

**BEFORE THE MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS**  
600 North Robert Street  
St. Paul, Minnesota 55101

**FOR THE MINNESOTA PUBLIC UTILITIES COMMISSION**  
121 Seventh Place East, Suite 350  
St. Paul, Minnesota 55101-2147

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In the Matter of the Request of Minnesota  
Power for a Certificate of Need for the Great  
Northern Transmission Line Project

PUC Docket No. E015/CN-12-1163

OAH Docket No. 65-2500-31196

**LARGE POWER INTERVENORS  
NOTICE OF MOTION AND  
MOTION FOR EXTENSION OF  
TIME FOR FILING INITIAL BRIEF**

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TO: Minnesota Power and all other parties and their attorneys as identified on the attached Service List.

**PLEASE TAKE NOTICE** that ArcelorMittal USA (Minorca Mine); UPM-Blandin Paper Company; Boise Paper (Boise), a Packaging Corporation of America company, formerly known as Boise, Inc.; Enbridge Energy, Limited Partnership; Hibbing Taconite Company; Mesabi Nugget Delaware, LLC; NewPage Corporation; PolyMet Mining, Inc.; Sappi Cloquet, LLC; USG Interiors, LLC; United States Steel Corporation (Keetac and Minntac Mines); and United Taconite, LLC (collectively, the “Large Power Intervenors”), move the Administrative Law Judge (“ALJ”) for an amendment to paragraph 8 of the First Prehearing Order, extending by one business day the date for the filing of all parties initial briefs, from December 19, 2014, to December 22, 2014, in order to accept the Large Power Intervenors’ Initial Brief that was late-filed on December 22, 2014.

**I. INTRODUCTION**

Parties wishing to contest this Motion must file a written response with the ALJ and serve copies on all parties within ten working days “after it is received.” Minn. R. 1400.6600. All parties elected electronic service and, therefore, the Large Power Intervenors conclude that the

date by which to contest this Motion is January 5, 2015. Prior to filing this Motion, the Large Power Intervenors contacted the other parties to this proceeding. The Large Power Intervenors understand that Minnesota Power, the Department of Commerce - Division of Energy Resources (the "Department"), and Residents and Ratepayers Against the Not-so-great-northern-Transmission-line ("RRANT") do not oppose this Motion.

## II. ANALYSIS

The ALJ established the December 19, 2014, date for the filing of all parties' Initial Briefs in the First Prehearing Order dated January 29, 2014. The Large Power Intervenors identified no rule of the Office of Administrative Hearings ("OAH") that applies directly to this Motion for extension of the First Prehearing Order briefing deadline other than Minn. R. 1400.6600, which provides that the Rules of Civil Procedure for the District Court for Minnesota apply where OAH rules are silent. Rule 16.02 of the Minnesota Rules of Civil Procedure states that "a schedule shall not be modified except by leave of court upon a showing of good cause." Rule 111.04 of the General Rules of Practice for the District Courts ("General Rules") expands upon this and states that upon motion for good cause shown a scheduling order may be amended. It further provides that a motion to extend deadlines established by a scheduling order made under the rule, "[e]xcept in unusual circumstances . . . shall be made before the expiration of the deadline."

The Large Power Intervenors request that the ALJ extend the scheduling order by one business day in order to accept the Large Power Intervenors' Initial Brief that was late-filed on December 22, 2014. Regrettably, the Large Power Intervenors' late-filing occurred due to difficulties that arose while finalizing the Large Power Intervenors' Initial Brief and preparing it for filing. The Large Power Intervenors regret the late filing and sincerely apologize for any inconvenience to the ALJ and other parties that may have resulted.

The Large Power Intervenors believe that no party will be prejudiced by the late filing. The undersigned, on behalf of the Large Power Intervenors, contacted the parties prior to filing this motion. Counsel for each of Minnesota Power, the Department, and RRANT indicated that they would not object to a one business day extension of time for the Large Power Intervenors' Initial Brief.

The Large Power Intervenors group has been an active participant in this proceeding since filing its Petition to Intervene on January 16, 2014. The Large Power Intervenors provided Direct Testimony on September 19, 2014, and Surrebuttal Testimony on November 7, 2014, and provided testimony in person at the Commission's hearing in this docket on November 14, 2014. Prior to this late-filed Initial Brief, all of the Large Power Intervenors' filings have been timely. The Large Power Intervenors' Initial Brief, in its view, furthers the public interest in this matter by continuing the group's active participation. Given that the Large Power Intervenors' views are not adequately represented by any other party in this proceeding, the Large Power Intervenors respectfully assert that irreparable harm to the public may occur if its Initial Brief is not included in the record. Thus, the interests of justice are served by allowing acceptance of the Large Power Intervenors' late-filed Initial Brief.

### **III. CONCLUSION**

The Large Power Intervenors request that the ALJ grant this request for extension of the deadline for filing of Initial Briefs established in the First Prehearing Order by one business day, to December 22, 2014, in order that the Large Power Intervenors' late-filed Initial Brief be accepted in this matter. No party appears to have been prejudiced, and all parties have graciously indicated that they would not oppose this Motion. Good cause has been shown to support the Motion, and irreparable harm to the public interest is likely to occur if the Motion were denied. Thus, the interests of justice are served by granting of the Motion. The Large Power Intervenors apologize for the late-filing, and for any inconvenience that may have resulted.

Dated: December 22, 2014

Respectfully submitted,

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