



STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

August 21, 2015

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The Honorable Ann O'Reilly
Administrative Law Judge
Office of Administrative Hearings
600 North Robert Street
P.O. Box 64620
St. Paul, MN 55164-0620

Re: In the Matter of the Application of Minnesota Power for a Routing Permit for the Great Northern Transmission Line;
MPUC Docket No. E0915/TL-14-2
OAH No. 65-2500-31637

Dear Judge O'Reilly:

Thank you for your correspondence of August 20, 2015 requesting further information regarding the mailing February 9, 2015 to 24 property owners who, RRANT asks the Administrative Law Judge (ALJ) to infer, did not receive sufficient individual notice to enable them to participate in the scoping and draft EIS process in this proceeding.

Your Honor, your correspondence asks for submission of Ms. Warner's affidavit of service or for an explanation if Ms. Warner does not submit such an affidavit. I enclose the Affidavit of Caren Warner; the affidavit concerns the mailing of a "Minnesota Department of Commerce Letter to Landowners" (Letter to Landowners) marked as Hearing Exhibit 113, pages one and two.

As Ms. Warner indicates, she cannot supply a sworn affidavit of service because Ms. Warner has, at present, no recollection of the events of February 9, 2015, and she can truthfully only describe the processes she normally employs to send such letters on behalf of her employer. Ms. Warner's attached Affidavit is consistent with that of Mr. Storm, whose computer file metadata shows that the relevant file was last modified on February 9, 2015, and whose sworn statement is that the mailing was made on the same date.

As further explanation for why EERA did not ask its staff to prepare an affidavit of service when the Letter to Landowners was mailed is because, in these types of power line routing dockets, Minnesota Statutes and Commission Rules clearly afford service of individual

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notice only to the project list; others in the area where the project is proposed to be located are afforded notice by publication in a legal newspaper of general circulation in the area.¹ EERA staff complied with the Minnesota law and Commission Rules. Any outreach EERA made beyond that which is required, to other persons who may be interested, historically has not needed to be established by admissible evidence such as an affidavit of service. While Mr. Storm might have asked Ms. Warner to prepare an affidavit of service and perform her February 9, 2015 mailing tasks accordingly, had he the benefit of hindsight and anticipated and avoided the current dispute, the Minnesota legislature and Public Utilities Commission have not seen it necessary to require the sort of individual mailed notice for which RRANT advocates.²

Respectfully Submitted,

/s/ Linda S. Jensen

Linda S. Jensen

Assistant Attorney General

(651) 757-1472 (Voice)

(651) 297-1235 (Fax)

Attorney for Minnesota Department of
Commerce-Energy Environmental Review and
Analysis (DOC-EERA)

¹ Minn. Stat. § 216 E.03, subd. 5 states in relevant part that “[t]he commissioner shall study and evaluate any site or route proposed by an applicant and any other site or route the commission deems necessary **that was proposed in a manner consistent with rules concerning the form, content, and timeliness of proposals for alternate sites or routes.**

Minn. Rule 7850.2500, subp. 2 states:

“The commissioner of the Department of Commerce shall provide the public with an opportunity to participate in the development of the scope of the environmental impact statement by holding a public meeting and by soliciting public comments. **The public meeting required under part 7850.2300 satisfies the requirement to hold a scoping meeting.** The commissioner shall provide a period of at least seven days from the day of the public meeting for the public to submit comments on the scope of the EIS.”

Finally, Minn. Rule 7850.2300 subp. 2. specifies that:

The PUC shall give at least ten days' notice of the public meeting by mailing notice to persons whose names are on the project contact list maintained pursuant to part 7850.2100, subpart 1. **The PUC shall also publish notice of the public meeting in a legal newspaper of general circulation in the area where the project is proposed to be located.** If appropriate, the PUC may request the applicant to include notice of the public meeting in the notice to be provided by the applicant pursuant to part 7850.2100.

² In the Matter of the Consolidated Petitions of the City of Ranier and the City of International Falls for Annexation of Certain Unincorporated Lands in Koochiching County, Minnesota, OAH 7-0330-20861-BA and 7-0330-21063-BA, FINDINGS OF FACT, CONCLUSIONS AND ORDER, and appended MEMORANDUM (October 7, 2010) at Memorandum pages 28-29. (ALJ Richard Luis finds that, where the County complied with Minn. Stat. §414.0325, which requires only published notice, but citizens felt they should have received individual mailed notices, a determination that notice is insufficient is for the legislature, rather than the ALJ.)

**STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE MINNESOTA PUBLIC UTILITIES COMMISSION**

In the Matter of the Request by Minnesota Power
for a Route Permit
for the Great Northern Transmission Line

AFFIDAVIT OF CAREN WARNER

Caren Warner, being duly sworn, deposes and says:

1. I am employed by the Minnesota Department of Commerce (DOC) as an administrative assistant, and I have personal knowledge of the following:

2. Among my job responsibilities is handling mailings. I have primary responsibility for preparing and sending mail via the U.S. Postal System for the DOC, Division of Energy Resources. I routinely handle mailings for the DOC's Energy Environmental Review and Analysis (EERA) staff, including Bill Storm.

3. Typically, unless the staff person who asks me to send out a mailing tells me they need an affidavit of service and a saved record, when I send a mailing to a short list of addresses—less than about 40-50 addresses—I use my “LabelWriter” to prepare the mailing. The LabelWriter is a small machine that sits on my desk; as I type each address, the LabelWriter has a spool that prints a label, one at a time, for each envelope. For shorter lists, I typically use the LabelWriter rather than setting up a Word document and generating sheets of labels on my computer; this is perhaps partly from habit, but mostly because the Label Writer is convenient and produces a better quality label: unlike sheets of labels made using my computer, the LabelWriter labels never smear, and they have a larger, clearer font type.

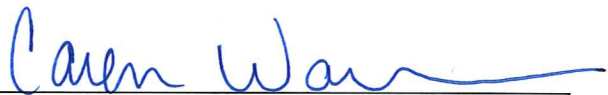
4. To the best of my knowledge, when I use the LabelWriter to make labels for a mailing, there is no electronic record created and stored of the addresses or even of the fact that I prepared a mailing or created the labels.

5. I have read the Affidavit of Bill Storm dated August 18, 2015. I have no memory of the events that took place during my workday on February 9, 2015; however, I have checked my time records and I know that I was at work that day. For that reason, and because I have primary responsibility for preparing and sending the type of mailing Mr. Storm says that I sent, I can confirm that typically, I would be the person who sent the mailing he describes. And, as I note above, unless Mr. Storm had asked me to do an affidavit of of service, I typically would have sent a small mailing like this using my LabelWriter, and would not have made or kept any record of preparing and sending the mailing.

6. Paragraph 4 of Mr. Storm's Affidavit describes a mailing that he says I sent on February 9, 2015. I have no reason to think that Mr. Storm's statements in paragraph 4 are inaccurate. To the extent his statements concern my work, his statements are consistent with how I would typically handle mailings of this sort.

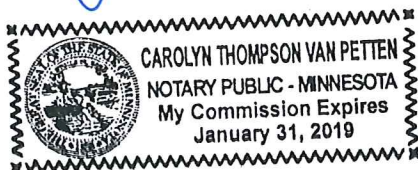
FURTHER YOUR AFFIANT SAYETH NOT.

Dated: August 21, 2015.


CAREN WARNER

Subscribed and sworn to before me
this 21st day of August, 2015.


NOTARY PUBLIC



AFFIDAVIT OF SERVICE

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

I, Annabel Foster Renner, hereby state that on the 21st day of August, 2015, I filed by electronic eDockets and served the attached **Letter Brief and Attachments** by United States Mail, upon all parties on the attached service list, postage prepaid, by depositing the same at St. Paul, Minnesota.

See attached service list for E015/TL-14-21

/s/ **Annabel Foster Renner**
ANNABEL FOSTER RENNER

Subscribed and sworn to before me on
this 21st day of August, 2015.

/s/ **Ann M. Kirlin**
Notary Public – Minnesota
My Commission Expires January 31, 2020

Electronic Service Member(s)

Last Name	First Name	Email	Company Name	Delivery Method	View Trade Secret
Beimers	Sarah	sarah.beimers@mnhs.org	Minnesota Historical Society	Electronic Service	No
Cameron	Tamara	tamara.e.cameron@usace.army.mil	U.S.Army Corps of Engineers	Electronic Service	No
Eknes	Bret	bret.eknes@state.mn.us	Public Utilities Commission	Electronic Service	Yes
Germundson	Travis	travis.germundson@state.mn.us	N/A	Electronic Service	No
Heffron	Susan	susan.heffron@state.mn.us	MN Pollution Control Agency	Electronic Service	No
Howe	Kari	kari.howe@state.mn.us	DEED	Electronic Service	No
Jensen	Linda	linda.s.jensen@ag.state.mn.us	Office of the Attorney General-DOC	Electronic Service	Yes
Kaluzniak	Michael	mike.kaluzniak@state.mn.us	Public Utilities Commission	Electronic Service	Yes
Kirsch	Ray	Raymond.Kirsch@state.mn.us	Department of Commerce	Electronic Service	No
Kotch	Stacy	Stacy.Kotch@state.mn.us	MINNESOTA DEPARTMENT OF TRANSPORTATION	Electronic Service	No
Moeller	David	dmoeller@allete.com	Minnesota Power	Electronic Service	No
Moynihan	Debra	debra.moynihan@state.mn.us	MN Department of Transportation	Electronic Service	No
O'Reilly	Ann	ann.oreilly@state.mn.us	Office of Administrative Hearings	Electronic Service	Yes
Overland	Carol A.	overland@legalelectric.org	Legalelectric - Overland Law Office	Electronic Service	No
Patton	Bob	bob.patton@state.mn.us	MN Department of Agriculture	Electronic Service	No
Pile	Deborah	Deborah.Pile@state.mn.us	Department of Commerce	Electronic Service	Yes
Rheude	Margaret	Margaret_Rheude@fws.gov	U.S. Fish and Wildlife Service	Electronic Service	No
Schrenzel	Jamie	jamie.schrenzel@state.mn.us	Minnesota Department of Natural Resources	Electronic Service	No
Seykora	David	dave.seykora@state.mn.us	MN Department of Transportation	Electronic Service	No
Shaddix Elling	Janet	jshaddix@janetshaddix.com	Shaddix And Associates	Electronic Service	Yes
Smetana	Tracy	tracy.smetana@state.mn.us	Public Utilities Commission	Electronic Service	Yes
Storm	William	bill.storm@state.mn.us	Department of Commerce	Electronic Service	Yes
Swanson	Eric	eswanson@winthrop.com	Winthrop Weinstine	Electronic Service	No
West	Bruce	Bruce.West@state.mn.us	Department of Public Safety	Electronic Service	No
Wolf	Daniel P	dan.wolf@state.mn.us	Public Utilities Commission	Electronic Service	Yes
Wolfgram	Jonathan	Jonathan.Wolfgram@state.mn.us	Department of Public Safety	Electronic Service	No