

**STATE OF MINNESOTA  
BEFORE THE  
MINNESOTA PUBLIC UTILITIES COMMISSION**

Nancy Lang	Chair
Dan Lipschultz	Commissioner
Matthew Schueger	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 115 kV  
Transmission Line Project in Clearwater and  
Hubbard Counties, Minnesota

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

PETITION FOR RECONSIDERATION,  
REHEARING AND/OR AMENDMENT

**INTRODUCTION**

Scott Seeger respectfully submits this Petition for Reconsideration, Rehearing and/or Amendment of the Minnesota Public Utilities Commission's June 21, 2017 ORDER APPROVING ROUTE PERMIT. The grounds relied upon for this Petition, and the errors claimed, are as follows:

Powers proper to an efficient and just administration to adjudicate are the power to reverse an adjudication which appears to be erroneous. Anchor Cas. Co. v. Bongads Coop. Creamery Ass'n, 253 Minn. 101 (1958). Fraud, mistake or the misconception of facts that make adjudication erroneous, subjects the order to vacation, thereby correcting the error. *Id.* The right of an administrative agency to reverse an earlier, erroneous adjudication lasts until jurisdiction is lost by appeal or until a reasonable time has run. Stearns-Hotzfield v. Farmers Ins. Exchange, 360 HN.W.2d 384 (Minn. App. 1985). The power to correct is inherent or implied in the powers of the administrative agency. In re Claim for Benefits by Hagert, 730 N.W.2d 546 (Minn. App. 2007).

In this case, the June 21, 2017 Order Approving Route Permit is erroneous as it relied upon misstatements of fact as follows:

A. Commissioner Tuma expressed concerns about the neighbor's opinions on the two routes, asked Minnkota Power "what works best for them" (meaning which of the two routes do the neighbors prefer), and suggested that the record be held open for Minnkota Power to obtain the neighbors' opinions. This is critical as Commissioner Tuma's questioning to Minnkota Power proposed to stop the meeting to have Minnkota check with the land owners on a route modifying Seeger Alt 2 Route. Minnkota Power

withheld from the Commission, Donald Mitchell's statement from April 2017 that he preferred the powerline to be on the pipeline corridor, behind his house. (See hearing time starting 1:23, recessing, and restarting at 1:44:23) The attached affidavit of Donald Mitchell states he spoke with a gentleman from Minnkota Power on or about April 2017 and told him he would prefer the power line to cross his field behind his house instead of on Scott's land in front of his house. In fact, Donald Mitchell stated he preferred the power line to be on the pipeline corridor, behind his property, rather than in front of and next to his home as proposed by Minnkota Power. (See the affidavit of Donald Mitchell).

B. Craig Bleth incorrectly stated that Minnkota Power had not performed an Environmental study/survey of the land by the current pipeline corridor (Seeger Alt #2), which would include Donald Mitchell's land. (See hearing time starting @ 1:51:30 and ending @ 1:54:20, and starting @ 2:14:30 and ending @ 2:28:05). On the contrary, Donald Mitchell states that Minnkota Power had previously paid him \$100.00 to have an Environmental study/survey performed on his land by the current pipeline corridor. (See the Affidavit of Donald Mitchell).

I request that, pending action on this Petition, the Commission stay and suspend the June 21, 2017 Order Approving Route Permit.

No prejudice will be suffered by Minnkota Power by a suspension or reversal of the June 21, 2017 Order as:

- A. Minnkota Power's intended project has a sole customer (Minnesota Pipeline), and Minnesota Pipeline has a current pipeline easement just 1030 feet away (Seeger Alt #2);
- B. The pipeline corridor of Minnesota Pipeline is one of the alternative routes for Minnkota Power's transmission line (see Seeger Alt #2);
- C. The intended transmission line is much larger than what Minnkota needs or intends to utilize in servicing Minnesota Pipeline (See, the questions from Commissioner Matt Schueger to Minnkota Power, at hearing time starting @ 35:59 and ending @ 43:50, indicating that only 4.16kV will be utilized in the system designed as a 115kV transmission line, and that a much smaller line would have a dramatically less impact on the landowners);
- D. A reversal of the Order, and a determination that the intended transmission line be run along Seeger Alt #2 will have:

- (1) less impact on the environment (see, question from Commissioner Kate Sieben to Minnkota Power, hearing time starting @ 1:02:30 and ending @ 1:04:45);
- (2) less deforestation, as Seeger Alt #2 the current pipeline route has fewer trees on it, and the trees along 115 Avenue are larger, except on the cemetery and the Seeger lot (see question from Commissioner Nancy Lange to Bill Storm, hearing time starting @ 1:14:15 and ending @ 1:16:09); and
- (3) less impact on the home owners, and their physical/medical health (see, question from Commissioner John Tuma to Bill Storm MN ERA, hearing time starting @ 44:30, and ending @ 55:55).

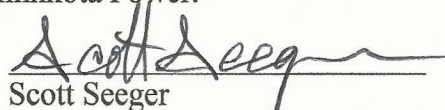
Based upon the forgoing basis and reasons, I request that the following amendments be made to the June 21, 2017 Order Approving Route Permit:

- A. That the June 21, 2017 Order be amended to adopt either Seeger Alt #2 route, or the modified Seeger Alt#2; or
- B. In the alternative, that the matter be reheard or reconsidered to gather additional opinions from neighbors in the area of 400<sup>th</sup> Street to County Road 95, and to obtain or furnish the Environmental study/survey of running the 115kV line along the current pipeline corridor from 400<sup>th</sup> Street to 390<sup>th</sup> Street, then east to 115<sup>th</sup> Avenue, to follow the proposed route thereafter.

### CONCLUSION

For the reasons discussed above, I respectfully request that the Commission reconsider the Router Permit to Minnkota Power and approve either the Seeger Alt#2 route or the modified Seeger Alt #2 route for the 115 kV line of Minnkota Power.

Dated: July 10<sup>th</sup>, 2017

  
Scott Seeger

**CERTIFICATE OF SERVICE**

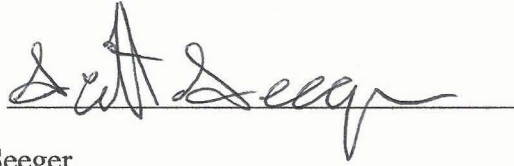
I, Scott Seeger, hereby certify that I have this day served copies of the foregoing document on the attached list of persons by:

2 depositing a true and correct copy thereof, properly envelope with postage paid in the United States mail Moorhead, Minnesota

76 as a will and your right is a will and you will you know you that in a will and is a as an you as a as electronic filing

Docket number ET-6/TL-16-327.

Dated this 10<sup>th</sup> day of July, 2017

A handwritten signature in black ink, appearing to read "Scott Seeger", written over a horizontal line.

Scott Seeger

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AFFIDAVIT OF \_\_\_\_\_

STATE OF MINNESOTA    )  
  ) ss.  
COUNTY OF \_\_\_\_\_)

Being first duly sworn upon oath, your affiant, <sup>Don</sup>Mitchell, states and deposes that:

1. I am a person interested in the above proceeding because I and my family live at 39451 115<sup>th</sup> AVE Laporte MN. The proposed route of Minnkota Power's 115kV power line will pass within 150 feet in front of my house.

2. I support Scott Seeger's Petition for Reconsideration Rehearing and/or Amendment.

3. I spoke to A gentleman from Minnkota Power on or about APRIL, 2017, and told him I would prefer the power line to run across my field behind my house instead of on Scotts Land in front of my house

4. I know that Minnkota Power has performed a survey study, because on or about May 25, 2017, Minnkota Power paid me \$ 100 for it to enter my land and

perform the study.

Further your affiant sayeth not.

Dated: 7-6-17

Donald E. Mitchell

Subscribed and sworn to before me,  
this 6 day of JULY, 2017.

Cari M Lund  
Notary Public

