

DIRECT TESTIMONY OF JASON WEIERS

SCHEDULE C: RELOCATION BENEFITS COMMUNICATION PLAN

**BIG STONE SOUTH TO ALEXANDRIA 345 KV TRANSMISSION PROJECT
PLAN DOCUMENT FOR COMMUNICATING STATUTORY OBLIGATIONS
RELATED TO RELOCATION ASSISTANCE, SERVICES, PAYMENTS, AND
BENEFITS UNDER MINN. STAT. § 117.52**

Purpose: Landowners crossed by the Project may face tough decisions under the Buy-the-Farm law¹ and the Uniform Relocation Act.² These issues can be complex for landowners, particularly those who have not faced similar issues before. While the Big Stone South to Alexandria 345 kilovolt (“kV”) Transmission Project (the “Project”) cannot and will not attempt to provide legal advice to landowners around these issues, the Project will directly and transparently communicate the fact to landowners that they may be eligible to make a Buy-the-Farm election and receive Relocation Assistance.

Scope: This plan is intended to provide detail for how the Project will communicate with stakeholders regarding the Project’s statutory obligations to provide Relocation Assistance.

Distribution: To promote uniform messaging, this plan is a public document intended for distribution to all Project Right-of-Way Team personnel, including the Project’s third-party right-of-way and Relocation Consultant(s).

Background: The Project is a 345 kV transmission facility being developed by Otter Tail Power Company and Western Minnesota Municipal Power Agency, through its agent Missouri River Energy Services (together, the “Applicants”). Given the Project’s voltage, Minnesota’s so-called “Buy-the-Farm” law is implicated. The Buy-the-Farm law is a unique statute, reflecting a “creative legislative response” between the interests of “rural landowners and utilities concerning [high voltage transmission line] right-of-ways.”³ Under the “Buy-the-Farm” law, certain landowners⁴ who own certain classifications of property(ies)⁵ that will be crossed by the Project have an option of electing

¹ Minn. Stat. § 216I.21, subd. 4.

² Minn. Stat. § 117.52, subd. 1; Minn. Stat. § 216I.21, subd. 4(b) (providing “Buy-the-Farm” electors with “all right and protections provided to an owner under chapter 117”).

Hereinafter, the relocation statute and related regulations are referred to as the “Uniform Relocation Act,” and the assistance, services, payments, and benefits available under the Uniform Relocation Act are referred to collectively hereinafter as “Relocation Assistance.”

³ *Coop. Power Ass’n v. Aasand*, 288 N.W.2d 697 (Minn. 1980).

⁴ Minn. Stat. § 216I.21, subd. 4(a) (providing the “owner” has the ability to make the election); *id.* at subd. 4(d) (defining “owner” as “the fee owner, or when applicable, the fee owner with the written consent of the contract for deed vendee, or the contract for deed vendee with the written consent of the fee owner”).

⁵ Minn. Stat. § 216I.21, subd. 4(a) (identifying classifications of land as “private real property that is agricultural or nonagricultural homestead, nonhomestead agricultural land, residential recreational property, and both commercial and noncommercial seasonal residential recreational property, as those terms are defined in [Minn. Stat. §] 273.13 . . . shall have the option to require the utility to condemn a fee interest in any amount of contiguous, commercially viable land which the owner wholly owns in undivided fee and elects in writing to transfer to the utility within 60 days after receipt of the notice of the objects of the petition filed pursuant to [Minn. Stat. §] 117.055.”).

for the Applicants to acquire not just the easement the Applicants seek, but the fee interest in all or some of the landowners' lands contiguous to the Project easements.

When a landowner makes a valid "Buy-the-Farm" election, the law also provides that the landowner may also be entitled to "relocation assistance, services, payments and benefits required by the Uniform Relocation [Act]. . . ." The provision of Relocation Assistance helps to ease the burdens associated with relocations that may be required as a result of the landowner's decision to elect "Buy-the-Farm."

The Applicants recognize the important role that the "Buy-the-Farm" law and the Uniform Relocation Act have upon the Applicants' ability to reach successful outcomes with some of the Project's most affected stakeholders—the landowners. The Applicants also recognize that, in order to successfully work with the landowners, it is important to communicate with landowners about the landowners' potential options available under the Buy-the-Farm law and that Relocation Assistance may be available.

While the Project cannot and should not attempt to provide legal advice to landowners around these issues, the Project can directly and transparently communicate the fact to landowners that they may be eligible to make a Buy-the-Farm election and receive Relocation Assistance.

Communications Plan:

The Project will communicate their statutory obligations to provide Relocation Assistance under Minn. Stat. § 117.52, through at least the following:

- including information about Relocation Assistance eligibility in landowner mailings involving right-of-way acquisition; and
- including information about Relocation Assistance eligibility in public presentations (e.g., posterboards, handouts) involving right-of-way matters; and
- providing right-of-way agents with uniform protocol for directing persons with questions regarding Relocation Assistance to the designated Project representative(s) for follow-up.

The specific entries in mailings shall convey the following or similar information concisely, as appropriate:

- The Project is subject to a law known as the "Buy-the-Farm" law; and
- The "Buy-the-Farm" law provides certain landowners of certain types of properties with the right to request or elect that the Permittees purchase or acquire in condemnation some or all of the properties contiguous to the Permittees' proposed transmission easements; and
- When applicable, in connection with a valid "Buy-the-Farm" election, the Permittees have a statutory obligation to provide relocation assistance, services, payments, and benefits under Minn. Stat. § 117.52; and

- The Project has engaged with an expert Relocation Consultant who will provide information and resources throughout the acquisition process; and
- The contact information of the Project representative(s) that a landowner should contact with specific questions regarding Relocation Assistance; and
- The Project cannot provide legal or financial advice to landowners with respect to the Project, including as to Relocation Assistance, and landowners are encouraged to consult with attorneys or other professionals as needed.

In addition, the Project shall engage with its Relocation Consultant for development of additional materials that may, based upon the Relocation Consultant's experience, be beneficial in conveying to landowners that Relocation Assistance may be available. Such materials may include materials similar to the Minnesota Department of Transportation's brochure titled, "Relocation Assistance: Your Rights and Benefits."