

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE PUBLIC UTILITIES COMMISSION

In the Matter of the Annual Power Plant  
Siting Act Hearing (2020)

**REPORT TO THE COMMISSION**

On or about September 22, 2020, the Minnesota Public Utilities Commission (PUC or Commission) requested that the Office of Administrative Hearings conduct, on its behalf, the 2020 Annual Hearing on Power Plant Siting and Transmission Lines Routing Programs, pursuant to Minn. Stat. § 216E.07 (2020) and Minn. R. 7850.5400 (2019). Administrative Law Judge Ann O'Reilly was assigned to preside over the public hearing.

The public hearing commenced at 10:00 a.m. on November 20, 2020, using InterCall audio conferencing and Cisco WebEx teleconferencing platforms. These alternative platforms were used due to the COVID-19 pandemic and related state regulations restricting in-person public hearings. The hearing record closed at 4:30 p.m. on December 8, 2020, at the end of the published public comment period.<sup>1</sup>

The Annual Hearing has two key purposes. First, it is intended to advise the public of matters relating to the siting of large electric power generating plants and routing of high voltage transmission lines. Second, the Annual Hearing affords interested persons an opportunity to be heard regarding the Commission's activities, duties, and policies pursuant to the Power Plant Siting Act (PPSA).<sup>2</sup>

**I. Notice of Annual Hearing**

Minnesota Statutes section 216E.07 and Minnesota Rules part 7850.5400 require that the Commission hold a public hearing each year to afford interested persons an opportunity to be heard on any matter relating to the siting of large electric generating power plants and the routing of high-voltage transmission lines. At the meeting, the Commission must inform the public of the permits issued by the Commission in the past year.<sup>3</sup> The Commission must provide at least 10 days, but no more than 45 days, notice of the annual meeting, along with a tentative agenda for the hearing.<sup>4</sup> The hearing notice must be mailed to or served electronically on those

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<sup>1</sup> See Exhibit (Ex.) 1 (Notice of the Power Plant Siting and Transmission Line Routing Program Annual Hearing, (Oct. 27, 2020) (eDocket No. 202010-167683-01).

<sup>2</sup> See Minn. Stat. § 216E.07; Minn. R. 7850.5400, subp. 2.

<sup>3</sup> Minn. Stat. § 216E.07; Minn. R. 7850.5400, subp. 1.

<sup>4</sup> Minn. Stat. § 216E.07; Minn. R. 7850.5400, subp. 2.

persons who have requested notice, and must be published in *Environmental Quality Board (EQB) Monitor* and on the Commission's calendar.<sup>5</sup>

On October 27, 2020, the Commission served, by U.S. Mail or electronic mail,<sup>6</sup> the Notice of the Power Plant Siting and Transmission Line Routing Program Annual Hearing (Notice of Hearing) on those persons who requested notice.<sup>7</sup> The Notice of Hearing contained a tentative agenda for the hearing, as required by Minn. R. 7850.5400.<sup>8</sup> On November 2, 2020, the *EQB Monitor* (an electronic newsletter issued by the Environmental Quality Board) published the Notice of Hearing.<sup>9</sup> The Commission also posted the Notice of Hearing on the Commission's web calendar throughout notice and public comment periods.<sup>10</sup>

Representatives from the Commission, Minnesota Department of Commerce (DOC), Department of Natural Resources (DNR), Minnesota Department of Agriculture (MDA), Minnesota Pollution Control Agency (MPCA), and Minnesota Department of Transportation (MnDOT) attended the hearing and gave presentations. Approximately 40 members of the public attended the hearing.<sup>11</sup> One member of the public offered oral comments during the hearing, and that same individual filed a written comment.<sup>12</sup> All comments received are summarized below.

## **II. Introductions and Agency Presentations**

### **A. Michael Kaluzniak, Public Utilities Commission**

Michael Kaluzniak, a staff member of the PUC, explained that the PUC is the state agency regulating electric, gas, and landline telephone utilities in Minnesota.<sup>13</sup> The Commission consists of a board of five individuals appointed by the governor and approximately 55 employees.<sup>14</sup> The Commission has the authority to conduct utility rate making and resource planning, as well as approve the construction of large energy facilities, including power plants, high voltage transmission lines, solar facilities, wind farms, and large natural gas and petroleum pipelines.<sup>15</sup> In its work, the Commission strives to balance the efficient use of resources, environmental protection, the need for

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<sup>5</sup> Minn. Stat. § 216E.07; Minn. R. 7850.5400, subp. 2.

<sup>6</sup> Minn. Stat. § 216.17, subd. 2 (2020) permits service of notices by electronic mail.

<sup>7</sup> See Ex. 1 at Certificate of Service and Service List (Oct. 27, 2020) (eDocket No. 202010-167683-01).

<sup>8</sup> Ex. 1 (Notice Of The Power Plant Siting And Transmission Line Routing Program Annual Hearing, (Oct. 27, 2020) (eDocket No. 202010-167683-01).

<sup>9</sup> Ex. 2 (*Minnesota Environmental Quality Board Monitor*, Vol. 44, No. 44 (Nov. 2, 2020) (eDocket No. 202011-168538-01).

<sup>10</sup> See Public Utilities Commission Calendar, [www.trumba.com/calendars/mn-puc](http://www.trumba.com/calendars/mn-puc) (last visited on Dec. 21, 2020).

<sup>11</sup> The Administrative Law Judge estimates this number based upon the number of callers who called into InterCall. Due to the virtual nature of the hearing this year, there was no sign-in sheet to document those attending who did not speak.

<sup>12</sup> Public Hearing Transcript (Hearing Tr.) at 45-58 (Nov. 20, 2020); Written comment by Carol Overland, Legalectric, Inc. (Dec. 18, 2020) (eDocket No. 202012-169138-01).

<sup>13</sup> Hearing Tr. at 18.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.* at 18-19.

a reliable and robust system of energy delivery, and minimal human impact.<sup>16</sup> Mr. Kaluzniak explained the purpose of the hearing and encouraged members of the public to present comments to the Commission for its consideration.<sup>17</sup> Mr. Kaluzniak also introduced Cezar Panait, the public advisor for this docket.<sup>18</sup>

Mr. Kaluzniak explained that the PUC works closely with its “sister agency,” the DOC, when permitting large energy facilities.<sup>19</sup> Specifically, the DOC conducts environmental reviews for the Commission on projects and provide analysis and recommendations during the permitting process.<sup>20</sup> Mr. Kaluzniak deferred to the DOC to summarize the projects reviewed by the Commission and DOC in the last year.<sup>21</sup>

## **B. Louise Miltich, Department of Commerce**

Louise Miltich supervises the Energy Environmental Review and Analysis (EERA) unit at the DOC.<sup>22</sup> She explained that the EERA conducts environmental review and technical assistance to the Commission for energy facilities in Minnesota, including those proposed under the PPSA, the Large Wind Energy Conversion Systems (LWECS) statute, and the pipeline siting statute.<sup>23</sup> The EERA also conducts compliance reviews of pre-construction, pre-operation, and in-service projects.<sup>24</sup>

Ms. Miltich identified two areas of policy development in the EERA during 2020: the prime farmland exclusion for solar energy siting (set forth in Minn. R. 7850.4400, subp. 4) and the decommissioning of renewable energy facilities.<sup>25</sup>

Ms. Miltich explained that, in 2020, the EERA and MDA worked together to prepare guidelines for solar developers to use when evaluating the siting of solar projects in relation to the prime farmland exclusion rule contained in the PPSA.<sup>26</sup> According to Ms. Miltich, the guidelines were established to encourage solar development while also protecting Minnesota’s most productive cropland.<sup>27</sup>

In addition, starting in 2017, the EERA has been evaluating issues related to the decommissioning of renewable energy facilities.<sup>28</sup> Ms. Miltich explained that the EERA is working on standardizing expectations for decommissioning plans.<sup>29</sup> To that end, the EERA reviewed decommissioning plans for 10 wind projects in 2020, including three

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<sup>16</sup> *Id.* at 19.

<sup>17</sup> *Id.* at 19-20.

<sup>18</sup> *Id.* at 21.

<sup>19</sup> *Id.* at 22.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Id.* at 24.

<sup>23</sup> *Id.* at 24-25.

<sup>24</sup> *Id.* at 25.

<sup>25</sup> *Id.* at 25-26.

<sup>26</sup> *Id.* at 25.

<sup>27</sup> *Id.* at 25-26.

<sup>28</sup> *Id.* at 26.

<sup>29</sup> *Id.*

projects that will be revisited in 2021 due to a transfer in ownership.<sup>30</sup> The EERA anticipates reviewing an additional 20 projects in 2021.<sup>31</sup>

In 2020, the EERA also focused on coordination with Minnesota's Indigenous tribes.<sup>32</sup> The EERA seeks to build relationships between tribal staff and EERA project managers.<sup>33</sup> In that spirit, the EERA developed new content on its website to include "story maps" that are intended to educate applicants and others on tribes in Minnesota.<sup>34</sup>

Finally, Ms. Miltich provided an overview of EERA's work on projects in 2020, including permits that were issued, environmental reviews that were completed, and projects and environmental reviews in progress in 2020.<sup>35</sup> With respect to permits issued in 2020, Ms. Miltich identified five transmission lines permitted under Minn. Stat. § 216E, four LWECS permitted under Minn. Stat. § 215F, and one petroleum pipeline permitted under Minn. Stat. § 215G.<sup>36</sup> The EERA also completed four environmental assessments and one environmental report in 2020.<sup>37</sup>

As for permits in process in 2020, Ms. Miltich identified two wind, two transmission line, three solar, and six LWECS projects in the permitting process in 2020.<sup>38</sup> In addition, the EERA currently has two environmental assessments, two environment impact statements, and two environmental reports in development.<sup>39</sup>

Ms. Miltich noted that the EERA is currently reviewing pre-application materials for several potential 2021 projects, including several hundred megawatts of solar and wind generation systems and several smaller transmission projects.<sup>40</sup> The EERA is also reviewing pre-construction plans and monitoring construction of a number of wind, transmission line, and pipeline projects, including the Enbridge Line 3 pipeline.<sup>41</sup>

### **C. Cynthia Warzecha, Department of Natural Resources**

Cynthia Warzecha is an energy projects planner for the DNR.<sup>42</sup> The DNR has jurisdiction over wildlife and the administration of natural resource-based public lands in Minnesota.<sup>43</sup> The DNR has the authority to license the crossing of public lands and waters, and to permit the taking of endangered species, work in public waters, and

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<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> *Id.* at 26-27.

<sup>33</sup> *Id.* at 26.

<sup>34</sup> *Id.* at 27.

<sup>35</sup> Ex. 4 (DOC EERA Hearing Presentation (eDocket No. 202011-168539-01)).

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> Hearing Tr. at 29.

<sup>43</sup> *Id.*

water appropriations.<sup>44</sup> With respect to the siting and construction of energy facilities, the DNR participates in the Commission's process by providing input as to the need for DNR-issued licenses and permits and the protection of natural resources.<sup>45</sup>

To those ends, the DNR coordinates with both the energy companies and other state agencies during the project planning phase; participates in public commentary and meetings during project development; provides technical expertise and data to the Commission (including the environmental impacts associated with projects); and suggests alternative routes for analysis.<sup>46</sup>

Ms. Warzecha noted that the DNR appreciates its coordination with the DOC and Commission in utility project development and permitting.<sup>47</sup> For example, this year, the DOC EERA staff initiated a work group to create vegetation management guidelines for project developers.<sup>48</sup> These guidelines reflect a collaboration among the DNR, the Board of Soil and Water Resources, and the MDA to establish pollinator habitats at some solar sites.<sup>49</sup> The DNR also updated its own prairie establishment and maintenance technical guidance for solar projects.<sup>50</sup>

Ms. Warzecha identified two areas of concern that the DNR has with respect to energy project siting: (1) the protection of rare and unique resources (such as native prairie, rare species, and rare plant communities); and (2) the cumulative bat fatalities associated with wind projects.<sup>51</sup> The DNR asks that the Commission to work with the DNR to minimize the loss of bats associated with wind projects.<sup>52</sup>

#### **D. Stephan Roos, Department of Agriculture**

Stephen Roos is with the Department of Agriculture.<sup>53</sup> He explained that the MDA's involvement in the approval and siting of energy facilities is generally related to advising the EERA on the potential impacts to agricultural land caused by proposed projects.<sup>54</sup> For example, where the MDA finds that a project may negatively impact farmland, the MDA may request agricultural impact plans from project developers as part of the Commission's permitting process.<sup>55</sup> MDA does not issue permits related to energy projects.<sup>56</sup>

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<sup>44</sup> *Id.*

<sup>45</sup> *Id.* at 29-30.

<sup>46</sup> *Id.* at 30.

<sup>47</sup> *Id.*

<sup>48</sup> *Id.* at 30-31.

<sup>49</sup> *Id.* at 31.

<sup>50</sup> *Id.* at 31-32.

<sup>51</sup> *Id.* at 32-33.

<sup>52</sup> *Id.* at 33-34.

<sup>53</sup> *Id.* at 34.

<sup>54</sup> *Id.* at 34-35.

<sup>55</sup> *Id.* at 35.

<sup>56</sup> *Id.*

The MDA is most concerned about the removal of agricultural land from production and how soil resources are managed during construction, operation, and decommissioning of a project to ensure that the land can be returned to productive agricultural use.<sup>57</sup> Mr. Roos notes that, unlike wind projects that do not take much land out of production, solar projects have the potential of removing land from agricultural production for 25 to 30 years.<sup>58</sup> Accordingly, the MDA has been working with EERA staff to develop guidelines related to the prime farmland exclusion in the solar siting statute to protect agricultural lands.<sup>59</sup>

The MDA is also involved in developing vegetation management plans (along with the DNR) for certain projects and establishing monitoring plans to ensure that soils are returned to productive use.<sup>60</sup>

#### **E. Karen Kromar, Minnesota Pollution Control Agency**

Karen Kromar works in the environmental review unit of the MPCA.<sup>61</sup> Ms. Kromar explained that the MPCA provides review of energy projects mostly during the public comment period.<sup>62</sup> The agency's role is to review the projects and provide comment on each MPCA permit and regulation relevant to the proposed energy project.<sup>63</sup> These regulations and permits generally involve water quality, discharges into public waters, impacts to wetlands, and water crossings.<sup>64</sup> Ms. Kromar notes that all surface waters in the state are regulated by the MPCA.<sup>65</sup> Therefore, any impact to surface waters must be described in any energy project application and may require mitigation.<sup>66</sup>

Ms. Kromar provided examples of some of the MPCA's regulations that may be triggered by an energy project. For instance, the agency's construction storm water program requires a permit if one or more acres of land will be disturbed by an energy project.<sup>67</sup> If more than 50 acres are disturbed, a storm water pollution prevention plan must be reviewed by the MPCA at least 30 days prior to commencement of any land-disturbing activities.<sup>68</sup> Similarly, if a project will discharge into an impaired water within a mile of the project, then a special construction water permit will be required.<sup>69</sup>

In its review of energy projects, the MPCA also looks at buffers for wetlands and surface waters, sediment control, noise issues, and air quality.<sup>70</sup> In closing, Ms. Kromar

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<sup>57</sup> *Id.* at 35-36.

<sup>58</sup> *Id.*

<sup>59</sup> *Id.* at 36.

<sup>60</sup> *Id.* at 36-37.

<sup>61</sup> *Id.* at 37.

<sup>62</sup> *Id.*

<sup>63</sup> *Id.*

<sup>64</sup> *Id.* at 37-38.

<sup>65</sup> *Id.* at 38.

<sup>66</sup> *Id.*

<sup>67</sup> *Id.* at 38-39.

<sup>68</sup> *Id.*

<sup>69</sup> *Id.* at 39.

<sup>70</sup> *Id.*

notes that new wetland conservation regulations went into effect in September 2020, which require applicants to have a pre-filing meeting with the MPCA at least 30 days before applying for 401 water quality certification.<sup>71</sup>

#### **F. Stacy Kotch Egstad, Minnesota Department of Transportation**

Stacy Kotch Egstad is the utility routing and siting coordinator for MnDOT.<sup>72</sup> MnDOT's interests in energy projects are to protect current and future trunk highway rights-of-way, protect the traveling public, and ensure safety for MnDOT's construction and maintenance staff.<sup>73</sup>

MnDOT review of energy projects is two-fold: it involves both pre-PUC-permit-approval review and post-PUC-permit-approval review.<sup>74</sup> In the pre-PUC-permit-approval process, MnDOT reviews the project and then communicates with the applicant and agency staff, including meeting with the applicant, if necessary, to assist the applicant in meeting all requirements.<sup>75</sup> MnDOT also submits comments on the scoping, environmental assessment, draft environmental impact statement, and the final environmental impact statement.<sup>76</sup>

After the PUC approves a project, MnDOT conducts more detailed project review meetings related to MnDOT's rights-of-way.<sup>77</sup> The agency offers guidance to applicants and issues necessary permits.<sup>78</sup> In its reviews, MnDOT considers the impacts on the trunk highway system, any "secondary effects" of the project on Minnesota's transportation system, and the permits needed to complete the work.<sup>79</sup>

In recent years, MnDOT has coordinated its efforts with its internal environmental staff to specifically review work within environmentally sensitive areas.<sup>80</sup> MnDOT is also coordinating its efforts more with Minnesota's Native tribes.<sup>81</sup>

MnDOT offered two recommendations to the Commission. First, MnDOT asks the PUC to consider requesting project applicants to evaluate the effects of consolidation of collection lines, crane paths, or other points of access prior to intersecting state trunk highways.<sup>82</sup> Second, MnDOT asks the Commission to consider updating its current 250-foot public road right-of-way set-back requirement for wind turbines to a larger set-back equaling, for example, 1.1 times total turbine height.<sup>83</sup>

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<sup>71</sup> *Id.* at 39-40.

<sup>72</sup> *Id.* at 40.

<sup>73</sup> *Id.* at 41.

<sup>74</sup> *Id.*

<sup>75</sup> *Id.*

<sup>76</sup> *Id.*

<sup>77</sup> *Id.* at 41-42.

<sup>78</sup> *Id.*

<sup>79</sup> *Id.* at 42.

<sup>80</sup> *Id.* at 43.

<sup>81</sup> *Id.*

<sup>82</sup> *Id.*

<sup>83</sup> *Id.*

While MnDOT realizes that it has no jurisdiction to require specific set-backs for land not owned by MnDOT, the department believes the recommended extended set-back would better ensure safety of the traveling public and provide flexibility for future right-of-way expansion.<sup>84</sup>

### III. Summary of Public Comments

Carol Overland of Legalectric, Inc. was the only member of the public to make oral comments at the hearing.<sup>85</sup> Ms. Overland was also the only person who submitted written comments.<sup>86</sup> Ms. Overland's written comments were filed on December 18, 2020 – 10 days after the close of the comment period.<sup>87</sup> Nonetheless, the Administrative Law Judge includes them in the following summary.

Ms. Overland first expressed distrust about the Commission's use of the PPSA annual hearings to accept public comment and evoke change.<sup>88</sup> She explained that in the last 22 years, she has not witnessed real change occurring as a result of feedback given during the PPSA annual hearings.<sup>89</sup> Moreover, Ms. Overland stated that she does not believe that the Commission fosters effective public involvement in utility matters.<sup>90</sup> Ms. Overland referenced and attached, as part of her comments, the Evaluation Report of the Office of Legislative Auditor issued in July 2020.<sup>91</sup> Ms. Overland contends that there are "systematic problems" associated with the Commission's public participation process.<sup>92</sup>

Ms. Overland further noted that public participation by internet and telephone (i.e., the use of WebEx and InterCall to conduct public hearings) is difficult for members of the public who reside in rural areas that do not have access to broadband and highspeed internet.<sup>93</sup>

Ms. Overland took issue with the guidance document developed by the DOC-EERA related to the siting of LWECs, which she attached to her written comments.<sup>94</sup> Ms. Overland first emphasized that there was no public participation in the development of the guidance document.<sup>95</sup> In addition, Ms. Overland identified three areas in the

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<sup>84</sup> *Id.* at 43-44.

<sup>85</sup> *Id.* at 45-58.

<sup>86</sup> Written Comments from Carol Overland, Legalectric, Inc. (Dec. 18, 2020) (eDocket No. 202012-169138-01) (Overland Written Comments).

<sup>87</sup> *Id.*

<sup>88</sup> Hearing Tr. at 45-46.

<sup>89</sup> *Id.* at 45-46, 56-57.

<sup>90</sup> *Id.* at 46-47, 56-57.

<sup>91</sup> See Evaluation Report attached to Overland Written Comments.

<sup>92</sup> Hearing Tr. at 47.

<sup>93</sup> *Id.*

<sup>94</sup> See Application Guidance for Site Permitting of Large Wind Energy Conversion Systems in Minnesota, attached to Overland Written Comments.

<sup>95</sup> Overland Written Comments; Hearing Tr. at 48, 54.



guidelines that, she asserts, are deficient: noise; decommissioning; and the exemption of prime farmland.<sup>96</sup>

First, Ms. Overland noted that, with respect to noise regulations, the guidelines essentially adopt an agreement reached between the EERC and Xcel Energy in the Freeborn Wind case.<sup>97</sup> Ms. Overland contends that the noise limits contained in the guidelines are still too high and allow too much noise from wind turbines.<sup>98</sup>

Second, Ms. Overland recommends that the EERA change the language in the guidance to require applicants to include a decommissioning plan with their application before the application can be deemed complete.<sup>99</sup> She noted that it has been common practice of the PUC and EERA to accept permit applications as complete without a decommissioning plan being included or reviewed.<sup>100</sup> Ms. Overland stated that requiring applicants to include a decommissioning plan for review at the beginning of the permitting process would enable better public scrutiny and input in the finalization of such plans.<sup>101</sup>

Third, Ms. Overland advocated for more acknowledgement in the EERA guidance document to Minn. R. 7850.4400, subp. 4, prohibiting the use of prime farmland for energy facility siting unless there is no feasible alternative.<sup>102</sup> Ms. Overland suggested that rulemaking may be necessary to ensure this exemption is applied to wind facilities.<sup>103</sup>

Ms. Overland advocated for additional rulemaking related to Minn. R. ch. 7849 and 7850, which, she noted, has been pending since 2012.<sup>104</sup> Ms. Overland stated that, at a minimum, rulemaking is necessary to specifically address LWECs siting because wind facilities are exempt from many parts of the PPSA, including regulations involving the creation of task forces.<sup>105</sup> Ms. Overland emphasized that landowners and residents affected by wind projects need more say in wind projects.<sup>106</sup> Rulemaking should address such issues as public participation, noise, decommissioning, and set-backs.<sup>107</sup> Ms. Overland has made similar comments at past Annual Hearings.

Ms. Overland also noted some positive changes. She complimented MnDOT's recommendations regarding expanding the 250-foot set-back requirements for public roads;<sup>108</sup> she commended the DNR for its involvement in utility siting matters;<sup>109</sup> and

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<sup>96</sup> Overland Written Comments.

<sup>97</sup> Overland Written Comments; Hearing Tr. at 49.

<sup>98</sup> Overland Written Comments; Hearing Tr. at 49.

<sup>99</sup> Overland Written Comments; Hearing Tr. at 49-50.

<sup>100</sup> Overland Written Comments; Hearing Tr. at 49-50.

<sup>101</sup> Overland Written Comments; Hearing Tr. at 49-50.

<sup>102</sup> Overland Written Comments; Hearing Tr. at 51-52.

<sup>103</sup> Overland Written Comments; Hearing Tr. at 50.

<sup>104</sup> Hearing Tr. at 54.

<sup>105</sup> *Id.* at 50.

<sup>106</sup> *Id.* at 50.

<sup>107</sup> Overland Written Comments; Hearing Tr. at 50-52, 55.

<sup>108</sup> *Id.* at 50-51.

she appreciated the Commission's extended notice for the PPSA annual hearing.<sup>110</sup> Ms. Overland also stated that she supports the expansion of solar energy in Minnesota and asks the PUC to facilitate "distributed generation on a massive scale."<sup>111</sup>

Dated: December 29, 2020



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ANN C. O'REILLY  
Administrative Law Judge

Reported: Transcribed (Shaddix & Associates)

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<sup>109</sup> *Id.* at 48, 57.

<sup>110</sup> *Id.* at 57-58.

<sup>111</sup> *Id.* at 52.