

July 30, 2025

VIA eFILING

Mr. Mike Bull
Acting Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101-2147

Re: Reply Comments

**In the Matter of the Application of Lemon Hill Solar, LLC for a Site Permit for the
up to 180 MW Lemon Hill Solar Project in Olmsted County, MN
MPUC Docket No. IP7156/GS-25-126**

Dear Mr. Bull:

Lemon Hill Solar, LLC (Lemon Hill Solar), submits these reply comments regarding the completeness of its Application for a Site Permit (Application) for an up to 180 megawatt (MW) alternating current photovoltaic solar energy generating facility and associated facilities known as the Lemon Hill Solar Project in Haverhill and Viola Townships in Olmsted County, Minnesota (Project) in the above-captioned docket.

The Minnesota Public Utilities Commission (Commission or PUC) issued a Notice of Comment Period on July 9, 2025 (Notice), and set an initial comment period until July 23, 2025.¹ The Notice requested comments on: (1) whether the Application contains the information required under Minn. R. 7850.3100; (2) whether an advisory task force should be appointed; (3) whether there are there any additional procedural requirements that should be considered (e.g., public hearing process); (4) whether the Commission should direct the Executive Secretary to issue authorization for the Applicant to initiate consultation with the Minnesota State Historic Preservation Office (SHPO); and (5) whether there were any other issues or concerns.

Commission Energy Infrastructure Permitting (EIP) Staff, a Viola Township Board Supervisor, and several members of the public submitted comments concerning the Application prior to the close of the initial comment period. As described further below, none of the comments identified an issue with respect to completeness of the Application. Accordingly, Lemon Hill Solar respectfully requests that the Commission determine the Application to be complete.

¹ See Notice of Comment Period on Application Completeness (July 9, 2025) (eDocket No. 20257-220777-01).

Response to Comments

1. PUC EIP

EIP Staff filed comments dated July 23, 2025.² Lemon Hill Solar appreciates EIP Staff's thorough review of the Application and comments on this process going forward. Lemon Hill Solar addresses the items discussed in the comments of EIP Staff in the following paragraphs.

a. Application Completeness.

Lemon Hill Solar appreciates EIP Staff's review of the Application and agrees with EIP Staff's recommendation that the Application be accepted as substantially complete.

b. Cultural Resources Survey.

EIP Staff requested that the Commission require Lemon Hill Solar to provide a Phase I cultural resources survey for the Project's two parcels which had not yet been surveyed at the time the Application was prepared.³ In April 2025, Merjent, Inc. (Merjent) completed the Phase I survey for these additional parcels using the same Phase I Survey Plan and Methods that received SHPO's approval for the survey of the initial Project footprint. Specifically, Merjent surveyed six Project areas that were not surveyed during the initial survey effort (referred to as the April 2025 Survey Areas). The total acreage of the April 2025 Survey Areas is 128.22 acres. During the April 2025 Phase I archaeological survey, two precontact archaeological sites (21OL0078 and 21OL0079), each consisting of a precontact single chert tertiary flake, were identified. Intensive pedestrian survey and shovel testing around the site locales did not result in the discovery of additional cultural material. Based on the Phase I archaeological survey conducted in April 2025, Merjent recommends that: (1) archaeological site numbers 21OL0078 and 21OL0079 do not meet the National Register of Historic Places (NRHP) criteria and are therefore not eligible for listing on the NRHP; (2) no historic properties will be affected by the Project as proposed; and (3) no further archaeological work is recommended for the Project as planned. Merjent submitted a Request for Project Review by the SHPO on July 29, 2025.⁴ Lemon Hill Solar will file SHPO's determination with the Commission after SHPO's review is complete.

Lemon Hill Solar will provide documentation in response to EIP Staff's requests related to the Phase 1 Cultural Resource Survey in separate filing.

c. Native Prairie Survey.

EIP Staff also requested that the Commission require Lemon Hill Solar to provide native prairie field survey for the Project's two parcels which had not yet been surveyed at the time of the filing

² PUC EIP Comments (July 23, 2025) (eDocket No. 20257-221324-01).

³ PUC EIP Comments at 5, 7 (July 23, 2025) (eDocket No. 20257-221324-01).

⁴ See **Attachment A**.

of the Application.⁵ As mentioned in the Application, Merjent completed a field review in May 2025 to verify the presence of possible native prairie in the parcels added to the Site.⁶ Based on the field survey, no native prairie was observed.

d. Wetland Delineations.

As mentioned in the Application, two additional parcels were added to the Project after the wetland delineations for the initial Project footprint were completed. Lemon Hill Solar stated in the Application that these parcels would be field delineated in spring 2025 and an updated wetland delineation report would be prepared and submitted to the Commission once completed.⁷

Lemon Hill Solar has prepared the Wetland and Waterbody Delineation Report and will provide this report in a separate filing. This report documents the findings from the field survey effort that was performed May 28-31, June 3-5, June 19, 2024, and May 2, 2025, by Merjent. Based on the field survey and review of desktop resources, Merjent concluded that 37 wetlands (93.03 acres), 29 waterways (28,585 linear feet), and one open waterbody (1.66 acres) exist within the 2,036.53-acre Survey Area.

e. Advisory Task Force.

Under Minn. R. 7850.2400, a person may request that the Commission create a citizen advisory task force and appoint its members. If appointed by the Commission, the advisory task force's responsibilities must include the identification of additional sites or routes or particular impacts to be evaluated in the Environmental Impact Statement (EIS) and may include a request from the Commission that the task force express a preference for a specific site or route if it has one.⁸

As of the close of the initial comment period on Application completeness, no local government official or member of the public has requested an advisory task force or suggested a scope or topics for review. Lemon Hill Solar agrees with EIP Staff that an advisory task force is not warranted⁹ and asks the Commission to decline to appoint an advisory task force.

f. Application Review Process.

Lemon Hill Solar agrees with EIP Staff's recommendation that the matter should be referred to the Office of Administrative Hearings¹⁰ for a public hearing and preparation of a full Administrative Law Judge report with recommendations.

⁵ PUC EIP Comments at 5, 7 (July 23, 2025) (eDocket No. 20257-221324-01).

⁶ Application at 85 (June 30, 2025) (eDocket No. 20256-220448-02).

⁷ Application at 73 (June 30, 2025) (eDocket No. 20256-220448-02).

⁸ See Minn. R. 7850.2400, subp. 3.

⁹ PUC EIP Comments at 4, 7 (July 23, 2025) (eDocket No. 20257-221324-01).

¹⁰ Starting August 1, 2025, the Minnesota Office of Administrative Hearings will be renamed the Court of Administrative Hearings following the passage of Minn. Laws 2025, Chapter 39, Section 68.

g. Additional Information.

In addition to recommending that the Commission accept the Application as substantially complete, EIP Staff recommended that Lemon Hill Solar provide additional information regarding existing conditions, potential impacts, and mitigation measures for tourism, geology, groundwater, surface waters, wildlife, and rare and unique natural resources.¹¹ Lemon Hill Solar is committed to working with EIP Staff throughout the site permit process to develop appropriate impact mitigation measures and to provide EIP with the information needed for EIP's preparation of an Environmental Assessment (EA) for the Project.

2. Viola Township

Mr. James Klavetter is a Viola Township Board Supervisor. Mr. Klavetter expresses concern about the Project's impacts to karst soils. He also expresses concerns that the structural supports for the Project's solar panels will be driven 15-20 feet deep into the ground, possibly fracturing fragile rock formations and consequently impacting groundwater. He requests that an EIS be prepared for the Project in order to protect all the residents of the township.¹²

Lemon Hill Solar looks forward to continuing to work with local government officials to address issues and concerns as the permitting process moves forward. Under the Commission's alternative review process, an EA is prepared rather than an EIS. Lemon Hill Solar anticipates that the EA that will be prepared by EIP Staff will include an in-depth discussion of the potential impacts to karst features and groundwater posed by the Project and EIP's recommended measures to mitigate or minimize impacts on these resources.

3. Members of the Public

¹¹ PUC EIP Comments at 5, 7 (July 23, 2025) (eDocket No. 20257-221324-01).

¹² James Klavetter (July 23, 2025) (eDocket No. 20257-221308-01).

In addition to the entities identified above, numerous members of the public also submitted comments during the initial comment period¹³ and also before the filing of the Application¹⁴. For the most part, these comments expressed concerns about loss of prime agricultural land, environmental risks, impacts to Karst topography and water resources, declining property values, noise, and pollution.¹⁵ While all of these are important topics that will be further addressed during the environmental review and permitting process, none point to deficiencies in the completeness of the Application.

4. Summary and Conclusion

With respect to the topics applicable to the Application which were open for comment in the Notice, consistent with EIP Staff's recommendations, Lemon Hill Solar:

- Respectfully requests that the Commission accept the Application as substantially complete;

¹³ See Joshua Axley (July 18, 2025) (eDocket No. 20257-221139-02); Faheena Keefe (July 18, 2025) (eDocket No. 20257-221139-01); Laurie Meyer (July 21, 2025) (eDocket No. 20257-221230-01); Mike Keefe (July 21, 2025) (eDocket No. 20257-221219-01); Wayne Pike (July 21, 2025) (eDocket No. 20257-221218-01); Clint Mulholland (July 21, 2025) (eDocket No. 20257-221217-01); Deborah Klavetter (July 21, 2025) (eDocket No. 20257-221216-01); Amy Renken (July 22, 2025) (eDocket No. 20257-221275-01); Randy Renken (July 22, 2025) (eDocket No. 20257-221275-01); Rogena Klavetter (July 22, 2025) (eDocket No. 20257-221275-01); Tamera and William Schmidt (July 22, 2025) (eDocket No. 20257-221275-01); Wendy Jensen (July 22, 2025) (eDocket No. 20257-221275-01); Ken Everson (July 22, 2025) (eDocket No. 20257-221274-01); Ken Everson (July 23, 2025) (eDocket No. 20257-221316-01); Tracy Huffman-Krizo (July 23, 2025) (eDocket No. 20257-221315-01); David Krizo (July 23, 2025) (eDocket No. 20257-221314-01); Julie Huffman (July 23, 2025) (eDocket No. 20257-221313-01); Eleanor Krizo (July 23, 2025) (eDocket No. 20257-221311-01); Kevin Hammel (July 23, 2025) (eDocket No. 20257-221310-01); Tom Shea (July 23, 2025) (eDocket No. 20257-221309-01); John & Norma Pries (July 23, 2025) (eDocket No. 20257-221307-01); Laurie Albers (Part 1) (July 24, 2025) (eDocket No. 20257-221366-01); Laurie Albers (Part 2) (July 24, 2025) (eDocket No. 20257-221366-01); Jean Hanson (July 24, 2025) (eDocket No. 20257-221366-01); Bethany Hoffman (July 24, 2025) (eDocket No. 20257-221366-01); Jennifer Lawver (July 24, 2025) (eDocket No. 20257-221366-01); Julie Meyers (July 24, 2025) (eDocket No. 20257-221366-01); Phillip Nicklay (July 24, 2025) (eDocket No. 20257-221366-01); Ted Pike (July 24, 2025) (eDocket No. 20257-221366-01); Rick Trostad (July 24, 2025) (eDocket No. 20257-221366-01); Jason and Mindy Shea (July 24, 2025) (eDocket No. 20257-221366-01); Amy Renken (July 24, 2025) (eDocket No. 20257-221366-01).

¹⁴ See Taylor Pike (Feb. 27, 2025) (eDocket No. 20252-215821-02); Joni Mulholland (Feb. 27, 2025) (eDocket No. 20252-215821-01); William and Tamera Schmidt (March 3, 2025) (eDocket No. 20253-215960-01); Ted Pike (March 3, 2025) (eDocket No. 20253-215959-01); Paul Ueker (March 20, 2025) (eDocket No. 20253-216639-01); Laurie Gary and Matt Meyer (April 16, 2025) (eDocket No. 20254-217729-01); John Meyer (May 5, 2025) (eDocket No. 20255-218573-01); Mike Keefe (June 24, 2025) (eDocket No. 20256-220201-01).

¹⁵ See, e.g., Taylor Pike (Feb. 27, 2025) (eDocket No. 20252-215821-02); Joni Mulholland (Feb. 27, 2025) (eDocket No. 20252-215821-01); William and Tamera Schmidt (March 3, 2025) (eDocket No. 20253-215960-01); Ted Pike (March 3, 2025) (eDocket No. 20253-215959-01); William and Tamera Schmidt (March 3, 2025) (eDocket No. 20253-215960-01); Laurie Gary and Matt Meyer (April 16, 2025) (eDocket No. 20254-217729-01); John Meyer (May 5, 2025) (eDocket No. 20255-218573-01); Mike Keefe (June 24, 2025) (eDocket No. 20256-220201-01).

Mr. Mike Bull
Page 6

- Submits that there are currently no contested issues of fact with respect to the representations made in the Application and supports EIP Staff's recommendation that the Commission request a full report from the Administrative Law Judge assigned to this matter;
- Supports EIP Staff's conclusion that the record does not warrant an advisory task force; and,
- Will initiate consultation with SHPO pursuant to the Commission's directive.

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.

A handwritten signature in black ink, appearing to read 'Chr Brusven', with a long horizontal line extending to the right.

Christina K. Brusven
Direct Dial: (612) 492-7412
Email: cbrusven@fredlaw.com

**In the Matter of the Application of Lemon Hill
Solar, LLC for a Site Permit for the up to 180
MW Lemon Hill Solar Project in Olmsted
County, MN.**

MPUC Docket No. IP-7156/GS-25-126

CERTIFICATE OF SERVICE

Maia Martinez certifies that on the 30th day of July, 2025, she e-filed true and correct copy of the following documents on behalf of Lemon Hill Solar, LLC via eDockets (www.edockets.state.mn.us):

- Reply Comments;
- Attachment A - Addendum 1 SHPO Cover Letter; and
- Certificate of Service.

Said documents were also served as designated on the Official Service Lists on file with the Minnesota Public Utilities Commission and as attached hereto.

Executed on: July 30, 2025

Signed: /s/ Maia Martinez

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	Christina	Brusven	cbrusven@fredlaw.com	Fredrikson Byron		60 S 6th St Ste 1500 Minneapolis MN, 55402-4400 United States	Electronic Service		No	GS-25-126
2	Mike	Bull	mike.bull@state.mn.us		Public Utilities Commission	121 7th Place East, Suite 350 St. Paul MN, 55101 United States	Electronic Service		Yes	GS-25-126
3	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		Yes	GS-25-126
4	Ryan	Cox	rcox@fredlaw.com	Fredrikson & Byron, P.A.		60 S Sixth St Ste 1500 Minneapolis MN, 55402-4400 United States	Electronic Service		No	GS-25-126
5	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	GS-25-126
6	Zane	Jones	zane@rangerpower.com	Lemon Hill Solar, LLC		320 N Sangamon Street, Suite 1025 Chicago IL, 60607 United States	Electronic Service		No	GS-25-126
7	Rosanne	Koneval	rosanne@rangerpower.com	Gopher State Solar, LLC		320 N Sangamon Street, Suite 1025 Chicago IL, 60607 United States	Electronic Service		No	GS-25-126
8	Alicia	LaValla	alavalla@fredlaw.com	Fredrikson & Byron, P.A.		60 South Sixth St Ste 1500 Minneapolis MN, 55402-4400 United States	Electronic Service		No	GS-25-126
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		Yes	GS-25-126
10	Sergio	Trevino	sergio@rangerpower.com	Lemon Hill Solar, LLC		320 N Sangamon Street, Suite 1025 Chicago IL, 60607 United States	Electronic Service		No	GS-25-126