

May 27, 2015

Daniel P. Wolf, Executive Secretary  
Minnesota Public Utilities Commission  
127 7th Place East, Suite 350  
St. Paul, MN 55101-2147

**Re: In the Matter of Aurora Distributed Solar, LLC's Application for a Site Permit to Construct a 100 MW Distributed Solar Energy Project at Multiple Facilities in Minnesota**  
EERA Supplemental Comments  
Aurora Distributed Solar Project  
Docket No. E-6928/GS-14-515

Dear Mr. Wolf:

In response to Commission staff's briefing paper filed on May 22, 2015, Department of Commerce, Energy Environmental Review and Analysis (EERA) staff is providing the Commission with supplemental comments concerning the adequacy of the Environmental Assessment (EA) and hearing record for the above-noted project.

EERA's comments are intended to clarify that, pursuant to Minn. Rule 7850.3900, subpart 2, the determination the Commission is called upon to make regarding the EA is whether the EA and the record created at the public hearing address the issues identified in the EA scoping decision.

Staff's briefing paper on page 14 and in Decision Alternative A1 refers to responses to comments received on the "draft" environmental document:

**A. Environmental Assessment**

1. Find that the EA meets the requirements of Minn. R. 7850.3700, in that it:
  - Addresses the issues and alternatives raised in scoping;
  - Provides responses to the timely substantive comments received during the draft environmental impact statement review process; and
  - Was prepared in compliance with the procedures in Minn. R. 7850.3700.
2. Take some other action deemed appropriate.

In this case, because the application is being reviewed pursuant to the Alternative Permitting Process, there is no separate comment period on the EA. Comments on the EA, as well as a variety of other issues, are submitted into the hearing record in accordance with Public Hearing process of Minn. R. 7850.3800. EERA's responses to comments were submitted in its March 10, 2015, comments to the Administrative Law Judge (ALJ). Unlike the draft and final Environmental Impact Statement (EIS) that is part of the Full Permitting Process, there was no "draft" EA or "final EA" that responded to comments.

EERA notes that the Administrative Law Judge Case's Conclusions of Law #5 accurately reflect the test for determining completeness of the environmental assessment.

EERA staff proposes the following revised Decision Alternative A in keeping with conclusion #5 and Minn. Rule 7850.3900, subpart 2:

**A. Environmental Assessment**

1. Find that the EA and the record created at the public hearing address the issues identified in the EA scoping decision, ~~meets the requirements of Min. R. 7850.3700, in that it:~~

- ~~• Addresses the issues and alternatives raised in scoping;~~
- ~~• Provides responses to the timely substantive comments received during the draft environmental impact statement review process; and~~
- Was prepared in compliance with the procedures in Minn. R. 7850.3700.

2. Take some other action deemed appropriate.

EERA staff notes that the proposed revision is consistent with the decision alternatives contained in previous Commission staff briefing papers, including two recent HVTL permits reviewed under the alternative process (the Odell Transmission Line, (Docket # 13-591, eDocket ID: [20149-103281-01](#)) and the Deer River Transmission Project (Docket #13-68 , eDocket ID: [20145-99509-02](#))), and in the Commission orders issued in those proceedings.

EERA staff is available to answer any questions the Commission may have.

Sincerely,



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