

September 12, 2025

The Honorable Megan McKenzie
Minnesota Court of Administrative Hearings
600 North Robert Street
P.O. Box 64620
St. Paul, MN 55164-0620

RE: EIP Hearing Comments
Benton Solar Project
PUC Docket Nos. IP-7115/GS-24-423, IP-7115/TL-24-425 and IP-7115/ESS-24-283
CAH Docket No. 25-2500-40508

Dear Judge McKenzie:

Minnesota Public Utilities Commission (PUC) Energy Infrastructure Permitting (EIP) staff offers the following comments on the Benton Solar Project (Project) proposed by Benton Solar, LLC.

In these comments, EIP staff:

- Recommends modifications to the draft decommissioning plan,
- Responds to the Minnesota Department of Natural Resources (DNR) comments.

Decommissioning Plan

EIP Staff Comments on Benton Solar Project Draft Decommissioning Plan

Site permits for both the solar facility and BESS requires the permittee to file an updated decommissioning plan incorporating comments and information from the permit application process prior to construction. EIP staff has reviewed the draft decommissioning plan (draft plan) for the proposed Benton Solar Project included as Appendix E of the Site Permit Application¹ and Appendix E of the Route Permit Application,² both filed September 24, 2024.

EIP staff's review is guided by the recommendation of the Solar and Wind Decommissioning Working Group (SWDWG). As discussed in staff's recommendations on decommissioning plans in Docket 17-123, the decommissioning plan should serve as a stand-alone document to that describes the facility as it

¹ Benton Solar, LLC, September 24, 2024, *Site Permit Application, Appendix E: Decommissioning Plan*, eDockets No. [20249-210442-13](#).

² Benton Solar, LLC, September 24, 2025, *Route Permit Application, Appendix E: Decommissioning Plan*, eDockets No. [20249-210445-04](#).

exists on the ground and how Benton Solar, LLC (Benton Solar) will fulfil its obligation to remove the project components at the end of the facility's life.

EIP Comments and Recommendations

EIP staff recommends that Benton Solar revise the draft plan to incorporate the following improvements for the pre-construction document:

- **General Comments:**
 - EIP staff recommends that Benton Solar file a single decommissioning plan that covers the solar facility, the storage facility, and the gen-tie line in all dockets associated with the site and route permits.
 - Include all three docket numbers on the cover and file in all three dockets.
- **Independent Preparer:** Meets EIP expectations. The plans have been prepared by SWCA Environmental Consultants, and the cost estimates were prepared by Westwood Professional Services.
- **Decommissioning Objective:** Largely meets EIP expectations. EIP staff recommends the pre-construction version of the plan link the objective back to the permit language (Section 9.2 of the draft site permit) requiring the site be restored to pre-project conditions to the extent feasible. As the project matures, the objective may evolve in anticipation of a different use (e.g., commercial, industrial, or residential).
- **Scheduled Updates:** Largely meets EIP staff expectations. EIP staff recommends that the updates section of the plan include the revision history, including the date of the last plan and a link to the plan.
- **Project Description:** EIP staff recommends that the pre-construction version of the plan be updated to include:
 - Anticipated date of commercial operation (updated to the actual date in future updates).
 - The date and eDocket location of the site permit when issued. Future updates should also reference past decommissioning plans and provide a link to those plans.
 - Include a description of the gen-tie line as it is shown in the final site plans/plan and profile filings. Decommissioning of the gen-tie line should be described and included in the tasks and costs.
 - A short statement on landownership at the time of construction. Clarify whether Benton Solar owns or leases the entire site or portions of the site. It's unclear whether Benton Solar will own or lease the project substation site.
 - Moving Section 1.3 "Project Description" earlier in the document and moving the description of the site in Section 1 and the discussion of the project location and

surrounding land uses in Section 1.1 to this section. For the purposes of the decommissioning plan, describe the number and type of the project components (e.g., number of PV panels, number of BESS containers, miles of access roads, feet of fencing, etc.). The function of the components (e.g., the purposes of the inverters and transformers) is not really relevant to decommissioning.

- **Use of Generation Output.** As written, this section of the plan does not meet EIP staff expectations. Although the MISO agreements are important for the development of the project, they are not relevant to the decommissioning plan. EIP understands that the offtaker of the power is currently unknown. The pre-construction version of the plan should include a general statement of where the generation will be used. Examples include, but are not limited to:
 - Power Purchase Agreement (PPA). For any portion of the output sold through a PPA, the description should include the offtaker and the expiration date of any PPA(s).
 - Utility-owned generation portfolio.
- **Permits and Notifications:** EIP staff recommends that the information on permitting and notification be combined. EIP staff recommends that the pre-construction version of the plan include a list of permits required for decommissioning. EIP staff anticipates that the required permits may change over time, but the periodic reviews provide an opportunity for the list to be updated.

Expand on the general discussion about notifying the Commission, Benton County, other permitting authorities, and landowners. About how far in advance of the decommissioning will they be notified?

Section 9.1 of the draft permit requires the permittee provide the decommissioning plan to local governments, so plan to document compliance with that provision once the plan is filed as a pre-construction document.

- **Tasks and Timing:** EIP staff recommends additional information in several areas prior to filing as a pre-construction filing:
 - Clarification of assumptions about the destination of PV panels (noted as Lexington, KY in the cost estimate) in the text of the plan. EIP staff appreciates the clarification of disposal assumptions in section 2.4. EIP staff anticipates these facilities may change as the project ages, but calling this information out in its own subsection makes it easier identify whether updates are needed.
 - Provide some additional detail on the timeframe/schedule for decommissioning. A Gantt chart is not necessary at this time, but please provide some sense of sequencing and timing more detailed than a general statement of five to nine months. See, for example, section 2.3 of the 2021 decommissioning plan for [Sherco Solar project](#). The timeframe should be consistent with section 9.2 of the draft site permit, which requires the permittee to notify the Commission of final restoration within 18 months of the termination of the project.

- **Cost Estimate:** Meets EIP expectations at this time. EIP staff appreciates the clarification of disposal assumptions in section 2.4 but recommends additional text identifying the location where PV panels will be taken.

EIP notes that the estimated salvage value of the PV modules represents more than 60 percent of the total estimated salvage value for the project. The resale market for PV panels is not well established and using current resale values 30 years into the future is very speculative. EIP anticipates that the both the resale recycling markets for PV panels will become more stable over time and will continue to monitor for all solar projects. EIP recommends that both gross and net costs be updated at five year intervals.

- **Financial Assurance:** Meets EIP staff expectations at this time. Benton Solar has identified Benton County as the beneficiary of the financial assurance. EIP staff anticipates bringing the matter to the Commission at the time to surety is established to allow the Commission to weigh in on the amount (gross or net costs), mechanism, and beneficiary.

Response to DNR Comments

On September 12, 2025, the DNR submitted comments to eDockets.³ In their comments, the DNR addressed several subjects. EIP staff will respond to the comment regarding the Blanding's turtle:

As stated in the Natural Heritage Review Letters (MCE 2024-00427 and MCE 2024-00434), Blanding's turtles, a state-listed threatened species, have been documented in the vicinity of the project and avoidance measures are required during construction and project operations. Blanding's turtle avoidance measures were absent from the [Environmental Assessment (EA)] and draft permit. Portions of the project area contain sandy soil with low grassy vegetation which is ideal nesting habitat for Blanding's turtles. The Applicant must follow the avoidance measures detailed in the most recent Natural Heritage Review Letters to ensure compliance with Minnesota Endangered Species Statute (Minnesota Statutes, section 84.0895) and associated Rules (Minnesota Rules, part 6212.1800 to 6212.2300 and 6134). Our agency recommends the following permit condition to ensure the Permittee will comply with applicable DNR requirements related to Blanding's turtles and other state-listed species which was included in the permitted Plummer Solar Project (Docket GS-22-451): *The Permittee will comply with applicable Minnesota Department of Natural Resources requirements related to state-listed endangered and threatened species in accordance with Minnesota's Endangered Species Statute (Minnesota Statutes, section 84.0895) and associated Rules (Minnesota Rules, part 6212.1800 to 6212.2300 and 6134). The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.*

EIP staff acknowledges the absence of Blanding's turtle mitigation measures from both the EA and the draft permits, although the Blanding's turtle was identified as a possibly impacted resource within the

³ DNR, Comments, September 12, 2025, eDockets No. [20259-222952-01](#).

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EA. EIP staff agrees with the DNR's recommended special permit condition language, as written above, and believes the language should be included in both site permits (solar and energy storage) and the route permit.

EIP staff appreciates the opportunity to comment on the proposed project.

Sincerely,

A handwritten signature in black ink, appearing to read "Logan Hicks", written in a cursive style.

Logan Hicks

Environmental Review Manager