



MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

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October 11, 2010

To All Parties as Listed on the Attached
PUC's Service List and Emailed to
Gerald W. Von Korff and Michael J. Ford

Re: *In the Matter of the Application for a Route Permit for the
Fargo to St. Cloud 345 kV Transmission Line Project*
OAH Docket No. 15-2500-20995-2
PUC No. E-002/TL-09-1056

Dear Parties, Mr. Von Korff and Mr. Ford:

I have received a message from Mr. Von Korff with questions concerning the schedule for filing testimony in this matter. Tied to it is the status of the potential intervenors, Avon Township and St. John's Abbey/University.

Intervention

The petitions to intervene were filed by Avon Township and St. John's Abbey/University on October 7, 2010. Under the rules governing those petitions, the other parties to the proceeding have seven days to file a notice of objection. The Applicants have already notified me that they do not have an objection; NoCapX2020, U-CAN and NoRCA have a few more days to file an objection, if they choose to do so. Thus, no order will be issued concerning the pending petitions until I receive a response from the remaining parties or the deadline to file such a response passes.

Schedule for Prefiling Testimony

As Ms. Hammel correctly stated, the issue of who would file direct testimony was not addressed at the prehearing conferences. Ordinarily, I would expect all parties to file direct testimony simultaneously, stating their route preference and the reasons for it. Then, each party would have the opportunity to file rebuttal, addressing the other parties' positions. However, in other instances, the Applicants have filed first.

Under the rules that govern these proceedings, the direct testimony must be filed in advance of the public hearings, which are scheduled to begin on

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Page 2

October 11, 2010

November 17, 2010.¹ See Minn. R. 1405.1900. It is not required that other testimony is filed by that date.

In the event that the petitions to intervene are granted, I would propose that the schedule be revised to give additional time to the intervenors to file their testimony:

Applicants' Direct Testimony: **October 13, 2010**

Intervenors' Direct Testimony, including Rebuttal to the Applicants, and OES Comments: **October 29, 2010**

Applicants' Rebuttal Testimony, Intervenors' Rebuttal Testimony to Other Intervenors, and OES Comments: **November 17, 2010**

Surrebuttal Testimony: **November 30, 2010**

The deadline for filing the list of Proposed Exhibits and Witnesses would be **November 30, 2010**, subject to amendment in response to Surrebuttal Testimony.

I would expect that each intervenor's direct testimony would state its preferred route alternative and its reasons for it so that each party has the opportunity to respond in its Rebuttal testimony.

Please notify me promptly whether this revised schedule is workable for you. I would like to issue a revised scheduling order as soon as possible so that the parties' obligations are clear.

Sincerely,

s/Beverly Jones Heydinger

BEVERLY JONES HEYDINGER
Administrative Law Judge

Telephone: (651) 361-7838

BJH:nh

¹ OES has drafted a proposed public hearing schedule but the locations have not been set.

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