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From: Book House <bookhous@pro-ns.net>
Subject: final: public participation rights)
Cc:
Bcc:
Attached:

Date: Fri, 16 Mar 2001 10:14:21 -0600
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Subject: public participation rights

To whom it may concern:

There is a fundamental problem with 'streamlining' by negotiating away basic public participation rights:

Of notice
Of information dissemination
Of comment
via: public hearings, meetings & written comment periods
& where appropriate:
petition for contested case hearing.

Seeking to streamline public processes overlooks one basic fact. Public response follows a predictable pattern. It does not fundamentally change. People's desire to protect the lands and communities, the natural and human environments which sustain them, is the foundation of Environmental Law.

Experience shows that when timelines or processes are foreshortened, or need review &/or siting processes are circumvented, the public grows

reactive. Persistent attempts to evade full review by state and public bodies create increased, and increasingly organized resistance to utility strategies. To attempt to 'streamline' or proceed proceed with projects without due public process invites only greassroots revolt & law suits. Such 'streamlining' may give one side or another momentary advantage (maybe just enough to get those bulk power transmission projects into place) but it will not bring the 2 'sides'into better working relationship.

The public rarely goes into a siting or routing situation distrusting the utility. Controversy is created time and again by the utility itself in:

- 1) the disregard applications show for the qualities and values of the communities and
- 2) inadequate information given to the public &
- 3) lack of candor/disclosure of the real purposes or goals of a project.

Because energy facilities are known to have wide impacts, the Power Plant Siting Act was created. With MERA & MEPA, it is one of Minnesota's 3 environmental laws. After the mid 70's POWERLINE experience, the Minnesota Legislature created a layered process of notice, public meetings, & hearings for large energy project proposals.

In addition to orderly notice, meeting, hearing, petition and participation requirements, the PPSA contained proactive elements that tried to better align the public and the process. The public said that they wanted to be included in planning, so the PPSA included an inventory with a public 'hearing' on development of standards & criteria for siting and routing (116C.55). It created an advisory public task force for specific projects, the option of special expert committees, and an ongoing power plant siting advisory committee to work with staff/bd. It created an annual public hearing to create an ongoing opportunity for the public to comment on the process.

Elements of this process have, to this point, survived the years: notice, public meetings & hearings, project advisory task forces(not ongoing

PPSAC) and an annual public hearing.

A number of parties from past task forces and current projects have met with the staff at the last 3 annual hearings to encourage staff and board to review the PPSA & its present administration. They note, with staff, that increasing controversy naturally attends, as it has in the legislature, major transformations of the economics, technologies and issues of the electric energy industry.

Among other things, the public advised:

- 1) more careful screening of applications up front,
- 2) reviving the ongoing public advisory task force and
- 3) reactivating the 'planning' component with public participation in standards & criteria development (116C.55).

To be involved with planning features up front could alleviate tensions and create more mutual accountability among all parties.

- 4) greater consideration of resource discrepancies between proposers and affected public/communities.

As proof of the continuity of public response, we found in reviewing the record of the power plant siting advisory committees from the early 80's that our advisories, almost 20 years later, differed very little from theirs.

The human right and responsibility to steward the environment is a fundamental truth. Our attempts to undermine these rights, or evade these responsibilities has created the environmental problems that we have put laws like the Power Plant Siting Act into place to try to correct. We do not want public protection of Minnesota's lands, air and waters, the quality of community life - to change. We must continue to provide orderly and due process to allow these values to be considered alongside the public policy goals of the state.

From a public perspective, these two values are primary. Private utility investments, fair profits and returns are part of the equation. But

infrastructure development for distant industrial markets for competitive advantage of private corporate interests, is another matter. The development of this competitive infrastructure depends above all else, according to the January issue of the Electricity Journal, upon transmission. This is the 'line' that the public has drawn.

We do not want our lands, air & waters to become a generating and transmission 'factory' for industrial centers. We do not want our affordable energy to be traded sold or transferred to other states, and to be blamed for 'reliability' problems when it is.

To fail to provide due process for the analysis of the implications and impacts of such proposals, is to fail the public purpose of law & policy. Please consider these implications in all your deliberations.