

Staff Briefing Papers

Meeting Date December 20, 2018 Agenda Item 6*

Company Nobles 2 Power Partners, LLC

Docket No. **IP6964/CN-17-597**

In the Matter of the Application of Nobles 2 Power Partners, LLC for a Site Permit for the up to 260 MW Nobles 2 Wind Project and Associated Facilities in Nobles County, Minnesota

- Issues
1. Should the Commission adopt the administrative law judge’s Summary of Public Testimony, Findings of Fact, Conclusions of Law, and Recommendation?
 2. Should the Commission grant a site permit for the up to 260 megawatt Nobles 2 Wind Farm proposed in Nobles County, Minnesota?

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 **Relevant Documents**

Date

Application for a Site Permit (6 Parts)	October 13, 2017
Applicant’s Revised Site Permit Application	December 1, 2017
Applicant’s Revised Maps 2A and 2B	December 28, 2017
Order Accepting Application, Establishing Procedural Framework, and Varying Rules	January 4, 2018

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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
DOC EERA Recommendations for a Draft Site Permit	April 16, 2018
Order Issuing Draft Site Permit	May 25, 2018
DOC EERA Supplemental Response to Public Comments	June 8, 2018
DNR Comments	July 11, 2018
DOC EERA Comments and Recommendations	July 25, 2018
OAH ALJ <i>Order</i> – Summary of Public Testimony, Findings of Fact, Conclusions of Law, and Recommendation	August 24, 2018
DOC EERA Response to ALJ Report	September 4, 2018
Applicant’s Exceptions to ALJ Report	September 7, 2018

Attachments:

- A. Summary of Proposed Permit Condition Revisions**
- B. Proposed Site Permit**

I. STATEMENT OF ISSUES

- Should the Commission adopt the administrative law judge's Summary of Public Testimony, Findings of Fact, Conclusions of Law, and Recommendation?
- Should the Commission grant a site permit for the up to 260 megawatt Nobles 2 Wind Large Wind Energy Conversion System in Nobles County, Minnesota?

II. PROJECT DESCRIPTION

Nobles 2 Power Partners, LLC (Nobles 2) has filed a site permit application to build and operate an up to 260 MW Large Wind Energy Conversion System (LWECS) with associated facilities in Nobles County, Minnesota. The project area for the Nobles 2 Wind Farm (project) is approximately 42,550 acres. Nobles 2 has entered into agreements with land owners for approximately 33,991 acres of private land within the project area. The project itself would utilize approximately 115 acres.

The proposed LWECS would be comprised of 65 to 82 wind turbines ranging in size from 3.45 to 4.2 megawatts along with associated facilities including underground electrical collection and communication lines, a project substation and interconnection switchyard, an operations and maintenance building, permanent meteorological towers, and travel access roads. The applicant intends to interconnect the project at an existing 115-kV transmission line in close proximity to the proposed substation. Nobles 2 plans to anticipate an in-service date as early as the third or fourth quarter of 2019.

Nobles 2 is an independent power producer. Tenaska Wind Holdings II, LLC, the parent of Nobles 2, is based in Omaha, Nebraska and is a private, independent energy company.

Nobles 2 has executed a power-purchase agreement with Minnesota Power (a division of Allete, Inc.), whereby the utility would purchase up to 250 MW of capacity and energy from the project.¹

III. PROCEDURAL HISTORY

On October 13, 2017, Nobles 2 filed a site permit application for the Nobles 2 Wind Farm. On the same day, Nobles 2 filed a certificate of need (CN) application for the project.²

On December 1, 2017 and December 28, 2017, the applicant filed revisions to its site permit application.

¹ The power purchase agreement under review in Commission Docket Number E015/AI-17-568.

² See Commission Docket Number IP6964/CN-16-289.

On January 4, 2018, the Commission issued an order that, among other procedural items: 1) accepted the site permit application as substantially complete; 2) requested an administrative law judge from the Office of Administrative Hearings preside over required public hearing(s); and 3) requested a report with findings of fact, conclusions of law and recommendation(s) on the merits of the site permit application and provisions of the proposed site permit.

On February 28, 2018, staff from the Commission and the Department of Commerce Energy Environmental Review and Analysis unit (DOC EERA) held a public information and environmental report scoping meeting at the Wilmont Community Center in Wilmont, Minnesota. A comment period to receive comments on the draft site permit (DSP) and the scope of the environmental report for the certificate of need docket remained open until March 20, 2018.

On April 16, 2018, after considering public and agency comments, DOC EERA issued recommendations to the Commission for issuance of a draft site permit.

On May 25, 2018, the Commission issued the draft site permit for the project.

On May 29, 2018, the Commission and DOC EERA issued a Notice of Joint Hearings and Draft Site Permit Availability for the project.

On May 31, 2018, DOC EERA filed the environmental report for the project.

On June 15, 2018, Nobles 2 filed direct testimony in support of the project.

On June 20, 2018, Administrative Law Judge (ALJ) Jessica Palmer-Denig presided over a joint public hearing on the certificate of need and site permit applications at the Wilmont Community Center in Wilmont, Minnesota. A comment period following the public hearing remained open until July 11, 2018.

On July 11, 2018, the Minnesota Department of Natural Resources (DNR) filed comments on the site permit application.

On July 25, 2018, DOC EERA filed comments and recommendations on the site permit application.

On August 24, 2018, the ALJ filed the *Summary of Public Testimony, Findings of Fact, Conclusions of Law, and Recommendation* (ALJ Report).

On September 4, 2018, DOC EERA issued a response to the ALJ Report.

On September 7, 2018, Nobles 2 filed its exceptions to the ALJ Report.

IV. STATUTES AND RULES

Site Permit. Under Minn. Stat. § 216F.04, no person may construct an LWECS without the issuance of a site permit by the Commission.

Large Wind Energy Conversion System (LWECS). The proposed project is defined as an LWECS under Minn. Stat. § 216F.01, subd. 2, because it is a wind energy conversion system with nameplate capacity of 5 megawatts or more.

Issuing a Site Permit. In deciding whether to issue a site permit for a LWECS, the Commission must determine that the project is compatible with environmental preservation, sustainable development, and the efficient use of resources. Minn. Stat. § 216F.03 and Minn. R. 7854.1000, subp. 3.

Procedural Treatment of Application. Review of LWECS site permit applications generally follow the procedural requirements under Minnesota Rules Chapter 7854. In addition to those requirements, the Commission required that the site permit application review process be combined with the certificate of need application review process while expanding the certificate of need public hearing to include issues related to the site permit application.

Timing. Under 7854.1000, subp. 2, the Commission shall approve or deny a site permit for an LWECS within 180 days after acceptance of the application, unless the applicant agrees to an extension or the Commission extends the deadline for cause.

Exceptions to the ALJ Report. Under Minn. R. 7829.2700, parties may file exceptions to the ALJ Report within 15 days of the filing of the report in cases subject to statutory deadlines.

V. AGENCY AND PUBLIC COMMENTS RECEIVED

State Agency Participation

On March 30, 2018, the DNR filed comments³ on the Bird and Bat Conservation Strategy (BBCS) provided in Appendix G of the site permit application. DNR offered several comments and recommendations on the following topics: Meteorological Towers, Wildlife Management Areas, Wind Access Buffers, Avian and Bat Species project risk, Turbine Locations, Bat Pass Detection, Great Blue Heron Rookery, Native Plant Communities, and Native Prairie.

In its July 11, 2018 comments, DNR indicated that the above issues have been adequately addressed. DNR advised that, because native prairie has been identified within the site boundaries, Nobles 2 should prepare a prairie protection and management plan in consultation with DNR per Section 4.7 of the DSP. Additionally, DNR requested that Nobles 2 update its Bird

³ E-Dockets Numbers [20183-141209-01](#) and [20183-141209-02](#), March 20, 2108.

and Bat Conservation Strategy to reflect the DNR's moderate risk assessment of turbines near Wildlife Management Areas (WMAs).

The Minnesota Department of Transportation provided comments during development of the DSP addressing corridor sharing with utility projects in highway rights-of-way, potential roadway restrictions during construction, and possible impacts to microwave paths used for communications.

The Minnesota Pollution Control Agency (MPCA) provided comments on project sound studies and surface water resources during development of the DSP. MPCA noted that, while it seemed unlikely that the project would cause noise-related concerns, the applicant should provide L10 or L90 values or dB(C) measurements or calculations in its submissions.

Public Comments

Forty-one comment letters in support of the project were submitted during the public hearing comment period including thirty-seven landowners within the project itself. Three members of the Minnesota Legislature provided comment in support of the project and noted the economic benefit it will have on the local economy. Additional comments emphasizing the project's positive economic benefits to the local communities were received from the Minnesota West Community and Technical College, Minnesota State Energy Center of Excellence, and the Mankato Building and Construction Trades Council.

Oral and written public comments received during the public hearings generally expressed support for the project. Commenters noted the need for reliable, cost-effective and clean energy; and emphasized potential positive economic development and employment opportunities from the project. Comments were received from a broad spectrum of citizens including local residents, a county commissioner, members of organized labor, and economic development professionals.

Mankato Building and Construction Trades Council (Council)

During the development of the Draft Site Permit, the Council requested that the Commission and DOC EERA investigate and incorporate into the environmental document the project's potential human impact on local construction employment and on the safety of workers and area residents. The council also requested that the draft site permit incorporate any commitments that made by the applicant regarding local hiring and safety; and to require the company to submit quarterly reports on the employment of local and non-local workers on the construction and maintenance of the project.

In its July 11, 2018 comments, the Council emphasized the public policy interest and benefits of hiring and tracking of local and organized labor and noted that there is an existing skilled wind construction workforce. The Council noted the applicant's commitment to encourage its engineering, procurement and construction contractor to utilize local and union labor where

practical, and to provide the Commission with quarterly reports documenting the number of hours or full-time equivalents worked by local labor on the project⁴.

Nobles 2

Nobles 2 filed direct testimony on June 15, 2018 in support of the project. Testimony was provided by Scott Seier (Vice President, Tenaska, Inc.), Justin Vala (Director of Engineering, Tenaska, Inc.), and Joseph Finocchiaro (Director of Engineering, Tenaska, Inc.).

Mr. Seier's testimony provided updated application information, responses to comment received during the public meeting and comment periods, and recommendations for consideration in developing the DSP. Mr. Seier indicated it is open to using local labor resources for the project and indicated it had reached a compromise agreement with the LDC and Council in which Nobles 2 will voluntarily commit to providing the Commission with quarterly reports documenting the number of hours or full-time equivalents worked by local laborers for the construction of the project.

Mr. Finocchiaro's testimony updated the application information and addressed potential environmental impacts of the project. Mr. Finocchiaro responded to several agency concerns including feathering of turbine blades during operations, WMA identification, wind access buffer setbacks and potential repowering, BBCS modifications, floodplains, native prairies, impaired waters, impervious surfaces, and surface water buffers.

Mr. Vala's testimony included a Mobile Phone Carrier Report for the project that evaluated the potential project impacts on mobile phone operations in and around the project area. Mr. Vala's testimony also include a Noise and Shadow Flicker Study for the project that modeled the maximum sound pressure levels at occupied residences are anticipated to be below the allowable sound levels of the Minnesota Noise Standard (Minnesota Rules Chapter 7030).

On July 25, 2018, Nobles 2 filed responses to written comments received and an updated BBCS reflecting DNR's moderate risk assessment for the project. Nobles 2 agreed to prepare a native prairie protection and management plan in consultation with the DNR. Nobles 2 stated the record supports granting a site permit and certificate of need for the project and requested the ALJ to recommend the Commission grant the site permit and certificate of need for the project.

Department of Commerce

On June 8, 2018, DOC EERA provided a supplemental evaluation and response to public comments received during development of the DSP and the environmental report. The filing also identified several existing provisions addressing or mitigating potential impacts in response to public comments. DOC EERA indicated that the MPCA's request for consideration of L10 and L90 values, along with dB(c) measurements was being calculated by the applicant and would be considered in post-construction monitoring protocols. DOC EERA declined to recommend a

⁴ Testimony of Scott Seier at pages 7-8, E-Dockets No. [20186-143909-03](#), June 15, 2018

local hiring requirement as a permit condition because the Commission had recently rejected a similar proposal in favor requiring a report on efforts to hire Minnesota workers.

VI. REPORT OF THE ADMINISTRATIVE LAW JUDGE

On August 24, 2018, the ALJ filed the Summary of Public Testimony, Findings of Fact, Conclusions of Law, and Recommendation (ALJ Report) in this matter. The ALJ Report included 298 findings of fact, 11 conclusions of law and a recommendation. The findings of fact included a summary of public comments received, information about the proposed project, a procedural history of the matter, and an analysis of the siting criteria as applied to the proposed project.

In response to proposed changes to the draft site permit by the applicant and DOC EERA, the ALJ Report included an analysis of proposed changes along with an explanation of the revisions recommended by the ALJ.

In reviewing the record of the proceedings, the ALJ concluded that:

- The Commission and the Administrative Law Judge have jurisdiction over the site permit applied for by Nobles 2 for the up to 200 megawatt proposed Nobles 2 Wind Farm Project pursuant to Minn. Stat. § 216F.04.
- Nobles 2 has complied with the procedural requirements of Minnesota Statutes Chapter 216F and Minnesota Rules Chapter 7854.
- The Commission has complied with all procedural requirements required by Minnesota Statutes Chapter 216F and Minnesota Rules Chapter 7854.
- A public hearing was conducted in a community near the proposed Project. Proper notice of the public hearing was provided, and members of the public had the opportunity to speak at the hearing and to submit written comments.
- The Commission has the authority under Minn. Stat. § 216F.04 to place conditions in a LWECS site permit.
- The Draft Site Permit contains a number of important mitigation measures and other reasonable conditions.
- It is reasonable and appropriate to amend the Draft Site Permit in Sections 2.0 (Project Description), 2.2 (Project Location), 4.5 (Public Lands), 5.2.9 (Application of Pesticides), and 10.3 (Site Plan) as recommended by the applicant. It is reasonable to adopt DOC EERA's proposed revisions or additions to Sections 6.0 (Special Conditions), 6.2 (Avian and Bat Protection), 10.4.1, (Construction Labor Status and Labor Statistics Reports) and 14.0 (Transfer of the Permit) of the Draft Site Permit. It is reasonable to adopt Section 12.6 (Right of Entry) as originally stated in the Draft Site Permit as recommended by DOC EERA.

- The Draft Site Permit incorporating conditions revised above satisfies the site permit criteria for an LWECs stated in Minn. Stat. § 216F.03, and meets all other applicable legal requirements.
- The Project, with the permit conditions discussed above, is compatible with environmental preservation, sustainable development, and the efficient use of resources.
- The Project, with the permit conditions discussed above, does not present a potential for significant adverse environmental effects pursuant to the Minnesota Environmental Rights Act and the Minnesota Environmental Policy Act.
- Any of the foregoing Conclusions of Law more properly designated Findings of Fact are hereby adopted as such.

VII. EXCEPTIONS TO ALJ REPORT⁵

Nobles 2 Exceptions to ALJ Report

In its September 7, 2018 Exceptions to the ALJ Report, Nobles 2 indicated that it had one objection to the ALJ Report. Nobles 2 asserted that the Section 6.1 permit condition requiring an Aircraft Detection and Lighting System (ADLS) should include an opportunity for Nobles 2 to be relieved of the requirement should the U.S. Federal Aviation Administration decline or otherwise fail to approve use of the ADLS on the Nobles 2 Wind Project in a timely manner. Nobles 2 stated the use of ADLS on wind projects in the U.S. is relatively new, has limited deployment to date, and it remains uncertain whether FAA approval can be secured in a timely manner. Additionally, Nobles 2 cited the limited number of potential vendors for such systems. Nobles 2 agreed to abide by the ADLS requirements of the site permit, and to endeavor to secure an FAA approved ADLS solution for the project; but reserved the right to petition the Commission for removal, modification or circumvention should circumstances preclude use of ADLS on the project.

Nobles 2 requested that the Commission adopt the ALJ's Report as amended by the provisions of Conclusion of Law Number 7, and issue a site permit for the Project in accordance with the ALJ's recommendation.

DOC EERA

In its September 4, 2018 comments, DOC EERA indicated that the ALJ Report provides a comprehensive analysis of the record and that it had no exceptions to the report. DOC EERA

⁵ The Laborers District Council of Minnesota and North Dakota (LDC) filed untimely comments on September 25, 2018 opposing DOC EERA's proposed changes to Section 10.4.1 as recommended by the ALJ.

also agreed with the applicant that the Commission should grant a site permit for the project, including the conditions provided in the draft site permit as amended by paragraph 7 of the ALJ's Conclusions of Law.

VIII. STAFF DISCUSSION

Based on information in Nobles 2's site permit application, the analysis provided in the environmental report, recommendations from the DOC EERA, the ALJ Report, and other evidence in the record; staff provides the following discussion and recommendations.

A. Administrative Law Judge Report

Staff has examined the full record in this case and agrees with the ALJ's conclusions that the Commission has jurisdiction over the Project, that the applicant and the Commission have complied with all procedural requirements under statute and rule, that the Commission has the authority to place conditions in a site permit, that are reasonable and appropriate and that the draft site permit contains a number of important mitigation measures and other reasonable conditions. Staff agrees with all Conclusions of Law in the ALJ Report with the exception of Conclusion of Law Number 7 as provided below. Staff agrees with the applicant, DOC EERA and ALJ that a site permit should be approved for the project.

B. Site Permit Conditions

Staff agrees with the ALJ's recommended amendments to the draft site permit as identified in Finding 298 and paragraph 7 of the Conclusions of Law with modifications. Enclosed as Attachment A is a Summary of Proposed Permit Condition Modifications identified in Finding 298, along with staff's proposed permit language. Enclosed as Attachment B is a proposed site permit incorporating staff's proposed changes and modifications to the following sections as recommended by the ALJ: Section 2.0 (Project Description), Section 2.2 (Project Location), Section 4.5 (Public Lands), Section 5.2.9 (Application of Pesticides), Section 6.1 (Obstruction Marking and Lighting), Section 6.2 (Avian and Bat Protection Plan Special Provision), and Section 14.0 (Transfer of Permit). The remaining modifications of Finding 298 and paragraph 7 are discussed individually below.

Section 10.3 Site Plan

Staff does not recommend the Commission adopt the proposed change to Section 10.3 of the site permit. Determination that planned construction is consistent with the site permit provisions is not always feasible within 30 days owing to several factors including some of which are the permittee's responsibilities. After receiving a report of the pre-construction meeting, staff may confer with other agencies. The revised provision is contrary to current Commission practice. Finally, staff notes that the burden of compliance with permit conditions are more appropriately placed upon the permittee.

Staff instead proposes alternative language whereby the permittee would be provided a response to the preconstruction summary within 30 days of the preconstruction meeting assuming that the Commission receives the required summary within 14 days of the meeting.

Section 10.4.1 Construction Labor Status Reports

The applicant has articulated its intentions to use local labor in the record and its agreement with the labor organizations on a requirement for reporting of local labor for construction of the project. Staff recognizes the positive impacts of utilizing local labor and does not object to a reporting requirement on the use of local labor. Staff also does not take a position with regard to the frequency of such reporting. To the extent the Commission decides to adopt such a provision, staff recommends that it do so within its order as has been past practice.

Section 12.6 Right of Entry

The applicant's requested change would subject Commission staff to the provisions of private agreements between the applicant and landowners. Staff does not support imposing site permit requirements upon itself. Staff does not provide a legal analysis here, but agrees with DOC EERA that this would potentially be in conflict with the Commission's authority and the original DSP language should be retained.

VIII. SUMMARY

Staff recommends that the Commission issue a Site Permit as first issued as a draft by the Commission on May 25, 2018, and incorporate the permit amendments recommended by the Administrative Law Judge and Commission staff for the up to 260 megawatt Nobles 2 Wind Large Wind Energy Conversion System in Nobles County, Minnesota as modified above. Staff has attached to these briefing papers the proposed site permit that incorporates the modifications as recommended by the ALJ and subsequent changes by staff.

IX. COMMISSION DECISION ALTERNATIVES

A. Administrative Law Judge Report

1. Adopt the Administrative Law Judge's Summary of Public Testimony, Findings of Fact, Conclusions of Law, and Recommendation for the up to 260 megawatt Nobles 2 Wind Large Wind Energy Conversion System in Nobles County, Minnesota.
2. Adopt the Administrative Law Judge's Summary of Public Testimony, Findings of Fact, Conclusions of Law, and Recommendation with modifications by the Commission for the up to 260 megawatt Nobles 2 Wind Large Wind Energy Conversion System in Nobles County, Minnesota with modifications to paragraph 7 of the Conclusions of Law in the ALJ Report, and the corresponding site permit conditions as identified in Attachment A:

- a) Section 10.3 - Site Plan
 - b) Section 10.4.1 - Construction Labor Status Reports
 - c) Section 12.6 – Right of Entry
3. Take some other action deemed appropriate.
- B. Site Permit for the up 260 megawatt Nobles 2 Wind Large Wind Energy Conversion System in Nobles County, Minnesota.**
1. Issue the Draft Site Permit authorized by the Commission in its May 25, 2018 Order as the site permit for the up 260 megawatt Nobles 2 Wind Large Wind Energy Conversion System in Nobles County, Minnesota.
 2. Issue the Draft Site Permit authorized by the Commission in its May 25, 2018 Order and incorporate the permit amendments in Decision Option A above for the site permit for the up 260 megawatt Nobles 2 Wind Large Wind Energy Conversion System in Nobles County, Minnesota.
 3. Direct Nobles 2 to provide Labor Statistic Reporting as a compliance filing as proposed by DOC EERA in proposed Site Permit Condition 10.41.
 4. Do not issue a site permit for the up 260 megawatt Nobles 2 Wind Large Wind Energy Conversion System in Nobles County, Minnesota.
 5. Take some other action deemed appropriate.
- C. Administrative Consistency**
1. Authorize Commission staff to make further refinements to the findings of fact and permit conditions as necessary to ensure consistency with the record, the language of recently issued permits, and the Commission’s decision on this matter.

Staff Recommendation: A2 (a-c or a and c), B2, B3 and C1

DSP Section Number	Proposed Revision	ALJ Report Explanation	Staff Comments
2.0 Project Description	<p>The Nobles 2 Wind Project, when fully constructed and operational, will have a nameplate capacity up to 260 MW in Nobles County. The Project will consist of up to 82 wind turbines in a combination of models that will include at least 10 <u>and up to 21</u> Vestas V110-2.0 MW (80 meter hub height) turbines. The remainder will be <u>one of the following Vestas turbine models: V136-3.6 MW, V136-3.45 MW, V136-4.0 MW, or V136-4.2 MW (82 meter hub height)</u> turbines, as identified in the Permittee’s Site Permit Application.</p> <p>The project area includes approximately 42,547 acres of land of which the Project currently holds leases <u>or easements</u> on 30,356 <u>33,991</u> acres, an amount sufficient to support the Project. Upon completion, the Project will permanently convert approximately 115.5 acres of land to wind turbines and associated facilities approved by this site permit.</p>	<p>Nobles 2 anticipates the use of a combination of V110-2.0 MW and larger nameplate capacity turbines as outlined in the Site Permit Application. Nobles 2 has selected the V136-3.6 MW turbine as its primary choice of turbine to complement the V110-2.0 turbines within the Project layout. However, if larger variants of the V136-3.6 MW are economical and commercially proven, Nobles 2 may elect to utilize one of the enumerated variants to reduce the number of turbines in the overall Project array. All V136 turbine models have similar siting requirements and spatial dimensions.</p> <p>Nobles 2 also updated the current status of acres in the Project area upon which Nobles 2 holds a land lease or wind easement.</p>	Supported by Nobles 2, the ALJ, and Commission Staff.
2.2 Project Location	Revise the sections of land in Bloom Township that are located within the Project boundary, i.e., 2-11, 15, 16, 19 18-22, 28-35	Revisions are necessary to reflect that Section 18 in Bloom Township is within the Project boundary.	Supported by Nobles 2, ALJ, and Commission Staff
4.5 Public Lands	Wind turbines and associated facilities including foundations, access roads, underground cable, and transformers shall	Nobles 2 is proposing this modification to reflect that the type of legal enforceable agreement that may allow	Supported by Nobles 2, the ALJ and Commission Staff.

	<p>not be located in publicly-owned lands that have been designated for recreational or conservation purposes, including, but not limited to, Waterfowl Production Areas, State Wildlife Management Areas, Scientific and Natural Areas or county parks, except in the event that the public entity owning those lands enters into a land lease, and <u>easement, license or other enforceable agreement with the Project Nobles 2.</u> Wind turbines towers shall also comply with the setbacks of Section 4.1.</p>	<p>the placement of project infrastructure on public land could take the form of a lease, easement, license or other type of agreement and in most cases would not involve more than one type of agreement. For example, an electrical collector could be placed on public land pursuant to an easement or license agreement; whereas, a wind turbine is likely to be allowed via a lease</p>	
<p>5.2.9 Application of Pesticides</p>	<p>The Permittee shall restrict pesticide use to those pesticides and methods of application approved by the Minnesota Department of Agriculture, Minnesota Department of Natural Resources, 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 or designee to obtain approval for the use of pesticide at least 14 days prior to any application on their property. The landowner may request that there be no application of pesticides on any part of the site within the landowner’s property. The Permittee shall provide notice of pesticide application to affected landowners,</p>	<p>Nobles 2 is not opposed to providing notice of pesticide application to beekeepers with an active apiary near pesticide application areas. However, the Project area is comprised of 66 square miles of land. An additional 3-mile buffer of that 66 square miles area would result in notification of beekeepers located much more than 3 miles from the area where the pesticide will be applied. Nobles 2 believes the notification requirement is intended to protect apiaries that may be at risk of being inadvertently treated with pesticides and in order for that to happen the apiary would need to be relatively proximate to the pesticide application location. Therefore, compliance with the requirement, as proposed in the Draft</p>	<p>Supported by Nobles 2, the ALJ and Staff.</p>

	<p>and known beekeepers operating apiaries within three miles of the project site <u>application area(s)</u> at least 14 days prior to such application.</p>	<p>Site Permit would be unreasonable and overly burdensome. As a compromise, Nobles 2 proposes to contact beekeepers known by Nobles 2 to have apiaries within three miles of the pesticide application area(s).</p>	
<p>6.1 Obstruction Marking and Lighting</p>	<p>Nobles 2 Proposes that Section 6.1 be stricken as follows:</p> <p>The Permittee shall install an Aircraft Detection Lighting System (ADLS) to mitigate the aesthetic and visual effects of the FAA’s aviation lighting requirements.</p> <p>Alternatively, Nobles 2 proposes that Section 6.1 be amended to read:</p> <p><u>The Permittee will use commercially reasonable efforts to receive FAA approval for an Aircraft Detection and Lighting System or other suitable light mitigating technology, in consultation with the Commission, as soon as practicable, and in any event by no later than March 1, 2019. Permittee may install an FAA approved lighting system without ADLS or other light mitigating components if:</u></p> <ol style="list-style-type: none"> <u>1) The FAA denies the Permittee’s application for an ADLS or other light mitigating technology;</u> <u>2) Permittee is unable to secure FAA approval by March 1, 2019; or</u> 	<p>Nobles 2 does not believe that the Commission should require installation of an ADLS on the Project, for the reasons described in the findings above. If the Commission intends to impose a permit condition related to ADLS, Nobles 2 suggests an alternative to the current language of the Draft Site Permit.</p>	<p>Supported by Nobles 2.</p> <p>DOC EERA provided alternative language to address the applicant’s concerns.</p> <p>Commission Staff agrees with the ALJ’s support of DOC EERA’s language because it provides flexibility to the applicant upon a demonstration that ADLS deployment is not feasible.</p>

	<p><u>3) The conditions attached to any FAA approval of a light mitigation system are commercially unreasonable.</u></p> <p>The DOC EERA proposes the addition of Section 6.1 as follows:</p> <p><u>Obstruction Marking and Lighting</u></p> <p><u>The Permittee shall install an Aircraft Detection and Lighting System (ADLS) to mitigate the aesthetic and visual effects of the FAA’s aviation lighting requirements. Permittee may install an FAA approved lighting system without ADLS if the Permittee demonstrates that, despite its reasonable efforts to secure FAA approval for an ADLS, one of the following conditions exists:</u></p> <ol style="list-style-type: none"> <u>1) The FAA denies the Permittee’s application for an ADLS system, or</u> <u>2) Permittee is unable to secure FAA approval in a timely manner.</u> <p><u>If either of these two conditions occur, the permittee’s reasonable efforts to secure FAA approval of the ADLS must be described and filed with the Commission 14 days before the pre-construction meeting.</u></p>	<p>DOC-EERA disagrees with Nobles 2 and recommends including a requirement for installation of an ADLS. The DOC-EERA believes that neither the cost of the system, nor Nobles 2’s concerns regarding the lack of an ADLS in other surrounding wind farms, justify deleting the requirement for an ADLS entirely. The DOC-EERA recognizes that uncertainty exists regarding whether the FAA will approve an ADLS for the Project, as reflected in its proposed permit condition language.</p>	
<p>6.2 Avian and Bat</p>	<p>The DOC EERA proposes the addition of Section 6.2 as follows:</p>	<p>The DOC-EERA proposes this additional permit condition to reflect the DNR’s assessment of the Project area as</p>	<p>Supported by DOC EERA, the ALJ and Commission Staff.</p>

<p>Protection Plan Special Provision</p>	<p><u>Avian and Bat Protection Plan Special Provision</u></p> <p><u>In keeping with the DNR assessment of the Project area as "moderate risk" for bird and bat fatalities, the Permittee shall conduct one year of post-construction fatality monitoring for avian and bat species using survey protocols developed by the DNR specifically for moderate risk sites. The Permittee should consult with DNR for the availability of updated moderate risk protocols before commencing post-construction monitoring. The Commission may require additional monitoring based on results of the first year's data collection.</u></p>	<p>moderate risk for bird and bat fatalities and to require additional fatality monitoring. Consistent with the DNR's comments, Nobles 2 has amended its BBCS to reflect the moderate risk designation by the DNR and has agreed to conduct one year of post-construction fatality monitoring. Nobles 2 has also asserted that it will work with USFWS and the DNR to evaluate the findings of post-construction studies, formulate recommendations and definitions, and incorporate them into the BBCS on an ongoing basis to tie the 30-day waiting period to the pre-construction meeting since the Permittee will be required to summarize the pre-construction meeting within 14 days of the pre-construction meeting, which would then provide the Commission with another 16 days to review the notes and any other filings to determine if all pre-construction filings are compliant with the Site Permit to allow construction to proceed. Moreover, in recognition of the schedule constraints present during construction, the Permittee should be able to proceed if the Commission has not acted within 30 days after the pre- construction meeting.</p>	<p>Nobles 2 has modified its BBCS and indicated it intends to comply with this provision going forward.</p>
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<p>10.3 Site Plan</p>	<p>Applicant recommends revision of the first sentence of the second paragraph of Section 10.3 to provide:</p> <p>The Permittee may not commence construction until the <u>earlier of 30 days</u> has expired after the pre-construction meeting or <u>until when</u> 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.</p> <p>Staff Recommendation:</p> <p>The Permittee may not commence construction until the <u>earlier of 30 days</u> has expired after the pre-construction meeting or <u>until when</u> the Commission has advised the Permittee in writing that it has <u>either:</u> completed its review of the documents and determined that the planned construction is consistent with this permit <u>or requires additional time to complete its review.</u></p>	<p>The language of the Draft Site Permit did not clearly indicate the time when the 30-day waiting period begins or whether the Permittee can begin construction if 30 days have passed and the Commission still has not advised the Permittee in writing that the planned construction is consistent with the permit.</p> <p>Nobles 2 thinks it is reasonable to tie the 30-day waiting period to the pre-construction meeting since the Permittee will be required to summarize the pre-construction meeting within 14 days of the pre-construction meeting, which would then provide the Commission with another 16 days to review the notes and any other filings to determine if all pre-construction filings are compliant with the Site Permit to allow construction to proceed.</p> <p>Moreover, in recognition of the schedule constraints present during construction, the Permittee should be able to proceed if the Commission has not acted within 30 days after the pre- construction meeting.</p>	<p>Supported by Nobles 2 and the ALJ. DOC EERA did not address this item in its exceptions filing.</p> <p>Staff does not support the change to this language. Permittees have an affirmative responsibility to comply with permit and pre-construction requirements in a timely manner. Under the applicant’s proposal, approval to proceed with construction would be tacitly approved at the time of the pre-construction meeting.</p> <p>Staff proposes compromise language where Commission staff agrees to provide a response to the applicant within 30 days.</p>
<p>10.4.1 Construction Labor Status Reports</p>	<p>Nobles 2 proposes that Section 10.4.1 read as follows:</p> <p><u>Construction Labor Status Reports</u></p>	<p>DOC-EERA supports a permit condition related to labor reporting, but believes that one post-construction report is preferable to quarterly reporting and is</p>	<p>Nobles 2 and labor representatives reached an initial agreement on this condition. The ALJ</p>

	<p><u>The Permittee shall file quarterly reports with the Commission within 45 days of the end of the quarter regarding construction workers that participated in construction of the project. Reports shall include: (a) 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, during the quarter in which they participated in construction of the project; (b) the gross number of hours worked by or full-time equivalent workers of people who live in other states but are within 150 miles of the project; and (c) total gross hours or full-time equivalent workers. Permittee shall work with its contractor to determine suitable reporting metrics. Reports shall begin with the commencement of site construction and continue until completion of site restoration.</u></p> <p>The DOC-EERA proposes alternative language for Section 10.4.1, as follows:</p> <p><u>Labor Statistics Report</u></p> <p><u>The Permittee shall file a post- construction Labor Statistics Report within 60 days of commencement of operation. The Report shall (a) detail the Permittee’s efforts and the site contractor’s efforts to hire</u></p>	<p>less onerous. The DOC- EERA favors that the permit condition require a description of Nobles 2’s hiring efforts.</p>	<p>agreed with DOC EERA that a single report is sufficient.</p> <p>Staff does not object to the requirement per se, but questions whether a site permit condition is preferable to a compliance filing because of the difficulties associated with enforcing the requirement. Should the Commission approve either version of this provision, staff recommends that it be included in its decision order.</p>
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	<p><u>Minnesota workers, and (b) provide an account of (1) 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; (2) the gross number of hours worked by or full-time equivalent workers who are residents of other states, but live within 150 miles of the project; and (3) 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.</u></p>		
<p>12.6 Right of Entry</p>	<p>Nobles 2 proposes revising this permit condition with the underlined terms:</p> <p>Upon reasonable notice, presentation of credentials, and at all times in compliance with the Permittee’s site safety standards <u>and the terms and conditions of all leases and easements held by Permittee (including crop damage provisions)</u>, the Permittee shall allow representatives of the Commission to perform the following:</p>	<p>Nobles 2 indicates it is amenable to providing Commission access to ensure Site Permit compliance. However, it asserts that any person that accesses the land on which the Project is sited must abide by Nobles 2’s safety standards as well as the terms and conditions of leases and easements with the underlying landowners. Nobles 2 believes that all must be respectful of the property rights of the underlying landowners pursuant to the leases and easements and any Commission access to the property should not cause damage to the property or should provide for the provision of damage payments under the leases or easements if the surveys, investigations, or sampling cause damage to the property or the</p>	<p>Supported by Nobles 2.</p> <p>DOC EERA, the ALJ and Commission staff support the original DSP language.</p> <p>Staff agrees with DOC EERA and does not support the changes because it may conflict with the Commission’s authority already codified in statute or rule.</p>

		<p>crops grown thereon in accordance with the crop damage provisions contained in the lease or easement.</p> <p>The DOC-EERA asserts that Nobles 2’s proposed revision to this section would allow it to countermand the Commission based on its lease language, thereby usurping the Commission’s authority and rendering the permit condition moot. In order to preserve the Commission’s historic right of entry, especially to enforce its permit, the DOC-EERA recommends the language of Permit Condition 12.6 in the Draft Site Permit remain unchanged.</p>	
<p>14.0 Transfer of Permit</p>	<p>Nobles 2 proposes revising Section 14.0 to remove the final three notification requirements:</p> <p>The Permittee shall notify the Commission of:</p> <ul style="list-style-type: none"> (a) The sale of a parent entity or a majority interest in the Permittee; (b) The sale of a majority interest of the Permittee’s owners or majority interest of the owners; or (c) A sale which changes the entity with ultimate control over the Permittee. <p>The DOC EERA proposes a revision of Section 14.0, as follows:</p>	<p>Nobles 2 asserts that the Transfer of Permit provision provided as Section 14.0 of the Draft Site Permit may lead to confusion due to the duplication of requirements using slightly different notice requirements.</p> <p>Nobles 2 contends that the removed notification requirements are redundant and require notice of the same information required to be provided by the second set of notification requirements provided in Section 14.0.</p> <p>The DOC-EERA agrees that some of the terms of Section 14.0 of the Draft Site</p>	<p>Sponsored by Nobles 2.</p> <p>DOC EERA supports alternative language to address the applicant’s concerns. The ALJ and Commission staff support DOC EERA’s language.</p> <p>Staff notes that the word “or” in the final paragraph marked (b) should be removed to avoid ambiguity.</p>

	<p>Within 20 days after the date of the notice provided in Section 10.5, the Permittee shall file a notice describing its ownership structure, identifying, as applicable:</p> <ul style="list-style-type: none"> (a) the owner(s) of the financial and governance interests of the Permittee; (b) the owner(s) of the majority financial and governance interests of the Permittee’s owners; and (c) the Permittee’s ultimate parent entity (meaning the entity which is not controlled by any other entity). <p>The Permittee shall immediately notify the Commission of:</p> <ul style="list-style-type: none"> (a) a change in owner(s) of the majority* financial or governance interests in the Permittee; (b) a change in owner(s) of the majority* financial or governance interests of the Permittee’s owners; or (c) a sale which changes the parent entity of the Permittee; or (d) <u>a sale which changes the Permittee’s ultimate parent entity.</u> <p>*When there are only co-equal 50/50 percent interests, any change shall be considered a change in majority interest.</p>	<p>Permit are duplicative, but not all. The DOC EERA proposed alternative language for Section 14.0 to remove duplicative terms but leave other terms in place.</p>	
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	<p>The Permittee shall notify the Commission of:</p> <ul style="list-style-type: none"> (a) the sale of a parent entity or a majority interest in the Permittee; (b) the sale of a majority interest of the Permittee’s owners or majority interest of the owners; or (c) a sale which changes the entity with ultimate control over the Permittee. 		
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STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

**SITE PERMIT FOR A
LARGE WIND ENERGY CONVERSION SYSTEM**

**IN
NOBLES COUNTY**

**ISSUED TO
NOBLES 2 WIND PROJECT**

PUC DOCKET NO. IP6964/WS-17-597

In accordance with the requirements of Minnesota Statutes Chapter 216F and Minnesota Rules Chapter 7854, this site permit is hereby issued to:

Nobles 2 Power Partners, LLC

The Permittee is authorized by this site permit to construct and operate an up to 260 MW nameplate capacity Large Wind Energy Conversion System in Nobles County, Minnesota. The Large Wind Energy Conversion System and associated facilities shall be built within the site identified in this permit and as portrayed on the official site maps, and in compliance with the conditions specified in this permit.

This site permit shall expire thirty (30) years from the date of this approval.

Approved and adopted this ____ day of _____

BY ORDER OF THE COMMISSION

Daniel P. Wolf,
Executive Secretary

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

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ATTACHMENTS

Official Site Permit Maps

Attachment A - Complaint Procedures for Permitted Energy Facilities

Attachment B - Compliance Filing Procedures for Permitted Energy Facilities

1.0 SITE PERMIT

The Minnesota Public Utilities Commission (Commission) hereby issues this site permit to Nobles 2 Power Partners, LLC (Permittee) pursuant to Minnesota Statutes Chapter 216F and Minnesota Rules Chapter 7854. This permit authorizes the Permittee to construct and operate the Nobles Wind Project (Project), a 260 megawatt (MW) nameplate capacity Large Wind Energy Conversion System (LWECS) and associated facilities in Nobles County. The LWECS and associated facilities shall be built within the site identified in this permit and as identified in the attached official site permit map(s), hereby incorporated into this document.

1.1 Preemption

Pursuant to Minn. Stat. § 216F.07, this permit shall be the sole site approval required for the location, construction, and operation of this project and this permit shall supersede and preempt all zoning, building, and land use rules, regulations, and ordinances adopted by regional, county, local, and special purpose governments.

2.0 PROJECT DESCRIPTION

The Nobles 2 Wind Project, when fully constructed and operational, will have a nameplate capacity up to 260 MW in Nobles County. The Project will consist of up to 82 wind turbines in a combination of models that will include at least 10 and up to 21 Vestas V110-2.0 MW (80 meter hub height) turbines. The remainder will be one of the following Vestas turbine models: V136-3.6 MW, V136-3.45 MW, V136-4.0 MW, or V136-4.2 MW (82 meter hub height), as identified in the Permittee's Site Permit Application.

The project area includes approximately 42,547 acres of land of which the Project currently holds leases or easements on 33,991 acres, an amount sufficient to support the Project. Upon completion, the Project will permanently convert approximately 115.5 acres of land to wind turbines and associated facilities approved by this site permit.

2.1 Associated Facilities

Associated facilities include underground electrical collection and fiber optic communications lines, a project substation and interconnection switchyard, an Operations and Maintenance (O&M) building, up to six permanent meteorological tower(s), and approximately 21 miles of gravel access roads.

The Project will interconnect with the grid by tying into the Xcel Nobles-Fenton 115 kV transmission line, in close proximity to the project substation.

2.2 Project Location

The project is located in the following:

County	Township Name	Township	Range	Section
Nobles	Leota	104N	43W	13, 24-26, 33-36
Nobles	Wilmont	104N	42W	2-4, 9-35
Nobles	Bloom	104N	41W	2-11, 15-16, 18-22, 28-35
Nobles	Lismore	103N	43W	1-3
Nobles	Larkin	103N	42W	2-6
Nobles	Summit Lake	103N	41W	2-6

3.0 DESIGNATED SITE

The site designated by the Commission for the Nobles 2 Wind Project is the site depicted on the official site permit maps attached to this permit. Within the site permit boundary, the Project and associated facilities shall be located on lands for which the permittee has obtained wind rights. Wind rights or easements have been obtained by the Permittee and include approximately 30,356 acres of land under easement or with participation agreements.

3.1 Turbine Layout

The preliminary wind turbine and associated facility layouts are shown on the official site maps attached to this permit. The preliminary layout represents the approximate location of wind turbines and associated facilities within the project boundary and identifies a layout that seeks to minimize the overall potential human and environmental impacts of the project, which were evaluated in the permitting process.

The final layout depicting the location of each wind turbine and associated facility shall be located within the project boundary. The project boundary serves to provide the Permittee with the flexibility to make minor adjustments to the preliminary 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. Any modification to the location of a wind turbine and associated facility depicted in the preliminary layout shall be done in such a manner to have comparable overall human and environmental impacts and shall be specifically identified in the site plan pursuant to Section 10.3.

4.0 SETBACKS AND SITE LAYOUT RESTRICTIONS

4.1 Wind Access Buffer

Wind turbine towers shall not be placed less than five rotor diameters on the prevailing wind directions and three rotor diameters on the non-prevailing wind directions from the perimeter of the property where the Permittee does not hold the wind rights, without the approval of the Commission. This section does not apply to public roads and trails.

4.2 Residences

Wind turbine towers shall not be located closer than 1,000 feet from all residences or the distance required to comply with the noise standards pursuant to Minn. R. 7030.0040, established by the Minnesota Pollution Control Agency, whichever is greater.

4.3 Noise

The wind turbine towers shall be placed such that the Permittee shall, at all times, comply with noise standards established by the Minnesota Pollution Control Agency as of the date of this permit and at all appropriate locations. The noise standards are found in Minnesota Rules Chapter 7030. Turbine operation shall be modified or turbines shall be removed from service if necessary to comply with these noise standards. The Permittee or its contractor may install and operate turbines as close as the minimum setback required in this permit, but in all cases shall comply with Minnesota Pollution Control Agency noise standards. The Permittee shall be required to comply with this condition with respect to all homes or other receptors in place as of the time of construction, but not with respect to such receptors built after construction of the towers.

4.4 Roads

Wind turbines and meteorological towers shall not be located closer than one times the height (reduced for minimum maintenance roads or a road with an Average Daily Traffic County of less than 10) from the edge of the nearest public road right-of-way.

4.5 Public Lands

Wind turbines and associated facilities including foundations, access roads, underground cable, and transformers, shall not be located in publicly-owned lands that have been designated for recreational or conservation purposes, including, but not limited to, Waterfowl Production Areas,

State Wildlife Management Areas, Scientific and Natural Areas or county parks, except in the event that the public entity owning those lands enters into a land lease, easement, license, or other enforceable agreement with Nobles 2. Wind turbines towers shall also comply with the setbacks of Section 4.1.

4.6 Wetlands

Wind turbines and associated facilities including foundations, access roads, underground cable and transformers, shall not be placed in 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 and the United States Army Corps of Engineers, and local units of government as implementers of the Minnesota Wetlands Conservation Act.

4.7 Native Prairie

Wind turbines and associated facilities including foundations, access roads, collector and feeder lines, underground cable, and transformers shall not be placed in native prairie, as defined in Minn. Stat. § 84.02, subd. 5, unless addressed in a prairie protection and management plan and shall not be located in areas enrolled in the Native Prairie Bank Program. Construction activities, as defined in Minn. Stat. § 216E.01, shall not impact native prairie unless addressed in a prairie protection and management plan.

The Permittee shall prepare a prairie protection and management plan in consultation with the Minnesota Department of Natural Resources if native prairie, as defined in Minn. Stat. § 84.02, subd. 5, is identified within the site boundaries. The Permittee shall file the plan 30 days prior to submitting the site plan required by Section 10.3 of this permit. The 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 Minnesota Department of Natural Resources, and the Commission.

4.8 Sand and Gravel Operations

Wind turbines and all associated facilities, including foundations, access roads, underground cable, and transformers shall not be located within active sand and gravel operations, unless otherwise negotiated with the landowner.

4.9 Wind Turbine Towers

Structures for wind turbines shall be self-supporting tubular towers. The towers may be up to 82 meters (269 feet) above grade measured at hub height.

4.10 Turbine Spacing

The turbine towers shall be constructed within the site boundary as shown in the official site maps. The turbine towers shall be spaced no closer than three rotor diameters in the non-prevailing wind directions and five rotor diameters on the prevailing wind directions. If required during final micro-siting of the turbine towers to account for topographic conditions, up to 20 percent of the towers may be sited closer than the above spacing but the Permittee shall minimize the need to site the turbine towers closer.

4.11 Meteorological Towers

Permanent towers for meteorological equipment shall be free standing. Permanent meteorological towers shall not be placed less than 250 feet from the edge of the nearest public road right-of-way and from the boundary of the Permittee's site control, or in compliance with the county ordinance regulating meteorological towers in the county the tower is built, whichever is more restrictive. Meteorological towers shall be placed on property the Permittee holds the wind or other development rights.

Meteorological towers shall be marked as required by the Federal Aviation Administration. There shall be no lights on the meteorological towers other than what is required by the Federal Aviation Administration. This restriction shall not apply to infrared heating devices used to protect the wind monitoring equipment.

4.12 Aviation

The Permittee shall not place wind turbines or associated facilities in a location that could create an obstruction to navigable airspace of public and private airports (as defined in Minn. R. 8800.0100, subp. 24(a) and 24(b)) in Minnesota, adjacent states, or provinces. The Permittee shall apply the minimum obstruction clearance for private airports pursuant to Minn. R. 8800.1900, subp. 5. Setbacks or other limitations shall be followed in accordance with the Minnesota Department of Transportation, Department of Aviation, and the Federal Aviation Administration. The Permittee shall notify owners of all known airports within six miles of the project prior to construction.

4.13 Footprint Minimization

The Permittee shall design and construct the LWECS so as to minimize the amount of land that is impacted by the LWECS. Associated facilities in the vicinity of turbines such as electrical/electronic boxes, transformers, and monitoring systems shall, to the greatest extent feasible, be mounted on the foundations used for turbine towers or inside the towers unless otherwise negotiated with the affected landowner.

5.0 GENERAL CONDITIONS

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

5.1 Notification

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 site permit and complaint procedures less than five days prior to the start of construction on their property. The Permittee shall contact landowners prior to entering the property or conducting maintenance within the site, unless otherwise negotiated with the affected landowner.

5.2 Construction and Operation Practices

The Permittee shall comply with the construction practices, operation and maintenance practices, and material specifications described in the Nobles 2 Power Partners, LLC “Application to the Minnesota Public Utilities Commission Site Permit for a Large Wind Energy Conversion System,” October 13, 2017, and the record of the proceedings, unless this permit establishes a different requirement, in which case this permit shall prevail.

5.2.1 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 14 days prior to commencing construction. The Permittee may change the field representative at any time upon notice to the Commission, affected landowners, residents, local government units and other interested persons.

5.2.2 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 with the Commission the name, address, email, phone number, and emergency phone number of the site manager 14 days prior to commercial operation of the facility. The Permittee shall provide the site manager's contact information to affected landowners, residents, local government units and other interested persons 14 days prior to commercial operation of the facility. The Permittee may change the site manager at any time upon notice to the Commission, affected landowners, residents, local government units and other interested persons.

5.2.3 Employee Training and Education of Permit Terms and Conditions

The Permittee shall inform all employees, contractors, and other persons involved in the construction and ongoing operation of the LWECs of the terms and conditions of this permit.

5.2.4 Topsoil Protection

The Permittee shall implement measures to protect and segregate topsoil from subsoil on all lands unless otherwise negotiated with the affected landowner.

5.2.5 Soil Compaction

The Permittee shall implement measures to minimize soil compaction of all lands during all phases of the project's life and shall confine compaction to as small an area as practicable.

5.2.6 Soil Erosion and Sediment Control

The Permittee shall implement those erosion prevention and sediment control practices recommended by the Minnesota Pollution Control Agency Construction Stormwater Program.

If construction of the facility disturbs more than one acre of land, or is sited in an area designated by the Minnesota Pollution Control Agency as having potential for impacts to water resources, the Permittee shall obtain a National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Construction Stormwater Permit from the Minnesota Pollution Control Agency that provides for the development of a Stormwater Pollution Prevention Plan (SWPPP) 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.

5.2.7 Wetlands

Construction in wetland areas shall occur during frozen ground conditions to minimize impacts, to the extent feasible. 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 managed in accordance with all applicable wetland permits. Wetlands and riparian areas shall be accessed using the shortest route possible in order to minimize travel through wetland areas and prevent unnecessary impacts.

Wetland and water resource areas disturbed by construction activities shall be restored to pre-construction conditions, in accordance with all applicable wetland permits. Restoration of the wetlands will be performed by the Permittee in accordance with the requirements of applicable state and federal permits or laws and landowner agreements.

5.2.8 Vegetation Management

The Permittee shall disturb or clear the project site only to the extent necessary to assure suitable access for construction, safe operation and maintenance of the project. The Permittee shall

minimize the number of trees to be removed in selecting the site layout specifically preserving to the maximum extent practicable windbreaks, shelterbelts, living snow fences, and vegetation, to the extent that such actions do not violate sound engineering principles.

5.2.9 Application of Pesticides

The Permittee shall restrict pesticide use to those pesticides and methods of application approved by the Minnesota Department of Agriculture, Minnesota Department of Natural Resources, 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 or designee to obtain approval for the use of pesticide at least 14 days prior to any application on their property. The landowner may request that there be no application of pesticides on any part of the site within the landowner's property. The Permittee shall provide notice of pesticide application to affected landowners, and known beekeepers operating apiaries within three miles of the application site at least 14 days prior to such application.

5.2.10 Invasive Species

The Permittee shall employ best management practices to avoid the potential 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 14 days prior to the pre-construction meeting.

5.2.11 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. The Permittee shall consult with landowners on the selection and use of seed for replanting. To the extent possible, the Permittee shall use native seed mixes.

5.2.12 Public Roads

At least 14 days prior to the pre-construction meeting, the Permittee shall identify all state, county, or township roads that will be used for the project and shall notify the Commission and the state, county, or township governing body having jurisdiction over the roads to determine if the governmental body needs to inspect the roads prior to use of these roads. Where practical,

existing roadways shall be used for all activities associated with the project. Where practical, all-weather roads shall be used to deliver cement, turbines, towers, assembled nacelles, and all other heavy components to and from the turbine sites.

The Permittee shall prior to the use of such roads, make satisfactory arrangements with the appropriate state, county, or township governmental body having jurisdiction over roads to be used for construction of the project, for maintenance and repair of roads that may be subject to increased impacts due to transportation of equipment and project components. The Permittee shall notify the Commission of such arrangements upon request.

5.2.13 Turbine Access Roads

The Permittee shall construct the least number of turbine access roads necessary to safely and efficiently operate the project and satisfy landowner requests. Access roads shall be low profile roads so that farming equipment can cross them and shall be covered with Class 5 gravel or similar material. Access roads shall not be constructed across streams and drainage ditches without required permits and approvals. When access roads are constructed across streams, drainage ways, or drainage ditches, the access roads shall be designed and constructed in a manner so runoff from the upper portions of the watershed can readily flow to the lower portion of the watershed. Any access roads that are constructed across streams or drainage ditches shall be designed and constructed in a manner that maintains existing fish passage. Access roads that are constructed across grassed waterways, which provide drainage for surface waters that are ephemeral in nature, are not required to maintain or provide fish passage. Access roads shall be constructed in accordance with all necessary township, county or state road requirements and permits.

5.2.14 Private Roads

The Permittee shall promptly repair private roads or lanes damaged when moving equipment or when obtaining access to the site, unless otherwise negotiated with the affected landowner.

5.2.15 Archaeological and Historic Resources

The Permittee shall make every effort to avoid impacts to identified archaeological and historic resources when constructing the LWECs. In the event that a resource is encountered, the Permittee shall contact and 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, 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 at such location and promptly notify local law enforcement and the State Archaeologist. Construction at such location shall not proceed until authorized by local law enforcement and the State Archaeologist.

5.2.16 Interference

At least 14 days prior to the pre-construction meeting, the Permittee shall submit to the Commission, an assessment of television and radio signal reception, microwave signal patterns, and telecommunications in the project area. The assessment shall be designed to provide data that can be used in the future to determine whether the turbines and associated facilities are the cause of disruption or interference of television or radio reception, microwave patterns, or telecommunications in the event residents should complain about such disruption or interference after the turbines are placed in operation. The Permittee shall be responsible for alleviating any disruption or interference of these services caused by the turbines or any associated facilities.

The Permittee shall not operate the project so as to cause microwave, television, radio, telecommunications, or navigation interference in violation of Federal Communications Commission regulations or other law. In the event the project or its operations cause such interference, the Permittee shall take timely measures necessary to correct the problem.

5.2.17 Livestock Protection

The Permittee shall take precautions to protect livestock during all phases of the project's life.

5.2.18 Fences

The Permittee shall promptly replace or repair all fences and gates removed or damaged during all phases of the project's life unless otherwise negotiated with the affected landowner. When the Permittee installs a gate where electric fences are present, the Permittee shall provide for continuity in the electric fence circuit.

5.2.19 Drainage Tiles

The Permittee shall take into account, avoid, promptly repair or replace all drainage tiles broken or damaged during all phases of project's life unless otherwise negotiated with affected landowner.

5.2.20 Equipment Storage

The Permittee shall not locate temporary equipment staging areas on lands under its control unless negotiated with affected landowner. Temporary equipment staging areas shall not be located in wetlands or native prairie as defined in Sections 4.6 and 4.7.

5.2.21 Restoration

The Permittee shall, as soon as practical following construction of each turbine, restore the areas affected by construction to the condition that existed immediately before construction began, to the extent possible. The time period to complete restoration may be no longer than 12 months after completion of the 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 advise the Commission in writing of the completion of such activities.

5.2.22 Cleanup

All waste and scrap that is the product of construction shall be removed from the site and all premises on which construction activities were conducted and properly disposed of upon completion of each task. Personal litter, including bottles, cans, and paper from construction activities shall be removed on a daily basis.

5.2.23 Pollution and Hazardous Waste

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 restoration of the site.

5.2.24 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.

5.2.25 Public Safety

The Permittee shall provide educational materials to landowners adjacent to the site and, upon request, to interested persons about the project and any restrictions or dangers associated with the project. The Permittee shall also provide any necessary safety measures such as 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 construction at the site.

5.2.26 Tower Identification

All turbine towers shall be marked with a visible identification number.

5.2.27 Federal Aviation Administration Lighting

Towers shall be marked as required by the Federal Aviation Administration. There shall be no lights on the towers other than what is required by the Federal Aviation Administration. This restriction shall not apply to infrared heating devices used to protect the wind monitoring equipment.

5.3 Communication Cables

The Permittee shall place all communication and supervisory control and data acquisition cables underground and within or adjacent to the land necessary for turbine access roads unless otherwise negotiated with the affected landowner.

5.4 Electrical Collector and Feeder Lines

Collector lines that carry electrical power from each individual transformer associated with a wind turbine to an internal project interconnection point shall be buried underground. Collector lines shall be placed within or adjacent to the land necessary for turbine access roads unless otherwise negotiated with the affected landowner.

Feeder lines that carry power from an internal project interconnection point to the project substation or interconnection point on the electrical grid may be overhead or underground. Feeder line locations shall be negotiated with the affected landowner. Any overhead or underground feeder lines that parallel public roads shall be placed within the public rights-of-way or on private land immediately adjacent to public roads. If overhead feeder lines are located within public rights-of-way, the Permittee shall obtain approval from the governmental unit responsible for the affected right-of-way.

Collector and feeder line locations shall be located 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. Safety shields shall be placed on all guy wires associated with

overhead feeder lines. The Permittee shall submit the engineering drawings of all collector and feeder lines in the site plan pursuant to Section 10.3.

5.5 Other Requirements

5.5.1 Safety Codes and Design Requirements

The LWECs and associated facilities shall be designed 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 report to the Commission on compliance with these standards upon request.

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. A list of the permits known to be required is included in the permit application. At least 14 days prior to the preconstruction meeting, the Permittee shall submit a filing demonstrating that it has obtained such permits. The Permittee shall provide a copy of any such permit upon Commission request.

The Permittee shall comply with all terms and conditions of permits or licenses issued by the counties, cities, and municipalities affected by the project that do not conflict with or are not preempted by federal or state permits and regulations.

6.0 SPECIAL CONDITIONS

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

6.1 Obstruction Marking and Lighting

The Permittee shall install an Aircraft Detection and Lighting System (ADLS) to mitigate the aesthetic and visual effects of the FAA's aviation lighting requirements. Permittee may install an FAA approved lighting system without ADLS if the Permittee demonstrates that, despite its reasonable efforts to secure FAA approval for an ADLS, one of the following conditions exists:

- 1) The FAA denies the Permittee's application for an ADLS system, or
- 2) Permittee is unable to secure FAA approval in a timely manner.

If either of these two conditions occur, the permittee's reasonable efforts to secure FAA approval of the ADLS must be described and filed with the Commission 14 days before the pre-construction meeting.

6.2 Avian and Bat Protection Plan Special Provision

In keeping with the DNR assessment of the Project area as "moderate risk" for bird and bat fatalities, the Permittee shall conduct one year of post-construction fatality monitoring for avian and bat species using survey protocols developed by the DNR specifically for moderate risk sites. The Permittee should consult with DNR for the availability of updated moderate risk protocols before commencing post-construction monitoring. The Commission may require additional monitoring based on results of the first year's data collection.

7.0 SURVEYS AND REPORTING

7.1 Biological and Natural Resource Inventories

The Permittee, in consultation with the Commission and the Department of Natural Resources, shall design and conduct pre-construction desktop and field inventories of existing wildlife management areas, scientific and natural areas, recreation areas, native prairies and forests, wetlands, and any other biologically sensitive areas within the project site and assess the presence of state- or federally-listed or threatened species. The results of the inventories shall be filed with the Commission at least 30 days prior to the pre-construction meeting to confirm compliance of conditions in this permit. The Permittee shall file with the Commission, any biological surveys or studies conducted on this project, including those not required under this permit.

7.2 Shadow Flicker

At least 14 days prior to the pre-construction meeting, the Permittee shall provide data on shadow flicker for each residence of non-participating landowners and participating landowners within and outside of the project boundary potentially subject to turbine shadow flicker exposure. Information shall include the results of modeling used, assumptions made, and the anticipated levels of exposure from turbine shadow flicker for each residence. The Permittee shall provide documentation on its efforts to avoid, minimize and mitigate shadow flicker exposure. The results of any modeling shall be filed with the Commission at least 14 days prior to the pre-construction meeting to confirm compliance with conditions of this permit.

7.3 Wake Loss Studies

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission the pre-construction micro-siting analysis leading to the final tower locations and an

estimate of total project wake losses. As part of the annual report on project energy production required under Section 10.8 of the permit the Permittee shall file with the Commission any operational wake loss studies conducted on this project during the calendar year preceding the report.

7.4 Noise Studies

The Permittee shall file a proposed methodology for the conduct of a post-construction noise study at least 14 days prior to the pre-construction meeting. The Permittee shall develop the post-construction noise study methodology in consultation with the Department of Commerce. The study must incorporate the Department of Commerce Noise Study Protocol to determine the operating LWECs noise levels at different frequencies and at various distances from the turbines at various wind directions and speeds. The Permittee must conduct the post-construction noise study and file with the Commission the completed post-construction noise study within 18 months of commencing commercial operation.

7.5 Avian and Bat Protection

7.5.1 Avian and Bat Protection Plan

The Permittee shall comply with the provisions of the Avian and Bat Protection Plan (ABPP) submitted for this project [*The Bird and Bat Conservation Strategy (BBCS) included as Appendix G in the Site Permit Application*], and revisions resulting from the annual audit of ABPP implementation. The first annual audit and revision will be filed with the Commission 14 days before the preconstruction meeting and revisions should include any updates associated with final construction plans. The ABPP must address steps to be taken to identify and mitigate impacts to avian and bat species during the construction phase and the operation phase of the project. The ABPP shall also include formal and incidental post-construction fatality monitoring, training, wildlife handling, documentation (e.g., photographs), and reporting protocols for each phase of the project.

The Permittee shall, by the 15th of March following each complete or partial calendar year of operation, file with the Commission an annual report detailing findings of its annual audit of ABPP practices. The annual report shall include summarized and raw data of bird and bat fatalities and injuries and shall include bird and bat fatality estimates for the project using agreed upon estimators from the prior calendar year. The annual report shall also identify any deficiencies or recommended changes in the operation of the project or in the ABPP to reduce avian and bat fatalities and shall provide a schedule for implementing the corrective or modified

actions. The Permittee shall provide a copy of the report to the Minnesota Department of Natural Resources and to the U.S. Fish and Wildlife Service at the time of filing with the Commission.

7.5.2 Quarterly Incident Reports

The Permittee shall submit quarterly avian and bat reports to the Commission. Quarterly reports are due by the 15th of January, April, July, and October commencing the day following commercial operation and terminating upon the expiration of this permit. Each report shall identify any dead or injured avian and bat species, location of find by turbine number, and date of find for the reporting period in accordance with the reporting protocols. If a dead or injured avian or bat species is found, the report shall describe the potential cause of the occurrence (if known) and the steps taken to address future occurrences. The Permittee shall provide a copy of the report to the Minnesota Department of Natural Resources and to the U.S. Fish and Wildlife Service at the time of filing with the Commission.

7.5.3 Immediate Incident Reports

The Permittee shall notify the Commission, U.S. Fish and Wildlife Service, and the Minnesota Department of Natural Resources within 24 hours of the discovery of any of the following:

- (a) five or more dead or injured birds or bats within a five day reporting period;
- (b) one or more dead or injured state threatened, endangered, or species of special concern;
- (c) one or more dead or injured federally listed species, including species proposed for listing; or
- (d) one or more dead or injured bald or golden eagle(s).

In the event that one of the four discoveries listed above should be made, the Permittee must file with the Commission within seven days, a compliance report identifying the details of what was discovered, the turbine where the discovery was made, a detailed log of agencies and individuals contacted, and current plans being undertaken to address the issue.

7.5.4 Turbine Operational Curtailment

The Permittee shall operate all facility turbines so that all turbines are locked, or feathered, up to the manufacturer's standard cut-in speed from one-half hour before sunset to one-half hour after sunrise of the following day, from April 1 to October 31 of each year of operation.

All operating turbines at the facility must be equipped with operational software that is capable of allowing for adjustment of turbine cut-in speeds.

8.0 AUTHORITY TO CONSTRUCT LWECS

8.1 Wind Rights

At least 14 days prior to the pre-construction meeting, the Permittee shall demonstrate that it has obtained the wind rights and any other rights necessary to construct and operate the project within the boundaries authorized by this permit. Nothing in this permit shall be construed to preclude any other person from seeking a permit to construct a wind energy conversion system in any area within the boundaries of the project covered by this permit if the Permittee does not hold exclusive wind rights for such areas.

8.2 Power Purchase Agreement

In the event the Permittee does not have a power purchase agreement or some other enforceable mechanism for sale of the electricity to be generated by the project at the time this permit is issued, the Permittee shall provide notice to the Commission when it obtains a commitment for purchase of the power. This 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 two years of the issuance of this permit, the Permittee must advise the Commission of the reason for not having such commitment. In such event, the Commission may determine whether this permit should be amended or revoked. No amendment or revocation of this permit may be undertaken except in accordance with Minn. R. 7854.1300.

8.3 Failure to Commence Construction

If the Permittee has not completed the pre-construction surveys required under this permit and commenced construction of the project within two years of the issuance of this permit, the Permittee must advise the Commission of the reason construction has not commenced. In such event, the Commission shall make a determination as to whether this permit should be amended or revoked. No revocation of this permit may be undertaken except in accordance with applicable statutes and rules, including Minn. R. 7854.1300.

9.0 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 (Attachment A).

10.0 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. Attachment B to this permit contains a summary of compliance filings, which is provided solely for the convenience of the Permittee. If this permit conflicts, or is not consistent with Attachment B, the conditions in this permit will control.

10.1 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 with the Commission, a summary of the topics reviewed and discussed and a list of attendees. The Permittee shall indicate in the filing the construction start date.

10.2 Pre-Operation Meeting

At least 14 days prior to commercial operation of the facility, 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 with the Commission, a summary of the topics reviewed and discussed and a list of attendees.

10.3 Site Plan

At least 14 days prior to the pre-construction meeting, the Permittee shall provide the Commission, the Department and the Nobles County Environmental Office with a site plan that includes specifications and drawings for site preparation and grading; specifications and locations of all turbines and other structures to be constructed including all electrical equipment, collector and feeder lines, pollution control equipment, fencing, roads, and other associated facilities; and procedures for cleanup and restoration. The documentation shall include maps depicting the site boundary and layout in relation to that approved by this permit. The Permittee shall document, through GIS mapping, compliance with the setbacks and site layout restrictions

required by this permit, including compliance with the noise standards pursuant to Minnesota Rules Chapter 7030. At the same time, the Permittee shall notify affected landowners and city and town clerks that the site plan is on file with the Commission and the Nobles County Environmental Office. The Permittee may submit a site plan and engineering drawings for only a portion of the project if the Permittee intends to commence construction on certain parts of the project before completing the site plan and engineering drawings for other parts of the project.

The Permittee may not commence construction until the earlier of 30 days after the pre-construction meeting or when the Commission has advised the Permittee in writing that it has either: completed its review of the documents and determined that the planned construction is consistent with this permit or requires additional time to complete its review. 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, the Department, the Nobles County Environmental Office, city and town clerks, and the affected landowners 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.

In the event that previously unidentified human and environmental conditions are discovered during construction that by law or pursuant to conditions outlined in this permit would preclude the use of that site as a turbine site, the Permittee shall have the right to move or relocate turbine site. Under these circumstances, the Permittee shall notify the Commission, the Department, the Minnesota Pollution Control Agency, the Minnesota Department of Natural Resources, the Nobles County Environmental Office, city and town clerks, and the affected landowners of any turbines that are to be relocated, and provide the previously unidentified environmental conditions and how the movement of the turbine mitigates the human and environmental impact at least five days before implementing the changes. No changes shall be made that would be in violation of any terms of this permit.

10.4 Status Reports

The Permittee shall file status reports with the Commission on progress regarding site construction. The Permittee need not report more frequently than monthly. Reports shall begin with the commencement of site construction and continue until completion of site restoration.

10.5 Notification to the Commission

At least three days before the project is to commence commercial operation, the Permittee shall file with the Commission the date on which the project will commence commercial operation and the date on which construction was completed.

10.6 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.

10.7 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 large wind energy conversion system.

10.8 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 permitted project;
- (b) the total monthly energy generated by the project in MW hours;
- (c) the monthly capacity factor of the project;
- (d) yearly energy production and capacity factor for the project;
- (e) the operational status of the project and any major outages, major repairs, or turbine performance improvements occurring in the previous year; and
- (f) any other information reasonably requested by the Commission.

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

10.9 Wind Resource Use

The Permittee shall, by February 1st following each complete or partial calendar year of operation, file with the Commission the average monthly and average annual wind speed collected at one permanent meteorological tower during the preceding year or partial year of operation. This information shall be considered public and must be filed electronically.

10.10 Emergency Response

The Permittee shall prepare an Emergency Response Plan in consultation with the emergency responders having jurisdiction over the facility prior to project construction. The Permittee shall submit a copy of the plan, along with any comments from emergency responders, to the Commission at least 14 days prior to the pre-construction meeting and a revised plan, if any, at least 14 days prior to the pre-operation meeting. The Permittee shall provide as a compliance filing confirmation that the Emergency Response Plan was provided to the emergency responders and Public Safety Answering Points (PSAP) with jurisdiction over the facility prior to commencement of construction. The Permittee shall obtain and register the facility address or other location indicators acceptable to the emergency responders and PSAP having jurisdiction over the facility.

10.11 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, tower collapse, thrown blade, 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.

11.0 DECOMMISSIONING, RESTORATION, AND ABANDONMENT

11.1 Decommissioning Plan

The Permittee shall submit a decommissioning plan to the Commission at least fourteen 14 days prior to the pre-operation meeting, and provide updates to the plan every five years thereafter. The plan shall provide information identifying all surety and financial securities established for decommissioning and site restoration of the project in accordance with the requirements of Minn. R. 7854.0500, subp. 13. The decommissioning plan shall provide an itemized breakdown of costs of decommissioning all project components, which shall include labor and equipment. The plan shall identify cost estimates for the removal of turbines, turbine foundations, underground collection cables, access roads, crane pads, substations, and other project components. The plan may also include anticipated costs for the replacement of turbines 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.

11.2 Site Restoration

Upon expiration of this permit, or upon earlier termination of operation of the project, or any turbine within the project, the Permittee shall have the obligation to dismantle and remove from the site all towers, turbine generators, transformers, overhead and underground cables and lines, foundations, buildings, and ancillary equipment to a depth of four feet. Any agreement for removal to a lesser depth or no removal shall be recorded with the county and shall show the locations of all such foundations. To the extent feasible, the Permittee shall restore and reclaim the site to its pre-project topography and topsoil quality. 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 completion of restoration activities. The site shall be restored in accordance with the requirements of this condition within 18 months of termination.

11.3 Abandoned Turbines

The Permittee shall advise the Commission of any turbines that are abandoned prior to termination of operation of the project. The project, or any turbine within the project, shall be considered abandoned after one year without energy production and the land restored pursuant to Section 11.2 unless a plan is developed and submitted to the Commission outlining the steps and schedule for returning the project, or any turbine within the project, to service.

12.0 COMMISSION AUTHORITY AFTER PERMIT ISSUANCE

12.1 Final Boundaries

After completion of construction, the Commission shall determine the need to adjust the final boundaries of the site required for this project in accordance with Minn. R. 7854.1300, subp. 1.

12.2 Expansion of Site Boundaries

No expansion of the site boundaries 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 boundaries of the site for the project. The Commission will respond to the requested change in accordance with applicable statutes and rules.

12.3 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.

12.4 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.

12.5 More Stringent Rules

The Commission's 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.

12.6 Right of Entry

Upon reasonable notice, presentation of credentials, and at all times in compliance with the Permittee's site safety standards, the Permittee shall allow representatives of the Commission to perform the following:

- (a) to enter upon the facilities easement of the site 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; and

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

12.7 Proprietary Information

Certain information required to be filed with the Commission under this permit may constitute trade secret information or other type of proprietary information under the Data Practices Act or other law. The Permittee must satisfy requirements of applicable law to obtain the protection afforded by the law.

13.0 PERMIT AMENDMENT

This permit may be amended at any time by the Commission in accordance with Minn. R. 7854.1300, subp. 2. 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.

14.0 TRANSFER OF PERMIT

The Permittee may request at any time that the Commission transfer this permit to another person or entity. The Permittee shall provide the name and description of the person or entity to whom the permit is requested to be transferred, the reasons for the transfer, a description of the facilities affected, and the proposed effective date of the transfer. The person to whom the permit is to be transferred shall provide the Commission with such information as the Commission shall require to determine whether the new Permittee can comply with the conditions of the permit. The Commission may authorize transfer of the permit after affording the Permittee, the new Permittee, and interested persons such process as is required. The Commission may impose additional conditions on any new permittee as part of the approval of the transfer.

Within 20 days after the date of the notice provided in Section 10.5, the Permittee shall file a notice describing its ownership structure, identifying, as applicable:

- (a) the owner(s) of the financial and governance interests of the Permittee;
- (b) the owner(s) of the majority financial and governance interests of the Permittee's owners;
and

- (c) the Permittee's ultimate parent entity (meaning the entity which is not controlled by any other entity).

The Permittee shall immediately notify the Commission of:

- (a) a change in owner(s) of the majority* financial or governance interests in the Permittee;
- (b) a change in owner(s) of the majority* financial or governance interests of the Permittee's owners; or
- (c) a sale which changes the parent entity of the Permittee.

**When there are only co-equal 50/50 percent interests, any change shall be considered a change in majority interest.*

The Permittee shall notify the Commission of:

- (a) the sale of a parent entity or a majority interest in the Permittee;
- (b) the sale of a majority interest of the Permittee's owners or majority interest of the owners; or
- (c) a sale which changes the entity with ultimate control over the Permittee.

15.0 REVOCATION OR SUSPENSION OF PERMIT

The Commission may take action to suspend or revoke this permit upon the grounds that:

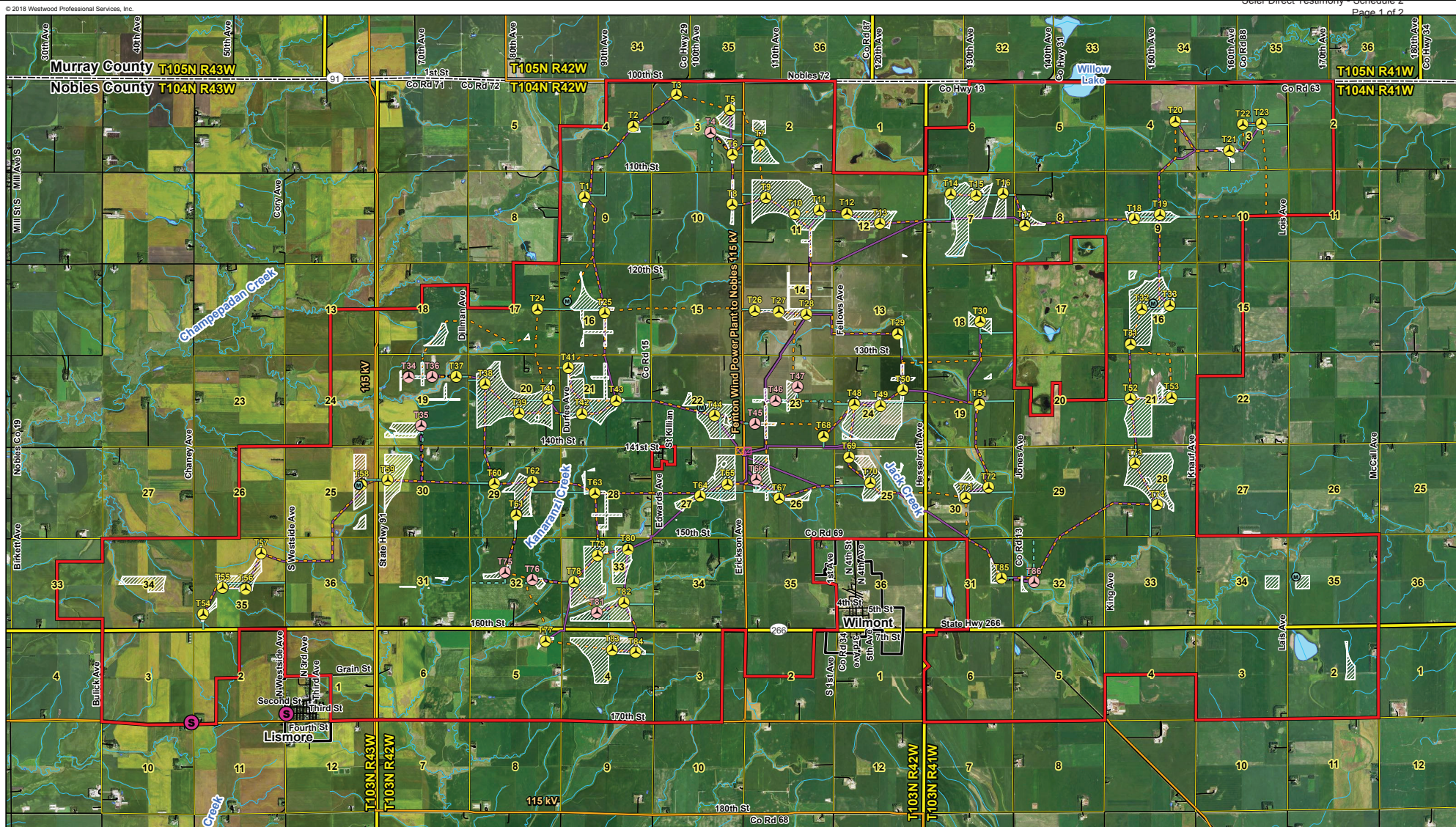
- (a) a false statement was knowingly made in the application or in accompanying statements or studies required of the Permittee, and a true statement would have warranted a change in the Commission's findings;
- (b) there has been a failure to comply with material conditions of this permit, or there has been a failure to maintain health and safety standards;
- (c) there has been a material violation of a provision of an applicable statute, rule, or an order of the Commission; or
- (d) the Permittee has filed a petition with the Commission requesting that the permit be revoked or terminated.

In the event the Commission determines that it is appropriate to consider revocation or suspension of this permit, the Commission shall proceed in accordance with the requirements of Minn. R. 7854.1300 to determine the appropriate action. Upon a finding of any of the above, the Commission may require the Permittee to undertake corrective measures in lieu of having this permit suspended or revoked.

16.0 EXPIRATION DATE

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

PROPOSED SITE PERMIT



Data Sources: Westwood (2017); Minnesota NADP Imagery (Accessed 2016); ESRI (2012); USGS NHD Dataset (2013); MNDNR (Various Dates); BWSR (2010); Census Bureau (2015); Verityx Velocity Suite, Verityx Energy LLC (2017). Data and maps are approximate.

NOBLES 2 POWER PARTNERS, LLC
Westwood
Multi-Disciplinary Services & Engineering

Legend

Project Boundary	Proposed O&M	Proposed Access Road	Existing Substation (Location Approximate)	PLS Township Boundary
County Boundary	Proposed Substation	Proposed Access Road Alternate	Existing Transmission Line (Location Approximate)	PLS Section Boundary
Proposed Turbine	Road	Proposed Collection	NHD Flowline	Turbine Buildable Area (areas not restricted by required setbacks or other constraints)**
Proposed Turbine Alternate	Municipal Boundary	Proposed Collection Alternate	NHD Waterbody	
Temporary Met Tower		Proposed Crane Path		

Note: Project up to 260MW.
N
0 1 Miles

Nobles 2 Wind Project

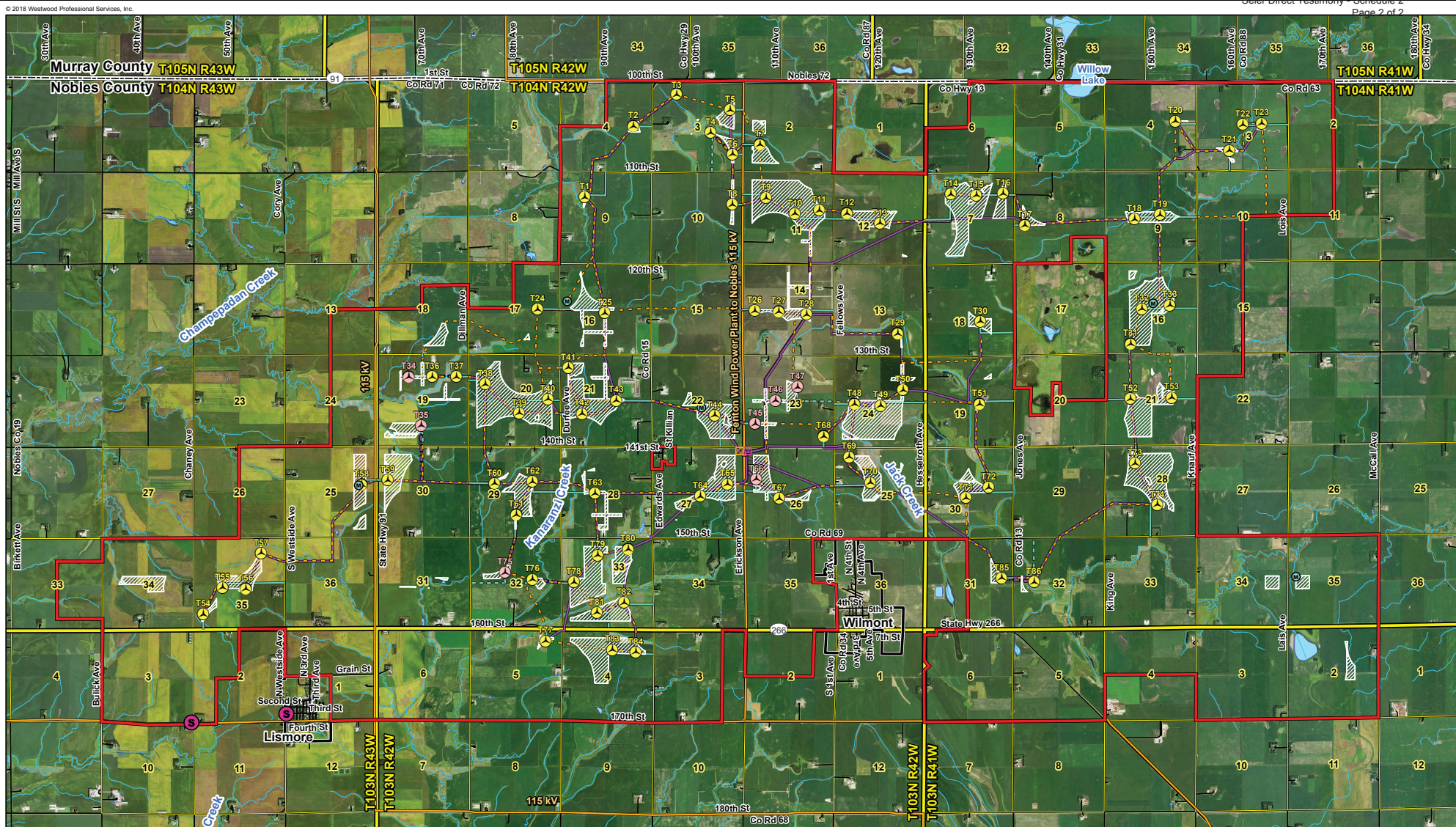
Nobles County, Minnesota

74 Turbine Installation: 64 x Vestas V136-3.6 & 10 x Vestas V110-2.0

Map 3C

** The Turbine Buildable Area shown underlying and near Turbines T22, T45, T46, and T62 represent the buildable area that will exist when leases are secured for the land identified in Map 2 as subject to ongoing landowner lease negotiations.

Map Document: N:\001081\001081\GIS\Projects\Map3C.mxd 5/10/2018 11:22:44 AM



Data Source(s): Westwood (2017); Minnesota NADP Imagery (Accessed 2016); ESRI (2012); USGS NHD Dataset (2013); MNDNR (Various Dates); BWSR (2010); Census Bureau (2015); Verityx Velocity Suite, Verityx Energy LLC (2017). Data and maps are approximate.

NOBLES 2 POWER PARTNERS, LLC
Westwood
Multi-Disciplined
Surveying & Engineering

Legend

Project Boundary	Proposed O&M	Proposed Access Road	Existing Substation (Location Approximate)	PLS Township Boundary
County Boundary	Proposed Substation	Proposed Access Road Alternate	Existing Transmission Line (Location Approximate)	PLS Section Boundary
Proposed Turbine	Road	Proposed Collection	NHD Flowline	Turbine Buildable Area (areas not restricted by required setbacks or other constraints)**
Proposed Turbine Alternate	Municipal Boundary	Proposed Collection Alternate	NHD Waterbody	
Temporary Met Tower		Proposed Crane Path		

Note: Project up to 260MW.



Nobles 2 Wind Project

Nobles County, Minnesota

79 Turbine Installation: 58 x Vestas V136-3.6 & 21 x Vestas V110-2.0

** The Turbine Buildable Area shown underlying and near Turbines T22, T45, T46, and T62 represent the buildable area that will exist when leases are secured for the land identified in Map 2 as subject to ongoing landowner lease negotiations.

**MINNESOTA PUBLIC UTILITIES COMMISSION
COMPLAINT HANDLING PROCEDURES FOR
PERMITTED ENERGY FACILITIES**

A. Purpose

To establish a uniform and timely method of reporting and resolving complaints received by the permittee concerning permit conditions for site preparation, construction, cleanup, restoration, operation, and maintenance.

B. Scope

This document describes complaint reporting procedures and frequency.

C. Applicability

The procedures shall be used for all complaints received by the permittee and all complaints received by the Minnesota Public Utilities Commission (Commission) under Minn. R. 7829.1500 or Minn. R. 7829.1700 relevant to this permit.

D. Definitions

Complaint: A verbal or written statement presented to the permittee by a person expressing dissatisfaction or concern regarding site preparation, cleanup or restoration or other site and associated facilities permit conditions. Complaints do not include requests, inquiries, questions or general comments.

Substantial Complaint: A written complaint alleging a violation of a specific permit condition that, if substantiated, could result in permit modification or suspension pursuant to the applicable regulations.

Unresolved Complaint: A complaint which, despite the good faith efforts of the permittee and a person, remains unresolved or unsatisfactorily resolved to one or both of the parties.

Person: An individual, partnership, joint venture, private or public corporation, association, firm, public service company, cooperative, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

E. Complaint Documentation and Processing

1. The permittee shall designate an individual to summarize complaints for the Commission. This person's name, phone number and email address shall accompany all complaint submittals.
2. A person presenting the complaint should to the extent possible, include the following information in their communications:
 - a. name, address, phone number, and email address;
 - b. date of complaint;
 - c. tract or parcel number; and
 - d. whether the complaint relates to a permit matter or a compliance issue.
3. The permittee shall document all complaints by maintaining a record of all applicable information concerning the complaint, including the following:
 - a. docket number and project name;
 - b. name of complainant, address, phone number and email address;
 - c. precise description of property or parcel number;
 - d. name of permittee representative receiving complaint and date of receipt;
 - e. nature of complaint and the applicable permit condition(s);
 - f. activities undertaken to resolve the complaint; and
 - g. final disposition of the complaint.

F. Reporting Requirements

The permittee shall commence complaint reporting at the beginning of project construction and continue through the term of the permit. The permittee shall report all complaints to the Commission according to the following schedule:

Immediate Reports: All substantial complaints shall be reported to the Commission the same day received, or on the following working day for complaints received after working hours. Such reports are to be directed to the Commission's Consumer Affairs Office at 1-800-657-3782 (voice messages are acceptable) or consumer.puc@state.mn.us. For e-mail reporting, the email subject line should read "PUC EFP Complaint" and include the appropriate project docket number.

Monthly Reports: During project construction and restoration, a summary of all complaints, including substantial complaints received or resolved during the preceding month, shall be filed by the 15th of each month to Daniel P. Wolf, Executive Secretary, Public Utilities Commission, using the eDockets system. The eDockets system is located at:
<https://www.edockets.state.mn.us/EFiling/home.jsp>

If no complaints were received during the preceding month, the permittee shall file a summary indicating that no complaints were received.

G. Complaints Received by the Commission

Complaints received directly by the Commission from aggrieved persons regarding site preparation, construction, cleanup, restoration, operation and maintenance shall be promptly sent to the permittee.

H. Commission Process for Unresolved Complaints

Commission staff shall perform an initial evaluation of unresolved complaints submitted to the Commission. Complaints raising substantial permit issues shall be processed and resolved by the Commission. Staff shall notify the permittee and appropriate persons if it determines that the complaint is a substantial complaint. With respect to such complaints, each party shall submit a written summary of its position to the Commission no later than ten days after receipt of the staff notification. The complaint will be presented to the Commission for a decision as soon as practicable.

I. Permittee Contacts for Complaints and Complaint Reporting

Complaints may be filed by mail or email to:

Scott Seier
14302 FNB Parkway
Omaha, NE 68154-5212

This information shall be maintained current by informing the Commission of any changes as they become effective.

**MINNESOTA PUBLIC UTILITIES COMMISSION
COMPLIANCE FILING PROCEDURE FOR
PERMITTED ENERGY FACILITIES**

A. Purpose

To establish a uniform and timely method of submitting information required by Commission energy facility permits.

B. Scope and Applicability

This procedure encompasses all known compliance filings required by permit.

C. Definitions

Compliance Filing: A filing of information to the Commission, where the information is required by a Commission site or route permit.

D. Responsibilities

1. The permittee shall file all compliance filings with Daniel P. Wolf, Executive Secretary, Public Utilities Commission, through the eDockets system. The eDockets system is located at: <https://www.edockets.state.mn.us/EFiling/home.jsp>

General instructions are provided on the eDockets website. Permittees must register on the website to file documents.

2. All filings must have a cover sheet that includes:
 - a. Date
 - b. Name of submitter/permittee
 - c. Type of permit (site or route)
 - d. Project location
 - e. Project docket number
 - f. Permit section under which the filing is made
 - g. Short description of the filing

3. Filings that are graphic intensive (e.g., maps, engineered drawings) must, in addition to being electronically filed, be submitted as paper copies and on CD. Paper copies and CDs should be sent to: 1) Daniel P. Wolf, Executive Secretary, Minnesota Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, MN 55101-2147, and 2) Department of Commerce, Energy Environmental Review and Analysis, 85 7th Place East, Suite 500, St. Paul, MN 55101-2198.

The Commission may request a paper copy of any electronically filed document.

PROPOSED PERMIT

PERMIT COMPLIANCE FILINGS¹

PERMITTEE: Nobles 2 Power Partners, LLC
 PERMIT TYPE: LWECS Site Permit
 PROJECT LOCATION: Nobles County
 PUC DOCKET NUMBER: IP6964\WS-17-597

Filing Number	Permit Section	Description of Compliance Filing	Due Date
1	4.7	Prairie Protection and Management Plan	30 days prior to submitting Site Plan, as deemed necessary
2	4.12	Notification to Airports	Prior to project construction
3	5.1	Notification of Permit and Complaint Procedures	30 days of permit issuance
4	5.2.1	Field Representative	14 days prior to commencing construction
5	5.2.2	Site Manager	14 days prior to commercial operation
6	5.2.6	National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Construction Stormwater Permit	In accordance with Minnesota Pollution Control Agency
7	5.2.9	Notification of Pesticide Application	14 days prior to application
8	5.2.10	Invasive Species Protection Plan	14 days prior to pre-construction meeting
9	5.2.12	Identification of Roads	14 days prior to pre-construction meeting

¹ This compilation of permit compliance filings is provided for the convenience of the permittee and the Commission. It is not a substitute for the permit; the language of the permit controls.

Filing Number	Permit Section	Description of Compliance Filing	Due Date
10	5.2.16	Assessment of Television and Radio Signal Reception, Microwave Signal Patterns, and Telecommunications	14 days prior to pre-construction meeting
11	5.2.21	Site Restoration	60 days after completion of restoration
12	5.2.25	Public Safety/Education Materials	Upon request
13	5.4	Engineered Drawings of Collector and Feeder Lines	Submit with the Site Plan
14	5.5.2	Filing Regarding Other Required Permits	14 days prior to pre-construction meeting
15	7.1	Biological and Natural Resource Inventories	30 days prior to pre-construction meeting
16	7.2	Shadow Flicker Data	14 days prior to pre-construction meeting
17	7.3	Wake Loss Studies	14 days prior to pre-construction meeting and annual wake loss with annual report
18	7.4	Post-Construction Noise Methodology	14 days prior to pre-construction meeting
19	7.4	Post-Construction Noise Study	18 months of commercial operation
20	7.5.1	First Annual Audit and Revision of Avian and Bat Protection Plan	14 days prior to pre-construction meeting
21	7.5.1	Annual Report - Avian and Bat Protection Plan	15th of March each year or partial year

Filing Number	Permit Section	Description of Compliance Filing	Due Date
22	7.5.2	Quarterly Incident Reports	15th of January, April, July, and October the day following commercial operation
23	7.5.3	Immediate Incident Reports	24 hours of discovery and a report within 7 days
24	8.1	Demonstration of Wind Rights	14 days prior to pre-construction meeting
25	8.2	Power Purchase Agreement	If not obtained within two years issuance of permit
26	8.3	Failure to Construct	If within two years issuance of permit
27	9.0	Complaint Procedures	Prior to start of construction
28	10.1	Pre-Construction Meeting Summary	14 days following meeting
29	10.2	Pre-Operation Meeting Summary	14 days following meeting
30	10.3	Site Plan	14 days prior to pre-construction meeting
31	10.4	Construction Status Reports	Monthly
32	10.5	Commercial Operation	3 days prior to commercial operation
33	10.6	As-Builts	90 days after completion of construction

Filing Number	Permit Section	Description of Compliance Filing	Due Date
34	10.7	GPS Data	90 days after completion of construction
35	10.8	Project Energy Production	February 1st following each complete or partial year of project operation
36	10.9	Wind Resource Use	February 1st following each complete or partial year of project operation
37	10.10	Emergency Response Plan	14 days prior to pre-construction meeting and revisions 14 days prior to pre-operation meeting
38	10.11	Extraordinary Event	Within 24 hours of discovery
39	11.1	Decommissioning Plan	14 days prior to pre-operation meeting
40	14.0	Notice of Ownership	14 days after operation