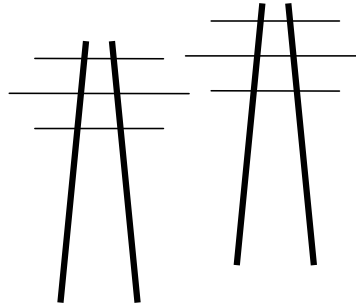


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HOUSE ENERGY & CIVIL JUSTICE

Thank you for the opportunity to present today. Four specific things that would help landowners:

1) Repeal Minn. Stat. §117.189. Public service corporations are NOT special. They're for-profit corporations – the threshold to take land should be higher, requirements more stringent, not less.

117.189 PUBLIC SERVICE CORPORATION EXCEPTIONS.

Sections [117.031](#); [117.036](#); [117.055](#), subdivision 2, paragraph (b); [117.186](#); [117.187](#); [117.188](#); and [117.52](#), subdivisions 1a and 4, do not apply to public service corporations. For purposes of an award of appraisal fees under section [117.085](#), the fees awarded may not exceed \$1,500 for all types of property except for a public service corporation's use of eminent domain for a high-voltage transmission line, where the award may not exceed \$3,000.

Section by section, utilities were improperly exempted from (appraisal amended slightly, as above):

117.031 - Utilities exempted from statutory attorneys fees awards.

117.036 - Utilities exempted from getting their own appraisal, negotiating in good faith, and submission of their appraisal in condemnation proceeding.

117.055, Subd. 2, para (b) - Utilities exempted from notice provisions.

117.186 - Utilities exempted from compensating for loss of going concern.

117.188 - Utilities exempted from prohibition of forcing landowner to receive other property as compensation, and from return of property taken.

117.52, Subd 1a & 4 - Utilities are exempt from providing relocation assistance and exempt from option of contested case proceeding on relocation assistance.

2) Strengthen "Buy the Farm," Minn. Stat. 216E.12, Subd. 4, formerly 116C.63, Subd. 4.

Amend "Buy the Farm" to provide notice to landowners of this option with notice of Certificate of Need and Routing applications and drop voltage threshold from 200kV to 115kV. People need to know they can get out from under lines, and this should apply to ALL high voltage lines.

3) Amend the Certificate of Need Criteria 216B.243, Subd. 3(3),(9) (focus on state need and impacts, not regional – anything can be claimed as a "regional" benefit, as we saw with CapX)

(3) the relationship of the proposed facility to overall state energy needs, as described in the most recent state energy policy and conservation report prepared under section [216C.18](#), or, ~~in the case of a high-voltage transmission line, the relationship of the proposed line to regional energy needs~~; as presented in the transmission plan submitted under section [216B.2425](#);

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(9) with respect to a high-voltage transmission line, the benefits of enhanced regional reliability, access, or deliverability to the extent these factors ~~improve the robustness of the transmission system or~~ lower costs for electric consumers in Minnesota;

4) 216E Power Plant Siting – shift back to 116C. State Power Plant siting authority was perverted in 2005 with transfer from EQB to Commerce – Commerce is antithetical to environmental protection and landowner protective routing.

Transmission from a landowner perspective

Landowner representation and land rights has been a primary focus of my legal career -- 15 years representing and advocating for individual landowners, groups and local governments directly affected by utility infrastructure in Minnesota, Wisconsin, Iowa, California, and New Jersey, so I've had some comparative experience with different systems of regulation.

There are many unexamined assumptions, and the most dangerous is this heightened and frantic sense that we urgently need more electricity NOW! And to do that, we need more transmission NOW! But that's wrong. We have plenty of electricity, a surplus, and can choose our generation. For more information on decreased demand, go to www.legalectric.org and search for "demand."

Minnesota has a rich history of land rights struggles triggered by transmission routing. Legislative consideration of land rights regarding transmission is nothing new. Minnesota's "Buy the Farm" option is unique in providing landowners a way to get out from under a proposed transmission line on their land. This is an important example of what legislature can do!

The main objection of landowners is the "lie of transmission." Landowners intuitively understand that transmission is wanted, not needed. Land may only be taken for a public purpose, and utility "want" is a private purpose. Because transmission is not needed, but instead wanted for private gain, it is particularly offensive for a utility to take their land. So how is it that utilities think they can take Minnesota landowners property by eminent domain?