

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Katie J. Sieben, Chair

Valerie Means, Commissioner

Matthew Schuerger, Commissioner

Joseph K. Sullivan, Commissioner

John A. Tuma, Commissioner

In the Matter of Possible Amendments
To Rules Governing Certificates of Need and Site and Route Permits
For Large Electric Power Plants and High-Voltage Transmission Lines,

Minnesota Rules Chapters 7849 and 7850

And to Rules Governing Notice Plan Filing Requirements for High-Voltage
Transmission Lines, Minnesota Rules, part 7829.2550

DOCKET NO. E, ET, IP-999/R-12-1246

PUBLIC COMMENT - November 17, 2021 - McNamara

Chair Sieben and Commissioners,

Thank you for affording this opportunity to comment. This comment also incorporates any separate comments filed by Goodhue Wind Truth/Marie McNamara as if fully related herein. I ask for a hearing on this rule.

I attended rules meetings on this subject from 2012-2014, and as I remember into 2015 with correspondence. Then there was a suspension of rules meetings and we have heard nothing until this year. While Staff could have been working on these rules during this time, how many energy companies' and utility companies' attorneys were consulting with them on a regular basis? During this long break Staff must have been making adjustments to the rules to see what we have here today in this comment period. The public was left out of the process during this six or seven year break. It's important to put this on the record, and also that only one member of the public was officially allowed on the Advisory Committee, as I remember.

Thank you to Kate Kahlert, moderator, for allowing me to finally sit at the table as an observer.

My comments fall into the following concerns, however I do not limit concerns or suggestions during any reply comment period or hearing.

- 1.) I have high concern that notices ensure broad public notice for all Large Electric Power Plants (LEPP) and High-Voltage Transmission Lines (HVTL), using the largest geographic area and expanded means of communication, since impacts WILL exceed the defined “footprint” of projects; this also satisfies the legislature’s objective of maximum public participation.

LEPP and HVTL projects have an impact of minimum 2 miles for a wide array of reasons. Extend Public Notice to a greater area that reflects two miles. Impacts on Water aquifers, rivers and streams, Ag land, Wildlife, Protected Plant and Animal Species, Ag livestock operations, Human Health and Safety, and View sheds, (not in any order of priority) all **within two miles must be addressed.**

I also suggest, again, that notice be extended to government unit chairs AND Clerks. This is important for best communications and broader public participation as called for by MN Statute. Simply keep two emails for each governmental unit to broaden dissemination of information and participation notice. Clerks deal with information and notices and are timely.

See: MN Statute 216E.08

And: MN Statute 216.E.03,

Particularly: 216E.03, Subd. 03

STATUTE IS NOT BEING FOLLOWED. Applicants are NOT providing adequate information they are fully able to provide, but only the barest minimum to “make a project go.” (Or start the process) The Commission is NOT following statute. 1.) We do not see correction of deficiencies. And 2.) Available project information is not available during multiple “phases” of process, much less the *initial* public meetings: “**shall determine whether an application is complete and advise the applicant of any deficiencies within ten days of receipt.**”

An application is not incomplete if information not in the application can be obtained from the applicant during the first phase of the process and that information is not essential for notice and *initial* public meetings.”

2.) I have high concern, and refute the claim that: “the applicant is in the best position to know who is likely to be affected by a proposed project.” (Stated in the SONAR.)

The rules cannot allow applicants to drive the bus. Who exactly is asking for information early and standing up for the public? It is impossible to tell. Public confidence in government is at an all-time low and sinking lower. The opinion of the public who have participated in PUC process is very low. The onus of “getting it right” and making the Commission aware that “one size does not fit all” falls on the shoulders of the public. Rules are hamstringing the staff, and politics are damaging the Minnesota public and our land.

The rules cannot allow the Commission, Staff, and State Agencies to lessen or weaken their responsibilities of oversight for large energy projects that have far-reaching impacts, particularly on Ag land and farmers. The Legislature’s statutory wording can best be followed by Commission Staff, Agency Staff, and information from the Public used as OVERSIGHT and KEEPERS of the Notice Lists.

The Commission and Agencies have responsibility to check who is likely to be affected by a proposed project. Those bringing forth a proposed project WANT the project. Furthermore, the Commission and State Agencies should be assisting creating lists of those affected and keeping the lists. The State IRS is certainly attentive in respect to collecting taxes from these same property owners.

In addition we need greater oversight for Complaints. This area is sorely neglected and again, applicants and operating project owners are driving the bus.

Rule 7849.0125 NOTICE LISTS. Subp. 7

MN Statute 216E.08 (all parts)

- 3.) For all informational meetings and scoping meetings, (7850.2300 PUBLIC INFORMATION AND SCOPING MEETING) add wording to the rule which outlines the Commission and Agency (Commerce) are to be objective and give weight to all commenters.

In the past, public meetings have been unprofessionally slanted towards the interests of the applicants by state representatives running the meetings in greater Minnesota. Long is this remembered in various Minnesota communities.

- 4.) I believe it is within the scope of this rulemaking to bring up MN 216F. (Rule 7854) To be complete in your updating, I request rulemaking for Large Wind Energy Projects which need rule adjustments. We were told this would happen. Large Wind Energy Conversion Systems (LWECS) are sitting under a separate area of the law with separate rules while many changes are happening with bigger and bigger projects, having bigger and bigger impacts.

Recently completed LWECS projects (wind projects and their associated transmission) operating under outdated rules in R.7854 are impacting human health and safety. There are current projects that are not meeting state law!

This concludes my brief and incomplete comments. I am very saddened and angered by how Minnesota communities have been treated, while energy project applicants are given wide latitude and consideration to their great benefit, and despite grand mistakes intentionally made. Rural communities in particular have the burden to do the work which the applicants and the state regulatory do not do, or choose not to do. I reserve the ability to add more comments by myself and other Minnesotans during comment periods and hearings. The long break in this rulemaking, and inability to see the current rule until recently presented, has abbreviated my comments.

Sincerely,

Marie McNamara
Goodhue, MN