

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Katie J. Sieben	Chair
Dan Lipschultz	Commissioner
Valerie Means	Commissioner
Matthew Schuerger	Commissioner
John A. Tuma	Commissioner

In the Matter of a Site Permit for the Fenton
Wind Project in Murray and Nobles Counties

ISSUE DATE: April 25, 2019

DOCKET NO. PT-6499/WS-05-1707

ORDER GRANTING WIND-ACCESS-
BUFFER WAIVERS

PROCEDURAL HISTORY

I. Request for Amended Site Permit

On October 1, 2018, Fenton Power Partners I, LLC (Fenton or the developer) requested an amended site permit for the Fenton Wind Project, a 205.5 megawatt (MW) wind farm in located in Murray and Nobles counties.¹ Fenton proposed permit amendments to allow it to retrofit most of the project’s wind turbines with larger rotors and upgraded gear boxes, increasing the total capacity to 221 MW.²

On March 8, 2019, the Commission issued an amended site permit incorporating most of the changes Fenton had requested (March 8 order).

II. Wind-Access-Buffer Waiver Request

In its October 2018 filing, Fenton also asked the Commission to waive the permit’s wind-access buffer condition, which requires that turbine towers be set back a certain distance from adjacent properties to which Fenton does not hold wind rights (“nonparticipating properties”).

Fenton’s original permit specified that turbine towers must be located at least five rotor diameters away from nonparticipating properties “on the north-south axis” and at least two rotor diameters away “on the east-west axis.” The amended site permit specifies a wind-access buffer of five rotor diameters “on the prevailing wind directions” and three rotor diameters “on the non-prevailing wind directions.”

¹ The Commission first issued a site permit for the project to “Fenton Power Partners, LLC” in April 2006 and reissued it to “Fenton Power Partners I, LLC” in December 2007.

² Fenton stated that it planned to cap delivery to the grid at 200 MW but requested that the Commission increase the permit’s stated capacity to 221 MW to allow for increased energy production.

The amended permit's "5 x 3" wind-access buffer is consistent with other recently issued wind farm permits. However, Fenton anticipates that after the retrofit, 15 of the wind farm's 137 turbines will not conform to the new buffer and would need a waiver to keep operating.

The Commission did not immediately act on Fenton's waiver request. Instead, the March 8 order directed the developer to attempt to secure wind rights from the affected property owners. The Commission gave Fenton 30 days to provide an update on the status of negotiations with these landowners and a renewed request for setback waivers, if any.

III. Fenton's Compliance Filing

On March 25, 2019, Fenton made the compliance filing required by the March 8 order. The developer stated that it had negotiated wind easements with seven landowners, leaving only eight turbines that would need setback waivers after retrofit—those numbered 24, 34, 40, 44, 78, 79, 83, and 84. However, Fenton also stated that it had decided not to retrofit four of these eight turbines, leaving only four—numbers 78, 79, 83, and 84—in need of setback waivers.

Finally, Fenton requested that the Commission clarify that the amended site permit's new 5 x 3 wind-access buffer condition does not affect Fenton's right to continue operating existing wind turbines with 77-meter blades.

On April 11, 2019, the Commission met to consider the matter.

FINDINGS AND CONCLUSIONS

The Commission appreciates Fenton's efforts to obtain wind rights from adjacent landowners affected by the retrofit. These efforts have allowed the developer to reduce the scope of its waiver request from fifteen turbine sites to only four.

The four turbines for which Fenton requests setback waivers relate to two nonparticipating properties whose owners could not be reached despite repeated attempts to contact them. The first property's encroachment area is only 0.13 acres under the new buffer. The other property, owned by a Florida-based real estate company, hosts a telecommunications tower. While the encroachment area is larger than the first property's, Fenton's site permit requires the developer to alleviate any radio interference caused by its turbines. Under these circumstances, the Commission agrees with Fenton that it is reasonable to grant setback waivers and will do so for turbines 78, 79, 83, and 84.

In its compliance filing, Fenton also requested that the Commission confirm that the 5 x 3 wind-access-buffer condition of the amended permit does not apply to turbines that are not retrofitted. The developer stated that turbines 34, 44, 78, 79, and 84 will be out of compliance with the 5 x 3 buffer even if they are not retrofitted with larger blades.

The Commission confirms that it was not the agency's intent to apply the new wind-access buffer to turbines that are not being retrofitted. Accordingly, the Commission will authorize Fenton to operate turbines 34, 44, 78, 79, and 84 with 77-meter blades, at their current locations, consistent with the terms of the 2006 site permit's wind-access buffer condition.

ORDER

1. The Commission hereby grants the wind-access-buffer waiver as requested by Fenton Wind Power Partners I, LLC in its March 25, 2019 filing for turbines 78, 79, 83, and 84.
2. Fenton is authorized to operate existing turbines 34, 44, 78, 79, and 84 with 77-meter blades, at their current locations, consistent with the terms of the 2006 site permit's wind-access-buffer condition.
3. This order shall become effective immediately.

BY ORDER OF THE COMMISSION

Daniel P. Wolf
Executive Secretary



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