

**STATE OF MINNESOTA
BEFORE THE PUBLIC UTILITIES COMMISSION**

LeRoy Koppendraye
Marshall Johnson
Kenneth Nickolai
Thomas Pugh
Phyllis Reha

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of a Request for a Certificate
of Need for High-Voltage Transmission Lines

MPUC Docket No. ET-6131, ET2, ET-6130,
ET-10, ET-6444, E-017, ET-9/CN-05-619

CAROL A. OVERLAND'S COMMENTS ON COMPLETENESS OF APPLICATION

I. INTRODUCTION

Based on past experience with the Public Utilities Commission regarding Completeness, where most information missing from an application is deemed discoverable through information requests, this is a short Comment. There are only a few things missing from this Application, but they are significant:

- 1) Half or more of the project is missing – this is part of a larger line and the entire line must be reviewed in toto – 345kV transmission is not built from a massive new coal plant radially to the middle of nowhere! The entire line package must be included.
- 2) How will this project get electricity to those applicants who claim need? The project as proposed does not address need claims of Applicants.
- 3) A deal has been made, apparently by parties in the South Dakota plant and transmission proceedings, and perhaps parties in this proceeding. This deal and any others related to this proceeding has an impact and must be included in the application.

II. THE ENTIRE PROJECT MUST BE INCLUDED IN THE APPLICATION, OTHER NECESSARY PARTIES MUST BE JOINED, AND THE PROCEEDINGS COMBINED INTO ONE PROJECT AND ONE PROCEEDING.

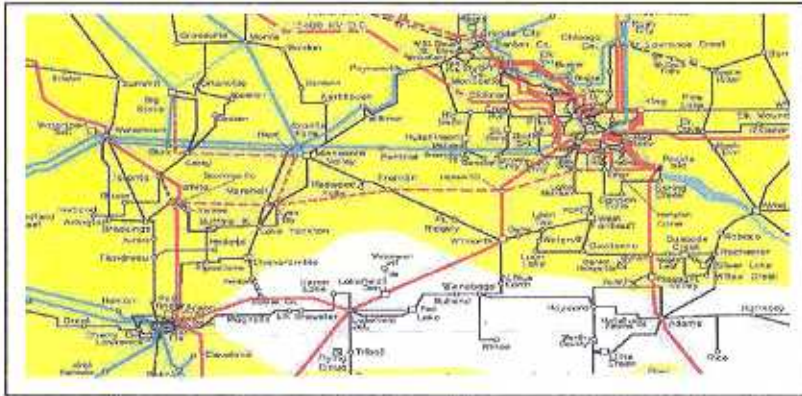
Logically, a 345kV transmission line is not built from a new power plant to the middle of nowhere. As we say in transmission, "It's all connected." This project proposes a radial 345kV transmission line from the new Big Stone II coal plant to Granite Falls – but that only tells part of the story. The application fills in the rest:

When operated at 345kV, the Granite Falls line will act as the first phase of a 345kV transmission plan connecting western/southwestern Minnesota to the Twin Cities.

Application, p. 3. The project is further explained in a September 6, 2005, letter from William R. Kaul, of Great River Energy "on behalf of the Cap-X Utilities"¹ which states:

¹ The entire CapX2020 letter may be downloaded at my blog: <http://nfld.us/blogs/caroloverland/CapX%202020%20Proposed%20Lines.pdf>

We believe that when viewed as an integrated package, these projects establish one of the key spokes in the overall plan for enhanced transmission infrastructure for the southwestern and western parts of the state. A simple schematic of the project on an integrated basis is provided below:



This connected project was also laid out in the MISO Transmission Expansion Plan by the area's transmission planners who disclosed connections further west to more coal:

6.1 Regional projects or Study Areas of Focus:

- **CAPX (Incorporates prior Northwest Area Exploratory Project) – Three options are to be pursued:**
 1. **Coal fields of North Dakota to Fargo to Benton County outside of the Twin Cities**
 2. **Belfield, North Dakota (site of a new 500 MW coal plant) to Ellendale, South Dakota to Big Stone area to Granite Falls to Blue Lake, Minnesota**
 3. **Cross link from Ellendale to Fargo**

MTEP06, p. 8. This project is the second one listed. This Big Stone II part and this application before the Commission is appropriately for Minnesota only, but the “need” for the line necessarily incorporates analysis of the transfer of coal generation into Minnesota from South Dakota and beyond Granite Falls.

The full extent of this project must be addressed. The Belfield new 500MW coal plant and its relation to this Minnesota project must be disclosed and included for informational purposes as a phased and connected action, and all the Minnesota portions must be included as a phased and connection action necessary to complete the plan.

It's obvious that this project would not be built but for the Big Stone plant and would not be built but for the rest of the project connecting it to “somewhere.” If just this Big Stone to Granite Falls part of that 345kV project were approved, but the rest were not, the Big Stone plant and this transmission line would not be built – could not be built – it would serve no use, it would meet no need. This segment is a small part of a larger project. Therefore, this application is incomplete.

This application must include, at minimum:

- Belfield, ND coal plant MISO interconnection queue
- Belfield, ND powerflows and transmission outlet
- Percentage of this line used by Belfield, including transmission reservations
- Continuation of line from Granite Falls to metro 345kV loop, whether through Blue Lake or other connection.

This project should be held in abeyance until the remainder of the project is applied for and at that time, it should proceed as the unified and inseverable system that it is.

III. THIS PROJECT, AS A STAND ALONE PROJECT, DOES NOT PROVIDE BIG STONE ELECTRICITY TO THOSE CLAIMING NEED

In this application, there is discussion of each applicant's "need" for the electricity of Big Stone, but there is no explanation, in narrative, or through powerflows, of how this transmission project will satisfy that need – but one thing is clear – sending electricity to Granite Falls will not do anything for the applicants. This project on its face does not, as a stand alone project, meet the needs of the applicants.

This application must include, at minimum:

- Demonstrate how this project fulfills the need claimed for electricity.
- If project doesn't meet need, provide information about the project expanded to the scope that fulfills that need, one that connects to the 345kV ring around the Metro.

If this project has no prospect of fulfilling the needs of the applicants, which logically it cannot in the current form, the Commission should not waste its time or the time of Intervenor.

IV. DEALS CONNECTED TO THIS PROJECT MUST BE FILED WITH THE PUC AND MADE PUBLIC.

Recently, the Sioux Falls Argus-Leader reported "Deal opens the door to wind power."² The parties and details were not disclosed, but it appears that acquiescence to the coal plant and associated transmission was traded for the possibility of transmission access for wind farms in the area. By who? For what? While this may mollify the resistance of the parties to the deal, this addresses only those parties' private interests, and in no way addresses the public interest issues raised in opposition to this or any coal plant or the transmission that enables this new coal. These agreements could well be contrary to the public interest, and could be the acceptance of noxious generation and transmission for private gain.

Deals have an impact beyond the parties to those deals, particularly upon those Intervenor and local government not part of the deal, and can have an impact on policy and on individuals' position and rights.

- Douglas County settlement with ATC for roughly 2.5 miles of new easement and 13.5 expanded easement was withheld from public and ATC wanted the WI docket quietly closed!³
- Arrowhead landowners in Minnesota joined together in condemnation court, where the judge pointedly noted, twice, that they did not argue their substantive case and instead asked only for delay until the PUC made a decision regarding the EQB exemption.⁴
- Taylors Falls and St. Croix Falls made an agreement with NSP that included many provisions in a separate agreement, and agreed to a lower voltage line without realizing that the lower voltage line was designed for twice the capacity, increasing bulk power transfer and EMF.⁵
- The SW MN 345kV case was littered with references to ongoing negotiations between Xcel and some of the Intervenor, and it appears that the Agreement was reached and much was incorporated into the TRANSLink deal, filed with the Commission.⁶
- The Transmission Omnibus Bill SF 1368 was sold as "a deal, a package deal, a good deal."⁷

² Deal "opens the door" to wind power. Argus Leader, October 21, 2005

<http://www.argusleader.com/apps/pbcs.dll/article?AID=20051021/NEWS/510210309/1001>

³ Douglas County Arrowhead Agreement http://nfd.us/blogs/caroloverland/archives/2005/09/douglas_county.html. ATC wanted to quietly close the PSC-WI docket without provision of the Agreement – it has since been filed, but not by ATC.

⁴ PUC Docket E015/PA-04-2020: "The owners do not challenge the Minnesota Power's right of eminent domain, the public purpose for acquiring the property in question or the necessity of the line itself; they simply want the Court to postpone its decision until the PUC appeal is completed... The Defendants in this matter did not argue necessity for the power transmission line. The Defendants did not argue that the property in question is not needed for the transmission line. The landowners simply requested that the Court delay the quick-take procedure until a decision is made by the Public Utilities Commission on SOUL's appeal..." Attachment I.B, Condemnation Order – Memorandum p. 3.

⁵ This writer was ordered arrested at a joint meeting of the City Councils for asking the amount of money to be transferred into a fund where it was not specified in the public agreement, inferring knowledge of deal. The Mayor who ordered that arrest is a felon, kicked out of office for misappropriation of public property. As the mediator of the TF/STCF/NSP agreement, Commissioner Reha could answer question about this deal.

⁶ Settlement Agreement, June 23, 2003 between TRANSLink, MCEA, Waltons, ME3 and NAWO; Docket E002, PT6025/PA-02-2152.

Deals have been falsely presented as and perceived as being in the public interest when it is private interests that benefit – and often the public interest is harmed. When deals are a part of public proceedings, they must be filed with the Commission and scrutinized for impacts beyond the parties to assure the public is not harmed and that parties are clear about who they represent in the deal.

This application must provide, at minimum:

- Identification of all agreements related to this project, terms of the agreements, and parties to those agreements.
- Provide copies for the record in this proceeding.
- Analyze public and private interests addressed in agreement.

IV. THIS APPLICATION IS INCOMPLETE

The application for transmission for the Big Stone II coal plant is incomplete, and requires at minimum:

- Belfield, ND coal plant MISO interconnection queue and queue info of others similarly situated
- Belfield, ND powerflows and transmission outlet and for others similarly situated
- Percentage of this line used by Belfield, including transmission reservations
- Continuation of line from Granite Falls to metro 345kV loop, whether through Blue Lake or other connection.
- Demonstrate how this project as applied for fulfills the applicants need claimed for electricity.
- If project doesn't meet need, provide information about the project that fulfills that need.
- Identify with specificity all agreements between applicant(s) and parties of interest related to this project, identify terms of the agreements, and identify parties to those agreements.
- Provide copies for the record in this proceeding.
- Analyze public and private interests addressed in agreement.

If the above information is provided, the application is then sufficient and complete and may proceed through normal Certificate of Need process.

Dated: October 23, 2005



Carol A. Overland #254617
Attorney at Law
OVERLAND LAW OFFICE
402 Washington St. So.
Northfield, MN 55057
(507) 664-0252
(612) 227-8638
overland@redwing.net

⁷ Compare SF1368 <http://www.revisor.leg.state.mn.us/bin/bldbill.php?bill=SF1368.3&session=ls84> with the TRANSLink deal.