

STATE OF MINNESOTA  
IN COURT OF APPEALS



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In the Matter of Freeborn Wind Energy  
LLC's Application for a Large Wind  
Energy Conversion System Site Permit  
for the 84 MW Freeborn Wind Farm in  
Freeborn County.

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**ORDER**

**A19-1195**

Considered and decided by Cleary, Chief Judge; Reyes, Judge; and Slieter, Judge.

**BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND FOR THE  
FOLLOWING REASONS:**

This certiorari appeal was filed on July 30, 2019. Relator Association of Freeborn County Landowners seeks review of a May 10, 2019 amended order issued by respondent Minnesota Public Utilities Commission (the commission) and the commission's July 2, 2019 order denying relator's petition for reconsideration. The commission's orders pertain to a site application permit filed by Freeborn Wind Energy LLC (Freeborn Wind) to construct wind turbines and related facilities in Freeborn County.

In June 2019, Northern States Power Company, d/b/a Xcel Energy (Xcel), acquired Freeborn Wind. On August 20, 2019, Xcel filed with the commission a site permit amendment application for the Freeborn Wind project.

Relator moves to stay processing of this appeal pending the commission's final ruling on Xcel's site permit amendment application. The commission supports relator's

motion. Freeborn Wind opposes the motion for a stay. Relator filed a reply to Freeborn Wind's response to the motion.

Except as otherwise provided in rule 126.02, in the interest of expediting decision upon any matter before it, or for other good cause shown, the appellate court may suspend the requirements or provisions of the appellate rules on application of a party or on its own motion and may order proceedings in accordance with its direction. Minn. R. Civ. App. P. 102. We agree with relator and the commission that judicial economy would be served by suspension of the briefing schedule and delaying appellate review until there has been a final ruling by the commission on the pending site permit amendment application. As directed below, relator's counsel shall file monthly letters on the status of the pending application.

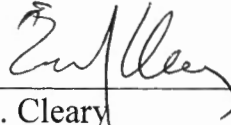
**IT IS HEREBY ORDERED:**

1. Relator's motion to stay processing of this appeal is granted, except for transcript preparation.
2. The filing of the itemized list of the contents of the record and the briefing schedule for this appeal are stayed, pending further order of this court.
3. Relator's counsel shall file monthly status letters, due on the first of each month, with the first letter due on November 1, 2019. The letters shall detail progress of the pending site permit amendment application until the stay of this appeal is dissolved.

4. The clerk of the appellate courts shall provide copies of this order to counsel of record and to court reporter Janet Shaddix Elling.

**Dated:** October 1, 2019

**BY THE COURT**

A handwritten signature in cursive script, appearing to read "E. Cleary", written over a horizontal line.

Edward J. Cleary  
Chief Judge