

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

**In Re Application for a Certificate of Need
For the Hollydale 115 kV Transmission Line
Project in the Cities of Plymouth and Medina**

**PUC Docket E002/CN-12-113
OAH Docket: 8-2500-23147-2**

**In Re Application for a Route Permit for the
Hollydale 115 kV Transmission Line in the Cities
of Plymouth and Medina, Minnesota**

**PUC Docket E/002/TL-11-152
OAH Docket: 8-2500-22806-2**

**BARRY FAMILY REPLY COMMENT TO THE
WESTERN PLYMOUTH NEIGHBORHOOD ALLIANCE COMMENTS
APPLICANT'S WITHDRAW OF APPLICATIONS FOR CON AND ROUTE PERMIT**

The Barry Family adopts the Comments and arguments of WPNA as if fully related here, with a minor amendment, deleting use of the term “inactive” in describing the corridor. Because the 69 kV line is rarely, but occasionally, used in emergencies, the Barry Family would amend statements on page one and five, respectively, to state (presuming “I-94” should be “I-494”):

- **... specifying that Applicants may not propose either a 115 kV line from the Medina Substation through the Hollydale Substation to an area near I-494 or a rebuild/upgrade of transmission along the 69 kV transmission corridor in Plymouth and Medina.**
- **Any rebuild or upgrade of the existing 69 kV corridor through Plymouth and Medina for transmission infrastructure.**

The Barry Family joins WPNA to clearly state that we do not stipulate to withdrawal of these applications, given prejudice to the Intervenor at this late date, but would support withdrawal with prejudice, prohibiting either a 115 kV project or rebuild/upgrade of the existing 69 kV line between the Medina, Hollydale, and/or a new substation near I-494.

The parallels to the Chisago transmission project should be noted. In that case, the Applicant withdrew the initial application after the evidentiary hearing had been completed and

some briefs filed, and applied later only after significant changes had been made, specifically to underground through Taylors Falls and St. Croix Falls as requested by Intervenors. During that time, legislative changes had also been made requiring a Certificate of Need for projects 10 miles or more, and Applicants then applied for a Certificate of Need as well. In the later proceedings, much, if not all, of the prior record was incorporated into the newer docket. There is procedural precedent for handling these matters.

In this Hollydale case, Applicants should be prohibited from applying for a Certificate of Need and/or a Route Permit for the same project that, at this time, has little chance of approval on the merits, and which has been soundly rejected by Intervenors and the landowners, residents and stakeholders who would have to live with this project.

Applicants remain under their regulatory obligation to address distribution system deficiencies, including those that have been demonstrated in this record. Each of the alternatives proposed in this docket included distribution system modifications that can be completed without need of a Certificate of Need or Routing Permit from the Commission. Electrical needs in the area could best be determined after the distribution system modifications are complete and baseline studies could then be performed.

Thank you for the opportunity to submit this comment.



December 17, 2013

Carol A. Overland #254617
Attorney for the Barry Family
LEGALECTRIC
OVERLAND LAW OFFICE
1110 West Avenue
Red Wing, MN 55066
(612) 227-8638
overland@legalelectric.org