

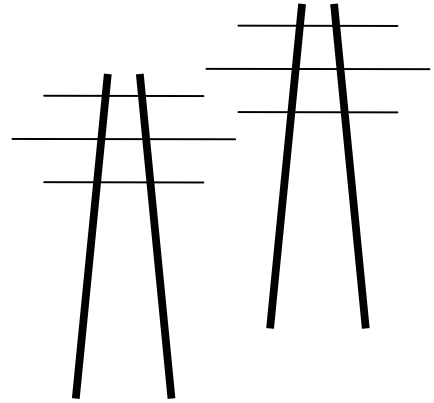
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April 14, 2010

Dr. Burl Haar
Executive Secretary
Public Utilities Commission
121 – 7th Place E, Suite 350
St. Paul, MN 55101

via email only: burl.haar@state.mn.us

**Re: AWA Goodhue Wind – Siting Docket
PUC Docket 08-1233**

Dear Dr. Haar, Commissioners, and all parties:

In response to MOES Comments and Recommendations, I am sending these Comments on behalf of Goodhue Wind Truth, an active participant in these proceedings, which has requested a contested case and intervenor status.

Short version: Issuing a Draft Permit at this time would be putting the cart before the wrong end of the horse.

Environmental Review

Under the rules, the applicant shall submit in the application information regarding:

- A. demographics, including people, homes, and businesses;
- B. noise;
- C. visual impacts;
- D. public services and infrastructure;
- E. cultural and archaeological impacts;
- F. recreational resources;
- G. public health and safety, including air traffic, electromagnetic fields, and security and traffic;
- H. hazardous materials;
- I. land-based economics, including agriculture, forestry, and mining;
- J. tourism and community benefits;

K topography;
L. soils;
M geologic and groundwater resources;
N. surface water and floodplain resources;
O. wetlands;
P. vegetation;
Q. wildlife; and
R. rare and unique natural resources.

The rule states further that:

The analysis of the environmental impacts required by this subpart satisfies the environmental review requirements of chapter 4410, parts [7849.1000](#) to [7849.2100](#), and Minnesota Statutes, chapter 116D.

Minn. R. 7854.0500.

The record does not contain any “analysis of the environmental impacts.”

MOES further states that the Environmental Report will not be available until June 2010. Because there is no analysis of the environmental impacts as required by the rules, and because the Environmental Report is not yet available, issuance of a Draft Permit before the Environmental Report is premature. One purpose of environmental review is to inform the record and address impacts, and recommend mitigation and conditions that should be in the siting permit. This logically cannot happen if the Draft Permit is issued prior to the Environmental Report.

Under the rules, there is a 30 day comment period after issuance of a Draft Permit:

Subp. 3. Public comments on draft site permit.

The PUC shall afford the public a minimum of 30 days after publication of the draft site permit notice in the EQB Monitor to submit written comments to the PUC. The commission may extend the public comment period if necessary to afford the public adequate time to review the application and other pertinent information in order to formulate complete comments on the draft site permit and the project.

Minn. R. 7854.0900. If this Draft Permit would be issued at tomorrow’s meeting, the Comment period would close nearly a month prior to release of the Environmental Report!!! The Public Meeting under the rules would be at least 10 days prior to that!!! This is not workable procedure.

Regarding MOES comments and recommendation, the section labeled “Analysis” (pps. 4-9) does not address environmental issues as provided under the rules in the application and as required under the rule – instead this section addresses public comments, and attaches a collection of Comments received entitled “Public Comments Received by the Minnesota Office

of Energy Security on Issues That Should be Considered In Developing a Draft Site Permit for the Goodhue Wind Project.” There is no analysis of the factors as presented in the application and as required under the rule, and this review of issues raised by the public is not an independent analysis and is not inclusive of the factors to be considered under the rule.

Contested Case

Goodhue Wind Truth has requested a Contested Case and submitted its Intervention Petition, making the request in all dockets simultaneously, as each Goodhue Wind docket affects the others, and the request was to preserve our right to request a Contested Case and not have that right precluded by action in other dockets. Goodhue Wind Truth will gladly submit another request for a Contested Case at the appropriate time as provided by the rules, should a Draft Permit be issued and a Comment period opened.

The rule states that the commission **shall** order a contested case hearing:

- if the commission finds that the person requesting the contested case hearing has raised a material issue of fact; and
- that holding a hearing would aid the PUC in making a final determination on the permit application.

Minn. R. 7854.0900, Subp. 5B (emphasis added). Goodhue Wind Truth has raised material issues of fact in each of these dockets, and the record, at this point, is not sufficient support a decision.

Goodhue Wind Truth agrees with MOES suggestion of incorporation of the Siting Contested Case with the Certificate of Need Public Hearing (MOES Recommendation, p. 10), if that were all held as a Contested Case.

MOES offers the rationalization that because the issues raised are not unique, there is no reason for a contested case. However, the standard for a contested case is whether there are material issues of fact, not whether the issues are unique. Likely the other cases should have had Contested Cases as well.

MOES statement that “it has always been an objective of the program to be pro-active in resolving emerging issues when identified,” is contrary to the evidence within the uprising of landowners with concerns unaddressed, and with the PUC’s own opening of the “Public Health Impacts of Wind Turbines” docket 09-845. If the health, safety and land-use issues raised in this and other siting dockets had been adequately addressed in siting permits and conditions, there would be no landowner uprising.

Goodhue Wind Truth again requests a Contested Case in this and the other dockets.

Timing of Permit v. Certificate of Need and PPA

Minnesota Rule 7854.0500 states that a site permit shall not be issued before a Certificate of Need. The timing of this permit docket seems premature when compared with the timing of the Certificate of Need docket and/or the Power Purchase Agreement dockets. For this reason, this siting permit should not move forward at this time.

Goodhue Wind Truth requests a joint Contested Case for all Goodhue Wind dockets

For all the reasons above, and as advocated in the other dockets, Goodhue Wind Truth requests a joint Contested Case of all of the material issues raised in the many dockets by GWT and MOES.

Thank you for your consideration.

A handwritten signature in cursive script that reads "Carol Overland".

Attorney for Goodhue Wind Truth

cc: Service List