

The Commission met on **Thursday, October 28, 2021** with Chair Sieben and Commissioners Means and Tuma present.

The following matters were taken up by the Commission:

P-421/C-20-432

In the Matter of Formal Complaint Regarding the Services Provided by the Qwest Corporation, d/b/a CenturyLink in Minnesota, on Behalf of the Communications Workers of America.

This item was pulled from the agenda.

ET-2/TL-20-423

In the Matter of the Application of Great River Energy and Otter Tail Power Company for a Route Permit for the Frazee to Erie 115 kV Transmission Line Project in Becker and Otter Tail Counties.

Commissioner Tuma moved that the Commission:

1. Approve the ALJ Report with the following modifications:
 - a. The technical edits for Findings 58, 114, and 280 as proposed by DOC EERA in their exceptions, and Finding 215 as shown in Commission staff's briefing paper.
 - b. The edits to Findings 92, 108, 164, and 259 as proposed by DOC EERA in their exceptions.
 - c. Amendment to Finding 273 and change the route permit accordingly as follows:

Northern Long-Eared Bat (NLEB): For Project construction, Applicants must comply with the U.S. Fish and Wildlife Service guidance and requirements in effect regarding NLEB, ~~including tree clearing restrictions if applicable.~~ Additionally, tree clearing shall occur between August 1st and May 31st.

- d. Amendment to Finding 277 and change the route permit accordingly as follows:

Prior to any construction, the Permittees shall propose a scope of work and identify one independent third party ~~agency~~ monitor on behalf of the Department of Commerce. The scope of work shall be developed in consultation with and approved by the Department of Commerce. This third-party monitor will report directly to and will be under the control of the Department of Commerce with costs borne by the Permittee. The

Permittee shall file ~~the~~ with the Commission the scope of work 30 days prior to commencing construction and the name, address, email, phone number, and emergency phone number of the third-party monitor 14 days prior to commencing any construction or right-of-way preparation and upon any change that may occur during the construction of the project and restoration of the right-of-way.

2. Find that the Environmental Assessment and the record created at the public hearing address the issues identified in the Scoping Decision and are adequate and in compliance with all applicable rules and requirements.
3. Issue the attached Route Permit that identifies the route proposed by Great River Energy and Otter Tail Power Company (Orange-Maroon Route) for its Frazee to Erie 115 kV transmission line that includes specific requirements and conditions.
4. Require EERA Great River Energy and Otter Tail Power to hire an independent third-party monitor as proposed by DOC EERA in its October 15, 2021 letter and require permittee and EERA to file summaries on the use of a monitor upon completion of the monitor's activities.
5. Authorize Commission staff to modify the ALJ Report and the proposed Route Permit to correct typographic and formatting errors, improve consistency, and ensure agreement with the Commission's final order in the matter.

The motion passed 3-0.

IP-7041/GS-20-763

IP-7041/CN-20-764

IP-7041/TL-20-765

In the Matter of the Application of Byron Solar, LLC for a Certificate of Need, Site Permit, and Route Permit for the up to 200 MW Byron Solar Project and 345 kV Transmission Line in Olmsted and Dodge Counties, Minnesota

Commissioner Tuma moved that the Commission take the following actions:

1. Accept the certificate-of-need application as substantially complete.
2. Direct that the certificate-of-need application be reviewed using the informal review process under Minn. R. 7829.1200.

3. Accept the joint site-permit application as substantially complete and authorize review under the alternative permitting process defined in Minn. Stat. § 216E.04 and Minn. R. 7850.2800 to 7850.3900.
4. Approve joint public meetings, joint comment periods, joint public hearings, and combined environmental review of the certificate-of-need and site-permit and route applications to the extent practical.
5. Request that the Department of Commerce, Energy Environmental Review and Analysis unit (EERA) prepare an environmental assessment in lieu of an environmental report pursuant to Minn. R. 7849.1900.
6. Authorize the establishment of an advisory task force and approve EERA's proposed structure and charge based on the Charge and Order filed by EERA, with the addition of also soliciting the City of Byron for possible members.
7. Appoint an ALJ to serve as the hearing examiner for a summary proceeding, and request preparation of findings of fact, conclusions of law, and recommendation of a preferred site and permit conditions. Request that the ALJ determine the schedule for any testimony and post-hearing briefing in consultation with interested parties, as necessary.
8. Delegate administrative authority, including timing issues, to the Executive Secretary.
9. Identify Cezar Panait as the Commission's Public Advisor who will facilitate citizen participation in the process.
10. Request that the Department of Commerce, Division of Energy Resources (the Department) and EERA continue to study the issues and indicate during the hearing process, through testimony or comment, their positions on the reasonableness of granting a site permit.
11. Require the applicant to facilitate in every reasonable way the continued examination of the issues requested by the Department, EERA, and Commission staff.
12. Require the Applicant to place a copy of the certificate-of-need and site-permit applications in the Dodge County Environmental Services Office in the Dodge County Government Service Building, in the planning and zoning departments in the respective city halls of Kasson and Byron, and in a public library located close to the proposed project site. The applicant shall also offer and provide a physical copy, if requested, to the township boards of Kalmar, Canisteo, and Mantorville Townships.
13. Direct the applicant to work with Commission staff and Department of Commerce staff to arrange for publication of the notices related to public information meetings and public hearings in newspapers of general circulation under the timelines prescribed in

rule and statute, require that such notice be in the form of visible display ads, and require that proof of publication be obtained and provided to Commission staff.

14. Order that in January 2022, two weeks before the public information meeting, two weeks before the public hearing, and two weeks before the Commission meeting, the applicant shall eFile a written update on the project's status within the interconnection process at the Midcontinent Independent System Operator (MISO).
15. Grant a variance to Minn. R. 7849.0200, subp. 5, and extend the 30-day timeline.
16. Grant a variance to Minn. R. 7850.3700, subp. 3, and extend the 10-day timeline and request that EERA present draft site alternatives to the Commission for its input prior to the issuance of the final scoping decision.

The motion passed 3–0.

There being no further business, the meeting was adjourned.

APPROVED BY THE COMMISSION: November 10, 2021



Will Seuffert, Executive Secretary