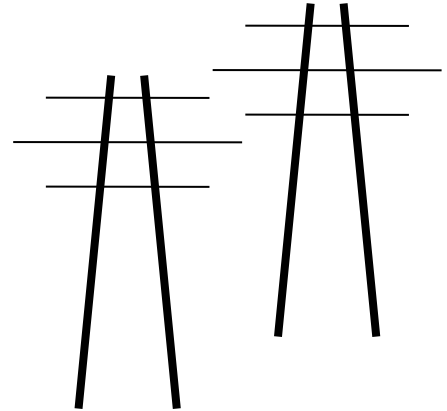


Legalelectric, Inc.

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January 10, 2022

Hon. Ann O'Reilly
Administrative Law Judge
OAH
600 N. Robert St.
St. Paul, MN 55164-0620

Charley Bruce
Public Advisor
PUC
121 – 7th Place East, Suite 350
St. Paul, MN 55101

RE: Comments of Carol A. Overland – Legalelectric
Power Plant Siting Act Annual Hearing, Docket No. E-999/PR-21-18

Dear Judge O'Reilly and Mr. Bruce:

Thank you for the opportunity to submit these comments on the 2021 Power Plant Siting Act Annual Hearing. I am also serving this on all parties by filing this via the eDockets system.

How is the Power Plant Siting Act working? It's not. We can't even get the Minn. R. ch. 7850 updated, and IT'S BEEN SINCE 2005, and in rulemaking SINCE 2012! But last month:

Withdrawn Rules

An agency may withdraw rules from review (*Minnesota Statutes* 1400.2240, Subp.8; 1400.2300, Subp.4; and 1400.2410, Subp.4) by submitting a notice of withdrawal to the chief judge signed by a person authorized to withdraw the rule. Withdrawing a rule is appropriate unless the withdrawal of the rule or a portion of the rules makes the remaining rules substantially different. The notice must explain the person's authority to withdraw the rule. The office must return the agency's filing promptly after receiving this notice.

Minnesota Public Utilities Commission

NOTICE OF WITHDRAWN RULES for Proposed Rules Governing Certificates of Need and Site and Route Permits for Large Electric Power Plants and High-Voltage Transmission Lines, Minnesota Rules, Chapters 7849 and 7850; and to Rules Governing Notice Plan Filing Requirements for High-Voltage Transmission Lines, Minnesota Rules, part 7829.2550, Revisor's ID RD4151

The Minnesota Public Utilities Commission is withdrawing its possible amendments to rules governing certificates of need and site and route permits for large electric power plants and high voltage transmission lines that were published in the Dual Notice of Intent to Adopt Rules on October 11, 2021. (46 SR 363).

The Commission is withdrawing the following proposed amendments: *Minnesota Rules*, Chapters 7849 and 7850, and part 7829.2550.

Date: 12/17/2021

William Seuffert
Executive Secretary

Good grief, how can we take anything seriously about the Power Plant Siting Act? Attached please find my comment to the Commission after its meeting on December 16, for the Initial Comment period in the PR-12-1246 rulemaking docket due December 27, 2022.

I personally, and two of my client group representatives, have put years of meetings, drafts, meetings with clients, revisions, comments, and it's just tossed out. I-N-F-U-R-I-A-T-I-N-G!

Given this act by the Commission, that'll be it for my written comment.

Thank you, Judge O'Reilly, for showing up for the Power Plant Siting Act. It seems that's more than the Public Utilities Commission can do.

If you have questions or require anything further, do not hesitate to call or email. Until next year...

Very truly yours,

A handwritten signature in cursive script, reading "Carol A. Overland". The ink is dark and the signature is fluid.

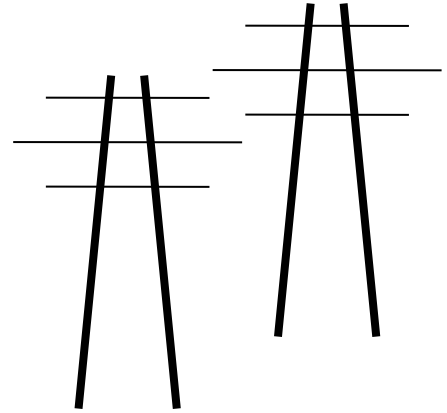
Carol A. Overland
Attorney at Law

cc: eFiled and served via Public Utilities Commission's eDockets

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December 28, 2021

Kimberly Middendorf
Administrative Law Judge
Office of Administrative Hearings
PO Box 64620
St. Paul, MN 55164-0620

Will Seuffert
Executive Secretary
Public Utilities Commission
121 – 7th Place East, Suite 350
St. Paul, MN 55101

RE: Proposed Amendments to Rules - Minn. R. ch. 7849 and 7850
OAH Docket 21-9004-37814; PUC Docket E,ET,IP-999/R-12-1246

Dear ALJ Middendorf and Mr. Seuffert:

Reviewing the last minute filings in the Public Utility Commission's eDocket system, and listening to the comments at the hearing was most disturbing. The Commission's meeting on December 16, 2021, and the Commission's withdrawal of the rule, though not yet formally filed in the docket, was even worse. Frustrated as I am with the way too long "process" to get these rules to the Commission, the way these rules are now being derailed is infuriating. I strongly object to withdrawal of the rules.

Of the 90+ last minute Comments and Hearing Requests received between November 12 and 22, 2021, all but a handful were from individuals and organizations who did not show up for the NINE YEARS of rulemaking. The Comments were mostly cut and paste versions, which carry little weight, raising issues of climate change, mitigation and adaptation. Some, with a vested interest in open season siting of solar on prime farm land, are demanding a change in the "Prime Farmland Rule" in this rulemaking. Many objected to the composition of the Advisory Committee! The door was open, where have they been for nine years!

Both "climate change" and "prime farmland" would be best handled through a targeted rulemaking petition to address these issues, because those issues are not based on the 2005 legislative changes triggering this rulemaking. A separate rulemaking is needed on those issues. It's not reasonable to use these issues to further delay adoption of these rules.

The prospect of this potential delay, after the seven year delay after the 2005 legislation, and nine year delay since the 2012 beginning of this rulemaking, would be a repeat performance of massive transmission certification and routing without updated rules. The 2005 legislation

closely preceded the 2006 filing of the CapX 2020 Certificate of Need, followed by four or five separate routing proceedings, all without updated rules. I worked on three in Minnesota representing client landowner groups. All 700+ miles of CapX 2020 was certified and routed without updated rules due to the Commission's failure to act. As we speak, CapX 2020 is being revived as "CapX 2050" and "Grid North Partners" and they are embarking on another massive transmission buildout, a capital project with a very high rate of return and extreme rate impacts. To also allow this next transmission buildout to go forward without even this modest and flawed attempt at updated rules is abdication of regulatory responsibility by the Commission. To do it twice, ostensibly based on this last minute flurry of orchestrated and cut and paste "comments," is absurd – it's intentional acquiescence to regulatory capture.

I strongly object to this subversion and abuse of process. Rulemaking is not rocket science, the procedure is clearly laid out in "[Rulemaking in Minnesota: A Guide](#)" and in statute and rules. Last minute cut and paste comments doth not a rulemaking make! It's a time consuming and frustrating process that requires showing up for the duration.

Those many who have filed objecting to these rules and/or a lack of content that they want to see in rules can file a rulemaking petition – the way to do this is found in statute. See Minn. Stat. §14.09, and Minn. R. 1400.2400 for content requirements and procedure, and a form is available at Minn. R. 1400.2500. The matter of siting on prime farmland is an issue requiring due consideration, not sneaking in through the back door at the end of this overly long and delayed rulemaking for Minn. R. ch. 7849 and 7850, and instead should be addressed both by Dept. of Agriculture and the PUC. I've seen in Wisconsin the impacts of siting on prime ag land, having represented farmer and landowner intervenors in the Badger Hollow and Grant County solar dockets at the Wisconsin Public Service Commission. Changing the prime farmland rule to suit the whims of commentators slams the door on distributed generation efforts and is not in the public interest. Intentional consideration of the prime farmland rule is necessary.

I urge your report to recommend that the rules go forward, and that those wanting additional issues addressed in rules file separate rulemaking petitions, to be submitted to the Public Utilities Commission regarding the specific rules and language which commentators believe is needed, such as climate change generally, mitigation, and adaptation; and a separate rulemaking petition to address desired changes for solar siting on prime farmland. Those submitting rulemaking petitions should also commit to follow through, attending meetings, drafting language and comments on language, for the duration of that rulemaking.

If you have questions or require anything further, do not hesitate to call or email.

Very truly yours,



Carol A. Overland
Attorney at Law

cc: ALJ Middendorf via Michelle Severson, michelle.severson@state.mn.us
All parties – eFiled via Public Utilities Commission's eDockets