

April 21, 2025

VIA E-FILING

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

RE: In the Matter of the Application of Midwater BESS, LLC for a Site Permit for the up to 150 MW Midwater Energy Storage Project in Freeborn County, Minnesota. Docket No. IP-7138/ESS-24-294

**In the Matter of the Application of Midwater BESS, LLC for a Route Permit for the 161 kV Transmission Line for the Midwater Energy Storage Project in Freeborn County, Minnesota.
Docket No. IP-7138/TL-24-295**

Dear Mr. Seuffert:

Midwater BESS, LLC (Midwater BESS) respectfully submits these comments in response to the written public comments submitted by the Shell Rock Township Board and Freeborn County Board of Commissioners (the Township and County, respectively) during the public comment period ending April 21, 2025.

The Minnesota Public Utilities Commission (Commission) issued a Notice of Public Information and Scoping Meetings on February 7, 2025, and subsequently issued a Notice of Additional Public Information and Environmental Assessment (EA) Scoping Meeting and Extension of Comment Period (Notice) on March 24, 2025. Public information and EA scoping meetings were held on February 19–20 and April 7, 2025. The Notice requested comments on: (1) what potential human and environmental impacts should be studied in the EA for the Project; (2) whether any methods to minimize, mitigate, or avoid these impacts should be studied in the EA; and (3) whether any unique characteristics of the Project should be considered in the EA.

Following the Additional Public Information and EA Scoping Meeting on April 7, 2025, the Township adopted a resolution opposing the “establishment of the BESS system in Shell Rock

Township.”¹ The County adopted a similar resolution on April 15, 2025.² The Shell Rock Township Resolution and the Freeborn County Resolution (together, the Resolutions) include several findings claiming the Project will cause human and environmental impacts, which have not yet been assessed and are not supported in the record of these dockets. The impact claims made in the Resolutions generally align with primary concerns raised during the public information and EA scoping meetings, and during the written comment period.

The Resolutions’ claims of environmental impacts are untimely and pre-judge the potential Project impacts before the EA is prepared. The purpose of the environmental scoping meeting was to gather concerns about the Project so that the scope of the EA includes those items for future study. Midwater BESS anticipates that the concerns raised by the Township, County and the general public will be more fully developed in the record as the permitting process moves forward, and will be properly investigated and assessed by the Department of Commerce Energy, Environmental Review, and Analysis unit (DOC-EERA) during its preparation of an EA for the Project. The EA will use facts, studies and research to detail potential human and environmental impacts, as well as potential mitigating measures that can be used to address those potential impacts. Accordingly, Midwater BESS respectfully disagrees with the Resolutions opposing development of the Project and encourages the Township, County, and the public to review the EA when it is complete to determine whether their concerns are valid.

Midwater BESS remains committed to continued engagement with the Township, County, landowners, and stakeholders during the regulatory review process to try and answer their questions and address their concerns, to the extent practicable. Since filing the Joint Site Permit and Route Permit Application for the Project in November 2024, Midwater BESS has continued efforts to maintain engagement through e-mail, phone calls, and in-person meetings with numerous stakeholders including the following: Albert Lea Economic Development Agency; the City of Albert Lea, Freeborn County Zoning and Planning Administrator; Freeborn County Board of Commissioners; Freeborn County EMS Director; Freeborn County Sheriff; Glenville Fire Chief; landowners; and other interested stakeholders. A summary of the meetings with local agencies and administrative offices since submission of the Joint Application is provided below:

¹ Shell Rock Township Resolution # 2025-04-08-01 (Apr. 9, 2025) (eDocket No. [20254-217456-01](#)) (Shell Rock Township Resolution).

² Freeborn County Board of Commissioners Resolution 25-139 (Apr. 17, 2025) (eDocket No. [20254-217825-01](#)) (Freeborn County Resolution).

Stakeholder(s)	Date of Meeting(s)
Albert Lea Economic Development Office	March 10 and 17, 2025
City of Albert Lea	March 13 and 17, 2025
Freeborn County Board of Commissioners (meetings with individual Commissioners and attendance at County Commission meetings to answer questions).	March 26, 2025 and April 15, 2025
Local Emergency Responders (Freeborn County EMS Director, Freeborn County Sheriff, Glenville Fire Chief)	March 27, 2025

These reply comments have been e-filed through www.edocket.state.mn.us. A copy of this filing is also being served upon the persons on the Official Service List of record.

Please let me know if you have any questions regarding this filing.

Sincerely,

FREDRIKSON & BYRON, P.A.

/s/ Jeremy P. Duehr

Jeremy P. Duehr
Direct Dial: 612.492.7413
Email: jduehr@fredlaw.com

JPD

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Storage Project in Freeborn County,
Minnesota.**

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CERTIFICATE OF SERVICE

Breann L. Jurek certifies that on the 21st day of April 2025, she e-filed on behalf of Midwater BESS, LLC, a true and correct copy of its Comments via eDockets (www.edockets.state.mn.us).

Said document was also served on the Official Service Lists of record on file with the Minnesota Public Utilities Commission and as attached hereto.

Executed on: April 21, 2025

Signed: /s/ Breann L. Jurek

Fredrikson & Byron, P.A.

60 South Sixth Street, Suite 1500

Minneapolis, MN 55402

#	First Name	Last Name	Email	Organization	Agency	Address	Delivery Method	Alternate Delivery Method	View Trade Secret	Service List Name
1	Generic	Commerce Attorneys	commerce.attorneys@ag.state.mn.us		Office of the Attorney General - Department of Commerce	445 Minnesota Street Suite 1400 St. Paul MN, 55101 United States	Electronic Service		No	Official 24-294
2	Jeremy	Duehr	jduehr@fredlaw.com	Fredrikson & Byron, P.A.		60 S Sixth St Ste 1500 Minneapolis MN, 55402-4400 United States	Electronic Service		No	Official 24-294
3	Sharon	Ferguson	sharon.ferguson@state.mn.us		Department of Commerce	85 7th Place E Ste 280 Saint Paul MN, 55101-2198 United States	Electronic Service		No	Official 24-294
4	Eric	Hansen	eric.hansen@westwoodps.com	Westwood Professional Services		7699 Anagram Drive Eden Prairie MN, 55344 United States	Electronic Service		No	Official 24-294
5	Breann	Jurek	bjurek@fredlaw.com	Fredrikson & Byron PA		60 S Sixth St Ste 1500 Minneapolis MN, 55402 United States	Electronic Service		No	Official 24-294
6	Stacy	Kotch Egstad	stacy.kotch@state.mn.us		MINNESOTA DEPARTMENT OF TRANSPORTATION	395 John Ireland Blvd. St. Paul MN, 55155 United States	Electronic Service		No	Official 24-294
7	Molly	Leisen	mleisen@fredlaw.com	Fredrikson & Byron P.A.		60 South Sixth Street Suite 1500 Minneapolis MN, 55402 United States	Electronic Service		No	Official 24-294
8	Mary	Matze	mmatze@spearmintenergy.com	Spearmint Energy		2916 N. Miami Ave., Suite 830 Miami FL, 33127 United States	Electronic Service		No	Official 24-294
9	Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us		Office of the Attorney General - Residential Utilities Division	1400 BRM Tower 445 Minnesota St St. Paul MN, 55101-2131 United States	Electronic Service		No	Official 24-294
10	Peter	Rood	prood@spearmintenergy.com	Spearmint Energy		2916 N. Miami Ave., Suite 830 Miami FL, 33127 United States	Electronic Service		No	Official 24-294

#	First Name	Last Name	Email	Organization	Agency	Address	Delivery Method	Alternate Delivery Method	View Trade Secret	Service List Name
11	Will	Seuffert	will.seuffert@state.mn.us		Public Utilities Commission	121 7th Pl E Ste 350 Saint Paul MN, 55101 United States	Electronic Service		No	Official 24-294

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1	Generic	Commerce Attorneys	commerce.attorneys@ag.state.mn.us		Office of the Attorney General - Department of Commerce	445 Minnesota Street Suite 1400 St. Paul MN, 55101 United States	Electronic Service		No	Official 24-295
2	MP Regulatory	Compliance	mpregulatorycompliance@mnpower.com	Minnesota Power		30 W Superior St. Duluth MN, 55802 United States	Electronic Service		No	Official 24-295
3	Sharon	Ferguson	sharon.ferguson@state.mn.us		Department of Commerce	85 7th Place E Ste 280 Saint Paul MN, 55101-2198 United States	Electronic Service		No	Official 24-295
4	Stacy	Kotch Egstad	stacy.kotch@state.mn.us		MINNESOTA DEPARTMENT OF TRANSPORTATION	395 John Ireland Blvd. St. Paul MN, 55155 United States	Electronic Service		No	Official 24-295
5	Discovery	Manager	discoverymanager@mnpower.com	Minnesota Power		30 W Superior St Duluth MN, 55802 United States	Electronic Service		No	Official 24-295
6	Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us		Office of the Attorney General - Residential Utilities Division	1400 BRM Tower 445 Minnesota St St. Paul MN, 55101-2131 United States	Electronic Service		No	Official 24-295
7	Will	Seuffert	will.seuffert@state.mn.us		Public Utilities Commission	121 7th PI E Ste 350 Saint Paul MN, 55101 United States	Electronic Service		No	Official 24-295
8	Claire	Vatalaro	cvatalaro@allete.com	Allete		30 W Superior St Duluth MN, 55802 United States	Electronic Service		No	Official 24-295