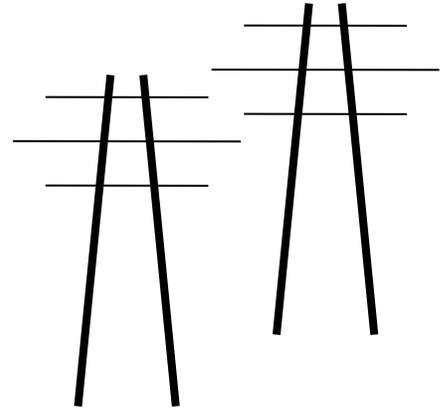


# Legalelectric, Inc.

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June 7, 2022

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

via eDockets only

RE: Response to “Joint Electric Utilities Letter”  
Docket Nos. E999/CI-20-800 and E002/M-19-685

Dear Mr. Seuffert:

I’ve been challenging various transmission dockets since 1996, since the days when a utility had to prove need, and when utilities were crying about upcoming blackouts and brownouts, “freezing in the dark in an incubator without a job.” Those days have long since passed with the shift to regional “need” and “market” justification for transmission. These dockets are ostensibly to address “Customer Security Issues Related to Public Display or Access to Electric Distribution Grid Data.”

As you can see, particularly if you look at the “utilities” June 7, 2022 letter, they are working hard to characterize every possible piece of data as “Critical Energy Infrastructure Information” to restrict access to distribution information.

Today, just two days before the Commission’s agenda meeting, the utilities offer two new decision options – **THESE “OPTIONS” SHOULD NOT GO FORWARD WITHOUT A COMMENT OPPORTUNITY FOR PARTIES AND THE PUBLIC.**

Xcel Energy has repeatedly used “distribution” shortfalls as a justification for new transmission upgrades, and investigation into the “need” case has shown this to be true – look no further than the Hiawatha Transmission Project through my old neighborhood in Phillips. Unfortunately, this was not investigated thoroughly, and instead, intervenors opted for backing off on the need case and settling for undergrounding the line across the neighborhood.

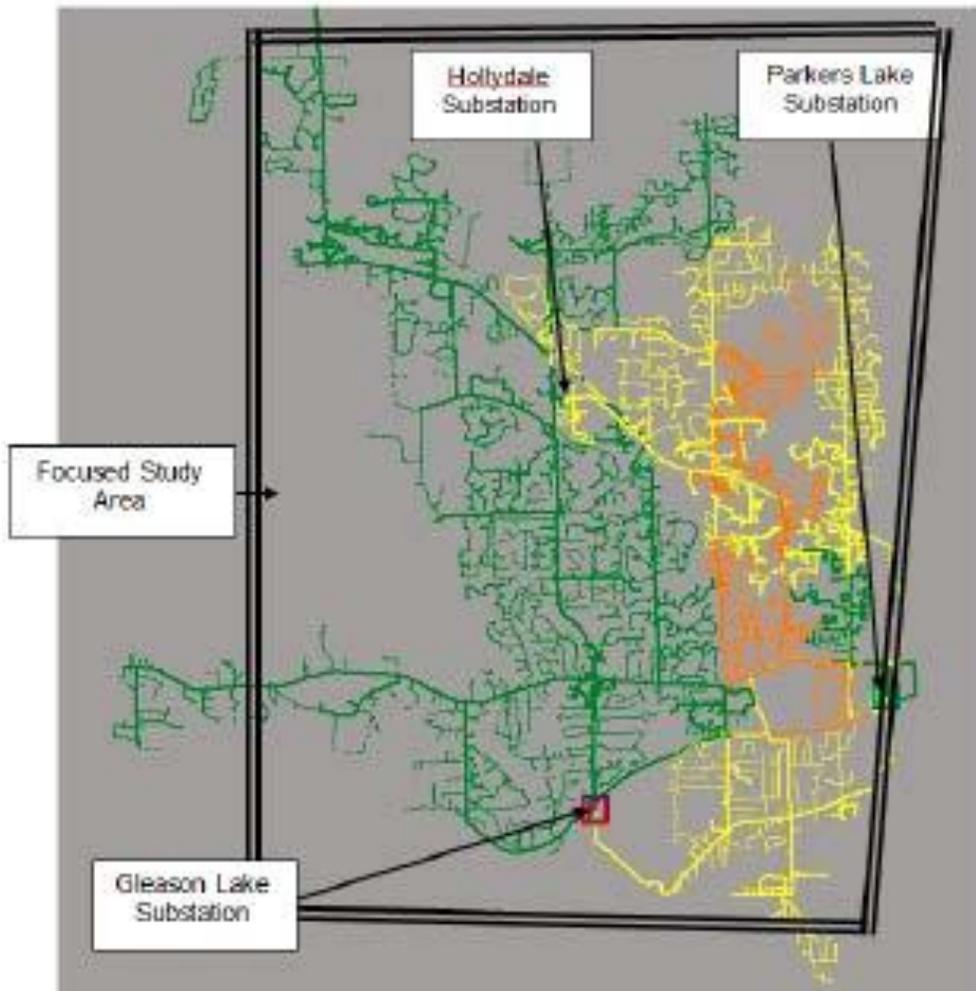
The area footprint of the Hiawatha Transmission Project was discussed in the 2007 Biennial Transmission Plan, and the 12.4 distribution system was found to be deficient. Conversely, the “Hiawatha Transmission Project” was a segmented part of a transmission line from near

downtown to Bloomington, where the substation has been significantly upgraded. These are two distinct things that were conflated by Xcel Energy. This was a distribution issue with a transmission “solution.” [Open House – Xcel’s Hiawatha Project](#) - January 17th, 2009.

If distribution system information were more publicly available and more thoroughly considered in the Hiawatha transmission proceeding, the “need” for transmission would have been soundly demonstrated to be as deficient as the distribution system.

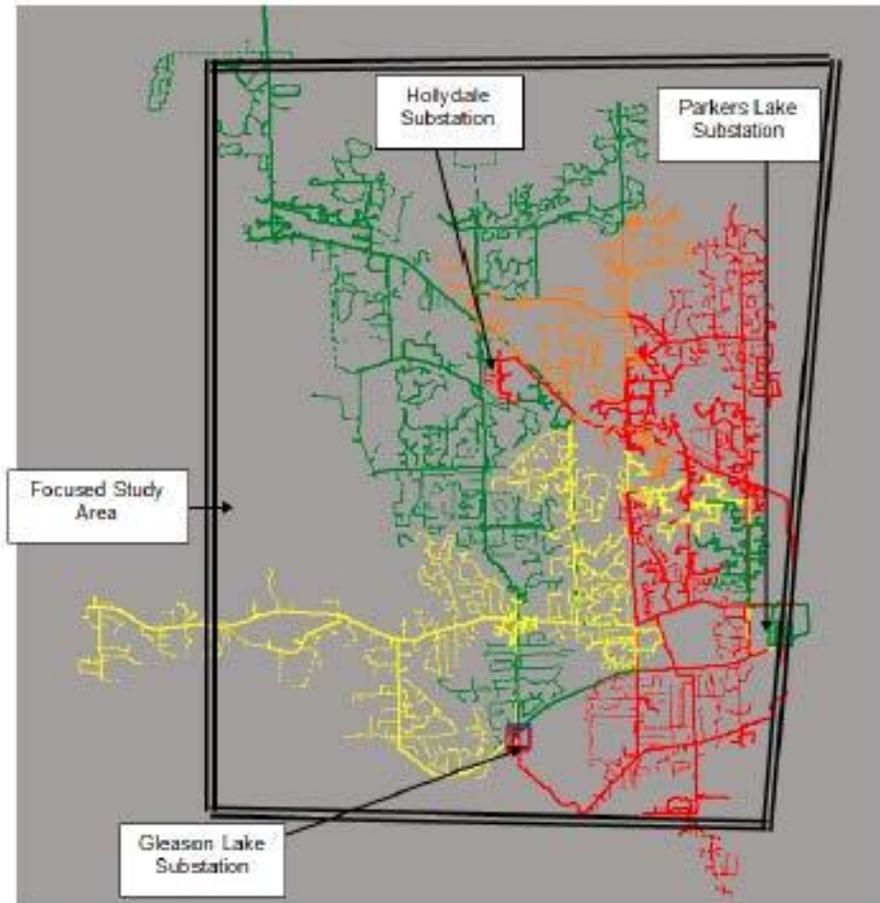
Another example of a distribution issue used as basis for transmission “need” was the Hollydale Transmission project, which was withdrawn after it was demonstrated, by Xcel Energy’s own distribution system maps and information, that a transmission line was not needed, and that improvements to the distribution system were needed. [Hollydale Xmsn Report at long last!](#) - June 7th, 2016:

**Figure 5.8: Focused Study Area 2016 N-0 Feeder Circuit Loading – System Intact**



In that “study,” they were looking 20 years off into the future, double the usual 10 year projection! And we all know that demand has yet to reach the 2006 peak, 16 years later.

Figure 5.9: Focused Study Area 2036 N-0 Feeder Circuit Loading – System Intact



But look what happens when Xcel Energy’s distribution info is even somewhat public. Xcel’s “need” claims are demonstrated to be overreach, proposing transmission solutions for distribution problems. These are two examples, and I’m sure there are others.

Need we look further to see why the utilities do not want to disclose distribution information?

As of the 2001 Energy Ominous Bill, utilities were required to report SAIDI, SAIFI and CAIDI information, as these reliability indices are the measure of utility success in providing electricity. Remember the annual Load and Capability Reports that showed substation capacity, loading, outages, for substation feeders and transmission, etc? These reports are also a form of reliability indices. The information in these reports is essential for consideration of need.

Utilities have the ability to produce distribution maps, as above, and must make these available to the public and to intervenors. Instead, utilities want to hide this necessary information using the claim of “CEII.” I have encountered this misused claim when trying to attend MISO planning meetings, as I did attend the MAPP planning meetings decades ago. MISO claimed that to attend, not only was a CEII non-disclosure necessary, but also authorization from FERC because the transmission map was to be used in the meetings –and that notion of FERC authorization is a lie, verified by FERC in-house counsel. [MISO bars access to planning meetings](#) - May 24th,

2017. This level of absurdity and dealing with the false statements by MISO counsel should not be necessary to attend a MISO planning meeting.

As an attorney representing intervenors and participants for **TWENTY-SEVEN YEARS** in Commission dockets in Minnesota and across the U.S., a known quantity to MISO, PJM, the DOE, where would they get the idea that I am a security threat? Yes, I do take this personally, as it is what I have experienced in trying to continue to attend transmission planning meetings. Let's be clear – the only threat I pose is to expose their false statements, misdirections and misattributions, and the truth of their plans.

The “New Decision Option No. 28” refers to “FERC’s definition of Critical Energy Infrastructure Information.” Please take a look at that definition, and FERC’s role in determining what constitutes protected CEII information<sup>1</sup>. Decision Option 29 only specifies time for “utilities” to address Dakota Electric’s proposal, and participants and the public are absent. NO!

It is the utilities’ responsibility to be upgrading the distribution system over the years, but that necessary upgrading has not happened, as the Commission is well aware. Note that the return on investment for distribution upgrades is not nearly the lucrative return on investment for transmission.

Utilities also have an interest in prevention of distributed generation, and in continuing the massive utility scale build-out of wind projects, sited without siting rules, and solar projects covering thousands of acres of prime ag land in a time of world agricultural crisis.

There is a requirement of transparency and truth built into Commission rules, which disappears when utilities hide behind Critical Energy Infrastructure Information and don’t disclose basic information to intervenors, the public, and which distorts the information presented to the Commission.

At this time, days before the Commission’s agenda meeting, I urge the Commission to reject “New Decision Options 28 and 29” outright, or to postpone the meeting and provide time for participants to address the issues raised by “Joint Utilities.”

These last minute “New Decision Options,” whether by participants or Commissioners, pervert the Commission’s public process and regulatory mandate.

Very truly yours,



Carol A. Overland  
Attorney at Law

cc: All parties via eDockets

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<sup>1</sup> FERC’s CEII page: <https://www.ferc.gov/enforcement-legal/legal/major-orders-regulations/critical-energyelectric-infrastructure-information>