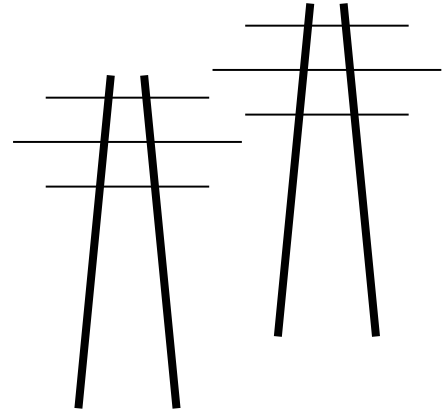


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May 14, 2025

Ann O'Reilly
Administrative Law Judge
Office of Administrative Hearings
P.O. Box 64620
600 N. Robert St.
St. Paul, MN 55101-0620

via eDockets only

RE: **More on Lack of Notice to 1,341 Newly Affected Landowners**
NoCapX 2020 and the Prehn Family
OAH Docket: 5-2500-40099; PUC Docket TL-23-157

Dear Judge O'Reilly:

Thanks to Valerie Herring, representing Xcel, for filing yesterday's letter with the Heine Direct Schedule 4 Affidavit of Service and description of the Company's mailing to 2,878 landowners, including the 1,341 newly affected landowners.

EERA's Scoping Decision adding the 1,341 landowners was issued December 2, 2024. Xcel's mailing went out to the landowners on January 31, 2025, which though better than no notice, was sent two weeks after the Intervention deadline. The Xcel notice is too late, and it remains EERA's problem to correct.

Newly affected landowners have not received a targeted mailing letting them know that they are "newly affected landowners." Though not sent specifically to, or identifying the landowners as, "newly affected landowners," the Xcel mailing stated:

You are receiving this letter because your property is located either on one of the newly added routes or one of the originally proposed routes. A map of all routes under consideration is included in this mailing.

That language, placement, and font is not attention grabbing – it's in the fourth paragraph, found in the "Project Status" section, in the same small font as the rest of the mailing:

Stouffville Steel Frame Company Xcel Energy 400 Nicollet Mall Minneapolis, MN 55401	MMRT Project (newest update) February 2020 Schedule 4 Copy of Local Government Chair and Landowner Meeting Dear Landowner: The proposed Minnesota River "Transmission Project" (MMRT Project) will improve reliability, deliver low-cost renewable energy and provide other regional benefits by building new and more resilient "backbone" electric transmission infrastructure to serve customers. The proposed project includes about 120 miles of new and upgraded 345-kilovolt (kV) transmission lines between the existing Minnesota River Substation and a new substation near the Minnesota River near Fargo. It also includes building about 20 miles of new 69-kV transmission lines between the existing North Redwood Substation near Pine Island and an existing transmission line northeast of Rochester, which is being relocated from its existing alignment to build the new 69-kV transmission line. The MMRT Project is part of a portfolio of long-range electric transmission projects identified by the regional grid operator, MISO, to improve reliability and make the grid more resilient during extreme weather, and ensure continued service to the electricity they need as a generation plants are retired and new wind and solar energy investments are built. Project status On October 3, 2024, the Minnesota Public Utilities Commission (PUC) approved the terms of the Environmental Impact Statement (EIS) that will be prepared for the proposed project. As part of this process, new transmission line route options and system alternatives will be studied, along with the routes originally proposed in the combined Certificate of Need and Route Permit Application filed in early 2024. You are receiving this notice because your property is located either on one of the newly added routes or one of the originally proposed routes. A map of all routes under consideration is included in this meeting. Next steps and opportunities for public comments The Minnesota Department of Commerce – Energy, Environment and Analysis (DEEA) is expected to publish the Draft EIS for the project in the spring of 2025. A comment period will then be opened after the Draft EIS is published. Public hearings will be conducted in the project areas where landowners, local officials, and other stakeholders can provide comments about the project. Comments will be accepted on the Certificate of Need, Route Permit Application, any aspects of the route segments under consideration, and the information contained in the Draft EIS. Both in-person and virtual hearings will be held. The location, date and time of the hearings have not yet been determined. We will post the public hearing schedule on the MMRT Project website (mmrtproject.com) after it has been finalized and work with the State of Minnesota staff to coordinate the meeting date and location. DEEA will prepare the final EIS for the project after the comment period closes, and public advisory hearings are complete. Additional public and other stakeholder comments
Transmission Line Information	Submitting comments After the EIS is filed, the PUC will accept public comments regarding the proposed project and the Draft EIS. The PUC will announce the deadline for written comments when the Draft EIS is released. You may submit comments to any of the following: voice (please include district numbers CH-5455 and TR-54-547 in your comments to ensure they are included in the correct proceeding). • Email comments to Rich Davis, Environmental Review Manager with the Minnesota Department of Commerce, at rich.davis@state.mn.us. You may also email Case Permit staff. Your contact with the PUC will be casepermit@puc.state.mn.us and casepermit@puc.state.mn.us. • Submit comments online to https://www.puc.state.mn.us/submitcomment. • Mail comments to the following address: General PUC, Minnesota Department of Commerce, 400 Nicollet Mall, Suite 200, St. Paul, MN 55401. Contact Xcel Energy If you have questions about the project or the regulatory process, please contact us by calling a toll-free 1-800-235-3886 or by emailing us at mmrt@xcelenergy.com. You may also submit questions to mmrt@xcelenergy.com. For more information about the project, please visit mmrtproject.com.

It’s my understanding that Dept. of Commerce-EERA notices to potentially affected landowners lead with a “your land may be affected” in attention grabbing **bold** and/or CAPS.¹ Commenters at public meetings/hearings often note that applicant mailings are like campaign lit or equally unwanted direct mail advertisements, items that go directly into recycling buckets. Though appreciated, applicant mailings aren’t a substitute for EERA notice.

It's good to know Xcel sent out notice, but timing remains an issue due to mailing after the Intervention deadline had passed, and Xcel’s mailing was a generic mailing to both original and newly affected landowners. Xcel’s diligence doesn’t alleviate Commerce-EERA’s notice failure or the Asst. A.G.’s abject disregard of due process and property rights, stating “*the notice to newly affected landowners is a courtesy, not a legal obligation.*” See U.S. Constitution, 14th Amendment, Section 1; see also Minnesota Constitution, Article 1, Section 7. Does this really need to be stated?

Newly affected landowners have not had attention grabbing particularized notice nor have they had a reasonable chance to learn about and prepare for meaningful and effective participation. How will this be fixed in a way that graciously opens the door, encourages participation, and sufficiently informs the landowners and provides process such that they can exercise their rights? It’s my guess that we need a plan and a reasonable delay, Certified to the Commission, to make up for notice deficiencies, encourage that “broad spectrum of public participation,” and provide necessary due process.

Very truly yours,



Carol A. Overland
Attorney at Law

cc: Nancy Prehn, The Prehn Family
eService on all Parties via eDockets

¹ Admittedly, I may be confusing this with the notice requirements in the rulemaking proceeding that we hammered out in nine years of meetings and comments over a decade ago which was tossed out by the Commission. E,ET,IPP-999/R-12-1246 Sufficiency of notice was a primary issue then and now.