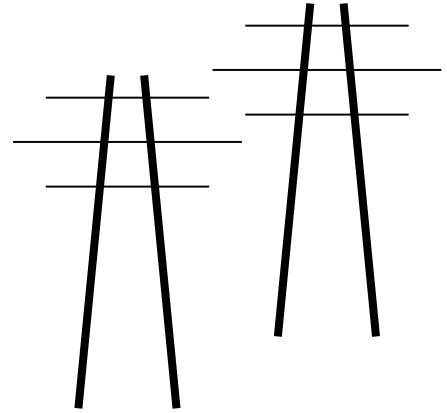


Legalelectric, Inc.

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August 27, 2024

Ann O'Reilly
Administrative Law Judge
Office of Administrative Hearings
P.O. Box 64620
600 N. Robert St.
St. Paul, MN 55101-0620

RE: **Petition for Intervention**
NoCapX 2020 and the Prehn Family
OAH Docket: 65-2500-40099
PUC Dockets: CN-22-532; TL-23-157

Dear Judge O'Reilly:

Attached please find Petition for Intervention, on behalf of NoCapX 2020 and the Prehn Family, and Certificate of Service, served via eDockets.

Very truly yours,

Carol A. Overland
Attorney at Law

cc: Nancy Prehn, The Prehn Family
eService on all Parties via eDockets

OAH 65-2500-40099
MPUC E-022/CN-22-532
MPUC E-022/TL-23-157

**STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE MINNESOTA PUBLIC UTILITIES COMMISSION**

**In the Matter of the Application of Xcel Energy for
a Certificate of Need and Route Permit for the
Mankato - Mississippi River 345 kV Transmission
Line Project in Southeast Minnesota**

NOCAPX 2020 AND THE PREHN FAMILY

CERTIFICATE OF SERVICE

I, Carol A. Overland, hereby certify that I have this day served a true and correct copy of the attached Petition for Intervention to all persons at the addresses on the attached Public Utilities Commission eDockets service list by eFiling and eService.



August 27, 2024

Carol A. Overland MN #254617
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**STATE OF MINNESOTA
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NOCAPX 2020 AND THE PREHN FAMILY

PETITION FOR INTERVENTION

NoCapX 2020 and the Prehn Family, hereinafter “NoCapX and Prehn,” hereby make this Petition for Intervention as a full party, with all the rights of a party, in the above-captioned “Mankato – Mississippi River” Routing docket. The Certificate of Need was designated to utilize the Commission’s “informal process,” and not a contested case. NoCapX and the Prehn Family’s participation in that docket will be limited.

NoCapX and Prehn seek intervention as provided by Minn. R. 1405.0900 and 1405.6200; see also Minn. Stat. §216I.24 Public Participation (216E.08 as amended¹):

Subd. 2. **Other Public participation.** The commission shall must adopt broad spectrum citizen participation as a principal of operation. The form of public participation shall must not be limited to public meetings and hearings and advisory task forces and shall must be consistent with the commission's rules and guidelines as provided for in under section 216E.16 216I.24.

¹ The new limitations to public participation are disturbing, as advisory task forces have long provided material information for consideration in the routing process.

NoCapX 2020 was an active intervenor in the CapX 2020 Certificate of Need dockets and the three long CapX 2020 transmission routing dockets, and in each docket, joined by directly affected landowners for legal and technical assistance in their participation.² In the first large CapX 2020 transmission routing project, the Brookings to Hampton route³, NoCapX 2020 was joined by United Citizens Action Network (U-CAN); for the Fargo to Benton County route⁴, NoCapX 2020 and U-CAN were joined by North Route Citizens Alliance; for the Hampton to La Crosse route⁵, NoCapX 2020 was joined by the North Route Group. In each of the above proceedings, NoCapX and the landowner groups were able to accomplish their objectives, from assuring that transmission was not routed through a calcareous fen to avoiding destruction of a large swath of the Richard J. Dorer Memorial Hardwood State Forest.

Many of the landowners present at informational and public scoping meetings, many of the commentors, have been directly affected by the CapX 2020 lines and are now facing the prospect of yet another transmission proceeding and the specter of transmission across their property. Based on a wealth of experience and expertise, NoCapX 2020 is uniquely positioned to effectively raise concerns regarding issues non-specific to particular landowners and the many environmental considerations that demand advocacy.

The Prehn Family is a directly affected landowner, as their property is located in the center of the CenterPoint natural gas dome, which covers roughly 13.25 square miles underground, in a rare shale dome stretching from north of Highway 60 under Sakatah Lake State Park⁶ land stretching south to roughly 430th Avenue, and east to west, from a point east of

² This joint intervention is similar to MCEA's frequent joint intervention with other organizations, except that unlike the Prehns, who have a direct interest, those joining with MCEA, like MCEA, have no direct interest in the project and proceeding.

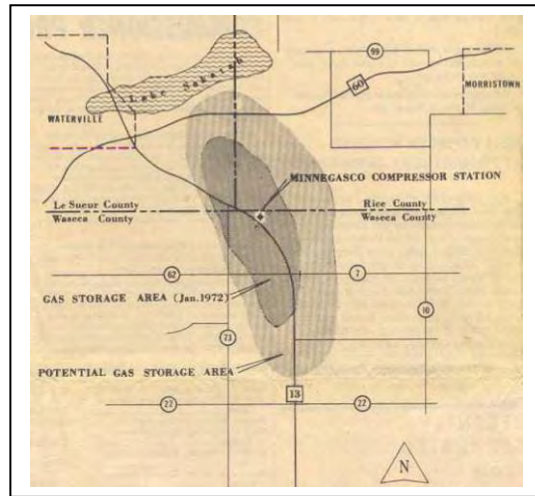
³ PUC Docket TL-08-1474 (now expanding with double circuiting as provided by the original Certificate of Need)..

⁴ PUC Docket TL-09-1056

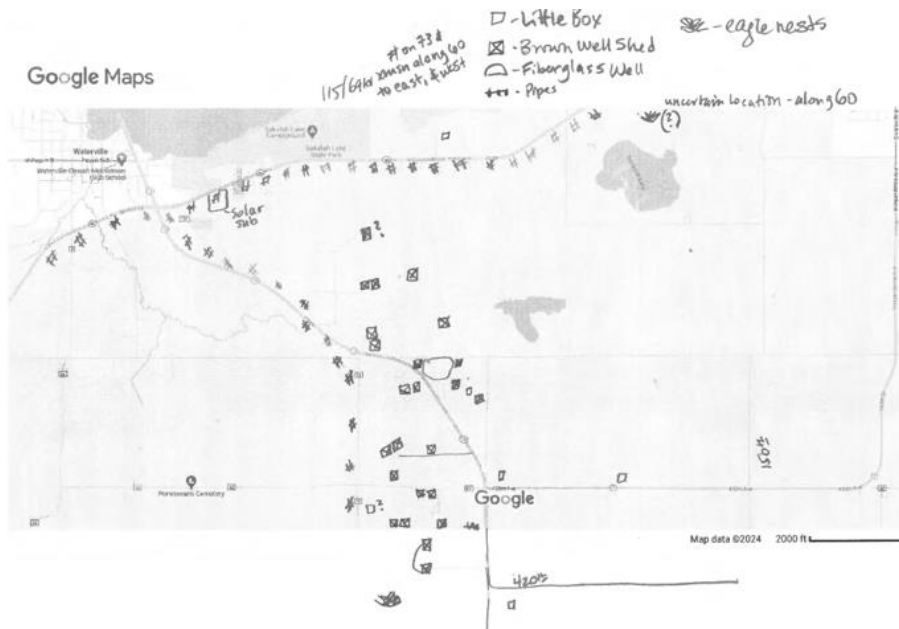
⁵ PUC Docket TL-09-1448

⁶ DNR's Sakatah Lake State Park: https://www.dnr.state.mn.us/state_parks/park.html?id=spk00256#homepage

150th Street extending westward to Co. Rd. 73.



CenterPoint's infrastructure for this gas dome consists of many gas wells with wastewater collection tanks and scattered monitoring stations, in addition to its office and waste water treatment plant at Highway 13 and 440th Avenue and the 13.25 square mile gas storage underground. The Prehns and NoCapX 2020 have document most, of not all, of this infrastructure after an extensive survey of the area. This rough map has been provided to Commerce and the Commission in a scoping comment⁷ filed in July:



⁷ PUC unique ID: [20247-209032-02](#) Larger map attached to this Petition.

Since the mid-1960s when the gas dome was permitted by Minnesota's DNR and established by then Minnegasco, the Prehn family and their neighbors have been directly involved in permitting, eminent domain, and water issues. The Prehns actively participated in the initial Department of Natural Resources permitting proceeding; challenged eminent domain proceedings up to the Minnesota Supreme Court; filed a successful petition in 1998 for an environmental assessment regarding wastewater dumping of contaminated gas well water into agricultural fields resulting in a requirement of water collection at the wells, construction of a wastewater treatment plant at the pumping station, and treatment of that wastewater; and in 2005-2006, successful advocacy against the Simon gas plant, a combined cycle natural gas plant that was proposed along Highway 13 next to the CenterPoint office/treatment plant, across from the Prehn family home, and which was ultimately abandoned⁸. Over the decades, Minnegasco, now CenterPoint, produced reports of operations and impacts for the DNR and its expert, Dr. Witherspoon, in California, and these reports were forwarded to Waseca County and also reviewed by the Prehns. Current reports should be part of the routing record.⁹

The Prehn Family is interested and concerned about any action, any project, that could have an impact on the gas dome and thus, an impact on their family. When the gas company is pumping gas into storage, the "water" of the Prehn's well, their only source of water, turns black, and the Prehns' believe that this has had a causal effect on their health. Of the five members of the immediate Prehn Family, four have been diagnosed with melanoma. Considering that the family has been exposed to the gas contaminated water for decades, they are reasonably questioning whether this melanoma is genetic or due to environmental exposure, and that

⁸ Prehns were represented by Carol A. Overland, attorney for NoCapX 2020, in the Simon Gas Plant proceeding, and this working relationship, shared history and knowledge is a benefit to both parties.

⁹ These reports addressed gas storage statistics, even including barometric pressure history, which has an impact on storage capacity and pumping. It is unknown who, or if anyone, has taken on the responsibilities of Dr. Witherspoon.

concern extends to any action affecting the gas dome.

The existence and location of the natural gas dome underground storage was not disclosed in Xcel's application, This is a surprising omission, considering the approximately 13.25 square mile area and 7 billion cubic foot volume of this natural gas infrastructure, and should be corrected with an application amendment. After the application had been filed, during the scoping comment period, NoCapX 2020 and the Prehns conducted an inventory of infrastructure in the area, including wells and monitors, and filed a rough map with its scoping comments. That same day, a visit as made to the CenterPoint office, and those present were not aware of the Xcel transmission proposal! It was not until filing of a Supplemental Comment by Xcel that it was disclosed that it was not until May 1, 2024 that Xcel met with CenterPoint and discussed the project¹⁰. Although this Xcel supplemental comment has been filed, acknowledging the natural gas storage dome, the Application has not yet been amended to include information regarding this extensive infrastructure. The Prehn family is disturbed at this significant omission and wants to assure that the natural gas dome and potential impacts of transmission are carefully explored and reviewed in the record. NoCapX 2020 and the Prehn Family seek to inform the record and assure that any decision is supported by that record.

The Prehn family's extended and extensive advocacy is based on their knowledge that impacts of and to the natural gas dome have an impact on their home, livelihood, and lives. NoCapX and the Prehn Family are also concerned about the common impacts of transmission, ranging from decreased property values, viewshed impacts, whether magnetic fields have an impact on barometric pressure, removal of land from agricultural production on project's easement and access roads, detrimental impacts to eagles nesting and feeding in the area, the socio-economic impacts and whether the prospect of increased utility personal property tax

¹⁰ See Supplemental Comment, filed May 6, 2024. [20245-206448-02](#)

payments would induce local governments' acceptance of utility infrastructure, and the prospect of eminent domain. Any transmission infrastructure in the area would be present for the long term – transmission, once built, is not going to move. The Prehns are also concerned about the possibility of any easements for transmission on the land over the natural gas dome, because Minnesota's "non-proliferation" policy means that any existing transmission route can be expanded, and a shared corridor would be the first choice for expansion.

At this time there are no Intervenor in this docket, nor are there yet any parties requesting Intervention, and no parties that represent the distinct interests of NoCapX and the Prehns. There are also no known potential intervenors that could or would represent the distinct interests of NoCapX 2020 and the Prehn Family.

NoCapX 2020 and the Prehn Family recognize the rights and responsibilities of intervention and will participate to the fullest extent possible if granted Intervention in these dockets.

NoCapX 2020 and the Prehn Family meet the criteria for intervention and respectfully request to be granted intervention as a full party, with all the rights and responsibilities of a party, in the above-captioned proceeding.

August 27, 2024



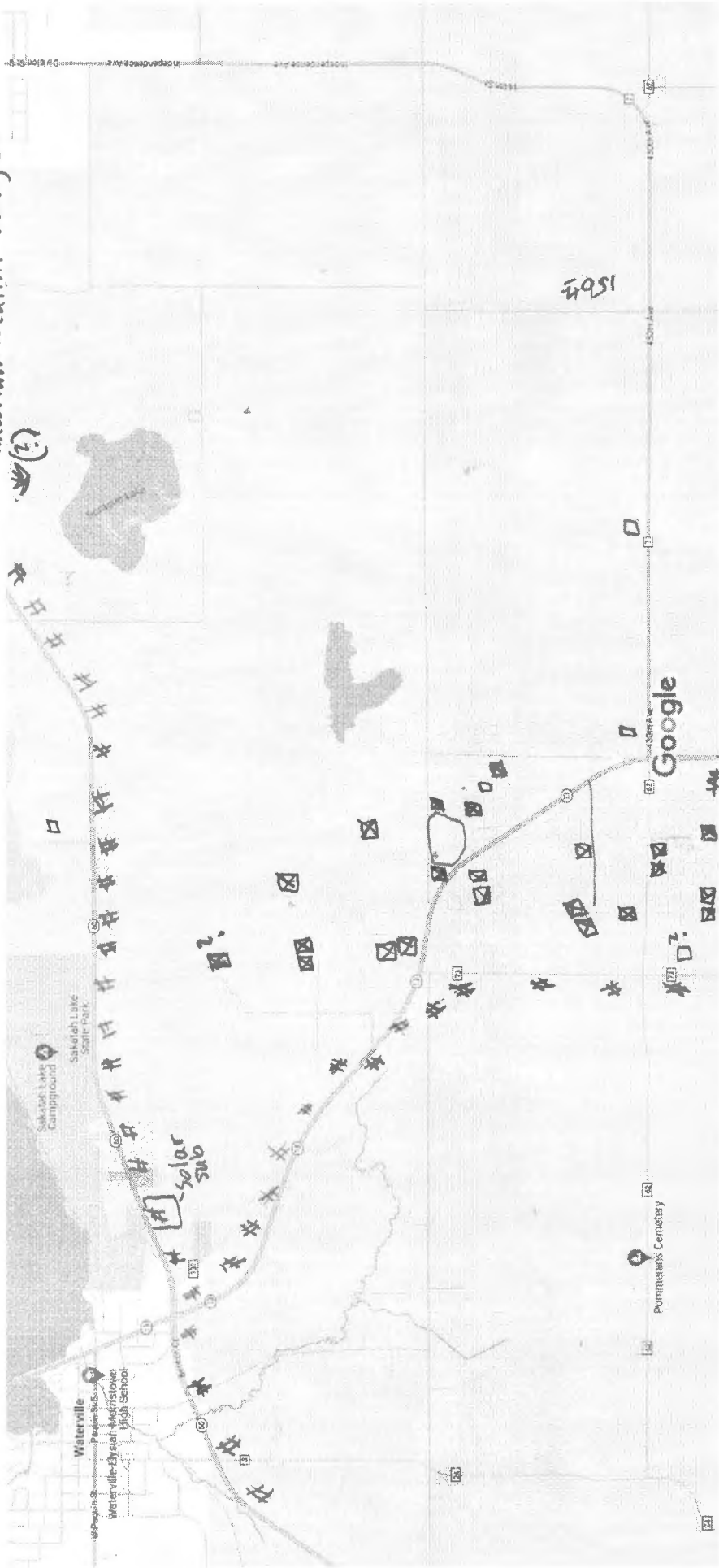
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Google Maps

- - Little box
- ⊠ - Brown well shed
- ◡ - Fiberglass well
- ⊕ - Pipes

Hand 734
 # on 10/10/20
 115/614 to east of 115

uncertain location - along 60



Map data ©2024 2000 ft

4200'

4951

Google

Waterville
 Waterville-Dryden-Madison
 High School

Sakoleh Lake
 State Park

Pommehans Cemetery

Solar SUD