

March 30, 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 – Storage of Equipment
Freeborn Wind Farm – LWECS Site Permit
Freeborn County, Minnesota

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

Dear Mr. Seuffert:

On March 25, 2020, Carol Overland, on behalf of the Association of Freeborn County Landowners (AFCL), submitted a letter addressed to you, which indicated that prohibited construction activities, primarily the storage of equipment, was occurring on a portion of the Freeborn Wind Farm in Freeborn County.¹ Ms. Overland indicated that the construction equipment was being stored in a field within the project site at the intersection of 110th Street and 840th Avenue in Freeborn County.

Ms. Overland is correct, that under the Project's State issued Site Permit, equipment mobilization and storage does constitute the commencement of construction. Additionally, all fields surrounding the intersection of 110th Street and 840th Avenue in Freeborn County are within the Freeborn Wind Farm project site.

A portion of the field to the southeast of the intersection of 110th Street and 840th Avenue has been identified as the location where the Project's Substation and the Project's Operations and Maintenance (O&M) building will be constructed.² Both of these structures were included in the Project's Site Permit Application³, and Section 2.1 Associated Facilities in the Commission's approved Amended Site Permit⁴ for the Project. In November of 2019, Northern States Power Company, doing business as Xcel Energy, began to submit the necessary pre-construction compliance documents as required to begin partial construction of the Freeborn Wind Farm. The first phase of construction, as proposed by Xcel Energy and reviewed by EERA, includes the construction of the Project's substation and O&M building.

Xcel Energy filed the necessary pre-construction compliance documentation specific to the land and activities associated with the construction of the Project's Substation and O&M building, and a pre-

¹ AFCL, Letter – Prohibited Construction Activities – AFCL Notice to PUC, March 25, 2020, eDocket #[20203-161449-01](#).

² Xcel Energy, Compliance Filing – Section 5.2.12 – Pre-construction – Public Roads, November 8, 2019, eDocket #[201911-157382-01](#).

³ Freeborn Wind Energy LLC, Initial Filing – Freeborn Wind Farm Site Permit Application, June 15, 2017, eDocket #[20176-132804-01](#).

⁴ PUC, Order Amending Site Permit, May10, 2019, eDocket #[20195-152849-01](#)

construction meeting for the first phase of construction was conducted on November 25, 2019.⁵ At the time of the pre-construction meeting Xcel Energy staff indicated that construction on the Project's Substation and O&M building would begin in the spring of 2020. EERA reviewed all pre-construction filings for the first phase of Project construction, and provided a Compliance Review Letter to the Commission on December 12, 2019.⁶ In our December 12, 2019 Compliance Review Letter, EERA recommended that the Commission acknowledge completion of the pre-construction compliance review for partial construction of the Freeborn Wind Farm. EERA's Compliance Review Letter also indicated that the Commission could authorize construction of the Project's Substation and O&M building to commence on, or after, December 13, 2019.

Commission staff did not issue a letter authorizing construction of the Freeborn Wind Farm Substation and O&M building.

However, Per Section 10.3 - Site Plan, of the Freeborn Wind Farm Amended Site Permit, issued on May 10, 2019:

The Permittee may not commence construction until the 30 days has expired or until the Commission has advised the Permittee in writing that it has completed its review of the documents and determined that the planned construction is consistent with this permit.

It is EERA's understanding that the 30 day period indicated in Section 10.3 of the Amended Site Permit is referring to the Site Plans for the proposed construction activities. The Site Plan for the first phase of construction of the Freeborn Wind Farm were filed on eDockets on November 8, 2019.⁷ Per Section 10.3 of the Project's Amended Site Permit, the first phase of construction, including the construction activities related the Project's Substation and O&M building, could have commenced as early as December 8, 2019.

Xcel Energy, and their selected contractor(s), are in compliance with the Freeborn Wind Farm Amended Site Permit, issued on May 10, 2019, and may proceed with the approved construction of the Project's Substation and O&M building.

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,



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⁵ Xcel Energy, Compliance Filing – Section 10.1 – Pre-construction Meeting Summary, December 6, 2019, eDocket #201912-158113-01.

⁶ DOC-EERA, Comments and Recommendations, Pre-construction Compliance Review Letter, December 12, 2019, eDocket #201912-158288-01.

⁷ Xcel Energy, Compliance Filing – Section 10.3 – Pre-Construction Site Plan, November 8, 2019, eDocket #201911-157385-01.