An Interview with
MARK THEIN

Conducted by Marta Monti
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Marta: Today is July 31, 2015, and I am speaking with Mark Thein from Oronoco, Minnesota. Hi Mark, as I mentioned, I’m doing a report on CapX2020 and I found your group “No CapX2020 Preferred Route through Oronoco Township” on Facebook and was hoping we could talk about that for a little bit.

Mark: Yeah, yeah no problem.

Marta: So I looked through the Facebook page to see what the discussion was like, and it looks like you are one of the head organizers and the Chairman of the Township while this was going on.

Mark: Yup, and I still am.

Marta: Could you tell me about how you first learned of the project?

Mark: It’s so long ago now, I can’t remember. I think I heard someone mention it at one of our town board meetings, so then we put it on our schedule that we would discuss it further at the following meeting. We advertised that we would be talking about our township’s role and CapX2020; whether we’re going to try to fight it.

So then the following meeting--we have meetings just once a month--we had pretty much a full house, and everybody wanted the council to do whatever it could to fight the project because it would divide our township. Then they realized it was going to cost money. It was basically held to an informal vote, and we didn’t have anybody who said “no, let’s back off and see what happens.”

We called around and got some recommendations on law firms and hired this firm out of the Twin Cities Malkerson Gunn Martin. They came down and spoke to us, and we liked them enough so we hired them.

Basically, they got themselves a seat at the table when the public hearings were going on. So there was a year-long process of administrative law judge coming down from St. Paul and having these public hearings in the area, and so during that public hearing we had a seat at the table. Another opposition group had a seat at the table.

Marta: Which one was that?

Mark: That was the one from up north….it was led by this attorney who is an eccentric woman from up in Red Wing.
**Marta:** Yes, that’s the No CapX2020 group and Carol Overland.

**Mark:** Yup, so she had a seat at the table with the administrative law judge, and I think some Xcel people were there. Those meetings lasted...to my recollection...about a year, and then awhile later the report came back from the administrative law judge and she recommended that the line go through the north route, and not through our township. We thought we were in pretty decent shape at that point.

So then it...I’m trying to remember the process here...then it goes in front of a politically appointed board...I can’t remember what their called, you probably know.

**Marta:** Yes, the non-partisan committee

**Mark:** So it went in front of them, and it was just such a goofy meeting. Some people gave some testimony, and then that board...I don’t know if you have watched the video of it...it was goofy. It was just like a whimsical decision to decide one of the other. Almost like a flip of a coin.

One person commented on the board “I think powerlines are better above bridges than above damn,” so that was the reason why that person voted to approve it through Oronoco Township. So, that was heartbreaking for us. They turned back the decision of the administrative law judge had spent a year on. Despite the fact that Xcel did not contest her decision. They were fine with her decision.

So we lost that major battle and decided to keep fighting and took it all the way up to the appellate court, and that was a pretty quick trial. It was interesting that it was a very quick trial. Basically the appellate court, from what I understand, was looking to see if there was anything illegal or a misapplication of the law in the previous decision. They couldn’t find that there was, so they just upheld it.

That was basically the end of our fight because we didn’t really feel that the Supreme Court was within our budget.

**Marta:** mmm

**Mark:** We spent approximately $300,000 fighting this project.

**Marta:** Who footed that bill? The Township?
Mark: The Township and the taxpayers. We had a good surplus going into this thing that we had built up over many years, and we dwindled it down. So that was tough.

Probably most upsetting to us as a township is that in our fight we couldn’t get anybody else to join in and help fund this. Olmsted County [in which Oronoco Township is located] just sat on their hands and Rochester city didn’t do anything about it either. So, it was just us alone fighting this.

Marta: So your neighbors, they weren’t as opposed as you were?

Mark: Because the only other townships in Olmsted County that it went through were a little bit of New Haven but really ran alongside a part New Haven the city of Pine Island had already annexed, so that was it for Olmsted County other than Farmington Township, which is further to the east and those routes that were opposed went through Farmington Township, so their fight would have been to try and stop the project all together, which is almost impossible.

Marta: Well, people were trying. Did you ever work with the Citizen Energy Taskforce? They were one of the groups that was trying to stop the line altogether.

Mark: I think early on we made a decision that we were just not going to be able to win that battle; that we weren’t going to stop that train. It was almost a federal mandate that we must generate our power in flyover country and send it to the big cities, so we would be fighting the federal government in our eyes to try and stop it. We were just trying to protect our turf.

Marta: What were some of the reasons that the township opposed the line?

Mark: The biggest reason is to protect property values, but our route was just so much more densely populated than the other route. It would affect so many more people. Obviously I have empathy for people on the north route, but there are just a lot less people that would have been impacted if they went up to the north route. That was why.

Marta: As you were working with your lawyers and the CapX folks and the people who were trying to get the easements signed, did you feel like they were responsive to you, or did it remain an “us and them” situation?

Mark: While the fight was still going on, they were going around trying to talk people, or coerce people into signing agreements, and that was a little troublesome. After we lost our final decision and pulled the plug….and, we lost, and you’ve got to accept that you lost. The people themselves are not bad people. We didn’t have any problems with them, and when we had issues they
responded to them. The way they do things is fine, it’s just that the whole process stinks. It’s just people making a living, too.

**Marta:** What are your thoughts about the compensation that people got from easements?

**Mark:** I think a lot of people felt that they should have been compensated more. I don’t know individual dollars on each of these transactions because it was none of my business, but what bothers me more than anything though is if...say you….they put the lines 10 feet outside of your property line, it dramatically affects your property values, but you get no compensation.

**Marta:** Right, because it technically is not on your property. There’s also the Buy the Fam law. Do you know if anyone from your township used it?

**Mark:** At least one did, yup. If you look at the way the lines went through our Township, they zig-zagged all over the place. You can make the argument that some of the reason was to try to avoid coming close to houses, but in reality they just wanted to avoid certain properties because they didn’t want to have to buy big expensive acreage. It would be a lot easier project if it was a straight line alongside a road; instead it’s almost like a scar through our Township.

**Marta:** Did you feel like the CapX group communicated enough with you through meetings and open houses?

**Mark:** I don’t know what their viewpoint is, but maps that were presented to us would change and we would have no notice that they would change. So one time it would have this route through our Township and another time it would have a slightly different route, and it would have been nice if they had done their work and had the final route right from the start.

As far as when we needed them to attend meetings. Early on they would send representatives to our town board meetings, and I think it was fine.

**Marta:** How did they mainly communicate with you? Did they reach out directly, or did you rely on mailers and newspaper articles?

**Mark:** They would send stuff about a week in advance saying that they were going to be at the meetings and sent along things that they wanted to discuss.

**Marta:** Are there things that you wish they would have done differently?

**Mark:** I don’t know. I don’t really see anything that I can throw them under the bus for. Once the project was going to go forward, they did fine by us. I know personally that if they were
alongside a road and they were going to have to close the road down, they would call me a week ahead of time and let me know that that was their plan, and they notified property owners along the route to say “Hey you’re going to need to take a different road to your house because we need to close the road down because we have a big crane in the middle of the road,” and they did a pretty good job at communicating that. The actual crews that were doing the work did a good job of keeping in touch with us.

**Marta:** Were there any other challenges that came about with the construction? I know they bring in lots of cement trucks to fill the foundations, and bring in a lot of big, heavy equipment.

**Mark:** Well, it is what it is. Yeah, we didn’t like it, but I don’t know how else they could have done it. In our area they had a central storage facility near Pine Island, and then prior to….a few days before doing the job, or maybe a week or so before doing a specific pole they would pull stuff outta there and set it on the site. But that’s just the nature of the business, you know. You’re not going to put these things up overnight.

**Marta:** Did construction affect business at all? Was there an economic impact to the project?

**Mark:** Sure, just the fact that the line goes through our township means that our property values are, realistically, go down. It’s just a fact. If you have these powerlines going through your property, when you want to sell your property, you’re not going to get what a comparable property would have got. So we’ll realize pain...because property taxes are based on the value of a property. So some of these properties that were affected are going to pay less taxes, and properties in other parts of the township that weren’t affected are going to end up paying a bigger percentage of that.

**Marta:** I’m wondering if there is something that I haven’t asked you about that you think is important for me to know?

**Mark:** I think you may want to revisit people like me...once these towers are actually energized, then we’ll actually know what the effect is. Right now they are just eye sores. But if they’re really humming and we’re getting stray voltage problems, then it might be a different matter.

Right now the positive side of it is I can say that in our Township and most of these south of the cities have seen these rust colored poles, and in my mind they blend in better than if you go up north by St. Cloud they have the big silver poles. Those seem to catch the sun a lot more and really stick out more. I do appreciate that.

**Marta:** Well, it’s the tiny victories, I guess.
Mark: Yeah, that’s right! So, what’s your paper going to be on?

Marta: This paper is looking at the CapX group and the projects, and how it fits into regional transmission planning and how the policies and regulations fit into all of it. Looking at things like how states policies that say they need to increase the amount of renewable energy on their system, and how the utilities are respond.

Mark: Another aspect you could look at is how rural America carries the burden for voltage of electricity for metro America. We could perfectly well generate the electricity we need right next to Chicago, right next to Minneapolis, and not have to transport it from The Plains to the Twin Cities.

Marta: Yes, there is definitely a lot of points of contention with big projects like this. And they are permanent. They will be there for decades.

Mark: Sure, and the next ones will probably be uglier!

Marta: We’ll see, maybe they’ll figure something out.

Mark: Well if you need anything more, just give me a call back.

Marta: Thank you so much for your time, I really appreciate it.

Mark: Yeah no problem, good luck with your project.