

STATE OF MINNESOTA
BEFORE THE
MINNESOTA PUBLIC UTILITIES COMMISSION

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|-------------------|--------------|
| Nancy Lange | Chair |
| Dan Lipschultz | Commissioner |
| Matthew Schuerger | Commissioner |
| Katie J. Sieben | Commissioner |
| John A. Tuma | Commissioner |

In the Matter of the Application of
Minnkota Power Cooperative, Inc. for a
Route Permit for the MPL-Laporte 115Kv
Transmission Line Project in Clearwater and
Hubbard Counties, Minnesota

DOCKET NO: ET-6/TL-16-327

RESPONSE TO PETITION FOR
RECONSIDERATION

INTRODUCTION

Minnkota Power Cooperative, Inc. (“Minnkota”) submits this answer to the Petition for Reconsideration, Rehearing and/or Amendment of the Minnesota Public Utilities Commission’s (“Commission”) June 21, 2017 Order Issuing a Route Permit, which was submitted by Mr. Scott Seeger (“Seeger”).

In the Commission’s Order, Minnkota was granted a Route Permit for its proposed route. Seeger presented evidence and arguments at each stage of the proceeding beginning with the Scoping Meeting, the Public Hearing as well as numerous written filings. Seeger also appeared at the June 1, 2017 Commission meeting and was permitted by the Commission to offer testimony and evidence. In Seeger’s Petition for Reconsideration, he seeks to offer evidence which was available to him, with reasonable diligence, and should have been offered at a time prior to or during the June 1, 2017 Commission Meeting. Additionally, he alleges that Minnkota (Mr. Craig Bleth) was incorrect about an Environmental Survey performed on the land, but Seeger is simply mistaken.

Minnkota disagrees with Seeger’s assertions, and respectfully requests that the Commission deny the Petition, which raises no new issues or facts, fails to identify errors or ambiguities, and offers no other persuasive reason to reconsider the order. Minnkota also respectfully requests that the Commission deny the Petition without the need for a hearing or oral argument.

DISCUSSION

A. Reconsideration Standard.

Minnesota Administrative Rule 7829.3000 lays out the process for filing a petition for rehearing. The Commission has further stated that it will reconsider an order when (1) new issues it has not yet considered are raised; (2) new facts not yet in evidence are presented for

consideration; (3) there are errors or ambiguities in the Commission's order; or (4) the Commission is otherwise persuaded to reconsider an order.¹ Additionally, Rule 7829.3000 Subp. 6 says “The commission shall decide a petition for rehearing, amendment, vacation, reconsideration, or reargument with or without a hearing or oral argument.”

B. Seeger’s Petition Fails to Meet the Reconsideration Standard.

None of the above criteria are met by Seeger’s Petition. He has raised no new issues. In fact, he has simply restated the same issues in his Petition, which he has raised at each stage of the Route Permit process. Seeger has raised no “new” facts which were unavailable at any time prior. He has also raised an alleged error in testimony, but Seeger is incorrect. The two facts are addressed below.

1. Affidavit of Donald Mitchell

Mr. Mitchell was provided notice at each stage of the process of his opportunities to have his input on record. As discussed at the Commission meeting on June 1, 2017, Mr. Mitchell’s only comment on the record was at the February 16, 2017 Public Hearing where he provided brief testimony of his desire that the route follow public land, but he didn’t specifically select a route preference. At the June 1, 2017 Commission Meeting, Mr. Seeger suggested that Mr. Mitchell provided testimony at a Public Hearing in March saying that he “did not want it out in front of them” (At approximately 1:12 of the Commission Meeting testimony), but this was later found to be incorrect. There was discussion at the Commission Meeting of landowner preference, of being back porch people or front porch people, there was even some discussion about approving multiple, and even a new route to give additional time to gain landowner input. (At approximately 2:14 of the hearing testimony). Despite the above, the Commission appropriately considered all facts in the record and approved Minnkota’s proposed route. It is also worth mentioning that despite the fact that four new landowners are impacted by the Seeger 2 route, Seeger has only offered an affidavit from one landowner. The preference of one landowner out of the four potentially impacted landowners is hardly persuasive to reconsider an Order.

2. Statement of Craig Bleth

Seeger alleged in his Petition that Craig Bleth, Minnkota’s Environmental Manager, offered incorrect testimony at the Commission Meeting. This isn’t true. Minnkota has not completed any substantive environmental study/survey work.² Minnkota paid Mr. Don Mitchell \$100 to gain his permission to access his property to perform survey work. Prior to the June 1, 2017 meeting, the work actually performed was simply a visual “wetlands walk” by a Minnkota consultant, and only because the consultant was in the area performing work on Minnkota’s proposed route. While the work of this consultant does represent some environmental work on the Seeger 2 Route, it is a very minor component

¹ In the Matter of Detailing Criteria and Standards for Measuring an Electric Utility’s Good Faith Efforts in Meeting the Renewable Energy Objectives Under Minn. Stat. § 216B.1691, ORDER AFTER RECONSIDERATION at 9, Docket No. E999/CI-03-869 (Aug. 13, 2004).

² See Affidavit of Craig Bleth.

in the overall environmental scope that Minnkota would need to perform to complete the National Environmental Policy Act (NEPA) Environmental Report. Minnkota still believes that any route other than our proposed route would result in a delay of several months for the project.

Nothing that Seeger offers should otherwise persuade the Commission to reconsider its Order.

C. Seeger's Petition Should be Dismissed Without Hearing or Oral Argument

Minnesota Rule 7829.3000 Subp. 6 says the Commission can act with or without a hearing. As discussed at the Commission meeting, the project has already experienced delays. Also discussed at the meeting is that Minnkota would experience several months of delays should a different route be selected for the project. All of the issues and facts that could have been brought to the June 1, 2017 meeting, should have been addressed then and there. Minnkota respectfully requests that the Commission dismiss Seeger's Petition for Reconsideration without a new hearing or oral argument.

CONCLUSION

The Commission's Order is supported by the ALJ's Findings of Fact, Conclusions of Law and Recommendation. The Order is supported by the DOC's Environmental Analysis. The Order is supported by solid evidence properly in the record. The time to offer new evidence should have passed after the June 1, 2017 Commission Meeting. Minnkota respectfully requests that Seeger's Petition be denied with no additional hearing or argument.

Dated July 21, 2017

Respectfully Submitted,



Joel L. Larson
Staff Attorney

Minnkota Power Cooperative, Inc.

STATE OF MINNESOTA
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In the Matter of the Application of
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Transmission Line Project in Clearwater and
Hubbard Counties, Minnesota

DOCKET NO: ET-6/TL-16-327

AFFIDAVIT OF CRAIG BLETH

Craig Bleth, being first duly sworn on oath, deposes and states as follows:

1. I am the Environmental Manager for Minnkota Power Cooperative, Inc. ("Minnkota") and I provided testimony at the Minnesota Public Utility Commission Meeting on June 1, 2017.
2. I offer this affidavit in response to Mr. Scott Seeger's ("Seeger") Petition for Reconsideration.
3. In Seeger's Petition, he wrote "Craig Bleth incorrectly stated that MinnKota Power had not performed an Environmental study/survey of the land by the current pipeline corridor...". While it is true that I made such a statement, I was not incorrect.
4. To date, a single walk-through was made along the Seeger 2 portion of the pipeline corridor to obtain a preliminary wetlands survey. In fact, Minnkota had an outside consultant in the area for other wetlands work and requested to have that section preliminarily evaluated for wetlands. It was an effort to get a small head start if the Commission selected that route.
5. Seeger and Mitchell state that Mr. Mitchell was paid \$100.00 to have a survey performed, and this is correct. Mr. Mitchell signed a survey permission form and was paid \$100 in May of 2017, however, the entirety of any environmental or other survey work that would be necessary has not been completed.
6. The additional evaluations of the co-locate portion of the Seeger 2 route needed for approval from the USDA Rural Utility Services include:
 - a. Evaluation of general land use

- b. Vegetation
 - c. Formally classified lands
 - d. Floodplains
 - e. Wetlands
 - f. Water Quality
 - g. Threatened and Endangered Species
 - h. Fish and Wildlife Resources
 - i. Rare Natural Features
 - j. Cultural Resources
 - k. Air Quality
 - l. Aesthetics
 - m. Transportation
 - n. Noise, Radio and Television Interference
 - o. Human Health and Safety
 - p. Socioeconomic and Community Resources
7. Furthermore, Minnkota would need to perform additional formal consultations with the U.S. Fish and Wildlife Service, USDA/Natural Resources Conservation Service, the Army Corps of Engineers, the MN DNR and the Minnesota State Historic Preservation Office for the co-locate portion of Seeger 2.
8. As stated at the Commission Meeting on June 1, 2017, to select any route other than the proposed route at this time would cause several months of delay, further delaying a project that has already experienced numerous delays.

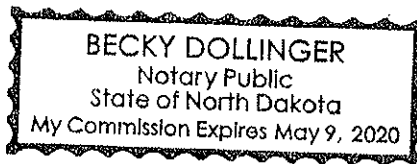
FURTHER YOUR AFFIANT SAYETH NOT.

Craig Bleth

Craig Bleth
Environmental Manager

Subscribed and sworn to before me
This 20th day of July, 2017.

Becky Dollinger
Notary Public



CERTIFICATE OF SERVICE

In the Matter of the application of Minnkota
Power Cooperative, Inc. for a Route Permit
for the MPL-Laporte 115 kV HVTL Project
in Clearwater and Hubbard Counties, MN

MPUC Docket Number: ET-6/TL-16-327

Joel L. Larson, of Grand Forks, North Dakota, being duly sworn on oath, states that on July 21, 2017 he e-filed with the Minnesota Public Utilities Commission via eDockets (www.edockets.state.mn.us) the following:

1. Minnkota Power Cooperative, Inc.'s Response to Petition for Reconsideration;
2. Affidavit of Craig Bleth.

A copy has also been served in accordance with the attached service list of record.



Joel L. Larson

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