

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

**Request to Consider Motions to Compel Discovery and Reverse Prohibition on
Representation of LIUNA Minnesota & North Dakota by a Non-Attorney**

The Laborers District Council of Minnesota and North Dakota (“LIUNA Minnesota & North Dakota”) respectfully requests that the Minnesota Public Utilities Commission (“Commission”) consider and act on both the Motion to Certify which was filed by our organization with the Administrative Law Judge (“ALJ”) on August 21, 2019 and pending when the entire matter was certified back to the Commission on August 30; and the underlying Motion to Compel Discovery which we filed on July 22, 2019, and which we believe was wrongly denied by the ALJ in an August 7, 2019 Order that also, and without justification, prohibited our organization from being represented by a non-attorney in the above-captioned proceedings.

The Certificate of Need, Site Permit, and HVTL Route Permit applications for the Dodge County Wind energy project (“the Project”) are now under the jurisdiction of the Commission, pursuant to the ALJ’s August 30, 2019 Order Suspending Contested Case Proceedings and Certifying the Contested Case to the Commission, so the Commission can consider the request by Dodge County Wind, LLC (“Applicant”) to withdraw the company’s Application for an HVTL Route Permit and decide how the proceedings should continue in light of the need for Applicant to seek an alternate transmission interconnection.

We urge Commissioners to take advantage of the pause in the process and the fact that the consolidated matter is already before the Commission to correct serious errors in the contested case process, which, if left unaddressed, will deny LIUNA Minnesota & North Dakota the opportunity for meaningful participation and produce a flawed record. The Commission can now do so in a manner that maximizes procedural efficiency and creates little or no additional delay. By considering and disposing of LIUNA Minnesota & North Dakota’s requests for clarification regarding the scope of the contested case process, an opportunity to conduct discovery needed to illuminate the likely socioeconomic impacts of the project, and an opportunity to choose our own representative rather than being forced to


retain outside counsel, the Commission can efficiently resolve issues that will otherwise cloud the proceedings go forward and potentially create worse delays and disruptions.

The matters that LIUNA Minnesota & North Dakota asks the Commission to resolve fall squarely within the Commission's jurisdiction and expertise, and action is required before decisions are made on the disposition of the case and proceedings recommence in order to avoid a much worse outcome, for the reasons provided in our August 21 Motion to Certify and July 22 Motion to Compel Discovery. These arguments that will not be restated here, but are incorporated herein by reference to the Motions.

We believe that we fully refuted objections to our original Motion to Compel Discovery set out in Applicant's July 26, 2019 Reply, including serious and unsubstantiated charges that LIUNA Minnesota & North Dakota has improperly pursued commercial interests and sought to leverage Applicant using threats of delay in these proceedings, in a Response filed on August 2, 2019. But inasmuch as our attempt to file a response was explicitly rejected by the ALJ in an August 6, 2019 letter and our response was not considered in the ALJ's August 7, 2019 Order, LIUNA Minnesota & North Dakota stands ready to make these same arguments in writing or in person before the Commission at the appropriate time.

As always, we appreciate the Commission's time and attention to these matters.

Dated: September 5, 2019

A handwritten signature in blue ink, appearing to read "Kevin Pranis", is written over a light blue horizontal line.

Kevin Pranis, Marketing Manager
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