



Paula Goodman Maccabee, Esq.

Just Change Law Offices

1961 Selby Ave., St. Paul, Minnesota 55104, pmaccabee@justchangelaw.com

Ph: 651-646-8890, Fax: 651-646-5754, Cell 651-775-7128

<http://justchangelaw.com>

December 11, 2013

Honorable Eric L. Lipman
Administrative Law Judge
Minnesota Office of Administrative Hearings
PO Box 64620
St. Paul, MN 55164-0620

Re: *In the Matter of the Application for a Certificate of Need for the Hollydale 115 kV Transmission Line Project in the Cities of Plymouth and Medina*
MPUC Docket No. E002, ET2/CN-12-113, OAH Docket No.: 8-2500-23147-2

In the Matter of the Route Permit Application for the Hollydale 115 kV Transmission Line Project in the Cities of Plymouth and Medina, Hennepin County, Minnesota
PUC Docket No. E002/TL-11-152, OAH Docket No. 8-2500-22806-2

Dear Judge Lipman:

Western Plymouth Neighborhood Alliance (Alliance) has received electronic notice of Applicants' December 10, 2013 Petition to Withdraw Pending Certificate of Need and Route Permit Applications in the above-captioned Hollydale transmission line matters. This letter is also being filed in the electronic docket system and served upon parties.

The Alliance would request, at your earliest convenience, that we receive clarification of the status of our December 19, 2013 deadline for filing expert testimony given the Applicants' petition for withdrawal of their applications.

We understand that the Applicants have requested that this matter be certified to the Public Utilities Commission for decision. The Alliance believes that the record developed in the proceedings conducted thus far should inform any decision on the Applicants' petition, and we would request that the concerns of the community be addressed and communicated to the Commission as the petition moves forward.

The Alliance would not object to withdrawal of the Hollydale applications if the Applicants are doing so in good faith so that they may proceed to meet electric reliability needs in the Plymouth area by constructing distribution level improvements that do not require a certificate of need. We would request verification on the record that Applicants are intending to make such improvements. We would further request that any acceptance of Applicants' petition for withdrawal include a requirement for a compliance filing with the Commission when the distribution level improvements have been made.

The Alliance is concerned that Applicants may be withdrawing the certificate of need application merely to resubmit the project with a new filing date in an effort to circumvent the law enacted in Minnesota Session Laws 2013, Chapter 57, Section 2 which provides that a "certificate of need

may be approved only if the commission finds by clear and convincing evidence that there is no feasible and available distribution level alternative to the transmission line.”

We would request verification on the record that Applicants do not intend to abuse the Public Utilities Commission process by withdrawing their certificate of need (CON) application only to repackage and resubmit that application. We would further request that any acceptance of Applicants’ petition for withdrawal provide that should Applicants resubmit a CON application for a 115 kV transmission line from the Medina substation to the Hollydale substation and then to a new perimeter substation near I-494, such a project could only be approved if the Commission makes the finding required by Minnesota Session Laws 2013, Ch. 57, Section 2.

The Alliance would respectfully suggest that a hearing in person or in a conference call be held under your auspices as soon as it may be arranged in order to address Applicants’ petition and our concerns.

Sincerely yours,

A handwritten signature in cursive script that reads "Paula Goodman Maccabee". The signature is written in black ink and is positioned above the typed name.

Paula Goodman Maccabee
Attorney for Western Plymouth Neighborhood Alliance