

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

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

Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of the Application of Freeborn
Wind Energy LLC for a Route Permit for the
Freeborn Wind Transmission Line in
Freeborn County

PUC Docket No. IP-6946/TL-17-410

LATE FILED

**ADDENDUM TO ASSOCIATION OF FREEBORN COUNTY LANDOWNERS
MOTION FOR REMAND TO ADMINISTRATIVE LAW JUDGE**

Association of Freeborn County Landowners (AFCL), intervenor in this above-captioned wind siting docket and participant in the related and concurrent transmission docket (IP6946/WS-17-410), bring this LATE FILED Addendum to AFCL's Motion¹ for Remand to Administrative Law Judge for additional hearing to inform the record. This Motion is late filed because the email attached to Affidavit of Overland, in Exhibit L was received from John Wachtler, Commerce-EERA yesterday afternoon, in response to AFCL Data Practices Act Request. There is good cause not to exclude this filing, as it exposes addresses the Dept. of Commerce's failure to acknowledge its improper participation in the "agreement" which could allow Freeborn Wind to avoid compliance with the wind noise standards. Minn. R. 7030.0040. No emails were produced, instead

¹ Any opposition to the motion must be filed and served on the same list of persons within 14 days of service of the motion filing. Minn. R. 7829.0410.

a claim that Commerce deletes emails after 90 days. No notes were produced, despite evidence in MPCA of Commerce participation of at least John Wachtler and Rich Davis in meetings and discussions with Freeborn Wind in May, 2018, and from September 14-17, 2018, at the very least.

In the MPCA provided emails, there are admissions that Freeborn Wind cannot comply with the noise standards:

“Frank’s letter and its subsequent interpretation by PUC staff has resulted in Proposed Permit conditions that we feel are fundamentally unworkable...” Ex. D, 9/14/2018 5:42 PM.

“My hope is we can come to an understanding of why the proposed permit condition language will not allow for construction of wind turbines and jointly propose new language on Thursday.” Id.

“Finally, we think that demonstrating compliance with the final paragraph (showing we’re at 45 dBA or less when wind is at 50 dBA) is technically impossible, per ANSI standards and MPCA guidance. My concern is that this isn’t an “innocent until proven guilty” scenario – as I understand it, we have to demonstrate innocence, or compliance. And we will not be able to do that using prudent measuring practices...” Id., 9/16/2018 11:38 AM.

“To ensure that the turbine-only noise does not cause or significantly contribute to an exceedance of the MPCA Noise Standards, modeled wind turbine-only sound levels (NARUC ISO 9613-2 with 0.5 ground) at receptors shall not exceed 47 dB(A) L₅₀-one hour.” Id., September 17, 2018 12:47 PM (changing ground factor from 0.0 to 0.5, which reduces noise levels by 3 dB(A) – see Exhibit F chart, p. 3, notes on lower margin.).

Ex. D, emails to & fro Freeborn/Litchfield and Wachtler and Kohlasch.

This inability to comply with the noise standards was acknowledged by Wachtler and Kohlasch. Exhibit E, emails September 15, 2018 6:48 PM; September 16, 2018 4:01 PM.

Commerce-EERA is the Commission’s agent as it acts as “staff” for the Commission in siting proceedings. Commerce is also the recipient of complaints from residents and landowners affected by a given project. Commerce is the “enforcer” for noise violations. Participating in an “agreement” such as this is a conflict, and against the public interest.

The MPCA has no involvement in Commission permits or enforcement actions for noise related issues with wind projects, and has no jurisdiction:

Currently, the MPCA only engages with facilities on compliance with noise standards for

facilities that have an air quality permit from the MPCA. In the case of LWECS projects, we do not have a regulatory relationship with LWECS project developers or owners, and would have a very difficult time enforcing the state noise standards on LWECS project developers. The Commission's siting permits include a provision requiring compliance with the state noise standards, which provides a direct mechanism to ensure ongoing compliance.

See attached Exhibit M, Kohlash Letter, p. 2., September 11, 2018.

Despite this, we have Freeborn/Litchfield summing it up to Commerce's Wachtler:

Does the attached look acceptable to you? I so, I'd suggest we file this tomorrow and you file a short letter confirming you agree. Then we show up Thursday morning.

Exhibit D, email September 17 2018 5:22 PM. And show up, in orchestrated comments, they did.

Why is the MPCA involved, given a seat at the table, and why is the MPCA advocating for a wind developer that openly admits that it cannot comply with the Minn. R. 7030 noise standard? How in any way is it proper for Commerce, as PUC "staff" on this siting docket, making agreements allowing project to go forward when it cannot comply? How is it in any way proper for Commerce to agree to the backwards engineered noise modeling agreed to with 0.5 ground factor (+ 3 dB(A)), and an additional +3 dB(A) "tolerance," giving at least a 6 dB(A) increase, or production of this bogus noise modeling to a point after a permit is issued, protected from the light of day and public review? This fails the smell test.

Once more with feeling, Commission ethics and integrity rules speak for themselves:

7845.0400 CONFLICT OF INTEREST; IMPROPRIETY.

Subpart 1. General behavior.

A commissioner or employee shall respect and comply with the law and shall behave in a manner that **promotes public confidence in the integrity and impartiality of the commission's decision making process.**

Subp. 2. Actions prohibited.

Commissioners and employees shall avoid any action that might result in or create a conflict of interest or the appearance of impropriety, including:

- A. using public office for private gain;
- B. giving preferential treatment to an interested person or entity;**

- C. impeding the efficiency or economy of commission decision making;
- D. losing independence or impartiality of action;**
- E. making a commission decision outside official channels; and**
- F. affecting adversely the confidence of the public in the integrity of the commission.**

Minn. R. 7845.0400 (emphasis added).

A look at the process, MPCA and Commerce's machinations for Freeborn Wind, and Commission treatment of Freeborn Wind, there are known examples of giving preferential treatment to an interested entity. The Commission has lost independence and impartiality of action. The decision has been made, for all intents and purposes, outside official channels, in private between Freeborn Wind, Commerce, and MPCA, arguably and generously assuming Commission knew nothing about these discussions and agreement. This process failure absolutely adversely affects the confidence of the public in the integrity of the Commission.

At this time, considering all of the above, AFCL requests that this LATE FILED addendum to its Motion be accepted, and that the Commission Reconsider its September 20, 2018 decision and December 19, 2018 written order, and remand the siting docket to the Administrative Law Judge for rehearing and due process, including public fact-finding regarding improper MPCA and Commerce actions, modeling and use of a 0.0 ground factor, with opportunity for discovery, cross-examination, briefing, and argument.

Respectfully submitted,

February 14, 2019



Carol A. Overland #254617
Attorney for AFCL
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responsive to your data practices request. Please note that if there were any emails or meeting invitations sent prior to October 9, 2018 they no longer exist due to the Commerce Department's automatic deletion of these communications after 90 days.

Id. How convenient. No meeting notes were provided by Commerce, NOTHING was provided by Commerce. Please see Exhibit C for the AFCL Data Request. I forwarded the full MPCA Data Practices Act Response to Mr. Wachtler, noting that many had his name attached.

3. Regarding Exhibit F, attached to my Affidavit dated February 13, 2019, entitled "May 30, 2018 Meeting Freeborn Handout Kohlasch Notes Freeborn Highlights_05" provided by MPCA, it is now my belief that this was part of a packet brought to the meeting, provided to those attending, including Kohlasch and Wachtler, and unknown others, and that the notes are those of Litchfield or someone else attending that meeting, that these are not notes of Kohlasch.
4. Attached as Exhibit M is a true and correct copy of the eFiled letter of MPCA's Frank Kohlasch, dated September 11, 2018, where he stated that MPCA disagrees with Freeborn Wind's interpretation of the noise standard as including only wind turbine noise "absent the consideration of outer sound or noise sources." He goes on to state, "our interpretation of the standards as health *total, ambient* sound." (p. 1, emphasis in original.) He also notes that "We understand that the Commission and the DOC may have, or appear to have, applied the state noise standards in Minn. Rule Ch. 7030 differently in the past for some LWECs site permit actions. Nevertheless, as stated above, the MPCA has historically, and consistently, interpreted and applied said noise standards for *total* sound. The total sound levels at a residential receptor, or any receptor, should meet state standards as laid out in Minn. Rules Ch. 7030.0040, regardless of the sources contributing to the total sound levels."
5. It was regarding this letter that Freeborn Wind's Litchfield contacted MPCA's Frank Kohlasch and Commerce's John Wachtler, triggering emails back and forth, and last minute proposals for significant permit condition language changes over that weekend. See Exhibits D and E, attached to Overland Affidavit, February 14, 2019.
6. Attached as Exhibit N is a true and correct copy of a letter filed in this docket ([20182-139890-01](#)) filed in eDockets by the PUC anonymously as a "Public Comment," by then CD1 Congressman Tim Walz, now Governor (due to appoint a new Public Utilities Commission Chair/Commissioner any day now), supporting the Freeborn Wind project. Walz opened with this statement:

I am writing on behalf of my constituent Melville Nickerson, Director of Government Relations for Invenergy. Invenergy is currently working on getting approval for an 83 megawatt wind farm (Freeborn Wind) in Freeborn County, Minnesota.

Nickerson and Invenergy are Chicago based, in no way constituents of Walz' then Congressional District.

7. Attached as Exhibit O is a true and correct copy of another Walz letter filed in this docket (20183-141076-01). After much back and forth, Rep. Walz' staff did agree to meet with AFCL members, and one landowner from the Bent Tree project area, after which Walz issued another letter, dated March 15, 2018, filed again by the PUC anonymously as "Public Comment" stating:

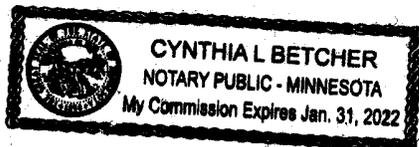
I am writing to correct a **clerical error** made in my earlier letter to the Minnesota Public Utilities Commission regarding the Freeborn Wind Project in Freeborn County, Minnesota. That letter incorrectly stated that Melville Nickerson, Director of Governmental Relations for Invenergy, LLC was my constituent. I appreciate the opportunity to correct the record, which should reflect that Mr. Nickerson is not a southern Minnesota Resident.

Id., p. 1 (emphasis added). Clerical error?

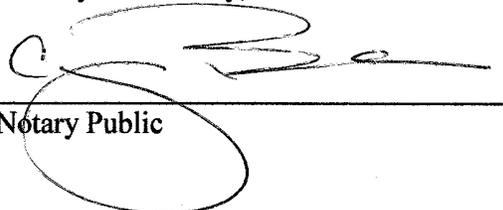
In that letter, Walz cites "local opposition." Over 370 of Walz' legitimate constituents in the project area signed a petition asking that Freeborn Wind not build in the community. See AFCL-Hansen-Direct, Exhibit 2, Landowner Petition (201712-138411-03). These 370 plus constituents do not consent to this project.

Further your affiant sayeth naught.

Dated: February 14, 2019



Signed and sworn to before me this 14th day of February, 2019


Notary Public


Carol A. Overland MN Lic. 254617
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overland@legalelectric.org

AFCL EXHIBIT L

Subject: RE: Freeborn Wind - DATA PRACTICES ACT REQUEST
From: "Wachtler, John (COMM)" <john.wachtler@state.mn.us>
Date: 2/13/2019, 3:53 PM
To: "Carol A. Overland" <overland@legalelectric.org>

Hello Carol:

Thank you for your email below and the attached data practices act request in which you ask for copies of certain data maintained by the Department of Commerce.

I apologize for the delay in getting back to you. I have conducted a search of our records and have not found any data responsive to your data practices request. Please note that if there were any emails or meeting invitations sent prior to October 9, 2018 they no longer exist due to the Commerce Department's automatic deletion of these communications after 90 days.

John

John Wachtler
Energy Program Director
Minnesota Department of Commerce
85 7th Place East, Suite 500, Saint Paul, MN 55101
P: 651-539-1837
C: 651-724-1063

CONFIDENTIALITY NOTICE: This message is intended only for the use of the individual(s) named above. Information in this e-mail or any attachment may be confidential or otherwise protected from disclosure by state or federal law. Any unauthorized use, dissemination, or copying of this message is prohibited. If you are not the intended recipient, please refrain from reading this e-mail or any attachments and notify the sender immediately. Please destroy all copies of this communication.

-----Original Message-----

From: Carol A. Overland <overland@legalelectric.org>
Sent: Wednesday, January 09, 2019 3:41 PM
To: Grant, Bill (COMM) <bill.grant@state.mn.us>; Wachtler, John (COMM) <john.wachtler@state.mn.us>
Subject: Freeborn Wind - DATA PRACTICES ACT REQUEST

Mr. Grant and Mr. Wachtler -

Attached on behalf of Association of Freeborn County Landowners please find Data Practices Act Request.

Please let me know if you have any questions.

Carol A. Overland

for Association of Freeborn County Landowners

AFCL EXHIBIT L

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"Our lives begin to end the day we become silent about the things that matter." Dr. Martin Luther King, Jr.

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www.nocapx2020.info

www.not-so-great-northern-transmission-line.org

This email has been checked for viruses by Avast antivirus software.

<https://www.avast.com/antivirus>

— Attachments: —

Commerce-Agreement_DataPracticesActRequest.pdf

142 KB

520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300

800-657-3864 | Use your preferred relay service | info.pca@state.mn.us | Equal Opportunity Employer

September 11, 2018

Daniel P. Wolf, Executive Secretary
Minnesota Public Utilities Commission
127 7th Place East, Suite 350
St. Paul, MN 55101-2147

Filed electronically via edockets.state.mn.us

Re: In the Matter of the Application for Freeborn Wind Energy, LLC for a Large Wind Energy Conversion System Site Permit for 84 MW in Freeborn
County Docket No. MPUC IP-6946/WS-17-410

Dear Mr. Wolf:

Freeborn Wind Energy, LLC (Freeborn) and others have filed comments in this docket regarding the interpretation of Minnesota's noise standards, as applied to Large Wind Energy Conversion System (LWECS) projects. The Minnesota Pollution Control Agency (MPCA) has the authority to adopt or amend state noise standards (Minn. Rules Ch. 7030) under Minnesota Statutes 116.07. This letter is intended to help the Commission understand the MPCA's position regarding the application of the state noise standards to LWECS projects.

First, Freeborn and other wind developers contend that LWECS projects meet the state noise standards in Minn. Rules Ch. 7030.0040 as long as the noise generated from any individual turbine, or a combination of turbines, is below the applicable noise standard, absent the consideration of other sound or noise sources. The MPCA disagrees with this position. The plain language of the adopted standards support the MPCA's position, as the scope of the standards reads "These standards describe the limiting *levels of sound* established...for the preservation of *public health and welfare*." (Minn. Rule 7030.0040, emphasis added). This position is consistent with the letter sent from the MPCA to the Department of Commerce (DOC) on October 8, 2012, where the MPCA states our interpretation of standards as health-based standards for *total, ambient* sound. Thus, the MPCA recommends that the Commission should determine compliance of LWECS projects under the state noise standards by determining if *total* sound levels at nearby residences or other receptors – that is, existing sound levels plus the additional noise from a given turbine or LWECS project – exceed the standards in Minn. Rules Ch. 7030.0040.

We understand that the Commission and the DOC may have, or appear to have, applied the state noise standards in Minn. Rules Ch. 7030 differently in the past for some LWECS site permit actions. Nevertheless, as stated above, the MPCA has historically, and consistently, interpreted and applied said noise standards for *total* sound. The total sound levels at a residential receptor, or any receptor, should meet state standards as laid out in Minn. Rules Ch. 7030.0040, regardless of the source(s) contributing to the total sound levels.

AFCL EXHIBIT M

The MPCA also recommends that the Commission continue to include compliance with the state noise standards in its site permits for LWECS projects. Maintaining the compliance provision ensures that a state agency retains regulatory authority to compel compliance with the state noise standards. Since the MPCA for noise standard exceedances would be very difficult. Currently, the MPCA only engages with facilities on compliance with noise standards for facilities that have an air quality permit from the MPCA. In the case of LWECS projects, we do not have a regulatory relationship with LWECS project developers or owners, and would have a very difficult time enforcing the state noise standards on LWECS project developers or owners. The Commission's siting permits include a provision requiring compliance with the state noise standards, which provides a direct mechanism to ensure ongoing compliance.

Finally, the MPCA finds that the Department of Commerce's proposed a reasonable "cause or contribute" approach to address compliance in situations where ambient/background sound is already near or exceeding state standards at one or more nearby residential receptors. The MPCA worked with the Department of Commerce on the approach, and it represents the approach the MPCA uses for the consideration of total, ambient sound standard. Noise from individual wind turbines, LWECS projects in general, or other non-natural sources may only comprise a small fraction of the *total* sound level; completely restricting noise from these projects would, therefore, be an undue burden to developers and utilities. We believe EERA's proposed approach, which allows individual turbines or LWECS projects to contribute to a total sound of no greater than one dBA above the relevant noise standard (as described in Minn. Rules Ch. 7030.0040), is reasonable and appropriate, and that the Commission should apply the approach to siting permits, going forward.

The MPCA appreciates the opportunity to provide this feedback. If you have any questions, feel free to contact me directly at 651-757-2500 or Frank.Kohlasch@state.mn.us.

Sincerely,



Frank L. Kohlasch, Manager
Air Assessment Section
Environmental Analysis and Outcomes Division

FLK:cbg

cc: John Wachtler, DOC
Louise Miltich, DOC
David Thornton, MPCA
James Kelly, MDH
Jessie Shmool, MDH

AFCL EXHIBIT N

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AGRICULTURE COMMITTEE

VETERANS' AFFAIRS COMMITTEE
RANKING MEMBER

TIMOTHY J. WALZ
CONGRESS OF THE UNITED STATES
FIRST DISTRICT, MINNESOTA
WWW.WALZ.HOUSE.GOV

February 6, 2018

Dan Wolf, Executive Director
Minnesota Public Utilities Commission
Docket Number: IP-6946/WS-17-410
121 7th Pl E #350, St Paul, MN 55101

Dear Executive Director Wolf,

I am writing on behalf of my constituent Melville Nickerson, Director of Government Relations for Invenergy. Invenergy is currently working on getting approval for an 83 megawatt wind farm (Freeborn Wind) in Freeborn County, Minnesota.

Invenergy's proposal has been presented before the Minnesota Public Utilities Commission, Docket IP-6946/WS-17-410, but is facing local opposition primarily based around public health concerns. The proposed project has the potential to develop the region economically, provide residents with both short and long-term employment, and generate revenue through taxes and capital investment. Additionally, this project would further demonstrate Minnesota's commitment to developing environmentally responsible and safe forms of energy production.

I ask that you provide fair and thorough consideration to Invenergy's proposal, with attention to the support garnered from local and regional organizations and the strong support voiced by environmental conservation and clean energy groups. I believe that Invenergy's proposal would result in positive gains for Freeborn County and the State of Minnesota as a whole.

Thank you very much for your consideration

Sincerely,

A handwritten signature in black ink that reads "Tim J. Walz".

Tim Walz
MEMBER OF CONGRESS

TJW/JTG

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AFCL EXHIBIT O



AGRICULTURE COMMITTEE

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RANKING MEMBER

TIMOTHY J. WALZ
CONGRESS OF THE UNITED STATES
FIRST DISTRICT, MINNESOTA
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March 15, 2018

Dan Wolf, Executive Secretary
Minnesota Public Utilities Commission
Docket Number: IP-6946/WS-17-410
121 7th Pl E #350, St Paul, MN 55101

Dear Executive Secretary Wolf,

I am writing to correct a clerical error made in my earlier letter to the Minnesota Public Utilities Commission regarding the Freeborn Wind Project in Freeborn County, Minnesota. That letter incorrectly stated that Melville Nickerson, Director of Government Relations for Invenergy, LLC, was my constituent. I appreciate the opportunity to correct the record, which should reflect that Mr. Nickerson is not a southern Minnesota resident.

Furthermore, since my initial correspondence, I have heard directly from my constituents in Freeborn County who have serious concerns about the siting of turbines in the Invenergy proposal. It is my wish that these concerns receive full and fair consideration as your Commission works through its permitting process. I have attached to this letter a document from residents of Freeborn County outlining these concerns in greater detail and pass them along to you for your consideration.

Thank you for your attention to this matter. I am a firm supporter of renewable energy and have consistently advocated for Minnesota projects that I believe will help our state move off of its reliance on fossil fuels. However, I also firmly believe that we must balance our development of renewables with respect for individuals whose quality of life could be adversely affected by a specific project. I am confident that you and your Commission share this belief and will conduct your review of this matter in an open and transparent manner.

Sincerely,

A handwritten signature in black ink that reads "Tim J. Walz".

Tim Walz
MEMBER OF CONGRESS

TJW/SVS

AFCL EXHIBIT O

Association of Freeborn Landowners & Freeborn Wind

The Association of Freeborn Landowners (AFCL) is an informal association of landowners within the footprint proposed for the Freeborn Wind, LLC wind project. AFCL requested a contested case hearing, which was granted and intervened as a party.

BIG PICTURE – SYSTEMIC PROBLEMS OF SITING WIND PROJECTS IN MINNESOTA

The State of Minnesota has systemic flaws in its wind siting process, resulting in siting which violates permit conditions, puts landowners and residents at risk, and steals landowners use and enjoyment of their property:

- Before the Freeborn Wind project, the state has not used the applicable siting criteria, that of Minn. Stat. §216.03, Subd. 7 (see Minn. Stat. §216F.02 Exemptions). Commerce's Rich Davis was asked to amend Commerce's Comments and Draft Siting Permit to include reference to the siting criteria, and he testified that he was not familiar with Minn. Stat. §216E.03, Subd. 7. Commerce and the Commission must site wind projects using the statutory criteria, and must address all the previous permits not using statutory criteria.
- Wind projects are exempt from EIS and Environmental Assessment environmental review!
- Minnesota agencies resisted offering testimony regarding their own comments, project siting developments, and project specific and general concerns. Previously agency staff attended hearings and offered testimony, yet in this case, AFCL had to subpoena DNR, Commerce, and Health -- all objected. Why?
- Wind projects must comply with the MPCA's noise rules, Minn. R. Ch. 7030, but the noise rules regulate industrial facilities using an A weighted scale, which do not capture both A and C weighted scales, the noise emitted by wind turbines. Noise rules specifically addressing wind turbine noise are needed.
- Wind projects are not compliant with 2012 Dept. of Commerce Guidelines for noise monitoring, which states that projects should not be proposed without pre-construction modeling of both ambient noise and wind turbine noise. Inclusion and consideration of all noise is a key to preventative siting, but Freeborn did not produce it before the hearing, and only submitted it after Freeborn's omission was raised during the hearing.
- Noise levels allowed by MPCA's noise standards are more lax than recommended noise levels in other jurisdictions, and do not provide for any buffer or margin of error in modeling. Even with that laxity, projects violate Minnesota noise standards. How will violations be corrected for operating projects?
- Under current rules, the decommissioning plan isn't drafted and filed until after a permit is issued. How are costs of decommissioning be guaranteed? What if project goes bankrupt or permit is revoked?
- The complaint process, part of all Permits, is dysfunctional. Complaints are made and often not resolved even after years of problems, i.e., Bent Tree and Big Blue wind projects, and with pipeline and transmission line projects as well. The complaint process must be revised.
- There is no statutory mechanism in place to address situations where projects are built and residents have lost the use and enjoyment of their property. "Buy the Farm," . Minn. Stat. §216E.12, Subd. 4, for transmission is instructive, and applies to wind projects (see Minn. Stat. 216F.02, Exemptions). Minnesota should adopt the Power Plant Siting Act's "Buy the Farm" and Minn. Stat. Ch. 114 eminent domain compensation for landowner buy-outs where the wind farm has moved into the neighborhood. No permit should be issued without a plan in place to address permit violations and landowner complaints.

ISSUES RAISED BY ASSOCIATION OF FREEBORN COUNTY LANDOWNERS

In light of the systemic issues in siting wind turbines, and the specific issues below, PUC should not issue a siting permit for any wind project until these systemic and specific problems are corrected.

Noise: Noise has been a documented problem in other wind developments. Wind projects have not done the

AFCL EXHIBIT O

necessary modeling prior to construction, and post-construction noise modeling has shown that at least two projects thus far are not compliant with noise rules and permit conditions.

Shadow flicker: Shadow flicker occurs when the turbines block the sun and is limited for nearby homes to 30 hrs/yr. Wind developers perform shadow flicker monitoring, but shadow flicker occurs, whether someone is a "receptor" or not. Wind companies propose "mitigation" using blinds and shades, leaving people to sit in the dark in daytime, or as Freeborn's Litchfield suggested in writing, "go to Florida for the winter."

Visual intrusion: A wind project is visible for many miles. Freeborn's turbines are proposed to be as close to homes as 1,200 feet, and several landowners live within the project, surrounded by multiple turbines, visible out picture windows, towering over their homes.

Road upgrades and repairs: Township and county roadways would require significant rebuilding to handle the heavy weight of truck traffic with cranes and turbines. The roads would need to be widened and corners expanded so equipment could make the turns, and roads must be returned to previous condition, which may not be wise considering necessary turbine maintenance, replacement, rehab, and removal.

Drain tile: Drain tile systems will likely be damaged, and due to the interconnected nature of drain tile, damage from debris and silt in the system could migrate beyond the immediate construction area, and construction damage may not become apparent until long after the project is built.

Aerial spraying: Aerial spraying and seeding is not possible within a wind project, and is difficult nearby.

Ice Throw: Ice throw from blades is real. Last month, Bent Tree ice throw damaged a semi-tractor on Hwy. 13.

Interference with broadcast radio and TV, internet, cell land line phone: KAAL intervened to address this.

Impact on wildlife: Wildlife habitat would decrease, and encroach on important species. Eagle nests and foraging areas are within and surrounding the project footprint. AFCL has reported multiple eagle nests to Freeborn Wind, DNR, and USFWS, but several remain unacknowledged. Bat monitoring was not conducted on agency recommended schedule.

No room to adjust turbine locations, and no alternate sites proposed: Freeborn has testified that they have no room to move the Minnesota turbine locations.. The DNR requested 5-6 alternate turbine sites should issues arise that prohibit use of locations proposed, and DNR testified at the hearing that none were provided. Freeborn states alternate sites are in Iowa, there is room for 42, but didn't identify the specific alternate sites.

Complaint process proposed is dysfunctional. The Draft Site Permit includes the complaint process now in place, which in several other dockets has been ineffective to deal with post-construction problems.

Poor siting leaves no option for enforcement: If a project doesn't comply with its permit, the cost, installation, and size of wind turbines makes enforcement difficult. Initial siting must be done correctly.

A wind project moving in changes the character of the community forever with a shift from agricultural to industrial: COMMUNITY CONSENT IS NECESSARY! The people who live here chose to live here, to stay here, for many reasons. Most grew up here, and their land has been in the family for generations. Many want a quiet rural way of life. Entry of wind turbines into this community would shift away from the established and flourishing agricultural base. It's important to note that the wind project moving into a community, but not mindful or respectful of those living in the area, and landowners have not consented. This project would take away use and enjoyment of their property. Building this project in the area proposed would remove some of the most productive agricultural land from production. Construction activities would disrupt with noise, high traffic, disrupted and rebuilt roadways and drainage systems. Operation would disrupt with continual flashing red lights, turbine noise, maintenance activities. The community would become an industrial, not agricultural, area.

Freeborn Wind should not be granted a permit. The above factors affect siting of individual turbines and siting of the project as a whole. Freeborn Wind does not have land rights in Minnesota to move turbines that would comply with siting requirements and alleviate these concerns. Prevention and precaution is needed in siting such large infrastructure in a community. The PUC should not issue a siting permit.