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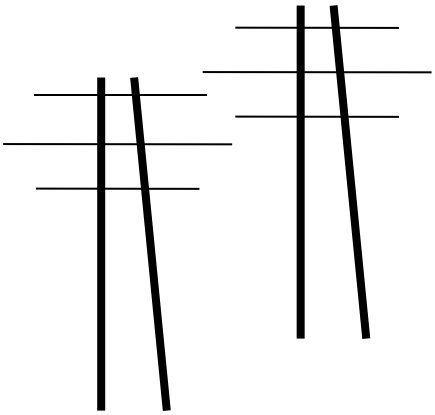

November 17, 2021

Kate Kahlert, Staff Attorney
Will Seuffert, Executive Secretary
Public Utilities Commission
121 East 7th Place
St. Paul, MN 55101

via eFiling and email: kate.kahlert@state.mn.us

RE: HEARING REQUEST and Comments of Carol A. Overland, No CapX 2020, United Citizens Action Network, North Route Group – "Public Intervenors"
PUC Docket 12-1246, Rulemaking, Minn. R. Ch. 7849 & 7850

Dear Ms. Kahlert and Mr. Seuffert:

In addition to the comments below, **I hereby request that a hearing be held by an Administrative Law Judge.** I make this request as one who has been participating all along and put in significant time with meetings and comments – if I could charge even a low hourly rate for time on this rulemaking I would not need to worry about the solvency of Social Security.

The process here has been delayed for SO long, and SO many projects permitted since the law changed, i.e., CapX 2020 projects and the MISO MVP Portfolio, without rules changing with the law, that it's a gross abuse of process, or more accurately, neglect of process. My thought is that it's been a way of avoiding the "wind is next" rulemaking that's just 26 years overdue.

Anyway, thank you for the opportunity to comment on the Draft rules, Minn. R. Ch. 7849 and 7850. These Comments are filed on behalf of NoCapX 2020 (No CapX) and United Citizens Action Network (U-CAN), as well as North Route Group (NRG). This comment also incorporates any separate comments filed by Goodhue Wind Truth/Marie McNamara as if fully related herein. These groups who participated are members of the public who have come together when faced with infrastructure in their communities, and participated in numerous public venues and Commission dockets, including project, PPSA Annual Hearing, and this rulemaking proceeding. We have not only attended so many rulemaking committee meetings, but held small group meetings over the years and also a public workshop to increase awareness of and interest in this rulemaking and gather public comments (and yes, this representation and work is all pro bono-- what client, other than a utility, would pay for this?). It's been hard to hold this participation together with the inaction – it doesn't take 10 years for rulemaking. My constant advice has been to "work within the system," and look where that gets us!

These parties named will jointly be referred to below as "Public Intervenors" in these comments. I am copying here the most recent of the comments that I filed in this docket, either on behalf of the "Public Intervenors" or on my own. A quick look at the docket reflects that I filed Comments on 5/30/2013; 7/3/2013; 7/29/2013; 8/27/2012; 10/1/2013; 10/23/2013; 3/18/2014; 5/28/2014; 8/19/2014; 9/23/2014; 8/25/2015; 9/23/2015; 2/27/2017; 3/10/2017/ 5/30/2017; 5/31/2017; 11/20/2017. This list does not include the many emails sent to Kate Kahlert regarding Commission inaction on this rulemaking. 10 years is too long, and that 10 years is only since the start of this rulemaking, completion of which will not occur until 2022.

We expressly request the opportunity for not just a hearing before an Administrative law Judge, but also oral argument when these rules come before the Commission for all parties and interested members of the public. It's my understanding that this hearing is planned, and we want to be clear that it's expected.

Our prior Comments dealt with primarily the necessity of notice and public participation opportunities. In these Comments, taken from earlier Reply comments, we're again addressing some of the Comments of the other parties, and why or why not those issues should be incorporated into the rules. These comments are not all inclusive -- if points are not addressed, that does not imply approval or agreement. Utility comments will be given little review as they are representing their corporate interests, usually at odds with the public interest. The Commission's position should be one of regulation, not regulatory capture. The Commission should look closely at rule changes advocated by utilities for potential to disadvantage ratepayers and the public.

PRIOR COMMERCE DER-ERP COMMENTS

Definition of "Associated Facilities:" Based on the language used, it appears that DOC-DER- ERP is referring to "combined actions" rather than associated facilities. Public Intervenors agree that "all aspects of a certificate of need proceeding should address natural gas pipelines necessary to interconnect a large electric generating facility," however, if incorporated into the application, it is not clear if they will be separately addressed. These natural gas pipelines should require a separate Certificate of Need to assure they are fully considered. The application could, and should, contain separate information for the gas plant and gas pipeline, and request two certificates of need.

PRIOR EERA COMMENTS

In comments regarding 7850.1500, EERA requests editing for consistency. However, it is not clear why solar is treated differently than wind, and why wind projects have been singled out in the rules into Chapter 7854 rather than incorporated into Ch. 7850.

7850.1610: Specific project notice should issue to not only those "within" the route but adjacent to the route. Use of "within" is too limiting, as those contiguous not only will have impacts, but could also be targeted in "minor alterations." See CapX 2020 Brookings and Hampton-La Crosse routing dockets for examples of people not within route being landowners impacted without notice.

7850.1640, Subp. 2. EERA recommends deleting Subp. 2(R). Information regarding the amount of land an applicant has obtained via contract or may obtain through condemnation is important to understand the breadth of potential impacts. Public Intervenors suggest clarification through a change requiring disclosure of "acres of land an applicant would obtain, through contract or condemnation, to

build the project, excluding contiguous land that may be acquired as a result of election of Minn. Stat. §216E.12, Subd. 4 (Buy the Farm)."

Public Intervenors agree that any size determination must accompany the project application.

7580.1650: Public Intervenors agree with EERA on the importance of notice containing statement that property could be impacted by site or route. This requirement of notice that property could be affected is mentioned several times, and for each instance in the rules, this notice is necessary for due process and is very important notice for landowners.

7850.1700: Don't delete any notice requirements. People usually do not pay attention until the third time they receive notice, if then! Use of email to supplement written notice should be used because it is essentially free.

7850.2300, Subp. 2(J): People do get confused by different notices, and with each, it would help to let them know that there will be separate notices for "meetings" and "hearings" and to pay attention!

7850.2400: What does this mean? Needs clarification:

> **Subp. 4. Termination of task force**
> EERA staff recommends that the task force terminate upon Commission designation of sites or routes that will be included in the environmental impact statement or environmental assessment for the project. EERA staff recommends deleting text referring to the possibility of sites or routes being designated by the Commission and discussed at hearing without such sites or routes being included in the environmental review document for the project.

7850.2530; 7850.3730, Subp. 2.; 7850.3740, Subp. 2, et seq: Yes, it's very important to update the landowner list as part of scoping and scoping decision, and providing NOTICE to these landowners. Crucial, and at present there's no requirement that these landowners be provided notice. Notice to landowners has been a significant problem when route changes occur midstream, when alternatives are adopted into review, and those affected do not find out until the intervention deadline has passed, and even right before the public hearing. There is no excuse for this – except it does allow the utility proposing the project the opportunity to slide a project in with inadequate notice to those who are even more likely to be affected.

7850.2570: Commerce improperly seeks to restrict questions regarding need. The statute is narrow in its restrictions regarding "need" in a siting/routing docket:

> Questions of need, including size, type, and timing; alternative system configurations; and voltage must not be included in the scope of environmental review conducted under this chapter.

Minn. Stat. 216E.02, Subd. 3.

> The commissioner shall not consider whether or not the project is needed.

Minn. Stat. §216E.03. Subd. 5 (regarding environmental review).

Public Intervenors note that consideration of need is strictly prohibited in **environmental review**, which is EERA's jurisdiction. Improper consideration of need has not been an issue, and more limiting language is not "needed."

Public Intervenors strongly objects to the suggestion of limitation of discussion at public hearing:

> EERA staff recommends including language that prevents questions of need from being discussed at the public hearing if the Commission has already determined questions of need for the project

Statutory limitations are on addressing "need" in environmental review and go no further.

Conversely, what has been an issue is prohibition of discussing or allowing commenting on need, and Commission failure to consider need, where there has been no Certificate of Need issued. Since the 2001 statutory changes after Chisago, the ALJs and Commission have not just failed to consider need when there was no restriction, where there was Certificate of Need, but have **refused** to consider need when there had been no determination that a project was needed. For further comments on need determination, see Just Change comments, and Public Intervenors comments regarding consideration of need, below.

7850.2650, Subp. 3 – The FEIS comment opportunity is important, and has proven necessary in cases where inadequate and misleading EIS has lead Commission to almost approve a route contrary to criteria (i.e., identification of area as having pre-existing corridor when there is none, or declaring no transmission corridor where there was obvious large transmission corridor – see CapX 2020 Hampton-La Crosse EIS), where FEIS was not available until after public hearings and no comment opportunity was provided. Public Intervenors have no objection to specifying that FEIS comments are on the "adequacy of the document."

7850.3800, Subp. 8: Public Intervenors object to any deletion of requirement that ALJ provide comment period after close of hearing. ALJs need to be reminded and the public needs to be aware.

7850.4000: Public Intervenors agree that this language should not be deleted, nor should it be altered. Reference to 116B and 116D is necessary reminder that compliance with Minnesota's primary environmental law is necessary, and is the foundation of the Power Plant Siting Act.

7850.4200: Public Intervenors object to EERA's desire to retain the language of Commission prohibition of considering need, because the statutory prohibition of consideration of need found in Minn. Stat. §216E.02 and 216E.03, as above, refers **only** to the scope of environmental review, and applies **only** where a Certificate of Need has been issued.

7850.4400: The deletion of this language conflicts with statutory language. Public Intervenors are also concerned that this deletion would set up a jurisdictional conflict similar to that of Minn. Stat. §216F.081, where local governments are given authority which is then taken away with the "just cause" language. Local control is sacred in Minnesota.

7850.4800: Minor Alteration is distinct from "change." Minor Alteration is for altering the route/site

from that permitted. Clarification that "minor alteration" extends outside of the site/route permit is good. Change encompasses a change in ownership, timing, etc. and this category is distinct from Minor Alteration, and should remain distinct.

7850.4925: EERA proposes elimination of "redundancy." The Commission's Complaint process currently lacks teeth, and is cumbersome and not responsive to those with legitimate complaints (see, e.g., Complaints regarding Bent Tree Wind, PUC Docket WS-08-573). A standard complaint procedure would be useful, but the standard complaint procedure should be reiterated as a part of each rule Chapter, be it PPSA, wind, or pipeline.

COMMENTS ON GOODHUE WIND TRUTH"S PRIOR COMMENTS

Goodhue Wind Truth (GWT) submitted comments separately on May 8, 2017, and Public Intervenors have these Reply Comments:

GWT notes that the term "stakeholder" is used and misused, and that if used, it should be fully inclusive. Public Intervenors agree wholeheartedly.

GWT appreciates increased notice for landowners, interested parties, and the public, and Public Intervenors ever-so-strongly agrees! Notice is essential for due process.

GWT advocates for extension of comment periods for environmental review. Public Intervenors support this extension, because it takes several times for people to become aware of a project, and it takes much more time for non-professionals to review any document and then make relevant and substantive comments. People who do this regularly do not understand how difficult it is for "regular people."

GWT is appreciative of the requirement that agency comments be filed in the docket. Public Intervenors is appreciative as well, as agency comments have sometimes been hidden in spreadsheets by the name of the commenter, or withheld until release of DEIS or FEIS, and the public has no knowledge of the agency concerns. Environmental review, whether in Certificate of Need or PPSA docket, has an iterative value, and impact of issues raised in agency comments often, usually, extend to substantive issues in the docket that should be considered by the ALJ and the Commission.

GWT advocates project notice via radio press releases. This is something that is easy and cheap, and radio stations are eager to utilize PSAs relevant to their local audience. 7849.0130; 7849.1550. Public Intervenors strongly support this measure.

GWT requests that document of payment to agencies be posted in the docket. This is important not only to verify that applicant has indeed paid the state for services rendered, but to monitor project costs. This information can be obtained with Data Practices Requests, but it is cumbersome and often untimely. Public Intervenors are in favor of this disclosure, contemporaneously, in the dockets.

GWT recommends that both audible noise and inaudible infrasound be documented for generating facilities. Public Intervenors agrees with GWT that this is important to determine impacts of any facility.

GWT notes that Minn. Stat. 116D.04 should be cited frequently, included where applicable. 7850.1000, et seq. The Minnesota Environmental Policy Act is Minnesota's ruling legislation, and though agencies, the Commission, and parties "know what the law is," too often it is ignored. Public Intervenors emphatically supports this inclusion.
GWT encourages the Commission to consider impacts of language changes that can tip towards regional view rather than Minnesota's interests, over which the Commission has jurisdiction.
GWT also urges consideration of state authority and that the Commission should not knowingly or inadvertently give up its authority. Public Intervenors urges consideration of Commission jurisdiction and authority when making rule changes, including those that may seem only an editing/technical change, and ask that the Commission remember that it is the Minnesota **PUBLIC** Utilities Commission, representing public, taxpayer, and ratepayer interests.

GWT requests that language be added into 7850.4400 that at the time of application, there should be entered into the record whether there has been a demonstration of ordinance work, consideration of an ordinance, whether there has been a decision on an ordinance, that has specifically debated and enacted, or not enacted, a zoning ordinance. In short, an affirmative declaration. Public Intervenors supports this requirement, particularly given the sticky wicket of Minn. Stat. §216.081 regarding local wind ordinances and resulting appellate court decision.

COMMENTS ON PRIOR JUST CHANGE COMMENTS

Public Intervenors appreciates the focus on need and Chapter 7849 in these comments, as our Initial comments were focused on public participation mostly in the context of routing/siting.

Need criteria should not be eliminated

For example, Just Change notes the following need criteria issues:

> Draft rules are based on the perception that measures for capacity, demand and need in existing rules are out-of-date. However, rather than updating standards and criteria, the draft rule eliminates them. Without criteria for "need" based on demand and capacity, ratepayers may end up paying for a company's growing asset base at a fixed rate of return that serves only the company's interests. There are multiple highlighted deletions in the proposed rule reflecting this policy change. (7849.0010, and Parts 0120, 0270, 0275, 0280, 0300)
>
> Existing rule text requiring specific written findings should be restored to maintain intelligibility of the decision to stakeholders and reviewers. (7849.0100)
>
> The draft rule should be revised to restore or update, not eliminate, criteria on which a determination of need is made. The rationale advanced in the committee for eliminating all criteria was that they duplicate an applicable statute, but this is not the case. (7849.0120)

Since criteria in part 7849.0120 have been deleted, the draft rule has also removed content requirements for a CON application. Content requirements should be restored. (7849.0220)

The rule says that an application must include "pertinent data necessary to demonstrate the need for the project" but replaces substantive requirements with what is effectively a requirement to file a model. The rule provides no demand information and no basis upon which regulators or stakeholders could challenge an applicant's model. (7849.0270)

The draft rule fails to require any specific forecast methodology, parameters or explanation of methodology, only the requirement to file a spreadsheet, which would be unintelligible to the public. The rule also removes requirements to show effects on prices and effects of energy conservation on long-term demand, often areas of great public concern. (7849.0275)

The draft rule removes all substantive requirements related to system capacity, even the basic information on what are planned additions and retirements to the system. Where the existing rule required an applicant to justify the method of determining reserve margins, the proposed rule only asks the applicant to provide information on what method was used. (7849.0280)

The draft rule should be revised to require consideration of conservation that may be an alternative to the project *in combination with* a change in project size or type. Current proposed language is highly limiting. (7849.0290)

The draft rule should be revised to retain requirement to disclose upper and lower confidence levels of expected demand. (7849.0300 and Part 0340)

Specific need-based criteria must be preserved. This is particularly important given the focus in legislative and rate case efforts to alter rates to use of a "business plan" rather than cost-based rates. We have seen the impact of incorporating transmission capital costs into rates, at ratepayer detriment, paying for CapX 2020 and other transmission build-out for the purpose of regional sales rather than need for service in the utility territory. We have seen the whining of Xcel in its e21 Initiative Report that only 55% of the grid is utilized. We have seen the force with which utilities argued to incorporate "regional" into the Certificate of Need criteria. And we have seen what happens when need for a transmission line is challenged.

The criteria is deemed "out-of-date" because it relates to "need" and utilities no longer can demonstrate "need" and instead want to eliminate any necessity of proving up need. But "out-of-date" does not provide justification to delete the statutory criteria. Deletion of the criteria in the draft rules plays to that desire to circumvent demonstration of need. Conversely, the Commission's job is to approve only those projects that are "needed," and when need is determined, and a Certificate of Need granted, that also conveys the power of eminent domain, and some level of rate of return paid for by state ratepayers. Where a line is not needed, and is for economic, private, gain, ratepayers should not be stuck with the cost, and landowners should not be imposed upon for right of way. In short, the "need" criteria of capacity, demand and use

of renewable resources should not be eliminated, and if it is, it is contrary to the Certificate of Need statute.

IPPs and transmission companies are not utilities

Just Change also states, and Public Intervenors agree that, "Independent power producers and transmission companies should not be included in the definition of "utility." (7849.0010)" The statutory definitions do not include a transmission only company or an Independent Power Producer, and any such designation is without statutory authority.

As above, granting of "utility" status conveys the power of eminent domain, which in Minnesota is only given to "public service corporations." IPPs and transmission companies are not registered with the Secretary of State as a public service corporation. Has this come before the Commission? Yes. Has the Commission expressly considered this point of defining "utility" in its deliberations? No. ITC Midwest, LLC is an example of improper designation of a private company as a "utility." It is registered under Minn. Stat. Ch. 322B, an LLC.[1] This was at issue in the ITC MVP Line 3 project, and improperly addressed in the ALJ's Finding of Facts and highlighted in NoCapX 2020's exceptions:

1. ITC Midwest is a transmission-only utility that owns approximately 6,600 circuit miles of transmission lines and more than 200 transmission substations in Iowa, Minnesota, Illinois, and Missouri. ITC Midwest is ~~a Minnesota "public service corporation,"~~ a "transmission company" and "utility" under state law.[2] ITC Midwest is also a "public utility" under Section 203 of the Federal Power Act.[3] As such, ITC Midwest is subject to plenary rate regulation and other oversight by the Federal Energy Regulatory Commission (FERC).

[2] Minn. Stat. §§ 301B.01; 216B.02, subd. 10; and 216E.01, subd. 10.

Minn. Stat. Ch. 322B does not equal Minn. Stat. 301B.01 (or Ch. 301B).[2] When this docket came before the Commission, the Commission adopted the ALJ's Findings without discussion of the meaning and impact of the de facto declaration that ITC Midwest is a "public service corporation."[3] Without that "Finding," ITC would not have power of eminent domain.

The importance of this is also conveyed in Ms. Agrimonti's statement in her new firm bio that she "has obtained state public utility status for a new market entrant"[4] as a feather in her cap. That the Commission approved this notion of a transmission only company without identification of the meaning of this Finding is a dereliction of duty and against the public interest.

Independent power producers and transmission companies should not be included in the definition of "utility" found in Draft Minn. R. 7849.0010. The Commission must not confer utility status without statutory authority.

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[1] See SoS listing for ITC Midwest, LLC: https://mblsportal.sos.state.mn.us/Business/SearchDetails?filingGuid=e2b736fa-90d4-e011-a886-001ec94ffe7f [2] See No CapX 2020 post: ITC Midwest is NOT a "Public Service Corporation" https://nocapx2020.info/?p=5765 ;

[3] See No CapX 2020 post: Frustrating morning at Public Utilities Commission, https://nocapx2020.info/?p=5773
[4] See Fredrickson & Byron page: https://www.fredlaw.com/our_people/lisa_m_agrimonti/#group_0_1010017

Environmental Impact Statement and participation in Certificate of Need proceedings

Just Change also noted the importance of an EIS in Certificate of Need proceedings:

> It would seem more consistent with recent case law to require an environmental impact statement, rather than an environmental report. (7849.1400)
>
> The draft timing and process for citizen comments on the environmental report seems truncated and unreasonable. (7849.1550, 1800).

Public Intervenors strongly agrees, though would frame it more strongly, that "An environmental report, rather than an Environmental Impact Statement, is inconsistent with recent case law."[5] See MEPA, Minn. Stat. Ch. 116D. It took an appellate decision to address this in pipeline cases, and the Commission is setting itself up for transmission, power plant, wind and solar redux.

Further, the heading of 7849.1800 is important in that it reflects the Minnesota Environmental Policy Act that environmental review is to "accompany project." In prior dockets it has not, and has not served the iterative function guiding decision making.

Electric and Magnetic Fields must be accurately disclosed in environmental review

Magnetic fields are a topic on which this author has done much research, work, and argued at the appellate court. In the many transmission dockets I've worked on, not one has accurately portrayed the level of potential magnetic fields based on the specifications of the conductors and equipment, and when challenged regarding the incorrect information in applications, testimony, and environmental review, the correct values have not been disclosed. In the CapX 2020 Hampton-La Crosse docket, the levels were increased when brought to their attention, but not to cover the full range of potential magnetic fields. Commerce can't be relied on for accuracy.

Just Change makes the following comment regarding EMF:

> Electric and magnetic fields should be specifically referenced among environmental effects to be identified in an application and considered in a decision. (7850.1640 and Part 4100)

This is a very important topic for inclusion in environmental review. Prior transmission dockets have demonstrated that the Applicants and Commerce consistently understate potential levels of magnetic fields by using a misleadingly low level of amperage when making the magnetic field calculation. The magnetic field calculations must address the full range of potential levels based on the specifications of the conductor. For example, in the CapX Brookings docket, the applicants used an amperage range of 496-826 amps, which at a 150 foot right of way edge, 75 feet from centerline, the magnetic field calculates to a 11-19 mG level, and not until 200 feet

[5] See Sandpiper Appellate Decision-CEA at https://legalectric.org/f/2016/10/SandpiperAppellateDecision-CEA_20165-120948-01.pdf .

produces a magnetic field below the 2 mG level of concern.[6] However, based upon the conductor specifications, found in the record, the amperage levels would potentially range from 2680-3434 amps, which would be 61-79 mG at 75 feet from center of a 150 foot right of way, and 5-7 mG at 200 feet, which is above the 2mG level of concern.

The magnetic fields were also misrepresented in the Hiawatha Project, not only because calculations were based at a 1 meter height, but because, as above, amperage levels were grossly understated at 138-230.[7] At the right of way edge, using applicant's calculations, and 138-230 amps, the magnetic field for single circuit was 7-12 mG and double circuit allowing for phase cancellation 13-23 mG. Using the conductor specifications, single circuit from 723-965 amps resulted in 40-40 mG at right of way edge, and double circuit with 1,447-1,930 amps, magnetic field levels of 144-193 mG at right of way edge. Note this does not address levels calculated at heights greater than 1 meter.

Based on experience of misstated magnetic field potential, and failure of Commerce or the Commission to correct the erroneous modeling, and decisions made by the Commission using bad information, not only must EMF be "specifically referenced among environmental effects to be identified in an application and considered in a decision" but accurate calculations must be disclosed and utilized.

Advisory Task Forces must be populated with a broad range of participants

In 2001, following the Goodhue County nuclear waste and Chisago transmission line task forces, several legislative changes to the PPSA curtailed the role of Citizen Advisory Task Forces. The language of the statute specifies that local government representatives be included, but this is a floor, not a ceiling. Practice, particularly where CATF meetings and process is facilitated by Minnesota Dept. of Administration staff, has been unreasonably restricted, and citizens have not had a seat at the CATF table, claiming it is for "land use professionals." This is wrong. Further, the timing has been foreshortened in the extreme, and participants are not provided with applications and other pertinent information to review prior to the first of what are usually only three meetings, with CATF participation directed to narrow focus and pick "favorite" issues rather than consider issues within the broad scope of environmental review, which is what scoping is all about.

Just Change states that:

> Citizen advisory task force provisions should be strengthened to encourage their appointment, include a broad spectrum of citizens, and provide a thorough and timely report on alternatives. (7850.2400)

The role of CATF in assuring thorough review cannot be understated. It is very important to empower any and every CATF with "citizens" and not only public officials, and provide them with the information they need to review the application, make scoping suggestions, and consider alternatives, including but not limited to DOT Policy of Accommodation, FAA listings of airports, archeological features, existing transmission corridors, etc.

[6] See Affidavit of Bruce McKay, CapX Brookings, Attachment A (TL-08-1474, Application p. 3-20 to 3-22).
[7] See Affidavit of Bruce McKay, Hiawatha Project, Attachment B (CN-10-694).

The FEIS must be filed prior to close of hearings and public comment.

Just Change stated that:

> The process should require that the Final EIS be completed and filed before public and evidentiary hearings are done to reflect the best practices in ALJ cases where the hearings and environmental review have been coordinated. (7850.2650)

Public Intervenors emphatically agree. In several dockets this has been a problem, where a FEIS was not released, and when requested, the ALJ would not extend the comment period to allow comments on the FEIS. In one case in particular, the CapX 2020 Hampton-La Crosse transmission line, the FEIS misrepresented existence and lack of transmission corridor, putting the Commission in the position of making a decision with incorrect information which, when corrected, proved determinative of route selection. Had the comment period remained open, this error would not have occurred, and the ALJ's report based on the record would likely have been different.

Each hearing and meeting must have a record

Just Change states:

> The draft rule should be revised to restore language requiring a recording of public hearings. A hearing with no record and no report is not meaningful public participation and creates a poor quality administrative record. (7850.3800)

Public Intervenors strongly agree.

Ownership should not be changed without a public hearing and comments

Just Change recommended restoring language regarding notice and hearing:

> The draft rules should be revised to restore existing language providing the commission with prior notice and the opportunity to hold a hearing before ownership is transferred. (7850.5100)

Public Intervenors agree – this has been an issue in wind project dockets where it's been difficult to ascertain the project owner, and with the Excelsior Energy siting permit and with transmission only companies, this could be an issue under PPSA. This has also been a frequent issue for wind and solar projects, and in essence encourages the "Site-Acquire" model for utilities.

Climate change and environmental justice must be addressed in these rules

As many commentors have noted, these rules do not address climate change or environmental justice, and this is 2021. We should not at this late date fail to recognize the need for action to stem the impacts of climate change that are rendering earth more and more difficult to inhabit, and the significant role the Commission plays in its approval of so many projects with detrimental impacts. Further, as a governmental entity, the Commission has an obligation to consider environmental justice and the equity and impacts of projects that the Commission inflicts on Minnesotans.

Again, these comments are not all inclusive -- if points are not addressed, that does not imply approval or agreement. Utility and transmission company comments have not been dissected because they're comments made in furtherance of their corporate interests, and not the public interest. We've been going at this for years, in many venues, and have an endless supply of comments on whatever rule exists or is proposed. We will have additional comments and a wider focus by the time these rules reach the requested hearing and before they are forward to the Commission, hopefully within our lifetimes.

On behalf of "Public Intervenors" NoCapX 2020, United Citizens Action Network, North Route Group, and incorporating comments of Goodhue Wind Truth as if fully related here, thank you for this opportunity to file Reply Comments in this rulemaking. We look forward to a Hearing before an Administrative Law Judge, and when it comes before the Commission, we request time for Oral Arguments and Comments before the Commission.

Very truly yours,

Carol A. Overland
Attorney at Law