

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Nancy Lange	Chair
Dan Lipschultz	Commissioner
Matthew Schuerger	Commissioner
Katie J. Sieben	Commissioner
John A. Tuma	Commissioner

Patrick Smith
Geronimo Energy
7650 Edinborough Way, Suite 725
Edina, MN 55435

SERVICE DATE: May 11, 2018
DOCKET NO. IP-6985/WS-17-700

In the Matter of the Application of Blazing Star Wind Farm 2, LLC for the 200 MW Blazing Star 2 Wind Project in Lincoln County, Minnesota

The above-entitled matter was considered by the Commission on May 3, 2018, and the following disposition made:

While no person has identified contested issues of material fact or recommended that the case be referred to the Office of Administrative Hearings for contested case proceedings, the Commission finds that it cannot resolve all issues raised by the application on the basis of the record before it. Those issues turn on specific facts that are best developed in proceedings conducted by an Administrative Law Judge.

- 1. Referred the matter to the Office of Administrative Hearings for summary proceedings under Minn. R. 7850.3800 to facilitate factual development of the record.**
- 2. Requested that an Administrative Law Judge (ALJ) from the Office of Administrative Hearings be assigned to conduct the public hearing in accordance with Minn. R. 7850.3800, subp. 2-4 (to the extent applicable or useful), and as the ALJ determines appropriate, Minn. R. 1405.0500; 1405.066; 1405.0800; 1405.1900; and 1405.2200;**
- 3. Directed that intervention as a party is not required. Parties to the proceeding are the Department of Commerce and the Applicant. Other persons may participate as public participants or as otherwise prescribed.**
- 4. Directed state agencies to participate in accordance with Minn. Stat. § 216E.10, subd. 3.**

5. Requested that the ALJ establish the types of filings necessary to facilitate proper record development (i.e., testimony, briefs, reply briefs, proposed findings, and site permit recommendations) and a schedule for submitting those filings through the scheduling of a prehearing conference in accordance with Minn. R. 1405.1100, as determined appropriate.
6. Requested that the ALJ emphasize the statutory timeframe for the Commission to make a final decision on the application and encourage the applicants and others to adhere to a schedule that conforms to the statutory timeframe.
7. Requested that the ALJ ask the applicant and others to address whether the proposed LWECS project meets the criteria established under Minn. Stat. 216F and Minn. R. 7854.
8. Requested that the ALJ prepare a report setting forth findings of fact, conclusions of law, and recommendations on the merits of the LWECS site permit application, and provide recommendations, if any, on conditions and provisions of the proposed site permit.
9. Directed that the hearing record be maintained through the Commission's electronic e-Dockets filing system.
10. Issued the draft site permit for the Blazing Start 2 Wind Project, as set forth by the DOC EERA in its April 11, 2018 comments.
11. Authorized Commission staff to make refinements to the draft site permit as necessary to ensure consistency with the record, the language of recently issued permits, and the Commission's decision on this matter.

The Commission agrees with and adopts the recommendations of the Department of Commerce, which are attached and hereby incorporated into the order. This order shall become effective immediately.

BY ORDER OF THE COMMISSION



Daniel P. Wolf
Executive Secretary

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April 11, 2017

ELECTRONIC FILING

Mr. Daniel P. Wolf, Executive Secretary
Minnesota Public Utilities Commission
127 Seventh Place East, Suite 350
Saint Paul, MN 55101-2147

RE: EERA Comments and Recommendations
Preliminary Draft Site Permit
Blazing Star Wind Farm 2 Project
Docket No. IP-6985 / WS-17-700

Dear Mr. Wolf,

Attached are comments and recommendations of Department of Commerce, Energy Environmental Review and Analysis (EERA) staff in the above matter.

Blazing Star Wind Farm 2, LLC has submitted a site permit application pursuant to Minnesota Rule 7854.0400 for a site permit for an up to 200 megawatt wind project in Lincoln County, Minnesota.

The application filing was made on November 16, 2017 by:

Patrick Smith
Geronimo Energy
7650 Edinborough Way, Suite 725
Edina, MN 55435

These comments are based on EERA staff review of the revised Site Permit Application and the record to date. Additionally, staff has taken public and agency comments into consideration in development of the attached proposed Draft Site Permit. Staff is available to answer any questions the Commission may have.

Sincerely,

/s/ Louise I. Miltich

Louise Miltich
Environmental Review Manager

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BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

**Energy Environmental Review and Analysis
Comments and Recommendations**

Docket No. IP-6985 / WS-17-700

Date: April 11, 2017

Staff: Louise Miltich | (651) 539-1853 | louise.miltich@state.mn.us

In the Matter of the Application of Blazing Star Wind Farm 2, LLC for a Large Wind Energy Conversation System Site Permit for the up to 200 MW Blazing Star 2 Wind Project in Lincoln County, Minnesota.

Issues Addressed: These comments address whether the Commission should issue a Draft Site Permit (DSP) for the Blazing Star Wind Farm 2 Project, and whether additional conditions are necessary in addition to the permit conditions in the Site Permit Template.

Documents Attached

1. Preliminary DSP with Preliminary Turbine Location Maps

Additional documents and information, including the site permit application, can be found the Department of Commerce Energy Environmental Review and Analysis (EERA) website: <https://mn.gov/commerce/energyfacilities/Docket.html?id=34757> as well as on eDockets by searching “17” for year and “700” for number: <https://www.edockets.state.mn.us/EFiling/search.jsp>.

This document can be made available in alternative formats, that is, large print or audio, by calling (651) 539-1530 (voice).

Introduction and Background

Blazing Star Wind Farm 2, LLC (the Applicant) filed an application¹ with the Minnesota Public Utilities Commission (Commission) for a large wind energy conversion system (LWECS) site permit on November 16, 2017 to build the up to 200 megawatt (MW) Blazing Star Wind Farm 2 Project (Project) in Lincoln County, Minnesota. On November 28, 2017, the Minnesota Public Utilities Commission (Commission) issued a notice soliciting comments on the completeness of the application, the presence of contested issues, and other related concerns.²

¹ Blazing Star Wind Farm 2, LLC (November 16, 2017) *Blazing Star Wind Farm 2 Site Permit Application and associated Figures and Appendices. Main Document of Site Permit Application*, eDockets No. [201711-137419-02](https://www.edockets.state.mn.us/EFiling/search.jsp).

² Minnesota Public Utilities Commission (November 28, 2017) *Notice of Comment Period on Site and Route Permit Application Completeness*, eDockets No. [201711-137727-01](https://www.edockets.state.mn.us/EFiling/search.jsp).

Blazing Star Wind Farm 2, LLC is a wholly owned subsidiary of Geronimo Energy. Geronimo Energy has developed operating wind energy projects in southern Minnesota, including the Odell Wind Project in Cottonwood, Jackson, Martin, and Watonwan Counties and Prairie Rose Project in Rock County. Geronimo has also been actively developing the Blazing Star Wind Farm, located in Lincoln County, adjacent to Blazing Star Wind Farm 2.

The Applicant has indicated that the Project is exempt from the Certificate of Need (CN) requirements for large energy facilities, as the Commission has determined that the Project is exempt from the requirement to obtain a CN under Minnesota Statutes 216B.2422, Subdivision 5.³

Project Location

The cities of Hendricks and Ivanhoe are the closest communities to the Project. Portions are located in Ash Lake, Diamond Lake, Drammen, Hendricks, Marble, Royal, and Shaokatan townships in Lincoln County. This area has seen extensive large wind energy development over the past 10 years.

Project Description

The Project Boundary encompasses approximately 57,800 acres, of which 38,313 are currently leased for the Project.

The Applicant's Project includes:

1. A wind turbine layout consisting of 57 to 100 wind turbines of 2.0 to 3.5 MW capacity each, depending on final turbine selection. The Applicant is considering the following turbines: Gamesa G126 (2.625 MW), Acciona 3.0-132 (3.0 MW), General Electric 2.5-116 (2.5 MW) or Vestas V110 (2.0 MW) wind turbines; and
2. Associated facilities, including an operation and maintenance building, access roads, up to four meteorological towers, light or sonic range detecting units, a temporary batch plant and staging or laydown areas, above ground and below ground communication and electrical collection lines, transformers, above ground electrical feeder line, a new autotransformer next to the Blazing Star collector substation, a short (1000-foot) 345-kV transmission line to connect to the Brookings-Hampton 345-kilovolt transmission line, and a Project substation facility.

In addition to the substation and associated equipment, Blazing Star Wind Farm 2, LLC will need to build approximately 7 miles of 115 kV high voltage transmission line (HVTL) to interconnect to the Brookings-Hampton 345-kilovolt transmission line. Because the proposed 115 kV transmission line is approximately 7 miles long, a Route Permit from the Commission will be required, pursuant to Minn. Stat. Ch. 216E and Minn. R. Ch. 7850. Blazing Star Wind Farm 2, LLC has indicated that they will apply for the route permit soon. The HVTL Route Permit will be addressed in a separate docket (IP6985/TL-17-701: *In the Matter of the Application of Blazing Star 2, LLC for a Route Permit for the Blazing Star 2 115 kV Transmission Line Project in Lincoln County, Minnesota*).

³Minnesota Public Utilities Commission (September 1, 2017) *Order Approving Petition, Granting Variance, and Requiring Compliance Filing, In the Matter of the Petition of Xcel Energy for Approval of the Acquisition of Wind Generation from the Company's 2016-2030 Integrated Resource Plan*, eDockets No. [20179-135205-01](#).

The Applicant hopes to start construction as early as the second quarter of 2018, and begin commercial operation in the fourth quarter of 2018.

Regulatory Process and Procedures

A site permit from the Commission is required to construct any combination of wind turbines and associated facilities with the capacity to generate five megawatts or more of electricity. This requirement became law in 1995. The Minnesota Wind Siting Act is found at Minnesota Statutes Chapter 216F. The rules to implement the permitting requirements for LWECS are in Minnesota Rule 7854.

Application Acceptance

Application acceptance is guided by Minnesota Rule 7854.0600. The Commission may elect to accept, conditionally accept, or reject the application. On January 29, 2018 the Commission accepted the Application as complete.⁴

Public Advisor

Upon acceptance of the application, the Commission must designate a public advisor per Minnesota Rule 7854.0700. The public advisor answers public questions about the permitting process, but cannot provide legal advice or act as an advocate for any person.

Environmental Review

Under the LWECS site permit process, the analysis of environmental impacts in the LWECS site permit application per Minnesota Rule 7854.0500 Subpart 7 satisfies the environmental review requirements of Minnesota Statutes, Chapter 116D. No separate environmental document is prepared for the LWECS site permit process.

Preliminary Determination on Draft Permit

Minnesota Rule 7854.0800 states, “Within 45 days after acceptance of the application by the Commission, the Commission shall make a preliminary determination whether a permit may be issued or should be denied. If the preliminary determination is to issue a permit, the Commission shall prepare a draft site permit for the project.”

Issuing a DSP does not confer authority to construct an LWECS. The Commission may change, amend or modify the DSP in any respect before final issuance or may deny the site permit at a later date.

Public Participation

The Commission’s January 29, 2018 Order waived the 45-day requirement of the rule in order to allow time for public comments and state and federal agencies input on the content of the DSP. Energy Environmental Review and Analysis (EERA) staff held a public meeting in Hendrix on February 20, 2018, to solicit public comment on the preliminary DSP. The public comment period was open through March 7, 2018.

Approximately 60 people attended the February 20, 2018 public information meeting. Eleven verbal comments/questions were received during the public information and three written comments from the public were received during the public comment period.

⁴ Minnesota Public Utilities Commission (January 29, 2018) *Order Accepting Application, Designating Administrative Responsibilities, and Varying Rules* eDockets No. [20181-139457-01](#).

The verbal comments and questions provided at the public information meeting covered a range of topics including economic and environmental benefits of wind energy, use of local/union labor, concerns about electric and magnetic fields and health impacts, and use of aircraft detecting lighting to minimize nighttime aesthetic impacts. DOC EERA staff, Commission staff, and Geronimo staff provided responses and clarifications to the majority of verbal comments and questions.⁵

DOC-EERA received three written submittals from members of the public. Two of these submittals were offered in conjunction with verbal comments made at the February 20, 2018 public information meeting and one was an email inquiry regarding turbine placement and decommissioning plans.⁶

Agency comment letters were provided by the Minnesota Department of Transportation (MnDOT)⁷, and the Minnesota Department of Natural Resources (MN DNR).^{8, 9} MnDOT indicated that roads in close proximity to the proposed Blazing Star Wind Farm 2 project could have construction projects planned for them in the near future. On-going coordination with MnDOT staff was recommended to ensure efficient delivery of materials to the project site. MnDOT also indicated that the proposed project is adjacent to The King of Trails Scenic Byway (U.S. Highway 75), and recommended close coordination with MnDOT office throughout the permitting process. Additionally, MnDOT recommended that the proposed project's DSP include language specifically requiring the Permittee to obtain all other necessary permits and approvals.

The MN DNR recommended that turbine locations be reviewed to ensure that they comply with the wind access buffer and recommended an additional 200 feet of buffer beyond the existing wind access buffer from DNR Administered Lands to preemptively address possible future exemptions to the wind access buffer during permitting of any repowering efforts. The MN DNR identified three turbine locations in proximity to wildlife management areas (WMAs), including Shaokatan WMA and Iron Horse WMA, which they recommend be eliminated and replaced using alternate locations designated in the site permit application. The MN DNR recommended a number of corrections or clarifications to information presented in the site permit application including failure to identify the big brown bat and little brown bat as state-listed species of special concern, incorrect description of the "very high" bat fatality rates at Lakefield as "mid-range" and lack of clarity regarding avoidance of "high quality native prairie tracts" versus "native prairie tracts."

The MN DNR recommended the DSP include specific language that the wind turbine blades be feathered below the manufacturer's operational cut-in speed from a ½ hour prior to sunset to a ½ hour after sunrise, from April 1 to October 31, for the entire time period covered by this permit. Additionally, MN DNR recommended that various edits be made to the project's Avian and Bat Protection Plan (ABPP) as they consider this site to present a high risk to wildlife.

⁵ EERA (March 9, 2018). *Public Comment – Public Information and Scoping Meeting 17-700 Transcript* eDockets No. [20183-140913-01](#).

⁶ EERA (March 9, 2018). *Public Comment* eDockets No. [20183-140871-01](#).

⁷ Minnesota Department of Transportation (March 7, 2018). *Comments* eDockets No. [20183-140844-01](#).

⁸ Minnesota Department of Natural Resources (March 7, 2018). *Comments -- Blazing Star II Wind Energy Conversion System* eDockets No. [20183-140835-01](#).

⁹ Minnesota Department of Natural Resources (March 7, 2018). *Comments -- MNDNR Preliminary Review Attachment* eDockets No. [20183-140835-02](#).

EERA Staff Analysis and Comments

EERA staff has prepared a DSP, identifying the Permittee, the proposed LWECs, and additional proposed permit conditions. The proposed DSP is attached to these Comments and Recommendations. Commission approval of the DSP will initiate a formal public comment period and a Public Hearing. EERA staff has taken public comments and agency comments into consideration during the development of the proposed DSP.

Public comments referring to the use of an aircraft detection lighting system to minimize nighttime aesthetic impacts are addressed in the proposed DSP. The proposed DSP, Section 6.1 indicates that lighting shall comply with Aircraft Detection Lighting System standards specified in FAA Circular AC 70/7460-IL CHG 1 Chapter 14.

MnDOT requested the Applicant coordinate with their staff to address potential impacts to public roads during the construction and operation phases of the Project. Section 5.2.12 of the proposed DSP addresses this issue, and specifies coordination with the appropriate local and state agencies. EERA staff recommends the Applicant begin this coordination as soon as possible to allow for appropriate agency input. MnDOT recommended that the DSP include language requiring the Permittee to obtain all other necessary permits and approvals. This is a typical condition in LWECs Site Permits, and has been included in Section 5.5.2 of the proposed DSP. MnDOT identified The King of Trails Scenic Byway (U.S. Highway 75) directly adjacent to the proposed project area, and they have recommended coordinating close coordination with MnDOT regarding potential project impacts to the Scenic Byway. Section 6.2 of the proposed DSP addresses the need for further coordination with MnDOT.

The MN DNR recommended the DSP include specific language that the wind turbine blades be feathered below the manufacturer's operational cut-in speed from a ½ hour prior to sunset to a ½ hour after sunrise, from April 1 to October 31, for the entire time period covered by this permit. Section 7.6.1 of the proposed DSP includes specific language regarding feathering turbine blades. MN DNR noted a lack of clarity in the site permit application regarding avoidance of "high quality native prairie tracts" versus "native prairie tracts." Section 4.7 of the DSP provides clarification on this point. MN DNR recommended that various edits be made to the project's ABPP as they consider this site to present a high risk to wildlife. Section 7.5.1 specifies that operational phase fatality monitoring will extend for a minimum of two full years following the commencement of the operational phase. Monitoring protocols, agency coordination, and any avoidance and minimization measures will be detailed in the project's ABPP.

At this time, no specific permit language has been included in the DSP regarding the use of alternate turbine locations. DOC EERA recommends that MN DNR's concerns be considered as the record is developed and as turbine placement and site layout are finalized.

As noted above, MN DNR recommended an additional 200 feet of buffer beyond the existing wind access buffer from DNR Administered Lands to preemptively address possible future exemptions to the wind access buffer associated with permitting of any repowering efforts. The record to-date does not suggest a future need for exemptions nor does it support 200 feet as the likely extent of a hypothetical future exemption. DOC EERA recommends that MN DNR's concerns be considered as the record is developed, but has not recommended any specific changes in the DSP.

STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

**SITE PERMIT FOR A
LARGE WIND ENERGY CONVERSION SYSTEM**

**IN
LINCOLN COUNTY**

**ISSUED TO
BLAZING STAR WIND FARM 2**

PUC DOCKET NO. 17-700

In accordance with the requirements of Minnesota Statutes Chapter 216F and Minnesota Rules Chapter 7854, this site permit is hereby issued to:

Blazing Star Wind Farm 2, LLC

The Permittee is authorized by this site permit to construct and operate to build the up to 200 megawatt (MW) Blazing Star Wind Farm 2 Project (Project) in Lincoln County, MN. The Large Wind Energy Conversion System and associated facilities shall be built within the site identified in this permit and as portrayed on the official site maps, and in compliance with the conditions specified in this permit.

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

Approved and adopted this ____ day of _____

BY ORDER OF THE COMMISSION

Daniel P. Wolf,
Executive Secretary

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Official Site Permit Maps

Attachment A - Complaint Procedures for Permitted Energy Facilities

Attachment B - Compliance Filing Procedures for Permitted Energy Facilities

1.0 SITE PERMIT

The Minnesota Public Utilities Commission (Commission) hereby issues this site permit to Blazing Star Wind Farm (Permittee) pursuant to Minnesota Statutes Chapter 216F and Minnesota Rules Chapter 7854. This permit authorizes the Permittee to construct and operate the Blazing Star Wind Farm 2 (Project), an up to 200 megawatt (MW) nameplate capacity Large Wind Energy Conversion System (LWECS) and associated facilities in Lincoln County, MN. The LWECS and associated facilities shall be built within the site identified in this permit and as identified in the attached official site permit map(s), hereby incorporated into this document.

1.1 Preemption

Pursuant to Minn. Stat. § 216F.07, this permit shall be the sole site approval required for the location, construction, and operation of this project and this permit shall supersede and preempt all zoning, building, and land use rules, regulations, and ordinances adopted by regional, county, local, and special purpose governments.

1.2 Application Compliance

The Permittee shall comply with those practices set forth in its Site Permit Application, dated September 2, 2016, more recent revisions, and the record of this proceeding unless this permit established a different requirement in which case this permit shall prevail.

Attachment 3 contains a summary of compliance filings, which is provided solely for the convenience of the Permittee. If this permit conflicts or is not consistent with Attachment 3, the conditions in this permit will control.

2.0 PROJECT DESCRIPTION

The Blazing Star Wind Farm 2 will be up to 200 MW LWECS, consisting of 67 to 100 wind turbines ranging in size from 2 to 3 MW. The LWECS will consist solely of one turbine model, or a combination of turbine models, selected from the following: Gamesa G126 (2.625 MW), GE 2.5-116 (2.5 MW), Vestas 110 (2.0 MW), and Acciona 3.0-132 (3.0 MW) as identified in the Permittee's Site Permit Application.

The initial project area included approximately 57,800 acres of land, of which the Project currently holds leases on 38,313 acres.

2.1 Associated Facilities

Associated facilities for the Project will include permanent meteorological towers and other weather data collection systems, and electrical collection and communications system, access roads, temporary laydown and staging areas, the Project substation and associated equipment and an operation and maintenance facility.

2.2 Project Location

The project is located in the following:

County	Township Name	Township	Range	Section
Lincoln	Diamond Lake	110	45	3-6, 9-10, 16
Lincoln	Drammen	110	46	1-2
Lincoln	Ash Lake	111	45	4-9, 16-22, 27-34
Lincoln	Shaokatan	111	46	1-17, 20-21, 24, 34-36
Lincoln	Royal	112	45	3-10, 16-22, 28-33
Lincoln	Hendricks	112	47	1, 12-14, 23-27, 29-36
Lincoln	Marble	113	45	16, 21-22, 27-28, 31-35

3.0 DESIGNATED SITE

The site designated by the Commission for the Blazing Star Wind Farm 2 is the site depicted on the official site permit maps attached to this permit. Within the site permit boundary, the project and associated facilities shall be located on lands for which the permittee has obtained wind rights. Wind rights or easements have been obtained by the permittee and include approximately 38,313 acres of land under easement and with participation agreements.

3.1 Turbine Layout

The preliminary wind turbine and associated facility layouts are shown on the official site maps attached to this permit. The preliminary layout represents the approximate location of wind turbines and associated facilities within the project boundary and identifies a layout that seeks to minimize the overall potential human and environmental impacts of the project, which were evaluated in the permitting process.

The final layout depicting the location of each wind turbine and associated facility shall be located within the project boundary. The project boundary serves to provide the Permittee with the flexibility to make minor adjustments to the preliminary 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 wind turbine and associated facility depicted in the preliminary layout shall be

done in such a manner to have comparable overall human and environmental impacts and shall be specifically identified in the site plan pursuant to Section 10.3.

4.0 SETBACKS AND SITE LAYOUT RESTRICTIONS

4.1 Wind Access Buffer

Wind turbine towers shall not be placed less than five rotor diameters on the prevailing wind directions and three rotor diameters on the non-prevailing wind directions from the perimeter of the property where the Permittee does not hold the wind rights, without the approval of the Commission. This section does not apply to public roads and trails.

4.2 Residences

Wind turbine towers shall not be located closer than 1,000 feet from all residences or the distance required to comply with the noise standards pursuant to Minn. R. 7030.0040, established by the Minnesota Pollution Control Agency, whichever is greater.

4.3 Noise

The wind turbine towers shall be placed such that the Permittee shall, at all times, comply with noise standards established by the Minnesota Pollution Control Agency as of the date of this permit and at all appropriate locations. The noise standards are found in Minnesota Rules Chapter 7030. Turbine operation shall be modified or turbines shall be removed from service if necessary to comply with these noise standards. The Permittee or its contractor may install and operate turbines as close as the minimum setback required in this permit, but in all cases shall comply with Minnesota Pollution Control Agency noise standards. The Permittee shall be required to comply with this condition with respect to all homes or other receptors in place as of the time of construction, but not with respect to such receptors built after construction of the towers.

4.4 Roads

Wind turbines and meteorological towers shall not be located closer than 250 feet from the edge of the nearest public road right-of-way.

4.5 Public Lands

Wind turbines and associated facilities including foundations, access roads, underground cable, and transformers, shall not be located in publicly-owned lands that have been designated for

recreational or conservation purposes, including, but not limited to, Waterfowl Production Areas, State Wildlife Management Areas, Scientific and Natural Areas or county parks, except in the event that the public entity owning those lands enters into a land lease and easement with the Permittee. Wind turbines towers shall also comply with the setbacks of Section 4.1.

4.6 Wetlands

Wind turbines and associated facilities including foundations, access roads, underground cable and transformers, shall not be placed in 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 and the United States Army Corps of Engineers, and local units of government as implementers of the Minnesota Wetlands Conservation Act.

4.7 Native Prairie

Wind turbines and associated facilities including foundations, access roads, collector and feeder lines, underground cable, and transformers shall not be placed in native prairie, as defined in Minn. Stat. § 84.02, subd. 5, unless addressed in a prairie protection and management plan and shall not be located in areas enrolled in the Native Prairie Bank Program. Construction activities, as defined in Minn. Stat. § 216E.01, shall not impact native prairie unless addressed in a prairie protection and management plan.

The Permittee shall prepare a prairie protection and management plan in consultation with the Minnesota Department of Natural Resources if native prairie, as defined in Minn. Stat. § 84.02, subd. 5, is identified within the site boundaries. The Permittee shall file the plan 30 days prior to submitting the site plan required by Section 10.3 of this permit. The 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 Minnesota Department of Natural Resources, and the Commission.

4.8 Sand and Gravel Operations

Wind turbines and all associated facilities, including foundations, access roads, underground cable, and transformers shall not be located within active sand and gravel operations, unless otherwise negotiated with the landowner.

4.9 Wind Turbine Towers

Structures for wind turbines shall be self-supporting tubular towers. The towers may be up to 150 meters (492 feet) above grade measured at hub height.

4.10 Turbine Spacing

The turbine towers shall be constructed within the site boundary as shown in the official site maps. The turbine towers shall be spaced no closer than three rotor diameters in the non-prevailing wind directions and five rotor diameters on the prevailing wind directions. If required during final micro-siting of the turbine towers to account for topographic conditions, up to 20 percent of the towers may be sited closer than the above spacing but the Permittee shall minimize the need to site the turbine towers closer.

4.11 Meteorological Towers

Permanent towers for meteorological equipment shall be free standing. Permanent meteorological towers shall not be placed less than 250 feet from the edge of the nearest public road right-of-way and from the boundary of the Permittee's site control, or in compliance with the county ordinance regulating meteorological towers in the county the tower is built, whichever is more restrictive. Meteorological towers shall be placed on property the Permittee holds the wind or other development rights.

Meteorological towers shall be marked as required by the Federal Aviation Administration. There shall be no lights on the meteorological towers other than what is required by the Federal Aviation Administration. This restriction shall not apply to infrared heating devices used to protect the wind monitoring equipment.

4.12 Aviation

The Permittee shall not place wind turbines or associated facilities in a location that could create an obstruction to navigable airspace of public and private airports (as defined in Minn. R. 8800.0100, subp. 24(a) and 24(b)) in Minnesota, adjacent states, or provinces. The Permittee shall apply the minimum obstruction clearance for private airports pursuant to Minn. R. 8800.1900, subp. 5. Setbacks or other limitations shall be followed in accordance with the Minnesota Department of Transportation, Department of Aviation, and the Federal Aviation Administration. The Permittee shall notify owners of all known airports within six miles of the project prior to construction.

4.13 Footprint Minimization

The Permittee shall design and construct the LWECS so as to minimize the amount of land that is impacted by the LWECS. Associated facilities in the vicinity of turbines such as electrical/electronic boxes, transformers, and monitoring systems shall, to the greatest extent feasible, be mounted on the foundations used for turbine towers or inside the towers unless otherwise negotiated with the affected landowner.

5.0 GENERAL CONDITIONS

The Permittee shall comply with the following conditions during construction and operation of the LWECS and associated facilities over the life of this permit.

5.1 Notification

Within 30 days of permit issuance, the Permittee shall send a copy of the permit and the complaint procedures to any regional development commission, county auditor and environmental office, and city and township clerk in which any part of the site is located. Within 30 days of permit issuance, the Permittee shall provide all affected landowners with a copy of this permit and the complaint procedures. In no case shall the landowner receive this site permit and complaint procedures less than five days prior to the start of construction on their property. The Permittee shall contact landowners prior to entering the property or conducting maintenance within the site, unless otherwise negotiated with the affected landowner.

5.2 Construction and Operation Practices

The Permittee shall comply with the construction practices, operation and maintenance practices, and material specifications described in the Public Utilities Commission Site Permit Application for a Large Wind Energy Conversion System Blazing Star Wind Farm 2 Lincoln County, Minnesota, and the record of the proceedings unless this permit establishes a different requirement in which case this permit shall prevail.

5.2.1 Field Representative

The Permittee shall designate a field representative responsible for overseeing compliance with the conditions of this 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 14 days prior to commencing construction. The Permittee shall provide the field representative's contact information to affected landowners,

residents, local government units and other interested persons 14 days prior to commencing construction. The Permittee may change the field representative at any time upon notice to the Commission, affected landowners, residents, local government units and other interested persons.

5.2.2 Site Manager

The Permittee shall designate a site manager responsible for overseeing compliance with the conditions of this 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 permit.

The Permittee shall file with the Commission the name, address, email, phone number, and emergency phone number of the site manager 14 days prior to commercial operation of the facility. The Permittee shall provide the site manager's contact information to affected landowners, residents, local government units and other interested persons 14 days prior to commercial operation of the facility. The Permittee may change the site manager at any time upon notice to the Commission, affected landowners, residents, local government units and other interested persons.

5.2.3 Employee Training and Education of Permit Terms and Conditions

The Permittee shall inform all employees, contractors, and other persons involved in the construction and ongoing operation of the LWECs of the terms and conditions of this permit.

5.2.4 Topsoil Protection

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

5.2.5 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 practicable.

5.2.6 Soil Erosion and Sediment Control

The Permittee shall implement those erosion prevention and sediment control practices recommended by the Minnesota Pollution Control Agency Construction Stormwater Program.

If construction of the facility disturbs more than one acre of land, or is sited in an area designated by the Minnesota Pollution Control Agency as having potential for impacts to water resources, the Permittee shall obtain a National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Construction Stormwater Permit from the Minnesota Pollution Control Agency that provides for the development of a Stormwater Pollution Prevention Plan (SWPPP) 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 facilities shall be returned to pre-construction conditions.

5.2.7 Wetlands

Construction in wetland areas shall occur during frozen ground conditions to minimize impacts, to the extent feasible. When construction during winter is not possible, wooden or composite mats shall be used to protect wetland vegetation. Soil excavated from the wetlands and riparian areas shall be contained and managed in accordance with all applicable wetland permits. Wetlands and riparian areas shall be accessed using the shortest route possible in order to minimize travel through wetland areas and prevent unnecessary impacts.

Wetland and water resource areas disturbed by construction activities shall be restored to pre-construction conditions, in accordance with all applicable wetland permits. Restoration of the wetlands will be performed by the Permittee in accordance with the requirements of applicable state and federal permits or laws and landowner agreements.

5.2.8 Vegetation Management

The Permittee shall disturb or clear the project site only to the extent necessary to assure suitable access for construction, safe operation and maintenance of the project. The Permittee shall minimize the number of trees to be removed in selecting the site layout specifically preserving to the maximum extent practicable windbreaks, shelterbelts, living snow fences, and vegetation, to the extent that such actions do not violate sound engineering principles.

5.2.9 Application of Pesticides

The Permittee shall restrict pesticide use to those pesticides and methods of application approved by the Minnesota Department of Agriculture, Minnesota Department of Natural Resources, and the U.S. Environmental Protection Agency. 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 or designee to obtain approval for the use of pesticide at least 14 days prior to any application on their property. The landowner may request that there be no application of pesticides on any part of the site within the landowner's property. The Permittee shall provide notice of pesticide application to affected landowners, and known beekeepers operating apiaries within three miles of the project site at least 14 days prior to such application.

5.2.10 Invasive Species

The Permittee shall employ best management practices to avoid the potential spread of invasive species on lands disturbed by project construction activities. The Permittee shall develop an Invasive Species Prevention Plan to prevent the introduction and spread of invasive species on lands disturbed by project construction activities and file with the Commission 14 days prior to the pre-construction meeting.

5.2.11 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. The Permittee shall consult with landowners on the selection and use of seed for replanting. To the extent possible, the Permittee shall use native seed mixes.

5.2.12 Public Roads

At least 14 days prior to the pre-construction meeting, the Permittee shall identify all state, county, or township roads that will be used for the project and shall notify the Commission and the state, county, or township governing body having jurisdiction over the roads to determine if the governmental body needs to inspect the roads prior to use of these roads. Where practical, existing roadways shall be used for all activities associated with the project. Where practical, all-weather roads shall be used to deliver cement, turbines, towers, assembled nacelles, and all other heavy components to and from the turbine sites.

The Permittee shall prior to the use of such roads, make satisfactory arrangements with the appropriate state, county, or township governmental body having jurisdiction over roads to be

used for construction of the project, for maintenance and repair of roads that may be subject to increased impacts due to transportation of equipment and project components. The Permittee shall notify the Commission of such arrangements upon request.

5.2.13 Turbine Access Roads

The Permittee shall construct the least number of turbine access roads necessary to safely and efficiently operate the project and satisfy landowner requests. Access roads shall be low profile roads so that farming equipment can cross them and shall be covered with Class 5 gravel or similar material. Access roads shall not be constructed across streams and drainage ditches without required permits and approvals. When access roads are constructed across streams, drainage ways, or drainage ditches, the access roads shall be designed and constructed in a manner so runoff from the upper portions of the watershed can readily flow to the lower portion of the watershed. Any access roads that are constructed across streams or drainage ditches shall be designed and constructed in a manner that maintains existing fish passage. Access roads that are constructed across grassed waterways, which provide drainage for surface waters that are ephemeral in nature, are not required to maintain or provide fish passage. Access roads shall be constructed in accordance with all necessary township, county or state road requirements and permits.

5.2.14 Private Roads

The Permittee shall promptly repair private roads or lanes damaged when moving equipment or when obtaining access to the site, unless otherwise negotiated with the affected landowner.

5.2.15 Archaeological and Historic Resources

The Permittee shall make every effort to avoid impacts to identified archaeological and historic resources when constructing the LWECs. In the event that a resource is encountered, the Permittee shall contact and consult with the State Historic Preservation Office 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 State Historic Preservation Office and State Archaeologist requirements.

Prior to construction, workers shall be trained 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 at such location and promptly notify local law enforcement and the State Archaeologist. Construction at such location shall not proceed until authorized by local law enforcement and the State Archaeologist.

5.2.16 Interference

At least 14 days prior to the pre-construction meeting, the Permittee shall submit to the Commission, an assessment of television and radio signal reception, microwave signal patterns, and telecommunications in the project area. The assessment shall be designed to provide data that can be used in the future to determine whether the turbines and associated facilities are the cause of disruption or interference of television or radio reception, microwave patterns, or telecommunications in the event residents should complain about such disruption or interference after the turbines are placed in operation. The Permittee shall be responsible for alleviating any disruption or interference of these services caused by the turbines or any associated facilities.

The Permittee shall not operate the project so as to cause microwave, television, radio, telecommunications, or navigation interference in violation of Federal Communications Commission regulations or other law. In the event the project or its operations cause such interference, the Permittee shall take timely measures necessary to correct the problem.

5.2.17 Livestock Protection

The Permittee shall take precautions to protect livestock during all phases of the project's life.

5.2.18 Fences

The Permittee shall promptly replace or repair all fences and gates removed or damaged during all phases of the project's life unless otherwise negotiated with the affected landowner. When the Permittee installs a gate where electric fences are present, the Permittee shall provide for continuity in the electric fence circuit.

5.2.19 Drainage Tiles

The Permittee shall take into account, avoid, promptly repair or replace all drainage tiles broken or damaged during all phases of project's life unless otherwise negotiated with affected landowner.

5.2.20 Equipment Storage

The Permittee shall not locate temporary equipment staging areas on lands under its control unless negotiated with affected landowner. Temporary equipment staging areas shall not be located in wetlands or native prairie as defined in Sections 4.6 and 4.7.

5.2.21 Restoration

The Permittee shall, as soon as practical following construction of each turbine, restore the areas affected by construction to the condition that existed immediately before construction began, to the extent possible. The time period to complete restoration may be no longer than 12 months after completion of the 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 advise the Commission in writing of the completion of such activities.

5.2.22 Cleanup

All waste and scrap that is the product of construction shall be removed from the site and all premises on which construction activities were conducted and properly disposed of upon completion of each task. Personal litter, including bottles, cans, and paper from construction activities shall be removed on a daily basis.

5.2.23 Pollution and Hazardous Waste

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

5.2.24 Damages

The Permittee shall fairly restore or compensate landowners for damage to crops, fences, private roads and lanes, landscaping, drain tile, or other damages sustained during construction.

5.2.25 Public Safety

The Permittee shall provide educational materials to landowners adjacent to the site and, upon request, to interested persons about the project and any restrictions or dangers associated with the project. The Permittee shall also provide any necessary safety measures such as warning signs and gates for traffic control or to restrict public access. 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 construction at the site.

5.2.26 Tower Identification

All turbine towers shall be marked with a visible identification number.

5.2.27 Federal Aviation Administration Lighting

Towers shall be marked as required by the Federal Aviation Administration. There shall be no lights on the towers other than what is required by the Federal Aviation Administration. This restriction shall not apply to infrared heating devices used to protect the wind monitoring equipment.

5.3 Communication Cables

The Permittee shall place all communication and supervisory control and data acquisition cables underground and within or adjacent to the land necessary for turbine access roads unless otherwise negotiated with the affected landowner.

5.4 Electrical Collector and Feeder Lines

Collector lines that carry electrical power from each individual transformer associated with a wind turbine to an internal project interconnection point shall be buried underground. Collector lines shall be placed within or adjacent to the land necessary for turbine access roads unless otherwise negotiated with the affected landowner.

Feeder lines that carry power from an internal project interconnection point to the project substation or interconnection point on the electrical grid may be overhead or underground. Feeder line locations shall be negotiated with the affected landowner. Any overhead or underground feeder lines that parallel public roads shall be placed within the public rights-of-way or on private land immediately adjacent to public roads. If overhead feeder lines are located within public rights-of-way, the Permittee shall obtain approval from the governmental unit responsible for the affected right-of-way.

Collector and feeder line locations shall be located 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. Safety shields shall be placed on all guy wires associated with overhead feeder lines. The Permittee shall submit the engineering drawings of all collector and feeder lines in the site plan pursuant to Section 10.3.

5.5 Other Requirements

5.5.1 Safety Codes and Design Requirements

The LWECS and associated facilities shall be designed to meet or exceed all relevant local and state codes, Institute of Electrical and Electronics Engineers, Inc. standards, the National Electric Safety Code, and North American Electric Reliability Corporation requirements. The Permittee shall report to the Commission on compliance with these standards upon request.

5.5.2 Other Permits and Regulations

The Permittee shall comply with all applicable state rules and statutes. 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. A list of the permits known to be required is included in the permit application. At least 14 days prior to the preconstruction meeting, the Permittee shall submit a filing demonstrating that it has obtained such permits. The Permittee shall provide a copy of any such permit upon Commission request.

The Permittee shall comply with all terms and conditions of permits or licenses issued by the counties, cities, and municipalities affected by the project that do not conflict with or are not preempted by federal or state permits and regulations.

6.0 SPECIAL CONDITIONS

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

6.1 Aircraft Detection Lighting System

Lighting installed pursuant to Section 5.2.27 of this permit shall comply with Aircraft Detection Lighting System standards specified in FAA Circular AC 70/7460-IL CHG 1 Chapter 14.

6.2 Scenic Byways

The Permittee shall coordinate with MnDOT and any other designated local stakeholders, to identify project related impacts to The King of Trails Scenic Byway (U.S. Highway 75). The Permittee will work to avoid impacts to the Scenic Byway, and mitigation for unavoidable impacts will be developed in coordination with MnDOT, the local stakeholder group, and Department of Commerce.

7.0 SURVEYS AND REPORTING

7.1 Biological and Natural Resource Inventories

The Permittee, in consultation with the Commission and the Department of Natural Resources, shall design and conduct pre-construction desktop and field inventories of existing wildlife

management areas, scientific and natural areas, recreation areas, native prairies and forests, wetlands, and any other biologically sensitive areas within the project site and assess the presence of state- or federally-listed or threatened species. The results of the inventories shall be filed with the Commission at least 30 days prior to the pre-construction meeting to confirm compliance of conditions in this permit. The Permittee shall file with the Commission, any biological surveys or studies conducted on this project, including those not required under this permit.

7.2 Shadow Flicker

At least 14 days prior to the pre-construction meeting, the Permittee shall provide data on shadow flicker for each residence of non-participating landowners and participating landowners within and outside of the project boundary potentially subject to turbine shadow flicker exposure. Information shall include the results of modeling used, assumptions made, and the anticipated levels of exposure from turbine shadow flicker for each residence. The Permittee shall provide documentation on its efforts to avoid, minimize and mitigate shadow flicker exposure. The results of any modeling shall be filed with the Commission at least 14 days prior to the pre-construction meeting to confirm compliance with conditions of this permit.

7.3 Wake Loss Studies

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission the pre-construction micro-siting analysis leading to the final tower locations and an estimate of total project wake losses. As part of the annual report on project energy production required under Section 10.8 of the permit the Permittee shall file with the Commission any operational wake loss studies conducted on this project during the calendar year preceding the report.

7.4 Noise Studies

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 the Department of Commerce. The study must incorporate the Department of Commerce Noise Study Protocol to determine the operating LWECs noise levels at different frequencies and at various distances from the turbines at various wind directions and speeds. 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.

7.5 Avian and Bat Protection

7.5.1 Operational Phase Fatality Monitoring

The Permittee shall utilize a qualified third party to conduct a minimum of two full years of avian and bat fatality monitoring following the commencement of the operational phase of the project. Monitoring activities and results will be coordinated directly with MN DNR, USFWS, and the Commission. Detailed monitoring protocols, agency coordination, and any avoidance and minimization measures will be detailed in the project's ABPP.

7.5.2 Avian and Bat Protection Plan

The Permittee shall comply with the provisions of the Avian and Bat Protection Plan (ABPP) submitted for this project on November 16, 2017, and revisions resulting from the annual audit of ABPP implementation. The first annual audit and revision will be filed with the Commission 14 days before the preconstruction meeting and revisions should include any updates associated with final construction plans. The ABPP must address steps to be taken to identify and mitigate impacts to avian and bat species during the construction phase and the operation phase of the project. The ABPP shall also include formal and incidental post-construction fatality monitoring, training, wildlife handling, documentation (e.g., photographs), and reporting protocols for each phase of the project.

The Permittee shall, by the 15th of March following each complete or partial calendar year of operation, file with the Commission an annual report detailing findings of its annual audit of ABPP practices. The annual report shall include summarized and raw data of bird and bat fatalities and injuries and shall include bird and bat fatality estimates for the project using agreed upon estimators from the prior calendar year. The annual report shall also identify any deficiencies or recommended changes in the operation of the project or in the ABPP to reduce avian and bat fatalities and shall provide a schedule for implementing the corrective or modified actions. The Permittee shall provide a copy of the report to the Minnesota Department of Natural Resources and to the U.S. Fish and Wildlife Service at the time of filing with the Commission.

7.5.3 Quarterly Incident Reports

The Permittee shall submit quarterly avian and bat reports to the Commission. Quarterly reports are due by the 15th of January, April, July, and October commencing the day following commercial operation and terminating upon the expiration of this permit. Each report shall identify any dead or injured avian and bat species, location of find by turbine number, and date of find for the reporting period in accordance with the reporting protocols. If a dead or injured avian or bat species is found, the report shall describe the potential cause of the occurrence (if known) and the steps taken to address future occurrences. The Permittee shall provide a copy of the report to the Minnesota Department of Natural Resources and to the U.S. Fish and Wildlife Service at the time of filing with the Commission.

7.5.4 Immediate Incident Reports

The Permittee shall notify the Commission, U.S. Fish and Wildlife Service, and the Minnesota Department of Natural Resources within 24 hours of the discovery of any of the following:

- (a) five or more dead or injured birds or bats within a five day reporting period;
- (b) one or more dead or injured state threatened, endangered, or species of special concern;
- (c) one or more dead or injured federally listed species, including species proposed for listing; or
- (d) one or more dead or injured bald or golden eagle(s).

In the event that one of the four discoveries listed above should be made, the Permittee must file with the Commission within seven days, a compliance report identifying the details of what was discovered, the turbine where the discovery was made, a detailed log of agencies and individuals contacted, and current plans being undertaken to address the issue.

7.5.1 Turbine Operational Curtailment

The Permittee shall operate all facility turbines so that all turbines are locked, or feathered, up to the manufacturer's standard cut-in speed, from ½ hour before sunset to ½ hour after sunrise, from April 1 to October 31, of each year of operation through the life of the project.. All operating turbines at the facility must be equipped with operational software that is capable of allowing for adjustment of turbine cut-in speeds.

8.0 AUTHORITY TO CONSTRUCT LWECS

8.1 Wind Rights

At least 14 days prior to the pre-construction meeting, the Permittee shall demonstrate that it has obtained the wind rights and any other rights necessary to construct and operate the project within the boundaries authorized by this permit. Nothing in this permit shall be construed to preclude any other person from seeking a permit to construct a wind energy conversion system in any area within the boundaries of the project covered by this permit if the Permittee does not hold exclusive wind rights for such areas.

8.2 Power Purchase Agreement

In the event the Permittee does not have a power purchase agreement or some other enforceable mechanism for sale of the electricity to be generated by the project at the time this permit is issued, the Permittee shall provide notice to the Commission when it obtains a commitment for purchase of the power. This permit does not authorize construction of the project until the Permittee has obtained a power purchase agreement or some other enforceable mechanism for sale of the electricity to be generated by the project. In the event the Permittee does not obtain a power purchase agreement or some other enforceable mechanism for sale of the electricity to be generated by the project within two years of the issuance of this permit, the Permittee must advise the Commission of the reason for not having such commitment. In such event, the Commission may determine whether this permit should be amended or revoked. No amendment or revocation of this permit may be undertaken except in accordance with Minn. R. 7854.1300.

8.3 Failure to Commence Construction

If the Permittee has not completed the pre-construction surveys required under this permit and commenced construction of the project within two years of the issuance of this permit, the Permittee must advise the Commission of the reason construction has not commenced. In such event, the Commission shall make a determination as to whether this permit should be amended or revoked. No revocation of this permit may be undertaken except in accordance with applicable statutes and rules, including Minn. R. 7854.1300.

9.0 COMPLAINT PROCEDURES

Prior to the start of construction, the Permittee shall submit to the Commission the procedures that will be used to receive and respond to complaints. The 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 permit (Attachment A).

10.0 COMPLIANCE REQUIREMENTS

Failure to timely and properly make compliance filings required by this permit is a failure to comply with the conditions of this permit. Compliance filings must be electronically filed with the Commission. Attachment B to this permit contains a summary of compliance filings, which is provided solely for the convenience of the Permittee. If this permit conflicts, or is not consistent with Attachment B, the conditions in this permit will control.

10.1 Pre-Construction Meeting

Prior to the start of any construction, the Permittee shall participate in a pre-construction meeting with the Department of Commerce and 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 construction start date.

10.2 Pre-Operation Meeting

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

10.3 Site Plan

At least 14 days prior to the pre-construction meeting, the Permittee shall provide the Commission, the Department and the Lincoln County Environmental Office with a site plan that includes specifications and drawings for site preparation and grading; specifications and locations of all turbines and other structures to be constructed including all electrical equipment, collector and feeder lines, pollution control equipment, fencing, roads, and other associated facilities; and procedures for cleanup and restoration. The documentation shall include maps depicting the site boundary and layout in relation to that approved by this permit. The Permittee shall document, through GIS mapping, compliance with the setbacks and site layout restrictions required by this permit, including compliance with the noise standards pursuant to Minnesota Rules Chapter 7030. At the same time, the Permittee shall notify affected landowners and city and town clerks that the site plan is on file with the Commission and the Lincoln County Environmental Office. The Permittee may submit a site plan and engineering drawings for only a portion of the project if the Permittee intends to commence construction on certain parts of the project before completing the site plan and engineering drawings for other parts of the project.

The Permittee may not commence construction until the 30 days has expired or until the Commission has advised the Permittee in writing that it has completed its review of the documents and determined that the planned construction is consistent with this permit. If the Permittee intends to make any significant changes to its site plan or the specifications and drawings after submission to the Commission, the Permittee shall notify the Commission, the Department, the Lincoln County Environmental Office, city and town clerks, and the affected landowners 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 permit.

In the event that previously unidentified human and environmental conditions are discovered during construction that by law or pursuant to conditions outlined in this permit would preclude the use of that site as a turbine site, the Permittee shall have the right to move or relocate turbine site. Under these circumstances, the Permittee shall notify the Commission, the Department, the Minnesota Pollution Control Agency, the Minnesota Department of Natural Resources, the Lincoln County Environmental Office, city and town clerks, and the affected landowners of any turbines that are to be relocated, and provide the previously unidentified environmental conditions and how the movement of the turbine mitigates the human and environmental impact at least five days before implementing the changes. No changes shall be made that would be in violation of any terms of this permit.

10.4 Status Reports

The Permittee shall file status reports with the Commission on progress regarding site construction. The Permittee need not report more frequently than monthly. Reports shall begin with the commencement of site construction and continue until completion of site restoration.

10.5 Notification to the Commission

At least three days before the project is to commence commercial operation, the Permittee shall file with the Commission the date on which the project will commence commercial operation and the date on which construction was completed.

10.6 As-Builts

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

10.7 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 large wind energy conversion system.

10.8 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 project including:

- (a) the installed nameplate capacity of the permitted project;
- (b) the total monthly energy generated by the project in MW hours;
- (c) the monthly capacity factor of the project;
- (d) yearly energy production and capacity factor for the project;
- (e) the operational status of the project and any major outages, major repairs, or turbine performance improvements occurring in the previous year; and
- (f) any other information reasonably requested by the Commission.

This information shall be considered public and must be filed electronically.

10.9 Wind Resource Use

The Permittee shall, by February 1st following each complete or partial calendar year of operation, file with the Commission the average monthly and average annual wind speed collected at one permanent meteorological tower during the preceding year or partial year of operation. This information shall be considered public and must be filed electronically.

10.10 Emergency Response

The Permittee shall prepare an Emergency Response Plan in consultation with the emergency responders having jurisdiction over the facility prior to project construction. The Permittee shall submit a copy of the plan, along with any comments from emergency responders, to the Commission at least 14 days prior to the pre-construction meeting and a revised plan, if any, at least 14 days prior to the pre-operation meeting. The Permittee shall provide as a compliance filing confirmation that the Emergency Response Plan was provided to the emergency responders and Public Safety Answering Points (PSAP) with jurisdiction over the facility prior to commencement of construction. The Permittee shall obtain and register the facility address or other location indicators acceptable to the emergency responders and PSAP having jurisdiction over the facility.

10.11 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, tower

collapse, thrown blade, 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.

11.0 DECOMMISSIONING, RESTORATION, AND ABANDONMENT

11.1 Decommissioning Plan

The Permittee shall submit a decommissioning plan to the Commission at least fourteen 14 days prior to the pre-operation meeting, and provide updates to the plan every five years thereafter. The plan shall provide information identifying all surety and financial securities established for decommissioning and site restoration of the project in accordance with the requirements of Minn. R. 7854.0500, subp. 13. The decommissioning plan shall provide an itemized breakdown of costs of decommissioning all project components, which shall include labor and equipment. The plan shall identify cost estimates for the removal of turbines, turbine foundations, underground collection cables, access roads, crane pads, substations, and other project components. The plan may also include anticipated costs for the replacement of turbines 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.

11.2 Site Restoration

Upon expiration of this permit, or upon earlier termination of operation of the project, or any turbine within the project, the Permittee shall have the obligation to dismantle and remove from the site all towers, turbine generators, transformers, overhead and underground cables and lines, foundations, buildings, and ancillary equipment to a depth of four feet. Any agreement for removal to a lesser depth or no removal shall be recorded with the county and shall show the locations of all such foundations. To the extent feasible, the Permittee shall restore and reclaim the site to its pre-project topography and topsoil quality. 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 submitted to the Commission prior to completion of restoration activities.

The site shall be restored in accordance with the requirements of this condition within 18 months of termination.

11.3 Abandoned Turbines

The Permittee shall advise the Commission of any turbines that are abandoned prior to termination of operation of the project. The project, or any turbine within the project, shall be considered abandoned after one year without energy production and the land restored pursuant to Section 11.2 unless a plan is developed and submitted to the Commission outlining the steps and schedule for returning the project, or any turbine within the project, to service.

12.0 COMMISSION AUTHORITY AFTER PERMIT ISSUANCE

12.1 Final Boundaries

After completion of construction, the Commission shall determine the need to adjust the final boundaries of the site required for this project in accordance with Minn. R. 7854.1300, subp. 1.

12.2 Expansion of Site Boundaries

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

12.3 Periodic Review

The Commission shall initiate a review of this 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 permit. No modification may be made except in accordance with applicable statutes and rules.

12.4 Modification of Conditions

After notice and opportunity for hearing, this 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.

12.5 More Stringent Rules

The Commission’s issuance of this 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.

12.6 Right of Entry

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

- (a) to enter upon the facilities easement of the site 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; and
- (d) to examine and copy any documents pertaining to compliance with the conditions of this permit.

12.7 Proprietary Information

Certain information required to be filed with the Commission under this permit may constitute trade secret information or other type of proprietary information under the Data Practices Act or other law. The Permittee must satisfy requirements of applicable law to obtain the protection afforded by the law.

13.0 PERMIT AMENDMENT

This permit may be amended at any time by the Commission in accordance with Minn. R. 7854.1300, subp. 2. Any person may request an amendment of the conditions of this 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.

14.0 TRANSFER OF PERMIT

The Permittee may request at any time that the Commission transfer this permit to another person or entity. The Permittee shall provide the name and description of the person or entity to whom the permit is requested to be transferred, the reasons for the transfer, a description of the facilities affected, and the proposed effective date of the transfer. The person to whom the permit is to be transferred shall provide the Commission with such information as the Commission shall require to determine whether the new Permittee can comply with the conditions of the permit. The Commission may authorize transfer of the permit after affording the Permittee, the new Permittee, and interested persons such process as is required. The Commission may impose additional conditions on any new permittee as part of the approval of the transfer.

Within 20 days after the date of the notice provided in Section 10.5, the Permittee shall file a notice describing 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 immediately notify the Commission of:

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

The Permittee shall notify the Commission of:

- (a) the sale of a parent entity or a majority interest in the Permittee;
- (b) the sale of a majority interest of the Permittee’s owners or majority interest of the owners; or
- (c) a sale which changes the entity with ultimate control over the Permittee.

15.0 REVOCATION OR SUSPENSION OF PERMIT

The Commission may take action to suspend or revoke this permit upon the grounds that:

- (a) a false statement was knowingly made in the application or in accompanying statements or studies required of the Permittee, and a true statement would have warranted a change in the Commission’s findings;
- (b) there has been a failure to comply with material conditions of this permit, or there has been a failure to maintain health and safety standards;
- (c) there has been a material violation of a provision of an applicable statute, rule, or an order of the Commission; or
- (d) the Permittee has filed a petition with the Commission requesting that the permit be revoked or terminated.

In the event the Commission determines that it is appropriate to consider revocation or suspension of this permit, the Commission shall proceed in accordance with the requirements of Minn. R. 7854.1300 to determine the appropriate action. Upon a finding of any of the above, the Commission may require the Permittee to undertake corrective measures in lieu of having this permit suspended or revoked.

16.0 EXPIRATION DATE

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

CERTIFICATE OF SERVICE

I, Robin Benson, hereby certify that I have this day, served a true and correct copy of the following document to all persons at the addresses indicated below or on the attached list by electronic filing, electronic mail, courier, interoffice mail or by depositing the same enveloped with postage paid in the United States mail at St. Paul, Minnesota.

Minnesota Public Utilities Commission ORDER

Docket Number: **IP-6985/WS-17-700**

Dated this **11th** day of **May, 2018**

/s/ Robin Benson

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1800 St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_17-700_S-17-700
Ian	Dobson	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012130	Electronic Service	Yes	OFF_SL_17-700_S-17-700
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 280 Saint Paul, MN 551012198	Electronic Service	No	OFF_SL_17-700_S-17-700
Eric	Lipman	eric.lipman@state.mn.us	Office of Administrative Hearings	PO Box 64620 St. Paul, MN 551640620	Electronic Service	No	OFF_SL_17-700_S-17-700
Patrick	Smith	patrick@geronimoenergy.com	Geronimo Wind Energy, LLC	7650 Edinborough Way Ste 725 Edina, MN 55435-5239	Electronic Service	No	OFF_SL_17-700_S-17-700
Haley	Waller Pitts	hwallerpitts@fredlaw.com	Fredrikson & Byron, P.A.	200 S 6th St Ste 4000 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_17-700_S-17-700
Daniel P	Wolf	dan.wolf@state.mn.us	Public Utilities Commission	121 7th Place East Suite 350 St. Paul, MN 551012147	Electronic Service	Yes	OFF_SL_17-700_S-17-700