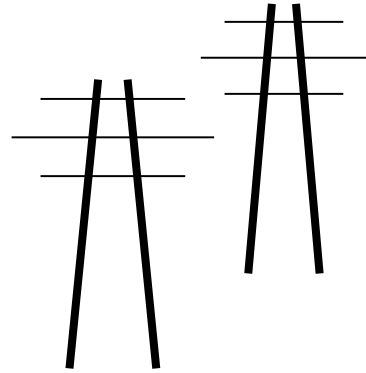


Legalelectric, Inc.

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August 28, 2025

Mike Bull
Acting Executive Secretary
Public Utilities Commission
121 – 7th Place East
St. Paul, MN 55101

via eFiling only

RE: Comments on Notice Plan and Exemption Requests
Bison-Alexandria Second Circuit 345kV Transmission Line CoN
PUC Docket E002, ET2, E015, E017/CN-25-116
PUC Docket ET2, E002/TL-09-1056 – CapX 2020 Fargo line

Dear Mr. Bull:

Didn't we just do this yesterday? These Comments are filed on behalf of **No CapX 2020**.

I've received yet another Notice of Comment Period, this one for the above docket's Exemption Petition, on CapX TL-09-1056 structures. There's no Notice of Comment Period for the Notice Plan! Below are comments on both the Applicants' Notice Plan and Exemption Request.

NOTICE PLAN

Granted this is a 2nd circuit of the already existing CapX Fargo line, but most people involved in this new docket, from the Commission to EIP to commenting agencies to intervenors and commenters, were not part of this docket in October, 2009 when the CapX 2020 Fargo project was applied for FOURTEEN YEARS AGO.

Heading the Notice Plan, filed simultaneously in eDockets with the Exemption Request:

Public Comments on this Notice Plan Petition can be submitted to the Minnesota Public Utilities Commission until 4:30 P.M. September 4, 2025.

Replies to Comments can be submitted to the Minnesota Public Utilities Commission until 4:30 P.M. September 24, 2025.

The Minnesota Public Utilities Commission's address is Minnesota Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, MN 55101-2147

The Notice issued by the Commission is a “Notice of Comment Period on Request for Exemption from Certain Certificate of Need Application Content Requirements.” There’s no mention of the Notice Plan and there is no Commission “Notice of Comment Period” regarding the Notice Plan. ?????????? Applicants list different deadlines for Comments on the Notice Plan . How is it adequate that Applicants are setting this deadline and providing “Notice” within the Notice Plan, and there is no Notice of Comment Period from the Commission? This must be corrected – in this respect, the Notice Plan is inadequate.

In Applicants Notice Plan “Notice,” only the Commission’s mailing address is included, which is inadequate. The Commission’s eDocket system, email, and “Comments” web page must also be provided. The Notice Plan is inadequate.

The Commission should issue a Notice of Comment Period on Notice Plan with deadlines the same as those for the Exemption Requests, together with listing of all methods of filing Comments!

Comments on Notice Plan Proposal

A. Direct Mail Notice

The Notice Plan is inadequate because Applicants’ Notice Plan omits providing Notice to all the intervenors and commenters who participated in the TL-09-1056. Given these parties prior interest in the existing CapX 2020 Fargo transmission line routing, they must be provided with notice of this project.

B. Newspaper Notice

Newspaper notice described in this Notice Plan:

Table 1. Newspaper Notice

Name of Newspaper	County in General Circulation
Star Tribune	Statewide
Moorhead - The Extra	Clay
Alexandria Echo Press	Douglas
Elbow Lake Grant County Herald	Grant County
Fergus Falls Daily Journal	Otter Tail
Wahpeton Breckenridge Daily News	Wilkin County

“[T]he Applicants request a variance of Minnesota Rule 7829.2500, subp. 5, to remove the additional newspaper notice requirement to publish notice in a statewide newspaper shortly after the Certificate of Need Application is submitted.”

This is an unreasonable request. Proceedings for Certificates of Need receive too little attention, and this newspaper notice is not “excessive,” nor is it an excessive burden. This required newspaper notice is not that extensive or expensive when the need for notice is considered. Applicants should not be exempted from additional newspaper notice.

As always, Applicants state, citing examples, that, “the Commission has previously granted such a variance.” This is not a compelling rationale for any exemption. This exemption request should be denied.

D. Distribution of Notice Plan Filing

Applicants state that “[a]s required under Minnesota Rule 7829.2550, subp. 1, this Notice Plan filing has been sent to the Department, the Office of the Attorney General – Residential Utilities and Antitrust Division, and to those parties listed on the “General List of Persons Interested in Power Plants and Transmission Lines.”

The “General List of Persons Interested in Power Plants and Transmission Lines” does not include prior intervenors and commenters and interested parties who weighed in on the TL-09-1056 CapX 2020 Fargo transmission docket. As above, these interested parties must also be provided notice.

F. Project Service List

At this time, having represented No CapX 2020 and North Route Citizens Alliance in the CapX 2020 Fargo transmission project, PUC Docket TL-09-1056, I request that I be added to the project service list:

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Red Wing, MN 55066	

COMMENTS ON EXEMPTION REQUESTS

Need and Demand Generally

Much has changed over the last fourteen years, particularly in the world of electric demand. In October, 2009 when the CapX Fargo line was applied for, and going back to the CapX Certificate of Need docket, CN-05-116, the CapX 2020 claim was that demand would increase 2.49% annually! That’s an aspirational notion at best, but more likely a deliberate gross overestimate. The Commission must carefully vet any claim of need for this, and any, transmission project.

For example, Xcel’s demand has been essentially flat since 2006, and has not been above that 2006 peak, per Xcel’s SEC-10Ks:

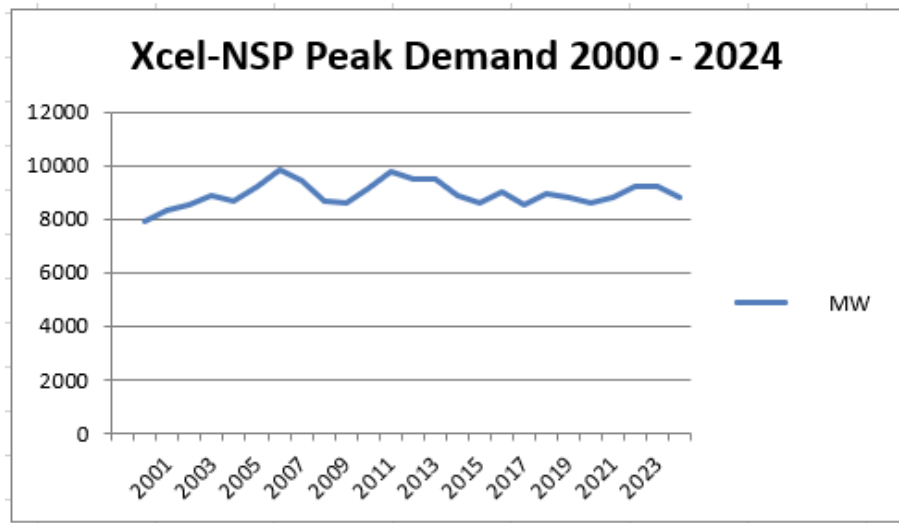
Capacity and Demand

Uninterrupted system peak demand and occurrence date:

Utility Subsidiary	2024		2023	
	MW	Date	MW	Date
NSP System	8,822	Aug. 26	9,231	Aug. 23
PSCo	7,084	Aug. 1	6,909	July 24
SPS	4,437	Aug. 19	4,372	Aug. 17

Xcel's Peak Demand over 25 years:

2000	7,936
2001	8,344
2002	8,529
2003	8,868
2004	8,665
2005	9,212
2006	9,859
2007	9,427
2008	8,697
2009	8,615
2010	9,131
2011	9,792
2012	9,475
2013	9,524
2014	8,848
2015	8,621
2016	9,002
2017	8,546
2018	8,927
2019	8,774
2020	8,571
2021	8,837
2022	9,245
2023	9,231
2024	8,822



What's the pattern of peak demand for the other utilities? The Commission must take a hard look at past utility peak demand, any utility forecasting claims, and vet for accuracy.

¹ From Xcel Energy's 2024 SEC 10-K filing.

EXEMPTION REQUESTS

Applicant Exemption Requests, one by one. **Note that in each Exemption Request, Applicants argue that the Exemption requested is similar to ones previously approved by the Commission. That fact is not a legitimate rationale for approval of these Exemption Requests.**

Applicants do not request exemption from Minn. R. 7840.0240 2(B). **GOOD!** Provision of this information is necessary, because over time, the Commission has historically minimized the definition of “promotional activities.” This project, as a MISO Tranche 2.1 Project, is promotional, a marketing effort and a continuation of a massive transmission buildout for the benefit of MISO members. What is not addressed in these transmission dockets is an admission that it is the MISO members receiving the “benefits,” and that these projects are detrimental to the ratepayers and landowners. The extent of MISO promotional activities, on behalf of MISO members must be disclosed. The exemption should be denied.

Minn. R. 7849.0260 A(3) and C(6) - Losses

All the applicants must provide information on losses. Losses are proof of the inherent inefficiency of transmission, inefficiency which would be avoided with sensible siting near load. It is not possible to claim that transmission lines are efficient without consideration of losses. Keep in mind, the losses for Xcel’s Minnesota Energy CON line were estimated at 10-12%. How is this proposed transmission any different?

Systemwide losses? SYSTEM? That would be expressed as a fraction, with no disclosure of the system and the losses both expressed in MW. To use a percentage of “systemwide losses” is deceptive. The exemption should be denied.

Applicants argue that the Exemption requested is similar to ones previously approved by the Commission. That fact is not a legitimate rationale for approval of these Exemption Requests. The exemption should be denied.

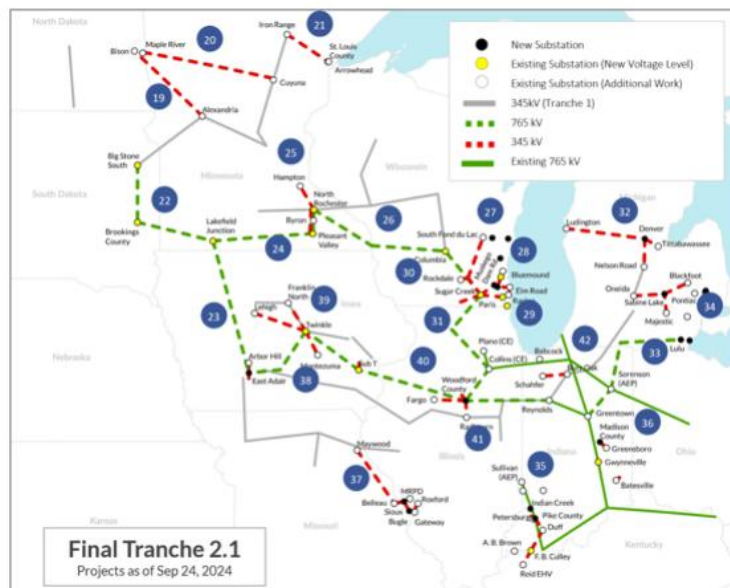
Minn. R. 7849.260 D - Map

Applicants have **not** requested exemption to the rule requiring production of a transmission map. How could this map most effectively be presented? A transmission map showing existing transmission, permitted transmission, and the Tranche 2.1 transmission proposals within the five-state area is necessary to understand the breath of the transmission system. It should be presented in three maps, first a transmission map showing existing transmission with the proposed addition; then existing and permitted transmission with the proposed addition; and then the existing, permitted, and Tranche 2.1 proposed transmission.

A look at the Tranche 2.1 map shows that endpoints are shown on a “map” with no consideration for the routes between, and in fact noting that the “map” is not an accurate presentation of where the lines would go, and no indication of the existing web of transmission. The big picture is important. For this reason, a map of transmission is necessary in any transmission need and

routing proceeding.

Tranche 2.1 - Approved



Minn. R. 7849.0260 B(4) and (8) – Transmission Lines with Different Terminals or Substations

This project is proposed to be a second circuit on an existing transmission line, the Capx 2020 Fargo route. This would logically have pre-existing substations.

The exemption from this rule doesn't address crucial issues in this docket because the substations are already existing and this will double circuit an existing transmission line.

Minn. R. 7849.0260 C(5) – Effect on Rates systemwide and in Minnesota

Rates will be affected – the primary driver of rate increases is the allocation of the extreme transmission costs based on the MVP cost allocation methodology and the share allocated to Minnesota, and in the process, the cost/benefit analysis used by MISO to justify its proposed projects. The benefits accrue to the MISO member utilities, and the ratepayers take the hit. The "Cost/Benefit Analysis" doesn't reflect this reality.

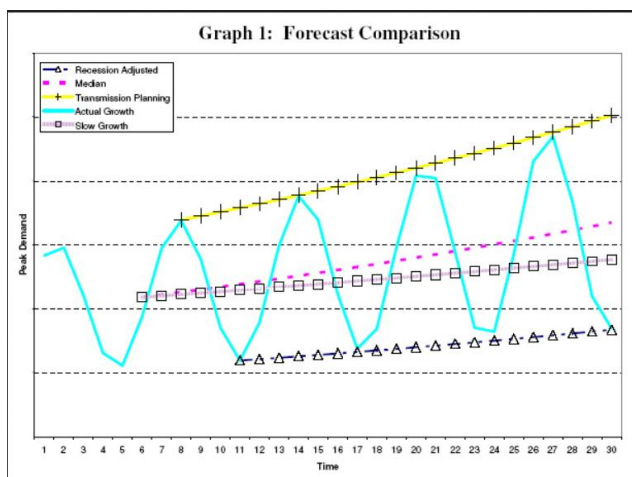
As the Commission is well aware, the MISO Tariff is the subject of a FERC Complaint, docket EL-25-109, and the Commission is participating in this docket.

Applicants argue that the Exemption requested is similar to ones previously approved by the Commission. That fact is not a legitimate rationale for approval of these Exemption Requests. The exemption should be denied.

Minn. R. 7849.0270, Subpts. 1-6 Peak Demand and Annual Consumption Forecast

The information required by this rule provides the essence of a need claim. Again, Applicants propose “a discussion of the different regional demand scenarios evaluated in the analysis used by MISO to justify the Project. Again, this is abdicating to MISO as the decider.

Particularly important is the Forecast Methodology, Data Base for Forecasts, and Assumptions and Special Information. This information is needed because the Commission was grossly misled by the CapX 2020 “forecast” of 2.49% annual demand increase at a time when the economy was contracting and a estimate of a 2.49% increase was absurd. When that was challenged, the most bizarre bar-napkin forecast supporting the notion that the decrease in peak demand was but a blip, the below depiction of forecast was provided by Dr. Rakow:



Looking at Xcel’s peak demand history, the error of this notion of a “blip” is obvious! Without the information requested in Minn. R. 7849.0270, Subp. 1-6, we could very well end up with yet another gross overbuild put on the backs of ratepayers and landowners. Given the immense transmission capacity proposed in Tranche 2.1, following on Tranche 1, following the MVP 17 project Portfolio, and starting with the overbuild of CapX 2020, it’s foolhardy to presume, without detailed forecasting data, that we need more transmission. It’s clear that MISO and MISO members want more transmission, but that is not “need” as defined by Minn. Stat. §216B.243.

Applicants argue that the Exemption requested is similar to ones previously approved by the Commission. That fact is not a legitimate rationale for approval of these Exemption Requests. The exemption should be denied.

Minn. R. 7849.0280, Subpt. (B) – (I) – System Capacity

Need for transmission focuses in large part on the ability of the grid to serve demand. Load and Capacity Reports are no longer available. This information must be disclosed. An exemption from this rule is an admission that the Applicants cannot demonstrate need, that the grid well serves load. Applicants should provide this information.

Applicants argue that the Exemption requested is similar to ones previously approved by the Commission. That fact is not a legitimate rationale for approval of these Exemption Requests. The exemption should be denied.

Minn. R. 7849.0290 – Conservation Programs

Conservation is a big contributor to the flat demand for electricity. Applicants should provide all the information required, including 15 year graph of electricity into and out of its system to provide an idea of the historical demand, whether it's an essentially flat demand, or if demand is increasing.

Applicants argue that the Exemption requested is similar to ones previously approved by the Commission. That fact is not a legitimate rationale for approval of these Exemption Requests. The exemption should be denied.

Minn. R. 7840.0300 – Consequences of Delay and 7849.0340 – No Facility Alternative

The impact of consequences of delay is important in all transmission dockets because the project is based on MISO member wants, which is different than need. This rule relies on the demand and capacity, and load and capability (Load & Capability Reports are no longer available), and the ability of the grid to serve demand. Without that information, without the full compliment of information above, whether there are consequences of delay, and whether there is an impact if there is a delay, cannot be determined.

Applicants argue that the Exemption requested is similar to ones previously approved by the Commission. That fact is not a legitimate rationale for approval of these Exemption Requests. The exemption should be denied.

As above, other than the request for exemption to Minn. R. 7849.0260 B(4) and (8) – Transmission Lines with Different Terminals or Substations, the exemptions requested by the Applicants should be denied.

Commission Should Not Defer and Abdicate Authority to MISO

In general, the Commission should reassert its decision-making power, require information to be produced, and cease ceding its authority to MISO, its member utilities and transmission owners, and the Applicants.

Consent Agenda isn't appropriate for Exemption Decisions

A procedural issue is that a Consent Agenda is often used to approve Exemption Requests and other matters. This prevents Commission discussion of these items, and if there were discussion, there would be a chance that the reasons for the rules would be apparent and Exemptions would not be so freely handed out.

Thank you for the opportunity to comment in this docket.

Very truly yours,



Carol A. Overland
Attorney at Law