

December 20, 2010

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

Re: In the Matter of the Application for a HVTL Route Permit for the
Hiawatha Transmission Project
MPUC No. E-002/TL-09-38
OAH 15-2500-20599-2

Dear Dr. Haar:

Hennepin County, the City of Minneapolis and the Midtown Greenway Coalition have reviewed the application for the Certificate of Need. At this time, none of us plans to intervene in these proceedings.

However, we have noted that some of the materials in the Certificate of Need Application are pertinent to the issue of a route permit and not directly relevant to the issue of need.

We assume that we will not need to intervene in the Certificate of Need process in order to relitigate matters previously litigated in the Route Permit process. We further assume that any and all findings and recommendations in the Certificate of Need proceedings will be specific to the issue of need and not routing matters, such as route location, substation location and design, evaluation of whether an underground route is an appropriate and standard facility and other issues addressed and findings made by the Honorable Beverly Heydinger on October 8, 2010.

We would request that the Commission immediately clarify, with an appropriate order if necessary, that the Applicant will not be allowed to use the Certificate of Need proceeding to relitigate such routing matters in the absence of the parties in interest, including Hennepin County, the City of Minneapolis and the Midtown Greenway Coalition.

To avoid any confusion in this matter, we would further request that the Commission provide that no hearing of routing matters will take place at the Commission unless and until the Commission has issued a Certificate of Need for the Hiawatha Project. Separation of the Certificate of Need and Route Permit processes will protect the

interests of our clients and other parties to the routing proceeding who are also unlikely to be parties to the Certificate of Need proceeding and will serve the interests of justice.

Please find enclosed the Certificate of Service.

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**In the Matter of the Application for a High Voltage Transmission Line Route Permit for
the Hiawatha Transmission Project**

**MPUC Docket No. E-002/TL-09-38
OAH Docket No. 15-2500-20599-2**

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

AFFIDAVIT OF SERVICE

I hereby state that on the 20th day of December, 2010, I served the attached Letter of December 20, 2010 by e-mail upon all parties on the attached service list by e-mailing to their electronic addresses as listed.

s/Eileen Bergren
Eileen Bergren

Subscribed and sworn to before
me this 20th day of December, 2010.

s/Jeanne Moen
Notary Public

SERVICE LIST

MPUC Docket No. E-002/TL-09-38

OAH Docket No. 15-2500-20599-2

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