Minnesota Public Utilities Commission

Docket: 12-1246 Reply Comment Period

May 31, 2017

To: Kate Kahlert, PUC Staff, and Rulemaking for R. 7849, R. 7850,
Dan Wolfe, PUC Executive Secretary,
And, Minnesota Public Utilities Commission

From: Marie McNamara, Goodhue, MN
Goodhue County

Reply Comment

Thank you very much for the opportunity to reply comment.

"Just because you can't taste the poison, doesn't mean it won't kill you."

Health concerns by the public must not be ignored by the Minnesota Public Utilities Commission. Health concerns must be carefully weighed. The purpose of the Commission is to regulate on behalf of the public. Once public health is impacted, lives are at stake. Correct standards and full examination under evenly laid out rules that consider impacts to everyone is imperative to Minnesota's health and prosperity.

I have been reading and paying particular attention to the other commenters in the power industry. I want to put into the record, that regarding Certificate of Need, there has been a consistent pattern of ignoring the question of need. Despite mandates, and demands or "warnings" by the power industry that something is needed, there should always be accurate measurement gathering and the truthful discussion on need and impacts. Do NOT eliminate measurements for capacity, demand, and need! Update and set criteria firmly in these rules for a fully informed decision by the Commission.

My community has many livestock operations and dairy farms using large amounts of electricity with their milking set-ups. Farming communities are sensitive to rate

increases they have seen climb. My rural community had personal experience for many years, peaking at 2008 to present day, with a particular burden from the AWA Goodhue Wind project. (A proposed large electrical generating facility--LWECS-with MPUC permits revoked 2013) A five year path to clarify health, environmental, and economic issues, as well as lack of need in this ONE instance alone points to A STAGGERING WASTE OF RESOURCES on a very bad project. Truthful, honest, and full evaluation MUST be done early. A "Quasi-judicial" body MUST have correct information and weigh all the factors. Large electrical generating facilities and transmission routes are terribly impactful on the public and that MUST be fully a part of the Certificate of Need and Siting process. Ignoring information from the public and information on need has meant BIG, COSTLY mistakes!

Please establish criteria for need in the rules, and allow comments on need throughout the process. Leave no stone unturned. Power industry "surety" on projects does not compare to value in discovery of the truth. Even after a Certificate of Need is given, comments need to be accepted. We're always hearing how global things are. Drop a pebble in North Korea or China or wherever, and the ripple is felt here. Nothing is static. And the surety the energy industry wants for their pre-planned projects planned to guarantee profit must not be at the expense of extreme burden on/stamping out other stakeholders. Good outcomes are bigger than that. Homes, private property, family farm operations, prime Ag land, irreplaceable species of wildlife, small thriving rural communities, and small hardworking businesses of a broad variety and contributing value in Minnesota are NOT being properly considered when it comes to determining need. We have to do better.

The Public wants their health and personal wealth (Minnesota families, homes, businesses and communities) given as much consideration as the large utilities that produce power through building and managing LEPGPs and transmission lines. Citizens who are living, operating businesses, and working in communities are Minnesota stakeholders providing valuable goods and services as much as the power industry. As the expression goes, "Which comes first, the chicken or the egg?" Minnesota has taxpayers working hard to make a stable society; many are families responsibly raising future taxpayers. The MPUC must make rules that don't tilt the playing field to unduly benefit the power industry. It is fact, the "renewable power" industry has written statutes and rules to give special benefit to their industry, wrongly excluding themselves from the Power Plant Siting Act.

Please strive to make R.7849 and R.7850 serve ALL Minnesotans and lower impacts.

On the issue of private utilities, they must be regulated as private. Public utilities operate differently, which is defined in statute. There is already enough eminent domain "taking" of private property by public utilities with no clear proof of need. Profit is not need, it is a want. Please keep the rules in line with the statutes regarding private companies.

Farmers who own and work this state's prime Ag land are a historic chain of many generations of people. Their farm experience and careful stewardship is fostered over many decades. Family farms and rural communities give careful stewardship to prime Minnesota Ag land producing quality food and feeding Minnesota and the nation. Because farmers have perishable products and are very focused on the physical work required every day, they are not normally organized to correct the record on Large Electrical Generating Plants and Transmission. I will never forget the shock our rural community had at the inaccuracies presented to the MPUC in the past by power companies and state agencies. Yet, they were taken as credible.

The Minnesota Public Utilities Commission must not disregard the importance of farmers. Rural people have a deep knowledge of their land and accurate information from working outside in the environment every day. This information has been ignored in the past, but is critical to the decision-making of the MPUC. That is why frequent and good notices are so important. With CapX, people by Cannon Falls were not given notice and never were able to comment. That is wrong, and it was never fixed. (Statute was set up for no reconsideration on error of no notice)

Neither should state agencies so blatantly promote Energy companies. This has been done with no proof of need, no accurate record at times, and great financial burden on farm families and small rural communities in Minnesota. This type of political policy directing for profit, to the exclusion of honesty, is wrong. Such steering to ignore information is unethical and in the long run bad for business.

Farmers, prime Ag Land, and Rural Communities are treasured resources that demand respect and consideration.

As to specifics, I reiterate:

In section **7850.4400 Subp. 4 (b) (2)** highlighted below, **STRIKE OUT B. 2.**

7850.4400 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

STRIKE OUT (2):

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

"…no local zoning ordinance" doesn't mean it's not being considered and work being done.

At the time of the application there should be required entry on the record whether there has been a demonstration of ordinance work or consideration thereof, AND if there has been a decision. In 216F.081 the law clearly states that **a decision by local authority must be considered.** Even upon earliest entry of an

application, it is not inconceivable a County can be considering AND working on an ordinance prior to and during required studies of the applicant and permits. I don't find the currently drafted 7850.4400 Subp. 4 B. (2) is based on law. This wording is an obvious hamstringing of the people's elected officials when full evaluation, studies, and even a permit decision may have been rendered by the state regulatory Commission. The Legislature had clear intent with 216.081 to give local government the opportunity to establish what is best in their community. ONE SIZE DOES NOT FIT ALL. Yet, the energy industry would have us believe that all sizes are a FIT FOR THEM. That is far from the truth.

IMPORTANT: MPUC Staff throughout the rulemaking for the past five years has asked for more information at the front end.

This is WRONG and BACKWARDS:

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

This is WRONG rulemaking. There is NO basis in statute for ignoring local ordinance work. This also applies to other LEPGP including LWECS on prime farmland.

Should read:

B. (2) All LEPGP are prohibited on prime farmland without determining whether there is local zoning ordinance in consideration or work process.

Also, thank you for keeping in all notices for ALL meetings and ALL hearings.

Continue to mention during all notices on meetings and hearings that there is the possibility that there may be an acquisition of land.

The State of Minnesota and MPUC must encourage conservation. If transmission lines and the grid are not full, take it as a plus that conservation is working. Despite more consumers, consumption is on a conservation path. Resources are not being over-consumed and wasted by desire for more profits.

Where possible and not stunted by lowered standards in statute, require EIS, and the filing of such environmental impact statements and environmental reports BEFORE public comment is closed. Having EIS and ER filed after public comment is a violation of **the intent of statute to give the public FULL PARTICIPATION.** Environmental Reviews are a lower bar and not complete enough for renewable energy projects.

I request that oral arguments be scheduled by the MPUC on this five-year rulemaking process for R.7849 and R.7850.

I further request that the MPUC ask staff to begin scheduling rulemaking for R.7854 which has a true lack of adequate Need and Siting criteria and standards surrounding LWECS.

I have read and wish to incorporate all comments by "Public Intervenors" into this comment for the reply comment period for R.7849 and R.7850.

Not having the resources of Excel Energy, and the other companies' legal staffs to spend paid time on more thoroughly reviewing the statutes and rules, I reserve the right to comment on any oversights in oral arguments. Having built a network of watchful eyes (including petition signers, commenters, hearing attendees, and intervenors in the past) from at least ten Minnesota counties, I will strive to bring forth more of their comments in oral arguments.

Thank you again.
Sincerely,

Marie McNamara