

Staff Briefing Papers

Meeting Date April 16, 2026 **Agenda Item 2***

Company Northern States Power Co. d/b/a Xcel Energy **ALJ** – Megan J. McKenzie

Docket No. E002/ESS-25-214

In the Matter of the Application of Xcel Energy for an up to 135.5 MW Battery Energy Storage System Site Permit for the Blue Lake Battery Energy Storage Project in Scott County, Minnesota.

- Issues**
- Should the Commission adopt the Administrative Law Judge’s Findings of Fact, Conclusions of Law, and Recommendation?
 - Should the Commission determine that the environmental assessment and the record created at the public hearing adequately address the issues identified in the scoping decision?
 - Should the Commission grant a site permit for the up to 135.5-megawatt Blue Lake Battery Energy Storage Project in Scott County?

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The attached materials are work papers of the Commission Staff. They are intended for use by the Public Utilities Commission and are based upon information already in the record unless noted otherwise.

✓ Relevant Documents	Date
Xcel Energy - Application for Site Permit (13 parts)	06/20/2025
PUC – Notice of Legislative Changes	07/09/2025
PUC Energy Infrastructure Permitting Staff (PUC EIP or Commission Staff) – Staff Comments	07/11/2025
IUOE Local 49 and NCSRC of Carpenters - Comments	07/11/2025
Xcel Energy – Completeness Reply Comments	07/18/2025
PUC EIP – Supplemental Comments on Application Completeness	07/24/2025
PUC - Order	08/12/2025
PUC - Order	08/22/2025
PUC – Blue Lake State Historic Preservation Office Authorization Letter	08/28/2025
PUC – Sample Energy Storage System Site Permit	09/05/2025
Minnesota Department of Natural Resources (MDNR) – Natural Heritage Review Letter (2 parts)	09/25/2025
PUC – Oral Comments on Environmental Assessment Scope	10/01/2025
PUC EIP - PUC EIP Staff Recommendations on Scoping Alternatives	10/02/2025
PUC - Order	10/21/2025
PUC- Scoping Decision for Blue Lake BESS Environmental Assessment	10/24/2025
Xcel Energy – Updated Appendix G	12/10/2025
PUC EIP - Environmental Assessment - Blue Lake Energy Storage Project	12/17/2025
Xcel Energy - Direct Testimony of Tyler S. Beemer	12/19/2025
Minnesota Interagency Vegetation Management Planning Working Group (VMPWG) – VMPWG Hearing Comments	01/20/2026
Xcel Energy - Comments	01/20/2026
Minnesota Department of Natural Resources (MDNR) - Comments	01/20/2026
PUC EIP – EIP Staff Comments	01/20/2026
Metropolitan Council	01/22/2026
Xcel Energy – Reply Comments, Proposed Findings of Fact and Conclusions of Law	02/02/2026
PUC – Public Comments (3 Comments)	02/03/2026
PUC EIP - Staff Reply to Applicant Comments and Response to Proposed Findings of Fact	02/17/2026

I. ISSUES

- Should the Commission adopt the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommendation?
- Should the Commission determine that the environmental assessment and the record created at the public hearing adequately address the issues identified in the scoping decision?
- Should the Commission grant a site permit for the up to 135.5-megawatt Blue Lake Battery Energy Storage Project in Scott County?

II. PROJECT BACKGROUND

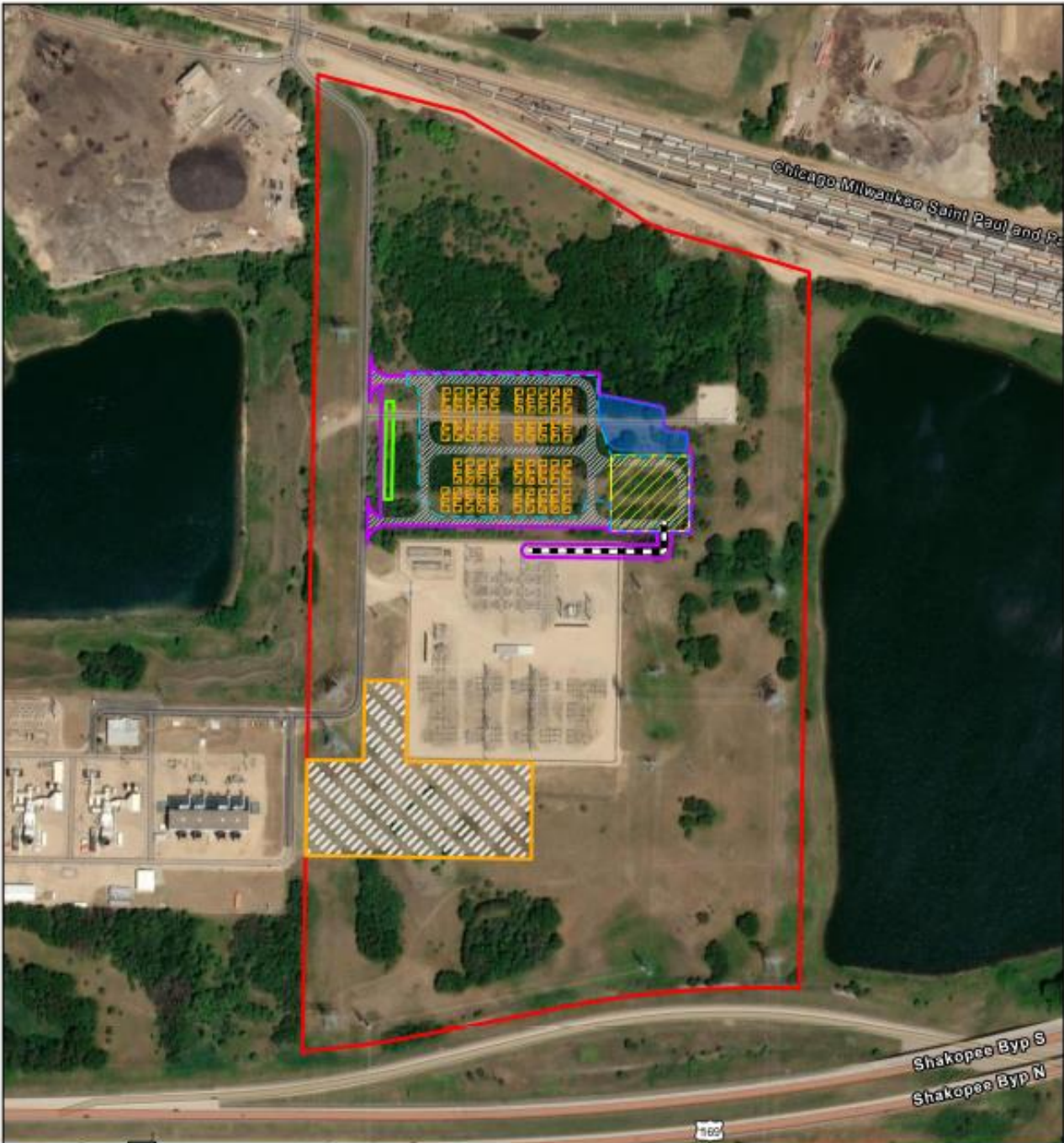
Northern States Power Company d/b/a Xcel Energy (Applicant) has applied to the Minnesota Public Utilities Commission (Commission or PUC) for a site permit for a 135.5-megawatt (MW) Blue Lake Battery Energy Storage Project to be located in the City of Shakopee in Scott County, Minnesota.¹ The proposed site is located on approximately 70 acres with permanent project infrastructure occupying approximately 8 acres. Xcel Energy has secured all necessary land rights for the proposed Project and owns the Blue Lake Substation and adjacent Blue Lake Peaking Plant.

As described in the application, the Applicant proposed to construct and operate a standalone battery energy storage system (BESS) with a nominal power rating of up to 135.5 MW alternating current with approximately 542 megawatt-hours (MWh) of energy capacity. The proposed project would consist of 128 BESS units, 32 medium voltage transformers, and one main power transformer in addition to inverters, electrical feeder lines, a 115-kilovolt (kV) transmission generation interconnect (gen-tie) line of less than 500 feet, a new Project substation, storage, access roads, fencing, Connex trailer for storage, and other equipment. The new BESS facility would interconnect to the Project substation and then to the existing Blue Lake Substation via a new gen-tie line. The proposed Project would also utilize an existing 4.1-acre laydown yard adjacent to the Blue Lake Peaking Plant.

The Applicant proposed to begin construction of the project in the second quarter of 2026 with a target commercial operation date in the second quarter of 2027. Xcel Energy filed a Generator Interconnection Agreement (GIA) application with the Midwest Independent System Operator (MISO) for up to 135.5 MW and expected an agreement to be signed in the second quarter of 2025.

¹ Xcel Energy – [Application for a Site Permit](#), 06/20/2025

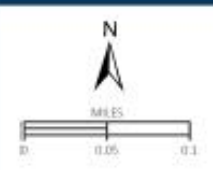
Project Overview Map



Blue Lake BESS - Project Design Map



- Proposed Project Tap Line
- Visual Screening Area
- Fence Location
- Stormwater Retention Pond
- Project Substation
- Laydown Yard
- Permanent Infrastructure Area
- Laydown Yard
- BESS Units
- Access Roads
- Project Site



III. RULES AND STATUTES

The Blue Lake BESS Project is being reviewed under Minnesota Statutes Chapter 216E (2023) and Minnesota Rules Chapter 7850 (2023). The site permit application was filed with the Commission on June 20, 2025, before implementation of the new Minnesota Energy Infrastructure Permitting Act (Minnesota Statutes Chapter 216I) on July 1, 2025.²

A. Site Permit

The proposed Blue Lake BESS Project requires a site permit from the Commission because it is an energy storage system designed with a nameplate capacity of 10 megawatts or more and is capable of storing generated electricity for a period of time and delivering the electricity for use after storage.³ Energy Storage Systems (prior to July 1, 2025) are reviewed under Minn Stat. §216E.04 and MN Rules 7850.2900 - 7850.3900. In deciding whether to issue a site permit for an energy storage system, the Commission must consider the factors under Minn. Stat. § 216E.03, subd. 7, and Minn. R. 7850.4100.

B. Certificate of Need

Under Minn. Stat. § 216B.243, subd. 8(a)(9), a certificate of need is not required for energy storage systems.

C. Procedural Treatment of Application

The Commission authorized the following procedures to review the site permit application: (1) use of the alternative review process⁴; and (2) a request that the Court of Administrative Hearings appoint an Administrative Law Judge (ALJ) to serve as the hearing examiner for the public hearings and to issue Findings of Fact, Conclusions of Law, and Recommendations (ALJ Report) consistent with Minn. Stat. § 216E.04, subd. 6, and Minn. R. 7850.3800.

Pursuant to Minn. R. 7850.3700, projects reviewed under the alternative process require preparation of an environmental assessment (EA). The environmental assessment must contain information on the human and environmental impacts of the proposed project and any alternative sites or routes identified by the Commission, and it must address mitigation measures for all sites or routes considered. When making its final decision on whether to issue a site permit, the Commission must determine whether the environmental assessment and the public hearing record address the issues identified in the scoping decision.

² In 2024, the Minnesota Legislature revised and recodified Minnesota Statutes Chapter 216E (Power Plant Siting Act) in Chapter 216I (Energy Infrastructure Permitting Act) and repealed much of Minnesota Rules Chapter 7850. [2024 Minn. Laws ch. 126, Art. 7, §§ 14–16](#). Those revisions became effective on July 1, 2025, for projects filed on or after the effective date. Applications filed prior to July 1, 2025 (including the Blue Lake BESS Project) continue to be reviewed under [Minn. Stat. Ch. 216E \(2023\)](#) and [Minn. R. Ch. 7850 \(2023\)](#).

³ Minn. Stat. § 216E.01, subd. 3a; and Minn. Stat. § 216E.03, subd. 1.

⁴ The Blue Lake BESS Project is eligible for alternative review under Minn. Stat. §216E.04, because it is an energy storage system (Minn. Stat. § 216E.04, subd. 2(9)).

IV. PROCEDURAL HISTORY

1) Application Completeness

On June 20, 2025, Xcel Energy filed a site permit application for the Blue Lake BESS Project.

On June 27, 2025, Public Utilities Commission Energy Infrastructure Permitting Staff (PUC EIP or Commission Staff) staff issued a notice of comment period on application completeness.

On July 11, 2025, the International Union of Operating Engineers (IUOE) Local 49 and North Central States Regional Council of Carpenters (NCSRC of Carpenters) filed a letter expressing support for the Blue Lake BESS Project stating the construction and ongoing maintenance will create high-quality union jobs and training opportunities and strengthen the local economy.⁵

On July 11, 2025, PUC EIP staff filed comments recommending the Commission accept the site permit application as substantially complete, pending additional public information on construction and operation costs, that the Commission not appoint an advisory task force, and that the Commission request a full ALJ report with findings, conclusions, and recommendation.⁶

On July 18, 2025, Xcel Energy filed completeness reply comments stating they agreed with PUC EIP staff's recommendations regarding application completeness, no advisory task force, and request for an ALJ to prepare a full report. However, Xcel Energy asserted that the detailed costs of the project are trade secret and public disclosure of the costs are not required and would not impact completeness of the application. In response to PUC EIP staff's comments, Xcel did provide total estimated capital costs and annual operating costs for the Project in their comments.⁷

On July 24, 2025, PUC EIP staff filed supplemental comments responding to Xcel Energy's reply comments and estimated high-level costs, and recommended the Commission find the application substantially complete.⁸

On August 12, 2025, the Commission issued an order (1) accepting Xcel Energy's application for a site permit for the Blue Lake BESS Project as complete, pending additional public information on construction and operating costs, (2) declining to appoint an advisory task force, and (3) requesting a full ALJ report with findings, conclusions, and recommendations.⁹

On August 22, 2025, the Commission issued an order delegating authority to the Executive Secretary to issue an authorization to the Applicant to initiate consultation with the Minnesota State Historic Preservation Office (SHPO).¹⁰

⁵ IUOE Local 49 and NCSRC – [Comments](#), 07/11/2025

⁶ PUC EIP – [Staff Comments](#), 07/11/2025

⁷ Xcel Energy – [Completeness Reply Comments](#), 07/18/2025

⁸ PUC EIP – [Supplement Comments on Application Completeness](#), 07/24/2025

⁹ Commission – [Order](#), 08/12/2025

¹⁰ Commission – [Order](#), 08/22/2025

Also on August 22, 2025, the Commission issued a notice of public information and environmental assessment scoping meetings.

On August 28, 2025, Commission staff filed a SHPO consultation letter and Xcel Energy filed Appendix G Phase I Archeological Survey.¹¹

On September 5, 2025, Commission staff filed a sample energy storage system site permit.¹²

2) Environmental Assessment Scoping

On September 10, 2025, a virtual in-person public information and environmental assessment scoping meeting was held via Webex. An in-person public meeting was held on September 11, 2025, at the Shakopee Community Center.¹³ There were no attendees or commenters at either the virtual or in-person meetings. A written comment period was open through September 25, 2025.

On September 25, 2025, Minnesota Department of Natural Resources (MDNR) filed a Natural Heritage Review Letter providing recommendations for the EA regarding ecologically significant areas, state-listed species, federally protected species, security fencing, VMP, lighting, dust, and wildlife-friendly erosion control. MDNR recommended a special permit condition for state-listed endangered and threatened species be included in accordance with Minnesota's Endangered Species Statute and associated Rules.¹⁴

On October 2, 2025, PUC EIP staff filed a letter recommending the Commission authorize staff to include only the site identified by Xcel Energy in its site permit application in the EA scoping decision.¹⁵

On October 16, 2025, the Court of Administrative Hearings (CAH) issued an Order for a prehearing conference.¹⁶

On October 21, 2025, the Commission issued a Consent order authorizing solely the consideration of the site for the project identified by Xcel Energy in its site permit application in the scoping decision for the EA.¹⁷

On October 24, 2025, PUC EIP staff filed the scoping decision for the EA.¹⁸

¹¹ PUC EIP - [Blue Lake State Historic Preservation Office Authorization Letter](#) and Xcel Energy - [Appendix G Phase I Archeological Survey](#), 08/28/2025

¹² PUC EIP - [Sample Energy Storage System Site Permit](#), 09/05/2025

¹³ PUC EIP - [Notice of Public Information and Environmental Assessment Scoping Meetings](#), 08/22/2025

¹⁴ MDNR - [Natural Heritage Review Letter](#) and [Cover Letter](#), 09/25/2025

¹⁵ PUC EIP - [Recommendations On Scoping Alternatives](#), 10/02/2025

¹⁶ CAH - [Order](#), 10/16/2025

¹⁷ Commission - [Order](#), 10/21/2025

¹⁸ PUC EIP - [Scoping Decision for Blue Lake BESS Environmental Assessment](#), 10/24/2025

On October 30, 2025, PUC EIP filed a notice of environmental scoping decision.

On November 13, 2025, CAH issued a first prehearing Order.¹⁹

On December 10, 2025, Xcel Energy filed an updated Appendix G for a Phase I Archeological Survey for the proposed Project.²⁰

On December 17, 2025, Commission staff filed the EA and draft site permit (DSP).²¹

On December 23, 2025, PUC EIP filed a notice of public hearings and availability of environmental assessment.

3) Public Hearings and Comments

On December 19, 2025, Xcel Energy filed the direct testimony of Tyler S. Beemer.²²

On January 6, 2026, an in-person public hearing was held at the Shakopee Community Center and there were no members of the public. A virtual public hearing was held on January 7, 2026, via Webex.²³ Four individuals attended the virtual public hearing. Nathan Runke, a representative of the IUOE Local 49, commented in support of the project. A written comment period was open from December 23, 2025, through January 20, 2026.

On January 20, 2026, the Minnesota Interagency Vegetation Management Planning Working Group (VMPWG), MDNR, PUC EIP staff, and Xcel Energy filed comments.²⁴ Their comments are summarized below, and a full discussion of proposed modifications to standard permit conditions and special permit conditions is included in the tables of **Attachment A** at the end of this briefing paper.

- **VMPWG**

Commission staff, on behalf of the VMPWG, stated that they have reviewed the draft vegetation management plan (VMP) and that no Commission action is recommended at this time. The VMPWG provided recommended modifications to the draft VMP to ensure that the Applicant meets the anticipated site permit conditions. Additionally, the VMPWG stated they will provide additional review and recommendations to the Commission as part of Commission staff pre-construction compliance review.

- **MDNR**

The MDNR stated that they have reviewed the EA and DSP for the Blue Lake BESS Project and provided comments. The MDNR expressed support for standard permit conditions 4.3.28 (facility lighting), 4.3.29 (dust control), and 4.3.30 (wildlife friendly erosion control) as

¹⁹ CAH – [Prehearing Order](#), 11/13/2025

²⁰ Xcel Energy – [Updated Appendix G](#), 12/10/2025

²¹ PUC EIP – [Environmental Assessment - Blue Lake Energy Storage Project](#), 12/17/2025

²² Xcel Energy – Direct Testimony of [Tyler Beemer](#), 12/19/2025

²³ PUC EIP – [Notice of Public Hearings and Availability of Environmental Assessment](#), 12/23/2025

²⁴ Multiple Comments – [VMPWG](#), [MDNR](#), [PUC EIP](#), [Xcel Energy](#), 01/20/2026

written and suggested one special permit condition for security fence coordination similar to special condition 5.7 of the permitted Snowshoe Energy Storage Project (Docket No. ESS-24-279).²⁵ MDNR also discussed that they have reviewed the Applicant's rare plant survey and that their concerns have been addressed. Regarding the draft VMP, MDNR recommended the Applicant include a more detailed explanation of vegetation reestablishment phases including the types of plant species for vegetation reestablishment. Additionally, MDNR recommended that the Applicant plant a diverse mix of native plant species suited to the site conditions.

- **PUC EIP Staff**

Commission staff submitted comments recommending modifications to the draft decommissioning plan and summarizing proposed changes to the sample site permit, as reflected in the DSP. Staff proposed edits outlined key areas of the decommissioning plan that did not meet staff expectations, and recommended that the Applicant revise their draft plan prior to filing the pre-construction decommissioning plan.

Technical corrections to the sample site permit included references to the implementation of the new Energy Infrastructure Permitting Act, which took effect on July 1, 2025, and inadvertent references to photovoltaic equipment. These corrections were made in sections 3.0, 4.2, 4.3.3, 4.3.4, 4.3.5, 4.3.12, 4.3.16, 4.3.18, 4.3.19, 4.3.20, 4.3.21, 4.3.22, 4.3.26, 4.5.1, 4.5.2, 7, 8.1, 8.2, 8.3, and 8.6. EIP staff also provided modifications to the cover and sections 1 and 2 of the sample site permit to include project-specific information.

Proposed changes to the sample permit conditions beyond minor technical corrections or project-specific information, are summarized in the tables of **Attachment A** at the end of this briefing paper.

- **Xcel Energy**

Xcel Energy submitted comments on the EA and DSP filed by Commission staff. In their comments, Xcel Energy stated that they did not have any substantive comments on the content of the EA. The Applicant further stated that they do not object to proposed special conditions 5.2, 5.5, 5.7, and 5.8, and suggested modifications to 5.1 (Visual Screening Plan), 5.3 (Pre-Construction Noise Modeling and Impact Assessment), and 5.4 (Noise Studies and Noise Mitigation). However, Xcel Energy did state that they disagreed with the inclusion of special condition 5.6 (Community Benefit Agreement) and that the record does not support requiring one.

On January 22, 2026, the Metropolitan Council submitted comments stating that they have reviewed the EA and found it complete and accurate with respect to regional concerns and that it does not raise major issues of consistency with their policies. Further, the Metropolitan Council provided comments regarding fast infiltration rates in the proposed Project site and the need for extra precautions to avoid contamination of groundwater. Additionally, the Metropolitan Council suggested considering replacing non-native vegetation with native

²⁵ [Order Adopting Administrative Law Judge Report, Determining Environmental Assessment Adequate, and Issuing Site Permit](#) – Snowshoe Energy Storage Facility, Docket No: IP-7138/ESS-24-279

vegetation to resist potential climate change impacts.²⁶

4) Reply Comments

On February 2, 2026, Xcel Energy filed reply comments and proposed findings of fact and conclusions of law.²⁷ In their reply comments, they stated they will continue to work with PUC EIP staff to incorporate recommendations and revise the Decommissioning Plan prior to Project construction. Additionally, Xcel Energy discussed that they do not object to the MDNR's proposed special condition on security fencing, recommendations on additional details to include in the VMP, and several standard permit conditions supported by MDNR. Further, Xcel Energy discussed that they would continue to work with the VMPWG to finalize the VMP to align with the DSP framework and agency guidance prior to construction activities. In response to the Metropolitan Council's comments on fast infiltration rates and native vegetation, Xcel Energy noted that standard permit condition 4.3.11 of the DSP requires the permittee to implement erosion prevention and sediment control practices recommended by Minnesota Pollution Control Agency (MPCA) and further reiterated their continued work with the VMPWG on finalizing a VMP for the Project.

On February 3, 2026, three public comments were submitted to the record all in support of the proposed Blue Lake BESS Project.²⁸

On February 17, 2026, Commission staff filed reply comments and a response to the Applicant's proposed findings of fact. PUC EIP staff agreed with the Applicant's proposed modifications to special permit conditions 5.1 (Visual Screening Plan) and 5.3 (Pre-Construction Noise Modeling and Impact Assessment). PUC EIP staff stated they did not agree with Xcel Energy's proposed modifications to special condition 5.4 (Noise Studies and Noise Mitigation) and suggested additional edits. PUC EIP staff also amended proposed special condition 5.6 (Community Benefit Agreement) and further expressed support for the condition.²⁹

On March 18, 2026, the Administrative Law Judge filed the Findings of Fact, Conclusions of Law, and Recommendation.³⁰

On March 31, 2026, PUC EIP Staff filed staff exceptions to the ALJ Report.³¹

On April 2, 2026, Xcel Energy filed a letter in response to the ALJ Report.³²

²⁶ Metropolitan Council – [Comment](#), 01/22/2026

²⁷ Xcel Energy – [Reply Comments and Proposed Findings of Fact and Conclusions of Law](#), 02/02/2026

²⁸ Three public comments were received on January 19, 2026, prior to the close of the public comment period on January 20, 2026; however, the comments were not posted to eDockets until February 3, 2026, and are not addressed in Xcel Energy's reply comments.

²⁹ PUC EIP – [Staff Reply to Applicant Comments and Response to Proposed Findings of Fact](#), 02/17/2026

³⁰ CAH, ALJ – [Findings of Fact, Conclusions of Law, and Recommendations](#) (ALJ Report), 03/18/2026

³¹ PUC EIP – [EIP Staff Exceptions to ALJ Report](#), 03/31/2026

³² Xcel Energy – [Letter](#), 04/03/2026

V. ADMINISTRATIVE LAW JUDGE REPORT

To ensure a complete record, meaningful public participation, and a thorough consideration of the issues, the Commission requested an administrative law judge from CAH preside over the public hearings and prepare Findings of Fact, Conclusions of Law, and Recommendations on the merits of the proposed project and any necessary site permit conditions.

The ALJ recommended that the Commission issue a site permit for the proposed Project. Commission staff has summarized the ALJ report in this briefing paper but refers the Commission to the full ALJ Report for a comprehensive review.

A. Completeness of EA

The ALJ stated that the evidence in the record demonstrates that the EA is complete because the EA and the record created at the public hearing and during the subsequent comment period address the issues and alternatives raised in the scoping decision.³³

B. Site Permit

The ALJ found that Xcel Energy had satisfied the applicable statutory and rule criteria for issuance of a site permit for the proposed 135.5 MW Blue Lake BESS Project. The ALJ recommended the Commission issue a site permit to Xcel Energy with the permit conditions included in the DSP, and further amended by PUC EIP and Xcel Energy, as described in the ALJ Report under Section XI – Site Permit Conditions.³⁴

The proposed permit condition language, supported by the ALJ, is provided in **Table 2** (agreed upon permit conditions) pages 2-21 of **Attachment A** of these briefing papers.

In summary, the administrative law judge concluded that:

- Xcel Energy and the Commission have substantially complied with the procedural requirements of Minn. Stat. Ch. 216E and Minn. R. Ch. 7850.
- The EA prepared for the Project and the record created at the public hearing address the issues identified in the EA scoping decision.
- The Commission has the authority under Minn. Stat. § 216E.03 to place conditions in an ESS site permit.
- The DSP, as revised by PUC EIP staff and Xcel Energy, contains several important mitigation measures and other reasonable conditions. It is reasonable to amend the DSP to include the changes proposed by PUC EIP staff in the EA and subsequent changes proposed by PUC EIP staff and Xcel Energy.

³³ ALJ Report at Conclusions of Law p.38

³⁴ ALJ Report at Conclusions of Law p.38, 39

- The record demonstrates that Xcel Energy has satisfied the criteria for a site permit as set forth in Minn. Stat. § 216E.03 and Minn. R. Ch. 7850 and all other applicable legal requirements. The Project, with the permit conditions discussed in the ALJ Report, does not present a potential for significant adverse environmental effects pursuant to the Minnesota Environmental Rights Act and/or the Minnesota Environmental Policy Act.

VI. EXCEPTIONS

Under Minn. R. 7829.2700, for cases subject to statutory deadlines, exceptions to the ALJ Report must be filed within 15 days after the report is filed. In this matter, the deadline to file exceptions was April 2, 2026. PUC EIP staff and Xcel Energy filed letters regarding exceptions to the ALJ Report.

- ***PUC EIP Staff***

On March 31, 2026, PUC EIP Staff filed a letter stating they have no substantive exceptions to the ALJ Report, but recommended the Commission consider three minor technical modifications to Finding 96, Finding 128, and the header for “Land-Based Economies” in section X.B.3 of the ALJ Report. The proposed modifications are marked in red below or described as follows:

Finding 96

*“EIP submitted **EA hearing** comments on January 20, 2026, that largely focus on the decommissioning plan. For the decommissioning plan, EIP recommends a stand-alone, current document that aligns with Commission guidance, accurately describes the constructed facility, expressly ties the objective to site restoration under the permit, and establishes a transparent five-year update cadence with a revision history and links. EIP further requests a clearer project description, identification of permits and notifications, detailed decommissioning tasks and sequencing, specified disposal and recycling pathways, and a more concrete schedule rather than generic statements. EIP also seeks expanded cost assumptions with periodic updates and a defined financial assurance mechanism to ensure end-of-life funds are available.”*

Finding 128

*“The Commission **limits the** has limited maximum electric field under high voltage transmission lines **in Minnesota** to 8.0 kV/m **in past permits for high voltage electric transmission lines**. It has not adopted a standard for magnetic fields.”*

Header for “Land-Based Economies”, Section X.B.3 of the ALJ Report

PUC EIP Staff recommended that header X.B.3 be adjusted to a higher level, such as **X.C**, to reflect that the Commission must consider the proposed Project’s impact on land-based economies and that this consideration was not a subset of public health and safety.

- ***Xcel Energy***

In a letter filed on April 3, 2026, Xcel Energy responded to the ALJ's Report and stated they have no formal exceptions. However, they provided a discussion on proposed special condition 5.6 (Community Benefits Agreement). Xcel Energy wrote that the Project's application contained a variety of mitigation and community engagement measures and that they conducted outreach with Tribal Nations and specifically coordinated with the Shakopee Mdewakanton Sioux Community. The Applicant further noted that this may be the first time a community benefits agreement special condition would be applied to a battery energy storage project, and that its application appeared to be driven by the Project's location in an environmental justice community, not because of local concern or potential impacts. Additionally, Xcel Energy discussed that costs associated with a community benefits agreement are not currently included in the Project budget, but they anticipate being able to reach an agreement while also managing impacts on the budget.

Following the discussion on special condition 5.6, Xcel Energy discussed that they have engaged in discussions with the City of Shakopee regarding a community benefits agreement and committed to continued coordination to reach an agreement.

VII. PUC STAFF DISCUSSION

The following issues are before the Commission:

- Should the Commission adopt the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommendation?
- Should the Commission determine that the environmental assessment and the record created at the public hearing adequately address the issues identified in the scoping decision?
- Should the Commission grant a site permit for the up to 135.5-megawatt Blue Lake Battery Energy Storage Project in Scott County?

After thorough review of the Application, public comments, EA, ALJ Report, exceptions and other relevant records, staff provides the following discussion to address these issues:

A. ALJ Report

Commission staff agrees with the Findings, Conclusions, and Recommendations provided by the ALJ. Staff also agrees with the proposed modifications to the ALJ Report filed by PUC EIP Staff regarding Finding 96, Finding 128, and the header for "Land-Based Economies" in section X.B.3 of the ALJ Report.

Commission staff notes that if the Commission adopts the proposed modification to the header number for "Land-Based Economies" from X.B.3 to **X.C**, all subsequent subsections of Section X (Archaeological, Cultural, and Historic Resources through Irreversible and Irretrievable

Commitments of Resources) would need to be reordered correspondingly.

B. Completeness of EA

Commission staff agrees with the ALJ's conclusions that PUC EIP staff has conducted an appropriate environmental analysis of the Project and that the EA prepared for the Project and the record created at the public hearing address the issues identified in the EA scoping decision. Furthermore, no comments were received at the public hearings or during the open public comment period that indicate otherwise on this topic.

However, should the Commission decide that the EA is not complete, it must identify the reasons it is not complete and request that the EA be revised or supplemented. In that case, a schedule for revising or supplementing the EA would need to be determined and the Commission would need to revisit its permit decision after completion of the revised EA.

C. Site Permit

Commission staff agrees with ALJ's conclusion that the record demonstrates Xcel Energy has satisfied the criteria for a site permit and recommends that the Commission issue a site permit to Xcel Energy to construct and operate the up to 135.5-MW Blue Lake BESS Project. Commission staff supports all permit conditions recommended by the ALJ and provides **Table 1** (additional staff recommended permit condition, pg. 1 of **Attachment A**) and **Table 2** (agreed upon permit conditions, pg. 2-21 of **Attachment A**) to facilitate a full discussion on the proposed permit condition language and party support.

Permit Conditions for Additional Consideration

Commission staff notes that there are two permit conditions that may require additional consideration by the Commission. Both conditions were suggested by PUC EIP staff in the DSP and further modified in the record. These modified conditions are supported by the ALJ and described in the ALJ Report under Section XI – Site Permit Conditions. PUC EIP and Xcel Energy had no substantive exceptions to the ALJ Report. However, the Commission may want to seek clarification from the Applicant on whether concerns around these conditions have been addressed.

- Special Condition 5.4 – Noise Studies and Mitigation

In their January 20, 2026, comments, Xcel Energy proposed updating the permit language recommended by PUC EIP Staff to focus monitoring efforts on situations involving unresolved noise complaints. Commission staff agreed with the Applicant's proposed modifications but further amended the language in their February 17, 2026, reply comments, to restore a requirement for the Project to be placed and operated to always comply with state noise standards. The ALJ supported the proposed language as modified by Xcel Energy and PUC EIP staff. Xcel Energy did not address the proposed edits, supported by PUC EIP and ALJ, in their exception letter.

- Special Condition 5.6 – Community Benefit Agreement

In their January 20, 2026, comments, Xcel Energy stated that they do not support this permit condition. PUC EIP staff further modified the proposed language in their February 17, 2026, reply comments. The ALJ supported including this special condition as further modified by PUC EIP staff. Xcel Energy did not submit any formal exceptions to the ALJ Report; however, they did provide a discussion on the mitigation and community engagement measures included in the Project's application, possible first usage of the condition for a battery energy storage project, apparent justification for the condition, and management of the Project budget.

Additional Staff Recommended Special Permit Condition (Table 1 on pg. 1 of Attachment A)

As described in Table 12 of the EA, deciduous forest covers approximately 1.29 acres of the proposed Project's permanent infrastructure area which may result in permanent tree clearing.³⁵ While Section 4.3.15 of the DSP requires the permittee to minimize the number of trees removed, Commission staff also recommends the addition of one permit condition related to tree replacement in line with previous Commission decisions:

- Special Condition 5.11 – Tree Replacement Plan

Commission staff provides a proposed site permit for the Blue Lake BESS Project in **Attachment B** with staff supported permit language. Permit condition language agreed upon by the ALJ, Applicant, and PUC EIP staff is marked in normal black text. The additional staff proposed condition (Tree Replacement Plan) is marked in red text for the Commission's consideration.

D. Tribal Participation

As discussed in their application and shown in Appendix C of the site permit application for the Blue Lake BESS Project, Xcel Energy sent a Project introduction letter and map to Tribal Historic Preservation Officer (THPO) contacts prior to submitting the final application for the proposed Project.³⁶ Xcel Energy received responses from the Leech Lake Band of Ojibwe and Shakopee Mdewakanton Sioux Community. The Leech Lake Band of Ojibwe THPO provided a response stating there are no recorded historic properties within the proposed site but requested to be notified if any human remains are encountered. The Shakopee Mdewakanton Sioux Community THPO requested to be provided with the literature review when complete and to mark locations on a map of the proposed development site to more clearly show any present archaeological sites.

³⁵ PUC EIP – [EA and DSP](#) (Table 12 on p. 77 of the EA, Section 4.3.15 on p. 8 of the DSP), 12/17/2026

³⁶ Xcel Energy – [Appendix C – Agency, Public, and Tribal Outreach and Correspondence](#), 06/20/2025

COMMISSION DECISION OPTIONS

ALJ Report

1. Adopt the ALJ's Findings of Fact, Conclusions of Law, and Recommendations to the extent it is consistent with the Commission's Decisions. (PUC EIP Staff)
2. Adopt the following modified findings (**See Section VI – Exceptions, pg. 11 of this briefing paper**):
 - a. Finding 96 (PUC EIP Staff)
 - b. Finding 128 (PUC EIP Staff)
 - c. Header for "Land-Based Economies", Section X.B.3 of the ALJ Report (PUC EIP Staff)

[If ALJ Report is adopted, move on to next decisions.]

Environmental Assessment

3. Determine that the Environmental Assessment and the record created at the public hearing address the issues identified in the scoping decision. (ALJ, Applicant, PUC EIP Staff)

Or

4. Determine that the Environmental Assessment and the record created at the public hearing do not address the issues identified in the scoping decision, identify the reasons, and direct staff to revise or supplement the Environmental Assessment.

[If Environmental Assessment is determined to be complete, move on to next decisions.]

Site Permit

5. Grant a site permit to Xcel Energy for the up to 135.5-MW Blue Lake BESS Project with the standard and special conditions identified in the attached proposed site permit (See **Attachment B** to these briefing papers (ALJ, Applicant, PUC EIP Staff).

And

6. Adopt the following special site permit condition (See **Table 1 on Pg. 1 of Attachment A** to these briefing papers):
 - a. Special Condition 5.10 – Tree Replacement Plan (PUC EIP Staff)

Or

7. Deny a site permit for the up to 135.5-MW Blue Lake BESS Project.

[If a site permit is granted, move on to next decisions.]

Administrative

8. Delegate authority to the Executive Secretary to modify the site permit and the ALJ Report to correct any typographic and formatting errors and to ensure consistency with the Commission's order. (PUC EIP Staff)

Staff Recommendation: 1, 2a-c, 3, 5, 6a, 8

Table 1: Additional Staff Recommended Permit Language

Permit Condition No.	Issue	Sponsor	Recommended Permit Language	Proposed Modifications	Comments
Staff Recommended Permit Language					
Special Condition – 5.10	Tree Replacement Plan	PUC EIP Staff (recommended in briefing paper)	<u>The Permittee, in coordination with Scott County and the Minnesota Department of Natural Resources, develop a tree replacement plan to replace any trees that are removed for the construction of the Project and file the plan with the Commission at least 14 days before the pre-construction meeting. Replacement trees can be planted as part of the required Visual Screening Plan.</u>		Similar Tree Replacement Plan special conditions were included in Benton Solar (23-423; 23-425) and Castle Rock (GS-24-267).

Table 2: Agreed Upon Site Permit Language

Permit Condition No.	Issue	Sponsor	Recommended Permit Language	Proposed Modifications	Comments
Agreed Upon Permit Language					
Special Permit Condition - 5.1	Visual Screening Plan	PUC EIP (recommended in DSP)	<p><u>The Permittee shall develop a site-specific Visual Screening Plan. The Visual Screening Plan shall be designed and managed to mitigate visual impacts to adjacent properties and public viewpoints. The Visual Screening Plan shall at a minimum include: (a) objectives for screening of adjacent properties and public viewpoints; and (b) a description of the types of trees and shrub species to be used, the location of plantings, and plans for installation, establishment, and maintenance. The location of trees and shrubs included in the Visual Screening Plan that are located within the Permittee’s site control shall be included in the Site Plan filed under Section 8.3. The Permittee is required to maintain and ensure the successful growth, health, and maintenance of the vegetation for 3 years. At least 14 days prior to the pre-construction meeting, the Permittee shall file:</u></p> <p><u>1. the Visual Screening Plan;</u> <u>2. documentation of coordination with</u></p>	<p>[Proposed by Xcel Energy]</p> <p>The Permittee shall develop a site-specific Visual Screening Plan. The Visual Screening Plan shall be designed and managed to mitigate visual impacts to adjacent properties and public viewpoints <u>within Quarry Lake Park</u>. The Visual Screening Plan shall at a minimum include: (a) objectives for screening of adjacent properties and public viewpoints <u>within Quarry Lake Park</u>; and (b) a description of the types of trees and shrub species to be used, the location of plantings, and plans for installation, establishment, and maintenance. The location of trees and shrubs included in the Visual Screening Plan that are located within the Permittee’s site control shall be included in the Site Plan filed under Section 8.3. The Permittee is required to maintain and ensure the successful growth, health, and maintenance of the</p>	<p>Proposed modifications suggested by Xcel Energy are supported by PUC EIP Staff and the ALJ.</p>

Permit Condition No.	Issue	Sponsor	Recommended Permit Language	Proposed Modifications	Comments
Agreed Upon Permit Language					
			<p><u>landowners adjacent to the project site and with entities having public viewpoints; and</u> <u>3. an affidavit of its distribution of the Visual Screening Plan to landowners adjacent to the project site and entities having public viewpoints.</u></p>	<p>vegetation for 3 years.</p> <p>At least 14 days prior to the pre-construction meeting, the Permittee shall file:</p> <ol style="list-style-type: none"> 1. the Visual Screening Plan; 2. documentation of coordination with landowners adjacent to the project site and with entities having public viewpoints <u>the City of Shakopee</u>; and 3. an affidavit of its distribution of the Visual Screening Plan to landowners adjacent to the project site and entities having public viewpoints <u>the City of Shakopee</u>. 	

Permit Condition No.	Issue	Sponsor	Recommended Permit Language	Proposed Modifications	Comments
Agreed Upon Permit Language					
Special Permit Condition - 5.2	Battery Augmentation	PUC EIP (recommended in DSP)	<u>The Permittee shall notify the Commission of scheduled augmentation at least 30 days prior to commencing augmentation activities. In its filing, the Permittee shall describe the number and types of batteries included in the augmentation. The Permittee shall indicate the location of the augmentation on the project Site Plan. In its filing the Permittee shall demonstrate compliance with the noise impact assessment submitted to the Commission as required in Section 5.3 of this permit.</u>		Supported by Applicant, PUC EIP staff, and the ALJ.

Permit Condition No.	Issue	Sponsor	Recommended Permit Language	Proposed Modifications	Comments
Agreed Upon Permit Language					
Special Permit Condition - 5.3	Pre-construction Noise Modeling and Impact Assessment	PUC EIP (recommended in DSP)	<p><u>The Permittee shall file a noise impact assessment at least 14 days prior to the pre-construction meeting. The noise impact assessment shall summarize the results from noise propagation modeling that incorporates noise inputs from the selected equipment and the facility layout shown in the site plans required in Section 8.3 of this permit. The permittee shall file an updated noise impact assessment including any revisions to selected equipment or facility layout prior to any modifications to the facility over its operating life.</u></p>	<p>[Proposed by Xcel Energy]</p> <p>The Permittee shall file a noise impact assessment at least 14 days prior to the pre-construction meeting. The noise impact assessment shall summarize the results from noise propagation modeling that incorporates noise inputs from the selected equipment and the facility layout shown in the site plans required in Section 8.3 of this permit. The permittee shall file an updated noise impact assessment including any revisions to selected equipment or facility layout prior to any modifications to the facility over its operating life.</p>	<p>Proposed modifications suggested by Xcel Energy are supported by PUC EIP staff and the ALJ.</p>

Permit Condition No.	Issue	Sponsor	Recommended Permit Language	Proposed Modifications	Comments
Agreed Upon Permit Language					
Special Condition - 5.4	Noise Studies and Noise Mitigation	PUC EIP (recommended in DSP)	<p><u>The Permittee shall file a proposed methodology for the conduct of a post-construction noise study at least 14 days prior to the pre-construction meeting. The Permittee shall develop the post-construction noise study methodology in consultation with Commission staff. The Permittee must conduct the postconstruction noise study and file with the Commission the completed post-construction noise study within 18 months of commencing commercial operation. The BESS facilities and associated facilities shall be placed and operated such that the Permittee shall, at all times, comply with noise standards established by the MPCA. Operation of the facility shall be modified, or project components shall be removed from service if necessary to comply with these noise standards.</u></p>	<p><u>[Proposed by Xcel Energy, Further modified by PUC EIP]</u></p> <p><u>The Permittee shall complete noise monitoring to address any unresolved complaints with respect to project noise. Any additional noise monitoring shall be coordinated with Commission staff, and the monitoring protocol shall be approved by Commission staff before implementation. Noise monitoring results shall be provided to Commission staff. If any violations of the state noise standard are identified, the Permittee will be responsible for the implementation of any mitigation measures necessary to meet the state noise standard. The BESS facilities and associated facilities shall be placed and operated such that the Permittee shall, at all times, comply with noise standards established by the MPCA. Operation of the facility shall be modified, or project components shall be removed from</u></p>	<p>Xcel Energy proposed updating the permit language recommended by PUC EIP Staff to focus monitoring efforts on situations involving unresolved noise complaints.</p> <p>Commission staff agreed with the Applicant’s proposed modifications but further amended the language in their February 17, 2026, reply comments, to restore a requirement for the Project to be placed and operated to always comply with state noise standards.</p> <p>The ALJ supports the proposed language as modified by Xcel Energy and PUC EIP staff. While Xcel did not directly address PUC EIP staff’s proposed modifications, they did not file any formal exceptions to the ALJ Report.</p>

Permit Condition No.	Issue	Sponsor	Recommended Permit Language	Proposed Modifications	Comments
Agreed Upon Permit Language					
				<u>service if necessary to comply with these noise standards.</u>	

Permit Condition No.	Issue	Sponsor	Recommended Permit Language	Proposed Modifications	Comments
Agreed Upon Permit Language					
Special Permit Condition - 5.5	Hazard Mitigation Analysis	PUC EIP (recommended in DSP)	<u>The Permittee shall file a Hazard Mitigation Analysis detailing the results of the equipment testing, and the risks associated with the technology, along with an affidavit of distribution of the Hazard Mitigation analysis to emergency responders with jurisdiction over the project, at least 30 days prior to the pre-construction meeting.</u>		<p>Supported by Applicant, PUC EIP staff, and ALJ.</p> <p>This condition was included in the DSP and was not noted under Section XI for Site Permit Conditions, Finding 223 of the ALJ Report as an exception.</p> <p>Finding 223: "The Draft Site Permit includes a number of proposed permit conditions, many of which have been discussed above. The conditions apply to site preparation, construction, cleanup, restoration, operation, maintenance, abandonment, decommissioning, and other aspects of the Project. The Commission should issue a permit reflecting the proposed conditions in the DSP with the exceptions described in this Section XI."</p>

Permit Condition No.	Issue	Sponsor	Recommended Permit Language	Proposed Modifications	Comments
Agreed Upon Permit Language					
Special Permit Condition - 5.6	Community Benefit Agreement	PUC EIP (recommended in DSP)	<u>The Permittee shall enter into a Community Benefit Agreement with the city of Shakopee that mitigates environmental justice impacts to the community. The Permittee shall keep records of its agreement and provide them upon the request of Commission staff.</u>	[Proposed by PUC EIP, further modified by PUC EIP] The Permittee shall enter into a Community Benefit Agreement with the city of Shakopee that mitigates environmental justice impacts to the community. The Permittee shall keep records of its agreement and provide them upon the request of Commission staff file confirmation into the record that it has reached an agreement with the city or that the Permittee has conferred with the city and the city has indicated that <u>such an agreement is not necessary at least 14 days prior to the pre-construction meeting.</u>	In their January 20, 2026, comments, Xcel Energy did not support including special condition 5.6 - Community Benefit Agreement. PUC EIP staff further modified their proposed permit language in February 17, 2026, reply comments. The permit condition, as modified by PUC EIP, is supported by PUC EIP staff and the ALJ. Xcel Energy did not file any formal exceptions to the ALJ Report and has begun coordination with the City of Shakopee.

Permit Condition No.	Issue	Sponsor	Recommended Permit Language	Proposed Modifications	Comments
Agreed Upon Permit Language					
Special Permit Condition - 5.7	State Historic Preservation Office Recommendations	PUC EIP (recommended in DSP)	<u>The Permittee shall file correspondence from the State Historic Preservation Office (SHPO) containing recommendations for surveys or other mitigation measures related to the Project promptly upon receipt by the Permittee.</u>		<p>Supported by Applicant, PUC EIP staff, and ALJ.</p> <p>This condition was included in the DSP and was not noted under Section XI for Site Permit Conditions, Finding 223 of the ALJ Report as an exception.</p> <p>Finding 223: "The Draft Site Permit includes a number of proposed permit conditions, many of which have been discussed above. The conditions apply to site preparation, construction, cleanup, restoration, operation, maintenance, abandonment, decommissioning, and other aspects of the Project. The Commission should issue a permit reflecting the proposed conditions in the DSP with the exceptions described in this Section XI."</p>

Permit Condition No.	Issue	Sponsor	Recommended Permit Language	Proposed Modifications	Comments
Agreed Upon Permit Language					
Special Permit Condition - 5.8	Vegetation Management Plan	PUC EIP (recommended in DSP)	<p><u>The Permittee shall develop a vegetation management plan (VMP), in coordination with Commission staff and the Vegetation Management Working Group, using best management practices established by the DNR and BWSR. The Permittee shall file the VMP and documentation of the coordination efforts between the Permittee and the coordinating agencies with the Commission at least 14 days prior to the pre-construction meeting. The VMP must include the following:</u></p> <p><u>(a) management objectives addressing short term (year 0-5, seeding and establishment) and long term (year 5 through the life of the Project) goals;</u></p> <p><u>(b) a description of planned restoration and vegetation management activities, including how the site will be prepared, timing of activities, how seeding will occur (e.g., broadcast, drilling, etc.), and the types of seed mixes to be used;</u></p> <p><u>(c) a description of how the site will be monitored and evaluated to meet management goals; (d) a description of the management tools used to maintain</u></p>		<p>Supported by Applicant, MDNR, PUC EIP Staff, the ALJ.</p> <p>This condition was included in the DSP and was not noted under Section XI for Site Permit Conditions, Finding 223 of the ALJ Report as an exception.</p> <p>Finding 223: "The Draft Site Permit includes a number of proposed permit conditions, many of which have been discussed above. The conditions apply to site preparation, construction, cleanup, restoration, operation, maintenance, abandonment, decommissioning, and other aspects of the Project. The Commission should issue a permit reflecting the proposed conditions in the DSP with the exceptions described in this Section XI."</p>

Permit Condition No.	Issue	Sponsor	Recommended Permit Language	Proposed Modifications	Comments
Agreed Upon Permit Language					
			<p><u>vegetation (e.g., mowing, spot spraying, hand removal, fire, grazing, etc.), including the timing and frequency of maintenance activities;</u> <u>(e) identification of the third-party (e.g., consultant, contractor, site manager, etc.) contracted for restoration, monitoring, and long-term vegetation management of the site;</u> <u>(f) identification of on-site noxious weeds and invasive species (native and non-native) and the monitoring and management practices to be utilized; and</u> <u>(g) a marked-up copy of the Site Plan showing how the site will be revegetated and that identifies the corresponding seed mixes. Best management practices should be followed concerning seed mixes, seeding rates, and cover crops.</u></p>		

Permit Condition No.	Issue	Sponsor	Recommended Permit Language	Proposed Modifications	Comments
Agreed Upon Permit Language					
Special Permit Condition - 5.9	Security Fence	Recommended by MDNR (comments) and PUC EIP (reply comments)	<u>The Permittee shall design the security fence surrounding the energy storage system to minimize the visual impact of the Project while maintaining compliance with the National Electric Safety Code. The Permittee shall develop a final fence plan for the specific site in coordination with the DNR. The final fence plan shall be submitted to the Commission as part of the Site Plan pursuant to Section 8.3.</u>		Supported by MDNR, Applicant, PUC EIP staff, and ALJ.

Permit Condition No.	Issue	Sponsor	Recommended Permit Language	Proposed Modifications	Comments
Agreed Upon Permit Language					
Standard Condition - 4.3.4	Independent Third-party Monitoring	PUC EIP (recommended in DSP)	<p>Prior to any construction, the Permittee shall propose a scope of work and identify an independent third-party monitor to conduct Project construction monitoring on behalf of the Department of Commerce-Commission. The scope of work shall be developed in consultation with and approved by the Department of Commerce-Commission staff. This third-party monitor will report directly to and will be under the control of the Department of Commerce-Commission with costs borne by the Permittee. Department of Commerce staff shall keep records of compliance with this section and will ensure that status reports detailing the construction monitoring are filed with the Commission in accordance with scope of work approved by the Department of Commerce.</p> <p><u>The Permittee shall file with the Commission the approved scope of work and the name, address, email, and telephone number of the third party-monitor at least 14 days prior to beginning construction and upon any change in contact information that may</u></p>		<p>Supported by PUC EIP staff, and ALJ.</p> <p>This condition was included in the DSP and was not noted under Section XI for Site Permit Conditions, Finding 223 of the ALJ Report as an exception.</p> <p>Finding 223: "The Draft Site Permit includes a number of proposed permit conditions, many of which have been discussed above. The conditions apply to site preparation, construction, cleanup, restoration, operation, maintenance, abandonment, decommissioning, and other aspects of the Project. The Commission should issue a permit reflecting the proposed conditions in the DSP with the exceptions described in this Section XI."</p>

Permit Condition No.	Issue	Sponsor	Recommended Permit Language	Proposed Modifications	Comments
Agreed Upon Permit Language					
			<p><u>occur during construction of the Project.</u></p> <p><u>The Permittee shall keep records of compliance with this section and shall file status reports detailing the construction monitoring in accordance with the approved scope of work.</u></p>		

Permit Condition No.	Issue	Sponsor	Recommended Permit Language	Proposed Modifications	Comments
Agreed Upon Permit Language					
Standard Condition - 4.3.20	Archaeological and Historic Resources	PUC EIP (recommended in DSP)	<p>The Permittee shall make every effort to avoid impacts to archaeological and historic resources when constructing the Project. In the event that a resource is encountered, the Permittee shall consult with the State Historic Preservation Office (SHPO) and the State Archaeologist. Where feasible, avoidance of the resource is required. Where not feasible, mitigation must include an effort to minimize Project impacts on the resource consistent with SHPO and State Archaeologist requirements.</p> <p>Prior to construction, the Permittee shall train workers about the need to avoid cultural properties, how to identify cultural properties, and procedures to follow if undocumented cultural properties, including gravesites, are found during construction. If human remains are encountered during construction, the Permittee shall, in accordance with Minn. Stat. Ch. 307 (Private Cemeteries Act), immediately halt construction and promptly notify local law enforcement and the State Archaeologist. The Permittee shall not</p>		<p>Supported by PUC EIP staff, and ALJ.</p> <p>This condition was included in the DSP and was not noted under Section XI for Site Permit Conditions, Finding 223 of the ALJ Report as an exception.</p> <p>Finding 223: "The Draft Site Permit includes a number of proposed permit conditions, many of which have been discussed above. The conditions apply to site preparation, construction, cleanup, restoration, operation, maintenance, abandonment, decommissioning, and other aspects of the Project. The Commission should issue a permit reflecting the proposed conditions in the DSP with the exceptions described in this Section XI."</p>

Permit Condition No.	Issue	Sponsor	Recommended Permit Language	Proposed Modifications	Comments
Agreed Upon Permit Language					
			<p>resume construction at such location until authorized by local law enforcement or the State Archaeologist. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce staff or Commission staff</p> <p><u>The Permittee shall develop an Unanticipated Discoveries Plan (UDP) to identify guidelines to be used in the event previously unrecorded archeological or historic properties, or human remains, are encountered during construction, or if unanticipated effects to previously identified archeological or historic properties occur during construction. This is in addition to and not in lieu of any other obligations that may exist under law or regulation relating to these matters. The UDP shall describe how previously unrecorded, non-human burial, archeological sites found during construction shall be marked and all construction work must stop at the discovery location. The Permittee shall file the UDP with the Commission at least</u></p>		

Permit Condition No.	Issue	Sponsor	Recommended Permit Language	Proposed Modifications	Comments
Agreed Upon Permit Language					
			<u>14 days prior to the preconstruction meeting.</u>		

Permit Condition No.	Issue	Sponsor	Recommended Permit Language	Proposed Modifications	Comments
Agreed Upon Permit Language					
Standard Condition - 8.10	Annual Report	PUC EIP (recommended in DSP)	<p><u>The Permittee shall, by February 1st following each complete or partial year of Project operation, file a report with the Commission on the monthly availability of the facility including:</u></p> <p><u>(a) the installed nameplate capacity of the permitted facility;</u> <u>b) the monthly and annual availability of the facility;</u> <u>(c) the operational status of the facility and any major outages, major repairs, battery augmentation, or performance improvements occurring in the previous year; and (d) any other information reasonably requested by the Commission.</u></p> <p><u>The Permittee shall file this information in a format recommended by the Commission. This information shall be considered public and must be filed electronically.</u></p>		<p>Supported by PUC EIP staff, and ALJ.</p> <p>This condition was included in the DSP and was not noted under Section XI for Site Permit Conditions, Finding 223 of the ALJ Report as an exception.</p> <p>Finding 223: "The Draft Site Permit includes a number of proposed permit conditions, many of which have been discussed above. The conditions apply to site preparation, construction, cleanup, restoration, operation, maintenance, abandonment, decommissioning, and other aspects of the Project. The Commission should issue a permit reflecting the proposed conditions in the DSP with the exceptions described in this Section XI."</p>

Permit Condition No.	Issue	Sponsor	Recommended Permit Language	Proposed Modifications	Comments
Agreed Upon Permit Language					
Standard Condition - 9.1	Decommissioning Plan	PUC EIP (recommended in DSP)	<p>The Permittee shall comply with the provisions of the most recently filed and accepted Decommissioning Plan. The initial version of the Decommissioning Plan was submitted for this Project as Identify Decommissioning Plan, e.g., Appendix XX to Appendix E of the Site Permit Application}. The Permittee shall file an updated Decommissioning Plan incorporating comments and information from the permit application process and any updates associated with the final construction plans with the Commission at least fourteen 14 days prior to the preconstruction meeting. The Permittee shall update and file the Decommissioning Plan with the Commission every five years following the commercial operation date.</p> <p>The Decommissioning Plan shall provide information identifying all surety and financial securities established for decommissioning and site restoration. The Decommissioning Plan shall provide an itemized breakdown of costs of decommissioning all Project components, which shall include labor and equipment.</p>		<p>Supported by PUC EIP staff, and ALJ.</p> <p>This condition was included in the DSP and was not noted under Section XI for Site Permit Conditions, Finding 223 of the ALJ Report as an exception.</p> <p>Finding 223: "The Draft Site Permit includes a number of proposed permit conditions, many of which have been discussed above. The conditions apply to site preparation, construction, cleanup, restoration, operation, maintenance, abandonment, decommissioning, and other aspects of the Project. The Commission should issue a permit reflecting the proposed conditions in the DSP with the exceptions described in this Section XI."</p>

Permit Condition No.	Issue	Sponsor	Recommended Permit Language	Proposed Modifications	Comments
Agreed Upon Permit Language					
			<p>The Permittee shall also submit the Decommissioning Plan to the local unit of government having direct zoning authority over the area in which the Project is located. The Permittee shall ensure that it carries out its obligations to provide for the resources necessary to fulfill its requirements to properly decommission the Project at the appropriate time. The Commission may at any time request the Permittee to file a report with the Commission describing how the Permittee is fulfilling this obligation.</p>		

STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

SITE PERMIT FOR
BLUE LAKE BATTERY ENERGY STORAGE SYSTEM

AN ENERGY STORAGE SYSTEM

IN
Scott County

ISSUED TO
NORTHERN STATES POWER dba XCEL ENERGY

PUC DOCKET NO. E002/ESS-25-214

In accordance with the requirements of Minnesota Statutes Chapter 216E and Minnesota Rules Chapter 7850 this site permit is hereby issued to:

Northern States Power dba Xcel Energy

Northern States Power dba Xcel Energy is authorized by this site permit to construct and operate the Blue Lake Battery Energy Storage Project, a battery Energy Storage System with a nominal power rating of up to 135.5 megawatt (MW) alternating current with approximately 542 megawatt hours of energy capacity on a site of approximately 8 acres in the City of Shakopee in Scott County Minnesota.

The energy storage system shall be constructed and operated within the site identified in this site permit and in compliance with the conditions specified in this site permit.

This site permit shall expire 30 years from the date of this approval.

Approved and adopted this ____ day of [Month, Year]

BY ORDER OF THE COMMISSION

Sasha Bergman,
Executive Secretary

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Attachment 2 – Compliance Filing Procedures for Permitted Energy Facilities

Attachment 3 – Site Permit Maps

PROPOSED SITE PERMIT [Blue Lake Battery Energy Storage Project, PUC Docket No. E002/ESS-25-214]**1 SITE PERMIT**

The Minnesota Public Utilities Commission (Commission) hereby issues this site permit to Northern States Power Company dba Xcel Energy (Permittee) pursuant to Minnesota Statutes Chapter 216E and Minnesota Rules Chapter 7850. This site permit authorizes the Permittee to construct and operate a battery energy storage system with a nominal power rating of up to 135.5 megawatt (MW) alternating current (AC) with approximately 542 megawatt hours of energy capacity in Scott County (Blue Lake Battery Energy Storage System, henceforth known as Project). The energy storage system shall be constructed and operated within the site identified in this site permit and in compliance with the conditions specified in this site permit.

1.1 Pre-emption

Pursuant to Minn. Stat. § 216E.10, this site permit shall be the sole site approval required for the location, construction, and operation of the energy storage system and this site permit shall supersede and preempt all zoning, building, or land use rules, regulations, or ordinances promulgated by regional, county, local and special purpose governments.

2 PROJECT DESCRIPTION

Xcel Energy proposes to construct and operate a battery energy storage system with a nominal power rating of up to 135.5 MW AC with approximately 542 megawatt-hours of energy capacity on a site of approximately 8 acres in the city of Shakopee in Scott County, Minnesota. In addition to battery energy storage enclosures, the facility will also include inverters and transformers, electrical feeder lines, a project substation, one or more stormwater drainage basins, and fencing surrounding the perimeter of the facility. The facility will be connected to the electric grid through a 115 kilovolt tap line of less than 500 feet between the project substation and Xcel Energy's adjacent Blue Lake Substation

The Project is located in the following:

County	Township Name	Township	Range	Section
Scott	Shakopee	115 N	22 W	2, 11

2.1 Project Ownership

At least 14 days prior to the pre-construction meeting, the Permittee shall file a description of its ownership structure, identifying, as applicable:

- (a) the owner(s) of the financial and governance interests of the Permittee;

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- (b) the owner(s) of the majority financial and governance interests of the Permittee's owners; and
- (c) the Permittee's ultimate parent entity (meaning the entity which is not controlled by any other entity).

The Permittee shall notify the Commission of:

- (a) a change in the owner(s) of the majority* financial or governance interests in the Permittee; or
- (b) a change in the owner(s) of the majority* financial or governance interests of the Permittee's owners; or
- (c) a sale which changes the ultimate parent entity of the Permittee

*When there are only co-equal 50/50 percent interests, any change shall be considered a change in majority interest.

In the event of an ownership change, the new Permittee must provide the Commission with a certification that it has read, understands, and is able to comply with the conditions of this permit.

3 DESIGNATED SITE

The site designated by the Commission for the Project is depicted on the site maps attached to this site permit (Designated Site). The site maps show the approximate location of the energy storage system and associated facilities within the Designated Site and identify a layout that seeks to minimize the overall potential human and environmental impacts of the Project, as they were evaluated in the permitting process.

The Designated Site serves to provide the Permittee with the flexibility to make minor adjustments to the layout to accommodate requests by landowners, local government units, federal and state agency requirements, and unforeseen conditions encountered during the detailed engineering and design process. Any modification to the location of a photovoltaic tracker row or associated facility shall be done in such a manner as to have human and environmental impacts that are comparable to those associated with the layouts on the maps attached to this site permit. The Permittee shall identify any modifications in the Site Plan pursuant to Section 8.3.

4 GENERAL CONDITIONS

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The Permittee shall comply with the following conditions during construction and operation of the energy storage system over the life of this site permit.

4.1 Site Permit Distribution

Within 30 days of issuance of this site permit, the Permittee shall provide all affected landowners with a copy of this site permit and the complaint procedures. An affected landowner is any landowner or designee that is within or adjacent to the permitted site. In no case shall a landowner receive this site permit and complaint procedures less than five days prior to the start of construction on their property. The Permittee shall also provide a copy of this site permit and the complaint procedures to the applicable regional development commissions, county environmental offices, and city and township clerks. The Permittee shall file with the Commission an affidavit of its site permit and complaint procedures distribution within 30 days of issuance of this site permit.

4.2 Access to Property

The Permittee shall notify landowners prior to entering or conducting maintenance within their property, unless otherwise negotiated with the landowner. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3 Construction and Operation Practices

The Permittee shall comply with the construction practices, operation and maintenance practices, and material specifications described in the permitting record for this Project unless this site permit establishes a different requirement in which case this site permit shall prevail.

4.3.1 Field Representative

The Permittee shall designate a field representative responsible for overseeing compliance with the conditions of this site permit during construction of the Project. This person shall be accessible by telephone or other means during normal business hours throughout site preparation, construction, cleanup, and restoration.

The Permittee shall file with the Commission the name, address, email, phone number, and emergency phone number of the field representative at least 14 days prior to the pre-construction meeting. The Permittee shall provide the field representative's contact information to affected landowners, local government units and other interested persons at least 14 days prior to the pre-construction meeting. The Permittee may change the field

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representative at any time upon notice to the Commission, affected landowners, local government units and other interested persons. The Permittee shall file with the Commission an affidavit of distribution of its field representative's contact information at least 14 days prior to the pre-construction meeting and upon changes to the field representative.

4.3.2 Site Manager

The Permittee shall designate a site manager responsible for overseeing compliance with the conditions of this site permit during the commercial operation and decommissioning phases of the Project. This person shall be accessible by telephone or other means during normal business hours for the life of this site permit.

The Permittee shall file the name, address, email, phone number, and emergency phone number of the site manager with the Commission within 14 days prior to the pre-operation meeting. The Permittee shall provide the site manager's contact information to landowners within or adjacent to the Project Boundary, local government units and other interested persons at least 14 days prior to the pre-operation meeting. The Permittee may change the site manager at any time upon notice to the Commission, landowners within or adjacent to the Project Boundary, local government units, and other interested persons. The Permittee shall file with the Commission an affidavit of distribution of its change to the site manager's contact information within 14 days of the change to the site manager.

4.3.3 Employee Training - Site Permit Terms and Conditions

The Permittee shall train and educate all employees, contractors, and other persons involved in the construction and ongoing operation of the energy storage system of the terms and conditions of this site permit. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3.4 Independent Third-Party Monitoring

Prior to any construction, the Permittee shall propose a scope of work and identify an independent third-party monitor to conduct Project construction monitoring on behalf of the Commission. The scope of work shall be developed in consultation with and approved by Commission staff. This third-party monitor will report directly to and will be under the control of the Commission with costs borne by the Permittee.

The Permittee shall file with the Commission the approved scope of work and the name, address, email, and telephone number of the third party-monitor at least 14 days prior to

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beginning construction and upon any change in contact information that may occur during construction of the Project.

The Permittee shall keep records of compliance with this section and shall file status reports detailing the construction monitoring in accordance with the approved scope of work.

4.3.5 Public Services, Public Utilities, and Existing Easements

During Project construction, the Permittee shall minimize any disruption to public services or public utilities. To the extent disruptions to public services or public utilities occur these shall be temporary, and the Permittee shall restore service promptly. Where any impacts to utilities have the potential to occur the Permittee shall work with both landowners and local entities to determine the most appropriate mitigation measures if not already considered as part of this site permit.

The Permittee shall cooperate with county and city road authorities to develop appropriate signage and traffic management during construction. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3.6 Temporary Workspace

The Permittee shall select temporary workspace and equipment staging areas that limit the removal and impacts to vegetation. The Permittee shall not site temporary workspace in wetlands or native prairie as defined in sections 4.3.13 and 4.3.14. The Permittee shall site temporary workspace to comply with standards for development of the shorelands of public waters as defined in Section 4.3.13. The Permittee shall obtain temporary easements outside of the authorized Project Boundary from affected landowners through rental agreements. Temporary easements are not provided for in this site permit.

4.3.7 Noise

The Permittee shall comply with noise standards established under Minn. R. 7030.0010 to 7030.0080, at all times and at all appropriate locations during operation of the Project. The Permittee shall limit construction and maintenance activities to daytime working hours to the extent practicable.

4.3.8 Aesthetics

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The Permittee shall consider input pertaining to visual impacts from landowners and the local unit of government having direct zoning authority over the area in which the Project is located. The Permittee shall use care to preserve the natural landscape, minimize tree removal and prevent any unnecessary destruction of the natural surroundings in the vicinity of the Project during construction and operation.

4.3.9 Topsoil Protection

The Permittee shall implement measures to protect and segregate topsoil from subsoil on all lands utilized for Project construction unless otherwise negotiated with affected landowner.

4.3.10 Soil Compaction

The Permittee shall implement measures to minimize soil compaction of all lands during all phases of the Project's life and shall confine compaction to as small an area as feasible. The Permittee shall use soil decompaction measures on all lands utilized for Project construction and travelled on by heavy equipment (*e.g.*, cranes and heavy trucks), even when soil compaction minimization measures are used.

4.3.11 Soil Erosion and Sediment Control

The Permittee shall implement those erosion prevention and sediment control practices recommended by the Minnesota Pollution Control Agency (MPCA) Construction Stormwater Program. If construction of the Project disturbs more than one acre of land or is sited in an area designated by the MPCA as having potential for impacts to water resources, the Permittee shall obtain a National Pollutant Discharge Elimination System/State Disposal System Construction Stormwater Permit from the MPCA that provides for the development of a Stormwater Pollution Prevention Plan that describes methods to control erosion and runoff.

The Permittee shall implement reasonable measures to minimize erosion and sedimentation during construction and shall employ perimeter sediment controls, protect exposed soil by promptly planting, seeding, using erosion control blankets and turf reinforcement mats, stabilizing slopes, protecting storm drain inlets, protecting soil stockpiles, and controlling vehicle tracking. Contours shall be graded as required so that all surfaces provide for proper drainage, blend with the natural terrain, and are left in a condition that will facilitate re-vegetation and prevent erosion. All areas disturbed during construction of the Project shall be returned to pre-construction conditions.

4.3.12 Public Lands

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In no case shall the energy storage system and associated facilities including foundations, access roads, underground cable, and transformers, be located in the public lands identified in Minn. R. 7850.4400, subp. 1, or in federal waterfowl production areas. Photovoltaic tracker rows and associated facilities shall not be located in the public lands identified in Minn. R. 7850.4400, subp. 3, unless there is no feasible and prudent alternative.

4.3.13 Wetlands and Water Resources

The Permittee shall not place the energy storage system or associated facilities in public waters and public waters wetlands, as shown on the public water inventory maps prescribed by Minnesota Statutes Chapter 103G, except that electric collector or feeder lines may cross or be placed in public waters or public waters wetlands subject to permits and approvals by the Minnesota Department of Natural Resources (DNR) and local units of government as implementers of the Minnesota Wetlands Conservation Act. The Permittee shall locate the energy storage system and associated facilities in compliance with the standards for development of the shorelands of public waters as identified in Minn. R. 6120.3300, and as adopted, Minn. R. 6120.2800, unless there is no feasible and prudent alternative.

The Permittee shall construct in wetland areas during frozen ground conditions, to the extent feasible, to minimize impacts. When construction during winter is not possible, wooden or composite mats shall be used to protect wetland vegetation. The Permittee shall contain and manage soil excavated from the wetlands and riparian areas in accordance with all applicable wetland permits. The Permittee shall access wetlands and riparian areas using the shortest route possible in order to minimize travel through wetland areas and prevent unnecessary impacts.

The Permittee shall restore wetland and water resource areas disturbed by construction activities to pre-construction conditions in accordance with the requirements of applicable state and federal permits or laws and landowner agreements. The Permittee shall meet the USACE, DNR, Minnesota Board of Water and Soil Resources, and local government wetland and water resource requirements.

4.3.14 Native Prairie

The Permittee shall not place the energy storage system or associated facilities in native prairie, as defined in Minn. Stat. § 84.02, subd. 5, unless addressed in a prairie protection and management plan and not located in areas enrolled in the Native Prairie Bank Program. The

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Permittee shall not impact native prairie during construction activities unless addressed in a prairie protection and management plan.

The Permittee shall prepare a prairie protection and management plan in consultation with the DNR if native prairie, as defined in Minn. Stat. § 84.02, subd. 5, is identified within the Project Boundary. The Permittee shall file the prairie protection and management plan with the Commission at least 30 days prior to submitting the Site Plan required by Section 8.3 of this site permit. The prairie protection and management plan shall address steps that will be taken to avoid impacts to native prairie and mitigation to unavoidable impacts to native prairie by restoration or management of other native prairie areas that are in degraded condition, by conveyance of conservation easements, or by other means agreed to by the Permittee, the DNR, and the Commission.

4.3.15 Vegetation Management

The Permittee shall disturb or clear vegetation within the Designated Site only to the extent necessary to assure the safe construction, operation, and maintenance of the Project. The Permittee shall minimize the number of trees removed within the Designated Site specifically preserving to the maximum extent practicable windbreaks, shelterbelts, and living snow fences.

4.3.16 Application of Pesticides

The Permittee shall restrict pesticide use to those pesticides and methods of application approved by the MDA, DNR, and the U.S. Environmental Protection Agency (EPA). Selective foliage or basal application shall be used when practicable. All pesticides shall be applied in a safe and cautious manner so as not to damage adjacent properties including crops, orchards, tree farms, apiaries, or gardens. The Permittee shall contact the landowner at least 14 days prior to pesticide application on their property. The Permittee may not apply any pesticide if the landowner requests that there be no application of pesticides within the landowner's property. The Permittee shall provide notice of pesticide application to landowners and beekeepers operating known apiaries within three miles of the pesticide application area at least 14 days prior to such application. The Permittee shall keep pesticide communication and application records and provide them upon the request of Commission staff.

4.3.17 Invasive Species

The Permittee shall employ best management practices to avoid the potential introduction and spread of invasive species on lands disturbed by Project construction activities. The Permittee shall develop an Invasive Species Prevention Plan and file it with the Commission at least 14

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days prior to the pre-construction meeting. The Permittee shall comply with the most recently filed Invasive Species Prevention Plan.

4.3.18 Noxious Weeds

The Permittee shall take all reasonable precautions against the spread of noxious weeds during all phases of construction. When utilizing seed to establish temporary and permanent vegetative cover on exposed soil the Permittee shall select site-appropriate seed certified to be free of noxious weeds. To the extent possible, the Permittee shall use native seed mixes. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3.19 Roads

The Permittee shall advise the appropriate governing bodies having jurisdiction over all state, county, city, or township roads that will be used during the construction phase of the Project. Where practical, existing roadways shall be used for all activities associated with construction of the Project. Oversize or overweight loads associated with the Project shall not be hauled across public roads without required permits and approvals.

The Permittee shall locate all perimeter fencing and vegetative screening in a manner that does not interfere with routine road maintenance activities and allows for continued safe travel on public roads.

The Permittee shall construct the fewest number of site access roads required. Access roads shall not be constructed across streams and drainage ways without the required permits and approvals. Access roads shall be constructed in accordance with all necessary township, county or state road requirements and permits.

The Permittee shall promptly repair private roads or lanes damaged when moving equipment or when accessing construction workspace, unless otherwise negotiated with the affected landowner. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3.20 Archaeological and Historic Resources

The Permittee shall make every effort to avoid impacts to archaeological and historic resources when constructing the Project. In the event that a resource is encountered, the Permittee shall consult with the State Historic Preservation Office (SHPO) and the State Archaeologist. Where

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feasible, avoidance of the resource is required. Where not feasible, mitigation must include an effort to minimize Project impacts on the resource consistent with SHPO and State Archaeologist requirements.

Prior to construction, the Permittee shall train workers about the need to avoid cultural properties, how to identify cultural properties, and procedures to follow if undocumented cultural properties, including gravesites, are found during construction. If human remains are encountered during construction, the Permittee shall, in accordance with Minn. Stat. Ch. 307 (Private Cemeteries Act), immediately halt construction and promptly notify local law enforcement and the State Archaeologist. The Permittee shall not resume construction at such location until authorized by local law enforcement or the State Archaeologist. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

The Permittee shall develop an Unanticipated Discoveries Plan (UDP) to identify guidelines to be used in the event previously unrecorded archeological or historic properties, or human remains, are encountered during construction, or if unanticipated effects to previously identified archaeological or historic properties occur during construction. This is in addition to and not in lieu of any other obligations that may exist under law or regulation relating to these matters. The UDP shall describe how previously unrecorded, non-human burial, archaeological sites found during construction shall be marked and all construction work must stop at the discovery location. The Permittee shall file the UDP with the Commission at least 14 days prior to the preconstruction meeting

4.3.21 Interference

If interference with radio or television, satellite, wireless internet, GPS-based agriculture navigation systems or other communication devices is caused by the presence or operation of the Project, the Permittee shall take whatever action is necessary to restore or provide reception equivalent to reception levels in the immediate area just prior to the construction of the Project. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3.22 Drainage Tiles

The Permittee shall avoid, promptly repair, or replace all drainage tiles broken or damaged during all phases of the Project's life. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

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The Permittee shall restore the areas affected by construction of the Project to the condition that existed immediately before construction began to the greatest extent possible. The time period to complete restoration may be no longer than 12 months after the completion of construction. Restoration shall be compatible with the safe operation, maintenance, and inspection of the Project. Within 60 days after completion of all restoration activities, the Permittee shall file with the Commission a Notice of Restoration Completion.

4.3.24 Cleanup

The Permittee shall remove and properly dispose of all construction waste and scrap from the right-of-way and all premises on which construction activities were conducted upon completion of each task. The Permittee shall remove and properly dispose of all personal litter, including bottles, cans, and paper from construction activities daily.

4.3.25 Pollution and Hazardous Wastes

The Permittee shall take all appropriate precautions to protect against pollution of the environment. The Permittee shall be responsible for compliance with all laws applicable to the generation, storage, transportation, clean up and disposal of all waste generated during construction, restoration, and operation of the Project.

4.3.26 Damages

The Permittee shall fairly restore or compensate landowners for damage to crops, fences, private roads and lanes, landscaping, drain tile, or other damage sustained during construction. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3.27 Public Safety

The Permittee shall provide educational materials to landowners within and adjacent to the Designated Site and, upon request, to interested persons about the Project and any restrictions or dangers associated with the Project. The Permittee shall also implement any necessary safety measures such as placing warning signs and gates for traffic control or restricting public access. The Permittee shall file with the Commission an affidavit of its public safety notifications at least 14 days before the pre-construction meeting.

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The Permittee shall submit the location of all underground facilities, as defined in Minn. Stat. § 216D.01, subd. 11, to Gopher State One Call following the completion of the construction of the Project and shall file with the Commission confirmation of this provision upon its submission to Gopher State One.

4.3.28 Facility Lighting

The Permittee shall use shielded and downward facing lighting and LED lighting that minimizes blue hue.

4.3.29 Dust Control

The Permittee shall utilize non-chloride products for onsite dust control during construction.

4.3.30 Wildlife Friendly Erosion Control

The Permittee shall use only “bio-netting” or “natural netting” types of erosion control materials and mulch products without synthetic (plastic) fiber additives or malachite green dye.

4.3.31 Site Identification

The Permittee shall mark the energy storage system with a clearly visible identification number and/or street address.

4.4 Collector and Feeder Lines

The Permittee may use overhead or underground collector and feeder lines to carry power from an internal Project interconnection point to the energy storage system. The Permittee shall place overhead and underground collector and feeder lines that parallel public roads within the public right-of-way or on private land immediately adjacent to the road. The Permittee shall obtain approval from the landowner or government unit responsible for the affected right-of-way.

The Permittee shall locate collector and feeder lines in such a manner as to minimize interference with agricultural operations including but not limited to existing drainage patterns, drain tile, future tiling plans, and ditches. The Permittee shall place safety shields on all guy wires associated with overhead collector and feeder lines. The Permittee shall submit the engineering drawings of all collector and feeder lines with the Site Plan pursuant to Section 8.3.

4.5 Other Requirements

4.5.1 Safety Codes and Design Requirements

The Permittee shall design the energy storage system and associated facilities to meet or exceed all relevant local and state codes, the National Electric Safety Code, and North American Electric Reliability Corporation requirements. This includes standards relating to clearances to ground, clearance to crossing utilities, clearance to buildings, strength of materials, clearances over roadways, right-of-way widths, and permit requirements. The Permittee shall keep records of compliance with these standards and provide them upon the request of Commission staff.

4.5.2 Other Permits and Regulations

The Permittee shall comply with all applicable state statutes and rules. The Permittee shall obtain all required permits for the Project and comply with the conditions of those permits unless those permits conflict with or are preempted by federal or state permits and regulations.

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission an Other Permits and Regulations Submittal that contains a detailed status of all permits, authorizations, and approvals that have been applied for specific to the Project. The Other Permits and Regulations Submittal shall also include the permitting agency name; the name of the permit, authorization, or approval being sought; contact person and contact information for the permitting agency or authority; brief description of why the permit, authorization, or approval is needed; application submittal date; and the date the permit, authorization, or approval was issued or is anticipated to be issued.

The Permittee shall demonstrate that it has obtained all necessary permits, authorizations, and approvals by filing an affidavit stating as such and an updated Other Permits and Regulations Submittal prior to commencing Project construction. The Permittee shall provide a copy of any such permits, authorizations, and approvals at the request of Commission staff.

5 SPECIAL CONDITIONS

The special conditions shall take precedence over other conditions of this permit should there be a conflict.

5.1 Visual Screening Plan

The Permittee shall develop a site-specific Visual Screening Plan. The Visual Screening Plan shall be designed and managed to mitigate visual impacts to public viewpoints within Quarry Lake Park. The Visual Screening Plan shall at a minimum include: (a) objectives for screening public

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viewpoints within Quarry Lake Park; and (b) a description of the types of trees and shrub species to be used, the location of plantings, and plans for installation, establishment, and maintenance. The location of trees and shrubs included in the Visual Screening Plan that are located within the Permittee's site control shall be included in the Site Plan filed under Section 8.3. The Permittee is required to maintain and ensure the successful growth, health, and maintenance of the vegetation for 3 years.

At least 14 days prior to the pre-construction meeting, the Permittee shall file:

1. the Visual Screening Plan;
2. documentation of coordination with the City of Shakopee; and
3. an affidavit of its distribution of the Visual Screening Plan to the City of Shakopee.

5.2 Battery Augmentation

The Permittee shall notify the Commission of scheduled augmentation at least 30 days prior to commencing augmentation activities. In its filing, the Permittee shall describe the number and types of batteries included in the augmentation. The Permittee shall indicate the location of the augmentation on the project Site Plan. In its filing the Permittee shall demonstrate compliance with the noise impact assessment submitted to the Commission as required in Section 5.3 of this permit.

5.3 Pre-construction Noise Modeling and Impact Assessment

The Permittee shall file a noise impact assessment at least 14 days prior to the pre-construction meeting. The noise impact assessment shall summarize the results from noise propagation modeling that incorporates noise inputs from the selected equipment and the facility layout shown in the site plans required in Section 8.3 of this permit.

5.4 Noise Studies and Noise Mitigation

The Permittee shall complete noise monitoring to address any unresolved complaints with respect to project noise. Any additional noise monitoring shall be coordinated with Commission staff, and the monitoring protocol shall be approved by Commission staff before implementation. Noise monitoring results shall be provided to Commission staff. The BESS facilities and associated facilities shall be placed and operated such that the Permittee shall, at all times, comply with noise standards established by the MPCA. Operation of the facility shall be modified, or project components shall be removed from service if necessary to comply with these noise standards.

5.5 Hazard Mitigation Analysis

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The Permittee shall file a Hazard Mitigation Analysis detailing the results of the equipment testing, and the risks associated with the technology, along with an affidavit of distribution of the Hazard Mitigation analysis to emergency responders with jurisdiction over the project, at least 30 days prior to the pre-construction meeting.

5.6 Community Benefit Agreement

The Permittee shall enter into a Community Benefit Agreement with the city of Shakopee that mitigates environmental justice impacts to the community. The Permittee shall file confirmation into the record that it has reached an agreement with the city or that the Permittee has conferred with the city and the city has indicated that such an agreement is not necessary at least 14 days prior to the pre-construction meeting.

5.7 State Historic Preservation Office Recommendations

The Permittee shall file correspondence from the State Historic Preservation Office (SHPO) containing recommendations for surveys or other mitigation measures related to the Project promptly upon receipt by the Permittee.

5.8 Vegetation Management Plan

The Permittee shall develop a vegetation management plan (VMP), in coordination with Commission staff and the Vegetation Management Working Group, using best management practices established by the DNR and BWSR. The Permittee shall file the VMP and documentation of the coordination efforts between the Permittee and the coordinating agencies with the Commission at least 14 days prior to the pre-construction meeting. The VMP must include the following:

- (a) management objectives addressing short term (year 0-5, seeding and establishment) and long term (year 5 through the life of the Project) goals;
- (b) a description of planned restoration and vegetation management activities, including how the site will be prepared, timing of activities, how seeding will occur (e.g., broadcast, drilling, etc.), and the types of seed mixes to be used;
- (c) a description of how the site will be monitored and evaluated to meet management goals;
- (d) a description of the management tools used to maintain vegetation (e.g., mowing, spot spraying, hand removal, fire, grazing, etc.), including the timing and frequency of maintenance activities;
- (e) identification of the third-party (e.g., consultant, contractor, site manager, etc.) contracted for restoration, monitoring, and long-term vegetation management of the site;

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(f) identification of on-site noxious weeds and invasive species (native and non-native) and the monitoring and management practices to be utilized; and

(g) a marked-up copy of the Site Plan showing how the site will be revegetated and that identifies the corresponding seed mixes. Best management practices should be followed concerning seed mixes, seeding rates, and cover crops.

5.9 Security Fence

The Permittee shall design the security fence surrounding the energy storage system to minimize the visual impact of the Project while maintaining compliance with the National Electric Safety Code. The Permittee shall develop a final fence plan for the specific site in coordination with the DNR. The final fence plan shall be submitted to the Commission as part of the Site Plan pursuant to Section 8.3.

5.10 Tree Replacement Plan

The Permittee, in coordination with Scott County and the Minnesota Department of Natural Resources, develop a tree replacement plan to replace any trees that are removed for the construction of the Project and file the plan with the Commission at least 14 days before the pre-construction meeting. Replacement trees can be planted as part of the required Visual Screening Plan.

6 DELAY IN CONSTRUCTION

If the Permittee has not commenced construction or improvement of the site within four years after the date of issuance of this site permit the Permittee shall file a Failure to Construct Report and the Commission shall consider suspension of this site permit in accordance with Minn. Stat. § 216I.24.

7 COMPLAINT PROCEDURES

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission the complaint procedures that will be used to receive and respond to complaints. The complaint procedures shall be in accordance with the requirements of Minn. R. 7829.1500 or Minn. R. 7829.1700, and as set forth in the complaint procedures attached to this site permit.

Upon request, the Permittee shall assist Commission staff with the disposition of unresolved or longstanding complaints. This assistance shall include, but is not limited to, the submittal of complaint correspondence and complaint resolution efforts.

8 COMPLIANCE REQUIREMENTS

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Failure to timely and properly make compliance filings required by this site permit is a failure to comply with the conditions of this site permit. Compliance filings must be electronically filed with the Commission.

8.1 Pre-Construction Meeting

Prior to the start of construction, the Permittee shall participate in a pre-construction meeting with Commission staff to review pre-construction filing requirements, scheduling, and to coordinate monitoring of construction and site restoration activities. Within 14 days following the pre-construction meeting, the Permittee shall file with the Commission a summary of the topics reviewed and discussed and a list of attendees. The Permittee shall indicate in the filing the anticipated construction start date.

8.2 Pre-Operation Meeting

At least 14 days prior to commercial operation of the Project, the Permittee shall participate in a pre-operation meeting with Commission staff to coordinate field monitoring of operation activities for the Project. Within 14 days following the pre-operation meeting, the Permittee shall file a summary of the topics reviewed and discussed and a list of attendees with the Commission.

8.3 Site Plan

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission and the counties where the Project will be constructed with a Site Plan that includes specifications and drawings for site preparation and grading; specifications and locations of the energy storage system and associated facilities; and procedures for cleanup and restoration. The documentation shall include maps depicting the Designated Site, energy storage system, and associated facilities layout in relation to that approved by this site permit.

The Permittee may not commence construction until the earlier of (i) 30 days after the pre-construction meeting or (ii) until the Commission staff has notified the Permittee in writing that it has completed its review of the documents and determined that the planned construction is consistent with this site permit.

If the Commission notifies the Permittee in writing within 30 days after the pre-construction meeting that it has completed its review of the documents and planned construction, and finds that the planned construction is not consistent with this site permit, the Permittee may submit

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additional and/or revised documentation and may not commence construction until the Commission has notified the Permittee in writing that it has determined that the revised construction plan documentation is consistent with this site permit.

If the Permittee intends to make any significant changes in its Site Plan or the specifications and drawings after submission to the Commission, the Permittee shall notify the Commission and county staff at least five days before implementing the changes. No changes shall be made that would be in violation of any of the terms of this site permit.

8.4 Status Reports

The Permittee shall file with the Commission monthly Construction Status Reports beginning with the pre-construction meeting and until completion of restoration. Construction Status Reports shall describe construction activities and progress, activities undertaken in compliance with this site permit, and shall include text and photographs.

If the Permittee does not commence construction of the Project within six months of this site permit issuance, the Permittee shall file with the Commission Pre-Construction Status Reports on the anticipated timing of construction every six months beginning with the issuance of this site permit until the pre-construction meeting. The status updates shall include information on the Project's Midcontinent Independent System Operator (MISO) interconnection process, if applicable.

8.5 Labor Statistic Reporting

The Permittee shall file quarterly Labor Statistic Reports with the Commission within 45 days of the end of the quarter regarding construction workers that participated in the construction of the Project. The Labor Statistic Reports shall:

- (a) detail the Permittee's efforts and the site contractor's efforts to hire Minnesota workers; and
- (b) provide an account of:
 - i. the gross number of hours worked by or full-time equivalent workers who are Minnesota residents, as defined in Minn. Stat. § 290.01, subd. 7;
 - ii. the gross number of hours worked by or full-time equivalent workers who are residents of other states, but maintain a permanent residence within 150 miles of the Project; and
 - iii. the total gross hours worked or total full-time equivalent workers.

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The Permittee shall work with its contractor to determine the suitable reporting metric. The report may not include personally identifiable data.

8.6 Prevailing Wage

The Permittee, its contractors, and subcontractors shall pay no less than the prevailing wage rate as defined in Minn. Stat. § 177.42 and shall be subject to the requirements and enforcement provisions under Minn. Stat. §§ 177.27, 177.30, 177.32, 177.41 to 177.435, and 177.45. The Permittee shall keep records of contractor and subcontractor pay and provide them at the request of Commission staff.

8.7 In-Service Date

At least three days before the Project is to be placed into service, the Permittee shall notify the Commission of the date on which the Project will be placed into service and the date on which construction was completed.

8.8 As-Builts

Within 90 days after completion of construction, the Permittee shall submit to the Commission copies of all final as-built plans and specifications developed during the Project construction.

8.9 GPS Data

Within 90 days after completion of construction, the Permittee shall submit to the Commission, in the format requested by the Commission, geo-spatial information (*e.g.*, ArcGIS compatible map files, GPS coordinates, associated database of characteristics) for all structures associated with the Project.

8.10 Annual Report

The Permittee shall, by February 1st following each complete or partial year of Project operation, file a report with the Commission on the monthly availability of the facility including:

- (a) the installed nameplate capacity of the permitted facility;
- b) the monthly and annual availability of the facility;
- (c) the operational status of the facility and any major outages, major repairs, battery augmentation, or performance improvements occurring in the previous year; and
- (d) any other information reasonably requested by the Commission.

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The Permittee shall file this information in a format recommended by the Commission. This information shall be considered public and must be filed electronically.

8.11 Right of Entry

The Permittee shall allow Commission designated representatives to perform the following, upon reasonable notice, upon presentation of credentials and at all times in compliance with the Permittee's site safety standards:

- (a) To enter upon the facilities easement of the property for the purpose of obtaining information, examining records, and conducting surveys or investigations.
- (b) To bring such equipment upon the facilities easement of the property as is necessary to conduct such surveys and investigations.
- (c) To sample and monitor upon the facilities easement of the property.
To examine and copy any documents pertaining to compliance with the conditions of this site permit.

8.12 Emergency Response

The Permittee shall prepare an Emergency Response Plan (ERP) in consultation with the emergency responders having jurisdiction over the Project prior to construction. The Permittee shall file the ERP, along with any comments from emergency responders to the Commission at least 14 days prior to the pre-construction meeting and a revised ERP, if any, at least 14 days prior to the pre-operation meeting. At least 14 days prior to the pre-operation meeting the Permittee shall file with the Commission an affidavit of the distribution of the ERP to emergency responders and Public Safety Answering Points (PSAP) with jurisdiction over the Project. The Permittee shall obtain and register the Project address or other location indicators acceptable to the emergency responders and PSAP having jurisdiction over the Project.

8.13 Extraordinary Events

Within 24 hours of discovery of an occurrence, the Permittee shall notify the Commission of any extraordinary event. Extraordinary events include but shall not be limited to fires, acts of sabotage, collector or feeder line failure, and injured worker or private person. The Permittee shall, within 30 days of the occurrence, file a report with the Commission describing the cause of the occurrence and the steps taken to avoid future occurrences.

8.14 Wildlife Injuries and Fatalities

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The Permittee shall report any wildlife injuries and fatalities to the Commission quarterly.

9 DECOMMISSIONING AND RESTORATION**9.1 Decommissioning Plan**

The Permittee shall comply with the provisions of the most recently filed and accepted Decommissioning Plan. The initial version of the Decommissioning Plan was submitted for this Project as Appendix E of the Site Permit Application. The Permittee shall file an updated Decommissioning Plan incorporating comments and information from the permit application process and any updates associated with the final construction plans with the Commission at least fourteen 14 days prior to the pre-construction meeting. The Permittee shall update and file the Decommissioning Plan with the Commission every five years following the commercial operation date.

The Decommissioning Plan shall provide information identifying all surety and financial securities established for decommissioning and site restoration. The Decommissioning Plan shall provide an itemized breakdown of costs of decommissioning all Project components, which shall include labor and equipment.

The Permittee shall also submit the Decommissioning Plan to the local unit of government having direct zoning authority over the area in which the Project is located. The Permittee shall ensure that it carries out its obligations to provide for the resources necessary to fulfill its requirements to properly decommission the Project at the appropriate time. The Commission may at any time request the Permittee to file a report with the Commission describing how the Permittee is fulfilling this obligation.

9.2 Site Final Restoration

Upon expiration of this site permit or upon termination of operation of the Project, the Permittee shall have the obligation to dismantle and remove from the site all Project components in accordance with the most recently filed and accepted decommissioning plan. To the extent feasible, the Permittee shall restore and reclaim the site to pre-project conditions. Landowners may require the site be returned to agricultural production or may retain restored prairie vegetation, or other land uses as agreed to between the landowner and the Permittee. All access roads shall be removed unless written approval is given by the affected landowner requesting that one or more roads, or portions thereof, be retained. All such agreements between the Permittee and the affected landowner shall be filed with the Commission prior to

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commencing restoration activities. The Permittee shall restore the site in accordance with the requirements of this condition and file a Notification of Final Restoration Completion to the Commission within 18 months of termination of operation of the Project.

10 COMMISSION AUTHORITY AFTER SITE PERMIT ISSUANCE**10.1 Expansion of Designated Site Boundaries**

No expansion of the site boundary described in this site permit shall be authorized without the approval of the Commission. The Permittee may submit to the Commission a request for a permit amendment for a change in the boundary of the site for the Project. The Commission will respond to the requested change in accordance with applicable statutes and rules.

10.2 Periodic Review

The Commission shall initiate a review of this site permit and the applicable conditions at least once every five years. The purpose of the periodic review is to allow the Commission, the Permittee, and other interested persons an opportunity to consider modifications in the conditions of this site permit. No modification may be made except in accordance with applicable statutes and rules.

10.3 Modification of Conditions

After notice and opportunity for hearing this site permit may be modified or amended for cause, including but not limited to the following:

- (a) violation of any condition in this permit;
- (b) endangerment of human health or the environment by operation of the Project; or
- (c) existence of other grounds established by rule.

10.4 More Stringent Rules

The issuance of this site permit does not prevent the future adoption by the Commission of rules, orders, or permit conditions more stringent than those now in existence and does not prevent the enforcement of these more stringent rules, orders, or permit conditions against the Permittee.

11 SITE PERMIT AMENDMENT

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This site permit may be amended at any time by the Commission. Any person may request an amendment of the conditions of this site permit by submitting a request to the Commission in writing describing the amendment sought and the reasons for the amendment. The Commission will mail notice of receipt of the request to the Permittee. The Commission may amend the conditions after affording the Permittee and interested persons such process as is required under Minn. Stat. § 216I.09.

12 TRANSFER OF SITE PERMIT

The Permittee may request at any time that the Commission transfer this site permit to another person or entity (transferee). In its request, the Permittee must provide the Commission with:

- (a) the name and description of the transferee;
- (b) the reasons for the transfer;
- (c) a description of the facilities affected; and
- (d) the proposed effective date of the transfer.

The transferee must provide the Commission with a certification that it has read, understands and is able to comply with the plans and procedures filed for the Project and all conditions of this site permit.

The transferee must provide the Commission with the name and contact information for the site manager, as described in Section 4.3.2, and either a current version with eDocket reference, or a revised version of the following:

- (a) complaint procedures, as described in Section 7 and Attachment 1;
- (b) ERP, as described in Section 8.12; and
- (c) Decommissioning Plan, as described in Section 9.1.

The Commission may authorize transfer of the site permit after affording the Permittee, the transferee, and interested persons such process as is required under Minn. Stat. § 216I.13.

13 REVOCATION OR SUSPENSION OF SITE PERMIT

The Commission may initiate action to revoke or suspend this site permit at any time. The Commission shall act in accordance with the requirements of Minn. Stat. § 216I.24, to revoke or suspend this site permit.

14 EXPIRATION DATE

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This site permit shall expire 30 years after the date this site permit was approved and adopted.

PROPOSED SITE PERMIT

ATTACHMENT 1

Complaint Handling Procedures for Permitted Energy Facilities

PROPOSED SITE PERMIT

**MINNESOTA PUBLIC UTILITIES COMMISSION
COMPLAINT HANDLING PROCEDURES FOR
PERMITTED ENERGY FACILITIES**

A. Purpose

To establish a uniform and timely method of reporting and resolving complaints received by the permittee concerning permit conditions for site or route preparation, construction, cleanup, restoration, operation, and maintenance.

B. Scope

This document describes complaint reporting procedures and frequency.

C. Applicability

The procedures shall be used for all complaints received by the permittee and all complaints received by the Minnesota Public Utilities Commission (Commission) under Minn. R. 7829.1500 or Minn. R. 7829.1700 relevant to this permit.

D. Definitions

Complaint: A verbal or written statement presented to the permittee by a person expressing dissatisfaction or concern regarding site or route preparation, cleanup or restoration, or other permit conditions. Complaints do not include requests, inquiries, questions or general comments.

Substantial Complaint: A written complaint alleging a violation of a specific permit condition that, if substantiated, could result in permit modification or suspension pursuant to the applicable regulations.

Unresolved Complaint: A complaint which, despite the good faith efforts of the permittee and a person, remains unresolved or unsatisfactorily resolved to one or both of the parties.

Person: An individual, partnership, joint venture, private or public corporation, association, firm, public service company, cooperative, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private; however organized.

E. Complaint Documentation and Processing

1. The permittee shall designate a representative responsible for filing complaints to the Commission's eDocket system. This person's name, phone number and email address shall accompany all complaint submittals. The name and contact information for the representative shall be kept current in eDockets.
2. A person presenting the complaint should, to the extent possible, include the following information in their communications:
 - a. name, address, phone number, and email address;
 - b. initial date of the complaint;
 - c. tract, parcel number, or address of the complaint;
 - d. a summary of the complaint; and
 - e. whether the complaint relates to a permit violation, a construction practice issue, or other type of complaint.
3. The permittee shall document all complaints by maintaining a record of all applicable information concerning the complaint, including the following:
 - a. docket number and project name;
 - b. name of complainant, address, phone number and email address;
 - c. precise description of property or parcel number;
 - d. name of permittee representative receiving complaint and date of receipt;
 - e. nature of complaint and the applicable permit condition(s);
 - f. summary of activities undertaken to resolve the complaint; and
 - g. a statement on the final disposition of the complaint.

F. Reporting Requirements

The permittee shall commence complaint reporting at the beginning of project construction and continue through the term of the permit, unless otherwise required below. The permittee shall report all complaints to the Commission according to the following schedule:

Immediate Reports: All substantial complaints shall be reported to the Commission the same day received, or on the following working day for complaints received after working hours. Such reports are to be directed to the Commission's Public Advisor at 1-800-657-3782 (voice messages are acceptable) or publicadvisor.puc@state.mn.us. For e-mail reporting, the email

subject line should read “PUC EFP Complaint” and include the appropriate project docket number.

Monthly Reports: During project construction, restoration, and operation, a summary of all complaints, including substantial complaints received or resolved during the preceding month, shall be filed by the 15th of each month to Will Seuffert, Executive Secretary, Public Utilities Commission, using the eDockets system. The eDockets system is located at: <https://www.edockets.state.mn.us/EFiling/home.jsp>. If no complaints were received during the preceding month, the permittee shall file a summary indicating that no complaints were received.

If a project has submitted twelve consecutive months of complaint reports with no complaints, monthly reports can terminate by a letter to eDockets notifying the Commission of such action. If a substantial complaint is received (by the company or the Commission) following termination of the monthly complaint report, as noted above, the monthly reporting should commence for a period of six months following the most recent complaint or upon resolution of all pending complaints.

If a permittee is found to be in violation of this section, the Commission may reinstate monthly complaint reporting for the remaining permit term or enact some other commensurate requirement via notification by the Executive Secretary or some other action as decided by the Commission.

G. Complaints Received by the Commission

Complaints received directly by the Commission from aggrieved persons regarding the permit or issues related to site or route preparation, construction, cleanup, restoration, or operation and maintenance will be promptly sent to the permittee.

The permittee shall notify the Commission when the issue has been resolved. The permittee will add the complaint to the monthly reports of all complaints. If the permittee is unable to find resolution, the Commission will use the process outlined in the Unresolved Complaints Section to process the issue.

H. Commission Process for Unresolved Complaints

Complaints raising substantial and unresolved permit issues will be investigated by the Commission. Staff will notify the permittee and appropriate people if it determines that the

complaint is a substantial complaint. With respect to such complaints, the permittee and complainant shall be required to submit a written summary of the complaint and its current position on the issues to the Commission. Staff will set a deadline for comments. As necessary, the complaint will be presented to the Commission for consideration.

I. Permittee Contacts for Complaints and Complaint Reporting

Complaints may be filed by mail or email to the permittee's designated complaint representative, or to the Commission's Public Advisor at 1-800-657-3782 or publicadvisor.puc@state.mn.us. The name and contact information for the permittee's designated complaint representative shall be kept current in the Commission's eDocket system.

PROPOSED SITE PERMIT

ATTACHMENT 2
Compliance Filing Procedures for Permitted Energy Facilities

PROPOSED SITE PERMIT

**MINNESOTA PUBLIC UTILITIES COMMISSION
COMPLIANCE FILING PROCEDURE FOR
PERMITTED ENERGY FACILITIES**

A. Purpose

To establish a uniform and timely method of submitting information required by Commission energy facility permits.

B. Scope and Applicability

This procedure encompasses all known compliance filings required by permit.

C. Definitions

Compliance Filing: A filing of information to the Commission, where the information is required by a Commission site or route permit.

D. Responsibilities

1. The permittee shall file all compliance filings with Will Seuffert, Executive Secretary, Public Utilities Commission, through the eDockets system. The eDockets system is located at:
<https://www.edockets.state.mn.us/EFiling/home.jsp>

General instructions are provided on the eDockets website. Permittees must register on the website to file documents.

2. All filings must have a cover sheet that includes:
 - a. Date
 - b. Name of submitter/permittee
 - c. Type of permit (site or route)
 - d. Project location
 - e. Project docket number
 - f. Permit section under which the filing is made
 - g. Short description of the filing

3. Filings that are graphic intensive (e.g., maps, engineered drawings) must, in addition to being electronically filed, be submitted as paper copies and on CD. Paper copies and CDs should be sent to: 1) Will Seuffert, Executive Secretary, Minnesota Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, MN 55101-2147, and 2) Department of Commerce, Energy Environmental Review and Analysis, 85 7th Place East, Suite 500, St. Paul, MN 55101-2198.

The Commission may request a paper copy of any electronically filed document.

PROPOSED SITE PERMIT

PERMIT COMPLIANCE FILINGS¹

PERMITTEE:

PERMIT TYPE:

PROJECT LOCATION:

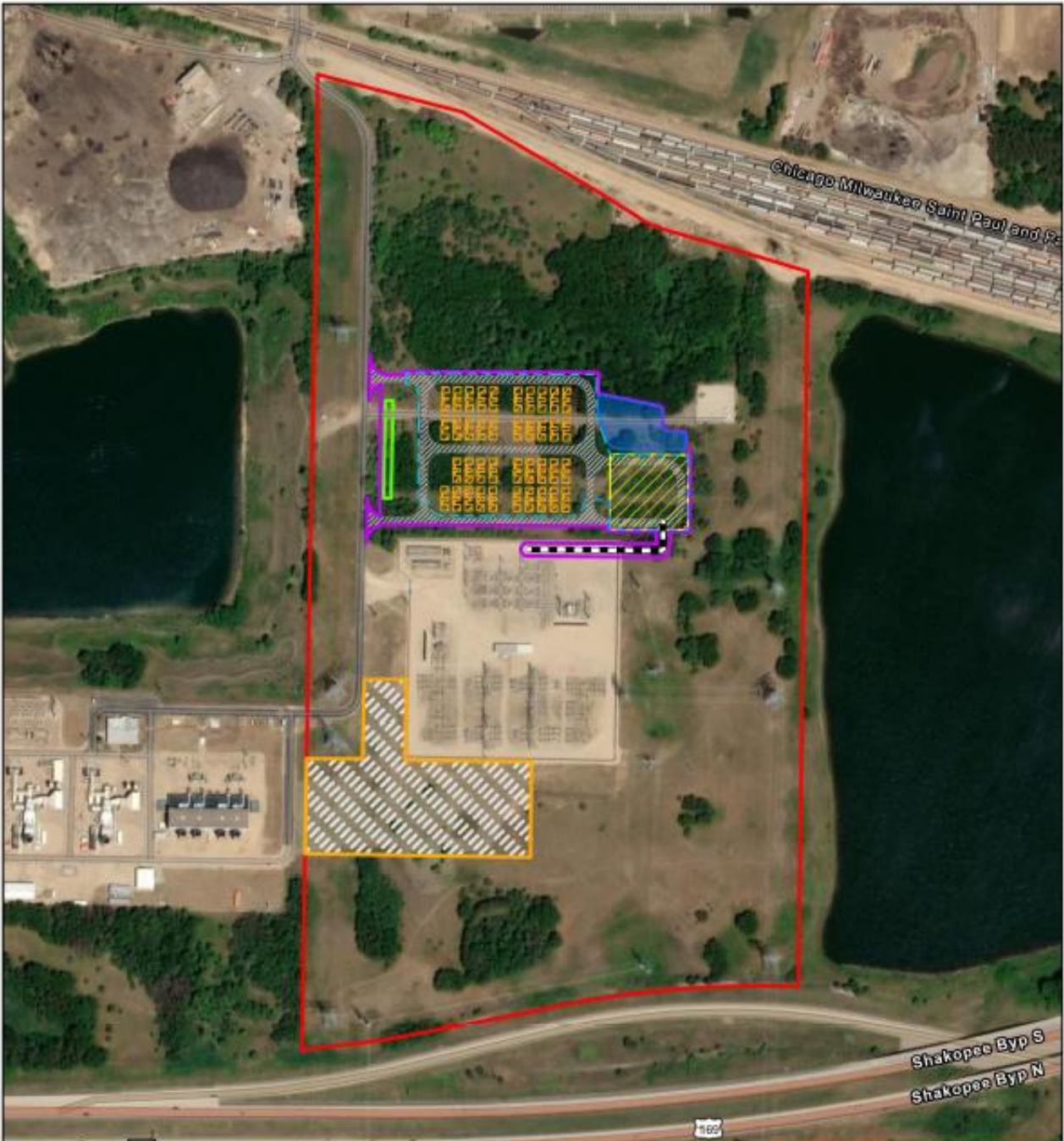
PUC DOCKET NUMBER:

Filing Number	Permit Section	Description of Compliance Filing	Due Date

¹ This compilation of permit compliance filings is provided for the convenience of the permittee and the Commission. It is not a substitute for the permit; the language of the permit controls.

ATTACHMENT B

ATTACHMENT 3
Site Permit Maps



Blue Lake BESS - Project Design Map



	Proposed Project Tap Line		Permanent Infrastructure Area
	Visual Screening Area		Laydown Yard
	Fence Location		BESS Units
	Stormwater Retention Pond		Access Roads
	Project Substation		Project Site
	Laydown Yard		

