

**REPLY COMMENTS OF COMFREY WIND ENERGY LLC RE: PETITION TO
AMEND THE COMFREY WIND ENERGY LLC LWECS SITE PERMIT**

I. Introduction

Comfrey Wind Energy LLC (“Comfrey”) respectfully submits the following reply comments to the Minnesota Public Utilities Commission (the “Commission”). These reply comments are regarding Comfrey’s June 16, 2015 Petition (the “Petition”) to Amend its Large Wind Energy Conversion System Site Permit (the “Permit”). Comfrey was pleased to review the comments submitted by the Minnesota Department of Natural Resources (“DNR”) and the Minnesota Department of Commerce Energy Environmental Review and Analysis (“EERA”) staff. These reply comments focus on addressing the points raised by the DNR and EERA.

II. Reply Comments

A. Post-construction Fatality Monitoring Condition

The DNR recommends the Site Permit Amendment include a condition that requires post-construction fatality monitoring for one year. Including this condition will bring the Site Permit in line with requirements that are being mandated for other wind projects.

Comfrey does not object to this more recent permit condition.

B. Project Changes that Potentially Affect the Commission’s Findings


EERA staff notes that the petition does not identify any changes to the Project from what was proposed in the original application submitted in 2007 and that the 2014 Wind Resource Assessment lists one turbine, the GE 1.7MW, that is outside of the size range identified in the Permit. They also mentioned that the turbine model anticipated in the 2007 application, the Suzlon S88, was not one of the turbines evaluated in the 2014 Wind Resource Assessment.

Comfrey has evaluated and will continue to evaluate many different turbine makes and models balancing wind resource optimization, costs, basic supply and demand economics, minimization of the required PPA price from an off-taker, and both permitting and environmental constraints. It is customary for developers to perform wind resource assessments utilizing many different turbines before making a final selection.

C. Compliance with Existing Site Permit Terms and Conditions

EERA staff note that Comfrey appears to be in violation of permit terms related to commencement of construction and required notification of landowners.

Comfrey did commence construction prior to the end of 2014 in order to qualify for the production tax credit (“PTC”) which was renewed on December 16, 2014, approximately two weeks before the end of the year. However, the construction work that was completed is de minimis, essentially the bare minimum necessary to qualify for the PTC in an extremely aggressive timeframe. After consulting a tax attorney, Comfrey hired Mathiowetz Construction to shape


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3,000 ft. of road and laydown gravel. Given the very short time constraints (renewal of the PTC late in December, the need to consult a tax attorney, and hire Mathiowetz) there was not enough time to hold a pre-construction meeting and get Mathiowetz' s work completed in time, prior to the holidays and end of year. Comfrey has not done any other construction work since December 17, 2014. Comfrey understands the importance of the pre-construction meeting and filings and will follow the correct protocol moving forward.

Regarding notifying landowner of the May 9, 2013 amended permit, this was done. Margie DeLaHunt notified landowners of the amended permit. Please see the attached Certificate of Service.

D. Consistency with Recently Issued Permits

EERA staff recommends that the amended Permit include modifications consistent with the level and specificity of information expected of more recent applicants for LWECs site permits.

Comfrey does not object to this condition.

III. Conclusion

Comfrey respectfully requests that the Commission grant the amendment requested in the Petition, allowing Comfrey additional time, until December 31, 2016 to obtain a power purchase

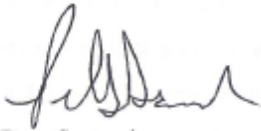
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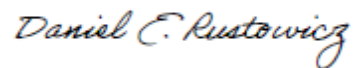
agreement or other enforceable mechanism for the sale of electricity generated from the Project and continue to construction of the Project, only after conducting the pre-construction meeting with the appropriate folks from Commerce. Comfrey acknowledges the DNR and EERA's comments and will adhere to them. Comfrey is well aware that the Project will have to perform all the necessary steps and measures (pre-construction meetings, post-construction fatality monitoring, Avian and Bat Survey Protocols, etc.) to be more consistent with recent permits that have been issued. Comfrey is pleased to perform all these steps in the near future to ensure the Project achieves commercial operation.

Separately, Comfrey asks that the Commission understand and empathize that Comfrey had no choice but to perform minimal construction work, without holding a pre-construction meeting, prior to the end of 2014 to qualify for PTC.

With sincere appreciation and thanks,



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