

July 24, 2026

VIA E-FILING

Sasha Bergman
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
Saint Paul, MN 55101

Re: In the Matter of the Joint Application of Summit Lake Solar, LLC and Summit Lake Storage, LLC for a Solar Energy Generating System Site Permit and a Battery Energy Storage System Site Permit for the up to 200 MW Summit Lake Solar Facility and the up to 200 MW Battery Energy Storage System Located in Nobles County, Minnesota

CAH Docket No. 21-2500-41031

MPUC Docket Nos. IP-7153/ESS-25-88 & IP-7153/GS-25-89

Dear Ms. Bergman:

Summit Lake Solar, LLC (Summit Lake Solar) and Summit Lake Storage, LLC (Summit Lake Storage) (collectively, the Applicants) respectfully submit these supplemental comments to clarify the record and respond to a new site permit condition proposed by the International Brotherhood of Electrical Workers Local 426 (IBEW Local 426) and LIUNA Minnesota and North Dakota (LIUNA) for the Solar Facility and BESS Facility (collectively, the Project). Applicants also respectfully disagree with recent late-filed public comments agreeing with LIUNA and IBEW Local 426 and asserting Applicants are endeavoring to build the Project with unqualified craft union workers. As outlined in the following; that could not be further from the truth as Applicants strongly believe in constructing the Project with qualified craft union workers in accordance with the codes and ordinances applicable to the construction of utility scale generation projects and as set forth in the site permits.

IBEW Local 426 and LIUNA proposed a permit condition as follows: “The workforce used to construct the Solar Facility shall meet the requirements of the Minnesota State Electrical Code for the assembly and wiring of solar installations.” According to the June 29, 2026 exceptions to the Administrative Law Judge (ALJ) Report submitted by IBEW Local 426 and LIUNA, the additional site permit condition is “designed to ensure that Geronimo follows through on commitments to build the project under the requirements of the Minnesota State Electrical Code using licensed

electricians for installation of racking and panels.”¹

For the reasons discussed below, IBEW Local 426 and LIUNA’s proposed condition should be rejected.

As discussed in the Site Permit Application, the Project must abide by all applicable codes and requirements. Many of the conditions and standards addressed in the Application are applicable depending on the final design of the Project. The Solar Draft Site Permit (Solar DSP) already includes a requirement in Section 4.5.1 that the Applicants “meet or exceed all relevant local and state codes, the National Electric Safety Code, and North American Reliability Corporation requirements.”² The BESS Draft Site Permit (BESS DSP) has a similar condition.³ The Applicants will abide by these site permit conditions intended to ensure the design, construction and operation of a safe and reliable Project.

IBEW Local 426 and LIUNA’s proposed site condition goes beyond the required safety and electrical standard conditions by seeking to use a site permit condition to influence project labor agreement allocations. The Solar DSP and the Commission’s practice has been to ensure a project can be constructed and operated safely at the approved site, subject to appropriate permit conditions. However, imposing a Minnesota State Electrical Code condition “for the assembly and wiring of solar installations”, particularly where the Project will remain subject to all independently applicable laws and where the relevant utility-scale electric-supply facilities are appropriately addressed through the National Electrical Safety Code (NESC), is unprecedented and unnecessary. As pointed out by Commission Staff in Briefing Papers for Lake Charlotte Solar and Storage project recently approved by the Commission, all high-voltage, utility-scale generation resources that are built on the utility side of the meter are subject to the NESC and other applicable electrical codes such as those set by the North American Electric Reliability Corporation (NERC) and the Institute of Electrical and Electronics Engineers (IEEE), and are not subject to the National Electrical Code (NEC) or the state approved electrical code, for states that have adopted their own electrical codes, such as Minnesota. The demarcation between applicability of the NESC and the NEC codes is the utility meter: NESC applies to facilities, such as the Project, before and including the meter (utility or supply side) and NEC – and the state electrical code- applies to facilities behind the meter (customer or consumer side).⁴ Section 4.5.1

¹ IBEW Local 426 and LIUNA Exceptions at 1 (June 29 2026) (eDockets No. [20266-233424-01](#))

² Summit Lake Project Environmental Assessment, Appendix D, Draft Solar Facility Site Permit (March 11, 2026) (eDockets No. [20263-229142-01](#)) in Section 4.5.1 provides:

“The Permittee shall design the solar energy generating system and associated facilities to meet or exceed all relevant local and state codes, the National Electric Safety Code, and North American Reliability Corporation requirements. This includes standards relating to clearances to ground, clearance to crossing utilities, clearance to buildings, strength of materials, clearances over roadways, right-of-way widths, and permit requirements.”

³ Summit Lake Project Environmental Assessment, Appendix C, Draft BESS Facility Site Permit (March 11, 2026) (eDockets No. [20263-229142-01](#)) Section 4.5.1 has the same language as the Solar DSP.

⁴ MPUC Staff Briefing Papers, Docket Nos. IP7159/ESS-25-205 & IP7159/GS-25-206 (July 2, 2026) at 16-18 (eDockets No. [20267-233737-01](#)).

of the Solar DSP and BESS DSP is consistent with this demarcation.

Furthermore, IBEW Local 426 and LIUNA's proposed site permit condition would contradict a decision by the Commission where it declined to adopt a similar permit condition for the Lake Charlotte Solar and Storage Project as well as a Ramsey County District Court's order on separate Geronimo Power Minnesota solar project, the Elk Creek Project.⁵ Importantly, the Court held the Elk Creek Project, as permitted by the Minnesota Public Utilities Commission, is on the "supply side" of the service point, governed by the NESC, and is beyond the Minnesota Department of Labor and Industry's jurisdiction. It would also exacerbate challenges finding qualified local labor in Minnesota due to Minnesota's short construction season and the need for specialized labor. At a minimum under principles of comity, the Commission should continue to defer to the district court's ruling as a prudential matter, as it did in the Lake Charlotte Solar and Storage matter.

The Applicants and its parent company, Geronimo Power, fully commit that the Summit Lake Solar and Summit Lake Storage will be union projects. Geronimo Power has selected a contractor on this Project and that contractor has already begun addressing labor needs through the National Maintenance Agreement (NMA) process.⁶ The NMA is a standardized project labor agreement utilized across the nation that streamlines craft labor allocations by standardizing work scopes, preventing jurisdictional disputes, and mandating pre-job conferences. A new site permit condition mandating what work must be done under the Minnesota State Electrical Code would circumvent this union labor process that is already underway and will include carpenters, electricians, laborers, operators and other trades. The selected contractor has initiated the Yellow Card⁷ process for this Project, meaning it will be covered under the NMA. The NMA process has been very successful in constructing solar projects in the Upper Midwest. For example, millions of union hours of solar projects have been done under the NMA including over 2.1 million work hours in Wisconsin and over 3.2 million work hours in Michigan.

Finally, applying the Minnesota State Electrical Code as a site permit condition would cause regulatory uncertainty and potential Project delays as has been evident with the Elk Creek Solar Project. The NMA already provides an established labor process for allocating and assigning work and the Solar DSP and BESS DSP condition applying the NESC addresses safety and reliability standards.

In the Lake Charlotte Solar and Storage docket, the Commission adopted changes, to the labor statistic permit condition, related to the engagement of local labor on that project. Applicants in this matter would support similar changes to condition the labor statistic reporting condition (8.5) in the Solar DSP and BESS DSP. If the Commission elected to modify condition 8.5 in the DSPs similar to the Lake Charlotte site permits modification, it would be modified as follows:

⁵ *Elk Creek Solar, LLC v. Minnesota Dep't of Lab. & Indus.*, No. 62-CV-25-8802 (Minn. Dist. Ct. Apr. 13, 2026), available at <https://publicaccess.courts.state.mn.us/CaseSearch/>

⁶ Further information on the NMA process is available at: <https://www.nmapc.org/about>.

⁷ Further information on the NMA process is available at: https://www.nmapc.org/downloads/NMAPC_Yellow_Card_Advantage.pdf

8.5 Local Labor and Labor Statistic Reporting

The Permittee must maximize the Project's economic benefit to the community by prioritizing local labor. To achieve this, the Permittee must design its construction bidding process (RFPs) to favor contractors who use "local workers" and create "local job impacts" – as both terms are defined under Minn. Stat. § 216B.2422, subd. 1(g) and (h).

The Permittee shall file quarterly Labor Statistic Reports with the Commission within 45 days of the end of the quarter regarding construction workers that participated in the construction of the Project. The Labor Statistic Reports shall:

- (a) detail the Permittee's efforts and the site contractor's efforts to hire Minnesota local workers; and
- (b) detail the Permittee's efforts to maximize the Project's local job impacts; and
- (c) provide an account of:
 - i. the gross number of hours worked by or full-time equivalent workers who are Minnesota residents, as defined in Minn. Stat. § 290.01, subd. 7; ii. the gross number of hours worked by or full-time equivalent workers who are residents of other states, but maintain a permanent residence within 150 miles of the Project; and; iii. the total gross hours worked or total full-time equivalent workers.

One additional point for the Commission's consideration is the Summit Lake Project has active commercial interest, including shortlisted by utility request for proposals (RFP), and this site permit condition would impact schedule, pricing, 2028 deliverability (Investment Tax Credit deadline), and overall project viability.

These supplemental comments have been e-filed through www.edocket.state.mn.us. A copy of this filing is also being served upon the persons on the Official Service Lists 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

**In the Matter of the Joint Application of Summi
Lake Solar, LLC and Summit Lake Storage,
LLC for a Solar Energy Generating System Site
Permit and a Battery Energy Storage System
Site Permit for the up to 200 MW Summit Lake
Solar Facility and the up to 200 MW Battery
Energy Storage System Located in Nobles
County, Minnesota**

**MPUC Docket No. IP-7153/ESS-25-88 &
IP-7153/GS-25-89
CAH Docket No. 21-2500-41031**

CERTIFICATE OF SERVICE

Breann L. Jurek certifies that on the 24th day of July, 2026, she e-filed a true and correct copy of the Supplemental Comments, on behalf of Applicants via eDockets (www.edockets.state.mn.us).

Said document was also served as designated on the Official Service Lists on file with the Minnesota Public Utilities Commission and as attached hereto.

Executed on: July 24, 2026

Signed: /s/ Breann L. Jurek

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	Tom	Brett	tbrett@fredlaw.com	Fredrikson and Byron, P.A.		60 South 6th St #1500 Minneapolis MN, 55108 United States	Electronic Service		No	25-88 Official CC Service List
2	Mike	Bull	mike.bull@state.mn.us		Public Utilities Commission	121 7th Place East, Suite 350 St. Paul MN, 55101 United States	Electronic Service		Yes	25-88 Official CC Service List
3	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	25-88 Official CC Service List
4	Monika	Davis	monika.davis@merjent.com			1 Main Street Suite 300 Minneapolis MN, 55414 United States	Electronic Service		No	25-88 Official CC Service List
5	Jeremy	Duehr	jduehr@fredlaw.com	Fredrikson & Byron, P.A.		60 S Sixth St Ste 1500 Minneapolis MN, 55402-4400 United States	Electronic Service		No	25-88 Official CC Service List
6	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	25-88 Official CC Service List
7	Craig	Janezich	craig.janezich@state.mn.us		Public Utilities Commission	121 7th Pl E #350 St. Paul MN, 55101 United States	Electronic Service		No	25-88 Official CC Service List
8	Breann	Jurek	bjurek@fredlaw.com	Fredrikson & Byron PA		60 S Sixth St Ste 1500 Minneapolis MN, 55402 United States	Electronic Service		No	25-88 Official CC Service List
9	Molly	Leisen	mleisen@fredlaw.com	Fredrikson & Byron P.A.		60 South Sixth Street Suite 1500 Minneapolis MN, 55402 United States	Electronic Service		No	25-88 Official CC Service List
10	Kimberly	Middendorf	kimberly.middendorf@state.mn.us		Office of Administrative Hearings	PO Box 64620 600 Robert St N Saint Paul MN, 55164-0620 United States	Electronic Service		Yes	25-88 Official CC Service List

#	First Name	Last Name	Email	Organization	Agency	Address	Delivery Method	Alternate Delivery Method	View Trade Secret	Service List Name
11	Alia	Mohammad	amohammad@nationalgridrenewables.com	Summit Lake Solar, LLC		c/o National Grid Renewables 8400 Normandale Lk, Blvd, #1200 Bloomington MN, 55437 United States	Electronic Service		No	25-88 Official CC Service List
12	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	25-88 Official CC Service List
13	Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates		7400 Lyndale Ave S Ste 190 Richfield MN, 55423 United States	Electronic Service		Yes	25-88 Official CC Service List
14	Sam	Weaver	sam.weaver@state.mn.us		Public Utilities Commission		Electronic Service		No	25-88 Official CC Service List

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4	Monika	Davis	monika.davis@merjent.com			1 Main Street Suite 300 Minneapolis MN, 55414 United States	Electronic Service		No	25-89 Official CC Service List
5	Martin	Donovan	martin.donovan@state.mn.us		Department of Natural Resources	500 Lafayette Road St Paul MN, 55155 United States	Electronic Service		No	25-89 Official CC Service List
6	Jeremy	Duehr	jduehr@fredlaw.com	Fredrikson & Byron, P.A.		60 S Sixth St Ste 1500 Minneapolis MN, 55402-4400 United States	Electronic Service		No	25-89 Official CC Service List
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8	Craig	Janezich	craig.janezich@state.mn.us		Public Utilities Commission	121 7th Pl E #350 St. Paul MN, 55101 United States	Electronic Service		No	25-89 Official CC Service List
9	Breann	Jurek	bjurek@fredlaw.com	Fredrikson & Byron PA		60 S Sixth St Ste 1500 Minneapolis MN, 55402 United States	Electronic Service		No	25-89 Official CC Service List
10	Molly	Leisen	mleisen@fredlaw.com	Fredrikson & Byron P.A.		60 South Sixth Street Suite 1500 Minneapolis MN, 55402 United States	Electronic Service		No	25-89 Official CC Service List
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