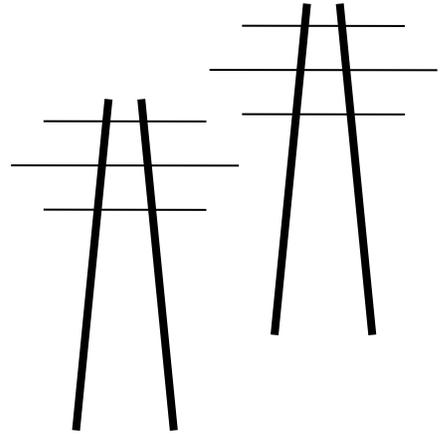


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February 3, 2021

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

Louise Miltich - EERA
Dept of Commerce
85 – 7th Place East, Suite 500
St. Paul, MN 55101

RE: **Comment II**
Blazing Star WS-16-686 - Weverka's Blazing Star Noise Complaint

All –

I am filing this for the record in case I am not able to make these comments tomorrow.

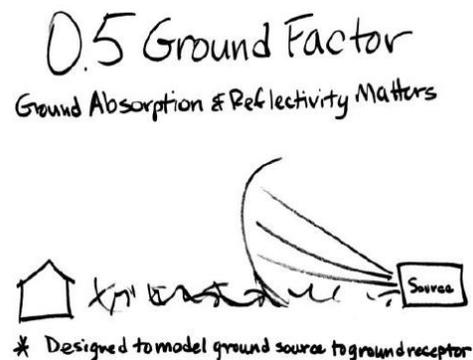
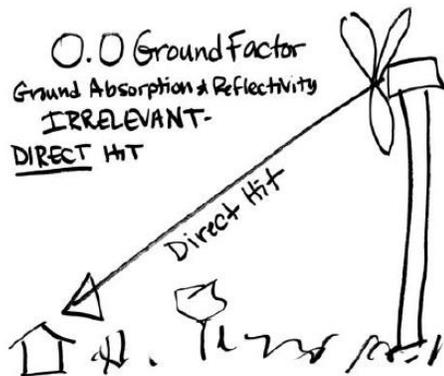
Process issues

- Complainants are not represented.
- Complainants are not even on the service list!
- Information has been hidden – July 9, 2020 Xcel “Noise Report,” September 25, 2020 Weverka letter, and November 23, 2020 Xcel “Response to Noise Complaint” ALL not filed until 1/13/2021. Were Complainants timely served with documents?
- Discussions between Xcel & Commerce regarding resolution, but no indication if Complainants have been consulted as to whether the order points resolve it for them.

Substantive issues

- **THE COMMISSION WAS WARNED!** Actual and constructive notice that noise modeling was performed using improper 0.5 and 0.7 ground factor for Nobles 2 (WS-17-597), Freeborn (WS-17-410), Blazing Star (WS-16-686), Lake Benton II (WS-18-179), Community Wind North (WS-08-1494), Jeffers Wind (WS-05-1220), Fenton Wind (WS-05-1707), Buffalo Ridge (WS-19-394), Three Waters (WS-19-576), Plum Creek (WS-18-700), Mower County (WS-06-91), Dodge County (WS-17-307), Bitter Root/Flying Cow (WS-17-749). Probably more since then.
- The Commission is aware that I have represented landowners suffering from noise impacts who complained to the Commission for YEARS.
- The Commission is aware that I have secured buyouts of two landowner families living with noise exceedences 1,150 and 1,525 feet from wind turbines.

- The Commission is aware I have filed THREE Petitions for wind rulemaking over the last decade:
 - Two to Public Utilities Commission for wind siting rules, denied and ignored.
 - One to MPCA for wind specific noise rules, denied.
- Commerce-EERA states monitoring demonstrates 1-2 dB(A) higher than modeling predicted, but only addresses Turbine #90. Modeling v. monitoring for ALL turbines should be compared because ALL modeling was performed with the unjustifiable 0.7 ground factor input.
- Commerce states post-construction noise monitoring was completed last summer – WHERE IS IT? It’s been 6-8 months. I suspect results are not what Xcel wants.
- 0.5 ground factor is improper for an elevated source. No excuse for 0.7 ground factor.



- “EERA recommends the Commission require Blazing Star Wind Farm, LLC to ...[determine] what caused the sound level deviation, **specifically reviewing the various sound model inputs** and the turbine manufacturer’s identified maximum sound power level output of the operating turbine model.” (emphasis added). Briefing Papers and decision options don’t mention this! This is a project modeling issue, and it is not specific to #90 only. This discrepancy affects modeling and monitoring for the entire project. The Commission shouldn’t ignore this problem – action is required.

Decision Options – Additional Options for Consideration

- (The Commission should not issue an Order unless Complainant verifies that Order would both resolve Complaint AND that Complainant is not required to sign an agreement waiving rights.)
- Require Blazing Star Wind to enter settlement negotiations with Complainant to address the nearly year-long struggle for resolution while living in unbearable conditions.
- Require Blazing Star Wind Farm, LLC to ...[determine] what caused the sound level deviation, **specifically reviewing the various sound model inputs** and the turbine

manufacturer's identified maximum sound power level output of the operating turbine model for further consideration by the Commission.

- Require Xcel to file post-construction noise monitoring report immediately.
- Require Commerce-EERA to perform post-construction noise monitoring through independent consultant testing noise at all receptors within Blazing Star project to verify Xcel noise monitoring report and compare with pre-construction noise modeling for further consideration by the Commission.

It is shameful that this situation has occurred. One landowner family's complaint is now coming before the Commission, but Compliance Filings show there are three more at least in the Blazing Star project, on March 17 and 24, April 2 and 14, 2020, regarding turbines 11, 28, 31, 41, 42, 43, 45, 83, 84, 85, 86. With the Commission and Commerce acquiescing to use of improper ground factors that skew the modeling, these complaints are not unexpected. The nuisance has moved into the community, and people should not be expected to complain, complain, complain for so long about inability to sleep, about loss of use and enjoyment of their property, without resolution.

Open a wind noise modeling docket

You're seeing the tip of the iceberg. The Commission should immediately open a docket regarding use of the improper 0.5 and 0.7 ground factors for pre-construction noise modeling for all wind projects, including but not limited to Nobles 2 (WS-17-597), Freeborn (WS-17-410), Blazing Star (WS-16-686), Lake Benton II (WS-18-179), Community Wind North (WS-08-1494), Jeffers Wind (WS-05-1220), Fenton Wind (WS-05-1707), Buffalo Ridge (WS-19-394), Three Waters (WS-19-576), Plum Creek (WS-18-700), Mower County (WS-06-91), Dodge County (WS-17-307), Bitter Root/Flying Cow (WS-17-749).

It is the Commission's job to regulate, and it is also the Commission's job to act in the public interest. The wind turbine noise issue is not going to disappear.

Very truly yours



Carol A. Overland
Attorney at Law

cc: All parties in Blazing Star docket via eDockets