

**STATE OF MINNESOTA
BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION**

In the Matter of the Application of Pleasant Valley Wind LLC For a Site Permit For the 300 MW Pleasant Valley Project in Dodge and Mower Counties

Docket No. IP-6828/WS-09-1197

**SUPPLEMENTAL REPLY COMMENTS OF
PLEASANT VALLEY WIND LLC**

SUPPLEMENTAL REPLY COMMENTS

Pleasant Valley Wind, LLC (“Pleasant Valley Wind”) respectfully submits the following supplemental reply comments in response to the comments submitted on December 17, 2013 by Melissa DeVetter on behalf of Dodge County, Minnesota.¹ Pleasant Valley Wind is hopeful that the following supplemental reply comments fully address the question raised in Dodge County’s brief comments.

**I.
DISCUSSION**

On November 25, 2013, Pleasant Valley Wind filed a petition with the Commission to amend its Site Permit to specify use of an alternative wind turbine. As part of its Petition, Pleasant Valley Wind provided an updated preliminary turbine layout reflecting the new turbines and a decrease in the number of turbines resulting from a reduction in capacity from 301 MW to 200 MW. The updated preliminary layout included twelve (12) turbines in southwest Dodge County.

¹ Dodge County’s comments only became available through eDockets on December 23, 2013, after the reply comment period established pursuant to the Minnesota Public Utilities Commission’s (“Commission”) November 27, 2013 Notice of Comment Period expired. To the extent necessary, Pleasant Valley Wind respectfully requests leave to file these brief supplemental reply comments. Good cause exists to accept these supplemental comments as they will aid in the Commission’s review of the issue raised by Dodge County.

In its December 17, 2013 email comment, Dodge County notes that potential impacts in Dodge County may not have been previously considered by the Commission in granting the Site Permit because there were not any turbines proposed in the County in previously submitted turbine layouts. While Dodge County does not raise any specific concerns with respect to the new turbine locations, Dodge County requests clarification regarding how potential impacts were considered by the Commission in granting the Site Permit.

Pleasant Valley Wind appreciates Dodge County's comments and believes that following discussion will make apparent that (1) any potential impacts were fully considered in granting the Site Permit; and (2) existing requirements in the Site Permit ensure that areas within the project boundary continue to be suitable for the development of the Project. Each is discussed in turn.

Initially, the revised turbine layout is located entirely within the project boundary previously studied for potential human and environmental impacts as part of the LWECS permitting process. As Section 2.1 of the Site Permit notes, the boundary includes sections of both Dodge and Mower Counties, including the part of Dodge County where the 12 turbines are shown on the revised layout.² The Site Permit established requirements and restrictions specifically designed to mitigate potential impacts on landowners (participating and non-participating) and the natural environment, regardless of where within the Project boundary turbines are ultimately sited.

² Section 2.1 of the Site Permit provides that “[t]he Project is located in Mower and Dodge counties, in the townships of Hayfield (sections 31, 34) and Vernon (Section 31) in southern Dodge County and in the townships of Waltham (sections 1, 3, 10-15, 25, 26, 36), Sargeant (sections 3, 6-12, 15-20, 24, 25, 27-29, 32-34, 36), Pleasant Valley (sections 9, 10, 16- 18), Red Rock (sections 1, 2, 11-13, 15, 24-26), and Dexter (sections 2-6, 8-11, 17-23, 26-30) in northern Mower County.”

Importantly, the setbacks and restrictions set forth Dodge County's local ordinance regarding wind energy conversion systems was considered as part of the siting process (though the ordinance does not apply to facilities greater than 5 MW). On October 4, 2010, Pleasant Valley Wind submitted its "Local Zoning Ordinance Review" confirming compliance with Mower County and Dodge County wind energy ordinances.³ The revised turbine layout continues to comply with all setback requirements and site layout restrictions identified in the Site Permit and local ordinances.⁴ In this respect, potential impacts in both Dodge and Mower Counties were considered and addressed in the Site Permit evaluation process. This is not to suggest that the evaluation process is concluded, however.

Pleasant Valley Wind is required by the Site Permit to complete a number of pre-construction surveys and studies to ensure that the Project site continues to be suitable. The results of the required studies will further inform the final turbine siting process. Pleasant Valley Wind is currently in the process of evaluating the revised turbine locations for potential impacts to cultural resources, wetlands, and other biological and natural resources, all of which Pleasant Valley Wind will file as part of pre-construction compliance.⁵ In this respect, the Site Permit requires Pleasant Valley Wind to provide interested stakeholders with up-to-date information/studies regarding impacts on wildlife and natural resources prior to construction. Pleasant Valley Wind is confident the results of these studies will continue to demonstrate the suitability of this site for the Project.

³ See Pleasant Valley Wind's Local Zoning Ordinance Review dated October 4, 2010 in Docket No. IP-6828/WS-09-1197.

⁴ See Section 4 of the Site Permit, "SETBACKS AND SITE LAYOUT RESTRICTIONS." Such setbacks and restrictions apply through the Project boundary.

⁵ See *e.g.*, Section 6 of the Site Permit "Surveys and Reporting."

Finally, it should be noted that Pleasant Valley Wind is also actively engaged with Dodge County and Hayfield and Vernon townships in developing a Road Use Agreement. These efforts have included meetings with both township boards and the Dodge County Board and are consistent with Section 7.8.1 of the Site Permit, which requires that Pleasant Valley “make satisfactory arrangements with the appropriate state, county, or township governmental body having jurisdiction over roads to be used for construction of the Project for maintenance and repair of roads. . . .” Pleasant Valley looks forward to these continuing discussions.

Accordingly, any potential impacts associated with siting turbines in the discrete portion of Dodge County within the Project boundary were fully considered in granting the Site Permit and the existing requirements in the Site Permit will ensure that such areas continue to be suitable for the development of the Project and that any potential impacts are appropriately considered and mitigated.

II. CONCLUSION

Pleasant Valley Wind appreciates Dodge County’s comments on its Petition and looks forward to working with the County and other stakeholders as the project moves forward. Pleasant Valley Wind respectfully reiterates its request that the Commission grant the amendment to the Site Permit.

Dated: December 30, 2013

Respectfully submitted,

/s/ Brian M. Meloy

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CERTIFICATE OF SERVICE

Catherine M. Wood, certifies that on December 30, 2013, she served true and correct copies of the **SUPPLEMENTAL REPLY COMMENTS OF PLEASANT VALLEY WIND LLC** upon the following parties via e-filing and/or U.S. Mail:

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