Birkholz, David (COMM)

From: Kevin A. Spellacy [KSpellacy@quinlivan.com]
Sent: Wednesday, February 03, 2010 10:20 AM
To: Birkholz, David (COMM)
Cc: Kevin A. Spellacy; Clint MacKinney
Subject: Fargo to St. Cloud 345kV line project--PUC Docket No.E002, ET2/TL-09-1056

Mr Birkholz:

Please record and direct, to the PUC, the following comments which address my concerns about about potential impacts, mitigation measures and alternative routes to be considered in the scoping document and the EIS.

As you and the PUC know, our Supreme Court, ruled, in PEER v. Minn Environmental Quality Council, 266 NW2d 858 (Minn 1978) that the route selection process " must, as a matter of law, choose a pre-existing route unless there are extremely strong reasons not to do so" . Id, at 868.

I understand that placing segments of the line underground at various locations along Highway 94 in the Avon area is technically feasible and that wold solve the Spunk lake, highway rest stop issues. Regardless of whether that approach may be more costly, the mandate of PEER requires that every effort be made to use a pre-existing route, i.e. the 94 route.

Secondly, we have a pre-existing transmission line route which proceeds North/South just to the west of Hwy #2 in the vicinity of 338th street (three miles north of St. Joseph) and which thereafter crosses over highway 2 South-Eastbound to St.Cloud. While the use of this existing corridor is distinctly less acceptable to the option of burying segments of the line along Hwy 94, it is nevertheless vastly superior to the creation of a new route in my neighborhood.

I believe PEER absolutely requires that the EIS explore and demonstrate with clear and convincing evidence that each of the above alternatives and, indeed, every available existing route is not technically feasible, before consideration can be give to a new route in our neighborhood.

The Supreme Court has provided very clear guidance to the PUC concerning the routing process. I expect that your agency will see to it that the EIS and the route selction process comports with Minnesota law as set forth in PEER.

Kevin Spellacy