

February 11, 2020

See Attached Service List

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

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

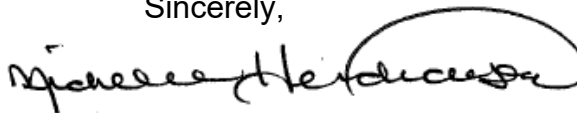
**OAH 82-2500-36550  
MPUC IP-7006/WS-19-394  
MPUC IP-7006/CN-19-309**

To All Persons on the Attached Service List:

Enclosed and served upon you is the Administrative Law Judge's **AMENDED SCHEDULING ORDER** in the above-entitled In the Matter of the Application of Buffalo Ridge Wind Energy, LLC for a Site Permit for the 109 MW Large Wind Energy Conversion System in Lincoln County, Minnesota

If you have any questions, please contact me at (651) 361-7896, Michelle.L.Hendrickson@state.mn.us, or via facsimile at (651) 539-0310.

Sincerely,



MICHELLE HENDRICKSON  
Legal Assistant

Enclosure

cc: Docket Coordinator

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

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

**AMENDED SCHEDULING ORDER**

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

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

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

On January 27, 2020, the Department of Commerce, Division of Energy Resources (DER) requested from the Commission an extension to file its comments in the certificate of need matter, which the Commission granted in a Notice of Extended Comment Period issued January 27, 2020.

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

**IT IS HEREBY ORDERED THAT:**

1. The parties to this proceeding are the Department of Commerce (Department),<sup>1</sup> the Applicant, and the Laborers' International Union of North America

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

(LIUNA).<sup>2</sup> Other interested persons may participate as public participants or as otherwise directed. Intervention as a party is not required in this matter.

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

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

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

5. The following deadlines are recognized:

<b>January 13, 2020</b>	Environmental review scope issued by DOC-EERA
<b>January 31, 2020</b>	Preliminary draft site permit issued by DOC-EERA
<b>March 2, 2020</b>	Initial comments period on the merits of the certificate of need application closes
<b>March 12, 2020</b>	Reply comment period on the merits of the certificate of need application and deadline for requesting a contested case closes
<b>February 20, 2020</b>	PUC meeting on the draft site permit
<b>March 6, 2020</b>	PUC order issuing the draft site permit
<b>March 6, 2020</b>	Environmental review issued by DOC-EERA

6. A public hearing on the Site Permit application will be held on **Thursday, March 26, 2020**, in Lincoln County, Minnesota, at a location to be determined. The parties

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

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

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

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

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

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


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

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

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

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

Dated: February 11, 2020

  
BARBARA J. CASE  
Administrative Law Judge

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
PO BOX 64620  
600 NORTH ROBERT STREET  
ST. PAUL, MINNESOTA 55164

**CERTIFICATE OF SERVICE**

In the Matter of Buffalo Ridge Wind, LLC 109 MW Buffalo Ridge Wind Project in Lincoln and Pipestone Counties	OAH Docket No.: 82-2500-36550 MPUC IP-7006/WS-19-394 MPUC IP-7006/CN-19-309
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Michelle Hendrickson certifies that on February 11, 2020 she served the true and correct **AMENDED SCHEDULING ORDER** by eService, and U.S. Mail, (in the manner indicated below) to the following individuals:

See Attached Service List

Last Name	First Name	Email	Company Name	Delivery Method	View Trade Secret
Case	Barbara	barbara.case@state.mn.us	Office of Administrative Hearings	Electronic Service	Yes
Commerce Attorneys	Generic Notice	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	Electronic Service	Yes
Fairman	Kate	kate.frantz@state.mn.us	Department of Natural Resources	Electronic Service	No
Felix Gerth	Annie	annie.felix-gerth@state.mn.us	N/A	Electronic Service	No
Ferguson	Sharon	sharon.ferguson@state.mn.us	Department of Commerce	Electronic Service	No
Gibbons	Andrew	andrew.gibbons@stinson.com	STINSON LLP	Electronic Service	No
Herzig	Danell	danell.herzig@nexteraenergy.com	NextEra Energy Resources, LLC	Electronic Service	No
Howe	Kari	kari.howe@state.mn.us	DEED	Electronic Service	No
Kirsch	Ray	Raymond.Kirsch@state.mn.us	Department of Commerce	Electronic Service	No
Kromar	Karen	karen.kromar@state.mn.us	MN Pollution Control Agency	Electronic Service	No
Medhaug	Susan	Susan.medhaug@state.mn.us	Department of Commerce	Electronic Service	No
Meloy	Brian	brian.meloy@stinson.com	STINSON LLP	Electronic Service	No
Murphy	Brian J	Brian.J.Murphy@nee.com	Nextera Energy Resources, LLC	Electronic Service	No
Pranis	Kevin	kpranis@liunagroc.com	Laborers' District Council of MN and ND	Electronic Service	No
Residential Utilities Division	Generic Notice	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	Electronic Service	Yes
Roos	Stephan	stephan.roos@state.mn.us	MN Department of Agriculture	Electronic Service	No
Seuffert	Will	Will.Seuffert@state.mn.us	Public Utilities Commission	Electronic Service	Yes
Shaddix Elling	Janet	jshaddix@janetshaddix.com	Shaddix And Associates	Electronic Service	Yes
Warzecha	Cynthia	cynthia.warzecha@state.mn.us	Minnesota Department of Natural Resources	Electronic Service	No