

**STATE OF MINNESOTA
IN COURT OF APPEALS**

**PETITION FOR
WRIT OF CERTIORARI**

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

Court of Appeals Case No. _____

**Association of Freeborn County Landowners,
Relators,**

**PUC Docket No. IP6946/WS-17-410
OAH Docket No. 80-2500-34633**

vs.

Minnesota Public Utilities Commission,

Respondent.

Date of Decision Triggering Appeal Time: July 2, 2019

TO: THE COURT OF APPEALS OF THE STATE OF MINNESOTA:

Association of Freeborn County Landowners (“Petitioner”) hereby Petitions the Court of Appeals for a Writ of Certiorari to review the attached July 2, 2019 and May 10, 2019 Orders of the Minnesota Public Utilities Commission (“PUC”) granting an amended Siting Permit to Applicant Freeborn Wind, LLC, for the Freeborn Wind Project. On July 2, 2019, the Commission issued a written Order denying reconsideration.

The PUC’s decisions were erroneous as a matter of law under Minnesota’s Power Plant Siting Act, Minn. Stat. Ch. 216E, and Wind siting statutes Ch. 216F and associated rules. Following a Recommendation by the Administrative Law Judge that the site

permit be denied because Applicants had not demonstrated it could comply with state noise standards, the Commission reversed course and granted the permit. The Commission based its Amendment and Order, and prior Order and Permit, on a private agreement between Applicant, Commerce and MPCA, and to the exclusion of AFCL, an intervenor with full party status; on reliance upon “General Permit Standards” for small wind which are not applicable to 84MW Large Wind Energy Conversion System (LWECS) project; relief from burden of proof and failure to require production of noise modeling demonstrating Applicants’ ability to comply with state sound standards prior to issuance of permit; relief of burden of proof and failure to require production of decommissioning information prior to issuing permit, all constituting errors of law.

Appeals from final Public Utilities Commission decisions are taken pursuant to the Minnesota Administrative Procedures Act, Minn. Stat. §§216B.52 and 216E.05. The Administrative Procedures Act authorizes review in the Court of Appeals by Writ of Certiorari. Minn. Stat. §14.63; see also Minn. R. Civ. App. P. 103.03(g) and 115.01.

July 30, 2019



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