

OAH: 5-2500-39600

PUC: E-015/CN-22-607

E-015/TL-22-611

**STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE
PUBLIC UTILITIES COMMISSION**

In the Matter of the Application of
Minnesota Power for a Certificate of
Need for the HVDC Modernization
Project in Hermantown, Saint Louis
County

In the Matter of the Application of
Minnesota Power for a Route Permit for
a High Voltage Transmission Line for the
HVDC Modernization Project in
Hermantown, Saint Louis County

**EXHIBITS
WORLD ORGANIZATION OF LANDOWNER FREEDOM
AFFIDAVIT OF OVERLAND**

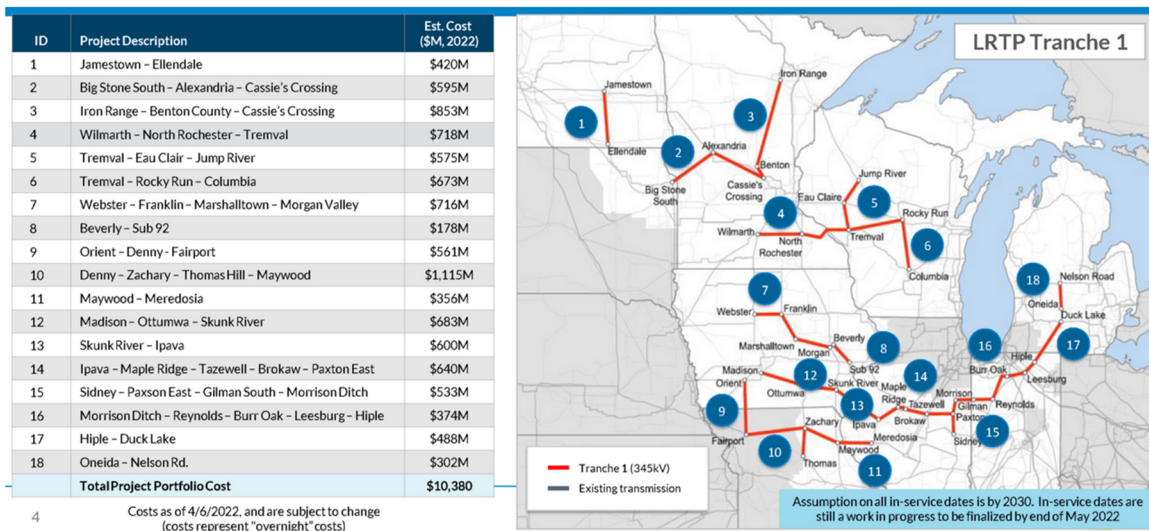
STATE OF MINNESOTA)
) ss.
COUNTY OF GOODHUE)

I, Carol A. Overland, after duly affirming, state and depose as follows:

1. I am an attorney licensed in good standing in the state of Minnesota, License Number 254617.
2. I am representing World Organization of Landowner Freedom (W.O.L.F.) regarding the

Arrowhead Transmission Project, have been for the last 25 years, and in this case, in Public Utilities Commission dockets E-015/CN-22-607 and E-015/TL-22-611.

3. eFiled in both dockets on March 13, 2024 ([20243-204276-02](#), [20243-204276-01](#)) is W.O.L.F. Exhibit 1, a true and correct copy of the MISO interconnection report referenced by ATC witness Dagenais, “GI-DPP-2017_AUG-ATC-WI_Phase 1-SIS-Report. This report addresses interconnection of J792, the Superior Wisconsin natural gas generating plant proposed by Minnesota Power. ATC’s Dagenais refers to this study and J732 in Direct testimony but did not include the study with his Direct. See ATC Dagenais, Direct p. 31.
4. eFiled in both dockets on March 13, 2024 ([20243-204277-01](#), [20243-204277-02](#)) is W.O.L.F. Exhibit 2, a true and correct copy of ATC’s 10 Year Plan, listing projects proposed/planned by ATC, updated in annuary 2024. Online at <http://www.atc10yearplan.com/wp-content/uploads/2024/01/Q4-2023-Update-to-the-2023-TYA-Project-List-as-of-Jan-15-2024.pdf> ATC’s “alternative” is not among the projects queued up in its 10 year plan as of January 15, 2024.
5. eFiled in both dockets on March 13, 2024 ([20243-204278-01](#), [20243-204278-02](#)) is a true and correct copy of W.O.L.F. Exhibit 3, a map of MISO Tranche 1 transmission projects.



This MISO map can also be fund on ATC’s page with start and endpoints described for each of the projects: <https://www.atc10yearplan.com/selected-planning-initiatives/long-range-transmission-plan/> In his Direct, p. 12, l. 9-11, Dagenais claims, regarding his “Table 1: Comparison of Maximum Expected System Losses” that

...summarizes these calculations and provides the real power losses for all areas on the transmission system that surround MP’s proposed new St. Louis County Substation.. ATC’s 345/230 kV Arrowhead Substation.

... and that:

Losses in each area were calculated for each alternative, both before and after the addition of Projects 4, 5, and 6 of Tranche 1 of MISO's Long Range Transmission Plan.

Dagenais Direct, p. 13, Table 1, note 2. However, Dagenais neglects to include MISO Tranche I projects 1 and 2 in Minnesota, and in particular Minnesota Power's Tranche 1 project #2. Inclusion of these additional projects "that surround MP's proposed new St. Louis County Substation and ATC's 345/230 kV Arrowhead Substation" would produce a different loss number than predicted in Table 1.

6. eFiled in both dockets on March 13, 2024 ([20243-204285-02](#), [20243-204285-01](#)) is W.O.L.F. Exhibit 4, a true and correct copy of an article entitled "Burgum, Sanford laud historic transfer of Coal Creek Station, transmission line to Rainbow Energy, Nexus Line." The Coal Creek coal plant was scheduled to be shut down, but instead was sold and so remains open and operating.
7. Efiled in both dockets on March 16, 2024 ([20243-204437-02](#), [20243-204437-01](#)) is W.O.L.F. Exhibit 5, a true and correct copy of the Mid-Continent Area Power Pool (MAPP) report on the June 25, 1998 "disturbance" when the King-Eau Claire Arpin transmission line tripped due to operator overload beyond operating guide, causing massive outage in much of the Eastern Interconnect. From p. iii:

Executive Summary

The cause of the disturbance on June 25, 1998, was a trip of the NSP King-Eau Claire 345kV line at 02:18 CDT along with the prior outage of the Prairie Island-Byron 345kV, which had tripped earlier at 01:34 CDT and could not be reclosed due to a high phase angle across the open breaker. The NSP Operators were focusing on closing the Prairie Island-Byron 345kV line at the time of the subsequent King-Eau Claire 345kV line trip.

The system was in an insecure state following the Prairie Island-Byron 345kV line trip, and not able to withstand the next contingency. The TCEX flow was 1004 MW, and had not been reduced by the NSP System Operators to achieve the safe Operating Guide stability limit of 700 MW prior to the subsequent King-Eau Claire 345kV line trip. Following the King-Eau Claire 345kV trip, the remaining underlying transmission lines out of the Twin Cities area were significantly overloaded and began tripping, and the cascading tripping continued until the entire northern MAPP region was separated from the Eastern Interconnection.

The impact of the disturbance was widespread, affecting the entire MAPP region and the Northwestern Ontario Hydro (OH) system. Northern MAPP separated from the Eastern Interconnection forming several islands, and resulting in the eventual blackout of the Northwestern OH system. In the MAPP region, more than 60 transmission lines tripped, over 4,000 MW of generation was lost, and more than 39,000 customers were affected by the loss of over 300 MW of load. In the Northwestern OH system, all of the tie lines tripped, about 270 MW of generation was lost, and more than 113,000 customers were affected by the loss of 650 MW of load.

No major damage to equipment was reported as a result of the disturbance. The system restoration was accomplished well by the System Operators, with the systems returning to normal within 19 hours after the disturbance began.

The MAPP Operating Standards were violated during this incident. The system was not re-adjusted immediately to a secure operating condition prior to the next contingency. NERC Operating Policies were also violated during the disturbance.

This MAPP report was entered into the Wisconsin Arrowhead proceeding (95-CE-113) by WOLF during the January hearing. WI-PSC WOLF Exhibit 189. This report was crucial because repeatedly, WPS witnesses testified that the Arrowhead-Weston transmission line was necessary because of the massive blackout of June 25, 1998 with histrionic predictions of blackouts. One witness testified that without Arrowhead-Weston we'd be freezing in the dark, that hospitals wouldn't have electricity for respirators and incubators, and most every witness was asked, "Where were you on the night of June 25, 1998!"

This MAPP report was disclosed in Discovery, but was not entered by WPS (ATC did not exist at that time), and WOLF entered it to assure that the cause, operator error and abuse of the system was in the record, an industry report, clearly demonstrating it was, not a "system weakness" as claimed by witnesses as reason for the Arrowhead-Weston transmission line. Additional specifics:

The cause of the disturbance was a trip of the NSP King-Eau Claire 345kV line at 02:18 CDT along with the prior outage of the Prairie Island-Byron 345kV line. The Twin Cities Export (TCEX) at the time of the King-Eau Claire 345kV line trip was approximately 1004 MW. The NSP Prairie Island-Byron 345kV line had tripped earlier at 01:34 CDT and could not be reclosed due to a high phase angle across the open breaker. The NSP Operators were focusing on closing the Prairie Island-Byron 345kV line at the time of the subsequent King-Eau Claire 345kV line trip.

The system was in an insecure state following the Prairie Island-Byron 345kV line trip, and not able to withstand the next contingency. The TCEX flow was not reduced by the NSP System Operators to achieve the safe Operating Guide stability limit of 700 MW prior to the subsequent King-Eau Claire 345kV line trip. Following the King-Eau Claire 345kV trip, the remaining underlying transmission lines out of the Twin Cities area were significantly overloaded and began tripping, and the cascading tripping continued until the entire northern MAPP region was separated from the Eastern Interconnection.

The impact of the disturbance was widespread, affecting the entire MAPP region and the Northwestern Ontario Hydro (OH) system. Northern MAPP separated from the Eastern Interconnection forming several islands, and resulting in the eventual blackout of the Northwestern OH system. The affected regions are shown in Figure #1. A significant amount of generation and load was lost during the disturbance. Significant voltage and frequency excursions, heavy transmission loading and power surges also occurred during the disturbance. No major damage to equipment was reported as a result of the disturbance.

Id., p. 3. The Conclusions point out the communication failures and operator errors. Id., p. 9-28. See also Description of Disturbance, p. 42; Appendix 5, beginning at p. 79 of 127 pps pdf.

8. eFiled in both dockets on March 16, 2024 ([20243-204437-04](#), [20243-204437-03](#)) is a true and correct copy of W.O.L.F. Exhibit 6, the Wisconsin Reliability Assessment Project Report, documenting the selection of "3j," the Arrowhead-Weston transmission project, from many studied potential transmission projects, and upon which "justification" of the Arrowhead-Weston project was based as the be-all and end-all of transmission projects into Wisconsin. Since that time, most of the potential transmission projects rejected in that report have been applied for and built!

9. eFiled in both dockets on March 28, 2024 is a true and correct copy of W.O.L.F. Exhibit 7, which includes Minnesota Power’s February 6, 2008 cover sheet and Attachments D – Operating and Maintenance Services Agreement, and Attachment E – Transmission Interconnection Agreement by and among Minnesota Power, American Transmission Company LLC and the Midwest Independent Transmission System Operator, Inc. This filing was originally eFiled ([4928171](#)) in docket E015/PA-04-2020, In the Matter of Minnesota Power’s Petition for Review of an Agreement between Minnesota Power and American Transmission Company.

These agreements address relevant terms, i.e., the Operating and Maintenance Services Agreement, Performance Standards, D, and p. 28, XIII Miscellaneous, “Compliance with Law.”

D. All Services, Including Maintenance Services.

1. ATC shall direct MP’s performance of the Services and otherwise perform all of its obligations under this Agreement, in accordance with the following performance standards:
 - a. Good Utility Practice;
 - b. Manufacturers’ recommendations and in a manner that will preserve all manufacturers’ warranties for the benefit of ATC;
 - c. All applicable federal, state and local statutes, ordinances, rules and regulations in effect at the time the Services are performed;
 - d. Any and all applicable permits, licenses or other similar rights granted in connection with the Services or the ATC Minnesota Transmission Facilities; and

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XIII. MISCELLANEOUS

A. Compliance with Laws.

Each Party shall perform its obligations hereunder in compliance with all then-applicable federal, state and local statutes, ordinances, rules and regulations, including, but not limited to those pertaining to human safety, protection of property, non-discrimination, FERC Standards of Conduct and protection of the environment.

There is no wiggle room allowing ATC to propose for certification and permitting an “alternative” that is contrary to the EQB exemption permit Finding of Fact 2 and Order point 10. There does not seem to be an exception allowing ATC to insert itself into a Minnesota Power application proceeding and advocate for a project with different purpose and effect than that of the Minnesota Power proposal, essentially usurping MP’s control over its transmission line terminus and project.

The Transmission Interconnection Agreement defines Modification, i.e, ATC’s alternative:

- 1.19 “Modification” means any material, new construction, additions, design changes or modifications made to, or the abandonment, retirement, relocation or rearrangement of, the ATCLLC Transmission System or the MP Transmission System at the Point of Interconnection, after the Effective Date of this Agreement.

It also specifically requires Notice and that a project modification “not adversely affect a parties transmission system.”

- 7.2. Notice. In the event any Transmission-Owning Party plans to undertake Modifications or Operational Changes to its Interconnection Facilities that reasonably may be expected to impact any other Party’s transmission system, the initiating Party shall provide the other Parties with at least ninety (90) days advance notice of the desired Modifications or Operational Changes. The nature of and the schedule of work for performing such Modifications, or the nature of the Operational Changes shall be subject to review and written acceptance by the other Parties, which review and acceptance shall not be untimely nor unreasonably withheld or delayed, to ensure that such Modifications or Operational Changes will (a) not adversely affect a Party’s transmission system, or other facilities, (b) are consistent with Good Utility Practice, and (c) are as provided in Appendix A of this Agreement. Subject to all applicable requirements imposed by Midwest ISO, the suitability and the responsibility for the safe and adequate design, operation and maintenance of the initiating Party’s facilities shall be and remain the sole obligation of the initiating Party.

These exhibits have all been eFiled for convenient distribution and access.

Further your affiant sayeth naught.

March 28, 2024

Carol A. Overland

Signed and sworn to before me this
28th day of March, 2024.

Notary Public

It also specifically requires Notice and that a project modification “not adversely affect a parties transmission system.”

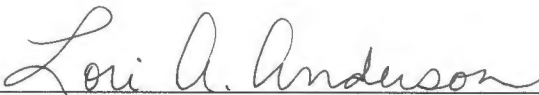
- 7.2. **Notice.** In the event any Transmission-Owning Party plans to undertake Modifications or Operational Changes to its Interconnection Facilities that reasonably may be expected to impact any other Party’s transmission system, the initiating Party shall provide the other Parties with at least ninety (90) days advance notice of the desired Modifications or Operational Changes. The nature of and the schedule of work for performing such Modifications, or the nature of the Operational Changes shall be subject to review and written acceptance by the other Parties, which review and acceptance shall not be untimely nor unreasonably withheld or delayed, to ensure that such Modifications or Operational Changes will (a) not adversely affect a Party’s transmission system, or other facilities, (b) are consistent with Good Utility Practice, and (c) are as provided in Appendix A of this Agreement. Subject to all applicable requirements imposed by Midwest ISO, the suitability and the responsibility for the safe and adequate design, operation and maintenance of the initiating Party’s facilities shall be and remain the sole obligation of the initiating Party.

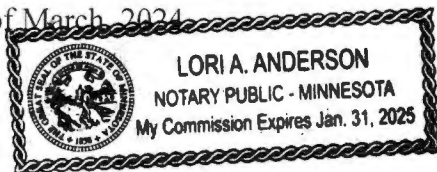
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March 28, 2024


Carol A. Overland


Signed and sworn to before me this
28th day of March, 2024



Notary Public