

December 18, 2024

## VIA E-FILING

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

**RE: In the Matter of the Application of Midwater BESS, LLC for a Site Permit for the up to 150 MW Midwater Energy Storage Project in Freeborn County, Minnesota. Docket No. IP-7138/ESS-24-294**

**In the Matter of the Application of Midwater BESS, LLC for a Route Permit for the 161 kV Transmission Line for the Midwater Energy Storage Project in Freeborn County, Minnesota. Docket No. IP-7138/TL-24-295**

Dear Mr. Seuffert:

Midwater BESS, LLC (Midwater BESS) respectfully submits these reply comments regarding the completeness of its Joint Site Permit and Route Permit Application (Application) for the Midwater Energy Storage Project, an up to 150-megawatt alternating current battery energy storage system (BESS) (BESS Facility), an approximately 2,668-foot long 161-kilovolt high voltage transmission line (HVTL) (HVTL Facility), and other associated facilities in Freeborn County, Minnesota (Project).

The only comments submitted by the close of the initial comment period were submitted by Minnesota Department of Commerce, Energy Environmental Review and Analysis (DOC-EERA). DOC-EERA recommended that the Minnesota Public Utilities Commission (Commission): accept the Application as substantially complete; decline to appoint an advisory task force; and, refer this docket to the Office of Administrative Hearings (OAH) for a public hearing and preparation of a full administrative law judge (ALJ) report with findings, conclusions, and recommendations. Midwater BESS appreciate DOC-EERA's comments and agree with these recommendations.

Midwater BESS respectfully requests that the Commission find the following:

1. Accept the Application as substantially complete and authorize review of the Application under the alternative permitting process under Minn. Stat. § 216E.04 and Minn. R. 7850.2800 to 7850.3900;

2. Find that an advisory task force is not warranted; and
3. Refer the matter to the OAH for a public hearing and preparation of a full ALJ report with findings, conclusions, and recommendations.

Given there has been no comment indicating Application is incomplete, this matter appears ready for consideration by the Commission and could be considered by consent calendar.

These reply comments have been e-filed through [www.edocket.state.mn.us](http://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.

/s/ Jeremy P. Duehr

Jeremy P. Duehr

**Direct Dial:** 612.492.7413

**Email:** [jduehr@fredlaw.com](mailto:jduehr@fredlaw.com)

JPD

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### **CERTIFICATE OF SERVICE**

Breann L. Jurek certifies that on the 18<sup>th</sup> day of December 2024, she e-filed a true and correct copy of the documents listed below on behalf of Midwater BESS, LLC via eDockets ([www.edockets.state.mn.us](http://www.edockets.state.mn.us)):

- Completeness Reply Comments ; and
- Certificate of Service.

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

Executed on: December 18, 2024

*Signed: /s/ Breann L. Jurek*

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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
1	Generic	Commerce Attorneys	commerce.attorneys@ag.state.mn.us		Office of the Attorney General - Department of Commerce	445 Minnesota Street Suite 1400 St. Paul MN, 55101 United States	Electronic Service		Yes	24-294ESS-24-294
2	Jeremy	Duehr	jduehr@fredlaw.com	Fredrikson & Byron, P.A.		60 S Sixth St Ste 1500 Minneapolis MN, 55402-4400 United States	Electronic Service		No	24-294ESS-24-294
3	Sharon	Ferguson	sharon.ferguson@state.mn.us		Department of Commerce	85 7th Place E Ste 280 Saint Paul MN, 55101-2198 United States	Electronic Service		No	24-294ESS-24-294
4	Eric	Hansen	eric.hansen@westwoodps.com	Westwood Professional Services		7699 Anagram Drive Eden Prairie MN, 55344 United States	Electronic Service		No	24-294ESS-24-294
5	Breann	Jurek	bjurek@fredlaw.com	Fredrikson & Byron PA		60 S Sixth St Ste 1500 Minneapolis MN, 55402 United States	Electronic Service		No	24-294ESS-24-294
6	Molly	Leisen	mleisen@fredlaw.com	Fredrikson & Byron P.A.		60 South Sixth Street Suite 1500 Minneapolis MN, 55402 United States	Electronic Service		No	24-294ESS-24-294
7	Mary	Matze	mmatze@spearmintenergy.com	Spearmint Energy		2916 N. Miami Ave., Suite 830 Miami FL, 33127 United States	Electronic Service		No	24-294ESS-24-294
8	Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us		Office of the Attorney General - Residential Utilities Division	1400 BRM Tower 445 Minnesota St St. Paul MN, 55101-2131 United States	Electronic Service		Yes	24-294ESS-24-294
9	Peter	Rood	prood@spearmintenergy.com	Spearmint Energy		2916 N. Miami Ave., Suite 830 Miami FL, 33127 United States	Electronic Service		No	24-294ESS-24-294
10	Will	Seuffert	will.seuffert@state.mn.us		Public Utilities Commission	121 7th PI E Ste 350 Saint Paul MN, 55101 United States	Electronic Service		Yes	24-294ESS-24-294

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4	Eric	Hansen	eric.hansen@westwoodps.com	Westwood Professional Services		7699 Anagram Drive Eden Prairie MN, 55344 United States	Electronic Service		No	24-295TL-24-295
5	Breann	Jurek	bjurek@fredlaw.com	Fredrikson & Byron PA		60 S Sixth St Ste 1500 Minneapolis MN, 55402 United States	Electronic Service		No	24-295TL-24-295
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