

July 16, 2002

The Honorable Kenneth A. Nickolai  
Chief Administrative Law Judge  
Office of Administrative Hearings  
100 Washington Square, Suite 1700  
Minneapolis, Minnesota 55401-2138

Re: In the Matter of the Proposed Adoption of Amendments to EQB Power Plant  
Siting Rules, Minnesota Rules chapter 4400

Dear Chief Judge Nickolai:

The Minnesota Environmental Quality Board (EQB) requests that you schedule a rule hearing under Minnesota Statutes, sections 14.131 to 14.20, and assign an Administrative Law Judge. The hearing would be regarding the EQB's proposed rule amendments relating to the permitting of Large Electric Power Generating Plants (LEPGPs) and High Voltage Transmission Lines (HVTLs). The rules are found at Minnesota Rules chapter 4400.

We request that the hearing be conducted on September 11, 2002, commencing at 10:30 a.m., in Room 302, Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155. More than one day may be required to allow all interested persons an opportunity to participate in St. Paul. We also request that the hearing continue at a second location in Alexandria, Minnesota, on September 18, 2002. We are presently making arrangements for the location in Alexandria.

Enclosed with this letter are the documents the Office of Administrative Hearings requires for review under Minnesota Rules, part 1400.2080, subpart 5. These include the following:

- (1) The proposed Notice Hearing.
- (2) The proposed rule amendments (with the Revisor's certificate).
- (3) The Statement of Need and Reasonableness (SONAR).

The EQB also requests that you review and approve the EQB's Additional Notice Plan for giving notice of the rule hearing. Our Additional Notice Plan is described in the SONAR at pages 9-10. We intend to send the Notice of Hearing to persons on a list maintained by the EQB of persons who have asked in the past to be advised of activities relating to permitting of Large Electric Power Generating Plants and High Voltage Transmission Lines. In addition, we also

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intend to publish the Notice in an EQB publication called the *EQB Monitor*. The *Monitor* is a bi-weekly newsletter that announces various matters of interest to persons who are interested in projects and activities that affect the environment. In addition, the *Monitor* is made available on the internet through the EQB webpage. Further, we will publish the proposed rules, the SONAR, and the Notice on the Internet. The EQB internet address is:

<http://www.mnplan.state.mn.us/eqb/index.html>

We will also issue a press release shortly before the hearings to a number of general-circulation daily and weekly papers in Minnesota, informing them of the upcoming hearing.

We believe that our Additional Notice Plan complies with Minnesota Statutes, section 14.131, because the persons who have been involved over the last several years in both large electric energy facilities and the development of these rule amendments will be mailed notice directly. In addition, publication in the *EQB Monitor* will provide broad notice to persons who have a general interest in the activities associated with the Environmental Quality Board. Publication on the EQB webpage will not only provide notification to a wide range of interested persons, but will also provide easy access to the documents of most interest. These activities are all in addition to mailing notice to those persons who have placed their names on the EQB's general rulemaking list, of course.

For all these reasons we believe that the notice we intend to give regarding these proposed rule amendments will satisfy the statutory intent to notify the public and will ensure that interested persons will be aware of the EQB's intent to amend these rules.

Please give me a call at (651) 296-3714 if you have any questions. Otherwise, I will wait to hear from the Administrative Law Judge who is assigned to this matter. Thank you very much.

Sincerely,

Alan R. Mitchell  
Manager, Power Plant Siting  
EQB

cc: Gene Hugoson, Chair, EQB  
Michael Sullivan, Executive Director, EQB