

Minnesota Public Utilities Commission

Staff Briefing Papers

Meeting Date: March 31, 2016Agenda Item **6

Company: North Star Solar PV LLC

Docket No. IP-6943/GS-15-33

In the Matter of the Combined Application of North Star Solar PV LLC for a Site Permit and Route Permit for the North Star Solar Electric Power Generating Plant and Associated 115 kV High-Voltage Transmission Line in Chisago County, Minnesota

Issue: Should the Commission reconsider its February 16, 2016 Order Granting Site and Route Permits with Conditions?

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Relevant Documents

Order Granting Site and Route Permits with Conditions..... February 16, 2016
Landowner Petition for Reconsideration March 1, 2016
North Star Reply to Petition for Reconsideration March 8, 2016

Attachments

Official Site Map from Permit
Official Route Map from Permit

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

I. STATEMENT OF THE ISSUES

Should the Commission reconsider its February 16, 2016 Order Granting Site and Route Permits with Conditions?

II. STATUTES AND RULES

Under Minn. Stat. § 216B.27 and Minn. R. 7829.3000:

- A party or a person aggrieved and directly affected by a Commission decision or order may file a petition for reconsideration within 20 days of the date the decision or order is issued. Other parties to the proceeding may file answers to the petition within 10 days of filing the petition. Replies to answers are not permitted unless specifically authorized by the Commission.
- A petition for rehearing, amendment, vacation, reconsideration, or reargument must set forth specifically the grounds relied upon or errors claimed on which the Commission's decision is unlawful or unreasonable.
- The Commission has the authority to decide a petition for reconsideration with or without a hearing or oral argument. The Commission may reverse, change, modify, or suspend its original decision if it finds its decision unlawful or unreasonable.
- Any application for rehearing or reconsideration not granted within 60 days from the date of filing shall be deemed denied.
- A second petition for rehearing of a Commission decision or order by the same party or parties and upon the same grounds as a former petition that has been considered and denied will not be entertained.
- No order of the Commission shall become effective while a petition for a reconsideration is pending and until ten days after the application for a rehearing is either denied, expressly or by implication, or the Commission has announced its final determination on rehearing.

Under Minn. Stat. § 216B.25, the Commission may at any time, on its own motion or upon motion of an interested party, and upon notice to the public utility and after opportunity to be heard, rescind, alter, or amend any order fixing rates, tolls, charges, or schedules, or any other order made by the Commission, and may reopen any case following the issuance of an order

therein, for the taking of further evidence or for any other reason. Any order rescinding, altering, amending, or reopening a prior order shall have the same effect as an original order.

III. PROCEDURAL HISTORY

On January 20, 2016, the issue of whether to grant a site permit and a route permit for the North Star Solar Electric Power Generating Plant and associated high-voltage transmission line in Chisago County (North Star Solar Project) was before the Commission. Four Commissioners were present that day (Heydinger, Lang, Lipshultz, and Tuma).¹

On February 16, 2016, the Commission issued an Order Granting Site and Route Permits with Conditions that granted a site permit and a route permit for the North Star Solar Project.

On March 1, 2016, a petition for reconsideration of the Commission's February 16 Order in this matter was filed by several residents living along 367th Street which is adjacent to the southern boundary of the project in Sunrise Township, Chisago County.²

On March 8, 2016, North Star Solar PN LLC (North Star) filed a response to the landowners' petition for reconsideration.

IV. LANDOWNER PETITION FOR RECONSIDERATION

The petition filed by several landowners adjacent to the solar facility boundaries requested that the Commission reconsider its decision to issue a site permit and route permit for the North Star Solar Project. The petition stated that the landowners are against the Commission's:

- Adoption of the administrative law judge's findings of fact, conclusions of law, and recommendation;
- Finding that the environmental assessment and the record created at the public hearing adequately addressed the issues identified in the scoping decision; and
- Granting of a site permit and route permit for the North Star Solar Project.

The petition cited several reasons for the requested reconsideration, namely, the cumulative impacts from multiple proposed solar facilities (i.e., Geronimo and Aurora), and being surrounded by solar facilities on more than one side of their respective properties. The petition also identified several other issues that the landowners argue were not considered by the Commission when making its decision such as: loss of home value, displacement, noise,

¹ See December 17, 2015 Agenda Meeting Minutes (February 19, 2016), Document ID [20162-118510-03](#).

² The petition included the following resident names: Patrice and Bob Zangs; Paul and Miesha Carpenter; Glen and Lori Anderson; Mark and Jill Bossard; Rick and Cheryl Ramburg; and Tina and Fred Carey.

aesthetics, cultural values and natural surroundings, public safety, air quality, soil and groundwater, and recreation.³

V. NORTH STAR RESPONSE TO PETITION FOR RECONSIDERATION

In its response, North Star requested that the Commission deny the petition for reconsideration. North Star asserted that the petition did not raise new issues or new arguments. North Star pointed out that: 1) several of the petitioners participated in the review process and provided multiple comments that were considered in the record, 2) the record benefited from participation by a number of federal, state, and local government units, and 3) the issues identified in the petition were addressed in the environmental assessment (EA) and the administrative law judge's report.

VI. STAFF DISCUSSION

Based on its review, staff believes the Commission's decisions in this matter are consistent with the facts, the law, and public interest. The petition for reconsideration did not raise new issues, did not point to new and relevant evidence, and did not disclose mistakes or uncertainties in the Commission's February 16, 2016 Order Granting Site and Route Permits with Conditions. The issues raised by the landowners in the petition were addressed in the record of the proceedings and were considered by the administrative law judge in its report, and by the Commission when making its decision to grant the site and route permits.

For example, the cumulative impacts of the 45 megawatt Geronimo Sunrise Solar Garden Project under the permitting jurisdiction of Chisago County was considered at the onset of the proceedings. At the urging of Chisago County, buffer screening was required in order to minimize potential visual impacts from the solar project via landscape and vegetation management plans.⁴ The other issues identified in the petition were also addressed and considered in the record of the proceedings:

- Property Values: Finding 67, 93, 94, 95, 98, 104, 105, 248, 249; EA p. 39-40
- Displacement: Findings 115-121; EA p. 41, 71
- Noise: Findings 122-129; EA p. 42-43
- Aesthetics: Findings 130-140; EA p. 43-47, 71
- Cultural Values and Natural Environment: Findings 141-142, 220-226, 246-251 EA p. 57-59, 59-68, 72
- Public Safety and Electric and Magnetic Fields: Findings 157-163; EA p. 47-50

³ Staff provides only a summary of the issues cited in the petition. The petition provides greater detail of the issues.

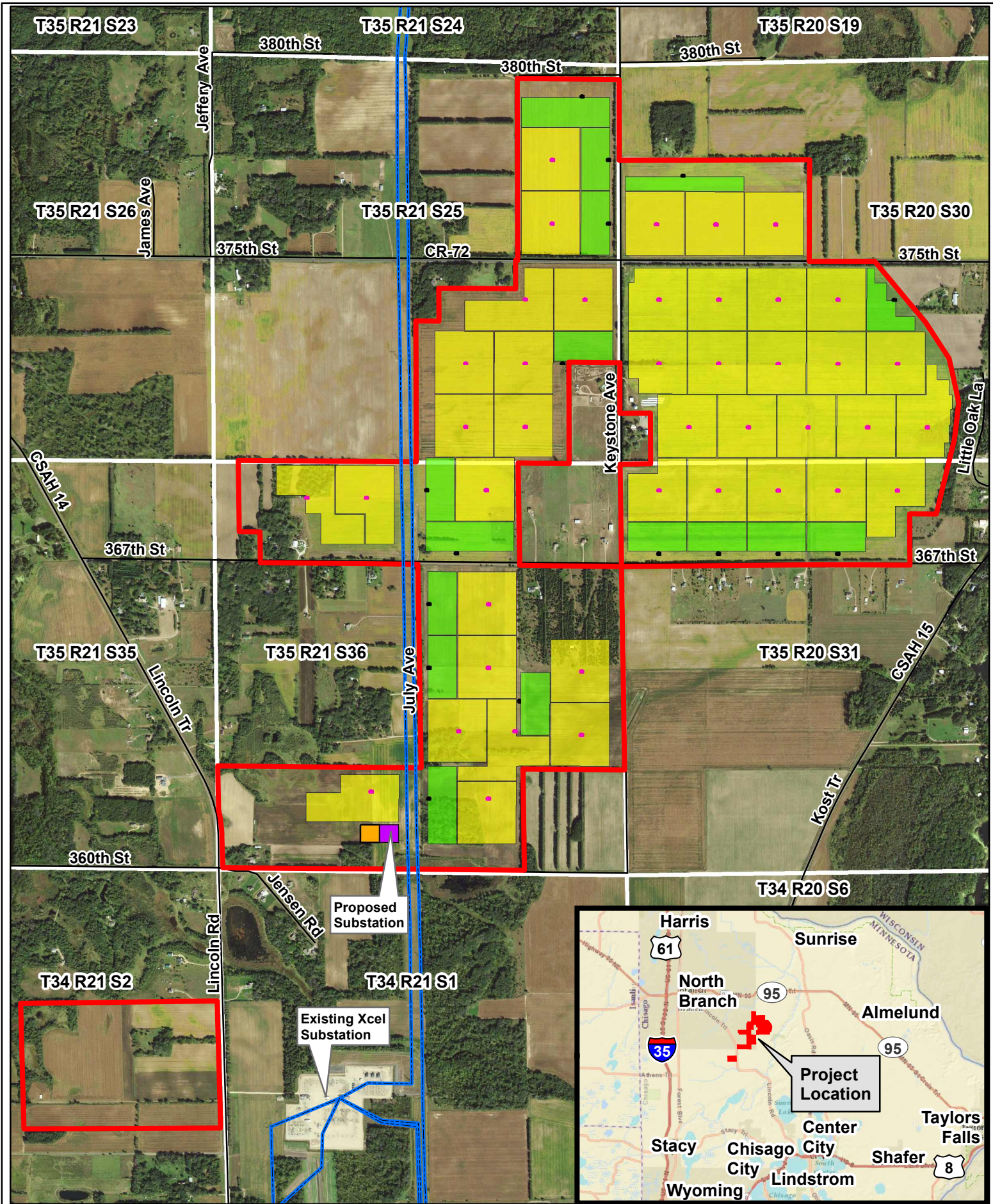
⁴ See Finding 94, 98, 201, 138, 139, 140, and 251 that also provide further citation to relevant documents in the record.

- Air Quality: Findings 183-186; EA p. 60
- Soils and Groundwater: Findings 187-192; EA p. 60-61
- Recreation: Findings 143-146; EA p. 51-52, 70

COMMISSION DECISION ALTERNATIVES

A. Petitions for Reconsideration

1. Grant the petition for reconsideration of the February 16, 2016 Order.
2. Deny the petition for reconsideration of the February 16, 2016 Order.
3. Take some other action deemed appropriate.

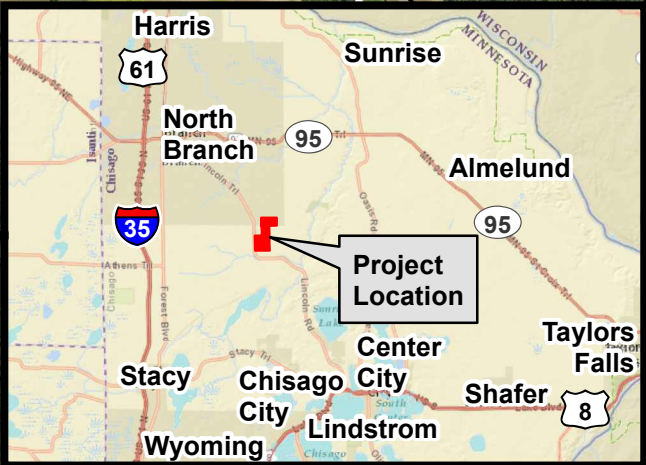
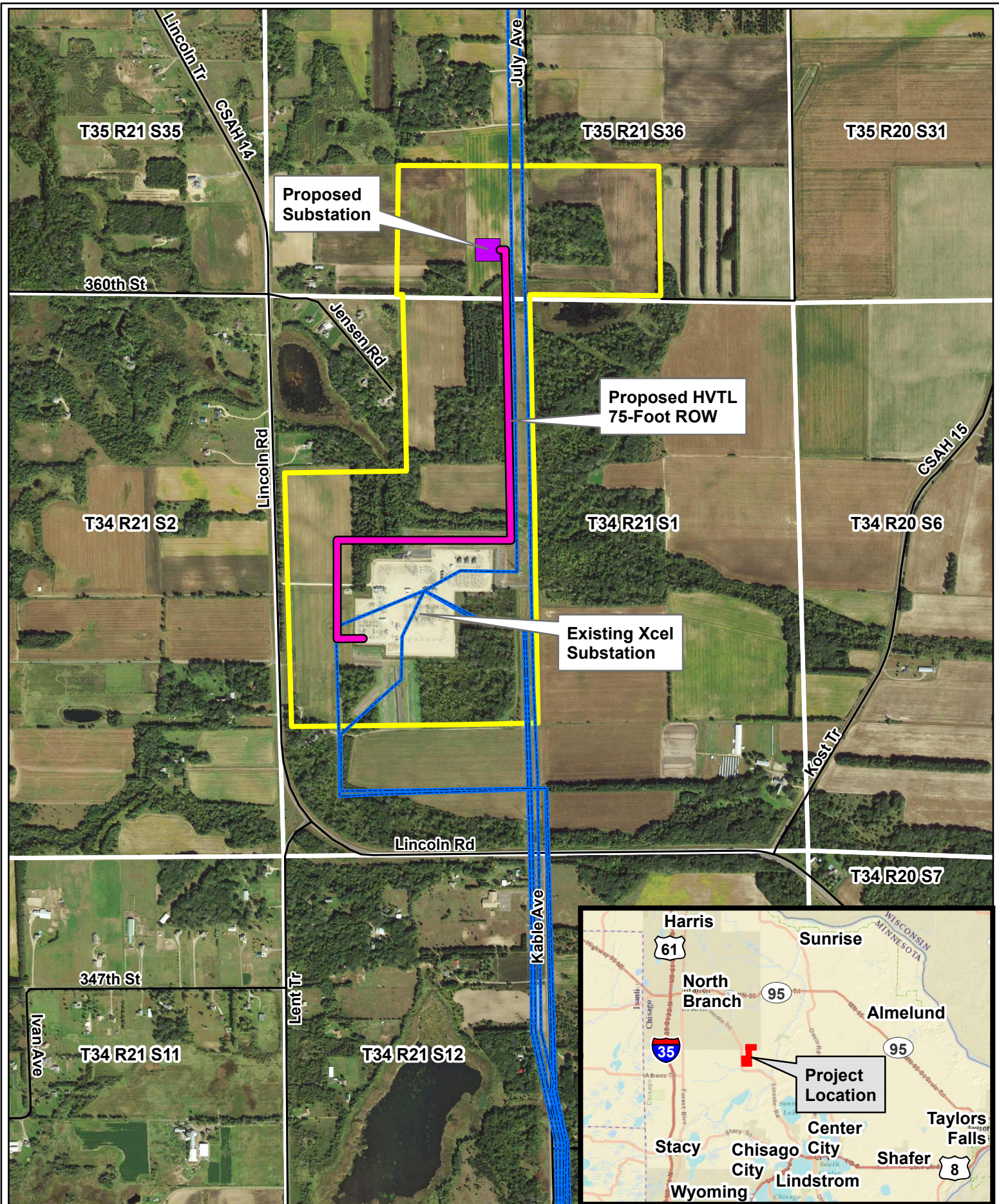


Data Source(s): Data and map are approximate. MNDOT Basemap (2014); Chisago County GIS (2015); ESRI (2012); ESRI Online Basemap Service (2015); Minnesota NAIP Imagery (2015); North Star Solar PV, LLC (2015).

- Site Boundary
- Existing Transmission Line
- Existing Road
- Section Boundary
- Proposed Substation
- Proposed Operations and Maintenance Facility
- Proposed 2MW Array
- Proposed 1MW Array
- Proposed 2MW Inverter
- Proposed 1MW Inverter

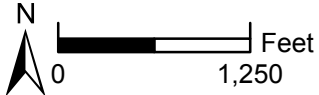


SITE PERMIT MAP
North Star Solar Energy Generating Facility
 PUC Docket IP-6943/GS-15-33



Data Source(s): Data and map are approximate. MNDOT Basemap (2014); Chisago County GIS (2015); ESRI (2012); ESRI Online Basemap Service (2015); Minnesota NAIP Imagery (2015); North Star Solar PV, LLC (2015).

- Proposed HVTL Route Corridor
- Proposed HVTL 75-Foot ROW
- Proposed Substation
- Existing Transmission Line
- Existing Road
- Section Boundary



ROUTE PERMIT MAP

North Star High-Voltage Transmission Line Project
PUC Docket IP-6943/GS-15-33