

**STATE OF MINNESOTA  
BEFORE THE  
PUBLIC UTILITIES COMMISSION**

Nancy Lange	Chair
Dan Lipschultz	Commissioner
Matthew Schuerger	Commissioner
John Tuma	Commissioner
Katie Sieben	Commissioner

**In the Matter of the Possible Rulemaking to  
Amend Minnesota Rules Chapter 7854**

Docket No. E999/R-18-518

**GERONIMO ENERGY, LLC'S  
COMMENTS**

**I. INTRODUCTION**

Geronimo Energy, LLC (“Geronimo”) appreciates this opportunity to provide the Minnesota Public Utilities Commission (“Commission”) with comments regarding the petition from Goodhue Wind Truth (“GWT”) for rulemaking on Minnesota Rules Chapter 7854 (“Petition”).

A rulemaking on Minnesota Rules Chapter 7854 is unwarranted and premature at this time. As demonstrated by Minnesota’s successful history of siting more than 3,500 megawatts (“MW”) of wind energy conversion systems, the rules contained in Chapter 7854 provide a framework that allows the Commission to evaluate projects on a case-by-case basis, responding to technological advancements and local community priorities while balancing the benefits of Minnesota wind energy development with the need to protect the public health and safety and preserve the environment. Additionally, a rulemaking to amend Chapter 7854 is premature given that the rulemaking for Minnesota Rules Chapters 7849 and 7850 governing certificates of need and site and route permits for large electric generating facilities and high-voltage transmission lines is still underway.

## **II. BACKGROUND**

Geronimo is a leading full-service North American renewable energy company based in Minneapolis, Minnesota, with satellite offices located in southwest Minnesota, North Dakota, South Dakota, Illinois, Colorado, New York and Michigan. Geronimo provides renewable energy development solutions for utilities and corporations looking to harness renewable energy for business growth. Geronimo has developed over 1,800 megawatts of renewable energy projects that are either operational or currently under construction, including the Prairie Rose, Odell, Black Oak and Getty wind and related transmission line projects and the Aurora Distributed Solar project in Minnesota. Geronimo has a multi-gigawatt development pipeline of wind and solar projects in various stages of development throughout the United States. With deep roots in agriculture, Geronimo prides itself on developing renewable energy projects that are farmer-friendly, community-driven, and beneficial for rural communities. These comments draw from Geronimo's extensive experience in permitting numerous wind farms, solar facilities, and associated transmission facilities in Minnesota and across the country.

## **III. COMMENTS**

The Petition raises no new information supporting a rulemaking on Chapter 7854. Minnesota has a long and successful track record of permitting wind energy facilities under Chapter 7854. The site permitting process for large wind energy conversion systems ("LWECS") contained in Chapter 7854 requires extensive environmental site assessment and analysis, provides the public and agencies significant public input opportunities, and allows for thorough and complete review during the permitting process. The Commission has successfully applied the rules over the years to address advancements in technology, industry growth, environmental concerns, and interests of landowners and local communities. Moreover, as GWT

cites in the Petition, Chapter 7854 has provided a framework for the Commission to evaluate and resolve project-specific complaints when they arise.

GWT asserts that Chapter 7854 fails to address the requirements of Minn. Stat. § 216F.05 (1) and (4). Contrary to GWT's assertions, the Statement of Need and Reasonableness ("SONAR") for Minn. R. Ch. 4401 (now renumbered as Chapter 7854), describes how the rules address each. As the SONAR states, the Environmental Quality Board ("EQB") found it reasonable to adopt the criteria established by statute in Minn. Stat. § 216F.03 (formerly Minn. Stat. §116C.693).<sup>1</sup> Additionally, the EQB specifically addressed environmental review and found it reasonable to provide robust environmental information up front, in the application, and to adopt an alternate form of environmental review for wind.<sup>2</sup> As a result, Minn. R. 7854.0500, subp. 7 contains a list of potential human and environmental impacts that must be considered, along with potential mitigative measures. The Rule then states "[t]he analysis of the environmental impacts required by this subpart satisfies the environmental review requirements of chapter 4410, parts 7849.1000 to 7849.2100, and Minnesota Statutes, chapter 116D. No environmental assessment worksheet or environmental impact statement shall be required on a proposed LWECs project." Again, the rules have provided sufficient information for the Commission's decision-making for decades, and GWT has not articulated a clear reason why these items need to be revisited.

GWT also raises the issue of the permit standards adopted without rulemaking for counties in MPUC Docket No. E,999/M-07-1102 as further reason that rulemaking is required. These standards reflect conditions the Commission often utilizes, in whole or in part, when siting

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<sup>1</sup> See SONAR at 28.

<sup>2</sup> See SONAR at 19-20.

LWECs as a helpful guide to counties permitting smaller projects. However, as the SONAR states, the EQB did not put extensive conditions in the rules, because the “information required to be included with the permit application is intended to allow the [Commission] to establish appropriate conditions reflecting the specifics of the project.”<sup>3</sup> The logic applied by the EQB remains sound. As GWT points out, rulemaking can be a long and drawn out process. Adopting detailed and overly-prescriptive conditions in rule does little to improve the Commission’s process and makes it entirely possible that the process would be less responsive to public input, new information, updated technology and best practices for mitigation.

Additionally, a rulemaking to amend Chapter 7854 is premature given the ongoing proceeding to amend the rules governing certificates of need (“CN”) (Chapter 7849) and site and route permits for large electric generating facilities and high-voltage transmission lines (“HVTL”) (Chapter 7850).<sup>4</sup> The amended rules for Chapter 7849 and 7850 have not yet been published or adopted, and a rulemaking on Chapter 7854 should not be considered prior to finalizing Chapters 7849 and 7850. Wind farms’ site permit applications are frequently considered through joint or parallel proceedings along with related certificate of need and transmission line route permit applications. For example, Geronimo permitted the 200 MW Prairie Rose Wind Farm through a certificate of need application that considered both the LWECs and a high voltage transmission line.<sup>5</sup> This CN proceeding ran in parallel with the site permit application and just ahead of the route permit application for the HVTL.<sup>6</sup> The 200 MW

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<sup>3</sup> See SONAR at 28.

<sup>4</sup> MPUC Docket No. E,ET,IP-999/R-12-1246.

<sup>5</sup> MPUC Docket No. ET-6838/CN-10-80 (Prairie Rose Wind Farm and HVTL).

<sup>6</sup> See MPUC Docket Nos. ET-6838/CN-10-80, IP-6843/WS-10-425 and ET-6838/TL-10-134 (Prairie Rose Wind Farm and HVTL).

Odell Wind Farm involved both a site permit application and a route permit application but no CN.<sup>7</sup> The 80 MW Black Oak and Getty Wind Farms involved a CN and two site permit applications.<sup>8</sup> And, most recently, the 200 MW Blazing Star Wind Farm included applications for a CN and a site permit, while the 200 MW Blazing Star 2 Wind Farm includes site and route permit applications but no CN.<sup>9</sup> The variety of joint and parallel permitting proceedings Geronimo has experienced demonstrate the prudence of waiting until the Chapters 7849 and 7850 rules are final before embarking on a separate rulemaking for Chapter 7854.

From a practical perspective, changes (if any) to Chapter 7854 should consider the pre-application notices, application content requirements, public information meetings, public hearings, comment periods and numerous other procedural and substantive matters reflected in the final rules adopted for Chapters 7849 and 7850. The scope of revisions, if any, to Chapter 7854 should be informed by the final rules for the related certificate of need and route permit proceedings and any attempt to begin earlier would be inefficient.

To the extent that the Commission grants the Petition at this time, Geronimo recommends that the Commission appoint an advisory committee under Minn. Stat. §14.101. Geronimo respectfully requests that a representative of Geronimo be included on such an advisory committee.

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<sup>7</sup> MPUC Docket Nos. IP6914/WS-13-843 and IP6914/TL-13-591 (Odell Wind Farm and HVTL).

<sup>8</sup> MPUC Docket Nos. IP6853, IP6866/CN-11-471, IP6853/WS-10-1240 and IP6866/WS-11-831 (Black Oak and Getty Wind Farms).

<sup>9</sup> MPUC Docket Nos. IP-6961/CN-16-215 and IP-6961/WS-16-686 (Blazing Star Wind Farm) and IP-6985/WS-17-700 and IP6985/TL-17-701 (Blazing Star 2 Wind Farm and HVTL).

#### IV. CONCLUSION

Geronimo appreciates the opportunity to comment on the Petition. Minnesota's long track record of permitting wind energy facilities has shown that the rules in Chapter 7854 are fair and reasonably balance the need to protect the public and environmental health, while allowing wind energy to develop in an efficient manner. Further, a rulemaking on Chapter 7854 is premature while Chapters 7849 and 7850 are still under review. Accordingly, Geronimo asks that the Commission deny the Petition.

Dated: August 24, 2018

Respectfully submitted,

*/s/ Christina K. Brusven*

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