



Energy Facility Permitting
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Minnesota Department of Commerce

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

COMMENTS AND RECOMMENDATIONS OF THE
MINNESOTA DEPARTMENT OF COMMERCE
ENERGY FACILITY PERMITTING STAFF

DOCKET NO. E6472/GS-06-668

Meeting Date: July 6, 2006.....Agenda Item #

Company: Excelsior Energy

Docket No. PUC Docket Number: E6472/GS-06-668

In the Matter of an Advisory Task Force relating to the Mesaba
Energy Project filing for a Joint Permit Application

Issue(s): How shall the task force be structured (i.e., size and membership)
and what charge it be given?

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Introduction and Background

The DOC EFP staff has prepared a suggested structure and charge in the event that the Commission authorizes the creation of a citizen advisory task force.

The Power Plant Siting Act has recognized since it was first adopted in 1973 that the EQB (now that authority rests with the PUC) could appoint an advisory task force to assist the [PUC] in carrying out its duties. Statute requires that an advisory task force have a specific charge and be comprised of "at least one representative from each of the following: Regional development commissions, counties and municipal corporations and one town board member from each county in which a site or route is proposed to be located." Minn. Stat. § 116C.59, subd. 1 (attached).

In previous instances where the EQB has appointed a citizen advisory task force, the charge has generally been to review the proposed project and make recommendations to the EQB on alternative sites or routes and on environmental impacts to address.

In 2001 the Legislature amended the statute to place a limit on the length of time an advisory task force may exist. In accordance with Minn. Stat. § 116C.59, subd. 1 and Minnesota Rule 4400.1600, subpart 4, the citizen advisory task force expires upon completion of its charge, designation by the [Commissioner of the DOC] of alternative sites or routes to be included in the EIS, or the specific date identified by the [PUC], whichever comes first.

Because the time is so short for the PUC to act on a permit application, the life of a citizen advisory task force also can be quite short, perhaps less than two months in some cases. In general, the DOC EFP staff intends to have the environmental review scoping decision made within 50 to 75 days after an application is submitted.

Since the Mesaba Energy Project EIS Scoping Decision is anticipated to be released on September 1, 2006, and will include the sites/routes to be evaluated, the citizen advisory task would terminate on that date.

Suggested Structure and Charge for Mesaba Energy Project Advisory Task Force

Membership

The Task Force members will be solicited, as required by Minn. Stat. § 116C.59, from the following governmental units:

- Arrowhead Regional Development Commission
- Itasca and St. Louis County Boards
- The City of Taconite
- The City of Bovey

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- The City of Hoyt Lakes
- One town board member from Itasca County and one town board member from St. Louis County.

In addition, the Citizens Advisory Task Force will include four private citizens, two from Itasca County and two from St. Louis County, who live, work or own property on or near any of the proposed sites or routes. Plus up to three additional members from nongovernmental organizations (Environmental Interest Groups, Chamber of Commerce, and other stakeholders). The Task Force will comprise no more than 15 members.

Charge

The Citizens Advisory Task Force members will assist the DOC EFP staff in determining:

1. Whether local site or route specific information as presented within the Joint Permit Application is inaccurate or missing information;
2. What site or route specific impacts and issues of local concern should be assessed in the EIS; and
3. The task force shall express a preference for either the preferred or alternative site contained within the Joint Permit Application, if a consensus can be reached.

The Task Force will expire upon completing the above charge or upon designation by the Commissioner of the DOC of alternative sites or routes to be included in the EIS, whichever comes first.

POWER PLANT SITING ACT

116C.59 Public participation.

Subdivision 1. **Advisory task force.** The board may appoint one or more advisory task forces to assist it in carrying out its duties. Task forces appointed to evaluate sites or routes considered for designation shall be comprised of as many persons as may be designated by the board, but at least one representative from each of the following: Regional development commissions, counties and municipal corporations and one town board member from each county in which a site or route is proposed to be located. No officer, agent, or employee of a utility shall serve on an advisory task force. Reimbursement for expenses incurred shall be made pursuant to the rules governing state employees. The task forces expire as provided in section [15.059](#), subdivision 6. At the time the task force is appointed, the board shall specify the charge to the task force. The task force shall expire upon completion of its charge, upon designation by the board of alternative sites or routes to be included in the environmental impact statement, or upon the specific date identified by the board in the charge, whichever occurs first.

Subd. 2. **Other public participation.** The board shall adopt broad spectrum citizen participation as a principal of operation. The form of public participation shall not be limited to public hearings and advisory task forces and shall be consistent with the board's rules and guidelines as provided for in section [116C.66](#).

Subd. 3. **Public advisor.** The board shall designate one staff person for the sole purpose of assisting and advising those affected and interested citizens on how to effectively participate in site or route proceedings.

Subd. 4. **Scientific advisory task force.** The board may appoint one or more advisory task forces composed of technical and scientific experts to conduct research and make recommendations concerning generic issues such as health and safety, underground routes, double circuiting and long-range route and site planning. Reimbursement for expenses incurred shall be made pursuant to the rules governing reimbursement of state employees. The task forces expire as provided in section [15.059](#), subdivision 6. The time allowed for completion of a specific site or route procedure may not be extended to await the outcome of these generic investigations.