

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

In the Matter of the Application of Buffalo Ridge Wind Energy, LLC for a Site Permit for the 109 MW Large Wind Energy Conversion System in Lincoln County, Minnesota

SCHEDULING ORDER

In the Matter of the Application of Buffalo Ridge Wind Energy, LLC for a Certificate of Need for the 109 MW Large Wind Energy Conversion System in Lincoln County, Minnesota

A prehearing conference was held before Administrative Law Judge Barbara J. Case on December 20, 2019, in the Large Hearing Room at the Public Utilities Commission, 350 Metro Square Building, 121 Seventh Place East, St. Paul, Minnesota.

Buffalo Ridge Wind Energy, LLC (Applicant) appeared by Brian Meloy, Stinson LLC. Joel Baker, internal counsel, and Danell Herzig, project developer, also appeared via telephone on behalf of Applicant. Ray Kirsch, Minnesota Department of Commerce, Energy Environmental Review and Analysis (DOC-EERA) was present. Cezar Panait of the Public Utilities Commission staff was also present.

Based upon the record herein and the agreement of the parties,

IT IS HEREBY ORDERED THAT:

1. The parties to this proceeding are the Department of Commerce (Department),¹ the Applicant, and the Laborers' International Union of North America (LIUNA).² Other interested persons may participate as public participants or as otherwise directed. Intervention as a party is not required in this matter.

¹ The Department of Commerce, Division of Energy Resources (DER) is a party to this proceeding. The Department of Commerce, Energy Environmental Review and Analysis unit (DOC-EERA) has an advisory role in environmental review and technical assistance in this proceeding and is not a party.

² The Commission granted LIUNA's petition to intervene in its order accepting the site permit application, dated November 11, 2019.

2. Persons who wish to intervene in this proceeding are requested to file a Petition to Intervene that complies with Minn. R. 1400.6200 (2019) with the Administrative Law Judge no later than **February 14, 2020**. A Notice of Appearance shall be filed with the Petition. Petitioners shall also provide an email address for the Petitioner on the Petition or Notice of Appearance. Any objection to a petition shall be filed within seven days of the filing of the Petition. The petition shall be served upon all existing parties and the Commission.

3. The PUC's order accepting the site permit application, dated November 11, 2019, requested that the Administrative Law Judge request the participation of state agencies pursuant to Minn. Stat. § 216E.10, subd. 3 (2018). At the Prehearing Conference, Mr. Panait clarified that the Commission will request the participation of state agencies pursuant to that statute.

4. The Commission anticipates making a final decision regarding its review of the Site Permit application in early July 2020. The parties have agreed to a schedule that conforms to this timeframe, and the parties and other interested persons are encouraged to adhere to all deadlines to permit full consideration of this matter by the deadline.

5. The following deadlines are recognized:

January 13, 2020	Environmental review scope issued by DOC-EERA
January 31, 2020	Preliminary draft site permit issued by DOC-EERA
January 31, 2020	Initial comments period on the merits of the certificate of need application closes
February 14, 2020	Reply comment period on the merits of the certificate of need application and deadline for requesting a contested case closes
February 20, 2020	PUC meeting on the draft site permit
March 6, 2020	PUC order issuing the draft site permit
March 6, 2020	Environmental review issued by DOC-EERA

6. A public hearing on the Site Permit application will be held on **Thursday, March 26, 2020** in Lincoln County, Minnesota at a location to be determined. The parties shall work with Commission staff to identify an appropriate location as soon as possible. Notice of the public hearing will be issued by the Commission by **March 6, 2020**. The Applicant, staff of the Department, and Commission staff will be available to answer questions and provide information on the Site Permit application, and the Draft Site Permit. Written testimony by the parties shall be submitted at the public hearing.

7. Written comments from the public and state agencies on the Site Permit application will be accepted until **4:30 p.m. on April 9, 2020.**

8. By **April 16, 2020**, the Administrative Law Judge will file in the e-Dockets system all written public comments received by the April 9, 2020, deadline.

9. The parties shall submit written responses to comments received at the public hearing by **4:30 p.m. on April 20, 2020.**

10. By **4:30 p.m. on April 20, 2020**, the applicant shall submit: (1) written responses to comments received at the public hearing; (2) proposed Findings of Fact, Conclusions of Law, and Recommendation on the LWECS Site Permit application; and (3) any suggestions as to appropriate permit conditions. The parties are encouraged to enter into stipulations to the extent that matters are not in dispute.

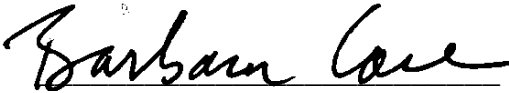
11. By **4:30 p.m. on May 1, 2020**, the Department will submit comments and recommendations regarding appropriate permit conditions.

12. The report of the Administrative Law Judge shall be filed and served on or before **4:30 p.m. on June 1, 2020.**

13. The parties shall file any exceptions to the Administrative Law Judge's report by **4:30 p.m. on June 16, 2020.**

14. The hearing record in this matter will be maintained through the Commission's electronic e-Dockets system. All documents filed by the Applicant and the Department will be filed electronically using the e-Dockets system.

Dated: January 8, 2020


BARBARA J. CASE
Administrative Law Judge

January 8, 2020

See Attached Service List

**Re: *In the Matter of the Application of Buffalo Ridge Wind Energy, LLC
for a Site Permit for the 109 MW Large Wind Energy Conversion
System in Lincoln County, Minnesota***

***In the Matter of the Application of Buffalo Ridge Wind Energy, LLC
for a Certificate of Need for the 109 MW Large Wind Energy
Conversion System in Lincoln County, Minnesota***

**OAH 82-2500-36550
MPUC IP-7006/WS-19-394
MPUC IP-7006/CN-19-309**

To All Persons on the Attached Service List:

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

If you have any questions, please contact me at (651) 361-7865, at andrew.hart@state.mn.us, or via fax at (651) 539-0310.

Sincerely,

s/ Andrew Hart

ANDREW HART
Staff Attorney

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

<p>In the Matter of the Application of Buffalo Ridge Wind Energy, LLC for a Site Permit for the 109 MW Large Wind Energy Conversion System in Lincoln County, Minnesota</p> <p>In the Matter of the Application of Buffalo Ridge Wind Energy, LLC for a Certificate of Need for the 109 MW Large Wind Energy Conversion System in Lincoln County, Minnesota</p>	<p>OAH Docket No.: 82-2500-36550</p> <p>MPUC: IP-7006/WS-19-394 and IP-7006/CN-19-309</p>
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Lisa Armstrong certifies that on January 8, 2020, she served the true and correct **SCHEDULING ORDER** by eService, and U.S. Mail, (in the manner indicated below) to the following individuals:

Please see attached service lists.

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1800 St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_19-394_Official
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 280 Saint Paul, MN 551012198	Electronic Service	No	OFF_SL_19-394_Official
Danell	Herzig	danell.herzig@nexteraenergy.com	NextEra Energy Resources, LLC	700 Universe Blvd Juno Beach, FL 33408	Electronic Service	No	OFF_SL_19-394_Official
Brian	Meloy	brian.meloy@stinson.com	STINSON LLP	50 S 6th St Ste 2600 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_19-394_Official
Brian J	Murphy	Brian.J.Murphy@nee.com	Nextera Energy Resources, LLC	700 Universe Blvd LAW-JB Juno Beach, FL 33408	Electronic Service	No	OFF_SL_19-394_Official
Kevin	Pranis	kpranis@liunagro.com	Laborers' District Council of MN and ND	81 E Little Canada Road St. Paul, Minnesota 55117	Electronic Service	No	OFF_SL_19-394_Official
Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BFM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	OFF_SL_19-394_Official
Daniel P	Wolf	dan.wolf@state.mn.us	Public Utilities Commission	121 7th Place East Suite 350 St. Paul, MN 551012147	Electronic Service	Yes	OFF_SL_19-394_Official

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1800 St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_19-309_19-309
Kate	Fairman	kate.frantz@state.mn.us	Department of Natural Resources	Box 32 500 Lafayette Rd St. Paul, MN 551554032	Electronic Service	No	OFF_SL_19-309_19-309
Annie	Felix Gerth	annie.felix-gerth@state.mn.us		Board of Water & Soil Resources 520 Lafayette Rd Saint Paul, MN 55155	Electronic Service	No	OFF_SL_19-309_19-309
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 280 Saint Paul, MN 551012198	Electronic Service	No	OFF_SL_19-309_19-309
Andrew	Gibbons	andrew.gibbons@stinson.com	STINSON LLP	50 S 6th St Ste 2600 Minneapolis, MN 54002	Electronic Service	No	OFF_SL_19-309_19-309
Kari	Howe	kari.howe@state.mn.us	DEED	332 Minnesota St, #E200 1ST National Bank Bldg St. Paul, MN 55101	Electronic Service	No	OFF_SL_19-309_19-309
Ray	Kirsch	Raymond.Kirsch@state.mn.us	Department of Commerce	85 7th Place E Ste 500 St. Paul, MN 55101	Electronic Service	No	OFF_SL_19-309_19-309
Karen	Kromar	karen.kromar@state.mn.us	MN Pollution Control Agency	520 Lafayette Rd Saint Paul, MN 55155	Electronic Service	No	OFF_SL_19-309_19-309
Susan	Medhaug	Susan.medhaug@state.mn.us	Department of Commerce	Suite 280, 85 Seventh Place East St. Paul, MN 551012198	Electronic Service	No	OFF_SL_19-309_19-309
Brian	Meloy	brian.meloy@stinson.com	STINSON LLP	50 S 6th St Ste 2600 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_19-309_19-309

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Debra	Moynihan	debra.moynihan@state.mn.us	MN Department of Transportation	395 John Ireland Blvd MS 620 St. Paul, MN 55155-1899	Electronic Service	No	OFF_SL_19-309_19-309
Brian J	Murphy	Brian.J.Murphy@nee.com	Nextera Energy Resources, LLC	700 Universe Blvd LAW-1B Juno Beach, FL 33408	Electronic Service	No	OFF SL 19-309 19-309
Kevin	Pranis	kpranis@liunagro.com	Laborers' District Council of MN and ND	81 E Little Canada Road St. Paul, Minnesota 55117	Electronic Service	No	OFF_SL_19-309_19-309
Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	OFF_SL_19-309_19-309
Stephan	Roos	stephan.roos@state.mn.us	MN Department of Agriculture	625 Robert St N Saint Paul, MN 55155-2538	Electronic Service	No	OFF_SL_19-309_19-309
Cynthia	Warzecha	cynthia.warzecha@state.mn.us	Minnesota Department of Natural Resources	500 Lafayette Road Box 25 St. Paul, Minnesota 55155-4040	Electronic Service	No	OFF_SL_19-309_19-309
Daniel P	Wolf	dan.wolf@state.mn.us	Public Utilities Commission	121 7th Place East Suite 350 St. Paul, MN 551012147	Electronic Service	Yes	OFF_SL_19-309_19-309