

OFFICE OF ADMINISTRATIVE HEARINGS / MN PUBLIC UTILITIES COMMISSION

<p>In the Matter of the Application of Flying Cow Wind, LLC for a Certificate of Need and Site Permit for the 150 MW Large Wind Energy Conversion System in Yellow Medicine County, Minnesota</p>	<p>Request for Contested Case Hearing and Petition for Intervention</p>
<p>MPUC DOCKETS      IP-6984/CN-17-676 IP-6984/WS-17-749</p>	<p>Laborers District Council of Minnesota and North Dakota</p>
<p>OAH DOCKET      60-2500-35035</p>	

The Laborers District Council of Minnesota and North Dakota (“Petitioner”) hereby requests a contested case hearing and petitions for intervention as a party in the above-captioned dockets for a Certificate of Need and Site Permit for a 150 MW large wind energy conversion system proposed by Flying Cow Wind, LLC (“Applicant”) pursuant to Minn. Rules 7854.0900 and Minnesota Rules 1400.6200.

Petitioner is a democratic labor organization that, together with its five affiliated Local Unions represents more than 12,000 construction workers and public employees in Minnesota and North Dakota. Petitioner is also affiliated with the Laborers’ International Union of North America, which represents roughly half a million construction workers and public employees across the United States and Canada. Petitioner’s principal place of business is located at 81 East Little Canada Road in Little Canada, Minnesota.

Petitioner and its affiliated Local Unions represent our members in many capacities, including, but not limited to, referring members for construction employment; bargaining with union employers over wages, benefits and working conditions; representing members in disputes with employers; encouraging construction owners and contractors to use union labor; advocating for public policies that protect the rights and livelihood of workers; providing health, retirement, training, and vacation savings benefits through joint labor-management funds; and educating our members about issues that affect their jobs and lives.

Petitioner has a record of supporting the development of renewable energy resources in Minnesota and North Dakota, and has actively supported the industry in efforts ranging from advocating extension of Production Tax Credits at the national level to participating in local

permitting proceedings to opposing a proposed state legislative moratorium on wind energy development. At the same time, we want to ensure that wind energy projects are being developed in a manner that is consistent with the interests of local workers, local communities, and the state of Minnesota as a whole.

Petitioner's legal rights, duties, or privileges may be affected by the disposition of these dockets for the following reasons:

- Petitioner represents hundreds of members who live in Southwest Minnesota, and who, together with their families and communities, have an interest in the creation of high-quality local construction jobs and the generation of local economic activity through the sustainable development of energy infrastructure in a part of the state that is rich in wind resource.
- A decision by the Public Utility Commission ("Commission") to approve or reject the Project could directly affect the interest of our members, together with their families and communities, in the 150-plus construction jobs that the Applicant has projected would be created by the Project, as well as the Project's immediate local economic and tax impacts.
- A decision by the Commission to approve or reject the Project could also affect the interests of our members in Southwest Minnesota, together with their families and communities, by impacting competing wind energy projects currently under development in Southern Minnesota that are also a potential source of local construction jobs and economic activity.
- The Petitioner represents union members statewide that work in the construction and maintenance of conventional power plants. These members' livelihoods could be impacted by whether and in what manner the Project moves forward, inasmuch as the Project could reduce demand for power from plants where our members are employed, and inasmuch as the Project would provide or fail to provide alternative job opportunities to our members.
- The Petitioner represents union members statewide that, together with their families, communities, and employers, have an interest in a sustainable development of renewable energy generation and a transition away from fossil fuels that ensures the continued affordability and reliability of power supplies to our homes, places of work, and industry partners. The Commission's decision to approve or reject the Project could aid or hamper a smooth and successful transition.

- Specifically, the union members represented by Petitioner, together with their families, communities and employers, have an interest in proper siting, construction, maintenance, and operations practices which help to maintain public confidence in, and support for, energy infrastructure projects. For this reason, our union seeks to be an active stakeholder in public decision-making regarding energy infrastructure at both policy and the project levels.

The union members represented by Petitioner have an interest in the safety of energy infrastructure construction workers, and in efforts to protect workers from construction hazards that can arise on projects such as the Project.

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Petitioner seeks full rights as a party in each of the abovementioned cases to protect the rights and welfare of our members, families and communities, and to ensure that the development of wind energy infrastructure can proceed in a manner that benefits Southwest Minnesota's skilled construction workers and local communities as well as the state as a whole. No other party to the proceedings can adequately represent the interests of our union and our members, or provide our unique insights on the proposed project as set forth above

Petitioner further believes that a contested case process is necessary and appropriate because the Applicant's proposal raises important issues of fact.

- Petitioner asserted at a recent public information meeting that the Project is expected to anticipated to create 150 or more jobs, but did not make commitments or provide clear answers to public questions regarding how many of the promised jobs might be filled by Minnesota workers. Past failure by wind developers to make sufficient efforts to hire local workers has become a major cause for concern in Southwest Minnesota as is evident from recent wind project public information meetings and media coverage.
- Petitioner indicated that the Project has not yet secured a Power Purchase Agreement or an interconnection agreement, which means that important questions remain regarding both the ultimate benefits of the project to Minnesota ratepayers, and the impact that approval of the Project might have on competing proposals and existing power suppliers – both of which may directly implicate our members.

- The Project's impact on local construction employment and economic activity, together with its impacts on competing proposals and existing power suppliers, is directly relevant to any determination that the proposal is consistent with the Commission's mandate to promote sustainable development and efficient use of resources under Minn. Statute 216 F.03, and that the consequences of approving a Certificate of Need are more favorable than the consequences of denying the Certificate under Minn. Rules 7853.0130.
- While the wind energy construction industry generally has a good safety record, installation entails serious safety hazards, and past safety failures have killed three workers on projects over the past decade in the North Central United States. In the absence of further information on the Applicant's plan to build the project beyond the vague statements made at the public information meeting, it is impossible to determine whether the project presents a potential hazard to workers which could bear directly on determinations described above.

Petitioner does not believe that the issues raised here can be addressed adequately in the context of a public hearing. We respectfully request the opportunity to be allowed to present evidence and witness testimony, to fully cross-examine Applicant's witnesses, and to conduct discovery on the issues raised in this petition.

Petitioner has reviewed the requirements of Minn. R. 1400.7100 and has experience as an active participant in wind and pipeline permitting cases in both Minnesota and North Dakota. We prepared to meet our obligations as a party to these cases as your honor instructs.

Dated: 3/14/18

Respectfully Submitted,

Laborers District Council of Minnesota & North Dakota



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