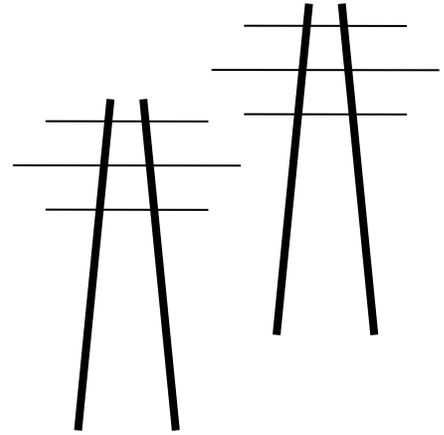


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February 3, 2020

Ryan Barlow  
Acting Executive Secretary and General Counsel  
Public Utilities Commission  
121 – 7<sup>th</sup> Place East, Suite 350  
St. Paul, Mn 55101

via email: ryan.barlow@state.mn.us  
and eDockets

RE: Reply Comment re: MCEA & Fresh Energy  
Petition for an EAW – Association of Freeborn County Landowners  
**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** PUC Docket: IP-6946/WS-17-410

Dear Mr. Barlow:

MCEA and Fresh Energy just filed a “response to the Association of Freeborn County Landowners Petition for an Environmental Assessment Worksheet,” and AFCL offers this response to that letter.

First, there is no open comment period at this time, and AFCL requests that the letter be stricken from the record.

Second, and more importantly, MCEA contends that the requirements of Minn. R. 7850.0500, Subp. 7 constitutes “compliance with duly adopted alternate environmental review process satisfies the Commission’s environmental review responsibilities under MEPA.” Letter, p. 1 (quoting final paragraph of that subpart). However, saying it is so does not make it so. The rule cited, Minn. R. 7850.0500, Subp. 7, is not a “duly adopted alternate environmental review process.” It is a rule governing application content.

As noted previously, the rule is not compliant with the legislative mandate of Minn. Stat. §216F.05, which required rules be developed. The legislature instructed that rules be developed to address “**criteria that the commission shall use to designate LWECS sites, which must include the impact of LWECS on humans and the environment,**” which has NOT been done, and to address “**requirements for environmental review of the LWECS,**” which also has NOT been done. Instead, environmental review was circumvented, and a rule was adopted that

specifies information to be included by the project proposer in an application. MCEA's can cite no support for its contention that a declaration in rule that application content is sufficient analysis and no EAW or EIS is required, that it is "alternative forms of environmental review approved by the EQB under Minn. Stat. §116D.04, subd. 4a," and that it is compliant with MEPA. This would be an issue of first impression in Minnesota!

Very truly yours



Carol A. Overland  
Attorney at Law

cc: All parties via eDockets  
Association of Freeborn County Landowners  
Katrina Hapka, Denise Wilson, Environmental Quality Board