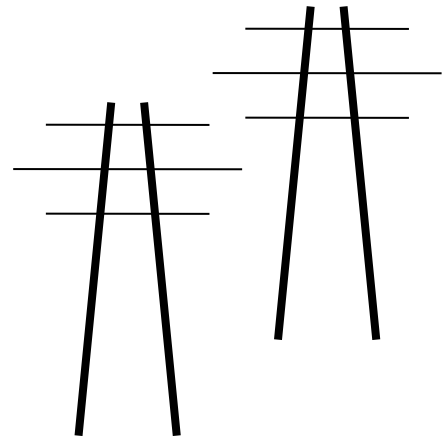


Legalelectric, Inc.

Carol Overland Attorney at Law, MN #254617
Energy Consultant—Transmission, Power Plants, Nuclear Waste
overland@legalelectric.org

1110 West Avenue
Red Wing, Minnesota 55066
612.227.8638

P.O. Box 69
Port Penn, Delaware 19731
302.834.3466



August 19, 2015

Judge Ann O'Reilly
Office of Administrative Hearings
PO Box 64620
St. Paul, MN 55164-0620

via email and eFiled

In Re: Response to DOC-EERA – RRANT Motion for Leave to Intervene Out-of-Time
In the Matter of the Application of Minnesota Power for a Route Permit for the
Great Northern Transmission Line Project
PUC Docket No.: E15/TL-14-21; OAH Docket No.: 65-2500-31637

Dear Judge O'Reilly:

On behalf of RRANT, I'm filing this brief response to the Dept. of Commerce EERA's Letter Brief and Attachments. Notably, DOC-EERA does not provide the information requested at the earlier hearing on August 13, 2015 in Grand Rapids.

While EERA states it "takes no position," a position is taken on timeliness; whether RRAND would be directly affected, that the 24 property owners have not been unjustly compromised by improper notice; that practice of EERA is to provide landowners notice and "Records obtained by DOE-EERA from the Commission's Consumer Affairs Office appear to corroborate that notice was received by the 24 property owners prior to July 27, 2015"(emphasis added); that there was no lack of reasonable notice; that there was no injury to the public interest in general or to the 24 landowners; that the 24 property landowners have not been deprived of any right to participate in scoping or opportunity to comment on the DEIS, and that the Motion should be denied because properties of the 24 landowners were evaluated in the DEIS.

DOC-EERA was specifically, and several times, asked to submit an Affidavit from Ms. Ferguson, who provided Service of Notice to the Landowners, explaining when and how these landowners were served.

- There is no Affidavit from Ms. Ferguson in DOE-EERA's Letter Brief and Attachments.
- In an Affidavit, Mr. Storm states that:

Later on the same day, February 9, 2015, I provided a copy of that same two-page Letter to Landowners to a second DOC staff member, Ms. Caren Warner, who mailed it to the 24 “additional newly affected landowners” and I inadvertently did not at that time request that Ms. Warner prepare an affidavit of service showing the mailing of the notice to the 24 “additional newly affected landowners.”

Affidavit of Storm, p. 1,-2, para. 4.

- A screen shot of computer files was provided, but a screen shot does not demonstrate service of notice to the 24 landowners.
- A screen shot of addition of John Wahlberg¹ to the Project Contact List on June 8, 2015 and a Certificate of Service of a hearing notice to Mr. Wahlberg does not demonstrate service of notice to the 24 landowners, only that John Wahlberg requested to be added to the Project List and received notice of the hearing (Also, June 8, 2015 is long after February 9, 2015.).
- DOC-EERA provided in Attachment 3 a Certificate of Service for Notice sent July 23, 2015, a page of the mailing list showing Mr. Wahlberg was sent notice on July 23rd, 2015, and the multi-page NOTICE OF PUBLIC HEARING. Note that this notice was sent to John Wahlberg, and not the “Wahlberg Trust” as listed in the “ADDITIONAL New Landowners” list.
- DOC-EERA provided Attachment 3 showing that John Wahlberg was served with NOTICE OF PUBLIC HEARING by Robin Rice on July 23, 2015.
- For any other of the 24 landowners, proof of service of a “your land may be affected” notice or the NOTICE OF PUBLIC HEARING was not provided in Attachment 3 or in DOC-EERA’s response.
- It appears that July 23, 2015 was the first Notice to “Additional new landowners” that Commerce can demonstrate, and that was one landowner, John Wahlberg, because he contacted Commerce and asked to be put on the project notice list, and not Wahlberg Trust as a result of being on the “ADDITIONAL new landowners” list.
- DOC-EERA has not provided proof of service of “ADDITIONAL new landowners,” and has not provided Affidavits of anyone purported to have mailed noticed to the landowners, whether an Affidavit of Sharon Ferguson or another Commerce staff member.
- DOC-EERA has not complied with the directive of August 13, 2015. See Transcript, p. 33-35. The request was for an Affidavit from the person mailing the notice, and DOC-

¹ John Wahlberg is presumably related to the “Wahlberg Trust” on the 24 landowners list at 309 7th Ave. S.E., Roseau, MN 56751.

EERA has not provided an Affidavit from anyone mailing notice, only the Affidavit of Mr. Storm, who did not provide notice.

That raises another question. Were the 24 landowners provided with NOTICE OF DEIS HEARING or NOTICE OF PUBLIC HEARING?

- The 24 landowners were not among those provided notice of the public hearing with those served by Jamie R. Eschbach on July 29, 2015.²
- Many of the 24 landowners ARE among those provided notice of the public hearing served by Robin Rice, as above, on July 23, 2015.³
- Not served with notice of the public hearing, that I could find⁴, were the following of the “24 landowners” identified after scoping:

Gary L. Bailey, 1946 Range Line Rd. S.W., Williams, MN 56686
Jason S. Braaten, 30957 – 340th St., Badger, MN 56714
Raymond D. Moser, 22522 Co. Rd. 13, Roseau, MN 56751
Wayne Olson, 1112 Rhode Island Ave. So., Bloomington, MN 55438

For the record, a member of RRANT, Dee White, was in attendance at the August 13, 2015 hearing, as I stated in my Comment. She and her husband Darrell White live at 22710 Co. Road 70, Bovey, MN 55709. Mr. Moeller, Minnesota Power, is very familiar with both of the Whites from both this docket and the Excelsior Energy Mesaba Project docket. The Whites’ land is directly affected by this project, and the “Trout Lake Alternative” juts out at their property line.

The response of DOC-EERA was not responsive to the request of August 13, 2015, and has not provided proof of service on February 9, 2015 of the “ADDITIONAL new landowners.”

Very truly yours,



Carol A. Overland
Attorney at Law

cc: eFile Service List

² 20157-112862-01	PUBLIC	14-21	<input type="checkbox"/>	TL	PUC	OTHER--ADDITIONAL SERVICE LIST FOR 07232015 NOTICE (certificate of service w/ service list attached)	07/30/2015
--	--------	-------	--------------------------	----	-----	--	------------

³ 20157-112684-02	PUBLIC	14-21	<input type="checkbox"/>	TL	PUC	NOTICE--CERTIFICATE OF SERVICE AND SERVICE LIST	07/23/2015
--	--------	-------	--------------------------	----	-----	---	------------

⁴ Locating names is difficult, some are in alphabetical order by first names, others in no particular order. The largest list, thankfully, is searchable.