

**STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE MINNESOTA ENVIRONMENTAL QUALITY BOARD**

**In the Matter of The Exemption
Application By Minnesota Power For A
345/230 kV High Voltage Transmission
Line Known As The Arrowhead Project
MEQB Docket No. MP-HVTL-EA-1-99**

SECOND PREHEARING ORDER

A second prehearing conference in the above matter was held on Monday, January 24, 2000, at 11:00 A.M. at the Midway Town Hall, 3230 Midway Road, Duluth, Minnesota. A third prehearing conference was held by telephone conference call on Thursday, January 27, 2000 at 11:00 A.M.

All parties on the attached Service List either attended or had the opportunity to participate in at least one of the two prehearing conferences.

Based upon discussions with counsel and parties, and information submitted thereafter, the following matters are now resolved and constitute the **SECOND PREHEARING ORDER** of the Administrative Law Judge. **IT IS HEREBY ORDERED AS FOLLOWS:**

- 1. The hearing schedule is modified as follows:** The hearing shall commence on Monday, March 6, 2000 at 1:30 p.m. at the Black Woods Conference Center, Proctor, MN. The Black Woods Conference Center is associated with the AmericInn Motel and the Black Woods Restaurant, which are all connected. The Conference Center has a large room seating 260, which can be divided in half for evidentiary hearings. There are telephones, photocopy service, and a facsimile machine available. The motel has plenty of rooms available for out of town parties. The Conference Center is reasonably close to the Arrowhead Line project site. The hearing will adjourn on March 6th at 5:00 p.m. for a dinner recess and will recommence for a public hearing at 7:00 p.m. at the same location. The 7:00 p.m. session will give priority to interested members of the public who wish to offer comment or ask questions relevant to the Exemption Application and the identified issues of the hearing. The hearing will adjourn when all interested persons have had an opportunity to be heard. The evidentiary hearing will continue as necessary at 9:00 a.m. on Tuesday, March 7 through Friday March 10, 2000. In the event we do not complete the hearing by Friday, March 10, we will continue the hearing at the same location on March 13 through March 17 as necessary. I have reserved the Black Woods Conference Center for the entire week of March 13. If I deem it

necessary, I will schedule another public hearing during that second week. The second public hearing, if held, will be on the evening of Monday, March 13, 2000, commencing at 7:00 p.m. The decision to hold additional hearing dates, both public and evidentiary will be announced at the hearing on March 10th.

2. **The Request for Information schedule is modified as follows:** All requests for information shall be made in writing to the person from whom the information is sought. No such request shall be provided to the Administrative Law Judge. The party responding to the information request shall provide the information requested to the requesting party within seven (7) days after the receipt of the request. The information need not be supplied as a matter of course to all other parties. In the event that the information cannot be supplied within seven (7) days, the responding party shall notify the requesting party and/or their counsel in writing within three (3) days of the request of the reasons for not being able to supply the information and to work out a schedule of compliance with the requesting party. All disputes concerning the reasonableness of information the Administrative Law Judge upon motion of a party shall resolve requests and the timing and sufficiency of responses. The last day to submit a request for information is February 14, 2000. The last day for responses is February 21st. Information requests may be submitted by facsimile. Minnesota Power's fax number has been identified as (218) 723-3955.
3. **The schedule for prefiled testimony is modified as follows:** All intervening parties shall prefile and serve their direct and/or rebuttal testimony to Minnesota Power's direct testimony (which was filed on January 14, 2000) by February 28, 2000. Any surrebuttal testimony may be submitted orally at the hearing. Rebuttal and surrebuttal testimony will be strictly limited to the scope of the prefiled direct and rebuttal testimony.
4. The deadline for supplements to and responses to NAWO's Motion to Certify Question Regarding Scope of Proceeding is January 31, 2000. Replies to the Motion must be received in hand by February 3, 2000. A ruling on the motion will be made by February 7, 2000, so the matter can be placed on the MEQB Agenda for consideration at its February 17, 2000 meeting. In the event the Motion to Certify is granted and the MEQB expands the scope of the proceeding, the hearing dates will again be modified. If the Motion to Certify is not granted or if granted, but the MEQB does not expand the scope of this proceeding, then the hearing will go forward as scheduled.
5. **The motion deadline is modified as follows:** Any application to the ALJ for an order shall be by motion which, unless made during a hearing, shall be made in writing, shall state with particularity the grounds therefor, and shall set forth the relief or order sought. All motions must be filed and served consistent with Minn. R. 1400.6600 and no later than February 21, 2000. Replies to motions filed must be filed and served no later than February 28, 2000.
6. **The exchange of proposed exhibit and witness lists is modified as follows:** By February 28, 2000, the parties shall file and exchange proposed exhibit and witness lists (unless attached to the prefiled testimony submitted earlier). Any proposed

witness list shall include a brief description of the anticipated testimony of each witness and the order of presentation of each witness.

7. **The stipulation deadline is modified as follows:** To the extent possible, the parties shall enter into prehearing stipulations regarding the facts involved in the hearing and foundation for anticipated exhibits. Stipulations shall be reduced to writing and submitted to the ALJ by February 28, 2000.
8. The order of testimony, cross examination and questions in this proceeding will be Minnesota Power proceeding first, followed by each intervenor in the following order: Clean Water Action Alliance, North American Water Office, Save Our Unique Lands, Inc., Lake Superior Greens, World Organization of Landowner Freedom, Dairyland Power Cooperative, the Minnesota Department of Commerce and lastly, the MEQB Staff.
9. Minnesota Power has requested the services of a court reporter at the hearing and has requested the preparation of a hearing transcript. The hearing transcript is a public document and will be available for review at the OAH during normal business hours, after it is received by the ALJ. After a Report is issued, the entire record and transcript will be available for review at the MEQB. Any party, intervenor or interested person may obtain a copy of the transcript but must pay the cost of transcript preparation.
10. A web-site has been established for the posting of information concerning this proceeding. Information which may be posted includes: hearing notices, scheduling orders, motions, responses to motions, orders on motions, maps and directions, and any other information relevant to the proceedings that the ALJ determines should be placed on the web site. The web site may provide links to newspaper organizations that report on the proceedings. The web-site may be accessed on the Internet at the following url: <http://www.oah.state.mn.us>.
11. This Order may be modified upon reasonable stipulation of the parties and notification to the ALJ or upon written motion for good cause shown.

Dated this 31st day of January, 2000.

PHYLLIS A. REHA
Administrative Law Judge