

STATE OF IOWA

DEPARTMENT OF COMMERCE

UTILITIES BOARD

IN RE: SOO GREEN HVDC LINK PROJECTCO, LLC	DOCKET NO. E-22436
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**ORDER ESTABLISHING PROCEDURAL SCHEDULE AND ADDRESSING
ORAL ARGUMENT**

PROCEDURAL BACKGROUND

On September 24, 2020, SOO Green HVDC Link ProjectCo, LLC (SOO Green), filed a petition with the Utilities Board (Board) in Docket No. E-22436 for an electric transmission line franchise to build approximately 173.76 miles of +/- 525 kilovolt underground high voltage direct current electric transmission line through Allamakee (2.13 miles), Cerro Gordo (7.60 miles), Chickasaw (22.19 miles), Clayton (44.26 miles), Dubuque (25.81 miles), Floyd (19.71 miles), Jackson (29.02 miles), and Winneshiek (23.04 miles) counties in Iowa. The Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice, filed its appearance in the docket on September 11, 2020.

The Iowa Farm Bureau Federation (Farm Bureau) filed a petition to intervene on September 14, 2022, which was granted on September 26, 2022. Mr. Mark R. Lawson; Mr. John Bickel and Ms. Mary Ellen Bickel; Mr. Edwin A. James, Ms. Bonnie B. James, and the James Family Revocable Trust of 2019; Ms. Inge Marie Bickel Osborne and James Robert Osborne; Mississippi Valley Effigy Mounds, L.C., an Iowa limited liability

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company; the Iowa Environmental Council and the Environmental Law & Policy Center; Mr. Gary J. Wegmann; and Mr. Thomas J. Millenkamp each filed petitions to intervene, which were granted on December 6, 2022. Mr. Thomas Gantz filed a petition to intervene that was granted on December 15, 2022, and Mr. Gantz withdrew his “objection” to the project on February 6, 2023.

PROCEDURAL SCHEDULE

The Board adopted an initial procedural schedule pursuant to a Board order issued September 26, 2022, which included an oral argument and continued scheduling conference after the intervention deadline. The oral argument and continued scheduling conference were held on December 20, 2022, and were attended by SOO Green, OCA, and Farm Bureau. The other parties to the docket did not appear but remain full participants in the docket. At the scheduling conference, the Board proposed a schedule that was agreed to by the parties. Due to a conflict, the procedural schedule set forth on Attachment A hereto establishes a two-day hearing to be held on Tuesday, July 11, and Wednesday, July 12, 2023, one day earlier than originally discussed. This schedule was premised on the anticipated filings by SOO Green for eminent domain over certain parcels, as discussed that day. Pursuant to Board rules, the hearing will be held in the county where the midpoint of the line is contained. The midpoint of the proposed transmission line is in Clayton County, and Johnson’s Family Restaurant and Reception Hall in Elkader, Iowa, has been reserved for the hearing. The parties are reminded that the filing requirements set forth in the September 26, 2022 order continue to apply.

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ORAL ARGUMENT

On December 20, 2022, the Board held an oral argument regarding two questions: (1) whether the Board has statutory authority to review and base a franchise determination upon the sufficiency of underlying land rights upon which a transmission line is proposed to be located if eminent domain is not invoked; and (2) if yes, whether SOO Green possesses the necessary land rights for the construction of its proposed electric transmission line. Parties submitted briefs on the questions presented and SOO Green, OCA, and Farm Bureau participated in the oral argument.

On February 9, 2023, SOO Green filed a revised petition for electric transmission line franchise in Clayton and Dubuque counties, reflecting a request for eminent domain. The Clayton County petition now seeks eminent domain with respect to 11 parcels, and the Dubuque County petition with respect to five parcels. The parcels identified in the revised Exhibit E's to the petition appear to be owned by the parties to this docket owning property along the proposed transmission line route who have objected to the legal sufficiency of SOO Green's underlying land rights, excluding Mr. Gantz, who has withdrawn his objection.

The Board's clear authority to grant eminent domain pursuant to Iowa Code § 478.6 renders moot the two questions addressed at the oral argument. The Board will not issue a decision regarding the questions as the matter is irrelevant for all current participants in the docket. The procedural schedule adopted hereby allows sufficient time for Board staff review of the revised petitions, and SOO Green is responsible for providing the additional notice and information required when requesting eminent domain.

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ORDERING CLAUSES

IT IS THEREFORE ORDERED:

1. The procedural schedule for this docket, as shown on Attachment A to this order, is hereby adopted.

2. An evidentiary hearing for the presentation of evidence and the cross-examination of witnesses will begin at 9 a.m. July 11, 2023, at Johnson's Family Restaurant and Reception Hall in Elkader, Iowa. Participation will be in-person only. Persons with disabilities who will require assistive services or devices to observe or participate in this hearing should contact the Utilities Board at (515) 725-7300 at least 14 days in advance to request arrangements.

3. On or before June 30, 2023, persons desiring to participate in the hearing shall file, as part of their prehearing briefs, a statement indicating they will participate and providing names of witnesses, if any, they will call.

UTILITIES BOARD

Geri Huser Date: 2023.02.24
07:56:48 -06'00'

Richard Lozier Date: 2023.02.23
13:52:51 -06'00'

ATTEST:

Kerrilyn Russ 2023.02.24
11:31:49 -06'00'

Josh Byrnes Date: 2023.02.22
15:09:52 -06'00'

Dated at Des Moines, Iowa, this 24th day of February, 2023.

E-22436 - Procedural Schedule	
Procedural Activity	Date
Staff Report Target Date	4/7/2023
SOO Green and Supporter Direct Testimony Due	5/3/2023
OCA and Resistor Direct Testimony Due	6/7/2023
SOO Green and Supporter Reply Testimony Due	6/21/2023
Prehearing Briefs Due	6/30/2023
Hearing	7/11-7/12/2023