

**STATE OF MINNESOTA
BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION**

In the Matter of the Application of Pleasant Valley Wind LLC For a Site Permit For the 300 MW Pleasant Valley Project in Dodge and Mower Counties

Docket No. IP-6828/WS-09-1197

**REPLY COMMENTS OF PLEASANT
VALLEY WIND LLC**

REPLY COMMENTS

Pursuant to the Minnesota Public Utilities Commission's ("Commission") November 27, 2013 Notice of Comment Period, Pleasant Valley Wind, LLC ("Pleasant Valley Wind") respectfully submits the following comments in response to the comments submitted on December 12, 2013 by the Department of Commerce Energy Environmental Review and Analysis Staff ("EERA Staff") and the Minnesota Department of Natural Resources ("DNR") in regard to Pleasant Valley Wind's Petition for Modification or Amendment to the Site Permit (the filed November 25, 2013 (the "Petition") for the Pleasant Valley Wind Project in Dodge and Mower Counties, Minnesota (the "Project"). As discussed below, Pleasant Valley Wind agrees with EERA Staff and DNR's recommendations and looks forward to working with the agencies as the Project moves toward construction and commercial operation.

DISCUSSION

A. Response to EERA Staff Comments

In its December 12, 2013 comments, EERA Staff propose several changes to Pleasant Valley Wind's Site Permit, including (1) modification to the language in the introductory paragraph of the site permit to reflect the requested change in nameplate capacity and to identify the correct county location of the Project, (2) further modification of Section 4.9 to provide additional clarity regarding the wind turbine hub height, and (3) an additional amendment to Section 6.7.3 of the site permit to incorporate language changes regarding avian and bat reporting requirements consistent with proposed language for a wind energy project currently before the Commission in another docket.¹ As described in more detail below, Pleasant Valley Wind supports the changes proposed by EERA Staff.

¹ EERA Staff references *In the Matter of the Application of Stoneray Power Partners LLC for a Large Wind Energy Conversion System (LWECS) Site Permit for a 105 MW Wind Project in Pipestone and Murray Counties*, DNR Comments, MPUC Docket No. IP-6646/WS-13-216 (Aug. 30, 2013).

First, EERA Staff propose specific changes to the language in the introductory paragraph of the Site Permit to reflect the reduction in size of the project from 301 MW to 200 MW, and to identify Mower County and Dodge County, not Stearns County, as the counties in which the Project will be located. These changes conform the introductory paragraph to the rest of the Site Permit, and Pleasant Valley Wind supports these modifications as proposed by EERA Staff.

Next, EERA Staff recommends additional language to clarify the modified wind tower height. Pleasant Valley Wind proposes to use taller towers than are currently specified in the Site Permit – 95 meter towers instead of 80 meter towers. In addressing the taller tower in the Petition, Pleasant Valley Wind clarified that the tower height and ultimate hub height may not be the same because a portion of the wind turbine foundation may be above-grade. To this end, Pleasant Valley Wind proposed that the tower height be specified as the distance “from the foundation to hub height.” Petition at 2. EERA Staff proposes to further clarify this language by instead specifying that the tower height is measured “from the *top of the* foundation to hub height.” EERA Comments at 6 (emphasis added). As this revised language is consistent with Pleasant Valley Wind’s intent, Pleasant Valley Wind supports the additional modification to Section 4.9 of the Site Permit as proposed by EERA Staff.

Finally, EERA Staff proposed one additional amendment to Section 6.7.3 of the site permit to modify the language to increase the count and time period for reporting of immediate incident reports for incidents related to migratory avian or bat species. EERA Comments at 7. According to EERA’s comments, this change was identified in the Stoneray Power Partners docket to alleviate what would otherwise be an overly burdensome reporting requirement for permittees and the DNR. EERA Comments at 6. Pleasant Valley Wind concurs with EERA Staff’s conclusions that this proposed additional amendment is a practical modification that will significantly reduce regulatory burden for Pleasant Valley Wind and DNR without compromising incident reporting for the Project. Accordingly, Pleasant Valley Wind also supports the amendment to Section 6.7.3 as proposed by EERA Staff.

B. Response to DNR Comments

DNR in its letter to the Commission dated December 12, 2013 commented on the status of threatened and endangered species review for the Project, including a review of Natural Heritage Information System (NHIS) data. Specifically, DNR requested (1) assurance that previously-reviewed locations which have known occurrences of state-listed threatened and endangered plants will be avoided in the revised Project layout, (2) that the current project boundary be reviewed for possible new locations of threatened and endangered species, and (3) that Pleasant Valley Wind submit a NHIS request or a request for DNR concurrence with Pleasant Valley Wind’s interpretation of data obtained through an NHIS license.

Pleasant Valley Wind appreciates DNR’s comments regarding updating the threatened and endangered species review for the Project. Pleasant Valley Wind is actively engaged in an evaluation of threatened and endangered species within the Project boundary based on the modified Project layout proposed in the Petition. Pleasant Valley Wind has obtained updated NHIS data from DNR and is actively working with DNR to incorporate the updated NHIS data and study results into the micro-siting process for the Project to ensure the final micro-siting of the

Project complies with Site Permit conditions relating to threatened and endangered species. Pleasant Valley Wind looks forward to continued collaboration with DNR on this and other aspects of the pre-construction phase of the Project.

CONCLUSION

Pleasant Valley Wind appreciates EERA Staff's and DNR's comments on its Petition and supports their respective recommendations as stated herein. Pleasant Valley Wind respectfully reiterates its request that the Commission grant a modification without further hearing of the site permit and certificate of need for the Pleasant Valley Wind Project.

Dated: December 19, 2013

Respectfully submitted,

/s/ Andrew J. Gibbons

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CERTIFICATE OF SERVICE

Kerri Katers certifies that on December 19, 2013 she served copies of the **Reply Comments of Pleasant Valley Wind LLC** on all said persons on the attached Service List, true and correct copies thereof, by e-filing and/or by depositing the same enclosed in an envelope, postage prepaid in the United States Mail in the post office at Minneapolis, Minnesota.

/s/Kerri Katers

Kerri Katers

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