

**BEFORE THE
MINNESOTA PUBLIC UTILITIES COMMISSION**

**Beverly Heydinger
David Boyd
Nancy Lange
J. Dennis O'Brien
Betsy Wergin**

**Chair
Commissioner
Commissioner
Commissioner
Commissioner**

In the Matter of the Application of Goodhue
Wind, LLC for a Certificate of Need for a
78 MW Large Wind Energy Conversion
System in Goodhue County

PUC Docket Nos. IP6701/CN-09-1186
E-002/M-09-1349
E-002/M-09-1350
IP-6701/WS-08-1233

**REPLY COMMENTS OF GOODHUE WIND TRUTH
REGARDING COMMENTS OF NEW ERA COMMERCE DER**

I. BACKGROUND

Goodhue Wind Truth (hereinafter "GWT") is grateful for the opportunity to provide these Reply Comments in the dockets above-captioned. GWT incorporates the separately filed comments of Bruce and Marie McNamara as if fully related herein.

The Commission's Order of March 20, 2013, allowed New Era additional time to provide information that might justify continued time and efforts on the part of all of us. There was a detailed list of over 20 individual questions posited for Comment, and of those, the majority were ones that only New Era could answer. Not only did New Era not provide substance in its "comment," but it asked for additional time to respond to the comments of others. New Era disregarded the opportunity provided by the Order and instead requested additional delay.

Like New Era, the Dept. of Commerce DER also chose avoidance, but did address a few "selected issues raised by the Order," including C-BED status. The Department does admit that if the PPAs are invalid that a new analysis regarding Minn. R. 7849.0120 would be necessary."

Goodhue Wind Truth again requests that the request of New Era/Mastic to extend the deadline for Reply Comments be rejected. New Era had the opportunity to provide additional information and chose not to, and chose to request additional delay. This is not the hallmark of a shovel ready serious or viable project worthy of a Certificate of Need. It is time for the Commission to say “NO!” to this project, by whatever name.

II. **GWT REPLY TO NEW ERA COMMENTS**

There is not much new to say regarding the New Era Comments. New Era was utterly non-responsive to the Commission’s express concerns and to the issues raised by GWT and other commenters. There was nothing of substance and only a request for further delay, pending a potential and speculative resolution of the PPAs, to which GWT objected. The Commission succinctly addressed Mastic’s request, reiterating the schedule and stating there will be no extension to this schedule at this time. Because New Era did not provide the information requested, regarding the PPA issues and also the myriad of other issues of concern to the Commission, New Era’s request to extend the Certificate of Need deadline should be denied.

III. **GWT REPLY TO COMMERCE DER COMMENTS**

The Dept. of Commerce DER did nominally address “selected issues raised by the Order,” including C-BED status, and a very narrow interpretation of “criteria listed in Minnesota Rules 7849.0400,” for example, inferring that “lack of knowledge of the specific turbines” is at issue when instead it is the project’s loss of the turbines it would utilize together with its financing, and no means or plan to acquire other turbines. The Department does admit that if the PPAs are invalid that a new analysis regarding Minn. R. 7849.0120 would be necessary.”

An important question not addressed by Commerce is the impact of these many changes on the veracity of foundational statements made in the application for the Certificate of Need and

Site Permit applications, relied on by the Commission for CoN and Siting approval. If these applications were redlined, eliminating information that is no longer true or applicable, would there be enough left upon which to base a Certificate of Need determination or Siting permit? Minn. Stat. §216B.243; see also Minn. R. 7829.2500, Subp. 7. GWT requests that the Commission review the applications and do just that exercise.

DER claims in its Reply Comments that GWT misinterprets the purpose of noise guidance, that it is not to be used for siting, it “is designed to address specific approaches for measuring noise from wind turbines.” Commerce Reply, p. 3-4. From GWT’s perspective as a “receptor,” what other plausible use could there be for guidance regarding measuring noise?

IV. CONCLUSION

Goodhue Wind Truth has raised these issues over the last four years, and are gratified that the Commission is asking these determinative questions. Violation of the security and ownership provisions of Minn. Stat. §16B.1612, Subd. 3(c) alone are sufficient to negate the Commission’s determination of C-BED status. We ask that the Commission act now and either directly deny New Era’s request, or in the alternative, take no action to extend the Certificate of Need in-service date.

Respectfully submitted:



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