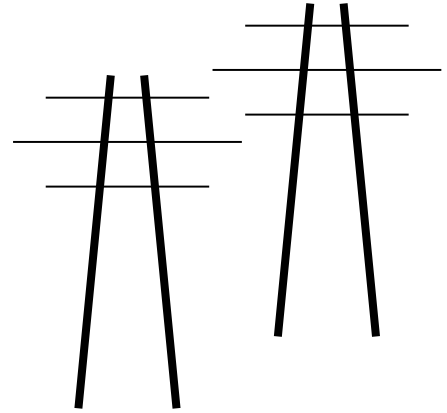


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May 14, 2025

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:

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.