

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

In the Matter Dodge County Wind, LLC's  
Certificate of Need, LWECS Site Permit,  
and HVTL Route Permit applications for the  
Dodge County Wind Project and associated  
facilities in Steel, Dodge, and Olmstead  
counties in Minnesota

MPUC DOCKETS IP-6981/CN-17-306  
WS-17-307/TL-17-308

OAH DOCKET 5-2500-35668

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**LIUNA Minnesota & North Dakota Objection to Petition of Dodge County Wind, LLC to  
Withdraw HVTL Route Permit Application for Proposed Dodge County Wind Project**

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The Laborers District Council of Minnesota and North Dakota (“LIUNA Minnesota & North Dakota”) objects to the petition filed by Dodge County Wind, LLC (“Applicant”), a subsidiary of NextEra Energy Resources, to withdraw the company’s application for a HVTL Route Permit for the Dodge County Wind energy project (“the Project”). LIUNA Minnesota & North Dakota has no wish to force Applicant to pursue a route permit for a transmission line that the company no longer intends to build. We fear, however, that allowing the permit to be withdrawn before the Minnesota Public Utilities Commission (“Commission”) has fully considered the implications of such a substantial change to the project in the middle of a contested case process could harm the interests of our members and the public at large, and further compromise the integrity of proceedings that had already fallen short of the Commission’s high standards before the transmission issues arose.

The Commission’s November 1, 2018 Order initiating joint contested case proceedings and the development of an Environmental Impact Statement (“EIS”) properly recognized that the need, site, and transmission elements of the Project were interrelated, and that joint proceedings best facilitated record development. We believe that it is precisely these interrelationships that make it impossible to permit the withdrawal of the Route Permit application without considering the implications for the remaining applications and the process. If Applicant wishes to remove one of the three legs of the stool, the Commission can and should take action to ensure that it still stands.

The EIS is one example of the procedural problems and questions posed by the withdrawal of the Route Permit. Department of Commerce Division of Energy Environmental Review and Analysis (“EERA”) has withdrawn the Draft EIS for the Project and terminated the DEIS comment period. EERA staff further stated during August 20 public meetings that the Project will no longer be subject to the environmental impact statement (EIS) process due to

the anticipated withdrawal of the Route Permit application but will instead receive a lower-level environmental review.

We understand why EERA staff might assume that, because an EIS requirement was triggered by the size of the proposed transmission line, withdrawal of the Route Permit application eliminates the need for an EIS. We see the matter differently, however, both with respect to whether termination of the EIS process should be automatic or at the discretion of EERA rather than the Commission, whose November 1, 2018 Order established the terms of these proceedings; and with respect to whether termination of an ongoing EIS would serve to advance the public interest, or, as we contend would unnecessarily limit record development and opportunities for public engagement in a process for which most of the work has already been done.

The question of whether the EIS process will continue is one of several posed by the removal of a core element of a proposed project midway through contested case and environmental review processes. We have argued in the instant case and past cases that the scarcity of transmission resources is a factor the Commission should consider when weighing whether a proposed project is more likely delivers a net benefit and is consistent with sustainable development and efficient use of resources, or to leave Minnesotans worse off by displacing other, better opportunities.

The collapse of Applicant's transmission plan underscores this point but also fundamentally changes the Project and its potential impact, inasmuch as the Project will almost certainly draw on a different set of transmission resources if it moves forward at all. Members of the public that attended the August 20 meeting to express concern over transmission plans are likewise trying to understand what the Project means to them now.

Our members and the public as a whole deserve a full opportunity to evaluate and to comment and present evidence on the Project that Applicant intends to build, not half an opportunity to consider the Project as it was and half an opportunity to consider the Project as it will be. It is not clear that we will get that opportunity if Applicant is simply permitted to withdraw the Route Permit and pick up the contested case proceedings where we left off. We don't know, for instance, whether LIUNA Minnesota & North Dakota would get sufficient latitude to conduct discovery (which has so far yielded little due to Applicant's intransigence) or develop testimony on the impacts of Applicant's as-yet-undisclosed new interconnection plan, we are already past the Direct Testimony phase of the proceedings.

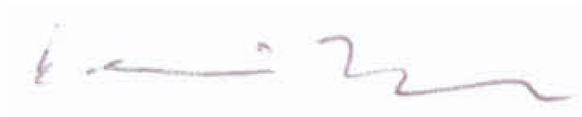
The contested case process was deeply troubled, in our view, even before Applicant encountered current transmission difficulties due to Applicant's refusal to meet discovery obligations and to the Administrative Law Judge's recent Order which barred LIUNA Minnesota & North Dakota from being represented by a non-attorney -- decisions that threaten to render our participation in the process meaningless. The widespread confusion expressed at the August 20 public meeting and Applicant's refusal to answer any of the many questions posed by participants regarding plans for construction workforce -- a refusal unlike any we have ever seen in a Commission-sponsored meeting or hearing -- made clear

that continuing on the present course minus a Route Permit and possibly an EIS is a recipe for producing a fatally flawed record.

We ask the Commission not to rubber-stamp the withdrawal of Applicant's Route Permit, which could contravene the public interest and prejudice the interests of LIUNA Minnesota & North Dakota and our members. Instead, we ask that the Commission take up the question of how to dispose of Applicant's Route Permit application together with interrelated Certificate of Need and Site Permit dockets that are the subject of the current joint proceedings and establish a path forward that protects the interests of the Applicant, all parties, and the public.

We appreciate the Commission's continuing attention to the issues brought forth by LIUNA Minnesota & North Dakota and the procedural rights of our members in this proceeding, and ask the Commission to continue to prioritize transparency and full development of the evidentiary record in its decision.

Dated: August 30, 2019

A handwritten signature in blue ink, appearing to read "Kevin Pranis", is centered on the page.

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