

Staff Briefing Papers

Meeting Date December 18, 2025

Agenda Item 2**

Company Benton Solar, LLC

Docket No. IP7115/GS-23-423, ESS-24-283, TL-23-425

In the Matter of the Application of Benton Solar, LLC for a Site Permit for the 100 MW Solar Energy Generating System for the Benton Solar Project in Benton County, Minnesota

In the Matter of the Application of Benton Solar, LLC for a Site Permit for the 100 MW Battery Energy Storage System for the Benton Solar Project in Benton County, Minnesota

In the Matter of the Application of Benton Solar, LLC for a Route Permit for a 0.5-mile 115 kV High-Voltage Transmission Line Associated with the Benton Solar Project in Benton County, Minnesota

- Issues**
- Should the Commission adopt the Administrative Law Judge's Finding of Fact, Conclusions of Law, and Recommendations?
 - Should the Commission find that the Environmental Assessment and the record created at the public hearing adequately address the issues identified in the scoping decision?
 - Should the Commission issue a site permit for the up to 100-megawatt Benton Solar Project?
 - Should the Commission issue a site permit for the up to 100-megawatt Battery Energy Storage System for the Benton Solar Project?
 - Should the Commission issue a route permit for the 0.5-mile 115 kV High-Voltage Transmission Line Associated with the Benton Solar Project in Benton County, Minnesota?

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

✓ Relevant Documents

	Date
Initial Filing-Joint Site Permit Application, Benton Solar, LLC (13 parts), Docket# 23-423, 24-283	09/24/2024
Initial Filing - Route Permit Application, Benton Solar, LLC (7 parts), Docket# 23-425	09/24/2024
LIUNA Petition for Intervention (2 parts)	11/06/2024
IUOE Local 49 and NCSRC of Carpenters Petition for Intervention	12/06/2024
PUC Order Accepting Application as Complete	12/19/2024
PUC - Notice of Public Information and EA Scoping Meeting	12/26/2024
Minnesota Department of Transportation – Comments	01/31/2025
Minnesota Department of Natural Resources – Comments	01/31/2025
PUC EIP – Oral Comments on the scope of the EA	02/05/2025
PUC EIP – Written Comments on the scope of the EA	02/05/2025
Benton Solar, LLC – Response to Scoping Comments	02/12/2025
PUC Order EA Scoping Decision on Route Permit (docket 23-425)	03/04/2025
OAH Protective Order	03/21/2025
PUC EIP - Environmental Assessment Scoping Decision	03/26/2025
Benton Solar, LLC – Testimony (6 parts)	06/30/2025
LIUNA Testimony (3 parts)	07/21/2025
PUC EIP Environmental Assessment	07/24/2025
PUC Notice of Public Hearings	08/04/2025
Benton Solar, LLC Rebuttal Testimony (3 parts)	08/06/2025
LIUNA Direct Testimony (4 parts)	08/06/2025
LIUNA Rebuttal Testimony (2 parts)	08/06/2025
OAH Second Prehearing Order	08/12/2025
Benton Solar, LLC Surrebuttal Testimony (2 parts)	08/15/2025
LIUNA Surrebuttal Testimony (6 parts)	08/18/2025
Benton County - Public Comment	08/20/2025
Benton Solar, LLC Witness List	08/21/2025

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Relevant Documents

	Date
Benton Solar, LLC Exhibit List (2 parts)	08/21/2025
LIUNA Exhibits – Hearing	08/22/2025
LIUNA Letter	08/22/2025
Benton Solar, LLC Supplemental Response to LIUNA (3 parts)	08/28/2025
Benton Solar, LLC Revised Exhibit List (3 parts)	08/28/2025
LIUNA Exhibits – Hearing (3 parts)	08/29/2025
LIUNA Surrebuttal (3 parts)	08/29/2025
LIUNA Letter (3 parts)	08/29/2025
LIUNA Other, Exhibit List	08/29/2025
Public Comment – Gerry Goble	09/02/2025
Public Comment – Boys and Girls Clubs of Central Minnesota	09/08/2025
Public Comment – Foley Area Chamber of Commerce	09/08/2025
Public Comments – Batch 1-25	09/08/2025
Shaddix & Associates – Public Hearing Transcripts (2 parts)	09/09/2025
Public Comment – AGRIGROWTH	09/09/2025
VMPWG Comments	09/12/2025
MN DNR Comments (5 parts)	09/12/2025
Shadix & Associates – Evidentiary Hearing Transcripts	09/15/2025
Public Comment – St. Cloud Area Chamber of Commerce	09/15/2025
Public Comment – Central MN Builders Association	09/15/2025
Public Comment – Tammy Stark	09/15/2025
Public Comment – Benton County Sheriff’s Office	09/15/2025
Public Comment – Jaclyn Litfin	09/15/2025
PUC EIP – Corrected Hearing Comments	09/16/2025
Public Comment – Mitchell Litfin	09/17/2025
Benton Solar, LLC Response to Public Comments (2 parts)	09/26/2025
Benton Solar, LLC Post-Hearing Brief	09/26/2025
Benton Solar, LLC Proposed Findings	09/26/2025
LIUNA Briefs (3 parts)	09/29/2025
PUC EIP Reply Comments	10/03/2025
LIUNA Reply Brief (2 parts)	10/10/2025

✓ **Relevant Documents**

	Date
Benton Solar, LLC Post-Hearing Reply Brief (2 parts)	10/10/2025
LIUNA Reply Brief – Trade Secret (2 parts)	10/13/2025
CAH Report – Findings of Fact, Conclusions of Law, and Recommendation	11/10/2025
LIUNA – Exceptions to ALJ Report	11/24/2025
Benton Solar, LLC – Exceptions to ALJ Report	11/24/2025
PUC EIP – Exceptions to ALJ Report	11/25/2025

Attachment A: Project Map

Attachment B: Staff Recommended Draft Solar Site Permit

Attachment C: Staff Recommended Draft Energy Storage Site Permit

Attachment D: Staff Recommended Draft Route Permit

I. Statement of the Issues

- Should the Commission adopt the Administrative Law Judge's Finding of Fact, Conclusions of Law, and Recommendations?
- Should the Commission find that the Environmental Assessment and the record created at the public hearing adequately address the issues identified in the scoping decision?
- Should the Commission issue a site permit for the up to 100-megawatt Benton Solar Project?
- Should the Commission issue a site permit for the up to 100-megawatt Battery Energy Storage System for the Benton Solar Project?
- Should the Commission issue a route permit for the 0.5-mile 115 kV High-Voltage Transmission Line Associated with the Benton Solar Project in Benton County, Minnesota?

II. Background

Benton Solar, LLC (a wholly owned, indirect subsidiary of NextEra Energy Resources, LLC (NEER)), submitted permit applications for (1) a site permit for a 100-megawatt (MW) alternating current (AC) solar energy generating system, (2) a site permit for a 100 MW battery energy storage system, and (3) a route permit for the Benton 115-kilovolt (kV) transmission line.

The proposed project footprint would include approximately 632 acres of private land on a 951.4-acre project site located 4.0 miles east of St. Cloud in Minden Township, Benton County, Minnesota. The main components of the project include, but are not limited to, solar modules and tracking systems, electrical collector lines, inverters, transformers, battery energy storage systems, a project substation, security fencing, access roads, stormwater basins, an operation and maintenance building, and weather stations.

Benton Solar has identified the existing Great River Energy (GRE) Benton County Substation as the point of interconnection (POI) for the Project and has proposed to build a 0.5 mile long 115 kV transmission line to deliver the energy from the Benton Solar Project to the electrical grid. A project overview map is provided as Attachment A to these briefing papers.

According to the site permit application¹, the Project will serve growing customer demand for renewable energy resources and advance Minnesota's mandate to provide 100% carbon-free electricity for the state by 2040.

The Battery Energy Storage System (BESS) will have a power output of 100 MW and a storage capability of 400 MWh. Integration of the BESS into the Project will have a positive impact on the grid because the BESS can shift Project output from the peak of solar generation (e.g., noon) to times of peak demand (e.g., early evening hours). Depending on final design, a BESS

¹ Benton Solar, LLC Joint Site Permit Application, September 9, 2024, eDockets ID [20249-210442-03](#).

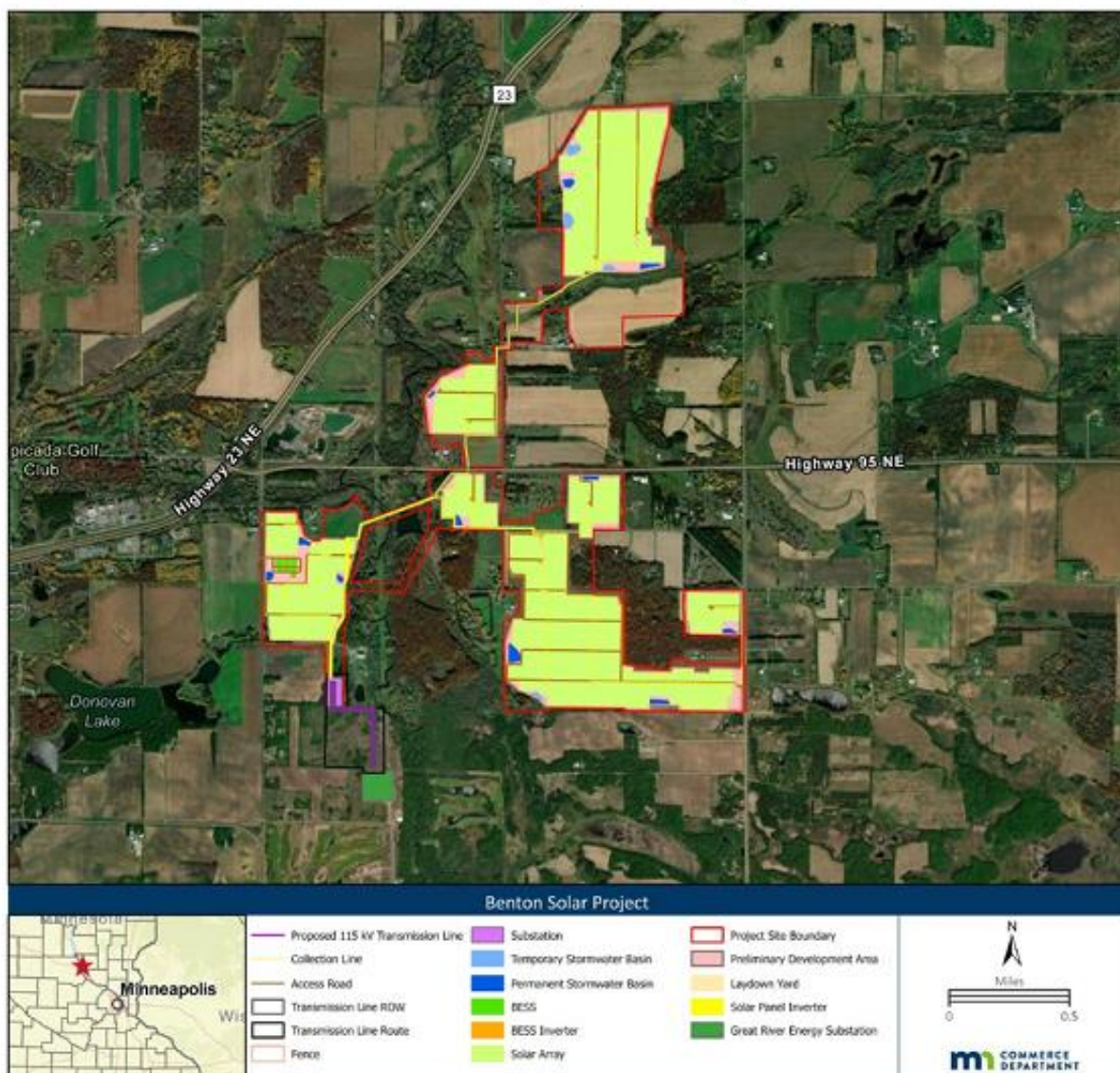
can also provide other grid services including frequency response and voltage support. The BESS could also smooth, or even out, Project output as needed based on weather conditions (e.g., cloudy days). The Solar Facility and BESS are planned to operate in tandem with one another, which will reduce impacts associated with the variability of solar energy generation.

The Applicant indicated it has secured a Generator Interconnection Agreement as of December 7, 2022, to connect the Project to the grid at GRE's Benton County Substation and is working toward securing an agreement related to the sale of power generated by the Project. Construction is anticipated to begin in Q2 of 2026 and commercial operation in Q4 of 2027.

Benton Solar Project

Docket Nos. IP-7115/GS-23-423, ESS-24-283, and TL-23-425

Benton Solar Project Overview Map



III. Procedural History

On September 24, 2024, the Commission received a joint site permit application from Benton Solar, LLC to construct, own, and operate the Benton Solar Project (Project). On the same day, the Commission received a separate route permit application for the 115 kV transmission line associated with Benton Solar Project.

On November 6, 2024, LIUNA submitted a petition for intervention.

On December 2, 2024, IUOE Local 49 and the NCSRC of Carpenters submitted a petition for intervention.

On December 19, 2024, the Commission issued an Order accepting the joint site permits application and the route permit application as complete, approved joint public meetings, joint public hearings, and combined environmental review of the route and site permit applications, referred the matters to the Court of Administrative Hearings (CAH) for a contested case hearing, and approved LIUNA's, Local 49's, and the Carpenters' petitions to intervene as parties in these dockets. The Commission requested the ALJ develop the record in accordance with the Commission's finding that the Applicant's labor practices in other states are relevant to the statutory criteria to be applied in this matter.

On December 26, 2024, the Commission issued a *Notice of Public Information and Environmental Assessment Scoping Meetings*, scheduled for January 14-15, 2025, with a comment period closing on January 31, 2025.

On January 31, 2025, the Minnesota Department of Transportation (MNDOT) submitted comments. On the same day, the Minnesota Department of Natural Resources (DNR) submitted comments.

On February 5, 2025, PUC EIP filed the transcript of the oral comments received at the public meetings and 27 written comments.

On February 12, 2025, Benton Solar, LLC filed a response to the public comments received on the scoping of the Environmental Assessment.

On March 4, 2025, the Commission issued a consent order in the route permit docket TL-23-425 authorizing the Energy Environmental Review and Assessment to solely include in the scoping decision for the environmental assessment (EA) the route for the project identified by Benton Solar, LLC in its route application.

On March 21, 2025, CAH issued a protective order to facilitate the disclosure of documents and information during the contested case portion of this proceeding and to protect against the unauthorized disclosure of: (1) protected data within the meaning of Minn. R. 7829.0100, subp. 19a (2023); or (2) "security information," "trade secret information," or "not public data" within

the meaning of Minn. Stat. §§ 13.02, subd. 8a, 13.37, subd. 1(a), (b) (2024). Such documents, information and data shall be referred to as “Protected Data.”

On March 26, 2025, the PUC EIP issued the environmental assessment scoping decision.

On June 30, 2025, Benton Solar, LLC filed the direct testimony of Adam Gracia, Cody MacDonald, Anthony Bass, and Ashley Nunez.

On July 21, 2025, LIUNA filed direct testimony of Lucas Franco and Steve Cortina.

On July 24, 2025, PUC EIP filed the Environmental Assessment.

On August 4, 2025, PUC staff issued a *Notice of Public Hearings and Availability of Environmental Assessment*, noticing that hearings would be held on August 26 and 27, 2025 with the comment period ending on September 12, 2025.

On August 6, 2025, Benton Solar, LLC filed rebuttal testimony of Adam Gracia.

On August 6, 2025, LIUNA refiled the direct testimony of Franco and Cortina originally filed on July 21, 2025, and also filed rebuttal testimony of Lucas Franco.

On August 12, 2025, CAH issued a second prehearing order scheduling the Evidentiary Hearing for August 28, 2025.

On August 15, 2025, Benton Solar, LLC filed the surrebuttal testimony of Adam Gracia.

On August 18, 2025, LIUNA filed the surrebuttal testimony of Lucas Franco and Steve Cortina.

On August 20, 2025, Benton County filed public comments.

On August 21, 2025, Benton Solar, LLC filed a witness list for the evidentiary hearing and a prehearing exhibit list.

On August 22, 2025, LIUNA filed a witness list and a prehearing exhibit list for the evidentiary hearing.

On August 28, 2025, Benton Solar, LLC filed a public and trade secret version response to LIUNA’s third information request. On the same day, Benton Solar also filed a revised exhibit list.

On August 29, 2025, LIUNA filed three exhibits consisting of excerpts from applications to the North Dakota Public Service Commission for a Certificate of Site Compatibility for three different wind projects developed by NextEra Energy.

On August 29, 2025, LIUNA filed the surrebuttal testimony of Steve Cortina under trade secret designation, including two attachments.

Also on August 29, 2025, LIUNA filed its final exhibit list.

On September 2, 2025, Gerry Goble filled a public comment.

On September 8, 2025, Commission staff filed public comments received from Boys & Girls Clubs of America, Foley area Chamber of Commerce, and a batch of 25 individual public comments.

On September 9, 2025, Commission staff filed a public comment received from AgriGrowth, a coalition of farm and commodity organizations, agribusinesses, allied industries, and community leaders committed to advancing agriculture and food in Minnesota.

On September 12, 2025, comments were received from the Minnesota Interagency Vegetation Management Planning Working Group (VMPWG) and the Minnesota Department of Natural Resources.

Between September 15-17, 2025, public comments were received from the St. Cloud Area Chamber of Commerce, Central MN Builders Association, Tammy Stark, Benton County Sheriff's Office, Jaclyn Litfin, and Mitchell Litfin.

On September 16, 2025, PUC EIP submitted hearing comments.

On September 26, 2025, Benton Solar submitted a response to public comments, proposed findings of fact, and an initial post hearing brief.

On September 29, 2025, LIUNA filed an initial brief.

On October 3, 2025, PUC EIP submitted reply comments to the applicant's proposed findings of fact.

On October 10 and October 13, 2025, LIUNA submitted reply brief.

On October 10, 2025, Benton Solar, LLC filed post-hearing reply brief.

On November 10, 2025, CAH filed the ALJ's Report.

On November 24, 2025, LIUNA Minnesota/North Dakota submitted exceptions.

On November 24, 2025, Benton Solar, LLC submitted exceptions.

On November 25, 2025, PUC EIP submitted exceptions.

IV. Statutes and Rules

A. Certificate of Need

A Site Permit Application submitted by an independent power producer under Chapter 216E for a solar energy generating system does not require a Certificate of Need (CON) (Minn. Stat. § 216B.243 subd. 8(a)(7) and Minn. Stat. § 216E). Energy storage systems are exempt from the CON requirement (Minn. Stat. § 216B.243 subd. 8(a)(9)). Because Benton Solar, an independent power producer, has submitted a Site Permit Application for a solar energy generating system under Chapter 216E, the Project is exempt from the CON requirement. The transmission line is also exempt from the CON requirements because it does not meet the definition of a large energy facility to which those requirements apply (Minn. Stat. § 216B.2421, subd. 2(2 and 3)).

B. Site Permits

Minn. Stat. § 216E.03, Subd. 1.² No person may construct a large electric generating plant or an energy storage system without a site permit from the commission. A large electric generating plant or an energy storage system may be constructed only on a site approved by the commission.

Minn. Stat. § 216E.01, Subd. 5.³ **Large electric power generating plant.** "Large electric power generating plant" shall mean electric power generating equipment and associated facilities designed for or capable of operation at a capacity of 50,000 kilowatts or more. The proposed Project is up to 100 MW. As a result, a site permit is required for the solar project.

Minn. Stat. § 216E.01, Subd. 3.⁴ **Energy storage system.** "Energy storage system" means equipment and associated facilities designed with a nameplate capacity of 10,000 kilowatts or more that is capable of storing generated electricity for a period of time and delivering the electricity for use after storage. The proposed Project has an up to 100 MW BESS. As a result, a site permit is required for the BESS.

Minn. Stat. § 216E.04.⁵ **Alternative Review of Applications.** The Applicant chose to follow the alternative review process outlined in Minn. R. 7850.2800-.3900 and requires the commissioner of the Department of Commerce to prepare an environmental assessment on behalf of the Commission.

² [Minn. Stat. § 216E.03, Subd. 1](#)

³ [Minn. Stat. § 216E.01, Subd. 5](#)

⁴ [Minn. Stat. § 216E.01, Subd. 3](#)

⁵ [Minn. Stat. § 216E.04](#)

C. Route Permit

Minn. Stat. § 216E.01, Subd. 4⁶. **High-voltage transmission line.** "High-voltage transmission line" means a conductor of electric energy and associated facilities designed for and capable of operation at a nominal voltage of 100 kilovolts or more and is greater than 1,500 feet in length. Because the 115-kV Project is an HVTL greater than 1,500 feet in length and greater than 100 kV, a Route Permit is required from the Commission prior to construction.

D. Contested Case Procedures

An Evidentiary Hearing in this matter was conducted in accordance with the Administrative Procedure Act, Minn. Stat. §§ 14.57-14.62; Minn. R. 1400.5010-8400; and to the extent they are not superseded by those rules, the Commission's rules of Practice and Procedure, Minn. R. 7829.0100 to 7829.4000. The Commission's final decision will be made in accordance with Minn. Stat. Ch. 14, 216B, and 216E.

V. Discussion of the Record

A. Public Hearings

The Commission referred this matter to the Court of Administrative Hearings for the assignment of an Administrative Law Judge (ALJ) to conduct a contested case hearing on the applicant's labor practices. The Commission requested that the Administrative Law Judge develop the record in accordance with the Commission's findings, including that the Applicant's labor practices in other states are relevant to the statutory criteria to be applied in this matter.

A Notice of Public Hearings and Availability of Environmental Assessment was issued on August 4, 2025, for public hearings to be held on August 26 and 27, 2025. A comment period was open until September 12, 2025.

Throughout the comment period, the Commission received multiple comments on the Project from members of the public, LIUNA, DNR, MnDOT, Minnesota Interagency Vegetation Management Planning Working Group, trade groups, non-profits, and local government representatives. The public comments or concerns expressed included the following topics:

- Broad support for the project from many residents and trade groups in the area
- The project provides sustainable energy taking us closer to energy

⁶ [Minn. Stat. § 216E.01, Subd. 4](#)

independence

- Protecting landowners' rights to have control over how their land is used
- Generating tax revenue for Benton County and Minden Township
- Preserving the land to be returned to farmland use at the end of the lease
- The applicant showed community engagement (supporting the local Scout troops, Boys and Girls Clubs of Central Minnesota, and public safety)
- The project will help grow Central Minnesota's economy
- Request for a visual barrier around the project, such as an 8-foot earth berm with evergreen trees screening all areas where the solar project borders residential properties or neighborhoods
- The project will drastically alter the landscape and negatively impact the quality of life for nearby residents
- The transmission line poses direct visual, environmental and property value impact on the nearby residents
- Request to require NextEra to conduct baseline residential well water testing before construction and for the duration of the project to monitor any potential contamination to protect residents' drinking water
- Request to require NextEra to allocate a set annual financial contribution to local fire departments to support emergency preparedness and response capabilities in the event of a fire or other incident related to the project

B. Agency, Tribal, and Stakeholder Coordination⁷

As part of their pre-application efforts, Benton Solar initiated outreach to public agencies and Tribal Governments through Project notification letters. Many agencies were contacted to gather feedback on the Project. Initial outreach letters and maps were sent to most federal and state agencies, and tribal governments in April 2023. Benton Solar requested input specific to the resources under each agency's respective jurisdiction, as well as the identification of permits and/or approvals that may be potentially required for the Project. All representative letters and agency responses received as of June 13, 2023 are included in Appendix A, Table 5-1 of the Site Permit Application.

Benton Solar conducted outreach to 47 Native American Tribes for the Benton Solar Project. Tribal outreach efforts are provided in Appendix I3, Table I3-1. Initial outreach consisted of a letter sent to each Tribe's Tribal Historic Preservation Officer (THPO) or similar representative on October 22, 2022, by Benton Solar's Tribal and Indigenous Relations group, providing information on the Project and surrounding area (Attachment H1-1). The Mille Lacs Band of Ojibwe and the Rosebud Sioux Tribe responded, indicating interest in the Project. The Crow Creek Sioux Tribe responded indicating no interest in the Project, and the Shakopee Mdewakanton Sioux Community responded that they would defer to Tribes closer to the Project. On August 10, 2023, NEER sent a second outreach letter to provide a Project update to the 11 Minnesota Tribal Nations and to those Tribes

⁷ [Site Permit Application](#), 09/24/2024, page 109.

outside Minnesota that requested continued involvement in the Project. This letter provided a Project update and included sensitive and confidential cultural resources information. Due to the sensitive nature of that content, the letter has been redacted and is not included in Appendix I3-1. Benton Solar stated that coordination with Tribes is ongoing.

Benton Solar indicated they will continue the collaborative process with agencies, Tribes, and other stakeholders throughout the development, construction, and operation phases of the Project.

C. Contested Case and Evidentiary Hearing

The Commission referred the issue of the Applicant's labor practices to the Office of Administrative Hearings for a contested case hearing, and approved LIUNA's, Local 49's, and the North Central States Regional Council of Carpenters (NCSRCC) petitions to intervene as parties in these dockets. Subsequently, the Local 49 and the NCSRCC indicated that they were not going to provide witnesses or question the Applicant's witnesses at the August 28, 2025, evidentiary hearing.

At the evidentiary hearing, LIUNA and Benton Solar introduced their witnesses and their testimony. Benton Solar waived its right to question any witnesses and LIUNA was the only party to question Benton Solar's witnesses. LIUNA cross examined only one witness, Mr. Adam Gracia, Project Developer for Benton Solar. Prior to the evidentiary hearing, LIUNA provided written testimony from LIUNA witnesses Lucas Franco and Steve Cortina, rebuttal testimony from Lucas Franco, and surrebuttal testimony from Lucas Franco and Steve Cortina.

LIUNA's Position

In its pre-filed testimony, LIUNA explained the importance of clean energy construction jobs to local workers, addressed the workforce practices of NextEra and other renewable energy developers and discussed NextEra's track record in North Dakota when it comes to creation of job opportunities for local workers and following through on commitments to prioritize local labor. In rebuttal testimony, LIUNA acknowledged the direct testimony of Benton Solar from June 30, 2025, in which NextEra made a commitment to maximize local benefits by working with local unions, but LIUNA expressed concerns that it is not clear if NextEra has entered into a binding project labor agreement with their contractor and that their position may change.

In surrebuttal testimony, LIUNA's first witness, Lucas Franco responded to the rebuttal testimony of Benton Solar witness, Adam Gracia, raising concerns with gaps and oversights in the contracted economic analysis done on behalf of the company. LIUNA's second witness, Steve Cortina also provided surrebuttal testimony addressing the differences that he and others have observed between the Company's commitments and public statements and its actual performance. LIUNA also provided as supporting evidence to their surrebuttal testimony a report titled "Capturing the Moment" written by the NorthStar Policy Action

that talks about large-scale carbon capture projects and pipeline networks being planned across the country and that examines the projected socioeconomic impacts of the Summit Carbon Capture pipeline, the first and largest of three proposed projects, with a focus on construction employment opportunities.

Benton Solar's Position

On June 30, 2025, Benton Solar submitted direct testimony⁸ of Adam Gracia, Project Director, in which he indicated that Benton Solar has committed to select and hire an Engineering, Procurement, and Construction contractor ("EPC") that will utilize skilled union tradesmen and tradeswomen to construct the Project. Benton Solar indicated they will require the Project EPC to negotiate and enter into a site-specific Project labor agreement with the appropriate Unions for the construction of the Project. That commitment was filed as Attachment 1 to Benton Solar, LLC's February 12, 2025 Response to Scoping Comments in this docket (eDockets ID no. [20252-215314-01](#)).

In rebuttal testimony⁹ filed on August 6, 2025, Adam Gracia responded to LIUNA's witnesses Lucas Franco and Steve Cortina regarding the economic benefits to the local community associated with utilizing local workers, NEER's utilization of local labor in Minnesota and North Dakota, and the availability of local laborers for the construction of the Benton Solar project. Rebuttal testimony included (Schedule 1) an economic study titled: The Economic Impact of Benton Solar, by Professor King Banaian from St. Cloud State University Center for Policy Research and Community Engagement. The study calculated total annual benefits (to Minden Township, School District, County, State, and Federal) of \$899,600 and a total net present value of \$12.7 million economic benefits over the 25-year life of the Project.

In surrebuttal testimony filed on August 15, 2025, Benton Solar disputed the assertions from LIUNA witness that Benton Solar will not fulfill its public commitment to use union labor. Benton Solar witness Adam Gracia stated that Benton Solar has already taken steps outlined in its commitment letter to ensure union labor will be utilized to construct the project. Specifically, Benton Solar has executed an EPC agreement with Blattner Energy, Inc. to construct the project and in turn Blattner has signed a specific project labor agreement ("PLA") with the unions (LIUNA, the International Union of Operating Engineers, and North Central States Regional Council of Carpenters Local 1382) shortly before August 15, 2025.

VI. ALJ Report - Findings of Fact, Conclusions of Law, and Recommendation

The ALJ was charged with applying the siting criteria established in statute and rule, and preparing a report that contained findings of fact, conclusions of law, and a recommendation on the proposed project. Commission staff will briefly summarize the ALJ

⁸ [Direct Testimony](#) of Adam Gracia, June 30, 2025

⁹ Adam Gracia [Rebuttal Testimony](#), August 6, 2025

Report in this briefing paper but refers the Commission to the full ALJ Report for a complete analysis.

A. Environmental Assessment¹⁰

The ALJ stated the environmental assessment (EA) is complete if it and the record address the issues and alternatives identified in the Scoping Decision. The ALJ concluded that the evidence in the record demonstrates that the EA is complete because it addresses the issues raised in the EA Scoping Decision, provides responses to the substantive comments received during the scoping process, and it was prepared in compliance with Minn. Stat. § 216E.04 and Minn. R. 7850.2900 to 7850.3900.

B. Solar and Battery Energy Storage Site Permits Conditions¹¹

The ALJ found that the record demonstrates that the Applicant has satisfied the criteria for a site permit outlined in Minn. Stat. § 216E, and Minn. R. Ch. 7850. Additionally, the ALJ found that the solar facility and battery energy storage system, with the permit conditions listed below, satisfy the site permit criteria under Minn. Stat. § 216E and Minn. R. Ch. 7850 and meet all other applicable legal requirements.

There are the four special permit conditions in the Solar Facility Draft Site Permit (DSP) and the BESS Facility DSP that are supported by the ALJ:

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

At least 14 days prior to the pre-construction meeting, the Permittee shall file: (a) the Visual Screening Plan; (b) documentation of coordination with landowners adjacent to the project site; and (c) an affidavit of its distribution of the Visual Screening Plan to landowners adjacent to the project site.

- B. The Permittee shall complete a noise study for the project, including surrounding residential areas, to ensure noise levels are below state standards. The study shall include methodologies and assumptions. The study shall include the purpose of the

¹⁰ CAH, ALJ's Report, pages 33-34

¹¹ CAH, ALJ's Report, page 87

monitoring, monitoring locations and their rationale, monitoring timing and duration, monitoring equipment, the monitored data, data processing, and data reporting. The permittee shall file with the Commission the results of the noise study within 12 months of operation of the project.

- C. The Permittee shall coordinate with Benton County and the Benton County snowmobile club to reroute snowmobile Trail No. 87 and any other snowmobile trails impacted by the project.
- D. The Permittee shall develop an Unanticipated Discoveries Plan (UDP) to be used in the event previously unrecorded archeological or historic properties, or human remains, are encountered during construction, or if unanticipated effects to previously identified archaeological or historic properties occur during construction. The UDP shall describe how previously unrecorded cultural resources or human remains found during construction shall be protected and examined. The Permittee shall file the UDP with the Commission at least 14 days prior to the pre-construction meeting.

In addition, the ALJ supported the DNR's proposed special permit conditions¹² including DNR requirements related to state-listed endangered and threatened species, tree clearing, facility lighting, wildlife friendly erosion control, and dust control during construction. The ALJ noted that in its response to public hearing comments, Benton Solar did not object to any of DNR's proposed permit conditions except that it requested that the special permit condition requiring motion activated lighting be revised to switch-controlled lighting. The ALJ concluded that Benton Solar's proposed modification to DNR's facility lighting condition is reasonable.

With respect to the security fencing around the solar facility, in their September 12, 2025 Comments¹³, DNR recommended a minimum 10 feet security fencing throughout the entire solar facility to prevent large wildlife from entering the solar facility. DNR indicated that it supports permit condition 4.3.32 of the solar permit directing the Permittee to coordinate the final fence design with the DNR and the Commission.

The EA and Application describe Project fencing as an up to 8 feet tall agricultural woven wire topped with 2 strands of smooth wire, for a maximum height of 10 feet. A permanent 6-foot-tall chain link fence, with one foot of barbed wire at the top, will be installed along the perimeter of the project substation. A permanent 7-foot-tall chain link fence, with one foot of barbed wire at the top, will be installed along the perimeter of the BESS facility. The ALJ noted that Benton Solar did not oppose any of the recommended permit conditions, agreed to coordinate with DNR on fencing, and would seek any applicable water appropriation permits as needed.

C. Route Permit Conditions

¹² CAH, ALJ's Report, pages 67-68

¹³ [DNR Comments](#), September 12, 2025

The ALJ concluded that the draft route permit includes a number of proposed permit conditions established in other route permit proceedings of other transmission lines permitted by the Commission. The conditions apply to site preparation, construction, cleanup, restoration, operation, maintenance, abandonment, decommissioning, and other aspects of the Project.

DNR requested the route permit include the following four special conditions:

1. The Permittee will comply with applicable Minnesota Department of Natural Resources requirements related to state-listed endangered and threatened species in accordance with Minnesota's Endangered Species Statute (Minnesota Statutes, section 84.0895 (2024)) and associated Rules (Minnesota Rules, part 6212.1800 to 6212.2300 and 6134 (2025)). The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.
2. The Permittee shall comply with the DNR's tree clearing recommendation from June 1 to August 15 to minimize impacts to northern-long eared bats.
3. The permittee shall use erosion control materials that do not contain plastic or synthetic fibers or malachite green dye.
4. The Permittee shall utilize non-chloride products for onsite dust control during construction.

The ALJ indicated the record supports the inclusion of DNR's proposed special permit conditions in the Draft Route Permit (DRP).

D. Additional Special Permit Conditions

The ALJ included a Memorandum at the end of her Report to address two areas of dispute, in this matter which were largely uncontested: the use of local labor and visual screening plan for the adjacent homes.

The ALJ stated that Benton Solar has committed to hire an EPC contractor that would work directly with unions to construct the Project, and LIUNA itself already entered into a project specific Project Labor Agreement with Benton Solar's EPC contractor, Blattner Energy, guaranteeing that LIUNA's membership will participate in that local, union workforce.¹⁴ However, given the large benefits to the local economy from using local labor, the ALJ stated that it would be reasonable for the Commission, in addition to

¹⁴ Ex. 143 at 12 & Attachment 1 (Benton Solar, LLC Response to Scoping Comments); Ex. 155 at 8:219:4 (Direct Testimony of Adam Gracia); Ex. 165 at 2:12–20, 2:17–20 (Surrebuttal Testimony of Adam Gracia (Gracia Surrebuttal)); Ev. Hearing Tr. at 28:23–29:2 (Aug. 28, 2025).

requiring the Applicant to report to the Commission on its local labor throughout the course of project, to include the following permit condition:

The Permittee shall notify the Commission in writing if the Permittee intends to deviate from its commitment to select a contractor that will maximize use of local, union construction employees to the greatest extent feasible. This notification shall include a detailed explanation of the rationale for the deviation. The Commission shall determine within ten business days whether to accept the Permittee's explanation.

Regarding the second disputed item, the ALJ stated that homeowners in an area adjacent to the property known as Rua Mitchel Court have legitimate concerns about the adequacy of visual screening for their homes. Seasonal vegetation such as tall grass is inadequate to protect these homeowners for large parts of the year. Likewise, four to six feet of screening is inadequate for to protect the tranquility of their yards and homes.

The Administrative Law Judge recommended that the Commission require the Visual Screening Plan to include at least eight feet of screening year-round for those homes in the adjacent Rua Mitchel Court area.

Exceptions to the ALJ Report

A. LIUNA

LIUNA indicated support for the ALJ's Report in general but proposed the following changes to the findings along with a new finding describing the applicant's use, or lack thereof, local labor to construct their projects in North Dakota, according to LIUNA, better align the report with the evidentiary record, and ensure that the Commission's final order provides adequate support for a new permit condition. Findings are in italics, and changes in red with additions underlined and deletions struck through.

224. *LIUNA filed testimony expressing concern that the Project may not be constructed using a significant amount of local labor based on the lack of local labor use by other NEER subsidiaries in North Dakota and Minnesota.*

225. *Benton Solar has committed, in a letter filed on the docket and in response to several public comments, to utilizing an EPC contractor to construct the Project who will utilize union labor. Based on testimony in the record, utilization of union labor is strongly correlated with significant utilization of a local workforce. Benton Solar's intended EPC contractor has already executed a Project-specific PLA with unions including LIUNA that ensures the Project will utilize union and local workers ~~in~~if constructed by the aforementioned contractor. Benton Solar and LIUNA provided testimony that many other projects constructed by NEER subsidiaries in Minnesota have utilized a significant amount of local labor.*

226A. The record demonstrates that, for at least three projects in North Dakota, the Applicant used less than 15 percent local labor, while one project in Minnesota was built with less than 30 percent local labor.¹⁵ Few local workers were employed on the Applicant's North Dakota project despite the fact that the Applicant made public statements which suggested that many jobs would be filled by North Dakotans, including those associated with "basic infrastructure and site development".¹⁶ The record provides little evidence that the Applicant made efforts to encourage, monitor or evaluate efforts by EPC contractors and subcontractors to employ local construction labor in North Dakota or elsewhere, except where the company was legally or contractually obligated to do so.¹⁷

227. Based on the evidence in the record, Benton Solar will be constructed with a significant amount of local labor if built under PLA, which will have direct and indirect positive economic impacts in Benton County and the region around the Project. There is ~~sufficient~~ evidence in the record that Benton Solar has committed to having its EPC utilize union labor, that the use of union labor will result in the use of local labor, and that the intended EPC has agreements with unions to staff the construction jobs for the Project.

231. The record shows that, ~~particularly~~ if built under an appropriate PLA, the Solar Facility and the BESS will have a significant positive impact on the socioeconomics of the region by increasing employment opportunities, stimulating economic activity, and providing additional tax revenue. Any adverse socioeconomic from the loss of agricultural land and income will be mitigated through lease payments to landowners over the lifespan of the Project.

LUNA indicated support for the ALJ proposed new permit condition on local labor use but with the following modification:

The Permittee shall notify the Commission in writing if the Permittee intends to deviate from its commitment to build the project under a PLA in order to ~~select a contractor that will~~ maximize use of local, union construction employees to the greatest extent feasible. This notification shall include a detailed explanation of the rationale for the deviation. The Commission shall determine within ten business days whether to accept the Permittee's explanation.

B. Benton Solar

Benton Solar identified a single exception to the ALJ Report and requested modification of

¹⁵ Ex. 400 (Comment on Application Completeness) at 2; Evid. Hrg. Tr. at 58-59.

¹⁶ Ex. LIUNA-413 (Franco Direct) at 6; Evid. Hrg. Tr. at 43

¹⁷ Ex. 168; Ev. Hrg. Trans. at 51-53

two draft permit conditions to facilitate tree removal outside of a protected species avoidance timeframe.

Finding 365 of the Report recommends an additional requirement that the Visual Screening Plan “include at least eight feet of screen year-round for those homes in the adjacent Rua Mitchel Court area.” Benton Solar requested the Commission decline to follow this recommendation and remove this Finding, because in the opinion of Benton Solar this recommendation departs from both Commission Energy Infrastructure Permitting staff’s recommendation from the Environmental Assessment and the Commission’s consistent practice in recent solar site permitting dockets. Benton Solar stated this level of granularity (eight feet of year-round screen) interferes with the flexibility Benton Solar and neighboring landowners can otherwise utilize in arriving at an agreeable visual impact mitigation approach.

Benton Solar also requested the Commission modify standard permit conditions 4.3.15 in the Draft Site Permits and condition 5.3.10 in the Route Permit to facilitate compliance with the tree clearing recommendation of the Minnesota Department of Natural Resources and to minimize ground disturbance during such activities. In their September 12, 2025 comments DNR recommended the following special permit condition to comply with the agency tree clearing restrictions from June 1 to August 15 to protect northern long-eared bats (NLEB), a state-listed species of special concern:

The Permittee shall comply with the DNR’s tree clearing recommendation from June 1 to August 15 to minimize impacts to northern-long eared bats.

To comply with DNR’s tree clearing condition and to be able to meet the anticipated construction of the Project during Summer and Fall 2026, Benton Solar proposed the following modifications to the general permit conditions:

Site Permit General Condition 4.3.15

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

The Permittee may cut and remove trees, but not grub or grind stumps, prior to Project construction approval as described in Section 8.3, on the condition that the Permittee file a Tree Removal Management Plan for review by Commission staff and written approval by the Executive Secretary. The Tree Removal Management Plan shall include a description of the activities, equipment and methodology that will be used, figures showing tree removal locations and relevant mitigation measures.

Route Permit General Condition 5.3.10

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.

The Permittee shall remove tall growing species located within the transmission line right-of way that endanger the safe and reliable operation of the transmission line. 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 transmission line or impede construction.

The Permittee may cut and remove trees, but not grub or grind stumps, prior to Project construction approval as described in Section 9.2, on the condition that the Permittee file a Tree Removal Management Plan for review by Commission staff and written approval by the Executive Secretary. The Tree Removal Management Plan shall include a description of the activities, equipment and methodology that will be used, figures showing tree removal locations and relevant mitigation measures.

Benton Solar noted that the above language is consistent with prior Commission decisions on similar permit amendment requests in other dockets.¹⁸ Benton Solar indicated it has coordinated this approach with the DNR and it believes that this request can be addressed prior to the Commission's issuance of the permits rather than by submitting a subsequent permit amendment request.

C. PUC EIP

EIP staff indicated they reviewed the ALJ Report and did not have any exceptions. EIP staff also reviewed the exceptions filed by Benton Solar in which they proposed to begin tree clearing early during winter months and have suggested general permit condition modifications requiring a Tree Removal Management Plan prior to the clearing. EIP indicated they have no objection to early tree clearing using a Tree Removal Management Plan and recommended including the language as new special permit conditions rather

¹⁸ See, e.g., Order Amending Section 4.3.14 of the Sherco Solar Site Permit, Jan. 4, 2023, eDockets ID No. 20231191792-01; Order Amending the Frazee to Erie HVTL Route Permit, Jan. 24, 2023, eDockets ID No. 20231192471-01.

than amending the general permit conditions. The language would remain unchanged as proposed by Benton Solar and be added to the Special Permit Conditions section of their respective permits. As an example:

Site Permits

5.10 Tree Removal Management Plan

The Permittee may cut and remove trees, but not grub or grind stumps, prior to Project construction approval as described in Section 8.3, on the condition that the Permittee file a Tree Removal Management Plan for review by Commission staff and written approval by the Executive Secretary. The Tree Removal Management Plan shall include a description of the activities, equipment and methodology that will be used, figures showing tree removal locations and relevant mitigation measures.

Route Permit

6.5 Tree Removal Management Plan

The Permittee may cut and remove trees, but not grub or grind stumps, prior to Project construction approval as described in Section 9.2, on the condition that the Permittee file a Tree Removal Management Plan for review by Commission staff and written approval by the Executive Secretary. The Tree Removal Management Plan shall include a description of the activities, equipment and methodology that will be used, figures showing tree removal locations and relevant mitigation measures.

Staff Discussion

The Commission has the following issues before it regarding the proposed Benton Solar Project:

- Whether to adopt the ALJ's Findings of Fact, Conclusions of Law, and Recommendation.
- Whether to find the environmental assessment is adequate.
- Whether to issue a site permit for the up to 100-MW Solar Facility.
- Whether to issue a site permit for the up to 100-MW BESS.
- Whether to issue a route permit for the 115 kV high-voltage Transmission Line.

Based on information in Benton Solar's site permits application, the route permit application, the analysis provided in the EA, public comments, the ALJ's Report, exceptions, and other evidence in the record, staff provides the discussion below.

1. Environmental Assessment

Staff has reviewed the EA and agrees with the ALJ that PUC EIP conducted an appropriate environmental analysis of the project for purposes of these proceedings, and that the EA satisfies

the requirements under Minn. Stat. § 216E and Minn. R. 7850.

- The EA did not identify any unique or significant environmental impacts from the construction and operation of the project that could not be properly mitigated.
- No information was submitted into the record that contested the information and analysis contained in the EA.

If the Commission does not find the EA complete, it must clearly identify the reasons it is not complete and request that the EA be revised or supplemented and the schedule for revising or supplementing the EA. The Commission would revisit the adequacy question after completion of the revised EA.

2. ALJ Report

Staff agrees with the findings, conclusions, and recommendations reached by the ALJ. Staff finds that the ALJ's Report is a sound, comprehensive, and common-sense ruling that is reflective of the case record. The ALJ's Report documents that the procedural requirements were followed and presents findings of fact for each of the decision criteria that must be met for a site permit for a large electric generating plant, a site permit for a battery energy storage, and a route permit for a transmission line.

Staff has also reviewed the exceptions to the ALJ Report submitted by LIUNA and Benton Solar and recommends that the Commission approve the ALJ's Report with the exceptions proposed by LIUNA, as they appear to supplement the record and not change the findings substantially.

With respect to Benton Solar's single exception with Finding 365 from the ALJ Report which requires a visual screening plan for residences adjacent to the project located on Rua Mitchel Court, to include an earthen berm and/or vegetation sufficient to ensure eight feet of screening at all times throughout the year, including winter months, Commission staff has no recommendation on this exception. There is no information in the record about the magnitude of an earthen berm in terms of linear feet or additional cost and time to construct a berm versus the typical vegetation screening that was provided with past projects and is being proposed by the Applicant here.

On August 21, 2025, Benton County submitted a public comment¹⁹ into the record recommending an earthen berm be provided in this location as an enhanced screening measure to reduce the visual and aesthetic impact to the community. The County provided photos and Google Maps of the R. Mitchel Ct. area depicting the areas visually affected by the project including a depiction of where the earthen berms may be constructed. There is no scale on the maps provided, but staff estimates that the two separate berms would be approximately 1,100' long each. It is not clear whether the two berms shown in the County's document represents all the berms requested. Lastly, the County also included aerial Google Maps and actual pictures

¹⁹ [Benton County Public Comment](#), Augst 21, 2025

showing an existing earthen berm that is part of a separate Community Solar Garden (CSG) project operating in the St. Cloud area located at 3388 County Road 8 SE, St. Cloud, MN 56304. Staff estimates that berm to be approx. 8' tall and 900' long. In addition to the County, at the public hearing five individual citizens requested an 8-foot berm be constructed around the Project as a stronger screening measure.

The Commission should consider the cost, construction and long-term operations implications and past precedent with providing visual screening from similar solar projects permitted by the Commission in deciding whether to require an earthen berm be constructed for the project in addition to or in lieu of the proposed vegetation screening. Staff reminds the Commission that the ALJ discusses the issue of visual screening and the earthen berm in a memorandum at the end of her Report. The Commission may want to further discuss this issue with the applicant.

3. Proposed Draft Site Permits for the Solar Facility and BESS

Staff agrees with PUC EIP and the ALJ that the Commission should issue a site permit to Benton Solar, LLC for the up to 100-MW Benton Solar Project and a site permit for the up to 100-MW Battery Energy Storage System located in Benton County, Minnesota with the following special conditions as discussed below:

The Draft Site Permits proposed by EIP as Appendices C and D to the Environmental Assessment include special permit conditions 5.1 – 5.4 in Section 5. The ALJ Report adopted these conditions in Finding 362. In Finding 366 the ALJ also adopted 5 additional conditions as proposed by DNR. The DNR conditions would be numbered 5.5 – 5.9. In addition to these, staff agrees that a new special permit condition on tree removal should be included as 5.10 as proposed by Benton Solar in their exceptions and agreed to by EIP. EIP agreed to the language but proposed to include the new language as a special condition 5.10 instead of a modification to the general condition in Section 4.3.15.

In its response to public hearing comments, Benton Solar did not object to any of DNR's proposed permit conditions except that it requested that the special permit condition requiring motion activated lighting be revised to switch-controlled lighting. The ALJ concluded that Benton Solar's proposed modification of DNR's special condition is reasonable and supported by the record. Staff will make this change to DNR's condition about the facilities lighting.

Staff has prepared two site permits, one for each the solar facility and the BESS that started with the EIP draft site permits and added the additional conditions as discussed above.

4. Proposed Draft Route Permit

For the transmission line, EIP proposed a draft route permit with the EA, as found in Appendix E. DNR requested inclusion of four special permit conditions as identified in Finding 480 of the ALJ Report. Benton Solar did not object to these conditions.

In addition, Benton Solar proposed a similar tree clearing condition and EIP agreed to it, but EIP proposed to be added to the special conditions section 6, as condition 6.5 instead of modifying general condition 5.3.10 as proposed by Benton Solar in exceptions.

Staff has prepared a route permit that includes the EIP changes, and it includes the additional special conditions as addressed in this section.

5. Earthen Berm/Visual Screening

If the Commission chooses to adopt Benton Solar's exception regarding the Visual Screening Plan (as pertaining to Finding 365 of the ALJ Report), the Commission can then decline to follow the ALJ recommendation that the Project "should include an earthen berm and/or vegetation sufficient to ensure eight feet of screening at all times throughout the year, include winter months."

If the Commission does not agree with Benton Solar exception and instead chooses to adopt the ALJ's recommendation, staff suggests the Commission can memorialize the ALJ's finding in the Order issuing the site permits, as an order paragraph instead of creating a new permit condition that will go in the permit(s). Conversely, the Commission can make this a special permit condition for the site permit(s).

6. Use of Local Labor

The Commission should consider adding a special permit condition as per the ALJ's recommendation from the Memorandum included with the ALJ Report:

The Permittee shall notify the Commission in writing if the Permittee intends to deviate from its commitment to select a contractor that will maximize use of local, union construction employees to the greatest extent feasible. This notification shall include a detailed explanation of the rationale for the deviation. The Commission shall determine within ten business days whether to accept the Permittee's explanation.

Or adopt LIUNA's revised condition:

The Permittee shall notify the Commission in writing if the Permittee intends to deviate from its commitment to ~~build the project under a PLA in order to select a contractor that will~~ maximize use of local, union construction employees to the greatest extent feasible. This notification shall include a detailed explanation of the rationale for the deviation. The Commission shall determine within ten business days whether to accept the Permittee's explanation.

7. Staff Proposed Additional Permit Conditions

Staff proposes that the Commission adopt the following provisions requiring a power

purchase agreement or other enforceable mechanism in the site permit for the solar generation facility and an offtake agreement for the site permit for the energy storage system.

Power Purchase Agreement

In the event the Permittee does not have a power purchase agreement or some other enforceable mechanism for the sale of the electricity generated by the Project at the time this site permit is issued, the Permittee shall, file updates, quarterly from the date of permit issuance, on the status of a power purchase agreement or other enforceable mechanism for the sale of the electricity generated by the Project. The Permittee shall provide notice to the Commission when it obtains a commitment for purchase of the power. This site permit does not authorize construction of the Project until the Permittee has obtained a power purchase agreement or some other enforceable mechanism for sale of the electricity to be generated by the Project.

In the event the Permittee does not obtain a power purchase agreement or some other enforceable mechanism for sale of the electricity to be generated by the Project within four years of the issuance of this site permit, the Permittee must advise the Commission of the reason for not having such commitment. In such event, the Commission may determine whether this site permit should be amended or revoked. No amendment or revocation of this site permit may be undertaken except in accordance with Minn. Stat. §§ 216I.09, 216I.14, and 216I.24.

Offtake Agreement

In the event the Permittee does not have an offtake agreement, or some other enforceable mechanism for the sale of energy, capacity, or ancillary services, and/or other products provided by the Project at the time this site permit is issued, the Permittee shall, file updates, quarterly from the date of permit issuance, on the status of a power purchase agreement or other enforceable mechanism for the sale of the electricity generated by the Project. The Permittee shall provide notice to the Commission when it obtains an offtake agreement, or some other enforceable mechanism for the sale of energy, capacity, or ancillary services, and/or other products. This site permit does not authorize construction of the Project until the Permittee has obtained an offtake agreement, or some other enforceable mechanism for the sale of energy, capacity, or ancillary services, and/or other products provided by the Project, including as an example, registration as a market participant with MISO or other Regional Transmission Organization or Independent System Operator.

In the event the Permittee does not obtain an offtake agreement or some other enforceable mechanism for the sale of energy, capacity, or ancillary services, and/or other products provided by the Project within four years of the issuance of this site permit, the Permittee must advise the Commission of the reason for not having an offtake agreement, or some other enforceable mechanism. In such event, the Commission may determine whether this site permit should be amended or revoked. No amendment or revocation of this site permit may be undertaken except in accordance with Minn. Stat. §§ 216I.09, 216I.14, and 216I.24.

Staff recommends these provisions be included in the permits for the Benton Solar Energy Generating System and Benton Solar Energy Storage System, respectively. A power purchase agreement and offtake agreement will ensure that the project is not constructed without a willing purchaser of the power produced or, in the case of the energy storage system, some other enforceable mechanism for the sale of energy, capacity, or ancillary services, and/or other products provided by the Project are secured. Staff proposes that the bulleted language above be included in the final permits for the Benton Solar project Section 10.6 of the Solar Energy Generating System permit and Section 10.5 of the Energy Storage System permit.

DECISION OPTIONS

Environmental Assessment

1. Determine that the Environmental Assessment and the record created in this matter address the issues identified in the Scoping Decision. (ALJ)
- (OR)
2. Determine that the Environmental Assessment and the record created in this matter do not address the issues identified in the Scoping Decision and direct PUC EIP staff to prepare a supplement to the Environmental Assessment that addresses the identified deficiencies.

ALJ Report

3. Adopt the ALJ's Findings of Fact, Conclusions of Law, and Recommendation, to the extent it is consistent with the Commission's final decisions. (EIP, LIUNA, Applicant)
- (AND)
4. Adopt the following modifications to the ALJ Report as identified in LIUNA's November 24, 2025 Exceptions to ALJ Report: (LIUNA)
 - A. Add "and Minnesota" to the end of Finding 224
 - B. Replace "in" with "if" in Finding 225
 - C. Adopt LIUNA's proposed finding 226A
 - D. Adopt LIUNA's modifications to finding 277
 - E. Adopt LIUNA's modifications to finding 231
- (AND)
5. Adopt the following modifications to the ALJ Report as identified in Benton Solar's November 24, 2025 Exceptions to ALJ Report: (Applicant)
 - A. Reject Finding 365 and instead adopt PUC EIP's recommended permit condition 5.1 relating to the Visual Screening Plan.

Solar Site Permit

6. Issue the Proposed Solar Energy Draft Site Permit as included with EIP's July 24, 2025 EA Filing (Attachment C) and recommended by the ALJ as the Site Permit for the 100 MW Benton Solar Project in Benton County, Minnesota.
- (AND)
7. Include the recommendations provided by the ALJ, DNR, EIP and as prepared by Commission staff and attached to these briefing papers.
- (OR)
8. Do not issue a site permit for the 100 MW Benton Solar Project and state the reasons for the denial.

Battery Energy Storage Site Permit

9. Issue the Proposed Battery Energy Storage Draft Site Permit as included with EIP's July 24,

2025 EA Filing (Attachment D) and recommended by the ALJ as the Battery Energy Storage Site Permit for 100 MW Benton Solar Project in Benton County, Minnesota.

(AND)

10. Include the recommendations provided by the ALJ, DNR, EIP and as prepared by Commission staff and attached to these briefing papers.

(OR)

11. Do not issue a site permit for the 100 MW Battery Energy Storage Site Permit and state the reasons for the denial.

Route Permit

12. Issue the Proposed Draft Route Permit as included with EIP's July 24, 2025 EA Filing (Attachment E) and recommended by the ALJ as the Route Permit for 115 kV Transmission Line associated with the Benton Solar Project in Benton County, Minnesota.

(AND)

13. Include the recommendations provided by the ALJ, DNR, EIP and as prepared by Commission staff and attached to these briefing papers.

(OR)

14. Do not issue a route permit for the 115 kV Transmission Line and state the reasons for the denial.

Earthen Berm and/or Visual Screening Plan

15. Modify permit condition 5.1 in both site permits to read: 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. The Visual Screening Plan shall at a minimum include: (a) **a plan to establish and maintain an earthen berm and/or vegetation sufficient to ensure initially at least five feet of screening and within 5 years at least eight feet of screening at all times throughout the year, including winter months; objectives for screening of nearby residences** and (b) a description of the types of trees and shrub species to be used, the location of plantings, and plans for installation, establishment, and maintenance. The location of trees and shrubs included in the Visual Screening Plan that are located within the Permittee's site control shall be included in the Site Plan filed under Section 8.3. The Permittee is required to maintain and ensure the successful growth, health, and maintenance of the vegetation **throughout the life of the project. for 3 years. The permittee shall work with the Vegetation Management Workgroup in developing the screening plan which will be reviewed and approved as a compliance filing by the Executive Secretary.**

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

- a) the Visual Screening Plan;
- b) documentation of coordination with landowners adjacent to the project site; and
- c) an affidavit of its distribution of the Visual Screening Plan to landowners adjacent to the project site.

Use of Local Labor

16. Include the following special condition in all three permits as recommended by the ALJ:

The Permittee shall notify the Commission in writing if the Permittee intends to deviate from its commitment to select a contractor that will maximize its use of local, union construction employees to the greatest extent feasible. This notification shall include a detailed explanation of the rationale for the deviation. The Commission shall determine within ten business days whether to accept the Permittee's explanation.

(OR)

17. Include the following special condition in all three permits as recommended by LIUNA:

The Permittee shall notify the Commission in writing if the Permittee intends to deviate from its commitment to build the project under a PLA in order to ~~select a contractor that will~~ maximize its use of local, union construction employees to the greatest extent feasible. This notification shall include a detailed explanation of the rationale for the deviation. The Commission shall determine within ten business days whether to accept the Permittee's explanation.

Power Purchase Agreement/Oftake Agreement

18. Include the special permit conditions regarding the Power Purchase Agreement and Offtake Agreement as discussed in Staff Discussion Section 7 above in the final permits for the Benton Solar project in Section 10.6 of the Solar Energy Generating System permit and Section 10.5 of the Energy Storage System permit.

Administrative

19. Authorize Commission staff to modify the permits to correct typographic and formatting errors, to reflect recent changes to infrastructure permitting legislation as applicable and ensure consistency with the Commission's final order in the matter. (Staff)

Staff Recommendation: 1, 3, 4, 6, 7, 9, 10, 12, 13, 17, 18, and 19.

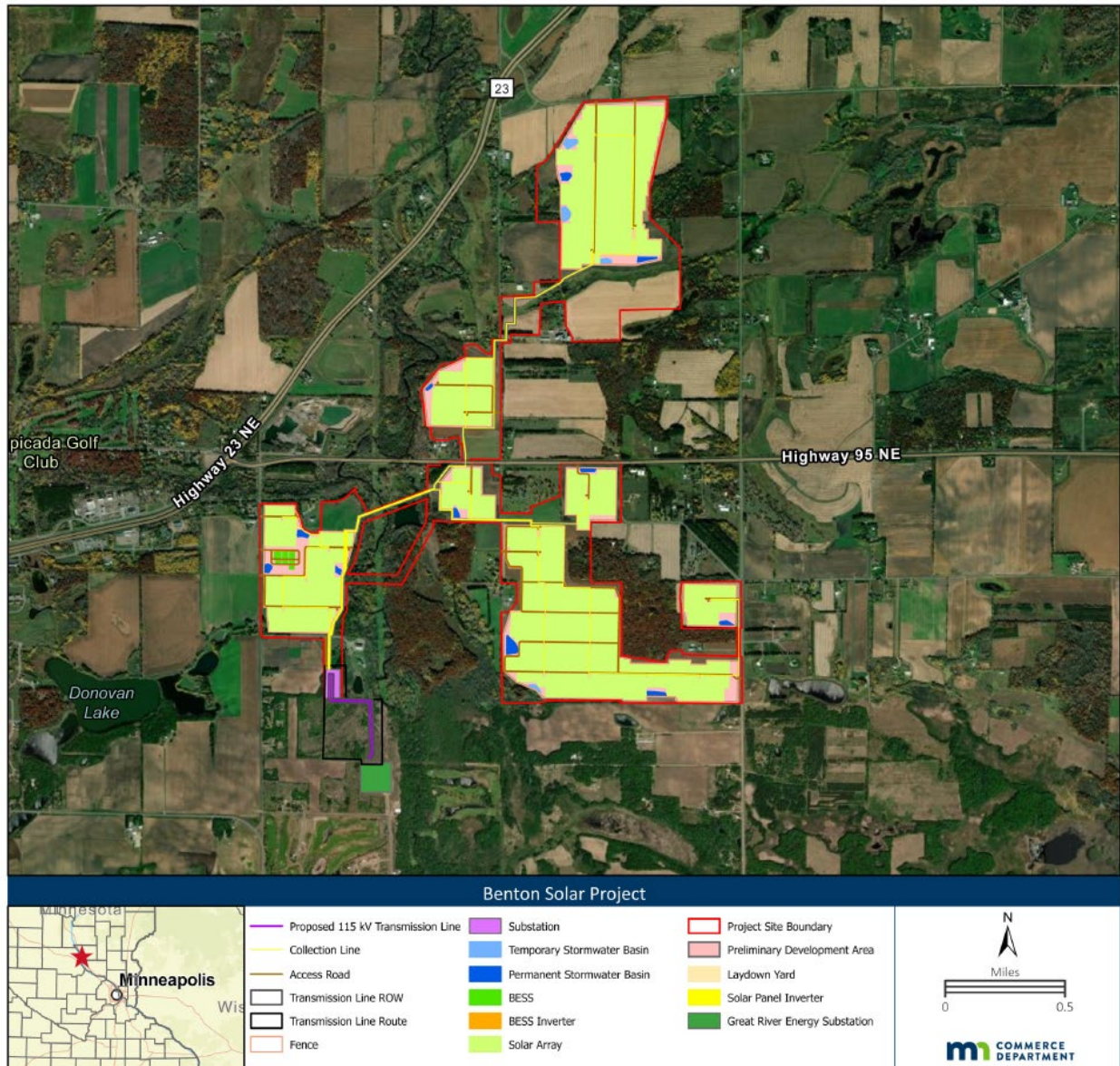
Staff does not have a recommendation on decision option 15.

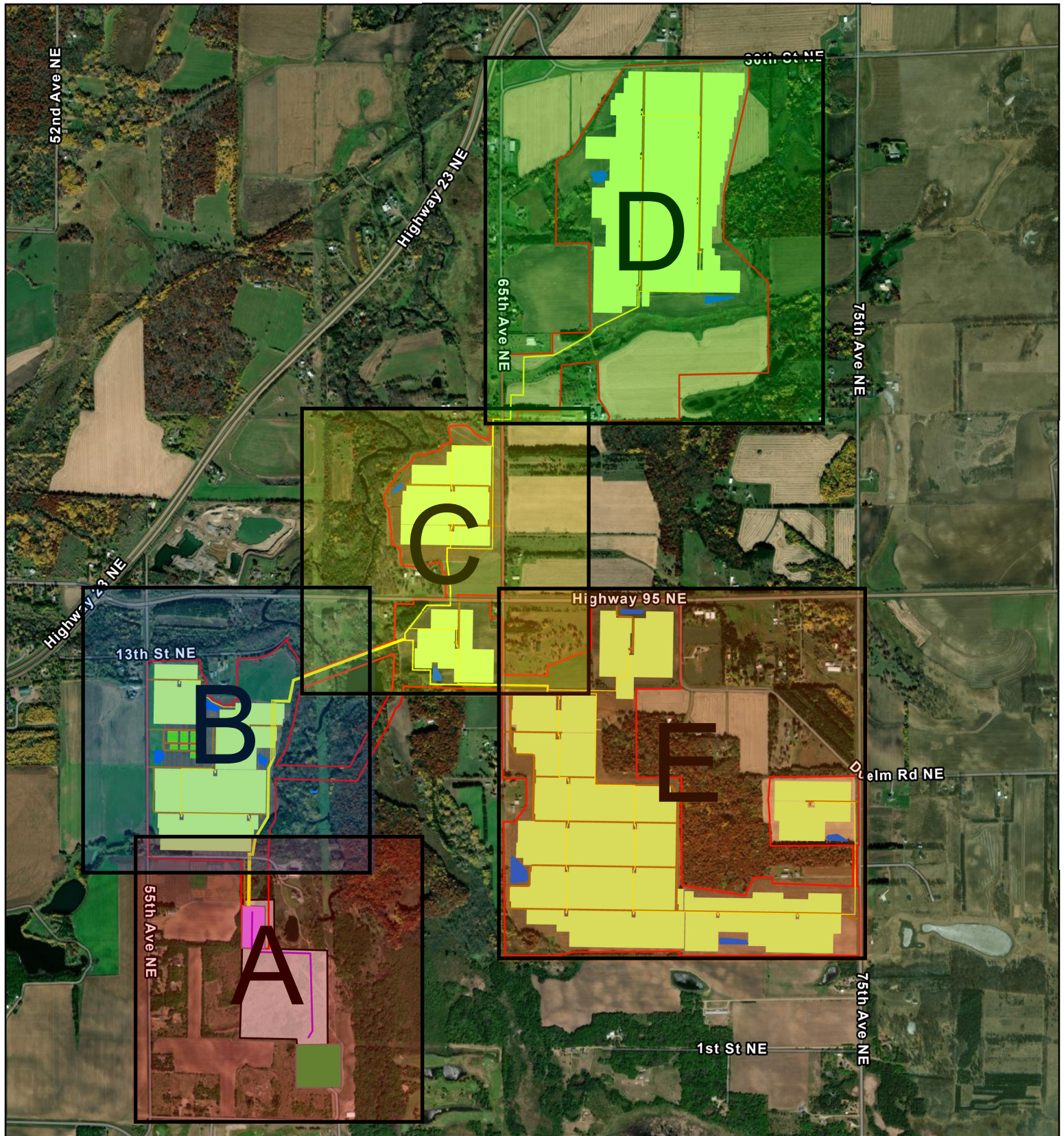
SAMPLE PERMIT

ATTACHMENT 3
[Permit Type] Maps

SAMPLE PERMIT

Benton Solar Project Overview Map

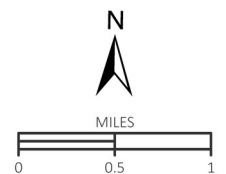


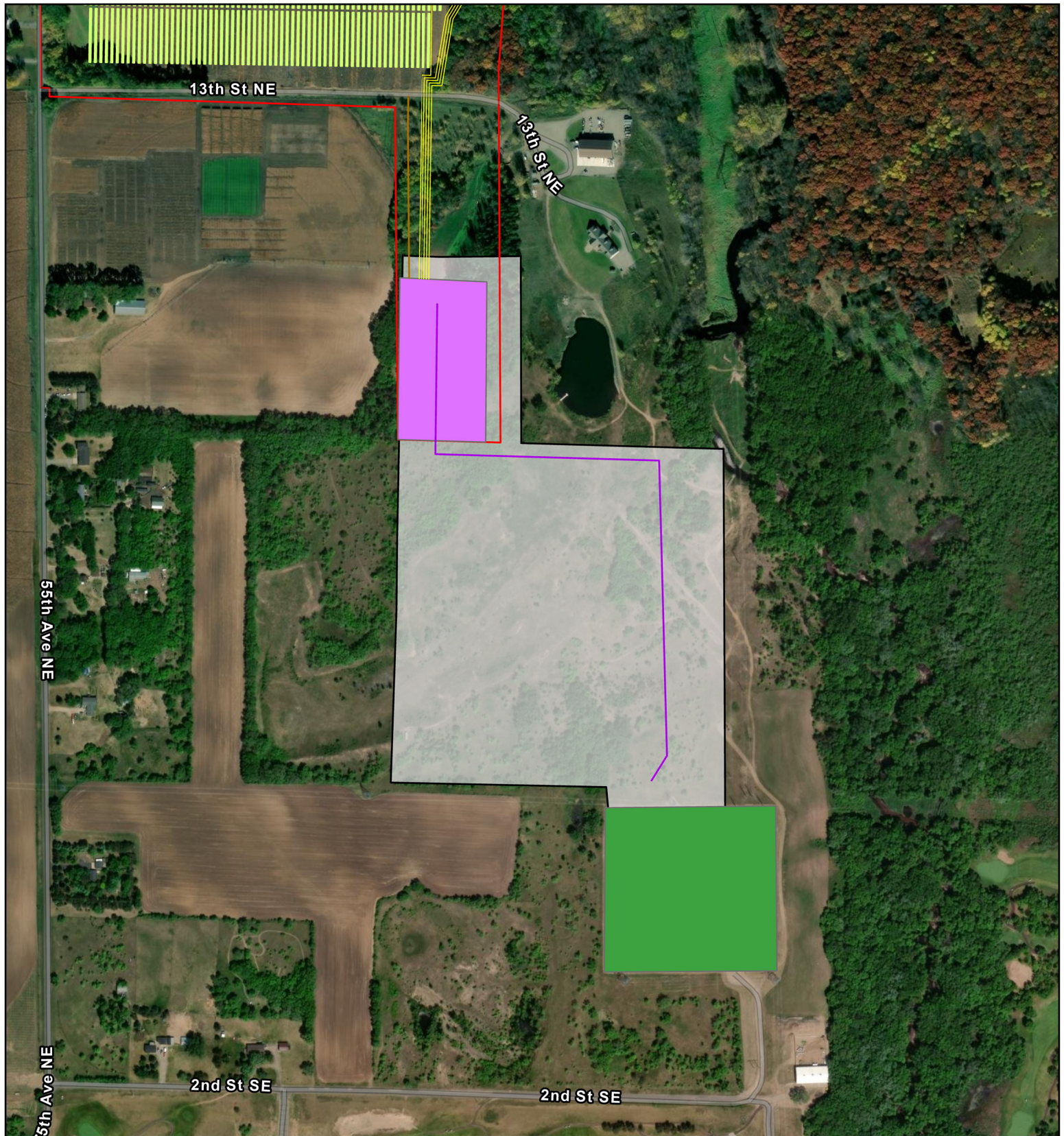


Benton Solar Project Site

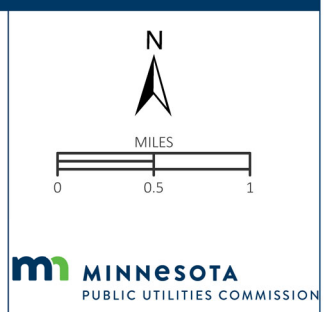
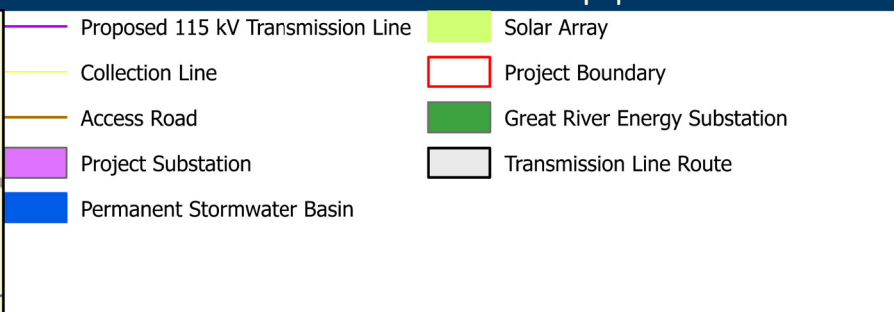
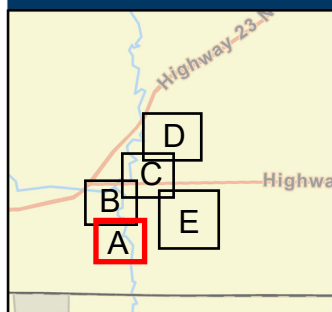


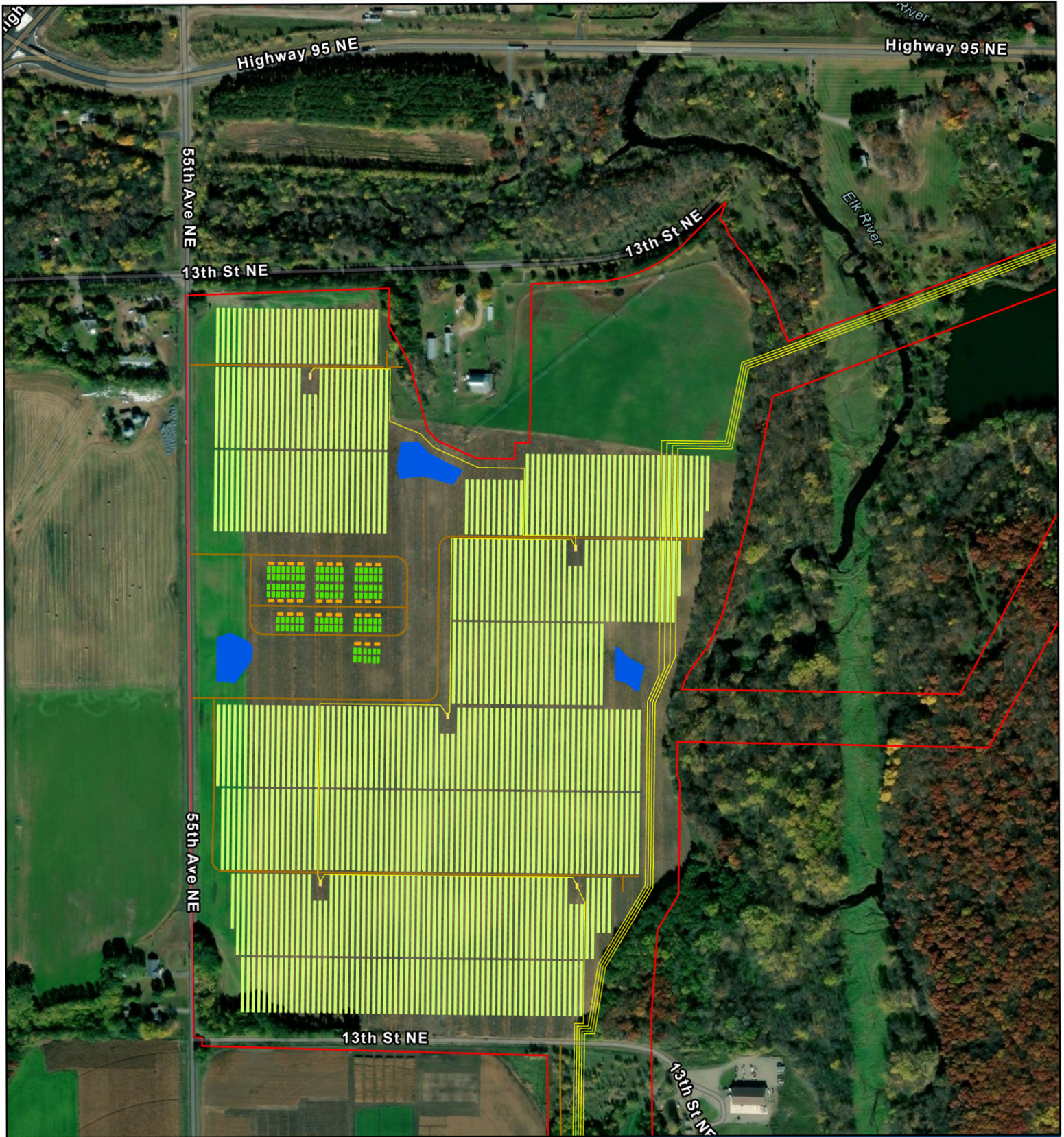
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|--|-----------------------------------|--|-------------------------------|
| | Proposed 115 kV Transmission Line | | BESS Inverter |
| | Collection Line | | Solar Array |
| | Access Road | | Project Boundary |
| | Project Substation | | Solar Panel Inverter |
| | Permanent Stormwater Basin | | Great River Energy Substation |
| | BESS | | Transmission Line Route |



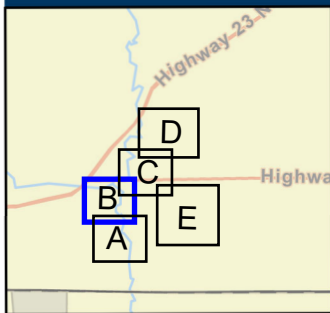


Benton Solar Detail Map | A

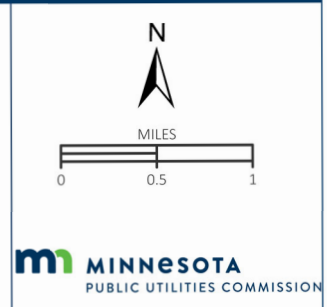




Benton Solar Detail Map | B

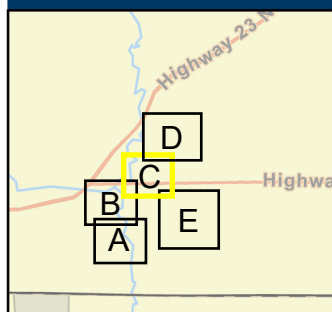


- | | |
|----------------------------|----------------------|
| Collection Line | BESS Inverter |
| Access Road | Solar Array |
| Permanent Stormwater Basin | Project Boundary |
| BESS | Solar Panel Inverter |

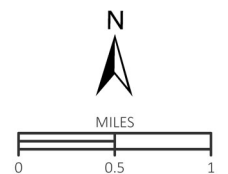


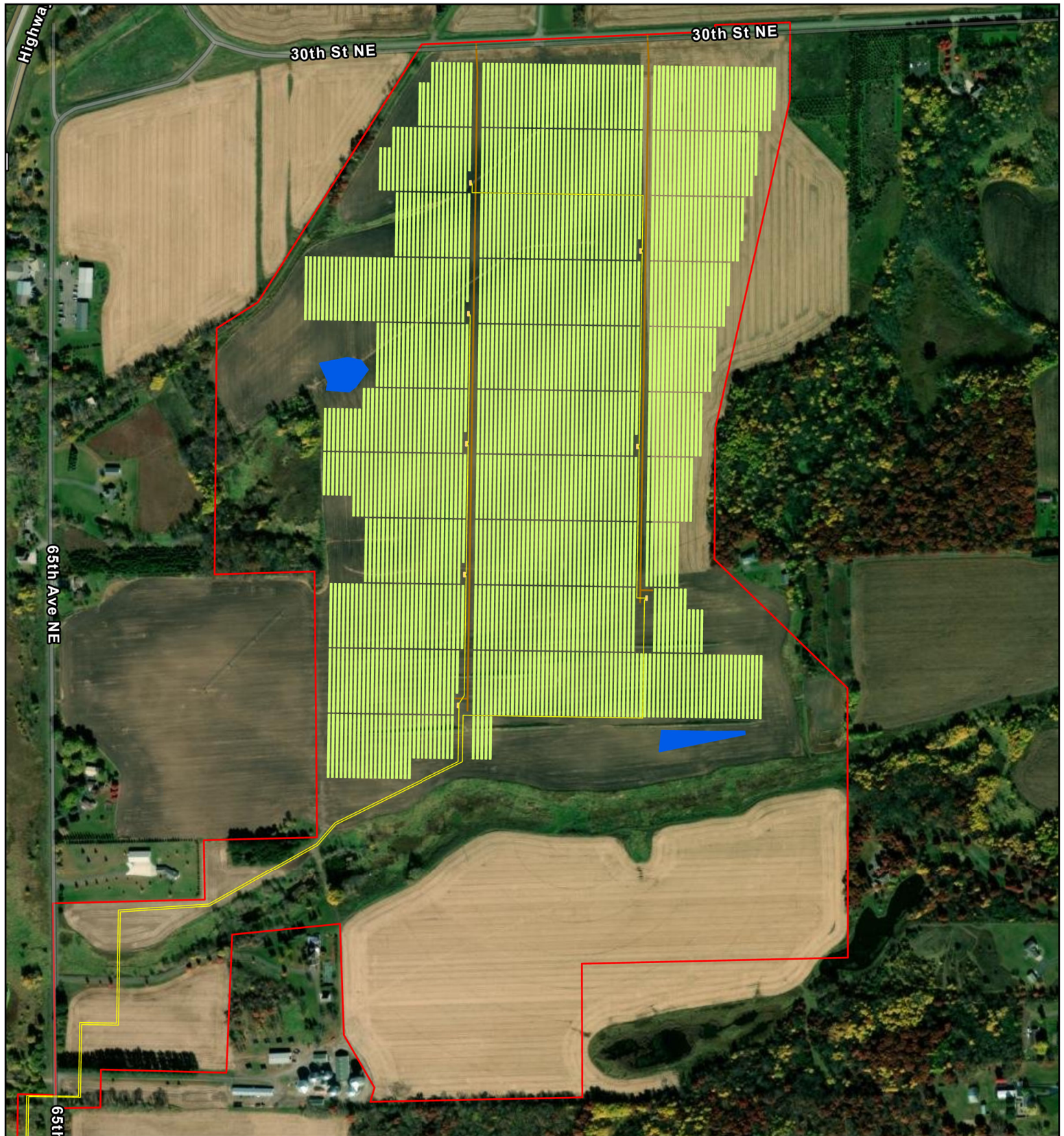


Benton Solar Detail Map | C

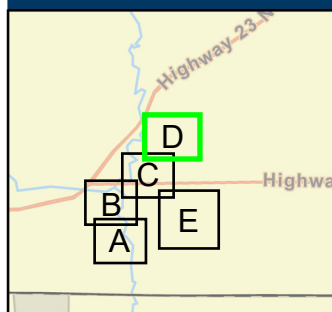


- Collection Line
- Access Road
- Permanent Stormwater Basin
- Solar Array
- Project Boundary
- Solar Panel Inverter

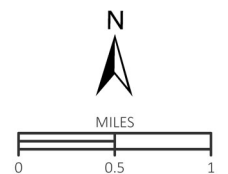




Benton Solar Detail Map | D

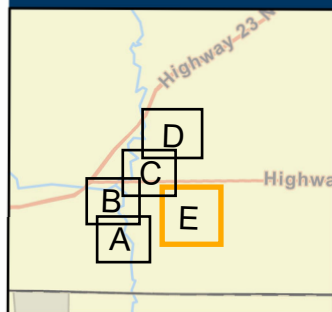


- Collection Line
- Access Road
- Permanent Stormwater Basin
- Solar Array
- Project Boundary
- Solar Panel Inverter





Benton Solar Detail Map | E



- Collection Line
- Access Road
- Permanent Stormwater Basin
- Solar Array
- Project Boundary
- Solar Panel Inverter

