



Citizens Energy Task Force (www.cetf.us)

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CETF PETITION FOR RECONSIDERATION

On June 11, 2009 CETF filed a Petition for Reconsideration of the Minnesota Public Utilities Commission decision granting certificates of need for the CapX2020 Projects focused on the issues where the Commission's decision is most vulnerable on appeal. **CETF** argued:

- There was insufficient evidence in the record for the Commission to determine that the eastern endpoint of the Brookings Project should be at Hampton, Minnesota.
- The Commission's approval of the upsized double-circuit alternative to the CapX2020 Projects was unsupported by evidence of need and the Commission exceeded its authority in certifying this upsize in the absence of need.
- The Commission's certification of the La Crosse Project violated the Minnesota Environmental Policy Act, the Minnesota Environmental Rights Act, certificate of need law and rules pertaining to power line prohibition areas.
- The Commission erred by failing to shift the burden to project proponents to show the lack of feasible and prudent alternatives that would not impair the Upper Mississippi River National Wildlife Refuge and other protected natural resources.
- The Commission erred in certifying the La Crosse Project since there are feasible and prudent local generation and transmission upgrade alternatives to meet the needs for the La Crosse Project that do not impair the Upper Mississippi River National Wildlife Refuge and other protected natural resources.
- The Commission erred in failing to reopen the record to consider newly-discovered evidence of demand declines and reasonable forecasts below threshold levels relied upon for Applicants' claims of need.
- The Commission erred in certifying the La Crosse Project without considering conflicts with federal regulations and policies regarding fragmentation of national wildlife refuge habitat.

CETF asked the Commission to reconsider its decision and make the following determinations:

- The Commission's certification of the Brookings Project should be subject to a condition allowing flexibility in routing proceedings to determine the Twin Cities end point either at Lake Marion or Hampton based on evidence of costs and benefits of the alternatives.
- The Commission's certification of the Brookings or Fargo 345 kV lines should be modified so that it does not include the double-circuited upsized alternative.
- The Commission should void its certification of the La Crosse Project.

PETITION FOR RECONSIDERATION – OTHER CAPX2020 PARTIES

On June 11, other parties also sought reconsideration of the Commission's decision. **No CapX** asked that the entire record of need be reopened due to the significance of demand decline and due to the relationship between the CapX2020 Projects and other regional transmission projects that were not considered by the Commission.

Both the CapX2020 utilities and the Office of Energy Security requested that the record be reopened due to their opposition to the Wind Conditions on the Brookings line. The utilities proposed that the conditions be eliminated. The OES proposed that the requirement for wind generation on the Brookings line be weakened, so that no specific amount of wind would be prescribed and suggested a paper "compliance filing" to document whether the new capacity will be used for wind or non-renewable generation. Documents can be found on e-dockets, CN-06-115 at <https://www.edockets.state.mn.us/EFiling/edockets/searchDocuments.do?method=showeDocketsSe arch&showEdocket=true>

The **CapX2020** utilities' main objection to the Wind Conditions on the Brookings line appears to be that the could accelerate the utilities Renewable Energy Standard milestones by several years (CapX Petition, p. 4) and that "Limiting outlet capacity to renewable generation means outlet could not be used for non-renewable generation." (CapX Petition, p., 6).

The utilities expressed the concern that coordinating the Brookings Project so that wind generation is needed by customers could result in a "delay in the Brookings Project to better align with customer needs." (CapX Petition, p. 9) The **CapX2020** utilities admitted that "neither Applicants nor other utilities need additional wind generation from this area in the 2012-2013 timeframe," (CapX Petition, p, 14).

Although the **CapX2020** utilities did not ask that the time frame for constructing the Brookings Project be extended or need reconsidered, this seems the logical result of their argument that the \$650 million line (which was proposed and marketed to provide 700 MW of renewable energy) is not needed for wind by 2013 by any of the utilities proposing it.

The **OES** proposal to weaken the Wind Conditions and provide a compliance filing on renewable and non-renewable resources is equally paradoxical. The OES attempts to justify weakening the Wind Conditions based on concerns about unrelated dockets. The OES suggests that the timing of "upsizing" the Brookings line by adding a second circuit may affect capacity (OES Petition, pp. 8-9), but the future need for "upsizing" was explicitly outside of the scope of the CapX proceedings.

The **OES** then suggests that "new facts" suggest that the Brookings Project capacity, like that of any other transmission is "a result of the performance of the transmission system, not an individual line" and that the Commission should take an "overall systems approach to transmission planning rather than a piecemeal transmission line-by-line project-by-project approach." (OES Petition., p. 9-10) Although framed as an argument to weaken the Wind Conditions, this argument by OES seems similar to the **NoCapX** argument that the record of need should be reopened to consider evidence pertaining to the entire proposed transmission system of which the CapX2020 Projects are a part.

The **OES** also suggest that the Wind Conditions would result in costs to ratepayers (unspecified) and that, if Xcel is required to comply with the Wind Conditions they will not proceed with the RIGO projects. No offer of proof was made of evidence to support these claims.