

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE PUBLIC UTILITIES COMMISSION

In the Matter of the Application of Dodge County Wind, LLC, for a Certificate of Need and Site Permit for the Dodge County Wind Project and Associated Facilities in Dodge, Steele, and Olmsted Counties, Minnesota, and a Route Permit for the 345 kV High-Voltage Transmission Line Associated with the Dodge County Wind Project in Dodge and Olmsted Counties.

**ORDER SUSPENDING CONTESTED
CASE PROCEEDING AND
CERTIFYING CONTESTED CASE TO
THE COMMISSION**

On August 13, 2019, Dodge County Wind, LLC (Applicant), moved for a suspension of the pending schedule of contested case proceedings. The motion was made because Applicant also requested the Public Utilities Commission (PUC) to permit Applicant to withdraw its application for a route permit.¹ No objections to either the motion or request to withdraw the application for a route permit have been filed.

On August 29, 2019, the PUC filed a Notice of Request for Certification of Dodge County Wind Cases. The PUC intends to act on the pending motions because of the procedural complexities of the case.²

Based on all the files, records, and proceedings herein, and for the reasons explained in the memorandum,

¹ Request to Withdraw Application for a Route Permit (Aug. 14, 2019) (eDocket No. 20198-155194-01).

² Notice of Request for Certification of Dodge County Wind Cases (Aug. 29, 2019) (eDocket No. 20198-155535-02).

IT IS HEREBY ORDERED:

1. Applicant's motion to suspend the contested case proceeding is **GRANTED**, and all pending events before the Administrative Law Judge are canceled.
2. This consolidated matter is **CERTIFIED** back to the PUC as requested.

Dated: August 30, 2019



JIM MORTENSON
Administrative Law Judge

MEMORANDUM

This case is a consolidation of three matters: a certificate of need for a wind farm, a site permit for the wind farm, and a route permit for the transmission lines necessary to connect the wind farm to the electric grid. The PUC consolidated the matters to provide efficiency, including necessitating only one environmental impact statement (EIS) for the applications for the site and route permits.³

On August 14, 2019, Applicant filed a Request to Withdraw Application for a Route Permit with the PUC. For the purposes of this order, the reasons for the Applicant's request are not important. What is important is that the application for a route permit was consolidated with the applications for a certificate of need and site permit for the wind farm. Further, the joint EIS for the site and route was issued by the Department of Commerce on July 29, 2019. These facts complicate the procedural posture of this consolidated contested case.

Simultaneously with its request to withdraw the route permit, Applicant filed a Motion to Suspend Procedural Schedule with the Administrative Law Judge. A suspension of the contested case was sought to ensure the PUC would have time to act on the request to withdraw the route permit. The public and evidentiary hearings are scheduled to begin the week of September 16, 2019. Granting the requested suspension is appropriate to stop the process given the request to withdraw the route permit.

Pursuant to Minn. R. 1400.5500, .7600 (2017), both the motion decision and the case as a whole is certified to the PUC. The Judge has the authority to make orders deemed appropriate, consistent with law, in handling a contested case proceeding.⁴ The PUC has the ultimate authority to make determinations, both legislative and quasi-

³ Notice and Order for Hearing at 3 (Nov. 1, 2018).

⁴ Minn. R. 1400.5500(J).

judicial in nature, consistent with law, concerning applications pending before it.⁵ Consistent with this power, and pursuant to the Judge's authority under Minn. R. 1400.7600, it is appropriate to certify the motion and the entire contested case to the PUC to consider and determine the procedural posture of the case. The PUC will need to determine what, if any, alterations to the PUC's Notice and Order for Hearing, dated November 1, 2018, will be necessary. The PUC's final determination on the Motion to Suspend and its reconsideration of the Notice and Order for Hearing will materially advance the ultimate termination of the hearing. In addition, the PUC solely has the expertise and authority to reconsider its Notice and Order for Hearing.

For the above reasons, this matter is returned to the PUC for its determinations on the procedural posture of the case and any related scheduling issues.

J. R. M.

⁵ Minn. Stat. § 261A.05 (2018).

August 30, 2019

See Attached Service List

Re: In the Matter of Dodge County Wind, LLC IP-6981/CN-17-306; IP-6981/WS-17-307; IP-6981/TL-17-308

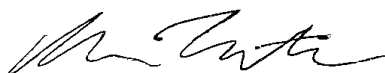
**OAH 5-2500-35668
MPUC IP6981/TL-17-306, -307, -308**

To All Persons on the Attached Service List:

Enclosed and served upon you is the Administrative Law Judge's **ORDER SUSPENDING CONTESTED CASE PROCEEDING AND CERTIFYING CONTESTED CASE TO THE COMMISSION** in the above-entitled matter.

If you have any questions, please contact me at (651) 361-7857, ian.lewenstein@state.mn.us, or via facsimile at (651) 539-0310.

Sincerely,



IAN LEWENSTEIN
Legal Assistant

Enclosure

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
PO BOX 64620
600 NORTH ROBERT STREET
ST. PAUL, MINNESOTA 55164

CERTIFICATE OF SERVICE

In the Matter of Dodge County Wind, LLC IP-6981/CN-17-306; IP-6981/WS-17-307; IP-6981/TL-17-308	OAH Docket No.: 5-2500-35668
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Ian Lewenstein certifies that on August 30, 2019, he served the true and correct **ORDER SUSPENDING CONTESTED CASE PROCEEDING AND CERTIFYING CONTESTED CASE TO THE COMMISSION** by eService, and U.S. Mail, (in the manner indicated below) to the following individuals:

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1800 St. Paul, MN 55101	Electronic Service	Yes
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