

May 4, 2026

VIA E-FILING

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

Honorable Kimberly Middendorf
Court of Administrative Hearings
600 North Robert Street
P.O. Box 64620
St. Paul, MN 55164-06204

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 Summit Lake Energy Storage System in Nobles County, Minnesota.

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

Dear Ms. Bergman and Judge Middendorf:

Summit Lake Solar, LLC (Summit Lake Solar) and Summit Lake Storage, LLC (Summit Lake Storage) (collectively, the Applicants), submit these reply comments in response to certain comments received during the Environmental Assessment (EA) comment period in the above referenced dockets regarding the Joint Application for Site Permits (Joint Application) for the up to 200 megawatt (MW) solar project (Solar Facility) and the up to 200 MW battery energy storage system (BESS) to be located in Nobles County, Minnesota (collectively, the Solar Facility and the BESS are referred to as the Project). These reply comments primarily focus on:

- Comments concerns regarding heat islands;
- Comments raising concerns over possible impacts to agricultural farmland and the local agricultural economy;
- Comments related to noise impacts of the Project;
- Comments related to aesthetic impacts of the Project;
- Comments related to potential impacts to property values;
- Comments related to Project benefits to surrounding landowners and nearby community members;
- Comments related to potential fire risks posed by the Project;
- Comments regarding the decommissioning plan for the Project;

- Comments related to environmental and wildlife impacts;
- Comments from Nobles County regarding Project setbacks and public drain tile;
- Comments from Minnesota state agencies regarding various Project impacts, mitigation measures, and permit conditions; and
- Comments from Unions, participating landowners, and community members in support of the Project.

I. PUBLIC COMMENTS

During the public comment period on the EA, the Minnesota Public Utilities Commission (Commission) received 42 written comments regarding the Project. Twenty-two people provided verbal comments at the in-person public hearing on April 6, 2026, and six people provided verbal comments at the virtual hearing on April 7, 2026.

1. Heat Island

Several commenters during the April 6, 2026, public hearing and via written comments, expressed concerns over potential heat island impacts resulting from the Solar Facility.¹

The U.S. Environmental Protection Agency (EPA) defines “heat islands” as “urbanized areas that experience higher temperatures than outlying areas.”² The Project will not create or retain additional heat, and temperatures in the Project vicinity will not be higher than temperatures in the surrounding area. Field studies at solar sites demonstrate a clear decline of air temperatures as a function of distance from the perimeter of the solar farm, with temperature increases limited to approximately 0.5°C at 100 meters away and approaching ambient air temperature (0.3°C), at approximately 300 meters.³ One study found that temperatures dissipated such that no difference could be measured at 100 feet from the solar farm’s edge.⁴

While panels operate with an internal temperature of 104–122 °F (40-50 °C), much of the excess heat energy is absorbed in expansion of the glass/frame. Field study data also show that on most days solar arrays are completely cooled at night, and it is unlikely a heat island effect could occur.⁵ The Project is designed to allow the minimal amount of heat retained by the solar panels to

¹ In-Person EA Hearing Tr. at 105-106, 130, 133 (April 6, 2026); PUC Batch Comments at 10, 20 (April 20, 2026) (eDockets No. [20264-230619-01](#)) ; PUC Batch Comments at 23 (April 21, 2025) (eDockets [No. 20264-230726-01](#)).

² *Heat Island Effect* (last updated, Jan. 29, 2024), available at <https://www.epa.gov/heatislands#:~:text=Heat%20islands%20are%20urbanized%20areas,as%20forests%20and%20water%20bodies>.

³ Fthenakis, V. & Yu, Y. Analysis of the potential for a heat island effect in large solar farms. Analysis of the potential for a heat island effect in large solar farms; 2013 IEEE 39th Photovoltaic Specialists Conference 3362–3366 (2013)

⁴ North Carolina Clean Energy Technology Center. *Balancing Agricultural Productivity with Ground-Based Solar Photovoltaic (PV) Development*, May 2019. Accessed April 2026. <https://nccleantech.ncsu.edu/wp-content/uploads/2019/10/Balancing-Agricultural-Productivity-with-Ground-Based-Solar-Photovoltaic-PV-Development-1.pdf>

⁵ Fthenakis, V. & Yu, Y. Analysis of the potential for a heat island effect in large solar farms. Analysis of the potential for a heat island effect in large solar farms; 2013 IEEE 39th Photovoltaic Specialists Conference 3362–3366 (2013).

dissipate upwards and downwards. Additionally, most of the land surface within the Project will consist of vegetation, and the interior access roads will be gravel, which absorb and dissipate heat. Accordingly, the Project will not be a heat island and will not significantly change ambient weather by retaining heat.

There are more than 2,500 MW of solar installed in Minnesota alone, with no reports of decreased crop yields, weather, or climate impacts due to proximity to solar panels. In fact, according to the U.S. Department of Energy Office of Energy Efficiency and Renewable Energy, over 2.8 gigawatts (GW) of solar facilities in the United States are being used for agrivoltaics, which is the colocation of solar energy installations and agriculture beneath or between rows of photovoltaic (PV) panels, including sheep grazing, indicating the compatibility of agriculture and solar facilities.⁶

2. Public Comments Regarding Impacts to Agricultural Farmland and the Agricultural Economy

Commenters expressed concerns over the Project's removal of farmland, including prime farmland, from agricultural production and the resulting impacts to agriculture-related business in the region. Specific or quantifiable impacts to the agricultural economy were not provided by commenters. Concerns were also raised regarding possible impacts to public drain tile.⁷

The potential impacts to farmland, including prime farmland, were assessed in the EA, issued on March 11, 2026.⁸ The EA found that the Project will remove approximately 1,479.4 acres of farmland from crop production. This acreage only constitutes approximately 0.4 percent of cropland in Nobles County. As a result, the EA concluded that the Project is not expected to have a significant impact on agricultural production in the County.⁹ Applicants also conducted an analysis of potential alternatives to the site to avoid prime farmland impacts and determined that no feasible or prudent alternatives to the site exists.¹⁰

Several commenters expressed concerns that the Project will increase agricultural land prices locally, and thereby adversely impact current and future farmers by increasing property taxes and

⁶ Michele Boyd. The Potential of Agrivoltaics for the U.S. Solar Industry, Farmers, and Communities. U.S. Department of Energy. Accessed April 2026.

<https://www.energy.gov/cmei/systems/articles/potential-agrivoltaics-us-solar-industry-farmers-and-communities>.

⁷ J. Cuperus Comments (April 6, 2026) (eDockets No. [20264-230036-01](#)); B. Paulzine Comments (April 7, 2026) (eDockets No. [20264-230106-01](#)); D. Agard Comments (April 8, 2026) (eDockets No. [20264-230155-01](#)); E. Parrish Comments (April 8, 2026) (eDockets No. [20264-230154-01](#)); Y. Sieve Comments (April 14, 2026) (eDockets No. [20264-230368-01](#)); D. Rogers Comments (Apr. 14, 2026) (eDockets No. [20264-230357-01](#)); D. Ponto Comments (April 15, 2026) (eDockets No. [20264-230415-01](#)); K. and S. Onken Comments (April 16, 2026) (eDockets No. [20264-230529-02](#)); M. Fritz Comments (April 21, 2026) (eDockets No. [20264-230745-01](#)); PUC Batch Comments at 3-5, 8, 12-32, 34-36 (April 20, 2026) (eDockets No. [20264-230619-01](#)); PUC Batch Comments at 3-4, 10-17, 19-21 (April 21, 2026) (eDockets No. [20264-230726-01](#)); In-Person EA Hearing Tr. at 59-61, 64-65, 75-77, 82-83, 101-102, 112-113, 133-135, 140-143 (April 6, 2026); Virtual EA Hearing Tr. at 41-47. (April 7, 2026).

⁸ Ex. PUC-28 (EA).

⁹ Ex. PUC-28 at § 4.5.1 (EA).

¹⁰ Ex. SLS-7 (Joint Application, Appendix E – Prime Farmland Alternatives Assessment).

creating barriers to purchasing or renting farmland.¹¹ In particular, one commenter cites to a study that found on average solar installations increased the sales price on nearby agricultural land by 19.4%.¹² That study, however, which looked at average impacts to land values across the entire United States, found those effects were limited to smaller scale solar installations; “sites of larger than-median scale *have virtually zero effect on land value*, while sites of smaller scale display a positive effect on land value....”¹³ The average utility-scale solar project entering service is estimated at 74 MW, well below the 200 MW contemplated by the Summit Lake Project.¹⁴ Because the Project is a larger than median site, the anticipated effect on nearby land values will be negligible to non-existent.

The same study also found that the positive effect on land values from smaller scale solar installations “rapidly declines and becomes insignificant beyond 2 miles....”¹⁵ To the extent that there are minimal increases to agricultural land values, therefore, the study suggests that they will be limited to the immediate area around the Project and will not be widespread throughout Nobles County.

Regardless, Draft Site Permit conditions are protective of potential future agricultural uses of the site after decommissioning. Specifically, Section 4.3.18 of the Draft Site Permit for the Solar Facility (Solar DSP) mandates that Summit Lake Solar develop an Agricultural Impact Mitigation Plan (AIMP) for the Solar Facility in cooperation with the Minnesota Department of Agriculture (MDA) detailing methods to preserve topsoil, minimize compaction, control noxious weeds, maintain drainage conditions, and ensure the land can be returned to agricultural use after decommissioning.¹⁶ Summit Lake Solar developed an AIMP in coordination with the MDA and attached it as Appendix F to the Joint Application.¹⁷

Numerous other permit conditions also address potential agricultural impacts. Sections 4.3.9, 4.3.10, and 4.3.11 of the Solar DSP and the Draft Site Permit for the BESS (BESS DSP) require protection and segregation of topsoil protection (4.3.9), measures to minimize soil compaction (4.3.10) and implementation of soil erosion and sediment control practices recommended by the Minnesota Pollution Control Agency (MPCA; 4.3.11).¹⁸ Section 4.3.17 of the Solar DSP and Section 5.8 of the BESS DSP require the development of a vegetation management plan (VMP) that defines how the land control area will be revegetated and monitored over the life of the Project to stabilize soils, improve soil health, and ensure vegetation management goals are met.¹⁹ Sections 4.3.20 and 4.3.21 of the Solar DSP and 4.3.18 and 4.3.19 of the BESS DSP address invasive and

¹¹ PUC Batch Comments at 3, 35-36 (April 20, 2026) (eDockets No. [20264-230619-01](#)); PUC Batch Comments at 16 (April 21, 2026) (eDockets No. [20264-230726-01](#)).

¹² PUC Batch Comments at 35 (April 20, 2026) (eDockets No. [20264-230619-01](#)).

¹³ Hu, Chenyang, et al. 2025. *Impact of Large-Scale Solar on Property Values in the United States: Diverse Effects and Causal Mechanisms* at 6. Accessed on April 30, 2026. Available at <https://doi.org/10.1073/pnas.2418414122>

¹⁴ *Utility-Scale Solar Guide (2026): Size, Cost, & Land Reality*. April 21, 2026. Accessed on April 30, 2026. Available at <https://solarinfoath.com/utility-scale-solar-guide-cost-land-rules/>.

¹⁵ Hu, Chenyang, et al. 2025. *Impact of Large-Scale Solar on Property Values in the United States: Diverse Effects and Causal Mechanisms* at 6. Accessed on April 30, 2026. Available at <https://doi.org/10.1073/pnas.2418414122>

¹⁶ Exs. PUC-28 (EA); SLS-6 (Joint Application, Appendix D– Solar Draft Site Permit).

¹⁷ Ex. SLS-8 (Joint Application, Appendix F – AIMP).

¹⁸ Ex. PUC-28 at Appendices C and D (EA, Appendices C and D).

¹⁹ Ex. PUC-28 at Appendix D (EA, Appendix D).

noxious weeds.²⁰ Summit Lake Solar, moreover, has and continues to coordinate with Nobles County to ensure impacts to the public drain tile are minimized.²¹

Section 4.3.23 of the BESS DSP and Section 4.3.25 of the Solar DSP require that Applicants take measures to minimize impacts to the drain tile, and repair and/or compensate landowners for any damages to the tile during construction.²² Section 5.6 of the Solar DSP and 5.10 of the BESS DSP require coordination with and approval from the Nobles County Drainage Authority for any re-route or abandonment of public drain tile due to the Project.

3. Public Comments Regarding Noise Impacts

Many commenters expressed concerns over potential noise impacts resulting from the Project, including but not limited to noise created by the BESS.²³

On December 18, 2025, Applicants submitted a Joint Site Permits Application Amendment to the Commission for: Summit Lake Solar Energy Generating System and Battery Energy Storage System (Application Amendment).²⁴ Design changes in the Application Amendment were intended, in part, to mitigate and minimize noise impacts. The Application Amendment included a revised design that relocated the BESS such that the distance to the nearest residence is increased from 261 feet to 1,151 feet.²⁵ Additionally, Applicants proposed to increase the distance between Project construction areas and the nearest noise sensitive area by 178 feet to further address construction-related noise impacts.²⁶

The EA evaluated potential noise impacts resulting from the Project as amended in the Application Amendment. During Project construction, noise impacts will vary based on construction activities. Construction associated noise will likely be perceptible at adjacent residences. Construction noise may exceed state noise standards at select times and locations. Exceedances would be short-term and confined to daytime hours.²⁷

The main source of noise from the Project during operation will be from the inverters, which include air conditioners housed in each inverter, and, to a lesser extent, from the transformers and rotation of the tracking system. For the BESS units, the main source of noise will be from the

²⁰ Ex. PUC-28 at Appendices C and D (EA, Appendices C and D).

²¹ Ex. PUC-28 at § 4.5.4 (EA).

²² Ex. PUC-28 at Appendices C and D (EA, Appendices C and D).

²³ J. Cuperus Comments (April 6, 2026) (eDockets No. [20264-230036-01](#)); D. Agard Comments (April 8, 2026) (eDockets No. [20264-230155-01](#)); E. Parrish Comments (April 8, 2026) (eDockets No. [20264-230154-01](#)); Y. Sieve Comments (April 14, 2026) (eDockets No. [20264-230368-01](#)); K. and S. Onken Comments (April 16, 2026) (eDockets No. [20264-230529-02](#)); M. Fritz Comments (April 21, 2026) (eDockets No. [20264-230745-01](#)); H. Slater Comments (April 20, 2026) (eDockets No. [20264-230611-01](#)); PUC Batch Comments at 12, 23, 32-33 (April 20, 2026) (eDockets No. [20264-230619-01](#)); PUC Batch Comments at 4, 10-11, 13 (April 21, 2026) (eDockets No. [20264-230726-01](#)); In-Person EA Hearing Tr. at 40-42, 44-48, 60-61, 118-123, 143-144 (April 6, 2026); Virtual EA Hearing Tr. at 43-44 (April 7, 2026).

²⁴ Ex. SLS-21 (Application Amendment).

²⁵ Ex. SLS-21 at § 2.0 & Table 2.0-2 (Application Amendment).

²⁶ Ex. SLS-30 at 5 (Direct Testimony of A. Mohammed); Ex. PUC-28 at Appendix C (EA, Appendix C).

²⁷ Ex. PUC-28 at § 4.3.2, 48-49, Table 4.3.2-2 (EA).

cooling fans.²⁸ The results of noise modeling conducted by the Applicants for the BESS and solar arrays show that noise levels will be less than the MPCAs required standard of 50 A-weighted decibel (dBA) for 50 percent of the time at residences closest to the BESS (actual noise modeling results indicated a noise level of 42.2 dBA at the closest receptor). Inverters are the main source of noise for the Solar Facility, and because the inverters are located within the middle of the solar arrays, the noise levels from the Solar Facility equipment are not expected to be discernible from background noise levels at noise receptors in the vicinity.²⁹

Additionally, proposed mitigation measures will reduce potential noise impacts resulting from the Project. Specifically, BESS DSP sections 5.5 (pre-construction noise modeling) and 5.6 (post-construction noise modeling and requiring adherence to MPCA noise standards) will ameliorate operational noise impacts. Section 5.5 of the Solar DSP and Section 5.7 of the BESS DSP further require the permittees to notify adjacent landowners detailing the timing of any planned major noise-producing construction activities through written notice and a website that would be updated weekly.³⁰

4. Public Comments Regarding Aesthetic Impacts

Members of the public submitted comments raising concerns over the aesthetic impacts of the Project including but not limited to impacts to non-participating residents living adjacent to the Project and residents of the town of Reading. Many commenters specifically criticized proposed setbacks as inadequate to protect aesthetic values with several commenters requesting setbacks from residences increase to either 750 feet or 1,000 feet and raised concerns over impacts from Project lighting.³¹

The EA evaluated potential aesthetic impacts of the Project. The EA found that aesthetic impacts for certain residents in close proximity to the Project will be moderate to significant; however those aesthetic impacts will be mitigated through the development of a Visual Screening Plan as required by Section 5.4 of the Solar DSP and BESS DSP.³² The Visual Screening Plan must include screening objectives, species details, planting locations, and maintenance plans.

The Application Amendment significantly increased the distance between residences and Project facilities. Nobles County does not have a solar or battery storage system specific setback requirement from residences. Regardless, the Application Amendment increased Solar Facility

²⁸ Ex. PUC-28 at § 4.3.2, 49 (EA).

²⁹ Ex. PUC-28 at § 4.3.2, 49 & Appendix F (EA).

³⁰ Ex. PUC-28 at Appendices C and D (EA, Appendices C and D).

³¹ J. Cuperus Comments (April 6, 2026) (eDockets No. [20264-230036-01](#)); D. Agard Comments (April 8, 2026) (eDockets No. [20264-230155-01](#)); D. Ponto Comments (April 15, 2026) (eDockets No. [20264-230415-01](#)); K. and S. Onken Comments (April 16, 2026) (eDockets No. [20264-230529-02](#)); R. Burkard Comments (April 16, 2026) (eDockets No. [20264-230529-01](#)); H. Slater Comments (April 20, 2026) (eDockets No. [20264-230611-01](#)); M. Fritz Comments (April 21, 2026) (eDockets No. [20264-230745-01](#)); PUC Batch Comments at 12-14, 23, 29, 31-32, 34 (April 20, 2026) (eDockets No. [20264-230619-01](#)); PUC Batch Comments at 4, 10-11, 13, 18, 19 (April 21, 2026) (eDockets No. [20264-230726-01](#)); In-Person EA Hearing Tr. at 36-42, 44, 98-100, 120-121, 131-133 (April 6, 2026); Virtual EA Hearing Tr. at 43-44 (April 7, 2026).

setbacks from all residences from 228 feet to at least 300 feet, and all BESS setbacks from the nearest residence from 261 feet to 1,151 feet.³³ For those non-participating residential properties, the revised Project design complies with Nobles County requirements for property line set backs – in addition to drain tile centerline setbacks.³⁴ These changes should further ameliorate potential aesthetic impacts of the Project.

Applicants investigated the feasibility of accommodating larger setbacks as requested by commenters. In each scenario, however, the electrical energy production generated by the Project, and the associated production tax that would be paid to local governments would also be reduced by taking the additional land out of solar production. Specifically, 750-foot and 1,000-foot setbacks from residences to the facility fence line results in a roughly 11% and 19% reductions in energy production, respectively that would lead to a similar percent reduction in production tax paid to the hosting Townships and County. Similarly, a 200-foot setback from road centerlines to the facility fenceline results in an approximate 6% reduction in energy production and a corresponding reduction in production tax payments.

The EA also evaluated the possible impacts of Project lighting both on wildlife and nearby residents. Many comments appeared to be concerned about lighting associated with the Nobles Substation. The Applicants were able to confirm the Nobles Substation is currently under construction and the increased lighting at night is likely associated with those construction activities. The Project, on the other hand, provides for down-lit, motion-activated security lighting to be installed at the locked entrance to the facility as well as outside the operations & maintenance (O&M) facility and project substation. The motion-activated and downlit lighting will minimize impacts to people and wildlife. The EA concluded that impacts to light-sensitive land uses are not anticipated given the rural project location coupled with minimal required lighting for operations.³⁵ Applicants anticipate that brighter lighting than otherwise provided described in the EA will only be deployed to address infrequent, mission critical activities that must be performed at night and near large equipment like the Project Substation or inverters. Such uses would only be for a short duration. Applicants will take all efforts to avoid performing such work at night; but such work may be necessary on rare occasions or during limited daylight hours in the winter.

The Solar DSP and BESS DSP include additional conditions addressing aesthetic impacts. Section 4.3.8 is a standard requirement for the permittee to consider landowner input on visual impacts and to preserve the natural landscape while minimizing tree removal during construction and operation. Sections 5.1 of the Solar and BESS DSPs, moreover, require downward facing lighting that minimizes blue hue along the BESS enclosure, gate locations, and along fencelines.³⁶ Section 5.4 of the Solar DSP and BESS DSP requires preparation of a Visual Screening Plan.

³³ Ex. SLS-21 at § 2.0 & Table 2.0-2 (Application Amendment).

³⁴ Ex. SLS-30 at 6-7 (Direct Testimony of A. Mohammed).

³⁵ Ex. PUC-28 at § 4.3.1.1 (EA)

³⁶ Ex. PUC-28 at Appendices C and D (EA).

5. Public Comments Regarding Property Values

Commenters expressed concerns over the impacts of the Project on property values.³⁷

The EA assessed potential impacts on property values and concluded that, on the whole, impacts to property values are anticipated to be minimal and decrease with distance and over time. However, it also noted that impacts to a specific property's value may be difficult to determine and that due to that uncertainty, impacts on specific properties could be minimal to moderate.³⁸ In its analyses, the EA relied upon three studies. First, a study conducted by the Lawrence Berkeley National Laboratory found that, in Minnesota, homes within one-half mile of large solar energy facilities had a four percent reduction in home sales prices compared to homes two to four miles from such a facility. The study did not consider site design, local landscape features or setbacks, or the broader economic impacts of solar facilities.³⁹ A second study from Chisago County, Minnesota did not find a consistent negative impact to the sales value of properties near large solar facilities. A third study comparing sale prices of properties near 10 existing large solar facilities (including one in Minnesota) with comparable properties did not find a consistent negative impact to the sales value of properties near large solar facilities. As a result, the EA concluded that minimal to moderate property value impacts could occur, but significant negative impacts to property values are not anticipated.⁴⁰

The EA also concluded that permit conditions in the Draft Site Permits will help mitigate potential impacts to property values. Specifically, Section 4.3.8 of the Solar DSP and BESS DSP requires the permittee to consider landowner input regarding visual impacts and to preserve the natural landscape and minimize tree removal during construction and operation. Section 5.4 of the Solar and BESS DSPs is a special condition requiring the permittee to develop a site-specific Visual Screening Plan to mitigate visual impacts on adjacent residences.⁴¹ Visual screening requirements are expected to reduce Project impacts to property values.⁴²

³⁷ J. Cuperus Comments (April 6, 2026) (eDockets No. [20264-230036-01](#)); E. Parrish Comments (April 8, 2026) (eDockets No. [20264-230154-01](#)); R. Burkard Comments (April 16, 2026) (eDockets No. [20264-230529-01](#)); H. Slater Comments (April 20, 2026) (eDockets No. [20264-230611-01](#)); M. Fritz Comments (April 21, 2026) (eDockets No. [20264-230745-01](#)); PUC Batch Comments at 2, 29, 31-32 (April 20, 2026) (eDockets No. [20264-230619-01](#)); PUC Batch Comments at 13 (April 21, 2026) (eDockets No. [20264-230726-01](#)); In-Person EA Hearing Tr. at 53-54, 60, 98-99 (April 6, 2026); Virtual EA Hearing Tr. at 43-44 (April 7, 2026).

³⁸ Ex. PUC-28 at § 4.3.5 (EA).

³⁹ Ex. PUC-28 at § 4.3.5 (EA).

⁴⁰ Ex. PUC-28 at § 4.3.5 (EA).

⁴¹ Ex. PUC-28 at Appendices C and D (EA, Appendices C and D).

⁴² Ex. PUC-28 at §§ 4.3.1.2 & 4.3.5 (EA).

6. Public Comments Questioning Whether the Project Will Benefit Non-Participating Landowners and Others in the Community

Several commenters questioned whether the Project would benefit the surrounding community.⁴³

Applicants appreciate the concerns of the commenters. Minnesota law has been structured to ensure the local communities hosting renewable energy generation projects receive compensation by way of production tax. Applicants estimate average annual energy production tax revenue of approximately \$400,500 for Nobles County and approximately \$100,200 combined for Summit Lake and Elk Townships over the life of the Project.⁴⁴ In addition, land purchase payments, lease and easement payments paid to the participating landowners will offset potential financial losses associated with selling or removing a portion of their land from agricultural production. The Project will also provide significant socioeconomic benefits to local construction workers. The Applicants anticipate supporting up to 250 temporary construction jobs at peak construction with an average of 175 jobs during the entire construction process, and three full-time permanent jobs for Project operation, and also following the prevailing wage requirements under Minnesota law and the Site Permits.⁴⁵

7. Public Comments Regarding Fire Risk

Commenters expressed concerns over possible fire risks resulting from the Project.⁴⁶

The Project is designed such that each of the standalone BESS enclosures will be equipped with automatic fire detection and suppression systems.⁴⁷ Applicants have also conducted training for local emergency responders and will continue to do so during Project operation as required by section 5.15 of the BESS DSP.⁴⁸

The EA evaluated fire risks posed by the Project.⁴⁹ The EA notes that the risk of fire will be reduced by proper installation of the PV solar system and further finds that the Project is designed to meet applicable federal, state, and local standards, including during construction. Electrical inspections, moreover, are required to meet applicable electrical codes, and will ensure proper

⁴³ D. Agard Comments at 4 (April 8, 2026) (eDockets No. [20264-230155-01](#)); E. Parrish Comments (April 8, 2026) (eDockets No. [20264-230154-01](#)); K. and S. Onken Comments (April 16, 2026) (eDockets No. [20264-230529-02](#)); H. Slater Comments (April 20, 2026) (eDockets No. [20264-230611-01](#)); PUC Batch Comments at 13, 32 (April 20, 2026) (eDockets No. [20264-230619-01](#)); PUC Batch Comments at 16-17 (April 21, 2026) (eDockets No. [20264-230726-01](#)); In-Person EA Hearing Tr. at 59, 81-86, 111-112, 123, 136-137 (April 6, 2026).

⁴⁴ Ex. PUC-28 at § 4.3.9 (EA)

⁴⁵ Ex. PUC-28 at § 4.3.9 (EA)

⁴⁶ J. Cuperus Comments (April 6, 2026) (eDockets No. [20264-230036-01](#)); D. Agard Comments at 4 (April 8, 2026) (eDockets No. [20264-230155-01](#)); E. Parrish Comments (April 8, 2026) (eDockets No. [20264-230154-01](#)); K. and S. Onken Comments (April 16, 2026) (eDockets No. [20264-230529-02](#)); PUC Batch Comments at 5, 13 (April 20, 2026) (eDockets No. [20264-230619-01](#)); PUC Batch Comments at 13, 15 (April 21, 2026) (eDockets No. [20264-230726-01](#)); In-Person EA Hearing Tr. at 54, 84, 115, 126 (April 6, 2026); Virtual EA Hearing Tr. at 43-44 (April 7, 2026).

⁴⁷ Ex. SLS-2 at § 4.1.2.3 (Joint Application).

⁴⁸ Exs. SLS-30 at 12 (Direct Testimony of A. Mohammed); PUC-28 at Appendix C (EA, Appendix C).

⁴⁹ Ex. PUC-28 at § 4.4.2 (EA).

installation of all components, and the Project will undergo routine inspection.⁵⁰ Section 8.12 of the Solar DSP and Section 8.11 of the BESS DSP each require Applicants to file an Emergency Response Plan with the Commission and local first responders prior to operation; these conditions will further mitigate fire risks posed by the Project.⁵¹

8. Public Comments Regarding Project Decommissioning

Members of the public expressed concerns over the processes and financial surety for decommissioning the Project; a primary concern was whether the County or other local governments would be responsible for the cost of decommissioning and whether the site could actually be restored after the Project.⁵²

Section 9.1 of the Solar DSP and BESS DSP requires the development of a decommissioning plan prior to construction and updates of the plan every five years. As part of the initial Joint Application, Summit Lake Solar developed and submitted a Decommissioning Plan. The Decommissioning Plan details the process for decommissioning and provides a cost estimate for those activities. Applicants, as the Project owners, are responsible for all costs to decommission the Project and associated facilities. A financial assurance in the form of an escrow account or surety bond equal to 125 percent of the costs to ensure proper decommissioning will be provided, as prescribed by the Decommissioning Plan, with Nobles County listed as the beneficiary.⁵³ In the event the Applicants do not decommission the Project as required by the site permits, Nobles County will be able to draw upon the financial assurance to decommission the Project.

As noted above, the AIMP, developed in cooperation with the MDA, prescribes measures to preserve topsoil, minimize compaction, control noxious weeds, maintain drainage conditions, and ensure the land can be returned to agricultural use after decommissioning, including through the establishment of appropriate vegetation.⁵⁴

9. Public Comments Regarding Environmental Impacts

Members of the public raised concerns over environmental impacts of the Project, including potential soil, surface water impacts, stormwater runoff, and wildlife impacts. Some commenters suggested a bald eagle nest may be located near the north-central portion of the Solar Facility.⁵⁵ Some commenters focused on the risk of flooding in certain Project areas and potential

⁵⁰ Ex. PUC-28 at § 4.4.2 (EA).

⁵¹ Ex. PUC-28 at Appendices C and D (EA, Appendices C and D).

⁵² B. Paulzine Comments (April 7, 2026) (eDockets No. [20264-230106-01](#)); D. Agard Comments at 4 (April 8, 2026) (eDockets No. [20264-230155-01](#)); E. Parrish Comments (April 8, 2026) (eDockets No. [20264-230154-01](#)); K. and S. Onken Comments (April 16, 2026) (eDockets No. [20264-230529-02](#)); H. Slater Comments (April 20, 2026) (eDockets No. [20264-230611-01](#)); M. Fritz Comments (April 21, 2026) (eDockets No. [20264-230745-01](#)); PUC Batch Comments at 3, 6, 13-15, 20, 28, 32 (April 20, 2026) (eDockets No. [20264-230619-01](#)); PUC Batch Comments at 2 (April 21, 2026) (eDockets No. [20264-230726-01](#)); In-Person EA Hearing Tr. at 74-75, 140-141 (April 6, 2026).

⁵³ Ex. SLS-9 at 8 (Joint Application, Appendix G – Draft Decommissioning Plan).

⁵⁴ Exs. PUC-28 at § 4.5.1 & Appendix D (EA, Appendix D); SLS-8 (Joint Application, Appendix F – AIMP).

⁵⁵ J. Cuperus Comments (April 14, 2026) (eDockets ID Nos. [20264-230364-01](#)); PUC Batch Comments at 12 (April 20, 2026) (eDockets No. [20264-230619-01](#)); Virtual EA Hearing Tr. at 44 (April 7, 2026).

contamination impacts resulting therefrom. Others questioned whether the stormwater retention ponds would increase pest populations – mosquitos – and whether the ponds would be fenced.⁵⁶

The EA evaluated the potential impacts of the Project on soil, surface water, stormwater, and wildlife. The risk of soil and water contamination from the Solar Facility or BESS is low.

As noted in the Joint Application, each of the solar panel manufacturers being considered to provide panels completes testing for hazardous substances; the manufacturers have confirmed that no hazardous substances are leached from the tested solar panel products resulting in leachate concentrations that exceed regulatory standards. Considering the solar panels are fully encapsulated, unlikely to shatter, and not expected to leach hazardous materials into the environment, the risk to the environment from the contents of the panels will be minimal. If a panel is broken at the Solar Facility, the broken pieces and the remainder of the panel will be recycled or disposed of and replaced, thereby further reducing the risk for hazardous materials contained in the panels to leach into the environment.⁵⁷

Hazard mitigation measures will be utilized to avoid BESS fire safety and environmental contamination risks including storing lithium-ion batteries in weather-proof enclosures that include fully integrated heating, ventilation, and air conditioning system for temperature control, sensors and controls for remote monitoring, and built-in fire detection and suppression.⁵⁸ The Battery Management System and site controller ensure the BESS is operating within the original equipment manufacturer's operating parameters and warranty requirements. In the event of an emergency at the BESS, if any operating limit is exceeded, the system will shut down the affected equipment and automatically fire monitoring service who will contact the local fire department.⁵⁹ Current battery technology has also advanced so that fire risk is less prevalent. The batteries are more thermally stable and less prone to thermal runaway than batteries comprised of older battery chemistry that will not be used for the BESS. Applicants are also committed to working with the local emergency responders to make sure they have the training they need to respond to emergencies at the Project.⁶⁰

The EA concluded that impacts to soils will occur during construction of the Project, but the impact intensity level is expected to be minimal. Because the soil at the Solar Facility will be covered

⁵⁶ D. Agard Comments at 4 (April 8, 2026) (eDockets No. [20264-230155-01](#)); E. Parrish Comments (April 8, 2026) (eDockets No. [20264-230154-01](#)); R. Burkard Comments (April 16, 2026) (eDockets No. [20264-230529-01](#)); J. Cuperus Comments (April 14, 2026) (eDockets No. [20264-230036-01](#)); D. Ponto Comments (April 15, 2026) (eDockets No. [20264-230415-01](#)); K. and S. Onken Comments (April 16, 2026) (eDockets No. [20264-230529-02](#)); H. Slater Comments (April 20, 2026) (eDockets No. [20264-230611-01](#)); M. Fritz Comments (April 21, 2026) (eDockets No. [20264-230745-01](#)); PUC Batch Comments at 6 3, 5, 12-13, 23, 29, 32, 34 (April 20, 2026) (eDockets No. [20264-230619-01](#)); PUC Batch Comments at 4, 10-11, 13, 15, 17, 19-20 (April 21, 2026) (eDockets No. [20264-230726-01](#)); In-Person EA Hearing Tr. at 104-109, 117, 128-129, 135-136, 138-141 (April 6, 2026); Virtual EA Hearing Tr. at 44, 36-40 (April 7, 2026).

⁵⁷ Ex. SLS-2 at § 4.7.1 (Joint Application).

⁵⁸ Ex. SLS-2 at § 5.2.5.1 (Joint Application).

⁵⁹ Ex. SLS-2 at § 4.1.2.3 (Joint Application).

⁶⁰ Ex. SLS-30 at 12-13 (Direct Testimony of A. Mohammed).

with native perennial vegetation for the life of the Project, soil health is likely to improve long-term.⁶¹

The impact intensity level to surface waters is anticipated to be minimal according to the EA. Direct impacts to surface waters are not expected. Indirect impacts to surface waters may occur, but will be short-term, and of a small size. Impacts can be mitigated through consultation with local organizations and government agencies, and through implementing best management practices (BMPs) for sediment and erosion control.⁶² Summit Lake Solar will also construct permanent stormwater basins in the Project design, which can help release stormwater runoff at the existing or a reduced rate and create natural infiltration.⁶³ Applicants will ensure the final design of the Project locates stormwater basins within the Project's fenced areas. Properly maintained stormwater basins, moreover, are not conducive to mosquito reproduction; mosquitos are associated with shallow, stagnant water that remains for at least a week or more to complete their life aquatic life cycle.⁶⁴ In Minnesota, the common stormwater guidance for basin drainage is 72 hours or less. If areas are holding water longer than intended, they will be inspected and addressed.

One commenter raised concerns of past flooding at areas of the Project located near the intersection of State Highway 266 / Nobles County Rd. 25 and 190th Street. The commenter raised concerns regarding possible contamination resulting from exposure of the panels to floodwaters and possible impacts to groundwater quality.⁶⁵ Applicants acknowledge that there are existing areas in this location that experience ponding; however, the solar panels are set back sufficiently from these areas and are not proposed within known flooding or ponding zones. There may be localized ponding near portions of the project fence line; however, this area is also served by existing public drain tile, which helps convey water through the area and reduce prolonged standing water. The Project has been designed to avoid impacts to these drainage features. Moreover, even if developed portions of the solar array were to experience ponding, the panels and wiring are elevated and enclosed such that ponding water is not anticipated to impact the equipment or become contaminated by exposure to the equipment.

Concerns regarding a potential bald eagle nest near the Project were raised during the in-person public hearing as well as in written public comments. As noted in the EA, nesting habitat suitable for bald eagles is not present within or adjacent to the Land Control Area.⁶⁶ Regardless, Summit Lake Solar will conduct a field review, prior to construction, to determine whether an active bald eagle nest exists in the location provided in public comments.

If Summit Lake Solar determines an active bald eagle nest is present prior to construction, Summit Lake Solar will comply with the U.S. Fish and Wildlife Service's (USFWS) Bald Eagle

⁶¹ Ex. PUC-28 at § 4.7.3 (EA).

⁶² Ex. PUC-28 at § 4.7.4.8 (EA).

⁶³ Ex. PUC-28 at § 2.1.2.9 & 2.1.3 (EA).

⁶⁴ U.S. EPA, *Stormwater Structures & Mosquitoes*, August 2005. Accessed April 2026. https://www.epa.gov/system/files/documents/2021-07/sw_wnv_0.pdf

⁶⁵ Virtual EA Hearing Tr. at 37-38 (April 7, 2026); D. Ponto Comments (April 15, 2026) (eDockets No. [20264-230415-01](#)).

⁶⁶ Ex. PUC-28 at § 4.7.7 (EA).

Management Guidelines (Guidelines) related to construction activities.⁶⁷ The Guidelines were developed by the USFWS to help people minimize potential impacts to bald eagles, particularly where they may constitute disturbance which is prohibited by the Bald and Golden Eagle Protection Act (BGEPA)⁶⁸. The BGEPA defines “take” as “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb.” “Disturb” means “to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior. Bald eagle incidental take permits are considered to be voluntary permits, meaning a project proposer must make the determination to pursue a permit based on the respective risk of their project’s potential to take a bald eagle. Application of the Guidelines to ensure construction activities do not disturb an active bald eagle nest would preclude the need for a bald eagle incidental take permit.

The Guidelines provide, in relevant part, that construction activities that may disturb bald eagle nesting activities should not occur within 660 feet of an active bald eagle nest. Moreover, sudden and extraordinarily loud construction activities, such as blasting, should not occur within 0.5 mile of an active bald eagle nest. In Minnesota, the bald eagle nesting season is generally January through early July.⁶⁹ If an active bald eagle nest is found within 0.5 mile of the Project prior to construction and construction activities will occur during the bald eagle nesting season, Summit Lake Solar will abide by the activity restrictions in the 660-foot and 0.5 mile buffer, until Summit Lake Solar’s wildlife biologist confirms the eaglets, if any, have fledged and the bald eagle nest is no longer active. In any event, if an active bald eagle nest is confirmed present prior to construction, Summit Lake Solar anticipates construction activities would only be limited during the portion of the construction season that overlaps with the bald eagle nesting season in a small portion of the overall Project area that may be proximate to an active bald eagle nest.

Evaluating the Project’s potential impacts to wildlife, the EA concluded that the overall impact intensity for wildlife and habitat is expected to be minimal, with impacts varying by species. Long-term positive impacts, moreover, to small mammals, insects, reptiles, and amphibians are anticipated as the site is revegetated with native vegetation. Here, the EA found that conversion of agricultural land to perennial vegetation will positively impact terrestrial and aquatic wildlife by reducing pesticide use and increasing pollinator and bird habitat.⁷⁰

Draft Site Permit conditions will further reduce impacts on wildlife. Specifically, various permit conditions require: restoring the Solar Facility site with native perennial vegetation supporting gamebirds, songbirds, and pollinators; coordinating fence design with DNR; implementing shielded, low-blue lighting; using non-chloride dust control and wildlife-safe bio-netting; and

⁶⁷ USFWS, *National Bald Eagle Management Guidelines*, May 2007. Accessed April 2026.

<https://www.fws.gov/media/national-bald-eagle-management-guidelines>

⁶⁸ Bald and Golden Eagle Protection Act, 16 U.S.C. 668-668c; USFWS, *National Bald Eagle Management Guidelines*, May 2007. Accessed April 2026. <https://www.fws.gov/media/national-bald-eagle-management-guidelines>

⁶⁹ Ex. PUC-28 at § 4.7.7 (EA).

⁷⁰ Ex. PUC-28 at § 4.7.6 & 4.7.7 (EA).

submitting quarterly wildlife injury and fatality reports for both Solar and BESS facilities as required under the relevant permit sections.⁷¹

10. Public Comments Regarding Community Engagement

Several commenters criticized the Applicants' community engagement practices, including, but not limited to, claiming a failure to proactively communicate with non-participating landowners earlier in the process of selecting the specific Project areas for development.⁷²

As part of their community engagement efforts, Applicants have and continue to focus on proactive, transparent communication with surrounding landowners and stakeholders. However, the time period between signing the first leases with landowners interested in participating in a project and submitting an application to the Commission for a site permit is a long process. In the case of this Project that time period spanned approximately nine years. During that time period, the Applicants were working to assemble additional participating land necessary to site a project of this size and navigate through the often complicated and expensive interconnection process with the electrical grid operator. Unless and until adequate land and interconnection rights can be secured and solidified, there isn't a detailed or finalized project design that can be developed, shown, or shared with the surrounding community. In fact, when sharing information too early in the process, developers can be criticized for not knowing all the details of a potential project before sharing with others. In the case of this Project, the Applicants shared information about the Project when it knew it had interconnection rights to connect the Project to the electrical grid, had adequate land secured to site the Project and had completed the necessary environmental studies to inform the design of the Project. Even then, the Applicants continued to listen and engage with the surrounding community, as evidenced by the revised design of the Project presented in the Application Amendment.

Prior to submitting the Joint Application and during this permitting process, Applicants have and continue to engage with the local community. Outreach efforts include Applicants meeting directly with adjacent and nearby property owners, sending informational mailings, and providing opportunities for one-on-one discussions to address questions and concerns. Key topics raised by landowners included visual impacts, property values, drainage and land use changes, construction activity, and long-term maintenance of the site. In response, Applicants have provided detailed information on project design, visual screening and setbacks, stormwater management practices, and operational expectations. Applicants have carefully considered feedback from the community and, where feasible, incorporated into project planning and design refinements. Applicants will continue to prioritize ongoing engagement, with commitments to continued communication through permitting, construction, and operation to ensure concerns are addressed and community relationships are maintained.

⁷¹ Ex. PUC-28 at § 4.7.6.1 & Appendices C and D (EA, Appendices C and D).

⁷² D. Ponto Comments (April 15, 2026) (eDockets No. [20264-230415-01](#)); R. Burkard Comments (April 16, 2026) (eDockets No. [20264-230529-01](#)); M. Fritz Comments (April 21, 2026) (eDockets No. [20264-230745-01](#)); PUC Batch Comments at 6, 12, 16-17, 31 (April 20, 2026) (eDockets No. [20264-230619-01](#)); In-Person EA Hearing Tr. at 81-82, 94-98, 109-110, 114-115 (April 6, 2026); Virtual EA Hearing Tr. at 37 (April 7, 2026).

11. Public Comments Supporting the Project

Several comments expressed strong support for the Project citing economic benefits locally and to participating landowners, the importance of the Project to diversify energy sources, and the potential to co-locate agricultural activity with the solar installation and specifically sheep grazing opportunities.⁷³ Applicants appreciate the positive comments about the benefits the Project has and will continue to bring to the local community.

II. LOCAL AGENCY COMMENTS

1. Nobles County Planning and Zoning

Nobles County Planning and Zoning Administrator, Ms. Kathy Henderschiedt, submitted a comment letter requesting the Commission require Summit Lake Solar abide by the solar energy system setbacks required by the Nobles County Energy Ordinance. Specifically, the ordinance requires all large solar energy systems be setback a minimum of 150 feet from all property lines and 200 feet from the centerlines of all roads, including fences.

Summit Lake Solar appreciates the Ms. Henderschiedt's comments. First, it is relevant to note that the Nobles County Energy Ordinance is not applicable to the Project because the County's ability to permit solar energy generating systems is limited to projects that are less than 80 MW. Regardless, Summit Lake Solar has applied the County's setbacks, to the extent practicable, and has applied other setbacks that are not specified in the County's Energy Ordinance to further mitigate potential impacts to adjacent properties, local residents and public infrastructure, such as roads. One large voluntary setback applied to the Solar Facility is a 300-ft setback from residences – a setback that is not specified by or otherwise required by the County's Energy Ordinance.

Summit Lake Solar has applied the 150-ft setback from all non-participating residential property lines. Applying this setback to all participating property lines would dissect the Project and render large portions of the Land Control Area unusable. Applying the 150-ft setback to non-participating, non-residential property would not serve to protect any interests of neighboring, non-residential landowners because the Project will not shade or otherwise interfere with adjacent land uses such as row crop agriculture. Moreover, such a setback will leave large areas of land unused by the Project facilities and is an inefficient use of land. Allowing the Applicants to sensibly and efficiently site the Project on as much of the Land Control Area as possible will ultimately limit the total amount of agricultural land that is needed to produce the renewable energy required by Minnesota Law. Increasing setbacks will ultimately require more land to produce the same amount of energy.

Summit Lake Solar has applied a solar array setback of at least 122 feet from the centerline of public roads with Project fences setback at least 50 feet from the edge of public road right-of-way. When Summit Lake Solar was redesigning the Project to address public comments, it met

⁷³ PUC Batch Comments at 7-8, 12 (April 21, 2026) (eDockets No. [20264-230726-01](#)); M. Vagle Comments (April 9, 2026) (eDockets No. [20264-230203-01](#)); W. and W. Cooper Comments (April 14, 2026) (eDockets No. [20264-230366-01](#)).

with Ms. Henderschiedt on October 13, 2025 and explained to her its plans for the property line setback described above as well as its plan to setback fences 50 feet from the edge of the public road right-of-way and the solar array 122 feet from the centerline of public roads. At that time, Ms. Henderschiedt's only comment on the setbacks was that Applicants should coordinate directly with township officials, given that the majority of the roads abutting the Solar Facility, except McCall and 210th St., are township roads. Accordingly, Summit Lake Solar discussed its proposed setbacks with Curt Luing, a Summit Lake Township Supervisor, in October 2025 [See attached correspondence]. Mr. Luing found the 50-ft setback more favorable, because his previous understanding and concern generated from his belief that the Project fence would be on the edge of the public road right-of-way. That will not be the case. Since most of the public roads located within and adjacent to the Project are township roads, Summit Lake believes its proposed setbacks are more than adequate to allow snow removal on the public roads and to minimize impacts to the community. Moreover, if the Project were required to setback the Solar Facility, including fencing, a minimum of 200-ft from the centerline of all public roads, the Project would experience an approximate 6% annual reduction in energy production from the Solar Facility and corresponding energy production payments to the local governments.

2. Nobles County Drainage Authority

Ms. Loretta Halbur, the Nobles County Drainage Coordinator, provided comments regarding her coordination with the Applicants and the potential public drainage system impacts from the Project. Ms. Halbur noted that, through her coordination with the Applicants, a lot of her concerns were addressed. Ms. Halbur further commented on the VMP seed mix for infiltration basins, that may be dry for periods of time, concerns regarding increased sedimentation discharges to the tile if infiltration basin vegetation is not adequately maintained, and the potential impact of the Project to drainage benefits and property value in the context of repair and maintenance of public drainage systems in Minnesota. The Nobles County Drainage Coordinator also raised concerns that converting farmland to solar panels will increase impervious surface area and worsen erosion and flooding in Nobles County's public drainage systems.

Applicants appreciate the engagement and coordination provided by Ms. Halbur regarding the Project; specifically, when the Applicants revised the Project layout to address Ms. Halbur's concerns about public drainage systems within the Site.

Applicants also appreciate Ms. Halbur's comments regarding the seed mixes for infiltration areas as prescribed by the Project's VMP. Applicants have been and will continue to coordinate with the Minnesota Interagency Vegetation Management Plan Working Group (VMPWG) regarding the Project's VMP, including identifying and using appropriate seed mixes based on site conditions. In fact, Applicants met with the VMPWG on April 30, 2026 to discuss seed mixes and the VMP for the Project. Applicants are confident the seed mixes chosen for the Project and evaluated by the VMPWG will be appropriate for site conditions. The seed mixes are designed to be native and will promote pollinator habitat, establish stable ground cover, reduce erosion, reduce runoff, and improve infiltration.⁷⁴

⁷⁴ Ex. PUC-28 at 89 (EA).

Applicants appreciate Ms. Halbur's concern regarding the potential impact the Project may have on the amount each participating property may be assessed for future public drainage projects. Minnesota drainage law (set forth in Minn. Stat. 103E) prescribes the process for determining the portion of drainage project costs each property, benefited by drainage systems, should be charged for a drainage project based on their assessed value and the 'benefit' they are receiving from the drainage system. The benefits received by a property can be adjusted based on the use of the property and the degree to which it is actually using the public drainage system. For example, if a property is converted from agricultural land (which relies heavily on a public drainage system to grow crops), to a public road (which does not necessarily require drainage to function), the benefit the property receives from the drainage project can be reduced. Similarly, if property is permanently converted from agricultural land to a commercial or industrial use you would also anticipate the benefits received by that property could be reduced. However, it is not necessarily true that the temporary conversion of the land on which the Project will be constructed will reduce the benefits the public drainage system provides to those properties with a concomitant reduction in the fees those properties would pay for a future public drainage project.

In the case of the Project, it is a temporary land use, not a permanent conversion of agricultural land. The Project will be allowed to use the land for the 30-year term of the site permit. When the site permit expires, the site permit provides for the decommissioning and the restoration of the site. In fact, the Project's required AIMP prescribes the measures to be taken by the Applicants to preserve the productive characteristics of the land so that it can be returned to agricultural uses. In similar situations where Agricultural land has been temporarily enrolled into conservation programs, such as the Conservation Reserve Program (CRP), and planted with perennial vegetation for the term of the CRP program (often 10 year terms (with 10-year renewal options)), viewers have considered that land conversion as a temporary use that does not change the benefits the CRP-enrolled land is receiving from the public drainage system – thereby not changing the amount that property could be assessed for a public drainage project.

When a property is converted from one land use to another the reassessment of benefits to a property is not automatic and a reduction in benefits (and fees charged for a drainage project) is not guaranteed. Redeterminations of benefits only occur if the drainage authority initiates the redetermination or more than 26 percent of the owners of property or owners of 26 percent of the property benefited by a drainage system request a redetermination. Accordingly, assuming or otherwise claiming a specific reduction in benefits or assessment received by the County due to a land conversion is pre-mature unless and until the property goes through a formal redetermination of benefits process by certified viewers. Moreover, if the land were determined to receive lower benefits from the drainage system there will not be a financial impact to the drainage system unless and until there is an actual repair or maintenance drainage project conducted on the affected public drainage system. And, it is reasonable to assume that the Project's installation of new drain tile where it plans to realign the public drainage system will reduce the likelihood of repair or replacement of drain tile in the realigned areas and the planting of perennial vegetation will reduce the amount of sediment and water that will runoff from the site into the public drainage system. Nonetheless, Summit Lake Solar, as the future owner of much of the land on which the Project will be constructed, supports the County treating the Project as a temporary land use, similar to CRP, to maintain the current public drainage system benefits structure applied to the land as if the land were in continuous agricultural use.

At any rate, that actual financial impact the Project may have on the County or other benefitted land in the system can't readily be determined unless and until there's a public drainage system project and/or there is a redetermination of benefits and the viewers determine there is a reduction in drainage benefits to the Summit Lake Site. It is impossible to ascertain what the value of any reduction in benefits will be or whether it will even occur.

Section 4.3.17 of the Solar DSP and 5.8 of the BESS DSPs requires continual monitoring and maintenance of vegetation established pursuant to the VMP to ensure that plan objectives are met. These conditions will ensure that vegetation at and around the retention basins are maintained and effectively limit sedimentation entering the tile.⁷⁵

III. STATE AGENCY COMMENTS

1. MPCA Comments

On April 15, 2026, the Minnesota Pollution Control Agency (MPCA) submitted a comment letter on the EA noting that the project's Land Control Area is located in uplands along several streams, to the west of Elk Creek and Judicial Ditch 8, both of which contribute to downstream waters that were determined in 2016 to meet general use standards for both fish and macroinvertebrate communities. The MPCA recommended that stormwater and runoff management practices be installed to reduce the transport of sediment and nutrients to both the Elk Creek/Judicial Ditch 8 system and the Jack Creek and Little Rock River watersheds during the construction phase, and that stormwater catchments and other best management practices be considered to reduce runoff from impervious surfaces once construction is complete.⁷⁶

The Applicants appreciate the MPCAs comments. As noted by the MPCA, the Project addresses how the proposed project will mitigate impacts on downstream hydrology and aquatic biology, both during construction and after, including revegetation with perennial cover.⁷⁷

2. DNR Comments

The Minnesota Department of Natural Resources (DNR) submitted comments requesting that Applicants ensure fence height surrounding the Project be at least 10 feet tall. The comment noted that DNR will not issue Taking Permits if the woven wire fence is lower than 10 feet and that DNR further supports permit condition 4.3.32 of the Solar DSP requiring the permittee to design the final security fence in coordination with the DNR.⁷⁸

Applicants met with the DNR on April 15, 2026, to discuss fencing height and design and look forward to continuing discussions with the DNR regarding fence design, including height,

⁷⁵ Ex. PUC-28 at Appendices C and D (EA, Appendices C and D).

⁷⁶ MPCA Comment (April 15, 2026) (eDockets No. [20264-230428-01](#)).

⁷⁷ MPCA Comment (April 15, 2026) (eDockets No. [20264-230428-01](#)).

⁷⁸ DNR Comment (April 20, 2026) (eDockets No. [20264-230710-01](#)).

placement of gates, and reasonable measures to safely remove deer that enter the facility and without harassment.

DNR also commended the Summit Lake Solar's commitment to Board of Water and Soil Resources' (BWSR) Habitat Friendly Solar Gold Standard and looks forward to continued coordination to ensure successful vegetation establishment.⁷⁹

While Applicants have proposed a robust VMP that would qualify for BWSRs Gold Standard, they would like to clarify that they have not committed to achieving that standard. The Applicants indicated the VMP's primary objective is to support Applicants' restoration and vegetation propagation goals by establishing resilient, site-specific vegetation that enhances soil stability, biodiversity, and aligns with local ecological goals, while also minimizing long-term maintenance costs.⁸⁰ Consistent with Solar DSP Section 4.3.16, if, after perennial vegetation is established, the site is again scored using the BWSR Scorecard and it meets BWSRs Gold Standard then Applicants would be proud of that achievement and could then choose to participate in the Habitat-Friendly Solar Program and seek program certification for the Project.

With regard to State-listed special status species, DNR recommends the following special condition be included in the site permits for the BESS and Solar Facility:

The Permittee will comply with applicable Minnesota Department of Natural Resources requirements related to state-listed endangered and threatened species in accordance with Minnesota's Endangered Species Statute (Minnesota Statutes, section 84.0895) and associated Rules (Minnesota Rules, part 6212.1800 to 6212.2300 and 6134). The Permittee shall keep records of compliance with this section and provide them upon the request of EIP staff.⁸¹

Applicants are amenable to inclusion of this condition in the Site Permits issued for the Project.

DNR also requested information on whether the Solar Facility and BESS, proposed by Applicants, will be considered phased actions, and/or connected actions with the adjacent data center, proposed by Geronimo.⁸²

To be clear, neither Summit Lake Solar nor Summit Lake Storage are proposing a data center. Geronimo, the parent company of Summit Lake Solar and Summit Lake Storage, was proposing a data center on land near, but not adjacent to the Project. However, Geronimo has not submitted an application to the County to allow the construction of the data center. Moreover, on April 21, 2026, Nobles County Board of Commissioners voted to reject a proposed amendment to the County zoning ordinance that would have allowed data centers as a conditional use in the County's

⁷⁹ DNR Comment (April 20, 2026) (eDockets No. [20264-230710-01](#)).

⁸⁰ Ex. SLS-29 (Application Amendment, Revised Appendix E – VMP).

⁸¹ Ex. SLS-29 (Application Amendment, Revised Appendix E – VMP).

⁸² Ex. SLS-29 (Application Amendment, Revised Appendix E – VMP).

Agricultural Preservation District.⁸³ The absence of a path in the County’s zoning ordinance for data centers to be evaluated and approved renders Geronimo’s proposal for the data center near Reading moot. As a result, there is no planned or proposed data center project to be evaluated as a phased or connected action with the Summit Lake Project.

Finally, DNR expressed support for the following Solar Facility and BESS DSP special conditions as written: 5.1 (facility lighting), 5.2 (erosion control), and 5.3 (dust control).⁸⁴ DNR also supports the inclusion of special condition 5.8 (VMP) in the BESS DSP. Additionally, DNR supports the inclusion of the following standard conditions in the Solar Facility DSP, 4.3.16 (beneficial habitat) and 4.3.17 (VMP), as well as the following standard condition in the BESS DSP, 4.3.15 (vegetation removal).⁸⁵

Applicants appreciate the DNR’s comments. The Applicants will continue to coordinate with the DNR on the Projects’ VMP and Project fencing.

3. Vegetation Management Planning Working Group Comments

The VMPWG provided comments on the Project’s VMP.⁸⁶ The VMPWG did not recommend any action by the Commission at this time but provided comments on the VMP to facilitate transparency in the record as the VMPWG works with the Applicants to arrive at a VMP that is adequate to meet pre-construction compliance filing requirements. The VMPWG noted that the VMPs plan for site restoration and implementation appears to be achievable to meet the anticipated permit conditions and the Applicants’ objectives.

Additionally, the VMPWG provided comments and recommendations that should be incorporated into the pre-construction VMP submittal. Comments and recommendations covered numerous topics related to management areas, site preparation, seed installation, seed mixes, visual screening; mowing and haying, grazing, herbicide use and weed control, management, monitoring and reporting. The VMPWG also encouraged Applicants to enroll in the Habitat Friendly Solar Program for renewable electricity certificates (REC) eligibility.⁸⁷

The Applicants appreciate the VMPWG’s comments and recommendations and will continue to work with the VMPWG to further revise the VMP prior to construction.

⁸³ See Nobles County board to vote on whether to allow massive data centers on farmland | MPR News <https://www.mprnews.org/story/2026/04/21/nobles-county-board-to-vote-on-whether-to-allow-massive-data-centers-on-farm-land>

⁸⁴ DNR Comment (April 20, 2026) (eDockets No. [20264-230710-01](#)).

⁸⁵ Ex. SLS-29 (Application Amendment, Revised Appendix E – VMP).

⁸⁶ VMPWG Comments (April 20, 2026) (eDockets No. [20264-230701-01](#)).

⁸⁷ VMPWG Comments (April 20, 2026) (eDockets No. [20264-230701-01](#)). The VMPWG Comments reference MRETs credits. MRET is not a credit but is a reference to the nonprofit company, now known as CleanCounts, that manages an online tracking system. The MRETs online tracking system tracks and allows the monetization of renewable energy certificates or RECs created by renewable projects. RECs can be created in many ways, including the creation of a habitat-friendly solar project, see <https://bwsr.state.mn.us/minnesota-habitat-friendly-solar-program>.

4. Union Comments

International Brotherhood of Electrical Workers Local 343 (IBEW Local 343) and LIUNA Minnesota and North Dakota (LIUNA) commented that projects like Summit Lake are important to the over 15,000 skilled electricians and construction laborers. IBEW Local 343 and LIUNA noted that the Project has potential to deliver significant energy and socioeconomic benefits, including ongoing employment and career opportunities for IBEW Local 343 and LIUNA members. IBEW Local 343 and LIUNA also commented that the application indicates that Geronimo intends to build Summit Lake Solar under the Minnesota State Electrical Code, and that Minnesota licensed electricians will perform most of the work to perform most of the assembly and wiring work⁸⁸. IBEW Local 343 and LIUNA encouraged Applicants to work with IBEW Local 343, LIUNA and International Union of Operating Engineers Local 49 to identify potential solutions that will help to ensure successful completion of the project.⁸⁹

The Northern Midwest Regional Council of Carpenters (NMRCC) commented that the Summit Lake Project will provide good-paying construction jobs while strengthening the electric grid and delivering long-term economic value to Minnesota communities. NMRCC thanked Geronimo for the opportunity to meet with and discuss the Project and the commitments made by the Summit Lake Solar and Summit Lake Storage to use the Building Trades National Maintenance Agreement (NMA) and construct the Project using union workers. NMRCC noted the NMA is designed to promote efficiency in the construction of energy projects and provides for a peaceful settlement of craft labor disputes with recent arbitration decisions determining that work precedent on jobs cannot be determined unless all trades are present on a jobsite.

The Applicants appreciate the comments of IBEW Local 343, LIUNA and NMRCC and their willingness to assist in the successful construction of the Project. Applicants will use union workers for the Project, to the extent practicable. As indicated in the Joint Application, the contractor selected to construct the Project will be required to work with appropriate entities, including unions, such as IBEW Local 343, LIUNA and NMRCC, to develop and implement a construction staffing model that maximizes local hiring and the local economic benefits for the Project, while ensuring the Project is safely built on time and on budget. The Project must meet requirements of the National Electrical Safety Code (NESC), which is designed to safeguard human health “from hazards arising from the installation, operation, or maintenance of conductors and equipment in electric supply stations and overhead and underground electric supply lines.”⁹⁰ Furthermore, Section 4.5.1 of the DSPs require the Project be designed to meet or exceed all relevant local and state codes, the NESC, and North American Electric Reliability Corporation (NERC) requirements. The Applicants are committed to designing the Project to meet the requirements of the NESC, NERC and all local and state codes applicable to the Project when it is constructed, and ensuring the selected contractor appropriately staffs the Project construction team with skilled professionals necessary to meet the provisions of such codes.

⁸⁸ Ex. SLS-2 at § 5.2.11.1, 81 (Joint Application).

⁸⁹ IBEW Local 343 & LIUNA Comments (Mar. 16, 2026) (eDockets No. [20263-229292-01](#)).

⁹⁰ Ex. PUC-28 at 38 (EA).

The document referenced above has also been electronically filed today through www.edockets.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

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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 Summit Lake Energy Storage System in Nobles County, Minnesota

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

CERTIFICATE OF SERVICE

Breann L. Jurek certifies that on the 4th day of May 2026, she e-filed a true and correct copy of the Response Comments on behalf of Summit Lake Solar, LLC and Summit Lake Storage, LLC via eDockets (www.edockets.state.mn.us):

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

Executed on: May 4, 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	25-89 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	25-89 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	25-89 Official CC Service List
4	Monika	Davis	monika.davis@merjent.com			1 Main Street Suite 300 Minneapolis MN, 55414 United States	Electronic Service		No	25-89 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
7	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	25-89 Official CC Service List
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
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11	Kimberly	Middendorf	kimberly.middendorf@state.mn.us		Office of Administrative Hearings	PO Box 64620 600 Robert St N Saint Paul MN, 55164-0620	Electronic Service		Yes	25-89 Official CC Service List

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						United States				
12	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	25-89 Official CC Service List
13	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	25-89 Official CC Service List
14	Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix & Associates		7400 Lyndale Avenue South Suite 190 Richfield MN, 55423 United States	Electronic Service		Yes	25-89 Official CC Service List
15	Sam	Weaver	sam.weaver@state.mn.us		Public Utilities Commission		Electronic Service		No	25-89 Official CC Service List

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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
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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
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