

Attachment C

AFCL Letter to EQB – Notice of Decision

February 28, 2020

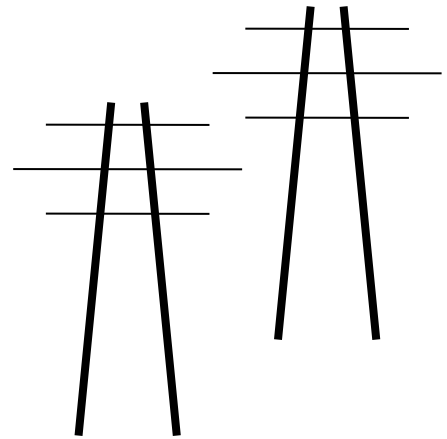
AFCL Inquiry re: PUC failure to produce Order and Record of Decision

NO FINAL ORDER OR RECORD OF DECISION HAS BEEN FILED

Legalelectric, Inc.

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February 28, 2020

Katie Pratt
Interim Executive Director
Environmental Quality Board
520 Lafayette Road North
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Katie.Pratt@state.mn.us

RE: Public Utilities Commission Failure to Issue Order and Record of Decision
Petition for Environmental Assessment Worksheet
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 Ms. Pratt and Ms. Wilson:

Association of Freeborn County Landowners filed its Petition for Environmental Assessment Worksheet for the Freeborn Wind Project with the EQB on January 1, 2020. On January 17, 2020, the Public Utilities Commission requested an extension of time to address the Petition:

Because of these requirements, the Commission requests an additional 15 working days to have the matter come before the Commission (tentatively scheduled for the February 6, 2020 Agenda Meeting). Per point 6 of your letter, the Commission will prepare a record of decision as part of its order in Commission Docket Number E002/WS-17-410, and provide notification as provided in Minnesota Rule 4410.1000.

Letter, January 17, 2020. The extension request was granted by the EQB on January 21, 2020.

The Public Utilities Commission met on February 6, 2020. One week later, the Commission sent a letter to the EQB with “notice” of its decision, framed as the Public Utilities Commission’s response to the January 3, 2020 petition. There was no Order or Record of Decision attached. The Commission’s letter stated:

At its February 6, 2020 Agenda Meeting, the Commission made the following decision:

Deny the petition on the merits pursuant to Minn. R. 4410.1100, subp. 6, and 4410.1700, subp. 7.

Deny the petition pursuant to Minn. R. 4410.4300, subp. 3(D), and 7854.0500, subp. 7.

Authorize the Executive Secretary to issue a Record of Decision on the matter based on the enclosed draft version, incorporating any Commission modifications or technical corrections by staff.

Pursuant to Minn. R. 4410.1100, subp. 8, this letter serves as notice that the Commission has declined the request to prepare an EAW. The Commission will memorialize its decision and set forth its rationale by written order, and maintain a record of its decision on the need for an EAW.

Letter to EQB, February 13, 2020.

Promises, promises... Despite the statement that the “Commission will memorialize its decision and set forth its rationale by written order, and maintain a record of its decision on the need for an EAW,” as of this date, that has not happened. It is now beyond the extension of time allotted to the Commission, no Order or Record of Decision with specific Findings of Fact has been issued, filed, or provided to Association of Freeborn County Landowners.

The EQB’s rules require a Record of Decision with specific Findings of Fact. As of this date, the Commission has not complied with Minn. R. 4410.1700, Subp. 4.

At this time, I request that the EQB take action to secure issuance of the Commission’s Order and Record of Decision.

Very truly yours



Carol A. Overland
Attorney at Law

cc: Katrina Hapka, Environmental Review Planner Env.Review@state.mn.us
Denise Wilson, Director, Environmental Review Program denise.wilson@state.mn.us
Association of Freeborn County Landowners
All parties in Freeborn Wind via eDockets