

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Dan Lipschultz
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Commissioner
Commissioner
Commissioner
Commissioner

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

ISSUE DATE: March 4, 2019

DOCKET NO. IP-6984/CN-17-676

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

DOCKET NO. IP-6984/WS-17-749

ORDER CONTINUING PROCEEDINGS
AND TOLLING DEADLINE

PROCEDURAL HISTORY

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 (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 December 6, 2018, the Commission voted to defer action on Flying Cow's applications, and instead to refer the matters for further development of the factual record.

On December 28, 2018, the Applicant petitioned to withdraw its Certificate of Need application, arguing that Flying Cow is exempt from the duty to secure a certificate before building its project.

On January 3, 2019, the Commission issued an order memorializing its December 6 decision.¹ The order did not address Flying Cow's petition to withdraw.

On January 14, 2019, Flying Cow filed a petition to reconsider the Commission's January 3, 2019 order.

¹ Order Deferring Action and Initiating Negotiations; Notice and Order for Hearing (January 3, 2019).

By January 25, 2018, the Commission had received responses to the reconsideration petition from the Minnesota Department of Commerce (the Department) and the Laborers' International Union of North America (LIUNA).

By February 4, 2019, the Commission had received comments on Flying Cow's withdrawal petition from the Department, LIUNA, the Bluegreen Alliance, and members of the public. By February 11, the Commission had received reply comments from Flying Cow and LIUNA.

On February 26, 2019, the Commission issued a notice advising parties that the issue of Flying Cow's petition to withdraw its Certificate of Need application would not be taken up at the Commission's February 28 meeting.

On February 28, 2019, the Commission met to consider Flying Cow's petition for reconsideration.

FINDINGS AND CONCLUSIONS

The Commission finds it most efficient to address Flying Cow's petition for reconsideration at the same time that it addresses Flying Cow's petition to withdraw its application for a Certificate of Need. Because the Commission requires more time to address the latter issue, the Commission will postpone resolution of the former issue as well.

However, under Minn. Stat. § 216B.27, subd. 4, any application for rehearing not granted within 60 days is deemed denied. The Commission will therefore grant reconsideration for the sole purpose of tolling the statutory deadline. This action is unrelated to the merits of the petition, which will be addressed in a subsequent order.

ORDER

1. The Commission continues consideration of Flying Cow's petition for reconsideration of the Commission's January 3, 2019 Order Deferring Action and Initiating Negotiations; Notice and Order for Hearing.
2. This order shall become effective immediately.

BY ORDER OF THE COMMISSION



Daniel P. Wolf
Executive Secretary

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