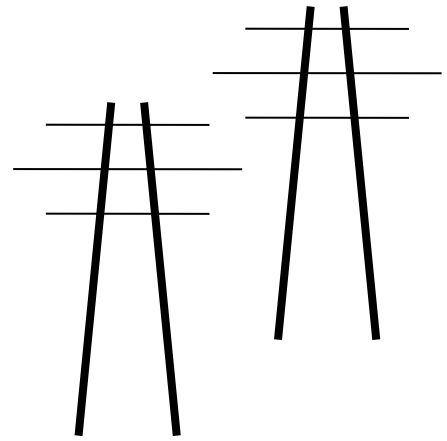


# Legalelectric, Inc.

**Carol Overland** Attorney at Law, MN #254617  
Energy Consultant—Transmission, Power Plants, Nuclear Waste  
overland@legalelectric.org

1110 West Avenue  
Red Wing, Minnesota 55066  
612.227.8638

1 Stewart Street  
Port Penn, Delaware 19731  
302.299.6783



August 25, 2015

Kate Kahlert  
Public Utilities Commission  
121 – 7<sup>th</sup> Place East, Suite 350  
St. Paul, MN 55101

via email and eFiled: [kate.kahlert@state.mn.us](mailto:kate.kahlert@state.mn.us)

In Re: No CapX 2020 and United Citizens Action Network Comments  
Rulemaking, Minn. R. ch. 7849 and 7850  
PUC Docket No.: M-999/R-12-1246

Dear Ms. Kahlert:

Enclosed and eFiled please find No CapX 2020 and United Citizen Action Network's Comments on proposed rules for Chapter 7849 and 7850.

Regarding Chapter 7849, those Comments will be filed as soon as I can get to it...

Regarding Chapter 7850, several things jump out based on participation in recent siting and routing dockets:

## **Landowner Notice**

There is a large hole where landowner notice should be. At every hearing, landowners state that they have not received notice. Specifically, there is no requirement that landowners newly identified in scoping/DEIS be notified that their land could be taken for siting of utility infrastructure. This is a continuing issue in active dockets, and there is no excuse for failure to give notice to landowners. No project should be sited on land where the landowners were not given timely notice, sufficient to allow them to participate in the docket or knowingly waive that opportunity.

## **Public Advisor**

The role of the public advisor must be an active one, not passive, and not one of omission. The public advisor must volunteer information about the process and schedule, and not an exercise

where the public must guess the questions to ask. Schedules must include notations for all public participation opportunities, such as commenting, task force membership, intervention deadline, exceptions and reconsideration, etc.

### **Agency Comments**

The rules must specify that agency comments be entered into hearing record as exhibits. Apparently eFiling by agencies is not sufficient, and Commerce is withholding them for inclusion as an appendix in the FEIS. This is not sufficient, as these comments can have significant impact on routing, with considerations such as whether route could be accommodated in DOT corridor, or whether protected natural resource prohibits routing. These comments must be front and center for public hearings and contested case, if any, to inform the record for the ALJ's recommendation.

### **Contested Case**

Why would "Contested Case" 7850.2600, be deleted in its entirety?

Thank you for the opportunity to file these comments on draft rules.

Very truly yours,

A handwritten signature in cursive script that reads "Carol A. Overland".

Carol A. Overland  
Attorney at Law

cc: eFile Service List