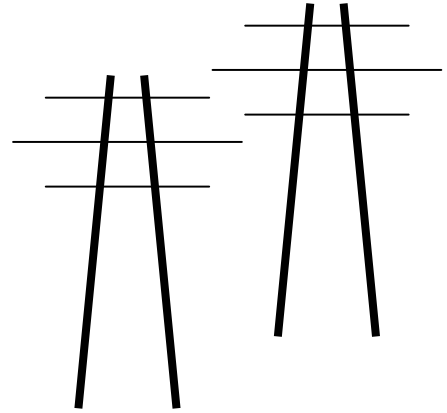


# Legalelectric, Inc.

**Carol Overland** Attorney at Law, MN #254617  
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1110 West Avenue  
Red Wing, Minnesota 55066  
612.227.8638



September 25, 2017

Dan Wolf  
Executive Secretary  
Public Utilities Commission  
121 – 7<sup>th</sup> Place East, Suite 350  
St. Paul, MN 55101

via eFile and eServe

RE: Petition for Intervention – Neighbors Against the Burner  
**PUC Docket Number: E002/M-17-532**

Dear Mr. Wolf

On behalf of Neighbors Against the Burner, enclosed please find Notice of Appearance and Petition for Intervention in the above-entitled docket.

Please let me know if you have any questions or require anything further.

Very truly yours,

Carol A. Overland  
Attorney at Law

Enclosure

cc: Service via eFiling and eService  
Nancy Hone – Neighbors Against the Burner

**BEFORE THE  
MINNESOTA PUBLIC UTILITIES COMMISSION**

**Nancy Lange  
Dan Lipschultz  
Matt Schuerger  
Katie Sieben  
John A. Tuma**

**Chair  
Commissioner  
Commissioner  
Commissioner  
Commissioner**

**In the Matter of Petition for Approval of  
an Amendment to the HERC PPA**

**PUC Docket Number: E002/M-17-532**

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**Certificate of Service**

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I, Carol A. Overland, hereby certify that I have this day, served copies of the attached Notice of Appearance and Petition for Intervention by electronic eFiling and eService



September 25, 2017

---

Carol A. Overland      MN #254617  
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**STATE OF MINNESOTA  
BEFORE THE  
MINNESOTA PUBLIC UTILITIES COMMISSION**

**Nancy Lange  
Dan Lipschultz  
Matt Schuerger  
Katie Sieben  
John A. Tuma**

**Chair  
Commissioner  
Commissioner  
Commissioner  
Commissioner**

**In the Matter of Petition for Approval of  
an Amendment to the HERC PPA**

**PUC Docket Number/s: E002/M-17-532**

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**NOTICE OF APPEARANCE**

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NAME OF PARTY: Neighbors Against the Burner  
Nancy Hone, Representative  
2098 Carroll Ave.  
St. Paul, MN 55104  
651-647-9908

You are advised that the party above named will appear in this matter before the Commission:

PARTY'S ATTORNEY:

Carol A. Overland, Attorney at Law  
Legalelectric  
1110 West Avenue  
Red Wing, MN 55066  
(612) 227-8638  
[overland@legalelectric.org](mailto:overland@legalelectric.org)

DATE: September 25, 2017



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**STATE OF MINNESOTA  
BEFORE THE  
MINNESOTA PUBLIC UTILITIES COMMISSION**

**Nancy Lange  
Dan Lipschultz  
Matt Schuerger  
Katie Sieben  
John A. Tuma**

**Chair  
Commissioner  
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**In the Matter of Petition for Approval of  
an Amendment to the HERC PPA**

**PUC Docket Number: E002/M-17-532**

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**PETITION FOR INTERVENTION**

**NEIGHBORS AGAINST THE BURNER**

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Neighbors Against the Burner is a stakeholder in incineration issues in Minnesota, and hereby submits this Petition for Intervention, to participate as full parties in the above-captioned Power Purchase Agreement (Miscellaneous) docket for the Hennepin Energy Recovery Center (HERC) garbage burner, with all rights of a party as authorized in Minn. R. 7829.0800. For the reasons and upon the facts below, Neighbors Against the Burner (hereinafter “NAB”) meets the requirements for intervention under Minnesota rules.

This docket, on its face, is about the terms and expiration date of a Power Purchase Agreement for a garbage incinerator. The PPA is a major revenue stream for the HERC incinerator, thus, the outcome will influence the continued operation, or not, of the garbage

incinerator. Neighbors Against the Burner considers that operation of the HERC burner has a detrimental impact on human health, quality of life, and as this PPA demonstrates, on the economic security of Hennepin County and residents paying additional charges for operation of this incinerator. Neighbors Against the Burner (hereinafter “NAB”) has an interest in this above-captioned docket, because it presents an opportunity to commit to responsible waste management, to plan and prepare for the shutdown of the HERC garbage burner, and for immediate implementation of substantive Zero Waste plans.

**I. Neighbors Against the Burner is particularly interested in the issues to be addressed in this docket.**

Neighbors Against the Burner is an association of residents of the Twin Cities who have actively and effectively campaigned against the Rock-Tenn garbage burner, the multiple iterations of the Midtown “biomass” burner in Minneapolis and in Rockford, Northern Metal’s air permit violations, Ramsey County and its expanded incineration of garbage in outstate communities, and the recent attempt at expansion of HERC garbage burning. NAB has made intense efforts in public education, legislative lobbying, and promotion of Zero Waste, recycling, and conservation in our area. NAB’s advocacy has also focused on concerns about air emissions of incineration and health impacts and the economic burden of incineration on our community. NAB has been an active committed participant in policy discussions and proceedings at the Minnesota Pollution Control Agency regarding incinerator and facility permitting, emissions, solid waste planning, environmental justice, and the Clean Power Plan.

Garbage incineration power, as noted in the Dept. of Commerce – DER comments, is very expensive – approximately twice the cost of MISO system power. Extension of the proposed PPA, even at reduced rates, would have a negative impact by raising electric rates, without any countervailing benefits.

Neighbors Against the Burner finds this docket an opportunity to help bring waste practice in line with stated Minnesota policy regarding the transition to clean energy, the Clean Power Plan, Minnesota's Solid Waste goals, and protection of the public health and pocket books of Twin Cities residents.

**II. Neighbors Against the Burner's legal rights, duties, or privileges may be determined or affected by this proceeding.**

The legal rights, duties, and/or privileges of the members of the Neighbors Against the Burner will be determined or affected by the Commission's decisions in this docket. The Neighbors Against the Burner are Twin Cities landowners and residents within the emissions plume of incinerators and projects proposed for the Metro area. For over a decade, NAB has vocally and consistently addressed incineration in Minnesota, worked to develop Zero Waste programs and responsible waste management to supplant incineration, and several projects in NABs scope have been withdrawn. NAB is particularly interested in impacts to health, safety, and welfare of those who breathe, and also in our peace of mind, ability to use and enjoy their property, and property marketability and value.

Neighbors Against the Burner seeks to intervene because of the direct and indirect impacts of this project on their unique interests as directly affected residents and landowners active in eliminating incineration and developing Zero Waste, conservation, and recycling programs to address waste responsibly.

**III. The rights, duties, and privileges of the Neighbors Against the Burner are not otherwise represented are not otherwise represented.**

The rights, duties, and/or privileges of the Neighbors Against the Burner are not otherwise represented. Minn. R. 1405.0900, Subp. 1. There are no intervenors in this docket, and no other entity has petitioned to intervene in this contested case. Although NAB appreciates

and supports several of the points made by the Department of Commerce, Commerce's mission is promotion of "Commerce" and does not represent the public interest. Commerce instead serves as "Commission staff" for analysis of this Xcel Energy proposal. Although many organized groups participated in the previous efforts to stop the capacity increase of the HREC incinerator, none have yet weighed in on this docket, and there is no party in this case representing the interests of NAB. Participation of the Neighbors Against the Burner is essential public participation and is necessary to assure due process and fundamental fairness.

**IV. Neighbors Against the Burner should be granted intervention status.**

Petitioners for intervention shall set forth the grounds and purposes for which intervention is sought. Minn. R. 7829.0800. The Neighbors Against the Burner seek to intervene to address their concerns as an incineration stakeholder with specific concerns, as above, based on scientific and economic evidence regarding impacts of incineration. The Neighbors Against the Burner request leave to intervene as provided generally by Minn. R. 7829.0800. Neighbors Against the Burner requests that this Petition for Intervention be granted, and that it may participate as full parties with all rights of a party as contemplated in Minnesota Rules.

September 25, 2017



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## Service List Member Information

## Electronic Service Member(s)

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Oxley	Jeff	jeff.oxley@state.mn.us	Office of Administrative Hearings	Electronic Service	No