

Safe Wind in Freeborn County  
27510 775<sup>th</sup> Ave  
Clarks Grove MN 56016

July 14, 2009

Judge Steven Mihalchick  
Office of Administrative Hearings  
PO. Box 64620  
St. Paul MN 55164-0620

via email:steve.mihalchick@state.mn.us

IN RE: Bent Tree Wind Project-Public Comment  
PUC Doc 08-573 07-1425

Dear Judge Mihalchick,

Thank you for the opportunity to comment in this docket.

Enclosed please find Safe Wind in Freeborn County's exhibits A, B, C and D.

At a recent PUC hearing regarding the New Ulm Wind Project, the Commissioners were visibly distressed to hear report of use, by developers, of confidentiality clauses in wind lease contracts. Confidentiality clauses are against the public interest, the State of North Dakota has made them against the law, and South Dakota may soon do the same. Safe Wind in Freeborn County is concerned because we have heard reports and have seen evidence of confidentiality clauses in land lease contracts for the Bent Tree Wind Project. We ask, as a condition to this permit, that confidentiality clauses be expressly prohibited.

Attached is Exhibit A is a copy of a contract from the Bent Tree Wind Project that I was given by a landowner who wishes to remain anonymous. Please note "g" under "Agreement, which states,

*During the term of this agreement the owner agrees to keep confidential the existence, the terms and provisions of this agreement.*

There has been much tension and contention in our community because landowners are afraid and unwilling to talk about the contract. Safe Wind In Freeborn County believes that transparency is prerequisite to equitable dealings.

Attached is Exhibit B it is a copy of a Windustry hand out that I received at the Wind Energy Forum last week in Wanamingo Minnesota. This flier explains common practices in land leasing and warns against use of confidentiality clauses.

Attached is Exhibit C it is an article from July 10, 2009 by Austin Kaus in The Daily Republic that says:

*For the most part, people really want those transparencies in those contracts just so they don't feel like they're getting the short end of the stick.*

Attached is Exhibit D this is a copy of the bill HB #1509 from the legislature in North Dakota.

Safe Wind in Freeborn County asks, as a condition to this permit, that confidentiality clauses be expressly prohibited.

Thank you for the opportunity to comment in this docket.

Sincerely,

*Katie V. Troe*

Katie V. Troe  
Safe Wind in Freeborn County  
Mother, La Leche League Leader, AFC MN/DA's  
27510 775th Ave, Clarks Grove MN 56016  
507.256.4343 kvtroe@juno.com