

May 16, 2011

Via E-Docket Filing

Dr. Burl W. Haar
Executive Secretary
Minnesota Public Utilities Commission
350 Metro Square
121 Seventh Place East
St. Paul, MN 55101

RE: *In the Matter of the Application of AWA Goodhue, LLC for a Site Permit for a 78 MW Large Wind Energy Conversion System in Goodhue County*
Docket Nos. IP-6701/WS-08-1233

Dear Dr. Haar:

Enclosed please find AWA Goodhue, LLC's Exceptions to the ALJ's Findings of Fact, Conclusions, and Recommendations that were e-filed today in the above mentioned docket.

Thank you for your consideration.

Sincerely,

/s/ Todd J. Guerrero

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c: Service List (w/encl.)

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

Ellen Anderson
David C. Boyd
J. Dennis O'Brien
Phyllis Reha
Betsy L. Wergin

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of the Application of AWA
Goodhue, LLC for a Site Permit for a 78
MW Wind Project and Associated Facilities
in Goodhue County

Docket No. IP6701/WS-08-1233

**AWA Goodhue's Exceptions to the
ALJ's Findings of Fact, Conclusions
and Recommendations**

I. INTRODUCTION

AWA Goodhue, LLC ("AWA Goodhue" or the "Applicant") agrees with, and recommends that the Minnesota Public Utilities Commission ("Commission") adopt, the Administrative Law Judge's ("ALJ") comprehensive Findings of Fact, Conclusions and Recommendations filed on April 29, 2011 in the above-referenced docket ("ALJ Recommendations"), subject to the two minor exceptions discussed below.

II. DISCUSSION

A. Role of National Wind, LLC

In Finding #10, the ALJ describes the ownership structure of AWA Goodhue. The finding states in part, "[t]he Applicant owns National Wind, LLC, a development company headquartered in Minneapolis." The Applicant excepts to this finding because there is no ownership affiliation between AWA Goodhue and National Wind. Rather, AWA Goodhue has contracted with National Wind for local development services.¹ As such, National Wind serves

¹ Ex. 1, Ward Direct at 4.

as the project's primary developer.² AWA Goodhue requests that the Commission correct Finding #10 in its final order as follows:

10. The Applicant ~~owns~~ has contracted with National Wind, LLC, a development company headquartered in Minneapolis, to provide development services for the project.³ American Wind Alliance, LLC, owns the Applicant; Mesa Power Group owns American Wind Alliance; and Thomas Boone Pickens, Jr., owns Mesa Power Group. Upon commercial operation, the Applicant will be owned jointly by American Wind Alliance (99%) and Ventem Energy, LLC, a group of about 20 Minnesota investors (one percent).⁴

B. Date of Applicant's Noise Study

Finding #71 should be corrected to reflect the date of the Applicant's updated noise modeling study. AWA Goodhue hired HDR to conduct noise modeling to determine the maximum expected sound level at all residences within the project area from the cumulative effect of the proposed turbines.⁵ As part of HDR's work, HDR conducted a noise study that included measuring the existing noise levels within the site.⁶ HDR measured existing sound levels within the site in June 2010.⁷

In addition, HDR used the Cadna-A computer model to perform an analysis of the expected cumulative sound levels from all proposed turbines within the site.⁸ HDR originally prepared a report summarizing both its background noise measurement study and its Cadna-A modeling in July 2010, in advance of the public hearing conducted by ALJ Eric Lipman. HDR refreshed its Cadna-A modeling of the projected cumulative sound levels again prior to submitting direct testimony in the administrative hearing conducted by ALJ Sheehy.⁹ The results of HDR's January 2011 study of the cumulative sound levels were

² Ex. 3, Burdick Direct at 1.
³ Ex. 1, Ward Direct at 4.
⁴ Ex. 1, Ward Direct at 4; Tr. 2:68-69 (Ward).
⁵ Ex. 3, Burdick Direct at 15.
⁶ Ex. 6, Casey Direct at 2.
⁷ Ex. 6, Casey Direct, Attachment A at 7.
⁸ Ex. 6, Casey Direct at 2.
⁹ Ex. 6, Casey Direct, Attachment A at 1.

included in Attachment A to the Direct Testimony of Mr. Tim Casey.¹⁰ Therefore, AWA Goodhue requests that Finding #71 be corrected as follows:

71. Based on the manufacturer's specifications for the turbines proposed for use in this project, a setback of 750 feet for one turbine would meet MPCA noise standards. In this case, because multiple turbines could potentially impact a residence, the Applicant conducted a sound modeling study in ~~June 2010~~ January 2011 to determine the maximum sound level from the cumulative effect of all proposed turbines.

III. CONCLUSION

Applicant respectfully requests that the Commission adopt the ALJ Recommendations in its entirety, with the exception of the minor modifications described above. In addition, the Applicant requests that the Commission adopt the proposed findings of fact recommended by the Department of Commerce, Division of Energy Resources ("DOC") on October 13, 2010, updated as necessary to be consistent with the ALJ's Recommendations. Finally, the Applicant respectfully requests that the Commission issue a site permit to AWA Goodhue containing conditions substantially similar to those proposed by the DOC on October 13, 2010.

Dated: May 16, 2011

Respectfully submitted,

/s/ Todd J. Guerrero

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¹⁰ Ex. 6, Casey Direct, Attachment A.

AFFIDAVIT OF SERVICE

*In the Matter of the Application of AWA Goodhue, LLC for a
Site Permit for a 78 MW Large Wind Energy Conversion
System in Goodhue County*

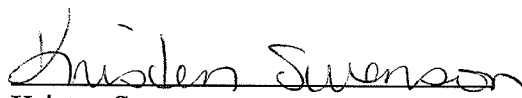
MPUC Docket No. IP-6701/WS-08-1233
OAH Docket No. 3-2500-21662-2

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

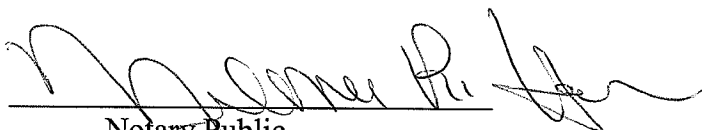
Kristen Swenson, of the City of Minneapolis, County of Hennepin, in the State of Minnesota, being duly sworn, says that on the 16th day of May, 2011, she e-filed with the Minnesota Public Utilities Commission the following:

- (1) AWA Goodhue's Exceptions to the ALJ's Findings of Fact, Conclusions and Recommendations; and
- (2) Affidavit of Service.

A copy has also been served via electronic mail or U.S. Mail in accordance with the service list of record.


Kristen Swenson

Subscribed and sworn to before me
on May 16, 2011.



Notary Public



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