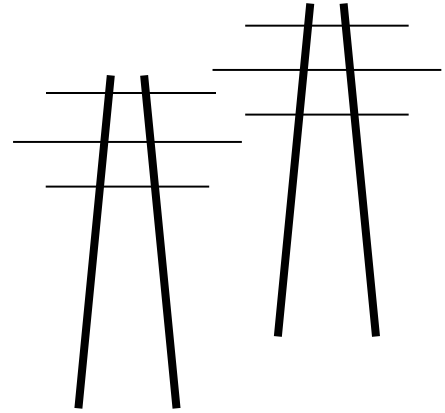


# Legalelectric, Inc.

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April 29, 2024

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

via eDockets & [consumer.puc@state.mn.us](mailto:consumer.puc@state.mn.us)

RE: The Prehn Family & NoCapX 2020 Reply Comment on Completeness, etc..  
Wilmarth-N Rochester-Tremval or Mankato-Mississippi Transmission Line  
PUC Dockets ECN-22-532 and TL-23-157

Dear Mr. Seuffert:

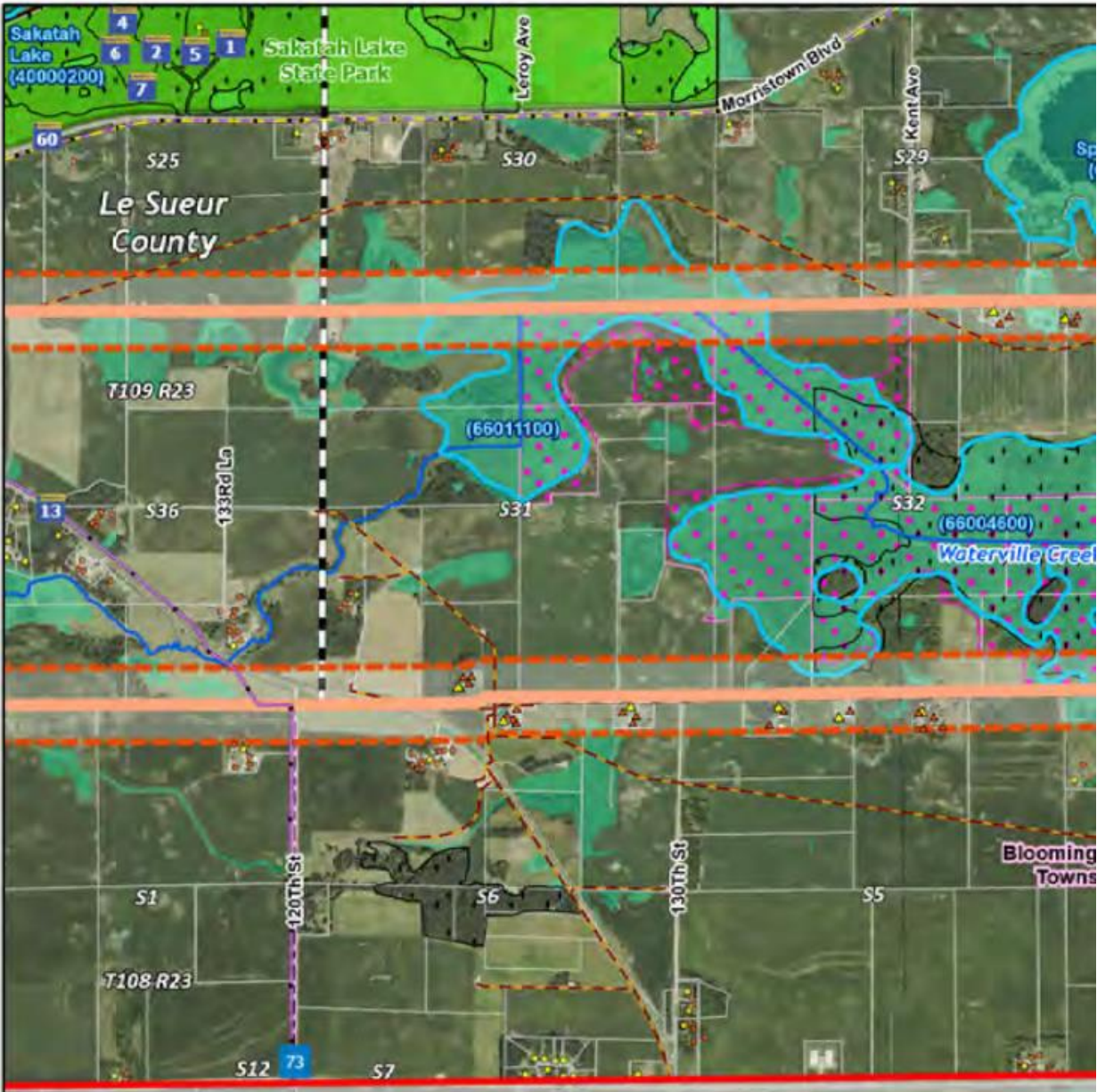
I'm filing these comments on behalf of the Prehn Family, who live along Segment 1, and on behalf of NoCapX 2020, an intervenor with local grassroots groups in three of the CapX 2020 dockets, including some areas which are again targeted, this time with the Wilmarth-North Rochester-Tremval transmission.

These Reply Comments are based on the Comments filed by members of the public, MISO, Operator 49 & Carpenters, and Commerce DER and EERA. In addition to these Reply Comments filed, it's as important to note who all did not file Completeness Comments. There were no filings from the usual suspects, including those that filed in CN-22-538, jointly Audubon Upper Mississippi River, Clean Grid Alliance, Center for Rural Affairs, Fresh Energy, Minnesota Center for Environmental Advocacy, Sierra Club, the Citizens' Utility Board of Minnesota, and Union of Concerned Scientists (However, note that Reply Comments were filed, though **NOT** Reply Comments.) and LIUNA. Considering the proximity of the CN-22-538 beginning at Big Stone and many of those organizations opposition to the Big Stone II transmission, this omission is odd.

I also note that the Department of Natural Resources (DNR) did not comment either. The DNR is the permit issuer for the Minnegasco, now CenterPoint, 13.25+ square mile, 7 billion+ cubic foot underground natural gas storage dome that is located in Segment 1, in the area shown in map #8 of the Segment 1 maps. There is no mention of this gas dome and its range in the application.

The portion affected is shown here:

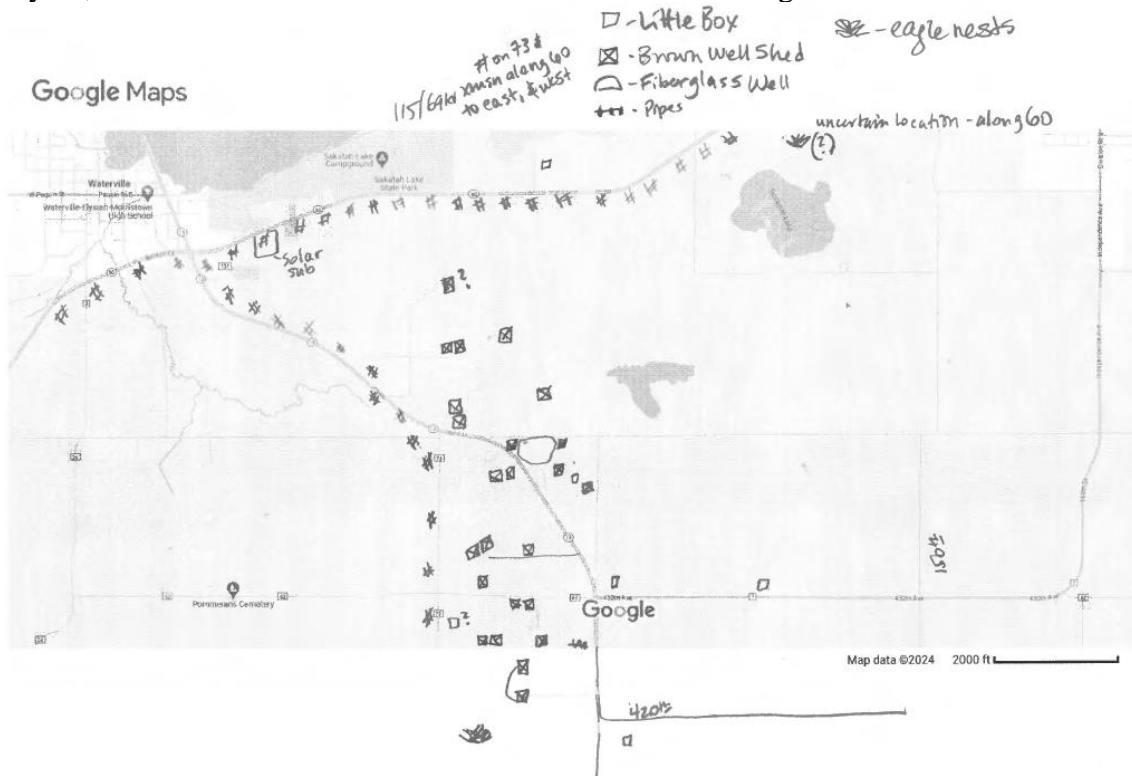
## DETAILED MAPBOOK: SEGMENT 1



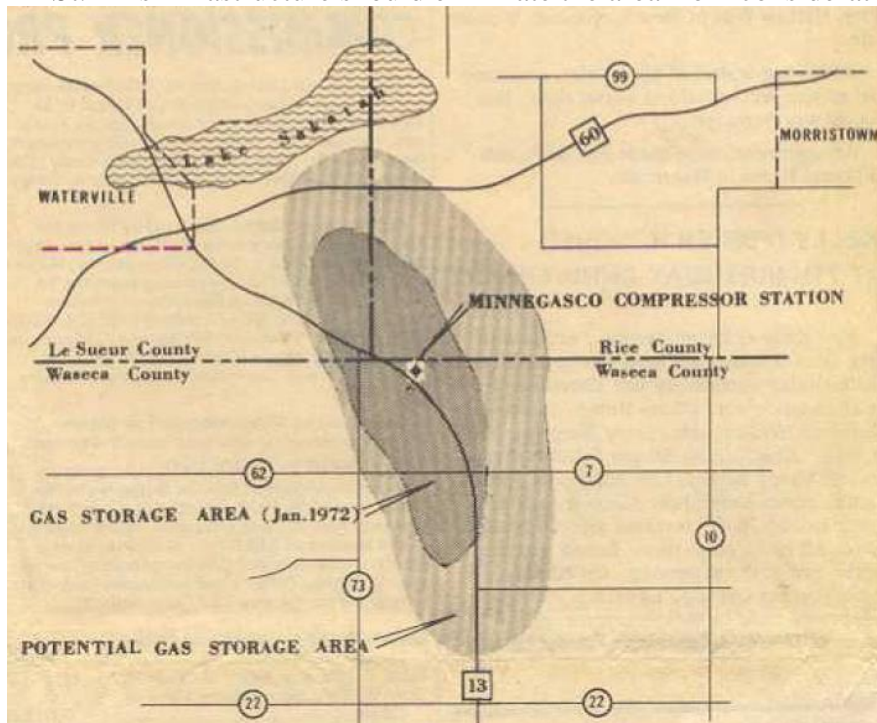
I have submitted a Data Practices Act request for information regarding the gas storage facilities, attached.

Recently, Kimber and Nancy Prehn and I made a pretty thorough investigation of this area, important to them as there are gas wells on their property, and we located the wells, gas input and water output, plus a number of smaller “monitoring” wells, though it’s not clear what they are monitoring. The map of our findings is below, with gas facilities extending from the north portion of map #8, in Sakatah State Park, to just below the southern portion of map #8, on the

south side of 42X street. The Prehns live in the center of this gas infrastructure, on the west side of Hwy 13, across and a little south from the CenterPoint building and water treatment facility:



Again, I've requested a file inspection from the DNR, and in particular seeking the map to confirm these locations and add ones that we've missed. The last known map was from the proposed expansion in 1972, which corresponds with our findings – to the north in Sakatah Park and south of 42X St. This infrastructure should eliminate the area from consideration.

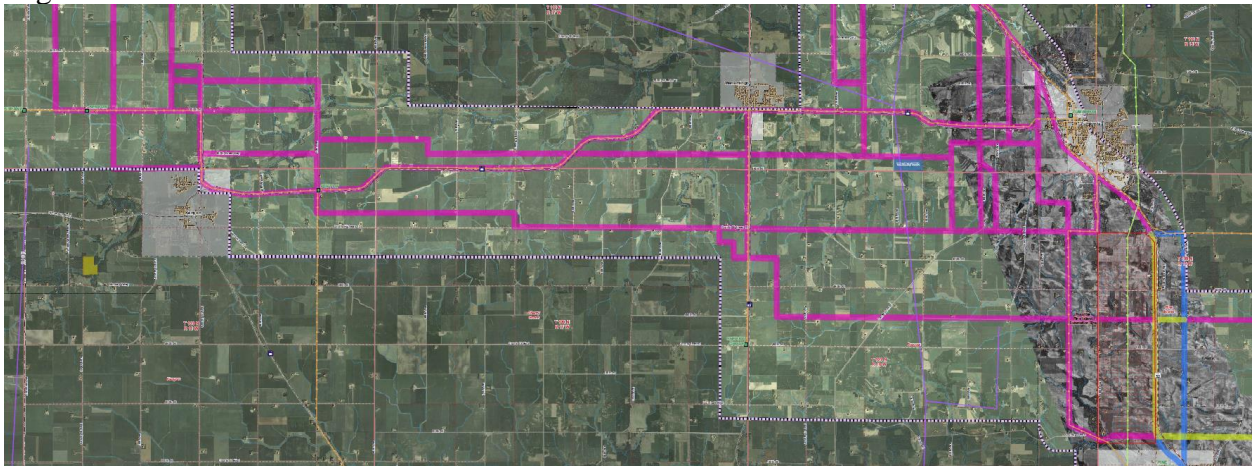


## Comments of MISO

MISO promotes use of the “informal” process<sup>1</sup>, emphasizing its role in the “open and transparent planning process” for the region<sup>2</sup>, with “stakeholder input throughout,”<sup>3</sup> and a claim of “independent assessment and perspective of the needs of the overall transmission system”<sup>4</sup> and “development of necessary transmission projects.”<sup>5</sup> These claims are far beyond a stretch.

Informal process was developed for smaller projects that are not contested. This is a project with Segments 1 with 48-54 and Segment 2 34-42 miles **completely greenfield route**. **Many along this route were confronted with CapX 2020 proposals on or near their land.** See map below. Segments 3 and 4 follow “existing transmission corridors,” or “existing transmission corridors and Highway 52 for most of its length...” or “roads, property lines and existing transmission lines.”

CapX 2020 from Hampton to La Crosse was proposed using these routes – compare with Segment 2:



See CapX 2020 sheetmaps: [TRL\\_081202\\_24kCorridors\\_sheetmap\\_2.pdf](#)

The claim of “existing corridors” is specious, because some are admittedly new along a highway or roads or property lines, and others along transmission corridors which presumable would require additional width to accommodate the new line routing.

“Open and transparent planning process” and “stakeholder input throughout,” Really? MISO does not allow public participation in its process. Stakeholder? Only those who can pay to become a “stakeholder” are, well, deemed a “stakeholder.” The public, and specifically this writer, this member of the public, has been prohibited from attending MISO planning meetings, despite YEARS of attendance and participation in the MAPP SPG meetings in Elk River and elsewhere. If MISO claims this is not now correct, please let me know the location, dates and

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<sup>1</sup> MISO Comment, p. 1.

<sup>2</sup> MISO Comment, p. 2.

<sup>3</sup> Id., see also p. 4, “This process involves numerous evaluations of project proposals and their effectiveness, and provides multiple opportunities for **stakeholders** to review project need, design, and effectiveness.” Right...

<sup>4</sup> MISO Comment, p. 3.

<sup>5</sup> Id.

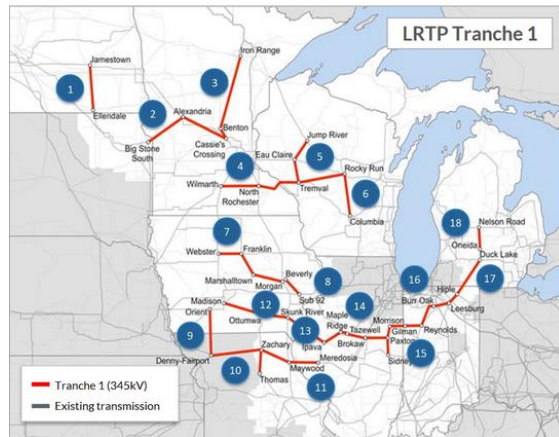
times of future meetings and this writer will attend as possible.

There are two important distinctions to be made in this and all other MISO projects:

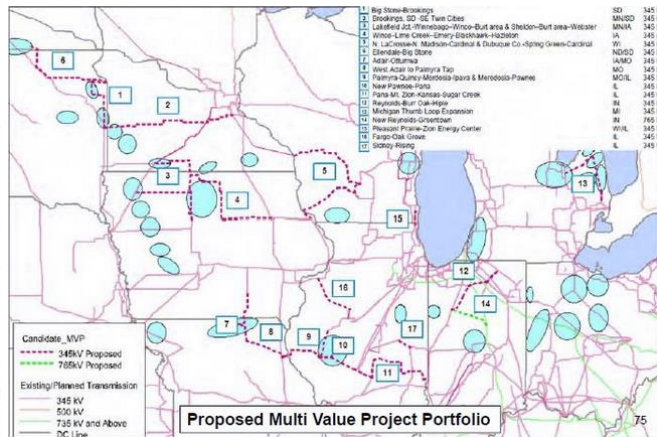
- The “benefits” touted by MISO are to the utility and transmission owning members of MISO.
- The “criteria” for development and proposal (deemed by MISO as “approval”) of a project is very different from the PUC criteria of Minn. Stat. §216B.243, and the routing criteria of Minn. Stat. ch. 216E.

MISO also advocates for this project not independently, but as a part of “MISO’s LRTP Tranche 1 portfolio” which it claims “will bring numerous benefits to the MISO Midwest Subregion<sup>6</sup>, including Minnesota.” This specific project must not be considered in a vacuum. There are numerous other projects in the area to consider, each of which would affect the “need” of the others. How much transmission do we need? Let’s see this on ONE MAP!

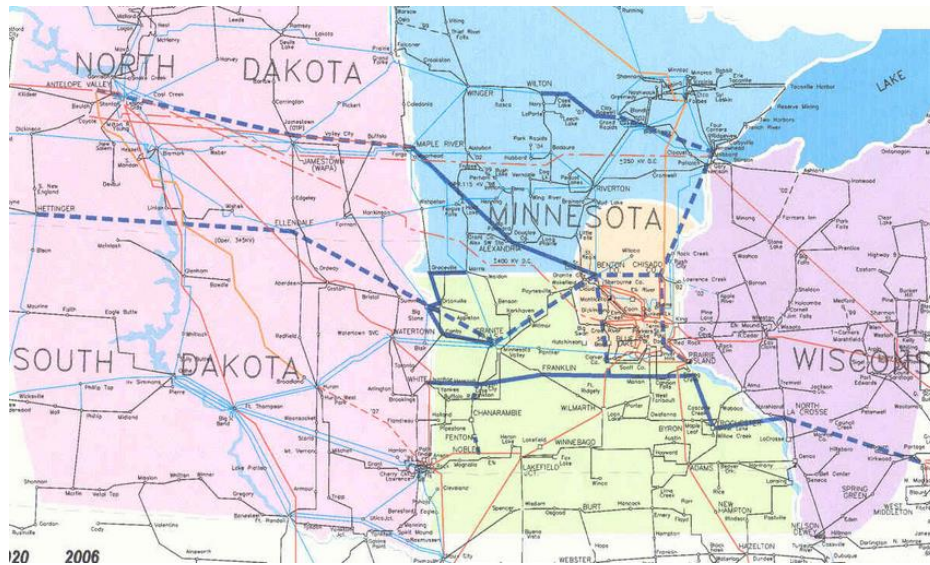
### Tranche 1



### MISO MVP Portfolio



Note how much of Tranche 1, particularly in northern Iowa and southwest Minnesota tie together? And all that’s on top of **CapX 2020**:



<sup>6</sup> “The “Midwest Subregion” refers to MISO’s Central and North Regions that begin in Missouri and extend northward.” MISO Comment, p 4.

MISO states that “The informal review process would likely help meet the earlier in-service aspirations that is closer to the 2028 in-service date contained in MISO’s MTEP planning”<sup>7</sup> and MISO then refers to the Application, fn. 16, which states, “In MTEP21, MISO listed an expected in-service date of June 1, 2028 for LRTP4.” MISO’s expectations do not bind, and are not relevant to, the Minnesota Public Commission’s review, particularly because the review of MISO and the PUC are based on different criteria, different attribution of benefits, and specifically of the role of the Commission’s mandate for the public interest and public participation.

MISO raises the specter of electrical disaster, “For example, such a disturbance took place in mid-February 2021 when unusually cold weather descended upon the middle of the continental United States.”<sup>8</sup> This reference to the Texas/ERCOT shutdown due to Texas and ERCOT’s failures. This claimed link and basis for “need” is histrionic, particularly where Minnesota gas utilities were held accountable, for failures of planning and utilization of gas storage capacity.

MISO claims that “[t]he project would provide substantial reliability, economic, and public policy benefits to Minnesota, and contribute to continued development of a reliable and economical regional transmission system.”<sup>9</sup> MISO doesn’t show benefits to “Minnesota” in its MTEP, and this reinforces that it’s all about the “regional transmission system.” MISO needs to separate out the “benefits” and clearly state the recipient of “benefits” to show how this is good for Minnesota, how this is in the public interest.

MISO also states that because “[t]he Commission has used the informal review process for other Tranche 1 projects – the Northland Reliability Project<sup>10</sup> and the Big Stone South Project<sup>11</sup>. The progress showing in those cases should be repeated in the instant proceedings.” The next sentence however is a noteworthy turn of phrase: “The Project proposed by the Applicant has a unified pedigree for its components...”<sup>12</sup>

MISO goes on to state that “the Joint Application should be considered accurate...” but omissions have been demonstrated, and need has not been demonstrated. That is the burden for the Applicant and for the Commission to determine. Further, an application for a transmission Certificate of Need and Route is not for MISO to decide, and this project is not suitable for the “informal process.” The deadline for a request for a Contested Case is the end of the Public Comment period on July 8, 2024.

### **Comments of Commerce-DER**

DER rushes through its comments and advocates for “informal process,” reverses C & D in

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<sup>7</sup> MISO Comment, p. 3.

<sup>8</sup> MISO Comment, p. 4.

<sup>9</sup> MISO Comment, p. 5.

<sup>10</sup> In re Northland Reliability Project, Docket No. E015, ET2/CN-22-416 (415 omitted by MISO).

<sup>11</sup> In re Big Stone South-Alexandria-Big Oaks 345 kV Transmission Project, Docket No. E002, E017, E015, ET10/CN-22-538. Reference to this project makes no sense as MISO doesn’t seem to recognize the current status of project and timeline – the EA is not expected to be released until May 22, Public Hearings June 13, 17 & 18, and Public Comments on both **CoN** and TL not due until July 8.

<sup>12</sup> MISO Comment, p. 5.

recommending denial of contested issues and of use of an Advisory Task Force. In recommending denial of a Task Force, it appropriately defers to EERA.

In its table, DER acquiesces to the notion of use of “system losses” rather than “Description of Facility: Line Losses.” After the clarification in the MN Energy CON docket that line losses of 10-12%, ~204 MW are expected for that 160-180 line, that reinforces of consideration of the PROJECT losses. Long transmission lines are inherently inefficient due to line losses. For that project, to receive the 1,996 MW, it will have to build and insert another 204 MW at ratepayer expense, in addition to the \$1.14 billion cost of that project. Long projects, even transmission generally, should not be exempted from disclosing project specific line losses.

Because this project traverses southern Minnesota, this project must not be considered in a vacuum. Need? The CapX 2020 Brookings line was constructed, and it was proposed through the same area as is now proposed for Segment 2. Do we need to go through that again? When there’s the Big Stone to Alex project, Brookings-Hampton 2<sup>nd</sup> circuit, the MN Energy CON, project and the recent Hunley-Wilmarth project, MISO’s MPV 3 & 4, where’s the need? The current wealth of proposed projects looks like overkill, and it is the Applicant’s burden to demonstrate need. How would this be done but for a contested case? Commerce and the Commission need to look at the big picture – perhaps drawing it all out on a map would be clarifying.

Further, this project, considered in concert with other projects in the area ongoing as we speak, and also recently permitted and constructed, should not be exempted from the “No-Facility Alternative.

### **Comments of Department of Commerce – EERA**

In Comments about the “Project Purpose,” EERA accepts the framing of Applicants, and this skews the review by EERA, as well as DER. It also essentially confirms that this project is a Minnesota pass through. How is this in the public interest? How will Minnesota benefit?

In statements about the Segments do not clarify if those parts of the Segments utilizing “existing transmission lines” or “transmission corridors” will require expansion of existing corridors. A problem we discovered during CapX2020 was that there were improper claims that field lines, property lines, and roads are “existing corridor.” EERA must assure this error will not occur again – in the application there is a statement of use of property lines and roads.

Regarding the Public Hearing, EERA also waffles without a clear recommendation. In this case, there should be a joint hearing, that parties and the public provide testimony and comments, that the public be allowed to question witnesses AS PROVIDED BY STATUTE AND RULE, that the parties make sure witnesses are available for questioning, and that question and testimony be under oath. Finally, the AL should make “a full report with findings of fact, conclusions of law, and recommendations regarding the project.

EERA waffles on Advisory Task Force. Use of Advisory Task Forces has been disfavored by the Commission, and in doing so, limit not only public participation, but disclosure and

identification of relevant environmental issues, conditions, and impacts. Also in other dockets, Commerce in appointing members of task forces have limited membership and participation to local governments. This is NOT the intent of the Advisory Task Force law, it is to further public participation, not limit it to local government participation. As EERA notes, “controversy factors weigh slightly in favor of a task force,” and that “an advisory task force might be helpful,” and then says it’s not warranted. ???

Regarding completeness, it’s not just lakes that are not included in the application. As above, the underground natural gas storage must be disclosed and considered, and the DNR must be required to provide the information about it.

EERA does not seem to recognize that those along Segment 2 have been through this before with the CapX 2020 project. The threat of transmission takes a toll on landowners, and this should be recognized as an intense impact.

### **Comments of Operating Engineers Local 49 and North Central States Regional Council of Carpenters**

These labor union make no substantive comments about this particular project, particularly in light of all the other projects now ongoing. Transmission and wind projects are now solidly hiring union labor.

### **Comments of members of the Public**

Comments have been received by members of the public.

Starting with Ryland Eichhorst, Mayor of Oronoco, he has expressed a routing request, an avoidance request, which does not relate to completeness, but should be considered as a route alternative.

Oronoco, as a Comment, filed this routing request, which should be considered as a route alternative:

That the City Council of the City of Oronoco supports including in the Route Permit application for the Segment 4 proposed transmission line with the Minnesota Public Utilities Commission, at least one alternative for the new single-circuit 161 kV line that includes essentially following the existing CapX2020 transmission line route from the North Rochester Substation to the Chester Junction.

Dale Thomforde of Pine Island, also a Supervisor on New Haven Town Board, though speaking as individual, requests two alternatives, both of which should be considered as a route alternative.

Trevor Scrapeck note that he was omitted from the List of Landowners Along and Adjacent to Route Alternatives, Appendix P of the Application. Scrapeck should be added and best efforts be made to assure he receives notice in the future.



The above are the Reply Comments of The Prehn Family and NoCapX 2020.

We again request a Contested Case for the Certificate of Need and Route dockets, and request an Advisory Task Force, consisting of not only local governments but local landowners and landowner groups and other public interest groups.

Thank you for the opportunity to submit comments.

Very truly yours,

A handwritten signature in cursive script that reads "Carol A. Overland". The signature is written in black ink and is positioned above the printed name.

Carol A. Overland

Attorney for the Prehn Family and NoCapX 2020

Date (mm/dd/yy):

Name: Carol A. Overland - Legalectric

Address: 1110 West Avenue

City: Red Wing

State: MN

ZIP code: 550566

Phone number: (612) 227-8638

Email: [overland@legalectric.org](mailto:overland@legalectric.org) (preferred)

Note: You do not have to provide any of the above contact information. However, we may not be able to clarify your request or provide copies without contact information. All requests must be made in writing by using this form or by sending an email or letter.

Please describe the data you are requesting in the box below and if you would like us to provide:

Inspection

Copies

I'm requesting a file inspection, seeking information on CenterPoint's (formerly Minneogasco) natural gas storage in the dome along Hwy 13, between Waterville & Waseca, specifically including, but not limited to:

- 1) Information on the current capacity of the dome storage;
- 2) Map of the physical location;
- 3) An accurate map of the boundaries of the dome storage showing underground and enough of roads and landmarks on surface to identify where it is;
- 4) Documentation of 1972 drilling at Lake Sakatah State Park;
- 5) Documentation of whether gas dome storage extends under Lake Sakatah State Park;
- 6) Copy of the ORIGINAL/INITIAL license/permit for the facility;
- 7) Copy of the current license/permit for the facility;
- 8) Copy of water treatment plant license/permit;
- 9) Contact info for consulting engineer --years ago Dr. Wetherspoon's health was failing and I'm guessing he's no longer on the project.

... and such other as is in the file.

Thanks,

MS § 13.03, subd.3, authorizes DNR to charge fees to recover costs to provide copies of data. Prepayment is required prior to receiving copies of data.

Submit by mail, fax, or email to:

Minnesota Department of Natural Resources  
Data Practices Compliance Official  
500 Lafayette Road  
St. Paul, MN 55155-4075  
Fax: 651.296.0902  
Email: [datarequest.dnr@state.mn.us](mailto:datarequest.dnr@state.mn.us)

For questions, call the Data Practices Compliance Official at 651.259.5345