

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE PUBLIC UTILITIES COMMISSION

In the Matter of the Further Investigation in
to Environmental and Socioeconomic Costs
Under Minnesota Statute 216B.2422,
Subdivision 3

FIFTH PREHEARING ORDER

A third prehearing conference was held in this matter before Administrative Law Judges LauraSue Schlatter and J. Jeffery Oxley on August 14, 2015 in the Large Hearing Room at the Public Utilities Commission, 350 Metro Square Building, 121 Seventh Place East, St. Paul, Minnesota.

Appearances:

Kevin Reuther, Minnesota Center for Environmental Advocacy, appeared on behalf of The Izaak Walton League of America – Midwest Office, Fresh Energy and Sierra Club (Clean Energy Organizations).

Tristan L. Duncan, Shook, Hardy & Bacon, LLP, Kansas City, Missouri, appeared on behalf of Peabody Energy Corporation.

Linda Jensen, Assistant Attorney General, appeared on behalf of the Minnesota Department of Commerce, Division of Energy Resources and the Minnesota Pollution Control Agency (Agencies).

Eric F. Swanson, Winthrop & Weinstine, PA, appeared via telephone on behalf of the Lignite Energy Council.

B. Andrew Brown, Dorsey & Whitney, LLP, appeared on behalf of Great River Energy, Minnesota Power and Otter Tail Power Company.

David Moeller, Minnesota Power, appeared via telephone on behalf of Minnesota Power Company.

James R. Denniston, Assistant General Counsel, appeared on behalf of Northern States Power Company, d/b/a Xcel Energy.

Marc Al, Stoel Rives, LLP, appeared on behalf of Minnesota Large Industrial Group.

Benjamin L. Gerber, Attorney at Law, appeared on behalf of the Minnesota Chamber of Commerce.

Kevin P. Lee, Attorney at Law, appeared on behalf of Doctors for a Healthy Environment.

Bradley Klein, Environmental Law & Policy Center, appeared via telephone on behalf of the Clean Energy Business Coalition.

Tricia DeBleeckere and Sean Stalpes appeared for the staff of the Public Utilities Commission.

Based upon the record and the discussion among the participants at the prehearing conference,

IT IS HEREBY ORDERED:

1. The following changes have been made to the schedule for the proceedings in this matter:

Document or Event	New date	[Original Date]
Final CO ₂ Prehearing Conference	September 21, 2015 1:30 p.m. PUC	[September 17, 2015]
Objections to any prefiled direct or rebuttal testimony or witness	September 3, 2015	[September 11, 2015]
Responses to objections to direct or rebuttal testimony or witness	September 11, 2015	
Objections to any surrebuttal testimony or witness	Unchanged	September 17, 2015
Response to surrebuttal objections	September 18, 2015	

2. All objections and responses listed above may be provided to the Administrative Law Judge via courtesy e-mail at Laurasue.schlatter@state.mn.us with a copy to her assistant, Rachel Youness at Rachel.youness@state.mn.us at the time the

documents are filed with the e-Dockets system. Courtesy paper copies of these documents only are not required.

3. The tentative schedule for witness testimony is set forth below. This schedule is subject to change by the Administrative Law Judge, based on waivers by the parties and Commission staff of specific witness appearances, on the need for additional witnesses who have provided only surrebuttal testimony, and on daily progress of testimony.

DATE/TIME	WITNESS NAME	PARTY
September 24 AM	Opening Statements	
September 24 AM	Michael Hanemann	Agencies
September 24 AM/PM	Anne Smith	MLIG
September 24 PM	Stephen Polasky	CEO
September 25 AM	Richard Lindzen	Peabody
September 25 AM	Roy Spencer	Peabody
September 25 PM	William Happer	Peabody
September 25 PM	Ted Gayer	MLIG
September 28 PM	Robert Mendelsohn	Peabody
September 28 AM	Nicholas Martin	Xcel
September 28 AM	Andrew Dessler	CEO
September 28 AM	John Abraham	CEO
September 29 AM	William Wecker	Peabody
September 29 or 30 AM	Richard Tol	Peabody
September 29 AM	Kevin Gurney	Agencies
September 29 PM	William Rom	Doctors for Healthy MN
September 30 AM	Roger Bezdek	Peabody
September 30 AM	Shawn Rumery	Clean Energy Business
September 30 PM	Chris Kunkle	Clean Energy Business

4. Each party, or party group, may make an opening statement at the start of the evidentiary hearing on September 24, 2015. Opening statements are limited to five minutes per party or party group. Any party or party group may waive its opening statement or cross examination of any given witness. The order for opening statements and for cross examination of witnesses during the evidentiary hearing will be as follows:

- a. Clean Energy Organizations
- b. Peabody Energy
- c. Ottertail Power/Minnesota Power/Great River Energy

- d. Lignite Energy Council
- e. Minnesota Large Industrial Group
- f. Xcel Energy
- g. Minnesota Chamber of Commerce
- h. Doctors for a Healthy Minnesota
- i. Clean Energy Business Coalition
- j. Department of Commerce and Pollution Control Agency
- k. PUC staff (for cross-exam only)

5. Each party or party group shall e-mail a draft exhibit list to the court reporter at jshaddix@janetshaddix.com by **4:30 p.m.** on **September 22, 2015**, with an e-mailed copy to Judge Schlatter and her assistant, Rachel Youness. A template of the exhibit list will be provided to the parties separately in Word format. The parties shall use the template, which each party or party group shall “save as” with a new name unique to their party or party group before submitting it to the court reporter and Administrative Law Judge in Word format. Parties shall **NOT** file their draft exhibit lists in eDockets. The final, combined exhibit list will be filed in eDockets by the court reporter.

6. Each prefiled exhibit to be offered into the official hearing record must display its unique eDocket ID number on first or cover page. Corrections and revisions to prefiled testimony may be efiled no later than three days prior to the commencement of the evidentiary hearing consistent with paragraph 24 of the First Prehearing Order in this docket. Any exhibit offered that has not been efiled prior to the start of the evidentiary hearing shall not be efiled by the sponsoring party. Such exhibit, if admitted, shall be efiled by the court reporter.

7. Each exhibit offered for admission at the hearing will be assigned a hearing exhibit number. The parties will be assigned exhibit number blocks as follows:

Party	Exhibit Number Block
Clean Energy Organizations	100-199
Peabody Energy	200-299
Ottertail/Minnesota Power/Great River Energy	300-399
Minnesota Large Industrial Group	400-499
Doctors for a Healthy Environment	500-599
Xcel Energy	600-699

Party	Exhibit Number Block
Clean Energy Business Coalition	700-799
Department of Commerce and Pollution Control Agency	800-899
Minnesota Chamber of Commerce	900-999
Lignite Energy Council	1000-1199

8. All unaffected provisions of the earlier Prehearing Orders remain in effect.

Dated: August 28, 2015

s/LauraSue Schlatter

LAURASUE SCHLATTER
Administrative Law Judge



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August 28, 2015

See Attached Service List

Re: In the Matter of the Further Investigation in to Environmental and Socioeconomic Costs Under Minnesota Statute 216B.2422, Subdivision 3

**OAH 80-2500-31888
MPUC E-999/CI-14-643**

To All Persons on the Attached Service List:

Enclosed and served upon you is the Administrative Law Judge's **FIFTH PREHEARING ORDER** in the above-entitled matter.

If you have any questions, please contact my legal assistant Rachel Youness at (651) 361-7881 or rachel.youness@state.mn.us, or facsimile at (651) 539-0310.

Sincerely,

s/LauraSue Schlatter

LAURASUE SCHLATTER
Administrative Law Judge

LSS:klm
Enclosure
cc: Docket Coordinator

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CERTIFICATE OF SERVICE

In the Matter of the Further Investigation in to Environmental and Socioeconomic Costs Under Minnesota Statute 216B.2422, Subdivision 3	OAH Docket No.: 80-2500-31888
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Kendra McCausland certifies that on August 28, 2015 she served the true and correct **FIFTH PREHEARING ORDER** by eService, and U.S. Mail, (in the manner indicated below) to the following individuals:

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