

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Katie J. Sieben	Chair
Valerie Means	Commissioner
Matthew Schuerger	Commissioner
Joseph K. Sullivan	Commissioner
John A. Tuma	Commissioner

Mike Roth
Tenaska, Inc.
14302 FNB Parkway
Omaha, NE 68154-5212

SERVICE DATE: June 29, 2021

DOCKET NO. IP-7053/GS-21-113

Aron Branam
Arevon Energy, Inc.
8800 N. Gainey Center Drive, Ste. 250
Scottsdale, AZ 85258

In the Matter of the Application of Hayward Solar LLC Site Permit under the Alternative Permitting Process for the up to 150 MW Hayward Solar Project in Freeborn County

The above entitled matter has been considered by the Commission and the following disposition made:

- 1. Found that the site permit application for the Hayward Solar Project is substantially complete with the understanding that Hayward Solar will submit an amended decommissioning plan prior to the public hearing for the project.**
- 2. Found that an advisory task force is not warranted for the project.**
- 3. Determined that the site permit application is appropriately processed jointly with the certificate of need application for the project.**
- 4. Determined that there are currently no contested issues of fact with respect to the project.**
- 5. Determined that preparation of a full administrative law judge report with recommendations is appropriate for the project.**
- 6. Determined that a schedule consistent with the draft schedule provided in EERA staff's initial comments and recommendations is appropriate for the project.**

This decision is issued by the Commission's consent calendar subcommittee, under a delegation of authority granted under Minn. Stat. § 216A.03, subd. 8 (a). Unless a party, a participant, or a Commissioner files an objection to this decision within ten days of receiving it, it will become the Order of the full Commission under Minn. Stat. § 216A.03, subd. 8 (b).

The Commission agrees with and adopts the recommendations of the Department of Commerce, which are attached and hereby incorporated into the Order. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION



Will Seuffert
Executive Secretary



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May 27, 2021

Will Seuffert
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101-2147

RE: EERA Comments and Recommendations on Application Completeness
Hayward Solar Project – Site Permit Application
Docket No. IP-7053/GS-21-113

Dear Mr. Seuffert,

Attached are comments and recommendations of Department of Commerce, Energy Environmental Review and Analysis (EERA) staff in the following matter:

In the Matter of the Application of Hayward Solar, LLC for a Site Permit under the Alternative Permitting Process for the up to 150 MW Hayward Solar Project in Freeborn County

The site permit application was filed on May 5, 2021, by:

Mike Roth
Tenaska, Inc.
14302 FNB Parkway
Omaha, NE 68154-5212

Aron Branam
Arevon Energy, Inc.
8800 N. Gainey Center Drive, Ste. 250
Scottsdale, AZ 85258

EERA staff recommends acceptance of the site permit application as complete. EERA staff is available to answer any questions the Commission may have.

Sincerely,



Ray Kirsch
Environmental Review Manager

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BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

ENERGY ENVIRONMENTAL REVIEW AND ANALYSIS COMMENTS AND RECOMMENDATIONS

HAYWARD SOLAR PROJECT DOCKET No. IP-7053/GS-21-113

Date: May 27, 2021

EERA Staff: Ray Kirsch | 651-539-1841 | raymond.kirsch@state.mn.us

In the Matter of the Application of Hayward Solar, LLC for a Site Permit under the Alternative Permitting Process for the up to 150 MW Hayward Solar Project in Freeborn County

Issues Addressed: These comments and recommendations address the completeness of the site permit application, the need for an advisory task force, the advisability of jointly processing the application with the project's certificate of need application, and the presence of contested issues of fact.

Documents Attached:

(1) Project Overview Map

Additional documents and information can be found on eDockets:

<https://www.edockets.state.mn.us/EFiling/search.jsp> (21-113) and on the Department of Commerce's website: <http://mn.gov/commerce/energyfacilities>.

This document can be made available in alternative formats (i.e., large print or audio) by calling 651-296-0391 (voice).

Introduction and Background

On May 5, 2021, Hayward Solar, LLC (Hayward Solar) filed a site permit application to construct and operate an up to 150 megawatt (MW) photovoltaic electric power generating facility in Freeborn County, Minn.¹ On May 7, 2021, the Commission issued a notice soliciting comments on the completeness of the site permit application, the need for an advisory task force, the advisability of jointly processing the application with the project's certificate of need application, and the

¹ Hayward Solar Project, Application to the Minnesota Public Utilities Commission for a Site Permit for a Large Electric Generating Facility, May 5, 2021, eDockets Numbers [20215-173904-01](#) (through -09), [20215-173906-01](#) (through -10), [20215-173901-01](#) (through -10), [20215-173909-01](#) (through -06), [20215-173920-01](#), [20215-173920-02](#), [20215-173938-01](#), [20215-173938-02](#), [20215-173938-03](#) [hereinafter Site Permit Application].

presence of contested issues of fact.²

Project Purpose

Hayward Solar indicates that the proposed solar project will assist the State of Minnesota in meeting its renewable energy objectives.³ Hayward Solar also indicates that the project will meet consumers' growing demand for renewable energy.⁴ Hayward Solar is working to secure a power purchase agreement with wholesale customers (e.g., Minnesota utilities and cooperatives) or commercial and industrial customers to sell the electric power produced by the project.⁵

Project Description

Hayward Solar proposes to construct an up to 150 MW solar farm in Hayward Township, Freeborn County, Minn.⁶ The project will occupy approximately 1,272 acres east of the city of Hayward and just south of Interstate 90 (see Project Overview Map). The project will use photovoltaic solar panels mounted on linear tracking systems. Underground collection lines will gather the electric power to a project substation. The project will interconnect with the electrical grid via a switching station on the existing Hayward – Murphy Creek 161 kV transmission line. The switching station would be constructed, owned, and operated by the Southern Minnesota Municipal Power Agency (SMMPA).⁷

Hayward Solar indicates that the project is in the Midcontinent Independent System Operator (MISO) interconnection queue.⁸ Hayward Solar anticipates executing a generator interconnection agreement (GIA) with MISO in early 2022. Project construction is anticipated to begin in 2022 with completion and operation in 2023.

Regulatory Process and Procedures

In Minnesota, no person may construct a large electric power generating plant without a site permit from the Commission.⁹ A large electric power generating plant is defined as a facility capable of operating at a capacity of 50 MW or more.¹⁰ Hayward Solar's proposed project will be capable of producing up to 150 MW and therefore requires a site permit from the Commission. Because the project is powered by solar energy, the site permit application qualifies for Commission review under the alternative permitting process described in Minnesota Statute 216E.04.¹¹

² Notice of Comment Period on Application Completeness, May 7, 2021, eDockets Number [20215-173985-01](#).

³ Minnesota Statute 216B.1691.

⁴ Site Permit Application, Section 1.1.

⁵ Id.

⁶ Site Permit Application, Section 1.0.

⁷ Id.

⁸ Id.

⁹ Minnesota Statute 216E.03.

¹⁰ Minnesota Statute 216E.01.

¹¹ Minnesota Statute 216E.04, Subd. 2 (noting those projects that are eligible to proceed under an alternative permitting process).

As the Hayward solar project will be capable of producing up to 150 MW, it also requires a certificate of need from the Commission.¹² Hayward Solar applied to the Commission for a certificate of need on May 5, 2021.¹³ The certificate of need application must be reviewed by the Commission using the processes prescribed by Minnesota Statute 216B.243 and Minnesota Rules 7849.

Site Permit Application Acceptance

Site permit applications for large electric power generating plants must provide information about the applicant, a description of the project, and discussion of potential environmental impacts and mitigation measures.¹⁴ Review under the alternative permitting process does not require an applicant to propose alternative sites in their permit application; however, if the applicant has evaluated and rejected alternative sites they must describe these sites and the reasons for rejecting them in their application.¹⁵

The Commission may accept an application as complete, reject an application and require additional information to be submitted, or accept an application as complete upon filing of supplemental information.¹⁶ The environmental review and permitting process begins when the Commission determines that a permit application is complete; the Commission has six months (or nine months, with just cause) from the date of this determination to reach a permit decision.¹⁷

Environmental Review

Site permit applications are subject to environmental review conducted by Department of Commerce, Energy Environmental Review and Analysis (EERA) staff. Projects proceeding under the alternative permitting process require the preparation of an environmental assessment (EA).¹⁸ An EA is a document which describes the potential human and environmental impacts of a proposed project and possible mitigation measures. A public information and scoping meeting is held to solicit comments on the scope of the EA. An EA is the only state environmental review document required for site permit applications reviewed under the alternative permitting process.

Certificate of Need and Joint Environmental Review

Hayward Solar's proposed project requires a certificate of need from the Commission; Hayward Solar has applied to the Commission for this certificate. Certificate of need applications are subject to environmental review conducted by EERA staff – staff must prepare an environmental report for these projects.¹⁹

¹² Minnesota Statute 216B.2421; Minnesota Statute 216B.243.

¹³ Hayward Solar Project, Application to the Minnesota Public Utilities Commission for a Certificate of Need for a Large Electric Generating Facility, May 5, 2021, eDockets Numbers, eDockets Numbers [20215-173941-01](#), [20215-173941-02](#), [20215-173903-01](#), [20215-173903-01](#), [20215-173903-01](#), [20215-173903-01](#), [20215-173903-01](#), [20215-173903-01](#), [20215-173903-01](#) [hereinafter Certificate of Need Application].

¹⁴ Minnesota Rules 7850.1900 and 7850.3100.

¹⁵ Minnesota Rule 7850.3100.

¹⁶ Minnesota Rule 7850.3200.

¹⁷ Minnesota Statute 216E.04, Subd. 7.

¹⁸ Minnesota Rule 7850.3700.

¹⁹ Minnesota Rule 7849.1200.

If a certificate of need and a site permit are required for the same project, EERA staff may elect to combine the two environmental review processes and prepare an EA in lieu of an environmental report.²⁰ If an EA is prepared in lieu of an environmental report, the EA must include an analysis of alternatives to the project that would otherwise be required in an environmental report.²¹

Public Hearing

Site permit applications under the alternative permitting process require that a public hearing be held in the project area after the EA for the project has been completed and released.²² The hearing is typically presided over by an administrative law judge (ALJ) from the Office of Administrative Hearings. If certificate of need and site permitting processes are proceeding concurrently, the Commission may order that a joint hearing be held to consider both need and permitting.²³ The Commission may request that the ALJ provide solely a summary of public testimony. Alternately, the Commission may request that the ALJ provide a full report with findings of fact, conclusions of law, and recommendations regarding the project.

Advisory Task Force

The Commission may appoint an advisory task force to aid the environmental review process.²⁴ An advisory task force must include representatives of local governmental units in the project area.²⁵ A task force assists EERA staff with identifying impacts and mitigation measures to be evaluated in the EA. A task force expires upon issuance of the EA scoping decision.²⁶

The Commission is not required to appoint an advisory task force for every project. If the Commission does not appoint a task force, citizens may request that one be appointed.²⁷ If such a request is made, the Commission must determine at a subsequent meeting if a task force should be appointed or not. The decision whether to appoint an advisory task force does not need to be made at the time of application acceptance; however, it should be made as soon as practicable to ensure its charge can be completed prior to issuance of the EA scoping decision.

EERA Staff Analysis and Comments

EERA staff provides the following analysis and comments in response to the Commission's notice requesting comments on completeness and other issues related to Hayward Solar's site permit application.

Application Completeness

EERA staff has conferred with Hayward Solar about the proposed project and has reviewed a draft site permit application. EERA staff believes that staff comments on the draft application have

²⁰ Minnesota Rule 7849.1900.

²¹ Id.

²² Minnesota Rule 7850.3800.

²³ Minnesota Statute 216B.243, Subd. 4.

²⁴ Minnesota Statute 216E.08.

²⁵ Id.

²⁶ Minnesota Rule 7850.3600.

²⁷ Id.

largely been addressed in the site permit application submitted to the Commission. Staff has evaluated the site permit application against the application completeness requirements of Minnesota Rule 7850.1900 (see Table 1). Staff finds that the application contains appropriate and complete information with respect to these requirements. However, staff finds that the decommissioning plan for the project is not consistent with Commission practice.

Decommissioning Plan

Per Commission practice, a site permit application for a solar electric generating plant must include a decommissioning plan. Further, this plan must be modeled on, and include the elements of, Commission-required decommissioning plans for wind farms.²⁸ Among these elements is a requirement that the plan include a method and schedule for updating the costs of decommissioning and restoration for the project.²⁹

Hayward Solar's decommissioning plan notes that the plan will be updated once, during the fifteenth year of operation, to account for changes in salvage values and decommissioning costs.³⁰ Further, the plan suggests that net decommissioning costs *should* be updated periodically to account for changes in costs and salvage values, and that subsequent revisions to the decommissioning plan *may* be required (emphases added).³¹

EERA staff finds that these statements do not comprise a method and schedule for updating decommissioning costs. EERA staff believes that updating costs once, over a 30-year anticipated project lifetime, is not sufficient. Further, staff believes that language suggesting what should be done regarding decommissioning costs and salvage values is not a statement of what will be done by Hayward Solar. EERA staff recommends that decommissioning costs for solar projects be updated at least every five years.

EERA staff recommends that the Commission accept Hayward Solar's application as substantially complete and require Hayward Solar to amend its decommissioning plan to include a method and schedule for updating decommissioning costs. Staff recommends that the Commission require Hayward Solar to file the revised decommissioning plan into the record prior to the public hearing for the project.

Advisory Task Force

EERA staff has analyzed the merits of establishing an advisory task force for the Hayward Solar project. Staff concludes that a task force is not warranted for the project.

In analyzing the need for an advisory task force for the project, EERA staff considered four characteristics: project size, project complexity, known or anticipated controversy, and sensitive resources.

²⁸ Minnesota Rule 7854.0500, Subp. 13. See also, the report of the Solar and Wind Decommissioning Working Group and EERA staff recommendations, Docket 17-123, eDockets Number [20188-146145-02](#), [20203-161292-01](#).

²⁹ Minnesota Rule 7854.0500.

³⁰ Site Permit Application, Appendix F, Section 1.5.

³¹ Site Permit Application, Appendix F, Section 1.6.

- **Project Size.** The project will utilize a relatively large area of land – approximately 1,272 acres. However, the concerns associated with such a large acreage are muted, to a great extent, by the fact that land for the project has been assembled by agreements with local landowners. That is, the project area represents landowners interested in and willing to dedicate their land to solar electric production. Thus, this project-size factor does not weigh for or against a task force.
- **Project Complexity.** With respect to energy production and land use the project is not complex. Though large, solar electric projects are fairly new in Minnesota, they are relatively straightforward – solar panels are arranged to gather sunlight and create electric energy, which is then transferred to the electric transmission grid. Land use in the project area is agricultural and the topography is relatively flat. There are no special construction techniques or operational features that make the project complex.

The relatively large size of the project may pose stormwater control and vegetation management challenges. However, these challenges can be met with standard mitigation measures, e.g., stormwater pollution prevention plan, vegetation management plan. In sum, this project-complexity factor weighs against a task force.

- **Known or Anticipated Controversy.** To date, EERA staff has received no comments concerning the project, and there are currently no public comments in the record. Hayward Solar has conducted outreach in the project area, including outreach with local governments, state agencies, and tribes.³² The project has been assembled by agreements with local landowners. On whole, EERA staff anticipates that there will be a minimum of controversy concerning the project.
- **Sensitive Natural Resources.** There are few sensitive natural resources in the project area. The project area is 97 percent agricultural land.³³ There are no rare or sensitive state-listed species in the project area.³⁴ There are two federally-listed species – the northern long-eared bat and the rusty-patched bumble bee. However, there are no known roost trees for northern long-eared bats in Freeborn County and habitat for the rusty-patched bumble bee will not be disturbed by the project.³⁵ On whole, potential impacts to sensitive natural resources weigh against a task force.

Based on the above analysis, EERA staff believes that an advisory task force is not warranted for the project.

Joint Environmental Review

The Commission has before it a certificate of need application and a site permit application for the project. It appears to EERA staff that the need and permitting processes for the project will proceed

³² Site Permit Application, Appendix A.

³³ Site Permit Application, Section 4.5.7.

³⁴ Id.

³⁵ Id.

concurrently. Thus, at this time, EERA staff anticipates that it will prepare one environmental review document for the project – an EA.

EERA staff believes that preparation of an EA in lieu of an environmental report for the certificate of need will not lengthen the certificate of need or site permitting processes. Additionally, Hayward Solar has requested that the certificate of need and site permitting processes be conducted jointly.³⁶ Finally, EERA believes that joint environmental review is relatively more efficient for the public, local governments, agencies, and tribes, and that there are benefits to having an environmental analysis of need and siting in one document.

Contested Issue of Fact

Based on its review of Hayward Solar’s application and the record to date, EERA staff has not identified any contested issues of fact. Staff is unaware of any issues or concerns associated with the application or project that require a contested case hearing.

EERA staff recommends that the Commission request a full ALJ report for the project’s public hearing. EERA staff believes that a full ALJ report with recommendations provides an unbiased, efficient, and transparent method to air and resolve any issues that may emerge as the record is developed. Requiring a full ALJ report reduces the burden on Commission staff and helps to ensure that the Commission has a robust record on which to base its decision. Additionally, a full ALJ report does not significantly lengthen the site permitting process. EERA staff has provided a draft schedule for the Hayward Solar permitting process, which includes a comparison of potential hearing work products and schedules – i.e. a summary of public testimony vs. a full ALJ report with findings, conclusions, and recommendations (see Table 2).

EERA Staff Recommendations

EERA staff recommends that:

- The Commission accept Hayward Solar’s site permit amendment application as substantially complete and require Hayward Solar to amend its decommissioning plan to include a method and schedule for updating decommissioning costs and file its amended plan prior to the public hearing for the project.
- The Commission not appoint an advisory task force for the site permit application.
- The Commission process Hayward Solar’s site permit application jointly with the project’s certificate of need application, including joint environmental review.
- The Commission request a full ALJ report with recommendations for the project’s public hearing.

³⁶ Site Permit Application, Section 1.4.4.

Table 1. Application Completeness Requirements

Minnesota Rule 7850.1900, Subpart 1	Location in Site Permit Application	EERA Staff Comments
A. a statement of proposed ownership of the facility at the time of filing the application and after commercial operation;	1.2	Information is provided to satisfy this requirement. Hayward Solar, LLC is the owner of the project.
B. the precise name of any person or organization to be initially named as permittee or permittees and the name of any other person to whom the permit may be transferred if transfer of the permit is contemplated;	1.2	Information is provided to satisfy this requirement. Hayward Solar, LLC will be the permittee.
C. at least two proposed sites for the proposed large electric power generating plant and identification of the applicant's preferred site and the reasons for the preference;	1.0	As a solar electric power generating plant, the project can use the alternative permitting process of Minnesota Statute 216E.04. Alternatives sites are not required under this process.
D. a description of the proposed large electric power generating plant and all associated facilities, including the size and type of the facility;	2.0 and Appendix B	Information is provided to satisfy this requirement.
E. the environmental information required under subpart 3;	See Minnesota Rule 7850.1900, Subpart 3 below.	
F. the names of the owners of the property for each proposed site;	1.2	Information is provided to satisfy this requirement. Hayward Solar has lease agreements with seven landowners.
G. the engineering and operational design for the large electric power generating plant at each of the proposed sites;	3.0 and Appendix B	Information is provided to satisfy this requirement.

Minnesota Rule 7850.1900, Subpart 1	Location in Site Permit Application	EERA Staff Comments
H. a cost analysis of the large electric power generating plant at each proposed site, including the costs of constructing and operating the facility that are dependent on design and site;	2.4	Information is provided to satisfy this requirement.
I. an engineering analysis of each of the proposed sites, including how each site could accommodate expansion of generating capacity in the future;	2.5	Information is provided to satisfy this requirement.
J. identification of transportation, pipeline, and electrical transmission systems that will be required to construct, maintain, and operate the facility;	3.1	Information is provided to satisfy this requirement.
K. a listing and brief description of federal, state, and local permits that may be required for the project at each proposed site;	1.4	Information is provided to satisfy this requirement.
L. a copy of the certificate of need for the project from the Commission or documentation that an application for a certificate of need has been submitted or is not required;	1.4	A certificate of need is required for the project. Hayward Solar applied to the Commission for a certificate on May 5, 2021.

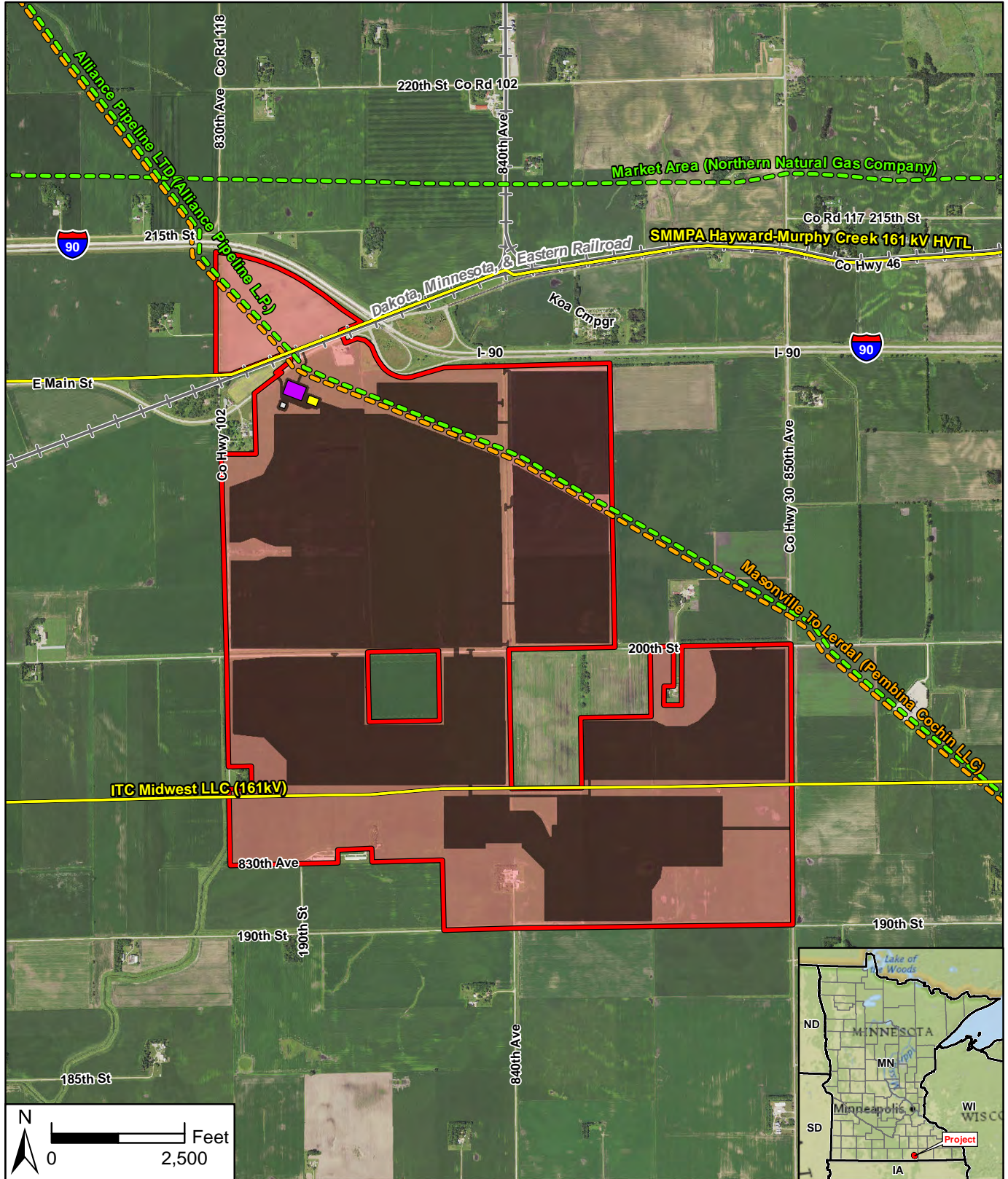
Minnesota Rule 7850.1900, Subpart 3	Location in Site Permit Application	EERA Staff Comments
A. a description of the environmental setting for each site or route;	4.1	Information is provided to satisfy this requirement.

Minnesota Rule 7850.1900, Subpart 3	Location in Site Permit Application	EERA Staff Comments
B. a description of the effects of construction and operation of the facility on human settlement, including, but not limited to, public health and safety, displacement, noise, aesthetics, socioeconomic impacts, cultural values, recreation, and public services;	4.2	Information is provided to satisfy this requirement.
C. a description of the effects of the facility on land-based economies, including, but not limited to, agriculture, forestry, tourism, and mining;	4.3	Information is provided to satisfy this requirement.
D. a description of the effects of the facility on archaeological and historic resources;	4.4	Information is provided to satisfy this requirement.
E. a description of the effects of the facility on the natural environment, including effects on air and water quality resources and flora and fauna;	4.5	Information is provided to satisfy this requirement.
F. a description of the effects of the facility on rare and unique natural resources;	4.5.7	Information is provided to satisfy this requirement.
G. identification of human and natural environmental effects that cannot be avoided if the facility is approved at a specific site or route; and	4.8	Information is provided to satisfy this requirement.
H. a description of measures that might be implemented to mitigate the potential human and environmental impacts identified in items A to G and the estimated costs of such mitigative measures.	4.1 – 4.8	Information is provided to satisfy this requirement.

Table 2. Draft Permitting Process Schedule

Approximate Date	Permitting Day	Permitting Process Step
May 2021	--	Site Permit Application Submitted
May 2021	--	Comment Period on Application Completeness
June 2021	--	Commission Considers Application Acceptance
July 2021	0	Application Acceptance Order
July 2021	5	Notice of Public Information and Scoping Meeting
August 2021	30	Public Information and Scoping Meeting
September 2021	60	Scoping Decision Issued
December 2021	170	EA Issued Notice of EA Availability and Public Hearing
January 2022	190	Public Hearing
January 2022	200	Public Hearing Comment Period Closes
February 2022	210	Applicant Responses to Hearing Comments
Summary of Public Testimony		
February 2022	220	Applicant Proposed Findings
March 2022	230	EERA Responses to Comments on EA; Technical Analysis; Replies to Applicant Proposed Findings
March 2022	230	ALJ Submits Summary of Public Testimony
April 2022	260	Commission Staff Prepares Findings and Proposed Site Permit
May 2022	280	Commission Considers Site Permit Issuance
Full ALJ Report with Findings, Conclusions, and Recommendations		
February 2022	220	Applicant Proposed Findings
March 2022	230	EERA Responses to Comments on EA; Technical Analysis; Replies to Applicant Proposed Findings
April 2022	260	ALJ Submits Full Report
May 2022	275	Exceptions to ALJ Report
May 2022	290	Commission Staff Prepares Proposed Site Permit
June 2022	310	Commission Considers Site Permit Issuance

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Data Source(s): Westwood (2021); Minnesota NAIIP Imagery (2019); Census Bureau (2019); Ventyx Velocity Suite, Ventyx Energy LLC. (2020); NPMS (2021). Existing pipeline routes are approximate.

Legend

- Project Area
- Proposed Substation
- Solar Panels
- SMMPA Switchyard
- Current Land Control Area
- Proposed O&M Building
- Railroad
- Existing Natural Gas Pipeline
- Existing Transmission Line
- Existing Crude Oil Pipeline

Hayward Solar Project

Freeborn County, Minnesota

Project Overview Map

Westwood
 Toll Free (888) 937-5150 westwoodps.com
 Westwood Professional Services, Inc.

Map Document: N:\0208599\00\GIS\Hayward - Project Overview Map_210520.mxd 5/20/2021 4:16:26 PM ratevito

June 15, 2021

Will Seuffert
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101-2147

RE: Hayward Solar Project – Site Permit Application
Docket No. IP-7053/GS-21-113

Dear Mr. Seuffert,

Department of Commerce, Energy Environmental Review and Analysis (EERA) staff has reviewed initial and reply comments regarding application completeness in the following matter:

In the Matter of the Application of Hayward Solar, LLC for a Site Permit under the Alternative Permitting Process for the up to 150 MW Hayward Solar Project in Freeborn County

EERA staff finds that the reply comments of Hayward Solar, LLC (Hayward Solar) are consistent with EERA staff's initial comments and recommendations. Specifically, Hayward Solar and EERA staff agree that:

- The site permit application for the Hayward Solar Project is substantially complete with the understanding that Hayward Solar will submit an amended decommissioning plan prior to the public hearing for the project,
- An advisory task force is not warranted for the project,
- The site permit application is appropriately processed jointly with the certificate of need application for the project,
- There are currently no contested issues of fact with respect to the project,
- Preparation of a full administrative law judge report with recommendations is appropriate for the project,
- A schedule consistent with the draft schedule provided in EERA staff's initial comments and recommendations is appropriate for the project.

In sum, EERA staff believes that there are no outstanding or unresolved issues regarding completeness of the site permit application for the Hayward Solar Project.

Sincerely,

A handwritten signature in black ink, appearing to read "Ray Kirsch". The signature is written in a cursive, flowing style with a large initial "R".

Ray Kirsch
Environmental Review Manager

CERTIFICATE OF SERVICE

I, Robin Benson, hereby certify that I have this day, served a true and correct copy of the following document to all persons at the addresses indicated below or on the attached list by electronic filing, electronic mail, courier, interoffice mail or by depositing the same enveloped with postage paid in the United States mail at St. Paul, Minnesota.

Minnesota Public Utilities Commission ORDER

Docket Number: **IP-7053/GS-21-113**

Dated this **29th** day of **June, 2021**

/s/ Robin Benson

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
A	Branam	abranam@arevonenergy.com	Arevon	8800 N Gainey Center Dr Ste 250 Scottsdale, AZ 85258	Electronic Service	No	OFF_SL_21-113_GS-21-113
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1400 St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_21-113_GS-21-113
Jeremy	Duehr	jduehr@fredlaw.com	Fredrikson & Byron, P.A.	200 South Sixth Street Suite 4000 Minneapolis, Minnesota 55402-1125	Electronic Service	No	OFF_SL_21-113_GS-21-113
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 280 Saint Paul, MN 551012198	Electronic Service	No	OFF_SL_21-113_GS-21-113
Kyle	Gerking	kgerking@tenaska.com	Tenaska, Inc.	14302 Fnb Pkwy Omaha, NE 68154	Electronic Service	No	OFF_SL_21-113_GS-21-113
Breann	Jurek	bjurek@fredlaw.com	Fredrikson & Byron PA	200 South Sixth St Ste 400 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_21-113_GS-21-113
Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	OFF_SL_21-113_GS-21-113
Michael	Roth	MRoth@tenaska.com	Tenaska, Inc.	14302 Fnb Pkwy Omaha, NE 68154	Electronic Service	No	OFF_SL_21-113_GS-21-113
Joe	Sedarski	joe.sedarski@westwoodps.com	Westwood	12701 Whiewater Dr Ste 300 Minnetonka, MN 55343	Electronic Service	No	OFF_SL_21-113_GS-21-113
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th Pl E Ste 350 Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_21-113_GS-21-113

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Sean	Sosa	ssosa@arevonenergy.com	Arevon	8800 N Gainey Center Dr Ste 250 Scottsdale, AZ 85258	Electronic Service	No	OFF_SL_21-113_GS-21-113