



Power Plant Siting Act 2012 Year in Review

Permitted Energy Facilities

In 2012, Department of Commerce Energy Facility Permitting staff assisted the Minnesota Public Utilities Commission (Commission) in permitting 13 energy facilities and prepared 6 required environmental review documents.

- 9 transmission lines with issued permits
- 2 wind farms with issued permits plus 2 wind farms with pending permit issuance orders
- 6 environmental review documents (4 Environmental Assessments and 2 Environmental Reports)
- annual compliance reviews for 15 projects (4 resolved; 11 pending)

Post-Permit Issuance Activity

In 2012, the Energy Facility Permitting staff provided numerous pre-construction and pre-operation compliance reviews, coordinated as needed with other government agencies, including those listed below as examples, among others.

Pre-Construction Compliance Filing Review

- Fargo to St. Cloud 345 kV Transmission Line
- Brookings to Hampton 345 kV Transmission Line
- Hampton to Rochester to La Crosse 345 kV and 161 kV Transmission Line
- Southwest Twin Cities Glencoe to Waconia 115 kV Transmission Line Upgrades
- Hiawatha 115kV Transmission Line
- Savanna 115 kV Transmission Line Rebuild Project
- Orono Substation Expansion and 115 kV Transmission Line
- Little Falls 115 kV Transmission Line
- Lakeswind Power Plant less than 50 MW Wind Project
- Prairie Rose 200 MW Wind Project and 115 kV Transmission Line
- CWS Wind Farm 30.75 MW Wind Project

Pre-Operation Compliance Filing Review

- Prairie Rose 200 MW Wind Project
- CWS Wind Farm 30.75 MW Wind Project
- Big Blue Wind Farm 36 MW Wind Project

2012 Focus Areas

- Integrated compliance system including
 - guidance
 - annual compliance reviews (see pages 7-8 for details)
 - development of tracking structures and





**Energy Facility Permitting
2012 Permitted
Transmission Line Projects**

Docket Number	Project Name	Project Description	Commission Decision and Date of Order
Permitted Transmission Line Projects			
10-134	Prairie Rose 115 kV Transmission Line (Prairie Rose Transmission, LLC)	Construction of an approximately 7 mile, 115 kV transmission line in Rock County from the Prairie Rose Wind Farm substation to the Minnesota- South Dakota border where the line continues for a total of approximately 30 miles. Environmental Assessment released in 2011.	Route Permit Issued January 13, 2012
09-38	Hiawatha 115kV Transmission Line (Xcel)	Construction of an approximately 1.5 mile, 115 kV underground transmission line and two substations in Hennepin County from the Hiawatha West substation to the Midtown North substation. Environmental Impact Statement filed in 2010. Environmental Report released in 2011.	Route Permit Issued February 10, 2012
10-1307	Savanna 115 kV Transmission Line (Great River Energy and Minnesota Power)	Construction of a new 115 kV transmission line in St. Louis and Carlton Counties between the new Savanna switching station and the Cedar Valley switching station; new 115 kV line between the Savanna switching station and the Cromwell substation; and upgraded 69 kV line between the Gowan substation and the Cromwell substation. Total of approximately 37 miles of new and upgraded transmission line. Environmental Assessment released in 2011.	Route Permit Issued March 7, 2012

Docket Number	Project Name	Project Description	Commission Decision and Date of Order
11-800	North Rochester to Chester 161 kV Transmission Line (Xcel)	Construction of approximately 29 miles of 161 kV transmission line in Goodhue and Olmsted Counties. Environmental Assessment released in 2012.	Route Permit Issued September 12, 2012
Transmission Line Route Permit Amendments and Minor Alterations			
09-1056	Fargo to St. Cloud 345 kV Transmission Line (Xcel and GRE)	Request for 10 minor changes to the approved route (January 2012); request for a minor route alteration and a route adjustment to relocate the line outside the designated route (April 2012).	Approved, January 9, 2012 April 12, 2012
08-712	Southdale to Searcyville 115 kV Transmission Line (GRE and Minnesota Power)	Request for 2 minor changes to the approved route.	Approved, February 2, 2012
08-1474	Brookings to Hampton 345 kV Transmission Line (GRE and Xcel)	Request for 3 changes to clarify the provisions of the route permit and to authorize additional conductors at the crossing of Interstate 35 (February 2012); request for 4 minor changes to the approved route (July 2012); request for a minor change to use specialty structures (September 2012); and request for a minor change to the approved route (October 2012).	Approved, February 29, 2012 July 10, 2012 September 10, 2012 October 15, 2012
12-898	ITC Midwest Heron Lake to Lakefield Junction 161 kV Transmission Line Reroute and Rebuild (ITC Midwest)	Request for a minor change to rebuild the Heron Lake to Lakefield Junction 161 kV transmission line.	Approved, October 10, 2012



Energy Facility Permitting 2012 Annual Compliance Review

Project Name	Docket Number	Annual Review Letter E-Filed	Requested Items Resolved or Pending
Flat Hill Windpark I Wind Project	08-1134	3/23/2012	Compliance filings required by date of review had been e-filed.
Morgan Wind Project	09-360	3/26/2012	Resolved. Petition to amend 5/18/2012, PUC Order to amend 7/26/12.
Lake Country Wind Project	10-798	3/26/2012	Resolved. 4/2/2012 e-filed notification to local residents.
		11/5/2012	Pending reply; requested by 2/8/2013. Meeting held at permittee request.
Bitter Root Wind Farm Project	08-1448	3/28/2012	Pending reply; requested by 12/2/2012.
		10/29/2012	Pending reply; requested by 12/2/2012.
West Stevens Wind Project	09-830	3/29/2012	Resolved. PUC Order amended to extend on 1/29/2012. Also complete documentation of notice to local residents and government e-filed on 11/28/2012.
		11/19/2012	Resolved. Complete documentation of notice to local residents and government e-filed on 11/28/2012.
Glacial Ridge Wind Project	07-1073	3/30/2012	Pending reply. Scheduled for next review in January 2013.
Pleasant Valley Wind Project	09-1197	3/30/2012	Resolved. Complete documentation of notice to local residents and government e-filed on 10/8/2012.
		10/8/2012	Resolved. E-filed petition for modification or amendment on 10/25/2012. PUC amendment decision pending.
Comfrey Wind Project	07-318	10/29/2012	Pending reply; requested by 1/15/2013.
Paynesville Wind Project	10-49	10/29/2012	Pending reply or PUC action on amendment request.
Grand Meadow Wind Project	07-839	10/31/2012	Pending reply; requested by 12/15/2012.
Wapsipinicon Wind Project	07-839	10/31/2012	Pending; reply received; response being reviewed.
Elm Creek I Wind Project	07-388	11/19/2012	Pending reply; requested by 1/15/2013.

Minnesota Department of Natural Resources Testimony Notes
Power Plant Siting and Transmission Line Routing Program Annual Hearing
Friday, December 21, 2012
1:00 PM – Public Utilities Commission

- Introduction – DNR participation in Power Plant Siting and Transmission Line Routing Program
 - DNR Permits and Responsibilities: License to Cross Public Lands and Waters, Endangered Species Taking Permit, Work in Public Waters Permit, Water Appropriation Permit, jurisdiction over wildlife, and administration of natural resource based public lands.
 - DNR staff provides input regarding natural resource topics during early project planning, public comment periods, meetings, and during project development and construction.
- Highlights from 2012
 - The DNR appreciates the efficient and open process made possible by interagency coordination between the Minnesota Department of Commerce, the DNR, and as appropriate, the Public Utilities Commission.
 - Interagency Energy Working Group milestones during 2012 include:
 - State Wildlife Grant funded study to research the effects of wind energy on bats and birds.
 - Reviewing a draft of DNR guidance for wildlife survey protocols for wind energy projects.
- Transmission review:
 - The DNR values its role as a steward of publically funded and citizen-owned lands, managed for a variety of environmental, recreational, and public resource purposes. In addition to more easily quantifiable benefits, lands managed for natural purposes play an important role in protecting water quality, air quality, and wildlife habitat, just to name a few parts of a system of resources we all depend on. Many DNR administered lands provide economic opportunity through logging and mining, and provide funding for Minnesota schools. Land managers and reviewers at the DNR have expressed a concern this year about the loss of public resources from some transmission projects as they proceed into construction. The DNR recognizes that there is no easy place to locate a transmission line and wishes to work with project developers and work within the Public Utilities Commission and Department of Commerce review process to analyze the environmental, social and economic impact of various routes. We have found the process to be the most thorough when various alternatives in the vicinity of a proposed state land crossing are included in the alternatives analysis, so that all parties can clearly consider project impacts. We have also found the process to be the most thorough when agencies and developers coordinate with the DNR early regarding possible land crossings, in the same manner that would be appropriate for any landowner.



Power Plant Siting Act Hearing – December 21, 2012
Submitted before ALJ Ann O'Reilly, at PUC Large Hearing Room, St. Paul, MN.

Docket No. E-999/M-12-360 and OAH Docket No. 65-2500-30183

Comment by: Marie and Bruce McNamara
35815 165th Ave. Goodhue, MN 55027

=====
My name is Marie McNamara and my husband Bruce and I are rural residents and farmers in Goodhue County.

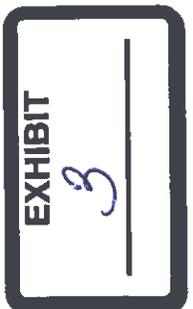
Under two U.S. administrations under both political parties, the wind industry has had an exemption from prosecution under two of America's oldest wildlife protection laws: The Migratory Bird Treaty Act and the Eagle Protection Act.

A violation of either law could result in a fine up to \$250,000 or two years imprisonment. To date, neither administration has prosecuted a single case against the wind industry. This does not mean that our state of Minnesota has to be complicit in ignoring environmental laws and protections. There has been a blanket, de facto grant of immunity from federal prosecution under some of the country's oldest wildlife laws.

1.) Minnesota needs to begin a dialogue with the U.S. Attorney General on impacts and violations of federal law. We ask that the record from this Minnesota PPSA Hearing be shared to the Minnesota Attorney General, entered into the Minnesota Legislative record, sent to the U.S. Attorney General Office, the current Administration, and Congress, signifying that politics and special treatment are not tolerated when state and federal law is being broken.

2.) Second, those agencies supplying information for Minnesota regulatory, such as the Department of Commerce have a higher standard that is expected by citizens. Missing information or untimely filing to the edockets leads to bad decisions. The Department of Commerce and the MN Public Utilities Commission has ~~vastly~~ improved in our last four years of participation as citizens. Comments made by other agencies have been omitted too often. We do not need propaganda information from Energy Facility Planners. Misinformation and incomplete information yields bad decisions that impact citizens and tax payers. Bad decisions are bad for the economy, bad for the people, bad for Minnesota. Omitting information from the record has to have an attached penalty. We suggest this be part of a rules comment period and the Commission take appropriate actions. *(a citizen map is shown as example)*

3.) Third, there is much more that can be done with proper notification of citizens, and understandable process. Under the Power Plant Siting Act, comments are taken regarding **siting of large electric generating power plants—and routing of high-voltage transmission lines**. We ask that meetings be scheduled into January of the next year as a look back. **Late December does not encourage public participation.** Power plants and



transmission lines have profound impacts on Minnesotans in their homes, their businesses, and the overall economy. It can be said with certainty that notification of citizens and process surrounding permitting are critical areas needing improvement.

The following are strongly suggested recommendations:

a.) We ask for a hearing on health effects of Large Wind Turbines before the PUC with testimony from credible, scientific sources specifically on the health impacts. Low frequency sound, ice throw, and other health considerations for Minnesota's citizens and wildlife are overdue. Docket 09-845 sits open since 2009, with no meaningful action taken.

Expert testimony is requested from scientific sources, without conflict of interest connections to industry. This hearing must gather current, factual information and recommendations. With careful use of general fund or agency budget allowances, and by invitation of the Commission, impartial testimony must be sought. The basic trust of the people in the integrity of their government is at stake. Basic protections are lacking.

b.) We ask for a rules hearing and comment period on interpretation and implementation of statutes through rules and permit conditions, particularly as related to Large Wind Energy Conversion Systems and transmission siting.

c.) We ask for verification of site control prior to permitting, and mid-process, for large electric power plants and routing of high-voltage transmission lines. We ask for this important initial verification and a secondary verification in the process, well before the pre-construction meeting. Contract disputes, trade secret, and questionable submissions have wasted Minnesota tax money. The Commission, the agencies, and staff do not need to waste their time, endure delays, and prolong a costly process that is flawed with no verification, particularly for siting LWECS. We recommend a two prong protection plan of proof of signed contracts at time of application and secondary mid-process check, with legal verification showing site control.

d.) We ask and recommend better meeting notices, explanation of process path, and project statuses to the public. Use two area newspapers and a radio station in area of large project or transmission segment for meeting notices. Put accurate information and maps in newspaper. Use meeting locations in the county where the project is proposed to be built. Put a clear process flow chart on PUC website. Highlight current point in process on project listing at PUC website. Require applicant to do timely mailings to citizens residing within footprints of large wind projects, and affected and living near other power plant projects and transmission projects.

e.) We ask it be required to supply developer and ownership contact information to those residents within footprints of large wind projects, or affected by other power plant projects and transmission projects at the same time as Application submitted. This includes immediate notification of any subsequent

contact changes. Questions of who is proper authority with sudden or undisclosed changes have been a problem.

f.) We ask for disclosure and establishment of a repository at MPUC website for studies from within MN and from any other states or countries that have been collected, examined, and used by energy facility planners at the DOC and energy facility staff at the MPUC.

g.) We ask for more detailed information on the Complaint process on the MPUC website. Proper process for citizens is lacking or not explained well. All stakeholders must be better respected in state process surrounding siting and permitting of large electric generating power plants and high-voltage transmission lines. Respect of all stakeholders leads to better decisions. Drop legalese language for better understanding by citizens.

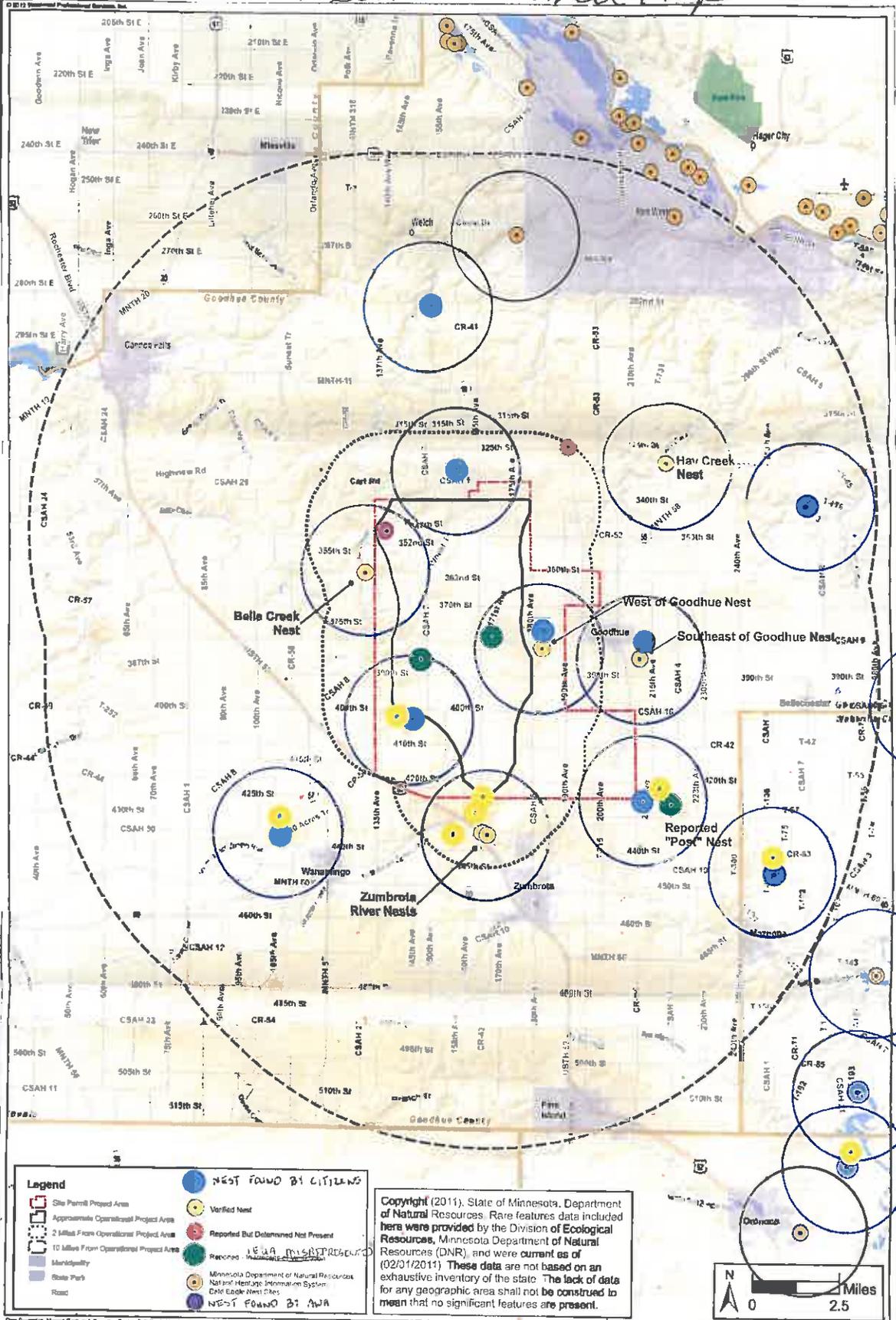
Please make recommendations that prevent wasting of tax payer money and improve citizen participation during the permitting process. Please set hearings surrounding health and safety issues associated with Large Wind Energy Conversion Systems. Please recommend hearings and comment period for the rules and permitting processes of LWECS and transmission routing.

There are no standards established for over 25MW wind projects.
Thank you for the opportunity to submit this comment and for accepting suggestions to improve Power Plant Siting.

Sincerely,

Bruce and Marie McNamara
35815 165th Ave.
Goodhue, MN 55027

Goodhue Co. Citizen Submitted Map



Westwood
 Westwood Professional Services, Inc.
 7809 Annapolis Drive
 Eden Prairie, MN 55344
 PHONE: 952-937-5190
 FAX: 952-937-5673
 TOLL FREE: 1-888-937-8180
 www.westwoodpros.com

**NOTE: FOR AGENCY USE ONLY.
 NOT FOR PUBLIC DISTRIBUTION.**

AWA Goodhue, LLC
 Goodhue County, Minnesota
 Known and Reported Bald Eagle Nesting Territories
 Within 10 Miles of the Operational Project Area
 Exhibit 1

Draft

Avian and Bat Survey Protocols
for Large Wind Energy Conversion Systems in Minnesota



Minnesota Department of Natural Resources
Division of Ecological and Water Resources

October 2, 2012



2011



NARUC

**Assessing Sound Emissions
from Proposed Wind Farms &
Measuring the Performance of
Completed Projects**

NARUC Grants & Research

October 2011

**The National
Association
of Regulatory
Utility
Commissioners**

**A report for the Minnesota PUC
Funded by the U.S. Department of Energy**

Docket E-999/M-12-360

OAH Docket 65-2500-30183

December 2012 year end MPUC hearing

From the October 2011 report to the Minnesota PUC

Based on the observed reaction to typical projects in United States, it would be advisable for any new project to attempt to maintain a mean sound level of 40 dBA or less outside all residences as an ideal design goal. Where this is not possible, and even that level is frequently difficult to achieve even in sparsely populated areas, a mean sound level of up to 45 dBA might be considered acceptable as long as the number of homes within the 40 to 45 dBA range is relatively small. Under no circumstances, however, should turbines be located in places where mean levels higher than 45 dBA are predicted by preconstruction modeling at residences.

MN State Noise Standard: <http://www.pca.state.mn.us/index.php/view-document.html?gid=5355>

The Minnesota nighttime standard of 50 dB(A) not to be exceeded more than 50% of the time in a given hour, appears to underweight penetration of low frequency noise into dwellings.

The MN Pollution Control Agency (MPCA) wrote and enforces the MN noise standard. MPCA staffer, Anne Claflin, testified at a 2010 hearing at the MPUC about the Department of Health report. Ms. Claflin explained that the MN Noise standard is not designed to measure or evaluate low-frequency or impulsive sound such as the sound produced by industrial wind turbines.

First recommend that the MPUC adopt the recommendations of 40 dba and stop using 50 dba to permit industrial wind in MN.

Using existing data in Minnesota, regarding effects to avian and bat species, has become increasingly difficult due to the expansion of projects across ecological provinces and the use of taller turbines with greater rotor diameters. Although data from other states provides direction for project planning it is often unpublished, results from various survey methods, and describes effects from habitats with different species use than Minnesota. Data specific to projects in Minnesota will assist with understanding possible

avian and bat impacts as expanding renewable energy development increases the possibility for cumulative impacts to species populations.

Second Recommendation Immediately adopt the October 2012 draft, "Avian and Bat Survey Protocols for large Wind Conversion Systems in Minnesota.

In 2007 Minnesota passed the 25x'25 Renewable Electricity Requirements The nation's second most aggressive Renewable Energy Standard requires Minnesota's electric utilities to provide 25% renewable electricity by 2025. Legislation that forces a vast energy sprawl of industrial wind turbines and transmission lines was passed without a single environmental impact study of the cumulative effects of the legislation.

Third recommendation: A state wide environmental impact study of the 2007 renewable energy mandate.

Forth recommendation: Because all industrial wind projects receive public money in the form of subsidies or cbed rate money no trade secrets for production or PPA rates.

BOB ROSENQUIST
42883 228TH AVE
MAZEPPA, MN 55956
507-843-2174
612-961-5219

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#7

Power Plant Siting and Transmission Line Routing Program Annual Hearing
OAH Docket No. 65-2500-30183

NAME	ADDRESS	Would like to speak (Y/N)
John Drazny	200 So Sixth Street, Suite 4000 Waples MN 55402 jdrawny@fredlaw.com	N
Carol A Overduin	1110 West Ave Red Wing, MN	yes
Jamie Schrenzel	MDNR 500 Lafayette Road, St. Paul, MN 55105	yes
Alan Muller	1110 West Avenue Red wing MN 55066	yes
Tim Langdon	5802 Hwy 19 Falls Cannon Falls MN 55007	Yes.
Amy Stansbury	30127 59th Ave WY Cannon Falls MN 55009	YES
GREG SUTW	6843 Duck Lake Rd Egan Franke MN 55340	No

#2

Power Plant Siting and Transmission Line Routing Program Annual Hearing

OAH Docket No. 65-2500-30183

NAME	ADDRESS	Would like to speak (Y/N)
Randy Moroney	8384 Stone Creek Drive Chanhassen MN 55317	No
Tim Rosens	Xcel Energy Mpls, MN	No
Bill Starn	DOC EFP	N
Sage Tauber	445 Xcel Energy Mpls, MN	No
BARB STUSSY	14884 - 420 th ST. ZUMBROTA, MN 55992	Yes
Marie McNamara	35815 165 th Ave. Goodhue, MN 55027	yes
BOB ROSENQUIST	42883 228TH AVE MAZEPAA, MN 55956	YES

✓

✓

✓

#3

Power Plant Siting and Transmission Line Routing Program Annual Hearing

OAH Docket No. 65-2500-30183

NAME	ADDRESS & Email	Would like to speak (Y/N)
Cynthia Kehrman	VBEA Department of Commerce, Energy Facility Permitting	N
Shanelle Montana	EDF-Renewable Energy	N
Melissa Peterson	1. 1.	N.
Steven Nyhus	Flaherty + Hood, P.A. for Missouri River Energy Services	N
Adam Sokolski	IDEALOGIA RENEWABLES	N
Marshall Dun	Great River Energy, 12300 Elm Creek Blvd, Maple Grove	N
Chai Insuck	EPT	N

#4

Power Plant Siting and Transmission Line Routing Program Annual Hearing

OAH Docket No. 65-2500-30183

NAME	ADDRESS	Would like to speak (Y/N)
Alan Mitchell	Fredrickson & Byron amitchell@fredlaw.com	N
Suzanne Pennington	2310 15th AVE NW Rochester 55901 careway57@aol.com	Y

✓

O'Reilly, Ann (OAH)

From: donald berry <donaldberry57@gmail.com>
Sent: Wednesday, December 19, 2012 4:36 PM
To: *OAH_Routecomments.oah
Cc: Dawn Berry
Subject: EXEL

**The Honorable Ann O'Reilly
Office of Administrative Hearings
PO Box 64620
St. Paul, Minnesota 55164-0620
Email: routecomments.oah@state.mn.us**

Dear Ann O'Reilly,

I'm writing regarding the Excel Energy Line Transmission Poles that are under proposal along Minnetonka Road in Greenwood MN. There are several alternative routes that will have less environmental issues. The poles in the proposal are wider, taller and destroy views from the bike path, lake, businesses and homes.

My request is to ask NOT to consider the Minnetonka Road. If you do choose that route, consider burying the power lines through this lake district.

Also I would attend the next public hearing but in St. Paul on a Friday before the Christmas holiday?

Best regards,

Don Berry
612.859.8461
donaldberry57@gmail.com
Greenwood resident



O'Reilly, Ann (OAH)

From: Geraldine Yliniemi <gyliniemi@gmail.com>
Sent: Tuesday, December 18, 2012 3:10 PM
To: *OAH_Routecomments.oah
Subject: Power Plant Siting and Transmission Line

Dear Judge O'Rielly,

We live at 37399 5th Avenue Way in Dennison, MN. We have no problem with the power line going through our property. We plan on selling in the future anyway. Including our house, there are only three other homes on 5th Avenue Way in Dennison.

Thank you,

Hugo and Geraldine Yliniemi



O'Reilly, Ann (OAH)

From: Alice Reimann <alice.reimann@gmail.com>
Sent: Wednesday, December 19, 2012 2:06 PM
To: *OAH_Routecomments.oah
Cc: John Reimann; Debra Antone
Subject: Public Hearing_Excel Energy_Western route Powerlines_Lake Minnetonka Area

For Public Hearing and The Honorable Ann O'Reilly

Your Honor:

Seems a PUBLIC MEETING is just impossible for me to make given the Friday afternoon date, DECEMBER 21, of all days... for a **public** meeting. Traffic, time of year, time of day...and vicinity to our Western location is not conducive. It by no means means this is not a high priority meeting for many.... Timing here is a bit of a dirty trick, I think. I wish to convey my thoughts regarding the wisdom of the route chosen originally to this upgrade of service to the area.

I ask that you consider alternative routes of Vine Hill Rd. or 101~already industrial or burying lines. NOT Minnetonka Boulevard, bike/walk/lake route.

Considering the environmental impact, please re-look at the routing considering the towers themselves create an eye sore from all angles of taller wider girthed monster poles, be it our walking/riding path, home views, the driving views, the lake/boating or Downtown Excelsior views etc.)
The **environmental issues** relating to our beautiful Lake Minnetonka district are critical.

PLEASE, Please, please....place this high on your radar. This decision affects many for years to come.

Sincerely,

Alice Reimann

alice.reimann@gmail.com
612-875-5320



65-2500-30183

DEC 12 12

ADMINISTRATIVE
HEARINGS

2012 DEC 19 AM 7:48

RECEIVED

Judge Ann O'Reilly

I'm writing in regard to the recent Excel energy line that was not supposed to cross my property. Please read this letter into the record at the December 21 1:00 PM public hearing.

Do you give the power companies the right to just trespass peoples land? May 23 2012 I received a phone call from my renter, Cyril Felling. He was wondering if I had signed an easement with the power company because they were out on my land running down his crop. I said No, they had no business being out there. We called Stearns County Sheriff's office to charge Excel with trespassing.

The work was stopped until Exel agreed to pay Cyril Felling for crop damages. Our name was not on that check. They also agreed to stay off my property. I was gone on vacation for a week, and when I went back out there they were still driving on my property, around my NO TRESPASSING sign. On June 8th I talked to Bob Wenger, CapX acquisition Agent and informed him as to what was going on. He didn't believe me. Later he called me back saying he was wrong and we agreed to \$3;000.00 for the trespass and for them ripping up my line fence. Our claim for damages for compaction of the land and trespass and destroying property lines were made after they agreed to stay off my property. These property boundary lines are very important because it's costly to have land resurveyed. They transported concrete for three towers across my property. They had an easement with the neighbor John Wicht. He got paid. But they used my land. The \$3,00000 did not give them permission to continue to compact my land nor did it give then permission to tear up the boundary line. As of today they have not paid the \$3000.00. We plan legal action against them for trespassing. Do you give the power companies blanket authority to trespass and damage peoples land? A few months before this a representative from Excel called and offered money and the line to us. I said no thank you to the money and the line. At that time they must have known that the Wicht farm was to low and wet therefor they needed my land for the skids and decided they would just use my property. I am enclosing a copy of the June 19-12 letter that Bob Wenger requested sent to him.. I am enclosing a copy of the police report. Please read that into the public hearing. Please respond. 320-254-3341. Thank You

EXHIBIT
9

Jane M Fuchs
Cyril F Fuchs

NARRATIVE

Narrative From CAD

Narrative Title: Narrative From CAD
Date Entered: 05/23/2012 08:07:29

Complaint Type: CIVIL - CIVIL MATTER
Caller Name:
Officer ID: DEVONBER, Officer Name: VONBERGE, DAVID E

[05/22/2012 14:46:12 : 2564]

vonberge
spoke with . ; about xcel energy being on his property, land was rented, and renter wants crop damage reimbursement. spoke with ryan dreher and robert schneider from xcel, xcel faxed an agreement for damages to _ (renter), and it was agreed upon. Xcel moved there equipment to the correct side of the property line.

[5/22/2012 12:46:41 : pos4 : MLBURKE]

- 40496 PRIMROSE LN
- COMP WANTS A PHONE CALL REGARDING SOME PROPERTY HE RENTS OUT TO A FARMER
- XCEL ENERGY HAS PARKED SOME EQUIPMENT ON THE LAND, DESTROYING SOME OF THE CROPS
- COMP WANTS TO HAVE THE VEH'S REMOVED FROM THE PROPERTY
- HE WAS ADVISED TO CONTACT EXCEL AND TALK TO THEM ABOUT MOVING THE EQUIPMENT AND IF THE FARMER WANTS TO MAKE A PROPERTY DAMAGE REPORT, TO CALL THE SHERIFF'S OFFICE AND DO SO

Narrative Title: CASE SUMMARY - VONBERGE, DAVID
Date Entered: 05/23/2012 08:12:37

-SEE ATTACHED.

Stearns County Sheriff's Office

Narrative Report

ICR # 12029786

Deputy David VonBerge:

On May 22, 2012 at approximately 1237 hours I Deputy David VonBerge along with my field training officer, Tim Meland were dispatched to the location of Primrose Lane and Hwy 71 in Sauk Centre Township. I first contacted the complainant, _____, DOB _____, by telephone. While speaking with _____, he complained that Xcel Energy had driven onto his property, and done damage to some crops in the field. _____ said that he was waiting with the Xcel Energy workers until someone from Xcel came to the location and he was reimbursed for any damages.

Upon arrival to the location of County Road 29 and Hwy 71, I noticed several Xcel Energy vehicles parked on the edge of a corn field in that area. I pulled into the field approach and met with the complainant _____. I said that he was the owner of the field but the corn in the field belonged to a _____, DOB _____ said that _____ was out in the field right now, and was unable to be at the location at this time. I spoke with a worker from Xcel Energy, a Ryan Mark Dreher, DOB _____. I asked Mr. Dreher what had been happening out at this location. Mr. Dreher said that Xcel Energy had access to this area on the field approach north of their location, and that they had mistakenly taken the south field approach.

After further discussion with _____ and Ryan, a Robert Alan Schneider, DOB _____, arrived at our location. Robert said that he had spoke with his boss, and he was sending a fax to _____ for an agreement on property damage reimbursement. Mr. Schneider said that Xcel Energy would be reimbursing _____ for four acres worth of property damage. _____ was able to speak with _____ on the phone and confirmed that he did receive the fax stating that four acres of damage would be covered. After speaking with _____ more, and the agreement being reached on the four acres of reimbursement, the Xcel Energy workers were allowed to move their trucks to the north side of the property line, along with any building materials that they had dropped on _____ property.

TB:ejw

June 19, 2012

Bob

We agree to \$3,000 for property damage and attorney fee (Paula Maccabee). This does not give permission to continue use of our property.

Vinyl Fuchs
Jane Fuchs

On May 22 I thought the problem was solved.
June 8th still on my property. Put up No
Trespassing signs.
June 16. Still driving around my no trespassing
signs. Skids still on my property.

Is This Tower going
to be to close to
my property. I can't
take the pollutants that
come off the



INTERVAL HISTORY: Mr. Virgil Fuchs returns to the Allergy Clinic for an unplanned office visit. The patient was last seen on the 16th of December ~~at the clinic in the south. The patient~~ spent most of the winter in Texas, Arizona, and Louisiana. He reports having excellent health in those locations. He does have some "hayfever" type symptoms in Texas during the spring. He would like to be tested for southern inhalant allergens. He also reports that none of the clinics had any clue as to how to provide him with immunotherapy. One clinic familiar with his case did provide shots and also the physician gave him an injection of Decadron. He exclaimed, "You haven't had your shot yet". According to Virgil, his physician informed him that we were "deficient in our approach to management of allergy". Nonetheless, he did well in the south. After returning home, the patient has developed problems with urticaria. He develops individual lesions on various parts of the body. He scratches frequently. He has also avoided his antihistamines for the past week. According to the patient, he "awakens depressed" every morning since returning to Minnesota. He claims to be sensitive to "electric fields". He always has symptoms when working under the power line. He is also sensitive to approaching storm fronts with change in ionization of air. Immunotherapy has gone well although the patient has pain with the injection. According to the patient, he also suspects "they may cause me to be sick". He has a small local swelling at the injection sites. He has always been exquisitely sensitive to smoke and, according to his wife, he is not nearly as sensitive. She believes the shots are helping and Virgil disagrees. He has been using his nasal saline twice daily with Singulair also on a daily basis. He also takes Zyrtec or Claritin which has not been used for the past 7 days. Other medications have included Prilosec, Plavix, and low dose aspirin.

PHYSICAL EXAMINATION:

GENERAL: Mr. Fuchs presently weighs 185 pounds. This represents a 3-pound weight loss since his last visit in December. BP is 114/64.

EENT: Conjunctivae are clear. No obvious nasal discharge or blockage. Good air flow through the nose.

CHEST: No coughing and no visible SOB.

SKIN: Examination of the skin reveals scattered areas of urticaria which, by appearance, are most consistent with contact urticaria with areas of erythema and several areas with clusters of tiny bumps.

LABORATORY DATA: Skin testing was performed to evaluate current levels of sensitivity particularly directed toward those substances in the patient's immunotherapy extracts. Virgil started his program of desensitization in August of 2007. He is receiving two extracts, one containing dust mite and the other containing a mixture of dander and pollen. 16 substances were selected for testing by the prick method. The patient demonstrated 4+ positive reaction to dust mite DF with 3+ positive reaction to dust mite DP. There was no sensitivity to livestock including cattle, horse, and hog. House dust was also negative. There was no sensitivity to selected molds previously untested or southern grass, eucalyptus, and sycamore. Ragweed was negative. I then selected several for further testing by the intradermal technique. He now demonstrated 4+ positive reaction to oak tree with 2+ reactions to cottonwood and pigweed pollens. There was no sensitivity to mouse and borderline 3+ reaction to dog dander. He did demonstrate a 2+ reaction to cat pelt and a borderline 3+ positive reaction to cockroach.

Read this into the hearing. The name of the Dr is being withheld because they have been harassed in the past. This power line will be subject to field testing.

12-15-12 Virgil N Fuchs

INTERVAL HISTORY: Mr. Virgil Fuchs returns to the Allergy Clinic for an unplanned office visit. The patient was last seen on the 16th of December. He has had no follow-up in 6 months. The patient lives in Texas, Arizona and Louisiana. He reports having excellent health in those locations. He does have some "hayfever" type symptoms in Texas during the spring. He would like to see you in Texas during the spring.

Page 2

I suspect that Virgil's main areas of sensitivity include insect dust and dander. Dust mite responses by skin testing were positive but less so compared to previous results obtained in 2007. Ragweed and house dust were both 4+ positive when initially tested and negative today. He does demonstrate sensitivity to cockroach and dog dander as well as oak tree. Insect sensitivity especially in the form of Asian lady beetles as well as dust mites and other house dust bugs probably connected to recent developments with urticaria. We must also consider contact urticaria with respect to laundry detergent. Anxiety will certainly aggravate all of these conditions. When first seen, Virgil presented with a history consistent with globus reaction and these have been relatively minor since then.

Plan of management was updated. He will continue with twice-daily nasal saline. I suggested taking Xyzal as his antihistamine of choice on a daily basis supplemented with Singulair 10 mg by mouth daily if needed. I also recommended good insect control measures to include spraying the house inside and out two times per year. He needs to avoid his major triggers which include tobacco smoke and ionized air such as power lines. He will keep his influenza vaccine current annually with a pneumococcal vaccine booster at the appropriate times. Immunotherapy will be revised. I will increase the dosage of dust mite and dog and add cockroach. This will require a new start. Virgil will have his EpiPen available at all times on shot days in the event of an allergic emergency. I explained to him that a 30-minute wait after his injections is a safety issue established for his benefit. Blood testing was requested to evaluate for possible specific allergic sensitivity to various southern inhalant allergens to include trees and grasses. 40 minutes were spent with Virgil and his wife reviewing his interval history, conducting a partial exam and providing them with a detailed discussion of test results as well as clinical impressions and recommended approaches to management, as outlined above. I will plan to have him return for followup in 6 months.

12-15-12

Jane M. Fuchs
Virgil Fuchs

Virgil Fuchs
40949 275th St.
Belgrade, MN 56312-8925

MAIL STICKS ON TOP OF ENVELOPE TO HOLD AWAY
FROM THE RETURN ADDRESS. FOLD AT DOTTED LINE

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The Honorable Ann O'Reilly
Office of Administrative Hearings
P.O. Box 64620
St. Paul, Minnesota 55164-0620

All these pictures were
taken after the Sheriff
was out there.



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Skid in my field
All these pictures were
taken after we thought
it was settled





Shows them driving
around the back side
of the No trespassing
Sign on my property





No boundry line



No boundary line
remaining





Pickup is on Boundary
line. Shows the skids
on my property and
driving in my field
to get to them

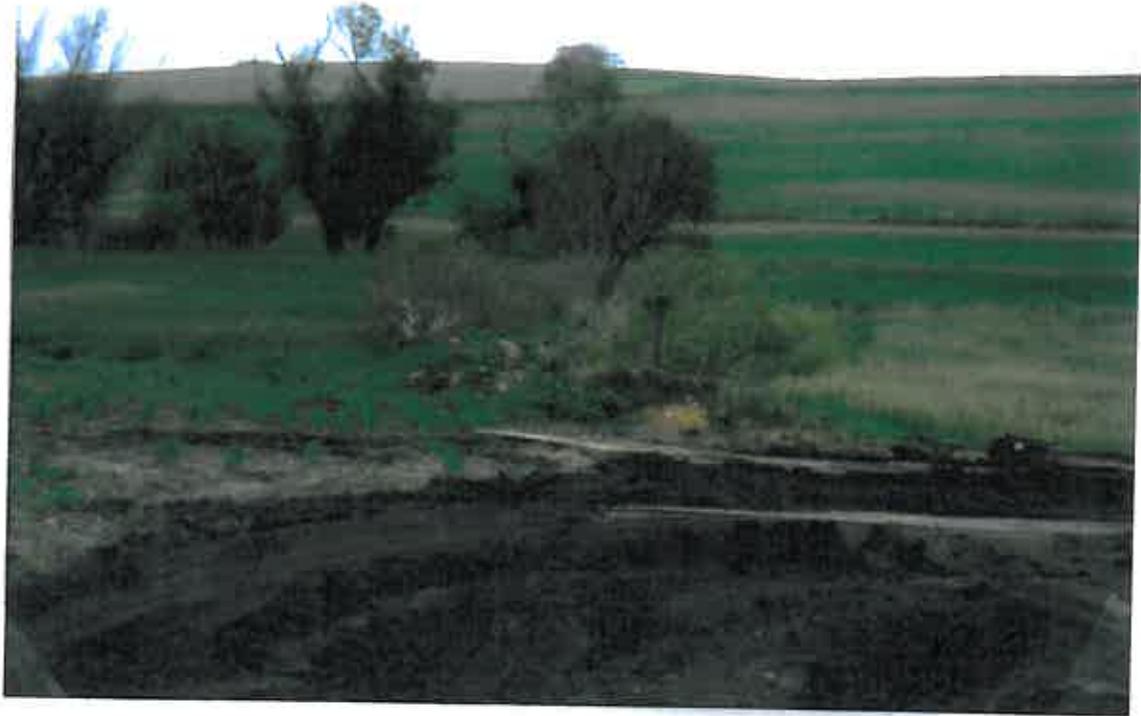




Skid in field



Shows stake in corner
designating boundary. Pickup
is on what used to be
our property



Shows the wet area
in John's land.



I put up no trespass
and they drove around
them



The boundary was
clearly marked
can't these people read

December 16, 2012

Tom Vouk
206 River Oaks Drive
Cold Spring, MN 56320

The Honorable Ann O'Reilly
Office of Administrative Hearings
PO Box 64620
St Paul, MN 55164-0620
routecomments.oah@state.mn.us

RECEIVED
2012 DEC 19 AM 7:44
ADMINISTRATIVE
HEARINGS

Re:
PPSA Annual Hearing Comments
PUC Docket # E-99/M-12-360
OAH Docket #65-2500-30183

Your Honor,

Please carefully review the performance of all parties operating under the CapX project umbrella. From the very beginning of the line siting, they have fashioned a campaign to **deceive, deny and delay** any person or group in opposition to this project or its line location. They have now added **intimidation and outright attempts to deny provisions guaranteed by the Minnesota Legislature**. It would seem to a layman, anyway, that once they accepted the certificates for the line, that they also accepted the regulations surrounding those certificates at the time of issuance.

How do they now intimidate? By refusing to consider or ignoring (stone-walling) “buy the farm” cases, delaying payments for almost any thing other than ROW payments (which had to be deposited with the courts), failure to reimburse affected property owners for costs of appraisals or property inspections, failure to complete payments for “buy the farm” selections, etc, etc, etc. The conglomerate has also petitioned the courts on nearly every minor technicality. Then, when they lose the case, they often further delay, by asking the district courts to review. Legal yes, ethical no! **Why do they not just pay a reasonable severance or buy-out, and allow us to move on with life?**

There is a **huge dis-incentive** built into this system. Since CapX is represented by a group of lawyers (Fredrikson), the longer these lawyers from Fredrikson delay, the larger will be their billable hours. All of my readings suggest that these utilities have a statutory requirement to **“negotiate in good faith”**. When is that going to happen? Who is doing the monitoring, and who is protecting the citizens of Minnesota?

My wife and I volunteered for a whole property buy out over a year and a half ago. After appraisals, water testing, septic inspection, home inspection, environmental review, etc, CapX now states that they don't know if the property is “commercially viable” (appraisal was provided), is contiguous (any look at a map demonstrates that it is) and other inane



objections. I have talked to several neighbors and attended a large meeting of affected land owners. 100% of the attendees were extremely dissatisfied with this process. All felt intimidated by the delays imposed by CapX. Many are desperate for some settlement because of financial constraints.

Since they already have full access to the route, CapX/Fredrikson has no incentive to finalize any of these cases. The longer they delay, the more **desperate** the **land owners** are likely to become. I'm sure that it is a **planned outcome**. In desperation, these owners are likely to settle for less than they legally should receive, if provided a level playing field. Many like us, have already (6 months ago) moved to another property in anticipation of a speedy resolution. Luckily, we personally do not have two house payments, other than taxes and maintenance; however, many others are not so fortunate.

My suggestion is to **enjoin CapX from installing poles and stringing lines** until most (all) cases are resolved. Or, create a **committee with real powers** to monitor and enforce statutory compliance.

It should be very easy to confirm any of the above accusations. Send out a questionnaire to all land owners involved in "buy the farm" or other unsettled cases. Ask about their treatment by, and satisfaction with CapX and the legal processes. Surely such a list of landowners already exists, or could be rapidly generated.

Thanks for this opportunity to express our concerns.

Sincerely,



Tom and JoAnn Vouk

Affected property:
26003 Heritage Road
Cold Spring, MN 56320

P.S: See enclosed copy of email

O'Reilly, Ann (OAH)

From: Tom Vouk <tjvouk@gmail.com>
Sent: Sunday, December 16, 2012 2:55 PM
To: *OAH_Routecomments.oah
Subject: CapX stonewalling land owners

December 16, 2012

Tom Vouk

206 River Oaks Drive

Cold Spring, MN 56320

The Honorable Ann O'Reilly

Office of Administrative Hearings

PO Box 64620

St Paul, MN 55164-0620

routecomments.oah@state.mn.us

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