
In the Matter of the Application of Flying Cow Wind, LLC for a Certificate of Need for the 152 MW Large Wind Energy Conversion System in Yellow Medicine County, Minnesota;

MPUC Dockets Nos.
IP-6984/CN-17-676
IP-6984/WS-17-749

In the Matter of the Application of Flying Cow Wind, LLC for a Site Permit for the up to 152 MW Large Wind Energy Conversion System in Yellow Medicine County, Minnesota;

OAH DOCKET No.
8-2500-35843

LIUNA MINNESOTA COMMENT ON FLYING COW WIND, LLC'S PETITION TO WITHDRAW CERTIFICATE OF NEED APPLICATION

FEBRUARY 1, 2019

On January 10, 2019, LIUNA Minnesota filed an objection to the petition filed by Flying Cow Wind, LLC ("the Applicant") seeking to withdraw the application for a Certificate of Need ("CN") for the Bitter Root Wind Project ("Bitter Root"). In our filing, we made four observations: first, that our ability to assess the project's eligibility for an Independent Power Producer ("IPP") exemption was limited by our lack of access to filings designated as trade secret by the Applicant, to which we had requested access under a non-disclosure agreement; second, that the Applicant had not yet met its burden to prove that the project would not affect the interests of Minnesota ratepayers by serving as a retail or wholesale source of power to Minnesota customers based on undisclosed terms of the Power Purchase Agreement; third, that approval of the petition would prejudice LIUNA Minnesota as a party; and fourth, that the relevant information had been designated as trade secret without sufficient justification and should be redesignated as public.

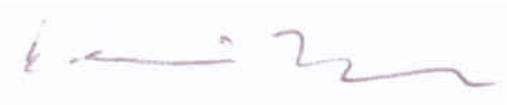
We understand that the Applicant undertook to persuade its customer to consent to share the relevant information with LIUNA Minnesota under a non-disclosure agreement, but that the customer has, to date, refused to do so. Instead, the Applicant has produced a summary response to our information request that both omits critical information, and that was just made available less than three hours before today's filing deadline for comments on the CN withdrawal.

We have not had sufficient opportunity to review the information that was provided to assess how it affects the Applicant's eligibility for the IPP exemption, and, as a consequence, will file our response in our reply comment. However, as we have previously argued, we do not fundamentally believe that qualification for the exemption can be established by an applicant that is withholding relevant information from parties to a case and possibly from the Commission.

In the meantime, we hope that the Applicant will opt to provide the requested information, which we believe that we have a procedural right to access as a party to this proceeding. We would also renew our request that the Commission issue a determination that the information filed into the record in this matter to date is public rather than trade secret, which would resolve the current impasse.

We appreciate the Commission's time and attention to these issues.

Respectfully,

A handwritten signature in dark ink, appearing to read "Kevin Pranis", is displayed within a light gray rectangular box.

Kevin Pranis, Marketing Manager

Dated: February 1, 2019

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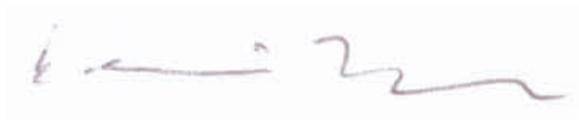
OAH File Nos.
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CERTIFICATE OF SERVICE

I, Kevin Pranis, hereby certify that I have this day served a copy of the foregoing reply to requests for reconsideration for the Enbridge Line 3 Replacement Project on the attached list of persons in the method and manner indicated on the attached service list and as set forth below:

Via electronic service; or by depositing a true and correct copy in a proper envelope with postage paid, addressed to the person, in the United States Mail at St. Paul, Minnesota, according to the preference each person has indicated on the attached service list.

Dated this 1st day of February, 2019



Kevin Pranis

Service List Member Information

Electronic Service Member(s)

Last Name	First Name	Email	Company Name	Delivery Method	View Trade Secret
Commerce Attorneys	Generic Notice	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	Electronic Service	Yes
Dobson	Ian	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	Electronic Service	Yes
Fairman	Kate	kate.frantz@state.mn.us	Department of Natural Resources	Electronic Service	Yes
Felix Gerth	Annie	annie.felix-gerth@state.mn.us	N/A	Electronic Service	Yes
Ferguson	Sharon	sharon.ferguson@state.mn.us	Department of Commerce	Electronic Service	Yes
Flannery	Sean	sean.flannery@res-americas.com	Renewable Energy Systems Americas Inc.	Electronic Service	No
Gibbons	Andrew	andrew.gibbons@stinson.com	Stinson Leonard Street	Electronic Service	Yes
Griger	Anne Marie	anne-marie.griger@res-group.com	Flying Cow Wind, LLC	Electronic Service	Yes
Howe	Kari	kari.howe@state.mn.us	DEED	Electronic Service	Yes
Kirsch	Ray	Raymond.Kirsch@state.mn.us	Department of Commerce	Electronic Service	Yes
Kromar	Karen	karen.kromar@state.mn.us	MN Pollution Control Agency	Electronic Service	Yes
Lipman	Eric	eric.lipman@state.mn.us	Office of Administrative Hearings	Electronic Service	No
Matthews	Michelle	Michelle.Matthews@res-group.com	Renewable Energy Systems	Electronic Service	No
Medhaug	Susan	Susan.medhaug@state.mn.us	Department of Commerce	Electronic Service	Yes
Moynihan	Debra	debra.moynihan@state.mn.us	MN Department of Transportation	Electronic Service	Yes
Roos	Stephan	stephan.roos@state.mn.us	MN Department of Agriculture	Electronic Service	Yes
Shaddix Elling	Janet	jshaddix@janetshaddix.com	Shaddix And Associates	Electronic Service	Yes
Warzecha	Cynthia	cynthia.warzecha@state.mn.us	Minnesota Department of Natural Resources	Electronic Service	Yes
Wolf	Daniel P	dan.wolf@state.mn.us	Public Utilities Commission	Electronic Service	Yes