

**Minnesota Public Utilities Commission**  
*Staff Briefing Papers*

---

Meeting Date: August 10, 2017 .....Agenda Item \*\*3

Company: Freeborn Wind Farm, LLC

Docket No. IP-6946/WS-17-410

**In the Matter of the Application of Freeborn Wind Farm, LLC for a Large  
Wind Energy Conversion System Site Permit for the 84 MW Freeborn  
Wind Farm in Freeborn County**

Issues: Should the Commission accept the site permit application as substantially complete?

What procedural process should the Commission authorize for evaluation of the site permit application?

Should the Commission vary the time limits of its rules that relate to application completeness and draft permit issuance?

Staff: Michael Kaluzniak | 651-201-2257 | [mike.kaluzniak@state.mn.us](mailto:mike.kaluzniak@state.mn.us)

---

**Relevant Documents**

Site Permit Application (11 parts) .....June 15, 2017  
Notice of Comment Period .....June 21, 2017  
Public Comments (74 parts)..... July 3-6, 2017  
EERA Comments ..... July 6, 2017  
Public Reply Comments (30 parts)..... July 10-14, 2017  
Freeborn Wind Reply Comments ..... July 13, 2017  
Freeborn County Letter..... July 18, 2017

The attached materials are work papers of the Minnesota Public Utilities Commission staff. They are intended for use by the Commission and are based upon information already in the record unless noted otherwise.

This document can be made available in alternative formats (i.e., large print or audio) by calling 651-296-0406 (voice). Persons with hearing or speech disabilities may call us through their preferred Telecommunications Relay Service.

## Statement of the Issues

Should the Commission accept the site permit application as substantially complete?

What procedural process should the Commission authorize for evaluation of the site permit application?

Should the Commission vary the time limits of its rules that relate to application completeness and draft permit issuance?

### I. PROJECT DESCRIPTION

Freeborn Wind Energy LLC (Freeborn Wind, or Applicant), an affiliate of Invenergy, LLC, plans to develop an up to 200 megawatt Large Wind Energy Conversion System (LWECS) in Freeborn County in Minnesota and Worth County Iowa. Freeborn Wind has filed a site permit application with the Commission for the Minnesota portion of the project which is comprised of an up to 84-megawatt (MW) LWECS in Freeborn County. The project is located in Hayward, London, Oakland, and Shell Rock Townships. The project would include construction of up to 42 2.0-MW nameplate capacity wind turbines in Minnesota. The project would also include an electrical and fiber optic communication system, associated equipment, gravel access roads, buried electric collection lines, an operations and maintenance facility, a project substation, a permanent meteorological tower and an overhead transmission line. Freeborn Wind, LLC will file a separate high-voltage transmission line route permit application with the Commission as Docket #IP6946/TL-17-322.

The project boundary encompasses approximately 26, 273 acres, of which 17,435 acres are currently under lease in Minnesota. Freeborn Wind has indicated that additional lands may be secured under lease and/or easement as necessary to complete the project. Freeborn Wind has entered into a Purchase and Sale Agreement (PSA) with Xcel Energy and Invenergy Wind Development North America LLC. Under this PSA, Xcel Energy will purchase the project following permitting and prior to construction, and will construct, own, and operate the project. The Applicant has indicated they are not required to obtain Certificate of Need as the project has been selected through a bidding process approved by the Commission, as indicated in Minnesota Statute 216b.2422 subdivision 5.<sup>1</sup>

### II. PROCEDURAL HISTORY

On June 15, 2017, Freeborn Wind filed a site permit application for the project.

---

<sup>1</sup> The Commission considered Xcel Energy's request for approval of their Supplemental Wind Petition, including the Freeborn Wind Farm on July 6, 2017, PUC Docket Number E002/M-16-777.

On June 21, 2017, the Commission issued a notice that requested comments on: 1) whether the site permit application contained the information required under Minnesota Rules chapter 7854; 2) whether there are any contested issues of fact with respect to the representations made in the application; and 3) whether the application should be referred to the Office of Administrative Hearings for a contested case proceeding. Initial comments were accepted until July 6, 2017, and reply comments were accepted until July 13, 2017.

The Commission received approximately 114 public comments during the initial and reply comment periods.

On July 6, 2017, the Department of Commerce Energy Environmental Review and Analysis unit (Department or EERA) filed its comments and recommendations on the site permit application.

On July 13, 2017, the Applicant filed reply comments on completeness of the application.

### III. STATUTES AND RULES

**Large Energy Facility.** While the proposed project is defined as a large energy facility under Minn. Stat. § 216B.2421 because its combined capacity is over 50,000 kilowatts, it does not require a certificate of need from the Commission because it was selected in a Commission-approved competitive bidding process as allowed under Minn. Stat. § 216B.2422, Subd. 5.

**Large Wind Energy Conversion System.** The proposed project is defined as an LWECS under Minn. Stat. § 216F.01, subd. 2, because it has a combined nameplate capacity of 5 megawatts or more.

**Site Permit.** Under Minn. Stat. § 216F.04, no person may construct an LWECS without the issuance of a site permit by the Commission.

**Application Content Requirements.** An LWECS site permit application must include all the information required under Minn. R. 7854.0500.

**Application Distribution.** Minn. Rule 7854.0600, subpart 3 requires an applicant for a site permit to provide a copy of the accepted application to each landowner within the boundaries of the proposed LWECS site, as well as several local government offices. Note: An affected landowner is any landowner or designee that is within or adjacent to the proposed LWECS site boundary.

**Complete Applications.** Under Minn. R. 7854.0600, subp. 1, the Commission must make a determination on the substantial completeness of an application within 30 days after receipt of the application. The Commission may accept, conditionally accept or reject an application. If the Commission conditionally accepts or rejects an application, the Commission must advise the applicant of the deficiencies. The applicant may refile the revised application and the Commission

must again act on the application within 30 days after receipt.

**Procedural Treatment of Application.** Minn. R. 7854.0800, requires the Commission to make a preliminary determination on whether a site permit may be issued or should be denied within 45 days after acceptance of the application. If the preliminary determination is to issue a site permit, the Commission shall prepare a draft site permit. However, a draft site permit does not authorize an applicant to construct an LWECs. The Commission may change the draft site permit in any respect before final issuance or may deny the site permit. Minn. R. 7854.0900 requires the Commission, upon issuance of the draft site permit, to hold at least one public meeting, issue a notice, and provide a minimum of 30 days comment period in order to allow the public the opportunity to provide comments.

**Contested Case Hearing.** Under Minn. R. 7854.0900: 1) Any person may request that a contested case hearing be held on an application for a site permit for a proposed LWECs project; 2) The contested case hearing request must be filed within the time period established for submitting comments on the draft site permit; 3) The person requesting the hearing shall include, as part of the request, the issues to be addressed in the hearing and the reasons a hearing is required to resolve those issues; 4) 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 Commission in making a final determination on the site permit application; 5) The hearing must be conducted according to the rules of the Office of Administrative Hearings; and 6) The Commission shall identify the issues to be resolved and limit the scope and conduct of the hearing according to applicable law, due process, and fundamental fairness. Alternatively, the Commission may request the administrative law judge to identify the issues and determine the appropriate scope and conduct of the hearing according to applicable law, due process, and fundamental fairness.

**Final Decision.** Under 7854.1000, subp. 1, if a contested case hearing has been held, the Commission shall act according to applicable requirements for action in a contested case proceeding. If no contested case hearing has been held, the Commission shall compile the record that has been created and make a decision on the basis of that record.

**Timing.** Under 7854.1000, subp. 2, the Commission shall approve or deny a site permit for an LWECs within 180 days after acceptance of the application, unless the applicant agrees to an extension or the Commission extends the deadline for cause.

**Variations.** Under Minn. R. 7829.3200, subp. 1, the Commission is authorized to grant a variance to its rules if it determines that: 1) enforcement of the rule would impose an excessive burden upon the applicant or others affected by the rule; 2) granting the variance would not adversely affect the public interest; and 3) granting the variance would not conflict with standards imposed by law.

#### **IV. COMMENTS ON APPLICATION AND PROCEDURAL MATTERS**

##### **A. Department of Commerce Comments**

Department staff indicated that it had reviewed the site permit application in relation to the content requirements of Minn. Rules, Chapter 7854. The Department concluded that the Application provides sufficient information to begin the site permit review process. Department staff requested the Commission to direct the Applicant to honor requests for additional information as necessary to facilitate the review process and development of a draft Site Permit.

The Department indicated that two items should be addressed before the Commission makes its preliminary determination on issuance of a draft site permit. As a point of clarification, the Department noted that the table in Section 5.1.1 (General Setback Considerations) of the Application should indicate that the Site Permit Conditions will consider Public Conservation Lands as non-participating landowners but also subject to up to 5 times the rotor diameter setback depending on the location of the lands in relation to the location of the turbine. The Department also noted that the application does not meet some of the standards of the Freeborn County Ordinance. Specifically, Turbine 31 appears closer than three rotor diameters from what is identified as a type III wetland. Additionally, Appendix C identified four non-participating homes that are expected to receive more than 30 hours of shadow flicker per year.

Department staff recommended the Commission accept the Application as complete with the understanding that the permitting process will not progress to the preliminary determination on a draft site permit step until the compliance issues regarding Freeborn County Ordinance and the general setback considerations have been further developed with the Applicant and Freeborn County staff

Department staff recommended that the Commission delay the decision on whether to refer the project to the Office of Administrative Hearings (OAH) for a contested case hearing until the draft site permit stage.

The Department will continue to evaluate these issues during the Site Permit Application review process, and also coordinate with the Applicant and Freeborn County staff to ensure these issue are appropriately addressed and resolved prior to development of the preliminary Draft Site Permit.

The Department also requested a rule variance to the procedural requirements of Minn. Rule 7854.0800, which requires a preliminary determination on whether to issue a site permit within 45 days of application acceptance. The Department believes that the conditions for a variance have been met in order to provide additional time to accommodate a public informational meeting, and to allow interested persons time to comment on the application and issues to be considered in development of a draft site permit for the Project.

---

**B. Public Comments**

The Commission received approximately 114 separate public comments during the comment and reply periods. The majority of public comments identified impacts of the project and recommended that the Commission reject the application due to factually inaccurate or missing information. The comments received included the following topics: health effects, mapping, land acquisition shadow flicker, avian and bat impacts, noise, property values, setback values and changes to quality of life. Some comments allege the existence of unidentified eagle nests within the project footprint. Most of the public comments recommended that the Commission not accept the application as complete. Additionally, several commenters asserted that the Applicant made misrepresentations in its interactions related to landowner participation.

The Association of Freeborn Landowners (AFL), an informal association of landowners in and adjacent to the project, filed a petition for a contested case on July 6, 2017. The AFL stated that there are many substantive omissions with the application and that the matter should be held in abeyance until the content requirements have been addressed.

Several comments from members of the public and communication representatives expressed concerns regarding potential disruptions to television, radio and microwave services. One commenter noted that the microwave study in Appendix D to the application did not include an analysis based on turbine locations and that many viewers of KAAL TV, LLC (KAAL) in the project area would experience substantial loss of over the air signal quality. KIMT TV of Mason City Iowa, requested that the Commission withhold consideration of the plans for 90 days to allow discussions with Invenergy about project impacts before proceeding.

**C. Freeborn County Letter**

Freeborn County notified the Commission on July 13, 2017 that its Board had adopted a resolution expressing a preference for a 1,500 foot setback for the portion of the Freeborn Wind Project located in Minnesota, consistent with the setback being voluntarily applied by Invenergy, LLC to the portion of the project located in Iowa.

**D. Freeborn Wind Reply Comments**

In their reply comments, Freeborn Wind agreed with Department staff's conclusion that the application provides the requisite information to proceed with the review process.

Freeborn Wind noted that the two concerns in the Department's comments were not related to the question of completeness. The Applicant agreed that one turbine is currently sited 2.9 rotor diameters from a Type III wetland, less than the three rotor diameter setback required by Freeborn County Ordinance 26-51. The applicant maintains that, while this is not relevant to the completeness determination, good cause exists for the Commission not to strictly apply the three rotor setback for reasons contained in its application.

Freeborn Wind noted that, while numerous public comments were filed, they generally focused upon potential impacts of the project and none identified any failure to provide the required application information. The Applicant noted that the comments received were generally requests for information, allegations of new facts related to environmental conditions and assertions that the project doesn't meet certain requirements unrelated to completeness.

Freeborn Wind asserted that the shadow flicker studies were done using conservative assumptions and that it will ensure that non-participating landowners will not experience shadow flicker more than 30 hours per year.

In response to comments from KAAL, Freeborn Wind provided an updated Microwave Study that considered the currently proposed locations of turbines, and found that none of the proposed turbines was found to have potential obstruction with the microwave systems in the area.

The Applicant also provided a summary of new and previously-conducted area raptor nest surveys and maintains that none of the locations contains an active eagle nest.

Freeborn Wind requested the Commission refer the matter to the Office of Administrative Hearings for a contested case in order to develop a robust record for the Commission's consideration.

## **V. STAFF DISCUSSION**

Staff emphasizes that the questions before the Commission are those identified above; namely, should the Commission accept the site permit application as substantially complete, what procedural process should the Commission authorize for evaluation of the site permit application, and should the Commission vary the time limits of its rules that relate to application completeness and draft permit issuance.

Additionally, staff wishes to clarify that easement and participation agreements are private contracts between a landowner and a developer. As such, the Commission does not involve itself with negotiations between landowners and utilities and has no authority over the land rights acquisition process.

### **A. Application Completeness**

Before acting on a site permit application for an LWECs, the Commission must first determine whether the application is substantially complete. To be considered substantially complete, the application must include sufficient information as required under Minn. R. 7854.0500 to begin the review process. This requirement includes information on applicant background, certificate of need compliance, compliance with state policy, proposed site maps, wind characteristics, discussion of wind rights, project design including associated facilities, environmental impacts, project construction and operation, costs, schedules, energy projections, restoration, and decommissioning.

Staff has reviewed the site permit application and the comments received in this matter. Staff agrees with the Department that the application meets the content requirements and that the Commission should find the application to be substantially complete.

Staff notes that the public comments received, while significant and important, did not identify compelling reasons as to why the review process could not proceed at this time.

## **B. Procedural Treatment**

Once found to be substantially complete, the Commission must determine the proper procedural treatment of a site permit application.

Staff believes that material issues of fact have been raised and therefore a contested case hearing is appropriate. Staff recommends that the matter be forwarded to the Office of Administrative Hearings for a contested case proceeding and public hearing to be conducted by an Administrative Law Judge.

In response to concerns raised by Department staff and members of the public related to the timing of the a referral to the Office of Administrative Hearings, staff recommends that the Commission request the ALJ identify the issues and determine the appropriate scope and conduct of the hearing according to applicable law, due process and fundamental fairness per Minnesota Rule 7854.0900, subp. 5(c).

In the interest of process efficiency, staff recommends that the ALJ consider all timely comments received when developing proposed conditions to be included in a site permit and evaluating the merits of the application.

In the alternative, the Commission has elected, in certain previous siting proceedings, to request by order, the appointment of an administrative law judge and request specific procedural elements for the public hearing to facilitate record development in the site permit matter. For example the Commission has ordered the following:

- Request that the administrative law judge conduct the public hearing in accordance with Minn. R. 7854.3800, subp. 2 to 4, and as the administrative judge determines appropriate, Minn. R. 1405.0500; 1405.0600; 1405.0800; 1405.1900; and 1405.2200.
- Direct that intervention as a party is not required. Parties to the proceeding are the Department of Commerce and the Applicant. Other persons may participate as public participants or as otherwise prescribed.
- Direct staff to contact state agencies to participate in the review process in accordance with Minn. Stat. § 216E.10, subd. 3.
- Request that the administrative law judge establish the types of filings necessary to



facilitate proper record development (e.g., testimony, briefs, reply briefs, proposed findings and site permit recommendations) and a schedule for submitting those filings at a prehearing conference in accordance with Minn. R. 1405.1100.

- Request that the administrative law judge assigned to the matter emphasize the statutory time frame for the Commission to make final decisions on the application and encourage the Applicant and others to adhere to a schedule that conforms to the statutory timeframe.
- Request that the administrative law judge ask the Applicant and others to address whether the proposed LWECS project meets the criteria established under Minnesota Statutes chapter 216F and Minnesota Rules chapter 7854.
- Request that the administrative law judge prepare a report setting forth findings of fact, conclusions of law, and recommendations on the merits of the LWECS site permit application, and provide recommendations regarding appropriate conditions and provisions of the proposed site permit.
- Direct that the hearing record be maintained through the Commission's electronic e-Dockets filing system.

In either instance, staff recommends that the Commission include the following administrative items as part of its order to further facilitate the review process:

- Delegate administrative authority, including timing issues, to the Executive Secretary.
- Provide the name, telephone number, and email address of the Commission's public advisor who will facilitate citizen participation in the process: Kevin George, (651) 201-2251, or [publicadvisor.puc@state.mn.us](mailto:publicadvisor.puc@state.mn.us).
- Request that the Department continue to study the issues and indicate during the hearing process through testimony or comment its position on the reasonableness of granting a site permit for the project.
- Request that the Department conduct a public information meeting to collect information from the public and others to prepare a draft site permit for the Commission's consideration.
- Require the Applicant to facilitate in every reasonable way the continued examination of the issues requested by the Department and Commission staff.
- Require the Applicant to place a print or electronic copy of the site permit application in the government center and/or public library located closest to the proposed project site.
- Direct the Applicant to work with Commission staff and the administrative law judge to arrange for publication of the notice of hearing in newspapers of general circulation at

least ten days prior to the hearing, that such notice be in the form of visible display ads, and that proof of publication be obtained from the newspapers selected.

- Direct that all noticing requirements in these matters provided for under Minnesota Statutes chapter 216F and Minnesota Rules chapter 7854 include delivery to all affected landowners. An affected landowner is any landowner or designee that is within or adjacent to the proposed LWECS site boundary.

### C. Proposed Schedule for Application Review

Staff has prepared a preliminary schedule in consultation with the Department for planning purposes. The preliminary schedule includes the addition of a public information meeting to solicit input on development of the draft site permit.

#### **PRELIMINARY SCHEDULE LWECS Site Permit Processes**

<b>Process</b>	<b>Date(s)</b>
Application Submitted	June 15, 2017
Completeness Notice	June 21, 2017
Application Acceptance	August 2017
Public Information Meeting	Mid- September 2017
Comment Period on Draft Permit Issues closes	14+ days after PI Meeting
EERA Proposes Preliminary Draft Site Permit	October 3, 2017
Commission Order Issuing Draft Site Permit (DSP)	October 2017
Public Hearing	November 2017
Comment Period on the Merits of the DSP Closes	November 2017
Applicant's Proposed Findings of Fact and Conclusions	December 2017
EERA & Parties Comments & Recommendations	Mid-December 2017
ALJ Report	Late December 2017
Exceptions to ALJ Report	Early January 2018
PUC Decision	Early February 2017

Staff emphasizes that the preliminary schedule is subject to change as necessary to develop a complete record, and/or by direction of the administrative law judge. To ensure orderly development of the record and to enable more certainty in scheduling, staff recommends that the administrative law judge schedule the first prehearing conference to occur after the time of the close of the public comment period following the public information meeting on development of the draft site permit.

#### **D. LWECS Site Permit Template**

A Generic LWECS site permit template is included as Attachment A to provide interested persons an opportunity to review typical permit language and provide suggestions of additional language and special conditions specific to the proposed project at an early stage in the review process. Having a generic permit template will allow for greater discussion and will provide a foundation to build on during development of the draft site permit and the hearing process.

#### **E. Completeness Review**

Minnesota Rule 7854.0600, subp. 1, requires the Commission to make a decision on the completeness of a site permit application within 30 days of its filing. A timeline of 30 days did not allow sufficient time to review the application, solicit comments, schedule a Commission meeting and prepare a written order. Staff requests a variance of this rule and believes the requisite in Minn. Rule 7829.3200, subp. 1 for authorization of a variance to its rules are met as follows:

- 1) Enforcing the 30-day time frame would impose an excessive burden upon the public and upon the Commission and the Department because it would not allow adequate time to review the application, schedule a Commission meeting, and prepare a written order;
- 2) Varying the 30-day time frame would not adversely affect the public interest. Varying the 30-day time frame would instead serve the public interest by allowing more time for public comment on, and Commission consideration of, the application; and
- 3) Varying the 30-day time frame would not conflict with any standards imposed by law.

#### **F. Draft Permit Issuance**

In addition, Minn. R. 7854.0800, subp. 1, requires the Commission to make a preliminary determination whether a permit may be issued or should be denied within 45 days after the acceptance of the site permit application. If the preliminary determination is to issue a permit, the Commission prepares a draft site permit for purpose of further review. Staff does not believe the 45-day time period allows for sufficient time to conduct a public information meeting, provide for a comment period on issues to be considered in a draft site permit, and prepare a proposed draft site permit for Commission consideration. Therefore, staff believes there is good cause for the Commission to vary the time limit. Staff believes the conditions outlined in Minn. Rule 7829.3200, subp. 1, authorizing the Commission to grant a variance to its rules are met as follows:

- 1) Enforcing the 45-day time frame would impose an excessive burden upon the public and upon the Commission and the Department because it would not allow adequate time to schedule and hold public information meetings, provide for an adequate public comment period, prepare a draft site permit, schedule a Commission meeting, and prepare a written order;

- 2) Varying the 45-day time frame would not adversely affect the public interest. Varying the 45-day time frame would instead serve the public interest by allowing more time for public comment on issues to be considered in a draft site permit; and
- 3) Varying the 45-day time frame would not conflict with any standards imposed by law.

## **DECISION ALTERNATIVES**

### **A. Application Completeness**

1. Accept the site permit application as substantially complete.
2. Reject the site permit application and indicate the specific deficiencies.
3. Take some other action deemed more appropriate.

### **B. Procedural Treatment**

1. Request that an administrative law judge from the Office of Administrative Hearings preside over the hearing and prepare a summary of public comments.
2. Refer the matter to the Office of Administrative Hearings for a contested case proceeding and public hearing to be conducted by an Administrative Law Judge.
3. Request the Administrative Law Judge identify the issues and determine the appropriate scope and conduct of the hearing according to applicable law, due process and fundamental fairness.
4. Request that the Administrative Law Judge consider timely comments received to date in evaluating the merits of the application.
5. Request that the Administrative Law Judge schedule the first prehearing conference to convene after the time of the close of the public comment period following the public information meeting.
6. Request that an administrative law judge from the Office of Administrative Hearings preside over the hearing and:
  - a. conduct the public hearing in accordance with Minn. R. 7850.3800, subp. 2 to 4, and as the administrative judge determines appropriate, Minn. R. 1405.0500; 1405.0600; 1405.0800; 1405.1900; and 1405.2200;
  - b. direct that intervention as a party is not required. Parties to the proceeding are

the Department of Commerce and the Applicant. Other persons may participate as public participants or as otherwise prescribed;

- c. direct that state agencies participate in accordance with Minn. Stat. § 216E.10, subd. 3.
  - d. establish the types of filings necessary to facilitate proper record development (e.g., testimony, briefs, reply briefs, proposed findings and site permit recommendations) and a schedule for submitting those filings through the scheduling of a prehearing conference in accordance with Minn. R. 1405.1100, as determined appropriate;
  - e. emphasize the statutory time frame for the Commission to make final decisions on the application and encourage the Applicant and others to adhere to a schedule that conforms to the statutory timeframe;
  - f. ask the Applicant and others to address whether the proposed LWECS project meets the criteria established under Minnesota Statutes chapter 216F and Minnesota Rules chapter 7854;
  - g. prepare a report setting forth findings of fact, conclusions of law, and recommendations on the merits of the LWECS site permit application, and provide recommendations, if any, on conditions and provisions of the proposed site permit; and
  - h. direct that the hearing record be maintained through the Commission's electronic e-Dockets filing system.
7. Take some other action deemed more appropriate.

### **C. Administrative Responsibilities**

1. Delegate administrative authority, including timing issues, to the Executive Secretary.
2. Adopt the administrative items necessary to facilitate the review process as included on pages 6-7 of this briefing paper.
3. Provide the name, telephone number, and email address of the Commission's public advisor who will to facilitate citizen participation in the process: Kevin George, (651) 201-2251, [public\\_advisor.puc@state.mn.us](mailto:public_advisor.puc@state.mn.us).
4. Request that the Department continue to study the issues and indicate during the hearing process through testimony or comment its position on the reasonableness of granting a site permit.

5. Require the Applicant to facilitate in every reasonable way the continued examination of the issues requested by the Department and Commission staff.
6. Require the Applicant to place a print or electronic copy of the site permit application in the government center or public library located closest to the proposed project site.
7. Direct the Applicant to work with Commission staff and the administrative law judge to arrange for publication of the notice of hearing in newspapers of general circulation at least ten days prior to the hearing, that such notice be in the form of visible display ads, and that proof of publication be obtained from the newspapers selected.
8. Direct that all noticing requirements in these matters provided for under Minnesota Statutes chapter 216F and Minnesota Rules chapter 7854 include delivery to all affected landowners and to distribute the accepted application to the Minnesota Historical Society, any regional development commission(s) within which the LWECS is proposed to be located, the auditor of each county, and the clerk of each city and township in which the LWECS is proposed to be located. An affected landowner is any landowner or designee that is within or adjacent to the proposed LWECS site boundary.

#### **D. Rule Variances**

1. Vary Minn. R. 7854.0600, subp. 1, and extend the 30-day time frame for Commission decision on application completeness.
2. Vary Minn. R. 7854.0800, subp. 1, and extend the 45-day time frame for Commission decision on the issuance of a draft site permit.
3. Take some other action deemed more appropriate.

**Staff Recommendation:** A1, B (2-5), C (1-8), D1, and D2

STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

SITE PERMIT FOR A  
LARGE WIND ENERGY CONVERSION SYSTEM

IN

[COUNTY]

ISSUED TO

[PERMITTEE]

PUC DOCKET NO. [Docket Number]

In accordance with the requirements of Minnesota Statutes Chapter 216F and Minnesota Rules Chapter 7854, this site permit is hereby issued to:

[Permittee]

The Permittee is authorized by this site permit to construct and operate [Provide a short description of the project authorized by the Minnesota Public Utilities Commission]. The Large Wind Energy Conversion System and associated facilities shall be built within the site identified in this permit and as portrayed on the official site maps, and in compliance with the conditions specified in this permit.

This site permit shall expire thirty (30) years from the date of this approval.

Approved and adopted this \_\_\_\_ day of \_\_\_\_\_

BY ORDER OF THE COMMISSION

---

Daniel P. Wolf,  
Executive Secretary

# CONTENTS

1.0	SITE PERMIT .....	1
1.1	Preemption .....	1
2.0	PROJECT DESCRIPTION.....	1
2.1	Associated Facilities .....	1
2.2	Project Location .....	1
3.0	DESIGNATED SITE.....	1
3.1	Turbine Layout.....	1
4.0	SETBACKS AND SITE LAYOUT RESTRICTIONS .....	2
4.1	Wind Access Buffer.....	2
4.2	Residences.....	2
4.3	Noise .....	2
4.4	Roads.....	3
4.5	Public Lands.....	3
4.6	Wetlands .....	3
4.7	Native Prairie .....	3
4.8	Sand and Gravel Operations .....	4
4.9	Wind Turbine Towers .....	4
4.10	Turbine Spacing.....	4
4.11	Meteorological Towers .....	4
4.12	Aviation.....	4
4.13	Footprint Minimization.....	5
5.0	GENERAL CONDITIONS .....	5
5.1	Notification .....	5
5.2	Construction and Operation Practices.....	5
5.2.1	Field Representative.....	6
5.2.2	Site Manager .....	6
5.2.3	Employee Training and Education of Permit Terms and Conditions .....	6
5.2.4	Topsoil Protection.....	6
5.2.5	Soil Compaction.....	7
5.2.6	Soil Erosion and Sediment Control.....	7
5.2.7	Wetlands .....	7
5.2.8	Vegetation Management .....	8
5.2.9	Application of Pesticides .....	8
5.2.10	Invasive Species.....	8
5.2.11	Noxious Weeds .....	8
5.2.12	Public Roads .....	8



5.2.13	Turbine Access Roads.....	9
5.2.14	Private Roads .....	9
5.2.15	Archaeological and Historic Resources .....	9
5.2.16	Interference .....	10
5.2.17	Livestock Protection .....	10
5.2.18	Fences .....	10
5.2.19	Drainage Tiles.....	10
5.2.20	Equipment Storage.....	11
5.2.21	Restoration .....	11
5.2.22	Cleanup .....	11
5.2.23	Pollution and Hazardous Waste.....	11
5.2.24	Damages.....	11
5.2.25	Public Safety .....	12
5.2.26	Tower Identification.....	12
5.2.27	Federal Aviation Administration Lighting.....	12
5.3	Communication Cables.....	12
5.4	Electrical Collector and Feeder Lines.....	12
5.5	Other Requirements .....	13
5.5.1	Safety Codes and Design Requirements.....	13
5.5.2	Other Permits and Regulations .....	13
6.0	SPECIAL CONDITIONS.....	13
7.0	SURVEYS AND REPORTING.....	13
7.1	Biological and Natural Resource Inventories .....	13
7.2	Shadow Flicker .....	14
7.3	Wake Loss Studies.....	14
7.4	Noise Studies .....	14
7.5	Avian and Bat Protection.....	15
7.5.1	Avian and Bat Protection Plan.....	15
7.5.2	Quarterly Incident Reports.....	15
7.5.3	Immediate Incident Reports.....	15
8.0	AUTHORITY TO CONSTRUCT LWECs.....	16
8.1	Wind Rights .....	16
8.2	Power Purchase Agreement .....	16
8.3	Failure to Commence Construction .....	17
9.0	COMPLAINT PROCEDURES .....	17
10.0	COMPLIANCE REQUIREMENTS.....	17
10.1	Pre-Construction Meeting.....	17

10.2	Pre-Operation Meeting.....	17
10.3	Site Plan .....	18
10.4	Status Reports .....	19
10.5	Notification to the Commission.....	19
10.6	As-Builts .....	19
10.7	GPS Data.....	19
10.8	Project Energy Production .....	19
10.9	Wind Resource Use.....	20
10.10	Emergency Response .....	20
10.11	Extraordinary Events .....	20
11.0	DECOMMISSIONING, RESTORATION, AND ABANDONMENT.....	20
11.1	Decommissioning Plan .....	20
11.2	Site Restoration.....	21
11.3	Abandoned Turbines.....	21
12.0	COMMISSION AUTHORITY AFTER PERMIT ISSUANCE.....	22
12.1	Final Boundaries .....	22
12.2	Expansion of Site Boundaries .....	22
12.3	Periodic Review .....	22
12.4	Modification of Conditions.....	22
12.5	More Stringent Rules .....	22
12.6	Right of Entry .....	22
12.7	Proprietary Information .....	23
13.0	PERMIT AMENDMENT.....	23
14.0	TRANSFER OF PERMIT .....	23
15.0	REVOCATION OR SUSPENSION OF PERMIT .....	24
16.0	EXPIRATION DATE.....	25

**ATTACHMENTS**

Official Site Permit Maps

Attachment A - Complaint Procedures for Permitted Energy Facilities

Attachment B - Compliance Filing Procedures for Permitted Energy Facilities

## 1.0 SITE PERMIT

The Minnesota Public Utilities Commission (Commission) hereby issues this site permit to [Permittee Name] (Permittee) pursuant to Minnesota Statutes Chapter 216F and Minnesota Rules Chapter 7854. This permit authorizes the Permittee to construct and operate the [Project Name] (Project), a [number] megawatt (MW) nameplate capacity Large Wind Energy Conversion System (LWECS) and associated facilities in [county name]. The LWECS and associated facilities shall be built within the site identified in this permit and as identified in the attached official site permit map(s), hereby incorporated into this document.

### 1.1 Preemption

Pursuant to Minn. Stat. § 216F.07, this permit shall be the sole site approval required for the location, construction, and operation of this project and this permit shall supersede and preempt all zoning, building, and land use rules, regulations, and ordinances adopted by regional, county, local, and special purpose governments.

## 2.0 PROJECT DESCRIPTION

[Provide a description of the project as authorized by the Minnesota Public Utilities Commission]

### 2.1 Associated Facilities

### 2.2 Project Location

The project is located in the following:

County	Township Name	Township	Range	Section

## 3.0 DESIGNATED SITE

The site designated by the Commission for the [Project Name] is the site depicted on the official site permit maps attached to this permit. [As applicable, provide a detailed description of the authorized site.]

### 3.1 Turbine Layout

The preliminary wind turbine and associated facility layouts are shown on the official site maps attached to this permit. The preliminary layout represents the approximate location of wind turbines and associated facilities within the project boundary and identifies a layout that seeks to minimize the overall potential human and environmental impacts of the project, which were evaluated in the permitting process.

The final layout depicting the location of each wind turbine and associated facility shall be located within the project boundary. The project boundary serves to provide the Permittee with the flexibility to make minor adjustments to the preliminary layout to accommodate requests by landowners, local government units, federal and state agency requirements, and unforeseen conditions encountered during the detailed engineering and design process. Any modification to the location of a wind turbine and associated facility depicted in the preliminary layout shall be done in such a manner to have comparable overall human and environmental impacts and shall be specifically identified in the site plan pursuant to Section 10.3.

#### **4.0 SETBACKS AND SITE LAYOUT RESTRICTIONS**

##### **4.1 Wind Access Buffer**

Wind turbine towers shall not be placed less than five rotor diameters on the prevailing wind directions and three rotor diameters on the non-prevailing wind directions from the perimeter of the property where the Permittee does not hold the wind rights, without the approval of the Commission. This section does not apply to public roads and trails.

##### **4.2 Residences**

Wind turbine towers shall not be located closer than 1,000 feet from all residences or the distance required to comply with the noise standards pursuant to Minn. R. 7030.0040, established by the Minnesota Pollution Control Agency, whichever is greater.

##### **4.3 Noise**

The wind turbine towers shall be placed such that the Permittee shall, at all times, comply with noise standards established by the Minnesota Pollution Control Agency as of the date of this permit and at all appropriate locations. The noise standards are found in Minnesota Rules Chapter 7030. Turbine operation shall be modified or turbines shall be removed from service if necessary to comply with these noise standards. The Permittee or its contractor may install and operate turbines as close as the minimum setback required in this permit, but in all cases shall comply with Minnesota Pollution Control Agency noise standards. The Permittee shall be required to comply with this condition with respect to all homes or other receptors in place as of

the time of construction, but not with respect to such receptors built after construction of the towers.

#### **4.4 Roads**

Wind turbines and meteorological towers shall not be located closer than 250 feet from the edge of the nearest public road right-of-way.

#### **4.5 Public Lands**

Wind turbines and associated facilities including foundations, access roads, underground cable, and transformers, shall not be located in publicly-owned lands that have been designated for recreational or conservation purposes, including, but not limited to, Waterfowl Production Areas, State Wildlife Management Areas, Scientific and Natural Areas or county parks, except in the event that the public entity owning those lands enters into a land lease and easement with the Permittee. Wind turbines towers shall also comply with the setbacks of Section 4.1.

#### **4.6 Wetlands**

Wind turbines and associated facilities including foundations, access roads, underground cable and transformers, shall not be placed in public waters wetlands, as shown on the public water inventory maps prescribed by Minnesota Statutes Chapter 103G, except that electric collector or feeder lines may cross or be placed in public waters or public waters wetlands subject to permits and approvals by the Minnesota Department of Natural Resources and the United States Army Corps of Engineers, and local units of government as implementers of the Minnesota Wetlands Conservation Act.

#### **4.7 Native Prairie**

Wind turbines and associated facilities including foundations, access roads, collector and feeder lines, underground cable, and transformers shall not be placed in native prairie, as defined in Minn. Stat. § 84.02, subd. 5, unless addressed in a prairie protection and management plan and shall not be located in areas enrolled in the Native Prairie Bank Program. Construction activities, as defined in Minn. Stat. § 216E.01, shall not impact native prairie unless addressed in a prairie protection and management plan.

The Permittee shall prepare a prairie protection and management plan in consultation with the Minnesota Department of Natural Resources if native prairie, as defined in Minn. Stat. § 84.02, subd. 5, is identified within the site boundaries. The Permittee shall file the plan 30 days prior to submitting the site plan required by Section 10.3 of this permit. The plan shall address steps that

will be taken to avoid impacts to native prairie and mitigation to unavoidable impacts to native prairie by restoration or management of other native prairie areas that are in degraded condition, by conveyance of conservation easements, or by other means agreed to by the Permittee, the Minnesota Department of Natural Resources, and the Commission.

#### **4.8 Sand and Gravel Operations**

Wind turbines and all associated facilities, including foundations, access roads, underground cable, and transformers shall not be located within active sand and gravel operations, unless otherwise negotiated with the landowner.

#### **4.9 Wind Turbine Towers**

Structures for wind turbines shall be self-supporting tubular towers. The towers may be up to [number] meters ([number] feet) above grade measured at hub height.

#### **4.10 Turbine Spacing**

The turbine towers shall be constructed within the site boundary as shown in the official site maps. The turbine towers shall be spaced no closer than three rotor diameters in the non-prevailing wind directions and five rotor diameters on the prevailing wind directions. If required during final micro-siting of the turbine towers to account for topographic conditions, up to 20 percent of the towers may be sited closer than the above spacing but the Permittee shall minimize the need to site the turbine towers closer.

#### **4.11 Meteorological Towers**

Permanent towers for meteorological equipment shall be free standing. Permanent meteorological towers shall not be placed less than 250 feet from the edge of the nearest public road right-of-way and from the boundary of the Permittee's site control, or in compliance with the county ordinance regulating meteorological towers in the county the tower is built, whichever is more restrictive. Meteorological towers shall be placed on property the Permittee holds the wind or other development rights.

Meteorological towers shall be marked as required by the Federal Aviation Administration. There shall be no lights on the meteorological towers other than what is required by the Federal Aviation Administration. This restriction shall not apply to infrared heating devices used to protect the wind monitoring equipment.

#### **4.12 Aviation**

The Permittee shall not place wind turbines or associated facilities in a location that could create an obstruction to navigable airspace of public and private airports (as defined in Minn. R. 8800.0100, subp. 24(a) and 24(b)) in Minnesota, adjacent states, or provinces. The Permittee shall apply the minimum obstruction clearance for private airports pursuant to Minn. R. 8800.1900, subp. 5. Setbacks or other limitations shall be followed in accordance with the Minnesota Department of Transportation, Department of Aviation, and the Federal Aviation Administration. The Permittee shall notify owners of all known airports within six miles of the project prior to construction.

#### **4.13 Footprint Minimization**

The Permittee shall design and construct the LWECS so as to minimize the amount of land that is impacted by the LWECS. Associated facilities in the vicinity of turbines such as electrical/electronic boxes, transformers, and monitoring systems shall, to the greatest extent feasible, be mounted on the foundations used for turbine towers or inside the towers unless otherwise negotiated with the affected landowner.

### **5.0 GENERAL CONDITIONS**

The Permittee shall comply with the following conditions during construction and operation of the LWECS and associated facilities over the life of this permit.

#### **5.1 Notification**

Within 30 days of permit issuance, the Permittee shall send a copy of the permit and the complaint procedures to any regional development commission, county auditor and environmental office, and city and township clerk in which any part of the site is located. Within 30 days of permit issuance, the Permittee shall provide all affected landowners with a copy of this permit and the complaint procedures. In no case shall the landowner receive this site permit and complaint procedures less than five days prior to the start of construction on their property. The Permittee shall contact landowners prior to entering the property or conducting maintenance within the site, unless otherwise negotiated with the affected landowner.

#### **5.2 Construction and Operation Practices**

The Permittee shall comply with the construction practices, operation and maintenance practices, and material specifications described in the [Site Permit Application Date and Title], and the record of the proceedings unless this permit establishes a different requirement in which case this permit shall prevail.

### 5.2.1 Field Representative

The Permittee shall designate a field representative responsible for overseeing compliance with the conditions of this permit during construction of the project. This person shall be accessible by telephone or other means during normal business hours throughout site preparation, construction, cleanup, and restoration.

The Permittee shall file with the Commission the name, address, email, phone number, and emergency phone number of the field representative 14 days prior to commencing construction. The Permittee shall provide the field representative's contact information to affected landowners, residents, local government units and other interested persons 14 days prior to commencing construction. The Permittee may change the field representative at any time upon notice to the Commission, affected landowners, residents, local government units and other interested persons.

### 5.2.2 Site Manager

The Permittee shall designate a site manager responsible for overseeing compliance with the conditions of this permit during the commercial operation and decommissioning phases of the project. This person shall be accessible by telephone or other means during normal business hours for the life of this permit.

The Permittee shall file with the Commission the name, address, email, phone number, and emergency phone number of the site manager 14 days prior to commercial operation of the facility. The Permittee shall provide the site manager's contact information to affected landowners, residents, local government units and other interested persons 14 days prior to commercial operation of the facility. The Permittee may change the site manager at any time upon notice to the Commission, affected landowners, residents, local government units and other interested persons.

### 5.2.3 Employee Training and Education of Permit Terms and Conditions

The Permittee shall inform all employees, contractors, and other persons involved in the construction and ongoing operation of the LWECS of the terms and conditions of this permit.

### 5.2.4 Topsoil Protection

The Permittee shall implement measures to protect and segregate topsoil from subsoil on all lands unless otherwise negotiated with the affected landowner.



#### 5.2.5 Soil Compaction

The Permittee shall implement measures to minimize soil compaction of all lands during all phases of the project's life and shall confine compaction to as small an area as practicable.

#### 5.2.6 Soil Erosion and Sediment Control

The Permittee shall implement those erosion prevention and sediment control practices recommended by the Minnesota Pollution Control Agency Construction Stormwater Program.

If construction of the facility disturbs more than one acre of land, or is sited in an area designated by the Minnesota Pollution Control Agency as having potential for impacts to water resources, the Permittee shall obtain a National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Construction Stormwater Permit from the Minnesota Pollution Control Agency that provides for the development of a Stormwater Pollution Prevention Plan (SWPPP) that describes methods to control erosion and runoff.

The Permittee shall implement reasonable measures to minimize erosion and sedimentation during construction and shall employ perimeter sediment controls, protect exposed soil by promptly planting, seeding, using erosion control blankets and turf reinforcement mats, stabilizing slopes, protecting storm drain inlets, protecting soil stockpiles, and controlling vehicle tracking. Contours shall be graded as required so that all surfaces provide for proper drainage, blend with the natural terrain, and are left in a condition that will facilitate re-vegetation and prevent erosion. All areas disturbed during construction of the facilities shall be returned to pre-construction conditions.

#### 5.2.7 Wetlands

Construction in wetland areas shall occur during frozen ground conditions to minimize impacts, to the extent feasible. When construction during winter is not possible, wooden or composite mats shall be used to protect wetland vegetation. Soil excavated from the wetlands and riparian areas shall be contained and managed in accordance with all applicable wetland permits. Wetlands and riparian areas shall be accessed using the shortest route possible in order to minimize travel through wetland areas and prevent unnecessary impacts.

Wetland and water resource areas disturbed by construction activities shall be restored to pre-construction conditions, in accordance with all applicable wetland permits. Restoration of the wetlands will be performed by the Permittee in accordance with the requirements of applicable state and federal permits or laws and landowner agreements.

#### 5.2.8 Vegetation Management

The Permittee shall disturb or clear the project site only to the extent necessary to assure suitable access for construction, safe operation and maintenance of the project. The Permittee shall minimize the number of trees to be removed in selecting the site layout specifically preserving to the maximum extent practicable windbreaks, shelterbelts, living snow fences, and vegetation, to the extent that such actions do not violate sound engineering principles.

#### 5.2.9 Application of Pesticides

The Permittee shall restrict pesticide use to those pesticides and methods of application approved by the Minnesota Department of Agriculture, Minnesota Department of Natural Resources, and the U.S. Environmental Protection Agency. Selective foliage or basal application shall be used when practicable. All pesticides shall be applied in a safe and cautious manner so as not to damage adjacent properties including crops, orchards, tree farms, apiaries, or gardens. The Permittee shall contact the landowner or designee to obtain approval for the use of pesticide at least 14 days prior to any application on their property. The landowner may request that there be no application of pesticides on any part of the site within the landowner's property. The Permittee shall provide notice of pesticide application to affected landowners, and known beekeepers operating apiaries within three miles of the project site at least 14 days prior to such application.

#### 5.2.10 Invasive Species

The Permittee shall employ best management practices to avoid the potential spread of invasive species on lands disturbed by project construction activities. The Permittee shall develop an Invasive Species Prevention Plan to prevent the introduction and spread of invasive species on lands disturbed by project construction activities and file with the Commission 14 days prior to the pre-construction meeting.

#### 5.2.11 Noxious Weeds

The Permittee shall take all reasonable precautions against the spread of noxious weeds during all phases of construction. When utilizing seed to establish temporary and permanent vegetative cover on exposed soil, the Permittee shall select site appropriate seed certified to be free of noxious weeds. The Permittee shall consult with landowners on the selection and use of seed for replanting. To the extent possible, the Permittee shall use native seed mixes.

#### 5.2.12 Public Roads

At least 14 days prior to the pre-construction meeting, the Permittee shall identify all state, county, or township roads that will be used for the project and shall notify the Commission and the state, county, or township governing body having jurisdiction over the roads to determine if the governmental body needs to inspect the roads prior to use of these roads. Where practical, existing roadways shall be used for all activities associated with the project. Where practical, all-weather roads shall be used to deliver cement, turbines, towers, assembled nacelles, and all other heavy components to and from the turbine sites.

The Permittee shall prior to the use of such roads, make satisfactory arrangements with the appropriate state, county, or township governmental body having jurisdiction over roads to be used for construction of the project, for maintenance and repair of roads that may be subject to increased impacts due to transportation of equipment and project components. The Permittee shall notify the Commission of such arrangements upon request.

#### 5.2.13 Turbine Access Roads

The Permittee shall construct the least number of turbine access roads necessary to safely and efficiently operate the project and satisfy landowner requests. Access roads shall be low profile roads so that farming equipment can cross them and shall be covered with Class 5 gravel or similar material. Access roads shall not be constructed across streams and drainage ditches without required permits and approvals. When access roads are constructed across streams, drainage ways, or drainage ditches, the access roads shall be designed and constructed in a manner so runoff from the upper portions of the watershed can readily flow to the lower portion of the watershed. Any access roads that are constructed across streams or drainage ditches shall be designed and constructed in a manner that maintains existing fish passage. Access roads that are constructed across grassed waterways, which provide drainage for surface waters that are ephemeral in nature, are not required to maintain or provide fish passage. Access roads shall be constructed in accordance with all necessary township, county or state road requirements and permits.

#### 5.2.14 Private Roads

The Permittee shall promptly repair private roads or lanes damaged when moving equipment or when obtaining access to the site, unless otherwise negotiated with the affected landowner.

#### 5.2.15 Archaeological and Historic Resources

The Permittee shall make every effort to avoid impacts to identified archaeological and historic resources when constructing the LW ECS. In the event that a resource is encountered, the

Permittee shall contact and consult with the State Historic Preservation Office and the State Archaeologist. Where feasible, avoidance of the resource is required. Where not feasible, mitigation must include an effort to minimize project impacts on the resource consistent with State Historic Preservation Office and State Archaeologist requirements.

Prior to construction, workers shall be trained about the need to avoid cultural properties, how to identify cultural properties, and procedures to follow if undocumented cultural properties, including gravesites, are found during construction. If human remains are encountered during construction, the Permittee shall immediately halt construction at such location and promptly notify local law enforcement and the State Archaeologist. Construction at such location shall not proceed until authorized by local law enforcement and the State Archaeologist.

#### 5.2.16 Interference

At least 14 days prior to the pre-construction meeting, the Permittee shall submit to the Commission, an assessment of television and radio signal reception, microwave signal patterns, and telecommunications in the project area. The assessment shall be designed to provide data that can be used in the future to determine whether the turbines and associated facilities are the cause of disruption or interference of television or radio reception, microwave patterns, or telecommunications in the event residents should complain about such disruption or interference after the turbines are placed in operation. The Permittee shall be responsible for alleviating any disruption or interference of these services caused by the turbines or any associated facilities.

The Permittee shall not operate the project so as to cause microwave, television, radio, telecommunications, or navigation interference in violation of Federal Communications Commission regulations or other law. In the event the project or its operations cause such interference, the Permittee shall take timely measures necessary to correct the problem.

#### 5.2.17 Livestock Protection

The Permittee shall take precautions to protect livestock during all phases of the project's life.

#### 5.2.18 Fences

The Permittee shall promptly replace or repair all fences and gates removed or damaged during all phases of the project's life unless otherwise negotiated with the affected landowner. When the Permittee installs a gate where electric fences are present, the Permittee shall provide for continuity in the electric fence circuit.

#### 5.2.19 Drainage Tiles

The Permittee shall take into account, avoid, promptly repair or replace all drainage tiles broken or damaged during all phases of project's life unless otherwise negotiated with affected landowner.

#### 5.2.20 Equipment Storage

The Permittee shall not locate temporary equipment staging areas on lands under its control unless negotiated with affected landowner. Temporary equipment staging areas shall not be located in wetlands or native prairie as defined in Sections 4.6 and 4.7.

#### 5.2.21 Restoration

The Permittee shall, as soon as practical following construction of each turbine, restore the areas affected by construction to the condition that existed immediately before construction began, to the extent possible. The time period to complete restoration may be no longer than 12 months after completion of the construction, unless otherwise negotiated with the affected landowner. Restoration shall be compatible with the safe operation, maintenance and inspection of the project. Within 60 days after completion of all restoration activities, the Permittee shall advise the Commission in writing of the completion of such activities.

#### 5.2.22 Cleanup

All waste and scrap that is the product of construction shall be removed from the site and all premises on which construction activities were conducted and properly disposed of upon completion of each task. Personal litter, including bottles, cans, and paper from construction activities shall be removed on a daily basis.

#### 5.2.23 Pollution and Hazardous Waste

All appropriate precautions to protect against pollution of the environment shall be taken by the Permittee. The Permittee shall be responsible for compliance with all laws applicable to the generation, storage, transportation, clean up and disposal of all wastes generated during construction and restoration of the site.

#### 5.2.24 Damages

The Permittee shall fairly restore or compensate landowners for damage to crops, fences, private roads and lanes, landscaping, drain tile, or other damages sustained during construction.

#### 5.2.25 Public Safety

The Permittee shall provide educational materials to landowners adjacent to the site and, upon request, to interested persons about the project and any restrictions or dangers associated with the project. The Permittee shall also provide any necessary safety measures such as warning signs and gates for traffic control or to restrict public access. The Permittee shall submit the location of all underground facilities, as defined in Minn. Stat. § 216D.01, subd. 11, to Gopher State One Call following the completion of construction at the site.

#### 5.2.26 Tower Identification

All turbine towers shall be marked with a visible identification number.

#### 5.2.27 Federal Aviation Administration Lighting

Towers shall be marked as required by the Federal Aviation Administration. There shall be no lights on the towers other than what is required by the Federal Aviation Administration. This restriction shall not apply to infrared heating devices used to protect the wind monitoring equipment.

### 5.3 Communication Cables

The Permittee shall place all communication and supervisory control and data acquisition cables underground and within or adjacent to the land necessary for turbine access roads unless otherwise negotiated with the affected landowner.

### 5.4 Electrical Collector and Feeder Lines

Collector lines that carry electrical power from each individual transformer associated with a wind turbine to an internal project interconnection point shall be buried underground. Collector lines shall be placed within or adjacent to the land necessary for turbine access roads unless otherwise negotiated with the affected landowner.

Feeder lines that carry power from an internal project interconnection point to the project substation or interconnection point on the electrical grid may be overhead or underground. Feeder line locations shall be negotiated with the affected landowner. Any overhead or underground feeder lines that parallel public roads shall be placed within the public rights-of-way or on private land immediately adjacent to public roads. If overhead feeder lines are located within public rights-of-way, the Permittee shall obtain approval from the governmental unit responsible for the affected right-of-way.

Collector and feeder line locations shall be located in such a manner as to minimize interference with agricultural operations including, but not limited to, existing drainage patterns, drain tile, future tiling plans, and ditches. Safety shields shall be placed on all guy wires associated with overhead feeder lines. The Permittee shall submit the engineering drawings of all collector and feeder lines in the site plan pursuant to Section 10.3.

## **5.5 Other Requirements**

### **5.5.1 Safety Codes and Design Requirements**

The LWECS and associated facilities shall be designed to meet or exceed all relevant local and state codes, Institute of Electrical and Electronics Engineers, Inc. standards, the National Electric Safety Code, and North American Electric Reliability Corporation requirements. The Permittee shall report to the Commission on compliance with these standards upon request.

### **5.5.2 Other Permits and Regulations**

The Permittee shall comply with all applicable state rules and statutes. The Permittee shall obtain all required permits for the project and comply with the conditions of those permits unless those permits conflict with or are preempted by federal or state permits and regulations. A list of the permits known to be required is included in the permit application. At least 14 days prior to the preconstruction meeting, the Permittee shall submit a filing demonstrating that it has obtained such permits. The Permittee shall provide a copy of any such permit upon Commission request.

The Permittee shall comply with all terms and conditions of permits or licenses issued by the counties, cities, and municipalities affected by the project that do not conflict with or are not preempted by federal or state permits and regulations.

## **6.0 SPECIAL CONDITIONS**

Special conditions shall take precedence over other conditions of this permit should there be a conflict.

[Add Special Conditions in accordance with the record of the docket.]

## **7.0 SURVEYS AND REPORTING**

### **7.1 Biological and Natural Resource Inventories**

The Permittee, in consultation with the Commission and the Department of Natural Resources, shall design and conduct pre-construction desktop and field inventories of existing wildlife management areas, scientific and natural areas, recreation areas, native prairies and forests, wetlands, and any other biologically sensitive areas within the project site and assess the presence of state- or federally-listed or threatened species. The results of the inventories shall be filed with the Commission at least 30 days prior to the pre-construction meeting to confirm compliance of conditions in this permit. The Permittee shall file with the Commission, any biological surveys or studies conducted on this project, including those not required under this permit.

## **7.2 Shadow Flicker**

At least 14 days prior to the pre-construction meeting, the Permittee shall provide data on shadow flicker for each residence of non-participating landowners and participating landowners within and outside of the project boundary potentially subject to turbine shadow flicker exposure. Information shall include the results of modeling used, assumptions made, and the anticipated levels of exposure from turbine shadow flicker for each residence. The Permittee shall provide documentation on its efforts to avoid, minimize and mitigate shadow flicker exposure. The results of any modeling shall be filed with the Commission at least 14 days prior to the pre-construction meeting to confirm compliance with conditions of this permit.

## **7.3 Wake Loss Studies**

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission the pre-construction micro-siting analysis leading to the final tower locations and an estimate of total project wake losses. As part of the annual report on project energy production required under Section 10.8 of the permit the Permittee shall file with the Commission any operational wake loss studies conducted on this project during the calendar year preceding the report.

## **7.4 Noise Studies**

The Permittee shall file a proposed methodology for the conduct of a post-construction noise study at least 14 days prior to the pre-construction meeting. The Permittee shall develop the post-construction noise study methodology in consultation with the Department of Commerce. The study must incorporate the Department of Commerce Noise Study Protocol to determine the operating LWECS noise levels at different frequencies and at various distances from the turbines at various wind directions and speeds. The Permittee must conduct the post-construction noise study and file with the Commission the completed post-construction noise study within 18 months of commencing commercial operation.



## 7.5 Avian and Bat Protection

### 7.5.1 Avian and Bat Protection Plan

The Permittee shall comply with the provisions of the Avian and Bat Protection Plan (ABPP) submitted for this project [*on date or reference site permit application*], and revisions resulting from the annual audit of ABPP implementation. The first annual audit and revision will be filed with the Commission 14 days before the preconstruction meeting and revisions should include any updates associated with final construction plans. The ABPP must address steps to be taken to identify and mitigate impacts to avian and bat species during the construction phase and the operation phase of the project. The ABPP shall also include formal and incidental post-construction fatality monitoring, training, wildlife handling, documentation (e.g., photographs), and reporting protocols for each phase of the project.

The Permittee shall, by the 15th of March following each complete or partial calendar year of operation, file with the Commission an annual report detailing findings of its annual audit of ABPP practices. The annual report shall include summarized and raw data of bird and bat fatalities and injuries and shall include bird and bat fatality estimates for the project using agreed upon estimators from the prior calendar year. The annual report shall also identify any deficiencies or recommended changes in the operation of the project or in the ABPP to reduce avian and bat fatalities and shall provide a schedule for implementing the corrective or modified actions. The Permittee shall provide a copy of the report to the Minnesota Department of Natural Resources and to the U.S. Fish and Wildlife Service at the time of filing with the Commission.

### 7.5.2 Quarterly Incident Reports

The Permittee shall submit quarterly avian and bat reports to the Commission. Quarterly reports are due by the 15th of January, April, July, and October commencing the day following commercial operation and terminating upon the expiration of this permit. Each report shall identify any dead or injured avian and bat species, location of find by turbine number, and date of find for the reporting period in accordance with the reporting protocols. If a dead or injured avian or bat species is found, the report shall describe the potential cause of the occurrence (if known) and the steps taken to address future occurrences. The Permittee shall provide a copy of the report to the Minnesota Department of Natural Resources and to the U.S. Fish and Wildlife Service at the time of filing with the Commission.

### 7.5.3 Immediate Incident Reports

The Permittee shall notify the Commission, U.S. Fish and Wildlife Service, and the Minnesota Department of Natural Resources within 24 hours of the discovery of any of the following:

- (a) five or more dead or injured birds or bats within a five day reporting period;
- (b) one or more dead or injured state threatened, endangered, or species of special concern;
- (c) one or more dead or injured federally listed species, including species proposed for listing; or
- (d) one or more dead or injured bald or golden eagle(s).

In the event that one of the four discoveries listed above should be made, the Permittee must file with the Commission within seven days, a compliance report identifying the details of what was discovered, the turbine where the discovery was made, a detailed log of agencies and individuals contacted, and current plans being undertaken to address the issue.

## **8.0 AUTHORITY TO CONSTRUCT LWECS**

### **8.1 Wind Rights**

At least 14 days prior to the pre-construction meeting, the Permittee shall demonstrate that it has obtained the wind rights and any other rights necessary to construct and operate the project within the boundaries authorized by this permit. Nothing in this permit shall be construed to preclude any other person from seeking a permit to construct a wind energy conversion system in any area within the boundaries of the project covered by this permit if the Permittee does not hold exclusive wind rights for such areas.

### **8.2 Power Purchase Agreement**

In the event the Permittee does not have a power purchase agreement or some other enforceable mechanism for sale of the electricity to be generated by the project at the time this permit is issued, the Permittee shall provide notice to the Commission when it obtains a commitment for purchase of the power. This permit does not authorize construction of the project until the Permittee has obtained a power purchase agreement or some other enforceable mechanism for sale of the electricity to be generated by the project. In the event the Permittee does not obtain a power purchase agreement or some other enforceable mechanism for sale of the electricity to be generated by the project within two years of the issuance of this permit, the Permittee must advise the Commission of the reason for not having such commitment. In such event, the

Commission may determine whether this permit should be amended or revoked. No amendment or revocation of this permit may be undertaken except in accordance with Minn. R. 7854.1300.

### **8.3 Failure to Commence Construction**

If the Permittee has not completed the pre-construction surveys required under this permit and commenced construction of the project within two years of the issuance of this permit, the Permittee must advise the Commission of the reason construction has not commenced. In such event, the Commission shall make a determination as to whether this permit should be amended or revoked. No revocation of this permit may be undertaken except in accordance with applicable statutes and rules, including Minn. R. 7854.1300.

### **9.0 COMPLAINT PROCEDURES**

Prior to the start of construction, the Permittee shall submit to the Commission the procedures that will be used to receive and respond to complaints. The procedures shall be in accordance with the requirements of Minn. R. 7829.1500 or Minn. R. 7829.1700, and as set forth in the complaint procedures attached to this permit (Attachment A).

### **10.0 COMPLIANCE REQUIREMENTS**

Failure to timely and properly make compliance filings required by this permit is a failure to comply with the conditions of this permit. Compliance filings must be electronically filed with the Commission. Attachment B to this permit contains a summary of compliance filings, which is provided solely for the convenience of the Permittee. If this permit conflicts, or is not consistent with Attachment B, the conditions in this permit will control.

#### **10.1 Pre-Construction Meeting**

Prior to the start of any construction, the Permittee shall participate in a pre-construction meeting with the Department of Commerce and Commission staff to review pre-construction filing requirements, scheduling, and to coordinate monitoring of construction and site restoration activities. Within 14 days following the pre-construction meeting, the Permittee shall file with the Commission, a summary of the topics reviewed and discussed and a list of attendees. The Permittee shall indicate in the filing the construction start date.

#### **10.2 Pre-Operation Meeting**

At least 14 days prior to commercial operation of the facility, the Permittee shall participate in a pre-operation meeting with the Department of Commerce and Commission staff to coordinate

field monitoring of operation activities for the project. Within 14 days following the pre-operation meeting, the Permittee shall file with the Commission, a summary of the topics reviewed and discussed and a list of attendees.

### 10.3 Site Plan

At least 14 days prior to the pre-construction meeting, the Permittee shall provide the Commission, the Department and the [County in which site is located] Environmental Office with a site plan that includes specifications and drawings for site preparation and grading; specifications and locations of all turbines and other structures to be constructed including all electrical equipment, collector and feeder lines, pollution control equipment, fencing, roads, and other associated facilities; and procedures for cleanup and restoration. The documentation shall include maps depicting the site boundary and layout in relation to that approved by this permit. The Permittee shall document, through GIS mapping, compliance with the setbacks and site layout restrictions required by this permit, including compliance with the noise standards pursuant to Minnesota Rules Chapter 7030. At the same time, the Permittee shall notify affected landowners and city and town clerks that the site plan is on file with the Commission and the [County in which site is located] Environmental Office. The Permittee may submit a site plan and engineering drawings for only a portion of the project if the Permittee intends to commence construction on certain parts of the project before completing the site plan and engineering drawings for other parts of the project.

The Permittee may not commence construction until the 30 days has expired or until the Commission has advised the Permittee in writing that it has completed its review of the documents and determined that the planned construction is consistent with this permit. If the Permittee intends to make any significant changes to its site plan or the specifications and drawings after submission to the Commission, the Permittee shall notify the Commission, the Department, the [County in which site is located] Environmental Office, city and town clerks, and the affected landowners at least five days before implementing the changes. No changes shall be made that would be in violation of any of the terms of this permit.

In the event that previously unidentified human and environmental conditions are discovered during construction that by law or pursuant to conditions outlined in this permit would preclude the use of that site as a turbine site, the Permittee shall have the right to move or relocate turbine site. Under these circumstances, the Permittee shall notify the Commission, the Department, the Minnesota Pollution Control Agency, the Minnesota Department of Natural Resources, the [County in which site is located] Environmental Office, city and town clerks, and the affected landowners of any turbines that are to be relocated, and provide the previously unidentified environmental conditions and how the movement of the turbine mitigates the human and

environmental impact at least five days before implementing the changes. No changes shall be made that would be in violation of any terms of this permit.

#### **10.4 Status Reports**

The Permittee shall file status reports with the Commission on progress regarding site construction. The Permittee need not report more frequently than monthly. Reports shall begin with the commencement of site construction and continue until completion of site restoration.

#### **10.5 Notification to the Commission**

At least three days before the project is to commence commercial operation, the Permittee shall file with the Commission the date on which the project will commence commercial operation and the date on which construction was completed.

#### **10.6 As-Builts**

Within 90 days after completion of construction, the Permittee shall submit copies of all final as-built plans and specifications developed during the project.

#### **10.7 GPS Data**

Within 90 days after completion of construction, the Permittee shall submit to the Commission, in the format requested by the Commission, geo-spatial information (e.g., ArcGIS compatible map files, GPS coordinates, associated database of characteristics) for all structures associated with the solar energy generating system.

#### **10.8 Project Energy Production**

The Permittee shall, by February 1st following each complete or partial year of project operation, file a report with the Commission on the monthly energy production of the project including:

- (a) the installed nameplate capacity of the permitted project;
- (b) the total monthly energy generated by the project in MW hours;
- (c) the monthly capacity factor of the project;
- (d) yearly energy production and capacity factor for the project;

- (e) the operational status of the project and any major outages, major repairs, or turbine performance improvements occurring in the previous year; and
- (f) any other information reasonably requested by the Commission.

This information shall be considered public and must be filed electronically.

## **10.9 Wind Resource Use**

The Permittee shall, by February 1st following each complete or partial calendar year of operation, file with the Commission the average monthly and average annual wind speed collected at one permanent meteorological tower during the preceding year or partial year of operation. This information shall be considered public and must be filed electronically.

## **10.10 Emergency Response**

The Permittee shall prepare an Emergency Response Plan in consultation with the emergency responders having jurisdiction over the facility prior to project construction. The Permittee shall submit a copy of the plan, along with any comments from emergency responders, to the Commission at least 14 days prior to the pre-construction meeting and a revised plan, if any, at least 14 days prior to the pre-operation meeting. The Permittee shall provide as a compliance filing confirmation that the Emergency Response Plan was provided to the emergency responders and Public Safety Answering Points (PSAP) with jurisdiction over the facility prior to commencement of construction. The Permittee shall obtain and register the facility address or other location indicators acceptable to the emergency responders and PSAP having jurisdiction over the facility.

## **10.11 Extraordinary Events**

Within 24 hours of discovery of an occurrence, the Permittee shall notify the Commission of any extraordinary event. Extraordinary events include but shall not be limited to: fires, tower collapse, thrown blade, acts of sabotage, collector or feeder line failure, and injured worker or private person. The Permittee shall, within 30 days of the occurrence, file a report with the Commission describing the cause of the occurrence and the steps taken to avoid future occurrences.

## **11.0 DECOMMISSIONING, RESTORATION, AND ABANDONMENT**

### **11.1 Decommissioning Plan**

The Permittee shall submit a decommissioning plan to the Commission at least fourteen 14 days prior to the pre-operation meeting, and provide updates to the plan every five years thereafter. The plan shall provide information identifying all surety and financial securities established for decommissioning and site restoration of the project in accordance with the requirements of Minn. R. 7854.0500, subp. 13. The decommissioning plan shall provide an itemized breakdown of costs of decommissioning all project components, which shall include labor and equipment. The plan shall identify cost estimates for the removal of turbines, turbine foundations, underground collection cables, access roads, crane pads, substations, and other project components. The plan may also include anticipated costs for the replacement of turbines or repowering the project by upgrading equipment.

The Permittee shall also submit the decommissioning plan to the local unit of government having direct zoning authority over the area in which the project is located. The Permittee shall ensure that it carries out its obligations to provide for the resources necessary to fulfill its requirements to properly decommission the project at the appropriate time. The Commission may at any time request the Permittee to file a report with the Commission describing how the Permittee is fulfilling this obligation.

### **11.2 Site Restoration**

Upon expiration of this permit, or upon earlier termination of operation of the project, or any turbine within the project, the Permittee shall have the obligation to dismantle and remove from the site all towers, turbine generators, transformers, overhead and underground cables and lines, foundations, buildings, and ancillary equipment to a depth of four feet. Any agreement for removal to a lesser depth or no removal shall be recorded with the county and shall show the locations of all such foundations. To the extent feasible, the Permittee shall restore and reclaim the site to its pre-project topography and topsoil quality. All access roads shall be removed unless written approval is given by the affected landowner requesting that one or more roads, or portions thereof, be retained. All such agreements between the Permittee and the affected landowner shall be submitted to the Commission prior to completion of restoration activities. The site shall be restored in accordance with the requirements of this condition within 18 months of termination.

### **11.3 Abandoned Turbines**

The Permittee shall advise the Commission of any turbines that are abandoned prior to termination of operation of the project. The project, or any turbine within the project, shall be considered abandoned after one year without energy production and the land restored pursuant to Section 11.2 unless a plan is developed and submitted to the Commission outlining the steps and schedule for returning the project, or any turbine within the project, to service.

## **12.0 COMMISSION AUTHORITY AFTER PERMIT ISSUANCE**

### **12.1 Final Boundaries**

After completion of construction, the Commission shall determine the need to adjust the final boundaries of the site required for this project in accordance with Minn. R. 7854.1300, subp. 1.

### **12.2 Expansion of Site Boundaries**

No expansion of the site boundaries described in this permit shall be authorized without the approval of the Commission. The Permittee may submit to the Commission a request for a change in the boundaries of the site for the project. The Commission will respond to the requested change in accordance with applicable statutes and rules.

### **12.3 Periodic Review**

The Commission shall initiate a review of this permit and the applicable conditions at least once every five years. The purpose of the periodic review is to allow the Commission, the Permittee, and other interested persons an opportunity to consider modifications in the conditions of this permit. No modification may be made except in accordance with applicable statutes and rules.

### **12.4 Modification of Conditions**

After notice and opportunity for hearing, this permit may be modified or amended for cause, including but not limited to the following:

- (a) violation of any condition in this permit;
- (b) endangerment of human health or the environment by operation of the project; or
- (c) existence of other grounds established by rule.

### **12.5 More Stringent Rules**

The Commission's issuance of this permit does not prevent the future adoption by the Commission of rules or orders more stringent than those now in existence and does not prevent the enforcement of these more stringent rules and orders against the Permittee.

### **12.6 Right of Entry**



Upon reasonable notice, presentation of credentials, and at all times in compliance with the Permittee's site safety standards, the Permittee shall allow representatives of the Commission to perform the following:

- (a) to enter upon the facilities easement of the site property for the purpose of obtaining information, examining records, and conducting surveys or investigations;
- (b) to bring such equipment upon the facilities easement of the property as is necessary to conduct such surveys and investigations;
- (c) to sample and monitor upon the facilities easement of the property; and
- (d) to examine and copy any documents pertaining to compliance with the conditions of this permit.

### **12.7 Proprietary Information**

Certain information required to be filed with the Commission under this permit may constitute trade secret information or other type of proprietary information under the Data Practices Act or other law. The Permittee must satisfy requirements of applicable law to obtain the protection afforded by the law.

### **13.0 PERMIT AMENDMENT**

This permit may be amended at any time by the Commission in accordance with Minn. R. 7854.1300, subp. 2. Any person may request an amendment of the conditions of this permit by submitting a request to the Commission in writing describing the amendment sought and the reasons for the amendment. The Commission will mail notice of receipt of the request to the Permittee. The Commission may amend the conditions after affording the Permittee and interested persons such process as is required.

### **14.0 TRANSFER OF PERMIT**

The Permittee may request at any time that the Commission transfer this permit to another person or entity. The Permittee shall provide the name and description of the person or entity to whom the permit is requested to be transferred, the reasons for the transfer, a description of the facilities affected, and the proposed effective date of the transfer. The person to whom the permit is to be transferred shall provide the Commission with such information as the Commission shall require to determine whether the new Permittee can comply with the conditions of the permit.

The Commission may authorize transfer of the permit after affording the Permittee, the new Permittee, and interested persons such process as is required. The Commission may impose additional conditions on any new permittee as part of the approval of the transfer.

Within 20 days after the date of the notice provided in Section 10.5, the Permittee shall file a notice describing its ownership structure, identifying, as applicable:

- (a) the owner(s) of the financial and governance interests of the Permittee;
- (b) the owner(s) of the majority financial and governance interests of the Permittee's owners; and
- (c) the Permittee's ultimate parent entity (meaning the entity which is not controlled by any other entity).

The Permittee shall immediately notify the Commission of:

- (a) a change in owner(s) of the majority\* financial or governance interests in the Permittee;
- (b) a change in owner(s) of the majority\* financial or governance interests of the Permittee's owners; or
- (c) a sale which changes the parent entity of the Permittee.

*\*When there are only co-equal 50/50 percent interests, any change shall be considered a change in majority interest.*

The Permittee shall notify the Commission of:

- (a) the sale of a parent entity or a majority interest in the Permittee;
- (b) the sale of a majority interest of the Permittee's owners or majority interest of the owners; or
- (c) a sale which changes the entity with ultimate control over the Permittee.

## **15.0 REVOCATION OR SUSPENSION OF PERMIT**

The Commission may take action to suspend or revoke this permit upon the grounds that:

- (a) a false statement was knowingly made in the application or in accompanying statements or studies required of the Permittee, and a true statement would have warranted a change in the Commission's findings;
- (b) there has been a failure to comply with material conditions of this permit, or there has been a failure to maintain health and safety standards;
- (c) there has been a material violation of a provision of an applicable statute, rule, or an order of the Commission; or
- (d) the Permittee has filed a petition with the Commission requesting that the permit be revoked or terminated.

In the event the Commission determines that it is appropriate to consider revocation or suspension of this permit, the Commission shall proceed in accordance with the requirements of Minn. R. 7854.1300 to determine the appropriate action. Upon a finding of any of the above, the Commission may require the Permittee to undertake corrective measures in lieu of having this permit suspended or revoked.

#### **16.0 EXPIRATION DATE**

This permit shall expire 30 years after the date this permit was approved and adopted.

**MINNESOTA PUBLIC UTILITIES COMMISSION  
COMPLAINT HANDLING PROCEDURES FOR  
PERMITTED ENERGY FACILITIES**

**A. Purpose**

To establish a uniform and timely method of reporting and resolving complaints received by the permittee concerning permit conditions for site preparation, construction, cleanup, restoration, operation, and maintenance.

**B. Scope**

This document describes complaint reporting procedures and frequency.

**C. Applicability**

The procedures shall be used for all complaints received by the permittee and all complaints received by the Minnesota Public Utilities Commission (Commission) under Minn. R. 7829.1500 or Minn. R. 7829.1700 relevant to this permit.

**D. Definitions**

**Complaint:** A verbal or written statement presented to the permittee by a person expressing dissatisfaction or concern regarding site preparation, cleanup or restoration or other site and associated facilities permit conditions. Complaints do not include requests, inquiries, questions or general comments.

**Substantial Complaint:** A written complaint alleging a violation of a specific permit condition that, if substantiated, could result in permit modification or suspension pursuant to the applicable regulations.

**Unresolved Complaint:** A complaint which, despite the good faith efforts of the permittee and a person, remains unresolved or unsatisfactorily resolved to one or both of the parties.

**Person:** An individual, partnership, joint venture, private or public corporation, association, firm, public service company, cooperative, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

## **E. Complaint Documentation and Processing**

1. The permittee shall designate an individual to summarize complaints for the Commission. This person's name, phone number and email address shall accompany all complaint submittals.
2. A person presenting the complaint should to the extent possible, include the following information in their communications:
  - a. name, address, phone number, and email address;
  - b. date of complaint;
  - c. tract or parcel number; and
  - d. whether the complaint relates to a permit matter or a compliance issue.
3. The permittee shall document all complaints by maintaining a record of all applicable information concerning the complaint, including the following:
  - a. docket number and project name;
  - b. name of complainant, address, phone number and email address;
  - c. precise description of property or parcel number;
  - d. name of permittee representative receiving complaint and date of receipt;
  - e. nature of complaint and the applicable permit condition(s);
  - f. activities undertaken to resolve the complaint; and
  - g. final disposition of the complaint.

## **F. Reporting Requirements**

The permittee shall commence complaint reporting at the beginning of project construction and continue through the term of the permit. The permittee shall report all complaints to the Commission according to the following schedule:

**Immediate Reports:** All substantial complaints shall be reported to the Commission the same day received, or on the following working day for complaints received after working hours. Such reports are to be directed to the Commission's Consumer Affairs Office at 1-800-657-3782 (voice messages are acceptable) or [consumer.puc@state.mn.us](mailto:consumer.puc@state.mn.us). For e-mail reporting, the email subject line should read "PUC EFP Complaint" and include the appropriate project docket number.

**Monthly Reports:** During project construction and restoration, a summary of all complaints, including substantial complaints received or resolved during the preceding month, shall be filed by the 15th of each month to Daniel P. Wolf, Executive Secretary, Public Utilities Commission, using the eDockets system. The eDockets system is located at:  
<https://www.edockets.state.mn.us/EFiling/home.jsp>

If no complaints were received during the preceding month, the permittee shall file a summary indicating that no complaints were received.

**G. Complaints Received by the Commission**

Complaints received directly by the Commission from aggrieved persons regarding site preparation, construction, cleanup, restoration, operation and maintenance shall be promptly sent to the permittee.

**H. Commission Process for Unresolved Complaints**

Commission staff shall perform an initial evaluation of unresolved complaints submitted to the Commission. Complaints raising substantial permit issues shall be processed and resolved by the Commission. Staff shall notify the permittee and appropriate persons if it determines that the complaint is a substantial complaint. With respect to such complaints, each party shall submit a written summary of its position to the Commission no later than ten days after receipt of the staff notification. The complaint will be presented to the Commission for a decision as soon as practicable.

**I. Permittee Contacts for Complaints and Complaint Reporting**

Complaints may be filed by mail or email to:

[Name]

[Mailing Address]

[Phone]

[Email]

This information shall be maintained current by informing the Commission of any changes as they become effective.

**MINNESOTA PUBLIC UTILITIES COMMISSION  
COMPLIANCE FILING PROCEDURE FOR  
PERMITTED ENERGY FACILITIES**

**A. Purpose**

To establish a uniform and timely method of submitting information required by Commission energy facility permits.

**B. Scope and Applicability**

This procedure encompasses all known compliance filings required by permit.

**C. Definitions**

**Compliance Filing:** A filing of information to the Commission, where the information is required by a Commission site or route permit.

**D. Responsibilities**

1. The permittee shall file all compliance filings with Daniel P. Wolf, Executive Secretary, Public Utilities Commission, through the eDockets system. The eDockets system is located at: <https://www.edockets.state.mn.us/EFiling/home.jsp>

General instructions are provided on the eDockets website. Permittees must register on the website to file documents.

2. All filings must have a cover sheet that includes:
  - a. Date
  - b. Name of submitter/permittee
  - c. Type of permit (site or route)
  - d. Project location
  - e. Project docket number
  - f. Permit section under which the filing is made
  - g. Short description of the filing

3. Filings that are graphic intensive (e.g., maps, engineered drawings) must, in addition to being electronically filed, be submitted as paper copies and on CD. Paper copies and CDs should be sent to: 1) Daniel P. Wolf, Executive Secretary, Minnesota Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, MN 55101-2147, and 2) Department of Commerce, Energy Environmental Review and Analysis, 85 7th Place East, Suite 500, St. Paul, MN 55101-2198.

The Commission may request a paper copy of any electronically filed document.

GENERIC PERMIT TEMPLATE



**PERMIT COMPLIANCE FILINGS<sup>1</sup>**

PERMITTEE:

PERMIT TYPE:

PROJECT LOCATION:

PUC DOCKET NUMBER:

Filing Number	Permit Section	Description of Compliance Filing	Due Date
1	4.7	Prairie Protection and Management Plan	30 days prior to submitting Site Plan, as deemed necessary
2	4.12	Notification to Airports	Prior to project construction
3	5.1	Notification of Permit and Complaint Procedures	30 days of permit issuance
4	5.2.1	Field Representative	14 days prior to commencing construction
5	5.2.2	Site Manager	14 days prior to commercial operation
6	5.2.6	National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Construction Stormwater Permit	In accordance with Minnesota Pollution Control Agency
7	5.2.9	Notification of Pesticide Application	14 days prior to application
8	5.2.10	Invasive Species Protection Plan	14 days prior to pre-construction meeting
9	5.2.12	Identification of Roads	14 days prior to pre-construction meeting

<sup>1</sup> This compilation of permit compliance filings is provided for the convenience of the permittee and the Commission. It is not a substitute for the permit; the language of the permit controls.

Filing Number	Permit Section	Description of Compliance Filing	Due Date
10	5.2.16	Assessment of Television and Radio Signal Reception, Microwave Signal Patterns, and Telecommunications	14 days prior to pre-construction meeting
11	5.2.21	Site Restoration	60 days after completion of restoration
12	5.2.25	Public Safety/Education Materials	Upon request
13	5.4	Engineered Drawings of Collector and Feeder Lines	Submit with the Site Plan
14	5.5.2	Filing Regarding Other Required Permits	14 days prior to pre-construction meeting
15	7.1	Biological and Natural Resource Inventories	30 days prior to pre-construction meeting
16	7.2	Shadow Flicker Data	14 days prior to pre-construction meeting
17	7.3	Wake Loss Studies	14 days prior to pre-construction meeting and annual wake loss with annual report
18	7.4	Post-Construction Noise Methodology	14 days prior to pre-construction meeting
19	7.4	Post-Construction Noise Study	18 months of commercial operation
20	7.5.1	First Annual Audit and Revision of Avian and Bat Protection Plan	14 days prior to pre-construction meeting
21	7.5.1	Annual Report - Avian and Bat Protection Plan	15th of March each year or partial year

Filing Number	Permit Section	Description of Compliance Filing	Due Date
22	7.5.2	Quarterly Incident Reports	15th of January, April, July, and October the day following commercial operation
23	7.5.3	Immediate Incident Reports	24 hours of discovery and a report within 7 days
24	8.1	Demonstration of Wind Rights	14 days prior to pre-construction meeting
25	8.2	Power Purchase Agreement	If not obtained within two years issuance of permit
26	8.3	Failure to Construct	If within two years issuance of permit
27	10.0	Complaint Procedures	Prior to start of construction
28	10.1	Pre-Construction Meeting Summary	14 days following meeting
29	10.2	Pre-Operation Meeting Summary	14 days following meeting
30	10.3	Site Plan	14 days prior to pre-construction meeting
31	10.4	Construction Status Reports	Monthly
32	10.5	Commercial Operation	3 days prior to commercial operation
33	10.6	As-Builts	90 days after completion of construction

Filing Number	Permit Section	Description of Compliance Filing	Due Date
34	10.7	GPS Data	90 days after completion of construction
35	10.8	Project Energy Production	February 1st following each complete or partial year of project operation
36	10.9	Wind Resource Use	February 1st following each complete or partial year of project operation
37	10.10	Emergency Response Plan	14 days prior to pre-construction meeting and revisions 14 days prior to pre-operation meeting
38	10.11	Extraordinary Event	Within 24 hours of discovery
39	11.1	Decommissioning Plan	14 days prior to pre-operation meeting
40	14.0	Notice of Ownership	14 days after operation