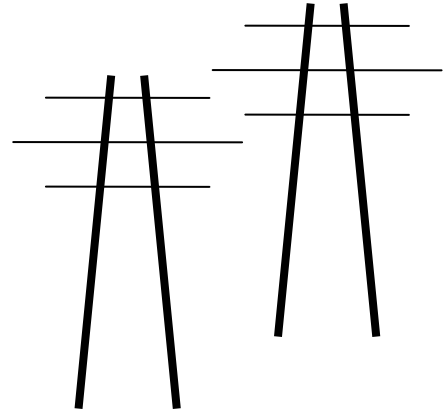


# Legalelectric, Inc.

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November 19, 2012

Burl Haar, Executive Secretary  
Public Utilities Commission  
121 – 7<sup>th</sup> Place East, Suite 350  
St. Paul, MN 55101

eFiled and eServed

RE: Notice Plan Comments for Certificate of Need  
Great Northern Transmission Line  
PUC Docket No.: E015/CN-12-1163

Dear Dr. Haar:

I am sending this Notice Plan Comment as an individual, not representing any party, and am making this comment as one with knowledge of many things electrical including this and other transmission dockets.

## **Newspaper notice:**

Because of the claimed regional impacts, and the addition of the Star Tribune, the St. Paul Pioneer Press should also be used. The applicant should also send to any Reservation newspapers, in CapX 2020, the Prairie Island Indian Community newspaper was omitted.

## **Radio notice:**

Because electronic notices can be sent with little effort and expense, the Notice Plan should include clearly labeled Public Service Announcements sent to radio stations in the area, particularly Community and Public radio stations, including but not limited to:

KAXE & KBXW - [psa@kaxe.org](mailto:psa@kaxe.org)

MPR stations & news contact info (note duplication):

Bemidji - KNBJ [trobertson@mpr.org](mailto:trobertson@mpr.org)

Duluth – WSCN [dkraker@mpr.org](mailto:dkraker@mpr.org)

Ely – WIRC [dkraker@mpr.org](mailto:dkraker@mpr.org)

Roseau – KRXQ [dgunderson@mpr.org](mailto:dgunderson@mpr.org)

Virginia-Hibbing – WIRN [dkraker@mpr.org](mailto:dkraker@mpr.org)

Radio stations with a more direct community connection, such as those listed above should be sought out. A listing of radio stations is at: <http://www.northpine.com/broadcast/mn/radio.html> Local internet only radio stations should also be discovered and provided Public Service Announcements.

**Website notice:**

Local websites with followings should also be sought out and provided Notice, such as Aaron Brown’s “Minnesota Brown” ([www.minnesotabrown.com](http://www.minnesotabrown.com)) and Citizens Against the Mesaba Project ([www.camp-site.info](http://www.camp-site.info)) and others.

**Local Government notice:** The applicant should also request that local governments post information and a link on their websites so that people can more easily find information.

**Direct Mail:**

Because the electronic/information age makes databases so much easier, the direct mail lists should be cross-referenced with Secretary of State voter files, available at nominal costs. This would provide direct mail notice to renters or others not listed on property ownership list.

**Open House Meetings:**

At the Open House meetings, I noted, and brought this up to one or more applicant employees and/or agents (HDR?), that there was no information on the Notice Plan at the three that I attended, and no notice to attendees that they could comment on the Notice Plan. I was told that this was because the Notice Plan was only recently filed, but that makes no sense as the Notice Plan was not “spur of the moment,” and was instead planned for some time. If I can draft handouts regarding the Notice Plan, make copies, and show up to hand them out, Minnesota Power can too! As it stands, the only notification that attendees got regarding the Notice Plan was from MOI! Something is wrong with that...

**Identified Stakeholders:** Electronic notice should be sent to those participating in Minnesota Power PUC dockets and other dockets within the area, i.e., the CapX Brainerd-Bemidji line, MP IRP, and the mining dockets including but not limited to Essar and PolyMet. Environmental and economic advocacy groups active in the area should be provided electronic notice as well, again identified through locations of offices and chapters and participation in local issues. “Stakeholders” met with in August 2012 should be publicly identified.

**Content of Notice:**

It is crucial that the notice plan show the potential corridors and EXISTING TRANSMISSION LINE ROUTES. It’s not in the Notice Plan, and I have requested the information from Minnesota Power, and received the existing transmission information last week in a separate map. It needs to be an overlay, and should also be on the “Great Northern” website. The existing transmission routes should be identified by differently colored lines representing voltage. Last week when I was in the area for several of the public meetings, I drove on Co. Rd.

21 east of Grand Rapids, and noted that what shows as one blue 230kV line on the MAPP map is actually two separate transmission lines both sharing and using parallel corridors. First, sharing a corridor:



And joining after running in somewhat separate corridors along the highway:



### **MISO Studies:**

The Dept. of Commerce's Comments note the MISO Northern Area Study. Also in play is the MHC study, upon which this line is based. The Notice Plan should include a link to the Northern Area Study page and also a link to the "MHC" study referenced in the Northern Area Study.<sup>1</sup>

### **Commission information:**

In addition to the Commission's mailing address, telephone number, and Web site, and Service List, the Notice should provide simple directions on **how to subscribe to the docket**, and also a link to Commission process and intervention information.

### **Notice to State and Federal Agencies:**

Notice Plan should be sent to all state and federal agencies. At a meeting, I heard someone asking about corridor sharing, and note that in CapX 2020 proceedings, a DOT representative was often present, and attended all public and evidentiary hearings. This was very helpful, because otherwise, the public and the ALJ would not have known of DOT corridor sharing issues that had an impact on route corridor availability.

### **Federal NEPA implications:**

The Notice Plan should briefly explain what NEPA actions are required, a rough timeline, and identify opportunities for public participation.

### **"Buy the Farm" Notice:**

Together with the statement that "Minnesota Power will work with affected landowners to acquire easement rights for the Great Northern Transmission Line," the Notice Plan should provide simple one sentence notice to landowners that "because this is a transmission line above 200kV, "Buy the Farm" under 216E.12, Subd. 4, is available to landowners to elect at that time."

### **State/Federal Elected Officials:**

Yes, DO update the list post election!

### **Presidential Permit:**

In the description planned, a link regarding process and opportunities to participate would be useful.

### **Timing:**

Regarding implementation, the Department of Commerce's recommendation is reasonable.

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<sup>1</sup> Manitoba Hydro Wind Synergy Study? Or ???

**General Comments:**

My comments are based on participation and intervention in utility dockets over the last 18 years and seeing the same issues redundantly recurring, and recurring, and recurring, and recurring even since the advent of the Notice Plan and work on that rulemaking and annual forays to the Power Plant Siting Act Annual Hearing. Often I find that I'm one providing notice, such as this past week when I handed out information to Open House attendees regarding the Notice Plan and comment deadlines. But for that, they'd not know, and that's not how this should work. If I can provide notice and information, so should they, it's their job!

I recognize that utilities often regard the public as a PITA and prefer to keep us in the dark, but I've also seen, as does the utility, and as should the Commission, that with increased notice and engagement, there is actually less rancor surrounding transmission lines. Where there is trouble is when the public and landowners are surprised by unnecessary big projects and by last minute attempts to insert routes for Commission consideration. It's my hope that Minnesota Power and the other applicants/owners of this project will make best efforts to avoid the well-known problems in transmission "need" and routing as this project moves forward.

Thank you for the opportunity to submit Notice Plan Comments.

Very truly yours,

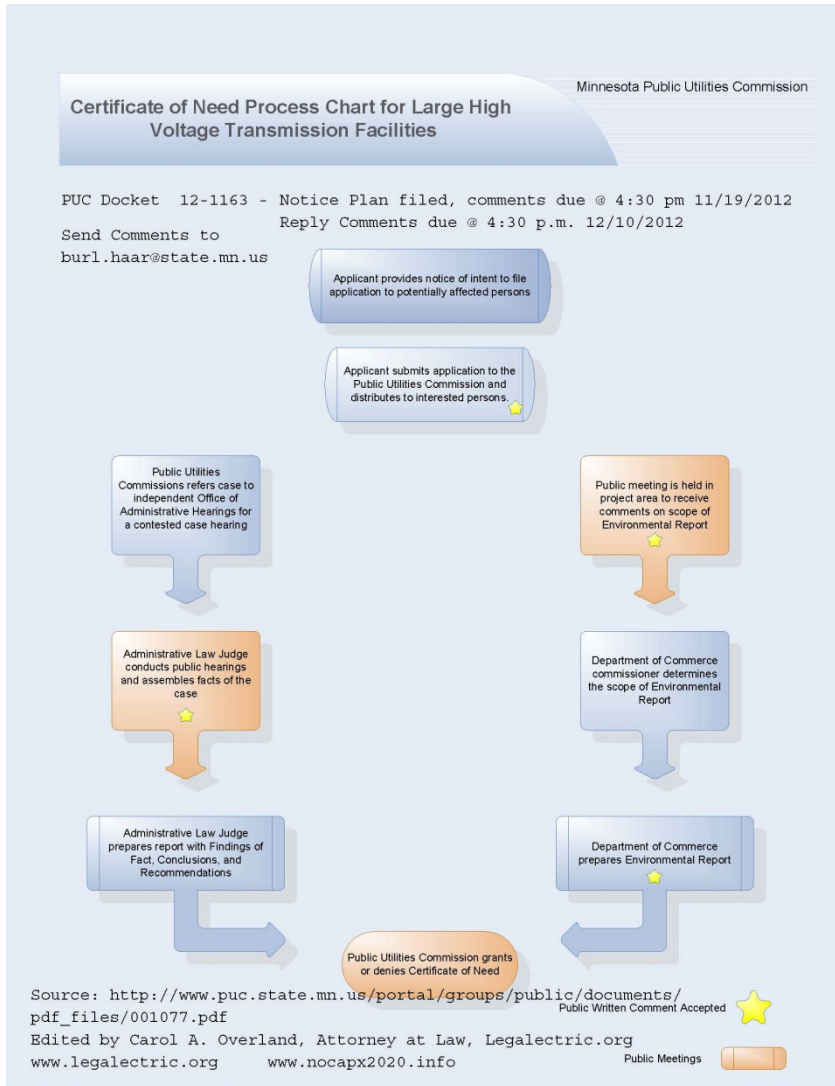


Carol A. Overland  
Attorney at Law

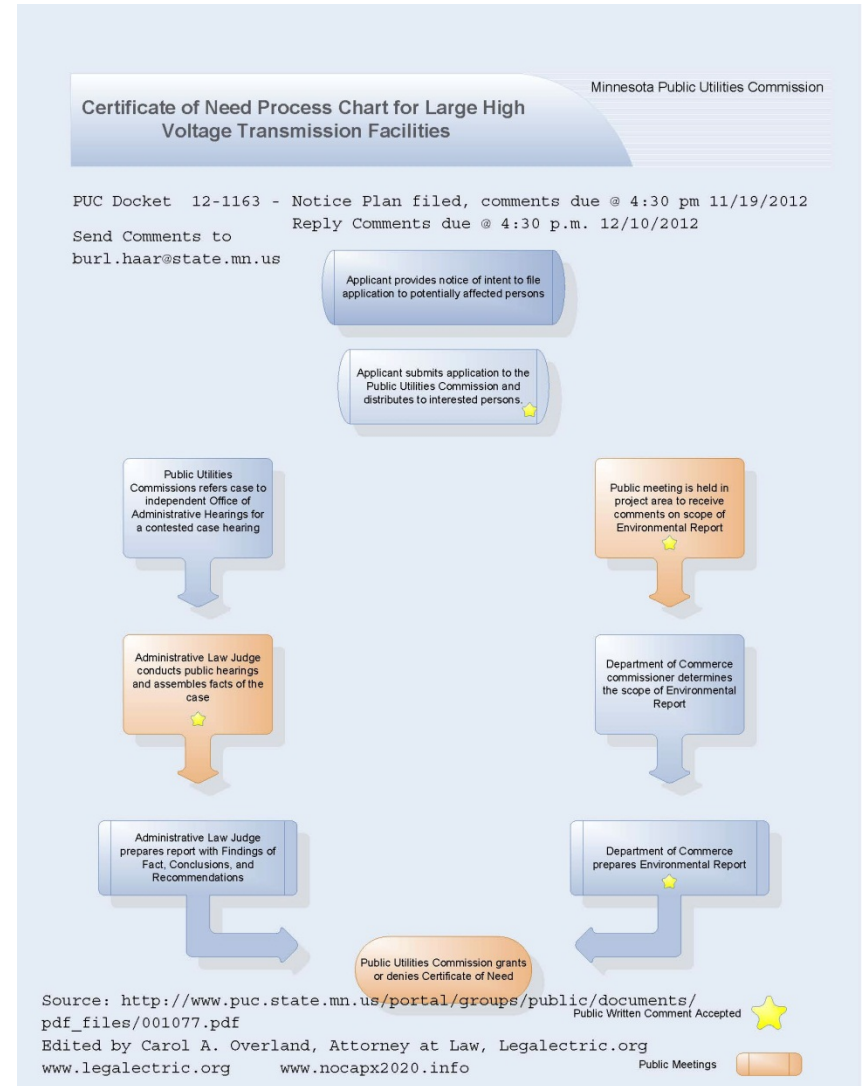
cc: David Moeller and Jim Atkinson, Minnesota Power via email

Enclosure: Handout for Open Houses

**WARNING:** Weigh in and participate at Certificate of Need stage, because if Certificate of Need is granted, it's "needed" and then a routing docket will determine WHERE it goes, not IF it goes! **NOW'S THE TIME!!!**

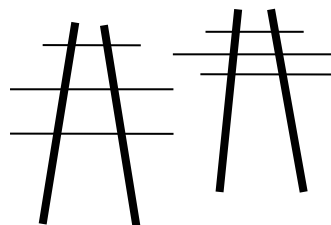


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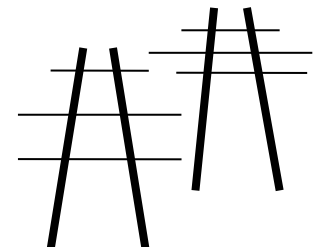
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**This is “Certificate of Need” docket 12-1163, where our Public Utilities Commission determines if this transmission project is needed under statutory criteria. Minn. Stat. §216B.243 (PUC process chart on reverse side). Now is the time to weigh in.**

Criteria includes long-range demand forecasts, needs, conservation and efficiency, “regional reliability” and deliverability and cost. There will be both public and evidentiary hearings, and you may participate or intervene as a party. It’s very complicated, “big picture” energy issues, but the only way you can have an influence in the Commission’s determination is to show up!

Subscribe to PUC Docket 12-1163, write [robin.benson@state.mn.us](mailto:robin.benson@state.mn.us) to get on service list, get a copy of the Application from Minnesota Power, file comments on whether the Application is complete, and consider intervening to have a place at table as a full party. You can find updates at [www.legalelectric.org](http://www.legalelectric.org), search for **Great Northern Transmission Line**.

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**Powerline targeting your land? Consider the “BUY THE FARM” option**

**Minn. Stat. § 216E.12 EMINENT DOMAIN POWERS; POWER OF CONDEMNATION**

Subd. 4. **Contiguous land.** When private real property that is an agricultural or nonagricultural homestead, nonhomestead agricultural land, rental residential property, and both commercial and noncommercial seasonal residential recreational property... is proposed to be acquired for the construction of a site or route for a high-voltage transmission line with a capacity of 200 kilovolts or more by eminent domain proceedings, the fee owner... shall have the option to require the utility to condemn a fee interest in any amount of contiguous, commercially viable land which the owner or vendee wholly owns... and elects in writing to transfer to the utility within 60 days after receipt of the notice of [condemnation] filed pursuant to section [117.055](#)....

The enactment of §216E.04 subd. 4 (f/k/a 116C.63) reflects a creative legislative response to a conflict between rural landowners and utilities concerning HVTL right-of-ways. Opponents of the utilities, resisting further encroachments upon the rural landscape and fearing the effects upon the rural environment and public health, not only challenge the placement and erection of high voltage transmission lines, but question whether the rural community’s sacrifice to the commonweal serves a greater social good. See *Cooperative Power Ass’n ex rel. Bd. Of Dirs. v. Assand*, 288 N.W. 2d 697, 698 (Minn. 1980).

The “Buy the Farm” option is under siege – utilities are trying to restrict landowner rights, and the Supreme Court has taken up this case, briefs are due over the next two months. Carol A. Overland, Esq., has permission to file an Amicus Brief in this case on behalf of transmission routing clients. For updates, visit [www.nocapx2020.info](http://www.nocapx2020.info) and search “Buy the Farm.”

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