



Citizens Energy Task Force (www.cetf.us)
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MEDIA ALERT:

Sept. 10, 2009 - For Immediate Release:

CITIZENS ENERGY TASK FORCE APPEALS DECISION BY MINN. PUBLIC UTILITIES ON NEED FOR CAPX2020 HIGH VOLTAGE PROJECT

--Citizens Group Proposes Local, Clean Renewable Energy Versus More Coal Energy with CapX2020

On Sept. 9, 2009, Citizens Energy Task Force (www.cetf.us) filed a petition to appeal the August 10, 2009 final decision by the Minn. Public Utilities Commission to Grant a “Certificate of Need” for the CapX2020 high voltage line projects. The process now enters a new venue at the Minnesota Court of Appeals.

“The groundswell of opposition from residents and utility customers in both Wisconsin and Minnesota helped move us to take the major step of formal legal appeal,” stated Paula Maccabee, attorney for the non-profit citizens group CETF. “We’ve compiled extensive evidence that reveals major flaws in the methods used by the utilities to show a “need” for the CapX2020 power lines including new evidence of a significant drop in peak energy demand.”

The CapX2020 projects consist of three 345 kilovolt (kV) ultra high voltage power lines proposed by Xcel Energy, Great River Energy and nine other utilities: 1) Twin Cities to La Crosse 345 kV project (La Crosse Project); 2) Twin Cities to Fargo 345 kV project (Fargo Project) and 3) Twin Cities to Brookings 345 kV project (Brookings Project). These CapX2020 projects would result in approximately 600 miles of ultra high voltage power lines at a cost of nearly \$2 billion.

CETF has raised the following issues in its appeal from the Minn. Public Utilities Commission decision to approve the CapX2020 Projects:

- 1) The Commission erred in failing to re-open the record to consider newly-discovered evidence of the decline in peak demand for electricity. Reasonable forecasts through 2020, including Xcel Energy’s own forecast, demonstrate that demand in the CapX2020 service area will be below the lowest threshold supporting a regional reliability need for the CapX2020 Projects. Absent a need for regional reliability, reasonable alternatives to the CapX2020 Projects that address community reliability and support generation capacity must be reconsidered.
- 2) The Commission erred in certifying the “Twin Cities to La Crosse” Project in violation of certificate of need statutes and rules governed by the Minn. Environmental Rights Act (MERA) and the Minn. Environmental Policy Act (MEPA) as well as rules pertaining to prohibited power line routes within protected areas. The La Crosse Project will cross a National Wildlife and Fish Refuge, impair the purpose for which the Refuge was designated and harm protected natural resources. There are feasible and prudent alternatives to the Project that meet energy needs consistent with the reasonable requirements of public health, safety and welfare and the state’s paramount concern for the protection of natural resources.
- 3) The Commission erred in certifying the La Crosse Project without considering conflicts with federal rules, regulations and policies regarding wildlife refuges and habitat as is required under certificate of need statutes and rules.

4) The commission exceeded its authority in certifying the CapX2020 upsized (double-circuited) alternative given the lack of demonstrated need for the upsized Projects.

-2-

A “Petition for Writ of Certiorari” (petition of appeal) was submitted on Sept. 9, 2009 by Citizens Energy Task Force. The Minnesota Court of Appeals will be asked to overturn the Certificate of Need (CON) decision by the Minn. Public Utilities Commission. Another potential outcome is a decision to require the Commission to reopen the proceedings to consider the new evidence of decline in demand for electricity brought forward by CETF and other groups opposing the project.

An appeal of the decision has also been filed by No CapX2020 (www.nocapx2020.info) and United Citizens Action Network (www.u-canmn.org). Other groups opposing the project include North American Water Office (www.nawo.org), Institute for Local Self Reliance (www.ilsr.org), Stop CapX2020 (www.stopcapx2020.com) and Mississippi River Revival.

Meanwhile, the CapX2020 utilities continue their efforts to determine routes for the CapX2020 power lines. (www.capx2020.com).

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Citizens Energy Task Force – is a grassroots group of more than 200 citizens from both Wisconsin and Minnesota—and growing fast—who support clean, renewable and sustainable energy. Concerned citizens are encouraged to become members by visiting the website. www.cetf.us, (to view media reports about CapX go to: www.ilsr.org)

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