

## BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

### COMMENTS AND RECOMMENDATIONS OF MINNESOTA DEPARTMENT OF COMMERCE ENERGY ENVIRONMENTAL REVIEW AND ANALYSIS

DOCKET NOS. IP6946/WS-17-410 AND IP6946/TL-17-322

**Date:** July 22, 2019

**EERA Staff:** Richard Davis | 651-539-1846 | richard.davis@state.mn.us

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#### **In the Matter of Northern States Power Company's Request for Transfer of the Large Wind Energy Conversion System Site Permit Issued for the up to 84 MW Freeborn Wind Farm in Freeborn County and for Transfer of the Route Permit for the Freeborn Wind Farm 161 Kilovolt High Voltage Transmission Line in Freeborn County**

**Issues Addressed:** These comments and recommendations address the proposed transfer of the site and route permit for the Freeborn Wind Farm to Northern States Power Company.

Additional documents and information can be found on eDockets:  
<https://www.edockets.state.mn.us/EFiling/search.jsp> (17-410, 17-322)

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## **Introduction and Background**

On May 10, 2019, the Minnesota Public Utilities Commission (Commission) issued Freeborn Wind Energy LLC an amended Large Wind Energy Conversion System (LWECS) site permit for the Freeborn Wind Farm.<sup>1</sup> The permit authorizes construction and operation of an up to 84 megawatt wind farm in Freeborn County, MN. On December 19, 2018 the Commission issued Freeborn Wind Energy LLC a route permit for the Freeborn Wind Farm 161 kilovolt (kV) high voltage transmission line (HVTL).<sup>2</sup> The permit authorizes construction of an approximately 7 mile-long 161 kV HVTL for the Freeborn Wind Farm in

<sup>1</sup> Minnesota Public Utilities Commission, May 10, 2019. Amended Site Permit. eDockets Number [20195-152849-01](#).

<sup>2</sup> Minnesota Public Utilities Commission, December 19, 2018. Order approving findings of fact and conclusions of law and issuing route permit. eDockets Number [201812-148593-01](#).

Freeborn County, MN. On December 27, 2018, the Commission filed in eDockets additional documents that are attachments to the previously issued route permit, which were unintentionally omitted from the original route permit order.<sup>3</sup>

On June 14, 2019, Northern States Power Company of Minnesota (NSPM, referred to hereinafter as the Company) purchased Freeborn Wind Farm, which included the LWECS Site Permit and the HVTL Route Permit. On June 18, 2019, the Company notified the Commission of their acquisition and filed a request with the Commission to transfer the Freeborn Wind Farm LWECS Site Permit and the Freeborn Wind Farm 161 kV HVTL Route Permit to Xcel.<sup>4</sup>

On July 8, 2019 the Commission issued a Notice of Comment Period requesting comments on the permit transfer.<sup>5</sup>

## Regulatory Process and Procedures

To transfer an LWECS site permit, a permittee must provide the “name of the existing permittee, the name and description of the person to whom the permit is to be transferred, the reasons for the transfer, a description of the facilities affected, and the requested date of the transfer.”<sup>6</sup> The entity to which the permit is to be transferred must provide “such information as the [Commission] shall require to determine whether the new permittee can comply with the conditions of the permit.”<sup>7</sup>

The Commission must approve the permit transfer “if the Commission determines that the new permittee will comply with the conditions of the permit.”<sup>8</sup> The Commission may impose reasonable conditions on the permit transfer.<sup>9</sup>

Similarly, to transfer an HVTL route permit, a permittee must provide the “name of the existing permittee, the name and description of the entity to which the permit is to be transferred, the reasons for the transfer, a description of the facilities affected, and the proposed effective date of the transfer.”<sup>10</sup> The entity to which the permit is to be transferred must provide “such information as the [Commission] shall require to determine whether the new permittee can comply with the conditions of the permit.”<sup>11</sup>

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<sup>3</sup> Minnesota Public Utilities Commission, December 27, 2018. Order erratum notice. eDockets Number [201812-148727-01](#).

<sup>4</sup> Northern States Power Company of Minnesota, June 18, 2019. Notice of acquisition and request for transfer of site permit and route permit and service list additions. eDockets Numbers [20196-153672-02](#) and [20196-153672-01](#).

<sup>5</sup> Minnesota Public Utilities Commission, July 8, 2019. Notice of comment period on request for site and route permit transfers. eDockets Numbers [20197-154204-02](#) and [20197-154204-01](#).

<sup>6</sup> Minnesota Rule 7854.1400 Subpart 1; Blazing Star 2 Wind Farm LWECS Site Permit, Section 14.0.

<sup>7</sup> Id.

<sup>8</sup> Minnesota Rule 7854.1400 Subpart 2.

<sup>9</sup> Id.

<sup>10</sup> Minnesota Rule 7850.5000 Subpart 1; Blazing Star 2 HVTL Route Permit, Section 11.0.

<sup>11</sup> Id.

The Commission must approve the permit transfer “if the Commission determines that the new permittee will comply with the conditions of the permit.”<sup>12</sup> The Commission may impose reasonable conditions on the permit transfer.<sup>13</sup>

## **EERA Staff Analysis and Comments**

In their June 18, 2019 filing, the Company provided the name of the existing permittee, the name and description of the person to whom the permit is to be transferred, the reasons for the transfer, a description of the facilities affected, and the requested date of the transfer.<sup>14</sup> Therefore, EERA believes the basic informational requirements of the permit transfer request have been met.

The Freeborn Wind Farm LWECS site permit and HVTL route permit contain construction related obligations for the permittee. In addition, the LWECS site permit contains on-going operational obligations for the permittee. The Company has stated that they will comply with all conditions in the Freeborn Wind Farm LWECS site and HVTL route permit and have indicated that the Company has appropriately skilled and experienced staff to deliver on this commitment.<sup>15</sup> Based on the record to date and EERA staff’s experience with permits for other NSPM and Xcel Energy projects, EERA staff has no reason to believe that the Company will not comply with the conditions in the Freeborn Wind Farm permits.

## **EERA Staff Recommendation**

If the Commission determines that the Company will comply with the conditions of the Freeborn Wind Farm permits, EERA staff recommends that the Commission approve transfer of the Freeborn Wind Farm LWECS site permit and HVTL route permit to the Company.

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<sup>12</sup> Minnesota Rule 7850.5000 Subpart 2.

<sup>13</sup> Id.

<sup>14</sup> Northern States Power Company of Minnesota, June 18, 2019. Notice of acquisition and request for transfer of site permit and route permit and service list additions. eDockets Numbers [20196-153672-02](#) and [20196-153672-01](#).

<sup>15</sup> Northern States Power Company of Minnesota, June 18, 2019. Notice of acquisition and request for transfer of site permit and route permit and service list additions. eDockets Numbers [20196-153672-02](#) and [20196-153672-01](#).

## **CERTIFICATE OF SERVICE**

I, Sharon Ferguson, hereby certify that I have this day, served copies of the following document on the attached list of persons by electronic filing, certified mail, e-mail, or by depositing a true and correct copy thereof properly enveloped with postage paid in the United States Mail at St. Paul, Minnesota.

**Minnesota Department of Commerce  
Comments and Recommendations**

**Docket No. IP6946/WS-17-410 and IP6946/TL-17-322**

Dated this **22<sup>nd</sup>** day of **July 2019**

**/s/Sharon Ferguson**

| First Name     | Last Name          | Email                                | Company Name                          | Address   | Delivery Method    | View Trade Secret | Service List Name                                  |
|----------------|--------------------|--------------------------------------|---------------------------------------|---|--------------------|-------------------|--|
| Lisa           | Agrimonti          | lagrimonti@fredlaw.com               | Fredrikson & Byron, P.A.              | 200 South Sixth Street<br>Suite 4000<br>Minneapolis,<br>MN<br>55402 | Electronic Service | No                | OFF_SL_17-410_Official<br>Service list Site permit |
| Christina      | Brusven            | cbrusven@fredlaw.com                 | Fredrikson Byron                      | 200 S 6th St Ste 4000<br><br>Minneapolis,<br>MN<br>554021425        | Electronic Service | No                | OFF_SL_17-410_Official<br>Service list Site permit |
| Generic Notice | Commerce Attorneys | commerce.attorneys@ag.state.mn.us    | Office of the Attorney<br>General-DOC | 445 Minnesota Street Suite<br>1800<br><br>St. Paul,<br>MN<br>55101  | Electronic Service | No                | OFF_SL_17-410_Official<br>Service list Site permit |
| Richard        | Davis              | Richard.Davis@state.mn.us            | Department of Commerce                | 85 7th Place East Suite<br>500<br><br>Saint Paul,<br>MN<br>55101    | Electronic Service | Yes               | OFF_SL_17-410_Official<br>Service list Site permit |
| Ian            | Dobson             | residential.utilities@ag.state.mn.us | Office of the Attorney<br>General-RUD | 1400 BRM Tower<br>445 Minnesota St<br>St. Paul,<br>MN<br>551012131  | Electronic Service | No                | OFF_SL_17-410_Official<br>Service list Site permit |
| Bret           | Eknes              | bret.eknes@state.mn.us               | Public Utilities Commission           | Suite 350<br>121 7th Place East<br>St. Paul,<br>MN<br>551012147     | Electronic Service | Yes               | OFF_SL_17-410_Official<br>Service list Site permit |
| Sharon         | Ferguson           | sharon.ferguson@state.mn.us          | Department of Commerce                | 85 7th Place E Ste 280<br><br>Saint Paul,<br>MN<br>551012198        | Electronic Service | No                | OFF_SL_17-410_Official<br>Service list Site permit |
| Sean           | Gaston             | sean.p.gaston@gmail.com              |                                       | 11133 850th Ave<br><br>Glennville,<br>MN<br>56036                   | Electronic Service | No                | OFF_SL_17-410_Official<br>Service list Site permit |
| Dorene         | Hansen             | dhansen078@gmail.com                 |                                       | 12174 840 Avenue<br><br>Glennville,<br>MN<br>56036-4481             | Electronic Service | No                | OFF_SL_17-410_Official<br>Service list Site permit |
| David          | Harbert            | dharbert@kaaltv.com                  | KAAL-TV                               | 1320 Salem Rd SW<br><br>Rochester,<br>MN<br>55902                   | Electronic Service | No                | OFF_SL_17-410_Official<br>Service list Site permit |
|                |                    |                                      |                                       |   |                    |                   |  |

| First Name | Last Name  | Email                         | Company Name                           | Address  | Delivery Method    | View Trade Secret | Service List Name                                  |
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| Matt       | Harris     | matt.b.harris@xcelenergy.com  | XCEL ENERGY                            | 401 Nicollet Mall FL 8<br><br>Minneapolis,<br>MN<br>55401                  | Electronic Service | No                | OFF_SL_17-410_Official<br>Service list Site permit |
| Linda      | Jensen     | linda.s.jensen@ag.state.mn.us | Office of the Attorney<br>General-DOC  | 1800 BRM Tower 445<br>Minnesota Street<br><br>St. Paul,<br>MN<br>551012134 | Electronic Service | No                | OFF_SL_17-410_Official<br>Service list Site permit |
| Michael    | Kaluzniak  | mike.kaluzniak@state.mn.us    | Public Utilities Commission            | Suite 350<br>121 Seventh Place East<br>St. Paul,<br>MN<br>55101            | Electronic Service | Yes               | OFF_SL_17-410_Official<br>Service list Site permit |
| Dan        | Litchfield | DLitchfield@invenergyllc.com  | Invenergy LLC                          | One S Wacker Dr Ste 1800<br><br>Chicago,<br>IL<br>60606                    | Electronic Service | No                | OFF_SL_17-410_Official<br>Service list Site permit |
| Sue        | Madson     | sue_madson@hotmail.com        |  | 14806 830th Ave<br><br>Glennville,<br>MN<br>56036                          | Electronic Service | No                | OFF_SL_17-410_Official<br>Service list Site permit |
| Gregory R. | Merz       | gregory.merz@gpmlaw.com       | Gray, Plant, Mooty                     | 80 S 8th St Ste 500<br><br>Minneapolis,<br>MN<br>55402-5383                | Electronic Service | No                | OFF_SL_17-410_Official<br>Service list Site permit |
| Allie      | Olson      | aa_olson@hotmail.com          |  | 12225 810th Ave<br><br>Glennville,<br>MN<br>56036                          | Electronic Service | No                | OFF_SL_17-410_Official<br>Service list Site permit |
| Carol A.   | Overland   | overland@legalelectric.org    | Legalelectric - Overland Law<br>Office | 1110 West Avenue<br><br>Red Wing,<br>MN<br>55066                           | Electronic Service | No                | OFF_SL_17-410_Official<br>Service list Site permit |
| Richard    | Savelkoul  | rsavelkoul@martinsquires.com  | Martin & Squires, P.A.                 | 332 Minnesota Street Ste<br>W2750<br><br>St. Paul,<br>MN<br>55101          | Electronic Service | No                | OFF_SL_17-410_Official<br>Service list Site permit |
|            |            |                               |  |  |                    |                   |  |

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| Daniel P   | Wolf           | dan.wolf@state.mn.us              | Public Utilities Commission       | 121 7th Place East<br>Suite 350<br>St. Paul,<br>MN<br>551012147 | Electronic Service | No                | OFF_SL_17-410_Official Service list Site permit |

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| Sue                | Madson     | sue_madson@hotmail.com     |                  | 14806 830th Ave<br>Glenville,<br>MN<br>56036         | Electronic Service | No                | SPL_SL_17-410_Project<br>Contact List |
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| Brian           | Olson      | olson2439@gmail.com              |              | 81802 160th Street<br>Glenville,<br>MN<br>56036 | Electronic Service | No                | SPL_SL_17-410_Project<br>Contact List |
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| Gary and Marcia | Sola       | Solagm1974@gmail.com             |              | 88621 110th St<br>Glenville,<br>MN<br>56036     | Electronic Service | No                | SPL_SL_17-410_Project<br>Contact List |
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| Henry        | Tews      | N/A                  |              | 12494 850th Ave<br>Glenville,<br>MN<br>56036 | Paper Service      | No                | SPL_SL_17-410_Project<br>Contact List |
| Robert       | VanPelt   | N/A                  |              | 18067 860th Ave<br>Austin,<br>MN<br>55912    | Paper Service      | No                | SPL_SL_17-410_Project<br>Contact List |
| Mary         | VanPelt   | N/A                  |              | 20527 900th Ave<br>Austin,<br>MN<br>55912    | Paper Service      | No                | SPL_SL_17-410_Project<br>Contact List |
| Mike and Sue | VanPelt   | msvanpelt1@gmail.com |              | N/A  | Electronic Service | No                | SPL_SL_17-410_Project<br>Contact List |

| First Name     | Last Name          | Email                                | Company Name                          | Address  | Delivery Method    | View Trade Secret | Service List Name              |
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| Lisa           | Agrimonti          | lagrimonti@fredlaw.com               | Fredrikson & Byron, P.A.              | 200 South Sixth Street<br>Suite 4000<br>Minneapolis,<br>MN<br>55402                  | Electronic Service | No                | OFF_SL_17-322_Official<br>List |
| David          | Bell               | david.bell@state.mn.us               | Department of Health                  | POB 64975<br><br>St. Paul,<br>MN<br>55164  | Electronic Service | No                | OFF_SL_17-322_Official<br>List |
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| Generic Notice | Commerce Attorneys | commerce.attorneys@ag.state.mn.us    | Office of the Attorney<br>General-DOC | 445 Minnesota Street Suite<br>1800<br><br>St. Paul,<br>MN<br>55101                   | Electronic Service | Yes               | OFF_SL_17-322_Official<br>List |
| Ian            | Dobson             | residential.utilities@ag.state.mn.us | Office of the Attorney<br>General-RUD | 1400 BRM Tower<br>445 Minnesota St<br>St. Paul,<br>MN<br>551012131                   | Electronic Service | Yes               | OFF_SL_17-322_Official<br>List |
| Randall        | Doneen             | randall.doneen@state.mn.us           | Department of Natural<br>Resources    | 500 Lafayette Rd, PO Box<br>25<br><br>Saint Paul,<br>MN<br>55155                     | Electronic Service | No                | OFF_SL_17-322_Official<br>List |
| Kate           | Fairman            | kate.frantz@state.mn.us              | Department of Natural<br>Resources    | Box 32<br>500 Lafayette Rd<br>St. Paul,<br>MN<br>551554032                           | Electronic Service | No                | OFF_SL_17-322_Official<br>List |
| Annie          | Felix Gerth        | annie.felix-gerth@state.mn.us        |                                       | Board of Water & Soil<br>Resources<br>520 Lafayette Rd<br>Saint Paul,<br>MN<br>55155 | Electronic Service | No                | OFF_SL_17-322_Official<br>List |
| Sharon         | Ferguson           | sharon.ferguson@state.mn.us          | Department of Commerce                | 85 7th Place E Ste 280<br><br>Saint Paul,<br>MN<br>551012198                         | Electronic Service | No                | OFF_SL_17-322_Official<br>List |
| Sean           | Gaston             | sean.p.gaston@gmail.com              |                                       | 11133 850th Ave<br><br>Glenville,<br>MN<br>56036                                     | Electronic Service | No                | OFF_SL_17-322_Official<br>List |

| First Name | Last Name    | Email                         | Company Name                                 | Address   | Delivery Method    | View Trade Secret | Service List Name           |
|------------|--------------|-------------------------------|--|---|--------------------|-------------------|-----------------------------|
| Dorene     | Hansen       | dhansen078@gmail.com          |  | 12174 840 Avenue<br>Glenville,<br>MN<br>56036-4481                            | Electronic Service | No                | OFF_SL_17-322_Official List |
| Matt       | Harris       | matt.b.harris@xcelenergy.com  | XCEL ENERGY                                  | 401 Nicollet Mall FL 8<br>Minneapolis,<br>MN<br>55401                         | Electronic Service | No                | OFF_SL_17-322_Official List |
| Kari       | Howe         | kari.howe@state.mn.us         | DEED   | 332 Minnesota St, #E200<br>1ST National Bank Bldg<br>St. Paul,<br>MN<br>55101 | Electronic Service | No                | OFF_SL_17-322_Official List |
| STACY      | KOTCH EGSTAD | Stacy.Kotch@state.mn.us       | MINNESOTA<br>DEPARTMENT OF<br>TRANSPORTATION | 395 John Ireland Blvd.<br>St. Paul,<br>MN<br>55155                            | Electronic Service | No                | OFF_SL_17-322_Official List |
| Ray        | Kirsch       | Raymond.Kirsch@state.mn.us    | Department of Commerce                       | 85 7th Place E Ste 500<br>St. Paul,<br>MN<br>55101                            | Electronic Service | No                | OFF_SL_17-322_Official List |
| Karen      | Kromar       | karen.kromar@state.mn.us      | MN Pollution Control Agency                  | 520 Lafayette Rd<br>Saint Paul,<br>MN<br>55155                                | Electronic Service | No                | OFF_SL_17-322_Official List |
| Dan        | Litchfield   | DLitchfield@invenergyllc.com  | Invenergy LLC                                | One S Wacker Dr Ste 1800<br>Chicago,<br>IL<br>60606                           | Electronic Service | No                | OFF_SL_17-322_Official List |
| Sue        | Madson       | sue_madson@hotmail.com        |  | 14806 830th Ave<br>Glenville,<br>MN<br>56036                                  | Electronic Service | No                | OFF_SL_17-322_Official List |
| Anne       | Marcotte     | anne.marcotte@co.aitkin.mn.us | Aitkin County Board                          | Aitkin County Commission<br>PO Box 192<br>Hill City,<br>Minnesota<br>55748    | Electronic Service | No                | OFF_SL_17-322_Official List |
| James      | Mortenson    | james.mortenson@state.mn.us   | Office of Administrative Hearings            | PO BOX 64620<br>St. Paul,<br>MN<br>55164-0620                                 | Electronic Service | Yes               | OFF_SL_17-322_Official List |

| First Name | Last Name      | Email                             | Company Name                        | Address   | Delivery Method    | View Trade Secret | Service List Name           |
|------------|----------------|-----------------------------------|-------------------------------------|---|--------------------|-------------------|-----------------------------|
| Debra      | Moynihan       | debra.moynihan@state.mn.us        | MN Department of Transportation     | 395 John Ireland Blvd MS 620<br><br>St. Paul, MN 55155-1899 | Electronic Service | No                | OFF_SL_17-322_Official List |
| Allie      | Olson          | aa_olson@hotmail.com              |                                     | 12225 810th Ave<br><br>Glenville, MN 56036                  | Electronic Service | No                | OFF_SL_17-322_Official List |
| Carol A.   | Overland       | overland@legalectric.org          | Legalelectric - Overland Law Office | 1110 West Avenue<br><br>Red Wing, MN 55066                  | Electronic Service | No                | OFF_SL_17-322_Official List |
| Stephan    | Roos           | stephan.roos@state.mn.us          | MN Department of Agriculture        | 625 Robert St N<br><br>Saint Paul, MN 55155-2538            | Electronic Service | No                | OFF_SL_17-322_Official List |
| Janet      | Shaddix Elling | jshaddix@janetshaddix.com         | Shaddix And Associates              | 7400 Lyndale Ave S Ste 190<br><br>Richfield, MN 55423       | Electronic Service | Yes               | OFF_SL_17-322_Official List |
| Sara       | Smith          | sara.smith@metc.state.mn.us       | Metropolitan Council                | 390 Robert St N<br><br>St. Paul, MN 55101-1805              | Electronic Service | No                | OFF_SL_17-322_Official List |
| Lynnette   | Sweet          | Regulatory.records@xcelenergy.com | Xcel Energy                         | 414 Nicollet Mall FL 7<br><br>Minneapolis, MN 554011993     | Electronic Service | No                | OFF_SL_17-322_Official List |
| Daniel P   | Wolf           | dan.wolf@state.mn.us              | Public Utilities Commission         | 121 7th Place East Suite 350 St. Paul, MN 551012147         | Electronic Service | Yes               | OFF_SL_17-322_Official List |