

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Nancy Lange
Dan Lipschultz
Matthew Schuerger
Katie J. Sieben
John A. Tuma

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of the Site Permit Issued to
Wisconsin Power and Light Company for the
Bent Tree Project in Freeborn County

ISSUE DATE: April 12, 2017

DOCKET NO. ET-6657/WS-08-573

ORDER REVISING NOISE
MONITORING REQUIREMENTS

PROCEDURAL HISTORY

On October 20, 2009, the Commission issued to Wisconsin Power and Light Company (WPL) a site permit to build a large wind energy conversion system for Phase I of the Bent Tree Wind Farm. The Bent Tree Wind Farm is located in Freeborn County, approximately four miles north and west of the city of Albert Lea.

On August 24, 2016, the Commission issued its Order Requiring Noise Monitoring, Noise Study, and Further Study, directing WPL to monitor noise generated at its Bent Tree Wind Farm from the property of certain neighbors who had raised complaints.

On February 10, 2017, WPL filed a motion asking to be relieved of the duty to monitor noise at one of the complainant's property, and the need to meet with the former owner Gwyneth Regehr, given that Ms. Regehr had sold the property in question.

On February 22, 2017, the Commission issued a notice inviting comments on WPL's motion. The only party to comment was WPL, restating its request.

On April 6, 2017, the Commission met to consider the issues raised.

FINDINGS AND CONCLUSIONS

I. Summary

The Commission will grant WPL's request to relieve the utility of the duty to meet with Ms. Regehr or monitor noise at her property.

II. The August 24, 2016 Order

The Commission's August 24, 2016 order directed WPL as follows:

1. Wisconsin Power and Light shall conduct additional noise monitoring at the Bent Tree Wind Farm.
2. The noise study design to be conducted at the Bent Tree Wind Farm shall follow the parameters set forth below:
 - A. Wisconsin Power and Light/Alliant shall collect noise monitoring data at the three properties (the Hagan, Regehr, and Langrud properties) as well as additional follow up monitoring at the properties to confirm the Bent Tree project is in compliance with state noise standards.

. . . .
 - D. Wisconsin Power and Light shall meet with Ms. Regehr, Mr. and Mrs. Hagen, and Mr. Langrud in the near term with the purpose of finding an amicable resolution to their concerns. At least one meeting shall occur after the noise monitoring study has been completed, and the results of the noise study should be summarized and discussed with complainants. [The Energy Environmental Review and Analysis staff (EERA staff) of the Minnesota Department of Commerce] will also make itself available to attend these meetings. WPL shall update the Commission on any progress made by the parties in addressing the complaints.
3. Wisconsin Power and Light shall contract for a noise consultant selected by Commission and EERA staff. Suggestions by Wisconsin Power and Light, Ms. Regehr, the Hagens, and Mr. Langrud on the noise consultant will be permitted. The scope of work will be approved by Commission and EERA staff. The contractor shall follow the approved scope of work and file its independent work directly with the Commission through the Commission's e-filing system. All contracts and work terms shall be approved by the Commission and EERA staff.

III. WPL's Motion

Consistent with the Commission's order, WPL anticipates entering into a contract with a noise consultant shortly. But WPL reports that Ms. Regehr has sold the property allegedly affected by noise from the Bent Tree Wind Farm.

WPL states that it needs to know whether it must monitor noise at the property formerly owned by Ms. Regehr before specifying the scope of its contract with the consultant. WPL asks the Commission to rule that the obligations from the August 24, 2016 order no longer pertain to Ms. Regehr or her former property.

No party opposed WPL's request.

IV. Commission Action

The Freeborn County Records Office verifies that Ms. Regehr has sold the property allegedly affected by noise from the Bent Tree Wind Farm. Given this corroboration, and the fact that no party has opposed WPL's motion, the Commission will grant the motion. The record no longer identifies any complainant at the property in question. Indeed, it is unclear whether the current property owner would welcome WPL or its contractor onto the premises to conduct noise monitoring.

For these reasons, the Commission will amend its August 24, 2016 order to relieve WPL of any duties regarding Ms. Regehr or her former property.

ORDER

1. The Commission hereby amends its Order Requiring Noise Monitoring, Noise Study, and Further Study (August 24, 2016), to remove any reference to Gwyneth Regehr or her former property from the requirements listed in ordering paragraphs 2(A), 2(D), and 3.
2. This order shall become effective immediately.

BY ORDER OF THE COMMISSION

Daniel P. Wolf
Executive Secretary



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