

April 3, 2020

Will Seuffert
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101-2147

RE: Department of Commerce, Energy Environmental Review and Analysis
Prohibited Construction Activities – Fiber Optic Cable Installation
Freeborn Wind Farm – LWECS Site Permit
Freeborn County, Minnesota

PUC Docket No. IP-6946/WS-17-410

Dear Mr. Seuffert:

On March 31, 2020, Carol Overland, on behalf of the Association of Freeborn County Landowners (AFCL), submitted a letter addressed to you and I, which indicated that prohibited construction activities, specifically the installation of fiber optic cable in the road ditch, was occurring on a portion of the Freeborn Wind Farm in Freeborn County.¹ Ms. Overland indicated that the fiber optic cable was being installed near the intersection of 110th Street and 840th Avenue in Freeborn County.

I have discussed the matter with Xcel Energy staff, and I was informed that Arvig is a contractor that installs fiber optic cable for CenturyLink. CenturyLink is the telephone and internet service provider for the future Xcel Energy Operation and Maintenance (O&M) building that has been approved and authorized for construction near the intersection of 110th Street and 840th Avenue in Freeborn County.

It is EERA's understanding that the work conducted by CenturyLink, and their contractor Arvig, within the public right of way to extend service lines to the future Xcel Energy O&M building is outside the scope of the Commission's Site Permit. As for extending the service lines to the future O&M building location on Xcel's property, EERA will again state that construction of the Project's substation and O&M building is authorized for the Freeborn Wind Farm as we indicated in our March 30, 2020 letter.² Per condition 5.5.1 of the Site Permit, the Permittee and their contractors must design the LWECS and associated facilities to meet or exceed all local and State codes, Institute of Electrical and Electronics Engineers, Inc. standards, the National Electric Safety Code, and North American Electric Reliability Corporation requirements, which would include the appropriate placement and installation of fiber optic service lines to the O&M building.³ Condition 5.5.1 has remained unchanged in the most recently amended and approved version of the Site Permit for the Project, which was issued in the time between Ms. Overland's letter and this letter.⁴

¹ AFCL, Letter – Prohibited Construction Activities – AFCL Notice to PUC, March 31, 2020, eDocket #[20203-161626-02](#).

² DOC-EERA, Letter – Compliance Review – Prohibited Construction Claim, March 30, 2020, eDocket #[20203-161595-01](#).

³ PUC, Order Amending Site Permit, May10, 2019, eDocket #[20195-152849-01](#).

⁴ PUC, Order Amending Site Permit, March 31, 2020, eDocket #[20203-161639-01](#).

At this time EERA would also like to stress the importance of adhering to appropriate complaint handling procedure for submittal of future complaints regarding the Freeborn Wind Farm. The complaint procedures are identified in special condition 9.0 and detailed in Attachment A of the most recent Site Permit.⁵ On May 31, 2019, the Permittee mailed a copy of the May 10, 2019 Site Permit, including Attachment A - Complaint Handling Procedures to all affected landowners within or bordering the site.⁶ In our pre-construction compliance review of the first phase of construction, EERA identified that one of the individuals in the May 10, 2019 complaint handling procedures would not be an appropriate point of contact for complaints. Xcel promptly removed the identified individual, Dan Litchfield, and filed an updated complaint procedures document.⁷ Xcel Energy staff member Sean Lawler was identified as a point of contact in both the May 10, 2019 and the December 6, 2019 updated complaint handling procedures, and Mr. Lawler is still an appropriate contact as of the March 31, 2020 filing of the most recent version of the amended Site Permit. EERA would also like to point out that Dan Litchfield was identified in the May 10, 2019 complaint handling procedures as a point of contact for complaints prior to construction, and Mr. Lawler was identified as the point of contact for complaints upon commencement of construction.

The complaint procedures have been established with the intent of efficiency, as direct communication between the complainant and the Permittee will generally lead to a faster resolution of the complainant's issue. Going forward, EERA does not intend to respond to complaint letters in this docket unless complaint procedures have been followed. Consistent with these procedures, EERA will only offer comment if the complaint cannot be resolved, or there is a clear violation of a Site Permit condition or special condition by the Permittee or one of their contractors. Should Ms. Overland, or any other individuals, submit complaints directly to EERA staff, we will immediately forward the complaint to the Permittee as identified in Section G. Complaints Received by the Commission in the complaint handling procedures (Attachment A of the Site Permit). EERA recommends that the Commission, and staff, direct future complaints to the Permittee per Section G of the complaint handling procedures as well.

EERA staff does not consider the recent fiber optic cable installation activities in the public road right of way near the approved Xcel Energy O&M building for the Freeborn Wind Farm to be a violation of the approved Site Permit. EERA recommends that Commission staff consider both of Ms. Overland's complaints, filed March 25, 2020 and March 30, 2020, resolved at this time.

EERA staff is providing this letter as part of our Site Permit compliance review responsibilities and duties. Our staff is available to answer any questions you or the Commission may have.

Sincerely,



Richard Davis
Environmental Review Manager

⁵ PUC, Order Amending Site Permit, March 31, 2020, eDocket #[20203-161639-01](#).

⁶ Freeborn Wind Energy, LLC, Compliance Filing – Sections 5.1 and 6.3 Notification to Affected Landowners and Over the Air TV Interference Risk Areas, May 31, 2019, eDocket # [20195-153294-01](#).

⁷ Xcel Energy, Compliance Filing – Section 9.0 – Complaint Procedures – Updated, December 6, 2019, eDocket #[201912-158114-01](#)