

Needs for and Alternatives To (NFAT)

MMF Undertaking #148

Whitfield Russell Associates to determine whether or not there is information available that would explain the third bullet on slide 41 where Minnesota utilities have petitioned the Minnesota PUB to consider a competing alternative and, in looking to see what that information is, whether there is any indication as to whether a financial contribution from Manitoba Hydro would be part of that.

Response:

Procedural Note on the Consideration of Potential Alternatives to the GNTL

Comments on the Completeness of the Certificate of Need

Minnesota Power filed its certificate of need application for the construction of the GNTL with the Minnesota Public Utilities Commission (MPUC) on October 21-22, 2013. Comments on the completeness of the certificate of need application were provided by November 19, 2013 and Minnesota Power's reply comments were provided by December 3, 2013. A number of parties provided comments regarding the consideration of potential alternatives to the GNTL and called upon the MPUC to refer the matter to a contested hearing before the Office of Administrative Hearings (OAH).

The Department of Commerce, Division of Energy Resources did not have any dispute as to material facts but found that Appendix I to the application indicated there is a potential for competing alternatives. As a result, the Department recommended that the MPUC refer the matter to the OAH for a contested case proceeding.

The Large Power Interveners (a group of retail customers) believed that the issue of various routes and alternatives to the GNTL was one of a number of potential contested material facts and also called upon the MPUC to refer to matter to the OAH for a contested case proceeding.

The Regional Utilities (Northern States Power Company d/b/a Xcel Energy, Otter Tail Power Company, Great River Energy and Missouri River Energy Services who filed joint comments in the application), indicated that further studies completed on the "Western Option" as an alternative to the GNTL, merited additional consideration in a contested case proceeding before OAH (further details on this option are discussed below).

In its reply, Minnesota Power agreed that a contested case would be the correct procedure. In the Staff Briefing Papers for Minnesota PUC Docket No. E015/CN-12-1163 on December 19, 2013, it is recommended that the MPUC refer the matter to a contested hearing before OAH.

First Procedural Order in the Contested Hearing before the Office of Administrative Hearings

In the attached First Prehearing Order of the Office of Administrative Hearings dated January 29, 2014, the above parties who expressed concern with respect to alternatives to the GNTL are participating in the OAH contested case as follows:

- the Department, along with Minnesota Power are the two parties;
- Large Power is an intervener;
- The Regional Utilities filed a Notice of Appearance and participated in the First Prehearing Conference, but were not provided intervener status in the First Prehearing Order.

Those groups seeking to intervene in proceedings have until August 29, 2014 to file Petitions to Intervene in the OAH contested case. The schedule and some rules for the proceedings are set out in the remaining provisions of the First Prehearing Order.

Discussion of Potential Alternatives to GNTL

Mr. Russell has had several discussions with a senior official of one of the Regional Utility entities that submitted comments to the Minnesota PUC with respect to Minnesota Power's application to build the Great Northern Transmission Line ("GNTL"). As reported in Megawatt Daily (Undertaking 147), those entities are urging the Minnesota PUC to consider an alternative to the GNTL that would extend from Manitoba to Fargo, ND along the Minnesota-North Dakota border. Please see the attached comments of the Regional Utilities and the Minnesota Staff Briefing papers. The Regional Utilities state (emphasis added):

We believe the application contains sufficient information addressing the required application content requirements to proceed with processing and analyzing the certificate of need application. However, as part of the examination of alternatives, we believe there are several facts in the application and in system planning that merit additional record development beyond just exchanging comments.

As noted by Minnesota Power, a western 500 kV alternative to the Fargo area has been explored in the MISO process (the "Western Option"). The Western Option provides a reasonable alternative to meet Minnesota Power's current needs, facilitates use of the Commission-authorized, double-circuit-ready 345 kV line from Fargo to Monticello to address the potential need for future transmission capacity expansion, and collectively offers a cost effective solution at higher power transfer levels that may be required in the future. **We believe the Western Option can be developed in time to meet the needs presented and are willing to do so if called upon by the Commission.**

We have conducted studies beyond those Minnesota Power presented in its application and are prepared to provide this information to the Commission to develop a complete record related to the Western Option. We also believe the record would benefit from an opportunity to further evaluate and develop the implications of the numerous technical studies presented, or referred to, by Minnesota Power. We are prepared to present information comparing future scenarios and costs related to various expansion plans to assist in record development.

CONCLUSION

We believe the application submitted by Minnesota Power is complete, however, it is important for the Commission to have as much information as possible regarding system alternatives before choosing major new regional infrastructure.

In its briefing memorandum, the Staff of the Minnesota PUC recommended that the matter be set for a contested proceeding:

Appendix I to the application indicated there is a potential for competing alternatives. Because of these facts, the Department recommended that the Commission refer the Petition to the Office of Administrative Hearings for a contested case proceeding.

Staff Briefing Papers for Minnesota PUC Docket No. E015/CN-12-1163 on December 19, 2013 at 4.

A representative of one of the Regional Utilities recommending an alternative project to Fargo stated that the need for Manitoba Hydro to participate in the United States portion of the competing (alternative) 500 kV interconnection will depend upon how the costs will be allocated to MISO transmission pricing zones (and to transmission customers). The allocation of the costs of such a Manitoba-US interconnection is subject to debate and will depend upon the outcome of further analysis and negotiation. Under some interpretations of the MISO tariff provisions governing cost allocations, MH would **NOT** need to invest in the Fargo alternative. The allocation of costs of major transmission projects has long been a contentious issue and continues to be a hot topic, especially in MISO where so much Extra High Voltage transmission infrastructure is being developed to deliver the output of wind generation.

There are two competing concepts:

1. The GNTL (and/or a competing transmission project) will be a network upgrade and its costs would be allocated broadly across MISO transmission customers as is done with Multi Value Projects ("MVP") or perhaps as an Economic Project. For an MVP, 100% of the costs are allocated on a postage stamp basis to all transmission pricing zones in the MISO footprint. For an Economic Project, those costs are also allocated across multiple transmission pricing zones, but not necessarily spread to all load in the MISO footprint as might occur with an MVP designation. Northern States Power owns the United States portion of the existing Dorsey-Riel-Forbes line, and MISO sources indicate that it is deemed to be a network facility. The costs of the Dorsey-Forbes line are allocated less broadly than are the costs of MVPs. The costs of the Dorsey-Forbes line are allocated to the Northern States Power transmission pricing zone in MISO. The load of Northern States Power represents about 80% (or more) of the total load within the pricing zone.
2. The costs of the GNTL (and/or of a competing project) will be allocated to production (generation), and its costs would be collected from the entities who use the transmission facility to deliver the power (i.e., the buyers and sellers of the power). Interconnection costs and radial generator leads are typically allocated in much the same way. For many years, well before open access transmission tariffs were mandated by FERC (July 1996), Northern States Power claimed that Dorsey-Forbes was a generator lead and its costs were allocated solely to production. The effect of NSP's allocating costs of Dorsey-Forbes solely to production was to prevent NSP's competitors from gaining direct transmission access to low-cost power from Manitoba and to retain the benefits of that low-cost power solely for NSP's own customers.

The weight of FERC precedent is to spread the costs of networked EHV facilities broadly (the *Mansfield* Test, the seven-factor test of Order 888, etc.). That so-called cost allocation approach would enable the developers of a Fargo line (designed to compete with GNTL) to get along without MH participation and investment. However, there is a long series of FERC precedents

requiring that service providers (such as MISO or Minnesota Power) follow the literal terms of their filed tariffs (the so-called "filed rate doctrine"). If it is determined that the MISO tariff would not require MISO and the owners to spread the costs of a competing Fargo facility broadly, then its developers would be likely to seek MH participation and investment in the competing facility to Fargo. However, to the extent the Fargo facility (or the GNTL) demonstrates greater flexibility than it would when operating solely as an export facility, such as a seasonal or peak/off-peak exchange facility, the likelihood of the Fargo line costs being spread more widely is higher, and thus the likelihood of required participation by MH would be less.

Minnesota Public Utilities Commission
Staff Briefing Papers

Meeting Date: December 19, 2013Agenda Item *3
Company: Minnesota Power
Docket No. E015/CN-12-1163

In the Matter of the Application of Minnesota Power for a Certificate of Need for the Great Northern High Voltage Transmission Line Project from the Manitoba, Canada – Minnesota Border to the Blackberry Substation near Grand Rapids, Minnesota

Issue(s): Should the Commission accept the certificate of need application as substantially complete?
Should the Commission refer the Matter to the Office of Administrative Hearings for a contested case proceeding?
What action should the Commission take regarding other procedural items?

Staff: Michael Kaluzniak | 651-201-2257 | mike.kaluzniak@state.mn.us

Relevant Documents

Minnesota Power Certificate of Need Petition (25 parts) October 21-22, 2013
Dept. of Commerce Energy, Regulation & Planning (DER) CommentsNovember 19, 2013
Large Power Intervenors CommentsNovember 19, 2013
Regional Utilities' (Xcel, OTP, GRE & MRES) CommentsNovember 19, 2013
DER Correction to CommentsNovember 21, 2013
Minnesota Power Reply CommentsDecember 3, 2013

Note – Numerous public comments were received during the initial and reply comment periods, mostly related to routing matters. Refer to the e-Dockets record for comments.

The attached materials are work papers of the Minnesota Public Utilities Commission (Commission) staff. They are intended for use by the Commission and are based upon information already in the record unless noted otherwise.

This document can be made available in alternative formats (i.e., large print or audio) by calling 651-296-0406 (voice). Persons with hearing or speech disabilities may call us through their preferred Telecommunications Relay Service.

Statement of the Issues

1. Should the Commission accept the certificate of need application as complete?
2. Should the Commission direct that the certificate of need application be reviewed using the informal or expedited process or refer the matter to the Office of Administrative Hearings for a contested case proceeding?
3. Should the Commission vary the time limits of its rules that relate to the timing of public meetings?

Project Overview

The Great Northern Transmission Line (Project) includes high voltage connections between the province of Manitoba in Canada and the Blackberry Substation in Itasca County, Minnesota to enable additional electric energy deliveries from Manitoba Hydro to meet existing and future energy needs. The transmission line would be approximately 235-270 miles in length and likely impact Beltrami, Clearwater, Itasca, Kittson, Koochiching, Lake of the Woods, Marshall, Roseau and Pennington Counties, depending upon selection of the final route location.¹ The project also includes an expansion of the Blackberry Substation to accommodate the 500 kV line, a 500/230 kV transformer and associated 230 kV & 500 kV equipment.² The project would join with a new 90-130 mile transmission line in Canada to form a new international transmission interconnection to provide approximately 750 megawatts (MW) of transfer capability.

Statutes and Rules

Large Energy Facility - Completeness

Minn. Stat. § 216B.243, subd. 2 states that no large energy facility shall be sited or constructed in Minnesota without the issuance of a certificate of need by the Commission. The proposed project is a large energy facility as defined by Minn. Stat. § 216B.2421, subd. 2(2), because it is a high-voltage transmission line with a capacity greater than 200 kV and greater than 1,500 feet in length. The content requirements for a certificate of need application for a large high-voltage transmission line are described in Minn. Rules, parts 7849.0240 and 7849.0260 through 7849.0340.

Review Procedure

A determination on the appropriate review process for the proposed project application must also be made by the Commission. Under Minn. Rules, part 7829.1000, the Commission may elect to refer the matter to the Office of Administrative Hearings for a contested case proceeding, or the Commission may authorize the use of the informal or expedited review process described in Minn. Rules, part 7829.1200.

Variance

Minnesota Rule 7829.3200 provides that the Commission may grant a variance to its rules upon determining that enforcement of the rule would impose an excessive burden upon the applicant or

¹ The Project as identified in the Notice Plan Petition also included a 50 to 70-mile double-circuit 345 kV transmission line to be located between the Blackberry Substation and the Arrowhead Substation near Hermantown in Saint Louis County. Refer to e-Dockets file #[201210-80007-01](#), October 29, 2012.

² See Application, e-Dockets File #[201310-92790-04](#), October 22, 2013.

others affected by the rule; granting the variance would not adversely affect the public interest; and granting the variance would not conflict with standards imposed by law.

Procedural History

On October 29, 2012, Minnesota Power (MP) filed a notice plan petition for its Great Northern High Voltage Transmission Line project in northern Minnesota. MP requested an exemption from certain certificate of need application requirements of Minn. Rules, chapter 7849 on November 20, 2012. The Commission approved the notice plan, varied the time to consider completeness of the application, and granted the exemption requests in an order issued on February 28, 2013.

On October 21-22, 2013, MP filed a certificate of need application for the construction of the Great Northern Transmission Line.

A notice soliciting comments on the completeness of the certificate of need application was issued on October 22, 2013; Initial comments due by November 19, 2013 and Reply comments due by December 3, 2013.

On October 28, 2013, the O'Brien Township in Beltrami County filed a resolution requesting that the Commission make every effort to evaluate and develop local generation and demand-side measurements as alternatives to the project.

During the initial comment period, the Commission received approximately 25 public comments including a petition with approximately 271 signatures.

Comments concerning the completeness of MP's certificate of need application were filed by the Large Power Intervenors and by the Regional Utilities on November 19, 2013 and by the Department of Commerce, Division of Energy Resources (Department) on both November 19, 2013 and November 21, 2013.

On December 3, 2013, MP filed reply comments.

Comments on Application Completeness

Department of Commerce, Division of Energy Resources Comments

In their initial comments, the Department indicated that it was unable to locate detailed substation-specific level data as required by Minnesota Rule 7849.0270, Subp. 2 (B and C); and stated that MP should be required to provide the proposed alternative data at the detailed substation-specific level before the Commission finds MP's petition to be complete. On November 21, 2013, the Department filed a letter stating that it recognized it had previously recommended granting MP an exemption to this data requirement and, therefore, the Department recommended that the Commission find that the application to be substantially complete.

The Department did not identify any disputes as to material facts. However, the Department stated that the proposed project would operate at the highest existing voltage used in the state and that

Appendix I to the application indicated there is a potential for competing alternatives. Because of these facts, the Department recommended that the Commission refer the Petition to the Office of Administrative Hearings for a contested case proceeding.

Large Power Intervenors

A group of retail customers referred to as the Large Power Intervenors filed comments on the procedural treatment of the matter.³ The Large Power Intervenors stated that there are numerous potential contested material issues of fact and therefore the Commission should refer the matter to the Office of Administrative Hearings for a contested case proceeding. The issues include the cost of the Great Northern Transmission Line, the issues surrounding various routes and alternatives, and the potential for consideration of related issues such as reliability, industrial load growth, and increased demand for renewable generation.

Regional Utilities

Northern States Power Company d/b/a Xcel Energy, Otter Tail Power Company, Great River Energy and Missouri River Energy Services filed joint comments as the Regional Utilities. Members of the regional utilities are all transmission owners within the Midcontinent Independent System Operator, Inc. (MISO) region, and also participants within the CapX2020 joint regional transmission planning efforts.

The Regional Utilities stated that the application contains sufficient information addressing the required application content requirements to proceed with processing and analyzing the certificate of need application.

Regarding procedural treatment of the application, the Regional Utilities stated there a 500-kV alternative to the project (Western Option) has been explored as part of the MISO transmission service request planning process. The Regional Utilities stated that the Western Option provides a reasonable alternative to meet MP's current needs and offers a cost effective solution at higher power transfer levels that may be required in the future. The Regional Utilities stated that they have conducted additional studies on the Western Option that merit additional record development through use of a contested case proceeding.

Public Comments

The public comments generally opposed particular route(s) for the project, citing environmental impacts of the project and/or proposed alternative sources of energy. One commenter stated that there were numerous potential contested material issues of fact and requested that the matter be referred to the Office of Administrative Hearings for a contested case proceeding.

Minnesota Power Reply Comments

In their reply comments, Minnesota Power agreed that a contested case is the correct procedure to ensure the Commission has the necessary record in which to make its decision. Minnesota Power also agreed that the application is complete.

³ The Large Power Intervenors include ArcelorMittal USA (Minorca Mine); Boise, Inc.; Enbridge Energy, Limited Partnership; Hibbing Taconite Company; Mesabi Nugget Delaware, LLC; NewPage Corporation; PolyMet Mining, Inc.; Sappi Cloquet, LLC; UPM – Blandin Paper Company; USG Interiors, LLC; United States Steel Corporation (Keewatin Taconite and Minntac Mine); and United Taconite, LLC.

Minnesota Power stated that it could not determine if the Regional Utilities intended to provide a formal alternative project which they ask the Commission to consider under Minn. Rules 7849.0110, or whether they view the Western Option as a hypothetical scenario that can test the suitability of the GNTL Project under the alternatives analysis required by Minn. Rules 7849.0260.

MP noted that it seeks a June 1, 2020 in-service date as required under the Power Purchase Agreement for the project. Minnesota Power stated that the Regional Utilities have not demonstrated a unique interest in the project.

Staff Discussion

Application Completeness

Staff has reviewed the certificate of need application and the comments received. Staff agrees with the recommendation of the Department that the Commission should find the application substantially complete.

Regulatory Proceeding

Staff agrees with the recommendations of the Applicant, the Department and other commenters that the Commission should refer the matter to the Office of Administrative Hearings for a contested case proceeding.

If a contested case proceeding is ordered staff recommends that the Commission require a prehearing conference at a date, time, and place to be set by the administrative law judge in consultation with the Applicant, as well as DOC and Commission staff.

Administrative Responsibilities

To facilitate the review process, staff recommends that the Commission delegate administrative authority to the Executive Secretary and include the following additional items in the appropriate orders issued in this matter:

- Designate Tracy Smetana (consumer.puc@state.mn.us, or 651-296-0406) as the Public Advisor to facilitate citizen participation in the process
- Request that the Department continue to study the issues and indicate during the hearing process its position on the reasonableness of granting a certificate of need.
- Require MP to facilitate in every reasonable way the continued examination of the issues by the Department and Commission staff.
- Require MP to place a copy of the application (printed or compact disc) for review in at least one government center or public library in each county where the proposed transmission line project is located.
- Direct Commission staff to work with the Administrative Law Judge and the staff of the Department in selecting a suitable location for the public hearings on the application.
- Direct MP to work with Commission staff to arrange for publication of the notice of hearings in newspapers of general circulation at least ten days prior to the hearings, that

such notice be in the form of visible display ads, and that proof of publication be obtained from the newspapers selected.

Staff identified two areas where the process could be improved. First, staff recommends that those members of the public who were initially included in the notice plan for the southernmost portion of the project should receive supplemental notice that their community is not under consideration for the current project. Secondly, staff recommends that because the public comments received during consideration of the certificate of need application primarily spoke to routing matters, these comments should be filed to that docket once a route permit application is open for comment.

Time Variance Requests

Minn. Rules, part 7849.1400, subp. 3, requires the Department to hold a public meeting and begin the process of preparing an environmental report within 40 days after receipt of a certificate of need application.

The timeline of 40 days does not allow sufficient time to fully review the application for completeness, solicit comments, schedule a commission meeting and prepare a written order. The 40-day time limit ended during the first week December 2013. Staff believes there is good cause for the Commission to vary and extend the 40-day time limit of Minn. Rules, part 7849.1400, subp. 3, to ensure that the application is substantially complete and any supplemental information is provided before holding the scoping meeting on the environmental report.

Commission Decision Alternatives

A. Application Completeness

1. Accept the application as complete.
2. Reject the application and indicate the specific deficiencies.
3. Take some other action deemed more appropriate.

B. Regulatory Proceeding

1. Refer the matter to the Office of Administrative Hearings for a contested case proceeding.
2. Require a prehearing conference at a date, time, and place to be set by the administrative law judge in consultation with the Applicant, as well as DOC and Commission staff.
3. Direct that the certificate of need application be reviewed using the informal or expedited process.
4. Take some other action deemed more appropriate.

C. Administrative Responsibilities

1. Delegate administrative authority to the Executive Secretary and include the following additional items in the appropriate order(s) issued in this matter:
 - a. Provide the name, telephone number, and email address of the staff person designated as Public Advisor to facilitate citizen participation in the process.
 - b. Request that the Department continue to study the issues and indicate during the hearing process its position on the reasonableness of granting a certificate of need.
 - c. Require MP to facilitate in every reasonable way the continued examination of the issues by the Department and Commission staff.
 - d. Require MP to place a copy of the application (printed or compact disc) for review in at least one government center or public library in each county where the proposed transmission line project is located.
 - e. Direct Commission staff to work with the Administrative Law Judge and the staff of the Department in selecting a suitable location for the public hearings on the application.
 - f. Direct the applicant to provide notice to the public in the area between the Blackberry and Arrowhead Substations who would no longer be affected by the line.
 - g. Direct the public advisor to e-File the public comments received during the completeness comment period to the corresponding route permit docket once the application is open for comment.
2. Take some other action deemed more appropriate.

Staff Recommendations: A.1, B.1, and C.1(a-g).

BEFORE THE STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE PUBLIC UTILITIES COMMISSION

In the Matter of the Request of Minnesota
Power for a Certificate of Need for the Great
Northern Transmission Line Project

FIRST PREHEARING ORDER

This matter came before Administrative Law Judge Ann O'Reilly for a Prehearing Conference on January 17, 2014.

Eric F. Swanson and David M. Aafedt, Winthrop & Weinstine, P.A., appeared on behalf of the Applicant Minnesota Power (Minnesota Power or Applicant).

Julia Anderson and Peter Madsen, Assistant Attorneys General, appeared on behalf of the Minnesota Department of Commerce Division of Energy Resources (DER).

Bill Storm, Environmental Review Manager, Department of Commerce, and Linda S. Jensen, Assistant Attorney General, appeared on behalf of the Minnesota Department of Commerce Energy Environmental Research and Analysis (EERA).

Andrew Moratzka, Stoel Rives, LLP, appeared on behalf of the Large Power Intervenors (Large Power).

Christina Brusven, Fredrikson & Byron, appeared on behalf of Northern States Power Company d/b/a Xcel Energy, Otter Tail Power Company, and Missouri River Energy Services (collectively referred to as "Regional Utilities"). James Denniston also appeared on behalf of Xcel Energy.

Carol Overland, Legalectric, Inc., appeared on behalf of Intervenors Residents and Ratepayers Against Not-so-Great-Northern Transmission (RRANT).

Michael Kaluzniak and Tracy Smetana, staff of the Public Utilities Commission (Commission), were also present.

Based upon the submission of the parties and the hearing record,

IT IS HEREBY ORDERED THAT:

Parties and Intervention

1. In its January 8, 2014 Order Accepting Filing, Varying Time Lines, and Notice and Order for Hearing, the Commission designated the following entities as parties to the contested case: Minnesota Power and the DER.
2. On January 10, 2014, RRANT filed a Petition to Intervene. No party objected to the RRANT Petition within the time allotted by rule. Therefore, RRANT's Petition to Intervene is hereby **GRANTED**.
3. On January 16, 2014, Large Power filed a Petition to Intervene. At the January 17, 2014 Prehearing Conference both Minnesota Power and the Department of Commerce indicated they had no objection to Large Power's Petition. Therefore, Large Power's Petition to Intervene is hereby **GRANTED**.
4. Other persons who wish to intervene as parties in this proceeding must file a Petition to Intervene that complies with Minn. R. 1400.6200 with the Administrative Law Judge no later than 4:30 p.m. on **August 29, 2014**. Copies of the Petition to Intervene must be served upon all existing parties and the Commission. A Notice of Appearance must be filed with the Petition. Petitioners shall provide an electronic mail address on the Petition or Notice of Appearance. **Any intervenor will be held to the schedule set forth below and the schedule will not be modified to accommodate intervention. Therefore, parties intending to intervene should do so as early in the process as possible.**
5. Any objection to a Petition for Intervention shall be filed within seven (7) days of the filing of the Petition. See Minn. R. 1400.6200, subp. 2. The objection shall state the party's reasons for objection and shall be served upon the Administrative Law Judge, all existing parties, the petitioning party, and the Commission.
6. Any person who has not filed a Notice of Appearance **by February 3, 2014**, will be removed from the official service list on that date. To be placed on the service list after February 3, 2014, a party must file a Notice of Appearance. Interested members of the public who are not on the service list are invited to receive notifications through the "Subscribe to Dockets" feature of the Commission's E-Docket system.
7. Members of the public need not become parties in order to participate in this matter. The Administrative Law Judge will preside over public hearings on the matter and receive written comment from the public following those hearings as provided below.

Schedule

8. The following schedule is adopted for the Environmental Review of the Great Northern Transmission Line and for the Certificate of Need proceedings, MPUC Docket No. E-015/CN-12-1163:

Environmental Report (ER)

DATE	EVENT	DESCRIPTION
January 15, 2014	Notice of ER Scoping Meetings	<ul style="list-style-type: none"> Commission & EERA staff released Notice on Venue, and date and times for the ER Scoping meetings.
February 11, 12, 13, 18, 19, & 20, 2014	ER Scoping Meetings	<ul style="list-style-type: none"> Commission & EERA staff to hold joint Public Information & ER Scoping Meetings.
March 14, 2014	ER Scoping Comment Period Ends	<ul style="list-style-type: none"> Opportunity for interested parties to submit written comments.
March 28, 2014	Scoping Decision Released	<ul style="list-style-type: none"> Department of Commerce Deputy Commissioner to Release the Scoping Decision.
June 30, 2014	ER Released	<ul style="list-style-type: none"> EERA to Release the ER and associated notices.

Certificate of Need

DATE	EVENT	DESCRIPTION
August 10, 2014	Minnesota Power Direct Testimony to be filed	
August 29, 2014	Deadline to Intervene	See Paragraph 4 above.
September 19, 2014	Other Parties' Direct Testimony to be filed	

DATE	EVENT	DESCRIPTION
<p>Weeks of October 6¹ and October 13, 2014</p> <p>Dates, times, and locations to be determined. Will occur in areas located in the proposed project route.</p> <p>Notice will be provided pursuant to rule and law prior to the hearings</p>	<p>Public Hearings</p>	<ul style="list-style-type: none"> • ALJ introduction and opening remarks. • Commission staff – introduction on the process and the Commission's role. • Applicant introduces application and record of other relevant items. • DER or EERA introduces into the record the procedural work to date, (e.g., notices on ER, Scoping meeting and decision, ER availability, and the Environmental Review). • Applicant answers questions about the Project. • EERA answers questions about the ER. • Public asks questions, makes comments.
<p>October 24, 2014</p>	<p>All Parties' Rebuttal Testimony to be filed</p>	
<p>November 7, 2014</p>	<p>All Parties' Surrebuttal Testimony to be filed</p>	
<p>November 7, 2014</p>	<p>Transcripts of Public Hearings to be filed and made available to the public.</p>	<ul style="list-style-type: none"> • Applicant to make Public Hearing transcripts available at various public libraries located in the Project area, including all areas where a public hearing was held. • Cost of hearing transcript copies to be paid by Applicant.

¹ The Administrative Law Judge is unavailable for a public hearing on October 6, 2014. Accordingly, the public hearing schedule should not include a hearing on October 6, 2014. The Administrative Law Judge is available for the remainder of that week (October 7 – 10, 2014).

DATE	EVENT	DESCRIPTION
<p>November 12-14 and November 17-19, 2014</p> <p>Hearings to commence at 9:30 a.m. and will occur at the Commission office in St. Paul, MN</p>	<p>Contested Case Hearings</p>	<p>Anticipated Order of Testimony at Hearing:</p> <ol style="list-style-type: none"> 1. Minnesota Power 2. Large Power 3. RRANT 4. Intervenors in order of intervention 5. Department of Commerce
<p>December 3, 2014</p>	<p>Public Comment Period Closes</p>	<ul style="list-style-type: none"> • All public comment to be filed.
<p>December 4, 2014</p>	<p>OAH to file all comments received.</p> <p>Transcript of contested hearing to be filed and made available to the public.</p>	<ul style="list-style-type: none"> • All hearing comments available through eDockets. • Applicant to make Contested Case Hearing transcripts available at various public libraries located in the Project area, including all areas where a public hearing was held. • Cost of transcript copies to be paid by Applicant.

DATE	EVENT	DESCRIPTION
December 19, 2014	<p>Initial Briefs due</p> <p>Applicant's Proposed Findings of Facts, Conclusions of Law to be filed</p>	<ul style="list-style-type: none"> • All parties' Initial Arguments/Analysis based on analysis of the record through the close of the hearing and comment period. • Applicants respond to public written comments. Applicants submit proposed Findings of Fact and Conclusions. See Paragraph 33 below. • Dept. of Commerce responds to public written comments on ER and submits final evaluation.
January 16, 2015	<p>Reply Briefs due</p> <p>Other Parties' Proposed Findings of Fact, Conclusions of Law to be filed.</p>	<ul style="list-style-type: none"> • Applicant replies to all Initial Briefs filed. • Dept. of Commerce and other parties' reply to Initial Briefs and Applicant's proposed Findings of Fact and Conclusions of Law. See Paragraph 33 below.
March 16, 2015	<p>Administrative Law Judge Findings of Fact, Conclusions of Law, and Recommendation to be filed.</p>	<ul style="list-style-type: none"> • Findings of Facts, Conclusions of Law, and Recommendation on Certificate of Need Application

Discovery

9. A party may serve requests for information on any other party. All requests for information shall be made in writing by electronic mail. If expressly requested by another party, the requesting party shall follow the electronic mail message with a copy of the request sent by regular U.S. mail or other delivery service to all parties.

10. Information requests shall **not** be eFiled or served on the Administrative Law Judge or the Court Reporter. Additionally, Responses to information requests shall **not** be eFiled or served on the Administrative Law Judge or Court Reporter.

11. Other than a request by a government agency, to the extent that a request includes material designated as Trade Secret or Nonpublic under the Minnesota Government Data Practices Act, Minn. Stat. ch. 13, the requesting party shall first seek approval of a Protective Order if such an Order has not already been adopted in this proceeding. A request containing such material shall only be between the requesting party and responding party, and the requesting party shall follow the electronic mail message with a public version of the request sent by regular U.S. Mail or other delivery service to all parties. Requests shall be sent to the person(s) designated to receive data requests by the party from whom the information is sought. Any request received by electronic mail or other means after 4:30 p.m. on a business day, on a weekend day, or on a Minnesota state holiday, is considered received on the next business day.

12. The party responding to the request shall provide the requested information to the requesting party within **eight (8) business days** of receipt of the information request. A business day does not include a weekend day or a Minnesota state holiday. In accordance with Minn. R. 1400.6100, subp. 1, the day that the information request is received is not counted in the eight-day period. If the request is received after 4:30 p.m. on a business day, the following business day is also not counted in the calculation of the eight-day response period.

13. Public and Non-Public responses to information requests shall be submitted by electronic mail message. If expressly requested by another party, the responding party shall follow the electronic mail message with a copy of the response sent by regular U.S. mail or other delivery service. Any response received after 4:30 p.m. is considered to be received the following business day.

14. If the responding party is unable to send the response by electronic mail because of the volume or nature of information included in a response, the responding party shall send the response by facsimile, U.S. mail, or delivery service so that the requesting party receives the entire response, including any material designated as Trade Secret or Nonpublic, by the date due. Responding parties may utilize optical data storage (DVDs or CDs) to convey large volumes of data. If the response is sent by facsimile, the responding party shall follow the facsimile with a copy of the response sent by regular U.S. mail or other delivery service. There shall be a continuing

obligation to update and supplement information responses with any responsive material that may be subsequently discovered or acquired by the responding party. The responsive information need not be supplied to other parties unless specifically requested by a party.

15. If the request or response contains material designated as Trade Secret or Nonpublic information, the providing party may require that the requesting party comply with the terms of any Protective Order approved in this matter before providing the information.

16. If the responsive information cannot be supplied within eight (8) business days, the responding party shall notify the requesting party as soon as reasonably possible in advance of the deadline of the reasons for not being able to supply the information. The responding party shall also attempt to work out a schedule of compliance with the requesting party.

17. All disputes concerning the reasonableness of discovery requests and the timing and sufficiency of responses shall be resolved by the Administrative Law Judge upon motion of a party. Such motions shall be eFiled through the Edockets system. A courtesy copy of the motion papers shall be submitted to the Administrative Law Judge by electronic mail. Notice of such motions will be made by electronic mail. Motions to address discovery requests and responses are generally heard by telephone conference.

Prefiled Testimony

18. Prefiled testimony and exhibits may be in any reasonable format that is understandable, logically organized, and capable of being cited by page and line number, paragraph number, or similar identifier.

19. A paper copy of prefiled testimony being offered for admission into the record at the hearing shall be provided for use at the hearing. The offering party will identify the document as having been eFiled (with the unique eFile identifying number of the document). The Administrative Law Judge will assign a hearing exhibit number to the document at the time that it is offered for admission at the hearing.

20. Prefiled testimony that is not offered into the record, or stricken portions of prefiled testimony that is offered, shall be considered withdrawn and no witness shall be cross-examined concerning the withdrawn testimony. Any new affirmative matter that is not offered in reply to another party's direct case will not be allowed in rebuttal testimony and exhibits. Any new affirmative matter that is not offered in reply to another party's rebuttal testimony and exhibits will not be allowed in surrebuttal testimony and exhibits. Except for good cause shown, all revisions or corrections to any prefiled testimony shall be in writing and served upon the Administrative Law Judge and the parties no later than three (3) days prior to the commencement of the evidentiary

hearing. Corrections to any prefiled testimony shall be identified and marked on the paper copy of the exhibit which is entered into the hearing record.

21. A hearing exhibit list will be prepared that identifies each exhibit in the hearing record, with its hearing exhibit number and unique eFile identifying number. The eFiled documents constitute the official record of the proceeding, along with any supplemental record data that cannot be eFiled. Any supplemental record data will be identified by the Administrative Law Judge as included in the official record.

Witnesses

22. Subject to change by agreement of the parties or further order of the Administrative Law Judge, the order of testimony shall be: (a) Minnesota Power; (b) Large Power; (c) RRANT; (d) other Intervenors in the order of their intervention, and (e) the Department of Commerce (DER and/or EERA). Questioning of the witnesses shall proceed in the same order, followed by Commission staff and the Administrative Law Judge.

23. In the event that a witness must be scheduled for a day-certain to offer testimony, the sponsoring party should attempt to reach agreement with the other parties and then submit a request to the Administrative Law Judge.

24. Witnesses will be allowed ten (10) minutes in which to summarize their prefiled testimony. In order for a witness to include new information in his or her summary, the party offering that witness' testimony must obtain the prior approval of the Administrative Law Judge upon a motion with a showing of good cause for not having addressed that information in prefiled testimony.

25. Parties shall examine witnesses through their attorneys, if they are represented by counsel. Any party not represented by counsel may examine and cross-examine each witness through one representative chosen by the party.

26. Except for good cause shown, objections by any party as to the qualifications of a witness or the admissibility of any portion of a witness' prefiled testimony are waived unless the objecting party states its objection by motion made to the Administrative Law Judge, no later than 4:30 p.m. on November 10, 2014.

Filing of Documents (Excluding Information Requests and Responses)

27. Original documents shall be filed using the Commission's eDockets eFiling system where feasible, in accordance with Minn. Stat. § 216.17, subd. 3, and the Commission's standards. In any instance where the eFiling system cannot be used, the original document shall be filed by delivery or mail with the Administrative Law Judge.

28. An oversized exhibit may be received into the hearing record, with approval of the judge, provided that a duplicate original of the exhibit, conforming to the standards of Minn. R. 1400.5275, is submitted into the record.

29. The effective date of filing shall be the date the document is eFiled, mailed by U.S. Mail, or delivered. Parties using the eFiling system should retain the unique document identifier as proof of filing through that system. Proof of service to the service list in this proceeding shall be filed with each document or within three (3) business days thereafter.

30. The parties agree that eFiling through the eDockets system shall constitute service in this matter. Anything that cannot be filed through eFiling shall be served by U.S. mail or delivered to the persons indicated on the official service list by the date the document is required to be served. The list will be revised as necessary by the Office of Administrative Hearings.

31. After the Administrative Law Judge's Report is issued, the parties shall file the original of all documents with the Executive Secretary of the Commission in accordance with the Commission's standards.

32. ~~If Trade Secret or Nonpublic Data is filed in this proceeding, a Protective Order will be issued that will govern access to such information. Where Trade Secret or Nonpublic Data is filed with the Administrative Law Judge, that filing shall be prepared and marked in accordance with the Public Utilities Commission's September 1, 1999, Revised Procedures for Handling Trade Secret and Privileged Data. The procedures are available from the Commission's website at:~~ <http://www.puc.state.mn.us/puc/energyfacilities/data-practices/index.html>.

33. A courtesy copy of all briefs, motions, memoranda, and proposed findings shall be sent to the Administrative Law Judge by electronic mail. Proposed findings should also be sent by electronic mail to the judge and copied on all parties in a Microsoft Word format that permits revision. It is helpful if parties other than the Applicant submit proposed findings in a red-lined version of Applicant's proposed findings, if possible.

34. The Applicant shall provide the Administrative Law Judge with a paper copy (in color) of the Certificate of Need Application and the EERA shall provide the Administrative Law Judge with a paper copy (in color) of the Environmental Report.

Dated: January 29, 2014



ANN C. O'REILLY
Administrative Law Judge



MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

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St. Paul, Minnesota 55164-0620

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January 29, 2014

See Attached Service List

**Re: In the Matter of the Request of Minnesota Power for a Certificate of
Need for the Great Northern Transmission Line Project**

**OAH 65-2500-31196
MPUC E-015 / CN-12-1163**

To All Persons on the Attached Service List:

Enclosed herewith and served upon you is the Administrative Law Judge's
FIRST PREHEARING ORDER in the above-entitled matter.

Sincerely,

s/Ann C. O'Reilly

ANN C. O'REILLY
Administrative Law Judge

ACO:ry

Enclosure