

**STATE OF MINNESOTA
BEFORE THE
COURT OF ADMINISTRATIVE HEARINGS
FOR THE MINNESOTA PUBLIC UTILITIES COMMISSION**

Katie Sieben	Chair
Hwikwon Ham	Commissioner
Audrey Partridge	Commissioner
Joseph Sullivan	Commissioner
John Tuma	Commissioner

In the Matters of the Applications of)
Benton Solar, LLC for Site Permits for)
the 100 MW Solar Energy Generating)
System and 100 MW Battery Energy)
Storage System and a Route Permit for)
the 115 kV High-Voltage Transmission)
Line Associated with the Benton Solar)
Project in Benton County, Minnesota)

**Docket Nos. IP7115/GS-23-423
IP7115/TL-23-425
IP7115/ESS-24-283**

OAH Docket No. 25-2500-40339

**INITIAL POST-HEARING BRIEF OF
BENTON SOLAR, LLC**

September 26, 2025

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I. Introduction

Benton Solar, LLC (“Benton Solar”) submits this Initial Post-Hearing Brief in support of its applications for an up-to 100 megawatt (“MW”) solar energy generating system (“Solar Facility”), an up-to 100-MW battery energy storage system (“BESS”) and an approximately 0.5 mile, 115 kilovolt high-voltage transmission line (“Transmission Line”) in Minden Township in Benton County, Minnesota that are currently pending before the Minnesota Public Utilities Commission (“Commission”).¹ As the evidentiary record confirms, there is generally no dispute that the Project² meets all of the applicable routing and siting criteria and should be approved.

The sole contested issue in this proceeding—and the subject of this Initial Post-Hearing Brief—is whether the Commission should impose “conditions on a site or route permit based on the local employment and economic impacts.”³ The extensive record developed during the course of this proceeding confirms no such conditions are needed. Benton Solar and Laborers’ International Union of North American Minnesota and North Dakota (“LIUNA”) agree that utilization of union and local labor results in positive impacts in the community surrounding a project, and Benton Solar has already committed to utilize local labor for the construction of the Project. Benton Solar has also taken concrete steps to ensure that commitment is realized, which recently culminated in the Project’s Engineering, Procurement and Construction (“EPC”) contractor executing a project labor agreement with labor unions, including LIUNA. This ensures utilization of local, union labor and is consistent with NextEra Energy Resources’ (“NEER”) ⁴ longstanding practice in Minnesota across multiple projects, as confirmed by LIUNA’s witness.⁵

¹ Ex. 102 (Joint Site Permit Application); Ex. 114 (Route Permit Application).

² This Initial Post-Hearing Brief references the Solar Facility, the BESS, and the Transmission Line collectively as the “Project.”

³ Minn. Stat. § 216I.05, subd. 11(b)(15).

⁴ Benton Solar is an indirect, wholly owned subsidiary of NextEra Energy Resources (“NEER”).

⁵ Ex. 408 at 11:6-12:1 (Direct Testimony of Lucas Franco - Attachment A (“Franco Direct Attachment A”)).

In light of this track record and the commitments and agreements already executed by the Project and its EPC contractor, Benton Solar respectfully requests that the Administrative Law Judge recommend the Commission grant the relevant Project permits without additional labor conditions.

II. Procedural Background

Benton Solar filed a Joint Site Permit Application for the Solar Facility and the BESS and a Route Permit Application for the Transmission Line (collectively, the “Applications”) on September 24, 2024. During the comment period on application completeness, LIUNA filed a comment that expressed concern that Benton Solar would utilize out-of-state workers based, largely, on claims of construction staffing for projects in North Dakota by other subsidiaries of NEER.⁶

In the Commission’s Order, the Commission noted LIUNA’s “concerns about whether Benton Solar would adequately utilize local labor for the [P]roject” and referred the Applications to the Office of Administrative Hearings for a contested case to “develop a full record addressing issues raised that are relevant to the Commission’s site and route permit decisions.”⁷ The Commission specifically cited its statutory obligations under Minn. Stat. § 216I.05, subd. 11(b)(15) to “consider a facility’s local employment and economic impacts, and [] reject or place conditions on a site or route permit based on the local employment and economic impacts.”⁸

⁶ Ex. 400 (LIUNA Comment on Application Completeness).

⁷ Ex. 131 at 2-3 (Order Accepting Applications as Complete, Establishing Procedural Requirements, and Notice of and Order for Hearing (“Order”)).

⁸ Order at 3 (citing Minn. Stat. § 216E.04, subd. 7(b)(15), which was replaced by Minn. Stat. § 216I.05, subd. 11(b)(15), effective July 1, 2025).

Consistent with the Commission’s Order, the Parties have exchanged discovery and developed a complete record on that narrow issue during this proceeding.⁹ As discussed more fully below, since filing the Applications, Benton Solar has provided substantial evidence in the record for this proceeding that it is committed to using local, union labor to construct the Project, including both a commitment letter and the execution of a project labor agreement between its EPC contractor and labor unions, including LIUNA. Further, NEER subsidiaries have a consistent record of using local, union labor to construct projects in Minnesota.

III. Discussion

A. Benton Solar has clearly and consistently committed to using union labor, which will result in substantial utilization of local labor.

There is no dispute that Benton Solar has committed to using union labor, which, the Parties agree, is strongly correlated with using local labor.¹⁰ In January 2025, during the public meetings for the scoping of the Environmental Assessment, Benton Solar stated that it intended to use union and local labor to construct the Project,¹¹ which Benton Solar further confirmed in February 2025 through its signed letter committing to selecting and hiring an EPC contractor that will use union labor and negotiate and enter into a site-specific project labor agreement (“Commitment Letter”).¹²

⁹ Neither Party disputes that the Project satisfies the other criteria relevant to the Commission’s evaluation of the Applications. The Environmental Assessment (“EA”) prepared by the Commission’s Energy Infrastructure Permitting staff examined all of the potential human and environmental impacts required under the applicable siting and routing criteria. The EA concluded that the Project would have negligible or minimal impacts on most of the siting or routing factors and that the few impacts that the EA identified as minimal to moderate can be mitigated or minimized. Ex. PUC-268 at III – VI, 97-98 (EA). Further, Benton Solar has responded to oral and written comments on the EA and Project made by members of the public in separately filed documents. Ex. 143 (Benton Solar, LLC Response to Scoping Comments); Remote Access 6:00 p.m. Public Hearing Transcript (Aug. 26, 2025), eDockets ID No. 20259-222805-02; Sauk Rapids 6:00 Public Hearing Transcript (Aug. 27, 2025), eDockets ID No. 20259-222967-01; Response to Public Comments from Benton Solar, Sept. 26, 2025, eDockets ID No. _____.

¹⁰ Ex. 162 at 7:1-6 (Rebuttal Testimony of Adam Gracia (“Gracia Rebuttal”)) (explaining that projects built with union labor rely on union halls to staff the project, which typically results in a large percentage of local workers). *See also* Ex. 413 at 4:14 (Direct Testimony of Lucas Franco) (“Use of union labor helps to maximize local labor content....”); Ex. 408 at 8 (Franco Direct Attachment A).

¹¹ Ex. 143 at 12 (Benton Solar, LLC Response to Scoping Comments).

¹² *Id.*

Benton Solar filed the Commitment Letter on the docket and provided a copy of the same to LIUNA, the International Union of Operating Engineers, and North Central States Regional Council of Carpenters Local 1382. Because the EPC contractor is directly responsible for the hiring and staffing for Project construction, Benton Solar's commitment to selecting an EPC contractor who will hire union labor is a necessary step in ensuring the use of union labor.¹³

As this docket has progressed, Benton Solar witness Adam Gracia's pre-filed testimony has provided further evidence regarding the fulfillment of these commitments.¹⁴ Specifically, Benton Solar has executed an EPC agreement with Blattner Energy, Inc. ("Blattner") to be the EPC contractor for the Project. Because Blattner is signatory to collective bargaining agreements with certain building trades unions in Minnesota, the Project will necessarily be constructed utilizing union labor. In addition, Blattner has also executed a project labor agreement specifically for the Project with several unions, including LIUNA.¹⁵ As a result, the Project will be constructed with union labor, and, necessarily, utilize local labor.

Benton Solar and LIUNA have also offered evidence demonstrating the socioeconomic benefits of utilizing local labor. As explained in the direct testimony of Gracia, Benton Solar commissioned a study of the potential local economic benefits from the construction of its Project, which concluded that construction of the Project with majority local labor would result in millions of additional dollars circulating in the local economy.¹⁶ The conclusions of the study were consistent with testimony from LIUNA's witness.¹⁷

¹³ Ex. 162 at 6:12-14 (Gracia Rebuttal).

¹⁴ Ex. 155 at 8:21-9:4 (Direct Testimony of Adam Gracia).

¹⁵ Ex. 165 at 2:17-20 (Surrebuttal Testimony of Adam Gracia).

¹⁶ Ex. 162 at Schedule 1 (Gracia Rebuttal).

¹⁷ Ex. 408 (Franco Direct Attachment A).

B. In Minnesota, the projects of NEER subsidiaries are consistently constructed using union and local labor.

Beyond the specific labor commitments attendant to Benton Solar and the Project, NEER subsidiaries' longstanding practices in Minnesota provide further support that the Benton Solar Project will be constructed with local, union labor. Indeed, other NEER subsidiaries have constructed several projects in Minnesota over the last six years, and each project has utilized a significant percentage of local labor.¹⁸ For example:

- Buffalo Ridge Wind, LLC was constructed by a workforce that was between 31 and 50% local labor.¹⁹
- Walleye Wind, LLC was constructed by a workforce that was between 63 and 76% local labor.²⁰
- FPL Energy Mower County Wind, LLC was constructed by a workforce that was between 65 and 88% local labor.²¹
- Lake Benton Power Partners II, LLC was constructed by a workforce that was between 27 and 32% local workers.²²

Importantly, NEER subsidiaries' use of local, union labor on Minnesota projects aligns with, and implements, clear state policy that focuses on the local economic effects of energy infrastructure projects. Minnesota law requires that the Commission (i) evaluate "a facility's *local* employment and economic impacts, and may reject or place conditions on a site or route permit

¹⁸ Benton Solar defined "local" as workers that reside within Minnesota or in another state, but within 150 miles of the construction site.

¹⁹ Ex. 162 at 6:9-11 (Gracia Rebuttal).

²⁰ *Id.* at 6:12-14.

²¹ *Id.* at 6:15-17.

²² *Id.* at 6:18-20.

based on the *local* employment and economic impacts”²³ and (ii) condition permits on permittees and their contractors paying no less than the prevailing wage.²⁴ These unique features of Minnesota law strongly favor the utilization of local and union labor and have supported and incentivized NEER subsidiaries’ demonstrated history of utilizing union and local labor.

While LIUNA has attempted to cast doubt on Benton Solar’s commitments based on projects in a neighboring state, this effort is unavailing. Putting aside the Commitment Letter and agreements that make the issue moot for Benton Solar, it is improper to highlight, much less draw conclusions from, hiring practices in a state that does not share Minnesota’s emphasis on utilizing union labor, such as North Dakota. North Dakota’s lack of statutes or policies prioritizing utilization of local, union labor creates a very different labor market compared to Minnesota. For decades NEER subsidiaries have operated in dozens of states throughout the country, respectful of each state’s unique labor policies and markets. In Minnesota, NEER subsidiaries have consistently abided by the state’s labor policies and met their commitments—regardless of what neighboring states like North Dakota may or may not require. Benton Solar is no different, and no evidence has been proffered to the contrary.

IV. Conclusion

Based on the foregoing, there is no dispute that Benton Solar will be constructed with a significant number of local workers. Benton Solar respectfully requests that the Administrative Law Judge recommend the Commission grant the relevant permits for the Project without additional conditions related to the Project’s labor and employment practices.

²³ Minn. Stat. § 216E.04, subd. 7(b)(15) (emphasis added); *see also* Minn. Stat. § 216I.05, subd. 11(b)(15) (requiring same).

²⁴ Minn. Stat. § 216I.05, subd. 12(d).

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/s/ Micah J. Revell

Micah J. Revell
STINSON LLP
50 South Sixth Street, Suite 2600
Minneapolis, Minnesota 55402
612.335.1456

Respectfully submitted,

/s/ Mark R. Johnson

Mark R. Johnson
Senior Attorney
NextEra Energy Resources, LLC
700 Universe Boulevard
Juno Beach, Florida 33408
561.694.3330