

August 24, 2018

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

Dear Mr. Wolf,

Invenergy Wind Development North America LLC (“Invenergy”) submits this letter in response to Goodhue Wind Truth’s petition for rulemaking submitted July 30, 2018, in Docket No. R-18-518. While Goodhue Wind Truth appears to have met the basic filing requirements laid out in Minn. R. 1400.2040, Subp. 1, (name, address, requested action) the statement supporting the *need* for the proposed rulemaking falls short and the Minnesota Public Utilities Commission (“Commission”) should not initiate a rulemaking at this time.

Goodhue Wind Truth claims in its petition that the rulemaking is needed because (1) there are no rules regarding criteria for siting Large Wind Energy Conversion Systems (“LWECS”) and (2) and there is no requirement for environmental review. This is false and disingenuous. As Goodhue Wind Truth is well aware, the Environmental Quality Board (“EQB”) published rules for the siting LWECS in 2002 which are established in Minnesota Rules Chapter 7854. The Commission pointed to these same rules in 2012 when it rejected Ms. Overland’s previous petition for rulemaking on the same subject. In addition, despite Goodhue Wind Truth’s arguments to the contrary, there are also requirements for environmental review in Minnesota Statute 216F and Minnesota Rules 7854.0500 Subps. 3 and 7.

Goodhue Wind Truth also points to recently ordered turbine noise studies at the Bent Tree Wind Project and to the fact that the Freeborn Wind Project underwent a contested case proceeding as evidence that prescriptive wind siting rules are needed. This argument also fails. The alleged problems at Bent Tree have been resolved via the existing process and a contested case proceeding is not evidence of a lack of adequate guidelines for siting. These two examples demonstrate that the rules that are already in place allow the Commission the flexibility to carefully review petitions for new wind projects and to respond to any complaints that may arise surrounding existing wind projects.

Last, Goodhue Wind Truth appears to argue that the existing rules have, until now, been misapplied, deeming every wind permit issued by the Commission to date “flawed” and “likely invalid.” Putting aside the fact that a rulemaking is an inappropriate venue to object to the Commission’s application of existing standards to discrete wind projects, deeming all previously issued permits invalid would create significant business and regulatory uncertainty for the entire industry from manufacturing to labor to developers to utilities and so on. The renewable energy industry provides over 59,000 jobs in Minnesota and existing regulations strike an appropriate balance between protecting ratepayers and landowners and sustaining the renewable industry in the state so that clean energy goals can be met.

As a specific example, consider Invenergy's ongoing permitting work in Freeborn County. Mostly due to the strict siting regulations extant in Minnesota, Invenergy has moved 58% of the project's turbines into Iowa, where there is a vastly simpler regulatory framework, and a significant amount of installed wind turbines with a positive track record. Revisiting wind siting rules and potentially making them even more strenuous will hasten the investment in wind energy in adjacent states, depriving Minnesota landowners and local taxing jurisdictions of much-needed investment.

In short, no new evidence or legitimate argument has been presented by Goodhue Wind Truth that supports the need for a rulemaking or the re-opening of existing rules concerning siting LWECS. Invenergy appreciates the opportunity to provide this feedback to the Commission.

Sincerely,

Nicole Luckey  
Director, Regulatory and Government Affairs  
Invenergy LLC