

March 15, 2021

**VIA ELECTRONIC FILING**

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

**RE: Reply Comments**

**In the Matter of the Application of Louise Solar Project, LLC for a Site Permit  
for the 50 MW Louise Solar Project in Mower County, Minnesota  
MPUC Docket No. IP-7039/GS-20-647**

Dear Mr. Seuffert:

Louise Solar Project, LLC (“Louise Solar” or “Applicant”) submits these reply comments regarding the completeness of its Site Permit Application (“SP Application”) for a 50-megawatt (“MW”) alternating current solar energy generating system in Mower County, Minnesota (“Project”). Louise Solar appreciates the Department of Commerce, Energy Environmental Review and Analysis (“DOC-EERA”) Staff’s thorough review of the SP Application and comments on this process going forward. Louise Solar provides these comments to address the items discussed in the comments of DOC-EERA Staff, as well as to discuss the process for further review of the SP Application.

In addition, on or before March 8, 2021, comments were filed by LIUNA Minnesota & North Dakota (“LIUNA”) and one member of the public. Louise Solar has reviewed these comments and concluded none raised issues with the completeness of the SP Application. Louise Solar anticipates that the issues raised in these public comments will be addressed during the permitting process.

**Completeness and Additional Information.**

The Commission requested comments concerning whether the SP Application contains the information required under the applicable rule. DOC-EERA Staff recommended the Commission accept the SP Application as substantially complete but require the Applicant to provide additional information during the proceeding. Specifically, DOC-EERA Staff recommended the Commission:

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1. Require the Applicant to revise the Decommissioning Plan (Appendix G of the SP Application) to include the information discussed in DOC-EERA Staff's comments and resubmit the revised plan.
2. Require the Applicant to revise the Vegetation Management Plan (Appendix D of the SP Application) to be consistent with Vegetation Establishment and Management Plan Guidance and resubmit the revised plan prior to the hearing.
3. Require the Applicant to provide additional discussion of its review and elimination of any other points of interconnection ("POI") that made it through the screening exercise described in the SP Application to complete the prime farmland analysis prior to scoping for the Environmental Assessment ("EA").
4. Require the Applicant to provide additional information as needed to prepare the EA.

Louise Solar agrees with DOC-EERA Staff's recommendation to accept the SP Application as substantially complete and allow this additional information to be submitted as part of the permit process. Louise Solar will provide the requested information in the timeframes suggested by DOC-EERA.

Louise Solar believes that it is appropriate to provide this information as part of the permit review process for a few reasons and offers this additional context related to the requested information:

Decommissioning Plan: Louise Solar understands that the Commission has not yet issued an order in the Matter of the Department of Commerce Workgroup on Wind and Solar Facilities (Docket No. E999/M-17-123). These recommendations may inform revisions to Louise Solar's Decommissioning Plan. Additionally, EDFR is in the process of implementing decommissioning financial assurance related to another Minnesota project, and it is likely the company's experience will inform additional changes as well.

Vegetation Management Plan: Louise Solar appreciates the references to DOC-EERA's recently finalized Vegetation Establishment and Management Plan Guidance but notes that the final version was published in March, after Louise Solar filed its SP Application. Now that the Guidance is more widely available, it is possible additional stakeholder and industry feedback could prompt revisions to the Guidance, and, in any event, Louise Solar appreciates the opportunity to provide comments on the record as to the suitability of the Guidance to this site.

Equipment Flexibility: DOC-EERA also notes that, absent additional information prior to the completion of the EA, DOC-EERA will need to evaluate a "worst case" impact scenario. As discussed in the SP Application, the Project as proposed has been designed to avoid and minimize impacts. However, Louise Solar strongly believes that maintaining equipment flexibility is in not only its best interests, but also the best interests of the public. Unlike trends in the wind industry,

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where new models of equipment are gaining remarkable efficiencies by getting larger, in the solar industry, fewer panels are needed to produce the same amount of electricity, making the project footprints smaller as they get more efficient. DOC-EERA's comments note that as proposed, Louise Solar is already more efficient on an acre/MW basis as compared to other existing Minnesota solar projects. This trend is expected to continue, and Louise Solar will provide additional information into the record as it is available, but as long as future changes reduce overall impacts, Louise Solar sees no impediment in the Commission's statutes or rules to prevent it from incorporating these changes as long as the Project can continue to comply with the conditions of its site permit.

### **Application Review Process, Joint Proceedings, and Environmental Review.**

Louise Solar agrees with EERA Staff's assessment that a joint processing of Louise Solar's SP Application and application for a Certificate of Need ("CN Application") (see MPUC Docket No. IP-7039/CN-20-646) (together, "Applications") is justified and that a single environmental review document, an environmental assessment in lieu of an environmental report, be prepared for the Project to provide a more efficient and less confusing public review process. Louise Solar also agrees that there are no contested issues of fact with respect to the proposed facility and that the matters should be referred to the Office of Administrative Hearings ("OAH") for a public hearing and preparation of a full administrative law judge report with recommendations. Finally, Louise Solar agrees with DOC-EERA Staff that an advisory task force is not warranted.

Louise Solar is concerned, however, with the draft schedule that was provided with DOC-EERA's comments. While Louise Solar has no objection to a full ALJ report, Louise Solar respectfully requests that the Commission consider the alternate schedule included as Attachment A. Louise Solar's proposed schedule meets all procedural requirements but does so in a timeframe that allows for completion of construction by the end of 2022. Solar construction is generally staged for a late-year (Q4) commercial operation date based on milestones set in finance and power purchase agreements. Minnesota winters and spring restrictions limit the pace of construction and activities that can take place during nearly half of the year. A late 2021 permitting decision allows equipment and contractor procurement and the finalization of plans in a manner that ensures an end of 2022 in-service date. Delaying a permit decision into 2022 could delay the in-service date by a full year, unnecessarily postponing local economic development, new jobs, and the climate benefits of this project. This is a 50 MW solar project with a signed Generator Interconnection Agreement and as of yet no identified issues of controversy. Louise Solar sees no identified reason that the proposed permitting process needs to take more than one year.

### **Conclusion.**

Louise Solar respectfully requests that the Commission accept the SP Application as substantially complete, with the understanding that Louise Solar will provide the additional information requested by DOC-EERA Staff during the proceedings; find there are no contested issues of fact

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with respect to the proposed facility; set a schedule consistent with Attachment A that allows a joint processing of Louise Solar's CN Application and SP Application and refer the matters jointly to the OAH for a public hearing and preparation of a full administrative law judge report with recommendations; and find that an advisory task force is not warranted.

These reply comments have been e-filed today through [www.edockets.state.mn.us](http://www.edockets.state.mn.us). A copy of this filing is also being served upon the persons on the Official Service Lists of record. Please let me know if you have any questions regarding this filing.

Sincerely,

*/s/ Christina K. Brusven*

Christina K. Brusven

**Direct Dial:** 612.492.7412

**Email:** cbrusven@fredlaw.com

### Louise Solar Proposed Schedule

Timeframe	Project Day	Process Step	Entity
February-March 2021	—	10-day Notice	Applicant
		Application Filed	Applicant
		Application Completeness Comments	Agencies/Public
		Reply Comments	Applicant
April 2021		Consideration of Application Acceptance	Commission
Acceptance through Environmental Assessment			
April 2021	1	Application Acceptance Order	Commission
April 2021		Public/Scoping Meeting Notice	EERA/Commission
End of April 2021	20	Public Information/Scoping Meetings	EERA/Commission
May 2021	30	Scoping Comment Period Closes	EERA
May 2021	40	Scoping Summary to Commission	EERA
Early June 2021	60	Commission Consideration of Alternatives	Commission
June 2021	70	Scoping Decision Issued	Commerce
August 2021	130	EA Issued/Public Hearing Notice	EERA/Commission
Public Hearing and ALJ Report			
End of August 2021	140	Public Hearing	OAH
September 2021	150	Comment Period Closes	OAH
September 2021	150	Draft FOF	Applicant
September 2021	160	Comments on Draft FOF / Technical Analysis	EERA
		Response to Hearing Comments	Applicant
October 2021	190	ALJ Issues Full Report, FOF and Recommendation	OAH
Early November 2021	205	Exceptions to ALJ Report	EERA, Applicant
Early December 2021	<b>235</b>	Consideration of CN/Site Permit Issuance	Commission

## CERTIFICATE OF SERVICE

I, Alicia P. Jones, hereby certify that I have this day, served a true and correct copy of the following documents to all persons on the attached service list by electronic filing or by depositing the same enveloped with postage paid in the United States mail at Minneapolis, Minnesota:

- Reply Comments; and
- Certificate of Service.

MPUC Docket No. IP-7039/GS-20-647

Dated this 15th day of March 2021

*/s/ Alicia P. Jones*

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Christina	Brusven	cbrusven@fredlaw.com	Fredrikson Byron	200 S 6th St Ste 4000  Minneapolis, MN 554021425	Electronic Service	No	OFF_SL_20-647_Official Service List 20-647
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1400  St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_20-647_Official Service List 20-647
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_20-647_Official Service List 20-647
Lucas	Franco	lfranco@liunagroc.com	LIUNA	81 Little Canada Rd E  Little Canada, MN 55117	Electronic Service	No	OFF_SL_20-647_Official Service List 20-647
Breann	Jurek	bjurek@fredlaw.com	Fredrikson & Byron PA	200 South Sixth St Ste 400  Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-647_Official Service List 20-647
Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	OFF_SL_20-647_Official Service List 20-647
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th PI E Ste 350  Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_20-647_Official Service List 20-647