

November 24, 2025

Via Electronic Filing

Sasha Bergman
Executive Secretary
Minnesota Public Utilities Commission
121 Seventh Place East, Suite 350
Saint Paul, MN 55101-2147

Re: *In the Matters of the Applications of Benton Solar, LLC for Site Permits for the 100 MW Solar Energy Generating System and 100 MW Battery Energy Storage System and a Route Permit for the 115 kV High-Voltage Transmission Line Associated with the Benton Solar Project*

**MPUC Docket Nos. IP7115/GS-23-423; IP7115/TL-23-425; and IP7115/ESS-24-283
OAH Docket No. 25-2500-40508**

Dear Ms. Bergman:

Benton Solar, LLC (“Benton Solar”) respectfully submits this exception to the November 10, 2025 Findings of Fact, Conclusions of Law, and Recommendations (“Report”) issued by the Administrative Law Judge (“ALJ”) for the Benton Solar Project.¹ Benton Solar appreciates the Report’s comprehensive and detailed evaluation of the record in this proceeding and its balancing of the numerous siting and routing factors. Benton Solar agrees with the ALJ’s overall recommendation that Benton Solar has met the legal requirements for the Minnesota Public Utilities Commission (“Commission”) to grant a Site Permit and Route Permit for the Project.

Benton Solar provides this filing to (1) identify a single narrow exception to the Report and (2) request modification of two draft permit conditions to facilitate tree removal outside of a protected species avoidance timeframe.

Exception

Benton Solar’s sole exception relates to the Report’s unique proposal regarding the Visual Screening Plan. Specifically, Paragraph 365 of the Report recommends an additional requirement that the Visual Screening Plan “include at least eight feet of screen year-round for those homes in

¹ Regarding the components of the Benton Solar Project, this filing refers to the up to 100-megawatt (“MW”) capacity solar energy conversion facility as the “Solar Facility,” the up to 100-MW battery energy storage system as the “BESS,” and the approximately 0.5 mile, 115-kilovolt high-voltage transmission line as the “Transmission Line.” This Exception uses the term “Project” to refer to all three components collectively (i.e., the Solar Facility, the BESS, and the Transmission Line)

the adjacent Rua Mitchel Court area.” Benton Solar respectfully requests the Commission decline to follow this narrow recommendation and remove this Paragraph. As discussed below, this recommendation departs from both Commission Energy Infrastructure Permitting (“EIP”) staff’s recommendations and the Commission’s consistent practice in recent solar site permitting dockets. Paragraph 365’s granularity also interferes with the flexibility Benton Solar and neighboring landowners can otherwise utilize in arriving at an agreeable visual impact mitigation approach.

In the Environmental Assessment and Draft Site Permit, EIP recommended adding a Visual Screening Plan permit condition requiring Benton Solar to develop a visual screening plan, coordinate with landowners on the plan, and maintain any vegetation for three years to address comments by residents of Rua Mitchel Court.² EIP’s recommended permit condition is essentially identical to the Visual Screening Plan permit conditions in several recently issued site permits.³ In contrast, the Report’s year-round and eight-foot requirements deviate from those recent Visual Screening Plan permit conditions by specifying characteristics of the visual screen. As in recent proceedings,⁴ the standard language—with no specified characteristics—sufficiently addresses comments about visual impacts from specific landowners.

Notably, the Report’s proposed revision to the standard language also curtails the flexibility needed to respond to landowners’ concerns. Because the standard language requires coordination with landowners but does not impose specific characteristics for the screening, it provides permittees and landowners the ability to (1) devise visual screening that is responsive to a range of landowner concerns and site-specific constraints and (2) address concerns through individual good neighbor agreements with those landowners most affected. This flexibility is key in facilitating mitigation that both meets the engineering and economic constraints of the Project and responds to landowner concerns.

Benton Solar is committed to arriving at a visual impact mitigation that addresses landowner concerns and has been coordinating with them and Benton County through multiple iterations of proposed screening plans.⁵ Benton Solar is confident that its previous and continued coordination efforts with the landowners will result in a responsive and effective visual screen. Under the standard permit language, the Commission will be able to confirm through Benton Solar’s

² Environmental Assessment at 38 and Draft Site Permit Condition 5.1, July 24, 2025, eDockets ID No. [20257-221364-01](#). Benton Solar did not object to EIP’s recommended permit condition. Response Comments by Benton Solar at 6–7, Sept. 26, 2025, eDockets ID No. [20259-223360-02](#) (“Response Comments”).

³ See, e.g., Site Permit Condition 5.1 for Gopher State Solar, Aug. 26, 2025, eDockets ID No. [20258-222401-01](#); Site Permit Condition 5.1 for Iron Pine Solar, Aug. 11, 2025, eDockets ID No. [20258-221949-01](#); Site Permit Condition 5.7 for Plummer Solar Project, April 16, 2025, eDockets ID No. [20254-217785-01](#).

⁴ Findings of Fact and Conclusions of Law on the Gopher State Solar Project from the Office of Administrative Hearings (“OAH”) at 19–20, June 6, 2025, eDockets ID No. [20256-219489-01](#) (noting the applicant’s coordination with a specific landowner to address visual impacts to the property); Findings of Fact and Conclusions of Law on the Plummer Solar Project from OAH at 15, Feb. 4, 2025, eDockets ID No. [20252-214889-01](#) (noting the project’s proximity to residences and the applicant’s commitment to coordinating with those landowners); Findings of Fact and Conclusions of Law on the Iron Pine Solar Project from OAH at 21–22, April 25, 2025, eDockets ID No. [20254-218138-01](#).

⁵ Response Comments at 2.

preconstruction compliance filing that the ultimate solution—along with the landowner coordination necessary to devise it—appropriately addresses landowner concerns.

Request for Modification of Permit Conditions

Benton Solar also respectfully requests the Commission modify standard permit conditions in the Draft Site and Route Permits to facilitate compliance with the tree clearing recommendation of the Minnesota Department of Natural Resources (“DNR”) and to minimize ground disturbance during such activities.

During the public comment period on the Environmental Assessment, DNR requested the below special permit condition to protect bat hibernacula and habitat:

The Permittee shall comply with the DNR’s tree clearing recommendation from June 1 to August 15 to minimize impacts to northern-long eared bats.⁶

Benton Solar anticipates constructing the Project during Summer and Fall 2026. Following scheduling conversations with its contractor, Blattner Energy, Benton Solar determined that due to the timeline for completion and submittal of the site plan and pre-construction filings, the necessary agency review of those documents, and the preconstruction meeting, there may not be adequate time following site plan approval to complete tree clearing prior to the recommended avoidance period. Moreover, even if such timing were feasible, tree clearing activities conducted during frozen ground conditions tend to reduce disturbance and impact compared with those undertaken in April and May. Accordingly, Benton Solar believes that tree clearing during the winter months would further avoid impacts associated with tree clearing.

To enable that avoidance and allow for regulatory alignment with the referenced DNR special permit condition, Benton Solar is requesting an amendment to General Condition 4.3.15 of the Draft Site Permit, and General Condition 5.3.10 of the Draft Route Permit, to add the below bolded paragraphs:

Site Permit General Condition 4.3.15

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

The Permittee may cut and remove trees, but not grub or grind stumps, prior to Project construction approval as described in

⁶ Comments by DNR on the Environmental Assessment, at 2, Sept. 12, 2025, eDockets ID No. [20259-222952-01](#). Benton Solar accepted DNR’s recommendation in its Response Comments. *See* Response Comments at 8.

Section 8.3, on the condition that the Permittee file a Tree Removal Management Plan for review by Commission staff and written approval by the Executive Secretary. The Tree Removal Management Plan shall include a description of the activities, equipment and methodology that will be used, figures showing tree removal locations and relevant mitigation measures.

Route Permit General Condition 5.3.10

The Permittee shall minimize the number of trees to be removed in selecting the right-of-way specifically preserving to the maximum extent practicable windbreaks, shelterbelts, living snow fences, and vegetation in areas such as trail and stream crossings where vegetative screening may minimize aesthetic impacts, to the extent that such actions do not violate sound engineering principles or system reliability criteria.

The Permittee shall remove tall growing species located within the transmission line right-of way that endanger the safe and reliable operation of the transmission line. The Permittee shall leave undisturbed, to the extent possible, existing low growing species in the right-of-way or replant such species in the right-of-way to blend the difference between the right-of-way and adjacent areas, to the extent that the low growing vegetation that will not pose a threat to the transmission line or impede construction.

The Permittee may cut and remove trees, but not grub or grind stumps, prior to Project construction approval as described in Section 9.2, on the condition that the Permittee file a Tree Removal Management Plan for review by Commission staff and written approval by the Executive Secretary. The Tree Removal Management Plan shall include a description of the activities, equipment and methodology that will be used, figures showing tree removal locations and relevant mitigation measures.

Benton Solar notes that the above language is consistent with prior Commission decisions on similar permit amendment requests in other dockets.⁷ Here, Benton Solar believes this request can be efficiently addressed prior to the Commission's issuance of the permits rather than by submitting a subsequent permit amendment request. Benton Solar has coordinated the above approach with the DNR and looks forward to addressing any questions the Commission may have at its consideration of this matter.

⁷ See, e.g., Order Amending Section 4.3.14 of the Sherco Solar Site Permit, Jan. 4, 2023, eDockets ID No. [20231-191792-01](#); Order Amending the Frazee to Erie HVTL Route Permit, Jan. 24, 2023, eDockets ID No. [20231-192471-01](#).

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Conclusion

Benton Solar respectfully requests that the Commission adopt the Report with the above exception and issue the Site and Route Permits for the Project with the requested modifications. Thank you for your attention to this filing. Please do not hesitate to contact me with any questions or concerns regarding it.

Respectfully submitted,

Stinson LLP

/s/ Micah J. Revell

Micah J. Revell

**STATE OF MINNESOTA
BEFORE THE
MINNESOTA PUBLIC UTILITIES COMMISSION**

*In the Matters of the Applications of Benton
Solar, LLC for Site Permits for the 100 MW
Solar Energy Generating System and 100 MW
Battery Energy Storage System and a Route
Permit for the 115 kV High-Voltage
Transmission Line Associated with the Benton
Solar Project in Benton County, Minnesota*

**Docket Nos. IP7115/GS-23-423
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OAH Docket No. 25-2500-40339

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of *Benton Solar's Exception to the November 10, 2025 Findings of Fact, Conclusions of Law, and Recommendations* was electronically served upon the following:

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Dated: November 24, 2025

/s/ Gina K. Sievers

Gina Sievers