

Staff Briefing Papers

Meeting Date August 6, 2026

Agenda Item 2**

Company Summit Lake Solar, LLC and Summit Lake Storage, LLC

Docket No. IP-7153/GS-25-89; IP-7153/ESS-25-88
CAH - 21-2500-41031 (Middendorf)

In the Matter of the Joint Site Permit Application of Summit Lake Solar, LLC and Summit Lake Storage, LLC for a Solar Energy Generating System Site Permit and a Battery Energy Storage System Site Permit for the up to 200 MW Summit Lake Solar Facility and Battery Energy Storage System in Nobles County, Minnesota

Issues

- Should the Commission adopt the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommendations?
- Should the Commission find that the environmental assessment and the record created at the public hearings address the issues identified in the scoping decision?
- Should the Commission grant a site permit for the proposed battery energy storage system?
- Should the Commission grant a site permit for the proposed solar project?
- If granted, what additional conditions or requirements should be included in the site permits?

Staff

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651-201-2203

Changes:

***Added 5 to recommended options if Commission permits project.**

***Corrected Appendix A to match staff recommended decision options in briefing paper.**

 Relevant Documents

Date

Summit Lake Solar, LLC – Application (13 parts)

02/21/2025

Minnesota Department of Agriculture – Comments

02/26/2025

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The attached materials are work papers of the Commission Staff. They are intended for use by the Public Utilities Commission and are based upon information already in the record unless noted otherwise.

✓ Relevant Documents

	Date
PUC – Notice of Comment Period on Application Completeness	02/27/2025
Public Comment – Danielle Rogers	03/04/2025
DOC EERA – Comments ¹	03/10/2025
Public Comment	03/10/2025
Public Comment – Russell Penning	03/13/2025
Public Comment – Becky Baumhoefner	03/13/2025
Public Comment – Darla Fritz (2 parts)	03/13/2025
Public Comment – Debra Rogers	03/13/2025
Public Comment	03/17/2025
Summit Lake Solar, LLC – Completeness Reply Comments	03/20/2025
Public Comment	04/04/2025
PUC – Order	04/08/2025
PUC – Notice of Public Information and Environmental Scoping Meeting	05/07/2025
PUC – Sample Permit	05/19/2025
Public Comment – Merle Rabenberg	06/03/2025
Public Comment – Kathy Henderschiedt	06/03/2025
DNR – Comments (2 parts)	06/05/2025
Public Comment – Judy Christians	06/05/2025
Public Comment – Becky Baumhoefner	06/05/2025
DOC EERA – Comments on Scope (2 parts)	06/16/2025
DOC EERA – Alternatives Identified During Scoping	06/23/2025
PUC EIP – Notice of EA Scoping Decision	07/17/2025
Summit Lake Solar LLC - Notice of Ownership Filing	07/18/2025
CAH – First Prehearing Order	08/21/2025
Summit Lake Solar, LLC – Request to Pause	10/14/2025

¹ On July 1, 2025, Department of Commerce Energy Environmental Review and Analysis (DOC EERA) unit staff moved to the Minnesota Public Utilities Commission Energy Infrastructure Permitting (PUC EIP) unit as directed by state law (Laws of Minn. 2024, ch.126, art. 7) and in response to permitting reform under Minnesota Statute 216I (2024). The review of this application began under and will continue under Minnesota Statute 216E (2023). DOC EERA staff initiated environmental review of this proposal prior to July 1, 2025, and will continue to exclusively perform environmental review duties for this application under 216E (2023) as EIP staff. Likewise, analyst staff at the PUC will continue to exclusively perform analyst duties on this application as PUC staff.

✓ **Relevant Documents**

	Date
CAH – Order Staying Proceeding	10/15/2025
Summit Lake Solar, LLC – Application Amendment (8 parts)	12/18/2025
PUC EIP – Scoping Decision	01/22/2026
Summit Lake Solar, LLC – Revised Appendix E	01/28/2026
PUC EIP – Notice of Amended Scoping Decision	01/29/2026
CAH – Second Prehearing Order	02/10/2026
PUC EIP – Summit Lake Project Assessment	03/11/2026
PUC – Notice of Public Hearings and EA Availability	03/13/2026
Summit Lake Solar and Storage – Direct Testimony Schedules A – C	03/20/2026
Public Comment – Jake Caperus	04/06/2026
Public Comment – Brenda Paulzine	04/07/2026
Public Comment – Darla Agard	04/08/2026
Public Comment – Eric Parrish	04/08/2026
Public Comment – Rod Burkard	04/08/2026
Public Comment – Molly Vagle	04/09/2026
Public Comment – Yvonne Sieve	04/14/2026
Public Comment – Wendy and Wally Cooper	04/14/2026
Public Comment – Jake Cuperus	04/14/2026
Public Comment – Deb Rogers	04/14/2026
Public Comment – Minnesota Pollution Control	04/15/2026
Public Comment – Darrel Ponto	04/15/2026
Public Comment – Nobles County Public Works	04/16/2026
Public Comment – Kevin and Sheila Onken	04/16/2026
Public Comment – Rodney Burkard	04/16/2026
DNR – Comments	04/20/2026
Minnesota Interagency Vegetation Management Group – Hearing Comments	04/20/2026
Shaddix and Associates – Transcripts, Exhibits, Other (4 parts)	04/20/2026
Public Comment – Nobles County Commissioner	04/20/2026
Public Comments – Batch 1 (12 Comments)	04/20/2026
Public Comment – Haley Slater	04/20/2026
Public Comment – Malory Fritz	04/21/2026

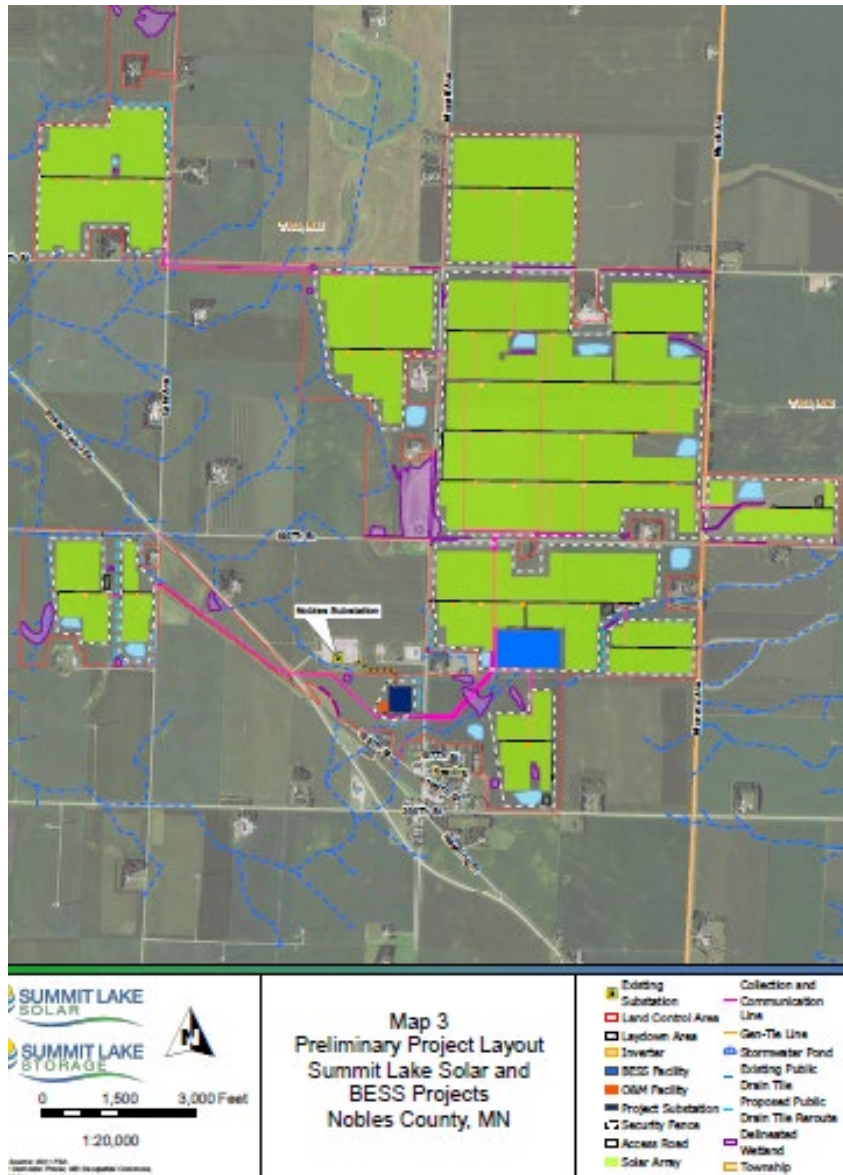
✓ **Relevant Documents**

	Date
Public Comment – Batch 1 (14 Comments)	04/21/2026
IBEW 426-LIUNA-MN-ND – Comments	04/21/2026
Northern Midwest Regional Council of Carpenters – Comments	04/24/2026
Summit Lake Solar and Summit Lake Storage – Proposed Findings, Conclusions, and Recommendations	05/04/2026
Summit Lake Solar and Summit Lake Storage – Response to Hearing Comments	05/04/2026
PUC EIP – Reply Comments and Findings of Fact	05/18/2026
CAH – Report – Findings of Fact, Conclusions of Law, and Recommendations	06/12/2026
PUC EIP – Exceptions to ALJ	06/25/2026
Summit Lake – Exceptions to ALJ	06/26/2026
Jake Cuperus – Comments	06/29/2026
LIUNA Minnesota North Dakota – Exceptions	06/29/2026
PUC Staff – Information Request	07/10/2026
PUC – Public Comment – Jake Cuperus – Late	07/14/2026
PUC – Comments – Malory Fritz – Late	07/15/2026
Summit Lake Response to Information Request – Late	07/17/2026
Summit Lakes Response to LIUNA’s Exception – Late	07/24/2026
Northern Midwest Regional Council of Carpenters Comments – Late (25-89)	07/24/2026

PROJECT DESCRIPTION

The Summit Lake Solar, LLC and Summit Lake Storage, LLC (together, Summit Lake, or applicants) proposed project, if permitted, would include a solar energy generation system with up to 200 megawatts (MW) of nameplate capacity and a standalone battery energy storage system (BESS) with up to 200 megawatts (MW)/800 megawatt-hour (MWh) of nameplate capacity. The project is proposed for construction on approximately 1,416 acres in Elk and Summit Lake Townships in Nobles County. The Project's main components include, but are not limited to, solar modules, a tracking system, inverters, fencing, access roads, an electrical collection system, lighting, a substation, a 992-foot 345-kilovolt transmission line, a Battery Energy Storage System (BESS), an operations and maintenance building, and a parking area.

The project described, and the map below, reflect the amended application.



STATUTES AND RULES

Site Permit

Minn. Stat. § 216E.03, subd. 1. No person may construct a large electric generating plant or an energy storage system without a site permit from the commission. A large electric generating plant or an energy storage system may be constructed only on a site approved by the commission.

Minn. Stat. § 216E.01, subd. 3(a). "Energy storage system" means equipment and associated facilities designed with a nameplate capacity of 10,000 kilowatts or more that can store generated electricity for a period of time and delivering the electricity for use after storage. The proposed energy storage project is up to 200 MW. As a result, the energy storage system needs a permit from the Commission.

Minn. Stat. § 216E.01, subd. 5. "Large electric power generating plant" shall mean electric power generating equipment and associated facilities designed for or capable of operation at a capacity of 50,000 kilowatts or more. The proposed solar electric power-generating plant is rated at up to 200 MW. As a result, a site permit is required.

Environmental Assessment

The Applicants chose to follow the alternative review process under Minn. Stat. § 216E.04, subd. 2. As a result, the projects are subject to an environmental assessment.

Certificate of Need

In the 2023 legislative session, the Minnesota Legislature passed legislation amending Minn. Stat. § 216B.243, subd. 8 (a) (7), to exempt wind and solar projects for which a site permit application has been submitted by an Independent Power Producer from certificate of need requirements.

PROCEDURAL HISTORY

On February 21, 2025, Summit Lake Solar, LLC and Summit Lake Storage, LLC (applicants) filed an application for a 200-megawatt (MW) solar generation system and an up to a 200-MW battery energy storage system (BESS), collectively known as the project.

On April 8, 2025, the Commission issued an Order accepting the application as substantially complete, declined to appoint an advisory task force, and directed the applicants to initiate consultation with the Minnesota State Historic Preservation

Office (SHPO).

On May 21 - 22, 2025, the Commission hosted the public information and environmental assessment scoping meeting. The in-person meeting was held in Worthington on May 22, 2025.

On June 16, 2025, the Department of Commerce Energy Environmental Review and Analysis unit (EERA) submitted the public written and oral comments on the scope of the environmental review.

On July 17, 2025, the Public Utilities Commission – Energy Infrastructure Permitting (PUC EIP) unit filed a scoping decision for an environmental assessment (EA).

On July 25, 2025, the Court of Administrative Hearings (CAH) issued a notice of and order for a prehearing conference.

On October 14, 2025, the applicants filed a request for a pause. The applicants requested more time, in part, to revise the design and layout in response to public comments received during the environmental scoping meeting.

On October 15, 2025, the CAH issued an Order to stay the proceeding.

On December 18, 2025, the applicants filed a site permit amendment for the project.

On January 22, 2026, PUC EIP filed an amended scoping decision.

On February 10, 2026, CAH issued a second prehearing order establishing a schedule.

On March 11, 2026, PUC EIP issued the EA for the project.

On April 6 – 7, 2026, Judge Middendorf hosted public hearings. The in-person public hearing was held in Worthington on April 6th.

On May 4, 2026, the applicants filed proposed findings of fact, conclusions of law, and recommendations. Additionally, the applicants filed a response to the comments at the hearing.

On May 18, 2026, PUC EIP filed reply comments and comments on the proposed findings of fact.

On June 12, 2026, the CAH issued its findings of fact, conclusions of law, and recommendations.

On June 25, 2026, PUC EIP filed exceptions to the ALJ Report.

On June 29, 2026, LIUNA Minnesota/North Dakota filed exceptions, and a public comment was received by Jake Cuperus.

On July 10, 2026, Commission staff submitted an information request.

On July 14 -15, 2026, Jake Cuperus and Malory Fritz filed comments outside the comment period.

On July 17, 2026, the applicants filed a response to the information request.

On July 24, 2026, the applicants and the Northern Midwest Regional Council of Carpenters, in part, filed a response to LIUNA Minnesota/North Dakota

PUBLIC COMMENTS

The public submitted both written and verbal comments into the record. A summary of those comments is included below:

- Concerns that the applicants did not engage with neighboring nonparticipating landowners.
- Industrial projects ruining the rural landscape, the aesthetics, quality of life, and decreasing property values of adjacent non-participating property owners.
- Do not permit the project.
- Concern over removing productive farmland from agricultural production
- Developers are paying 3 – 4x the county average for land leases, which is not competitive for local people.
- Fire concerns related to battery storage and associated chemicals.
- Negative impact of removing the acreage from production would have a negative impact on the local businesses and economy – jobs linked to the farm economy. (prime farmland)
- Concerns for wildlife.
- Concerns that the township and the applicants are self-dealing.
- Some portions of the project are subject to flooding during spring and when heavy rain occurs. Submerged project infrastructure could leak contaminants into the groundwater.
- Heat and glare from the project will deter wildlife habitat.
- 300-foot setbacks at a minimum from property lines and/or 1000-foot setbacks and/or a 750-foot setback to allow an agricultural buffer, 1500-foot setbacks. 500-foot setbacks for snow removal.
- Concerns with project noise.
- Water runoff and tile damage.
- Battery storage should be 1/3 of a mile away from towns.

- Fully fund decommissioning on day one.
- Vegetation screening should be on the project's property and be maintained throughout the life of the project.
- Concern for endangered wildlife.
- The project is causing emotional distress.
- Potential negative impacts on drinking water.
- Well water testing before work starts.
- Believe solar panels will be positive – potential to graze sheep under them.
- Concern with being boxed in by the project (solar panels on two or three sides of the property or more).
- Weather (tornado, hail, etc.) impacts on solar panel integrity.
- Bacteria growing on panels impacting groundwater.
- Insect growth on solar property migrating to agricultural fields, damaging crops.
- An eagle's nest is near the project.
- Binding community benefit agreement if permitted.
- EIS to look at the combined impact of this project and a data center.
- Require emergency response agreements.
- Funding for local/fire rescue agencies. (training and materials)
- Soil compaction concerns.
- Limit construction hours.
- Make the project study the agrivoltaics potential for livestock and robotic truck gardening.
- Alternative locations were not fully studied.
- Ongoing soil, water, and air quality monitoring.
- Current curtailment issues.
- Substantially increase the price of farmland in the area.
- The project will provide employment opportunities for tradespeople.

AGENCIES AND LOCAL UNITS OF GOVERNMENT COMMENTS

A. Nobles County Public Works²

Requested that setbacks established in the Nobles County Solar Energy Ordinance be included in the permit. "All large solar energy systems shall be setback a minimum of 150 feet from all property lines and 200 feet from the centerline of all roads and fencing."

B. Nobles County Drainage Authority³

The Nobles County Drainage Coordinator provided comments at the public hearing

² Public Comments, [Nobles County Public Works](#), April 16, 2026

³ Public Comments, Worthington Public Hearing Transcript, April 20, 2026

regarding the project's benefits and potential reductions to the County's budget. The coordinator also provided comments on the seed mixes in the VMP. She stated her hope that if seed mixes do not become established, the applicants will still be responsible for replacement vegetation.

Minnesota Pollution Control (MPCA)⁴

The Minnesota Pollution Control Agency (MPCA) concluded that the applicants addressed how the proposed project will mitigate downstream impacts, during and after construction, including revegetation.

Minnesota Department of Natural Resources (DNR)⁵

The DNR submitted comments requesting that the applicant construct a fence at least 10 feet tall. Under the applicants' design, the DNR stated that the applicant would be responsible for safely removing deer that enter the facility without harassing the animal. If the fence is less than 10 feet in height, the applicants must demonstrate that they will promptly remove deer without causing harassment. DNR will not assist applicants in removing a deer if the fence is less than 10 feet tall. The DNR supported standard permit condition 4.3.32, which requires the applicants to coordinate with DNR on the fence design.

The DNR is interested in whether the data center, in conjunction with this project, is a phased and/or connected action. The DNR also supported the inclusion of special permit condition language that was included in the Benton Solar Project:

- The Permittee will comply with applicable Minnesota Department of Natural Resources requirements related to state-listed endangered and threatened species in accordance with Minnesota's Endangered Species Statute (Minnesota Statutes, section 84.0895) and associated Rules (Minnesota Rules, part 6212.1800 to 6212.2300 and 6134). The Permittee shall keep records of compliance with this section and provide them upon the request of EIP staff.

In reference to the Vegetation Management Plan (VMP), the DNR supported standard conditions 4.3.16 (Application of Pesticides) and 4.3.17 (Invasive Species) of the draft solar permit included in the EA. The DNR also supported standard condition 4.3.15 (Vegetation Management) and special permit condition 5.8 (Vegetation Management Plan) of the battery storage draft permit included in the EA.

The DNR also supported special conditions 5.1 (Lighting), 5.2 (Wildlife-Friendly Erosion Control), and 5.3 (Dust Control) of the draft permits included in the EA for

⁴ Public Comments, [Minnesota Pollution Control](#), April 15, 2026

⁵ Minnesota Department of Natural Resources, [Comments](#), April 20, 2026

both the solar and energy storage facilities.

The DNR noted that in the Natural Heritage Review⁶ the Regal Fritillary, a species of special concern, has been documented in the vicinity of the project. The applicant is advised to consult the DNR Rare Species Guide for more information on habitat and recommended measures to avoid or minimize impacts.

Minnesota Department of Agriculture⁷

The Department of Agriculture reviewed the final Agricultural Mitigation Plan and concluded that it had no concerns to address.

Minnesota Interagency Vegetation Management Plan Working Group⁸

The Vegetation Management Planning Working Group (VMPWG) provides suggestions to modify the proposed VMP further. The VMPWG did not recommend action by the Commission at this time. The VMPWG stated they will provide additional review and recommendations to the Commission and applicants as part of pre-construction compliance review.

Nobles County Commissioner⁹

Gene Metz submitted comments as a resident, farmer, and County Commissioner. As a County Commissioner, he believes the project would benefit the County by generating additional Production Tax revenue. However, he is concerned that the existing curtailment is already affecting wind energy generation and wonders if this project will compound the problem. The Commissioner provided additional comments from the perspective of a farmer and resident, which are included in the summary of public comments.

APPLICANTS' REPLY COMMENTS¹⁰

On May 4, 2026, the applicants filed reply comments in response to public comments received during the public hearing comment period. The comments focused on specific issues (bullet points) raised during the comment period. The applicants' response to the issues is summarized in sub-bullets.

- Heat islands
 - Field studies showed a clear decline of air temperature as distance

⁶ Minnesota Department of Natural Resources, [Natural Heritage Review Letter](#), June 5, 2025.

⁷ Minnesota Department of Agriculture, [Comments](#), February 26, 2025.

⁸ Minnesota Interagency Vegetation Management Working Group, [Comments](#), April 20, 2026

⁹ Public Comment, [Nobles County Commissioner](#), April 20, 2026

¹⁰ Summit Lake Solar and Summit Lake Storage, [Response to Hearing Comments](#), May 4, 2026.

from panels grows, with temperature increases limited to 0.5 degrees Celsius at 100 meters; 0.3 degrees Celsius at 300 meters.

- Field studies showed panels are completely cooled at night, and it is unlikely a heat island will occur.
- Impacts on agricultural farmland and the local economy
 - Agricultural farmland will be restored as permit conditions require and in coordination with the Minnesota Department of Agriculture
 - EA concluded the project is not anticipated to have a substantial impact on agricultural production in the County.
- Noise impacts
 - Construction noise may exceed state noise standards at select times and locations for short-term periods and confined to daytime hours.
 - Operation of BESS and solar arrays will be less than MPCA's required standards.
 - There is pre- and post-construction modeling as well as notification to landowners related to noise-producing construction activities.
- Aesthetic impacts
 - The Visual Screening Plan will mitigate impacts.
 - Larger setbacks (750-foot and 1,000-foot setbacks were analyzed) will decrease production and the associated production tax.
 - Increased lighting in the area is a result of the Nobles Substation, which is under construction and temporary. The project will utilize downward-facing lighting that will be motion activated.
- Property value impacts
 - EA concluded, generally, that impacts on property values are anticipated to be minimal and decrease with distance and time.
 - The project will have visual screening requirements
- Benefits to nearby landowners and community members
 - Annual tax revenue of \$400,500 to Nobles County and \$100,200 combined for Summit and Elk Townships
 - Employment of local construction workers
- Fire Risks
 - BESS will have automatic fire detection and suppression systems
 - Continued training for local emergency responders as required by the BESS permit
 - Must file an Emergency Response Plan
- Decommissioning
 - A permit condition requires a decommissioning plan prior to construction and must be updated every 5 years
 - Financial assurance will be provided, with Nobles County as the beneficiary
 - The AIMP was developed in cooperation with the MDA
- Environmental and wildlife impacts
 - EA evaluated potential impacts on soil, surface water, stormwater, and

- wildlife. The risk of soil and water contamination is low.
 - Soil health will likely improve.
 - Applicants will ensure the final design of the project stormwater basins will be fenced.
 - Stormwater basins are not conducive to mosquito reproduction.
 - Solar panels are not proposed within the known flooding and ponding zones.
 - If an active bald eagle nest is present prior to construction, the applicants will comply with U.S. Fish and Wildlife Service guidelines.
- Public engagement
 - The process to develop a project is long (nine years), and it is difficult to share information until enough details are finalized.
 - Applicants engaged with the local community before submitting the joint application. The applicants performed outreach efforts and answered questions. They also incorporated feedback they received when feasible.
- Nobles County Planning and Zoning
 - The project is not subject to the County Ordinance because it is limited to projects of 80 MW or less.
 - Applicants have applied the County setbacks to the extent they are practical.
 - Established a 150-foot setback from all non-participating residential property lines
- Nobles County Drainage Authority
 - Applicants revised the project layout to address concerns about public drainage systems within the site.
 - The applicants will work with the VMPWG on seed mixes to ensure they are appropriate for site conditions.
 - The applicant discussed the impact the project may have on the amount a property can be assessed for a public drainage system
- MPCA
 - Applicants acknowledged MPCA comments. The project addressed how it will mitigate hydrology and aquatic biological impacts.
- DNR
 - The applicants met with and will continue to work with the DNR on fencing heights.
 - The applicants agreed to the language for state-listed species.
 - Responded to phased or connected action – the data center near Reading is moot as the Nobles County Board rejected amending a zoning ordinance
- VMWG
 - Will work with VMWG to revise the VMP prior to construction
- Unions
 - Will hire union workers to the extent practicable

- The applicants committed to designing the project to meet all relevant codes and requirements. Additionally, applicants will hire all necessary skilled workers to comply with the codes.

ALJ REPORT¹¹

On April 8th, 2025, the Commission issued an Order to request a full Administrative Law Judge (ALJ) report with recommendations. The CAH assigned the docket to ALJ Kimberly Middendorf. Judge Middendorf held two public hearings on this matter on April 6 – 7, 2026. A summary of the comments submitted during the hearings and the public comment period is included under the Public Comments and Agencies, and Local Units of Government section of the briefing paper (pages 6-7).

The ALJ report is 63 pages long and contains 358 Findings of Fact and 8 Conclusions of Law. In summary, the ALJ recommended that the Commission deny site permits for the solar facility and the BESS. This was recommended mainly due to the EA not addressing the scoping decision (cumulative impacts) and the applicants failing to prove that there is not a more prudent or reasonable alternative to siting the facility on prime farmland. Details of the ALJ position are highlighted below under Findings of Note and Site Conditions.

Findings of Note

Because the ALJ recommended denial of the site permits for this project, staff highlighted the specific findings to provide context for the ALJ's recommendation to deny the permits. Those findings are below for your convenience:

164. The record demonstrates that applicants have taken steps to avoid and minimize noise impacts. While these steps are laudable, there remains a significant possibility that area residents will experience additional noise impact if the Project is approved, especially if the proposed noise modeling is undertaken before the anticipated data center.¹²

173. Special Condition 5.1 of the DSPs requires the use of shielded, downward-facing lighting and LED lighting that minimizes blue hue. Despite this condition, there remains a significant possibility that area residents will experience additional light pollution if the Project is approved.¹³

181. Section 5.8 of the Solar Facility DSP is a special condition that requires the permittee to enter into a Community Impact Mitigation Agreement with

¹¹ CAH, [Report](#), June 12, 2026.

¹² Ibid., p. 32

¹³ Ibid., p. 33

Nobles County that mitigates impacts to the community of Reading. While the Commission would not dictate how funds are to be used by Nobles County, Nobles County would be required to report how the funds are used in the community five years after the start of construction. Summit Lake Solar opposed the inclusion of this special condition in the Solar Facility Site Permit. In view of strong community opposition to the Project, no permit should be granted without this condition.¹⁴

209. The cumulative impact of removing an additional 0.4% of farmland for solar production is unknown.¹⁵

325. Applicants maintain that loss of prime farmland to agricultural production is an unavoidable impact. The record does not support a conclusion that removing nearly 2,000 acres of prime farmland from production in violation of the Prime Farmland rule is an unavoidable impact.¹⁶

329. Although the applicants maintain that conversion of prime farmland is not considered irretrievable, the Judge remains unconvinced. At best, once this farmland is converted to industrial use, it will be extremely difficult to convert back to agricultural production so long as the Project remains profitable. Among other things, the applicants specifically reserve the “right” to extend the life of the Project beyond 30 years. At best, the notion that the Land Control Area will only be taken out of agricultural production temporarily is speculative.¹⁷

337. The piecemeal method by which industrial energy development occurs makes consideration of the cumulative impacts or cumulative potential effects particularly important. The EA does not consider how this Project, if approved, exacerbates current conditions in the area. For example, the record establishes that this Project will remove 0.4 percent of farmland from production but the EA does not consider how much farmland has already been taken out of production, how removing another 0.4 percent from production contributes to this loss, or how much farmland can be converted to industrial energy production and continue to maintain the rural character of the region. As another example, the record indicates that area residents experience considerable light pollution from the Nobles Substation, but the EA does not evaluate how the Project’s additional lighting will contribute to this existing environmental concern.¹⁸

¹⁴ Ibid., p. 34 - 35

¹⁵ Ibid., p. 39

¹⁶ Ibid., p. 55

¹⁷ Ibid., p. 56

¹⁸ Ibid., p. 57 - 58

Additionally, below are some of the main conclusions of law underlying the ALJ's recommendation:

6. The record in this proceeding demonstrates that Applicants have not satisfied the criteria for the issuance of a Site Permit for a BESS or for the Solar Facility, as set forth in Minn. Stat. § 216E.03 (2022), Minn. R. 7850.4000 (2023) and all other applicable legal requirements.
7. Applicants have not established there is no reasonable or prudent alternative to siting the Solar Facility on prime farmland or that siting the Solar Facility on prime farmland is supported by considerations other than economic ones, contrary to Minn. R. 7850.4400, subp. 4 (2023).¹⁹
8. The record is insufficient to determine the Project does not present the potential for significant adverse environmental effects pursuant to the Minnesota Environmental Rights Act or the Minnesota Environmental Policy Act.

ALJ Site Permit Conditions

If the Commission determines that the projects should be permitted, the ALJ provided recommendations on site permit conditions. The ALJ incorporated all of the permit conditions recommended by PUC EIP, the special permit condition recommended by DNR concerning state-listed species, and the modifications proposed by the applicants, except that the ALJ continues to recommend a Community Impact Mitigation Agreement (CIMA).

The proposed draft permit attached to these briefing papers includes the permit conditions recommended by the ALJ, should the Commission move forward with permitting the Projects.

PUC EIP EXCEPTIONS

EIP highlights three topics in the ALJ report: prime farmland, cumulative impacts, and the community impact mitigation agreement. EIP staff does not address the Conclusions of Law in its reply comments. PUC EIP's suggested changes to Findings of Fact will be included in Appendix A.

Prime Farmland

PUC EIP stated that the applicants provided a detailed explanation of their choice of the Summit Lake Site in accordance with the applicable prime farmland guidance. The Applicants provided a detailed analysis of another site they reviewed that used less

¹⁹ Ibid., p. 62.

prime farmland, but the interconnection point lacked the capacity to support the project.

PUC EIP staff indicated that the Prime Farmland Analysis provided by the Applicants meets or exceeds the level of the alternative site evaluations submitted in other applications located on prime farmland that received a permit from the Commission, including the Coneflower, Birch Coulee, and Northern Crescent solar projects.

Cumulative Impacts Assessment

PUC EIP staff identified two ALJ findings (337 and 357) explaining why the ALJ denied the permits. One finding stated that the EA does not consider how this project will impact current conditions in the area. For example, the amount of prime farmland removed from production, the impacts of existing light pollution from Nobles Substation, and the cumulative effects of past/present projects (data center).

PUC EIP staff wrote that the EA is appropriate, and the potential cumulative impact is included in section 4.11 of the EA. Section 4.11 includes an analysis of two potential data center projects and the Nobles BESS project. PUC EIP staff wrote that they believed that the amount of analysis concerning cumulative impact is consistent with the level of analysis presented in the EA for Castle Rock, which also included analysis of a data center. Furthermore, given that a data center is no longer proposed for development, the EA represents a worst-case scenario.

Community Impact Mitigation Agreement

EIP supported the inclusion of special condition 5.8 in the Summit Lake Solar site permit and emphasized that the funds would support organizations and projects that would promote the agricultural character of the City of Reading and the surrounding community.

APPLICANT EXCEPTIONS²⁰

In the introductory portion of the applicant's exceptions, they stated that the ALJ's report recommended denying the permit because the EA's cumulative effects analysis is inadequate, as it fails to account for the impacts of the existing Nobles Substation and the previously proposed Nobles County Powered Data Park (data center). Additionally, the ALJ wrote that the EA does not properly account for the loss of prime farmland and the availability of alternative project sites. The applicants wrote that they disagree with the ALJ's conclusion that the EA is inadequate and that the permit should be denied. The applicants proposed changes to the findings of fact are contained in Appendix A to its exceptions.

²⁰ Summit Lake, [Exceptions to ALJ – Filing Letter with Exceptions to Findings of Fact](#), June, 26, 2026.

Cumulative Effects

The applicants wrote that neither Minn. R. 7850²¹ nor Minn Stat. § 216E.04²² requires an EA to analyze the cumulative effects. Instead, the scoping decision required the EA to analyze cumulative effects. The cumulative effects for this project should be analyzed under “cumulative potential effects” set forth in Minn. R. 4410.0200.²³

The applicants stated that Section 4.11 of the EA considers the cumulative effects of the project, together with the data center and the up to 300 MW BESS project, referred to as the Nobles BESS, that may be proposed by Xcel Energy. To the Applicants’ knowledge, no application has been submitted for either project. For additional context, the Applicants stated that the Nobles County Board of Commissioners effectively disallowed data centers in denying a conditional use permit in the County’s Agricultural Preservation District. As a result of this decision, the Applicants believe a data center, “...is simply not reasonably likely to occur and there is otherwise no basis of expectation for the [Nobles County Powered Data Park (NCPDP)] as required by Minn. R. 4410.0200, subp. 11a.”²⁴

Phased Actions

Under Minn. Rule 4410.0200, subp. 60, a phased action means two or more projects to be undertaken by the same proposer that the RGU determines (A) will have environmental effects on the same geographic area; and (B) are substantially certain to be undertaken sequentially over a limited period of time.

The applicants argued that the data center project is no longer feasible, given the Nobles County Board of Commissioners' decision. The applicant argued that, at the very least, if it were to occur, it would be outside the geographic territory of Nobles County (implying it would not have environmental effects on the same geographic area) and is no longer “substantially certain to be undertaken sequentially.”

Prime Farmland

The applicants disagreed with the ALJ, who found in her report that the Applicants had not established that there is no reasonable or prudent alternative site for the project on prime farmland or that the siting of the project is supported by considerations other than economic ones.

²¹ [Minn. R. 7850](#);

²² [Minn Stat. § 216E.04](#)

²³ [Minn. R. 4410.0200 Sub. 11A](#)

²⁴ Summit Lake, [Exceptions to ALJ – Filing Letter with Exceptions to Findings of Fact](#), June, 26, 2026. p.

Summit Lake stated that it had completed an evaluation of potential alternatives, in accordance with the Prime Farmland Rule Guidance, and consistent with other Commission-approved solar projects. Summit Lake stated that the ALJ may have inferred that the siting decision was purely based on economics, which cannot justify the use of prime farmland alone. Summit Lake highlighted its Prime Farmland Assessment, which provided information beyond economics, in its decision to select the proposed site. The applicants reviewed two additional sites, which they found to be inferior to the one they proposed.

Community Impact Mitigation Agreement

The applicants question the need for a Community Impact Mitigation Agreement (5.8 of the solar facility draft site permit). They argued that the ALJ report did not justify its inclusion, and the EA found that the project is not anticipated to affect the underlying cultural area. Additionally, it is unclear what problem its inclusion will solve, as there were comments for and against the project.

However, if the Commission were to decide to include something like what is in the draft site permit, the applicants proposed some changes to the language in the permit conditions as follows:

Summit Lake Solar shall provide annual charitable contributions equivalent to \$250/MW of the installed nameplate capacity of the Solar Facility, beginning on the first anniversary of the commercial operation date and continuing through 20 years of commercial operation of the Solar Facility. Such contributions shall be provided to a local foundation such as the Southwest Initiative Foundation (SWIF - <https://swifoundation.org/>) or a similar local organization with a community grant program to fund activities of local qualified applicants undertaken for the benefit of the community. The Permittee shall keep records regarding this permit condition and provide them upon request of Commission staff.

The applicants argued that this is a better mechanism than providing resources to the County, because the County is not a party to this docket and has not commented on the project's cultural impact.

IBEW and LIUNA Minnesota/North Dakota Exceptions²⁵

IBEW and LIUNA stated that they generally agree with the report but proposed changes related to one issue. Both LIUNA and the IBEW supported the project's economic potential but raised concerns about differences between statements in the application and the EA indicating that the solar facility would be installed by licensed

²⁵ LIUNA MIInnesta/North Dakota, [Exceptions](#), June 29, 2026

electricians under the Minnesota State Electric Code, and contrary statements made by Geronimo affiliate Elk Creek Solar, LLC, in a different Commission proceeding.²⁶ IBEW and LIUNA had inquired about the apparent discrepancy,²⁷ but the Applicants did not directly answer the question in their reply comments.

LIUNA's proposed changes to Findings of Fact are included in Appendix A. The proposed permit condition is included below:

The workforce used to construct the Solar Facility shall meet the specifications of the Minnesota State Electrical Code for the assembly and wiring of solar installations.

Summit Lake Response to IBEW and LIUNA²⁸

The applicants disagreed with the IBEW and LIUNA's statement that they intend to hire unqualified workers. The applicants strongly believe in employing qualified union workers in accordance with applicable codes and ordinances for the construction of utility scale generation projects.

However, the applicants stated that the permit condition (above) proposed by the IBEW and LIUNA should be rejected. The permits for both projects include permit conditions requiring the applicants to build the projects to meet or exceed all relevant codes and requirements. The applicants wrote that the Commission should defer to the district court ruling as it did in Lake Charlotte Solar and Storage.

The applicants stated that they fully commit to the Summit Lake Solar and Summit Lake Storage being union projects. The selected contractor has begun addressing its labor needs through the National Maintenance Agreement process. A permit condition as suggested by IBEW and LIUNA would bypass this union labor process.

The applicants suggested they would support a permit condition that was adopted in the Lake Charlotte docket for their solar and storage permits.

8.5 Local Labor and Labor Statistic Reporting

The Permittee must maximize the Project's economic benefit to the

²⁶ See Docket No. IP-7009/GS-19-495, *In the Matter of the Application of Elk Creek Solar, LLC, for a Site Permit for the up to 160 MW Elk Creek Solar Project in Rock County, Minnesota*, Elk Creek Solar, LLC, [Letter](#), April 28, 2025 (indicating intent to claim electrical utility exemption from state electrician licensing requirements under Minn. Stat. § 326B.33, subd. 21).

²⁷ IBEW and LIUNA, [Comments](#), April 21, 2026.

²⁸ Summit Lake, [Supplemental Comments – Response to LIUNA Supplemental Site Permit Condition](#), July 24, 2026.

community by prioritizing local labor. To achieve this, the Permittee must design its construction bidding process (RFPs) to favor contractors who use “local workers” and create “local job impacts” – as both terms are defined under Minn. Stat. § 216B.2422, subd. 1(g) and (h).

The Permittee shall file quarterly Labor Statistic Reports with the Commission within 45 days of the end of the quarter regarding construction workers that participated in the construction of the Project. The Labor Statistic Reports shall:

(a) detail the Permittee’s efforts and the site contractor’s efforts to hire ~~Minnesota~~ local workers; and

(b) detail the Permittee’s efforts to maximize the Project’s local job impacts; and

(c) provide an account of:

i. the gross number of hours worked by or full-time equivalent workers who are Minnesota residents, as defined in Minn. Stat. § 290.01, subd. 7; ii. the gross number of hours worked by or full-time equivalent workers who are residents of other states, but maintain a permanent residence within 150 miles of the Project; and; iii. the total gross hours worked or total full-time equivalent workers.

The applicants also noted that the adoption of the permit condition suggested by the IBEW and LIUNA would delay the project, impact pricing, and the Investment Tax Credit deadline, and negatively impact the overall project viability.

Northern Midwest Regional Council of Carpenters (NMRCC) response to ALJ Report, IBEW and LIUNA²⁹

The NMRCC wrote that the ALJ did not place sufficient weight on the project’s compliance with the siting criteria, the project’s contribution to the state’s clean energy goals, and the applicant’s efforts to adjust the project in response to public input.

NMRCC stated that the approach taken by the IBEW and LIUNA is legally unsound and conflicts with the Ramsey County District Court’s ruling concerning Elk River Solar, which is currently pending appeal.

NMRCC highlighted that the conversations they have had to date with the applicants

²⁹ Northern Midwest Regional Council of Carpenters, [Comments](#), July 24, 2026.

should be encouraging to the Commission, as the union has been assured that the applicants will use all the appropriate crafts within the Building Trades to complete the work on site. Additionally, the applicants have a history of using union labor on projects.

Staff Recommendation

ALJ Report

Cumulative Impacts

The Commission may wish to consider whether the EA adequately addresses the cumulative impacts of the Project, combined with past and current impacts from other projects in the area. The ALJ was particularly concerned that the EA did not directly discuss the incremental effects of removing additional farmland from agricultural production on top of historical farmland loss in the area. Although the “cumulative impacts” analysis described in Minnesota Rules chapter 4410 would not apply to this project by rule, the ALJ took the position that the Commission committed itself to studying cumulative impacts as defined in that chapter by listing “cumulative impacts” in the scoping decision.

The Commission could find that the EA adequately addresses cumulative impacts with past and current projects through the discussion of impacts to the existing environment.³⁰ Alternatively, the Commission could agree with the Applicants that environmental review staff intended to include “cumulative potential effects” in the scoping decision but inadvertently wrote “cumulative impacts” instead. This conclusion would be supported by the facts that (A) the EA actually discusses cumulative potential effects as defined in chapter 4410, which were not listed in the scoping decision, and (B) chapter 4410 requires a cumulative impacts analysis only when a generic environmental impact statement is being prepared, not in a project-specific environmental review document like this EA.

Lighting

The Commission may want to consider whether additional study is necessary regarding the cumulative impacts of lighting in the area relative to the Applicants’ projects and the existing Nobles Substation. Adjacent landowners of the project expressed concern that the lights from this project and those from Xcel’s Nobles Substation, which they claim do not shut off at night, would significantly impede their enjoyment of their property.

The applicants addressed this issue in their Exceptions, stating they “...were able to confirm the Nobles Substation is currently under construction and the increased

³⁰ See Environmental Assessment, March 11, 2026, p. 103 (“For the purposes of this EA, actions that have occurred in the past and their associated impacts are considered part of the existing environment.”).

lighting at night is likely associated with those construction activities.”³¹ Additionally, they wrote that they do not believe the lighting from their project will contribute to area landowners' dissatisfaction with lighting, as they will deploy downward-facing, motion-activated lighting, and the lighting issues associated with Nobles Substation are temporary (related to construction). The applicants wrote that the record demonstrates that the incremental increase from the Project will be minimal, even if the Nobles Substation were not included in the cumulative effects analysis. The applicants also highlighted that comments regarding the substation's lighting were placed in the record after the scoping decision was made.

Phased Action

Another EA issue raised in the ALJ's report concerned phased actions. Commission staff believes this issue has been resolved, as the data center proposed in the area is no longer feasible in light of the Applicants' comments following the Nobles County Commission's rejection of a proposed amendment to the County zoning ordinance to allow data center development. Commissioners may want to ask Geronimo Power questions to further develop the record on whether they intend to develop and construct a data center near the Summit Solar and BESS site.

Prime Farmland

Commission staff agrees with PUC EIP staff that applicants provided an adequate analysis of alternatives to the site ultimately selected.³² The applicants stated that the primary driver of site selection was the need to find an adequate point of interconnection (POI) with the available capacity to receive the electricity generated or supplied by the projects. They reviewed a previously evaluated location (Royal Solar Project). In doing so, they found the location impacted less prime farmland, but the POI was insufficient compared to the site they selected. Additionally, the applicants considered potential locations within 5 miles of the POI and rejected some parcels because they were owned by a governmental entity, were near an airport, were under lease to another developer, or were identified by the MDNR as unique.

Site Permit Conditions Exceptions to ALJ Report

If the Commission permits the project, staff recommends adopting the modifications to the ALJ's permit conditions outlined in Appendix B and included below.

Visual Screening Plan

Commission staff recommends changes to special permit condition 5.4 in both the BESS and Solar permits regarding the Visual Screening Plan to address concerns raised in public meetings. As approved by the ALJ, the permit condition would require applicants to maintain and ensure the successful growth, health, and maintenance of

³¹ Ibid., p. 20.

³² Summit Lake Solar, [Initial Filing – Appendix E Prime Farmland](#), February 21, 2025.

the vegetation for 3 years. Staff recommends that this responsibility be extended for the life of the project, as the burden to nonparticipating landowners does not end after three years.

5.4 Visual Screening Plan

The Permittee shall develop a site-specific Visual Screening Plan. The Visual Screening Plan shall be designed and managed to mitigate visual impacts to adjacent residences. The Visual Screening Plan shall at a minimum include:

- (a) objectives for screening of nearby residences; and
- (b) a description of the types of trees and shrub species to be used, the location of plantings, and plans for installation, establishment, and maintenance.

The location of trees and shrubs included in the Visual Screening Plan that are located within the Permittee's site control shall be included in the Site Plan filed under Section 8.3. The Permittee is required to ~~establish~~, maintain, and ensure the ~~successful~~ growth ~~and~~ health, ~~and maintenance~~ of the vegetation ~~for 3 years~~. At least 14 days prior to the pre-construction meeting, the Permittee shall file:

- (a) the Visual Screening Plan;
- (b) documentation of coordination with landowners adjacent to the project site; and
- (c) an affidavit of the distribution of the Visual Screening Plan to landowners adjacent to the project site.

Community Impact Mitigation Agreement

The ALJ recommended the inclusion of the CIMA permit condition as proposed PUC EIP (condition 5.8 in the draft site permit). In the Applicant's exceptions, they made it clear that they did not believe the record supported a CIMA. However, if the Commissioners were to include one, the applicants provided alternative language for the permit condition. Commission staff supports the alternative language provided by the applicant as it provides a defined contribution and time period, with the following modifications:

5.8 Community Impact Mitigation

Summit Lake Solar shall provide annual charitable contributions equivalent to \$250/MW of the installed nameplate capacity of the Solar Facility, beginning on the first anniversary of the commercial operation date and continuing through the ~~20 years~~ commercial

operation of the Solar Facility. Such contributions shall be provided to a local foundation such as the Southwest Initiative Foundation (SWIF - <https://swifoundation.org/>) or a similar local organization with a community grant program to fund activities of local qualified applicants undertaken for the benefit of the community. The Permittee shall keep records regarding this permit condition and provide them upon request of Commission staff.

Commission staff believes that, as long as the project is in operation and has not been decommissioned, the impact on the community is ongoing, extending beyond the 20 years provided by the applicants. Instead, the permit provides for 30 years of operation.

First Responder Training

BESS Permit condition 5.15 provides local first responder training. PUC staff recommends additional language to ensure that training and necessary equipment are provided at the expense of the permittee.

5.15 Local Firefighter Training

The Permittee shall provide regular training, on battery technology used in the BESS and associated facility technology for local firefighting crews and emergency services personnel. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

The permittee shall compensate local units of government for actual, reasonable costs of training and equipment necessary for emergency preparedness associated with the BESS and associated facility technology.

Fencing for Landowner

A nonparticipating landowner's property is adjacent to a new holding pond related to the project. She opposed the project but has provided permit conditions she believes would help mitigate the impacts of the holding pond.³³ One of those conditions is the installation of a fence near her property.

Currently, as the applicant's maps show, there are no fences around the holding pond to limit access near the landowner's home. The landowner is concerned that their children or dog will accidentally access the pond. As a result, the landowner would like to see a fence around the pond for safety.

³³ Public Comment, [Malory Fritz](#), April 21, 2026; Public Comment, [Malory Fritz – Outside Comment Period](#), July 15, 2026.

Commission staff agrees with the concerns expressed regarding the placement of a fence around stormwater basins, and the applicants have committed to ensuring the final project design locates stormwater basins within the project's fenced areas. As a result, staff developed the following special permit condition for Commission consideration to provide assurances for nonparticipating landowners:

All stormwater basins or stormwater ponds will be within the project's fenced areas.

Labor and Statistics Reporting

The applicants and NMRCC recommended the Commission reject IBEW and LIUNA's request to include a site permit condition for the Minnesota State Electrical Code. Instead, the applicants suggested the Commission consider adopting the modification to the Labor and Statistics reporting permit conditions, as was done in the Lake Charlotte docket.

8.5 Local Labor and Labor Statistic Reporting

The Permittee must maximize the Project's economic benefit to the community by prioritizing local labor. To achieve this, the Permittee must design its construction bidding process (RFPs) to favor contractors who use "local workers" and create "local job impacts" – as both terms are defined under Minn. Stat. § 216B.2422, subd. 1(g) and (h).

The Permittee shall file quarterly Labor Statistic Reports with the Commission within 45 days of the end of the quarter regarding construction workers that participated in the construction of the Project. The Labor Statistic Reports shall:

(a) detail the Permittee's efforts and the site contractor's efforts to hire ~~Minnesota~~ local workers; and

(b) detail the Permittee's efforts to maximize the Project's local job impacts; and

(c) provide an account of:

i. the gross number of hours worked by or full-time equivalent workers who are Minnesota residents, as defined in Minn. Stat. § 290.01, subd. 7; ii. the gross number of hours worked by or full-time equivalent workers who are residents of other states, but maintain a permanent residence within 150 miles of the Project; and; iii. the total gross hours worked or total full-time equivalent workers.

Combining Information for Certain Permit Conditions

The ALJ did not indicate whether she supported the applicants' request that Summit Lake Storage be allowed to use the plans submitted by Summit Lake Solar for Summit Lake Solar to the extent they are applicable for Sections 5.8, 5.9, and 5.10 (Vegetation Management Plan, Agricultural Impact Mitigation Plan, and Drain Tile Reroute). A permit condition is likely unnecessary to accomplish this goal if the Commission is amenable.

Additional Staff Notes

The following topics are provided to Commissioners as additional background information.

Setbacks

Based on public information and scoping meeting feedback, the applicants increased their setbacks, as shown in the table below. The applicants wrote,

Summit Lake Solar has updated the Project layout to increase solar array setbacks to at least 150 feet from non-participating residential property lines and at least 300 feet from all existing residences. While these adjustments do not eliminate visual impacts, they represent Summit Lake Solar's commitment to working with landowners to alleviate the concerns specifically raised during the environmental scoping public meeting and associated comment period.

While this is an improvement over their initial application, it still falls short of the County's requested setbacks (150 feet from all property lines and 200 feet from the centerline of all roads including fencing) or those proposed by members of the public.

Commission staff issued an information request to the applicants for further details on setbacks.³⁴ Specifically, whether the measurement used by the applicant is the distance from the residence or the property line to the project component. The applicants responded to the information request on July 17, 2026.³⁵

From the fence line to the nonparticipating owners' property line, 10 nonparticipating landowners would be within 150 feet on two sides of their property; and one nonparticipating landowner would be within 150 feet on three or more sides from the fence line to the landowners' property line. The applicants indicated that the solar array will be at least 300 feet from residences on nonparticipating properties and at least 150 feet from property lines. In the case of the landowner

³⁴ PUC Staff, [Information Request - PUC 1 Summit Lake Question](#), July 10, 2026

³⁵ Applicants, [Filing Letter with Response to Information Request No. 1](#), July 17, 2026.

with the project on three sides, the applicants indicated that the solar array is set back at least 300 feet from the nonparticipating residence and 150 feet from the property line.

The applicants provided the following table for reference. The maps of each property are included in the filing by the Applicants on July 17, 2026 (footnote 22).

Table 1: Non-Participating Properties within 150-feet on Two or More Sides					
Map Label	Sides within 150ft	Nearest Distance from Property Line to Fence	Nearest Distance from Property Line to Array	Nearest Distance from Residence to Fence	Nearest Distance from Residence to Array
4	2	50	69	N/A	N/A
6	2	41	70	N/A	N/A
9	2	88	155	316	392
15	2	55	104	N/A	N/A
17	2	68	119	N/A	N/A
21	2	38	155	329	393
25	2	105	162	N/A	N/A
27	2	55	150	258	327
28	2	61	159	442	518
29	2	52	96	N/A	N/A
12	3	60	166	352	507

Limit Construction Hours

For noise classification purposes, daytime is defined as between 7:00 a.m. and 10:00 p.m., while nighttime is defined as between 10:00 p.m. and 7:00 a.m. Given public concern about noise, it may be appropriate to inquire of the Applicants which hours they intend to confine their construction activities, especially for loud activities. This issue was raised by a nonparticipating landowner, who suggested that construction should not occur between 7:00 pm and 10:00 pm as the project is directly outside her child's window.

DECISION OPTIONS

ALJ Report

1. Adopt the ALJ's report to the extent it is consistent with the Commission's decisions.

And

2. Adopt the following exceptions to the ALJ Report (**See Appendix A**)

E1 (Summit)	E12 (LIUNA)	E23 (Summit)	E34 (Summit)
E2 (Summit), Or	E13 (Summit)	E24 (Summit)	E35 (Summit)
E3 (PUC EIP)	E14 (SumEIP)	E25 (Summit)	E36 (Summit)
E4 (Summit), Or	E15 (SumEIP)	E26 (Summit)	E37 (Summit)
E5 (PUC EIP)	E16 (Summit), Or	E27 (Summit)	E38 (Summit), Or
E6 (LIUNA)	E17 (PUC EIP)	E28 (Summit)	E39 (PUC EIP)
E7 (LIUNA)	E18 (Summit)	E29 (Summit)	E40 (Summit)
E8 (LIUNA)	E19 (Summit), Or	E30 (Summit)	E41 (Summit)
E9 (Summit)	E20 (PUC EIP)	E31 (Summit)	E42 (Summit)
E10 (Summit)	E21 (Summit), Or	E32 (Summit), Or	E43(Summit)
E11 (Summit)	E22 (PUC EIP)	E33 (PUC EIP)	E44(Summit)

And

3. Reject the ALJ's conclusion of law ¶ 8, and conclude that the Project, with the permit conditions adopted herein, does not present the potential for pollution, impairment, or destruction of the environment as defined in the Minnesota Environmental Rights Act and will not significantly affect the quality of the environment under the Minnesota Environmental Policy Act.
4. Adopt the ALJ's report to the extent it is consistent with the Commission's decisions, but do not adopt Recommendations 2-3 regarding whether to issue site permits at this time, pending further environmental review. (If DO 4 is selected, the Commission should go to DO 6)

Environmental Assessment

5. Find the Environmental Assessment and the record created at the public hearing address the issues in the scoping decision.

Or

6. Find that the Environmental Assessment and the record do not address the issues identified below and request that PUC EIP, within 30 days of the order, file a revision or supplement the deficiencies.

- a. Cumulative impacts of lighting from this Project in addition to lighting from the existing Nobles Substation.
- b. Cumulative agricultural impacts of removing farmland from production for this Project in addition to historical loss of farmland.
- c. Cumulative impacts of this Project on the region's cultural character including existing and planned energy projects and other foreseeable industrial developments.
- d. Cumulative potential effects of this project combined with the NCPDP.

Storage Site Permit

7. Issue a battery storage site permit with the conditions included in the draft site permit, except as modified below:
 - a. Adopt a condition defining setbacks as follows: (Public comments, unless noted)
 - i. 300 feet from property lines
 - ii. 500 feet when adjacent to roads for snow removal
 - iii. 750 feet from property lines
 - iv. 1,000 feet from property lines
 - v. 1,000 feet from residences or dwellings
 - vi. 1,500 feet from property lines
 - vii. 150 feet from property lines, and 200 feet from the centerline of all roads, including fences. (Nobles County Planning and Zoning Administrator)
 - viii. Battery storage should be moved to ensure it is at least 1/3 of a mile from a town
 - b. Adopt the staff modification to special permit condition 5.4, requiring vegetation screening to be maintained throughout the life of the project. (Public Comments, PUC Staff)
 - c. Adopt the staff modification to special permit condition 5.15 concerning expenses related to local firefighter training. (PUC Staff)
 - d. Require the applicants to fund decommissioning immediately. Adopt a permit condition that requires the Permittee to fund decommissioning before beginning construction. (Public Comments)

- e. Adopt the permit conditions requiring the workforce to meet the specifications of the Minnesota State Electrical Code as submitted by LIUNA on June 29, 2026. (LIUNA/IBEW)
- f. Require vegetation screening to be placed on the project property, not adjacent landowners' property. (Public Comments)
- g. Require the Permittee to use mature trees for vegetation screening to the extent practicable (Public Comments)
- h. Require the applicants to provide a rural water connection to those within 5 miles of the project. (Public Comments)
- i. Require well, soil, and air testing before construction begins and after construction completion on an ongoing basis. (Public Comments)
- j. Prohibit construction between 7:00 pm – 10:00 pm near residential homes. (Public Comments)
- k. Amend draft permit condition 8.5 (Labor Statistics Report) as shown in the Applicants' July 24, 2026 filing. (Applicants, Staff)

Solar Site Permit

8. Issue a solar site permit with the conditions included in the draft site permit, except as modified below:
 - a. Adopt a condition defining setbacks as follows: (Public comments, unless noted)
 - i. 300 feet from property lines
 - ii. 500 feet when adjacent to roads for snow removal
 - iii. 750 feet from property lines
 - iv. 1,000 feet from property lines
 - v. 1,000 feet from residences or dwellings
 - vi. 1,500 feet from property lines
 - vii. Battery storage should be moved to ensure it is at least 1/3 of a mile from town
 - viii. 150 feet from property lines, and 200 feet from the centerline of all roads, including fences. (Nobles County Planning and Zoning Administrator)

b. Adopt the staff modification to special permit condition 5.4, requiring vegetation screening to be maintained throughout the life of the project. (Public Comments, PUC Staff)

c. Delete draft site permit condition 5.8 (Community Impact Mitigation Agreement). (Applicants)

Or

d. Delete draft site permit condition 5.8 and insert the applicants' language concerning the Community Impact Mitigation Agreement as submitted on June 26, 2026. (Applicants' Alternative)

Or

e. Delete draft permit condition 5.8 and insert the applicants' language concerning the Community Impact Mitigation Agreement as submitted on June 26, 2026, as modified by Commission staff. (PUC Staff)

f. Require the applicants to ensure all stormwater basins are within the project's fenced area. (Public Comment, PUC Staff)

g. Require vegetation screening to be placed on the project property, not adjacent landowners' property. (Public Comments)

h. Require well, soil, and air testing before construction and after construction completion on an ongoing basis. (Public Comments)

i. Prohibit construction between the hours of 7:00 pm – 10:00 pm near residential homes. (Public Comments)

j. Amend draft permit condition 8.5 as shown in the Applicants' July 24, 2026 filing (Labor Statistics Report). (Applicants, Staff)

9. Delegate authority to the Executive Secretary to modify the Findings of Fact and the site permits to correct typographic and formatting errors and ensure agreement with the Commission's final order in the matter, as necessary.

Staff Permit Recommendations: 4, 6B, 6C

If the Commission decides to permit the projects, Commission staff recommendations are as follows:

1, 2 (E1) (E3) (E5) (E9) (E10) (E13) (E14) (E15) (E17) (E20) (E22) (E25) (E26) (E27) (E28)

(E31) (E32) (E35) (E36) (E37) (E38) (E40-44), 3, 5, 7b, 7c, 7k, 8b, 8e, 8f, 8j, 9

Proposed Changes to ALJ's Finding of Fact			
	Staff Rec		
ID	ALJ Report Location	Sponsor	Recommended Modification
E1	Finding 61	Summit	The Land Control Area is sited on prime farmland. Given the 200 MW net generating capacity of the Project, the Rule would allow use of up to 100 acres of prime farmland; however, the Summit Lake Preliminary Development Area, <u>inclusive of the area to be occupied by the BESS which is not subject to the Rule</u> , would occupy approximately <u>1,393.1</u> 1,416.5 acres of prime farmland <u>or prime farmland if drained</u> .
E2	Findings 62 ,or	Summit	Pursuant to Minn. R. 7850.3100 (2023), the Applicants are not required to analyze alternative sites but are required to identify rejected sites and the reasons for rejecting them. Applicants considered citing the Project in areas in the central portion of Minnesota; in those areas, the Project would be better situated to comply with the Prime Farmland Rule. Applicants “explored Nobles County <u>and Morrison County</u> for the Project based on the high solar resource in this portion of the state[.]” Applicants state “[t]his solar resource was foundational to the Project conception.” However, <u>Applicants Summit Lake Solar did not identify</u> a assert no feasible and prudent alternative was identified to the Land Control Area, <u>due to a lack of available capacity at the studied point of interconnection in Morrison County. which benefits from proximity to existing transmission infrastructure, willing participants, and optimal solar resources. Relying on these economic considerations, Applicant conducted no alternatives analysis.</u>

E3	Finding 62	PUC EIP	Pursuant to Minn. R. 7850.3100 (2023), the Applicants are not required to analyze alternative sites but are required to identify rejected sites and the reasons for rejecting them. Applicants considered citing the Project in areas in the central portion of Minnesota; in those areas, the Project would be better situated to comply with the Prime Farmland Rule. Applicants “explored Nobles County for the Project based on the high solar resource in this portion of the state[.]” Applicants state “[t]his solar resource was foundational to the Project conception.” However, Applicants assert no feasible and prudent alternative was identified to the Land Control Area, which benefits from proximity to existing transmission infrastructure, willing participants, and optimal solar resources. Relying on these economic considerations, Applicant conducted no alternatives analysis<u>The Applicants submitted a Prime Farmland Alternatives Analysis as part of their Joint Application, which details how the site was chosen and the alternatives considered that may have impacted less prime farmland.</u>
E4	Finding 64, Or	Summit	The Applicants maintain they considered finding Summit Lake Solar identified and analyzed a location for the Solar Facility that “would use fewer acres of prime farmland” but were that site was not selected due to a lack of available capacity at the studied point of interconnection. ultimately chose to prioritize high solar resource areas when selecting the location. According to Applicants, “there is relatively little opportunity to avoid impacts to prime farmland in the state of Minnesota where high solar potential exists.” Summit Lake completed an evaluation of potential alternatives in central Minnesota but rejected them as not feasible and prudent less economical than the Nobles County location. Prime farmland will be significantly impacted.

E5	Findings 64	PUC EIP	The Applicants maintain they considered finding a location for the Solar Facility that “would use fewer acres of prime farmland” but ultimately chose to prioritize high solar resource areas when selecting the location. According to Applicants, “there is relatively little opportunity to avoid impacts to prime farmland in the state of Minnesota where high solar potential exists.” Summit Lake completed an evaluation of potential alternatives in central Minnesota but rejected them as less economical than the Nobles County location <u>due to the absence of a feasible Point of Interconnection for the alternatives.</u> Prime farmland will be significantly impacted <u>as a result of the project.</u>
E6	Finding 98	LIUNA	Several commenters, including the International Brotherhood of Electrical Workers Local 426 (IBEW Local 426) and LIUNA Minnesota and North Dakota (LIUNA), expressed support for the Project <u>as proposed</u> , noting the importance of clean, renewable energy sources.
E7	New Finding 98A	LIUNA	<u>IBEW Local 426 and LIUNA noted an apparent inconsistency between information provided by Applicant in the record concerning installation workforce made by a different Geronimo affiliate in other cases. The unions observed that the Solar Facility 1 should be installed by licensed electricians under the Minnesota State Electrical Code according to the Initial Application and EA, but that Geronimo affiliate Elk Creek Solar had raised concerns in other proceedings regarding the feasibility of doing so on the Elk Creek Solar Project. IBEW Local 426 and LIUNA provided examples of past utility-scale projects built successfully in Minnesota by their members along with International Union of Operating Engineers Local 49, and indicated that they would be willing to meet with Applicants to address any concerns.</u>
E8	New Finding 98B	LIUNA	<u>On May 4, 2026, Applicants filed reply comments that referenced the comments filed by IBEW Local 426 and LIUNA but did not resolve the apparent inconsistency between statements made by Applicants in this record and statements made by Elk Creek Solar outside the record.</u>

E9	Finding 99	Summit	A February 24, 2026 resolution by Elk Township <u>Nobles County</u> , in support of the no text amendment change to the Nobles County Ordinance, as recommended by the Zoning Commission on 2/4/2026, declining to amend applicable zoning ordinances to permit the construction of data centers , was submitted as a written comment.
E10	Finding 115	Summit	Local opposition to the Project is was intensified by Geronimo's previously -planned NCPDP, which is was strongly opposed by area residents.
E11	Finding 121	Summit	One area resident noted that the Southwest Minnesota Economic Development Corp recently published a document forecasting renewable energy facilities and data centers to cover over 100,000 acres in the region. This would represent approximately 1/3 of the farmland in Nobles County.
E12	New Finding 159A	LIUNA	Much of the workforce needed to construct a Solar Facility and BESS will be comprised of Minnesota licensed electricians who will perform assembly and wiring work under the Minnesota State Electrical Code.
E13	Finding 164	Summit	The record demonstrates that Applicants have taken steps to avoid and minimize noise impacts. While these steps are laudable, there remains a significant possibility that area residents will experience additional noise impact if the Project is approved, especially if the proposed noise modeling is undertaken before the anticipated data center.
E14	Finding 168	Summit & PUC EIP	Down-lit security lighting will be installed at the locked entrance to the facility as well as outside the O&M facility and Project Substation. Lighting will be motion-activated and downlit to minimize impacts and effects to people and wildlife. It is unknown what contribution to the overall light pollution area residents already experience at night from existing energy infrastructure.
E15	Finding 173	Summit & PUC EIP	Special Condition 5.1 of the DSPs Sections 5.1 of the DSPs requires the use of shielded and downward facing lighting and LED lighting that minimizes blue hue. Despite this condition, there remains a significant possibility that area residents will experience additional light pollution if the Project is approved.

E16	Finding 179 or	Summit	The negative impacts of the Project, such as increasing the prices of prime farmland and removal of farmland from production, have not been closely examined. For example, the EA notes that the average farm size in Nobles County is 391 acres and the Project would remove up to 1,479.4 acres.²¹⁶ This represents a loss of nearly four average-sized farms in Nobles County. How this type of loss will affect the community and its agribusinesses is unclear.
E17	Finding 179	PUC EIP	The potential negative impacts of the Project, such as increasing changes to the prices of prime farmland and removal of farmland from production, have not been closely examined are addressed in Sections 4.3.5 and 4.5.1 of the EA. For example, the The EA notes that the average farm size in Nobles County is 391 acres and the Project would remove up to 1,479.4 acres. This represents a loss of nearly four average-sized farms in Nobles County. The EA notes that this will change the character of Reading, resulting in moderate impacts to cultural values that vary by individual. The EA also notes that socioeconomic impacts will vary, with positive impacts for participating landowners, construction workers, and other local businesses, while specifically acknowledging potential negative impacts for those in agribusiness. How this type of loss will affect the community and its agribusinesses is unclear.
E18	Finding 194	Summit	Operational impacts are expected to be long-term, positive, and moderate for some individuals in Nobles County, though negative effects may occur for parts of the agribusiness sector. Construction would remove about 1,416 acres from agricultural production, potentially reducing demand for farm-related businesses such as equipment, seed, and input suppliers. The extent of any economic impacts to agribusiness is difficult to determine, but the removal of approximately 0.4 percent of the approximately 366,330 acres of cropland in Nobles County represents a marginal , negative impact to agricultural-related businesses.

E19	Finding 206 or	Summit	Development of a solar farm in this area will change the land use from predominantly agricultural uses to energy generation for the life of the Project. Approximately 1,416 acres of agricultural land will be converted to solar energy generation and energy storage use for the life of the Project. The conversion of agricultural land within the Preliminary Development Area (0.4% of farmland) will have an unknown <u>a minimal</u> impact on the availability of agricultural land in Nobles County.
E20	Finding 206	PUC EIP	Development of a solar farm in this area will change the land use from predominantly agricultural uses to energy generation for the life of the Project. Approximately 1,416 acres of agricultural land will be converted to solar energy generation and energy storage use for the life of the Project. The conversion of agricultural land within the Preliminary Development Area (0.4% of the farmland <u>in Nobles County</u>) will have an unknown impact on <u>reduce</u> the availability of agricultural land in Nobles County <u>for the life of the project. These impacts to land use and zoning are expected to be moderate.</u>
E21	Finding 209 or	Summit	The cumulative impact of removing an additional 0.4% of farmland for solar production is unknown.
E22	Finding 209	PUC EIP	The cumulative impact of removing an additional 0.4% of farmland for solar production is unknown <u>anticipated to be minimal.</u>
E23	Finding 210	Summit	There is limited sales information related to properties near large solar facilities in Minnesota. A study conducted by the Lawrence Berkeley National Laboratory found that, in Minnesota, homes within one-half mile of large solar energy facilities had a four percent reduction in home sales prices compared to homes two to four miles from such a facility. The study only found such an effect for large solar facilities. The study did not consider site design, local landscape features or setbacks, or the broader economic impacts of solar facilities. Thus, according to this study, for every \$100,000 of property value, affected homeowners would lose \$4,000, a significant loss for most Minnesotans.

E24	Finding 211	Summit	Other market Market studies involving smaller sample sizes, including one conducted by Chisago County Environmental Services and Zoning, did not consistently find negative impacts of solar facilities to real estate values. Due to their smaller scale and the many variables that factor into the market value of real estate, these studies are less reliable than the Lawrence Berkeley National Laboratory study.
E25	Finding 229	Summit	Rural areas, with large parcels of relatively flat, open land, are ideal for solar development, which require six to eight acres of land to generate one MW of electricity. However, the Prime Farmland rule allows only 0.5 acres of prime farmland to be used to generate electricity, unless there is no feasible and prudent alternative. The Project will result in up to 1,392.8 1,479.4 acres of prime farmland being removed from agricultural production for the life of the Project. This change in land use would take productive farmland out of production for the life of the Project, representing approximately 0.4 percent of existing agricultural land in Nobles County.
E26	Finding 320	Summit	The record reflects that the Applicants selected the most cost-effective option for siting the Project by using prime farmland and has outlined estimated costs for construction, operation, and maintenance for the Solar Facility and BESS that are reasonable.
E27	Finding 325	Summit	Applicants maintain that loss of prime farmland to agricultural production is an unavoidable impact. The record does not support a conclusion that removing nearly 2,000 acres of prime farmland from production in violation of the Prime Farmland rule is an unavoidable impact.
E28	Finding 329	Summit	Although the Applicants maintain that conversion of prime farmland is not considered irretrievable, the Judge remains unconvinced. At best, once this farmland is converted to industrial use, it will be extremely difficult to convert back to agricultural production so long as the Project remains profitable. Among other things, the Applicants specifically reserve the “right” to extend the life of the Project beyond 30 years. At best, the notion that the Land Control Area will only be taken out of agricultural production temporarily is speculative.

E29	Finding 333	Summit	The record establishes that residents of Reading, Minnesota experience light pollution from, at least in part, the Nobles Substation. More than one resident reported that the lights are on all night, and visible from a distance of 10 miles. If this Project, and Geronimo's NCPDP are approved, Reading will likely be surrounded by industrial infrastructure, potentially impacting its ability to grow and develop.
E30	Finding 334	Summit	Similarly, area residents report that existing noise is disruptive. One resident shared that her household experiences so much noise from the existing substation, wind turbines, and energy infrastructure it sometimes interferes with her family's ability to sleep. Multiple residents stated concerns about any additional amount of noise the Project will contribute to the current noise levels they perceive in Reading and the surrounding area.
E31	Finding 336	Summit	Minn. R. 4410.0200, subp. 60, defines "phased action" means two or more projects to be undertaken by the same proposer that a RGU determines: (A) will have environmental effects on the same geographic area; and (B) are substantially certain to be undertaken sequentially over a limited period of time. The record establishes the Project and the NCPDP should <u>not</u> be deemed phased actions for environmental review. but is unclear as to whether the various RGUs have considered this issue. At a minimum, the cumulative impact of the Project cannot be properly evaluated without also considering the likely considerable impacts of the NCPDP in terms of noise, light, water and land use, among other concerns.

E32	Finding 337 or	Summit	The piecemeal method by which industrial energy development occurs makes consideration of the cumulative impacts or cumulative potential effects particularly important. The EA does not consider how this Project, if approved, exacerbates current conditions in the area. For example, the record establishes that this Project will remove 0.4 percent of farmland from production but the EA does not consider how much farmland has already been taken out of production, how removing another 0.4 percent from production contributes to this loss, or how much farmland can be converted to industrial energy production and continue to maintain the rural character of the region. As another example, the record indicates that area residents experience considerable light pollution from the Nobles Substation, but the EA does not evaluate how the Project's additional lighting will contribute to this existing environmental concern.
E33	Finding 337	PUC EIP	The piecemeal method by which industrial energy development occurs makes consideration of the cumulative impacts or cumulative potential effects particularly important. The EA does not consider how this Project, if approved, exacerbates current conditions in the area. For example, theThe record establishes that this Project will remove 0.4 percent of farmland from production but the EA does not consider how much farmland has already been taken out of production, how removing another 0.4 percent from production contributes to this loss, or how much farmland can be converted to industrial energy production and continue to maintain the rural character of the region. As another example, the record indicates that area residents experience considerable light pollution from the Nobles Substation, but the. The EA does not evaluates how the Project's additional lighting will contribute to this existing environmental concernlight pollution, and <u>Section 5.1 of the DSPs describe mitigation measures to reduce impacts of project lighting.</u>

E34	Finding 342	Summit	Section 5.8 was proposed by EIP..... <u>Summit Lake Solar has committed to contributing \$250/MW of the installed nameplate capacity of the Solar Facility, beginning on the first anniversary of the commercial operation date and continuing through 20 years of commercial operation of the Solar Facility. Such contributions shall be provided to a local foundation such as the Southwest Initiative Foundation (SWIF - https://swifoundation.org/) or a similar local organization with a community grant program to fund activities of local qualified applicants undertaken for the benefit of the community. If the Commission approves the Applications over the Judge's recommendations, this permit condition should be included to attempt to address community opposition to hosting further energy development and minimize the Project's additional burden on the region. It is reasonable to adopt Summit Lake Solar's charitable giving commitment as an order point, in lieu of Section 5.8 of the Solar DSP, according to the following language:</u> <u>Summit Lake Solar shall provide annual charitable contributions equivalent to \$250/MW of the installed nameplate capacity of the Solar Facility, beginning on the first anniversary of the commercial operation date and continuing through 20 years of commercial operation of the Solar Facility. Such contributions shall be provided to a local foundation such as the Southwest Initiative Foundation (SWIF - https://swifoundation.org/) or a similar local organization with a community grant program to fund activities of local qualified applicants undertaken for the benefit of the community. The Permittee shall keep records regarding this permit condition and provide them upon request of Commission staff.</u>
E35	Finding 346	Summit	No condition has been identified that could mitigate the loss of prime farmland proposed by Applicants.
E36	Finding 353	Summit	Minn. R. 4410.0200, subp. 11, defines "cumulative impact" as "the impact on the environment that results from incremental effects of the project in addition to other past, present, and reasonably foreseeable future projects regardless of what person undertakes the other projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time."

E37	Finding 356	Summit	The cumulative impact analysis does not establish limits on the geographic area of the outside projects to be considered. A cumulative potential effects analysis, on the other hand, is limited geographically to projects in the surrounding area that might reasonably be expected to affect the same natural resources, for instance, prime farmland, as the proposed project. This type of geographically limited inquiry is consistent with the purpose of project-specific environmental review, which is to alert a governing body to any potential significant environmental effects of a proposed project before the governing body takes action to approve or disapprove the project.
E38	Finding 357 or	Summit	The evidence in the record demonstrates that the EA for the Project is inadequate because the EA does not address cumulative impacts or cumulative potential effects as required by law and by the Scoping Decisions. While the EA adequately evaluates the Project in isolation, it does not consider the Project's cumulative impact on the region relative to past and present projects. The EA evaluates two reasonably foreseeable projects, including the NCPDP, but does not consider the collective significance of these projects on the environmentally relevant area. Furthermore, the record created at the public hearing and during the subsequent comment period reveals that existing environmental concerns in the region are likely to be exacerbated by the Project's incremental contributions.
E39	Finding 357	PUC EIP	The evidence in the record demonstrates that the EA for the Project is inadequate because the EA does not <u>addresses</u> cumulative impacts or cumulative potential effects as required by law and by the Scoping Decisions. While the <u>The</u> EA adequately evaluates the Project in isolation and the cumulative impacts of the project in conjunction with, <u>it does not consider the Project's cumulative impact on the region relative to past and present projects.</u> The EA evaluates two reasonably foreseeable projects, including the NCPDP. , but does not consider the collective significance of these projects on the environmentally relevant area. Furthermore, the <u>The</u> record created at the public hearing and during the subsequent comment period reveals that existing environmental concerns in the region are likely to be exacerbated by the Project's incremental contributions.

Proposed Changes to ALJ's Conclusions and Recommendations

	Staff Rec		
ID	ALJ Report Location	Sponsor	Recommended Modification
E-40	Conclusion 6	Summit	The record in this proceeding demonstrates that Applicants have not satisfied the criteria for the issuance of Site Permit for a BESS or for the Solar Facility, as set forth in Minn. Stat. § 216E.03 (2022), Minn. R. 7850.4000 and .4400 (2023) and all other applicable legal requirements.
E 41	Conclusion 7	Summit	Applicants have not established there is no reasonable or feasible and prudent alternative to siting the Solar Facility on prime farmland or and that siting the Solar Facility on prime farmland is supported by considerations other than economic ones, in accordance with contrary to Minn. R. 7850.4400, subp. 4 (2023).
E 42	Conclusion 8	Summit	The record is in sufficient to determine the Project does not present the potential for significant adverse environmental effects that are not otherwise mitigated by site permit conditions pursuant to the Minnesota Environmental Rights Act or the Minnesota Environmental Policy Act.
E43	Rec 2	Summit	The Commission should DENY GRANT Summit Lake Solar a Site Permit for the Solar Facility because required legal criteria have not been met.
E44	Rec 3	Summit	The Commission should DENY GRANT Summit Lake Storage a Site Permit for the BESS because required legal criteria have not been met.

Appendix B

Staff Recommended Changes to ALJ's Permit Conditions					
ID	Issue	ALJ Report Finding	Sponsor	Permit Location	Recommended Modification
P 1	Visual Screening	342	PUC Staff	5.4 BESS Solar	Visual Screening Plan The Permittee shall develop a site-specific Visual Screening Plan. The Visual Screening Plan shall be designed and managed to mitigate visual impacts to adjacent residences. The Visual Screening Plan shall at a minimum include: (a) objectives for screening of nearby residences; and (b) a description of the types of trees and shrub species to be used, the location of plantings, and plans for installation, establishment, and maintenance. The location of trees and shrubs included in the Visual Screening Plan that are located within the Permittee's site control shall be included in the Site Plan filed under Section 8.3. The Permittee is required to establish, maintain, and ensure the successful growth and health and maintenance of the vegetation for 3 years. At least 14 days prior to the pre-construction meeting, the Permittee shall file: (a) the Visual Screening Plan; (b) documentation of coordination with landowners adjacent to the project site; and (c) an affidavit of its distribution of the Visual Screening Plan to landowners adjacent to the project site.

P2	Community Mitigation	342	Applicant Language modified by PUC Staff	5.8 Solar	<u>Summit Lake Solar shall provide annual charitable contributions equivalent to \$250/MW of the installed nameplate capacity of the Solar Facility, beginning on the first anniversary of the commercial operation date and continuing through the 20-years-of commercial operation of the Solar Facility. Such contributions shall be provided to a local foundation such as the Southwest Initiative Foundation (SWIF - https://swifoundation.org/) or a similar local organization with a community grant program to fund activities of local qualified applicants undertaken for the benefit of the community. The Permittee shall keep records regarding this permit condition and provide them upon request of Commission staff.</u>
P3	Local Firefighter Training	223	PUC Staff	5.13 BESS	The Permittee shall provide regular training, on battery technology used in the BESS and associated facility technology for local firefighting crews and emergency services personnel. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff. <u>The permittee shall compensate local units of government for actual, reasonable costs of training and equipment necessary for emergency preparedness associated with the BESS and associated facility technology.</u>
P4	Fencing	-	PUC Staff	New	<u>All stormwater basins or stormwater ponds will be within the project's fenced areas.</u>

P5	Local Labor	-	Summit	BESS (8.5) & Solar (8.5)	8.5 <u>Local Labor and</u> Labor Statistic Reporting The Permittee must maximize the Project's economic benefit to the community by prioritizing local labor. To achieve this, the Permittee must design its construction bidding process (RFPs) to favor contractors who use "local workers" and create "local job impacts" – as both terms are defined under Minn. Stat. § 216B.2422, subd. 1(g) and (h). The Permittee shall file quarterly Labor Statistic Reports with the Commission within 45 days of the end of the quarter regarding construction workers that participated in the construction of the Project. The Labor Statistic Reports shall: (a) detail the Permittee's efforts and the site contractor's efforts to hire <u>Minnesota local</u> workers; and <u>(b) detail the Permittee's efforts to maximize the Project's local job impacts; and</u>
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					(b) provide an account of: i. the gross number of hours worked by or full-time equivalent workers who are Minnesota residents, as defined in Minn. Stat. § 290.01, subd. 7; ii. the gross number of hours worked by or full-time equivalent workers who are residents of other states, but maintain a permanent residence within 150 miles of the Project; and; iii. the total gross hours worked or total full-time equivalent workers.
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STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

**SITE PERMIT FOR
SUMMIT LAKE SOLAR PROJECT**

A SOLAR ENERGY GENERATING SYSTEM

**IN
NOBLES COUNTY**

**ISSUED TO
Summit Lake Solar, LLC**

PUC DOCKET NO IP-7153/GS-25-89

In accordance with the requirements of Minnesota Statutes Chapter 216E and Minnesota Rules Chapter 7850 this site permit is hereby issued to:

Summit Lake Solar, LLC

Summit Lake Solar, LLC (Summit Lake Solar) is authorized by this site permit to construct and operate an up to 200 megawatt solar energy generating system located in Nobles County, Minnesota.]

The solar energy generating system shall be constructed and operated within the site identified in this site permit and in compliance with the conditions specified in this site permit.

This site permit shall expire 30 years from the date of this approval.

Approved and adopted this ____ day of [Month, Year]

BY ORDER OF THE COMMISSION

Sasha Bergman,
Executive Secretary

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ATTACHMENTS

Attachment 1 – Complaint Handling Procedures for Permitted Energy Facilities

Attachment 2 – Compliance Filing Procedures for Permitted Energy Facilities

Attachment 3 – Site Permit Maps

1 SITE PERMIT

The Minnesota Public Utilities Commission (Commission) hereby issues this site permit to Summit Lake Solar, LLC (Permittee) pursuant to Minnesota Statutes Chapter 216E and Minnesota Rules Chapter 7850. This site permit authorizes the Permittee to construct and operate an up to 200 megawatt solar energy generating system located in Nobles County, Minnesota (, henceforth known as Project). The solar energy generating system shall be constructed and operated within the site identified in this site permit and in compliance with the conditions specified in this site permit.

1.1 Pre-emption

Pursuant to Minn. Stat. § 216E.10, this site permit shall be the sole site approval required for the location, construction, and operation of the solar energy generating system and this site permit shall supersede and preempt all zoning, building, or land use rules, regulations, or ordinances promulgated by regional, county, local and special purpose governments.

2 PROJECT DESCRIPTION

The 200 MW solar facility will consist of photovoltaic (PV) panels, trackers, inverters, transformers, access roads, security fencing, above-ground and below-ground electric collection lines, a project substation, and associated facilities. The Permittee will locate the project facilities in an area that would occupy approximately 1,416 acres within the 1,990 acres of land under contract or owned by the applicant. The solar facility will be connected to the project substation via 34.5 kilovolt (kV) electric collection lines. A short aboveground 345 kV transmission line will run from the project substation to the Nobles Substation, which is owned and operated by Xcel Energy.

The Project is located in the following:

County	Township Name	Township	Range	Section
Nobles	Elk	103N	40W	18
Nobles	Summit Lake	103N	41W	10, 12-15, 22-24

2.1 Project Ownership

At least 14 days prior to the pre-construction meeting, the Permittee shall file a description of its ownership structure, identifying, as applicable:

- (a) the owner(s) of the financial and governance interests of the Permittee;

- (b) the owner(s) of the majority financial and governance interests of the Permittee's owners; and
- (c) the Permittee's ultimate parent entity (meaning the entity which is not controlled by any other entity).

The Permittee shall notify the Commission of:

- (a) a change in the owner(s) of the majority* financial or governance interests in the Permittee; or
- (b) a change in the owner(s) of the majority* financial or governance interests of the Permittee's owners; or
- (c) a sale which changes the ultimate parent entity of the Permittee

* When there are only co-equal 50/50 percent interests, any change shall be considered a change in majority interest.

Also, in the event of an ownership change, the new Permittee must provide the Commission with a certification that it has read, understands and is able to comply with the conditions of this permit.

3 DESIGNATED SITE

The site designated by the Commission for the Project is depicted on the site maps attached to this site permit (Designated Site). The site maps show the approximate location of photovoltaic tracker rows and associated facilities within the Designated Site and identify a layout that seeks to minimize the overall potential human and environmental impacts of the Project, as they were evaluated in the permitting process.

The Designated Site serves to provide the Permittee with the flexibility to make minor adjustments to the layout to accommodate requests by landowners, local government units, federal and state agency requirements, and unforeseen conditions encountered during the detailed engineering and design process. Any modification to the location of a photovoltaic tracker row or associated facility shall be done in such a manner as to have human and environmental impacts that are comparable to those associated with the layouts on the maps attached to this site permit. The Permittee shall identify any modifications in the Site Plan pursuant to Section 8.3.

4 GENERAL CONDITIONS

The Permittee shall comply with the following conditions during construction and operation of the solar energy generating system over the life of this site permit.

4.1 Site Permit Distribution

Within 30 days of issuance of this site permit, the Permittee shall provide all affected landowners with a copy of this site permit and the complaint procedures. An affected landowner is any landowner or designee that is within or adjacent to the permitted site. In no case shall a landowner receive this site permit and complaint procedures less than five days prior to the start of construction on their property. The Permittee shall also provide a copy of this site permit and the complaint procedures to the applicable regional development commissions, county environmental offices, and city and township clerks. The Permittee shall file with the Commission an affidavit of its site permit and complaint procedures distribution within 30 days of issuance of this site permit.

4.2 Access to Property

The Permittee shall notify landowners prior to entering or conducting maintenance within their property, unless otherwise negotiated with the landowner. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3 Construction and Operation Practices

The Permittee shall comply with the construction practices, operation and maintenance practices, and material specifications described in the permitting record for this Project unless this site permit establishes a different requirement in which case this site permit shall prevail.

4.3.1 Field Representative

The Permittee shall designate a field representative responsible for overseeing compliance with the conditions of this site permit during construction of the Project. This person shall be accessible by telephone or other means during normal business hours throughout site preparation, construction, cleanup, and restoration.

The Permittee shall file with the Commission the name, address, email, phone number, and emergency phone number of the field representative at least 14 days prior to the pre-construction meeting. The Permittee shall provide the field representative's contact information to affected landowners, local government units and other interested persons at least 14 days prior to the pre-construction meeting. The Permittee may change the field representative at any time upon notice to the Commission, affected landowners, local government units and other interested persons. The Permittee shall file with the Commission

an affidavit of distribution of its field representative's contact information at least 14 days prior to the pre-construction meeting and upon changes to the field representative.

4.3.2 Site Manager

The Permittee shall designate a site manager responsible for overseeing compliance with the conditions of this site permit during the commercial operation and decommissioning phases of the Project. This person shall be accessible by telephone or other means during normal business hours for the life of this site permit.

The Permittee shall file the name, address, email, phone number, and emergency phone number of the site manager with the Commission within 14 days prior to the pre-operation meeting. The Permittee shall provide the site manager's contact information to landowners within or adjacent to the Project Boundary, local government units and other interested persons at least 14 days prior to the pre-operation meeting. The Permittee may change the site manager at any time upon notice to the Commission, landowners within or adjacent to the Project Boundary, local government units, and other interested persons. The Permittee shall file with the Commission an affidavit of distribution of its site manager's contact information at least 14 days prior to the pre-operation meeting and upon changes to the site manager.

4.3.3 Employee Training - Site Permit Terms and Conditions

The Permittee shall train and educate all employees, contractors, and other persons involved in the construction and ongoing operation of the solar energy generating system of the terms and conditions of this site permit. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3.4 Independent Third-Party Monitoring

Prior to any construction, the Permittee shall propose a scope of work and identify an independent third-party monitor to conduct Project construction monitoring on behalf of the Commission. The scope of work shall be developed in consultation with and approved by the Commission. This third-party monitor will report directly to and will be under the control of the Commission with costs borne by the Permittee. Commission staff shall keep records of compliance with this section and will ensure that status reports detailing the construction monitoring are filed with the Commission in accordance with scope of work approved by the Commission.

4.3.5 Public Services, Public Utilities, and Existing Easements

During Project construction, the Permittee shall minimize any disruption to public services or public utilities. To the extent disruptions to public services or public utilities occur these shall be temporary, and the Permittee shall restore service promptly. Where any impacts to utilities have the potential to occur the Permittee shall work with both landowners and local entities to determine the most appropriate mitigation measures if not already considered as part of this site permit.

The Permittee shall cooperate with county and city road authorities to develop appropriate signage and traffic management during construction. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3.6 Temporary Workspace

The Permittee shall select temporary workspace and equipment staging areas that limit the removal and impacts to vegetation. The Permittee shall not site temporary workspace in wetlands or native prairie as defined in sections 4.3.13 and 4.3.14. The Permittee shall site temporary workspace to comply with standards for development of the shorelands of public waters as defined in Section 4.3.13. The Permittee shall obtain temporary easements outside of the authorized Project Boundary from affected landowners through rental agreements. Temporary easements are not provided for in this site permit.

4.3.7 Noise

The Permittee shall comply with noise standards established under Minn. R. 7030.0010 to 7030.0080, at all times and at all appropriate locations during operation of the Project. The Permittee shall limit construction and maintenance activities to daytime working hours to the extent practicable.

4.3.8 Aesthetics

The Permittee shall consider input pertaining to visual impacts from landowners and the local unit of government having direct zoning authority over the area in which the Project is located. The Permittee shall use care to preserve the natural landscape, minimize tree removal and prevent any unnecessary destruction of the natural surroundings in the vicinity of the Project during construction and operation.

4.3.9 Topsoil Protection

The Permittee shall implement measures to protect and segregate topsoil from subsoil on all lands utilized for Project construction unless otherwise negotiated with affected landowner.

4.3.10 Soil Compaction

The Permittee shall implement measures to minimize soil compaction of all lands during all phases of the Project's life and shall confine compaction to as small an area as feasible. The Permittee shall use soil decompaction measures on all lands utilized for Project construction and travelled on by heavy equipment (*e.g.*, cranes and heavy trucks), even when soil compaction minimization measures are used.

4.3.11 Soil Erosion and Sediment Control

The Permittee shall implement those erosion prevention and sediment control practices recommended by the Minnesota Pollution Control Agency (MPCA) Construction Stormwater Program. If construction of the Project disturbs more than one acre of land or is sited in an area designated by the MPCA as having potential for impacts to water resources, the Permittee shall obtain a National Pollutant Discharge Elimination System/State Disposal System Construction Stormwater Permit from the MPCA that provides for the development of a Stormwater Pollution Prevention Plan that describes methods to control erosion and runoff.

The Permittee shall implement reasonable measures to minimize erosion and sedimentation during construction and shall employ perimeter sediment controls, protect exposed soil by promptly planting, seeding, using erosion control blankets and turf reinforcement mats, stabilizing slopes, protecting storm drain inlets, protecting soil stockpiles, and controlling vehicle tracking. Contours shall be graded as required so that all surfaces provide for proper drainage, blend with the natural terrain, and are left in a condition that will facilitate re-vegetation and prevent erosion. All areas disturbed during construction of the Project shall be returned to pre-construction conditions.

4.3.12 Public Lands

In no case shall photovoltaic tracker rows and associated facilities including foundations, access roads, underground cable, and transformers, be located in the public lands identified in Minn. R. 7850.4400, subp. 1, or in federal waterfowl production areas. Photovoltaic tracker rows and associated facilities shall not be located in the public lands identified in Minn. R. 7850.4400, subp. 3, unless there is no feasible and prudent alternative.

4.3.13 Wetlands and Water Resources

The Permittee shall not place the solar energy generating system or associated facilities in public waters and public waters wetlands, as shown on the public water inventory maps prescribed by Minnesota Statutes Chapter 103G, except that electric collector or feeder lines may cross or be placed in public waters or public waters wetlands subject to permits and

approvals by the Minnesota Department of Natural Resources (DNR) and the United States Army Corps of Engineers (USACE), and local units of government as implementers of the Minnesota Wetlands Conservation Act. The Permittee shall locate the solar energy generating system and associated facilities in compliance with the standards for development of the shorelands of public waters as identified in Minn. R. 6120.3300, and as adopted, Minn. R. 6120.2800, unless there is no feasible and prudent alternative.

The Permittee shall construct in wetland areas during frozen ground conditions, to the extent feasible, to minimize impacts. When construction during winter is not possible, wooden or composite mats shall be used to protect wetland vegetation. The Permittee shall contain and manage soil excavated from the wetlands and riparian areas in accordance with all applicable wetland permits. The Permittee shall access wetlands and riparian areas using the shortest route possible in order to minimize travel through wetland areas and prevent unnecessary impacts.

The Permittee shall restore wetland and water resource areas disturbed by construction activities to pre-construction conditions in accordance with the requirements of applicable state and federal permits or laws and landowner agreements. The Permittee shall meet the USACE, DNR, Minnesota Board of Water and Soil Resources, and local government wetland and water resource requirements.

4.3.14 Native Prairie

The Permittee shall not place the solar energy generating system or associated facilities in native prairie, as defined in Minn. Stat. § 84.02, subd. 5, unless addressed in a prairie protection and management plan and not located in areas enrolled in the Native Prairie Bank Program. The Permittee shall not impact native prairie during construction activities, as defined in Minn. Stat. § 216E.01, unless addressed in a prairie protection and management plan.

The Permittee shall prepare a prairie protection and management plan in consultation with the DNR if native prairie, as defined in Minn. Stat. § 84.02, subd. 5, is identified within the Project Boundary. The Permittee shall file the prairie protection and management plan with the Commission at least 30 days prior to submitting the Site Plan required by Section 8.3 of this site permit. The prairie protection and management plan shall address steps that will be taken to avoid impacts to native prairie and mitigation to unavoidable impacts to native prairie by restoration or management of other native prairie areas that are in degraded condition, by conveyance of conservation easements, or by other means agreed to by the Permittee, the DNR, and the Commission.

4.3.15 Vegetation Removal

The Permittee shall disturb or clear vegetation within the Designated Site only to the extent necessary to assure the safe construction, operation, and maintenance of the Project. The Permittee shall minimize the number of trees removed within the Designated Site specifically preserving to the maximum extent practicable windbreaks, shelterbelts, and living snow fences.

4.3.16 Beneficial Habitat

The Permittee shall implement site restoration and management practices that provide for native perennial vegetation and foraging habitat beneficial to gamebirds, songbirds, and pollinators; and that enhances soil water retention and reduces storm water runoff and erosion. To ensure continued management and recognition of beneficial habitat, the Permittee is encouraged to meet the standards for Minnesota's Habitat Friendly Solar Program by submitting project plans, seed mixes, a completed project planning assessment form, and any other applicable documentation used to meet the standard to the Board of Water and Soil Resources (BWSR). If the Permittee chooses to participate in Minnesota's Habitat-Friendly Solar Program, it shall file documents required to be filed with BWSR for meeting and maintaining Habitat Friendly Solar Certification with the Commission.

4.3.17 Vegetation Management Plan

The Permittee shall develop a vegetation management plan (VMP), in coordination with the Commission and the Vegetation Management Working Group (VMWG), using best management practices established by the DNR and BWSR. The Permittee shall file the VMP and documentation of the coordination efforts between the Permittee and the coordinating agencies with the Commission at least 14 days prior to the pre-construction meeting.

Landowner-specific vegetation requests resulting from individual consultation between the Company and a landowner need not be included in the VMP. The Permittee shall provide all landowners within the Designated Site copies of the VMP. The Permittee shall file with the Commission an affidavit of its distribution of the VMP to landowners at least 14 days prior to the pre-construction meeting.

The VMP must include the following:

- (a) management objectives addressing short term (year 0-5, seeding and establishment) and long term (year 5 through the life of the Project) goals;
- (b) a description of planned restoration and vegetation management activities, including how the site will be prepared, timing of activities, how seeding will occur (*e.g.*, broadcast, drilling, etc.), and the types of seed mixes to be used;
- (c) a description of how the site will be monitored and evaluated to meet management goals;

- (d) a description of the management tools used to maintain vegetation (*e.g.*, mowing, spot spraying, hand removal, fire, grazing, etc.), including the timing and frequency of maintenance activities;
- (e) identification of the third-party (*e.g.*, consultant, contractor, site manager, etc.) contracted for restoration, monitoring, and long-term vegetation management of the site;
- (f) identification of on-site noxious weeds and invasive species (native and non-native) and the monitoring and management practices to be utilized; and
- (g) a marked-up copy of the Site Plan showing how the site will be revegetated and that identifies the corresponding seed mixes.

Best management practices should be followed concerning seed mixes, seeding rates, and cover crops.

4.3.18 Agricultural Impact Mitigation Plan

The Permittee shall develop an agricultural impact mitigation plan (AIMP) in coordination with the Minnesota Department of Agriculture (MDA). The Permittee shall provide landowners within the Designated Site a copy of the AIMP. The Permittee shall file with the Commission the AIMP and an affidavit of the AIMP distribution to landowners at least 14 days prior to the pre-construction meeting.

4.3.19 Application of Pesticides

The Permittee shall restrict pesticide use to those pesticides and methods of application approved by the MDA, DNR, and the U.S. Environmental Protection Agency (EPA). Selective foliage or basal application shall be used when practicable. All pesticides shall be applied in a safe and cautious manner so as not to damage adjacent properties including crops, orchards, tree farms, apiaries, or gardens. The Permittee shall contact the landowner at least 14 days prior to pesticide application on their property. The Permittee may not apply any pesticide if the landowner requests that there be no application of pesticides within the landowner's property. The Permittee shall provide notice of pesticide application to landowners and beekeepers operating known apiaries within three miles of the pesticide application area at least 14 days prior to such application. The Permittee shall keep pesticide communication and application records and provide them upon the request of Commission staff.

4.3.20 Invasive Species

The Permittee shall employ best management practices to avoid the potential introduction and spread of invasive species on lands disturbed by Project construction activities. The Permittee shall develop an Invasive Species Prevention Plan and file it with the Commission at least 14

days prior to the pre-construction meeting. The Permittee shall comply with the most recently filed Invasive Species Prevention Plan.

4.3.21 Noxious Weeds

The Permittee shall take all reasonable precautions against the spread of noxious weeds during all phases of construction. When utilizing seed to establish temporary and permanent vegetative cover on exposed soil the Permittee shall select site appropriate seed certified to be free of noxious weeds. To the extent possible, the Permittee shall use native seed mixes. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3.22 Roads

The Permittee shall advise the appropriate governing bodies having jurisdiction over all state, county, city, or township roads that will be used during the construction phase of the Project. Where practical, existing roadways shall be used for all activities associated with construction of the Project. Oversize or overweight loads associated with the Project shall not be hauled across public roads without required permits and approvals.

The Permittee shall locate all perimeter fencing and vegetative screening in a manner that does not interfere with routine road maintenance activities and allows for continued safe travel on public roads.

The Permittee shall construct the fewest number of site access roads required. Access roads shall not be constructed across streams and drainage ways without the required permits and approvals. Access roads shall be constructed in accordance with all necessary township, county or state road requirements and permits.

The Permittee shall promptly repair private roads or lanes damaged when moving equipment or when accessing construction workspace, unless otherwise negotiated with the affected landowner. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3.23 Archaeological and Historic Resources

The Permittee shall make every effort to avoid impacts to archaeological and historic resources when constructing the Project. In the event that a resource is encountered, the Permittee shall consult with the State Historic Preservation Office (SHPO) and the State Archaeologist. Where feasible, avoidance of the resource is required. Where not feasible, mitigation must include an

effort to minimize Project impacts on the resource consistent with SHPO and State Archaeologist requirements.

Prior to construction, the Permittee shall train workers about the need to avoid cultural properties, how to identify cultural properties, and procedures to follow if undocumented cultural properties, including gravesites, are found during construction. If human remains are encountered during construction, the Permittee shall immediately halt construction and promptly notify local law enforcement and the State Archaeologist. The Permittee shall not resume construction at such location until authorized by local law enforcement or the State Archaeologist. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3.24 Interference

If interference with radio or television, satellite, wireless internet, GPS-based agriculture navigation systems or other communication devices is caused by the presence or operation of the Project, the Permittee shall take whatever action is necessary to restore or provide reception equivalent to reception levels in the immediate area just prior to the construction of the Project. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3.25 Drainage Tiles

The Permittee shall avoid, promptly repair, or replace all drainage tiles broken or damaged during all phases of the Project's life unless otherwise negotiated with the affected landowner. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3.26 Restoration

The Permittee shall restore the areas affected by construction of the Project to the condition that existed immediately before construction began to the greatest extent possible. The time period to complete restoration may be no longer than 12 months after the completion of construction, unless otherwise negotiated with the affected landowner. Restoration shall be compatible with the safe operation, maintenance, and inspection of the Project. Within 60 days after completion of all restoration activities, the Permittee shall file with the Commission a Notice of Restoration Completion.

4.3.27 Cleanup

The Permittee shall remove and properly dispose of all construction waste and scrap from the right-of-way and all premises on which construction activities were conducted upon completion of each task. The Permittee shall remove and properly dispose of all personal litter, including bottles, cans, and paper from construction activities daily.

4.3.28 Pollution and Hazardous Wastes

The Permittee shall take all appropriate precautions to protect against pollution of the environment. The Permittee shall be responsible for compliance with all laws applicable to the generation, storage, transportation, clean up and disposal of all waste generated during construction and restoration of the Project.

4.3.29 Damages

The Permittee shall fairly restore or compensate landowners for damage to crops, fences, private roads and lanes, landscaping, drain tile, or other damage sustained during construction. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3.30 Public Safety

The Permittee shall provide educational materials to landowners within and adjacent to the Designated Site and, upon request, to interested persons about the Project and any restrictions or dangers associated with the Project. The Permittee shall also implement any necessary safety measures such as placing warning signs and gates for traffic control or restricting public access. The Permittee shall file with the Commission an affidavit of its public safety notifications at least 14 days before the pre-construction meeting.

The Permittee shall submit the location of all underground facilities, as defined in Minn. Stat. § 216D.01, subd. 11, to Gopher State One Call following the completion of the construction of the Project.

4.3.31 Site Identification

The Permittee shall mark the solar energy generating system with a clearly visible identification number and or street address.

4.3.32 Security Fencing

The Permittee shall design the security fence surrounding the solar energy generating system to minimize the visual impact of the Project while maintaining compliance with the National

Electric Safety Code. The Permittee shall develop a final fence plan for the specific site in coordination with the Commission and the DNR. The final fence plan shall be submitted to the Commission as part of the Site Plan pursuant to Section 8.3.

4.4 Feeder Lines

The Permittee may use overhead or underground feeder lines to carry power from an internal Project interconnection point to the Project substation or interconnection point on the electrical grid. The Permittee shall place overhead and underground feeder lines that parallel public roads within the public right-of-way or on private land immediately adjacent to the road. The Permittee shall obtain approval from the landowner or government unit responsible for the affected right-of-way.

The Permittee shall locate feeder lines in such a manner as to minimize interference with agricultural operations including but not limited to existing drainage patterns, drain tile, future tiling plans, and ditches. The Permittee shall place safety shields on all guy wires associated with overhead feeder lines. The Permittee shall submit the engineering drawings of all collector and feeder lines with the Site Plan pursuant to Section 8.3.

4.5 Other Requirements

4.5.1 Safety Codes and Design Requirements

The Permittee shall design the solar energy generating system and associated facilities to meet or exceed all relevant local and state codes, the National Electric Safety Code, and North American Electric Reliability Corporation requirements. This includes standards relating to clearances to ground, clearance to crossing utilities, clearance to buildings, strength of materials, clearances over roadways, right-of-way widths, and permit requirements. The Permittee shall keep records of compliance with these standards and provide them upon the request of Commission staff.

4.5.2 Other Permits and Regulations

The Permittee shall comply with all applicable state statutes and rules. The Permittee shall obtain all required permits for the Project and comply with the conditions of those permits unless those permits conflict with or are preempted by federal or state permits and regulations.

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission an Other Permits and Regulations Submittal that contains a detailed status of all permits, authorizations, and approvals that have been applied for specific to the Project. The

Other Permits and Regulations Submittal shall also include the permitting agency name; the name of the permit, authorization, or approval being sought; contact person and contact information for the permitting agency or authority; brief description of why the permit, authorization, or approval is needed; application submittal date; and the date the permit, authorization, or approval was issued or is anticipated to be issued.

The Permittee shall demonstrate that it has obtained all necessary permits, authorizations, and approvals by filing an affidavit stating as such and an updated Other Permits and Regulations Submittal prior to commencing Project construction. The Permittee shall provide a copy of any such permits, authorizations, and approvals at the request of Commission staff.

5 SPECIAL CONDITIONS

The special conditions shall take precedence over other conditions of this permit should there be a conflict.

5.1 Lighting

The Permittee must use shielded and downward facing lighting and LED lighting that minimizes blue hue at the gate locations, BESS enclosures, and along fence lines. Downward facing lighting must be clearly visible on the plan and profile submitted for the Project.

5.2 Wildlife-Friendly Erosion Control

The Permittee shall use only “bio-netting” or “natural netting” types of erosion control materials and mulch products without synthetic (plastic) fiber additives.

5.3 Dust Control

The Permittee shall minimize and avoid, if possible, the use of chloride-based dust control chemicals (i.e., calcium chloride, magnesium chloride).

5.4 Visual Screening Plan

The Permittee shall develop a site-specific Visual Screening Plan. The Visual Screening Plan shall be designed and managed to mitigate visual impacts to adjacent residences. The Visual Screening Plan shall at a minimum include:

- (a) objectives for screening of nearby residences; and
- (b) a description of the types of trees and shrub species to be used, the location of plantings, and plans for installation, establishment, and maintenance.

The location of trees and shrubs included in the Visual Screening Plan that are located within the Permittee’s site control shall be included in the Site Plan filed under Section 8.3. The Permittee is required to maintain and ensure the successful growth, health, and maintenance

of the vegetation for 3 years. At least 14 days prior to the pre-construction meeting, the Permittee shall file:

- (a) the Visual Screening Plan;
- (b) documentation of coordination with landowners adjacent to the project site; and
- (c) an affidavit of its distribution of the Visual Screening Plan to landowners adjacent to the project site.

5.5 Noise Notification for Adjacent Residences During Construction

The Permittee shall provide notice to adjacent residences detailing when major noise-producing construction activities are planned to occur. The Permittee shall maintain a webpage identifying days, times and areas where construction crew will be doing pile driving during construction. The Permittee shall provide all neighboring landowners and the township a link to the website prior to construction and shall update the website frequently during construction to keep landowners informed where pile driving will be occurring.

5.6 Drain Tile

The Permittee shall develop a site-specific Drain Tile Reroute and Abandonment Plan (DTRAP). In addition to the requirements imposed by Standard Condition 4.3.25, shall obtain approval of its DTRAP to reroute and abandoned public drain tile from the Nobles County Drainage Authority Board. The Permittee shall file the DTRAP with the Commission at least 14 days prior to the pre-construction meeting. The Permittee shall adhere to the following requirements;

- (a) Damage done to drain tile will be repaired immediately by a contractor, based in Nobles County, that is mutually agreed on prior to the pre-construction meeting by the Permittee and the Nobles County Drainage Authority Board;
- (b) Permittees will use a third party to conduct a survey for drain tile within and adjacent to the Site using methods agreed upon with the Nobles County Drainage Authority Board. The results of this survey shall be filed with the Commission at least 14 days prior to the pre-construction meeting;
- (c) Any private drain tile that is disconnected from county drain tile must be reconnected to the county drain tile following relocation; and;
- (d) The Permittee shall provide evidence of outreach and correspondence with participating and adjacent landowners to obtain maps of private drain tile within and bordering the Site.

5.7 Unanticipated Discoveries Plan

The Permittee shall develop an Unanticipated Discoveries Plan (UDP) to be used in the event previously unrecorded archeological or historic properties, or human remains, are encountered during construction, or if unanticipated effects to previously identified archaeological or historic properties occur during construction. The UDP shall describe how previously unrecorded cultural resources or human remains found during construction shall be protected and examined. The Permittee shall file the UDP with the Commission at least 14 days prior to the pre-construction meeting.

5.8 Community Impact Mitigation Agreement

The Permittee shall enter into a Community Impact Mitigation Agreement (CIMA) with Nobles County to mitigate impacts of the project. If Nobles County does not wish to enter into a CIMA, the Permittee shall document this non-interest. The Permittee shall keep records regarding this permit condition and provide them upon request of Commission staff.

5.9 State Listed Species

The Permittee will comply with applicable Minnesota Department of Natural Resources requirements related to state-listed endangered and threatened species in accordance with Minnesota's Endangered Species Statute (Minnesota Statutes, section 84.0895) and associated Rules (Minnesota Rules, part 6212.1800 to 6212.2300 and 6134). The Permittee shall keep records of compliance with this section and provide them upon the request of EIP staff.

6 DELAY IN CONSTRUCTION

If the Permittee has not commenced construction or improvement of the site within four years after the date of issuance of this site permit the Permittee shall file a Failure to Construct Report and the Commission shall consider suspension of this site permit in accordance with Minn. R. 7850.4700.

7 COMPLAINT PROCEDURES

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission the complaint procedures that will be used to receive and respond to complaints. The complaint procedures shall be in accordance with the requirements of Minn. R. 7829.1500 or Minn. R. 7829.1700, and as set forth in the complaint procedures attached to this site permit.

Upon request, the Permittee shall assist Commission staff with the disposition of unresolved or longstanding complaints. This assistance shall include, but is not limited to, the submittal of complaint correspondence and complaint resolution efforts.

8 COMPLIANCE REQUIREMENTS

Failure to timely and properly make compliance filings required by this site permit is a failure to comply with the conditions of this site permit. Compliance filings must be electronically filed with the Commission.

8.1 Pre-Construction Meeting

Prior to the start of construction, the Permittee shall participate in a pre-construction meeting with Commission staff to review pre-construction filing requirements, scheduling, and to coordinate monitoring of construction and site restoration activities. Within 14 days following the pre-construction meeting, the Permittee shall file with the Commission a summary of the topics reviewed and discussed and a list of attendees. The Permittee shall indicate in the filing the anticipated construction start date.

8.2 Pre-Operation Meeting

At least 14 days prior to commercial operation of the Project, the Permittee shall participate in a pre-operation meeting with Commission staff to coordinate field monitoring of operation activities for the Project. Within 14 days following the pre-operation meeting, the Permittee shall file a summary of the topics reviewed and discussed and a list of attendees with the Commission.

8.3 Site Plan

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission and the county where the Project will be constructed with a Site Plan that includes specifications and drawings for site preparation and grading; specifications and locations of the solar energy generating system and associated facilities; and procedures for cleanup and restoration. The documentation shall include maps depicting the Designated Site, solar energy generating system, and associated facilities layout in relation to that approved by this site permit.

The Permittee may not commence construction until the earlier of (i) 30 days after the pre-construction meeting or (ii) or until the Commission staff has notified the Permittee in writing

that it has completed its review of the documents and determined that the planned construction is consistent with this site permit.

If the Commission notifies the Permittee in writing within 30 days after the pre-construction meeting that it has completed its review of the documents and planned construction, and finds that the planned construction is not consistent with this site permit, the Permittee may submit additional and/or revised documentation and may not commence construction until the Commission has notified the Permittee in writing that it has determined that the planned construction is consistent with this site permit.

If the Permittee intends to make any significant changes in its Site Plan or the specifications and drawings after submission to the Commission, the Permittee shall notify the Commission and county staff at least five days before implementing the changes. No changes shall be made that would be in violation of any of the terms of this site permit.

8.4 Status Reports

The Permittee shall file with the Commission monthly Construction Status Reports beginning with the pre-construction meeting and until completion of restoration. Construction Status Reports shall describe construction activities and progress, activities undertaken in compliance with this site permit, and shall include text and photographs.

If the Permittee does not commence construction of the Project within six months of this site permit issuance, the Permittee shall file with the Commission Pre-Construction Status Reports on the anticipated timing of construction every six months beginning with the issuance of this site permit until the pre-construction meeting. The status updates shall include information on the Project's Midcontinent Independent System Operator (MISO) interconnection process, if applicable.

8.5 Labor Statistic Reporting

The Permittee shall file quarterly Labor Statistic Reports with the Commission within 45 days of the end of the quarter regarding construction workers that participated in the construction of the Project. The Labor Statistic Reports shall:

- (a) detail the Permittee's efforts and the site contractor's efforts to hire Minnesota workers; and
- (b) provide an account of:
 - i. the gross number of hours worked by or full-time equivalent workers who are Minnesota residents, as defined in Minn. Stat. § 290.01, subd. 7;

- ii. the gross number of hours worked by or full-time equivalent workers who are residents of other states, but maintain a permanent residence within 150 miles of the Project; and
- iii. the total gross hours worked or total full-time equivalent workers.

Permittee shall work with its contractor to determine the suitable reporting metric. The report may not include personally identifiable data.

8.6 Prevailing Wage

The Permittee, its contractors, and subcontractors shall pay no less than the prevailing wage rate as defined in Minn. Stat. § 177.42 and shall be subject to the requirements and enforcement provisions under Minn. Stat. §§ 177.27, 177.30, 177.32, 177.41 to 177.435, and 177.45. The Permittee shall keep records of contractor and subcontractor pay and provide them at the request of Commission staff.

8.7 In-Service Date

At least three days before the Project is to be placed into service, the Permittee shall notify the Commission of the date on which the Project will be placed into service and the date on which construction was completed.

8.8 As-Builts

Within 90 days after completion of construction, the Permittee shall submit to the Commission copies of all final as-built plans and specifications developed during the Project construction.

8.9 GPS Data

Within 90 days after completion of construction, the Permittee shall submit to the Commission, in the format requested by the Commission, geo-spatial information (*e.g.*, ArcGIS compatible map files, GPS coordinates, associated database of characteristics) for all structures associated with the Project.

8.10 Right of Entry

The Permittee shall allow Commission designated representatives to perform the following, upon reasonable notice, upon presentation of credentials and at all times in compliance with the Permittee's site safety standards:

- (a) To enter upon the facilities easement of the property for the purpose of obtaining information, examining records, and conducting surveys or investigations.
- (b) To bring such equipment upon the facilities easement of the property as is necessary to conduct such surveys and investigations.
- (c) To sample and monitor upon the facilities easement of the property.
To examine and copy any documents pertaining to compliance with the conditions of this site permit.

8.11 Project Energy Production

The Permittee shall, by February 1st following each complete or partial year of Project operation, file a report with the Commission on the monthly energy production of the facility including:

- (a) the installed nameplate capacity of the permitted facility;
- (b) the total daily energy generated by the facility in MW hours;
- (c) the total monthly energy generated by the facility in MW hours;
- (d) the monthly capacity factor of the facility;
- (e) yearly energy production and capacity factor for the facility;
- (f) the average monthly and average annual solar strength gradient measured in kWh/m²/Day observed at the facility;
- (g) the operational status of the facility and any major outages, major repairs, or performance improvements occurring in the previous year; and
- (h) any other information reasonably requested by the Commission.

The Permittee shall file this information in a format recommended by the Commission. This information shall be considered public and must be filed electronically.

8.12 Emergency Response

The Permittee shall prepare an Emergency Response Plan (ERP) in consultation with the emergency responders having jurisdiction over the Project prior to construction. The plan developed shall have a process for

- a) identifying any specialized equipment gaps for responding to emergencies at the BESS;
- b) acquiring the equipment; and
- c) providing any training for the specialized equipment at the Permittee's expense.

The plan shall also indicate that the annual training of emergency service personnel with site operators must be done at the Permittee's expense. The Permittee shall file the ERP, along with

any comments from emergency responders to the Commission at least 14 days prior to the preconstruction meeting and a revised ERP, if any, at least 14 days prior to the pre-operation meeting.

At least 14 days prior to the pre-operation meeting, the Permittee shall file with the Commission an affidavit of the distribution of the ERP to emergency responders and Public Safety Answering Points (PSAP) with jurisdiction over the Project. The Permittee shall obtain and register the Project address or other location indicators acceptable to the emergency responders and PSAP having jurisdiction over the Project.

8.13 Extraordinary Events

Within 24 hours of discovery of an occurrence, the Permittee shall notify the Commission of any extraordinary event. Extraordinary events include but shall not be limited to fires, solar panel collapse, acts of sabotage, collector or feeder line failure, and injured worker or private person. The Permittee shall, within 30 days of the occurrence, file a report with the Commission describing the cause of the occurrence and the steps taken to avoid future occurrences.

8.14 Wildlife Injuries and Fatalities

The Permittee shall report any wildlife injuries and fatalities to the Commission quarterly.

9 DECOMMISSIONING AND RESTORATION

9.1 Decommissioning Plan

The Permittee shall comply with the provisions of the most recently filed and accepted Decommissioning Plan. The initial version of the Decommissioning Plan was submitted for this Project as Appendix G of the joint site permit application. The Permittee shall file an updated Decommissioning Plan incorporating comments and information from the permit application process and any updates associated with the final construction plans with the Commission at least fourteen 14 days prior to the pre-construction meeting. The Permittee shall update and file the Decommissioning Plan with the Commission every five years following the commercial operation date.

The Decommissioning Plan shall provide information identifying all surety and financial securities established for decommissioning and site restoration. The Decommissioning Plan shall provide an itemized breakdown of costs of decommissioning all Project components, which shall include labor and equipment. The Decommissioning Plan shall identify cost estimates for the removal of solar panels, racks, underground collection cables, access roads,

transformers, substations, and other Project components. The Decommissioning Plan may also include anticipated costs for the replacement of panels or repowering the Project by upgrading equipment.

The Permittee shall also submit the Decommissioning Plan to the local unit of government having direct zoning authority over the area in which the Project is located. The Permittee shall ensure that it carries out its obligations to provide for the resources necessary to fulfill its requirements to properly decommission the Project at the appropriate time. The Commission may at any time request the Permittee to file a report with the Commission describing how the Permittee is fulfilling this obligation.

9.2 Site Final Restoration

Upon expiration of this site permit or upon termination of operation of the Project, the Permittee shall have the obligation to dismantle and remove from the site all solar panels, mounting steel posts and beams, inverters, transformers, overhead and underground cables and lines, foundations, buildings, and ancillary equipment in accordance with the most recently filed and accepted decommissioning plan. To the extent feasible, the Permittee shall restore and reclaim the site to pre-project conditions. Landowners may require the site be returned to agricultural production or may retain restored prairie vegetation, or other land uses as agreed to between the landowner and the Permittee. All access roads shall be removed unless written approval is given by the affected landowner requesting that one or more roads, or portions thereof, be retained. All such agreements between the Permittee and the affected landowner shall be filed with the Commission prior to commencing restoration activities. The Permittee shall restore the site in accordance with the requirements of this condition and file a Notification of Final Restoration Completion to the Commission within 18 months of termination of operation of the Project.

9.3 Abandoned Solar Installations

The Permittee shall notify the Commission of any solar equipment that is abandoned prior to termination of operation of the Project. Equipment shall be considered abandoned after one year without energy production and shall be decommissioned and the land shall be restored pursuant to sections 9.1 and 9.2, unless a plan is submitted to and approved by the Commission outlining the steps and schedule for returning the equipment to service.

10 COMMISSION AUTHORITY AFTER SITE PERMIT ISSUANCE

10.1 Final Designated Site Boundaries

After completion of construction the Commission shall determine the need to adjust the final boundary of the Designated Site required for the Project. This site permit may be modified, after notice and opportunity for hearing, to represent the actual Designated Site required by the Permittee to operate the Project authorized by this site permit.

10.2 Expansion of Designated Site Boundaries

No expansion of the site boundary described in this site permit shall be authorized without the approval of the Commission. The Permittee may submit to the Commission a request for a change in the boundary of the site for the Project. The Commission will respond to the requested change in accordance with applicable statutes and rules.

10.3 Periodic Review

The Commission shall initiate a review of this site permit and the applicable conditions at least once every five years. The purpose of the periodic review is to allow the Commission, the Permittee, and other interested persons an opportunity to consider modifications in the conditions of this site permit. No modification may be made except in accordance with applicable statutes and rules.

10.4 Modification of Conditions

After notice and opportunity for hearing this site permit may be modified or amended for cause, including but not limited to the following:

- (a) violation of any condition in this permit;
- (b) endangerment of human health or the environment by operation of the Project; or
- (c) existence of other grounds established by rule.

10.5 More Stringent Rules

The issuance of this site permit does not prevent the future adoption by the Commission of rules or orders more stringent than those now in existence and does not prevent the enforcement of these more stringent rules and orders against the Permittee.

11 SITE PERMIT AMENDMENT

This site permit may be amended at any time by the Commission. Any person may request an amendment of the conditions of this site permit by submitting a request to the Commission in writing describing the amendment sought and the reasons for the amendment. The

Commission will mail notice of receipt of the request to the Permittee. The Commission may amend the conditions after affording the Permittee and interested persons such process as is required under Minn. R. 7850.4900.

12 TRANSFER OF SITE PERMIT

The Permittee may request at any time that the Commission transfer this site permit to another person or entity (transferee). In its request, the Permittee must provide the Commission with:

- (a) the name and description of the transferee;
- (b) the reasons for the transfer;
- (c) a description of the facilities affected; and
- (d) the proposed effective date of the transfer.

The transferee must provide the Commission with a certification that it has read, understands and is able to comply with the plans and procedures filed for the Project and all conditions of this site permit.

The transferee must provide the Commission with the name and contact information for the site manager, as described in Section 4.3.2, and either a current version with eDocket reference, or a revised version of the following:

- (a) VMP as described in Section 4.3.17;
- (b) complaint procedures, as described in Section 7 and Attachment 1;
- (c) ERP, as described in Section 8.12; and
- (d) Decommissioning Plan, as described in Section 9.1.

The Commission may authorize transfer of the site permit after affording the Permittee, the transferee, and interested persons such process as is required under Minn. R. 7850.5000.

13 REVOCATION OR SUSPENSION OF SITE PERMIT

The Commission may initiate action to revoke or suspend this site permit at any time. The Commission shall act in accordance with the requirements of Minn. R. 7850.5100, to revoke or suspend this site permit.

14 EXPIRATION DATE

This site permit shall expire 30 years after the date this site permit was approved and adopted.

ATTACHMENT 1

Complaint Handling Procedures for Permitted Energy Facilities

**MINNESOTA PUBLIC UTILITIES COMMISSION
COMPLAINT HANDLING PROCEDURES FOR
PERMITTED ENERGY FACILITIES**

A. Purpose

To establish a uniform and timely method of reporting and resolving complaints received by the permittee concerning permit conditions for site or route preparation, construction, cleanup, restoration, operation, and maintenance.

B. Scope

This document describes complaint reporting procedures and frequency.

C. Applicability

The procedures shall be used for all complaints received by the permittee and all complaints received by the Minnesota Public Utilities Commission (Commission) under Minn. R. 7829.1500 or Minn. R. 7829.1700 relevant to this permit.

D. Definitions

Complaint: A verbal or written statement presented to the permittee by a person expressing dissatisfaction or concern regarding site or route preparation, cleanup or restoration, or other permit conditions. Complaints do not include requests, inquiries, questions or general comments.

Substantial Complaint: A written complaint alleging a violation of a specific permit condition that, if substantiated, could result in permit modification or suspension pursuant to the applicable regulations.

Unresolved Complaint: A complaint which, despite the good faith efforts of the permittee and a person, remains unresolved or unsatisfactorily resolved to one or both of the parties.

Person: An individual, partnership, joint venture, private or public corporation, association, firm, public service company, cooperative, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private; however organized.

E. Complaint Documentation and Processing

1. The permittee shall designate a representative responsible for filing complaints to the Commission's eDocket system. This person's name, phone number and email address shall accompany all complaint submittals. The name and contact information for the representative shall be kept current in eDockets.
2. A person presenting the complaint should, to the extent possible, include the following information in their communications:
 - a. name, address, phone number, and email address;
 - b. initial date of the complaint;
 - c. tract, parcel number, or address of the complaint;
 - d. a summary of the complaint; and
 - e. whether the complaint relates to a permit violation, a construction practice issue, or other type of complaint.
3. The permittee shall document all complaints by maintaining a record of all applicable information concerning the complaint, including the following:
 - a. docket number and project name;
 - b. name of complainant, address, phone number and email address;
 - c. precise description of property or parcel number;
 - d. name of permittee representative receiving complaint and date of receipt;
 - e. nature of complaint and the applicable permit condition(s);
 - f. summary of activities undertaken to resolve the complaint; and
 - g. a statement on the final disposition of the complaint.

F. Reporting Requirements

The permittee shall commence complaint reporting at the beginning of project construction and continue through the term of the permit, unless otherwise required below. The permittee shall report all complaints to the Commission according to the following schedule:

Immediate Reports: All substantial complaints shall be reported to the Commission the same day received, or on the following working day for complaints received after working hours. Such reports are to be directed to the Commission's Consumer Affairs Office at 1-800-657-3782 (voice messages are acceptable) or consumer.puc@state.mn.us. For e-mail reporting, the email

subject line should read “PUC EIP Complaint” and include the appropriate project docket number.

Monthly Reports: During project construction, restoration, and operation, a summary of all complaints, including substantial complaints received or resolved during the preceding month, shall be filed by the 15th of each month to the eDockets system. The eDockets system is located at: <https://efiling.web.commerce.state.mn.us/> . If no complaints were received during the preceding month, the permittee shall file a summary indicating that no complaints were received.

If, once the project begins operating, a project has submitted twelve consecutive months of complaint reports with no complaints, monthly reports can terminate by a letter to eDockets notifying the Commission of such action. If a substantial complaint is received (by the company or the Commission) following termination of the monthly complaint report, as noted above, the monthly reporting should commence for a period of six months following the most recent complaint or upon resolution of all pending complaints.

If a permittee is found to be in violation of this section, the Commission may reinstate monthly complaint reporting for the remaining permit term or enact some other commensurate requirement via notification by the Executive Secretary or some other action as decided by the Commission.

G. Complaints Received by the Commission

Complaints received directly by the Commission from aggrieved persons regarding the permit or issues related to site or route preparation, construction, cleanup, restoration, or operation and maintenance will be promptly sent to the permittee.

The permittee shall notify the Commission when the issue has been resolved. The permittee will add the complaint to the monthly reports of all complaints. If the permittee is unable to find resolution, the Commission will use the process outlined in the Unresolved Complaints Section to process the issue.

H. Commission Process for Unresolved Complaints

Complaints raising substantial and unresolved permit issues will be investigated by the Commission. Staff will notify the permittee and appropriate people if it determines that the complaint is a substantial complaint. With respect to such complaints, the permittee and

complainant shall be required to submit a written summary of the complaint and its current position on the issues to the Commission. Staff will set a deadline for comments. As necessary, the complaint will be presented to the Commission for consideration.

I. Permittee Contacts for Complaints and Complaint Reporting

Complaints may be filed by mail or email to the permittee's designated complaint representative, or to the Commission's Consumer Affairs Office at 1-800-657-3782 or consumer.puc@state.mn.us. The name and contact information for the permittee's designated complaint representative shall be kept current in the Commission's eDocket system.

ATTACHMENT 2

Compliance Filing Procedures for Permitted Energy Facilities

**MINNESOTA PUBLIC UTILITIES COMMISSION
COMPLIANCE FILING PROCEDURE FOR
PERMITTED ENERGY FACILITIES**

A. Purpose

To establish a uniform and timely method of submitting information required by Commission energy facility permits.

B. Scope and Applicability

This procedure encompasses all known compliance filings required by permit.

C. Definitions

Compliance Filing: A filing of information to the Commission, where the information is required by a Commission site or route permit.

D. Responsibilities

1. The permittee shall file all compliance filings with Will Seuffert, Executive Secretary, Public Utilities Commission, through the eDockets system. The eDockets system is located at:
<https://www.edockets.state.mn.us/EFiling/home.jsp>

General instructions are provided on the eDockets website. Permittees must register on the website to file documents.

2. All filings must have a cover sheet that includes:
 - a. Date
 - b. Name of submitter/permittee
 - c. Type of permit (site or route)
 - d. Project location
 - e. Project docket number
 - f. Permit section under which the filing is made
 - g. Short description of the filing

3. Filings that are graphic intensive (e.g., maps, engineered drawings) must, in addition to being electronically filed, be submitted as paper copies and on CD. Paper copies and CDs should be sent to: 1) Will Seuffert, Executive Secretary, Minnesota Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, MN 55101-2147, and 2) Department of Commerce, Energy Environmental Review and Analysis, 85 7th Place East, Suite 500, St. Paul, MN 55101-2198.

The Commission may request a paper copy of any electronically filed document.

PERMIT COMPLIANCE FILINGS¹

PERMITTEE: Summit Lake Solar, LCC

PERMIT TYPE: Solar Siting

PROJECT LOCATION: Nobles County, Minnesota

PUC DOCKET NUMBER: IP7153/GS-25-89

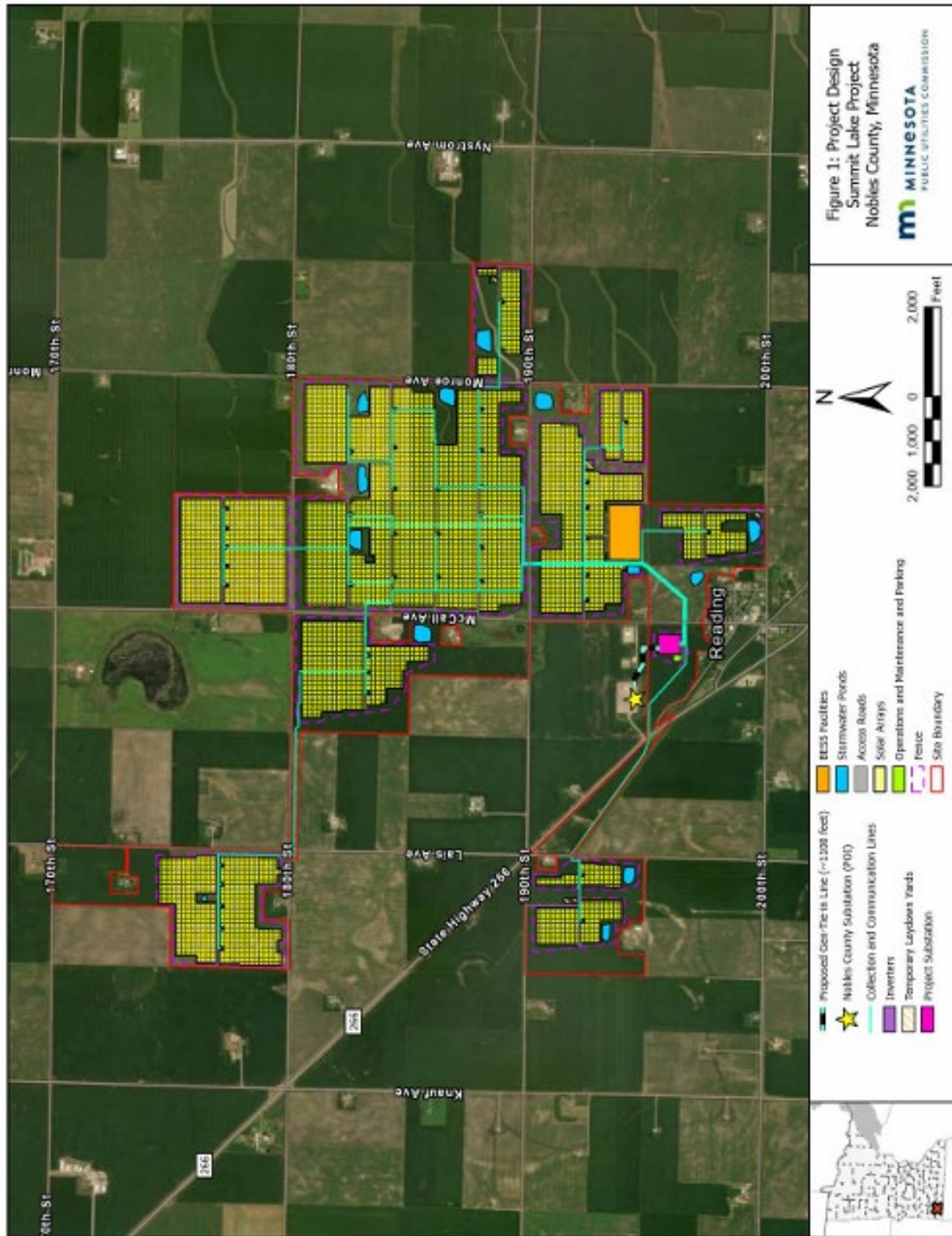
Filing Number	Permit Section	Description of Compliance Filing	Due Date
1	2.1	Project Ownership	14 days prior to pre-construction
2	4.1	Site Permit Distribution	Within 30 days of permit issuance
3	4.3.1	Field Representative	14 days prior to pre-construction meeting
4	4.3.2	Site Manager	14 days prior to pre-construction meeting
5	4.3.14	Native Prairie	30 days prior to submitting site plan
6	4.3.17	Vegetation Management Plan	14 days prior to pre-construction meeting
7	4.3.18	Agricultural Impact Mitigation Plan	14 days prior to pre-construction meeting
8	4.3.19	Application of Pesticides	14 days prior to application
9	4.3.20	Invasive Species	14 days prior to pre-construction meeting

¹ This compilation of permit compliance filings is provided for the convenience of the permittee and the Commission. It is not a substitute for the permit; the language of the permit controls.

Filing Number	Permit Section	Description of Compliance Filing	Due Date
10	4.3.26	Restoration	60 days after completion of restoration activities
11	4.3.30	Public Safety	14 days prior to pre-construction meeting
12	4.5.2	Other Permits and Regulations	14 days prior to pre-construction meeting
13	5.4	Visual Screening Plan	14 days prior to pre-construction meeting
14	5.6	Drain Tile	14 days prior to pre-construction meeting
15	5.7	Unanticipated Discoveries	14 days prior to pre-construction meeting
16	7	Compliant Procedures	14 days prior to pre-construction meeting
17	8.1	Pre-Construction Meeting	Within 14 days following pre-construction meeting
18	8.2	Pre-Operation Meeting	14 days prior to commercial operation
19	8.3	Site Plan	14 days prior to pre-construction meeting
20	8.5	Labor Statistics Reporting	Within 45 days of the end of the quarter
21	8.7	In-Service Date	Three days prior to being placed into service

Filing Number	Permit Section	Description of Compliance Filing	Due Date
22	8.9	GPS Data	90 days after completion of construction
23	8.11	Project Energy Production	By February 1st
24	8.12	Emergency Response	14 days prior to pre-construction meeting
25	8.13	Extraordinary Events	Within 24 hours of occurrence
26	8.14	Wildlife Injuries and Fatalities	Quarterly
27	9.1	Decommissioning Plan	14 days prior to pre-construction meeting
28	9.2	Site Final Restoration	Within 18 months of termination of operation of project

ATTACHMENT 3
Solar Site Map



STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

**SITE PERMIT FOR
SUMMIT LAKE STORAGE PROJECT
AN ENERGY STORAGE SYSTEM**

**IN
NOBLES COUNTY**

**ISSUED TO
Summit Lake Storage, LLC
PUC DOCKET NO. IP-7153/ESS-25-88**

In accordance with the requirements of Minnesota Statutes Chapter 216E and Minnesota Rules Chapter 7850 this site permit is hereby issued to:

Summit Lake Storage, LLC

Summit Lake Storage, LLC (Summit Lake Storage) is authorized by this site permit to construct and operate an up to 200 megawatt battery energy storage system located in Nobles County, Minnesota.

The energy storage system shall be constructed and operated within the site identified in this site permit and in compliance with the conditions specified in this site permit.

This site permit shall expire 30 years from the date of this approval.

Approved and adopted this ____ day of [Month, Year]

BY ORDER OF THE COMMISSION

Sasha Bergman,
Executive Secretary

To request this document in another format such as large print or audio, call 651-296-0406 or 800-657-3782 (voice). Persons with a hearing or speech impairment may call using their preferred Telecommunications Relay Service or email consumer.puc@state.mn.us for assistance.

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ATTACHMENTS

Attachment 1 – Complaint Handling Procedures for Permitted Energy Facilities

Attachment 2 – Compliance Filing Procedures for Permitted Energy Facilities

Attachment 3 – Site Permit Maps

1 SITE PERMIT

The Minnesota Public Utilities Commission (Commission) hereby issues this site permit to Summit Lake Storage, LLC (Permittee) pursuant to Minnesota Statutes Chapter 216E and Minnesota Rules Chapter 7850. This site permit authorizes the Permittee to construct and operate an up to 200 megawatt battery energy storage system located in Nobles County, Minnesota (henceforth known as Project). The energy storage system shall be constructed and operated within the site identified in this site permit and in compliance with the conditions specified in this site permit.

1.1 Pre-emption

Pursuant to Minn. Stat. § 216E.10, this site permit shall be the sole site approval required for the location, construction, and operation of the energy storage system and this site permit shall supersede and preempt all zoning, building, or land use rules, regulations, or ordinances promulgated by regional, county, local and special purpose governments.

2 PROJECT DESCRIPTION

The Summit Lake Storage Project is a battery energy storage system (BESS) with a nominal power rating of up to 200 MW alternating current (AC) with approximately 800 megawatt-hours (MWh) of energy capacity on a site of approximately 20.0 acres in Section 24 of Summit Lake Township in Nobles County. In addition to batteries, racking, and enclosures, the facility will also include inverters and transformers, electrical feeder lines, a project substation, and fencing surrounding the perimeter of the facility. The BESS will be a modular system comprised of lithium-ion batteries encased in stand-alone enclosures. The enclosure dimensions are anticipated to be 40 feet long by 10 feet wide by 9.5 feet high. The facility will be connected to the electric grid through a 902 foot long gen-tie line that will run between the project substation and the existing Nobles Substation.

The Project is located in the following:

County	Township Name	Township	Range	Section
Nobles	Summit Lake	103N	41W	24

2.1 Project Ownership

At least 14 days prior to the pre-construction meeting, the Permittee shall file a description of its ownership structure, identifying, as applicable:

- (a) the owner(s) of the financial and governance interests of the Permittee;
- (b) the owner(s) of the majority financial and governance interests of the Permittee's owners; and
- (c) the Permittee's ultimate parent entity (meaning the entity which is not controlled by any other entity).

The Permittee shall notify the Commission of:

- (a) a change in the owner(s) of the majority* financial or governance interests in the Permittee; or
- (b) a change in the owner(s) of the majority* financial or governance interests of the Permittee's owners; or
- (c) a sale which changes the ultimate parent entity of the Permittee

*When there are only co-equal 50/50 percent interests, any change shall be considered a change in majority interest.

In the event of an ownership change, the new Permittee must provide the Commission with a certification that it has read, understands, and is able to comply with the conditions of this permit.

3 DESIGNATED SITE

The site designated by the Commission for the Project is depicted on the site maps attached to this site permit (Designated Site). The site maps show the approximate location of the energy storage system and associated facilities within the Designated Site and identify a layout that seeks to minimize the overall potential human and environmental impacts of the Project, as they were evaluated in the permitting process.

The Designated Site serves to provide the Permittee with the flexibility to make minor adjustments to the layout to accommodate requests by landowners, local government units, federal and state agency requirements, and unforeseen conditions encountered during the detailed engineering and design process. Any modification to the location of a photovoltaic tracker row or associated facility shall be done in such a manner as to have human and environmental impacts that are comparable to those associated with the layouts on the maps attached to this site permit. The Permittee shall identify any modifications in the Site Plan pursuant to Section 8.3.

4 GENERAL CONDITIONS

The Permittee shall comply with the following conditions during construction and operation of the solar energy generating system over the life of this site permit.

4.1 Site Permit Distribution

Within 30 days of issuance of this site permit, the Permittee shall provide all affected landowners with a copy of this site permit and the complaint procedures. An affected landowner is any landowner or designee that is within or adjacent to the permitted site. In no case shall a landowner receive this site permit and complaint procedures less than five days prior to the start of construction on their property. The Permittee shall also provide a copy of this site permit and the complaint procedures to the applicable regional development commissions, county environmental offices, and city and township clerks. The Permittee shall file with the Commission an affidavit of its site permit and complaint procedures distribution within 30 days of issuance of this site permit.

4.2 Access to Property

The Permittee shall notify landowners prior to entering or conducting maintenance within their property, unless otherwise negotiated with the landowner. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3 Construction and Operation Practices

The Permittee shall comply with the construction practices, operation and maintenance practices, and material specifications described in the permitting record for this Project unless this site permit establishes a different requirement in which case this site permit shall prevail.

4.3.1 Field Representative

The Permittee shall designate a field representative responsible for overseeing compliance with the conditions of this site permit during construction of the Project. This person shall be accessible by telephone or other means during normal business hours throughout site preparation, construction, cleanup, and restoration.

The Permittee shall file with the Commission the name, address, email, phone number, and emergency phone number of the field representative at least 14 days prior to the pre-construction meeting. The Permittee shall provide the field representative's contact information to affected landowners, local government units and other interested persons at least 14 days prior to the pre-construction meeting. The Permittee may change the field representative at any time upon notice to the Commission, affected landowners, local government units and other interested persons. The Permittee shall file with the Commission

an affidavit of distribution of its field representative's contact information at least 14 days prior to the pre-construction meeting and upon changes to the field representative.

4.3.2 Site Manager

The Permittee shall designate a site manager responsible for overseeing compliance with the conditions of this site permit during the commercial operation and decommissioning phases of the Project. This person shall be accessible by telephone or other means during normal business hours for the life of this site permit.

The Permittee shall file the name, address, email, phone number, and emergency phone number of the site manager with the Commission within 14 days prior to the pre-operation meeting. The Permittee shall provide the site manager's contact information to landowners within or adjacent to the Project Boundary, local government units and other interested persons at least 14 days prior to the pre-operation meeting. The Permittee may change the site manager at any time upon notice to the Commission, landowners within or adjacent to the Project Boundary, local government units, and other interested persons. The Permittee shall file with the Commission an affidavit of distribution of its site manager's contact information at least 14 days prior to the pre-operation meeting and upon changes to the site manager.

4.3.3 Employee Training - Site Permit Terms and Conditions

The Permittee shall train and educate all employees, contractors, and other persons involved in the construction and ongoing operation of the solar energy generating system of the terms and conditions of this site permit. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3.4 Independent Third-Party Monitoring

Prior to any construction, the Permittee shall propose a scope of work and identify an independent third-party monitor to conduct Project construction monitoring on behalf of the Commission. The scope of work shall be developed in consultation with and approved by the Commission. This third-party monitor will report directly to and will be under the control of the Commission with costs borne by the Permittee. Commission staff shall keep records of compliance with this section and will ensure that status reports detailing the construction monitoring are filed in accordance with scope of work approved by the Commission.

4.3.5 Public Services, Public Utilities, and Existing Easements

During Project construction, the Permittee shall minimize any disruption to public services or public utilities. To the extent disruptions to public services or public utilities occur these shall be

temporary, and the Permittee shall restore service promptly. Where any impacts to utilities have the potential to occur the Permittee shall work with both landowners and local entities to determine the most appropriate mitigation measures if not already considered as part of this site permit.

The Permittee shall cooperate with county and city road authorities to develop appropriate signage and traffic management during construction. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3.6 Temporary Workspace

The Permittee shall select temporary workspace and equipment staging areas that limit the removal and impacts to vegetation. The Permittee shall not site temporary workspace in wetlands or native prairie as defined in sections 4.3.13 and 4.3.14. The Permittee shall site temporary workspace to comply with standards for development of the shorelands of public waters as defined in Section 4.3.13. The Permittee shall obtain temporary easements outside of the authorized Project Boundary from affected landowners through rental agreements. Temporary easements are not provided for in this site permit.

4.3.7 Noise

The Permittee shall comply with noise standards established under Minn. R. 7030.0010 to 7030.0080, at all times and at all appropriate locations during operation of the Project. The Permittee shall limit construction and maintenance activities to daytime working hours to the extent practicable.

4.3.8 Aesthetics

The Permittee shall consider input pertaining to visual impacts from landowners and the local unit of government having direct zoning authority over the area in which the Project is located. The Permittee shall use care to preserve the natural landscape, minimize tree removal and prevent any unnecessary destruction of the natural surroundings in the vicinity of the Project during construction and operation.

4.3.9 Topsoil Protection

The Permittee shall implement measures to protect and segregate topsoil from subsoil on all lands utilized for Project construction unless otherwise negotiated with affected landowner.

4.3.10 Soil Compaction

The Permittee shall implement measures to minimize soil compaction of all lands during all phases of the Project's life and shall confine compaction to as small an area as feasible. The Permittee shall use soil decompaction measures on all lands utilized for Project construction and travelled on by heavy equipment (*e.g.*, cranes and heavy trucks), even when soil compaction minimization measures are used.

4.3.11 Soil Erosion and Sediment Control

The Permittee shall implement those erosion prevention and sediment control practices recommended by the Minnesota Pollution Control Agency (MPCA) Construction Stormwater Program. If construction of the Project disturbs more than one acre of land or is sited in an area designated by the MPCA as having potential for impacts to water resources, the Permittee shall obtain a National Pollutant Discharge Elimination System/State Disposal System Construction Stormwater Permit from the MPCA that provides for the development of a Stormwater Pollution Prevention Plan that describes methods to control erosion and runoff.

The Permittee shall implement reasonable measures to minimize erosion and sedimentation during construction and shall employ perimeter sediment controls, protect exposed soil by promptly planting, seeding, using erosion control blankets and turf reinforcement mats, stabilizing slopes, protecting storm drain inlets, protecting soil stockpiles, and controlling vehicle tracking. Contours shall be graded as required so that all surfaces provide for proper drainage, blend with the natural terrain, and are left in a condition that will facilitate re-vegetation and prevent erosion. All areas disturbed during construction of the Project shall be returned to pre-construction conditions.

4.3.12 Public Lands

In no case shall photovoltaic tracker rows and associated facilities including foundations, access roads, underground cable, and transformers, be located in the public lands identified in Minn. R. 7850.4400, subp. 1, or in federal waterfowl production areas. Photovoltaic tracker rows and associated facilities shall not be located in the public lands identified in Minn. R. 7850.4400, subp. 3, unless there is no feasible and prudent alternative.

4.3.13 Wetlands and Water Resources

The Permittee shall not place the solar energy generating system or associated facilities in public waters and public waters wetlands, as shown on the public water inventory maps prescribed by Minnesota Statutes Chapter 103G, except that electric collector or feeder lines may cross or be placed in public waters or public waters wetlands subject to permits and approvals by the Minnesota Department of Natural Resources (DNR) and the United States Army Corps of Engineers (USACE), and local units of government as implementers of the

Minnesota Wetlands Conservation Act. The Permittee shall locate the solar energy generating system and associated facilities in compliance with the standards for development of the shorelands of public waters as identified in Minn. R. 6120.3300, and as adopted, Minn. R. 6120.2800, unless there is no feasible and prudent alternative.

The Permittee shall construct in wetland areas during frozen ground conditions, to the extent feasible, to minimize impacts. When construction during winter is not possible, wooden or composite mats shall be used to protect wetland vegetation. The Permittee shall contain and manage soil excavated from the wetlands and riparian areas in accordance with all applicable wetland permits. The Permittee shall access wetlands and riparian areas using the shortest route possible in order to minimize travel through wetland areas and prevent unnecessary impacts.

The Permittee shall restore wetland and water resource areas disturbed by construction activities to pre-construction conditions in accordance with the requirements of applicable state and federal permits or laws and landowner agreements. The Permittee shall meet the USACE, DNR, Minnesota Board of Water and Soil Resources, and local government wetland and water resource requirements.

4.3.14 Native Prairie

The Permittee shall not place the solar energy generating system or associated facilities in native prairie, as defined in Minn. Stat. § 84.02, subd. 5, unless addressed in a prairie protection and management plan and not located in areas enrolled in the Native Prairie Bank Program. The Permittee shall not impact native prairie during construction activities, as defined in Minn. Stat. § 216E.01, unless addressed in a prairie protection and management plan.

The Permittee shall prepare a prairie protection and management plan in consultation with the DNR if native prairie, as defined in Minn. Stat. § 84.02, subd. 5, is identified within the Project Boundary. The Permittee shall file the prairie protection and management plan with the Commission at least 30 days prior to submitting the Site Plan required by Section 8.3 of this site permit. The prairie protection and management plan shall address steps that will be taken to avoid impacts to native prairie and mitigation to unavoidable impacts to native prairie by restoration or management of other native prairie areas that are in degraded condition, by conveyance of conservation easements, or by other means agreed to by the Permittee, the DNR, and the Commission.

4.3.15 Vegetation Removal

The Permittee shall disturb or clear vegetation within the Designated Site only to the extent necessary to assure the safe construction, operation, and maintenance of the Project. The

Permittee shall minimize the number of trees removed within the Designated Site specifically preserving to the maximum extent practicable windbreaks, shelterbelts, and living snow fences.

4.3.16 Beneficial Habitat

The Permittee shall implement site restoration and management practices that provide for native perennial vegetation and foraging habitat beneficial to gamebirds, songbirds, and pollinators; and that enhances soil water retention and reduces storm water runoff and erosion. To ensure continued management and recognition of beneficial habitat, the Permittee is encouraged to meet the standards for Minnesota's Habitat Friendly Solar Program by submitting project plans, seed mixes, a completed project planning assessment form, and any other applicable documentation used to meet the standard to the Board of Water and Soil Resources (BWSR). If the Permittee chooses to participate in Minnesota's Habitat-Friendly Solar Program, it shall file documents required to be filed with BWSR for meeting and maintaining Habitat Friendly Solar Certification with the Commission.

4.3.17 Application of Pesticides

The Permittee shall restrict pesticide use to those pesticides and methods of application approved by the MDA, DNR, and the U.S. Environmental Protection Agency (EPA). Selective foliage or basal application shall be used when practicable. All pesticides shall be applied in a safe and cautious manner so as not to damage adjacent properties including crops, orchards, tree farms, apiaries, or gardens. The Permittee shall contact the landowner at least 14 days prior to pesticide application on their property. The Permittee may not apply any pesticide if the landowner requests that there be no application of pesticides within the landowner's property. The Permittee shall provide notice of pesticide application to landowners and beekeepers operating known apiaries within three miles of the pesticide application area at least 14 days prior to such application. The Permittee shall keep pesticide communication and application records and provide them upon the request of Commission staff.

4.3.18 Invasive Species

The Permittee shall employ best management practices to avoid the potential introduction and spread of invasive species on lands disturbed by Project construction activities. The Permittee shall develop an Invasive Species Prevention Plan and file it with the Commission at least 14 days prior to the pre-construction meeting. The Permittee shall comply with the most recently filed Invasive Species Prevention Plan.

4.3.19 Noxious Weeds

The Permittee shall take all reasonable precautions against the spread of noxious weeds during all phases of construction. When utilizing seed to establish temporary and permanent vegetative cover on exposed soil the Permittee shall select site appropriate seed certified to be free of noxious weeds. To the extent possible, the Permittee shall use native seed mixes. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3.20 Roads

The Permittee shall advise the appropriate governing bodies having jurisdiction over all state, county, city, or township roads that will be used during the construction phase of the Project. Where practical, existing roadways shall be used for all activities associated with construction of the Project. Oversize or overweight loads associated with the Project shall not be hauled across public roads without required permits and approvals.

The Permittee shall locate all perimeter fencing and vegetative screening in a manner that does not interfere with routine road maintenance activities and allows for continued safe travel on public roads.

The Permittee shall construct the fewest number of site access roads required. Access roads shall not be constructed across streams and drainage ways without the required permits and approvals. Access roads shall be constructed in accordance with all necessary township, county or state road requirements and permits.

The Permittee shall promptly repair private roads or lanes damaged when moving equipment or when accessing construction workspace, unless otherwise negotiated with the affected landowner. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3.21 Archaeological and Historic Resources

The Permittee shall make every effort to avoid impacts to archaeological and historic resources when constructing the Project. In the event that a resource is encountered, the Permittee shall consult with the State Historic Preservation Office (SHPO) and the State Archaeologist. Where feasible, avoidance of the resource is required. Where not feasible, mitigation must include an effort to minimize Project impacts on the resource consistent with SHPO and State Archaeologist requirements.

Prior to construction, the Permittee shall train workers about the need to avoid cultural properties, how to identify cultural properties, and procedures to follow if undocumented cultural properties, including gravesites, are found during construction. If human remains are

encountered during construction, the Permittee shall immediately halt construction and promptly notify local law enforcement and the State Archaeologist. The Permittee shall not resume construction at such location until authorized by local law enforcement or the State Archaeologist. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3.22 Interference

If interference with radio or television, satellite, wireless internet, GPS-based agriculture navigation systems or other communication devices is caused by the presence or operation of the Project, the Permittee shall take whatever action is necessary to restore or provide reception equivalent to reception levels in the immediate area just prior to the construction of the Project. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3.23 Drainage Tiles

The Permittee shall avoid, promptly repair, or replace all drainage tiles broken or damaged during all phases of the Project's life unless otherwise negotiated with the affected landowner. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3.24 Restoration

The Permittee shall restore the areas affected by construction of the Project to the condition that existed immediately before construction began to the greatest extent possible. The time period to complete restoration may be no longer than 12 months after the completion of construction, unless otherwise negotiated with the affected landowner. Restoration shall be compatible with the safe operation, maintenance, and inspection of the Project. Within 60 days after completion of all restoration activities, the Permittee shall file with the Commission a Notice of Restoration Completion.

4.3.25 Cleanup

The Permittee shall remove and properly dispose of all construction waste and scrap from the right-of-way and all premises on which construction activities were conducted upon completion of each task. The Permittee shall remove and properly dispose of all personal litter, including bottles, cans, and paper from construction activities daily.

4.3.26 Pollution and Hazardous Wastes

The Permittee shall take all appropriate precautions to protect against pollution of the environment. The Permittee shall be responsible for compliance with all laws applicable to the generation, storage, transportation, clean up and disposal of all waste generated during construction and restoration of the Project.

4.3.27 Damages

The Permittee shall fairly restore or compensate landowners for damage to crops, fences, private roads and lanes, landscaping, drain tile, or other damage sustained during construction. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3.28 Public Safety

The Permittee shall provide educational materials to landowners within and adjacent to the Designated Site and, upon request, to interested persons about the Project and any restrictions or dangers associated with the Project. The Permittee shall also implement any necessary safety measures such as placing warning signs and gates for traffic control or restricting public access. The Permittee shall file with the Commission an affidavit of its public safety notifications at least 14 days before the pre-construction meeting.

The Permittee shall submit the location of all underground facilities, as defined in Minn. Stat. § 216D.01, subd. 11, to Gopher State One Call following the completion of the construction of the Project.

4.3.29 Site Identification

The Permittee shall mark the solar energy generating system with a clearly visible identification number and or street address.

4.3.30 Security Fencing

The Permittee shall design the security fence surrounding the solar energy generating system to minimize the visual impact of the Project while maintaining compliance with the National Electric Safety Code. The Permittee shall develop a final fence plan for the specific site in coordination with the Commission and the DNR. The final fence plan shall be submitted to the Commission as part of the Site Plan pursuant to Section 8.3.

4.4 Feeder Lines

The Permittee may use overhead or underground feeder lines to carry power from an internal Project interconnection point to the Project substation or interconnection point on the electrical grid. The Permittee shall place overhead and underground feeder lines that parallel public roads within the public right-of-way or on private land immediately adjacent to the road. The Permittee shall obtain approval from the landowner or government unit responsible for the affected right-of-way.

The Permittee shall locate feeder lines in such a manner as to minimize interference with agricultural operations including but not limited to existing drainage patterns, drain tile, future tiling plans, and ditches. The Permittee shall place safety shields on all guy wires associated with overhead feeder lines. The Permittee shall submit the engineering drawings of all collector and feeder lines with the Site Plan pursuant to Section 8.3.

4.5 Other Requirements

4.5.1 Safety Codes and Design Requirements

The Permittee shall design the solar energy generating system and associated facilities to meet or exceed all relevant local and state codes, the National Electric Safety Code, and North American Electric Reliability Corporation requirements. This includes standards relating to clearances to ground, clearance to crossing utilities, clearance to buildings, strength of materials, clearances over roadways, right-of-way widths, and permit requirements. The Permittee shall keep records of compliance with these standards and provide them upon the request of staff.

4.5.2 Other Permits and Regulations

The Permittee shall comply with all applicable state statutes and rules. The Permittee shall obtain all required permits for the Project and comply with the conditions of those permits unless those permits conflict with or are preempted by federal or state permits and regulations.

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission an Other Permits and Regulations Submittal that contains a detailed status of all permits, authorizations, and approvals that have been applied for specific to the Project. The Other Permits and Regulations Submittal shall also include the permitting agency name; the name of the permit, authorization, or approval being sought; contact person and contact information for the permitting agency or authority; brief description of why the permit, authorization, or approval is needed; application submittal date; and the date the permit, authorization, or approval was issued or is anticipated to be issued.

The Permittee shall demonstrate that it has obtained all necessary permits, authorizations, and approvals by filing an affidavit stating as such and an updated Other Permits and Regulations Submittal prior to commencing Project construction. The Permittee shall provide a copy of any such permits, authorizations, and approvals at the request of Commission staff.

5 SPECIAL CONDITIONS

The special conditions shall take precedence over other conditions of this permit should there be a conflict.

5.1 Lighting

The Permittee must use shielded and downward facing lighting and LED lighting that minimizes blue hue at the gate locations, BESS enclosures, and along fence lines. Downward facing lighting must be clearly visible on the plan and profile submitted for the Project.

5.2 Wildlife-Friendly Erosion Control

The Permittee shall use only “bio-netting” or “natural netting” types of erosion control materials and mulch products without synthetic (plastic) fiber additives.

5.3 Dust Control

The Permittee shall minimize and avoid, if possible, the use of chloride-based dust control chemicals (i.e., calcium chloride, magnesium chloride).

5.4 Visual Screening Plan

The Permittee shall develop a site-specific Visual Screening Plan. The Visual Screening Plan shall be designed and managed to mitigate visual impacts to adjacent residences. The Visual Screening Plan shall at a minimum include:

- (a) objectives for screening of nearby residences; and
- (b) a description of the types of trees and shrub species to be used, the location of plantings, and plans for installation, establishment, and maintenance.

The location of trees and shrubs included in the Visual Screening Plan that are located within the Permittee’s site control shall be included in the Site Plan filed under Section 8.3. The Permittee is required to maintain and ensure the successful growth, health, and maintenance of the vegetation for 3 years. At least 14 days prior to the pre-construction meeting, the Permittee shall file:

- (a) the Visual Screening Plan;
- (b) documentation of coordination with landowners adjacent to the project site; and

(c) an affidavit of its distribution of the Visual Screening Plan to landowners adjacent to the project site.

5.5 Pre-construction Noise Modeling and Impact Assessment

The Permittee shall file a noise impact assessment at least 14 days prior to the pre-construction meeting. The noise impact assessment shall summarize the results from noise propagation modeling that incorporates noise inputs from the selected equipment and the facility layout shown in the site plans required in Section 8.3 of this permit. The permittee shall file an updated noise impact assessment including any revisions to selected equipment or facility layout prior to any modifications to the facility over its operating life.

5.6 Post-construction Noise Studies and Noise Mitigation

The Permittee shall file a proposed methodology for the conduct of a post-construction noise study at least 14 days prior to the pre-construction meeting. The Permittee shall develop the post-construction noise study methodology in consultation with Commission staff. The Permittee must conduct the post-construction noise study and file with the Commission the completed post-construction noise study within 18 months of commencing commercial operation.

The BESS facilities and associated facilities shall be placed and operated such that the Permittee shall, at all times, comply with noise standards established by the MPCA. Operation of the facility shall be modified, or project components shall be removed from service if necessary to comply with these noise standards.

5.7 Noise Notification for Adjacent Residences During Construction

The Permittee shall provide notice to adjacent residences detailing when major noise-producing construction activities are planned to occur. The Permittee shall maintain a webpage identifying days, times and areas where construction crew will be doing pile driving during construction. The Permittee shall provide all neighboring landowners and the township a link to the website prior to construction and shall update the website frequently during construction to keep landowners informed where pile driving will be occurring.

5.8 Vegetation Management Plan

The Permittee shall develop a vegetation management plan (VMP), in coordination with the Commission, and the Vegetation Management Working Group (VMWG), using best management practices established by the DNR and BWSR. The Permittee shall file the VMP and documentation of the coordination efforts between the Permittee and the coordinating agencies with the Commission at least 14 days prior to the pre-construction meeting.

Landowner-specific vegetation requests resulting from individual consultation between the Company and a landowner need not be included in the VMP. The Permittee shall provide all landowners within the Designated Site copies of the VMP. The Permittee shall file with the Commission an affidavit of its distribution of the VMP to landowners at least 14 days prior to the pre-construction meeting.

The VMP must include the following:

- (a) management objectives addressing short term (year 0-5, seeding and establishment) and long term (year 5 through the life of the Project) goals;
- (b) a description of planned restoration and vegetation management activities, including how the site will be prepared, timing of activities, how seeding will occur (*e.g.*, broadcast, drilling, etc.), and the types of seed mixes to be used;
- (c) a description of how the site will be monitored and evaluated to meet management goals;
- (d) a description of the management tools used to maintain vegetation (*e.g.*, mowing, spot spraying, hand removal, fire, grazing, etc.), including the timing and frequency of maintenance activities;
- (e) identification of the third-party (*e.g.*, consultant, contractor, site manager, etc.) contracted for restoration, monitoring, and long-term vegetation management of the site;
- (f) identification of on-site noxious weeds and invasive species (native and non-native) and the monitoring and management practices to be utilized; and
- (g) a marked-up copy of the Site Plan showing how the site will be revegetated and that identifies the corresponding seed mixes.

Best management practices should be followed concerning seed mixes, seeding rates, and cover crops.

5.9 Agricultural Impact Mitigation Plan

At least 14 days prior to the pre-construction meeting, the Permittee shall develop an agricultural impact mitigation plan (AIMP) in coordination with the Minnesota Department of Agriculture. The plan shall detail methods to minimize soil compaction, preserve topsoil, control noxious weeds and invasive species, maintain the existing drainage conditions through appropriate maintenance and repair of existing drain tile, and establish and maintain appropriate vegetation to ensure the project is designed, constructed, operated and ultimately restored in a manner that would preserve soils to allow for the land to be returned to agricultural use.

5.10 Drain Tile

The Permittee shall develop a site-specific Drain Tile Reroute and Abandonment Plan (DTRAP). In addition to the requirements imposed by Standard Condition 4.3.25, shall obtain approval of its DTRAP to reroute and abandoned public drain tile from the Nobles County Drainage Authority Board. The Permittee shall file the DTRAP with the Commission at least 14 days prior to the pre-construction meeting. The Permittee shall adhere to the following requirements;

- (a) Damage done to drain tile will be repaired immediately by a contractor, based in Nobles County, that is mutually agreed on prior to the pre-construction meeting by the Permittee and the Nobles County Drainage Authority Board;
- (b) Permittees will use a third party to conduct a survey for drain tile within and adjacent to the Site using methods agreed upon with the Nobles County Drainage Authority Board. The results of this survey shall be filed with the Commission at least 14 days prior to the pre-construction meeting;
- (c) Any private drain tile that is disconnected from county drain tile must be reconnected to the county drain tile following relocation; and
- (d) The Permittee shall provide evidence of outreach and correspondence with participating and adjacent landowners to obtain maps of private drain tile within and bordering the Site.

5.11 Unanticipated Discoveries Plan

The Permittee shall develop an Unanticipated Discoveries Plan (UDP) to be used in the event previously unrecorded archeological or historic properties, or human remains, are encountered during construction, or if unanticipated effects to previously identified archaeological or historic properties occur during construction. The UDP shall describe how previously unrecorded cultural resources or human remains found during construction shall be protected and examined. The Permittee shall file the UDP with the Commission at least 14 days prior to the pre-construction meeting.

5.12 Battery Augmentation

The Permittee shall notify the Commission of scheduled augmentation at least 30 days prior to commencing augmentation activities. In its filing, the Permittee shall describe the number and types of batteries included in the augmentation. The Permittee shall indicate the location of the augmentation on the project Site Plan. In its filing the Permittee shall demonstrate compliance with the noise impact assessment submitted to the Commission as required in Section 5.2 of this permit.

5.13 Offtake Agreement

In the event the Permittee does not have an offtake agreement, or some other enforceable mechanism for sale of energy capacity provided by the Project at the time this site permit is issued, the Permittee shall provide notice to the Commission when it obtains a commitment for the energy capacity. This site permit does not authorize construction of the Project until the Permittee has obtained an offtake agreement, or some other enforceable mechanism for energy capacity provided by the Project. In the event the Permittee does not obtain an offtake agreement or some other enforceable mechanism for the energy capacity provided by the Project within four years of the issuance of this site permit, the Permittee must advise the Commission of the reason for not having such commitment. In such event, the Commission may determine whether this site permit should be amended or revoked. No amendment or revocation of this site permit may be undertaken except in accordance with Minn. Stat. § 216I.09 or Minn. Stat. § 216I.14.

5.14 Hazard Mitigation Analysis

The Permittee shall file a Hazard Mitigation Analysis detailing the results of the equipment testing, and the risks associated with the technology, along with an affidavit of distribution of the Hazard Mitigation analysis to emergency responders with jurisdiction over the project, at least 30 days prior to the pre-construction meeting

5.15 Local Firefighter Training

The Permittee shall provide regular training on battery technology used in the BESS and associated facility technology for local firefighting crews and emergency services personnel. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

5.16 Annual Report

The Permittee shall, by February 1st following each complete or partial year of Project operation, file a report with the Commission on the monthly availability of the facility including:

- (a) the installed nameplate capacity of the permitted facility;
- (b) the monthly and annual availability of the facility;
- (c) the operational status of the facility and any major outages, major repairs, incidents that required an emergency response, battery augmentation, or performance improvements occurring in the previous year; and
- (d) any other information reasonably requested by the Commission.

The Permittee shall file this information in a format recommended by the Commission. This information shall be considered public and must be filed electronically.

5.17 State Listed Species

The Permittee will comply with applicable Minnesota Department of Natural Resources requirements related to state-listed endangered and threatened species in accordance with Minnesota's Endangered Species Statute (Minnesota Statutes, section 84.0895) and associated Rules (Minnesota Rules, part 6212.1800 to 6212.2300 and 6134). The Permittee shall keep records of compliance with this section and provide them upon the request of EIP staff.

6 DELAY IN CONSTRUCTION

If the Permittee has not commenced construction or improvement of the site within four years after the date of issuance of this site permit the Permittee shall file a Failure to Construct Report and the Commission shall consider suspension of this site permit in accordance with Minn. R. 7850.4700.

7 COMPLAINT PROCEDURES

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission the complaint procedures that will be used to receive and respond to complaints. The complaint procedures shall be in accordance with the requirements of Minn. R. 7829.1500 or Minn. R. 7829.1700, and as set forth in the complaint procedures attached to this site permit.

Upon request, the Permittee shall assist Commission staff with the disposition of unresolved or longstanding complaints. This assistance shall include, but is not limited to, the submittal of complaint correspondence and complaint resolution efforts.

8 COMPLIANCE REQUIREMENTS

Failure to timely and properly make compliance filings required by this site permit is a failure to comply with the conditions of this site permit. Compliance filings must be electronically filed with the Commission.

8.1 Pre-Construction Meeting

Prior to the start of construction, the Permittee shall participate in a pre-construction meeting with Commission staff to review pre-construction filing requirements, scheduling, and to coordinate monitoring of construction and site restoration activities. Within 14 days following the pre-construction meeting, the Permittee shall file with the Commission a summary of the topics reviewed and discussed and a list of attendees. The Permittee shall indicate in the filing the anticipated construction start date.

8.2 Pre-Operation Meeting

At least 14 days prior to commercial operation of the Project, the Permittee shall participate in a pre-operation meeting with Commission staff to coordinate field monitoring of operation activities for the Project. Within 14 days following the pre-operation meeting, the Permittee shall file a summary of the topics reviewed and discussed and a list of attendees with the Commission.

8.3 Site Plan

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission and the counties where the Project will be constructed with a Site Plan that includes specifications and drawings for site preparation and grading; specifications and locations of the energy storage system and associated facilities; and procedures for cleanup and restoration. The documentation shall include maps depicting the Designated Site, energy storage system, and associated facilities layout in relation to that approved by this site permit.

The Permittee may not commence construction until the earlier of (i) 30 days after the pre-construction meeting or (ii) or until the Commission staff has notified the Permittee in writing that it has completed its review of the documents and determined that the planned construction is consistent with this site permit.

If the Commission notifies the Permittee in writing within 30 days after the pre-construction meeting that it has completed its review of the documents and planned construction, and finds that the planned construction is not consistent with this site permit, the Permittee may submit additional and/or revised documentation and may not commence construction until the Commission has notified the Permittee in writing that it has determined that the planned construction is consistent with this site permit.

If the Permittee intends to make any significant changes in its Site Plan or the specifications and drawings after submission to the Commission, the Permittee shall notify the Commission and county staff at least five days before implementing the changes. No changes shall be made that would be in violation of any of the terms of this site permit.

8.4 Status Reports

The Permittee shall file with the Commission monthly Construction Status Reports beginning with the pre-construction meeting and until completion of restoration. Construction Status Reports shall describe construction activities and progress, activities undertaken in compliance with this site permit, and shall include text and photographs.

If the Permittee does not commence construction of the Project within six months of this site permit issuance, the Permittee shall file with the Commission Pre-Construction Status Reports on the anticipated timing of construction every six months beginning with the issuance of this site permit until the pre-construction meeting. The status updates shall include information on the Project's Midcontinent Independent System Operator (MISO) interconnection process, if applicable.

8.5 Labor Statistic Reporting

The Permittee shall file quarterly Labor Statistic Reports with the Commission within 45 days of the end of the quarter regarding construction workers that participated in the construction of the Project. The Labor Statistic Reports shall:

- (a) detail the Permittee's efforts and the site contractor's efforts to hire Minnesota workers; and
- (b) provide an account of:
 - i. the gross number of hours worked by or full-time equivalent workers who are Minnesota residents, as defined in Minn. Stat. § 290.01, subd. 7;
 - ii. the gross number of hours worked by or full-time equivalent workers who are residents of other states, but maintain a permanent residence within 150 miles of the Project; and
 - iii. the total gross hours worked or total full-time equivalent workers.

The Permittee shall work with its contractor to determine the suitable reporting metric. The report may not include personally identifiable data.

8.6 Prevailing Wage

The Permittee, its contractors, and subcontractors shall pay no less than the prevailing wage rate as defined in Minn. Stat. § 177.42 and shall be subject to the requirements and enforcement provisions under Minn. Stat. §§ 177.27, 177.30, 177.32, 177.41 to 177.435, and 177.45. The Permittee shall keep records of contractor and subcontractor pay and provide them at the request of Commission staff.

8.7 In-Service Date

At least three days before the Project is to be placed into service, the Permittee shall notify the Commission of the date on which the Project will be placed into service and the date on which construction was completed.

8.8 As-Builts

Within 90 days after completion of construction, the Permittee shall submit to the Commission copies of all final as-built plans and specifications developed during the Project construction.

8.9 GPS Data

Within 90 days after completion of construction, the Permittee shall submit to the Commission, in the format requested by the Commission, geo-spatial information (*e.g.*, ArcGIS compatible map files, GPS coordinates, associated database of characteristics) for all structures associated with the Project.

8.10 Right of Entry

The Permittee shall allow Commission designated representatives to perform the following, upon reasonable notice, upon presentation of credentials and at all times in compliance with the Permittee's site safety standards:

- (a) To enter upon the facilities easement of the property for the purpose of obtaining information, examining records, and conducting surveys or investigations.
- (b) To bring such equipment upon the facilities easement of the property as is necessary to conduct such surveys and investigations.
- (c) To sample and monitor upon the facilities easement of the property.
To examine and copy any documents pertaining to compliance with the conditions of this site permit.

8.11 Emergency Response

The Permittee shall prepare an Emergency Response Plan (ERP) in consultation with the emergency responders having jurisdiction over the Project prior to construction. The Permittee shall file the ERP, along with any comments from emergency responders to the Commission at least 14 days prior to the pre-construction meeting and a revised ERP, if any, at least 14 days prior to the pre-operation meeting. At least 14 days prior to the pre-operation meeting the Permittee shall file with the Commission an affidavit of the distribution of the ERP to emergency responders and Public Safety Answering Points (PSAP) with jurisdiction over the Project. The Permittee shall obtain and register the Project address or other location indicators acceptable to the emergency responders and PSAP having jurisdiction over the Project.

8.12 Extraordinary Events

Within 24 hours of discovery of an occurrence, the Permittee shall notify the Commission of any extraordinary event. Extraordinary events include but shall not be limited to fires, acts of

sabotage, collector or feeder line failure, and injured worker or private person. The Permittee shall, within 30 days of the occurrence, file a report with the Commission describing the cause of the occurrence and the steps taken to avoid future occurrences.

8.13 Wildlife Injuries and Fatalities

The Permittee shall report any wildlife injuries and fatalities to the Commission quarterly.

9 DECOMMISSIONING AND RESTORATION

9.1 Decommissioning Plan

The Permittee shall comply with the provisions of the most recently filed and accepted Decommissioning Plan. The initial version of the Decommissioning Plan was submitted for this Project as Appendix G of the joint site permit application. The Permittee shall file an updated Decommissioning Plan incorporating comments and information from the permit application process and any updates associated with the final construction plans with the Commission at least fourteen 14 days prior to the pre-construction meeting. The Permittee shall update and file the Decommissioning Plan with the Commission every five years following the commercial operation date.

The Decommissioning Plan shall provide information identifying all surety and financial securities established for decommissioning and site restoration. The Decommissioning Plan shall provide an itemized breakdown of costs of decommissioning all Project components, which shall include labor and equipment.

The Permittee shall also submit the Decommissioning Plan to the local unit of government having direct zoning authority over the area in which the Project is located. The Permittee shall ensure that it carries out its obligations to provide for the resources necessary to fulfill its requirements to properly decommission the Project at the appropriate time. The Commission may at any time request the Permittee to file a report with the Commission describing how the Permittee is fulfilling this obligation.

9.2 Site Final Restoration

Upon expiration of this site permit or upon termination of operation of the Project, the Permittee shall have the obligation to dismantle and remove from the site all Project components in accordance with the most recently filed and accepted decommissioning plan. To the extent feasible, the Permittee shall restore and reclaim the site to pre-project conditions. Landowners may require the site be returned to agricultural production or may retain restored prairie vegetation, or other land uses as agreed to between the landowner and the Permittee.

All access roads shall be removed unless written approval is given by the affected landowner requesting that one or more roads, or portions thereof, be retained. All such agreements between the Permittee and the affected landowner shall be filed with the Commission prior to commencing restoration activities. The Permittee shall restore the site in accordance with the requirements of this condition and file a Notification of Final Restoration Completion to the Commission within 18 months of termination of operation of the Project.

10 COMMISSION AUTHORITY AFTER SITE PERMIT ISSUANCE

10.1 Expansion of Designated Site Boundaries

No expansion of the site boundary described in this site permit shall be authorized without the approval of the Commission. The Permittee may submit to the Commission a request for a change in the boundary of the site for the Project. The Commission will respond to the requested change in accordance with applicable statutes and rules.

10.2 Periodic Review

The Commission shall initiate a review of this site permit and the applicable conditions at least once every five years. The purpose of the periodic review is to allow the Commission, the Permittee, and other interested persons an opportunity to consider modifications in the conditions of this site permit. No modification may be made except in accordance with applicable statutes and rules.

10.3 Modification of Conditions

After notice and opportunity for hearing this site permit may be modified or amended for cause, including but not limited to the following:

- (a) violation of any condition in this permit;
- (b) endangerment of human health or the environment by operation of the Project; or
- (c) existence of other grounds established by rule.

10.4 More Stringent Rules

The issuance of this site permit does not prevent the future adoption by the Commission of rules or orders more stringent than those now in existence and does not prevent the enforcement of these more stringent rules and orders against the Permittee.

11 SITE PERMIT AMENDMENT

This site permit may be amended at any time by the Commission. Any person may request an amendment of the conditions of this site permit by submitting a request to the Commission in writing describing the amendment sought and the reasons for the amendment. The Commission will mail notice of receipt of the request to the Permittee. The Commission may amend the conditions after affording the Permittee and interested persons such process as is required under Minn. R. 7850.4900.

12 TRANSFER OF SITE PERMIT

The Permittee may request at any time that the Commission transfer this site permit to another person or entity (transferee). In its request, the Permittee must provide the Commission with:

- (a) the name and description of the transferee;
- (b) the reasons for the transfer;
- (c) a description of the facilities affected; and
- (d) the proposed effective date of the transfer.

The transferee must provide the Commission with a certification that it has read, understands and is able to comply with the plans and procedures filed for the Project and all conditions of this site permit.

The transferee must provide the Commission with the name and contact information for the site manager, as described in Section 4.3.2, and either a current version with eDocket reference, or a revised version of the following:

- (a) complaint procedures, as described in Section 7 and Attachment 1;
- (b) ERP, as described in Section 8.12; and
- (c) Decommissioning Plan, as described in Section 9.1.

The Commission may authorize transfer of the site permit after affording the Permittee, the transferee, and interested persons such process as is required under Minn. R. 7850.5000.

13 REVOCATION OR SUSPENSION OF SITE PERMIT

The Commission may initiate action to revoke or suspend this site permit at any time. The Commission shall act in accordance with the requirements of Minn. R. 7850.5100, to revoke or suspend this site permit.

14 EXPIRATION DATE

This site permit shall expire 30 years after the date this site permit was approved and adopted.

ATTACHMENT 1

Complaint Handling Procedures for Permitted Energy Facilities

**MINNESOTA PUBLIC UTILITIES COMMISSION
COMPLAINT HANDLING PROCEDURES FOR
PERMITTED ENERGY FACILITIES**

A. Purpose

To establish a uniform and timely method of reporting and resolving complaints received by the permittee concerning permit conditions for site or route preparation, construction, cleanup, restoration, operation, and maintenance.

B. Scope

This document describes complaint reporting procedures and frequency.

C. Applicability

The procedures shall be used for all complaints received by the **permittee** and all complaints received by the Minnesota Public Utilities Commission (Commission) under Minn. R. 7829.1500 or Minn. R. 7829.1700 relevant to this permit.

D. Definitions

Complaint: A verbal or written statement presented to the permittee by a person expressing dissatisfaction or concern regarding site or route preparation, cleanup or restoration, or other permit conditions. Complaints do not include requests, inquiries, questions or general comments.

Substantial Complaint: A written complaint alleging a violation of a specific permit condition that, if substantiated, could result in permit modification or suspension pursuant to the applicable regulations.

Unresolved Complaint: A complaint which, despite the good faith efforts of the permittee and a person, remains unresolved or unsatisfactorily resolved to one or both of the parties.

Person: An individual, partnership, joint venture, private or public corporation, association, firm, public service company, cooperative, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private; however organized.

E. Complaint Documentation and Processing

1. The permittee shall designate a representative responsible for filing complaints to the Commission's eDocket system. This person's name, phone number and email address shall accompany all complaint submittals. The name and contact information for the representative shall be kept current in eDockets.
2. A person presenting the complaint should, to the extent possible, include the following information in their communications:
 - a. name, address, phone number, and email address;
 - b. initial date of the complaint;
 - c. tract, parcel number, or address of the complaint;
 - d. a summary of the complaint; and
 - e. whether the complaint relates to a permit violation, a construction practice issue, or other type of complaint.
3. The permittee shall document all complaints by maintaining a record of all applicable information concerning the complaint, including the following:
 - a. docket number and project name;
 - b. name of complainant, address, phone number and email address;
 - c. precise description of property or parcel number;
 - d. name of permittee representative receiving complaint and date of receipt;
 - e. nature of complaint and the applicable permit condition(s);
 - f. summary of activities undertaken to resolve the complaint; and
 - g. a statement on the final disposition of the complaint.

F. Reporting Requirements

The permittee shall commence complaint reporting at the beginning of project construction and continue through the term of the permit, unless otherwise required below. The permittee shall report all complaints to the Commission according to the following schedule:

Immediate Reports: All substantial complaints shall be reported to the Commission the same day received, or on the following working day for complaints received after working hours. Such reports are to be directed to the Commission's Consumer Affairs Office at 1-800-657-3782 (voice messages are acceptable) or consumer.puc@state.mn.us. For e-mail reporting, the email

subject line should read “PUC EIP Complaint” and include the appropriate project docket number.

Monthly Reports: During project construction, restoration, and operation, a summary of all complaints, including substantial complaints received or resolved during the preceding month, shall be filed by the 15th of each month to the eDockets system. The eDockets system is located at: <https://efiling.web.commerce.state.mn.us/> . If no complaints were received during the preceding month, the permittee shall file a summary indicating that no complaints were received.

If, once the project begins operating, a project has submitted twelve consecutive months of complaint reports with no complaints, monthly reports can terminate by a letter to eDockets notifying the Commission of such action. If a substantial complaint is received (by the company or the Commission) following termination of the monthly complaint report, as noted above, the monthly reporting should commence for a period of six months following the most recent complaint or upon resolution of all pending complaints.

If a permittee is found to be in violation of this section, the Commission may reinstate monthly complaint reporting for the remaining permit term or enact some other commensurate requirement via notification by the Executive Secretary or some other action as decided by the Commission.

G. Complaints Received by the Commission

Complaints received directly by the Commission from aggrieved persons regarding the permit or issues related to site or route preparation, construction, cleanup, restoration, or operation and maintenance will be promptly sent to the permittee.

The permittee shall notify the Commission when the issue has been resolved. The permittee will add the complaint to the monthly reports of all complaints. If the permittee is unable to find resolution, the Commission will use the process outlined in the Unresolved Complaints Section to process the issue.

H. Commission Process for Unresolved Complaints

Complaints raising substantial and unresolved permit issues will be investigated by the Commission. Staff will notify the permittee and appropriate people if it determines that the complaint is a substantial complaint. With respect to such complaints, the permittee and

complainant shall be required to submit a written summary of the complaint and its current position on the issues to the Commission. Staff will set a deadline for comments. As necessary, the complaint will be presented to the Commission for consideration.

I. Permittee Contacts for Complaints and Complaint Reporting

Complaints may be filed by mail or email to the permittee's designated complaint representative, or to the Commission's Consumer Affairs Office at 1-800-657-3782 or consumer.puc@state.mn.us. The name and contact information for the permittee's designated complaint representative shall be kept current in the Commission's eDocket system.

ATTACHMENT 2

Compliance Filing Procedures for Permitted Energy Facilities

**MINNESOTA PUBLIC UTILITIES COMMISSION
COMPLIANCE FILING PROCEDURE FOR
PERMITTED ENERGY FACILITIES**

A. Purpose

To establish a uniform and timely method of submitting information required by Commission energy facility permits.

B. Scope and Applicability

This procedure encompasses all known compliance filings required by permit.

C. Definitions

Compliance Filing: A filing of information to the Commission, where the information is required by a Commission site or route permit.

D. Responsibilities

1. The permittee shall file all compliance filings with Will Seuffert, Executive Secretary, Public Utilities Commission, through the eDockets system. The eDockets system is located at:
<https://www.edockets.state.mn.us/EFiling/home.jsp>

General instructions are provided on the eDockets website. Permittees must register on the website to file documents.

2. All filings must have a cover sheet that includes:
 - a. Date
 - b. Name of submitter/permittee
 - c. Type of permit (site or route)
 - d. Project location
 - e. Project docket number
 - f. Permit section under which the filing is made
 - g. Short description of the filing

3. Filings that are graphic intensive (e.g., maps, engineered drawings) must, in addition to being electronically filed, be submitted as paper copies and on CD. Paper copies and CDs should be sent to: 1) Will Seuffert, Executive Secretary, Minnesota Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, MN 55101-2147, and 2) Department of Commerce, Energy Environmental Review and Analysis, 85 7th Place East, Suite 500, St. Paul, MN 55101-2198.

The Commission may request a paper copy of any electronically filed document.

PERMIT COMPLIANCE FILINGS¹

PERMITTEE: Summit Lake Storage, LLC

PERMIT TYPE: Storage Siting

PROJECT LOCATION: Nobles County

PUC DOCKET NUMBER: IP7153/ESS-25-88

Filing Number	Permit Section	Description of Compliance Filing	Due Date
	2.1	Project Ownership	14 days prior to pre-construction
	4.1	Site Permit Distribution	30 days before permit issuance
	4.3.1	Field Representative	14 days prior to pre-construction
	4.3.2	Site Manager	14 days prior to pre-construction
	4.3.14	Native Prairie	30 days prior to submitting Site Plan
	4.3.18	Invasive Species	14 days prior to pre-construction
	4.3.24	Restoration	Within 60 days of completion
	4.3.28	Public Safety	14 days prior to pre-construction
	4.5.2	Other Permits and Regulations	14 days prior to pre-construction

¹ This compilation of permit compliance filings is provided for the convenience of the permittee and the Commission. It is not a substitute for the permit; the language of the permit controls.

Filing Number	Permit Section	Description of Compliance Filing	Due Date
	5.4	Visual Screening	14 days prior to pre-construction
	5.5	Preconstruction Noise Modeling	14 days prior to pre-construction
	5.6	Postconstruction Noise Modeling	14 days prior to pre-construction
	5.8	Vegetation Management Plan	14 days prior to pre-construction
	5.9	Agricultural Impact Mitigation Plan	14 days prior to pre-construction
	5.10	Drain Tile	14 days prior to pre-construction
	5.11	Unanticipated Discoveries	14 days prior to pre-construction
	5.12	Battery Augmentation	30 days prior to commencing augmentation
	5.14	Hazard Mitigation Analysis	30 days prior to preconstruction meeting
	7	Compliant Procedures	14 days prior to pre-construction
	8.1	Pre-Construction Meeting	14 days following pre-construction meeting
	8.2	Pre-Operation Meeting	14 days prior to pre-construction

Filing Number	Permit Section	Description of Compliance Filing	Due Date
	8.3	Site Plan	14 days prior to pre-construction
	8.5	Labor Statistics Reporting	Within 45 days of the end of the quarter
	8.8	As-Builts	Within 90 days after completion of construction
	8.9	GPS Data	Within 90 days after completion of construction
	8.11	Emergency Response	14 days prior to pre-construction
	8.12	Extraordinary Events	Within 24 hours of discovery
	8.13	Wildlife Injuries and Fatalities	Quarterly
	9.1	Decommissioning Plan	14 days prior to pre-construction
	9.2	Site Final Restoration	Within 18 months of termination of operation of project

ATTACHMENT 3
BESS Site Map

