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August 24, 2018

—Via Electronic Filing—

Daniel P. Wolf
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101

RE: COMMENTS
POSSIBLE RULEMAKING TO AMEND MINNESOTA RULES CHAPTER 7854
DOCKET NO. E999/R-18-518

Dear Mr. Wolf:

Northern States Power Company, doing business as Xcel Energy, submits these Comments regarding the July 30, 2018 Petition of Goodhue Wind Truth requesting the initiation of a possible rulemaking to set siting criteria for Large Wind Energy Conversion Systems (LWECS) and the appointment of a Rulemaking Advisory Committee.

As the nation's No. 1 utility wind energy provider for more than a decade¹, we have a great interest in any possible revisions to the existing LWECS siting rules (Minnesota Administrative Rules, Chapter 7854). However, we find that the current Chapter 7854 rules are sound and we do not think the petition meets the requirements to initiate the proposed rulemaking.

In its August 2, 2018 Notice of Comment Period, the Commission identifies four questions for consideration. Our response is as follows:

1. Does the petition for rulemaking meet the content requirements as set out in Minn. R. 1400.2040, Subp. 1?

Subp. 1 states that a petition to an agency requesting rulemaking under Minn. Stat. 14.09 must contain the following information:

¹ According to the American Wind Energy Association.

- A. The name and address of the petitioner;
- B. The specific action (adoption, amendment, or repeal of an agency rule) requested by the petitioner; and
- C. The need for the requested action.

In our opinion, the petition does not adequately identify the specific action (part B) or the need for the requested action (part C). While the petitioner references certain issues that have arisen in conjunction with two recent wind projects, upon closer examination we find that the examples are not deficiencies in the current siting permit rules. In fact, based on our experience, we believe that Minnesota has adopted some of the most comprehensive LWECS siting rules of any state in which we operate. These rules properly balance the benefits of wind development along with the protection of the environment, the interests of landowners, and the general public.

The siting of energy infrastructure, whether LWECS, power plants or High Voltage Transmission Lines (HVTL), involves a large array of variables; distilling those variables down to a list that is comprehensive and applicable statewide while simultaneously addressing all the issues in rules is at best impractical. Rather, the Commission has appropriately chosen to use an environmental review process (Minn. R. 7854.0500 Subp. 7) which complies with the Environmental Quality Board's rules (Minn. R. 4410) to inform the siting process about the potential impacts of a proposed LWECS.

The petitioner, in citing the example of Bent Tree, confuses compliance with a site permit and the site permitting process itself. The Commission evaluated noise impacts related to the Bent Tree facility and based on the best science available, the facility was expected to be in compliance with the state's Noise Standard (Minn. R. 7030). The Bent Tree example was not a failure to identify noise as a siting criterion or evaluate the potential impacts of the noise created by the proposed LWECS. The noise issue at Bent Tree appears to be a failure to comply with the site permit conditions. Thus, the issues and examples the petitioner relies upon are not clear process deficiencies of the site permit process, and the petitioner does not identify a specific action that is relevant to the site permitting process for LWECS as required by Minn. R. 1400.2040, Subp. 1.

2. Should the Commission initiate a rulemaking on siting standards for LWECS?

We recognize that siting issues will arise from time-to-time, notwithstanding the adequacy of Chapter 7854. As pointed out by the petitioner, one such example is the noise standard issue raised by Office of Administrative Hearings Findings of Fact, Conclusions and Recommendation Report regarding the Freeborn Wind Project (Docket No. IP-6949/WS-17-410). In such instances, however, the Commission has the authority to address unique situations if necessary when a site permit is under consideration for approval. In fact, the Commission has taken this approach on other projects by attaching special conditions to a site permit such as size of turbine blades and set-back requirements. We believe this is an effective and efficient process that continues to work well for all parties. Also, as the Commission is well aware, initiating a proposed rulemaking for projects such as power plants and HVTLs can be a multi-year and time-consuming process. Given the lack of a compelling need to initiate such a rulemaking, we reiterate our belief that the petitioner's request is not warranted.

3. If the Commission initiates a rulemaking, should it establish an Advisory Committee to advise it on the contents of possible rules as identified in Minn. Stat. §14.101, Subd. 2?

Yes. To the extent the Commission believes a rulemaking is warranted, we believe an Advisory Committee can add valuable technical expertise to the Commission and its staff. If established, we respectfully request to be a part of any such Advisory Committee.

4. Are there other related issues or concerns?

No.

In conclusion, the Company does not find that the petition has sufficient merit to initiate a proposed rulemaking on LWECs siting criteria. However, the Company defers to the judgment of the Commission on whether a rulemaking is warranted. If the Commission decides to initiate a rulemaking, the Company would appreciate the opportunity to participate in an Advisory Committee established to provide input on the contents of possible rule revisions.

We have electronically filed this letter and copies have been served on the parties on the attached service list. Please contact me at bria.e.shea@xcelenergy.com or (612) 330-6064 if you have any questions regarding this filing.

Sincerely,

/s/

BRIA SHEA,
DIRECTOR, REGULATORY AND STRATEGIC ANALYSIS

c: Service Lists

CERTIFICATE OF SERVICE

I, Jim Erickson, hereby certify that I have this day served copies or summaries of the foregoing document on the attached list of persons.

xx by depositing a true and correct copy thereof, properly enveloped
with postage paid in the United States Mail at Minneapolis,
Minnesota

xx electronic filing

SERVICE LISTS: DOCKET NO. E999/R-18-518
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Dated this 24th day of August 2018

/s/

Jim Erickson

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