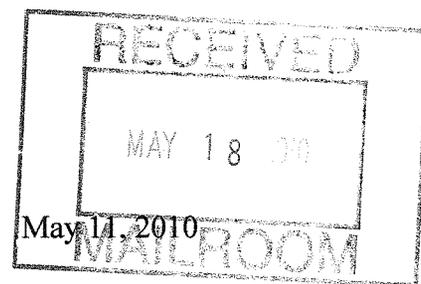


LeRoy McCusker
100 Stoughton St W
Cannon Falls, MN 55009-1526



Matthew Langan
State Permit Manager
Minnesota Office of Energy Security
85 7th Place East, Suite 500
St. Paul, MN 55101-2198

Dear Mr. Langan,

My name, LeRoy McCusker, am a council member, planning commission member, local concerned citizen of the city of Cannon Falls for fifty years. I am writing in concern to the CapX 2020 proposal.

I have a lot of concerns with the highway 52 proposals for our town and its citizens. To give you a little background Cannon Falls is a small town with an historical business area. Some of our problems are our small town has five major roads coming into it with traffic problems growing more every day. Some future plans are to widen streets that take out some buildings to make better turns and solve other problems. To resolve some of these problems we have been working with the State of Minnesota, Goodhue County and our city planners. Part of our future is to plan around our new southern overpass to the south of Cannon Falls. This area has been planned for commercial, residential retail and other businesses including our new hospital to go up in the next two years plus other medical businesses. This is all being done with good intentions for future tax base for Cannon Falls, Goodhue County and the State of Minnesota.

At this time your main plans are to go through the heart of Cannon Falls with your power line development. I feel this will have a big future impact on not only our future plans but the state and county as well. I also have concerns about the power lines in our high traffic areas and also the safety of medical helicopters to our Mayo Medical Center.

Please give a lot of consideration to alternate routes through Randolph, Kenyon and south. If you look at all small towns from Hampton to Alma, Wisconsin, Cannon Falls is the only town with the power line which goes right through it. I have no doubt that we do need power lines for the future, but it is a pretty heavy price for Cannon Falls to be the only small town to have these power lines going right through the heart of it. Our city has scenic rivers, ball parks, bike trails plus its historic downtown that we are promoting all the time and you're proposing to bring the power lines right through it. I also realize it is more costly and more problems to go with the western alternative, but I feel the cost

to Goodhue County, Cannon Falls and the state of Minnesota is a lot more than whatever you spend on alternatives. We have tried to work together with other projects with our local power companies the last two to five years but this is asking too much. Please consider the alternate route for our future.

Would it be possible to get a response back so I can tell our local citizens that small town America does matter and we do have a voice.

Thanks you very much for your time. If I can help, please call anytime. My phone number is 507-263-4864.

Regards,

LeRoy McCusker

Langan, Matthew (COMM)

From: Jim McNamara [jtmcnamara@pitel.net]
Sent: Thursday, May 20, 2010 3:09 PM
To: Langan, Matthew (COMM)
Subject: PUC Docket No. TL-09-1448

Mr. Matthew Langan
State Permit Manager
Minnesota Office of Energy Security

Mr. Langan

We are writing to you in regards to PUC Docket No. TL-09-1448. We live just north of the Pine Island city limits on 195th Avenue. We think that every effort should be made to keep the proposed routes away from homes and businesses. We are farmers and do not like farming around power poles, but feel that it is better to have them out in a field than being too close to a house where families reside. We also would like to have the routes stay away from the Pine Island city limits so as not to be a negative factor in the growth of the city. Thank you for allowing us to voice our comments on this important issue.

Jim and Tonja McNamara
Pine Island, Minnesota
507-356-4503



85 7th Place East, Suite 500, St. Paul, MN 55101-2198
main: 651.296.4026 ny: 651.296.2860 fax: 651.297.7891
www.ostimerc.state.mn.us

PUBLIC COMMENT SHEET

CapX Hampton-Rochester-La Crosse Transmission Line Project

PUC Docket Number: E002/TL-09-1448

Name:

ALLEN MICKOW

Representing:

SELF

Address:

4035 GAFFIN LN NE
ROCHESTER, MN. 55906

Email:

AMICKOW@ROCHESTERMN.GOV

Comments:

I OWN 2 FARMS IN SECTION 5 OF FARMINGTON TWP
OLMSTED COUNTY.
AFTER HAVING AN OPPORTUNITY TO HEAR COMMENTS
@ PLAINVIEW REGARDING ROUTE OPTIONS, I WOULD
DESIRE TO GO ON RECORD SUPPORTING THE PREFERRED
ROUTE (FROM ROCHESTER SUBSTATION TO EAST-PLAINVIEW)
IT IS MY REASONING & BELIEF THAT A GREAT AMOUNT
OF ENVIRONMENTAL DAMASE WOULD OCCUR IF THE
NORTH LYING ROUTES (ALT + ROUTE OPTION) WERE USED IN
WABASHA COUNTY. AVOID USING THE ALT. + ROUTE OPTION ROUTES.

Please submit comments by 4:30pm, May 20, 2010 to:

Matthew Langan
Minnesota Dept. of Commerce
85 7th Place East
Suite 500
St. Paul, MN 55101-2198

Email: matthew.langan@state.mn.us
Phone: 651-296-2096
Fax: 651-297-7891

36885 County 24 Blvd.
Dennison, Minnesota 55018
May 9, 2010

Mr. Matthew Langan
State Permit Manager
Minnesota Office of Energy Security
85 7th Place East, Suite 500
St. Paul, Minnesota 55101-2198

Reference: CapX Hampton-Rochester-La Crosse Transmission Line Project
PUC Docket Number: E002/TL-09-1448

Dear Mr. Langan:

We believe the preferred route along Highway 52 is the best location for the transmission line from Hampton to the substation between Zumbrota and Pine Island. This route has the least impact on the rural landscape and farming communities. This route will greatly reduce the concern of following farm boundary lines and consequently cutting across farms. This route also minimizes the environmental impacts and wildlife because a four lane road presently exists along this corridor. Both the Goodhue and Dakota County commissioners have endorsed the Highway 52 route. It is the shortest route!

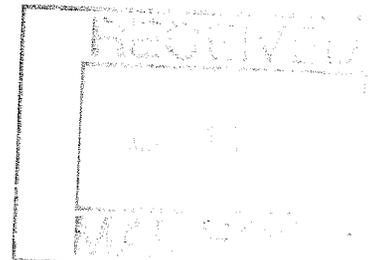
The Highway 52 corridor has already been preparing for the upgrade of the highway to a freeway. Most of the existing farmsteads have been vacated, moved further from the existing road right-of-way, or been put up for sale in anticipation of the construction of the freeway and associated service roads. Because of this fact, this corridor is the logical location for all of the public utilities, which will include the freeway, transmission lines, and any future mass transit facilities. Light rail line proposals from the Twin Cities to Rochester have already been discussed, which someday will likely become a reality.

We attended the May 6th meeting at 6:30 pm in Cannon Falls during which there were no real objections to the use of the Highway 52 corridor. Several people were concerned about how close the transmission lines would be to individual homes or the St. Paul's Elementary School in Cannon Falls. We thought there was a small attendance at this particular meeting indicating there was not a great concern over the selection of the preferred Highway 52 route.

Sincerely,


Howard C. Midje


Louise M. Midje



Langan, Matthew (COMM)

From: Norman Miller [millerne@pitel.net]
Sent: Wednesday, May 19, 2010 8:44 AM
To: Langan, Matthew (COMM)
Subject: Public comment TL-09-1448
Attachments: scan0001.jpg

Matt,

This email is a follow up to the comments I made at the public meeting on May 5 in Pine Island.

The preferred 345kV route crosses my property in sections 26 and 27 of Pine Island Township. I would like to propose an alternate route through the sections as shown in the attached file by a purple dashed line. The published route makes a ¼ mile jog to the south in the middle of section 27 before continuing east through the area. I prefer a route that follows the ½ section property line through both sections 27 and 26. I own two 80 parcels in section 27 and two 160 acre parcels in section 26. My route would put the transmission line on the boundary between these parcels which fits much better with the way I farm the property now and would minimize the potential negative economic effect on property value should I decide to sell one or more of the parcels at some future date.

I have discussed this change with two of my closest neighbors and they agree moving the line north is a better option. The neighbor who farms the 80 acre parcel to the west of me in section 27, David Arndt, would benefit by having the line moved to the north boundary of his farm fields instead of having it sited in the middle of his fields. The neighbor who lives at 50655 220th Ave, Nels Oberg, would benefit by having the line moved farther away from his residence and on the opposite (north) side of his property. The close proximity of the current route plan concerns him and he would rather have it pass on the back side of his property. His house faces south.

Page 3 of the CapX2020 Executive Summary lists the criteria set forth in Minnesota law for routing transmission lines. The second item in the list says property lines and agricultural field boundaries are to be used to minimize impacts. In my opinion moving the route to the ½ section line as I propose complies more fully with this criterion than the current route plan.

Thank you for considering my request.

Norm Miller

Project Routes

Sheet Map 17

Proposed Features

- Preferred 345 kV Route
- Alternative 345 kV Route
- Route Option
- Preferred 161 kV Route
- Alternative 161 kV Route
- Wisconsin Alternative Route
- Route
- Substation Siting Area

Houses

- Within 150 Ft of Centerline
- Between 150 & 300 Ft of Centerline Parcel

Existing Transmission (MNR, MW)

- Substation
- 69 kV Transmission Line
- 115 kV Transmission Line
- 138 kV Transmission Line
- 161 kV Transmission Line
- 230 kV Transmission Line
- 345 kV Transmission Line

Jurisdiction (MNR, USGS, MPO, MDT)

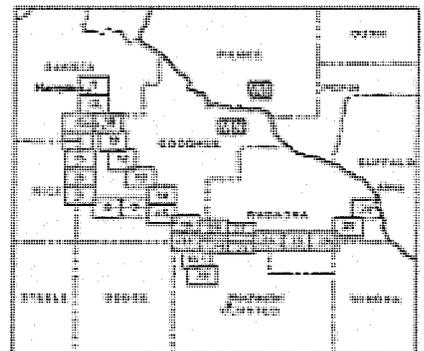
- Municipality
- MNR Wildlife Management Area
- USFWS National Wildlife Refuge
- Minnesota State Trail

PLSS (MNR, MDT)

- Township
- Section
- Civil Township



0 0.5 Miles
Scale 1:12,500 when printed at 25% (1/4)



DATA SOURCES: MNR, MDT, MPO, MDT, USGS
 FILENAME: project_routes_000000
 FILE LOCATION: P:\PROJECTS\000000_000000\Map\ProjectRoutes\Map
 PROJECT: P:\PROJECTS\000000_000000\Map\ProjectRoutes\Map
 SHEET: 17



kV Transmission Project

MN Route
Permit Application

Langan, Matthew (COMM)

From: apache@web.lmic.state.mn.us
Sent: Monday, May 17, 2010 7:37 AM
To: Langan, Matthew (COMM)
Subject: Nigbur Mon May 17 07:36:32 2010 E002/TL-09-1448

This public comment has been sent via the form at:
www.energyfacilities.puc.state.mn.us/publicComments.html

You are receiving it because you are listed as the contact for this project.

Project Name: Hampton to Rochester to La Crosse 345kV and 161kV Transmission Line

Docket number: E002/TL-09-1448

User Name: Michael Nigbur

County: Olmsted County

City: Rochester

Email: mnigbur@rochestermn.gov

Phone: 507-328-2410

Impact: -Any proposed transmission/powerlines located along the DNR trail will likely have an adverse aesthetic impact on the corridor through the loss of trees. The section of the DNR/Douglas Trail between Rochester and Douglas is heavily traveled for recreation. This could be potentially mitigated if the transmission line were located outside of the DNR corridor....Any tree loss would be setback from the actual trail users. Though this would require acquisition from private land owners, if the the alignment were located adjacent to the DNR trail corridor the DNR trail corridor the impact on those abutting owners would be minimal due to the existence of said trail. -The DNR/Douglas Trail at 60th Avenue, 65th Street, 75th Street and possibly 85th Street all on the north edge of Rochester will all likely be locations for Ped/Trail Bridge crossings of said roadways. Th 60th and 65th street location is currently in the City's plans for construction. Any transmission/power lines located in these locations should be constructed in locations and heights such that additional expense to move or raise the lines in the future is not needed. -The DNR/Douglas Trail (a former rail corridor) is a potential route in the future for possible light rail connection between rochester and pine island (or beyond). The City of Rochester is already preserving a portion of the former corridor closer in the City for that potential. The Transmission/Power lines should be constructed in locations and heights such that additional expense to move or raise the lines in the future is not needed.

Mitigation:

Submission date: Mon May 17 07:36:32 2010

This information has also been entered into a centralized database for future analysis.

For questions about the database or the functioning of this tool, contact:

Andrew Koebrick
andrew.koebrick@state.mn.us

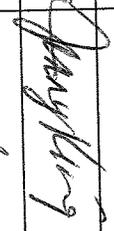
We the undersigned live along the alternative 345 KV route for the CAPX2020 project, south of Hwy 60 (between Zumbrota and Pine Island). We oppose CAPX2020. Both the preferred and alternative routes in this section impact homes, farmland, woods and animal habitat. Should Capx2020 move forward we encourage you to consider a route along Highway 52 and in-line with the already existing power lines.

Should the current preferred or alternative routes move forward we are concerned about the impact of on the health of humans and animals, the impact on lifestyle, property values, and the function of electric fences, cell phones, and computers.

NAME	ADDRESS	ZIP CODE	PHONE	EMAIL	SIGNATURE	DATE
Beverly Handberg	1949th St. 480th St.	55992	732-5698		Beverly Handberg	4-17-10
Ben Rutledge	206th St 480th St	55992	732-9208		Ben Rutledge	4-17-10
Carol Brunner	47804 145 Ave Zumbrota	55992	732-7712	carolbrunner@yahoo.com	Carol Brunner	4/17/10
John Trostad	47206 195th Ave Zumbrota	55992	732-4015	trostadjohn@comcast.net	John Trostad	4-17-10
Lynn Ritter	47348 195th Ave Zumbrota	55992	732-5387		Lynn Ritter	4-17-10
Robert Brubaker	47215-195th Ave Zumbrota	55992	732-2276		Robert Brubaker	4-17-10
Joe Martin	48397 195th Zumbrota	55992	356-4228		Joe Martin	4/17/10
David Hill	48390 195th Ave Zumbrota, MN	55992	732-5653		David Hill	4/17/10
Patrick Stueck	48570 195th Rd St. Paul, MN	55992	651-714-8551	dstueck@comcast.net	Patrick Stueck	4/17/10
David Rutledge	47288 195th Ave Zumbrota, MN	55992	732-7343		David Rutledge	4/17/10

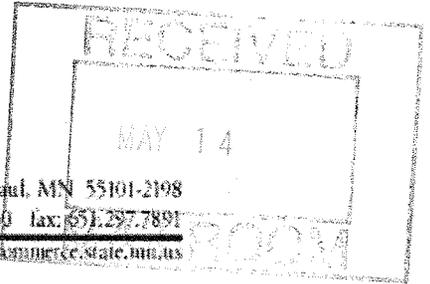
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Should the current preferred or alternative routes move forward we are concerned about the impact of on the health of humans and animals, the impact on lifestyle, property values, and the function of electric fences, cell phones, and computers.

NAME	ADDRESS	ZIP CODE	PHONE	EMAIL	SIGNATURE	DATE
Amy King	19344 480 St. Zumbrota, MN	55992	507-732-5320	sking@ci.net.net		4/26/10
Josh King	19344 480 St. Zumbrota, MN	55992	507-732-5220	krbos@gmail.com		4/26/10
Mark King	19344 480 St. Zumbrota, MN	55992	507-732-5320	markking@ci.net		4/26/10
Kari Olson	20946 480th Zumbrota, MN	55992	507-732-7611	kokariberg@gmail.com		4/26/10
Reid Olson	31276 480th Zumbrota, MN	55992	507-732-5563			4/26/10
Quantey Morris	20581 490th St Pine Island, MN	55963	507-356-4060			4-26-10
Brian Morris	Pine Island	55963	507			4/26/10
Greg Johnson	20199 490th St Pine Island, MN	55963	556-4227			4-26-10
Herene Zink	48490 195th Ave	55992	3566298			4/26/10



85 7th Place East, Suite 500, St. Paul, MN 55101-2198
main: 651.296.4026 tty: 651.296.2860 fax: 651.297.7891
www.commerce.state.mn.us



PUBLIC COMMENT SHEET

CapX Hampton-Rochester-La Crosse Transmission Line Project

PUC Docket Number: E002/TL-09-1448

Name:

Nels Oberg

Representing:

Nels Oberg

Address:

50655 220th Ave, Pine Island MN 55963

Email:

nelsacre@gmail.com

Comments:

I live very close to the preferred route, it is supposed to come through just south of my property. I attended the Pine Island meeting and both Norm Miller and another neighbor requested this line be moved north to the 1/2 section line so that it would run along an existing fence line. This would in essence leap frog my place. While it probably wouldn't be any further from my property, it is MUCH preferred as we basically live, play, and garden on the south side of our property. Please take our request under serious advisement.

Please submit comments by **4:30pm, May 20, 2010** to:

Matthew Langan
Minnesota Dept. of Commerce
85 7th Place East
Suite 500
St. Paul, MN 55101-2198

Email: matthew.langan@state.mn.us
Phone: 651-296-2096
Fax: 651-297-7891



85 7th Place East, Suite 500, St. Paul, MN 55101-2198
main: 651.296.4026 tty: 651.296.2860 fax: 651.297.7891
www.commerce.state.mn.us

PUBLIC COMMENT SHEET

CapX Hampton-Rochester-La Crosse Transmission Line Project

PUC Docket Number: E002/TL-09-1448

Name: *Ken Olson*

Representing: *Landowner (myself)*

(I own land along Hwy 52 west/northwest of Zumbrota)

Address: *24614 530th St.
Pine Island, MN. 55963*

Email:

Comments:

Tonight (5/5/10) at the Pine Island meeting 2 people spoke against the 'preferred' route west/NW of Z to because it would ~~be~~ be close to their residences + organic farm. I believe that the 'preferred' /projected route is by far better than going along ~~the~~ Hwy 52 because if that happened, the line would create a very restrictive + costly barrier to growth and development of industrial, commercial + residential development near Zumbrota to the west + north (near Atlas Cold Store). Zumbrota is already restricted with a power line on the east side of town + this line should not 'choke' development potential/growth to the west. The outlined route is the best (lesser impacts) as currently

Please submit comments by 4:30pm, May 20, 2010 to: *proposed.*

Matthew Langan
Minnesota Dept. of Commerce
85 7th Place East
Suite 500
St. Paul, MN 55101-2198

Email: matthew.langan@state.mn.us
Phone: 651-296-2096
Fax: 651-297-7891

Thanks for the opportunity to comment.



85 7th Place East, Suite 500, St. Paul, MN 55101-2198
main: 651.296.4026 tty: 651.296.2860 fax: 651.297.7891
www.commerce.state.mn.us

PUBLIC COMMENT SHEET

CapX Hampton-Rochester-La Crosse Transmission Line Project

PUC Docket Number: E002/TL-09-1448

Name: Jason *Attman*

Representing:

Address: 1485 White Bridge RD
NE Rochester MN 55906

Email: *attmans@rapidwebftp.com*

Comments:

See attached Map for change of Route, to affect ~~0 houses~~ houses, Residential property, T108N R14W

This is a small change to help preserve 6 houses property value.

The change would ~~save~~ save many 100'± oak trees that exist where ~~proposed~~ route is proposed,

would prefer for capX to take North route

Please submit comments by 4:30pm, May 20, 2010 to:

through this Area over the Zumbro River

Matthew Langan
Minnesota Dept. of Commerce
85 7th Place East
Suite 500
St. Paul, MN 55101-2198

Email: matthew.langan@state.mn.us
Phone: 651-296-2096
Fax: 651-297-7891

CapX2020

SE Twin Cities • Rochester • La Crosse 345kV Transmission Project



Legend

Existing Transmission Lines

69 kV

118 kV

138 kV

161 kV

230 kV

345 kV

345 kV Route Centelines

345 kV Preferred

345 kV Alternative

181 kV Route Centelines

181 kV Preferred

181 kV Alternative

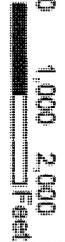
Route Corridor

Houses Between 150 & 300 Ft. of CL

Houses Within 150 Ft. of CL

Substation Siting Area

Parcel Boundary

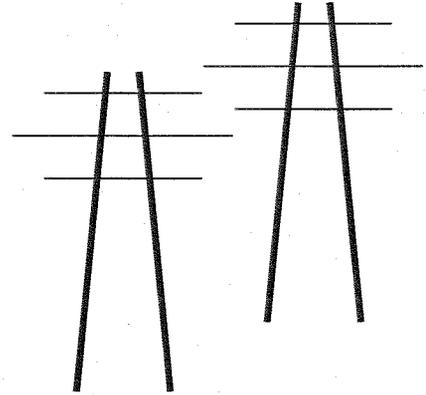


Legalelectric, Inc.

Carol Overland Attorney at Law, MN #254617
Energy Consultant—Transmission, Power Plants, Nuclear Waste
overland@legalelectric.org

P. O. Box 176
Red Wing, Minnesota 55066
612.227.8638

P.O. Box 69
Port Penn, Delaware 19731
302.834.3466



May 20, 2010

Dr. Burl W. Haar
Executive Secretary
Public Utilities Commission
121 – 7th Place East, Suite 350
St. Paul, MN 55101

via eFiling

RE: NoCapX 2020 and U-CAN Motion to Suspend Routing Docket Proceedings
CapX 2020 Brookings-Hampton 08-1474; Hampton-Alma 09-1448

Dear Dr. Haar:

Enclosed for filing please find NoCapX 2020 and United Citizens Action Network's Motion to Suspend Routing Docket Proceedings in the above-entitled dockets. Attached for the record also please find Attachment A – Applicants' Notice of Change in Timing of the Brookings Project and Interim Development Plan, Docket ET-2, E002 et al./CN-06-1115; Attachment B – Xcel Energy's Request for Reconsideration or Clarification – Transmission Cost Recovery Rider, Docket E002/M-09-1048; and Attachment C, NoCapX & U-CAN Motion to Intervene Out-of-Time, FERC Docket ER09-431-000.

This letter, Motion and Attachments are being eFiled and served via email to all parties.

Very truly yours,

Carol A. Overland
Attorney at Law

Enclosures:

Attachment A – Applicants' Notice of Change in Timing of the Brookings Project and Interim Development Plan, Docket ET-2, E002 et al./CN-06-1115.

Attachment B – Xcel Energy's Request for Reconsideration or Clarification – Transmission Cost Recovery Rider, Docket E002/M-09-1048.

Attachment C – NoCapX 2020 and U-CAN Motion to Intervene Out-of-Time and Submit Comments, FERC Docket ER-09-1431-000

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

**David C. Boyd
J. Dennis O'Brien
Thomas Pugh
Phyhs A. Reha
Betsy Wergin**

**Chair
Commissioner
Commissioner
Commissioner
Commissioner**

**In the Matter of the Route Permit
Application for a 345 kV Transmission
Line from Brookings County, South
Dakota to Hampton, Minnesota**

**PUC Docket No. ET2/TL-08-1474
OAH Docket No. 7-2500-20283-2**

PUC Docket No. ET2-TL-09-1448

**NO CAPX 2020 and UNITED CITIZENS ACTION NETWORK
MOTION TO SUSPEND PROCEEDINGS**

in the

CA[X 2020 BROOKINGS-HAMPTON AND HAMPTON-ALMA ROUTING DOCKETS

CapX 2020 has notified the Commission of delay in the in-service date of the Brookings to Hampton part of the CapX 2020 Phase I project to "second quarter 2015." Certificate of Need, May 22, 2009 and August 10, 2009. A "Request for Reconsideration or Clarification" was made May 17, 2010, by Xcel Energy in the Transmission Cost Recovery Rider (hereinafter "TCR") Docket (E002/M-09-1048) and filed a "Notice of Change in Timing of the Brookings Project and Interim Development Plan" on the same date in the CapX 2020 Certificate of Need Docket (ET-2, ET-002/ et al./CN-06-1115). The delay of the in-service date is claimed to be due to failure of the Applicants to establish its cost-recovery mechanism through FERC. Xcel is eager to establish rate recovery for the Brookings project, but is not willing to take a \$1.9 million risk to move forward on Brookings and is seeking a "signal."

Despite the May 17, 2010 filings in the rate recovery and Certificate of Need docket, the CapX

2020 applicants did not make a similar filing in the above-captioned CapX 2020 Brookings-Hampton routing docket, which is immediately before the Commission awaiting argument and an Order regarding the route for the CapX 2020 Brookings to Hampton transmission line (hereinafter “Brookings”), that very transmission line which is the subject of the Applicant’s May 17, 2010 filings! Thankfully, a party to this docket did enter these filings in the Brookings routing docket record to put this delay notice front and center before the Commission as it makes its decision. NoCapX 2020 further enters these CapX 2020 filings in the Hampton-Alma (f/k/a Hampton-LaCrosse) docket, and requests that activities in the Brookings and Hampton routing dockets be suspended until the cost-allocation is established by FERC. The Hampton-Alma line is physically and electrically connected to the Brookings line that is delayed. It is the Brookings line that provides electricity to the Hampton line and together they comprise two-thirds of the joint CapX 2020 Certificate of Need – they are connected. The Brookings docket is before the Commission, awaiting a Final Order, and although the Hampton-Alma docket has been referred to the Office of Administrative Hearings, the first Prehearing Conference has not yet been noticed or held. Procedurally, this is a good time for a pause... or outright dismissal of the routing dockets.

NoCapX 2020 and United Citizen Action Network have been participants and parties in CapX 2020 proceedings since 2005 or earlier, challenging the need for the line, the size, type and timing of Applicant’s proposal, the subject of an imminent appellate court decision. CapX 2020 applicants now admit in the May 17, 2010 filings that the project will not be in-service by the expected date in the Certificate of Need. This admission of delay because of questions of cost-recovery reveals the driver of this line – economics – and demonstrates that it will not be built absent immediate rate recovery. This revelation also confirms that there is no urgency for this line, no urgent electrical or reliability need, and that the lights will not go out if it is not in-service when expected. This is no surprise to Intervenors¹.

¹ NoCapX and U-CAN also note that the rate recovery statute applies to “public utility or utilities providing transmission service” only, and that although the Applicants were Ordered to identify the ownership structure for this project, they have made no commitments, nor any compliance filing, and have been asking that the Commission issue rate recovery Orders based on minimums of ownership that

NoCapX and U-CAN therefore request that these two connected routing dockets, Brookings-Hampton and Hampton-Alma, be suspended pending resolution of cost allocation.

Historically, utilities began to recover for the costs of transmission when a line was energized. It was not until the 2005 Omnibus Energy Bill that any utility had any reasonable expectation of "construction work in progress" rate recovery:

Minn. Stat. §216B.16, Subd. 7b. Transmission cost adjustment.

(a) Notwithstanding any other provision of this chapter, the commission may approve a tariff mechanism for the automatic annual adjustment of charges for the Minnesota jurisdictional costs of (i) new transmission facilities that have been separately filed and reviewed and approved by the commission under section 216B.243 or are certified as a priority project or deemed to be a priority transmission project under section 216B.2425; and (ii) charges incurred by a utility that accrue from other transmission owners' regionally planned transmission projects that have been determined by the Midwest Independent System Operator to benefit the utility, as provided for under a federally approved tariff.

(b) Upon filing by a public utility or utilities providing transmission service, the commission may approve, reject, or modify, after notice and comment, a tariff that:

(1) allows the utility to recover on a timely basis the costs net of revenues of facilities approved under section 216B.243 or certified or deemed to be certified under section 216B.2425 or exempt from the requirements of section 216B.243;

(2) allows the charges incurred by a utility that accrue from other transmission owners' regionally planned transmission projects that have been determined by the Midwest Independent System Operator to benefit the utility, as provided for under a federally approved tariff. These charges must be reduced or offset by revenues received by the utility and by amounts the utility charges to other regional transmission owners, to the extent those revenues and charges have not been otherwise offset;

(3) allows a return on investment at the level approved in the utility's last general rate case, unless a different return is found to be consistent with the public interest;

(4) provides a current return on construction work in progress, provided that recovery from Minnesota retail customers for the allowance for funds used during construction is not sought through any other mechanism;

(5) allows for recovery of other expenses if shown to promote a least-cost project option or is otherwise in the public interest;

(6) allocates project costs appropriately between wholesale and retail customers;

(7) provides a mechanism for recovery above cost, if necessary to improve the overall economics of the project or projects or is otherwise in the public interest; and

(8) terminates recovery once costs have been fully recovered or have otherwise been reflected in the utility's general rates.

(c) A public utility may file annual rate adjustments to be applied to customer bills paid under the tariff approved in paragraph (b). In its filing, the public utility shall provide:

(1) a description of and context for the facilities included for recovery;

(2) a schedule for implementation of applicable projects;

(3) the utility's costs for these projects;

(4) a description of the utility's efforts to ensure the lowest costs to ratepayers for the project; and

(5) calculations to establish that the rate adjustment is consistent with the terms of the tariff established in paragraph (b).

are illusory and uncertain.. Establishment of cost recovery at this stage by a utility probably more important than the dollar amount.

(d) Upon receiving a filing for a rate adjustment pursuant to the tariff established in paragraph (b), the commission shall approve the annual rate adjustments provided that, after notice and comment, the costs included for recovery through the tariff were or are expected to be prudently incurred and achieve transmission system improvements at the lowest feasible and prudent cost to ratepayers.

The Applicants have been making their case for “Construction Work In Progress” payments in the TCR docket, the Commission approved all but one of their requests, and in only the Brookings case was its request was denied. Despite the primarily favorable Order of the Commission in the TRC docket and the small amount claimed to be at issue, Xcel admits slowed development, delay, and desire to know the outcome of FERC proceedings before proceeding further. Based on the sharply decreased demand experienced by the CapX 2020 utilities since 2006, particularly Xcel; the admitted “uncertainties” of cost-allocation and schedule in the FERC docket regarding the MISO tariff; cost-apportionment issues in other jurisdictions², the denial of Xcel’s request for immediate cost recovery by the Commission, the delay of admittedly more than one year; Xcel’s framing the issue as “whether further project development activities should continue, be scaled back, or cease,” and the Applicants’ continued failure to disclose ownership structure, it is apparent that this project, and CapX in its entirety, should not move forward. If Xcel is not willing to take that \$1.9 million risk, that sends a “signal” that should be taken to heart -- neither should the Commission and the ratepayers be willing to take that risk. The Hampton-Alma line is physically and electrically connected to the delayed Brookings line – they are connected. Neither the Brookings nor the Hampton-Alma transmission routing dockets should go forward at this time.

May 20, 2010



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² See *Illinois Commerce Commission, et al. v. Federal Energy Regulatory Commission*, 576 F.3d 470, rehearing denied 2009 LEXIS 24192 (7th Cir. 2009) rejecting PJM cost-apportionment scheme and remanding to FERC.

Attachment A

Applicants' Notice of Change in Timing of the Brookings Project and Interim
Development Plan, Docket ET-2, E002 et al./CN-06-1115



2200 IDS Center
80 South 8th Street
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tel 612.977.8400
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May 17, 2010

Michael C. Krikava
612.977.8566
mkrikava@briggs.com

VIA ELECTRONIC FILING

Burl W. Haar
Minnesota Public Utilities Commission
Suite 350
121 East Seventh Place
St. Paul, MN 55101-2147

**Re: In the Matter of the Application of Great River Energy, Northern States Power Company (d/b/a Xcel Energy) and Others for Certificates of Need for Three 345 kV Transmission Lines with Associated System Connections
MPUC Docket No.: ET-2, E-002, et al./CN-06-1115
OAH Docket No.: 15-2500-19350-2**

Dear Dr. Haar:

Enclosed for electronic filing please find Applicants' Notice of Change in Timing of the Brookings Project and Interim Development Plan in the above-captioned matter. By copy of this letter, all parties of record are being served with same.

Very truly yours,

BRIGGS AND MORGAN, P.A.

/s/ Michael C. Krikava
Michael C. Krikava

MCK/rh
Enclosure
cc: Service List

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

David Boyd	Chair
J. Dennis O'Brien	Commissioner
Thomas Pugh	Commissioner
Phyllis Reha	Commissioner
Betsy Wergin	Commissioner

IN THE MATTER OF THE APPLICATION
OF , NORTHERN STATES POWER
COMPANY (D/B/A XCEL ENERGY),
GREAT RIVER ENERGY, AND OTHERS
FOR CERTIFICATES OF NEED FOR
THREE 345 KV TRANSMISSION LINES
WITH ASSOCIATED SYSTEM
CONNECTIONS

Docket No. E002/CN-06-1115

**Notice of Change in Timing of the
Brookings Project and Development
Plan**

Pursuant to Minn. R. 7849.0400, Subp. 2(H), Northern States Power Company, a Minnesota corporation ("Xcel Energy"), and Great River Energy (collectively "Applicants"), hereby submit this Notice of Change in Timing of the Brookings Project and describe our current development plan (this "Notice") to the Minnesota Public Utilities Commission (the "Commission"). Through this filing, Applicants provide the Commission with the required notice of a change in the timing of the in-service date of the Brookings Project from that certified in the Commission's May 22, 2009 *Order Granting Certificates of Need With Conditions*, and its August 10, 2009 *Order Granting and Denying Motions for Reconsideration and Modifying Conditions* ("Certificate Of Need Order") in this Docket. Applicants also provide our Development Plan describing actions taken to date and ongoing development activities that we believe will prudently put the project in position to minimize further delay of the in-service date once adequate resolution of cost allocation allows the project to move forward.

Due to the current uncertainty surrounding the cost allocation methodology which may be applied to the Brookings Project by the Midwest Independent Transmission System Operator, Inc. ("MISO"), Applicants expect the in-service date of the Project will shift to 2015, a delay of more than a year. The Commission has expressed reservation about the impact of uncertainty around the Brookings project as the result of the cost allocation issue and has been reluctant to authorize recovery of development costs by Xcel Energy. Xcel Energy filed for reconsideration and/or

clarification of the Commission's TCR Order today as well. As a practical matter these two items, schedule and cost recovery, are directly related. Assuming relief in the other docket, Applicants, and the other utilities participating in the Brookings Project, currently plan to continue pursuing all critical permits, preliminary engineering and preliminary preparations for right-of-way acquisition to minimize overall project costs upon the resolution of the cost allocation issues related to the Project.

We believe we have established a prudent approach, without over committing, to managing the project that preserves our ability to implement at the earliest possible time. Currently we have invested approximately \$16 million in investment in the project. Under the plan outlined, that investment would increase to approximately \$34 million by mid 2011, prior to commencing construction and when cost recovery certainty should be more apparent. Applicants welcome the Commission's guidance on our plan.

INTRODUCTION

In this Docket, the Commission approved construction of three new 345 kV transmission lines which are part of the CapX2020 Group 1 Projects. Specifically, the Commission granted certificates of need for construction of: (1) the Brookings Project, a 345 kV transmission line and associated connections from the Brookings County Substation, near White, South Dakota, to the Twin Cities metropolitan area; (2) the La Crosse Project, a 345 kV transmission line and associated connections from the Twin Cities through Rochester to La Crosse, Wisconsin; and (3) the Fargo Project, a 345 kV transmission line from Fargo, North Dakota to Alexandria, St. Cloud and Monticello (collectively the "Three 345 kV Projects").¹ As part of its Certificates of Need, the Commission specified the "size, type and timing" of the facilities.

To date, the size, type and timing, and costs estimates of the Three 345 kV Projects remain within the boundaries specified in the Certificate of Need Order, with one exception. For reasons described in this filing, the in-service date for the Brookings Project is expected to be delayed for more than one year, triggering this filing under Minn. R. 7849.0400, subp. 2(H). Further, Applicants provide to the Commission our Interim Development Plan describing how we plan to proceed in an effort to mitigate the effects of the delay consistent with the level of support for the plan.

¹ In addition to the Three 345 kV Projects, the CapX2020 Group 1 Projects also include a 230 kV project from Bemidji to Grand Rapids, Minnesota. See, *In the Matter of the Application of Otter Tail Power Company, Minnesota Power and Minnkota Power Cooperative, Inc. for a 230 kV Transmission Line From Bemidji to Grand Rapids, Minnesota*, Docket No. E-017, E-015, ET-6/CN-07-1222.

TIMING OF THE BROOKINGS PROJECT

Pursuant to Minn. R. 7849.0400, Subp. 2(H), if Applicants determine that a certified project is likely to be delayed more than one year, Applicants “must inform the commission of the desired change and detail the reasons for the change.” Applicants now anticipate the likely in-service date for the Brookings Project will be in the second quarter of 2015, a delay of over one year from what was specified in the Certificate of Need Order. As a result, Applicants are hereby informing the Commission of this change.

One of the critical requirements that must be established with some certainty to obtain utility commitments of the capital necessary to proceed with construction of the Brookings Project is the implementation of a final and enforceable cost allocation and recovery mechanism under the MISO Open Access Transmission, Energy and Operating Reserve Markets Tariff (“Tariff”). As the Commission is aware, the MISO Tariff structure applicable to the Brookings Project is in transition and has been the subject of contested proceedings at the Federal Energy Regulatory Commission (“FERC”).

In the Certificate of Need application for the Three 345 kV Projects, the Applicants indicated their expectation the Brookings Project would be classified as a Regional Baseline Reliability Project under the MISO Regional Expansion Criteria and Benefits (“RECB”) cost allocation provisions of the Tariff. However, the Applicants recognized such a classification was not certain. Indeed, under its prior Tariff, MISO preliminarily classified the Brookings Project as a Generator Interconnection Project. Previously, MISO’s Tariff called for the equal sharing of costs for transmission projects designated as Generator Interconnection Projects between the transmission-owning utilities and the generators who will benefit from that project, with transmission service credits available to the generator(s) who funded the Network Upgrades associated with the generator interconnection. (MISO has not made a final classification determination.)

The prior Tariff created difficulties for many stakeholders and was deemed unworkable for application to a substantial project such as Brookings. After undertaking a lengthy stakeholder process, on July 9, 2009, MISO filed proposed interim amendments to its Tariff with FERC substantially revising the method for allocating the costs of such Generator Interconnection Projects.² This filing was contested by a number of stakeholders. Nevertheless, FERC accepted the proposed

² *Midwest Independent Transmission System Operator, Inc. and The Midwest ISO Transmission Owners*, Initial Filing, Docket No. ER-09-1431-000, July 9, 2009(as supplemented on September 17 and 18, 2009).

Tariff revisions, but directed MISO to work with stakeholders to develop a permanent solution.³ FERC further directed MISO to file its proposed final cost allocation methodology by July 15, 2010.⁴

Applicants and many other stakeholders, including the Minnesota Office of Energy Security (“OES”) and the Organization of MISO States (“OMS”) have been working diligently with MISO on developing a consensus approach to cost allocation for major new infrastructure projects like the Brookings Project. The process has prompted a vigorous debate and it is unclear whether or when consensus will be reached. MISO has unambiguously stated that it will comply with FERC’s requirement to make a July 15, 2010 filing; yet it is unclear at this point, what cost allocation methodology will be included in the filing, and whether this methodology will apply to the Brookings Project. Applicants are also concerned that the MISO filing may result in potential challenges at FERC, thereby delaying certainty over a cost allocation methodology for a period of time.

This situation has left Applicants and the other potential owners of the Brookings Project with considerable uncertainty about the actual cost allocation methodology that will apply to their investment in the Brookings Project.⁵ Further, the Commission has recently expressed reluctance in Xcel Energy’s Transmission Cost Recovery Rider proceeding (Docket No. E-002/M-09-1048) to allow the beginning of recovery of the costs incurred for the Brookings Project until these cost allocation issues are resolved.⁶

The utilities participating in the development and construction of the Brookings Project cannot as a group, make final investment decisions without a better

³ *Midwest Independent Transmission System Operator, Inc. and The Midwest ISO Transmission Owners*, Order Conditionally Accepting Tariff Amendments and Directing Compliance Filing, Docket No. ER-09-1431-000, October 23, 2009 (“October 23 Order”).

⁴ *Id.*

⁵ Applicants note that the uncertainties surrounding cost allocation under the MISO Tariff pertain only to the Brookings Project and do not create uncertainties surrounding the La Crosse or Fargo Projects as both of those projects were classified by MISO as “Baseline Reliability” facilities and there is no dispute or uncertainty as to the operation of the MISO Tariff for such projects.

⁶ *In the Matter of the Northern State Power Company, a Minnesota corporation, d/b/a Xcel Energy, for Approval of a Modification to its TCR Tariff, 2010 Project Eligibility, TCR Rate Factors, Continuation of Deferred Accounting and 2009 True-up Report*, ORDER APPROVING 2010 TCR PROJECT ELIGIBILITY AND RIDER, 2009 TCR TRACKER REPORT, AND TCR RATE FACTORS, Docket No. E-002/M-09-1048 (April 27, 2010).

understanding of how the costs of the Brookings Project will be treated under the MISO Tariff. More certainty in the cost allocation methodology will allow Applicants and the other CapX2020 participants to better evaluate their investment decisions in the Brookings Project. Until MISO and FERC provide clarity on how the total cost of the Brookings Project will be shared by stakeholders and the level of costs to be borne by the owners of the Brookings Project, the participants in the Brookings Project will have difficulty evaluating their investment.

At this time, it is likely that the earliest these cost allocation issues may be resolved is 2011. (MISO will make a filing in July 2010 and it is likely that filing will be subject to a contested proceeding at FERC.)

Naturally, this uncertainty requires the Applicants and other possible owners of the Brookings Project to be prudent in its pre-construction activities and dollars spent. The Project has re-evaluated the types of activities to pursue in 2010 and consequently, the costs incurred. A reallocation of the activities does not render possible the in-service date included in the Certificate of Need Order (2nd Quarter 2013). It is unlikely that the CapX2020 utilities will be able to make major project commitments and incur major expenditures before summer of 2011.

Applicants have re-scheduled the bulk of construction activities to 2012 assuming cost allocation issues will have been adequately addressed by mid 2011. A review of the remainder of the project schedule indicates completion of the project would slip by over a year, to 2015, as the result.

While Applicants remain confident that a cost allocation methodology for the Brookings Project will be successfully developed, the timing is uncertain. Moving the start of the bulk of construction related activities of the Brookings Project to 2012 will allow some time for resolution of cost allocation issues and hopefully will facilitate investment decisions. If cost allocation is not adequately addressed in 2011 there remains the risk of further delay.

INTERIM DEVELOPMENT PLAN

Given the delay in the commencement of construction of the Brookings Project, Applicants reassessed what further project development activities would be prudent to continue while the cost allocation issues are resolved.

As the Commission is aware, Applicants, and the other proposed owners of the Brookings Project have entered into a Project Development Agreement (“PDA”) for the preliminary permitting and initial development of the Brookings Project. Pursuant to the PDA, the utilities participating in the Brookings Project would make

final investment decisions when all critical permits – such as a certificate of need and route permit issued by the Commission and all necessary South Dakota permits – are obtained. Our development agreements also provide for some preliminary engineering primarily to support permitting and subsequent procurement, and some preliminary preparation for right of way acquisition.

We believe that it is prudent to continue with these initial development activities on the project in year 2010, while the cost allocation issues are being resolved, so that we can preserve our ability to meet an in-service date of 2015. Virtually all stakeholders agree that the Brookings Project is an important system addition that will provide system and local benefits while also allowing significant amounts of new generation to be interconnected and deployed in the wind-rich Buffalo Ridge region of southwestern Minnesota and southeastern South Dakota. The project, in concert with the Fargo project, also enhances transmission capacity available to and from North Dakota, where both Applicants also serve loads. While MISO cost allocation is a difficult and frustrating issue, that issue does not override the fundamental that this project is worth constructing. We believe we have been prudent in developing this project and that certain development activities should be pursued and encouraged by the Commission in order to avoid substantial costs to reinstate those activities at a later point.

Through 2009 we have invested approximately \$16 million and approximately another \$7 million is budgeted to be spent in 2010 for the remainder of the permitting process and for some preliminary engineering and preliminary right-of-way preparations. Another \$11 million in development work is anticipated in 2011 before full investment commitments are made. These expenditures represent a very small percentage of the estimated total cost of the Brookings Project, and we believe that making these expenditures in anticipation of a satisfactory resolution of the relevant MISO Tariff issues is prudent and will help to secure a 2015 in-service date for the Brookings Project. By continuing the work contemplated by the PDA, we will help to ensure that once all cost allocation issues have been resolved, the project participants will be in a position to make investment commitments and begin procurement and construction without further delay.

Importantly, continuing development work in this interim period will help to minimize overall project costs in the long run. Reducing investment further in 2010 and 2011, and then remobilizing resources after a FERC order in the MISO Tariff proceeding would in all likelihood increase the total investment that will be needed to bring the Brookings Project to successful completion. We estimate the impact of scaling back permitting and other preliminary development work until all cost

allocation issues are resolved would add \$15 to \$20 million per year to the total cost of the Brookings Project.

As the discussions over the MISO Tariff and recovery of project development costs at the retail level have continued, Applicants felt it prudent to reassess our plans to continue development of the Brookings Project under the PDA. Due to the material cost savings that continued preliminary development work would contribute to the overall installed cost of the Brookings Project, our assessment concluded that continuing to pursue all necessary permits and beginning preliminary engineering and preliminary right-of-way acquisition preparations continues to be prudent, at least through 2010.

It is therefore our goal to continue working toward obtaining of critical permits and preliminary development work for the rest of 2010. We welcome the Commission's guidance as to the prudence of this course of action. Toward the end of 2010, we also believe it prudent to re-evaluate the progress in resolving the MISO cost allocation issues, review the progress made in obtaining permits and preliminary development work, and reassess our development plans for 2011. To the extent the Commission deems it appropriate Applicants are willing to provide an update at that time for the Commission to assess the appropriateness of continuing to spend money on our development plans for 2011.

SERVICE

Pursuant to Minn. R. 7849.0400, Subp. 2(H), a copy of this notice is being provided to all intervenors in this docket, plus the other parties noted on the enclosed service list. The rule further provides intervenors 15 days to comment on the changed circumstance and the Commission is to notify us within 45 days whether further hearings are needed. To the extent the Commission receives comment from other parties to the proceeding, Applicants respectfully request the opportunity to reply to any arguments put forward.

CONCLUSION

Applicants are providing this Notice to the Commission that the Brookings Project is likely to be delayed more than one year past the date approved in the Commission's Certificate of Need Order. Applicants believe that further hearings are not necessary and that the change in the in-service date of the Brookings Project would not "reasonably have resulted in a different decision." *See* Minn. R. 7849.0400, Sup. 2(H). To the contrary, the needs identified to be served by the Brookings Project have not changed and will be adequately served by the project under the new schedule.

Due to the delay in the in-service date, Applicants are also providing our Interim Development Plan to the Commission. Applicants appreciate any guidance the Commission deems appropriate to provide for our plans to proceed with preliminary development while the MISO cost allocation issues are being resolved. Applicants believe we have prudently assessed our options and that continued preliminary development activities for the Brookings Project are prudent to undertake for the rest of this year. We are willing to provide additional as we reassess the status of the Brookings Project for 2011.

Dated: May 17, 2010

Jennifer Thulien Smith
Assistant General Counsel
Xcel Energy Services Inc.
414 Nicollet Mall
Minneapolis, MN 55401

Eric Olson
Vice President and General Counsel
Great River Energy
12300 Elm Creek Boulevard
Maple Grove, MN 55369

Respectfully submitted:

BRIGGS AND MORGAN

By: /s/ Michael C. Krikava
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Attorneys for Northern States Power
Company, a Minnesota corporation

Attachment B

Xcel Energy's Request for Reconsideration or Clarification – Transmission Cost
Recovery Rider, Docket E002/M-09-1048.



414 Nicollet Mall
Minneapolis, Minnesota 55401-1993

May 17, 2010

--Via Electronic Filing--

Burl W. Haar
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101

RE: REQUEST FOR RECONSIDERATION OR CLARIFICATION
TRANSMISSION COST RECOVERY ("TCR") RIDER
DOCKET NO. E002/M-09-1048

Dear Dr. Haar:

Enclosed is Xcel Energy's Request for Reconsideration or Clarification in the above referenced docket. The submission of this request for reconsideration stays the effect of the Commission Order. Thus the Company is not submitting a compliance filing to restate the Transmission Cost Recovery rate factors to be in effect in 2010, required under ordering paragraph 8. The Company will submit the compliance filing after the Commission acts on the Company's reconsideration request.

Copies of this filing have been served on those parties on the attached service list. Please call me at (612) 330-6750 if you have any questions regarding this filing.

SINCERELY,

/s/

MARK SUEL
REGULATORY CASE SPECIALIST

Enclosure
c: Service List

STATE OF MINNESOTA
BEFORE THE
MINNESOTA PUBLIC UTILITIES COMMISSION

David C. Boyd	Chair
J. Dennis O'Brien	Commissioner
Thomas Pugh	Commissioner
Phyllis Reha	Commissioner
Betsy Wergin	Commissioner

IN THE MATTER OF THE PETITION OF
NORTHERN STATES POWER COMPANY
A MINNESOTA CORPORATION, FOR
APPROVAL OF A MODIFICATION TO ITS
TCR TARIFF, 2010 PROJECT
ELIGIBILITY, TCR RATE FACTORS,
CONTINUATION OF DEFERRED
ACCOUNTING AND 2009 TRUE-UP
REPORT

**REQUEST FOR RECONSIDERATION
OR CLARIFICATION**

DOCKET NO. E002/M-09-1048

INTRODUCTION

Pursuant to Minn. Stat. §216B.27, subd. 1, and Minn. Rules Part 7829.3000, Northern States Power Company, a Minnesota corporation (“Xcel Energy” or “the Company”) respectfully requests reconsideration or clarification of the Minnesota Public Utilities Commission’s (“MPUC” or “Commission”) April 27, 2010 ORDER APPROVING 2010 TCR PROJECT ELIGIBILITY AND RIDER, 2009 TRC TRACKER REPORT, AND TCR RATE FACTORS (“Order”) in the above-referenced docket.¹

The Company appreciates that Order allowing the Company recovery through the Transmission Cost Recovery (“TCR”) Rider certain 2010 transmission project costs pursuant to Minn. Stat. §216B.16, Subd. 7b. However, the Order denies recovery, in the 2010 TCR rate factors, of the costs the Company has incurred and expects to incur through the end of 2010 related to the proposed

¹ The submission of this request for reconsideration stays the effect of the Commission Order. Thus the Company is not submitting a compliance filing to restate the Transmission Cost Recovery rate factors to be in effect in 2010, required under ordering paragraph 8. The Company will submit the compliance filing after the Commission acts on the Company’s reconsideration request.

Brookings - Twin Cities 345 kV transmission line (“Brookings Project”) because the ultimate cost recovery methodology under the Midwest Independent Transmission System Operator, Inc. (“Midwest ISO” or “MISO”) Tariff is not yet determined. The Commission should reconsider its Order because (a) Minn. Stat. §216B. 16, Subd. 7b, (the “Transmission Statute”) was designed to support new transmission projects even when there is uncertainty, and (b) the uncertainty currently challenging the Brookings Project -- cost allocation -- was addressed at the Certificate of Need hearing for the project.

As discussed below, contemporaneous with this Request for Reconsideration, the Applicants to the 345 kV Certificate of Need for the Brookings Project (the Company and Great River Energy, on behalf of the other proposed owners of the project) will submit a Notice of Change in Timing of the Brookings Project, (“Notice of Change Filing”) indicating the in-service date for the project is now anticipated for second quarter 2015. The Notice of Change Filing indicates the prudent steps taken to minimize costs until there is greater certainty regarding the final MISO cost allocation methodology applicable to the Brookings Project as well as to recognize the delays in project schedule that have already occurred.²

Xcel Energy respectfully requests that the Commission reconsider the Order or in the alternative clarify its Order. The goal of this petition for reconsideration and our Notice of Change Filing, when taken together, is to achieve an acceptable going forward plan for the Brookings Project that addresses how far the Commission would like the Company and the other CapX2020 participants to proceed until the MISO cost allocation issue is resolved, and the appropriate means of cost recovery (or cost treatment) during that period.

The Company submits this request, in part, because despite the oral statements at the hearing that the Commission does not intend to discourage the CapX2020 participants from continuing to proceed with the Brookings Project while the MISO cost allocation issue is resolved, the Order is silent on this point. The Brookings Project was developed, in part, to implement Minnesota energy policy, by allowing Minnesota utilities, including Xcel Energy, to meet the Renewable Energy Standard (“RES”) requirements adopted by the Legislature (a 25 percent wind generation requirement by 2020 for Xcel

² The revised 2015 in-service date, however, is contingent upon work moving forward for the remainder of 2010 and 2011. Thus, between this request for reconsideration and the changed circumstance filing, the Company seeks to find an acceptable path to keep the Brookings Project moving forward without committing shareholders and customers to an unreasonable level of cost in the event, albeit unlikely, that MISO cost allocation concerns either stop or significantly delay the Brookings Project.

Energy). The Brookings Project already faces uncertainty because it does not neatly fit into any “box” under the MISO Tariff. The Order, perhaps inadvertently, adds to the uncertainty regarding development of the Brookings Project. Statements at the hearing regarding ultimate cost recovery should the project be abandoned heighten our concerns as to whether the Company should perhaps cease an already slowed development schedule for the Brookings Project.

If the Commission wishes to send a strong signal to the Company (and other CapX2020 Participants) to continue Brookings Project development activities, the most direct way to express that policy guidance would be to allow TCR recovery of the Company’s relatively small revenue requirements for expenditures through 2010 (\$1.9 million), despite the uncertainty regarding the eventual MISO cost allocation method for the total Brookings Project costs (which could range up to approximately \$522 million for the Company’s share).

Alternatively, if the Commission does not grant 2010 TCR recovery, the Company respectfully requests that the Commission clarify its Order and provide guidance on (a) whether further project development activities should continue, be scaled back, or cease; and (b) if they are to continue, the investment amount the Company should not exceed pending resolution of the MISO cost allocation issue.

If the Commission does not feel the record is sufficiently developed in this proceeding for the Commission to take this step at this time, we request that the Commission direct the Company, the Office of Energy Security (“OES”) and other interested parties to work through these issues and return a plan to the Commission regarding future investments in the Brookings Project pending resolution of the MISO cost allocation issue.³

In summary, the Company and the other CapX2020 participants believe it is important for the Commission to provide clearer direction regarding this project through its Order on reconsideration in this proceeding.

³ At hearing the Company orally suggested that one approach would be to agree on the level of costs at various steps that the Company should incur pending certainty regarding future MISO cost recovery. An order requiring the interested parties to work out a solution would be consistent with that approach.

I. REQUEST FOR RECONSIDERATION

A. Procedural Background and Summary of Arguments

On May 22, 2009, the Commission issued an Order granting Certificates of Need for the CapX2020 Brookings, Fargo and La Crosse 345 kV transmission lines.⁴ On July 14, 2009, the Commission granted a Certificate of Need for the Bemidji 230 kV transmission line.⁵

On September 3, 2009, the Company submitted its proposed TCR petition, seeking Commission approval of the TCR rate factors to be in effect for 2010. In its TCR Petition, the Company requested recovery of \$3.5 million in 2010 revenue requirements for the four CapX2020 projects, which was reduced to \$2.9 million in the Company's reply comments. In its Comments and Reply Comments, the OES recommended the Commission accept the Company request for TCR cost recovery with respect to the Fargo, La Crosse and Bemidji CapX2020 Projects, but recommended that the Company not be allowed TCR recovery for the Brookings Project⁶ for the following reasons:

- Xcel [Energy] ratepayers should not be required to pay for costs that may ultimately be assigned to other parties.
- Allowing Xcel [Energy] to recover costs from its ratepayers at this time may have an undue influence on the subsequent proceedings regarding ownership and cost responsibility.

The Commission Order largely followed the OES recommendations.⁷ The Order states:

⁴ ORDER GRANTING CERTIFICATES OF NEED WITH CONDITIONS, Docket No. ET-2,E002/CN-06-1115 ("CON Order") (May 22, 2009); and ORDER GRANTING AND DENYING MOTIONS FOR RECONSIDERATION, AND MODIFYING CONDITIONS (August 10, 2009) ("CON Reconsideration Order").

⁵ See, *In the Matter of the Application of Otter Tail Power Company, Minnesota Power and Minkota Power Cooperative, Inc. for a 230 kV Transmission Line From Bemidji to Grand Rapids, Minnesota*, Docket No. E-017,E-015,ET-6/CN-07-1222, ORDER GRANTING CERTIFICATE OF NEED (July 14, 2009).

⁶ In its reply comments, the Company reduced the 2010 Brookings Project costs to be recovered in the 2010 TCR rate factors to \$1.2 million. See Xcel Energy Reply Comments at p.8. However, the 2009 TCR true-up included recovery of \$670,000 of revenue requirements associated with the Company's 2009 investments in the Brookings Project after issuance of the Certificate of Need order. So the total proposed 2010 TCR recoveries for the Brookings Project were \$1.9 million in the Company's reply comments.

⁷ The Order also limited the 2010 TCR recoveries associated with the Wilmarth to Blue Lake 345 kV reconstruction project to an amount based on the Companies original capital budget estimate (\$6 million) and appears to have established a "cap" on TCR recoveries linked to the Company's initial capital budget estimate. While the Company believes these policy decisions were incorrect for the reasons stated in its Reply Comments and at the April 1 hearing, the Company is not seeking reconsideration of the Order on those issues. The Company will work with the OES in preparation for the 2011 TCR rate factor filing to seek to establish reasonable processes regarding capital budgeting estimates and revisions.

The Commission concurs with the OES, that it is speculative and premature to commence rate recovery on the Brookings CapX line at this point. While the Company suggests that its more conservative request for cost recovery of \$1.2 million should justify inclusion of the Brookings project in its 2010 revenue requirement, the Commission does not agree. Allowing Xcel to recover costs from its ratepayers at this time could potentially have an impact on a subsequent proceeding regarding ownership and cost responsibility for the Brookings project in 2010, due to the continuing uncertainty related to the MISO process and its impact on the final level of cost allocations among the various participants.

This Commission decision appears to be at odds with the record in the CON proceeding, the Transmission Statute authorizing the TCR Rider and the terms of the TCR Rider tariff.

One of the underlying purposes of the TCR enabling legislation was to encourage utilities to undertake long lead time projects that faced substantial risks of never coming to fruition. The Legislature attempted to address both the financial impacts and the regulatory risk by allowing for rider recovery of costs only after certain thresholds are cleared which would indicate the project is likely to proceed (e.g., issuance of a certificate of need).

The Order, by denying rider recovery in spite of having met the statutory criteria, adds back into the mix the very uncertainty that the Legislature intended to alleviate by enacting the Transmission Statute. The final Midwest ISO cost allocation process is not likely to be decided by the Federal Energy Regulatory Commission ("FERC") until at least 2011. By the time the Commission and Company have greater certainty regarding MISO cost allocation, the Company may have expended several millions of additional dollars. Whether intended or not, the Order has created significant questions about ultimate cost recovery, and as a consequence, caused the Company to question whether the CapX2020 utilities should be further slowing down or even ceasing development activities and expenditures for the Brookings Project until the MISO cost allocation issue is resolved.

Thus the Commission should reconsider the Order and allow the Company to recover the revenue requirements for the Brookings Project in the 2010 TCR rate factors. However, as discussed in Part II, if the Commission does not

allow TCR recovery in 2010, the Commission should clarify its Order to provide guidance on (a) whether further project development activities should continue, be scaled back, or cease; and (b) if the project development efforts are to continue, the investment amount the Company should not exceed pending resolution of the MISO cost allocation issue. Alternatively, should the Commission not feel comfortable taking this step at this time, we request that the Commission direct parties to work through these issues and return to the Commission with a proposal for guidance regarding future investments in the Brookings project.

B. MISO Cost Recovery Uncertainty Was Recognized in the CON Proceeding And Will Continue To Be An Evolving Uncertainty For Future Projects.

The Order largely relies on the OES assertions that cost recovery should be denied because of uncertainty regarding the ultimate wholesale transmission cost recovery methodology to be applied to the Brookings Project under the Midwest ISO Tariff under the jurisdiction of the FERC.

The Company recognizes the methodology for wholesale transmission rate recovery for the Brookings Project is yet to be determined. However, this uncertainty is not new information. In the application in the CON proceeding, the Company indicated the specific cost recovery methodology under the MISO Regional Expansion Criteria and Benefits (“RECB”) cost allocation tariff was not certain. The Applicants stated they assumed the Brookings Project would be treated as a Baseline Reliability Project, with 20 percent of the costs being recovered under MISO regional rates, and 80 percent recovered through a more local allocation based on the MISO Line Outage Distribution Factor (“LODF”) methodology.⁸ However, the application expressly indicated the project had not been moved to Appendix A to the Midwest ISO Transmission Expansion Plan (“MTEP”), and MISO could determine the project to be a Generation Interconnection Project, which would, under the Midwest ISO tariff provisions applicable at the time of the initial CON Order, require the interconnecting generators to fund 50 percent of the project costs, with remaining 50 percent funded by the Baseline Reliability Project methodology.⁹

⁸ CON Application, Appendix D-5, pp. 1-2.

⁹ CON Application, Appendix D-5, p. 10. To date, the Midwest ISO has not made a final determination regarding the appropriate RECB classification of the Brookings Project.

Thus the Company disclosed the uncertainty regarding cost allocation under the MISO Tariff in the CON Application. The decision to deny TCR recovery, without guidance in the Order regarding the Commission's intent that the CapX2020 participants continue development activities, stands in contrast to the prior Commission orders regarding the Brookings Project, therefore justifying reconsideration.

C. The Basis for Denial Creates Uncertainty Regarding Support for the Project.

The Minnesota Legislature enacted the Transmission Statute in 2005. It authorizes the Commission to approve a tariff mechanism for an automatic annual adjustment of charges for new transmission facilities. On August 1, 2006, Xcel Energy petitioned the Commission in Docket No. E002/M-06-1103 to establish a new TCR tariff and to combine recovery of eligible projects as defined by both the Transmission Statute and the Renewable Statute (Minn. Stat. §216B.1645) in one automatic recovery mechanism: the TCR adjustment rider. The Commission approved the petition in its ORDER APPROVING TRANSMISSION COST RECOVERY RIDER, issued November 20, 2006.

There is no dispute in the record that the Brookings Project meets the terms of the Transmission Statute. The Brookings Project was separately filed and reviewed and approved by the Commission in the CON Order under Minn. Stat. Section §216B.243, satisfying the only statutory standard for recovery under the Transmission Statute and the TCR Rider. Moreover, the Commission has approved “a tariff mechanism for the automatic adjustment of charges” for the Minnesota jurisdictional costs of the Brookings Project, and there is no dispute in the record that the Brookings Project satisfies the terms of the TCR Tariff.

While we recognize the concerns over MISO cost allocation exist, we do not believe that the 2010 Brookings Project expenditures and recovery request will implicate either of the concerns raised by the OES. The OES recommendation was based on the assertion that the Company might over-recover its costs if TCR recovery were allowed, or that allowing TCR recovery might somehow influence the treatment of the Brookings Project in the Midwest ISO cost allocation docket at FERC. The record does not support these assertions.

First, there is no basis in the record for the Commission to conclude that the Company might over-recover its costs. Instead, the record indicates the Company will still need to invest substantial amounts (\$160 million), well

beyond those investments planned through 2010 (estimated at \$16 million in the Company's reply comments), even if the interconnecting generators were required to fund the vast majority (e.g., 80 percent) of the Brookings Project under the ultimate MISO RECB tariff mechanism. See Xcel Energy reply comments at p. 6. Thus the costs that would ultimately be borne by the Company's Minnesota retail ratepayers for the Brookings Project will far exceed the recoveries proposed in 2010, irrespective of the cost allocation methodology MISO may apply to the Brookings Project. The TCR Rider reduces total project costs and future rate recoveries by allowing more current recovery of the Minnesota jurisdictional share of the revenue requirement associated with the Brookings Project development costs.

In addition, it is important to recognize that the benefit of TCR recovery will accrue *only* to Minnesota retail ratepayers. Irrespective of the cost allocation methodology eventually applied by MISO to the Brookings Project at the wholesale level, the Company's accounting processes will ensure the savings in total project costs made possible by more current TCR recovery will accrue only to Minnesota retail ratepayers, and those benefits are not shared with either other jurisdictions (e.g., Wisconsin or North Dakota) or wholesale customers taking service under the MISO tariff. The Order does not appear to recognize these facts; on reconsideration, the Commission should consider this additional information previously provided in response to the OES recommendations.

Second, there is no record evidence supporting the OES assertion that a Commission decision allowing TCR recovery might influence the MISO cost allocation process. The Midwest ISO's complicated process of regional tariff development for the July 15, 2010 filing has been guided primarily by the Organization of MISO States Cost Allocation Regional Planning group ("OMS CARP"), the RECB Task Force and the MISO Transmission Owners group. No decision by the Commission regarding the proposed 2010 TCR Rider recovery could reasonably be viewed as affecting the MISO Tariff cost allocation process.

Finally, uncertainty exists for all transmission projects, whether the uncertainty is related to the final route (and resulting cost changes) or other factors. The MISO cost allocation process is an uncertainty, but not one that should cause project development activities to cease. As indicated in our contemporaneous Notice of Change Filing, the CapX2020 participants have responded to the uncertainty appropriately by reducing 2010 costs. However, for the Brookings Project to remain on the revised schedule for a 2015 in-service date, the

Commission's leadership in the instant proceeding and in response to our Notice of Change Filing in the CON docket is essential.

II. REQUEST TO CLARIFY ORDER

A. **The Commission Should Provide Clarification That it Will Support Efforts To Complete Route Permitting And Engineering Design So As To Meet The Currently Anticipated 2015 In-Service Date**

At the April 1, 2010 Commission hearing, at least one Commissioner orally commented that the Commission's ruling disallowing recovery of the Brookings Project should not be viewed as an indication of lack of support for the Brookings Project. However, the Commission Order -- which does not include such an indication of Commission support for the Brookings Project -- can be taken to imply that the Company should not continue project development associated with the Brookings Project (other than completing the pending Route Permit process) until after FERC decides the issue of cost allocation under the Midwest ISO Tariff. Furthermore, some of the oral discussion and exchange among parties during the hearing suggested that perhaps recovery of development costs would not be appropriate if the project ultimately does not go forward.

The Company is committed to working through the issues that face the Brookings Project and see it to a successful completion. However, we are concerned that the absence of TCR cost recovery, or at least any further guidance in the Commission's Order regarding future project development, amplifies the uncertainty and risk associated with moving forward with the project.

As noted, the Applicants to the 345 kV Certificate of Need for the Brookings Project (the Company and Great River Energy, on behalf of the other potential owners) are contemporaneously submitting a Notice of Change Filing regarding the timing of the Brookings Project, indicating the in-service date for the project is now anticipated for second quarter 2015. The Notice of Change Filing indicates that greater certainty regarding the final MISO cost allocation methodology applicable to the Brookings Project is needed so the various CapX2020 participants can make their final investment decisions, a necessary prerequisite in order for the project to proceed to construction. The Notice of Change Filing also presents our assessment of the impact of the cost allocation issue on our development plans during the next several months.

In order to preserve our ability to meet a 2015 in-service date and avoid raising the overall cost of the project substantially, we believe it prudent to proceed with preliminary engineering and other preparations. The plan is intended to conservatively manage further commitments to the project in light of uncertainty, yet position the project to move forward as quickly as possible once remaining hurdles related to cost allocation are overcome. However, we struggle with the prudence of committing several million additional dollars in an environment of uncertainty in the absence of more explicit guidance from the Commission.

Both the OES recommendations and the Commission Order are an understandable reflection of the same uncertainty faced by the proposed utility investors in the Brookings Project. However, while responding to this uncertainty by slowing certain aspects of development, the inability for the Company to recover prudently incurred costs potentially signals that ceasing expenditures, rather than slowing the pace and timing of such expenditures, may be a more appropriate response. The Company believes it is essential that the Commission either clarify its Order to support the planned efforts discussed in the Notice of Change Filing, or direct the Company, the OES and other interested parties to bring back an interim project development and expenditure plan for Commission consideration.

The importance of this step should not be understated. While the Midwest ISO will file the replacement cost allocation tariff with FERC by July 15, 2010, that tariff filing will almost certainly be protested and likely litigated. The final FERC decision on the MISO cost allocation tariff could thus be one or two years away. The Commission could most clearly indicate to the Company and the other CapX2020 utilities that they should proceed with the Brookings Project, while the Midwest ISO cost allocation issue is being resolved, by granting reconsideration and allowing the Company cost recovery for the Brookings Project in 2010 through the TCR mechanism.

However, should the Commission not be prepared to take this step, the Company respectfully requests that the Commission clarify its Order by providing guidance regarding whether further Brookings Project development activities should be scaled back pending the outcome of the Midwest ISO cost allocation issue or continue, as we discuss in the Notice of Change filing. If the Commission does not believe the record is sufficient for the Commission to provide such guidance at this time, we respectfully request that the Commission direct the Company and other interested parties to work through these issues and return a proposal to the Commission regarding future

investments in the Brookings Project pending resolution of the MISO cost allocation issue.

CONCLUSION

Xcel Energy recognizes the importance and complexity of the issues before the Commission. However, based on the foregoing, we respectfully request that the Commission grant reconsideration, and allow recovery of the \$1.9 million in revenue requirements associated with the Brookings Project through the 2010 TCR Rider rate factors. In the alternative, the Commission should clarify its order and provide clear direction regarding the timing and prudence of current and near term future investments in the Brookings Project. If the Commission does not believe the record is sufficient for the Commission to take this step at this time, we request that the Commission direct the Company and other interested parties to work through these issues and return a proposal to the Commission regarding future investments in the Brookings Project pending resolution of the MISO cost allocation issue.

Respectfully submitted,

/s/ James P. Johnson

James P. Johnson
Assistant General Counsel
Xcel Energy Services Inc.
414 Nicollet Mall - 5th Floor
Minneapolis, MN 55401

Attorney for Northern States Power
Company, a Minnesota corporation

Dated: May 17, 2010

Attachment C

NoCapX 2020 and U-CAN Motion to Intervene Out-of-Time and Submit Comments,
FERC Docket ER-09-1431-000

Legalelectric, Inc.

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May 20, 2010

The Honorable Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

Filed & Served electronically

RE: NoCapX 2020 and U-CAN Motion for Limited Intervention
 Midwest Independent Transmission System Operator, Inc. and the Midwest
 ISO Transmission Owners, Docket No. ER-09-1431-002

Dear Secretary Bose:

Enclosed for filing please find NoCapX 2020 and United Citizens Action Network's Motion for Limited Intervention Out-of-Time in the above-entitled docket.

This letter and Motion are being filed and served via that electronic filing to all parties.

Very truly yours



Carol A. Overland
Attorney at Law

**THE UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

Midwest Independent Transmission)
System Operator, Inc. and The Midwest)
ISO Transmission Owners)

Docket No. ER-09-1431-002

**MOTION FOR LIMITED INTERVENTION OUT-OF-TIME
BY
NOCAPX 2020 AND UNITED CITIZENS ACTION NETWORK,
LANDOWNERS DIRECTLY IMPACTED
BY THE CAPX 2020 TRANSMISSION PROJECT**

No CapX 2020 and United Citizen Action Network, by and through its counsel Carol A. Overland, Legalectric, P.O. Box 176, Red Wing, MN 55066, files this Motion for Limited Intervention in the above-captioned proceeding. In support of this filing, NoCapX 2020 and United Citizens Action Network states as follows:

1. This Motion for Limited Intervention is filed pursuant to Sections 203, 205 and 206 of the Federal Power Act (“FPA”), 16 U.S.C. §§ 824b, 824d and 824e, and Rules 212 and 214 of the Rules of Practice and Procedures of the Federal Energy Regulatory Commission (“FERC”), 18 C.F.R. §§ 385.212, 385.214. This Motion is made out-of-time, after the deadline for Intervention, therefore a late intervention, and is a request for ~~limited~~ intervention, specifically to participate in future comment opportunities as this docket affords.

2. NoCapX 2020 and United Citizens Action Network is a party to many of the various Minnesota Public Utilities Commission proceedings, and challenges CapX 2020’s claim that the Project is necessary and its claim that it is required for “reliability,” and regarding the Brookings line specifically, its claim that the Brookings line is needed and appropriate for

generation interconnection, especially in light of demise of Big Stone II, the major generator waiting for transmission access.

3. NoCapX 2020 and United Citizens Action Network are comprised of landowners, ratepayers and residents along and/or near the proposed easement for the proposed several CapX 2020 Group I transmission lines, to be located in the States of Minnesota, North Dakota, South Dakota and Wisconsin. CapX 2020 is a major transmission project proposed to be constructed by a consortium of utilities that have not and will not divulge the ownership of the project, if constructed and operated. The CapX 2020 Group I projects entail construction of new high capacity bundled and double-circuited transmission lines from the Dakotas through Minnesota to Wisconsin and beyond, with an estimated cost of more than \$2 billion.

4. The Midwest ISO and many parties with an interest in the outcome are negotiating cost-apportionment of new transmission and generator interconnection. What concerns NoCapX 2020 and United Citizens Action Network is the tack that cost-apportionment is taking, and emergence of two divergent views, both of which are a significant departure from the market theories that are at the root of the shift in transmission and energy policy. NoCapX and U-CAN do not support a market approach to the provision of essential services, and note that in Minnesota, electricity remains a regulated industry. The interests of NoCapX 2020 and United Citizens Action Network, as landowners, ratepayers and residents directly affected by the CapX 2020 transmission project, are not represented in the FERC proceedings by any party. The interests of NoCapX 2020 and United Citizens Action Network are distinct from other intervenors in this FERC proceeding – no other party is comprised of individual landowners, ratepayers and directly affected residents concerned with the impact of market theory on electric cost and available, transfer of costs to parties that do not benefit from the infrastructure, and land

rights – the present intervenors are governments and organizations that have interests distinct from those of NoCapX and U-CAN. While there are multiple parties in the FERC proceedings with divergent positions, none are landowners and ratepayers directly affected by the outcome of this cost-apportionment proceeding.

5. NoCapX 2020 and United Citizens Action Network members are ratepayers as well as landowners along the route. Minnesota and Midwest ratepayers would bear a portion of the cost of the entire CapX 2020 project and it is not clear how project “benefits” and “costs” will be apportioned – that is the purpose of this docket and why NoCapX and U-CAN present this Motion for Intervention.

6. In the course of the Minnesota PUC proceedings, CapX 2020 has made inadequate efforts to quantify the financial impact of the Project on the Minnesota ratepayers. Throughout the Minnesota Public Utilities Commission proceeding, CapX 2020 has asserted that the cost of the Project will be shared in accordance with the cost apportionment formula approved by FERC. However, as is apparent in this docket, a cost apportionment formula is anything but certain. In other jurisdictions, cost apportionment schemes approved by FERC and relied on by utilities have been struck down. *See* FERC Order No. 494, *PJM Interconnection, L.L.C.*, 119 FERC Par. 61063 (2007); *see e.g. Illinois Commerce Commission, et al. v. Federal Energy Regulatory Commission*, 576 F.3d 470, *rehearing denied* 2009 LEXIS 24192 (7th Cir. 2009). This volatility in cost-apportionment and extreme efforts being made by utilities to shift costs to those not benefiting from the infrastructure is the primary reason NoCapX 2020 and U-CAN seek to intervene.

7. NoCapX 2020 and United Citizens Action Network have requested that a decision in the Minnesota PUC proceedings be deferred until a cost allocation formula acceptable to the court is in place for the Project. The PUC has not yet ruled on this request for suspension.

8. In light of the material importance of a valid generic cost allocation formula, for one specific to the CapX 2020 Project, for consideration to the PUC's decision in the pending CapX 2020 proceedings, and the specific need and market issues raised in this FERC Docket, NoCapX 2020 and United Citizens Action Network requests limited intervention. Information sought by FERC in this docket and made part of this record is necessary to fully inform the record in the CapX 2020 proceedings before the PUC, and NoCapX 2020 and United Citizens Action Network will integrate information into that record.

9. NoCapX 2020 and United Citizens Action Network note that the type of cost information requested of PJM by FERC in Docket ET05-121 would be useful in this docket. The questions in that docket are directly relevant to CapX 2020 costs, benefits and claimed "need" for the CapX 2020 Group I transmission projects and hope to glean this information from this docket. Instead, what seems to be happening in this MISO docket is a free-for-all wrangling-negotiation where number of votes will make the decision. That means that those in the discussion will have an inordinate say in the result and those not present bear the brunt of the cost. For that reason, NoCapX 2020 and U-CAN wish to be able to comment in the record as those opportunities arise.

10. NoCapX 2020 and United Citizens Action Network request limited intervention in the above-captioned matter to comment on these issues because cost allocation is a material issue in the CapX 2020 need and routing dockets at the Minnesota PUC. NoCapX 2020 and U-CAN will not cause any delay and pledge to adhere to comment deadlines in this docket.

11. NoCapX 2020 and United Citizens Action Network limited intervention is not intended to be disruptive or cause delay. Because NoCapX 2020 and United Citizens Action Network are directly affected by the Project, it is in the public interest that NoCapX 2020 and United Citizens Action Network intervene in these proceedings. No party would be prejudiced by our limited intervention.

12. The persons to whom correspondence, pleadings and other papers in relation to this proceeding should be addressed and the persons whose names are to be placed on the Commission's official service list are designated as follows pursuant to Rule 203, 18 C.F.R. § 385.203 (2005):

Carol A. Overland
Attorney at Law (MN Lic. No. 254617)
Legalelectric
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Red Wing, MN 55066
(612) 227-8638
(302) 834-3466
overland@legalelectric.org

13. NoCapX 2020 and United Citizens Action Network respectfully requests that the Commission:

- Grant NoCapX 2020 and United Citizens Action Network' request for Limited Intervention;
- Granting such other and further relief as may be necessary, just and appropriate.

Respectfully submitted,



Dated: May 20, 2010

Carol A. Overland
Attorney for NoCapX 2020
and United Citizen Action Network

CERTIFICATION OF SERVICE

I hereby certify that I have on this day e-filed the foregoing document with FERC, utilizing the e-filing system, by which each person on the service list for the Docket No. ER09-143-000 and any related Sub-Dockets is served.

Dated: May 20, 2010



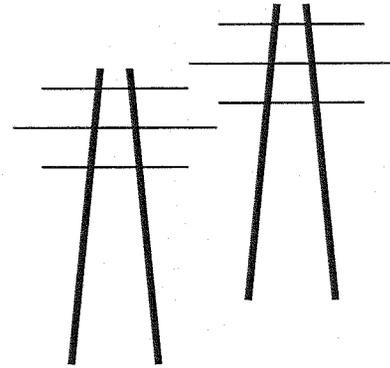
Carol A. Overland
for
NoCapX 2020 and United Citizens Action Network

Legalelectric, Inc.

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May 20, 2010

Matthew Langan
Project Manager
MN Dept. of Commerce
85 – 7th Place E., Suite 500
St. Paul, MN 55101

via email: matthew.langan@state.mn.us

RE: CapX 2020 Hampton-Alma (LaCrosse) EIS Scoping

Dear Mr. Langan:

Thank you for the opportunity to comment on the scope of the EIS for CapX 2020 Hampton-Alma (LaCrosse) line. I am filing these comments on behalf of NoCapX 2020 and United Citizen Action Network.

The Department of Commerce is well aware of the RUS EIS in progress and it should be taken into account, not avoided as in the Certificate of Need EIS Scope:

It is not possible to associate this environmental review with any federal review at this time. Minnesota Rule 4410.3900 anticipates coordinating state and federal review where possible. However, the association is not possible in this case due to timing and relevance. First, completion of this ER is required for the contested case hearing prior to when any application initiating potential federal review would be filed.

Additionally, no application for a permit or funds from the Rural Utility Service is anticipated by any of the applicants. No action requiring a federal EIS is anticipated. If that situation were to change when any route applications are filed, the Department would pursue all opportunities to coordinate the EIS reviews in those proceedings with any relevant federal agency reviews.

It is the duty of those performing environmental review to work with RES and to apply NEPA early in the process. 7 CFR 1794.11. The state specifically disavowed any knowledge of necessary RUS environmental review despite numerous comments regarding RUS review in the scoping process, and this must not continue.

RUS is at this very moment working on an EIS for this project, and it makes no sense to reinvent the wheel. The Commerce EIS should incorporate the RUS information in its entirety, and

Commerce staff and contractors should work with RUS and prepare a joint EIS, together with the state of Wisconsin.

The EIS must address impacts of entire CapX 2020 Phase I -- It's all connected

CapX 2020 Phase I is the largest transmission project in the history of the State of Minnesota, over 600 miles long and a cost approaching \$2 billion. It is false compartmentalization to claim that only the Hampton-LaCrosse portion of the Capx 2020 Phase I proposal is at issue for the RUS environmental review – the entire project as proposed is subject to review as a phased and connected action, a part of a whole.

Table 4. Summary of Vision Plan

Facility Name				
From	To	Volt (kV)	Miles	Cost (\$M)
Alexandria, MN	Benton County (St. Cloud, MN)	345	80	60
Alexandria, MN	Maple River (Fargo, ND)	345	126	94.5
Antelope Valley (Beulah, ND)	Jamestown, ND	345	185	138.75
Arrowhead (Duluth, MN)	Chicago County (Chicago City, MN)	345	120	90
Arrowhead (Duluth, MN)	Forbes (Northwest Duluth, MN)	345	60	45
Benton County (St. Cloud, MN)	Chicago County (Chicago City, MN)	345	59	44.25
Benton County (St. Cloud, MN)	Granite Falls, MN	345	110	82.5
Benton County (St. Cloud, MN)	St. Bonifacius, MN	345	62	45.5
Blue Lake (Southwest Twin Cities, MN)	Ellendale, ND	345	200	150
Chicago County (Chicago City, MN)	Prairie Island (Red Wing, MN)	345	82	61.5
Columbia, WI	North LaCrosse, WI	345	80	60
Ellendale, ND	Hettinger, ND	345	231	173.25
Rochester, MN	North LaCrosse, WI	345	60	45
Jamestown, ND	Maple River (Fargo, ND)	345	107	80.25
Prairie Island (Red Wing, MN)	Rochester, MN	345	58	43.5
TOTAL			1620	\$1,215 (\$M)

Exhibit 17, Portion of the 2005 Biennial Report Filed by Transmission Utilities, p. 36; Ex. 1, Application, App. A-1, Technical Update October 2005; see also Exhibit 12, CapX 2020 Update, June 14, 2006; Rogelstad, Vol. 2A, p. 69-74; Rogelstad, Direct Testimony p. 17; Rogelstad, Tr. Vol 2A, p. 39 et seq.

This chart showing the extent of CapX 2020 was an integral part of the record in the CapX 2020 Certificate of Need proceeding before the PUC. The Hampton to LaCrosse line is listed in the CapX 2020 Vision Plan repeatedly as the Prairie Island to Rochester to NorthLaCrosse line above, listed in the 2005 Biennial Report filed by Transmission Utilities (p. 36); the CapX 2020

Certificate of Need Application, App. A-1, Technical Update October 2005, and the CapX powerpoint update, June 14, 2006. Over and over and over, the Hampton-Alva/LaCrosse line is presented as just one part of an inextricably linked inseparable network of transmission lines.

CapX 2020's Brookings line has been delayed – the EIS must address the impact of this development

The EIS must address any impact, electrical, reliability, or something as obvious as if the Hampton substation is delayed or canceled, there is no terminus of the Hampton-Alva/LaCrosse line!

The EIS must address electrical system reliability

One factor the PUC considers is electrical system reliability. The EIS should address the impacts of terminating the line in Minnesota at Alma rather than LaCrosse. The applicants may say there is no impact but this must be independently verified.

The EIS must address use of existing corridors

The “non-proliferation” principle is law in Minnesota. The EIS should address impacts of use of corridor, with existing transmission corridor the highest priority. For example, corridors that should be considered include:

- 69kV line to the west of Pine Island;
- DOT corridors along 52 and 90;
- Opportunities for shared corridor and shared structures should be addressed.

Planned DOT interchanges must be evaluated

There are plans for changes and upgrades, included in the DOT's Vision 52 and elsewhere. Planned changes include Cannon Falls interchange at Hwy 52 and CR 86. This was at issue in the Cannon Falls 115kV project. See Exhibit A, Assessment of Potential Routes Considering the Proposed CR 86 Interchange Options.

There has been much talk of Pine Island's “Elk Run.” Some of the land for this project is in foreclosure, and plans are uncertain. An early preferred route avoids the interchange. See Exhibit B, Map avoiding Pine Island/Elk Run planned interchange.

The EIS must address facilitation of a range of scenarios enabling coal generation

The EIS must address facilitation of a range of scenarios enabling coal generation. Claiming that the lines are not associated with any specific generation is not useful or realistic, because transmission owners cannot discriminate in provision of transmission services, a large portion of the capacity may well be coal. The scope of the EIS must include impact of this line if it is used for various capacity ranges of coal.

The capacity of each of the lines is 4,100 per testimony in the Certificate of Need case, and the wind lobby talks of getting 700MW of wind, meaning that capacity attributable PERHAPS to wind is about 1/6 of capacity and the rest would likely be coal. The RUS EIS should address impacts assuming various percentages of coal:

- o 10% - 410 MW
- o 30% - 1,230 MW
- o 50% - 2,050 MW
- o 75% - 3,033 MW
- o 85% - 3,485 MW

For the megawatt ranges, it is rather simple to calculate coal emissions for old pulverized coal units, supercritical coal units, and IGCC (without capture as carbon capture is a pipedream not expected anytime soon) and address emissions at the various percentage levels of each.

The EIS must address reasonable system alternatives

The Certificate of Need docket included a “review lite” of the Hampton-Alma/Lacrosse line. Attachment C, D, Minnesota Department of Commerce Environmental Report¹ and maps. Attachment C and D should be incorporated by reference into the EIS..

The EIS must address system alternatives, independently and combined

The EIS must address system alternatives were rejected if they could not, alone, address the presumed need. System alternatives include conservation, efficiency, SmartGrid distribution to level out load peaks, generalized load shifting, local generation (i.e., the planned Rochester West End gas plant, SE Minnesota wind generation), and siting of generation without new transmission, i.e., Minnesota’s Distributed Renewable Generation Study.

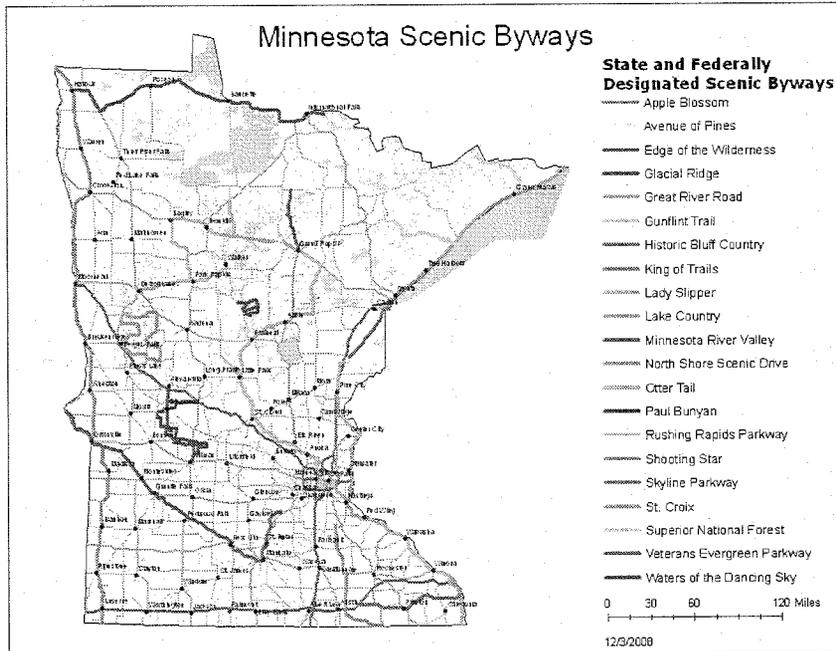
The EIS must address impacts on river crossings of Minnesota and Mississippi Rivers and National and Minnesota Scenic Byways

The planned and alternative routes for CapX 2020 would cross the Minnesota River and the Minnesota River Scenic Byway twice, and would cross the Mississippi River and the Mississippi River Scenic Byway. Both river valleys contain protected wildlife areas that would be affected by the crossings and the impacts must be analyzed.

The corridors for CapX 2020 cover much of the state, crossing or parallelling the Mississippi River and the Minnesota River. The State of Minnesota has designated twenty-two (22) select roadways as scenic byways, encompassing more than 2,800 miles of statewide scenic routes ranging in length from a short 9-mile scenic byway to the Great River Road covering 575 miles. Six Minnesota byways are also federally designated as National Scenic Byways, but all 22 byways fall under the National Scenic Byways Program, which is part of the U.S. DOT, Federal

¹ MN Dept. of Commerce Environmental Report, available online in two parts:
Attachment E - Environmental Report <http://nocapx2020.info/wp-content/uploads/2008/04/environmental-report2.pdf>
Attachment F - Environmental Report, Maps: <http://nocapx2020.info/wp-content/uploads/2008/04/environmental-report-maps.pdf>

Highway Administration. A comparison of CapX maps with the Minnesota Scenic Byways map², as above, demonstrates that multiple scenic byways will be impacted by the project. See CapX 2020 Public Hearing Transcript, Tab 19, Rochester, 7:00 p.m. July 2, 2008.



The EIS must address the other river crossings associated with this project.

There has been much warranted discussion of the Mississippi River crossing for this project. However, the Mississippi River is not the only river in the path of CapX. The project would also cross the Zumbro and Cannon Rivers. The Cannon River Watershed Partnership should be consulted³. I would presume there is also a Zumbro River watershed organization???. See www.zumbrowatershed.org ! **WERE EITHER OF THESE GROUPS CONTACTED REGARDING PARTICIPATION ON THE CITIZEN ADVISORY TASK FORCE?**

The EIS must address socioeconomic impacts

The EIS must address socioeconomic impacts including:

- Loss of funding if scenic byways status is harmed;

² National Scenic Byways Program <http://www.byways.org/>
 Explore Minnesota Tourism Scenic Byways Page One
<http://exploreminnesota.com/experiences/byways/index.aspx?gclid=CKfd9ZPaqZcCFQ8QagodL1nKjw>
 Explore Minnesota Tourism Scenic Byways Page Two
<http://exploreminnesota.com/experiences/byways/drives.aspx>
³ www.crwp.net The ED is Beth Kallestad beth@crwp.net

- “Benefit” of utility personal property tax to each of the many jurisdictions planned; i.e., for each route alternative, include revenue anticipated for each County, City/Township and school district through which the line would pass;
- Cost of services necessary, i.e., emergency response.
- Loss of real property tax revenue due to loss of value;
- Loss of farm income;
- Loss of rural associated business revenue, i.e., aerial spraying;
- Loss of tourist revenue.

The EIS must address all airports in the area

The EIS must address all airports and landing strips in the area, and BEFORE routes are included in the scoping document, the route should be compared against a list of FAA registered public and private airports and landing strips. This was NOT done in the Brookings routing docket and much time was wasted on at least two impractical routes too near existing airports.

The EIS must address the many acres of wetlands in the footprint of CapX 2020

How many acres of wetlands will be affected by the CapX 2020 project? How would impacts on that many acres be mitigated?

I'll be forwarding more comprehensive Comments throughout the next two weeks. Thank you for the opportunity to submit this Comment.

Very truly yours,



Carol A. Overland
For
NoCapX 2020 and United Citizen Action Network

Enclosures:

Exhibit A -

Attachment C – Environmental Report NOT ATTACHED — available online at <http://nocapx2020.info/wp-content/uploads/2008/04/environmental-report2.pdf>

Attachment D - Environmental Report, Maps NOT ATTACHED — available online at: <http://nocapx2020.info/wp-content/uploads/2008/04/environmental-report-maps.pdf>

Cannon Falls 115 kV Transmission Line Project

Assessment of Potential Routes Considering the Proposed CR 85 Interchange Options

Background

At the public hearing held on June 5, 2006 for this project, a landowner provided information regarding plans the Minnesota Department of Transportation (MN DOT) had been providing to local landowners. The landowner expressed a preference for Xcel Energy to follow an alignment that would match up with the proposal and avoid placing the proposed transmission line in front of the home she owned.

Xcel Energy has reviewed the various options that the Minnesota Department of Transportation has provided regarding this project to add an interchange on Highway 52 to connect to CR 85. The following information has been included in our assumptions:

1. Communications between Department of Commerce Staff and the Department of Transportation have indicated that the DOT Metro Division sees the need for an interchange at TH 52 and CR 86. However, that need is not immediate. There have been some interchange concepts developed, and one design concept is "preferred." (See Attachment #1 for email and PDF file).
2. No formal approvals, reviews or budgeting have occurred for the DOT project. Therefore it is difficult for Xcel Energy to design a route that would assure there would be no conflicts with the potential future interchange.
3. Xcel Energy has made some general assumptions to attempt to address the landowners concerns and to avoid any major conflicts with this proposal in the future.
4. A major issue that creates limitations to Xcel Energy's options is the requirement that the total length of double circuit 115 kV construction needs to be 1 mile or less. This has limited our options for consideration since our proposed route had almost 1 mile of double circuit construction.
5. The landowner has expressed a desire to keep the line further away from the home located on her property. The two alternatives assessed move the line further north of the home, but do need to go across agricultural property.

Assessment of Options

Provided as Attachments #2, #3, and #4 are maps and a spreadsheet providing a summary of two additional options Xcel Energy has assessed. None of the proposed route options have additional double circuit construction due to the restriction on the amount of double circuit construction that can be used for this project based on planning requirements.

Alternative 1

Xcel Energy would tap the existing CFT Transmission line (130 feet) north of our original proposal and follow a route that would place the new single circuit 115 kV line just north of the grove of trees. Where the line meets CR 85, it would follow along the west side of the road. The North tap line would follow along the east side of CR 85 for its entire length.

- Cost increase from proposed route: \$121,000
- Change in impacts: The impacts to agricultural lands are increased, but less clearing will be required and the line will be further away from residences on CR 86.

Alternative 2

Xcel Energy would tap the existing CFT Transmission line (590 feet) north of our original proposal and follow the property line to CR 85. Where the line meets CR 85, it would follow along the west side of the road. The North tap line would follow along the east side of CR 85 for its entire length.

- Cost increase from proposed route: \$137,000
- Change in impacts: The impacts to agricultural lands are increased, but less clearing will be required and the line will be further away from residences on CR 86.

Conclusion

Given this analysis, Xcel Energy believes there are several options available to consider for placement of the southern 115 kV tap line that would work. We recommend that the information be provided in the EA as submitted. Over the next few weeks prior to the public hearing, Xcel Energy will discuss the proposals with the DOT and landowners. If an alignment acceptable to all can be identified prior to hearing, Xcel Energy will recommend that option at that time. However, if additional discussions and coordination are required given the preliminary nature of the DOT proposal, Xcel Energy may request that the PUC allow for routing flexibility in this area. The final alignment would be based on discussions with DOT and the landowner and would be submitted to PUC staff for review prior to easement acquisition.

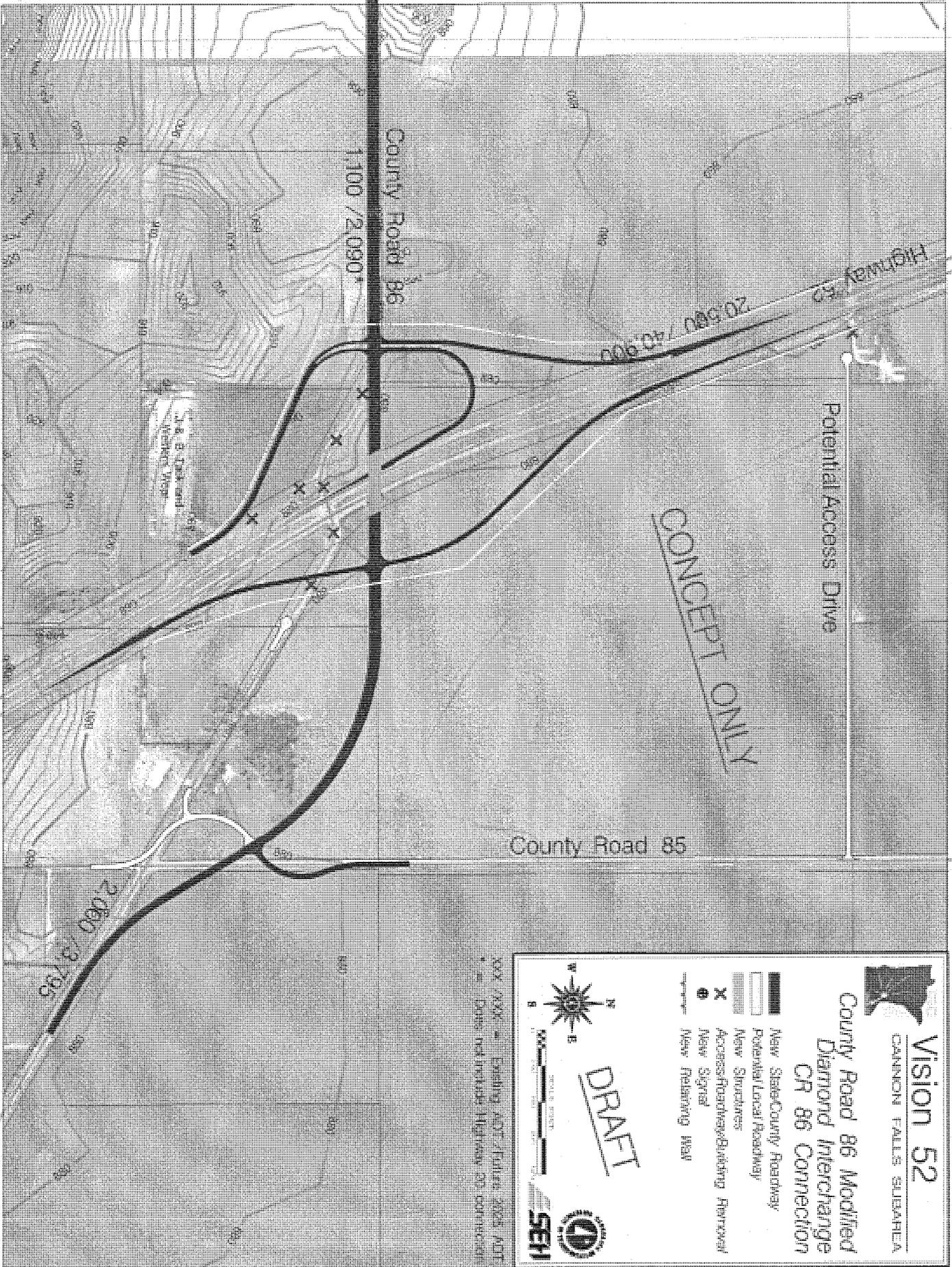
Attachment 1

-----Original Message-----

From: Gerry Larson [mailto:Gerry.Larson@dot.state.mn.us]
Sent: Friday, June 30, 2006 1:13 PM
To: Bill.Storm@state.mn.us
Cc: Nancy Daubenberger
Subject: Cannon Falls Project

Hello Bill. I was out of the office when you sent your note. Please excuse the delay in getting back to you.

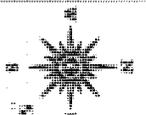
The short answer is yes, Metro Division sees the need for an interchange at TH 52 and CR 86. However, that need is not immediate. Some interchange concepts were developed, and one design concept is "preferred." (See attached PDF file) A good deal of work was done to develop an EA for the project, but no EA was approved or circulated. We were doing the EA primarily to establish the location for the interchange, and a "footprint" for it. That would allow for the area to be "officially mapped," to preserve the land for the future interchange. No funding has been identified within Metro for the project. However, that can change. If you have further questions on this I suggest you call Nancy Daubenberger at our Metro District office. She can be reached at 651-582-1379.
Gerry



Vision 52
CANNON FALLS, MINNESOTA

County Road 86 Modified
Diamond Interchange
CR 86 Connection

- New State/County Roadway
- Potential Local Roadway
- New Structures
- Access Roadway/Quilting Removal
- New Signal
- New Retaining Wall



DRAFT

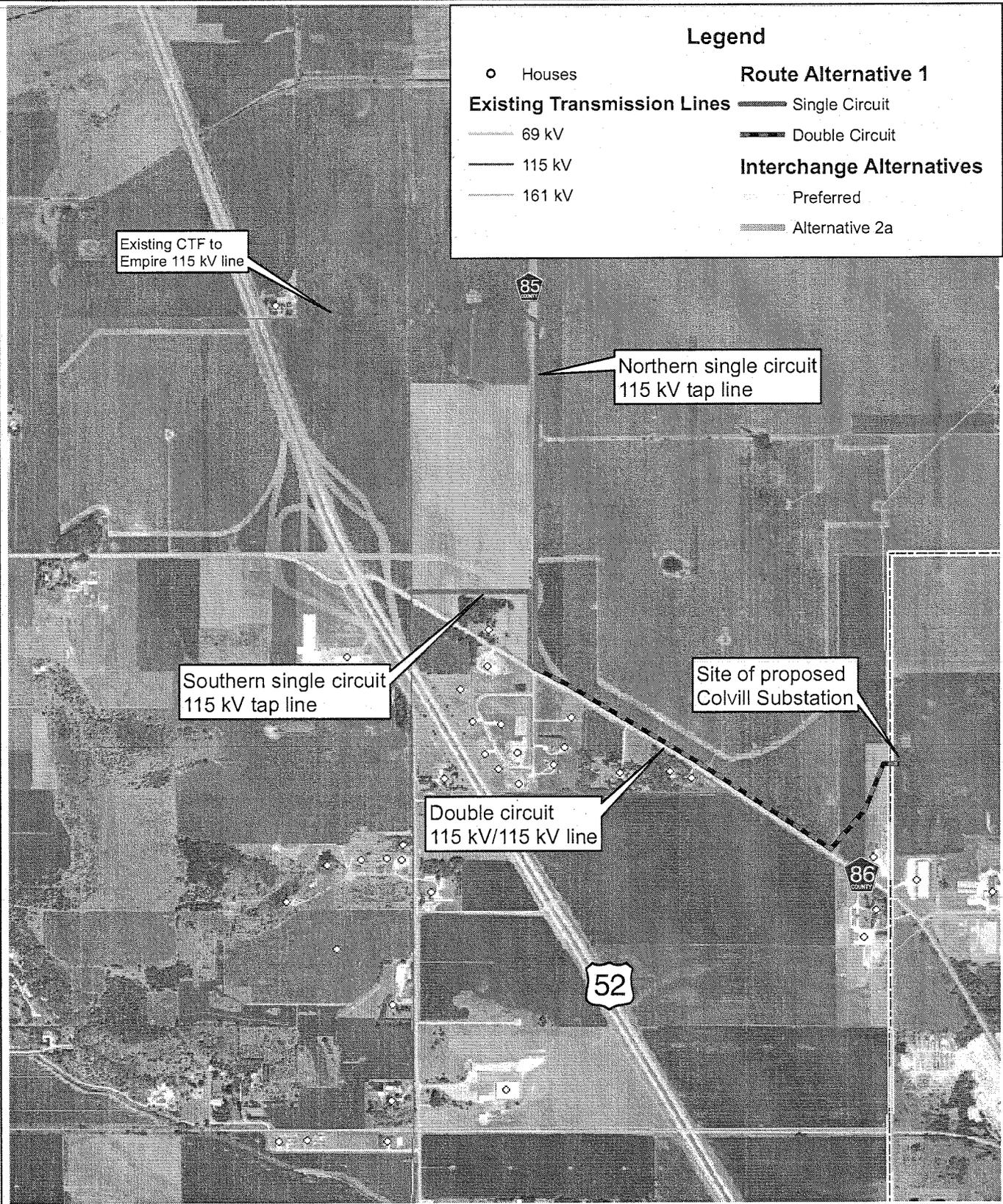


XXX / XXXX = Existing ADT / Future 2025 ADT
 * Dates not include Highway 52 connection

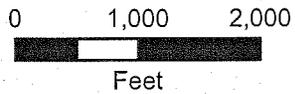
Attachment 2

Legend

- Houses
- Existing Transmission Lines**
 - 69 kV
 - 115 kV
 - 161 kV
- Route Alternative 1**
 - Single Circuit
 - Double Circuit
- Interchange Alternatives**
 - Preferred
 - Alternative 2a



Map Document: (\\mspe-gis\proj\gisproj\excel\cannon_falls\map_docs\landownermap_032806_aerial.mxd) 3/29/2006 -- 5:30:44 PM

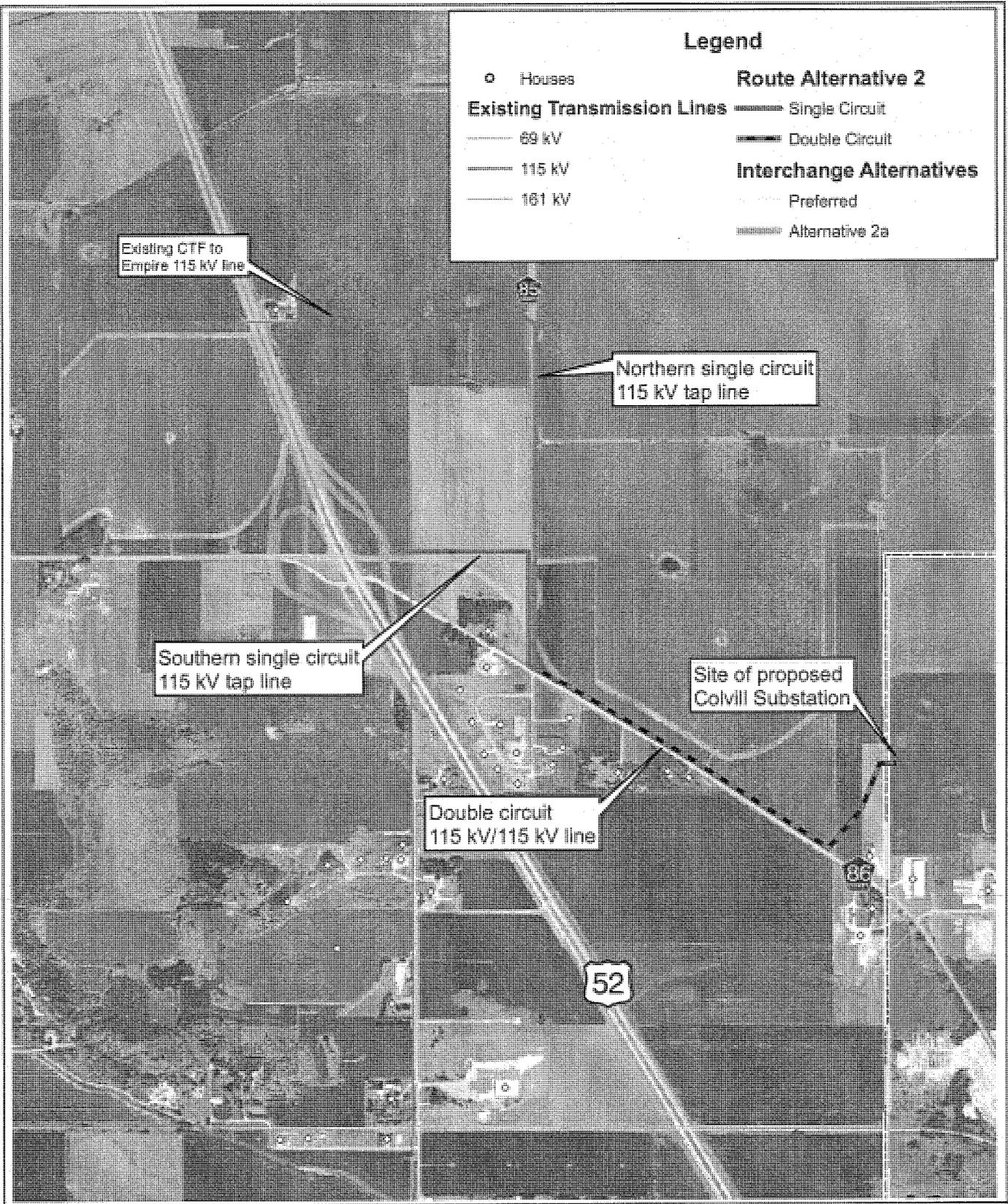


Route Alternative 1
 Cannon Falls 115 kV Tap Project
 Cannon Falls, Minnesota



Attachment 3

Map Document: (N:\gisproj\excel\cannon_falls\map_docs\route_Alternative2_071206_aerial.mxd)
7/13/2006 - 1:22:58 PM



Route Alternative 2
Cannon Falls 115 kV Tap Project
Cannon Falls, Minnesota



Attachment 4

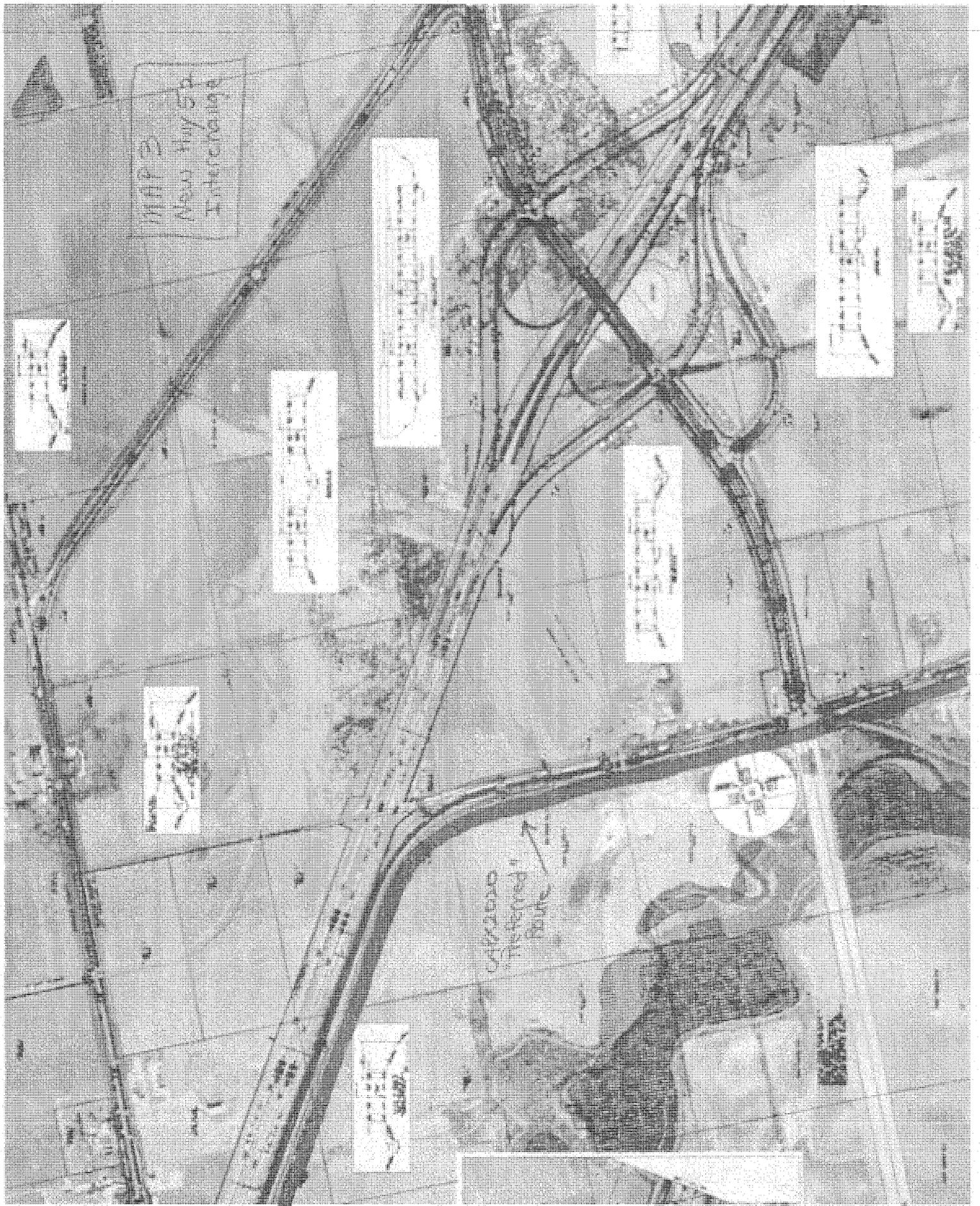
Line #0822 Empire - Cannon Falls 115 kV
Phase 2 - Tap to Colvill Sub
Hwy 52 / CR 86 Interchange

Alternative	Length of Southern Tap (ft)*	Removal Length (ft)	Distance to Home (ft)	Double Circuit Length (ft)	Double Circuit Length (mi)	Tree Removal (acres)	Permanent Agricultural Impacts (sq. ft)**	Temporary Agricultural Impacts (acres)**
Original	1,731	3,169	173	5,143	0.97	0.46	1,500	7.0
Alternative 1	2,210	3,018	378	5,143	0.97	0.00	1,600	7.3
Alternative 2	2,675	2,580	878	5,143	0.97	0.00	1,650	7.5

Estimated Cost									
Alternative	Cost	Distance (Mi.)	Alternative	Cost	Distance (Mi.)	Alternative	Cost	Distance (Mi.)	Alternative
Initial Proposal									
Single Circuit	\$466,000	1.31	Single Circuit	\$587,000	1.41	Single Circuit	\$604,000	1.50	Single Circuit
Double Circuit	\$810,000	0.98	Double Circuit	\$810,000	0.98	Double Circuit	\$810,000	0.98	Double Circuit
Removal (9 Strs.)	\$5,000	1.07	Removal (9 Strs.)	\$5,000	1.07	Removal (8 Strs.)	\$4,000	0.95	Removal (8 Strs.)
Total:	\$1,281,000		Total :	\$1,402,000		Total :	\$1,418,000		Total :
Cost Above Original Estimate:			\$121,000			Cost Above Original Estimate:			\$137,000

* Represents length between the existing 115 kV line and the proposed line following CR85 for the southern tap.

** Represents impacts for the entire route proposal



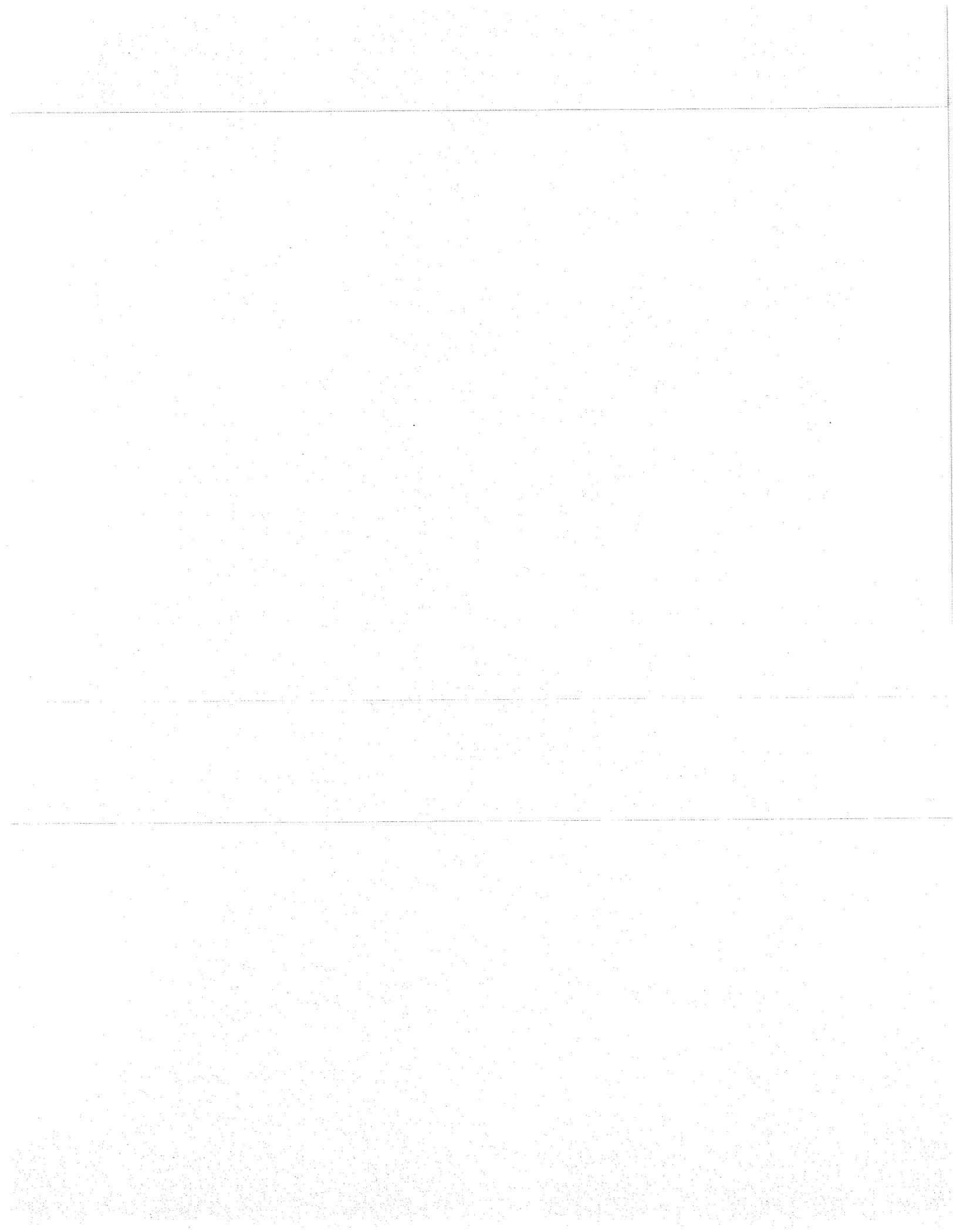


Hampton–Rochester–La Crosse 345 kV Transmission System Improvement Project

Scoping Report February 2010



United States Department of Agriculture
Rural Development
Washington, DC



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Acronyms and Abbreviations

AES	Alternative Evaluation Study
CapX2020	CapX2020 Transmission Expansion Initiative
C.F.R.	Code of Federal Regulations
D.P.C.	Dairyland Power Cooperative
EIS	Environmental Impact Statement
EMF	electric and magnetic fields
FAA	Federal Aviation Administration
GIS	geographic information system
MCBS	Minnesota County Biological Survey
MCS	Macro Corridor Study
kV	kilovolt
MN DNR	Minnesota Department of Natural Resources
Mn/DOT	Minnesota Department of Transportation
MN PUC	Minnesota Public Utilities Commission
NAGPRA	Native American Graves Protection Repatriation Act
NHIS	National Heritage Information System
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NOI	Notice of Intent
NPS	National Park Service
NSPM	Northern States Power Company, a Minnesota Corporation
NSPW	Northern States Power Company, a Wisconsin Corporation
PSCW	Public Service Commission of Wisconsin
ROW	Right-of-Way
RPU	Rochester Public Utilities
RUS	Rural Utilities Service
SMMPA	Southern Minnesota Municipal Power Agency
THPO	Tribal Historic Preservation Officer
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service
WDNR	Wisconsin Department of Natural Resources
WMA	Wildlife Management Area
WPPI	Wisconsin Public Power, Inc.

1.0 Introduction

Dairyland Power Cooperative (DPC) intends to seek funding from the Rural Utilities Service (RUS) of the U.S. Department of Agriculture Rural Development Utilities Programs, for its anticipated ownership interest in the Hampton–Rochester–La Crosse Transmission System Improvement Project. The project is one of four transmission line projects proposed by CapX2020 utilities. CapX2020 is a regional joint initiative of 11 transmission owning utilities whose goal is to study, develop, permit and construct transmission improvements in Minnesota and the surrounding region needed to meet energy demands to the year 2020. The CapX2020 utilities involved with this project include:

- Dairyland Power Cooperative (DPC)
- Northern States Power Company, a Minnesota corporation (NSPM), and Northern States Power Company, a Wisconsin corporation (NSPW) (collectively, Xcel Energy)
- Southern Minnesota Municipal Power Agency (SMMPA)
- Rochester Public Utilities (RPU)
- WPPI Energy, Inc. (WPPI)

The proposed project consists of constructing a 345 kilovolt (kV) transmission line and associated infrastructure between Hampton, Minnesota, and the La Crosse area in Wisconsin. The project also includes construction of new 161 kV transmission lines and associated facilities in the area of Rochester, Minnesota and La Crosse, Wisconsin. The total length of 345 kV and 161 kV transmission lines associated with the proposed project would be approximately 150 miles.

RUS funding of the proposed project would constitute a federal action subject to National Environmental Policy Act (NEPA) analysis (42 United States Code [U.S.C.] § 4321, specifically 7 C.F.R. § 1794.3) and Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. § 470F, and its implementing regulations, "Protection of Historic Properties" (36 CFR Part 800). RUS determined that an Environmental Impact Statement (EIS) was necessary to assess the potential for significant impacts prior to making a decision regarding whether to fund DPC's ownership interest in the Project. The EIS process is conducted with the intent to adequately integrate the Section 106 and (NEPA) process. This is shown on the Federal Review Process diagram in section 4.0. This scoping report summarizes comments provided by the public during the scoping period and is indicative of what will be evaluated in the EIS required pursuant to 7 C.F.R. § 1794.

The Alternative Evaluation Study (AES) and the Macro Corridor Study (MCS) are two preliminary documents required by RUS when conducting an environmental analysis for proposed transmission line project. These documents provide agencies and the public with a general understanding of the proposed project. The AES explains the need for the proposed project and discusses the alternative methods that have been considered to meet that need and which alternative is considered the best for fulfilling the need. The MCS defines the study area and defines the project end points. Within the study area, macro-corridors are developed based on environmental, engineering, economic, and land use data as well as consideration of permitting constraints. These documents are available on the RUS website (<http://www.usda.gov/rus/water/eis/eis.htm>) or by request to RUS.

A Notice of Intent (NOI) was published in the *Federal Register* on May 28, 2009, informing the public of RUS's intent to prepare an EIS and the dates for public scoping meetings during June 2009. A copy of the NOI is provided in Appendix A. Notices printed in local newspapers in the weeks preceding public scoping meetings, including a large display ad which identified meeting times and locations, and a legal notice similar to the NOI was also published as required by RUS guidance. A list of the names of the publications and dates of these advertisements is included in Table 1.1-1. Copies of the newspaper ads are included in Appendix B.

**Table 1.1-1:
Newspapers and Dates of Public Notices**

Newspaper	State	Publication Dates
Stewartville Star	Minnesota	June 2, 2009
La Crosse Tribune	Minnesota	June 3, 2009
Winona Daily News	Minnesota	June 3, 2009
Winona Post	Minnesota	June 3, 2009
Zumbrota News-Record	Minnesota	June 3, 2009
Kenyon Leader	Minnesota	June 3, 2009
Rochester Post-Bulletin	Minnesota	June 3, 2009
Wabasha County Herald	Minnesota	June 3, 2009
Cannon Falls Beacon	Minnesota	June 4, 2009
Houston County News—La Crescent	Minnesota	June 4, 2009
Lewiston Journal	Minnesota	June 4, 2009
Plainview News	Minnesota	June 4, 2009
St. Charles Press	Minnesota	June 4, 2009
Buffalo County Journal	Wisconsin	June 4, 2009
Arcadia News-Leader	Wisconsin	June 4, 2009
Cochrane-Fountain City Recorder	Wisconsin	June 4, 2009
Galesville Republican	Wisconsin	June 4, 2009
Onalaska Community Life and Holmen Courier	Wisconsin	June 5, 2009
Farmington/Lakeville This Week	Minnesota	June 5, 2009

A public mailer was distributed to landowners and other individuals who requested to be on the project mailing list. The mailing list was developed initially using county landowner data for the original study area. Contact information was added throughout the project when data was provided by stakeholders at public meetings. A copy of this mailer is included in Appendix C.

2.0 Agency Scoping Meetings

RUS conducted two agency scoping meetings with federal, state and local agencies and tribal representatives that included a presentation and an interactive question-and-answer session. The agency meetings were held on June 17, 2009, at the Wanamingo Community Center, located at 401 Main Street, Wanamingo, Minnesota, and on June 24, 2009, at the Radisson Hotel in La Crosse, Wisconsin, located at 200 Harborview Plaza, La Crosse, Wisconsin. The U.S. Fish and Wildlife Service (USFWS) and the U.S. Army Corp of Engineers (USACE) have requested to be cooperating agencies during the EIS process. RUS will act as the lead federal agency and prepare an EIS jointly with the USFWS and USACE. Each Federal agency will independently develop its own decision document.

2.1 Purpose

The purpose of the agency scoping meeting was to introduce the RUS NEPA process and provide a status of the proposed project to attending federal, state, and local agency representatives as well as tribal representatives. Project and RUS staff provided information on the project, required permitting processes, data collection, routing methodology and potential impacts that could result from the project. All information provided to the public was also available at the agency scoping meetings.

2.2 Notification

RUS notified the federal, state, and local agency representatives by sending letters to an RUS approved list of individual representatives. A preliminary list was created by DPC after which RUS recommended additions; DPC added the suggested contacts that were included in the final notice letter mail out. Federal and state agencies received a letter detailing RUS's role in the project, the availability of the AES and MCS, the dates and locations of the public and agency scoping meetings, contact information for the RUS representative assigned to the project, and methods for submitting comments. Local agency and government representatives were sent similar letters that included a request for information regarding the presence of low income and minority populations. A copy of a sample of the federal and state agency letter, the local government letter, the Tribal letter, and the Tribal Historic Preservation Officer letters and list of recipients for each are included in Appendix D.

2.3 Agency Attendance

Representatives of the following agencies attended the agency scoping meeting in Wanamingo, Minnesota: US Fish and Wildlife Service (USFWS), Minnesota Public Utilities Commission (MNPU), Minnesota Department of Natural Resources (Mn DNR), Minnesota Department of Transportation (Mn/DOT)-District 6, Minnesota Office of Energy Security, Minnesota Department of Commerce, Minnesota legislators, and representatives from Goodhue County, the City of Wanamingo, the City of Cannon Falls, and Cherry Grove Township.

Representatives of the following agencies attended the agency scoping meeting in La Crosse, Wisconsin: Bureau of Indian Affairs, Wisconsin Department of Natural Resources (WDNR), Public Service Commission of Wisconsin (PSCW), La Crosse County, La Crosse County Zoning and Planning Department, the City of La Crosse, the City of Onalaska, and the City of Onalaska Planning Department.

Sign-in sheets from the agency scoping meetings are included as Appendix E.

2.4 Section 106 Consultation

Tribal leaders and the Tribal Historic Preservation Officers (THPOs) received letters with similar information provided to the agencies as well as information on the Section 106 consultation process. A representative of the Shakopee Dakota Tribe attended the agency scoping meeting in Wanamingo, Minnesota, and is included on the agency sign-in sheet in Appendix E. The following tribes submitted comments during the scoping period: Bois Forte Band of Ojibwe, Oneida Nation of Wisconsin, Leech Lake Band of Ojibwe, Ketegitigaaning Ojibwe Nation, Ho-Chuck Nation, Mille Lacs Band of Ojibwe, Stockbridge Munsee, and Little Traverse Bay Band of Odawa Indians. The comment forms or letters and the RUS responses are included in Appendix J. Section 106 consultation is ongoing throughout the EIS process.

2.5 Agency Comments

The following federal and state agencies provided written comments: the Federal Aviation Administration (FAA), National Park Service (NPS), MNPUC, Mn/DOT, PSCW, Mn DNR, and Wisconsin Mississippi River Parkway Commission, and WDNR. Senator Sharon Erikson Ropes of the Minnesota State Senate provided comments. The following local governments provided written comments: Goodhue County, La Crosse County, Farmington Township, New Market Township, Highland Township, Warren Township, the City of Hampton, Holden Township, and Bridgewater Township. An index and record of all agency and tribal items with delineated comments and corresponding RUS responses is included in Appendix J. Appendices I and J include an index of all comments by category. The indexes show each comment that was considered under each of the categories described in section 3.4.

3.0 Public Scoping Meetings

RUS conducted six public scoping meetings listed in Table 3.0-1 using an open-house format between 6:00 p.m. and 8:00 p.m. CDT (local time) beginning June 17, 2009, through June 26, 2009, at the following locations:

**Table 3.0-1:
Public Scoping Meetings – June 2009**

Date	Location	Number of Attendees
June 16	Plainview–Elgin–Millville High School 500 West Broadway Plainview, Minnesota	162
June 17	Wanamingo Community Center 401 Main Street Wanamingo, Minnesota	77
June 18	City of St. Charles Community Meeting Room 830 Whitewater Avenue St. Charles, Minnesota	59
June 23	La Crescent American Legion 509 N. Chestnut La Crescent, Minnesota	49
June 24	Centerville/Town of Trempealeau Community Center West 24854 State Road 54/93 Galesville, Wisconsin	82
June 25	Cochrane-Fountain City High School South 2770 State Road 35 Fountain City, Wisconsin	31

3.1 Purpose

The purpose and objective of the public scoping meetings was to provide the public with information regarding the purpose and need for the project, provide a project description, identify possible sites and/or corridor routes, discuss the scope of environmental issues to be analyzed, answer questions the public may have regarding the project and the environmental analysis process, and solicit public comments.

3.2 Notifications

Several methods were used to notify the public of the scoping process and public meetings, including those required by RUS as well as the direct mail newsletters and the project website used by DPC to provide additional outreach to the public and stakeholders in the project area. The NOI, published in the *Federal Register* on May 28, 2009, served to notify the public of RUS's intent to prepare an EIS and hold

public scoping meetings. A legal notice and newspaper ads were printed June 2, 2009, through June 5, 2009. Mailers were sent to landowners in the project area to inform them of the public scoping meetings. These materials are included in Appendix A, B, and C.

3.3 Public Scoping Meeting Materials

The public scoping meetings were held on weeknights after regular business hours to allow people with a range of daily commitments to attend. An open house format was used to facilitate discussion and information sharing and to ensure that the public had opportunities to speak with a project staff. Fourteen stations were staffed by either representatives of RUS, DPC, Xcel Energy, WPPI, RPU, SMMPA, or consultants of DPC/Xcel Energy. Informational stations at the meetings included the following:

- Sign-in and Welcome
- RUS Station and NEPA process
- State permitting processes
- Project Background, including display boards on project description, purpose and need, the CapX 2020 Initiative, and conservation and renewable energy
- Transmission structures and land rights and right-of-way acquisition
- Large project map
- Routing process display board and video
- Mississippi River existing transmission line crossing photos
- Environmental resources
- GIS (Geographic Information System) mapping and print-out station
- Transmission line construction video
- Public comment tables, including large sheet maps with detailed routes for mark-up and comment forms

Sign-in sheets and comment forms were made available to all scoping meeting attendees. Copies of the public scoping meeting sign-in sheets are included in Appendix F, and all public scoping meeting materials are included in Appendix G. A copy of the public comment form is included in Appendix H.

3.4 Public Comments

A total of 1135 comments from 359 commenters were received during the scoping comment period beginning on May 28, 2009, ending on July 25, 2009. Public comments were submitted using comment forms, letters, emails, online comment form submission, and phone-calls. Some of the comments made at the public scoping meetings were recorded on project route maps, and documented later by digitizing with GIS and including in the public comment database. The public comments and RUS responses are included in Appendix I. Some of the comments submitted were, in whole or part, identical form letters.

A summary of the public comments received and organized by category is provided below. Each of these were referred to as an item and entered into the comment management database. The items were indexed based on the source of the comments including; Federal agency (F), state agency (S), local agency (L), Tribe (T), non-government organization (N), business (B), or individual (I). The item was cataloged with a number based on the order it was received by RUS (e.g., I-076) and each comment

associated with an item was given a unique number (e.g., I-076-001). An index and record of all items with delineated comments and corresponding RUS responses is included in Appendices I (individual, business, and non-government organizations) and J (agencies and tribes). The appendices also contain an index that shows each comment that was considered under each of the categories described below.

3.4.1 Form Letters

There were two distinct form letters submitted, one regarding the Sky Harbor Airpark, located in the Brookings County to Hampton 345 kV project area, and one regarding environmental impacts of ultra or high voltage transmission lines. The Sky Harbor Airpark is not located within the Hampton–Rochester–La Crosse Transmission System Improvement Project area.

Sixteen (16) letters were submitted regarding the Sky Harbor Airpark that were, in whole or part, identical. I-172 and I-173 are identical, and the first three paragraphs of I-236 and I-251 are identical to those of item B-018 (which closes with a personal note). Common themes include the number and types of craft using the field, FAA and Minnesota Department of Aeronautics regulations, and potential hazards. Two letters reference work with USFWS on wildlife habitat. The following items consider the Sky Harbor Airpark: B-018, I-111, I-112, I-115, I-138, I-140, I-144, I-172, I-173, I-203, I-227, I-229, I-230, I-236, I-244, and I-251.

Three letters regarding environmental impacts contained two identical paragraphs regarding updated forecasts of electrical peak demand and lists of types of environmental harm (I-201, I-215, and I-132). Two of those letters were identical in additional details.

3.4.2 Agriculture

Thirty-seven (37) comments were received on various aspects of agriculture. General concerns include the loss of productive farmland and revenue associated with production, interference with farming equipment and operations, compaction of soil, and the health and safety of livestock especially dairy cattle. Several commenters suggested preserving agricultural land, prime and unique farmland, family farms, and organic farms. Specific comments were submitted regarding the impact to operations including tile drainage and possible destruction, center pivot irrigation systems, and the aerial application of chemicals. Commenters also questioned the ability of farms to navigate farm equipment around transmission line structures and if compensation for damages and losses would be provided by the utilities.

3.4.3 Biological Resources

Sixty-six (66) comments were received on biological resources including wildlife, fish, vegetation, habitat, wetlands, and biodiversity. Commenters requested that direct and indirect impacts to biological resources be analyzed and mitigation measures, including vegetation management and the control of invasive plant species, be discussed in the EIS. One comment also suggested that impacts to hunted wildlife be analyzed in the EIS. Mn DNR requests that in the impact analysis, the project team use data from the Natural Heritage Information System (NHIS), including data from the Minnesota County Biological Survey (MCBS) Plant Communities, Sites of Biodiversity Significance, and Railroad Rights-of-Way Prairies. Mn

DNR also requested that Habitat and Rare Species Surveys be conducted if any native prairie remnants or other special status species habitat could be affected by the proposed project.

There were concerns about impacts to the Upper Mississippi River National Wildlife and Fish Refuge and the Richard J. Dorer Memorial Hardwood State Forest. Commenters recommended that these areas be avoided. Questions regarding the impacts on specific plant and animal species including state and federally listed species were raised including short-tailed weasels, American bald eagles, Henslow's sparrows, loggerhead shrikes, prairie voles, trout lily, wild ginger, prairie bush clover, and kitten tails. In addition, comments were received questioning the impacts to old growth forests, and clear cutting of vegetation when clearing the ROW. Another specific commenter was concerned about bird mortality related to collisions with transmission lines in the Mississippi River flyway.

3.4.4 Connected Action

Eight (8) comments were received regarding other projects that might be considered connected actions to the proposed project. Two commenters suggested that the EIS include all four CapX2020 transmission projects because they were studied and developed as a whole. Another commenter suggested that, at a minimum, the Brookings County to Hampton project be analyzed in the EIS for Hampton – Rochester – La Crosse because the projects are electrically connected at the proposed Hampton Substation. Other comments concerning connected actions discuss the potential impact related to coal generation to be connected to the project.

3.4.5 Conservation Easements

Six (6) comments were received regarding conservation easements. The commenters requested that land in conservation easements be avoided and the potential impacts assessed if the project passed through a conservation easement. Specific concerns include easements in Oakwood Township, Minnesota and land enrolled in the Minnesota Land Stewardship Program.

3.4.6 Cumulative Impacts

Nine (9) comments were received on cumulative impacts related to the project. Two commenters asked that property already hosting a pipeline, specifically the Williams pipeline or an existing transmission line easement, not be burdened with additional utility easements. One commenter questioned the cumulative impact to migratory birds and waterfowl if another transmission line were to be added within a flyway. A commenter questioned the cumulative impacts that would result if this energy project were potentially enabling new coal generation in the Dakotas and how would that impact global warming. Another commenter requested that the cumulative impacts of new wind farm development correlated to the final route alignment for the proposed project be analyzed in the EIS.

3.4.7 Electrical Characteristics

Nineteen (19) comments were received regarding electrical characteristics of the project. Most comments were requesting more information about the characteristics of electric and magnetic fields (EMF). Some of the commenters suggested that EMF would cause electrical interference with farm and communication equipment, especially GPS-driven farm equipment. There were also questions about the compensation

and mitigation be provided by the utilities if interference does occur. Other comments were regarding the potential effects EMF may have on humans and livestock. Comments also included static electricity and stray voltage issues, and how those would be mitigated.

3.4.8 Environmental Justice

Three (3) comments were received regarding environmental justice. A resident of Trempealeau County submitted a comment concerning proper and timely notification of the project for that area. The comment indicated that the population in Trempealeau County is small and displays low income characteristics and the residents would be uniquely disadvantaged. Other commenters questioned why the project would be routed in rural land and affect rural landowners when users in urban centers would be the principal beneficiaries of the project.

3.4.9 Geology and Soils

Fourteen (14) comments were received on geology and soil resources. The majority of the comments requested that sensitive and erodible soils and geologic features such as sinkholes and underground limestone caverns be avoided when routing the project. One commenter specifically requested that Pine Creek and Root River, which flooded, experienced mudslides, and were designated Federal Disaster Areas two years ago, be avoided by the project. Other commenters requested that the bluffs and other sensitive areas surrounding the Mississippi River, Black River, and Cannon River be avoided so that these sensitive features are not impacted by the project. It was also requested that mitigation of soil compaction and damage caused during construction and operation of the project be considered in the EIS.

3.4.10 Health and Safety

Ninety-four (94) comments were received regarding health and safety concerns related to the project. Several commenters requested that the EIS include assessment of detrimental direct and indirect impacts on human and animal health related to exposure to stray voltage or EMF emissions from a transmission line and include mitigation measures such as burying the transmission line. The commenters also spoke to the lack of sufficient information and conclusive studies on the connection between health effects and EMF, and requested that the EIS address the possible correlations. Specific diseases including cancer, adult and childhood leukemia, chronic fatigue syndrome, Alzheimer's disease, sudden infant death syndrome, amyotrophic lateral sclerosis, breast cancer, and a general increase in health risks were mentioned. Another commenter questioned the effect of EMF on pacemakers and defibrillators. Comments regarding the potential loss of production of dairy herd grazing in close proximity to a transmission lines were also received. Other health and safety comments included concerns about accidents, catastrophic failure due to adverse weather, being shocked by operating farm equipment under a transmission line, and clearance required to safely operate equipment under a transmission line.

3.4.11 Historic and Cultural

Nineteen (19) comments were received on cultural resources. Commenters requested that resources be avoided, such as, century farms, places currently or nominated to be on the National Registry of Historic Places, historic farms, historic school houses, cemeteries, archeological sites, historic trails, and

homesteads. Other specific locations mentioned include Mount Trempealeau and Laura Ingalls Wilder Historic trails and homestead. Tribal representatives explicitly asked that specific areas of tribal importance be avoided including active tribal ceremonial sites, grave sites along the Mississippi River protected under Native American Graves Protection and Repatriation Act (NAGRPA), Native American cave and mound burial sites, vision quest sites, and architectural property, archeological sites, culturally sensitive sites, or traditional cultural properties significant to the Ho Chunk Nation. In addition, tribes requested to be included in the formal Section 106 process by being provided with cultural resource studies and archeological reports and offered to host site visits with the RUS.

3.4.12 Interconnection to Generation

Twelve (12) comments were received regarding the project's interconnection to a generation source. Most of the comments were inquiries regarding the kind of generation that would be energizing the project if built. Some commenters advocated locally generated energy and wind generated energy on the transmission lines, while others expressed their opposition to the lines carrying energy from coal generation. Those commenting on coal generation also requested that adverse environmental impacts caused by coal generation be assessed in the EIS, including air pollution, emissions, and global warming.

3.4.13 Land Rights and Easement Acquisition

Twenty-two (22) comments were received on land rights and easement acquisition. Most of the commenters questioned the process of easement acquisition, compensation for direct and indirect decreases in land and property value, allowable uses within an easement, eminent domain, maintenance, repairs, and easement valuation. Other commenters questioned the safe and allowable distance between a home and a transmission line, addressed avoiding properties that already have a utility easement, and questioned the fairness of placing the project on properties that do not directly benefit as a result of the project. Commenters also raised concerns about taking easements from landowners who own a small parcel of land. Commenters requested that all project activities remain within the ROW.

3.4.14 Land Use

Eleven comments (11) were received regarding land use. Commenters requested that direct and indirect impacts to current and future land use be examined in the EIS, to include agriculture, forests, river valleys, Mn DNR forestry management areas, sensitive land uses, businesses, recreational land, residential areas, and commercial land use. Specific concerns included the encroachment on the Peerless Chain Company property.

3.4.15 Noise

Five (5) comments were received regarding noise. The comments focused on the audible hum of transmission lines or the whistling that occurs in windy conditions. The commenters requested that noise impacts to quiet rural areas, noise, residential, recreational, and wildlife preservation areas where background noise is generally quiet and characterized by wind, insect, and bird noises be analyzed in the EIS.

3.4.16 Process

One hundred twenty-five (125) comments were received on the various regulatory and planning processes the project is subject to prior to construction. These comments included questions and requests about the adequacy and legality of the federal, state, local, routing and planning processes used in the project. Comments received regarding the EIS and federal permitting process asked for the EIS to analyze direct, indirect, and cumulative impacts across a variety of resources, including the Mississippi River crossing, National Scenic Byways, federally protected wildlife areas, and social and economic resources. A commenter also requested that the EIS independently verify the project's need articulated by the proponent and include information, illustrations, and modeling for the transmission line structures and substations, river crossings, system alternatives, noise impacts, EMF, and mitigation measures for all resources. An explanation was also requested regarding the purpose of the scoping process, and specifically why public comments were not gathered prior to public scoping on the AES and MCS documents. Commenters also requested that other federal, state, and local regulations are met and agencies be provided the opportunity to be involved in the process. Specific agencies mentioned include the FAA, USFWS, Mn DNR, WDNR, and other state and local agencies, as well as the Ho-Chunk Nation Tribe, the Oneida Nation of Wisconsin, Mille Lacs Band of Ojibwe, and other tribes in Wisconsin. In addition, some commenters questioned the accuracy of the data used in the planning stages.

Many of the process comments were regarding the adequacy of the public meetings, and the information provided. Commenters made note of information provided by staff and raised the question of veracity of the information. Some commenters believed the proponent's discussion of project need was not sufficiently presented at the public scoping meetings. Additional comments regarding the need for the project are included in section 3.4.19 Purpose and Need.

3.4.17 Project Alternatives

Eighty-three (83) comments were received regarding project alternatives. Commenters provided suggestions for reasonable system alternatives to be included in the EIS: local generation and transmission, conservation, alternative sources of energy, renewable energy, nuclear energy, incentivized conservation, postponement, undergrounding, decentralized energy, load management, upgrading existing transmission lines, smart grid technology, and the no build alternative. Specific commenters requested that RUS choose alternatives that do not conflict with NPS and Wildlife Area policies.

3.4.18 Public Facilities or Uses

One (1) comment was received regarding public facilities or uses. Mn/DOT stated that safety rest areas cannot be encroached by utility lines or structures.

3.4.19 Purpose and Need

One hundred forty-three (143) comments were received regarding the project's purpose and need. Most of the comments questioned the legitimacy of the need provided by the utilities and requested that the EIS independently verify the need for the project and review the background data used to create the need justification including load forecasts, assumptions, data, and projections. The EIS should also explain the regulatory criteria for approval of load forecasts applicable to the Proposal and provide a thorough and

independent review of all forecast data and assumptions. The EIS should specifically analyze the degree to which the load forecast assumptions of the project proponents reflect load management and conservation. Some other commenters also suggested that the real need for the project is to create profit for the private power suppliers that have ownership in CapX2020. One specific comment questioned whether the project is appropriate for borrowing per the Rural Electrification Act, since according to the commenter, regional and urban centers created the need and will benefit from the project, not rural areas.

3.4.20 Recreation

Fourteen (14) comments were received on recreation resources. Most of the commenters requested that recreational areas be preserved and avoided. Specific areas and activities included the Woodland Camp, Camp Victory, the Zumbro River Valley, Lake Zumbro, useable lakes and rivers in southeastern Minnesota, Steeplechase Ski and Snowboard Area, the bluffs near the Mississippi River, hunting grounds on private and public property, fishing areas, hiking areas, campgrounds, trails, and parks.

3.4.21 Residential

Ten (10) comments were received regarding proximity to residences. Most of the commenters requested that residences, family farms, and future home sites be avoided. Other commenters asked that data gathered at public meetings be added to maps and current data be reviewed and updated regarding the location of homes in the project area.

3.4.22 River Crossings

Three (3) comments were received regarding the potential river crossings identified as part of the proposed project. Commenters request that the direct and indirect impacts of the Mississippi, Black, and Cannon River crossings; long-term maintenance; and cost of the crossings be analyzed in the EIS. One specific commenter asked that the transmission lines not create a barrier for migratory birds in the flyway. Another commenter stated that the Cannon River should be avoided because it is designated as part of the Minnesota Wild, Scenic and Recreational Rivers Program, defined as rivers, along with their adjacent lands, that possess outstanding scenic, scientific, historic, and recreational resources. Commenters also requested that disturbed riparian areas be kept to a minimum for project construction.

3.4.23 Route Alternatives

One hundred seventy-seven (177) comments were received suggesting route alternatives. The comments varied from general routing suggestions to route specific comments. Some of the general comments included recommendations that existing corridors, ROWs, roads, rail lines, fence lines, property lines, non-farmable areas, established commercial and industrial corridors, and transmission lines should be paralleled and used when choosing the final route. Commenters also asked that existing residences and farms, private land, existing pipeline easements, rural river valleys, farmland, an agricultural protection district (A1) as specified in Goodhue County Zoning ordinance, existing contour terraces, bluff country, dairy farms, major roads, McCarthy Lake Wildlife Management Area (WMA), the Zumbro River Valley, the Mississippi River corridor, and Weaver Dunes be avoided when choosing the final route. One comment suggested that properties with existing transmission lines be avoided, in order to limit cumulative impacts of additional transmission lines. Other commenters suggested that the project

should be routed through wildlife areas, wetlands, woodlands, and public Mn DNR land to avoid impacts to populated areas and agricultural land. Some commenters emphasized that the shortest and least expensive route should be used, and that the displacement of people should be avoided. Commenters also recommended that the project should be routed where it is needed, near population centers of Rochester and La Crosse and Highway 52. A comment was submitted requesting that the EIS include analysis of various corridor alternatives to determine which corridor would minimize impacts. A common request was to underground the entire project.

The following is a bulleted list of route alternative comments. The comments presented here are the opinion of the commentor and not necessarily fact. The list is organized by geographical location of the proposed transmission line routes:

Hampton to North Rochester Substation Siting Area

- Consider routing along Highway 52, it reduces impacts on rural landscape, agricultural communities, and native wildlife and plant communities.
- Combine existing line and new project to reduce impacts along Highway 52.
- A5 (Highway 52) is preferred over A6 and A122, because the other routes would cut cross-county and be harder to construct.
- Highway 52 is preferred because it would cause fewer impacts to residences, schools, cropland, and wildlife habitat.
- The Highway 52 alternative is better than the Highway 60 alternative, which is 17 miles longer, encumbers small farms, and razes sensitive forest and wetland areas.
- Avoid irrigation system on the Syngenta Farm near Route A120.
- Avoid Crossing the Cannon River in areas designated Wild, Scenic and Recreational by the state of Minnesota.
- Combine existing transmission lines and the new project route A70 into one corridor in Section 34 of Wanamingo Township.
- Avoid contour terraces built for agriculture in Warsaw Township.
- Avoid the homes near Highway 60.
- Highway 60 is the preferred route to get from Zumbrota to Kenyon.
- The route west of Highway 56 should be avoided because of potential impacts to shrike populations.
- Avoid the farm at 22075 Northfield Boulevard, located northeast of Hampton, Minnesota, because of the huge agricultural and financial impact the route would have on its owners.
- Avoid interruption to overlapping irrigation system on farm located on the northeast quarter of Section 4, and northwest quarter of Section 3 in Hampton Township.
- Avoid a property located directly west of the southern stoplight on Highway 52 in Cannon Falls that hosts an old growth Burr Oak forest that should be preserved.
- If route A4 is chosen, re-route the transmission so that it parallels field lines and property boundaries and does not cut across fields and interrupt pivot irrigation system.
- To avoid interruption to farming activities of landowner who owns multiple parcels, re-route the transmission line out of the field located near segment A-66, Section 31 of Wanamingo Township. The re-route should start one-half mile west of 70th Avenue, run north at 70th Avenue for one-quarter mile, and then run west along the property line.

- Near route segment A-67, along Highway 60, Xcel already owns structures and has an easement in the field. The segment should be re-routed to parallel the existing line. This re-route would allow access for construction and maintenance and enable the landowner to continue aerial application of fungicides.
- The route should avoid impacting future development in the city of Cannon Falls, which is planning a road improvement and light rail project.
- The route that follows 50th Avenue would impact less residential housing and farmland than the alternative.
- The City of Hampton prefers that the route is moved to the eastern city limits so the project does not affect future development.
- The proposed route crossing of the Cannon River, located in an undisturbed area, would cause substantial negative impacts. New alternatives should be developed for crossing the Cannon River that should be limited to existing disturbed corridors such as highways or existing transmission lines.
- Private land should be avoided, instead parallel Highway 35W near Northfield and Owatonna to Rochester and then parallel I-90 east.

Zumbro River Crossing Area

- The 345 kV route in the highly densely populated areas near Oronoco should be re-routed to the sparsely populated areas to the north.
- Route B102 should be avoided because there is a major water runoff and deep ditches underneath the route.
- The southern option in this area is the best route because its flatter, has less homes, and less trees than the northern option.
- The route combination of B28, B91, B111, B93, B161, and B162 should be used.
- Segment B32 should be avoided because it's a fencerow, windbreak, a stand of 100 year old oak trees, and habitat for pheasants, deer, turkeys, birds, bees and butterflies.
- There are alternative routes for every other segment except the one that crosses about 2.5 miles of the farm at 46998 170th Avenue near Zumbrota, Minnesota.

Mississippi River Crossing

- **Alma**
 - County Highway 12 and 247 are preferred over locations without existing linear features.
 - Avoid crossing the Mississippi River at segments listed on the Nationwide Rivers Inventory.
 - The project should be buried where the route crosses the Upper Mississippi River National Wildlife and Fish Refuge to avoid negative impacts.
 - Segment B27 should be avoided because it's one-quarter mile from a home near Hammond, Minnesota.
 - The area north of the project area is better for transmission lines than the current corridors.
 - There are American bald eagle nests that should be avoided near the river bluffs, Camp Victory, and Woodland Camp on segment B18.
 - Route combinations B93, B159, and B162, or B93, B161, and B160 would cause less impact to homes, dairy farms, and agricultural use than the alternatives.

- Route combination B28, B111, B91, B93, B161, and B162, located in agricultural land, is preferred over the alternative B27, which is located through the Richard J. Dorer Memorial Hardwood State Forest.
 - B45 or B46 are preferred over B119, which is located through a residential yard.
 - If the Alma option for the Mississippi River crossing is chosen, MNDNR recommends that the existing 69 kV transmission line be paralleled past the Woodbury Wildlife Management Area near Zumbrota, Goodhue County, Minnesota.
- **Winona**
 - Avoid the future RTP Company manufacturing sites that have been engineered and excavated. The future manufacturing sites are located near Winona, at 1416 and 1510 East Eighth Street and 1050 East Fourth Street.
 - Avoid impacts to the Mississippi River downstream of segments designated Wild and Scenic and listed on the Nationwide Rivers Inventory.
 - The project should be buried where the route crosses the Upper Mississippi River National Wildlife and Fish Refuge to avoid negative impacts.
 - If the Winona location for the Mississippi River Crossing is chosen, reduce visual impacts by placing the route on the east side of the last bluff as it descends toward the river and crosses Highway 61.
 - The route along I-90 is preferred over the option along Highway 25.
- **La Crescent**
 - Choose the route along the Interstate 90 existing corridor. The La Crescent Mississippi River crossing location is preferred over the alternatives.
 - The current proposed route runs over a dairy farm at 4329 75th street northeast, near Rochester. The segment should be re-routed to follow the east property line.
 - Avoid impacts to the Mississippi River downstream of segments designated Wild and Scenic and listed on the Nationwide Rivers Inventory.
 - There may be a conflict with this project and the future east circle bypass road project around Rochester. It's planned to be located in the same location near County Road 11, south of Viola Road, and north of County Road 9.
 - Route segments B120 and B119, and B117 are preferred over the alternatives.
 - The project should be buried where the route crosses the Upper Mississippi River National Wildlife and Fish Refuge to avoid negative impacts.
 - Segment B89 should be re-routed to avoid bisecting fields. The re-route should parallel County Road 11 south (near B160 on the map) or use segment B159.
 - The route located near 4313 Highway 247 northeast, in Elgin, should be re-routed so it parallels the property line that runs north and south and moved 1.5 miles to the east along Olmsted County Road 11. It should extend to the north and connect to one of the routes running east west.
 - Segments B112 and B89 would impact multiple dairy farms in Farmington Township, Minnesota. Segments B159 and B160 are preferred because they do not affect any dairy farms, the route is more direct, it affects less homes, and is routed through cropland.

- The project should be routed along existing Interstates 90 and 94.
- Segment B120 is routed behind a lot of properties, which is better than the alternatives that are in the front of many properties.
- Segment B47 would be easy to access by using County Road 11.
- Consider an alternative route through the Pfeiffer Valley, which could hide the lines below the skyline and reduce visual impact.
- The area to the south of I-90 should be avoided because it is rich in bluff land habitat for the timber rattlesnakes, which are protected under Minnesota endangered species law. If the project were routed here, it would increase fragmentation of habitat and result in negative edge effects.
- The La Crescent Mississippi River Crossing location would be more expensive, damaging, and difficult due to terrain than the other options. The La Crescent option would also destroy the view of the Mississippi River and the bluffs.

Wisconsin Routes

- Avoid crossing the Black River in segments designated Wild and Scenic and that are also listed on the Nationwide Rivers Inventory.
- Consider routes on Highway 35 that avoid impacts to farmland.
- The existing lines to Arcadia should be paralleled.
- Do not use the Arcadia and Blair routes as there are many hills that present a challenge for construction. An alternative would be to route the project parallel to Interstate 90 from Rochester to La Crosse, or parallel existing lines from Alma and Trempealeau into La Crosse.
- The Q1 line in Wisconsin should be used as a route corridor, because there are fewer people than the other alternatives.
- The existing La Crosse Substation should be expanded for this project.
- Under segment C68, two existing structures should be replaced with one new double circuit pole in the field so the owner can use pivot irrigation instead of traveling guns, which use more electricity. The referenced property is located at N11794 Fremont Street in Trempealeau, Wisconsin.
- The Wisconsin Great River Road National Scenic Byway should be avoided by this project because of potential aesthetic impacts and encroachment on the various intrinsic byway features.
- WDNR requests that the La Crosse Marsh and Van Loon State Wildlife Area be avoided.

161 kV Transmission Line

- The Douglas Trail route is preferred over the alternatives because it takes advantage of the abandoned railroad corridor.
- The 161 kV route in the densely populated areas near Oronoco should be re-routed to the sparsely populated areas to the north.
- The western alternative is a better option because there is an existing ROW for People's Cooperative transmission lines, it is shorter and straighter and there are fewer homes.

3.4.24 Social and Economic

Eighty-two (82) comments were received regarding social and economic resources. Most of the commenters requested that direct and indirect impacts to social and economic resources be analyzed in the EIS. Specific concerns and issues were regarding impacts to agriculture-based businesses,

recreation businesses, property and home values, re-sale value of property, taxes, land- and property-based income sources, visual resources that provide values to properties, tourism and the resources it is based on, electricity rates, businesses, and future development. Comments were also received questioning the continued viability of small farms that might be part of a final alignment and therefore host an easement. Many commenters addressed financial compensation for decreases in home, farm, and property values that are directly or indirectly impacted by the proposed project. Others questioned the source of project funds and wondered about other potential use for the money.

3.4.25 Transportation and Access

Two (2) comments were received on transportation and access. One requested that private airports be considered during the routing process. The other commenter requests that impacts to private drives be avoided.

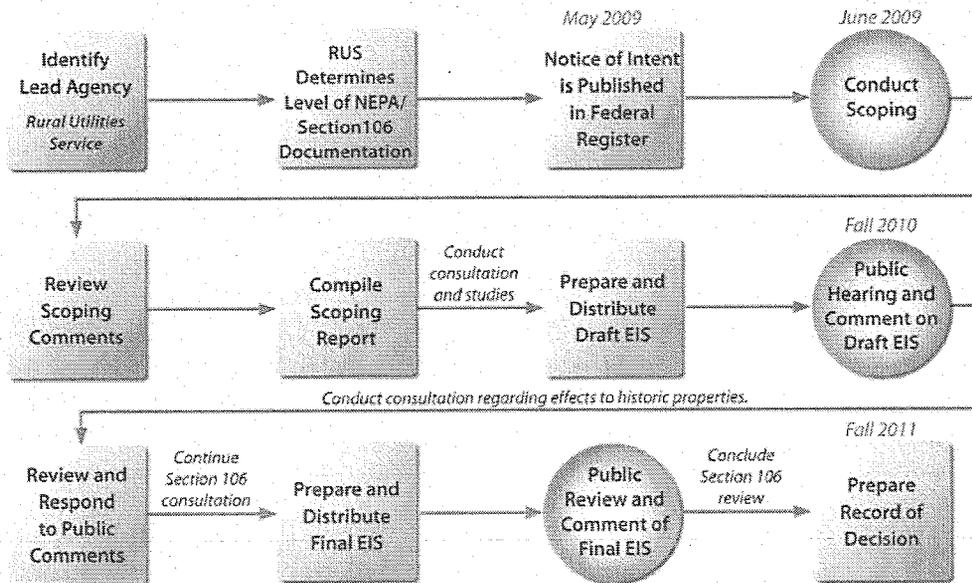
3.4.26 Visual

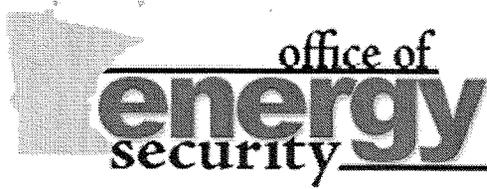
Fourty-four (44) comments were received regarding visual resources. Many commented that transmission lines are ugly, unsightly, and eyesores. Others requested that the EIS address direct and indirect visual impacts to specific resources ranging from the National Scenic Byway located in Minnesota and Wisconsin, the Mississippi River channel, Van Loon Wildlife Area, scenic byways, neighborhoods and homes, Lake Zumbro, rural agricultural communities, waterways, wetlands, and recreational areas. The EIS should analyze the degree to which the proposed project would impact features like these for tourism, recreation, and enjoyment across all the alternatives. Mn DNR submitted comments stating a permit would not be granted for any type of construction within a statutory boundary of a state park, and if the project is proposed proximate to a state park, the EIS should include a viewshed analysis of impacts to park visitors. Mn/DOT indicated that they will strictly enforce vegetation management requirements at safety rest areas for aesthetic reasons.

4.0 Project Schedule

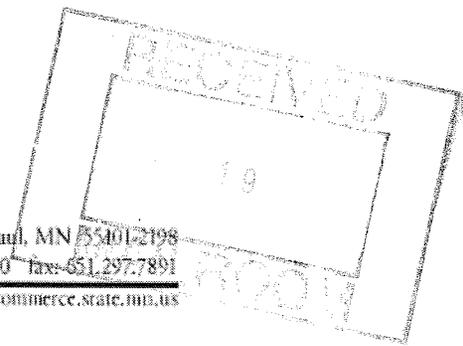
RUS will prepare the Draft EIS and anticipates distribution in summer 2010. A public review, public meeting and comment period on the Draft EIS would occur in that same timeframe. Additionally, RUS will engage in necessary agency consultation and coordination regarding potential effects to resources will be conducted. RUS will continue to review and respond to substantive comments provided to them. A Final EIS will be prepared and distributed in late 2010 with an opportunity for the public to review and comment on the Final EIS. A Record of Decision is anticipated to be published in spring 2011.

Federal Review Process





85 7th Place East, Suite 500, St. Paul, MN 55401-2198
main: 651.296.4026 tty: 651.296.2860 fax: 651.297.7891
www.commerce.state.mn.us



PUBLIC COMMENT SHEET

CapX Hampton-Rochester-La Crosse Transmission Line Project

PUC Docket Number: E002/TL-09-1448

Name:

Jon Page

Representing:

owner Lova Family Farms / renter Jon and Jason Page

Address:

51136 230th Ave.

Email:

None

Comments:

We would very much appreciate it if you could run your power line through the north end of the 40 acre piece we rent from Lova Family Farms. It's in a C.R.P. program and would not bother us if it went across CRP. acres. Enclosed is a field map showing the CRP. acres.

507-356-8839

Jon Page
51136 230th Ave.
Pine Island, MN 55963

Please submit comments by 4:30pm, May 20, 2010 to:

Matthew Langan
Minnesota Dept. of Commerce
85 7th Place East
Suite 500
St. Paul, MN 55101-2198

Email: matthew.langan@state.mn.us
Phone: 651-296-2096
Fax: 651-297-7891

Postage
Required

TO: Matthew Langan
Minnesota Dept. of Commerce
85 7th Place East
Suite 500
St. Paul, MN 55101-2198



SPORTSMEN Hunters Fishermen

What Our Book Can Do For You

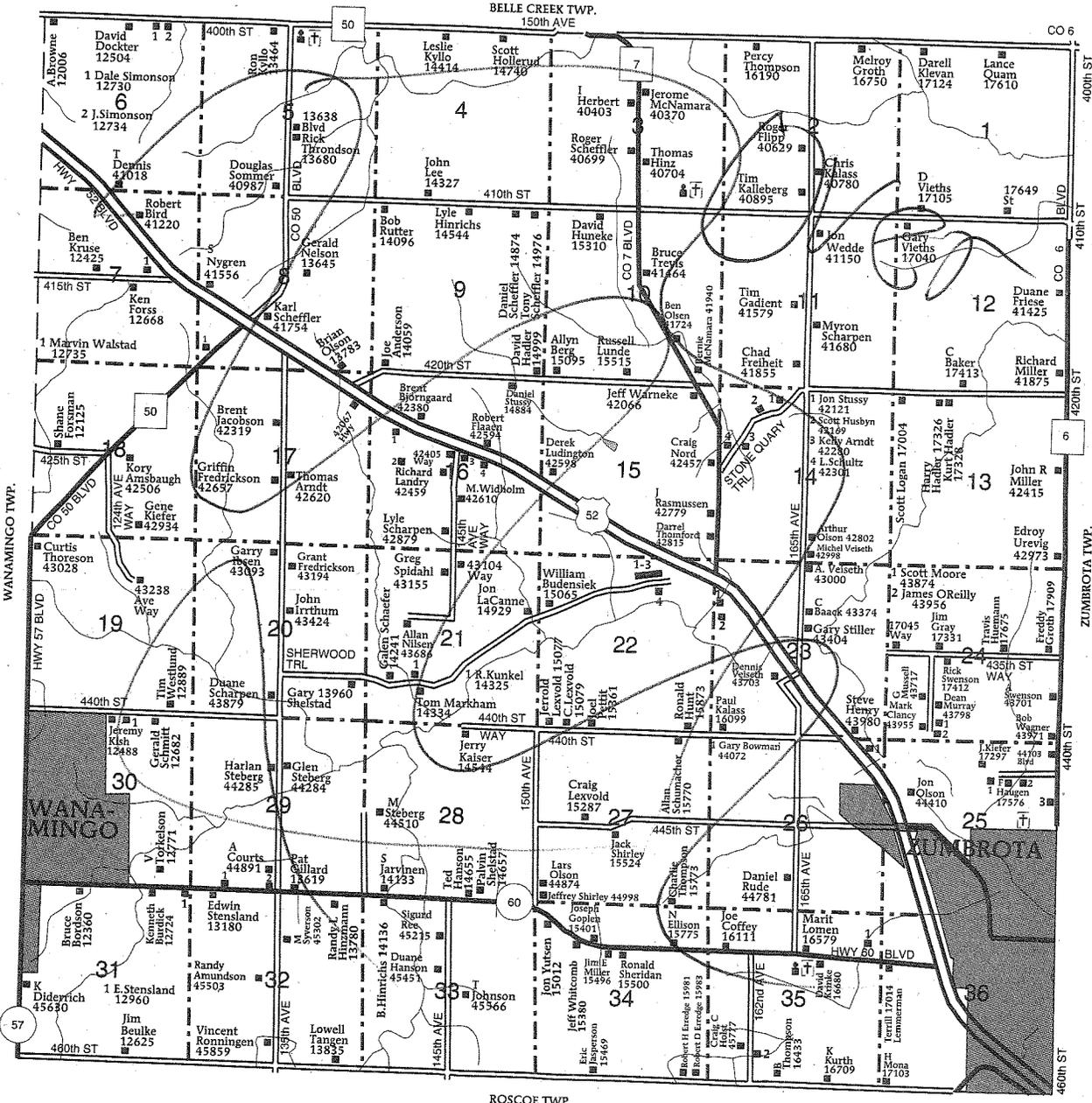
- Find hunting and fishing areas owned by U.S. Wildlife or Game & Fish Depts.
- Identifies names of rural residents and landowners to obtain permission to hunt and fish.
- Find the best and shortest routes and identifies the type of roads, like paved, gravel, etc.
- Two page county map.
- Yearly updated Township maps

T-110-N

MINNEOLA DIRECTORY

(Residents - Owners or Renters)

R-16-W



MINNEOLA TOWNSHIP

- SECTION 8**
 1 Leffingwell, Raymond 41989
- SECTION 16**
 1 Krusmark, Jonathon 42303
 2 Flaaen, David 42505
 3 Peteler, M 42400
 4 Barck, Michael 42593
- SECTION 22**
 1 Campbell, Tina 15733

- 2 Udenberg, Richard 15771
 3 Rowell, D 15795
 4 Weber, Rob 15788

- SECTION 23**
 1 Horsman, David 16005
 2 Budensiek, Mike 16106
- SECTION 25**
 1 Thomforde, Lawrence L 17468
 2 Magnuson, Ken 17610
 3 Webster, Tom 44433

- SECTION 29**
 1 Theel, Bill 13251
 2 Flaaen, Phillip 13537
- SECTION 30**
 1 Quam, Robert 12520

- SECTION 35**
 1 Bohnsack, Roger 16919
 2 Minter, Marshall 45810

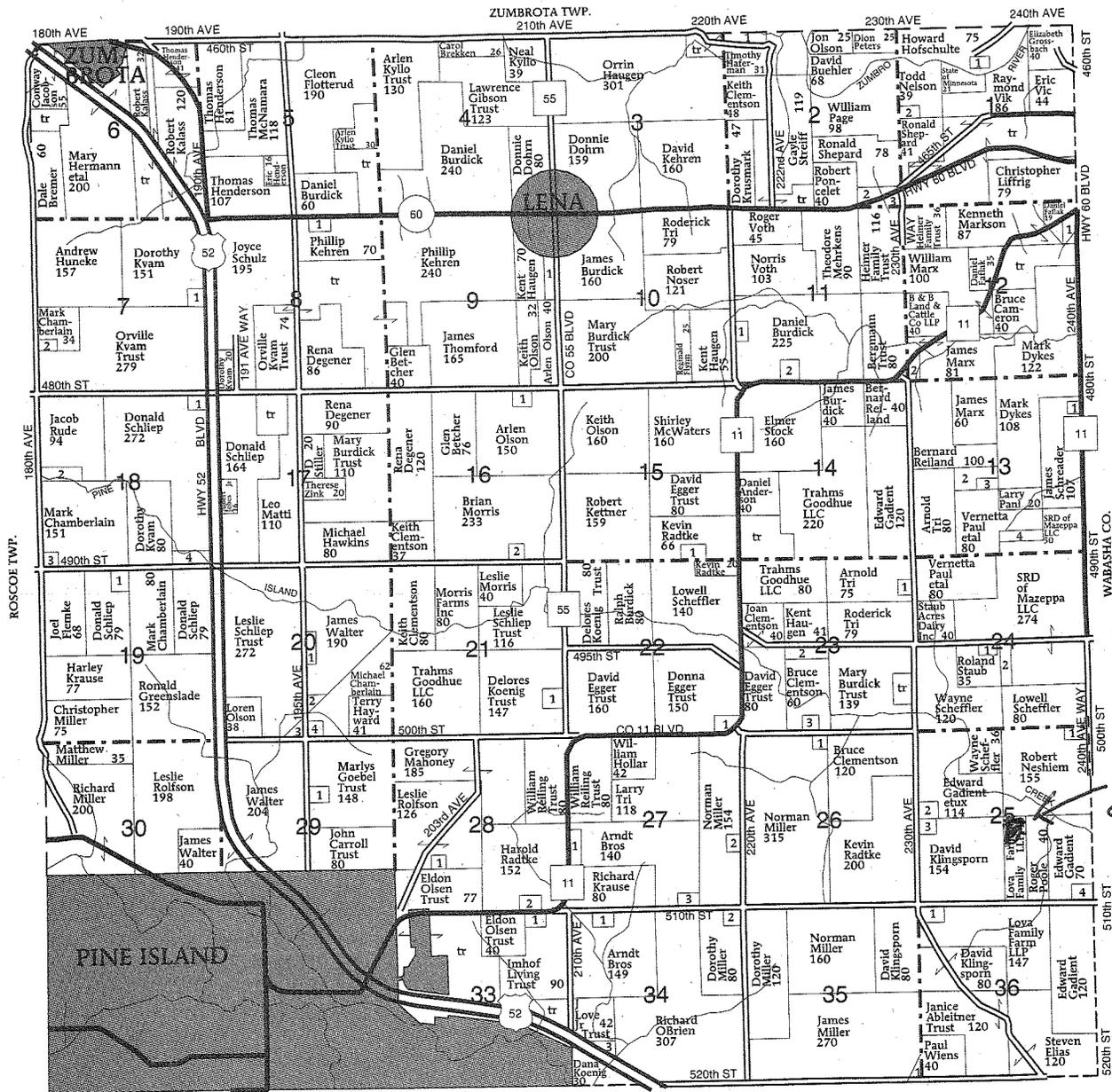


Please be extra careful when driving near schools, public play areas and wherever a bus is loading or unloading children.
It's always smart to play it safe!

T-109-N

PINE ISLAND PLAT

R-15-W



OLMSTED CO.

PINE ISLAND TOWNSHIP

- SECTION 1**
 1. Hofschulte, Brian 5
 2. Bridley, Dean 10
- SECTION 2**
 1. Ladue, Stephen 9
 2. Hinrichs, Scott 9
 3. Laxvold, Thomas 10
- SECTION 7**
 1. Gillard, Douglas 9
 2. Janssen, Jay 5
- SECTION 8**
 1. Morrow, Gerald 10
- SECTION 9**
 1. Burdick, James 10

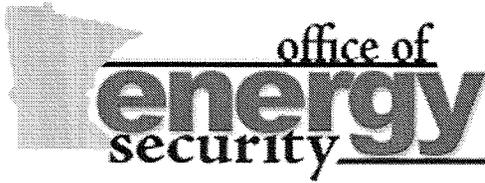
- SECTION 11**
 1. Schumacher, Karl 5
 2. Nelson, Jennifer 10
- SECTION 12**
 1. Petell, Cory 7
 2. Bergmann Trust 7
- SECTION 13**
 1. Deutsche Bank National Trust 5
 2. Marx, William 15
 3. Dykes, Mark 5
 4. Klingsporn, Katherine 10
- SECTION 15**
 1. Dugstad, Bradley 14

- SECTION 16**
 1. Olson, Randy 10
 2. Segraves, Kathleen 6
- SECTION 18**
 1. Billman Properties LLC 5
 2. Thomford, Paul 15
 3. Torgeson, Randy 5
 4. Unterborn, Steven 11
- SECTION 19**
 1. Lynch, Paul 11
- SECTION 20**
 1. Ganz, James 7
 2. Manthei, Dale 8
 3. Graham, Timothy 5
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 1. Bertschinger, Jeffrey 14
- SECTION 22**
 1. Berryhill, David 9
- SECTION 23**
 1. Finnesgard, Joshua 5
 2. Clementson, Scott 13
 3. Gillard, Jesse 7
- SECTION 24**
 1. Smith, Patrick 5
 2. Scheffler, Wayne 6
- SECTION 25**
 1. Chioldo, Tamra 5
 2. Gadiant, Peter 10
 3. Klingsporn, Joseph 6
 4. Kerkhoff, Randall 10

- SECTION 26**
 1. McNamara, Gerald 5
- SECTION 27**
 1. Prather, Raymond 13
- SECTION 28**
 1. Grout, Gordon 8
 2. McNallan, Cary 8
- SECTION 29**
 1. McNamara, James 10
- SECTION 33**
 1. Brehmer, Kimberly 6
- SECTION 34**
 1. Arndt, David 11

- SECTION 35**
 1. Simpson, Jeffrey 10
- SECTION 36**
 1. Page, Jason 13



85 7th Place East, Suite 500, St. Paul, MN 55101-2198
main: 651.296.4026 tty: 651.296.2860 fax: 651.297.7891
www.commerce.state.mn.us

PUBLIC COMMENT SHEET

CapX Hampton-Rochester-La Crosse Transmission Line Project

PUC Docket Number: E002/TL-09-1448

Name:

Vernetta Pahl

Representing:

Address:

*206 N.E. 1st Ave.
Pine Island, MN. 55963 - 9720*

Email:

Comments:

Concerning our farm (etal) where our son, daughter-in-law, and little granddaughter live. We are concerned about the impact on them and the horses they have and ride throughout the area and including the woodland on the east and North areas around the farm.

Please submit comments by 4:30pm, May 20, 2010 to:

Matthew Langan
Minnesota Dept. of Commerce
85 7th Place East
Suite 500
St. Paul, MN 55101-2198

Email: matthew.langan@state.mn.us
Phone: 651-296-2096
Fax: 651-297-7891

Langan, Matthew (COMM)

From: Phil & Colleen Pawlenty (PNC Construction, Inc.) [pncpawlenty@bevcomm.net]
Sent: Thursday, May 20, 2010 3:22 PM
To: Langan, Matthew (COMM)
Cc: pncconstruction@bevcomm.net
Subject: PUBLIC COMMENTS REGARDING CAPX2020
Importance: High

MOES
 85 7th Place E Suite 500
 St Paul, MN 55101

Attn: Matt Langan

RE: CAPX2020 (PUC Docket Number: E002/TL-09-1448)

We are writing to voice our concerns with the transmission line project scheduled to go through our town of Cannon Falls.

Our main points of concern are as follows:

1.) Our church and children's school (St Paul's Lutheran 30289 59th Ave Way, Cannon Falls) is located right in the path of the preferred line. This CAN NOT HAPPEN!!! If it can be moved for the Buddhist temple in Hampton, then it can be moved far away from our children too!! Our family along with many others, spend 6 out of 7 days at this school/church. It will have huge effects on our congregation including, but not limited to, noise, aesthetics, recreation, health and safety. PLEASE DON'T ALLOW IT NEAR OUR SCHOOL.

2.) We have concern with the effects of our health and safety also. There have been studies done dating back to 1979 that show exposure to magnetic fields from power lines are associated with an elevated risk of childhood leukemia, cancer, as well as neurodegenerative diseases in adults. Some of these were done in Colorado and also New York. There is an admittance that there needs to be more in depth studies done to determine the severity of the effects, but we cannot ignore the overwhelming evidence of the adverse effects of living next to these lines! We need electric industries to be proactive in developing products that can be used with reduced exposures. These companies have to have the ability to reduce the EMFs, please make them build lines that produce lower level of EMFs. PLEASE LOOK AT NON-BIASED FACTS (not just the utility companies studies) ON THE HEALTH AND SAFETY OF HIGH VOLTAGE POWER LINES...and ask yourself if you would want you and your family to live next to these!!

"AN OUNCE OF PREVENTION IS WORTH A POUND OF CURE."

Principle 15 from the 1992 Convention of the United Nations Environment Programme states: "In order to protect the environment, the pre-cautionary approach shall be widely applied by states according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation."

3.) We have concern about the NEED of this project....please re-look at this point!?!

5/20/2010

(I have attached some writings on this topic)

Thank you for your time and look forward to reviewing the EIS.

Phil & Colleen Pawlenty

PNC CONSTRUCTION, Inc.

33034 58th Avenue Path

Cannon Falls, MN 55009

507.263.5329 or 651.216.2378

Fax 507.263.7906

pncpawlenty@bevcomm.net

"May You Always be Overwhelmed by the Grace of GOD Rather than by the Cares of Life".... 

Langan, Matthew (COMM)

From: Roger Poole [rbpoole@pitel.net]
Sent: Thursday, May 13, 2010 9:27 AM
To: Langan, Matthew (COMM)
Subject: CapX Hampton-Rochester-LaCrosse Transmission Line Project

Roger Poole
23637 510th st
Pine Island, MN 55963

Phone 507 356 2923
email: rbpoole@pitel.net

Goodhue County
Section 25 twp 109
Range 15

Subject: Public Comment

1. Issues

A. Aesthetic – After attending your meeting in Pine Island and getting a good look at the Primary Route of CapX2020 we realized that the power line would be on the north side and east side of our home. Each power line would clear out 140 ft of beautiful woods and destroy our view.

B. Loss of Property Value – This would be a turn off from other people buying our home, not just for health reasons but also for the noise and eye sore.

C. Shelter Belt would be damaged.

D. My property is in the Reinvest In Minnesota program and would require special issue permits from the state of Minnesota.

2. Solution

A. Use the Alternate Route of CapX2020 from Zumbrota to Alma this route is shorter and through an area with less population.

B. The Primary Route of CapX2020 goes towards Rochester and a heavily populated area. This would have a negative effect on more property owners. This route also crosses part of Lake Zumbro which would require additional environmental consideration. Why would you choose a longer more expensive route through a heavily populated area ?

Thank you,
Roger Poole

Langan, Matthew (COMM)

From: apache@web.lmic.state.mn.us
Sent: Thursday, May 13, 2010 8:54 AM
To: Langan, Matthew (COMM)
Subject: Poole Thu May 13 08:53:33 2010 E002/TL-09-1448

This public comment has been sent via the form at:
www.energyfacilities.puc.state.mn.us/publicComments.html

You are receiving it because you are listed as the contact for this project.

Project Name: Hampton to Rochester to La Crosse 345kV and 161kV Transmission Line

Docket number: E002/TL-09-1448

User Name: Roger Poole

County:

City: Pine Island

Email: rbpoole@pitel.net

Phone: 5073562923

Impact: 1. Issues A. Aesthetic - After attending your meeting in Pine Island and getting a good look at the Primary Route of CapX2020 we realized that the power line would be on the north side and the east side of our home. Each power line would clear out 140ft of beautiful woods and destroy our view. B. Loss of Property Value - This would turn off other people buying our home, not just for health reasons but also for noise and eye sore. C. Shelter Belt would be damaged. D. My property is in the Reinvest In Minnesota program and would require special use permits from the State of Minnesota. 2. Solution A. Use the Alternate Route of CapX2020 from Zumbrota to Alma. This route is shorter and through an area with less population. B. The Primary Route of CapX2020 goes towards Rochester and a heavily populated area. This would have a negative effect on more property owners. This route also crosses part of Lake Zumbro which would require additional environmental consideration. Why would you choose a longer more expensive route through a heavily populated area ?

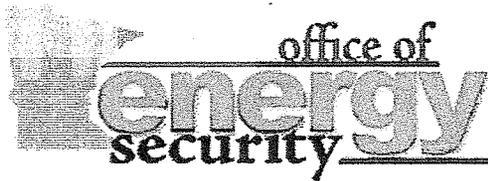
Mitigation:

Submission date: Thu May 13 08:53:33 2010

This information has also been entered into a centralized database for future analysis.

For questions about the database or the functioning of this tool, contact:

Andrew Koebrick
andrew.koebrick@state.mn.us



85 7th Place East, Suite 500, St. Paul, MN 55101-2198
main: 651.296.4026 tty: 651.296.2860 fax: 651.297.7891
www.commerce.state.mn.us

PUBLIC COMMENT SHEET

CapX Hampton-Rochester-La Crosse Transmission Line Project

PUC Docket Number: E002/TL-09-1448

Name: Roger Poole

Representing:

Address: 23637 510st

Email: rbpolee@p-tel.net

Pine Island MN 55963

Comments:

See enclosed information

Please submit comments by 4:30pm, May 20, 2010 to:

Matthew Langan
Minnesota Dept. of Commerce
85 7th Place East
Suite 500
St. Paul, MN 55101-2198

Email: matthew.langan@state.mn.us
Phone: 651-296-2096
Fax: 651-297-7891

Public Comment Sheet
CapX Hampton-Rochester-LaCrosse Transmission Line
Project

PUC Docket Number: E002/TL-09-1448

Roger Poole
23637 510 st
Pine Island, MN 55963

Phone 507 356 2923
email: rbpoole@pitel.net

Goodhue County
Section 25 Twp 109
Range 15

1. Issues

A. Aesthetic - Our home was designed to take advantage of a beautiful valley view which we thoroughly enjoy. The Primary Route of CapX2020 would take out a 140 ft wide swat of trees and replace this with a 345KV Power Line.

B. Loss of Property Value –Turn off from other people buying the home, not just for health reasons but also of the noise and eye sore.

C. Shelter Belt would be damaged.

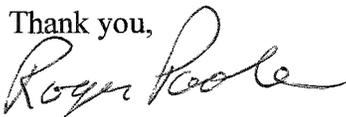
2. Solution

A. Use any one of the Alterative Routes.

B. The two Alterative Routes are shorter and less expensive.

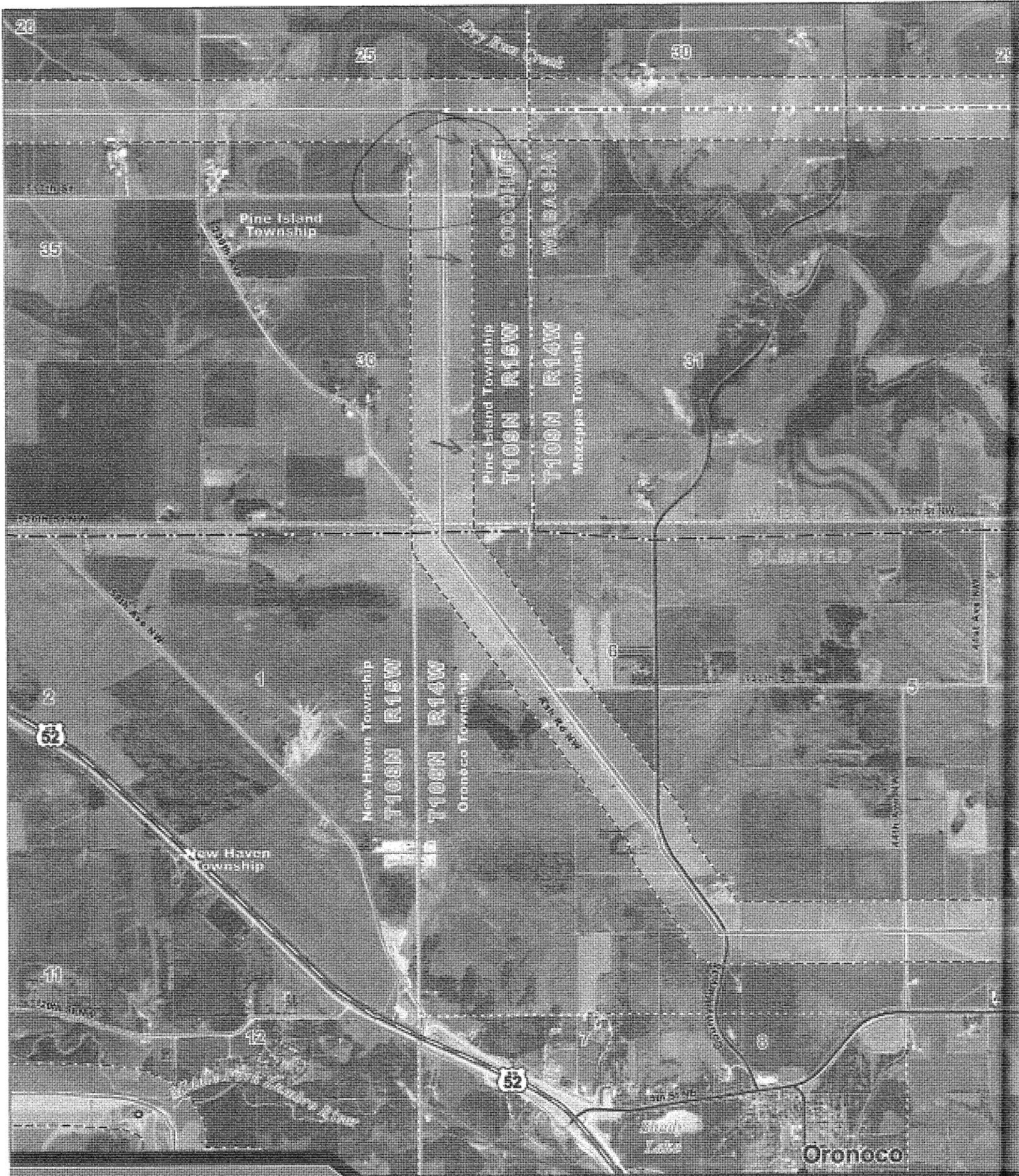
C. Move the Primary Route into the open field and save the cost of tree removal and brush control. This is with in the 1,000 ft Permit Range. See enclosed map.

Thank you,



Roger Poole
encl

Move Primary Route East to open Field



CapX2020

Hampton • Rochester • La Cro

Waterbury • Burlington • Woodbury • Vergennes • St Albans

Langan, Matthew (COMM)

From: barb prigge [barbeekay2000@yahoo.com]
Sent: Monday, May 17, 2010 4:52 PM
To: Langan, Matthew (COMM)
Subject: CapX2020
Attachments: map capx2020.jpg; map capx2020.jpg

Dear Mr. Langan,

I attended the CAPX2020 hearing held on May 5,2010 in Pine Island at 6:30 p.m. At that meeting you invited comments and I would like to provide you with some preliminary observations.

I own and live in a house situated on five acres on the Northwest corner of the intersection of 100th St. and 60th avenue NW. All five of my acres are within the area proposed by Xcel Energy for an easement. As shown on the map (attachment enclosed), the transmission line would be within a few feet of my home. It would disrupt 51 trees I have planted as a wind break.

On the "preferred" route between Douglas substation and Hampton, Minnesota there are 44 homes impacted. Eleven homes are red dots on the map denoting that the line will go through the properties shown.

On the "alternate " route covering the same area, the map reflects an impact on only 18 homes, only one of which is red.

When the impact on homes is compared, it is difficult to believe that the cost of the "preferred" route could possibly cost Xcel Energy less than the "alternate" route. At the same time it is clear that the cost to homeowners, aesthetically and functionally, will be much , much greater on the "preferred" route.

As a homeowner who has cherished and improved my home with trees, gardens, a swimming pool and a sun-room, and who intended to live in my home the rest of my life, I urge you to adopt the "alternate" route. I believe the "preferred" route will essentially destroy the home I love.

I am a 64 year old widow, I have buried, my parents, a son and my husband. I have had cancer twice and cherish each day I am alive. Life can be a struggle for me, I pray you will consider my proposal. I am one worried widow right now. Thank you Barbara Prigge.

I hope my attachment came through It is on page 39 of the first correspondence from you. The red dot to the east of the number 24. Thank you.

Power Line Comments
PUC Docket No. TL-09-1448

The development of residential area's to the northeast and east of Pine Island as spin off to Elk Run bio business development. Would increase cost of power line lease/easements as land values would be higher than the proposed Alternate route to the north closer to Hwy 60.

Future planning for an area to be set aside for a corporate business airport north of Elk Run approximately 20 years into the future. The terrain most adaptable for this purpose located in Section 27 and 28 of Pine Island Township.

Approximate non WAAS GPS coordinates for runway location

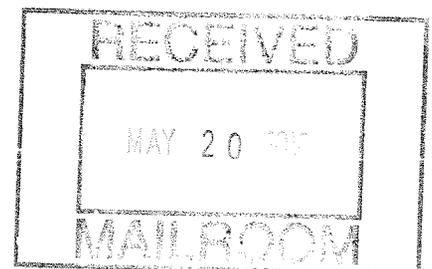
In Section 27	44 12.51 N	92 35.43 W
In Section 28	44 13.13 N	92 36.58 W

Expected traffic saturation at the Minneapolis airport can be offset with the high speed commuter rail connecting Minneapolis, Cannon Falls, Zumbrota, Elk Run, Rochester, and Rochester airport. A alternate plan for high speed (bullet train concept) rail from Minneapolis to Rochester airport and east to Milwaukee and Chicago. Thus increasing Airline traffic at the Rochester airport would act as reliever airport.

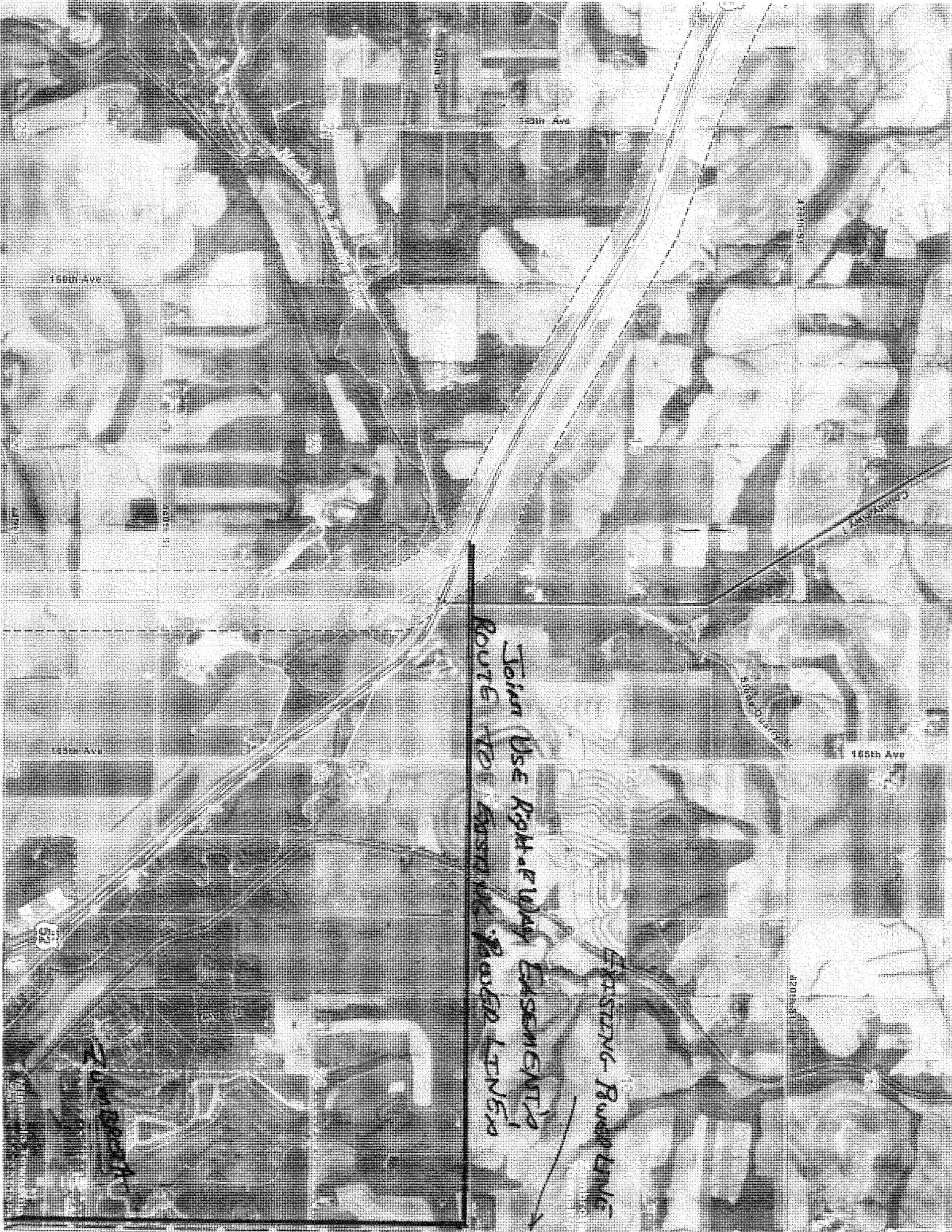
The current preferred siting should be changed to the alternate route plan to the north for the 345 KW line going east to Alma and the 161 KW line to be co located with the current line (north south) that passes through the siting area and to the west of Pine Island and use the alternate planed route to Rochester.

Respectfully Submitted
Harold Radtke
haroldradtke@yahoo.com
507-254-8511

See attached map copies



ALTERNATE TO SOUTH OF ZUMBROTA - 1/2 SUB STATION AREA

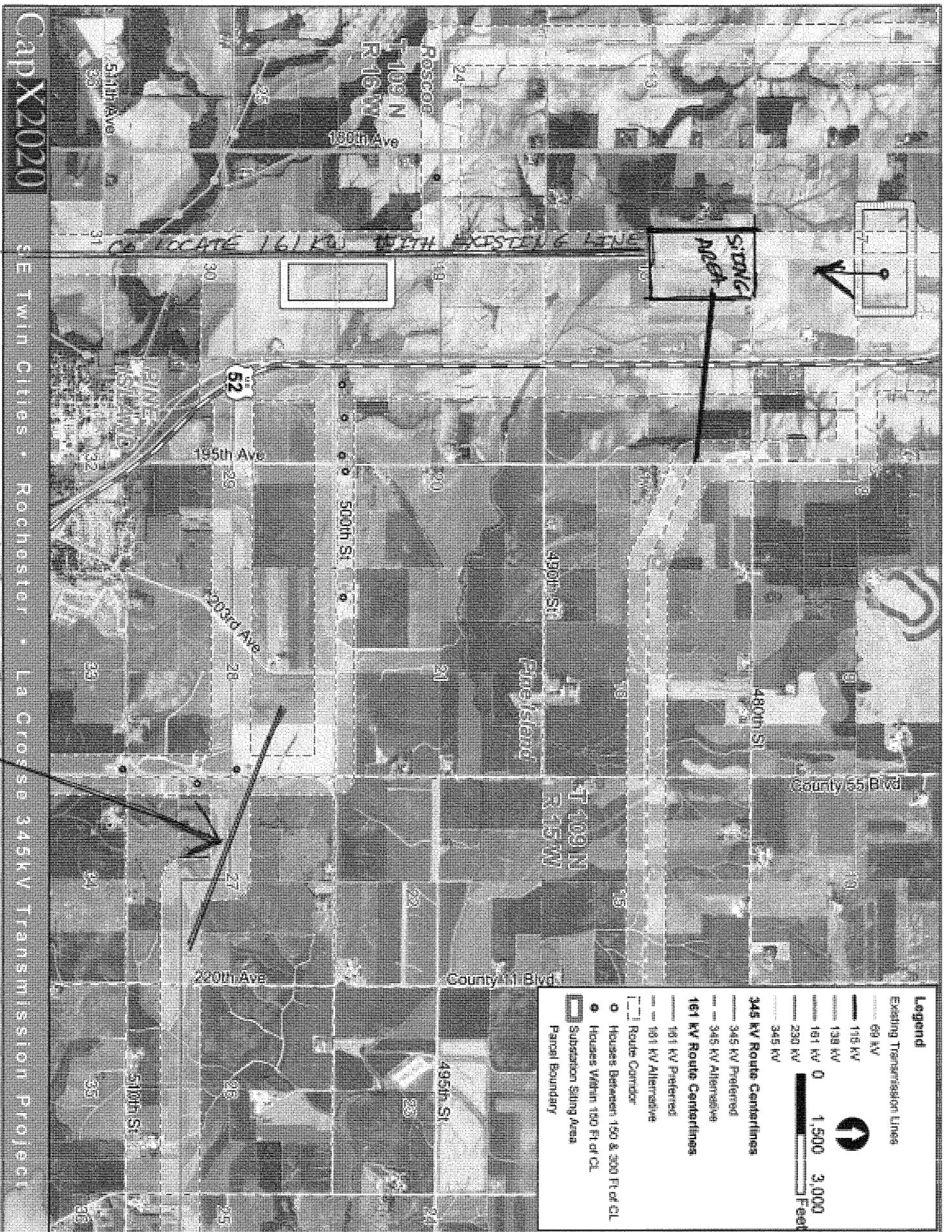


EXISTING ROAD LINE
JOIN USE RIGHT-OF-WAY EXISTING ROAD LINE TO EXISTING POWER LINES

CapX2020

SE Twin Cities • Rochester • La Crosse 345kV Transmission Project

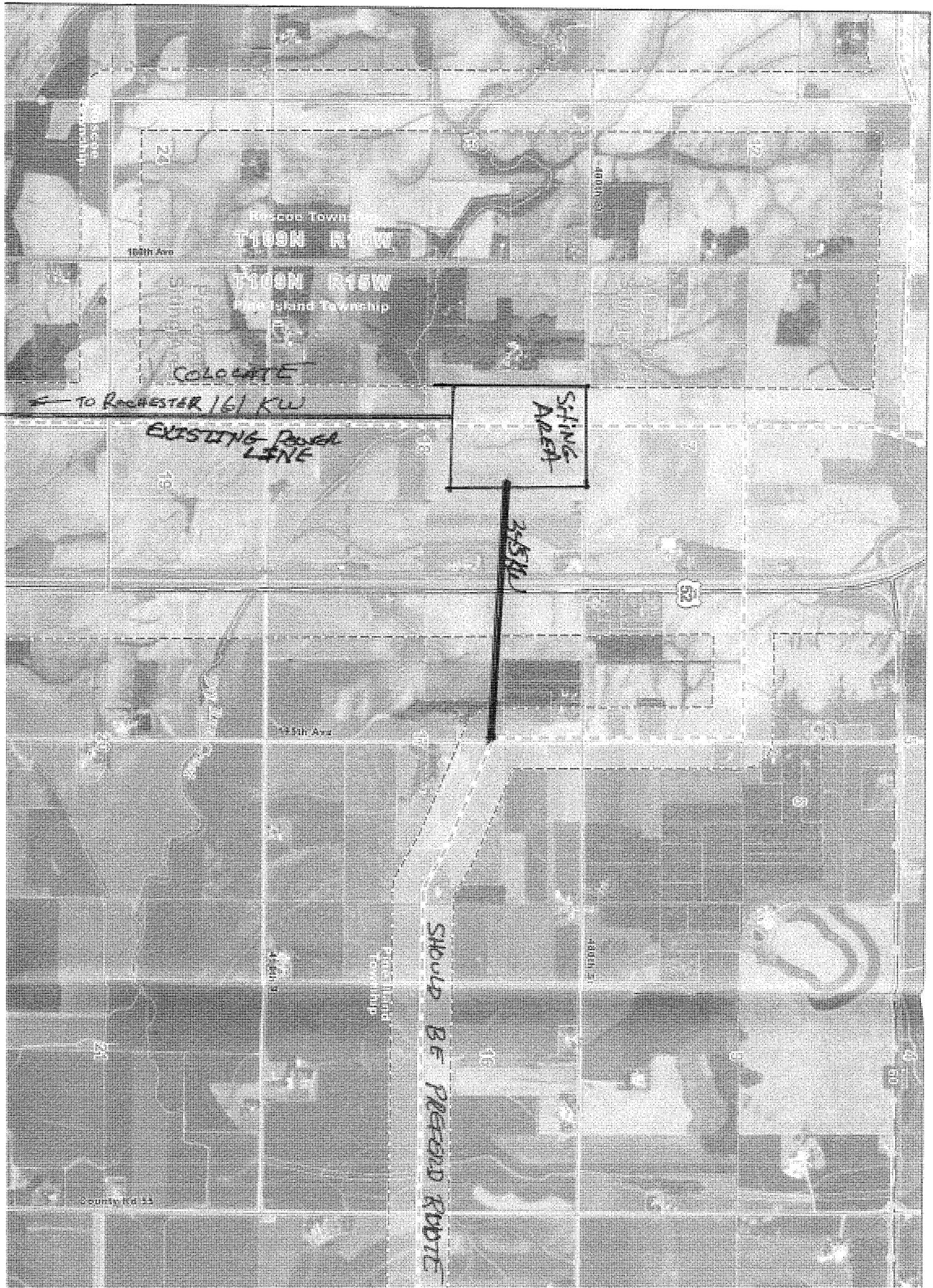
RESERVE FOR FUTURE CORPORATE - BUSINESS APPRAISAL



Legend

- Existing Transmission Lines
 - 69 kV
 - 115 kV
 - 138 kV
 - 161 kV
 - 230 kV
 - 345 kV
- 345 kV Route Centerlines
 - 345 kV Preferred
 - 345 kV Alternative
 - 161 kV Route Centerlines
 - 161 kV Preferred
 - 161 kV Alternative
- Route Corridor
- Houses Between 150 & 300 Ft. of CL
- Houses Within 100 Ft. of CL
- Substation Siting Area
- Parcel Boundary

Scale: 0 1,500 3,000 Feet



Rescoe Township
T109N R10W
Rescoe Township
T109N R15W

CONCRETE

TO ROCHESTER 161 KW

EXISTING POWER LINE

SITING AREA

355M

SHOULD BE PREPARED RIBBIE



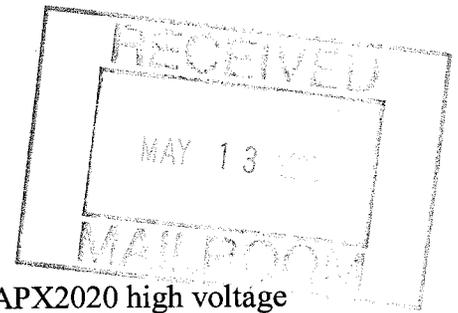
COUNTY II RE ROUTE

FUTURE ENTRANCE HARBOR

ELK RIVER BUSINESS CENTER

RESERVE AREA FOR FUTURE COOPERATE - BUSINESS HARBOUR 2030 ±

Dean & Barb Regnier
59363 County Road 71, Mazeppa, MN 55956, Wabasha County
Mazeppa Township, Section 16, Twp-109 Range 014



Subject: Public comments/scoping meeting inputs on proposed CAPX2020 high voltage transmission lines (Alternative 345 kVRoute). PUC Docket # E002/TL-09-1448

For the record, I would like to express our views on the proposed “ North alternative route 345 kV transmission line”, to be included in the EIS scoping .

There Should be “NO POWER LINES ON NORTH ALTERNATE ROUTE” due to :

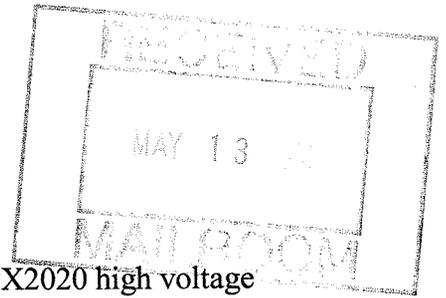
- No existing Zumbro River crossing for this route
- Cutting across farmland and virgin woods
- Fragmentation of wooded properties
- Impact on wildlife including deer, turkeys, grouse, birds, pheasants, eagles. (we observed a Golden Eagle this winter wintering in the alternate route on a daily basis, as well as many Bald eagles). The tree the Golden eagle was seen in, would be cut down as part of the route clearing !
- Impacts to our “never been pastured” woods, including impacts to virgin ferns, morel mushrooms, ginseng plants, and many more known and un-known plants that reside in our wooded acreage.
- Erosion & Buckthorn infestation (currently have NO buckthorn on property)
- Habitat currently exists on the property for the potential for a very rare plant “dwarf trout lily”, that exists only in this part of the world
- Very heavily used recreation area on the Zumbro River, including hunting, fishing, canoeing, walking, biking, birdwatching, etc
- Property value impact, as this route impacts the SW corner of our property (approx 700 feet from house) and then crosses my driveway, which I would have to walk under everyday.
- My wife (Barb), has a pacemaker, and Mayo Clinic, in Rochester advises against walking under the line. We have been walking our driveway and country road for exercise during the past 19 years.
- Other health issues that would impact us would be the potential for childhood leukemia for children, grandchildren.
- Future building on the property (50 acres), will NOT happen if this route is approved. There is potential for 3 to 4 additional building sites for our children.
- The line would split between two wetland pond areas, impacting nesting ducks, geese, and other waterfowl.

We would propose that the transmission route should use existing power-line corridors, and follow major roadways to avoid the harmful environmental impacts listed above.

Thanks for your review of our concerns.

 Barb Regnier 507-253-2257

Dean & Barb Regnier
59363 County Road 71, Mazeppa, MN 55956, Wabasha County
Mazeppa Township, Section 16, Twp-109 Range 014



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Dean & Barb Regnier
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We would propose that the transmission route should use existing power-line corridors, and follow major roadways to avoid the harmful environmental impacts listed above.

Thanks for your review of our concerns.

Langan, Matthew (COMM)

From: patalynn4@juno.com
Sent: Monday, May 17, 2010 8:50 PM
To: Langan, Matthew (COMM)
Subject: Concerns on the proposed location of Cap X2020 Alternate Route

To: Matthew Langan
MN Office of Energy Security

From: Lynn & Patricia Ritter, 47348 195th. Ave., Zumbrota, MN 55992

We are the proud owners of 20 acres of woods that date back to over 130 years. In the 38 years we have lived here we have worked hard to keep it natural and protected. It is home to countless animals and many birds not usually found in most backyards. It even has a rookery of 10-15 nesting blue heron.

We realize that the United States needs a reliable power grid. We just hope that every effort will be made to keep this system away from people. When we built at our location no thought was ever given to the possibility that a huge power line would be in viewing distance of our home. The people along the preferred route for the most part have purchased the land/homes with the knowledge that power lines would be a part of their life and property, since that power line has been there for years.

The secondary route proposal will come within around 800 ft. of our home. We have no idea what effect this will have on our health, birds & animals, land values, satellite reception, cell phone use and how this power line will fit into future land use. (e.g. 195 Ave is a proposed frontage road for Highway 52).

Please give our concerns some thought. This is our home and woods.

Thank you for your consideration.

Lynn & Patricia Ritter

Get Free Email with Video Mail & Video Chat!
<http://www.juno.com/freemail?refcd=JUTAGOUT1FREM0210>

Langan, Matthew (COMM)

From: Sheronne Mulry [sheronne@gmail.com]
Sent: Monday, May 17, 2010 2:56 PM
To: Langan, Matthew (COMM)
Cc: Chris Miller
Subject: Fwd: CapX comments

----- Forwarded message -----

From: **Roberts, Chad** <Chad.Roberts@co.dakota.mn.us>
Date: Mon, May 17, 2010 at 12:19 PM
Subject: CapX comments
To: "sheronne@gmail.com" <sheronne@gmail.com>

1.	<p>What is the land use planning Issue? Proximity of transmission lines to Highway 61.</p> <p>What is the Impact? If lines parallel highway 61 there is a significant negative impact on the character of the Great byway. This is less an issue if the routing option that crosses Highway 61 but does not parallel it is selected.</p> <p>Where, specifically, is it located? Inset 28 on the master map, on Highway 61 south of Kellogg.</p>
-----------	--

Chad Roberts
Executive Director
Dakota County Historical Society
Voice: 651.552.7548
Fax: 651.552.7265
E-mail: chad.roberts@co.dakota.mn.us

Lawshe Memorial Museum
130 Third Avenue North
South St. Paul, MN 55075

May 4, 2010

Dale & Suzanne Rohlfing
2310 15th Avenue NW
Rochester, MN 55901

Matt Langan
Minnesota Office of Energy Security
85 7th Place East, Suite 500
St Paul, , MN 55101-2198

CAPX: MOES Scoping Meeting Comments-Plainview

Dear Mr. Langan,

We are writing to you with regard to the CAPX2020 project, and the proposed Alternate North Route crossing the Zumbro River.

The Rohlfing Raj, Czech meaning “paradise”, is a fifty acre piece of land we were able to purchase in 2002. It is our investment for our children, and generations to come. It is rural, forested, full of wildlife, and located near the Zumbro River, **Wabasha County T109 N.-R.14W. Section15**. We are planning a residence to enable us to better steward this property and help ensure its natural integrity for generations to come. Those plans are on hold, and unattainable if the Alternate Route is chosen at the Zumbro River crossing.

Although we have general concerns about the CAPX2020 transmission line project, we now have more obvious and immediate worries. We will briefly list our concern and areas we wish to be studied by for the DEIS.

Natural resource concerns include the following: Our property lies in the Richard J.Dorer Memorial Hardwood State Forest . We have a DNR forestry management plan in place, started with the previous owner Cliff Laging in the 1970s and revised in 2002. In addition to the trees we farm, we have a blend of native soft and hardwoods throughout our property. It is habitat for many deer, pheasant in the field and cedars in the northwest section, wild turkey, ruffed grouse nestings, and fox. Implementation of prairie and oak savanna restoration and reintroduction of native plant species is underway. We have a sedge wetland which not only assists with native amphibian and reptile habitat, but includes our attempt to restore the wood duck population in our area.

There is a bald eagle nest just northwest of our property on the Zumbro River in section 10 as verified by the DNR. . There is a Class 1 special regulation small mouth bass section at the proposed route over the Zumbro River. This route would fragment the above mentioned natural resources.

Economic concerns include the following. There will be a decrease in property value. Secondly, we are actively tree farming this property. We have approximately 30 acres of planted white and red pine, and black walnut. The proposed alternate route will wipe out the majority of our 30 year old pine and walnut on our north property line. We will never be allowed to plant trees again. This was not included in the route permit application by Xcel Energy. Thirdly, our land and its utilization as a piece of the recreational and aesthetic value in the region will be lost. We would lose hunting habitat and revenue associated with it.

The clearing and continued maintenance of the 150 ft. swath would increase the proliferation of undesirables and invasives, such as buck thorn. This would threaten our forests and prairie/savanna restoration efforts on a permanent basis. We are also concerned about the erosion affects on our property and impact on the Zumbro River and Valley habitat and water quality. We are concerned about the methods of maintenance utilized, considering the sensitivity of the area.

Majority of the Alternate North Route uses no existing transmission, road, or property lines. There is no existing crossing of the Zumbro River.

Other routes can avoid the disruption of our native, natural ecosystems and habitat, aesthetics and recreation. We encourage use of existing corridors along roads and transmission lines, Easements are already in place, maintenance should be more easily attainable, and there would be less wild and natural habitat destruction, less proliferation, as well as less residential impact.

We appreciate your review and careful assessment pursuant to MN Statute, law, rules and guidelines. We would like to be noted, and will be forwarding a more detailed information packet to you before May 20, 2010.

Yours respectfully,



Dale and Suzanne Rohlfig
Tree Farmers/Land Stewards
Zumbro Falls, MN

Cc:
Melissa Doperalski, MN DNR

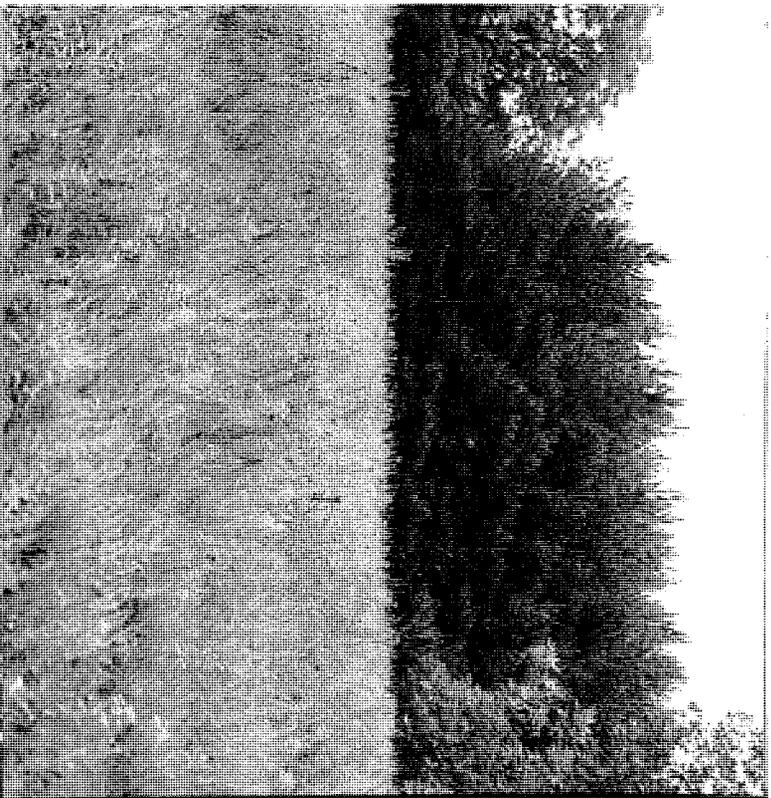
Red
White Pine



Frame
Remnant



Oak
Savanna -
SW
Slope.
(Looking
West)



Zumbro River



ROWLING - WARASHA COUNTY T109N - R14W sec 15

ROHLFING - WABASHA COUNTY
T109-N R14W sect. 15

previous owner - Cliff Loring

SW slope -
oak savanna +
prairie (restoration remnant)

