



414 Nicollet Mall  
Minneapolis, MN 55401

July 29, 2019

—Via Electronic Filing—

Daniel P. Wolf  
Executive Secretary  
Minnesota Public Utilities Commission  
121 7<sup>th</sup> Place East, Suite 350  
St. Paul, MN 55101

RE: REPLY COMMENTS  
SITE PERMIT & ROUTE PERMIT – TRANSFER REQUEST  
FREEBORN WIND ENERGY PROJECT  
DOCKET NOS. IP-6946/WS-17-410 AND IP-6946/TL-17-322

Dear Mr. Wolf:

Northern States Power Company, doing business as Xcel Energy, submits to the Minnesota Public Utilities Commission these Reply Comments to the July 22, 2019 Initial Comments in the above-referenced dockets. We also provide a response to the Association of Freeborn County Landowners' (AFCL) July 18, 2019 Motion for Order to Show Cause in Docket No. IP-6946/WS-17-410.

### REPLY COMMENTS

Minnesota Rules 7854.1400 and 7850.5000, respectively, provide that the Commission “shall approve” transfers of site and route permits if the Commission “determines that the new permittee will comply with the conditions of the permit.” The Company appreciates the Department’s assessment that “[b]ased on the record to date and EERA staff’s experience with permits for other NSPM and Xcel Energy projects, EERA staff has no reason to believe that the Company will not comply with the conditions in the Freeborn Wind Farm permits.”

No other commenter seriously contests that the Company can and will comply with the conditions of the permits. Instead, the commenters largely express concerns about the Company’s plans to seek a future amendment to the site permit.<sup>1</sup> Several suggest that the Commission should address a permit amendment request prior to

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<sup>1</sup> London and Oakland townships also make a baseless accusation that the Company has been harassing the townships and, based on that allegation, ask that the Commission require the Company to comply with certain local ordinances. They ask that the Commission make this change to the permits without any evidence and without the text of the ordinances. Requesting such a change without this detail is far from a “reasonable additional condition[.]” and it should be denied.

the transfer of the petition. The Company appreciates that commenters are interested in ensuring any amended permit satisfies the requirements of Minnesota law. Addressing commenters concerns at this time, however, would be premature.

The Commission's general practice has been to consider a party's request to amend a site permit only after approving a transfer of the underlying permit to that party. For example, in connection with the Company's recent acquisition of the Blazing Star 2 wind farm (Docket No. IP-6985/WS-17-700), the Commission did not issue a Notice of Comment Period until July 9, 2019—the day after it issued its Order Approving Transfer of Site Permit and Route Permit to Xcel Energy—even though the Company had requested an amendment to the permit weeks earlier on June 18, 2019.

That same timing also makes sense here, and deciding to transfer the permit now will not prejudice commenters in connection with any future request to amend a permit. The Commission should now determine that the Company can and will comply with the conditions of the existing permit. Then, after the Company requests an amended permit, commenters can raise any concerns they may have on a complete record regarding such an amendment.

The risks of prematurely addressing permit amendment issues without a complete record are evinced by the misinformation commenters currently appear to have about the status of the Freeborn Wind farm and the Company's plans. For example, the AFCL falsely claims that the Company has leases for only 12,655 acres of land within the Freeborn Wind project area—as opposed to the current site permit's description of 17,435 acres in the project. This claim is based on information that Freeborn Wind's original developer terminated 34 agreements for approximately 4,770 acres of land and the incorrect assumption that all of the land associated with these terminated agreements was within the project boundary. In fact, only 190.46 acres associated with the terminated leases are within the project area. The Affidavit of Sean W. Lawler submitted with these Reply Comments supports this information.

AFCL's incorrect interpretation of the scope of terminated agreements not only underlies its opposition to the permit transfers but also is the sole factual basis for its recent Motion for Order to Show Cause in Docket No. IP-6946/WS-17-410. Moreover, AFCL claims without basis in its motion that Freeborn Wind is not in compliance with the Freeborn Wind site permit. AFCL does not allege that Freeborn Wind or the Company have violated any conditions of the permit. Instead, AFCL cites only the site permit's description of the project area as “approximately 26,273 acres of land, of which the Project currently holds leases on 17,435 acres.” Nothing in this section (or any other provision of the permit) requires Freeborn

Wind to maintain its leases for this entire acreage. Nor does AFCL claim that the description of the project was inaccurate when the permit was issued. Simply put, AFCL has neither factual nor legal basis for its motion, and it should be summarily dismissed.

Additionally, the Commission should approve the requested transfer of the site and route permits to Northern States Power. The termination of leases and other issues raised by commenters have no bearing on the transfer. We are willing and able to address all concerns commenters may have with the terms of an amended permit, but that should be done when a permit amendment request is in front of the Commission. The question now before the Commission is narrow: will the Company comply with the permits as they currently exist? The answer to that question is “yes,” and the transfers should be approved.

We have electronically filed this document with the Minnesota Public Utilities Commission, and copies have been served on the parties on the attached service lists. Please contact me at (612) 330-6064 or [bria.e.shea@xcelenergy.com](mailto:bria.e.shea@xcelenergy.com), or Jennifer Roesler at (612) 330-1925 or [jennifer.roesler@xcelenergy.com](mailto:jennifer.roesler@xcelenergy.com), if you have any questions regarding this filing.

Sincerely,

/s/

BRIA SHEA  
DIRECTOR, REGULATORY AND STRATEGIC ANALYSIS

Enclosure  
c: Service List

REQUEST FOR TRANSFER OF  
THE LARGE WIND ENERGY  
CONVERSION SYSTEM SITE  
PERMIT ISSUED FOR THE 84  
MW FREEBORN WIND PROJECT

**DOCKET No. IP-6946/WS-17-410**

REQUEST FOR TRANSFER OF  
THE 7-MILE HIGH VOLTAGE  
TRANSMISSION LINE ROUTE PERMIT  
ISSUED IN FREEBORN COUNTY

**DOCKET No. IP-6946/TL-17-322**

**AFFIDAVIT OF SEAN W. LAWLER**

Sean W. Lawler, under oath, states:

1. I am employed by Xcel Energy Services. My business address is 414 Nicollet Mall, Minneapolis, Minnesota 55401. My title is Siting & Land Rights Agent.
2. I have more than 7 years of experience in the public utility industry and have worked extensively in connection with the Company's Siting & Land Rights activities for more than 7 years.
3. I have reviewed the agreements for the project and determined 21,313.84 acres are leased in Minnesota. The agreements include:

<b>Agreement Type</b>	<b>Acres</b>
Agreements Regarding Easements	18,017.31
Neighbor Agreements	1,967.58
Transmission Easements	1,328.94
Total	21,313.84

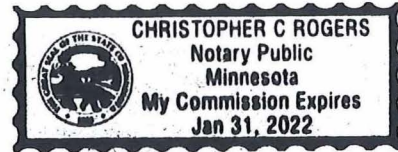
4. I have reviewed the Notice of Termination referenced in AFCL's filing and have attached a map depicting the location of the terminated parcels in relation to the project. Terminated parcels within the project area total 190.46 acres of land.

Dated this 29<sup>th</sup> day of JULY, 2019.



Sean W. Lawler  
Siting & Land Rights Agent

Subscribed and sworn to before me  
this 29<sup>th</sup> day of July, 2019.



Notary Public  
My Commission Expires: 1-31-2022

## CERTIFICATE OF SERVICE

I, Jim Erickson, hereby certify that I have this day served copies or summaries of the foregoing documents on the attached list(s) of persons.

xx by depositing a true and correct copy thereof, properly enveloped  
with postage paid in the United States Mail at Minneapolis, Minnesota

or

xx electronic filing

**Docket Nos.      IP-6946/WS-17-410**  
**IP-6946/TL-17-322**

Dated this 29th day of July 2019

/s/

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Jim Erickson  
Regulatory Administrator

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Lisa	Agrimonti	lagrimonti@fredlaw.com	Fredrikson & Byron, P.A.	200 South Sixth Street Suite 4000 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_17-410_Official Service list Site permit
Christina	Brusven	cbrusven@fredlaw.com	Fredrikson Byron	200 S 6th St Ste 4000  Minneapolis, MN 554021425	Electronic Service	No	OFF_SL_17-410_Official Service list Site permit
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1800  St. Paul, MN 55101	Electronic Service	No	OFF_SL_17-410_Official Service list Site permit
Richard	Davis	Richard.Davis@state.mn.us	Department of Commerce	85 7th Place East Suite 500  Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_17-410_Official Service list Site permit
Ian	Dobson	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	No	OFF_SL_17-410_Official Service list Site permit
Bret	Eknes	bret.eknes@state.mn.us	Public Utilities Commission	Suite 350 121 7th Place East St. Paul, MN 551012147	Electronic Service	Yes	OFF_SL_17-410_Official Service list Site permit
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_17-410_Official Service list Site permit
Sean	Gaston	sean.p.gaston@gmail.com		11133 850th Ave  Glennville, MN 56036	Electronic Service	No	OFF_SL_17-410_Official Service list Site permit
Dorene	Hansen	dhansen078@gmail.com		12174 840 Avenue  Glennville, MN 56036-4481	Electronic Service	No	OFF_SL_17-410_Official Service list Site permit
David	Harbert	dharbert@kaaltv.com	KAAL-TV	1320 Salem Rd SW  Rochester, MN 55902	Electronic Service	No	OFF_SL_17-410_Official Service list Site permit

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Linda	Jensen	linda.s.jensen@ag.state.mn.us	Office of the Attorney General-DOC	1800 BRM Tower 445 Minnesota Street  St. Paul, MN 551012134	Electronic Service	No	OFF_SL_17-410_Official Service list Site permit
Michael	Kaluzniak	mike.kaluzniak@state.mn.us	Public Utilities Commission	Suite 350 121 Seventh Place East St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_17-410_Official Service list Site permit
Dan	Litchfield	DLitchfield@invenergyllc.com	Invenergy LLC	One S Wacker Dr Ste 1800  Chicago, IL 60606	Electronic Service	No	OFF_SL_17-410_Official Service list Site permit
Sue	Madson	sue_madson@hotmail.com		14806 830th Ave  Glennville, MN 56036	Electronic Service	No	OFF_SL_17-410_Official Service list Site permit
Gregory R.	Merz	gregory.merz@gpmlaw.com	Gray, Plant, Mooty	80 S 8th St Ste 500  Minneapolis, MN 55402-5383	Electronic Service	No	OFF_SL_17-410_Official Service list Site permit
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Carol A.	Overland	overland@legalelectric.org	Legalelectric - Overland Law Office	1110 West Avenue  Red Wing, MN 55066	Electronic Service	No	OFF_SL_17-410_Official Service list Site permit
Richard	Savelkoul	rsavelkoul@martinsquires.com	Martin & Squires, P.A.	332 Minnesota Street Ste W2750  St. Paul, MN 55101	Electronic Service	No	OFF_SL_17-410_Official Service list Site permit



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Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates	7400 Lyndale Ave S Ste 190 Richfield, MN 55423	Electronic Service	Yes	OFF_SL_17-410_Official Service list Site permit
Lynnette	Sweet	Regulatory.records@xcelenergy.com	Xcel Energy	414 Nicollet Mall FL 7 Minneapolis, MN 554011993	Electronic Service	No	OFF_SL_17-410_Official Service list Site permit
Daniel P	Wolf	dan.wolf@state.mn.us	Public Utilities Commission	121 7th Place East Suite 350 St. Paul, MN 551012147	Electronic Service	No	OFF_SL_17-410_Official Service list Site permit

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Christina	Brusven	cbrusven@fredlaw.com	Fredrikson Byron	200 S 6th St Ste 4000  Minneapolis, MN 554021425	Electronic Service	No	OFF_SL_17-322_Official List
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Ian	Dobson	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_17-322_Official List
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Daniel P	Wolf	dan.wolf@state.mn.us	Public Utilities Commission	121 7th Place East Suite 350 St. Paul, MN 551012147	Electronic Service	Yes	OFF_SL_17-322_Official List