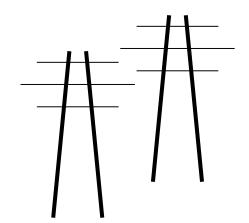
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May 14, 2025

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

via eDockets only

RE: More on Lack of Notice to 1,341 Newly Affected Landowners

NoCapX 2020 and the Prehn Family

OAH Docket: 5-2500-40099; PUC Docket TL-23-157

Dear Judge O'Reilly:

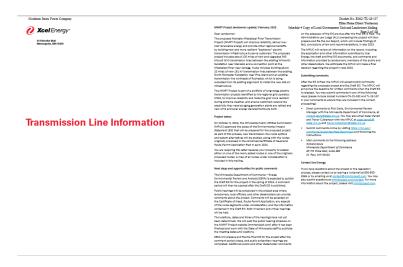
Thanks to Valerie Herring, representing Xcel, for filing yesterday's letter with the Heine Direct Schedule 4 Affidavit of Service and description of the Company's mailing to 2,878 landowners, including the 1,341 newly affected landowners.

EERA's Scoping Decision adding the 1,341 landowners was issued December 2, 2024. Xcel's mailing went out to the landowners on January 31, 2025, which though better than no notice, was sent two weeks after the Intervention deadline. The Xcel notice is too late, and it remains EERA's problem to correct.

Newly affected landowners have not received a targeted mailing letting them know that they are "newly affected landowners." Though not sent specifically to, or identifying the landowners as, "newly affected landowners," the Xcel mailing stated:

You are receiving this letter because your property is located either on one of the newly added routes or one of the originally proposed routes. A map of all routes under consideration is included in this mailing.

That language, placement, and font is not attention grabbing - it's in the fourth paragraph, found in the "Project Status" section, in the same small font as the rest of the mailing:



It's my understanding that Dept. of Commerce-EERA notices to potentially affected landowners lead with a "your land may be affected" in attention grabbing **bold** and/or CAPS. Commenters at public meetings/hearings often note that applicant mailings are like campaign lit or equally unwanted direct mail advertisements, items that go directly into recycling buckets. Though appreciated, applicant mailings aren't a substitute for EERA notice.

It's good to know Xcel sent out notice, but timing remains an issue due to mailing after the Intervention deadline had passed, and Xcel's mailing was a generic mailing to both original and newly affected landowners. Xcel's diligence doesn't alleviate Commerce-EERA's notice failure or the Asst. A.G.'s abject disregard of due process and property rights, stating "the notice to newly affected landowners is a courtesy, not a legal obligation." See U.S. Constitution, 14th Amendment, Section 1; see also Minnesota Constitution, Article 1, Section 7. Does this really need to be stated?

Newly affected landowners have not had attention grabbing particularized notice nor have they had a reasonable chance to learn about and prepare for meaningful and effective participation. How will this be fixed in a way that graciously opens the door, encourages participation, and sufficiently informs the landowners and provides process such that they can exercise their rights? It's my guess that we need a <u>plan</u> and a reasonable delay, Certified to the Commission, to make up for notice deficiencies, encourage that "broad spectrum of public participation," and provide necessary due process.

Very truly yours,

Carol A. Overland Attorney at Law

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

¹ Admittedly, I may be confusing this with the notice requirements in the rulemaking proceeding that we hammered out in nine years of meetings and comments over a decade ago which was tossed out by the Commission. E,ET,IPP-999/R-12-1246 Sufficiency of notice was a primary issue then and now.