

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

In the Matter of the Application for a
Route Permit for the Hiawatha
Transmission Project

REVISED SCHEDULING ORDER

A telephone conference was held on December 4, 2009, before Beverly Jones Heydinger, Administrative Law Judge.

Appearances:

Lisa M. Agrimonti, Briggs and Morgan, P.A., and Jennifer Thulien Smith, Assistant General Counsel, Northern States Power Co., appeared on behalf of Northern States Power Company, (Applicant).

Paula G. Maccabee, Just Change Consulting/Law Offices, appeared on behalf of Midtown Greenway Coalition.

Corey M. Conover and Gregory Sautter, Assistant City Attorneys, appeared on behalf of the City of Minneapolis.

Colleen Schmidt, Director, appeared on behalf of Crew2, Inc.

Charles H. Salter, Assistant County Attorney, appeared on behalf of Hennepin County and Hennepin County Regional Railroad Authority.

Karen Finstad Hammel, Assistant Attorney General, appeared on behalf of the Department of Commerce, Office of Energy Security, Energy Facility Permitting Staff (Department). Department staff, Deb Pyle, Public Advisor, and William Storm, Project Manager, were also present.

Commission staff, Bret Eknes, was present.

Lori Ellis, Little Earth of United Tribes, and Joanna Solotaroff, Longfellow Community Council, did not appear, nor did they notify the Administrative Law Judge that they would not appear.

Summary:

The telephone conference was initially scheduled at the request of the Applicant to review the number of witnesses that the parties intend to call at hearing and determine whether additional hearing dates should be scheduled. Subsequent to scheduling the conference, the Department revised its schedule for completing the Draft EIS on this project and holding the public meeting to accept comment on the draft. In light of the schedule change, the Midtown Greenway Coalition requested an adjustment to the schedule set in the Prehearing Order, dated August 11, 2009.

Discussion was held among the participants concerning the number of possible witnesses, the proposed schedule, including release of the Draft EIS, separation of the public hearing and evidentiary hearing, the deadline for intervention and filing testimony, and scheduling another telephone conference.

At this time, the Department projects that the Draft EIS will be completed by January 8, 2010, and that the public hearing to comment on the Draft EIS will be held no later than the first week of February.

All of the parties participating in the telephone conference concurred in the revised schedule, including the Applicant, which acknowledged that the revisions would delay the Public Utilities Commission's decision beyond May 2010.

Based on the discussion, the Administrative Law Judge makes the following changes to the Prehearing Order.

IT IS HEREBY ORDERED:

1. Any person who wishes to intervene in this proceeding must file a written petition to intervene with the Administrative Law Judge no later than **January 20, 2010**, as set forth in Minn. R. 1400.6200. A Notice of Appearance shall be filed with the Petition. Any objection to a petition to intervene shall be filed within seven days of receipt of the petition, but no later than **January 27, 2010**. The petition and any objection shall be served upon all parties, pursuant to the E-service list in effect at the time of the petition.

2. The following schedule for prefilng testimony is adopted:

Direct Testimony	February 18, 2010
Rebuttal Testimony	March 15, 2010
Surrebuttal Testimony	March 26, 2010
List of Proposed Exhibits and Witnesses	April 2, 2010

3. Public hearings will be held in Minneapolis, Minnesota, on **April 5 and April 6, 2010, at 2:00 p.m. and 7:00 p.m.**, at a location to be arranged by the Applicants in consultation with the Commission staff and the Administrative Law Judge.

4. The parties shall convene on **April 5, 2010, at 11:00 a.m.**, at the location for the public hearings, to mark and introduce into evidence the prefiled testimony and accompanying attachments.

5. The evidentiary hearing shall commence on **April 12, 2010, at 9:30 a.m.**, at the Public Utilities Commission, and shall continue on April 13 through 21, 2010, as necessary to complete the presentation of the evidence.

6. Public Comments may also be submitted in writing to the Administrative Law Judge and must be received by 4:30 p.m. on **April 28, 2010**.

Order of Testimony

7. Unless the parties agree otherwise, the order of testimony shall be: the Applicant, Midtown Greenway Coalition, City of Minneapolis, Crew2, Inc., Hennepin County, Little Earth of United Tribes, Longfellow Community Council, additional intervenors, if any, in the order of intervention, and the Department. Questioning of the witnesses shall proceed in the same order, subject to change by agreement of the parties or further order of the Administrative Law Judge.

Prefiled Testimony

8. Each of the parties shall file Direct Testimony addressing its preferred route.

Objections to Prefiled Testimony

9. Except for good cause shown, objections by any party relative to the qualifications of a witness or the admissibility of any portion of a witness's prefiled testimony shall be considered waived unless the objecting party states its objection by motion made to the Administrative Law Judge, and serves a copy of such objections on the parties, no later than **April 5, 2010**.

Telephone Conference

10. A telephone conference will be held with the parties on **January 28, 2010, at 2:30 p.m.**, to review the schedule and address other prehearing issues. All parties are expected to participate or to notify the Administrative Law Judge in advance that they are unable to do so. To participate, call **866-766-0067**, and enter passcode **7649290**.

11. Except as expressly amended by this Order, the Prehearing Order, issued on August 11, 2009, remains in effect.

Dated this 7th day of December, 2009.

s/Beverly Jones Heydinger

BEVERLY JONES HEYDINGER
Administrative Law Judge



MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

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December 7, 2009

To All Parties on the E-Docket Service List

**Re: In the Matter of the Application for a Route Permit for the
Hiawatha Transmission Project; OAH No. 15-2500-20599-2
PUC No. E-002/TL-09-38**

Dear Parties:

The document listed below has been filed with the E-Docket system and served as specified on the E-Docket service list, and served by email.

Revised Scheduling Order

Sincerely,

s/Beverly Jones Heydinger

BEVERLY JONES HEYDINGER
Administrative Law Judge

Telephone: (651) 361-7838

BJH:nh

Enclosure

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
ADMINISTRATIVE LAW SECTION
600 NORTH ROBERT STREET
PO BOX 64620
ST. PAUL, MINNESOTA 55164-0620

CERTIFICATE OF SERVICE

<i>In the Matter of the Application for a Route Permit for the Hiawatha Transmission Project</i>	OAH 15-2500-20599-2 PUC E-002/TL-09-38
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Nancy J. Hansen certifies that on the 7th day of December, 2009, she served a true and correct copy of the attached Revised Scheduling Order by serving as specified on the E-Docket service list.

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret
Lisa	Agrimonti	lagrimonti@briggs.com	Briggs And Morgan, P.A.	2200 IDS Center80 South 8th Street Minneapolis, MN 55402	Electronic Service	No
Corey	Conover	corey.conover@ci.minneapolis.mn.us	City Of Minneapolis	350 South 5th Street City Hall, Room 210 Minneapolis, MN 554022453	Electronic Service	No
Patricia	DeBleeckere	tricia.debleeckere@state.mn.us	MN Public Utilities Commission	Suite 350 121 Seventh Place East St. Paul, MN 55101	Electronic Service	Yes
Lori	Ellis	Lori.ellis@learth.org	Little Earth of United Tribes	2495 18th Avenue S Minneapolis, MN 55404	Electronic Service	No
Sharon	Ferguson	sharon.ferguson@state.mn.us	State of MN - DOC	85 7th Place E Ste 500 Saint Paul, MN	Electronic Service	Yes

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret
Burl W.	Haar	burl.haar@state.mn.us	MN Public Utilities Commission	551012198 Suite 350 121 7th Place East St. Paul, MN	Electronic Service	Yes
Karen Finstad	Hammel	Karen.Hammel@state.mn.us	MN Office Of The Attorney General	551012147 1400 BRM Tower 445 Minnesota Street St. Paul, MN	Electronic Service	Yes
Valerie T.	Herring	vherring@briggs.com	Briggs and Morgan, P.A.	551012131 2200 IDS Center 80 S. Eighth Street Minneapolis, MN 55402	Electronic Service	No
Beverly	Heydinger	beverly.heydinger@state.mn.us	Office Of Administrative Hearings	PO Box 64620 St. Paul, MN 551640620	Paper Service	Yes
Mara	Koeller	mara.n.koeller@xcelenergy.com	Xcel Energy	414 Nicollet Mall 5th Floor Minneapolis, MN 55401	Electronic Service	No
Paula	Maccabee	Pmaccabee@visi.com	Just Change Consulting	1961 Selby Avenue St. Paul, MN 55104	Electronic Service	No
Charles	Salter	chuck.salter@co.hennepin.mn.us	Hennepin County Attorneys Office	A-2000 Government Center 300 South Sixth Street Minneapolis, Minnesota 55487	Electronic Service	No
Gregory	Sautter	gregory.sautter@ci.minneapolis.mn.us	City of Minneapolis	333 South 7th Street, Suite 210 Minneapolis, MN 55403	Electronic Service	No
Colleen	Schmidt	colleen.schmidt@thecrew2.com	Crew2	2650 Minnehaha Ave S Suite 100 Minneapolis, Minnesota 55406	Electronic Service	No
Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates	Ste 122 9100 W Bloomington Frwy Bloomington, MN 55431	Electronic Service	Yes

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret
Joanna	Solotaroff	joanna@longfellow.org	Longfellow Community Council	2727 26th Avenue South Minneapolis, MN 55406	Electronic Service	No
William	Storm	bill.storm@state.mn.us	Minnesota Department of Commerce	Room 500 85 7th Place East St. Paul, MN 551012198	Electronic Service	Yes
Jennifer	Thulien Smith	jennifer.thuliensmith@xcelenergy.com	Xcel Energy Services, Inc.	414 Nicollet Mall, 5th Floor Minneapolis, MN 55401	Electronic Service	No