

May 19, 2025

VIA E-FILING

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

The Honorable Jessica Palmer-Denig
Office of Administrative Hearings
600 North Robert Street
P.O. Box 64620
Saint Paul, MN 55164-0620

Re: *Response to Public Hearing Comments*

**In the Matter of the Application of Coneflower Energy, LLC for a Site Permit for the
up to 235 MW Coneflower Solar Project in Lyon County, Minnesota.**

OAH Docket No. 71-2500-40396

MPUC Docket No. IP-7132/GS-24-215

Dear Mr. Seuffert and Judge Palmer-Denig:

Coneflower Energy, LLC (Coneflower Solar) respectfully submits these comments in response to the oral comments made at the public hearings held on April 22 and 23, 2025, and the written public comments submitted during the public comment period ending May 5, 2025 on Coneflower Solar's Application for a Site Permit (Application) for an up to 235 MW alternating current photovoltaic solar energy conversion facility in Custer Township, Lyon County, Minnesota (Project). With this filing, Coneflower Solar also provides comments on conditions proposed in the Draft Site Permit (DSP).

Written comments were submitted by the Lyon County Soil and Water Conservation District (SWCD),¹ Dennis Christenson,² Marilyn Christenson,³ Norma Raske,⁴ Minnesota Pollution Control Agency (MPCA),⁵ Minnesota Department of Natural Resources (DNR),⁶ Department of Commerce, Energy Environmental Review and Analysis staff (EERA),⁷ IUOE Local 49 (Local 49) and North Central States Regional Council of Carpenters (NCSRCC),⁸ LIUNA Minnesota and North Dakota (LIUNA),⁹ and the Minnesota Interagency Vegetation Management Planning Working Group (VMPWG).¹⁰

¹ Public Hearing Exhibit A (May 6, 2025) (eDocket No. 20255-218618-04).

² Public Hearing Exhibit B (May 6, 2025) (eDocket No. 20255-218618-05).

³ Public Hearing Exhibit C (May 6, 2025) (eDocket No. 20255-218618-06).

⁴ Public Hearing Exhibit D (May 6, 2025) (eDocket No. 20255-218618-07).

⁵ MPCA Public Comment (Apr. 16, 2025) (eDocket No. 20254-217740-01).

⁶ DNR Comments (May 2, 2025) (eDocket No. 20255-218562-01 and 20255-218562-02).

⁷ EERA Hearing Comments (May 5, 2025) (eDocket No. 20255-218595-01).

⁸ Local 49 and NCSRCC Comments (May 5, 2025) (eDocket No. 20255-218593-01).

⁹ LIUNA Comments (May 5, 2025) (eDocket Nos. 20255-218617-01, 20255-218617-02, and 20255-218617-03).

¹⁰ VMPWG Hearing Comments (May 6, 2025) (eDocket No. 20255-218616-01).

Coneflower Solar appreciates the agency and public participation in this docket and the opportunity to offer this response. In the sections below, Coneflower Solar responds first to the agency comments and then to other comments submitted during the comment period.

As demonstrated in the record, the Project makes efficient use of available land and the strong solar resource in this area while minimizing adverse human and environmental impacts, and, overall, the Project complies with the Minnesota Public Utilities Commission's (Commission) siting criteria. The Project enjoys broad public support and has thoughtfully addressed comments received during the site permit process.

I. Response to EERA Comments.

On May 5, 2025, EERA filed public hearing comments recommending modifications to the draft decommissioning plan, providing corrections to selected figures and references included in the Environmental Assessment (EA), summarizing changes between the sample site permit filed by the Commission and the proposed DSP included as Appendix B of the EA, and responding to Coneflower Solar's direct testimony.¹¹ Coneflower Solar responds to each topic in turn below.

A. Decommissioning Plan.

EERA provided comments on Coneflower Solar's draft decommissioning plan and made recommendations for revisions related to the cover of the plan, decommissioning objective, scheduled updates, Project description, use of generation output, permits and notification, tasks and timing, cost estimate, and financial assurance. Coneflower Solar agrees with EERA's comments and will address the remaining comments in pre-construction filings.

B. Draft Permit Conditions.

In its hearing comments, EERA summarizes the changes between the sample permit and EERA's proposed DSP included in Appendix B of the EA.¹² Coneflower Solar agrees with EERA's recommended DSP special conditions 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.11, 5.12, 5.13, 5.14, and 5.15.

In the comments, EERA also responds to Coneflower Solar's comments on sections 2.0, 5.9, 5.10, and 5.16 of the DSP in its direct testimony.¹³ Specifically, EERA supports correcting section 2.0 of the DSP to refer to Lyon County as the host county and revising special permit condition 5.10 (Wildlife Friendly Lighting) to replace "motion activated" with "switch-controlled."¹⁴

¹¹ EERA Hearing Comments (May 5, 2025) (eDocket No. 20255-218595-01).

¹² EERA Hearing Comments at 6-8 (May 5, 2025) (eDocket No. 20255-218595-01).

¹³ See Ex. CE-12 (Direct Testimony of Brie Anderson).

¹⁴ EERA Hearing Comments at 9 (May 5, 2025) (eDocket No. 20255-218595-01).

Based on EERA's comments, there remain two special conditions where EERA's recommendations differ from Coneflower Solar's:

- Condition 5.9 (Fencing ROW Setbacks) and
- Condition 5.16 (Community Impact Mitigation Agreement).

Coneflower Solar continues to believe that DNR and EERA's recommended fencing right-of-way (ROW) setback is overbroad and unnecessary to achieve the stated purpose – reducing the risk of vehicle collisions with wildlife. As stated in Brie Anderson's Direct Testimony, Coneflower Solar proposes revising special permit condition 5.9 of the DSP to account for the Blowing Snow Control plan that Coneflower Solar developed with Minnesota Department of Transportation (MnDOT) and to apply the recommended 50-foot fencing setback to the paved roads in the Project Area with fencing on both sides of the road. Gravel roads in the Project Area have inherently less risk of wildlife/vehicle collisions because of reduced traffic levels and speeds. Implementing the 50-foot setback from all public ROWs would remove additional acreage from the Project Footprint, resulting in a less efficient design, without a clear benefit to wildlife or the traveling public. Coneflower Solar offered a reasonable compromise – incorporating the road setback on paved roads where project facilities occupy both sides of the ROW. Coneflower Solar continues to support its proposed modification to special condition 5.9 with the inclusion of a minimum setback of 50 feet from US Highway 14 ROW (where DNR's Blowing Snow Control plan will also be in effect):

5.9 Fencing ROW setbacks

The Permittee shall apply a minimum setback of 50 feet from the perimeter fence to paved ~~all~~ road ROWs on US Highway 14 and County Road 7 where Project Facilities are sited on both sides of the road to reduce the risk of vehicle collisions with wildlife.¹⁵

Coneflower Solar also finds that EERA's continued support for a Community Impact Mitigation Agreement is contrary to the record and requests that special permit condition 5.16 of the DSP be removed in its entirety. In its comments, EERA stated a belief that the permit condition is supported by the analysis in the EA particularly with respect to cultural values and cumulative potential effects.¹⁶

In contrast, during the in-person public hearing in Marshall, Minnesota on April 22, 2025, several members of the public from the city of Garvin and Custer Township offered comments in

¹⁵ Ex. CE-12 at 15:9-20 (Direct Testimony of Brie Anderson with Schedules A-D).

¹⁶ EERA Hearing Comments at 9 (May 5, 2025) (eDocket No. 20255-218595-01).

support of the Project and socioeconomic benefits that the Project will bring to the community including the support of area churches, schools, and 4-H clubs.¹⁷

Numerous sections of the EA also conclude that impacts to the community will be positive. For example, Garvin is not an area of environmental justice concern;¹⁸ the Project will not create disproportionate or adverse impacts to low-income or minority populations because the percentage of low-income and minority residents in the Project Area is not meaningfully greater than Lyon County, the region of comparison;¹⁹ the Project will not disrupt local communities or businesses;²⁰ the Project abides by Lyon County Zoning Ordinance setbacks and other required setbacks;²¹ there is a raised railroad ROW²² and existing vegetation²³ between the Project and the city of Garvin; and the economic benefits of the Project are anticipated to be positive.²⁴ To the extent that EERA's recommendations are based on the cumulative impact of Coneflower Solar, Minnesota Energy Connection (MNEC) and the Lyon County Station (LCS), Coneflower Solar again states that it would be inappropriate for the Project, with the positive impacts noted above, to bear the brunt of this requirement, when no similar requirement was made of the MNEC or LCS projects.²⁵

II. Response to DNR Comments.

DNR submitted written comments on May 2, 2025, recommending special permit conditions for facility lighting, dust control, wildlife friendly erosion control, and a Vegetation Management Plan (VMP). DNR requested that the Project's security fence reach a minimum height of 10 feet around each grouping of solar arrays to prevent large wildlife from entering the solar facility and supported section 4.3.32 of the DSP requiring the permittee to coordinate the final security fencing design with the DNR and the Department of Commerce. DNR also requested a special permit condition requiring Coneflower Solar to complete coordination with the DNR regarding rare species, including following the stated avoidance measures and the Takings Permit process if needed, before Project activities begin.²⁶

A. Security Fencing.

DNR provided comments on the Project's perimeter fence. Coneflower Solar appreciates DNR's comments and will continue to coordinate with DNR and EERA regarding the Project's

¹⁷ See Marshall 6:00 p.m. Public Hearing Transcript (Marshall 6:00 p.m. Tr.) at 27:3-20, 28:5-12, 30:12-25, 31:14-22, 37:4-22, 38:7-25, 39:1-13, 45:10-17, 46:1-25, 47:6-25, and 48:2-20) (April 22, 2025); *see also* Public Hearing Exhibits B-D (May 6, 2025) (eDocket Nos. 20255-218618-05, 20255-218618-06, and 20255-218618-07).

¹⁸ See Ex. EERA-6 at 89-90 (EA).

¹⁹ Ex. EERA-6 at 90 (EA).

²⁰ Ex. EERA-6 at 84 (EA).

²¹ See Ex. EERA-6 at 73 and 74 (EA).

²² See Ex. EERA-6 at 53 and 79 (EA).

²³ See Ex. EERA-6 at 134 (EA).

²⁴ Ex. EERA-6 at 84 (EA).

²⁵ Ex. CE-12 at 16-17 (Direct Testimony of Brie Anderson with Schedules A-D).

²⁶ DNR Comments (May 2, 2025) (eDocket No. 20255-218562-01 and 20255-218562-02).

security fence. However, Coneflower Solar respectfully disagrees with DNR's recommendations as to fence heights.

DNR recommended at least 10-foot-tall security fencing to prevent large wildlife from entering the solar facility. As stated in its Application and Brie Anderson's Direct Testimony, Coneflower Solar plans to construct a six-foot chain link fence, topped with one foot of barbed wire, around the Project substation to comply with the National Electric Code.²⁷ Fencing around the perimeter of the Project facilities will consist of an agricultural woven wire fence and will extend approximately seven feet above grade. Barbed wire will not be used around the perimeter of the Project, and instead one foot of three to four strands of smooth wire will be used for a total fence height of eight feet.²⁸ Coneflower Solar will continue to work with EERA and DNR on a final fence plan for this site but cannot agree to DNR's recommended 10-foot fence height. The additional fence height would negatively impact the Project's aesthetics by making the fence a more prominent feature on the landscape, and increase project costs, while making it only marginally more likely to keep white-tail deer away from the Project facilities.²⁹

B. Lighting.

DNR supports special condition 5.10 of the DSP which directs the Permittee to install motion-activated and down-lit lighting. As mentioned in the Application³⁰ and in direct testimony,³¹ Coneflower Solar proposes revising section 5.10 of the DSP to require the use of switch-controlled down-lit lighting. The shared goal of DNR and Coneflower Solar is to minimize potential light impacts to wildlife in the area; motion-activated lighting can turn on needlessly due to passing animals and off inadvertently while operations and maintenance staff are performing duties, potentially increasing safety risks. Light impacts to wildlife and staff safety concerns will therefore be reduced by Coneflower Solar's operations and maintenance team, who will switch the lights on when needed at the site and off prior to exiting the site rather than rely on motion-activated lighting.

C. Dust Control.

DNR supports special condition 5.11 of the DSP which requires the Permittee to use dust suppression agents that do not contain chloride. Coneflower Solar does not object to special condition 5.11.

D. Wildlife-Friendly Erosion Control.

DNR supports special condition 5.12 of the DSP which requires the Permittee to use

²⁷ Ex. CE-4 at 19-20 (Application) and Ex. CE-12 at 10-11 (Direct Testimony of Brie Anderson).

²⁸ Ex. CE-4 at 19-20 (Application).

²⁹ Ex. CE-12 at 10-11 (Direct Testimony of Brie Anderson).

³⁰ See Application at 47; *see also* EA at 34.

³¹ Ex. CE-12 at 16:1-10 (Direct Testimony of Brie Anderson).

wildlife-friendly erosion control materials that do not contain plastic, synthetic fibers, or malachite green dye. Coneflower Solar does not object to special condition 5.12.

E. Vegetation Management Plan.

DNR provided comments on the draft VMP. DNR supports section 4.3.17 of the DSP and recommended continued coordination with the VMPWG and that the final VMP be developed in accordance with DNR's recently revised *Prairie Establishment & Maintenance Technical Guidance for Solar Projects*.³² DNR expressed concern that the VMP will not satisfy the requirements established in section 4.3.16 of the DSP or the agency's technical guidance.

Coneflower Solar has reviewed this updated technical guidance. Coneflower Solar appreciates DNR's recommendation and will continue to coordinate with the VMPWG on the Project's VMP.

F. State-Listed Endangered and Threatened Species.

In its public hearing comments, DNR requested the following special permit condition be included in the Site Permit requiring the permittee to complete coordination with the DNR regarding rare species, including following the stated avoidance measures and the Takings Permit process if needed, before Project activities begin:

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 Department of Commerce or Commission staff.³³

Based on the DNR's initial Natural Heritage Review, it is not anticipated that a Takings Permit will be necessary for the Project.³⁴ Coneflower Solar finds DNR's recommended permit condition to be reasonable and supports its inclusion in the DSP.

III. Response to MPCA.

MPCA's public hearing comments state that if it is determined that a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers (USACE) for Project related wetland impacts is necessary, then Coneflower Solar must also obtain a MPCA Section 401 Water Quality Certification with conditions, waiver or denial as part of the permitting process. MPCA also commented that the EA should clarify that if the USACE Section 404 Permit or the Section 10

³² DNR Comments at 2-3(May 2, 2025) (eDocket No. 20255-218562-01 and 20255-218562-02).

³³ DNR Comments at 2 (May 2, 2025) (eDocket No. 20255-218562-01 and 20255-218562-02).

³⁴ Natural Heritage Review Letter (May 2, 2025) (eDocket No. 20255-218562-02).

Permit is required and in accordance with Minnesota Statutes, the Project should include the MCPA as a regulator of all surface waters as defined by Minn. Stat. § 115.01, subd. 22.³⁵

Coneflower Solar appreciates MPCA's review of the EA and its comments. Coneflower Solar does not expect that a Section 404 Permit will be needed for the Project. As stated in the EA, the preliminary layout, and the expected final design for the solar facility avoids locating solar arrays and associated facilities in wetlands save for two collection lines crossings under two delineated wetlands, one in the south-central portion of the Project, and one located in the north-eastern portion of the Project. There is no difference in wetland boring between the Garvin Scenario and the MISO Scenario. Both scenarios have the same two wetlands identified for boring in the preliminary layout. Coneflower Solar will bore these collection lines beneath the two wetlands to avoid impacts in accordance with the USACE St. Paul District Utility Regional General Permit conditions.³⁶ However, if wetland impacts are identified in the final layout, Coneflower Solar will coordinate with agencies such as the MPCA under Minn. Stat. § 115.01, subd. 22, USACE under Section 404 and 401 of the Federal Clean Water Act (CWA), and Lyon County SWCD under the Minnesota Wetland Conservation Act (WCA).³⁷

IV. Response to VMPWG.

The VMPWG provided comments recommending that Coneflower Solar continue to coordinate with the VMPWG as it finalizes the VMP, including the development of diverse, native seed mixes, refinement of the seeding and management plans, and a list of species substitutions for each seed mix.³⁸ The VMPWG noted that the Project's current seed mix design does not meet the DNR's solar technical guidance or Minnesota Board of Water & Soil Resource's Habitat Friendly Solar Standard.³⁹ Coneflower Solar notes that the VMP proposes different seed mixes in different areas throughout the Project Area. This is intentional to meet the varied, Project-specific, nature-positive vegetative goals and needs in each area. The perimeter of the Project Area will have higher and more diverse vegetation, while areas under the panels will consist of lower growth vegetation.

Additionally, the VMPWG raised concerns that a panel height of 18 inches could make establishing and managing native vegetation challenging and that a minimum height of 18 inches is too short to properly account for snow buildup in Minnesota's climate.⁴⁰ Coneflower Solar will work with the VMPWG on a seed mix that is compatible with the design of the Project's solar arrays; however, the Project does not plan to change the design to adjust the height of the panels for additional seed mix varieties. It is reasonable to adjust the seed mix, as needed, to fit the design of the Project, but not to adjust the design to accommodate a vegetative preference. For example,

³⁵ MPCA Public Comment (Apr. 16, 2025) (eDocket No. 20254-217740-01).

³⁶ Ex. EERA-6 at 130 (EA).

³⁷ Ex. EERA-6 at 131 (EA).

³⁸ VMPWG Hearing Comments (May 6, 2025) (eDocket No. 20255-218616-01).

³⁹ VMPWG Hearing Comments at 2 (May 6, 2025) (eDocket No. 20255-218616-01).

⁴⁰ VMPWG Hearing Comments at 2 (May 6, 2025) (eDocket No. 20255-218616-01).

increasing the height of the panels, as recommended by the VMPWG would increase the length both above and below ground and cross-section of the mounting piles, significantly increasing the amount of steel required for the Project. Higher panels would also increase torque on the posts from wind loads on the racking system therefore requiring non-standard engineering and tooling, and adding complexity and additional safety risks during construction and operation due to higher working heights. Lastly, higher panels would result in more grading because the pile height tolerance will be narrower, meaning the ground would need to be more level to accommodate the racking. For these reasons, Coneflower has engineered the design to include a panel height of 18 inches.

Coneflower Solar will address the remaining comments in pre-construction filings and remains committed to working with the VMPWG regarding the Project's VMP.

V. Response to Lyon County SWCD.

In its public hearing comments, the Lyon County SWCD stated that the County Ditch 29 drainage system needs repair, especially in relation to drainage within the City of Garvin, but County Ditch 29 does not have enough funds to complete the repairs needed. As such, the Drainage Authority will likely order a redetermination of benefits this year and repairs will likely not be completed prior to the construction of the Project. The Lyon County SWCD states that, in the likely event the repair is not completed before the installation of the solar panels, it is important for coordination to occur between the Coneflower Solar Project and County Ditch 29. Lyon County SWCD requests that at a minimum, Coneflower Solar should conduct an onsite investigation to identify the exact location and depth on the county tile to ensure the placement of solar panels and ancillary equipment and or structures do not impact future repairs to County Ditch 29.⁴¹

Coneflower Solar appreciates Lyon County SWCD's review of the Project and its comments. Coneflower Solar has been coordinating with Mr. John Biren, the Lyon County Ditch Inspector, and has scheduled a field visit with the Lyon SWCD to conduct an onsite investigation in June 2025.

Coneflower Solar has also designed the Project in consideration of the 16.5-foot vegetated buffer that surrounds sections of County Ditch 29. The Project fence line will be placed at the edge of the cropland adjacent to the vegetated buffer,⁴² preventing damage to the filtration system that protects the surrounding water ways. Additionally, the DSP proposes a special condition related to mitigating impacts to County Ditch 29 resulting from the construction or operation of the Project: Section 5.7 requires the permittee to inform the Lyon County Drainage Authority of construction timelines and access plans in relation to County Ditch 29. The permittee is required to provide the Lyon County Drainage Authority with the contact information of the field

⁴¹ See Public Hearing Exhibit A (May 6, 2025) (eDocket No. 20255-218618-04).

⁴² See Ex. EERA-6 at 106 and Appendix C - Question 16 (EA).

representative.⁴³ Coneflower Solar does not object to Section 5.7 of the DSP and will continue its coordination with SWCD during this permitting process and during Project construction activities.

VI. Response to Other Comments.

A. Response to Comments at Public Hearings.

At the in-person public hearing on April 22, 2025, Dennis Christenson,⁴⁴ Marilyn Christenson,⁴⁵ and Norma Raske⁴⁶ offered written and oral comments in support of the Project and urged the Commission to approve the Application.⁴⁷ Coneflower Solar appreciates these individuals' support for the Project.

B. Response to Comments by Labor Organizations.

i. *Local 49 and NCSRCC.*

Local 49 and NCSRCC jointly filed written comments supporting the Project and stating that both unions look forward to working with Coneflower Solar to construct a successful Project that benefits local workers.⁴⁸ Coneflower Solar appreciates these organizations' support.

ii. *LIUNA.*

LIUNA representatives offered verbal comments at the public hearings and filed written comments raising concerns about Apex's intent to utilize local workers based on staffing at the Bowman Wind Project, an Apex project currently under construction in North Dakota.⁴⁹

As an initial matter, Apex has a strong history of employing local, skilled workers on its projects. For example, below is a list of Apex projects and associated Balance of Plant (BOP) contractors utilizing local labor and labor agreements:

- Lincoln Land Wind (Illinois) – White Construction was BOP contractor using their Wind Labor Agreement. Subcontractors included: J.F. Edwards (collection lines), Michaels (substation), and Rock Solid (road stabilization).
- Prosperity Wind (Illinois) - White Construction was BOP contractor using their Wind Labor Agreement. Subcontractors included: Illiana Construction & Dirt Works (public

⁴³ Ex. EERA-6 at 106 (EA).

⁴⁴ Public Hearing Exhibit B (May 6, 2025) (eDocket No. 20255-218618-05).

⁴⁵ Public Hearing Exhibit C (May 6, 2025) (eDocket No. 20255-218618-06).

⁴⁶ Public Hearing Exhibit D (May 6, 2025) (eDocket No. 20255-218618-07).

⁴⁷ See Marshall 6:00 p.m. Public Hearing Transcript (Marshall 6:00 p.m. Tr.) (April 22, 2025).

⁴⁸ Local 49 and NCSRCC Comments (May 5, 2025) (eDocket No. 20255-218593-01).

⁴⁹ Marshall 6:00 p.m. at 33:8-10 and LIUNA Comments (May 5, 2025) (eDocket Nos. 20255-218617-01, 20255-218617-02, and 20255-218617-03).

roads), JF Edwards (collection and substation), Dunn Company (road stabilization), and CCI (foundation).

- Lotus Wind (Illinois) - White Construction is BOP using their Wind Labor Agreement. Subcontractors include: Illiana Construction & Dirt Works (public roads), JF Edwards (collection & substation), Dunn Company (road stabilization), CNC Foundations (geopiers), Westwind (foundation rebar), CCI (foundation concrete), and Renew (tower wiring).
- Wheatsborough Solar (Ohio) – DEPCOM is EPC as construction manager using the three-trade labor agreement (LINUA – Ohio Laborers, IBEW & IUOE). Subcontractors include: Conti (collection), Miller Brothers (civil & piles), and Praxel (substation).
- Coldwater Solar (Michigan) – Barton Malow Company is EPC using their Solar Labor Agreement. Subcontractors include: AHV (substation), Conti (collection), and R2 (collection civil).

As a recent example, on April 24, 2025, Mr. Joe Riley of the Laborer’s International Union North America Local 159 testified under oath in a permit hearing in Coles County, Illinois in support of an Apex project known as the Coles Wind Project. Mr. Riley stated:

I’m also president of our local, and I’m here tonight on behalf of our members to speak in support of the Coles Wind Project....These projects are great projects for the men and women of our local – local union and not just the laborers but the other trades, electricians, the operators, ironworkers, teamsters.... One thing that’s kind of unique about our local is Coles County – we cover eight counties. Coles is right in the middle of our local. So that means that we can put men and women that live in the county to work.... These are high-paying union jobs. We’ve built these jobs all over.... So that’s why we’re here to speak in support.⁵⁰

For Coneflower Solar, as stated in the Application, Coneflower Solar will issue a Request for Proposal (RFP) to qualified BOP contractors to oversee and manage the construction of the Project. In this RFP, Coneflower Solar intends to include a strong preference for bids that utilize local, union construction craft employees to the greatest extent feasible in accordance with the Project’s timeline and safety requirements. Coneflower Solar expects that the selected BOP contractor will collaborate with organized labor unions and other stakeholders to develop a workforce and hiring plan that maximizes the local economic benefits of the Project. In addition,

⁵⁰ See Coles Wind Permit Hearing Transcript at 31-32 (Apr. 24, 2025), available at <https://colesco.illinois.gov/windordinance/transcripts/>.

opportunities exist for sub-contracting to local contractors for gravel, fill, and civil work.⁵¹ There is no dispute that employment of local, skilled workers can provide additional benefits to the long-term success of the Project and its economic contributions in the community.

Coneflower Solar is disappointed in LIUNA's continued mischaracterization of Bowman Wind's workforce. While not expressly relevant to the Commission's decision, Apex wishes to clarify again that the workforce commitment made on the Bowman Project differs from the commitment made for Coneflower Solar – and that difference is to be expected given the geographic differences in the projects. For Bowman Wind, the commitment was to “encourage its balance of plant contractor to source construction workforce from within the state of North Dakota and/or areas surrounding the project.”⁵² Bowman Wind has followed through on this commitment by hiring Wanzek Construction, based in Fargo, North Dakota, as its BOP contractor.⁵³ In addition, CEI Electrical Contractors, with offices in Fairview and Minot, ND, has been hired for substation work. Although not a commitment at Bowman Wind, the project has hired union workers for rebar work via West Wind Reinforcing and will be utilizing IBEW Union electrical workers via CEI. RFPs for additional work at Bowman have been sent to several LIUNA subcontractors with receipt of proposals and award of contracts expected in the next few weeks. It should be noted that the LIUNA contractors are all based outside the state of North Dakota. While LIUNA may have preferred other contractors or additional union workers be employed at Bowman, the contracting to date has met the commitments made during permitting. Just as Bowman Wind met its commitments to utilize workers from within North Dakota; here, Coneflower Solar will meet its commitment to give a preference to union and local workers.

Coneflower Solar looks forward to continued, productive discussions as it moves forward with contracting for the Project with the strong and skilled workforce in Minnesota.

VII. Conclusion.

Coneflower Solar appreciates this opportunity to provide this response to the public comments. Because the record supports doing so, Coneflower Solar respectfully requests that the Administrative Law Judge recommend that the Commission issue a site permit for the Project.

These comments have been e-filed through www.edocket.state.mn.us. A copy of this filing is also being served upon the persons on the Official Service List of record.

Please let me know if you have any questions regarding this filing.

Sincerely,

FREDRIKSON & BYRON, P.A.

⁵¹ Ex. CE-4 at 70 (Application).

⁵² WebEx 6:00 p.m. Public Hearing Transcript (WebEx 6:00 p.m. Tr.) at 27:16-20 (April 23, 2025).

⁵³ WebEx 6:00 p.m. Tr. at 27:21-24 (April 23, 2025).

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A handwritten signature in black ink, appearing to read 'CKB' followed by a long horizontal flourish.

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**In the Matter of the Application of Coneflower
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CERTIFICATE OF SERVICE

Maia Martinez certifies that on the 19th day of May, 2025, she e-filed true and correct copy the response to public hearing comments on behalf of Coneflower Energy, LLC via eDockets (www.edockets.state.mn.us):

Said documents were also served as designated on the Official Service Lists on file with the Minnesota Public Utilities Commission and as attached hereto.

Executed on: May 19, 2025

Signed: /s/ Maia Martinez

Fredrikson & Byron, P.A.
60 South Sixth Street
Suite 1500
Minneapolis, MN 55402

#	First Name	Last Name	Email	Organization	Agency	Address	Delivery Method	Alternate Delivery Method	View Trade Secret	Service List Name
11	Sean	Stocker	sean.stocker@apexcleanenergy.com	Apex Clean Energy, Inc.		8665 Hudson Boulevard North Suite 200 Lake Elmo MN, 55042 United States	Electronic Service		No	Official CC Service List1
12	Garrick	Valverde	garrick.valverde@apexcleanenergy.com	Apex Clean Energy		8665 Hudson Boulevard North Suite 200 Lake Elmo MN, 55042 United States	Electronic Service		No	Official CC Service List1