

August 1, 2025

**VIA E-FILING**

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

**Re: In the Matter of the Application of Otter Tail Power Company for a Site Permit for the up to 66 MW Solway Solar Project in Beltrami County, Minnesota**

**OAH Docket No. 23-2500-40576**  
**MPUC Docket No. E017/GS-24-309**

Dear Mr. Bull:

Otter Tail Power Company (Otter Tail) respectfully submits these exceptions to the Findings of Fact, Conclusions of Law, and Recommendations (Report) filed by the Administrative Law Judge (ALJ) in the above-referenced matter. The Report recommends that the Minnesota Public Utilities Commission (Commission) grant a site permit for the Solway Solar Project (Project). The Report is thorough and comprehensively summarizes the record developed in this matter. Otter Tail supports these recommendations. Because of the Report's comprehensive analysis, Otter Tail has just three exceptions to the Report.

**A. Gray Wolf Condition**

The Report is internally inconsistent on Draft Site Permit (DSP) Condition 5.5, which initially would have required the Permittee to “comply with DNR wolf management guidance.”<sup>1</sup> In Findings 171, the Report correctly observes that, “DNR’s Wolf Management webpage is cited in the EA, but Otter Tail asserts it is unclear what portions of the webpage apply to the Project.”<sup>2</sup> Finding 172 correctly notes that “[t]his condition, as modified, is consistent with the recommendations in U.S. Fish and Wildlife Service’s Information for Planning and Construction (IPaC) results,” and Finding 173 states, “EERA<sup>3</sup> did not object to Otter Tail’s proposed

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<sup>1</sup> Environmental Assessment, Appendix C (eDockets No. [20254-218368-01](#)).

<sup>2</sup> Report ¶ 171.

<sup>3</sup> Otter Tail recognizes that as of July 1, 2025, Department of Commerce, Energy Environmental Review and Analysis (EERA) staff moved to the Commission. EERA’s comments in this docket were made prior to the July 1 move, and accordingly, Otter Tail references EERA staff consistent with the authorship at the time of filing.

modification because it does not change the intent of the special condition.”<sup>4</sup> Finding 174 concludes, “DSP Special Condition 5.5, as modified by the Applicant, is reasonable and supported by the record.”<sup>5</sup> But in the Site Permit Conditions section, Finding 209, the Report reaches the opposite conclusion, without reliance on the record.<sup>6</sup> Otter Tail proposes to delete the entirety of Finding 209 and replace it with the following:

209. Otter Tail’s proposed modification is reasonable, and the record supports its inclusion in the Site Permit.

## **B. Noise Condition**

The Report correctly concludes that,

Operation of the Project alone will comply with the nighttime noise standard of 50 dBA L50. By its nature as a surplus interconnection, operation of the quieter solar Project would offset generation from the louder combustion turbine. Given the minimal operational noise levels of the Project and its offsetting interconnection relationship with the combustion turbine, Otter Tail opined that further noise modelling is not needed to confirm compliance with the noise standards.<sup>7</sup>

Accordingly, the Report did not include EERA’s initially suggested permit condition to require noise modeling. However, the Report did include a modified Special Condition 5.1 that would require Otter Tail to complete noise monitoring if any residents report or file a complaint with respect to Project noise.<sup>8</sup>

Otter Tail generally agrees with EERA’s modified recommendation to require noise monitoring to address noise complaints, as reflected in Finding No. 204. However, Otter Tail recommends a clarification to this language to better align with past Commission practice regarding the handling of noise complaints. Specifically, Otter Tail recommends the following modification to Finding No. 204 to ensure that Otter Tail first has the opportunity to investigate and substantiate noise complaints and to work directly with the landowner to resolve such complaints, consistent with Attachment 2 of the DSP:

### 5.1 Noise Monitoring

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<sup>4</sup> Report ¶¶ 172–173.

<sup>5</sup> Report ¶ 174.

<sup>6</sup> Report ¶ 209.

<sup>7</sup> Report ¶ 74.

<sup>8</sup> Report ¶¶ 75, 205.

The Permittee shall complete noise monitoring ~~if any residents report or file a complaint with~~ to address any unresolved complaints with respect to project noise. Any additional noise monitoring shall be coordinated with Commission staff and the monitoring protocol shall be approved by Commission staff before implementation. Noise monitoring results shall be provided to Commission staff. If any violations of the state noise standard are identified, the Permittee will be responsible for the implementation of any mitigation measures necessary to meet the state noise standard.

### C. Project Life

Finally, Otter Tail notes that the ALJ accurately concluded that the life of the Project is at least 35 years.<sup>9</sup> Although Otter Tail recognizes that the Commission typically issues site permits with 30-year terms, this has largely been a matter of practice. As an investor-owned utility, the Commission has evaluated Otter Tail's long-term need for solar resources in selecting this Project as a reasonable means of meeting Otter Tail's obligations under the Carbon-free and Renewable Energy Standards. It is reasonable, here, that the site permit reflect the full 35-year expected life of the solar equipment such that Otter Tail and its ratepayers can rely on the full benefits of the Project.<sup>10</sup>

These exceptions have been e-filed through [www.edocket.state.mn.us](http://www.edocket.state.mn.us). A copy of this filing is also being served upon the persons on the Official Service List of record.

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

Sincerely,

FREDRIKSON & BYRON, P.A.



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<sup>9</sup> Report ¶ 78.

<sup>10</sup> See Otter Tail Reply Comments at 3 (eDockets No. [20256-219676-01](https://www.edocket.state.mn.us/CaseDetails.aspx?CaseID=20256-219676-01)).

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***CERTIFICATE OF SERVICE***

Maia Martinez certifies that on the 1st day of August, 2025, she e-filed a true and correct copy of Otter Tail Power Company's Exceptions to the ALJ Report via eDockets.

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

Executed on: August 1, 2025

*Signed: /s/ Maia Martinez*

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12	Kevin	Pranis	kpranis@liunagroc.com	Laborers' District Council of MN and ND		81 E Little Canada Road St. Paul MN, 55117 United States	Electronic Service		No	24-309Official CC Service List
13	Generic Notice	Regulatory	regulatory_filing_coordinators@otpc.com	Otter Tail Power Company		215 S. Cascade Street Fergus Falls MN, 56537 United States	Electronic Service		No	24-309Official CC Service List
14	Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us		Office of the Attorney General - Residential Utilities Division	1400 BRM Tower 445 Minnesota St St. Paul MN, 55101-2131 United States	Electronic Service		No	24-309Official CC Service List
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