

December 9, 2022

VIA ELECTRONIC FILING

Mr. Will Seuffert
Executive Secretary
Minnesota Public Utilities Commission
121 Seventh Place East, Suite 350
Saint Paul, MN 55101-2147

The Honorable Barbara J. Case
Office of Administrative Hearings
600 North Robert Street
P.O. Box 64620
Saint Paul, MN 55164-0620

Re: In the Matter of the Applications of Byron Solar, LLC, for a Certificate of Need, Site Permit, and Route Permit for the up to 200 MW Byron Solar Project and 345 kV Transmission Line in Olmsted and Dodge Counties, Minnesota

**MPUC Docket Nos. IP-7041/GS-20-763, IP-7041/CN-20-764, and IP-7041/TL-20-765
OAH Docket No. 82-2500-38038**

Dear Mr. Seuffert and Judge Case:

Byron Solar, LLC (“Byron Solar”) submits these reply comments in response to the written comments submitted during the public comment period ending November 29, 2022, on Byron Solar’s proposed up to 200 megawatt (“MW”) photovoltaic solar energy generating facility and associated systems (“Solar Facility”) and 345 kilovolt (“kV”) high voltage transmission line and associated facilities (“Transmission Line”) in Olmsted and Dodge Counties, Minnesota (the “Project”). Written comments were submitted by the Minnesota Department of Commerce, Energy Environmental Review and Analysis (“EERA”) staff, the Minnesota Department of Natural Resources (“MDNR”), the Minnesota Department of Transportation (“MnDOT”), the interagency Vegetation Management Planning Work Group (“VMPWG”), Dodge County, and members of the public. Byron Solar appreciates the agency and public participation in these dockets and the opportunity to offer this response.

As an initial matter, the record demonstrates that the Project has been thoughtfully designed and sited to avoid and/or minimize human and environmental impacts to the greatest extent practicable. For example, the Solar Facility and Blue Route will avoid direct, permanent impacts to wetlands; the Project is not sited near any MDNR Wildlife Management Areas, Aquatic Management Areas, Sites of Biodiversity Significance, or Scientific and Natural Areas, or US Fish & Wildlife Service Waterfowl Production Areas; and the Project will not impact any archaeological and historic resources. Further, the Solar Facility and Blue Route take into consideration comments and requests from individual landowners. No adverse comments from landowners along the Blue Route have been received. The Project makes efficient use of available land and the solar resource while minimizing adverse human and environmental impacts.

Additionally, Minnesota state energy goals and policies favor renewable energy sources such as the Project, and the need for this Project is undisputed. The proposed Project would install up to 200 MW of solar generating capacity in Minnesota that would contribute to meeting state energy goals and policies, satisfying utilities' and consumers' demands for renewable energy, and meeting utility renewable requirements or individual sustainability goals. Further, Byron Solar signed a Generator Interconnection Agreement ("GIA") with the Midcontinent Independent System Operator ("MISO") for the first 100 MW of the Project, and GIA execution for the remaining 100 MW of the Project is anticipated in May 2023.

I. Response to EERA Staff Comments.

EERA staff submitted comments on November 29, 2022, with markups showing changes to the sample site and route permits reflected in the Draft Site Permit ("DSP") and Draft Route Permit ("DRP"), respectively, that were filed with the Environmental Assessment ("EA").¹ In the comments, EERA staff explained the changes to the sample site and route permits. The majority of these changes were already incorporated into the DSP and DRP filed with the EA, and Byron Solar largely agrees with EERA's recommendations, except as noted below.

EERA staff also proposed additional changes to certain permit conditions that were not otherwise reflected in the EA. EERA staff's Attachments A (DSP Markup) and B (DRP Markup) do not include all of the new changes EERA staff proposed in its comments (those that were not already incorporated into the DSP and DRP filed with the EA). To assist the Commission, **Attachment 1** included with this filing is a redline showing Byron Solar's and EERA Staff's cumulative proposed changes to the DSP filed as Attachment C to the EA, and **Attachment 2** included with this filing is a redline showing Byron Solar's and EERA staff's cumulative proposed modifications to the DRP filed as Attachment D to the EA. EERA staff's proposed changes are shown in green, and Byron Solar's proposed changes are shown in blue.

A. Response Regarding DSP.

DSP Section 2.2 (Project Ownership)

EERA staff proposed changes to Section 2.2 of the DSP (Project Ownership) from the sample site permit. Byron Solar recommends this language be revised to exclude transfers to entities affiliated with the Permittee (here, Byron Solar). Upstream changes to affiliated entities are fairly commonplace and they have no practical impact on the operations of a project, including project contacts or compliance with existing permit obligations. Byron Solar proposes the following revisions to Section 2.2:

¹ EERA Staff Comments and Attachments A (DSP Markup) and B (DRP Markup) (November 29, 2022) (eDocket Nos. 202211-190960-02, 202211-190960-05, 202211-190960-08).

2.2 Project Ownership

The Permittee shall identify the Project's ownership structure including any parent entity, majority or controlling interest to the Commission at least 14 days prior to the pre-construction meeting.

In the event of an ownership change [to a non-affiliated entity](#), such as the sale of a parent entity, majority or controlling interest, the Permittee shall identify the new Project's ownership structure, provide the name and contact information for the site manager, as described in Section 4.3.2, and either a current version with e-docket reference, or a revised version of the following to the Commission:

- (a) vegetation management plan, as described in Section 4.3.17;
- (b) complaint procedures, as described in Section 7 and Attachment 1;
- (c) emergency response plan, as described in Section 8.10; and
- (d) decommissioning plan, as described in Section 9.

Also, in the event of an ownership change, the Permittee must provide the Commission with a certification that it has read, understands and is able to comply with the plans and procedures it filed and all conditions of this permit.

The changes to DSP Section 2.2 proposed by Byron Solar are incorporated into the redline DSP included as **Attachment 1** to these reply comments.

DSP Section 4.3.8 (Aesthetics)

EERA staff proposed additional changes to Section 4.3.8 of the DSP (Aesthetics) from the DSP filed with the EA. Byron Solar agrees with EERA staff that the term "land management agencies" is vague and should be deleted from the condition. As EERA staff noted, a site permit issued by the Commission would preempt local ordinances, including with respect to provisions addressing visual impacts. EERA staff proposed changes that would still require the permittee to consider input on visual impacts from local jurisdictions but provide more clarity as to the local authority to be consulted. The proposed changes to Section 4.3.8 are stated in EERA staff's comments but are not shown on Attachment A (DSP Markup) to the comments.

Byron Solar agrees with EERA staff's proposed changes, but suggests that the condition be further revised to include a reference to the visual screening plan special condition, as the visual screening plan will be developed as a result of Byron Solar's efforts to consider input pertaining to visual impacts from landowners and the local unit of government. Byron Solar proposes the following revisions to Section 4.3.8 (compared to the DSP filed with the EA):

4.3.8 Aesthetics

The Permittee shall consider input pertaining to visual impacts from landowners ~~and land management agencies~~ and the local unit of government having direct zoning authority over the area in which the Project is located when developing the Visual Screening Plan required in Section 5.5. 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.

Attachment 1 includes two versions of DSP Section 4.3.8: the version proposed by EERA staff (proposed changes shown in green) and the version proposed by Byron Solar (proposed changes shown in blue).

DSP Section 4.3.10 (Soil Compaction)

EERA staff proposed changes to Section 4.3.10 of the DSP (Soil Compaction) from the sample site permit. The final phrase of the condition (following the semicolon) no longer makes sense given the changes from the sample site permit language, so Byron Solar proposes deleting that language. Byron Solar proposes the following revisions to Section 4.3.10:

4.3.10 Soil Compaction

The Permittee shall implement measures to minimize soil compaction of all lands utilized for Project construction and travelled on by cranes, heavy equipment, and heavy trucks; ~~even when soil compaction minimization measures are used.~~

The changes to DSP Section 4.3.10 proposed by Byron Solar are incorporated into the redline DSP included as **Attachment 1** to these reply comments.

DSP Section 4.3.16 (Beneficial Habitat)

EERA staff proposed changes to Section 4.3.16 of the DSP (Beneficial Habitat) from the sample site permit. Because the condition *encourages* but does not require compliance with the standards for Minnesota's Habitat Friendly Solar Program, Byron Solar proposes deleting the reporting requirement in the last sentence, as follows:

4.3.16 Beneficial Habitat

The Permittee shall implement site restoration and management practices that provide for native perennial vegetation and foraging habitat beneficial to gamebirds, songbirds, and pollinators; and that improve soil water retention and reduce storm water runoff and erosion. To ensure continued management and recognition of

beneficial habitat, the Permittee is encouraged to meet the standards for Minnesota's Habitat Friendly Solar Program by submitting project plans, seed mixes, a completed project planning assessment form, and any other applicable documentation used to meet the standard to the Board of Water and Soil Resources (BWSR). ~~The Permittee shall file documents required to be filed with BWSR for meeting and maintaining Habitat Friendly Solar Certification with the Commission.~~

The changes to DSP Section 4.3.16 proposed by Byron Solar are incorporated into the redline DSP included as **Attachment 1** to these reply comments.

DSP Section 4.3.31 (Security Fence)

EERA staff proposed additional changes to Section 4.3.31 of the DSP (Security Fence) from the DSP filed with the EA. In testimony, Byron Solar proposed changes to Section 4.3.31 of the DSP to make the condition consistent with the Commission's approach in recent dockets and to provide for a flexible approach that requires Byron Solar to continue working with the MDNR and the EERA to design a fence that suits the needs of the Project while affording due consideration to agency recommendations.² In its comments, EERA staff stated that it supports Byron Solar's request for clarity and generally agrees with Byron Solar's recommendations on the matter. However, EERA staff recommended removing the specific reference to the MDNR's 2016 guidance, as the MDNR is currently in the process of updating its guidance and Byron Solar does not anticipate that construction will begin until the latter part of 2024. The proposed changes to Section 4.3.31 are stated in EERA staff's comments but are not shown on Attachment A (DSP Markup) to the comments.

Byron Solar proposes revising EERA staff's proposed language to include the reference to the MDNR's 2016 Commercial Solar Siting Guidance. As EERA staff notes, the MDNR is in the process of updating its guidance; however, the MDNR has been updating its fencing guidance since at least June 2021 and such updated guidance has not been finalized or issued, nor is there any indication of when it will be finalized. Although the Project is not anticipated to commence construction until 2024, final design of the Project, including the security fence, will be completed far in advance of commencement of construction. Byron Solar's proposed fencing was designed in accordance with the MDNR's 2016 Guidance for Commercial Solar Projects, which is the only guidance currently in effect and reflected in this record. Subjecting the Project to unknown, new, and late design requirements creates unreasonable regulatory uncertainty.

² Ex. 119 at 14-15 (Direct Testimony of Scott Wentzell) (eDocket No. 202210-189689-05).

Byron Solar proposes the following revisions to Section 4.3.31 (compared to the DSP filed with the EA):

4.3.31 Security Fence

The Permittee shall design the security fence surrounding the solar energy generating 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 that is within the parameters laid out in the 2016 Commercial Solar Siting Guidance and is done in coordination ~~coordinate~~ with EERA and the DNR, ~~to further refine the appropriate fence design, identify ways to preclude wildlife entanglement in the security fence, and to ensure adequate deer escape technology.~~ The final fence plan ~~Permittee~~ shall be submitted ~~the results of the coordination~~ to the Commission as part of the site plan pursuant to Section 8.3.

Byron Solar's proposed condition is consistent with the Commission's approach in recent dockets, provides reasonable certainty as to applicable guidelines, and also provides for a flexible approach that requires Byron Solar to continue working with the MDNR and the EERA to design a fence that meets the needs of the Project while affording due consideration to agency recommendations. **Attachment 1** includes two versions of DSP Section 4.3.31: the version proposed by EERA staff (proposed changes shown in green) and the version proposed by Byron Solar (proposed changes shown in blue).

DSP Section 4.4 (Feeder Lines)

EERA staff proposed changes to Section 4.4 of the DSP (Feeder Lines) from the sample site permit. The new language in the first sentence appears to require use of a hybrid electrical collection system of aboveground and belowground conductors, while the second sentence acknowledges that a permittee *may* use overhead or underground feeder lines. Byron Solar proposes a minor clarifying revision to Section 4.4:

4.4 Feeder Lines

The Permittee may ~~must~~ use a hybrid electrical collection system of aboveground and belowground conductors to balance direct and indirect aesthetic impacts, electrical interference potential, bird collisions and electrocution, and soil impacts.

The Permittee may use overhead or underground feeder lines that carry power from an internal project interconnection point to the project substation or interconnection point on the electrical grid. The Permittee shall place overhead and underground 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 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 feeder lines. The Permittee shall submit the engineering drawings of all collector and feeder lines with the site plan pursuant to Section 8.3.

The changes to DSP Section 4.4 proposed by Byron Solar are incorporated into the redline DSP included as **Attachment 1** to these reply comments.

DSP Section 5.5 (Visual Screening Plan)

EERA staff proposed a new special condition to the DSP, Section 5.5, regarding a visual screening plan. The proposed new special condition Section 5.5 is included in Attachment A (DSP Markup) to EERA staff's comments. Byron Solar proposes revisions to special condition Section 5.5 to separate the visual screening plan from the Vegetation Management Plan ("VMP") and associated VMPWG. Byron Solar has already developed a screening plan in coordination with neighboring landowners. That plan is already in the record and has received very little comment. The screening plan is designed to allow Byron Solar to work with neighboring landowners to implement screening that is specific to the particular landowner. This may result in screening on the parcel hosting Project facilities or on the adjacent landowner's property, depending on what the affected landowner has negotiated with Byron Solar. The screening implemented as a result of the coordination with adjacent landowners will be done based on the landowner's preference, not the Department of Commerce Guidance for Developing a Vegetation Establishment and Management Plan.

Byron Solar also proposes deleting the language stating that the visual screening plan must address local ordinances and setbacks, since the site permit preempts all local ordinances, and this language seems to suggest compliance with such ordinances. Byron Solar included information in its Applications and November 29, 2022 comments indicating why, in addition to the preemption issue, it would be unreasonable to apply Dodge County's Zoning Ordinance's performance standards to a utility-scale solar project.

Byron Solar agrees that it is reasonable to include the screening plan on the site plan under Section 8.3 of the DSP. Byron Solar proposes the following revisions to EERA staff's proposed new special condition Section 5.5:

5.5 Visual Screening Plan

~~As part of the VMP required under Section 4.3.17 of this permit, the~~
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 residences ~~and address local government ordinances and setbacks.~~

The Permittee shall file documentation of coordination between landowners within 500 feet of the site boundary and Dodge County Office of Environmental Services at least 14 days prior to the pre-construction meeting ~~with its VMP submittal~~. The Permittee shall provide a copy of the Visual Screening Plan to all landowners within 500 feet of the site boundary and Dodge County Environmental Services and shall file with the Commission an affidavit of its distribution of the Visual Screening Plan to landowners within 500 feet of the site boundary and Dodge County Environmental Services at least 14 days prior to the pre-construction meeting ~~with its VMP submittal~~. The location of trees and shrubs included in the Screening Plan shall be included in the Site Plan filed under Section 8.3.

~~The Visual Screening Plan shall be developed in accordance with the Department of Commerce Guidance for Developing a Vegetation Establishment and Management Plan for Solar Facilities and shall include:~~

- ~~a) management objectives for the screening of nearby residences;~~
- ~~b) a description of planned restoration and vegetation management activities at the screening locations, including how the screening locations will be prepared, timing of activities, how planting will occur, the types of tree and shrub species to be used, plans for watering and other maintenance;~~
- ~~c) a description of how the screening will be monitored and evaluated to meet management objectives;~~
- ~~d) a description of the management tools used to maintain screening vegetation (e.g., mowing, spot spraying, hand removal, 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 screening;~~
- ~~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 location of the tree and shrub species.~~

Attachment 1 includes two versions of DSP Section 5.5: the version proposed by EERA staff (shown in [green](#)) and the version proposed by Byron Solar (shown in [blue](#)).

DSP Section 8.3 (Site Plan)

EERA staff proposed changes to Section 8.3 of the DSP (Site Plan) from the sample site permit, including removing the 30-day timeframe for the Commission's review of the site plan and effectively leaving that review period open-ended. Certainty, or at least reasonable guidance on timing, is critical for a project's construction. Accordingly, Byron Solar proposes to add back in the previous 30-day timeframe for site plan review:

8.3 Site Plan

At least 30 days prior to the pre-construction meeting, the Permittee shall file with the Commission, and provide the Department of Commerce, and the County(s) where the Project is located with a site plan that includes specifications and drawings for site preparation and grading; specifications and locations of the solar energy generating system and associated facilities; and procedures for cleanup and restoration. The documentation shall include maps depicting the Project Boundary, solar energy generating system and associated facilities layout in relation to that approved by this permit.

The Permittee may not commence construction until [30 days has expired or until](#) the Commission 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 permit. If the Permittee intends to make any significant changes to its site plan or the specifications and drawings after submission to the Commission, the Permittee shall notify the Commission 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 permit.

Byron Solar's proposed changes are consistent with the corresponding condition of the DRP. The changes to DSP Section 8.3 proposed by Byron Solar are incorporated into the redline DSP included as **Attachment 1** to these reply comments.

DSP Section 8.4 (Status Reports)

EERA staff proposed changes to Section 8.4 of the DSP (Status Reports) from the sample site permit, including requiring status reports to be submitted beginning with the issuance of the permit instead of submittal of the site plan. However, because the purpose of this condition is “describe construction activities and process”, Byron Solar proposes revisions to Section 8.4 to require status reports beginning with the pre-construction meeting:

8.4 Status Reports

The Permittee shall file monthly status reports on progress regarding site construction with the Commission. Reports shall begin with the pre-construction meeting ~~issuance of this permit~~ and continue until completion of restoration. Reports shall describe construction activities and progress, and activities undertaken in compliance with this permit. Reports shall include text and photographs.

Byron Solar’s proposed changes are consistent with the corresponding condition of the DRP, which requires status reports beginning with the submittal of the plan and profile (which must be submitted at least 30 days before right-of-way preparation for construction). The changes to DSP Section 8.4 proposed by Byron Solar are incorporated into the redline DSP included as **Attachment 1** to these reply comments.

DSP Section 9.2 (Site Final Restoration)

EERA staff agreed with Byron Solar’s proposed changes to Section 9.2 of the DSP, which eliminates confusion and acknowledges that decommissioning and restoration measures are governed by the most recently filed and accepted decommissioning plan. The proposed changes to Section 9.2, proposed by Byron Solar and supported by EERA staff, are stated in EERA staff’s comments but are not shown on Attachment A (DSP Markup) to the comments. The changes to DSP Section 9.2 proposed by Byron Solar and agreed to by EERA staff are incorporated into the redline DSP included as **Attachment 1** to these reply comments.

B. Response Regarding DRP.

EERA staff proposed additional changes to Section 5.3.6 of the DRP (Aesthetics). Byron Solar agrees with EERA staff that the term “land management agencies” is vague and should be deleted from the condition. A route permit issued by the Commission would preempt local ordinances, including with respect to provisions addressing visual impacts. EERA staff proposed changes that would still require the permittee to consider input on visual impacts from local jurisdictions but provide more clarity as to the local authority to be consulted. The proposed changes to Section 5.3.6 are stated in EERA staff’s comments but are not shown on Attachment B (DRP Markup) to the comments.

Byron Solar has no objection to EERA staff's proposed changes to Section 5.3.6 of the DRP, which has been incorporated into the redline DRP included as **Attachment 2** to these reply comments.

C. Response to Comments Regarding Decommissioning.

EERA staff also provided comments on the Project's decommissioning plan. While Byron Solar largely agrees with EERA staff's comments, Byron Solar provides the following suggested modifications to EERA staff's recommendations:

- **Use of Generation Output.** EERA staff recommended that, if the output of the Project is sold through a power purchase agreement ("PPA"), the decommissioning plan should include the expiration of the PPA. Byron Solar notes that the expiration of the PPA may be a trade secret term, perhaps unnecessarily complicating the decommissioning plan, which is typically a public document and must be provided to the local unit of government. Also, Byron Solar interprets this request to be informational only, not to suggest that the Project would otherwise be decommissioned at the end of the PPA term. Instead, Byron Solar believes that given the 30-year term of the site permit, and the opportunity to remarket or repower the Project at the end of any initial PPA term, the more appropriate trigger for decommissioning continues to be the ceasing of operations.
- **Financial Assurance.** Regarding EERA staff's comments on the financial assurance, Byron Solar suggests that the beneficiary should be "the Commission or its designee," which is the approach taken by the Commission in other dockets. Additionally, EERA staff questioned whether the beneficiary would have access to funds prior to arranging for and paying for the decommissioning work. Byron Solar recognizes the validity of this concern and suggests that this issue be revisited with the 5-year reviews, as it is likely that salvage values will change over the life of the Project, and it may be reasonable at some point near the mid-point of the Project for Byron Solar to provide a base amount in financial assurance to ensure funds are available prior to receipt of the salvage value for project components.

Byron Solar will consider EERA staff's comments in preparing the updated decommissioning plan.

II. Response to MDNR Comments.

MDNR submitted comments on November 23, 2022.³ MDNR stated it supports the following conditions as written in the DSP and DRP: DSP Section 5.2 and DRP Section 6.4 (Wildlife-Friendly Erosion Control); DSP Section 5.4 and DRP Section 6.6 (Loggerhead Shrike); and DRP

³ MDNR Comments (November 23, 2022) (eDocket No. 202211-190858-01).

Section 5.3.15 (Avian Protection). MDNR also recommended adding several special conditions to the DSP.

DSP Section 5.6 (Snowmobile Trail)

MDNR recommended adding a special condition related to Snowmobile Trail 302 – specifically, requiring the permittee to coordinate with Kasson-Mantorville Trails. MDNR provided an example condition from a recent docket. Byron Solar proposes modifying MDNR’s suggested language slightly to require documentation of efforts to reroute the snowmobile (rather than the location of the trail) in case the location is still being finalized, and adding a special condition with the following language based on the example provided by MDNR:

5.6 Snowmobile Trail

The Permittee shall coordinate with local snowmobile trail association to reroute Snowmobile Trail 302. At least 14 days prior to the preconstruction meeting, the Permittee shall provide the Commission with documentation identifying efforts to reroute the snowmobile trail.

The new special condition Section 5.6 proposed by Byron Solar is incorporated into the redline DSP included as **Attachment 1** to these reply comments.

DSP Section 5.7 (Facility Lighting)

MDNR recommended adding a special condition to the DSP related to lighting of the operations and maintenance facility and Project substation. MDNR provided an example condition from a recent docket. Byron Solar proposes modifying MDNR’s example language slightly to capture MDNR’s intent that it apply to the Project substation and the operations and maintenance facility, and adding a special condition with the following language based on the example provided by MDNR:

5.7 Facility Lighting

The Permittee must use shielded and downward facing lighting and LED lighting that minimizes blue hue at the project substation and operations and maintenance facility. Downward facing lighting must be clearly visible on the site plan submitted for the project.

The new special condition Section 5.7 proposed by Byron Solar is incorporated into the redline DSP included as **Attachment 1** to these reply comments.

DSP Section 5.8 (Dust Control)

The MDNR recommended adding a special condition to the DSP related to use of chemicals for dust control. Byron Solar has no objection to adding a special condition with the language proposed by MDNR:

5.8 Dust Control

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

The new special condition Section 5.8 proposed by Byron Solar is incorporated into the redline DSP included as **Attachment 1** to these reply comments. While Byron Solar will commit to using non-chloride products for onsite dust control during construction, Byron Solar notes that the townships and some landowners currently use chloride products on local roads.

III. Response to MnDOT Comments.

MnDOT submitted written comments on November 29, 2022 advising Byron Solar to be aware of MnDOT's varying right-of-way widths when considering pole spans across US Highway 14, regardless of the route chosen.⁴ Byron Solar appreciates MnDOT's participation and will coordinate with MnDOT regarding any crossings of MnDOT right-of-way.

IV. Response to VMPWG Comments.

The VMPWG submitted written comments on November 23, 2022 regarding the VMP filed by Byron Solar.⁵ Byron Solar appreciates the VMPWG's feedback. Byron Solar remains committed to working with the VMPWG regarding the VMP for the Project.

V. Response to Dodge County Comments.

Dodge County submitted written comments on November 28, 2022 regarding the Dodge County Zoning Ordinance performance standards for solar energy farms (40 kW or greater) and transmission lines, and coordination between Byron Solar and Dodge County.⁶

⁴ MnDOT Comments (eDocket No. 202211-190937-02).

⁵ VMPWG Comments (November 23, 2022) (eDocket No. 202211-190868-01).

⁶ Dodge County Comments (November 28, 2022) (eDocket No. 202211-190887-01).

As documented throughout the record in this proceeding, Byron Solar has made a concerted effort to engage and coordinate with the counties, townships, and neighboring landowners.⁷ In particular, Byron Solar has provided documentation of its extensive efforts and attempts to coordinate with Dodge County.

The Dodge County Zoning Ordinance performance standards for solar energy farms (40 kW or greater) and transmission lines do not apply because the Project requires a site permit and route permit from the Commission, which supersede and preempt all zoning ordinances authorized by the County. Further, as explained in Byron Solar's November 29, 2022 comments, there also numerous reasons why application of performance standards designed for much smaller solar systems are not feasible or practical to apply to a utility-scale project.⁸ Despite this, as Byron Solar has communicated to Dodge County, Byron Solar considered the Dodge County performance standards when designing the Project and has committed to meeting Dodge County's setbacks where feasible. As shown in Byron Solar's November 29, 2022 comments, the Project does in fact comply with many of the county's performance standards. Where compliance is not feasible, Byron Solar has provided explanations.

Dodge County's comments also discuss prime farmland. Minn. R. 7850.4400, subp. 4 prohibits large electric power generating plants from being sited on more than 0.5 acre of prime farmland per MW of net generating capacity unless there is no feasible and prudent alternative (Prime Farmland Exclusion Rule). Byron Solar completed a detailed evaluation of potential alternative sites to avoid prime farmland and the record demonstrates that there is no feasible and prudent alternative within a reasonable geographic area available to construct the Project and not impact prime farmland. Further, Byron Solar's leases have all been negotiated voluntarily with participating landowners, and these landowners have determined that entering into a solar lease is the highest and best use of their land, rather than remaining in crop production. It should also be noted that the Solar Facility would only temporarily take these acreages of prime farmland out of agricultural production for the life of the Project but would not permanently remove them. The land could be returned to agricultural uses after the Project is decommissioned. A finding that there is no feasible and prudent alternative to avoidance of prime farmland for the Solar Facility is consistent with past Commission decisions for large solar generating systems sited in prime farmland due to the fact that other areas in southern Minnesota also contain similar amounts of prime farmland as the proposed site.

Further, it is important to note that when adopted, the Prime Farmland Exclusion Rule was intended to minimize "permanent" and "irreversible" impacts resulting from the siting of

⁷ See, e.g., Ex. 110 (Byron Solar Reply Comments and Attachments 1 and 2) (eDocket Nos. 202110-178438-02, 202110-178438-05, 202110-178438-08); Ex. 108 (Joint SP/RP Application – Appendix C) (eDocket No. 20218-177524-03).

⁸ See Byron Solar Comments and Table 1 (November 29, 2022) (eDocket No. 202211-190965-02).

“conventional power plants” on prime farmland.⁹ The purpose of the Prime Farmland Exclusion Rule was to address the facts and circumstances associated with conventional fossil plants that if sited on prime farmland would permanently, irreversibly, and irretrievably commit the land to a generation plant. Moreover, the Prime Farmland Exclusion Rule does not contemplate the full decommissioning and restoration of farmland at the end of plant life, since such concepts are not practical outcomes of conventional power plant siting.

The contrast between conventional power plants and solar is stark. For example, as the 1980 EQB Report indicated, a convention fossil plant would have a physically direct and “permanent” impact on farmland and has significant and different environmental impacts when compared to a solar project such as the Byron Solar Project. Contrary to the concerns that gave rise to the promulgation of the Prime Farmland Exclusion Rule in 1982, the Project: (i) will have a minimal physical impact on prime farmland that will be temporarily taken out of production; (ii) will be required by the Commission to be decommissioned at the end of its useful life and the land returned to prime farmland; (iii) will have minimal and/or temporary environmental impact, while providing net environmental benefits to water and soil quality; and (vi) is the result of armlength transactions with willing landowners to take farmland out of production on a temporary basis.

Byron Solar will continue to reach out and coordinate with the counties and townships as the Project moves forward.

VI. Response to Public Comments.

The International Union of Operating Engineers Local 49 (“IUOE”) and the North Central States Regional Council of Carpenters (“NCSRC”) submitted comments on November 29, 2022, expressing support for the Project because it would provide significant economic benefits and create construction jobs in the region.¹⁰ Byron Solar appreciates the support of these organizations.

During the public comment period, one member of the public submitted a written comment regarding climate change, prime farmland, noise, wildlife, property values, and dust.¹¹ Many of these issues have been previously addressed in the record, and that information is not repeated here.

VII. Conclusion.

Byron Solar appreciates the opportunity to provide these reply comments to the written comments submitted during the public comment period.

⁹ See *Considerations in Power Plant Siting, Cropland Preservation* (“EQB Report”) (1980).

¹⁰ IUOE and NCSRC Comments (November 29, 2022) (eDocket No. 202211-190968-01).

¹¹ Public Comment (December 1, 2022) (eDocket No. 202212-191017-02).

December 9, 2022
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These reply comments have been e-filed today through www.edockets.state.mn.us. A copy of this filing is also being served upon the persons on the Official Service Lists of record. Please let me know if you have any questions regarding this filing.

Sincerely,

/s/ Christina K. Brusven

Christina K. Brusven

Attorney at Law

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Byron Solar Reply Comments Attachment 1

DSP Redline Showing Cumulative Proposed Changes

STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

**SITE PERMIT FOR A
SOLAR ENERGY GENERATING SYSTEM**

**IN
DODGE COUNTY**

**ISSUED TO
BYRON SOLAR, LLC**

PUC DOCKET NO. IP-7041/GS-20-763

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

BYRON SOLAR, LLC

The Permittee is authorized by this permit to construct and operate an up to 200-megawatt solar energy generating system and associated facilities. The solar energy generating system and associated facilities shall be built and operated within the site identified in this permit and as portrayed in the official site maps, and in compliance with the conditions specified in this permit.

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

Approved and adopted this XX day of XX

BY ORDER OF THE COMMISSION

Will Seuffert
Executive Secretary

To request this document in another format such as large print or audio, call 651-296-0406 or 800-657-3782 (voice). Persons with a hearing or speech impairment may call using their preferred Telecommunications Relay Service or email consumer.puc@state.mn.us for assistance

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ATTACHMENTS

Attachment 1 – Complaint Handling Procedures for Permitted Energy Facilities

Attachment 2 – Compliance Filing Procedure for Permitted Energy Facilities

Attachment 3 – Site Maps

1 SITE PERMIT

The Minnesota Public Utilities Commission (Commission) hereby issues this permit to Byron Solar, LLC (Permittee) pursuant to Minnesota Statutes Chapter 216E and Minnesota Rules Chapter 7850. This permit authorizes the Permittee to construct and operate an up to 200-megawatt (MW) solar energy generating system and associated facilities in Dodge County, Minnesota, and as identified in the attached site maps, hereby incorporated into this document (Byron Solar Project, henceforth known as Project).

1.1 Preemption

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

2 PROJECT DESCRIPTION

The Project is an up to 200 MW solar energy generating system with associated facilities to be located on approximately 1,800 acres. The primary components of the solar energy generating system and associated facilities include:

- (a) photovoltaic panels affixed to a linear ground-mounted single-axis tracking system tracking system;
- (b) power inverters and transformers;
- (c) belowground electrical collection and communication lines;
- (d) security fencing;
- (e) a project substation;
- (f) access roads and parking lot;
- (g) up to five weather stations;
- (h) an operation and maintenance building;
- (i) stormwater ponds;

2.1 Project Location

The Project is located in the following:

County	Township Name	Township	Range	Sections
Dodge	Canisteo	106N	16W	2, 3, 10, 11, 12, 12, 14, 15
	Mantorville	107N	16W	35

2.2 Project Ownership

The Permittee shall identify the Project's ownership structure including any parent entity, majority or controlling interest to the Commission at least 14 days prior to the pre-construction meeting.

In the event of an ownership change [to a non-affiliated entity](#), such as the sale of a parent entity, majority or controlling interest, the Permittee shall identify the new Project's ownership structure, provide the name and contact information for the site manager, as described in Section 4.3.2, and either a current version with e-docket reference, or a revised version of the following to the Commission:

- (a) vegetation management plan, as described in Section 4.3.17;
- (b) complaint procedures, as described in Section 7 and Attachment 1;
- (c) emergency response plan, as described in Section 8.10; and
- (d) decommissioning plan, as described in Section 9.

Also, in the event of an ownership change, the Permittee must provide the Commission with a certification that it has read, understands and is able to comply with the plans and procedures it filed and all conditions of this permit.

3 DESIGNATED SITE

The site designated by the Commission for the Project is the site depicted on the site maps attached to this permit.

The site maps show the Project Boundary and the approximate location of the solar energy generating system and associated facilities within the Project Boundary. The Commission sought to locate the solar energy generating system and associated facilities in a way that minimizes the overall potential human and environmental impacts of the Project, which were evaluated in the permitting process. The Project Boundary 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. The Permittee shall make any modification to the location of the solar energy generating system or associated facilities in such a manner to have comparable overall human and environmental impacts and shall specifically identify them in the site plan pursuant to Section 8.3.

4 GENERAL CONDITIONS

The Permittee shall comply with the following conditions during construction and operation of the Project over the life of this permit.

4.1 Permit Distribution

Within 30 days of issuance of this permit, the Permittee shall send a copy of this permit and the complaint procedures to any regional development commission, county auditor and environmental office, and city and township clerk in which any part of the Project is located.

Within 30 days of issuance of this permit, the Permittee shall provide all landowners within or adjacent to the Project Boundary with a copy of this permit and the complaint procedures. In no case shall the landowner receive this permit and complaint procedures less than five days prior to the start of construction on their property. The Permittee shall file with the Commission an affidavit of its permit and complaint procedures distribution within 30 days of issuance of this permit.

4.2 Access to Property

The Permittee shall contact the landowners prior to entering or conducting maintenance within the landowner's property, unless otherwise negotiated with the landowner. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce or 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 record of the proceedings unless this permit establishes a different requirement in which case this permit shall prevail.

4.3.1 Field Representative

The Permittee shall designate a field representative responsible for overseeing compliance with the conditions of this 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 the name, address, email, phone number, and emergency phone number of the field representative with the Commission at least 14 days prior to the pre-construction meeting. The Permittee shall provide the field representative'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 pre-construction meeting. The Permittee may change the field representative 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 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 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 permit.

The Permittee shall file the name, address, email, phone number, and emergency phone number of the site manager with the Commission at least 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 site manager's contact information at least 14 days prior to the pre-operation meeting and upon changes to the site manager.

4.3.3 Employee Training of Permit Terms and Conditions

The Permittee shall train all employees, contractors, and other persons involved in the Project construction and operation of the and conditions of this permit. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce or Commission staff.

4.3.4 Independent Third-Party Monitor

Prior to any construction, the Permittees shall propose a scope of work and identify one independent third party monitor on behalf of the Department of Commerce. The scope of work shall be developed in consultation with and approved by the Department of Commerce. This third-party monitor will report directly to and will be under the control of the Department of Commerce with costs borne by the Permittee. The Permittee shall file the scope of work, and the name, address, email, phone number, and emergency phone number of the third-party monitor with the Commission at least 14 days prior to the pre-construction meeting, and upon changes to the scope of work or third-party monitor contact information.

4.3.5 Public Services and Public Utilities

During construction, the Permittee shall minimize any disruption to public services and 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 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 Department of Commerce or 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 4.3.10 and 4.3.11. The Permittee shall site temporary workspace to comply with standards for development of the shorelands of public waters as defined in Section 4.3.10.

The Permittee shall obtain temporary easements outside of the authorized Project Boundary from affected landowners through rental agreements as these are not provided for in this 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. Construction and maintenance activities shall be limited to daytime working hours to the extent practicable.

4.3.8 Aesthetics

[EERA STAFF PROPOSED VERSION] The Permittee shall consider input pertaining to visual impacts from landowners and ~~land management agencies~~ 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.

[BYRON SOLAR PROPOSED VERSION] The Permittee shall consider input pertaining to visual impacts from landowners and ~~land management agencies~~ the local unit of government having direct zoning authority over the area in which the Project is located when developing the Visual Screening Plan required in Section 5.5. 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.

4.3.10 Soil Compaction

The Permittee shall implement measures to minimize soil compaction of all lands utilized for Project construction and travelled on by cranes, heavy equipment, and heavy trucks; ~~even when soil compaction minimization measures are used.~~

4.3.11 Soil Erosion and Sediment Control

The Permittee shall implement 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. The Permittee shall return all areas disturbed during construction of the Project to pre-construction conditions.

4.3.12 Public Lands

In no case shall the Permittee locate the solar energy generating system or associated facilities in the public lands identified in Minn.R. 7850.4400, subp. 1, or in federal waterfowl production areas. The Permittee shall not locate the solar energy generating system or associated facilities 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 solar energy generating 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 the United States Army Corps of Engineers (USACE), and local units of government as implementers of the Minnesota Wetlands Conservation Act. The Permittee shall locate the solar energy generating 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, and local units of government requirements.

4.3.14 Native Prairie

The Permittee shall not place the solar energy generating 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 Permittee shall not impact native prairie during construction activities, as defined in Minn. Stat. § 216E.01, 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 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 Removal

The Permittee shall minimize the number of trees removed in selecting the site layout specifically preserving to the maximum extent practicable windbreaks, shelterbelts, living snow fences, and other vegetation, to the extent that such actions do not violate sound engineering principles or interfere with the safe operation of the Project.

4.3.16 Beneficial Habitat

The Permittee shall implement site restoration and management practices that provide for native perennial vegetation and foraging habitat beneficial to gamebirds, songbirds, and

pollinators; and improve soil water retention and reduce storm water runoff and erosion. To ensure continued management and recognition of beneficial habitat, the Permittee is encouraged to meet the standards for Minnesota's Habitat Friendly Solar Program by submitting project plans, seed mixes, a completed project planning assessment form, and any other applicable documentation used to meet the standard to the Board of Water and Soil Resources (BWSR). ~~The Permittee shall file documents required to be filed with BWSR for meeting and maintaining Habitat Friendly Solar Certification with the Commission.~~

4.3.17 Vegetation Management Plan

The Permittee shall develop a vegetation management plan (VMP), in coordination with the Department of Commerce, DNR, BWSR, MPCA, and Agriculture, 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 Permittee shall provide all landowners within the Project Boundary with copies of the VMP. The Permittee shall file with the Commission an affidavit of its distribution of the VMP to landowners 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 (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;
- (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.

4.3.18 Agricultural Impact Mitigation Plan

The Permittee shall develop an agricultural impact mitigation plan (AIMP) in coordination with the Minnesota Department of Agriculture (MDA). The Permittee shall provide landowners within the Project Boundary with a copy of the AIMP. The Permittee shall file with the Commission the AIMP and an affidavit of the AIMP distribution to landowners at least 14 days prior to the pre-construction meeting.

4.3.19 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 request that there be no application within the landowner's property. The Permittee shall provide notice of pesticide application to landowners and beekeepers operating apiaries within three miles of the Project Boundary at least 14 days prior to such application. The Permittee shall keep pesticide communication and application records and provide them upon the Commission's request.

4.3.20 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 to prevent the introduction and spread of invasive species on lands disturbed by Project construction activities and file with the Commission at least 14 days prior to the pre-construction meeting.

4.3.21 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 Department of Commerce or Commission staff.

4.3.22 Roads

The Permittee shall notify 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, the Permittee shall use existing roadways for all activities associated with construction of the Project. The Permittee shall not haul oversize or overweight loads associated with the Project 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. The Permittee shall not construct access roads across streams and drainage ways without the required permits and approvals. The Permittee shall construct access roads 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 Department of Commerce or Commission staff.

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

Prior to construction, the Permittee shall train workers shall be trained 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 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 Department of Commerce or Commission staff.

4.3.24 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 feasible 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 Department of Commerce or Commission staff.

4.3.25 Restoration

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, unless otherwise negotiated with the affected landowner. 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 notify the Commission in writing of the completion of such activities.

4.3.26 Cleanup

The Permittee shall remove and properly dispose of all construction waste and scrap from the site 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 on a daily basis.

4.3.27 Pollution and Hazardous Wastes

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

4.3.28 Damages

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

4.3.29 Public Safety

The Permittee shall provide educational materials to landowners within and adjacent to the Project Boundary 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 to restrict public access. 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. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce or Commission staff.

4.3.30 Site Identification

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

4.3.31 Security Fencing

[EERA STAFF PROPOSED VERSION] The Permittee shall design the security fence surrounding the solar energy generating system to minimize the visual impact of the Project. ~~W~~ while maintaining compliance with the National Electric Safety Code, ~~T~~ the Permittee shall develop a final fence plan for the site that is consistent with DNR guidance for commercial solar facilities and is done in coordination ~~coordinate~~ with EERA and the DNR ~~to further refine the appropriate fence design, identify ways to preclude wildlife entanglement in the security fence, and to ensure adequate deer escape technology.~~ The final fence plan Permittee shall be submitted ~~the results of the coordination~~ to the Commission as part of the site plan pursuant to Section 8.3.

[BYRON SOLAR PROPOSED VERSION] The Permittee shall design the security fence surrounding the solar energy generating system to minimize the visual impact of the Project. ~~W~~ while maintaining compliance with the National Electric Safety Code, ~~T~~ the Permittee shall develop a final fence plan for the specific site that is within the parameters laid out in the 2016 Commercial Solar Siting Guidance and is done in coordination ~~coordinate~~ with EERA and the DNR ~~to further refine the appropriate fence design, identify ways to preclude wildlife entanglement in the security fence, and to ensure adequate deer escape technology.~~ The final fence plan Permittee shall be submitted ~~the results of the coordination~~ to the Commission as part of the site plan pursuant to Section 8.3.

4.4 Feeder Lines

The Permittee ~~may~~ **must** use a hybrid electrical collection system of aboveground and belowground conductors to balance direct and indirect aesthetic impacts, electrical interference potential, bird collisions and electrocution, and soil impacts.

The Permittee may use overhead or underground feeder lines that carry power from an internal project interconnection point to the project substation or interconnection point on the electrical grid. The Permittee shall place overhead and underground 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 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 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 Safety Codes and Design Requirements

The Permittee shall design the solar energy generating system and associated facilities to meet or exceed all relevant local and state codes, Institute of Electrical and Electronics Engineers, Inc. standards, the National Electric Safety Code, and North American Electric Reliability Corporation requirements. The Permittee shall keep records of compliance with these standards and provide them upon the request of Department of Commerce or Commission staff.

4.6 Other Permits and Regulations

The Permittee shall comply with all applicable state rules and statutes. 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. The Permittee shall submit a copy of such permits to the Commission upon request.

5 SPECIAL CONDITIONS

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

5.1 Karst Geology

The Permittee shall file a geotechnical investigation report prepared for the Project construction area by a third-party geotechnical engineer or authorized representative. The report shall include methodology, results, and conclusions drawn from the geotechnical investigation with recommendations on project design and construction. The Permittee shall file the geotechnical report with the Commission at least 14 days prior to the pre-construction meeting

The permittee shall not locate project infrastructure within 150 feet of documented active karst features and avoid all construction activity within 150 feet of documented active karst features. Active karst is defined as areas underlain by carbonate bedrock with less than 50 feet of sediment cover.

5.2 Wildlife-Friendly Erosion Control

The Permittee shall use only “bio-netting” or “natural netting” types and mulch products without synthetic (plastic) fiber additives.

5.3 Northern Long-Eared Bat (NLEB)

For Project construction, the Permittee shall comply with the U.S. Fish and Wildlife Service guidance and requirements in effect regarding NLEB, including tree clearing restrictions if applicable.

5.4 Loggerhead Shrike

The permittee shall avoid tree and shrub removal within suitable Loggerhead Shrike habitat during the April through July breeding season. If tree or shrub removal will occur within during the breeding season, the permittee shall coordinate with DNR to identify potentially suitable habitat and ensure that a qualified surveyor inspects the trees/shrubs for active nests prior to removal.

5.5 Visual Screening Plan

[EERA STAFF PROPOSED VERSION] As part of the VMP required under Section 4.3.17 of this permit, 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 residences and address local government ordinances and setbacks.

The Permittee shall file documentation of coordination between landowners within 500 feet of the site boundary and Dodge County Office of Environmental Services at least 14 days prior to the pre-construction meeting with its VMP submittal. The Permittee shall provide a copy of the Visual Screening Plan to all landowners within 500 feet of the site boundary and Dodge County Environmental Services and shall file with the Commission an affidavit of its distribution of the Visual Screening Plan to landowners within 500 feet of the site boundary and Dodge County Environmental Services at least 14 days prior to the pre-construction meeting with its VMP submittal.

The Visual Screening Plan shall be developed in accordance with the Department of Commerce Guidance for Developing a Vegetation Establishment and Management Plan for Solar Facilities and shall include:

- a) management objectives for the screening of nearby residences;
- b) a description of planned restoration and vegetation management activities at the screening locations, including how the screening locations will be prepared, timing of activities, how planting will occur, the types of tree and shrub species to be used, plans for watering and other maintenance;
- c) a description of how the screening will be monitored and evaluated to meet management objectives;
- d) a description of the management tools used to maintain screening vegetation (e.g., mowing, spot spraying, hand removal, 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 screening;
- 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 location of the tree and shrub species.

[BYRON SOLAR PROPOSED VERSION] ~~As part of the VMP required under Section 4.3.17 of this permit, the~~ 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 residences and address local government ordinances and setbacks.

The Permittee shall file documentation of coordination between landowners within 500 feet of the site boundary and Dodge County Office of Environmental Services at least 14 days prior to the pre-construction meeting with its VMP submittal. The Permittee shall provide a copy of the Visual Screening Plan to all landowners within 500 feet of the site boundary and Dodge County Environmental Services and shall file with the Commission an affidavit of its distribution of the Visual Screening Plan to landowners within 500 feet of the site boundary and Dodge County Environmental Services at least 14 days prior to the pre-construction meeting with its VMP submittal. The location of trees and shrubs included in the Screening Plan shall be included in the Site Plan filed under Section 8.3.

~~The Visual Screening Plan shall be developed in accordance with the Department of Commerce Guidance for Developing a Vegetation Establishment and Management Plan for Solar Facilities and shall include:~~

- ~~a) management objectives for the screening of nearby residences;~~
- ~~b) a description of planned restoration and vegetation management activities at the screening locations, including how the screening locations will be prepared, timing of activities, how planting will occur, the types of tree and shrub species to be used, plans for watering and other maintenance;~~
- ~~c) a description of how the screening will be monitored and evaluated to meet management objectives;~~
- ~~d) a description of the management tools used to maintain screening vegetation (e.g., mowing, spot spraying, hand removal, 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 screening;~~
- ~~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 location of the tree and shrub species.~~

5.6 Snowmobile Trail

The Permittee shall coordinate with local snowmobile trail association to reroute Snowmobile Trail 302. At least 14 days prior to the preconstruction meeting, the Permittee shall provide the Commission with documentation identifying efforts to reroute the snowmobile trail.

5.7 Facility Lighting

The Permittee must use shielded and downward facing lighting and LED lighting that minimizes blue hue at the project substation and operations and maintenance facility. Downward facing lighting must be clearly visible on the site plan submitted for the project.

5.8 Dust Control

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

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 permit the Permittee shall file with the Commission a report on the failure to construct and the Commission shall consider suspension of this permit in accordance with Minn. R. 7850.4700.

7 COMPLAINT PROCEDURES

Prior to the start of construction, the Permittee shall submit to the Commission the procedures that will be used to receive and respond to complaints. The 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 permit.

Upon request, the Permittee shall assist the Commission 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

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

8.1 Pre-Construction Meeting

Prior to the start of any construction, the Permittee shall participate in a pre-construction meeting with the Department of Commerce and 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 a summary of the topics reviewed and discussed and a list of attendees with the Commission. The Permittee shall indicate in the filing the 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 the Department of Commerce and 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 30 days prior to the pre-construction meeting, the Permittee shall file with the Commission, and provide the Department of Commerce, and the County(s) where the Project is located with a site plan that includes specifications and drawings for site preparation and grading; specifications and locations the solar energy generating system and associated facilities; and procedures for cleanup and restoration. The documentation shall include maps depicting the Project Boundary, solar energy generating system and associated facilities layout in relation to that approved by this permit.

The Permittee may not commence construction until [30 days has expired or until](#) the Commission 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 permit. If the Permittee intends to make any significant changes to its site plan or the specifications and drawings after submission to the Commission, the Permittee shall notify the Commission 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 permit.

8.4 Status Reports

The Permittee shall file monthly status reports on progress regarding site construction with the Commission. Reports shall begin with the [pre-construction meeting issuance of this permit](#) and continue until completion of restoration. Reports shall describe construction activities and progress, and activities undertaken in compliance with this permit. Reports shall include text and photographs.

8.5 Labor Statistic Reporting

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

8.6 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.

8.7 As-Builts

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

8.8 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 solar energy generating system and associated facilities.

8.9 Project Energy Production

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

- (a) the installed nameplate capacity of the Project;
- (b) the total daily energy generated by the Project in MW hours;
- (c) the total monthly energy generated by the Project in MW hours;

- (d) the monthly capacity factor of the Project;
- (e) yearly energy production and capacity factor for the Project;
- (f) the average monthly and average annual solar strength gradient measured in kWh/m²/Day observed at the Project;
- (g) the operational status of the Project and any major outages, major repairs, or performance improvements occurring in the previous year; and
- (h) any other information reasonably requested by the Commission.

This information shall be considered public and must be filed electronically.

8.10 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-construction 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.

8.11 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, solar panel collapse, 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.

8.12 Wildlife Injuries and Fatalities

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 H of the August 30, 2021, 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 decommissioning plan shall identify cost estimates for the removal of solar panels, racks, underground collection cables, access roads, transformers, substations, and other Project components. The decommissioning plan may also include anticipated costs for the replacement of panels or repowering the Project by upgrading 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 permit or upon termination of operation of the Project, the Permittee shall have the obligation to dismantle and remove from the site all solar panels, mounting steel posts and beams, inverters, transformers, overhead and underground cables and lines, foundations, buildings, and ancillary equipment [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 submitted to the Commission prior to 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.

9.3 Abandoned Equipment

The Permittee shall notify the Commission of any equipment that is abandoned prior to termination of operation of the Project. Equipment shall be considered abandoned after one year without energy production and the land restored pursuant to Section 9.2 unless a plan is

submitted to and approved by the Commission outlining the steps and schedule for returning the equipment to service.

10 COMMISSION AUTHORITY AFTER SITE PERMIT ISSUANCE

10.1 Final Project Boundary

After completion of construction the Commission shall determine the need to adjust the final Project Boundary required for the Project. This permit may be modified, after notice and opportunity for hearing, to represent the actual Project Boundary required by the Permittee to operate the Project authorized by this permit.

10.2 Expansion of Project Boundary

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

10.3 Periodic Review

The Commission shall initiate a review of this 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 permit. No modification may be made except in accordance with applicable statutes and rules.

10.4 Modification of Conditions

After notice and opportunity for hearing this 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.

10.5 More Stringent Rules

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

10.6 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.
- (d) To examine and copy any documents pertaining to compliance with the conditions of this permit.

11 SITE PERMIT AMENDMENT

This permit may be amended at any time by the Commission. Any person may request an amendment of the conditions of this 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.

12 PERMIT TRANSFER

The Permittee may request at any time that the Commission transfer this 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 the name and contact information for the site manager, as described in Section 4.3.2, and either a current version with e-docket reference, or a revised version of the following:

- (a) VMP, as described in Section 4.3.17;
- (b) complaint procedures, as described in Section 7 and Attachment 1;
- (c) ERP, as described in Section 8.10; and
- (d) decommissioning plan, as described in Section 9.

13 REVOCATION OR SUSPENSION OF THE SITE PERMIT

The Commission may initiate action to revoke or suspend this permit at any time. The Commission shall act in accordance with the requirements of Minn. R. 7850.5100, to revoke or suspend the permit.

14 EXPIRATION DATE

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

DRAFT

Byron Solar Reply Comments Attachment 2

DRP Redline Showing Cumulative Proposed Changes

STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION
ROUTE PERMIT FOR A
HIGH-VOLTAGE TRANSMISSION LINE AND ASSOCIATED FACILITIES

IN
DODGE AND OLMSTED COUNTIES

ISSUED TO
BYRON SOLAR, LLC

PUC DOCKET NO. IP7041/TL-20-765

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

Byron Solar, LLC

By this route permit, Byron Solar is hereby authorized to construct and operate approximately **three or 4.5** miles of new overhead 345 kilovolt (kV) transmission line, which will connect the proposed Byron Solar, LLC Substation in

**Section 35 of Mantorville Township OR
Section 13 of Canisteo Township**

in Dodge County to the existing Byron Substation located west of the City of Byron in Olmsted County, Minnesota.

The high-voltage transmission line and associated facilities shall be built within the route identified in this permit and as portrayed on the route maps and in compliance with the conditions specified in this permit.

Approved and adopted this __ day of
BY ORDER OF THE COMMISSION

William Seuffert Executive Secretary

To request this document in another format such as large print or audio, call 651-296-0406 or 800-657-3782 (voice). Persons with a hearing or speech impairment may call using their preferred Telecommunications Relay Service or email consumer.puc@state.mn.us for assistance.

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ATTACHMENTS

Attachment 1 – Complaint Handling Procedures for Permitted Energy Facilities

Attachment 2 – Compliance Filing Procedures for Permitted Energy Facilities

Attachment 3 – Route Maps

1 ROUTE PERMIT

The Minnesota Public Utilities Commission (Commission) hereby issues this route permit to Byron Solar, LLC (Permittee) pursuant to Minnesota Statutes Chapter 216E and Minnesota Rules Chapter 7850. This permit authorizes the Permittee to construct and operate an approximately **three OR four and one-half** miles of new overhead 345-kilovolt (kV) transmission line, which will connect the proposed Byron Solar, LLC Substation to Southern Minnesota Municipal Power's existing Byron Substation located just west of the City of Byron, Minnesota, and as identified in the attached route maps, hereby incorporated into this document (Byron Solar Project, henceforth known as Project).

1.1 Preemption

Pursuant to Minn. Stat. § 216E.10, this permit shall be the sole route approval required to be obtained by the Permittee for construction of the transmission facilities, and this 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

The Project consists of approximately three (Blue Route) or 4.5 miles (Red Route) of 345 kV transmission between the newly constructed Byron Solar, LLC substation on a parcel in

The SE1/4 SE1/4 of Section 35, Township 106 N, Range 16 W
OR

The E1/2, SE1/4 of Section 13, Township 107N, Range 16W

and the existing Byron Substation in Section 31 of Kalmar Township in Olmsted County. The Project is located in the following:

Blue Route

County	Township Name	Township	Range	Section
Dodge	Mantorville	107N	16W	25, 35, 36
Olmsted	Kalmar	107N	15W	31

OR

Red Route

County	Township Name	Township	Range	Section
Dodge	Canisteo	106N	16W	13
Olmsted	Salem	106N	15W	6, 7, 18
Olmsted	Kalmar	107N	15W	31

2.1 Structures

The new 345-kV line will consist of single circuit, weathering steel monopole structures spaced approximately 230 to 975 feet apart. Transmission structures will typically range in height from 90 to 170 feet above ground depending upon the terrain and environmental constraints (such as

stream crossings and required angle structures).

2.2 Conductors

The single-circuit structures will have three single-conductor phase wires and additional shield/communication wires. The phase wires will have a diameter of approximately 795 kcmil and will be composed of several wire strands of different metals. The Permittee will use a single 48 fiber optical ground wire (OPGW) and an additional 3/8" EHS 7-strand steel overhead ground wire (OHGW) for additional shielding.

3 DESIGNATED ROUTE

The route designated by the Commission in this permit is the route described below and shown on the route maps attached to this permit. The route is generally described as follows:

Blue Route

The route begins at the project substation located in Section 36 of Mantorville Township, just south of U.S. Highway 14 near 640th St and 265th Ave. From the project substation the route travels north crossing U.S. Highway 14 and then through agricultural fields for about 0.6 miles, crosses County Road 34 and then turns east for approximately one mile along a railroad, turning north along a section line for approximately 0.25 miles, before turning east for approximately one mile.

OR

Red Route

The Red Route begins at the project substation located in Section 13 of Canisteo Township and travels east for approximately 0.4 miles, before turning north for approximately three miles along a section line to parallel an existing 345 kV transmission line towards the Byron Substation. Just south of US Highway 14, the Red Route jogs to the northwest for approximately 0.25 miles to avoid the congestion, before proceeding northward for approximately 0.6 miles before turning east and then south for the last 0.25 miles to enter the Byron Substation from the north.

The identified route widths on the attached route maps provide the Permittee with flexibility for minor adjustments of the alignment or right-of-way to accommodate landowner requests and unforeseen conditions. The final alignment (i.e., permanent and maintained rights-of-way) must be located within this designated route unless otherwise authorized by this permit or the Commission.

4 RIGHT-OF-WAY

This permit authorizes the Permittee to obtain a new permanent right-of-way for the transmission line up to 150 feet in width. The permanent right-of-way is typically 75 feet on both sides of the transmission line measured from its centerline.

The Project's anticipated alignment is intended to minimize potential impacts relative to criteria

identified in Minn. R. 7850.4100. The actual right-of-way will generally conform to the anticipated alignment identified on the route maps, unless changes are requested by individual landowners and agreed to by the Permittee or for unforeseen conditions that are encountered or as otherwise provided for by this permit.

Any right-of-way modifications within the designated route shall be located so as to have comparable overall impacts relative to the factors in Minn. R. 7850.4100, as does the right-of-way identified in this permit, and shall be specifically identified and documented in and approved as part of the plan and profile submitted pursuant to Section 9.1 of this permit.

Where the transmission line parallels existing highway and other road rights-of-way, the transmission line right-of-way shall occupy and utilize the existing right-of-way to the maximum extent possible; consistent with the criteria in Minn. R. 7850.4100 and the other requirements of this permit; and for highways under the jurisdiction of the Minnesota Department of Transportation, the procedures for accommodating utilities in trunk highway rights-of-way.

4.1 Route Width Variations

Route width variations may be allowed to accommodate the potential site-specific constraints listed below. These constraints may arise from any of the following:

- (a) unforeseen circumstances encountered during the detailed engineering and design process;
- (b) federal or state agency requirements; or
- (c) existing infrastructure within the route, including but not limited to railroads, natural gas and liquid pipelines, high voltage electric transmission lines, or sewer and water lines.

The Permittee must request any alignment modifications arising from these site-specific constraints that would result in right-of-way placement outside of the designated route to be reviewed by the Commission under Minn. R. 7850.4900.

5 GENERAL CONDITIONS

The Permittee shall comply with the following conditions during construction and operation of the transmission line and associated facilities over the life of this permit.

5.1 Permit Distribution

Within 30 days of permit issuance, the Permittee shall send a copy of the permit and the complaint procedures to any regional development commission, county auditor and environmental office, and city and township clerk in which any part of the site is located.

Within 30 days of permit issuance, the Permittee shall provide all affected landowners with a copy of this permit and the complaint procedures. In no case shall the landowner receive this route permit and complaint procedures less than five days prior to the start of construction on their property. An affected landowner is any landowner that is within or adjacent to the permitted route.

At the time of first contact, the Permittee shall also provide all affected landowners with a copy of the Department of Commerce's *Rights-of-Way and Easements for Energy Facility Construction and Operation Fact Sheet*.

Within 30 days of permit issuance, the Permittee shall file with the Commission an affidavit of its distribution of this permit, complaint procedures and fact sheet.

5.2 Access to Property

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

5.3 Construction and Operation Practices

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

5.3.1 Field Representative

The Permittee shall designate a field representative responsible for overseeing compliance with the conditions of this 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 14 days prior to commencing construction.

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

5.3.2 Employee Training of Permit Terms and Conditions

The Permittee shall train all employees, contractors, and other persons involved in the Project construction and operation of the terms and conditions of this permit. The Permittee shall keep records of compliance with this section and provide them upon request of Department of Commerce or Commission staff.

5.3.3 Public Services and Public Utilities

During construction, the Permittee shall minimize any disruption to public services and public utilities. To the extent disruptions to public services or public utilities occur, these will be temporary, and the Permittee will restore service promptly. Where any impacts to utilities have

the potential to occur, the Permittee shall work with both landowners and local agencies to determine the most appropriate transmission structure placement.

The Permittee shall consult with landowners, townships, cities, and counties along the route and consider concerns regarding tree clearing, distance from existing structures, drain tiles, pole depth and placement in relationship to existing roads and road expansion plans.

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 Department of Commerce or Commission staff.

5.3.4 Temporary Work Space

The Permittee shall limit temporary easements to special construction access needs and additional staging or lay-down areas required outside of the authorized right-of-way. Temporary space shall be selected to limit the removal and impacts to vegetation. Temporary easements outside of the authorized transmission line right-of-way will be obtained from affected landowners through rental agreements and are not provided for in this permit.

The Permittee may construct temporary driveways between the roadway and the structures to minimize impact using the shortest route possible. The Permittee shall use construction mats to minimize impacts on access paths and construction areas.

5.3.5 Noise

The Permittee shall comply with noise standards established under Minn. R. 7030.0010 to 7030.0080, at all times at all appropriate locations during operation of the Project. Construction and maintenance activities shall be limited to daytime working hours to the extent practicable to ensure nighttime noise level standards will not be exceeded.

5.3.6 Aesthetics

The Permittee shall consider input pertaining to visual impacts from landowners and ~~land management agencies~~ the local unit of government having direct zoning authority over the area in which the Project is located prior to final location of structures, rights-of-way, and other areas with the potential for visual disturbance. 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 maintenance. The Permittee shall work with landowners to locate the high-voltage transmission line to minimize the loss of agricultural land, forest, and wetlands, and to avoid homes and farmsteads. Structures shall be placed at a distance, consistent with sound engineering principles and system reliability criteria, from intersecting roads, highways, or trail crossings.

5.3.7 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 facilities shall be returned to pre-construction conditions.

5.3.8 Wetlands and Water Resources

The Permittee shall implement wetland impact avoidance measures during design and construction of the transmission line that will include spacing and placing the power poles at variable distances to span and avoid wetlands, watercourses, and floodplains. Unavoidable wetland impacts as a result of the placement of poles shall be limited to the immediate area around the poles. To minimize impacts, construction in wetland areas shall occur during frozen ground conditions where practicable and shall be according to permit requirements by the applicable permitting authority. When construction during winter is not possible, wooden or composite mats shall be used to protect wetland vegetation. Soil excavated from the wetlands and riparian areas shall be contained and not placed back into the wetland or riparian area. Wetlands and riparian areas shall be accessed using the shortest route possible in order to minimize travel through wetland areas and prevent unnecessary impacts. No staging or stringing set up areas shall be placed within or adjacent to wetlands or water resources, as practicable. Power pole structures shall be assembled on upland areas before they are brought to the site for installation.

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 all requirements of the U.S. Army Corps of Engineers, Minnesota Department of Natural Resources (DNR), and local units of government.

5.3.9 Vegetation Management

The Permittee shall minimize the number of trees to be removed in selecting the right-of-way specifically preserving to the maximum extent practicable windbreaks, shelterbelts, living snow fences, and vegetation in areas such as trail and stream crossings where vegetative screening may minimize aesthetic impacts, to the extent that such actions do not violate sound engineering principles or system reliability criteria.

Tall growing species located within the transmission line right-of-way that endanger the safe and reliable operation of the Project will be removed by the Permittee. The Permittee shall leave undisturbed, to the extent possible, existing low growing species in the right-of-way or replant such species in the right-of-way to blend the difference between the right-of-way and adjacent areas, to the extent that the low growing vegetation that will not pose a threat to the Project or impede construction.

5.3.10 Application of Pesticides

The Permittee shall restrict pesticide use to those pesticides and methods of application approved by the Minnesota Department of Agriculture, DNR, and the U.S. Environmental Protection Agency. 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 request that there be no application within the landowner's property. The Permittee shall provide notice of pesticide application to landowners and beekeepers operating apiaries within three miles of the Project site at least 14 days prior to such application. The Permittee shall keep pesticide communication and application records and provide them upon the request of Department of Commerce or Commission staff.

5.3.11 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 to prevent the introduction and spread of invasive species on lands disturbed by Project construction activities and file with the Commission at least 14 days prior to the plan and profile required under Section 9.1 of this Permit.

5.3.12 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 Department of Commerce or Commission staff.

5.3.13 Roads

The Permittee shall notify 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, the Permittee shall use existing roadways for all activities associated with construction of the Project. The Permittee shall not haul oversize or overweight loads associated with the Project without required permits and approvals.

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 Department of Commerce or Commission staff.

5.3.14 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 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 State Historic Preservation Office 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 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 Department of Commerce or Commission staff.

5.3.15 Avian Protection

The Permittee in cooperation with the DNR shall identify areas of the Project where bird flight diverters will be incorporated into the transmission line design to prevent large avian collisions attributed to visibility issues. Standard transmission design shall incorporate adequate spacing of conductors and grounding devices in accordance with Avian Power Line Interaction Committee standards to eliminate the risk of electrocution to raptors with larger wingspans that may simultaneously come in contact with a conductor and grounding devices.

5.3.16 Restoration

The Permittee shall restore the right-of-way, temporary workspaces, access roads, abandoned right-of-way, and other public or private lands affected by construction of the transmission line. Restoration within the right-of-way must be compatible with the safe operation, maintenance, and inspection of the transmission line. Within 60 days after completion of all restoration activities, the Permittee shall notify the Commission in writing of the completion of such activities.

5.3.17 Cleanup

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

including bottles, cans, and paper from construction activities on a daily basis.

5.3.18 Pollution and Hazardous Wastes

All appropriate precautions to protect against pollution of the environment must be taken by the Permittee. The Permittee shall be responsible for compliance with all laws applicable to the generation, storage, transportation, clean up and disposal of all wastes generated during construction and restoration of the right-of-way.

5.3.19 Damages

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

5.4 Electrical Performance Standards

5.4.1 Grounding

The Permittee shall design, construct, and operate the transmission line in a manner so that the maximum induced steady-state short-circuit current shall be limited to five milliamperes root mean square (rms) alternating current between the ground and any non-stationary object within the right-of-way, including but not limited to large motor vehicles and agricultural equipment. All fixed metallic objects on or off the right-of-way, except electric fences that parallel or cross the right-of-way, shall be grounded to the extent necessary to limit the induced short-circuit current between ground and the object so as not to exceed one milliamperes rms under steady state conditions of the transmission line and to comply with the ground fault conditions specified in the National Electric Safety Code (NESC). The Permittee shall address and rectify any induced current problems that arise during transmission line operation.

5.4.2 Electric Field

The Permittee shall design, construct, and operate the transmission line in such a manner that the electric field measured one meter above ground level immediately below the transmission line shall not exceed 8.0 kV/m.

5.4.3 Interference with Communication Devices

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 transmission line, 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 line. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce or Commission staff.

5.5 Other Requirements

5.5.1 Safety Codes and Design Requirements

The Permittee shall design the transmission line and associated facilities to meet or exceed all relevant local and state codes, the NESC, and North American Electric Reliability Corporation (NERC) 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 transmission line shall be equipped with protective devices to safeguard the public if an accident occurs.

5.5.2 Other Permits and Regulations

The Permittee shall comply with all applicable state rules and statutes. 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. The Permittee shall submit a copy of such permits upon the request of Department of Commerce or Commission staff.

6 SPECIAL CONDITIONS

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

6.1 Vegetation Management Plan

The Permittee shall develop a vegetation management plan (VMP), in coordination with the Department of Commerce, DNR, BWSR, MPCA, and Agriculture, 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 plan and profile required under Section 9.1 of this permit. The Permittee shall provide all landowners along the route with copies of the VMP. The Permittee shall file an affidavit of its distribution of the VMP to landowners with the Commission at least 14 days prior to the plan and profile.

The VMP must recognize landowner preferences and include the following:

- (a) short term and long term management objectives;
- (b) a description of planned restoration and vegetation activities, including how the route will be prepared, timing of activities, and how seeding will occur (broadcast, drilling, etc.), and the types of seed mixes to be used;
- (c) a description of how the route will be monitored and evaluated to meet management objectives;
- (d) a description of management tools used to maintain vegetation (e.g., mowing, spot spraying, hand removal, etc.), including timing/frequency of maintenance activity;
- (e) identification, monitoring and management plan for noxious weeds and invasive species (native and non-native) on route; and
- (f) a plan showing how the route will be revegetated and corresponding seed mixes. Seed mixes, seeding rates, and cover crops should follow best management practices.

6.2 Independent Third-Party Monitor

Prior to any construction, the Permittee shall propose a scope of work and identify one independent third party monitor on behalf of the Department of Commerce. The scope of work shall be developed in consultation with and approved by the Department of Commerce. This third-party monitor will report directly to and will be under the control of the Department of Commerce with costs borne by the Permittee. The Permittee shall file the scope of work, and the name, address, email, phone number, and emergency phone number of the third-party monitor with the Commission at least 14 days prior to the plan and profile required under Section 9.1 of this permit, and upon changes to the scope of work or third-party monitor contact information.

6.3 Karst Geology

The Permittee shall file a geotechnical investigation report prepared for the Project construction area by a third-party geotechnical engineer or authorized representative. The report shall include methodology, results, and conclusions drawn from the geotechnical investigation with recommendations on project design and construction. The Permittee shall file the geotechnical report with the Commission at least 14 days prior to the plan and profile required under Section 9.1 of this permit.

The Permittee shall not locate project infrastructure within 150 feet of documented active karst features and avoid all construction activity within 150 feet of documented active karst features. Active karst is defined as areas underlain by carbonate bedrock with less than 50 feet of sediment cover.

6.4 Wildlife-Friendly Erosion Control

The Permittee shall use only “bio-netting” or “natural netting” types and mulch products without synthetic (plastic) fiber additives.

6.5 Northern Long-Eared Bat (NLEB)

For Project construction, Permittees shall comply with the U.S. Fish and Wildlife Service guidance and requirements in effect regarding NLEB, including tree clearing restrictions if applicable.

6.6 Loggerhead Shrike

The Permittee shall avoid tree and shrub removal within suitable Loggerhead Shrike habitat during the April through July breeding season. If tree or shrub removal will occur within during the breeding season, the Permittee shall coordinate with DNR to identify potentially suitable habitat and ensure that a qualified surveyor inspects the trees/shrubs for active nests prior to removal.

7 DELAY IN CONSTRUCTION

If the Permittee has not commenced construction or improvement of the route within four years after the date of issuance of this permit the Permittee shall file a report on the failure to construct and the Commission shall consider suspension of the permit in accordance with Minn. R. 7850.4700.

8 COMPLAINT PROCEDURES

Prior to the start of construction, the Permittee shall submit to the Commission the procedures that will be used to receive and respond to complaints. The 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 permit.

Upon request, the Permittee shall assist the Department of Commerce or 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.

9 COMPLIANCE REQUIREMENTS

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

9.1 Plan and Profile

At least 30 days before right-of-way preparation for construction begins on any segment or portion of the Project, the Permittee shall provide the Commission with a plan and profile of the right-of-way and the specifications and drawings for right-of-way preparation, construction, structure specifications and locations, cleanup, and restoration for the transmission line. The documentation shall include maps depicting the plan and profile including the right-of-way, alignment, and structures in relation to the route and alignment approved per this permit.

The Permittee may not commence construction until the 30 days has expired or until the Commission has advised the Permittee in writing that it has completed its review of the documents and determined that the planned construction is consistent with this permit. If the Permittee intends to make any significant changes in its plan and profile or the specifications and drawings after submission to the Commission, the Permittee shall notify the Commission 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 permit.

9.2 Status Reports

The Permittee shall file with the Commission monthly status reports on progress regarding finalization of the route, design of structures, and construction of the transmission line. Reports shall begin with the submittal of the plan and profile for the Project and continue until completion of restoration. Reports shall describe construction activities and progress and activities undertaken in compliance with this permit. Reports shall include text and photographs.

9.3 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.

9.4 As-Builts

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

9.5 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 transmission line and each substation connected.

9.6 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.
- (d) To examine and copy any documents pertaining to compliance with the conditions of this permit.

10 PERMIT AMENDMENT

This permit may be amended at any time by the Commission. Any person may request an amendment of the conditions of this 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.

11 TRANSFER OF PERMIT

The Permittee may request at any time that the Commission transfer this 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 it filed, and all conditions of the permit.

12 REVOCATION OR SUSPENSION OF THE PERMIT

The Commission may initiate action to revoke or suspend this permit at any time. The Commission shall act in accordance with the requirements of Minn. R. 7850.5100, to revoke or suspend the permit.

In the Matter of the Applications of Byron Solar, LLC, for a Certificate of Need, Site Permit, and Route Permit for the up to 200 MW Byron Solar Project and 345 kV Transmission Line in Olmsted and Dodge Counties, Minnesota

**MPUC Docket Nos. IP-7041/GS-20-763, IP-7041/CN-20-764, and IP-7041/TL-20-765
OAH Docket No. 82-2500-38038**

CERTIFICATE OF SERVICE

Breann L. Jurek certifies that on the 9th day of December 2022, she e-filed on behalf of Byron Solar, LLC true and correct copies of the following documents via eDockets (www.edockets.state.mn.us):

- Byron Solar, LLC's Reply Comments;
- Attachment 1 – Cumulative Redline Draft Site Permit;
- Attachment 2 – Cumulative Redline Draft Route Permit; and
- Certificate of Service.

Said documents were also served on the Official Service Lists on file with the Minnesota Public Utilities Commission and as attached hereto.

Executed on: December 9, 2022

Signed: /s/ Breann L. Jurek

Fredrikson & Byron, P.A.
200 South Sixth Street
Suite 4000
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Angela	Piner	angela.piner@hdrinc.com	HDR, Inc.	Suite 600 701 Xenia Avenue South Suite 600 Minneapolis, MN 55416	Electronic Service	No	OFF_SL_20-763_Official CC Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Stephen	Rakow	stephen.rakow@state.mn.us	Department of Commerce	Suite 280 85 Seventh Place East St. Paul, MN 551012198	Electronic Service	No	OFF_SL_20-763_Official CC Service List
Larry	Rebman	larryemls@hotmail.com	EMLS, Inc	PO Box 122 Appleton, MN 56208	Electronic Service	No	OFF_SL_20-763_Official CC Service List
Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	OFF_SL_20-763_Official CC Service List
Margaret	Rheude	Margaret_Rheude@fws.gov	U.S. Fish and Wildlife Service	Twin Cities Ecological Services Field Office 4101 American Blvd. E. Bloomington, MN 55425	Electronic Service	No	OFF_SL_20-763_Official CC Service List
Nathaniel	Runke	nrunke@local49.org		611 28th St. NW Rochester, MN 55901	Electronic Service	No	OFF_SL_20-763_Official CC Service List
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th Pl E Ste 350 Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_20-763_Official CC Service List
Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates	7400 Lyndale Ave S Ste 190 Richfield, MN 55423	Electronic Service	Yes	OFF_SL_20-763_Official CC Service List
Tom	Slukich	tom@nationalconductor.com	National Conductor Constructors	18119 Hwy 371 North Braiderd, MN 56401	Electronic Service	No	OFF_SL_20-763_Official CC Service List
Adam	Sokolski	adam.sokolski@edf-re.com	EDF Renewable Energy	10 Second Street NE Ste 400 Minneapolis, MN 55410	Electronic Service	No	OFF_SL_20-763_Official CC Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Suzanne	Steinhauer	suzanne.steinhauer@state.mn.us	Department of Commerce	85 7th Place East Suite 500 St. Paul, MN 55101	Electronic Service	No	OFF_SL_20-763_Official CC Service List
Mark	Strohhus	mstrohhus@greenergy.com	Great River Energy	12300 Elm Creek Boulevard Maple Grove, MN 553694718	Electronic Service	No	OFF_SL_20-763_Official CC Service List
Carl	Strohm	cjsmg@sbcglobal.net	SBC Global	105 East Edgewood Ave Indianapolis, IN 46227	Electronic Service	No	OFF_SL_20-763_Official CC Service List
Tom	Swafford	tswafford@umsi.us	Utility Mapping Services, Inc	3947 E Calvary Rd Suite 103 Duluth, MN 55803	Electronic Service	No	OFF_SL_20-763_Official CC Service List
Eric	Swanson	eswanson@winthrop.com	Winthrop & Weinstine	225 S 6th St Ste 3500 Capella Tower Minneapolis, MN 554024629	Electronic Service	No	OFF_SL_20-763_Official CC Service List
Todd	Tadych	ttadych@atcllc.com	American Transmission Company LLC	5303 Fen Oak Dr Madison, WI 53718	Electronic Service	No	OFF_SL_20-763_Official CC Service List
Caren	Warner	caren.warner@state.mn.us	Department of Commerce	85 7th Place East Suite 280 St. Paul, MN 55101-2198	Electronic Service	No	OFF_SL_20-763_Official CC Service List
Cynthia	Warzecha	cynthia.warzecha@state.mn.us	Minnesota Department of Natural Resources	500 Lafayette Road Box 25 St. Paul, Minnesota 55155-4040	Electronic Service	No	OFF_SL_20-763_Official CC Service List
Elizabeth	Wefel	eawefel@flaherty-hood.com	Flaherty & Hood, P.A.	525 Park St Ste 470 Saint Paul, MN 55103	Electronic Service	No	OFF_SL_20-763_Official CC Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Scott	Wentzell	scott.wentzell@edf-re.com	EDF Renewables	10 NE 2nd St Ste 400 Minneapolis, MN 55413	Electronic Service	Yes	OFF_SL_20-763_Official CC Service List
Deanna	White	mncwa@cleanwater.org	Clean Water Action & Water Fund of MN	330 S 2nd Ave Ste 420 Minneapolis, MN 55401	Electronic Service	No	OFF_SL_20-763_Official CC Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Michael	Ahern	ahern.michael@dorsey.com	Dorsey & Whitney, LLP	50 S 6th St Ste 1500 Minneapolis, MN 554021498	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Kristine	Anderson	kanderson@greatermngas.com	Greater Minnesota Gas, Inc. & Greater MN Transmission, LLC	1900 Cardinal Lane PO Box 798 Faribault, MN 55021	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Alison C	Archer	aarcher@misoenergy.org	MISO	2985 Ames Crossing Rd Eagan, MN 55121	Electronic Service	No	OFF_SL_20-764_Official CC Service List
James J.	Bertrand	james.bertrand@stinson.com	STINSON LLP	50 S 6th St Ste 2600 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Brenda A.	Bjorklund	brenda.bjorklund@centerpointenergy.com	CenterPoint Energy	505 Nicollet Mall Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Christina	Brusven	cbrusven@fredlaw.com	Fredrikson Byron	200 S 6th St Ste 4000 Minneapolis, MN 554021425	Electronic Service	No	OFF_SL_20-764_Official CC Service List
James	Canaday	james.canaday@ag.state.mn.us	Office of the Attorney General-RUD	Suite 1400 445 Minnesota St. St. Paul, MN 55101	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Barbara	Case	barbara.case@state.mn.us	Office of Administrative Hearings	600 N. Robert St. St. Paul, Mn. 55101	Electronic Service	Yes	OFF_SL_20-764_Official CC Service List
Cody	Chilson	cchilson@greatermngas.com	Greater Minnesota Gas, Inc. & Greater MN Transmission, LLC	1900 Cardinal Ln PO Box 798 Faribault, MN 55021	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Ray	Choquette	rchoquette@agp.com	Ag Processing Inc.	12700 West Dodge Road PO Box 2047 Omaha, NE 68103-2047	Electronic Service	No	OFF_SL_20-764_Official CC Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
John	Coffman	john@johncoffman.net	AARP	871 Tuxedo Blvd. St. Louis, MO 63119-2044	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1400 St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_20-764_Official CC Service List
Riley	Conlin	riley.conlin@stoel.com	Stoel Rives LLP	33 S. 6th Street Suite 4200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Brooke	Cooper	bcooper@allete.com	Minnesota Power	30 W Superior St Duluth, MN 558022191	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Hillary	Creurer	hcreurer@allete.com	Minnesota Power	30 W Superior St Duluth, MN 55802	Electronic Service	No	OFF_SL_20-764_Official CC Service List
George	Crocker	gwillc@nawo.org	North American Water Office	PO Box 174 Lake Elmo, MN 55042	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Richard	Dornfeld	Richard.Dornfeld@ag.state.mn.us	Office of the Attorney General-DOC	Minnesota Attorney General's Office 445 Minnesota Street, Suite 1800 Saint Paul, Minnesota 55101	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Michelle	Dreier	mdreier@electricalassociation.com		N/A	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Bridget	Duffus	bduffus@fredlaw.com	Fredrikson & Byron, P.A.	200 South Sixth Street Suite 4000 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Ron	Elwood	relwood@mnlsap.org	Legal Services Advocacy Project	970 Raymond Avenue Suite G-40 Saint Paul, MN 55114	Electronic Service	No	OFF_SL_20-764_Official CC Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
James C.	Erickson	jericksonkbc@gmail.com	Kelly Bay Consulting	17 Quechee St Superior, WI 54880-4421	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Catherine	Fair	catherine@energycents.org	Energy CENTS Coalition	823 E 7th St St Paul, MN 55106	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Kate	Fairman	kate.frantz@state.mn.us	Department of Natural Resources	Box 32 500 Lafayette Rd St. Paul, MN 551554032	Electronic Service	No	OFF_SL_20-764_Official CC Service List
John	Farrell	jfarrell@ilsr.org	Institute for Local Self- Reliance	2720 E. 22nd St Institute for Local Self- Reliance Minneapolis, MN 55406	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Eric	Fehlhaber	efehlhaber@dakotaelectric.com	Dakota Electric Association	4300 220th St W Farmington, MN 55024	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Annie	Felix Gerth	annie.felix-gerth@state.mn.us		Board of Water & Soil Resources 520 Lafayette Rd Saint Paul, MN 55155	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 280 Saint Paul, MN 551012198	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Lucas	Franco	lfranco@liunagroc.com	LIUNA	81 Little Canada Rd E Little Canada, MN 55117	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Daryll	Fuentes	energy@usg.com	USG Corporation	550 W Adams St Chicago, IL 60661	Electronic Service	No	OFF_SL_20-764_Official CC Service List
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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Edward	Garvey	edward.garvey@AESLconsulting.com	AESL Consulting	32 Lawton St Saint Paul, MN 55102-2617	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Bruce	Gerhardson	bgerhardson@otpc.com	Otter Tail Power Company	PO Box 496 215 S Cascade St Fergus Falls, MN 565380496	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Anita	Grace	anita@gracemulticultural.com	GRACE Multicultural	12959 196th LN NW Elk River, MN 55330	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Bill	Grant	billgrant@minncap.org	Minnesota Community Action Partnership	MCIT Building 100 Empire Dr Ste 202 St. Paul, MN 55103	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Todd J.	Guerrero	todd.guerrero@kutakrock.com	Kutak Rock LLP	Suite 1750 220 South Sixth Street Minneapolis, MN 554021425	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Adam	Heinen	aheinen@dakotaelectric.com	Dakota Electric Association	4300 220th St W Farmington, MN 55024	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Annete	Henkel	mui@mutilityinvestors.org	Minnesota Utility Investors	413 Wacouta Street #230 St.Paul, MN 55101	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Corey	Hintz	chintz@dakotaelectric.com	Dakota Electric Association	4300 220th Street Farmington, MN 550249583	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Michael	Hoppe	lu23@ibew23.org	Local Union 23, I.B.E.W.	445 Etna Street Ste. 61 St. Paul, MN 55106	Electronic Service	No	OFF_SL_20-764_Official CC Service List
MJ	Horner	mj.horner@xcelenergy.com		N/A	Electronic Service	No	OFF_SL_20-764_Official CC Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Kari	Howe	kari.howe@state.mn.us	DEED	332 Minnesota St, #E200 1ST National Bank Bldg St. Paul, MN 55101	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Lori	Hoyum	lhoyum@mnpower.com	Minnesota Power	30 West Superior Street Duluth, MN 55802	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Travis	Jacobson	travis.jacobson@mdu.com	Great Plains Natural Gas Company	400 N 4th St Bismarck, ND 58501	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Alan	Jenkins	aj@jenkinsatlaw.com	Jenkins at Law	2950 Yellowtail Ave. Marathon, FL 33050	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Richard	Johnson	Rick.Johnson@lawmoss.com	Moss & Barnett	150 S. 5th Street Suite 1200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Sarah	Johnson Phillips	sarah.phillips@stoel.com	Stoel Rives LLP	33 South Sixth Street Suite 4200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Breann	Jurek	bjurek@fredlaw.com	Fredrikson & Byron PA	200 South Sixth St Ste 400 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Nick	Kaneski	nick.kaneski@enbridge.com	Enbridge Energy Company, Inc.	11 East Superior St Ste 125 Duluth, MN 55802	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Ray	Kirsch	Raymond.Kirsch@state.mn.us	Department of Commerce	85 7th Place E Ste 500 St. Paul, MN 55101	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Michael	Krikava	mkrikava@taftlaw.com	Taft Stettinius & Hollister LLP	2200 IDS Center 80 S 8th St Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-764_Official CC Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Karen	Kromar	karen.kromar@state.mn.us	MN Pollution Control Agency	520 Lafayette Rd Saint Paul, MN 55155	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Nicolle	Kupser	nkupser@greatermngas.com	Greater Minnesota Gas, Inc. & Greater MN Transmission, LLC	1900 Cardinal Ln PO Box 798 Faribault, MN 55021	Electronic Service	No	OFF_SL_20-764_Official CC Service List
James D.	Larson	james.larson@avantenergy.com	Avant Energy Services	220 S 6th St Ste 1300 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Peder	Larson	plarson@larkinhoffman.com	Larkin Hoffman Daly & Lindgren, Ltd.	8300 Norman Center Drive Suite 1000 Bloomington, MN 55437	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Annie	Levenson Falk	annielf@cubminnesota.org	Citizens Utility Board of Minnesota	332 Minnesota Street, Suite W1360 St. Paul, MN 55101	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Ryan	Long	ryan.j.long@xcelenergy.com	Xcel Energy	414 Nicollet Mall 401 8th Floor Minneapolis, MN 55401	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Susan	Ludwig	sludwig@mnpower.com	Minnesota Power	30 West Superior Street Duluth, MN 55802	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Kavita	Maini	kmains@wi.rr.com	KM Energy Consulting, LLC	961 N Lost Woods Rd Oconomowoc, WI 53066	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Valerie	Means	valerie.means@state.mn.us	Public Utilities Commission	121 7th Place E Suite 350 St. Paul, MN 55101	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Brian	Meloy	brian.meloy@stinson.com	STINSON LLP	50 S 6th St Ste 2600 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-764_Official CC Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Joseph	Meyer	joseph.meyer@ag.state.mn.us	Office of the Attorney General-RUD	Bremer Tower, Suite 1400 445 Minnesota Street St Paul, MN 55101-2131	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Stacy	Miller	stacy.miller@minneapolismn.gov	City of Minneapolis	350 S. 5th Street Room M 301 Minneapolis, MN 55415	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Dana	Mock	gsdlm@kmtel.com		25742 655th St Kasson, MN 55944	Electronic Service	No	OFF_SL_20-764_Official CC Service List
David	Moeller	dmoeller@allete.com	Minnesota Power	30 W Superior St Duluth, MN 558022093	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Andrew	Moratzka	andrew.moratzka@stoel.com	Stoel Rives LLP	33 South Sixth St Ste 4200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-764_Official CC Service List
David	Niles	david.niles@avantenergy.com	Minnesota Municipal Power Agency	220 South Sixth Street Suite 1300 Minneapolis, Minnesota 55402	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Samantha	Norris	samanthanorris@alliantenergy.com	Interstate Power and Light Company	200 1st Street SE PO Box 351 Cedar Rapids, IA 524060351	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Matthew	Olsen	molsen@otpc.com	Otter Tail Power Company	215 South Cascade Street Fergus Falls, MN 56537	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Carol A.	Overland	overland@legalelectric.org	Legalelectric - Overland Law Office	1110 West Avenue Red Wing, MN 55066	Electronic Service	No	OFF_SL_20-764_Official CC Service List
John	Pacheco	johnpachecojr@gmail.com		N/A	Electronic Service	No	OFF_SL_20-764_Official CC Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Greg	Palmer	gpalmer@greatermngas.com	Greater Minnesota Gas, Inc. & Greater MN Transmission, LLC	1900 Cardinal Ln PO Box 798 Faribault, MN 55021	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Jose	Perez	jose@hispanicsinenergy.com	Hispanics in Energy	1017 L Street #719 Sacramento, CA 95814	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Jennifer	Peterson	jjpeterson@mnpower.com	Minnesota Power	30 West Superior Street Duluth, MN 55802	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Catherine	Phillips	Catherine.Phillips@wecenergygroup.com	Minnesota Energy Resources	231 West Michigan St Milwaukee, WI 53203	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Kevin	Pranis	kpranis@liunagro.com	Laborers' District Council of MN and ND	81 E Little Canada Road St. Paul, Minnesota 55117	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Stephen	Rakow	stephen.rakow@state.mn.us	Department of Commerce	Suite 280 85 Seventh Place East St. Paul, MN 551012198	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	OFF_SL_20-764_Official CC Service List
Kevin	Reuther	kreuther@mncenter.org	MN Center for Environmental Advocacy	26 E Exchange St, Ste 206 St. Paul, MN 551011667	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Susan	Romans	sromans@allete.com	Minnesota Power	30 West Superior Street Legal Dept Duluth, MN 55802	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Stephan	Roos	stephan.roos@state.mn.us	MN Department of Agriculture	625 Robert St N Saint Paul, MN 55155-2538	Electronic Service	No	OFF_SL_20-764_Official CC Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Nathaniel	Runke	nrunke@local49.org		611 28th St. NW Rochester, MN 55901	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Jacob	Salisbury	Jacob.Salisbury@edf-re.com	EDF Renewables	10 NE 2nd St Ste 400 Minneapolis, MN 55413	Electronic Service	Yes	OFF_SL_20-764_Official CC Service List
Richard	Savelkoul	rsavelkoul@martinsquires.com	Martin & Squires, P.A.	332 Minnesota Street Ste W2750 St. Paul, MN 55101	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Elizabeth	Schmiesing	eschmiesing@winthrop.com	Winthrop & Weinstine, P.A.	225 South Sixth Street Suite 3500 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Matthew	Schuerger	matthew.schuerger@state.mn.us	Public Utilities Commission	121 7th Place East Suite 350 St. Paul, MN 55101	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th Pl E Ste 350 Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_20-764_Official CC Service List
Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates	7400 Lyndale Ave S Ste 190 Richfield, MN 55423	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Katie	Sieben	katie.sieben@state.mn.us	Public Utilities Commission	121 East 7th Place suite 350 St. Paul, MN 55101	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Colleen	Sipiorski	Colleen.Sipiorski@wecenergygroup.com	Minnesota Energy Resources Corporation	700 North Adams St Green Bay, WI 54307	Electronic Service	No	OFF_SL_20-764_Official CC Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Ken	Smith	ken.smith@districtenergy.com	District Energy St. Paul Inc.	76 W Kellogg Blvd St. Paul, MN 55102	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Adam	Sokolski	adam.sokolski@edf-re.com	EDF Renewable Energy	10 Second Street NE Ste 400 Minneapolis, MN 55410	Electronic Service	Yes	OFF_SL_20-764_Official CC Service List
Peggy	Sorum	peggy.sorum@centerpointenergy.com	CenterPoint Energy	505 Nicollet Mall Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Jamez	Staples	jstaples@renewablenrgpartners.com	Renewable Energy Partners	3033 Excelsior Blvd S Minneapolis, MN 55416	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Byron E.	Starns	byron.starns@stinson.com	STINSON LLP	50 S 6th St Ste 2600 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Richard	Stasik	richard.stasik@wecenergygroup.com	Minnesota Energy Resources Corporation (HOLDING)	231 West Michigan St - P321 Milwaukee, WI 53203	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Kristin	Stastny	kstastny@taftlaw.com	Taft Stettinius & Hollister LLP	2200 IDS Center 80 South 8th St Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Suzanne	Steinhauer	suzanne.steinhauer@state.mn.us	Department of Commerce	85 7th Place East Suite 500 St. Paul, MN 55101	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Cary	Stephenson	cStephenson@otpc.com	Otter Tail Power Company	215 South Cascade Street Fergus Falls, MN 56537	Electronic Service	No	OFF_SL_20-764_Official CC Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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Eric	Swanson	eswanson@winthrop.com	Winthrop & Weinstine	225 S 6th St Ste 3500 Capella Tower Minneapolis, MN 554024629	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Stuart	Tommerdahl	stommerdahl@otpc.com	Otter Tail Power Company	215 S Cascade St PO Box 496 Fergus Falls, MN 56537	Electronic Service	No	OFF_SL_20-764_Official CC Service List
John	Tuma	john.tuma@state.mn.us	Public Utilities Commission	121 7th Place East, Suite 350 St. Paul, MN 55101	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Analeisha	Vang	avang@mnpower.com	Minnesota Power	30 W Superior St Duluth, MN 558022093	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Lisa	Veith	lisa.veith@ci.stpaul.mn.us	City of St. Paul	400 City Hall and Courthouse 15 West Kellogg Blvd. St. Paul, MN 55102	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Cynthia	Warzecha	cynthia.warzecha@state.mn.us	Minnesota Department of Natural Resources	500 Lafayette Road Box 25 St. Paul, Minnesota 55155-4040	Electronic Service	No	OFF_SL_20-764_Official CC Service List
Scott	Wentzell	scott.wentzell@edf-re.com	EDF Renewables	10 NE 2nd St Ste 400 Minneapolis, MN 55413	Electronic Service	Yes	OFF_SL_20-764_Official CC Service List
Samantha	Williams	swilliams@nrdc.org	Natural Resources Defense Council	20 N. Wacker Drive Ste 1600 Chicago, IL 60606	Electronic Service	No	OFF_SL_20-764_Official CC Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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Kurt	Zimmerman	kwz@ibew160.org	Local Union #160, IBEW	2909 Anthony Ln St Anthony Village, MN 55418-3238	Electronic Service	No	OFF_SL_20-764_Official CC Service List
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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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Michelle F.	Bissonnette	michelle.bissonnette@hdrinc.com	HDR Engineering, Inc.	Golden Hills Office Center 701 Xenia Ave S Ste 600 Minneapolis, MN 55416	Electronic Service	No	OFF_SL_20-765_Official CC Service List
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PUC	CAO	consumer.puc@state.mn.us	Public Utilities Commission	Consumer Affairs Office 121 7th Place E Suite 350 St. Paul, MN 55101	Electronic Service	No	OFF_SL_20-765_Official CC Service List
Barbara	Case	barbara.case@state.mn.us	Office of Administrative Hearings	600 N. Robert St. St. Paul, Mn. 55101	Electronic Service	Yes	OFF_SL_20-765_Official CC Service List
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1400 St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_20-765_Official CC Service List
Bill	Cook	bcook@rpu.org	Rochester Public Utilities	4000 East River Road NE Rochester, MN 55906	Electronic Service	No	OFF_SL_20-765_Official CC Service List
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George	Crocker	gwillc@nawo.org	North American Water Office	PO Box 174 Lake Elmo, MN 55042	Electronic Service	No	OFF_SL_20-765_Official CC Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Thomas	Davis	atdavis1972@outlook.com	-	1161 50th Ave Sherburn, MN 56171	Electronic Service	No	OFF_SL_20-765_Official CC Service List
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Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 280 Saint Paul, MN 551012198	Electronic Service	No	OFF_SL_20-765_Official CC Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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Bruce	King	bruce@ranww.org	Realtors, Association of Northwestern WI	Suite 3 1903 Keith Street Eau Claire, WI 54701	Electronic Service	No	OFF_SL_20-765_Official CC Service List
Chris	Kopel	chrisk@CMPASgroup.org	Central Minnesota Municipal Power Agency	459 S Grove St Blue Earth, MN 56013-2629	Electronic Service	No	OFF_SL_20-765_Official CC Service List
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Brian	Meloy	brian.meloy@stinson.com	STINSON LLP	50 S 6th St Ste 2600 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-765_Official CC Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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Angela	Piner	angela.piner@hdrinc.com	HDR, Inc.	Suite 600 701 Xenia Avenue South Suite 600 Minneapolis, MN 55416	Electronic Service	No	OFF_SL_20-765_Official CC Service List
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Larry	Rebman	larryemls@hotmail.com	EMLS, Inc	PO Box 122 Appleton, MN 56208	Electronic Service	No	OFF_SL_20-765_Official CC Service List
Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	OFF_SL_20-765_Official CC Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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