

Docket: 12-1246

Rule 7849 and Rule 7850

Comment by Marie McNamara

ORIGINAL COMMENTS: March 9, 2017 Hearing and,
AMMENDED and ADDITIONAL COMMENTS: May 8, 2017

Thank you for accepting this comment.

7849 Comments:

Every time citizens turn around, they hear the word, “stakeholder.” Sometimes the phrase “all stakeholders will be considered” is heard, but it doesn’t always truly include everyone.

For this reason, it is good to see that in 7849.1000 meeting notices will be sent out to a landowner list. This makes total sense to gather information for best outcomes and be inclusive to everyone with a stake. Minnesota landowners are raising food for our state and the nation, and are a big share of our successful economic engine.

The Department of Commerce has been a big cheerleader of the utility industry at the expense of citizens. I approve of sections in the rule stating that Commerce must explain alternatives and why alternatives would be deleted---instead of hitting “delete” as they have done. The suggestions for alternatives by the public must be considered. Thank you.

In section 7849.1530 there should be a longer comment period for the Environmental Report. Ten days is not enough time for citizens to send in, or the Commission to gather appropriate comments.

FREQUENTLY the state does NOT know what is in the out state area. The environmental surveys by county are not keeping up in real time with what the citizens know about their own private land areas. Allow more time for citizens who are unfamiliar with the procedures and the state regulatory Commission to have time to get VALUABLE INFORMATION to you. Without more time, it is easy to see how government “gets egg on their face” and all the decision-makers are gone/retired when the big problems crop up. Hind sight is often not pretty.

Thank you for putting it into rule that ALL the Agency Comments must be filed into the edockets. The public record can’t be a void of missing information that is vital to decisions.

Thank you for working to create more transparency and accountability with:

7849.0130 PROJECT NOTICE.

Thank you for including a radio press release requirement.

Subp. 5. Press release. An applicant must mail notice of the proposed project in the form of a press release to at least one radio station in each county where the proposed project will be located.

I ask that the first public meeting must also be part of the announcement.

In Subp. 5. Also list.

G. The first public meeting date and time for the proposed project.

F. will provide for information on all other public meetings.

This entire section with radio notice is extremely important to assist landowners who are in the barn working, or in the fields particularly during spring and fall.

7849.0210 FILING FEES AND PAYMENT SCHEDULE.

Re-number Subp. 3 to be Subp. 4.

Put in a new **Subp. 3.** Documentation of payment must be placed on the docket.

The re-numbered subp. 4 can say:

Subp. 4. The commission shall not issue its decision on the application until the outstanding set fee payments and additional billings are accepted, and documentation is filed on edockets under subparts 1, 2, and 3.

7849.0130 PROJECT NOTICE.

On page 30, 31: VERY IMPORTANT!!

7849.0320 GENERATING FACILITIES.

The applicant ~~shall~~ must provide the following information for each alternative that would involve construction of an LEGF:

‡ H. the potential sources and types of audible noise **and inaudible infrasound** attributable to operation of the facility;

It is IMPORTANT to recognize that various LEGF are sources of different types of noise that impacts human health.

Other states are revising their noise standards for LWECS which are Large Electrical Generating Facilities. Vermont Public Service Board THIS March, 2017 is revising standards to require night time noise standard of 35 dbA and day time noise standard of 42 dbA for LWECS.

MN needs to change our insufficient standard for LWECs to protect human health. This will require rulemaking sessions for updating Rule 7854.

In this section, to be consistent with other notices to the public ADD RADIO ANNOUNCEMENTS FOR THE PUBLIC HEARING ON THE ENVIRONMENTAL REPORT with SUBP. 5:

7849.1550 PUBLIC HEARING.

Subpart 1. **Public hearing.** After the department files the environmental report, the commission must hold a public hearing designed to encourage members of the public to express their views and comment on the application, as required under Minnesota Statutes, section 216B.243, subdivision 4.

Subp. 2. **Public hearing notice.** Notice of the hearing must be coordinated with the administrative law judge. The notice must include the time, date, and location of each hearing.

Subp. 3. **Notice recipients.** The notice must be sent to the project contact list, the public agency contact list, the landowner list, and the local and tribal government contact list.

Subp. 4. **Newspaper notice.** The applicant must publish notice of the public hearing in a legal newspaper of general circulation in the county in which the public hearing is to be held. The notice must be published at least 10 days before the date of the public hearing. The applicant must file a copy of the affidavit of publication with the commission within five days of receiving the affidavit.

Subp. 5. **Radio notice.** The applicant must mail notice of the public hearing on the environmental report in the form of a press release to at least one radio station in each county where the proposed project will be located.

7850 Comments:

In 7850.1000 Definitions.

Please consistently apply 116D.04 into all language regarding Environmental assessment. It seems to be missing or not stated that this applies to all parts regarding environmental assessment.

Thank you for all the parts that improve notification of landowners, adds notifications of alternatives or changes considered, and allows further comment or notice for a contested case.

Requiring people to be under oath at a contested case should always be done.

To add accountability, under:

7850.1800 PERMIT FEES.

Add:

Subp. 5. Payment documentation must be added to the docket.

7850.2570 PUBLIC HEARING.

And any other notice of public hearings, please add subparts to require radio notice in county or counties of the proposed project, particularly for the first public hearing of any part of the process. Providing contact information for the Commission staff to allow the public to gather more information is also appreciated and necessary.

Make public hearings absolutely a REQUIREMENT in the process, with required records and filing of comments by the public put onto the edockets.

ADDITIONAL COMMENTS:

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7849.0300. Currently states: “The applicant shall present a discussion of anticipated consequences to its system, neighboring systems, and the power pool...”

The Department of Commerce comments on a text change to delete “power pool” and refer to “Regional Transmission Organization” (RTO). I strongly urge the Commission to reflect on wording that will not give up authority towards appropriate considerations for Minnesotans. When wording is included that directs consideration of the RTO, it gives pause to whether this is more than a “big picture” view, or rather giving weight to regional desires that will negatively impact Minnesotans.

The Minnesota Public Utilities Mission states on the PUC website:

“The PUC's mission is to create and maintain a regulatory environment that ensures safe, reliable and efficient utility services at fair and reasonable rates. Minnesota Statutes [216A](#) - [216B](#) - [216E](#) - [216F](#) - [216G](#) - [216-217](#) - [237](#).”

Regardless of Federal wants, there may be no need to give up state authority to ensure safe, reliable and efficient utility services at fair and reasonable rates for Minnesotans.

I am trusting that the MINNESOTA Public Utilities Commission is standing firmly for the PEOPLE of Minnesota in establishing these rules.

REEMPHASIZING that **7849.0320 GENERATING FACILITIES**. Have wording added that includes both audible and inaudible noise.

“Just because you can’t taste the poison, doesn’t mean it won’t kill you.”

--family members and neighbors reviewing this section.

Enough associative impacts are established with Generating Facilities that we must do better in assessing real impacts. Bad behavior has been exhibited by particularly the wind industry and they have no accountability for misleading or wrong information! Make this section more complete because:

The Minnesota Pollution Control Agency (MPCA) has made comment before the MPUC stating that **current noise standards are NOT applicable to Wind turbines**.

Last, and very importantly, in section **7850.4400 Subp. 4 (b) (2)** highlighted below:

Subp. 4. **Prime farmland exclusion.** Use of prime farmland is subject to the following restrictions.

A. Except as set forth in B below, ~~N~~no large electric power generating plant site may be permitted where the developed portion of the plant site, excluding water storage reservoirs and cooling ponds, includes more than 0.5 acres of prime farmland per megawatt of net generating capacity, or where makeup water storage reservoir or cooling pond facilities include more than 0.5 acres of prime farmland per megawatt of net generating capacity, unless there is no feasible and prudent alternative. Economic considerations alone do not justify the use of more prime farmland. "Prime farmland" means those soils that meet the specifications of Code of Federal Regulations 1980, title 7, section 657.5, paragraph (a). These provisions do not apply to areas located within home rule charter or statutory cities; areas located within two miles of home rule charter or statutory cities of the first, second, and third class; or areas designated for orderly annexation under Minnesota Statutes, section 414.0325.

B. A solar-powered LEPGP is prohibited on prime farmland unless:

(1) the commission approves a farmland mitigation plan developed in consultation with the Minnesota department of agriculture; and

(2) at the time of the application, there is no local zoning ordinance prohibiting the construction of a solar-powered LEPGP on prime farmland.

In part (2):

(2) at the time of the application, there is no local zoning ordinance prohibiting the construction of a solar-powered LEPPG on prime farmland.

“...no local zoning ordinance prohibiting” doesn’t mean it is not being considered.

At the time of the application, there should be entered on the record whether there has been a demonstration of ordinance work or consideration thereof, AND if there has been a decision. (216F.081) The law clearly states that a decision by local authority must be considered.

Knowing first hand that the state needs much more input from local communities and jurisdictions to “get it right” with large projects (especially Wind projects and Solar projects) seeking sites on prime Ag land, this is a vitally important point. Please change “no local zoning ordinance prohibiting...” to wording that expresses “at the time of the application whether there is demonstration, consideration, or decision in local zoning ordinance...”

Thank you again very much for affording me the opportunity to comment.

Sincerely,

Marie McNamara
Goodhue, MN
May 8, 2017