

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

In the Matter of the Application of
Great River Energy and Minnesota
Power for a Certificate of Need and a
Route Permit for the Menahga Area
115 kV Transmission Project in
Hubbard, Wadena, and Becker
Counties

**ORDER ON PETITION TO
INTERVENE AND MOTION**

To: All Persons on the Attached Service List.

This matter is pending before Administrative Law Judge Jim Mortenson pursuant to a Notice of Public Hearing from the Public Utilities Commission (PUC) dated October 2, 2015.

On October 12, 2015, Donna Andersen, Curtis Andersen, and Donna Andersen Trust (Petitioners) filed a Petition for Intervention through their attorney, Carol Overland, Attorney at Law. Petitioners also filed what was titled "Petition for Full Process and Referral for Contested Case and Additional Public Hearings in Certificate of Need and Routing Dockets." Because there is no statutory or regulatory procedure for such a petition, this is treated as a motion.

Based on all the files and proceedings in this matter and Minn. R. 1400.6200 and 1405.0900,

IT IS HEREBY ORDERED:

1. The Petition to Intervene is DENIED; and therefore
2. The Motion for Full Process and Referral for Contested Case and Additional Public Hearings in Certificate of Need and Routing Dockets is DENIED.

Dated: October 14, 2015

s/Jim Mortenson

JIM MORTENSON
Administrative Law Judge

MEMORANDUM

Petitioners have filed a petition to intervene in the pending matter concerning the application of Great River Energy and Minnesota Power to obtain a Certificate of Need and Route Permit for a high-voltage transmission line in Hubbard, Wadena, and Becker Counties. The Donna Andersen Trust is a property owner impacted by the proposed transmission line.

A person seeking to intervene in a hearing as a party must file “a timely petition to intervene[.]” Timeliness is determined “based on the circumstances at the time of filing.” The petition must show how the petitioner’s legal rights are not otherwise represented, and must explain “the grounds and purposes for which intervention is sought and shall indicate petitioner’s statutory or legal right to intervene, if one should exist.”¹

Petitioners have not timely filed their petition to intervene. They filed their petition on October 12, 2015. The public hearing in this matter is scheduled for October 19, 2015.² The application process has been underway since the fall of 2014, and Petitioners acknowledge notice of the process as early as January 2015, following the correction of the proper mailing address for the Trust. The PUC determined in March 2015, following a public meeting in February 2015, that the application was accepted and that an informal review process and joint hearings would be held in the application process.³

Petitioners provide no reason or explanation why intervention as a party exactly one week in advance of the public hearing in this matter is warranted. In other words, Petitioners have not explained why they did not petition to intervene at an earlier time in the process. It is not for the Administrative Law Judge to guess. Thus, the petition is untimely and is properly denied without further consideration.

Petitioners will suffer no prejudice as a result of not becoming a party to this matter. As with the rest of the public, including persons and entities with land that may be impacted by the Applicants’ transmission-line proposal, Petitioners are able to submit comments and participate in the public hearing to be held on October 19, 2015. Their request to submit documentary evidence is accommodated by the PUC’s direction to send such documents via U.S. Mail, up through November 2, 2015. Petitioners may also bring their documents to be added to the record at the hearing on October 19, 2015. Their position will be considered by the PUC as it makes its determination about the application.

Petitioners also filed a self-styled “petition” to convert the public hearing in this matter to a contested case hearing. There is no such legal procedure as a “petition” to covert a public hearing to a contested case hearing. Therefore, the Petition is properly

¹ Minn. R. 1400.6200, 1405.0900 (2015).

² As early as June 12, 2015, public documents were filed indicating the public hearing would be held the week of October 12, 2015.

³ Order dated March 18, 2015.

treated as a motion. However, because their Petition to Intervene is denied, the undersigned has no authority to entertain such a motion from a non-party.⁴

J. R. M.

⁴ Minn. R. 1400.6600, .7150 (2015).



MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

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October 14, 2015

See Attached Service List

Re: In the Matter of the Application of Great River Energy and Minnesota Power for a Certificate of Need and a Route Permit for the Menahga Area 115 kV Transmission Project in Hubbard, Wadena, and Becker Counties

**OAH 5-2500-32715
MPUC ET-2, E-015/CN-14-787 &
ET-2, E-015/TL-14-797**

To All Persons on the Attached Service List:

Enclosed and served upon you is the Administrative Law Judge's **ORDER ON PETITION TO INTERVENE AND MOTION** in the above-entitled matter.

If you have any questions, please contact my legal assistant Rachel Youness at (651) 361-7881 or rachel.youness@state.mn.us, or facsimile at (651) 539-0310.

Sincerely,

s/Jim Mortenson

JIM MORTENSON
Administrative Law Judge

JRM:klm
Enclosure
cc: Docket Coordinator

STATE OF MINNESOTA
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CERTIFICATE OF SERVICE

In the Matter of the Application of Great River Energy and Minnesota Power for a Certificate of Need and a Route Permit for the Menahga Area 115 kV Transmission Project in Hubbard, Wadena, and Becker Counties	OAH Docket No.: 5-2500-32715
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Kendra McCausland certifies that on October 14, 2015 she served the true and correct **ORDER ON PETITION TO INTERVENE AND MOTION** by eService, and U.S. Mail, (in the manner indicated below) to the following individuals:

First Name	Last Name	Email	Company Name	Address	Delivery Method
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