

BEFORE THE MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

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FOR THE MINNESOTA PUBLIC UTILITIES COMMISSION

121 Seventh Place East Suite 350
St. Paul, Minnesota 55101-2147

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

MPUC DOCKET NO. IP-6946/WS-17-410
OAH DOCKET NO. 80-2500-34633

**EXCEPTIONS OF KAAL-TV, LLC TO THE FINDINGS OF FACT, CONCLUSIONS OF
LAW, AND RECOMMENDATIONS OF THE ADMINISTRATIVE LAW JUDGE**

June 8, 2018

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I. INTRODUCTION.

Pursuant to Minnesota Statutes Section 14.61 and Minnesota Rule 7829.2700, KAAL-TV, LLC (“KAAL”)¹ respectfully files these Exceptions to the Findings of Fact, Conclusions of Law, and Recommendations (“Report”) of the Administrative Law Judge (“ALJ”), dated May 14, 2018.² While KAAL generally supports the ALJ Report, some exceptions should be noted. These Exceptions address Findings by the ALJ that do not accurately reflect the facts of the proceeding, as well as policy issues that are appropriate for the Minnesota Public Utilities Commission (“Commission”) to consider and modify.

II. OVER-THE-AIR (“OTA”) TELEVISION INTERFERENCE.

While KAAL generally accepts the additions to the permit called for in Paragraphs 405, 412, 544 and 545 of the Report, the reasoning and facts leading to these permit adjustments require correction. KAAL takes exception to the ALJ Report with regard to Paragraph 386.

Paragraph 386. Specifically, with respect to Paragraph 386, the sentence “The record demonstrates no problems with AM or FM radio service which can provide emergency weather information to households whose OTA TV service which can provide emergency weather information to households whose OTA TV and satellite service are both disrupted, one by the Project and the other by the weather” must be stricken as it is inconsistent with public testimony and Minnesota law. Witness Wayne Brandt at public hearing testified that they relied on OTA viewing during bad weather because their dish service (Freeborn Wind’s corrective solution) went out when weather was bad – they did not rely on AM or FM radio. Furthermore, failing to

¹ In the interest of brevity, all defined terms and phrases, including citations, utilized in KAAL’s Initial Brief are incorporated in these Exceptions unless otherwise defined herein.

² Findings of Fact, Conclusions of Law and Recommendation, *In the Matter of the Application of Freeborn Wind Energy, LLC for a Large Wind Energy Conversion System Site Permit for the 84 MV Freeborn Wind Farm in Freeborn County*, MPUC No. IP-6946/WS-17-418, OAH No. 80-2500-34633 (May 14, 2018) (“ALJ Report” and “Findings” individually, “Finding”).

restore OTA signal is inconsistent with Minnesota law ... “including the requirement to restore, to the extent possible, the area affected by construction of the LWECS to the natural conditions that existed immediately before construction of the LWECS”.³ Forcing residents to rely on AM or FM signals rather than having access to OTA television signals during weather events does not accomplish restoring the “natural conditions” as required by Minnesota law.

While KAAL is willing to address the cost and recovery of a Translator at a later time if necessary, inconsistencies with respect to the record and with respect to Minnesota law must be corrected.

Paragraph 387.

In its Findings, Paragraph 386 must be edited as follows:

386. Given KAAL’s estimated translator costs of up to \$450,000, and up to three times that amount if a new tower is required⁴, its demand for Freeborn Wind to incur these costs if a single household is not satisfied by antenna or receiver adjustments, replacements, or by satellite service, is unreasonable. ~~KAAL’s insistence that its OTA TV reception is a matter of life and death because it provides news of weather and other emergencies is overstated. The record demonstrates no problems with AM or FM radio service which can provide emergency weather information to households whose OTA TV and satellite service are both disrupted, one by the Project and the other by the weather.~~

III. FINAL CONCLUSIONS AND REQUEST FOR ORAL ARGUMENT

For the reasons stated above, KAAL objects, in part, to the ALJ’s Findings of Fact, Conclusions, and Recommendation as discussed herein. KAAL requests the opportunity to present oral argument on these matters. KAAL accepts the remainder of the ALJ’s report and urges the Commission to adopt, as modified by these Exceptions, the ALJ’s recommendations.

³ Minn. Statutes 216F.05 RULES, paragraph (5); see also, Minn. R. §7854.1000.

⁴ Ex. KAAL-1 at 8 (Harbert Surrebutal)

Respectfully submitted,

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