

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

In the Matter of the Site Permit Application
for the 100 MW Aurora Distributed Solar
Energy Project at Multiple Facilities in
Minnesota

FIRST PREHEARING ORDER

A Prehearing Conference was held before Administrative Law Judge Barbara L. Neilson at 10:30 a.m. on October 31, 2014, at the Offices of the Minnesota Public Utilities Commission in St. Paul, Minnesota, and by telephone conference call.

Jeremy P. Duehr, Fredrikson & Byron, P.A. appeared on behalf of Aurora Distributed Solar, LLC (Applicant). Betsy Engelking, Tena Rytel, Ingrid Schwingler, and Patrick Smith of Geronimo Energy and Joan Heredia of Enel Green Power North America, Inc., were also present on behalf of the Applicant.

Deborah Pile and Suzanne Steinhauer appeared on behalf of the Minnesota Department of Commerce, Energy Environmental Review Analysis (EERA).

Cezar Panait, P.E., Regulatory Engineer and Staff Analyst with the Public Utilities Commission (Commission), and Tracy Smetana, Public Advisor with the Commission's Consumer Affairs Office, also participated in the Prehearing Conference.¹

During the Prehearing Conference, the parties indicated that they had reached agreement on a proposed schedule for pre-hearing and post-hearing submissions and the dates of the evidentiary hearing in this case. They also noted that they were in agreement on the locations where the public hearings in this matter should be held, but requested additional time to finalize the details. In the event that any alternative sites outside of those proposed in the application are introduced later in this proceeding, the EERA indicated that it would request an additional Prehearing Conference be held to consider whether additional location(s) for public hearings should be included.

¹ When the Administrative Law Judge returned to her office following the Prehearing Conference, she was informed by her Legal Assistant, Kendra McCausland, that Dan Sheild had called Ms. McCausland just before 11:00 a.m. to report that he and his wife were also on the telephone conference line that was available for those who wished to participate in the Prehearing Conference. Mr. Sheild told Ms. McCausland that he and his wife spoke up a couple of times during the Prehearing Conference but could not hear anyone responding to their statements. He also indicated that he and his wife were unable to hear anyone else who was on the telephone. It is unfortunate that the Sheilds could not be heard during the Prehearing Conference.

Commission staff agreed to prepare the notice relating to the public hearings to be held in this matter.

Based on the discussions during the Prehearing Conference and the stipulation of the parties, **IT IS HEREBY ORDERED** as follows:

1. The following schedule is adopted in this proceeding:

Date	Event	Description
January 26, 2015	Environmental Assessment	<ul style="list-style-type: none"> • EERA releases Environmental Assessment (EA).
Hearing Process		
February 9-12, 2015	Public Hearings	<ul style="list-style-type: none"> • Issue notice of hearing at least 10 days prior, but no earlier than 45 days (Minn. Stat. § 216E.03, subd. 6).
Monday, Feb. 9, 2015 11 a.m.	Chisago City Community Center 10825 Lake Blvd., Chisago City, MN 55013	<ul style="list-style-type: none"> • ALJ introduction and opening remarks.
Tuesday, Feb. 10, 2015 11 a.m.	Pipestone Performing Arts Center 104 E. Main St., Pipestone, MN 56164	<ul style="list-style-type: none"> • Commission staff introduction on process and Commission's role. • Applicant introduces application, record of other relevant items.
Tuesday, Feb. 10, 2015 6 p.m.	Montevideo Community Center 550 South 1 st St., Montevideo, MN, 56265	<ul style="list-style-type: none"> • EERA introduces into the record the procedural work to date (e.g., notices on EA scoping meeting and decision, EA availability, and the Environmental Assessment).
Wednesday, Feb. 11, 2015 11 a.m.	Buckham Public Library 11 Division St. E., Faribault, MN, 55021	<ul style="list-style-type: none"> • Applicant answers questions about the project.
Thursday, Feb. 12, 2015 11 a.m.	Montrose Community Center 200 Center Ave. S., Montrose, MN, 55363	<ul style="list-style-type: none"> • EERA answers questions about the EA.
Thursday, Feb.12, 2015 6 p.m.	Paynesville High School – Seminar Room 795 Old Highway 23, Paynesville, MN 56362	<ul style="list-style-type: none"> • Public and Agencies ask questions, make comments.

Date	Event	Description
Feb. 24, 2015	Public Hearing Comment Period Ends and Factual Record Closes	<ul style="list-style-type: none"> • Comment period shall not be less than 10 days (MR 7850.3800, subp. 3D). • General public and agencies submit comments by close of the public hearing comment period. • Applicant submits responses to questions about the project received at the public hearing. • Applicant submits comments, proposed Findings of Fact (with recommended conditions) and maps.
Post-Hearing Process		
Feb. 27, 2015	Hearing Comments and Transcripts filed by OAH and the Court Reporter	<ul style="list-style-type: none"> •Hearing comments are filed by OAH via eDockets. • Transcripts filed via eDockets by the Court Reporter.
March 10, 2015	Reply Comments/ Findings of Fact Modifications	<ul style="list-style-type: none"> • EERA responds to public comments on EA. • EERA file comments/briefs and submits revisions to Applicant's proposed Findings of Fact, including conclusions as to the most appropriate facilities and proposed permit conditions. • Applicant submits revisions to proposed Findings of Fact, if necessary, to address comments received during the Public Hearing Comment Period.
April 9, 2015	ALJ Report	<ul style="list-style-type: none"> • Findings of Facts, Conclusions, Recommendation on Facilities and Permit Conditions.
April 23, 2015	Exceptions	<ul style="list-style-type: none"> • Applicant and EERA file Exceptions, if any, consistent with Minn. Rule 7829.2700, including exceptions to mitigation measures and permit conditions. <p>In cases subject to statutory deadlines, exceptions must be filed and served within 15 days of the filing of the report (MR 7829.2700).</p>

2. All documents filed by the Applicant and the EERA will be filed electronically using the e-Dockets system.

3. In accordance with the Commission's September 24, 2014, Order referring the application to the Office of Administrative Hearings, Commission staff shall formally contact relevant state agencies to request their participation in the development of the record and the public hearings under Minn. Stat. § 216E.10, subd. 3, and ask such agencies to submit their comments prior to the public hearings.

4. In keeping with the Commission's September 24, 2014, Order, parties and members of the public are requested to specifically address whether the proposed project and any alternatives meet the selection criteria set forth in Minn. Stat. § 216E.03, subd. 7, and Minn. R. 7850.4100.

Dated: November 17, 2014

s/Barbara L. Neilson

BARBARA L. NEILSON
Administrative Law Judge



MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

600 North Robert Street
Saint Paul, Minnesota 55101

Mailing Address:
P.O. Box 64620
St. Paul, Minnesota 55164-0620

Voice: (651) 361-7900
TTY: (651) 361-7878
Fax: (651) 539-0300

November 17, 2014

See Attached Service List

**Re: In the Matter of the Site Permit Application for the 100 MW Aurora
Distributed Solar Energy Project at Multiple Facilities in Minnesota**

**OAH 11-2500-31886
MPUC E-6928/GS-14-515**

To All Persons on the Attached Service List:

Enclosed and served upon you is the Administrative Law Judge's **FIRST PREHEARING ORDER** in the above-entitled matter.

If you have any questions, please contact my legal assistant Kendra McCausland at (651) 361-7870 or kendra.mccausland@state.mn.us.

Sincerely,

s/Barbara L. Neilson

BARBARA L. NEILSON
Administrative Law Judge

BLN:klm
Enclosure
cc: Docket Coordinator

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 the Site Permit Application for the 100 MW Aurora Distributed Solar Energy Project at Multiple Facilities in Minnesota	OAH Docket No.: 11-2500-31886
---	----------------------------------

Kendra McCausland certifies that on November 17, 2014 she served the true and correct **FIRST PREHEARING ORDER** 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
Julia	Anderson	Julia.Anderson@ag.state.mn.us	Office of the Attorney General-DOC	1800 BRM Tower 445 Minnesota St St. Paul, MN 551012134	Electronic Service	Yes
Betsy	Engelking	betsy@geronimoenergy.com	Geronimo Energy	7650 Edinborough Way Suite 725 Edina, MN 55435	Electronic Service	No
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 500 Saint Paul, MN 551012198	Electronic Service	Yes
Burl W.	Haar	burl.haar@state.mn.us	Public Utilities Commission	Suite 350 121 7th Place East St. Paul, MN 551012147	Electronic Service	Yes
John	Lindell	agorud.ecf@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012130	Electronic Service	Yes
Barbara L.	Neilson	Barbara.Neilson@state.mn.us	Office of Administrative Hearings	PO Box 64620 St. Paul, MN 551640620	Electronic Service	Yes
David	Post	David.Post@enel.com	Enel Green Power North America	7650 Edinborough Way Ste 725 Edina, MN 55435	Electronic Service	No
Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates	Ste 122 9100 W Bloomington Frwy Bloomington, MN 55431	Electronic Service	Yes