

NOTICE OF CONTESTED WITHDRAWAL AND COMMENT PERIOD

Issued: January 14, 2019

In the Matter of the Application of Flying Cow Wind, LLC for a Certificate of Need for the up to 152 MW Bitter Root Wind Project and Associated Facilities in Yellow Medicine County, Minnesota

PUC Docket Number(s): IP-6984/CN-17-676

OAH Docket Number: 60-2500-35035

Please take note that the Minnesota Department of Commerce, Division of Energy Resources (Department) and the Laborers District Council of Minnesota and North Dakota (LIUNA), have objected to the December 28, 2018 request of Flying Cow Wind, LLC, to withdraw its application for a Certificate of Need in Docket 17-676.

Under Minn. Rules, 7829.0430, subpart 2, this matter is now a contested withdrawal and therefore the Executive Secretary cannot grant approval for the withdrawal under Minn. Rules, 7829.0430, subpart 1. Instead, the withdrawal will be brought to a future agenda meeting for Commission consideration after an opportunity for comment.

Comment Period: Initial comment period closes January 25, 2019 at 4:30pm

Reply comment period closes February 1, 2019 at 4:30pm

Comments received after the close of the comment period may or may not be considered by the Commission.

Issue: Should the Commission allow Flying Cow Wind LLC to withdraw its Certificate of Need application?

Topic(s) Open for Comment:

- Does the petition for withdrawal meet the certificate of need exemption criteria of Minn. Stat. § 216B.243, Subd. 8 (7)?
- Would granting the withdrawal contravene the public interest?
- Would granting the withdrawal prejudice any party?
- Would granting the withdrawal impact issues requiring Commission action?

- Are there conditions that could be placed on the withdrawal that would mitigate any harm identified?
- Are there any other relevant issues to consider?

Background: On October 19, 2017, Flying Cow Wind, LLC (Flying Cow or Applicant) filed an application for a certificate of need to build a Large Wind Energy Conversion System (LWECS or wind farm) with a capacity of up to 152 megawatts (MW) in Yellow Medicine County, west of Canby, Minnesota (Bitter Root Wind Project, or the project). This action initiated Docket No. IP-6984/CN-17-676 (Need docket).

On November 9, 2017, Flying Cow filed an application for a site permit for the project, initiating Docket No. IP-6984/WS-17-749 (Site Docket).

On January 12, 2018, the Commission issued an order in the Need docket authorizing the use of an informal review process in lieu of a contested case proceeding. Accordingly, the order asked the Office of Administrative Hearings (OAH) to assign an administrative law judge (ALJ) to convene public hearings and prepare a summary of the record.¹ The Commission issued an analogous order in the Site docket on January 30, 2018, but also requested the ALJ to issue findings of fact, conclusions of law, and recommendations on the merits of the site permit application.²

On September 5, 2018, the ALJ issued his Summary of Public Testimony, Findings of Fact, Conclusions of Law, and Recommendation (ALJ Report), summarizing the record and recommending that the Commission issue a site permit to Flying Cow for the Bitter Root Project.

On December 6, 2018, the Commission met to consider these matters, and on January 3, 2019 issued its *ORDER DEFERRING ACTION AND INITIATING NEGOTIATIONS NOTICE AND ORDER FOR HEARING*.

Filing Requirements: Utilities, telecommunications carriers, official parties, and state agencies are **required** to file documents using the Commission's electronic filing system (eFiling). All parties, participants and interested persons are encouraged to use eFiling: mn.gov/puc, select *eFiling*, and follow the prompts.

Submit Public Comments: Visit mn.gov/puc, select *Speak Up!* to find this docket, and add your comments to the discussion or email your comments to consumer.puc@state.mn.us.

Full Case Record: See all documents filed in this docket via the Commission's website at mn.gov/puc, select *Search eDockets*, enter the year (17) and the docket number (676), select *Search*.

¹ Need docket, Order Accepting Application as Substantially Complete and Directing Use of Informal Review Process (January 12, 2018).

² Site docket, Order Accepting the Site Permit Application, Establishing Procedural Framework, and Varying Rules (January 30, 2018).

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Questions about this docket or Commission process and procedure? Contact Commission staff, Bret Eknes, at bret.eknes@state.mn.us or 651-201-2236.

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