

Supplemental Response:

Joint Intervenors object to this request on the basis that it is vague and overbroad, unduly burdensome, taking into account the needs of the case, limitations on the resources of Joint Intervenors, and the importance of the issues, if any, for which this discovery is sought. The request further seeks documents and information which are irrelevant, and not reasonably calculated to lead to the discovery of relevant or admissible evidence. Joint Intervenors do not intend to produce any funding proposals or reports or additional information in response to this request beyond the information provided below.

Wind on the Wires (WOW) was launched in May 2001 as a project of the Izaak Walton League of America, Midwest Office (IWLA) to focus on overcoming the barriers to “bringing wind power to market.” The WOW mission has not changed since its inception. Lack of transmission capacity is a large barrier to bringing wind power to market and WOW involvement in transmission planning, regulatory proceedings and education/outreach on transmission and transmission-related issues is a core function of WOW staff and consultants. At the inception of the WOW project, the IWLA and WOW always contemplated that WOW would spin off from the IWLA. WOW has pursued this path and is currently in the process of seeking a 501(c)(3) designation. WOW anticipates receiving this designation during the timeframe of the CapX 2020 regulatory proceeding.

As noted in the May 22, 2008 response to NoCapX 2020 IR No. 1, information regarding funding from The Energy Foundation for each of Joint Intervenors’ organizations can be found in the Annual Reports of the Energy Foundation available at http://www.ef.org/annual_reports.cfm. (Please note that the individual reports are not being attached due to their availability online and excessive length.) As indicated in the May 22, 2008 IR response, WOW does not receive any funding directly from the McKnight Foundation. All funding from the McKnight Foundation is distributed through The Energy Foundation for WOW activities. When WOW was first launched, the McKnight Foundation and The Energy Foundation held a joint press conference to announce the inception of WOW. However, at no time has WOW ever received any funding directly from the McKnight Foundation.

Since its inception, WOW has received funding from the McKnight Foundation through the Energy Foundation, and from the Energy Foundation, the Bush Foundation and the Tortuga Foundation directly. Information regarding WOW’s funding sources is publicly available as required for all non-profit, 501(c)(3) organizations.

Current WOW staff and consultants

Linda Brewster, Administrative Assistant
Beth Soholt, Director

Mike Bull, Regional Policy Manager (starting June 11, 2008)
Matt Schuerger¹, Technical Consultant
Natalie McIntire², Technical/Policy Consultant
Beth Goodpaster/Mary Marrow, Legal, MCEA
Rob Gramlich (American Wind Energy Association), Larry Schedin (LLS Resources) and Chris Ellison (Ellison, Schneider & Harris LLP) are serving as expert witnesses in this proceeding.

Please note, that to the extent NoCapX is relying on information on the website of Wind on the Wires, it is worth noting that the information on this website is not current and cannot be relied on as a reflection of current specific activities of Wind on the Wires. Annual reports reflecting activities of WOW and the Izaak Walton League can be located at http://www.iwla.org/fileadmin/pubs/general/IWLA_2006_Annual_Report.pdf

2. Please provide documentation of WOW grant-funded activities related to Transmission in Minnesota, South Dakota, North Dakota, Iowa and Wisconsin, identifying dates, entity and its representative, activity, and copies of any handouts or presentations.

Response: Wind on the Wires footprint includes 10 Upper Midwest states including ND, SD, NE, MN, IA, WI, IL MI, IN, and OH. The grant requests WOW has made to funders include identification of this footprint and emphasis on the transmission planning work WOW does with the Midwest Independent System Operator (MISO). WOW has made numerous public presentations in the states within our footprint and those handouts and presentations are available on websites associated with those various events. Several representative samples are attached to this response. (See Attachments 1-4).

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WOW objects to this request on the basis that it is vague and overbroad, unduly burdensome, taking into account the needs of the case, and limitations on WOWs' resources, and the importance of the issues, if any, for which this discovery is sought. The entire purpose of WOW is to overcome obstacles faced by wind energy in accessing needed transmission in the Upper Midwest. All funding received by WOW is explicitly in support of this mission. This request is ultimately asking WOW to provide information and documents regarding all WOW activities in Minnesota, South Dakota, North Dakota, Iowa

¹ Mr. Schuerger's clients also include the Minnesota Office of Energy Security and the U.S. Department of Energy National Renewable Energy Laboratory.

² Ms. McIntire's clients also include the American Wind Energy Association.

and Wisconsin since its inception in 2001. This is not a reasonable request and Joint Intervenors, and WOW specifically, will not provide this information. If NoCapX has questions or concerns regarding specific activities in which WOW has engaged on specific dates, Joint Intervenors request that this information be provided, and information will be provided accordingly.

To the extent that this request is geared to “discover contractual obligations and activity under those obligations that may have an impact on [WOW’s] interest and/or participation in this CapX 2020 docket”, Joint Intervenors, and WOW specifically, deny that they have any contractual relationship with any of the CapX utilities or government agencies involved in the CapX proceeding. As indicated above, WOW clearly has contractual relationships with its experts and consultants (noted in supplemental response #1). In addition, Joint Intervenors, including WOW, have a contractual relationship with MCEA to provide legal representation facilitating Joint Intervenors’ participation in the CapX 2020 docket. However, the only interest Joint Intervenors have in participating in the CapX 2020 docket is in furthering each respective organizations’ mission to support renewable energy and ensure that renewable energy has access to transmission.

Request #2:

2. Please provide documentation of basis for this statement, p. 7, of attached Study Comment:

The CapX utilities are seeking approval for 3 new 345 kV transmission lines across Minnesota that will provide “backbone” infrastructure that stretches from the Dakotas, through Minnesota and into Wisconsin.

Response: Wind on the Wires has no specific documentation other than what CapX2020 has publicly provided. In addition, WOW has not done any independent analysis, other than that which will be provided in expert testimony submitted May 23, 2008.

Supplemental Response:

A search of the CapX 2020 website, www.capx2020.com, yielded the following items containing the “backbone” concept:

“Studies show that the region's transmission backbone will require major upgrades and expansion to accommodate increased electricity demand as well as support renewable energy expansion through 2020.”

[http://www.capx2020.com/Projects/;](http://www.capx2020.com/Projects/)

“Reliable and affordable electricity is the backbone to a robust economy and vibrant community.” <http://www.capx2020.com/faq.html>;

“CapX 2020 Technical Update: Identifying Minnesota’s Electric Transmission Infrastructure Needs”. <http://www.capx2020.com/Images/5-11-05%20CapX2020%20Tech%20Update.pdf>;

CapX 2020 utilities schedule open houses to provide information about transmission line proposals; <http://www.capx2020.com/Newsroom/pdf/FargoOpenHouses.pdf>;

Utilities seek approval of three major transmission lines to ensure future reliability, increase access to renewables. <http://www.capx2020.com/Newsroom/CapX2020CON8074.pdf>; and,

“Interim Report: Identifying Minnesota’s Electric Infrastructure Needs” http://www.capx2020.com/Images/capx_2020_interim_report.pdf.

Request #5:

Please review attached March 6, 2006, Comment and map of AWEA, WOW, et al., to DOE proposing National Interest Electric Transmission Corridors.

- a. Describe in detail route proposed on map for proposed NIETC in North Dakota, South Dakota and Minnesota.
- b. Compare and distinguish between proposals of WOW, et. al., and CapX 2020.
- c. What do the white squares on the blue line represent? If substations, identify the substations.
- d. Comments regarding Draft Criterion 2 and 3 address economic development and market considerations. For the Midwest corridor proposed, identify areas subject to economic development benefits and identify markets to be served.
- e. The Comments references MTEP 03 and MTEP 05. Provide copies of these transmission plans.

Response: We were unable to find the referenced attachment of March 6, 2006 as it was not attached. Please provide us with the aforementioned attachment and we will respond accordingly.

Supplemental Response:

- a. **Describe in detail route proposed on map for proposed NIETC in North Dakota, South Dakota and Minnesota.**

Joint Intervenors have no knowledge of how the route (or thick blue line) was selected. Joint Intervenors note that the document indicates the map was created by Grant Brummels and for more information contact Dr. Tom Acker at Tom.Acker@nau.edu.

b. Compare and distinguish between proposal of WOW, et al., and CapX 2020.

The comments in which WOW, et al. participated were in response to a Notice of Inquiry by the U.S. Department of Energy (DOE) in preparation for a transmission congestion study and possible designation of National Interest Electric Transmission Corridors (NIETCs). The DOE proposed criteria for corridors and requested comment on the criteria. The DOE also listed a number of transmission plans and studies they had under review for their congestion study. The DOE generally asked stakeholders to make them aware of additional transmission study work that had been done to begin to plan for transmission needed to support additional generation development. As groups that work on wind power, AWEA and WOW identified transmission study work completed by MISO of which DOE should be aware.

The comments submitted by AWEA, WOW, etc., in response to DOE's Notice of Inquiry were simply that – general comments and did not involve any independent analysis other than that included in the comments. These comments stand in sharp contrast to the extensive technical study and analysis that the CapX Applicants have completed for the Application for Certificates of Need for 3 new transmission lines.

c. What do the white squares on the blue line represent? If substations, identify the substations.

Joint Intervenors have no knowledge of what the white squares on the blue line represent.

d. Comments regarding Draft Criterion 2 and 3 address economic development and market considerations. For the Midwest corridor proposed, identify areas subject to economic development benefits and identify markets to be served.

WOW, AWEA, etc., generally commented on the criteria proposed by the DOE. WOW did not do any independent analysis to identify specific areas of economic development, nor did WOW study particular markets that would be served. DOE requested comments on the criteria, not independent analysis of any specifics.

e. The Comment references MTEP 03 and MTEP 05. Provide copies of these transmission plans.

MISO is the appropriate entity to contact for copies of MTEP 03 and 05.

Request #10:

MCEA, the Izaak Walton League, Fresh Energy and NAWO negotiated with Xcel/NSP during the Southwest Minnesota 345kV proceeding, resulting in the TRANSLink agreement, attached. The “Merger Agreement” also had a provision related to transmission in southwest Minnesota.

- a. Please provide copies of any and all agreements (complete agreement) and/or contracts regarding transmission with any and all of the applicants and/or predecessor of subsidiary corporation, including but not limited to, “TRANSLink agreement, “ “Merger Agreement,” “Collector System.”
- b. Provide copies of these and other agreements and contracts pertaining all or in part to transmission and generation related activities, such as intervention and participation in permitting, rate or rulemaking proceedings, lobbying for transmission or tariff legislation, transmission entities and transfer of assets, IGCC, coal, wind opposition & promotion, etc.
- c. In light of agreements and contractual obligations above, describe interest and outcomes sought of each of the above parties in the CapX proceeding.
- d. Identify any contractual boundaries to participation in the CapX docket.

Response:

- a. None exist.
- b. None exist.
- c. Not applicable.
- d. Not applicable.

Supplemental Response:

- a/b. The document referenced in the letter, dated, <https://www.edockets.state.mn.us/EFiling/ShowFile.do?DocNumber=1518114> reflects a settlement agreement entered into between MCEA, the Izaak Walton League, Fresh Energy and NAWO, in 2003 pertaining to the docket in the TRANSLink proceeding. In late 2002, Northern States Power Company d/b/a Xcel Energy and Interstate Power and Light Company petitioned the Minnesota Public Utilities Commission (Commission) to transfer functional control of their transmission facilities in Minnesota to TRANSLink Transmission Company LLC. MCEA, Izaak Walton League, Fresh Energy and NAWO (Intervenors) intervened in the

docket and raised a variety of concerns about transmission, transmission planning and the development of wind energy, as reflected in documents available in the TRANSLink docket. While the Settlement Agreement, dated June 23, 2003, reflects the possibility of an ongoing relationship between TRANSLink and the above-referenced organizations to ensure that concerns raised by these organizations were adequately addressed, the Settlement Agreement also specifically recognizes that in the event that the anticipated transfer between Xcel Energy and TRANSLink did not go forward, the terms of the Settlement Agreement would be of no effect (See Settlement Agreement, paragraph 12, p. 9 and paragraph 14, p. 10). Ultimately, the proposed transfer between Xcel Energy and TRANSLink never occurred, the petition was eventually withdrawn, and the Settlement Agreement, dated June 23, 2003, was of no effect. (See <https://www.edockets.state.mn.us/EFiling/ShowFile.do?DocNumber=1638583>). Therefore, nothing ever resulted from the settlement agreement referenced.

The Settlement Agreement, dated June 23, 2003 was the product of a legal proceeding and is in the public record. Had the Commission approved the transfer of functional control of Xcel Energy and Interstate transmission facilities in Minnesota to TRANSLink, both “TRANSLink” and the Intervenor (MCEA, Izaak Walton League, Fresh Energy and NAWO) would have had obligations under the Settlement Agreement. However, the Xcel Energy/Interstate petition was never approved, the transfer of functional control of the transmission facilities to TRANSLink never happened, and TRANSLink does not exist in any form or fashion today. Any potential obligations any party to the TRANSLink docket had become a moot point years ago.

Joint Intervenor’s involvement in this Settlement Agreement and this TRANSLink proceeding did not lead to any obligations which would impact Joint Intervenor’s individual or collective interest and/or participation in the CapX2020 docket. In addition, no other similar types of agreements or contracts exist which create obligations or affect the participation of Joint Intervenor in the CapX2020 proceeding. The advocacy activities of Joint Intervenor related to the TRANSLink docket have no bearing whatsoever on the CapX2020 proceeding. Joint Intervenor do not have any “contractual obligations” regarding transmission with any of the applicants and/or predecessor or subsidiary corporations. If NoCapX believes that it is in possession of documents indicating otherwise, please provide these documents and Joint Intervenor will respond accordingly.

Please note that Joint Intervenor are unable to respond to questions regarding a “Merger Agreement” or “Collector System” without additional information or documents indicating what this request regarding a

“Merger Agreement” or “Collector System” is specifically referencing. No CapX2020 has not provided any documents which allow a specific response at this time.

The assertion made by NoCapX that Joint Intervenors “likely” have agreements and obligations that impact their interest and/or participation in this CapX 2020 proceeding is meritless. Basing an Information Request on the “likely” existence of documents in possession of Joint Intervenors and continuing to pursue this line of questioning is inappropriate. Continued questioning along these lines will be fruitless as Joint Intervenors cannot provide information and documents regarding contractual relationships or other obligations which do not exist.

- c. As indicated above, Joint Intervenors have not entered into any agreements and do not have any contractual obligations which influence their respect organizations’ participation in the CapX proceeding. Joint Intervenors’ involvement in the CapX proceeding is dictated by each organizations’ mission and determination that involvement in the CapX proceeding furthers these ends.
- d. None of the respective organizations represented by Joint Intervenors have any contractual boundaries to their participation in the CapX docket.

Request #11:

For each of MCEA, Wind on the Wires, the Izaak Walton League, and Fresh Energy, describe by identifying organization, individuals and activity:

- a. All activities in formulation, study, development, presentation (i.e., conferences and meetings) of MTEP (all iterations).
- b. All activities in promotion of MTEP after adoption by MISO.

Response: a. **WOW is the only organization referenced which would have been involved in the aforementioned activities. WOW has generally participated in meetings held by MISO on MTEP. Meeting materials were provided by MISO and can be accessed on the MISO website www.midwestiso.org under specific meeting dates. Meeting materials are posted for each date.**

b. none.

Supplemental Response:

- a/b. Joint Intervenors object to this request on the basis that it is vague and overbroad, unduly burdensome, taking into account the needs of the case, and limitations on the resources of Joint Intervenors' respective organizations and the importance of the issues, if any, for which this discovery is sought.

To the extent that this request is geared to "discover contractual obligations and activity under those obligations that may have an impact on MCEA, et al.'s interest and/or participation in this CapX 2020 docket", Joint Intervenors, and WOW specifically, deny that they have any contractual relationship with any of the CapX utilities or government agencies involved in the CapX proceeding. As indicated above, WOW clearly has contractual relationships with its experts and consultants (noted in supplemental response #1). In addition, Joint Intervenors, including WOW, have a contractual relationship with MCEA to provide legal representation facilitating Joint Intervenors' participation in the CapX 2020 docket. However, the only interest Joint Intervenors have in participating in the CapX 2020 docket is in furthering each respective organizations' mission to support renewable energy and ensure that renewable energy has access to transmission.

As stated in the original response, WOW, as a project of the Izaak Walton League, is the only organization which would have been involved in the aforementioned activities. As such, WOW regularly participates in open, public meetings on MISO issues such as MTEP and has done so for the past six years. Any materials provided in these forums would have been distributed publicly and should be available on the MISO website under specific meeting dates. It is impossible for WOW to recreate "All activities in formulation, study, development, presentation (i.e., conferences and meetings) of MTEP (all iterations)" with which WOW might have been involved.

In addition, as noted in the supplemental response to Information Request No. 1, Matt Schuerger is under contract with WOW and has provided presentations of technical material in numerous public settings on numerous dates for WOW.

In the letter, dated May 23, 2008, NoCapX2020 indicates that it is aware of "several presentations" made by Mr. Schuerger regarding MTEP in his capacity as a contractor for WOW. As NoCapX2020 appears to be in possession of several of the requested presentations made by Mr. Schuerger, it is unclear what additional information NoCapX2020 is seeking. If NoCapX2020 has questions regarding the information contained in the presentations it possesses, please provide copies of these presentations with specific concerns identified, and Joint Intervenors will respond accordingly. In addition, if NoCapX2020 has specific questions

regarding other presentations or materials, please provide specific dates and locations of the referenced presentations to facilitate WOW's ability to respond to this request. Due to the extensive nature of Mr. Schuerger's technical work on transmission issues, it is impossible to recreate all presentations and activities related to MTEP in which he was involved. Vague references to unspecified documents and presentations from unknown dates are beyond the scope of any reasonable discovery request.

Dated: May 30, 2008

Respectfully submitted,

/s/: Mary Winston Marrow

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