

MINNESOTA ENVIRONMENTAL QUALITY BOARD



**NOTICE OF PUBLIC HEARINGS
AND
EIS AVAILABILITY**

**Split Rock Substation to Nobles County Substation to Lakefield Junction Substation
345 kV Transmission Line and the Nobles County Substation to Chanarambie
Substation
115 kV Transmission Line and the Nobles County Substation
Docket No.: 03-73-TR-XCEL**

PLEASE TAKE NOTICE that the Minnesota Environmental Quality Board (EQB) will hold Public Hearings on an application by Xcel Energy for a route permit for two new high-voltage transmission lines in Southwest Minnesota.

The hearings will take place at the following four locations:

- Lakefield Senior Citizen Center, 112 South Main Street, March 1, 2005
- Wilmont Community Center, 316 4th Avenue, March 2, 2005
- Luverne Rock County Library, 201 West Main Street, March 3, 2005
- Chandler City Center, 241 4th Street, March 4, 2005

There will be an afternoon session and an evening session at each location. The afternoon session will convene at 2:00 p.m. and an evening session will convene at 7:00 p.m.

Administrative Law Judge Allan Klein (ALJ) will preside at the hearing. Judge Klein's address is Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, phone (612) 341-7609.

Continuation of Hearing The Administrative Law Judge may elect to recess the hearing or set additional days for the hearing if necessary.

Statutory Authority Before a high-voltage transmission line can be constructed in Minnesota, a route permit is required from the EQB under the Power Plant Siting Act. Minn. Stat. §§ 116C.51 – 116C.69. For this route permit, a formal contested case hearing is required under Minn. Stat. § 116C.57, subd. 2d. The EQB has adopted rules for the administration of route permits. Minn. Rules chapter 4400. The statutes and rules may be found using the Internet at www.revisor.leg.state.mn.us/stats/ and at www.revisor.leg.state.mn.us/arule/.

Project Description Xcel Energy has proposed to construct two new high-voltage transmission lines crossing through four counties in Southwest Minnesota. The primary purpose of the new transmission lines is to increase the outlet capacity for wind energy off Buffalo Ridge. The larger of the two lines is an approximately 86-mile 345-kV line running east-west from the Split Rock Substation near Sioux Falls, South Dakota, through Rock County and Nobles County, and ending at the Lakefield Junction Substation in Jackson County, MN. The other is a new 115-kV transmission line that will run approximately 40-miles north-south from a new substation near Reading,

Minnesota in Nobles County to the existing Chanarambie Substation in Murray County. The proposed route permit also includes designation of a site for the Nobles County Substation, which will interconnect the two new transmission lines.

Purpose of Hearing The purpose of the public hearing is to compile the record for the EQB Board to consider in making a final decision on the permit request. The ALJ will write a report and make a recommendation to the EQB on which routes to authorize and on any appropriate permit conditions. The EQB will make a final decision on the routes and conditions at a subsequent EQB meeting.

Conduct of Hearing At the start of each hearing session, the ALJ will explain the procedural rules for the hearing, including the following: a) all persons may present evidence and argument with respect to issues and may question witnesses; b) all persons may be represented by legal counsel, but such representation is not required; and c) the rules of evidence.

Questioning of witnesses is allowed, and will be conducted in a sequence determined by the ALJ. Generally, parties presenting prefiled written direct testimony and witnesses are subject to cross-examination by other parties. The EQB staff will be present at the hearing and make a brief presentation about the project and introduce into the record a number of documents relating to the project, including the application, the EIS, and certain procedural documents. Members of the public will have an opportunity to ask questions of EQB staff and Xcel representatives, to make statements, and to offer written comments and material into the record at both the afternoon and evening sessions. Members of the public are not required to file any papers in advance of the hearing in order to participate. Members of the public may be represented by legal counsel but such representation is not required.

Public Participation and Intervention There are two ways in which persons may participate in the hearings: as an interested person, or as a party.

Interested person: A person will be allowed to participate without the necessity of intervening as a party. Participation includes: a) offering direct testimony with or without benefit of oath or affirmation and without the necessity of prefilings testimony; b) offering direct testimony or other material in written form at or following the hearing; and c) questioning witnesses. Any person who wishes to question a witness but does not want to ask the questions may submit questions in writing to the ALJ, who will then ask the questions of the witness. Questions may be submitted during the hearing or may be mailed to the ALJ in advance of the hearing.

Right to Intervene: Any person may seek to intervene as a full party to this proceeding. If a person desires to intervene, the person should file a document called a Petition for Intervention with the ALJ by February 4, 2005. Minnesota Rules Part 1405.0900. Intervention ensures that the person will have all the rights of a party, including the right to make motions, to attend any prehearing conferences, to be served with documents, and to present witnesses, and also the obligations of a party such as responding to discovery requests and serving other parties.

In addition, participation as a party will guarantee the person the right to present final argument to the MEQB after receiving the report of the ALJ. The MEQB may elect to hear argument from non-parties, but it is not required by law to do so.

The Petition for Intervention must show how the petitioner's legal rights, duties or privileges may be determined or affected by the proceedings, how the petitioner's rights, duties and privileges are not otherwise represented, and shall set forth the grounds and purposes for which intervention is sought and shall indicate the petitioner's statutory or legal right to intervene, if one should exist. The ALJ, with the consent of all parties, may

waive the requirement that the petition be in writing. If intervention is allowed by the ALJ, the intervening party is subject to all responsibilities of a party, including making witnesses available for questioning.

NOTE: This is not a complete list of all the rights and obligations of a party. It is meant only to provide a general understanding of the major differences between a party and a non-party. For more information about participation as a member of the public, contact the Board's public advisor (see below). For more information about participation as a party, including information regarding the pre-hearing conference, contact the ALJ.

OAH Rules The Office of Administrative Hearings has adopted rules that apply to EQB public hearings like this one. Minn. Rules chapter 1405. The applicable statutes and rules can be found on the web page of the Office of Administrative Hearings. www.oah.state.mn.us The rules and statutes are also available on the Revisor's webpage shown above. Rules and statutes may also be purchased at the State Bookstore, 660 Olive St., St. Paul, Minn. 55155, phone (651) 297-3000.

EQB Public Advisor Questions about this project or about how to participate in the hearing process can be directed to the EQB public advisor George Johnson (651-296-2888). The public advisor is available to answer questions about the hearing procedure and how to effectively participate, but he does not provide legal advice. John Wachtler (651-296-2096) is the project manager. The address for the EQB is Room 300 Centennial Office Building, 658 Cedar Street, St. Paul, Minn. 55155. For questions regarding legal issues, the EQB is represented by Assistant Attorney General Dwight Wagenius, NCL Tower, 445 Minnesota Street, St. Paul, MN 55155: 651-296-7345

Identified Parties The only party to this proceeding identified on the date of this notice is the applicant, Xcel Energy. Contact Pamela J. Rasmussen, Permitting Analyst, 1414 West Hamilton Ave., P.O. Box 8, Eau Claire, Wisconsin, 54702, 715-839-4661.

Prehearing Conference. A prehearing conference telephone call will occur on Friday, February 4, 2005, commencing at 10:00 a.m. Each party and each person who has filed a Petition to Intervene is entitled to participate in the call. Other members of the public may monitor the call to the extent that lines are available. Parties, petitioners and other interested persons should contact Michael Lewis, a Staff Attorney at the Office of Administrative Hearings, at 612-341-7610 by the close of business on Thursday, February 3, to learn the procedures for participating in the call. The prehearing conference call is an informal planning meeting where the parties can raise and resolve a number of issues such as the scheduling of witnesses, the numbering and status of exhibits and a variety of other logistical issues in preparation for the hearing.

Prefiled Testimony Xcel Energy will prepare its direct testimony in support of the project in a written question and answer format. This testimony will be filed with the Administrative Law Judge by no later than February 14, 2005, and will be available for review at the EQB and the following libraries: Rock County Library (Luverne), Adrian Library, Nobles County, Library (Worthington), Jackson County Library (Lakefield), Fulda Memorial Library, Slayton Public Library; and Chandler City Hall.

Environmental Impact Statement The EQB has prepared a draft EIS on the proposed project. The draft EIS describes the Xcel Energy proposal compares potential routes for the new transmission lines. Copies of the draft EIS, the permit application, and other material are available for public review at the libraries listed above. The draft EIS is also available upon request from the EQB at 651-296-2571 or on the EQB webpage at <http://www.eqb.state.mn.us/Docket.html?Id=6466>

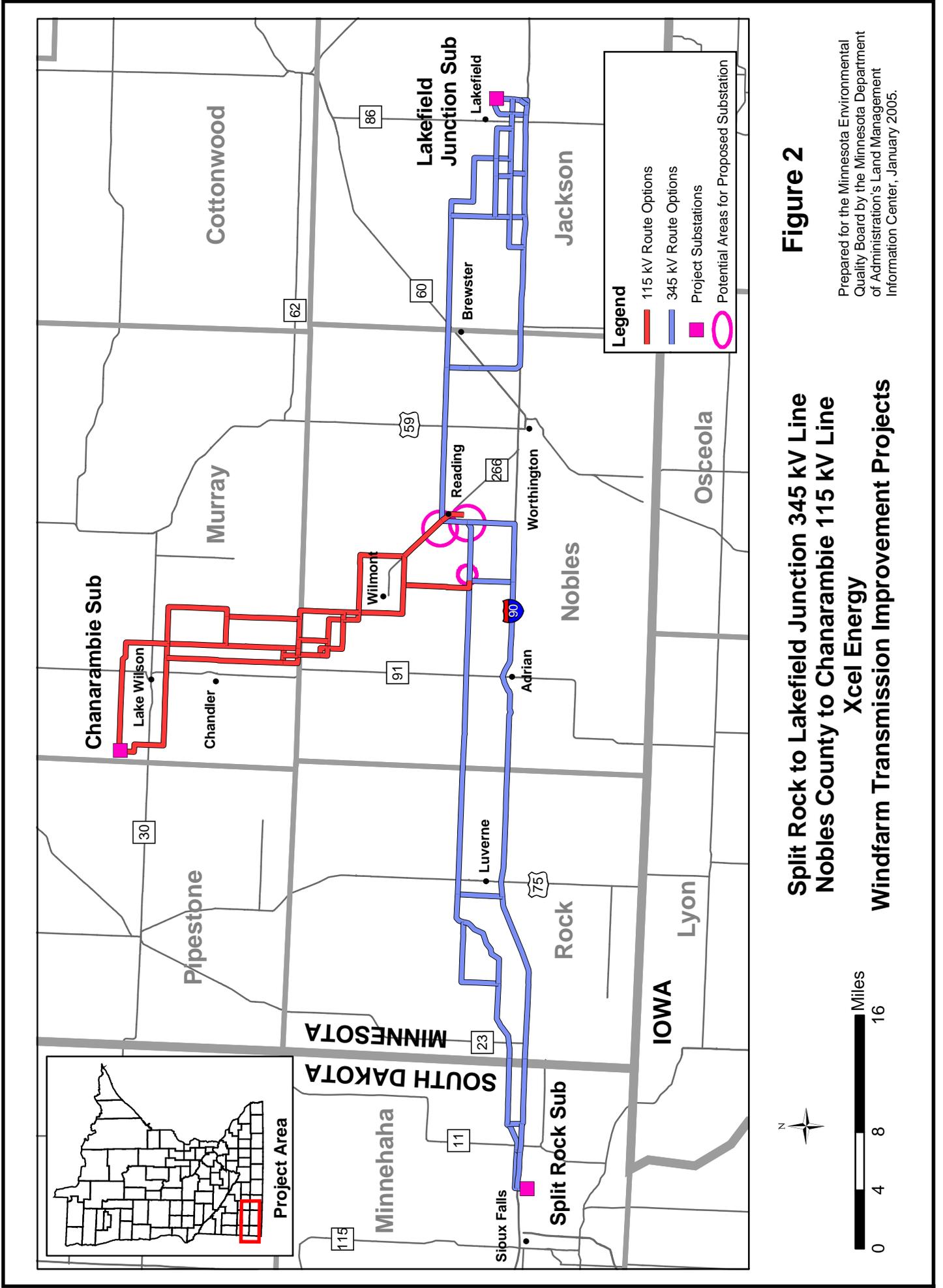


Figure 2

Split Rock to Lakefield Junction 345 kV Line

Nobles County to Chanarambie 115 kV Line

Xcel Energy

Windfarm Transmission Improvement Projects

Prepared for the Minnesota Environmental Quality Board by the Minnesota Department of Administration's Land Management Information Center, January 2005.