

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE PUBLIC UTILITIES COMMISSION

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

**ORDER GRANTING INTERVENTION  
TO ASSOCIATION OF FREEBORN  
COUNTY LANDOWNERS**

The Association of Freeborn County Landowners (AFCL) filed a Notice of Appearance and Petition to Intervene (Petition) pursuant to Minn. R. 1405.0900 (2017) in this matter on September 1, 2017.<sup>1</sup> Freeborn Wind Farm, LLC (Freeborn Wind), the only party of record at the time the AFCL Petition was filed, did not file an objection to AFCL's Petition.

According to its Petition, AFCL is "an informal association of over 100 landowners and residents in and adjacent to the site footprint"<sup>2</sup> of the proposed wind farm.

Minnesota Rules part 1405.0900, subpart 1, requires that a petitioner demonstrate how its "legal rights, duties, or privileges may be determined or affected by the proceedings."<sup>3</sup> The petitioner also must show how its legal rights, duties, or privileges are not otherwise represented in the proceeding.<sup>4</sup>

AFCL asserted that its members' legal rights, duties and their privileges will be determined or affected by this contested case. According to the Petition, many of the AFCL landowners have been approached to sign lease agreements. In addition, Freeborn Wind plans to construct turbines on land immediately adjacent to the property of many AFCL members. The AFCL members maintained that their legal rights, duties, and privileges will potentially be affected due to impacts on their health, peace of mind,

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<sup>1</sup> AFCL cited both Minn. R. 1400.6200 (2017) and Minn. R. 1405.0900 in its petition, presumably because the Public Utilities Commission (Commission), in its Order Finding Application Complete and Varying Time Limits; Notice and Order for Hearing (Aug. 31, 2017) inadvertently stated that this proceeding would be conducted in accordance with Minn. R. 1400.5100 to 1400.8400 (2017). The Commission thereafter issued an Erratum Notice in which it noted that Minn. R. 1405.0200 to 1405.2800 (2017) apply to the hearing procedure in this matter. Therefore, Minn. R. 1405.0900 properly governs this intervention.

<sup>2</sup> AFCL Petition for Intervention (Petition) at 1 (Sept. 1, 2017).

<sup>3</sup> Minn. R. 1405.0900, subp. 1.

<sup>4</sup> *Id.*

ability to use and enjoy their properties, and the value and marketability of their properties, all as result of the construction of the Freeborn Wind project. The AFCL members argued that their interests as directly affected landowners are unique and not otherwise represented in this contested case. The members raised specific issues including, but not limited to, evidence regarding physical and economic impacts of wind turbines, noise and infrasound, shadow flicker resulting from turbines, impacts on wildlife, property values and tax revenues, interference with communications, and fair dealings with landowners by the company.

Conclusion

The Administrative Law Judge finds that the Petition to Intervene filed by the AFCL demonstrates that the legal rights, duties or privileges of the Petitioner, or its members, may be determined or affected by this proceeding. Furthermore, the Administrative Law Judge finds that no other party participating in the case adequately represents the interests of the Petitioner.

**ORDER**

**IT IS HEREBY ORDERED** that the petition filed by the AFCL to intervene with full party rights is **GRANTED**.

Dated: September 12, 2017



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LAURASUE SCHLATTER  
Administrative Law Judge

September 12, 2017

See Attached Service List

**Re: *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***

**OAH 80-2500-34633  
MPUC WS-17-410**

To All Persons on the Attached Service List:

Enclosed and served upon you is the Administrative Law Judge's **ORDER GRANTING INTERVENTION TO ASSOCIATION OF FREEBORN COUNTY LANDOWNERS** in the above-entitled matter.

If you have any questions, please contact my legal assistant Katie Lin at (651) 361-7911 or [katie.lin@state.mn.us](mailto:katie.lin@state.mn.us), or facsimile at (651) 539-0310.

Sincerely,



LAURASUE SCHLATTER  
Administrative Law Judge

LSS:klm

Enclosure

cc: Docket Coordinator

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
PO BOX 64620  
600 NORTH ROBERT STREET  
ST. PAUL, MINNESOTA 55164

**CERTIFICATE OF SERVICE**

In the Matter of the Application of Freeborn Wind Farm, LLC for a Large Wind Energy Conversion System Site Permit for the 84 MN Freeborn Wind Farm in	OAH Docket No.: 80-2500-34633
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Kendra McCausland certifies that on September 12, 2017 she served the true and correct **ORDER GRANTING INTERVENTION TO ASSOCIATION OF FREEBORN COUNTY LANDOWNERS** by eService, and U.S. Mail, (in the manner indicated below) to the following individuals:

First Name	Last Name	Email	Company Name	Address	Delivery Method
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