 at 178-179, 217; Sept. 7, 2007 Hearing Transcript Vol. 4 at 153-154.

Undergrounding along Newell Avenue, however, is still inferior to the proposed route along First Avenue. It would (i) be slightly longer; (ii) be approximately \$3.5 million more expensive; (iii) require about 0.5 mile of new corridor; (iv) impact approximately 63 residences and 16 business not impacted by the existing First Avenue route; (v) disrupt traffic and commerce during an extended construction period; and (vi) would not eliminate the overhead wood poles and wires currently located on First Avenue.<sup>16</sup> This alternative, however, would avoid the incremental impacts of the taller (but five fewer) poles proposed for Segment 3.<sup>17</sup>

Based on the above considerations, Xcel Energy respectfully requests that the Commission grant a Route Permit for the Applicants' proposed route or, if the Commission prefers to avoid First Avenue in Lindstrom, then order undergrounding along Newell Avenue, and decline to modify the route to include the inferior Around-the-Lakes variant.

### **C. Other Considerations**

If the Commission declines to route the proposed transmission line along the existing on First Avenue in Lindstrom and, instead, is inclined to order a non-standard installation, such as undergrounding along Newell Avenue or overhead around the lakes, important questions would be raised about appropriate allocation of cost responsibility for that non-standard installation. If the Commission prefers one of the non-standard installations for Segment 3, Xcel Energy suggests that a subsequent proceeding be commenced to address whether Lindstrom or ratepayers generally should pay for the incremental cost of the non-standard installation.

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<sup>16</sup> Ex. XE/DPC 20 at 12.

<sup>17</sup> Undergrounding on Newell Avenue is distinguishable from undergrounding in Taylors Falls because the facilities are proposed to be placed underground in Taylors Falls to meet the permit requirements of the U.S. National Park Service and the U.S. Army Corps of Engineers in the St. Croix National Scenic Riverway. See Exs. XE/DPC 18 at 11-12; XE/DPC 20 at 13.

The Department referred to this issue in the hearings.<sup>18</sup> Special facilities requested by municipalities and others raise important policy questions about who should be responsible for the cost of the special facilities that they request. This is an especially valid inquiry when a non-standard installation is selected for aesthetic reasons at the request of a local government unit, and the aesthetic benefits of implementing that non-standard installation will be incremental and minor.<sup>19</sup> Here, the existing poles along First Avenue in Lindstrom will remain in place even if the Commission decides to implement another alternative.<sup>20</sup> The Commission should consider who ultimately will be responsible for the costs in this circumstance.

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<sup>18</sup> On cross-examination Dr. Stephen Rakow of the Department was asked how value claimed costs to a community caused by an overhead transmission line, to which Dr. Rakow explained one evaluation method to assign a dollar value to such costs, referred to as the "willingness to pay" test:

The claim is that there's local externalities on the local community. And you would test whether the benefits, which would be avoided costs as it were by undergrounding the line, are greater than the cost of undergrounding by just simply asking them -- them being the local community, City of Lindstrom -- for example, if they're willing to pay more; are they willing to pay the additional cost of undergrounding or aren't they. You'd have a quick rough estimate as to whether the benefits exceed the cost. Because the people who claim the benefits of undergrounding, for example, exist, give you an estimate right there. They do a cost ben test themselves.

Sept. 10, 2007 Hearing Transcript Vol. 5 at 103-04.

<sup>19</sup> In testimony of Lindstrom's City Administrator, John Olinger, indicated that Lindstrom has already invested significant dollar amounts in aesthetic upgrades as part of its efforts to preserve its tourism industry. Ex. LIND 201 at 5-6; Sept. 6, 2007 Hearing Transcript Vol. 3 at 248-49, 261. This fact may be relevant to the Commission's consideration of any cost responsibility for the implementation of a non-standard installation for Segment 3.

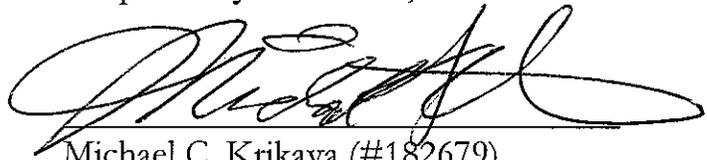
<sup>20</sup> If, ultimately, Lindstrom wants the Company to remove the existing wood poles on First Avenue that will still remain to support electrical distribution and other utility lines, the Company's City Requested Facilities Surcharge Rider ("CRFS") tariff would require that ratepayers in Lindstrom be responsible for the costs of undergrounding the Company's distribution facilities. See *In re Matter of Xcel's Petition for Approval of a City Requested Facilities Surcharge Rider*, Order Approving Xcel's City Requested Facilities Surcharge Rider With Modifications and Requiring Compliance Filing, MPUC Docket No. E-002/M-99-799 (Sept. 21, 2001). The Company believes that the ratemaking

CONCLUSION

The record supports the conclusion that (i) the Certificate of Need should be granted as proposed, and (ii) the Route Permit should be issued as proposed. In the alternative, the Commission could grant the Certificate of Need and the Route Permit with the exception of Segment 3 and remand Segment 3 back to the ALJ for further proceedings. This alternative outcome would allow Applicants to explore advancing construction of some portion of the project while simultaneously addressing any remaining issues over the route through downtown Lindstrom.

Dated: Dec. 4, 2007

Respectfully submitted,



Of Counsel:

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**ATTORNEYS FOR NORTHERN STATES POWER COMPANY, A  
MINNESOTA CORPORATION**

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principles supporting the CRFS Rider may also be relevant to the Commission's consideration of any cost responsibility for the implementation of a non-standard installation for Segment 3.

STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF HENNEPIN )

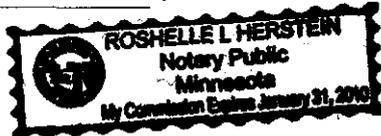
AFFIDAVIT OF SERVICE  
MPUC Docket No.: E-002/CN-04-1176;  
E-002/TL-06-1677  
OAH Docket No.: 8-2500-17840-2

Theresa Senart, being first duly sworn, deposes and states that at the City of Minneapolis, County of Hennepin, State of Minnesota, on the 4th day of December, 2007, she served Xcel Energy's Exceptions to the Administrative Law Judge's Report upon the people listed upon the attached service list via e-mail except for those persons specified to receive filings via U.S. Mail only. Said document is also being filed electronically through the PUC's website and therefore a paper copy is not being sent separately to the OAH, PUC or DOC.

Theresa Senart  
Theresa Senart

Subscribed and sworn to before me this  
4th day of December, 2007

Roshelle L Herstein  
NOTARY PUBLIC



## SERVICE LIST

**IN THE MATTER OF THE APPLICATION OF NORTHERN STATES POWER COMPANY D/B/A XCEL ENERGY AND DAIRYLAND POWER COOPERATIVE FOR A CERTIFICATE OF NEED FOR A 115 KV AND 161 KV TRANSMISSION LINE FROM TAYLORS FALLS TO CHISAGO COUNTY SUBSTATION**

**OAH DOCKET NO. 8-2500-17840-2**

All Parties have agreed to E-File documents at: [www.edockets.state.mn.us](http://www.edockets.state.mn.us).

Filing with E-dockets shall constitute service on the Public Utilities Commission, the Department of Commerce and the Office of Administrative Hearings. As of this date, all parties have agreed to accept service by e-mail at the e-mail addresses listed below. However, where indicated, parties have requested that the e-mail be followed by mail or delivery of a hard copy. In the event that a pleading or attachment cannot be filed and served electronically, it must be filed and served on each of the parties at the addresses listed.

Documents that contain trade secret or nonpublic data may be e-filed, but may not be copied or served electronically.

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**SERVICE LIST**

**IN THE MATTER OF THE APPLICATION OF NORTHERN STATES POWER COMPANY D/B/A XCEL  
ENERGY AND DAIRYLAND POWER COOPERATIVE FOR A CERTIFICATE OF NEED FOR A 115 KV AND  
161 KV TRANSMISSION LINE FROM TAYLORS FALLS TO CHISAGO COUNTY SUBSTATION**

**OAH DOCKET No. 8-2500-17840-2**

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**SUPPLEMENTARY NOTICE LIST:**

Persons listed below are not on the official service list of this proceeding. These persons are not currently formal parties or participants in this matter. The intervention deadline in this matter is 4:30 p.m. on Monday, March 19, 2007.

Persons seeking to join as parties (with rights to service copies) must contact the Administrative Law Judge. The following persons are receiving this mailing to ensure that they have notice of the opportunity to participate in this proceeding:

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