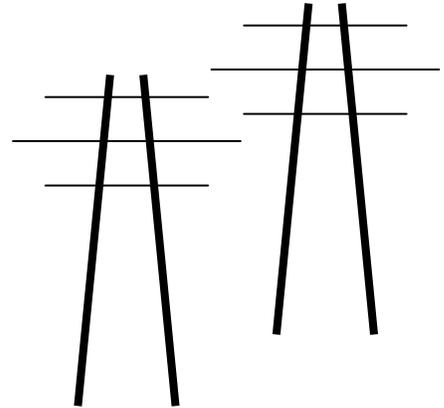


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May 22, 2019

Dan Wolf
Executive Secretary
Minnesota Public Utilities Commission
121 Seventh Place East, Suite 350
St. Paul, MN 55101-2147

eFiled and eServed

RE: In the Matter of Acquisition of the Mankato Energy Center (MEC)
Docket No. IP6949, E002/PA-18-702

Dear Mr. Wolf:

I've read with concern the Sierra Club request for withdrawal, and the "Comments" of "CEOs and CEE," and see that another "agreement" has been reached. Based on the terms of this agreement and past experience with the results of prior agreements, the 1994 and 2003 Prairie Island bills and the 2005 Transmission Ominous/Omnibus bill in particular, "concern" is a mild descriptor. So many of my clients are and have been local governments, individuals, landowners that have been steamrolled by the infrastructure and consequences of agreements, such as Florence Township's struggle with nuclear waste, hundreds of landowners faced with CapX transmission through their yard, and residents slapped with the Mesaba Project proposal, not to mention so many landowners with wind turbines in their neighborhood when the state, in its urge to site wind projects, does not even have LWECs siting rules and standards.

Based on my experience of prior agreements between these parties that have not been in the public interest, agreements which instead harm the public, it is my hope that the Commission takes a hard look at this agreement, looks for other related agreements, and does some reading between the lines. The Commission should also pay particular attention to funding and positions of these groups as the IRP moves forward – who is paying and for what? Who exactly are these organizations representing as they "continue their work towards development of a consensus preferred plan," regarding the 2019 IRP? The Commission should certainly not adopt an "if this is good for these groups, then it must be good for Minnesota and we should go along" approach.

Minnesota's CUB requests that Sierra's comments remain in the record, noting that "[r]emoval of these comments would contravene the public interest and contribute to an incomplete record

of fact and position within this docket.” I agree wholeheartedly. Given the position in these extensive and thoughtful well researched comments, withdrawal indeed is not in the public interest. Sierra’s position on the Comment’s first page is clear, and withdrawal of these comments will NOT eliminate these legitimate issues:

The proposed transaction, which Xcel seeks to characterize as a mere asset transfer, represents a significant new commitment to additional fossil generation through 2054 that is inconsistent with the State’s greenhouse gas reduction goals and with the Company’s own commitment to be carbon-free by 2050, which it has stated broadly to the public, elected officials, and to its investors. In its Petition, which would allow the utility to add nearly \$650 million to its rate base, Xcel is prematurely asking the Commission to approve a major acquisition for which there is no demonstrated need.

ILSR similarly notes that approval of this project would mean “1) that regulated utilities can make resource decisions outside of the resource planning process, and 2) that such decisions will not respect the evidentiary requirements of need and cost-effectiveness.

This is much in line with the comments of the Office of the Attorney General. I ask that the Commission carefully consider the comments of OAG, particularly that “Xcel has manipulated the timing of its filings to exclude the MEC purchase decision from the IRP,” mindful of potential that Xcel has likewise now, with this agreement, manipulated the few existing funded organizations able to participate in the upcoming IRP docket.

With this agreement, and the acquiescence of these organizations, who will be doing the work of analyzing the IRP from a public interest perspective? It appears that at this point, it may be only the Office of the Attorney General representing the public interest.

I do not have resources to dig into this docket or the IRP, and I do not have a dog in this fight, other than the consternation of repeated experience with Xcel f/k/a NSP agreements picking off those challenging a project or policy, with the predictable result of challengers obliged by the agreement to support and promote the very projects to which they were “opposed.”

Please consider what withdrawal of Sierra’s comments would mean to this docket record. Please consider Sierra’s initial comments. Please consider the comments of the Office of the Attorney General. Please consider that there must be representation of the public interest, advocacy for the public interest, in this docket and in the IRP. Please do your job as regulators, and regulate in the public interest.

Very truly yours,



Carol A. Overland
Attorney at Law