

**STATE OF IOWA  
DEPARTMENT OF COMMERCE  
BEFORE THE IOWA UTILITIES BOARD**

**FILED WITH  
Executive Secretary  
December 14, 2015  
IOWA UTILITIES BOARD**

IN RE:  Rock Island Clean Line LLC	Docket Nos. E-22123, E-22124, E-22125, E-22126, E-22127, E-22128, E-22129, E-22130, E-22131, E-22132, E-22133, E-22134, E-22135, E-22136, E-22137, E-22138
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**WIND ON THE WIRES' RESPONSE TO PETITIONER'S MOTION  
FOR A PROCEDURAL SCHEDULE**

COMES NOW Wind on the Wires' response in support of Rock Island Clean Line LLC's motion that was filed on November 30, 2015 in the dockets listed in the caption above. In support of our response, Wind on the Wires states the following:

On November 30, 2015, Rock Island Clean Line LLC ("Rock Island") filed a Motion ("Motion") requesting the Board establish a procedural schedule for addressing Rock Island's Petition for Electric Transmission Line Franchise in the above captioned dockets. In its motion Rock Island proposes to split the proceeding into two distinct phases. In the first phase the Board would make a determination on the transmissions line's public use and public interest, the appropriate route for the line, and whether Rock Island is eligible to petition the Board to resolve eminent domain issues for specific parcels, when necessary. (Rock Island Clean Line Motion to Establish Procedural Schedule, at 8-9 (Nov. 30, 2015)). The second phase would address parcel

specific issues, such as the easements requested by Rock Island, land related issues that could not be resolved through voluntary negotiations, and, if necessary, any eminent domain issues. (Motion for Procedural Schedule, at 9-10).

Wind on the Wires' mission is to increase the amount of wind in the Midwest and this transmission system expansion is consistent with our mission by providing a transmission outlet for new wind turbines to be installed in northwest Iowa and the surrounding area. The Rock Island Clean Line project is proposed as an approximately 500 mile direct current transmission line, a majority of which is in Iowa, for the purpose of bringing renewable energy from Iowa wind farms to market. (Clean Line Motion to Consider Eminent Domain Issue in Separate Hearing, at ¶¶4 and 10 (Dec. 8, 2014)) The Rock Island Project will be capable of delivering 3,500 megawatts of power from northwestern Iowa to Illinois for use by utilities who are members of PJM. This transmission line will create an opportunity for wind developers to invest and operate new wind farms in Iowa. (Id. at ¶4) Thus, Wind on the Wires is interested in the Board finding that the Project is necessary to serve a public use and is in the public interest so as to grant Rock Island a Transmission Line Franchise.

Wind on the Wires supports the setting of a proposed schedule, supports Rock Island's proposal to address parcel specific issues in the second phase, and supports the procedural schedule included in Rock Island's Motion because it will improve the efficiency of the case, is more convenient for Wind on the Wires and likely other parties, and is a common approach used in Iowa's neighboring states when evaluating a transmission line's public convenience and necessity.

## **A Two Phase Schedule is More Efficient and Convenient**

Wind on the Wires primary interest in this case relates to the Project's need and benefit it can provide the public. Wind on the Wires does not have an interest in parcel specific issues along the Project's route. Wind on the Wires has limited resources so Rock Island's proposal to split the proceeding into two phases would allow Wind on the Wires to focus on the first phase of the proceeding. Wind on the Wires would expect that these efficiencies would extend to other stakeholders as well.

Addressing the issues related to need, public interest and route location in the first phase and addressing parcel specific issues in the second phase allows parties to allocate resources in an efficient manner and not be prematurely burdened with issues. For example, the Rock Island line should not be held in continual delay by virtue of the fact that it is a very long project -- 375 miles within Iowa<sup>1</sup> -- which will touch numerous properties with landowners who do not want to negotiate an easement lease when the Project has not yet received approval to be built. Rock Island's proposed schedule increases the efficiency of this case by having the Board first determine if it is a merit worthy endeavor. If it is found to be needed and in the public interest, then the Board should establish the route so Rock Island can definitively identify landowners with whom it needs to negotiate. This is what would be within the first phase proposed by Rock Island. After receiving approval of the route, if negotiations falter or are unfruitful, then the Board can review and resolve parcel specific issues in a subsequent proceeding -- which is basically the second phase proposed by Rock Island. This process allows the project to move forward and address key statutory criteria while still allowing interested landowners and other stakeholders to challenge the need for the Project (phase 1), propose an alternative route (phase 1), propose a route change (phase 1 or 2), or have specific parcel issues resolved (phase 2).

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<sup>1</sup> IUB Docket No. E-22123, Rock Island Clean Line, *Motion to Bifurcate* at 4 ( October 15, 2013).

## **The Proceeding Can Be Efficiently and Effectively Managed in Two Phases**

Wind on the Wires' advocates, performs outreach and education regarding the development and use of wind energy in nine of the fourteen states served by the Midcontinent ISO. Wind on the Wires has recently participated in transmission certificate of need cases in Illinois and Minnesota. Each of these states effectively and routinely use a two phase process to evaluate transmission projects. Below are brief descriptions of the process used in the transmission approval cases Wind on the Wires has partaken in Iowa's neighboring states.

In Illinois, Wind on the Wires has recently intervened in four transmission cases -- submitting written testimony, participating in the evidentiary hearings and submitting briefs.<sup>2</sup> Each of those cases followed a two phase process. The initial phase of these proceedings evaluated whether the project benefits Illinois, whether the applicant has the managerial and technical expertise to manage the finished project and has the ability to finance the project, and if the Illinois Commerce Commission ("ICC") found the project met the first four criteria the ICC also reviewed and approved a route and any issues related to the route. This initial phase culminates in an order being issued by the ICC. Subsequent to that order, if easements could not

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<sup>2</sup> ICC Docket No. 12-0560 Rock Island Clean Line LLC -- Petition for an Order granting Rock Island Clean Line LLC a Certificate of Public Convenience and Necessity pursuant to Section 8-406 of the Public Utilities Act as a Transmission Public Utility and to Construct, Operate and Maintain an Electric Transmission Line and Authorizing and Directing Rock Island pursuant to Section 8-503 of the Public Utilities Act to Construct an Electric Transmission Line; ICC Docket No. 12-0598 Ameren Transmission Company of Illinois -- Petition for a Certificate of Public Convenience and Necessity pursuant to Section 8-406.1 of the Public Utilities Act, and an Order pursuant to Section 8-503 of the Public Utilities Act, to Construct, Operate and Maintain a New High Voltage Electric Service Line and Related Facilities in the Counties of Adams, Brown, Cass, Champaign, Christian, Clark, Coles, Edgar, Fulton, Macon, Montgomery, Morgan, Moultrie, Pike, Sangamon, Schuyler, Scott and Shelby, Illinois; ICC Docket No. 13-0657 Commonwealth Edison Company -- Application for a Certificate of Public Convenience and Necessity, pursuant to Section 8-406.1 of the Illinois Public Utilities Act, and an Order pursuant to Section 8-503 of the Illinois Public Utilities Act, to Construct, Operate and Maintain a new 345 kilovolt transmission line in Ogle, DeKalb, Kane and DuPage Counties, Illinois; ICC Docket No. 15-0277 Grain Belt Express Clean Line LLC -- Application for an Order Granting Grain Belt Express Clean Line LLC a Certificate of Public Convenience and Necessity pursuant to Section 8-406.1 of the Public Utilities Act to Construct, Operate and Maintain a High Voltage Electric Service Transmission Line and to Conduct a Transmission Public Utility Business in Connection Therewith and Authorizing Grain Belt Express Clean Line pursuant to Section 8-503 and 8-406.1(i) of the Public Utilities Act to Construct the High Voltage Electric Transmission Line.

be attained after reasonable and good faith negotiations the applicant could petition the ICC for eminent domain. Wind on the Wires did not participate in the eminent domain cases.

In Minnesota, Wind on the Wires participated in the Minnesota Public Utility Commission's ("PUC") proceeding that granted ITC Midwest a certificate of need for a 345kV transmission line with conditions.<sup>3</sup> In that proceeding the PUC evaluated whether denying the application would likely harm the energy supply of ITC Midwest's customers, whether a more reasonable and prudent alternatives to the Project has been demonstrated, whether the Project will provide benefits to society compatible with protecting the natural and socioeconomic environments, including human health, and whether the record does not demonstrate that the Project will fail to comply with policies, rules and regulation of other state and federal agencies and local governments.<sup>4</sup> In the case the issue of eminent domain arose. In the Final Order, the PUC stated that it has no authority to exercise eminent domain, even in the issuance of a permit to build the project, and that such an issue would be addressed in other legal forums.<sup>5</sup> In a separate, but concurrent, proceeding the PUC evaluated the Project's route.<sup>6</sup> Wind on the Wires did not participate in the MN PUC proceeding in which the route and its parcel issues were reviewed and approved, only in the certificate of need proceeding.

Illinois and Minnesota are able to effectively evaluate a transmission line in multiple hearings/dockets without causing undue delay or compromising a parties ability to protect their rights or property. Wind on the Wires believes Rock Island's proposal to split this proceeding into two distinct phases is the most efficient way for managing this case.

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<sup>3</sup> MN PUC Docket No. ET-6675/CN-12-1053, In the Matter of the Application of ITC Midwest LLC For a Certificate of Need for the Minnesota - Iowa 345 kV Transmission Line Project in Jackson, Martin, and Faribault Counties.

<sup>4</sup> Final Order in MN Docket No. ET-6675/CN-12-1053, at 9-10 (Nov. 25, 2014).

<sup>5</sup> Id. at 7-8.

<sup>6</sup> MN PUC Docket No. ET-6675/TL-12-1337, In the Matter of the Application of ITC Midwest LLC For a Route Permit for the Minnesota - Iowa 345 kV Transmission Line Project in Jackson, Martin, and Faribault Counties.

WHEREFORE, Wind on the Wires' respectfully requests the Iowa Utilities Board grant Rock Island's Motion to set a schedule that has two separate phases, as described in said Motion.

Respectfully submitted,

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