

STATE OF MINNESOTA  
COURT OF ADMINISTRATIVE HEARINGS  
FOR THE PUBLIC UTILITIES COMMISSION

In the Matter of the Joint Application of  
Summit Lake Solar, LLC and Summit  
Lake Storage, LLC for a Solar Energy  
Generating System Site Permit and a  
Battery Energy Storage System Site  
Permit for the up to 200 MW Summit Lake  
Solar Facility and the up to 200 MW  
Battery Summit Lake Energy Storage  
System in Nobles County, Minnesota

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STATE OF MINNESOTA  
COURT OF ADMINISTRATIVE HEARINGS  
FOR THE PUBLIC UTILITIES COMMISSION

In the Matter of the Joint Application of Summit Lake Solar, LLC and Summit Lake Storage, LLC for a Solar Energy Generating System Site Permit and a Battery Energy Storage System Site Permit for the up to 200 MW Summit Lake Solar Facility and the up to 200 MW Battery Summit Lake Energy Storage System in Nobles County, Minnesota

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND RECOMMENDATIONS**

This matter was assigned to Administrative Law Judge Kimberly Middendorf to conduct a joint public hearing and prepare a report on the Joint Application of Summit Lake Solar, LLC (Summit Lake Solar)<sup>1</sup> for a Site Permit for the up to 200 megawatt (MW) Summit Lake Solar Project (Solar Facility) and Summit Lake Storage, LLC (Summit Lake Storage)<sup>2</sup> (collectively, Applicants) for the up to 200 MW/800-megawatt hour (MWh) battery energy storage system (BESS) in Nobles County, Minnesota (the Project). Applicants are both wholly owned subsidiaries of Geronimo Power, LLC (Geronimo). On April 8, 2025, the Public Utilities Commission (Commission) requested a full report with findings of fact, conclusions of law, and recommendations regarding the Project following public hearings.<sup>3</sup>

Judge Middendorf held two joint public hearings. The first hearing was convened in Nobles County on April 6, 2026. The second hearing was held remotely by telephone and internet on April 7, 2026. The Applicants filed responses to public comments on May 4, 2026. Commission's Energy Infrastructure Permitting (EIP), formerly the Department of Commerce Energy Environmental Review and Analysis (EERA),<sup>4</sup> filed responses to public comments on May 19, 2026.

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<sup>1</sup> At the time of its application, Geronimo was registered and operated under a different name, National Grid Renewables Development, LLC. See Exhibit (Ex.) SLS-2 (Joint Site Permits Application (Joint Application)).

<sup>2</sup> As part of December 18, 2025 amendments to the Joint Application, discussed infra, Summit Lake Solar requested that "the Commission change the name of the applicant for the BESS to Summit Lake Storage, LLC." Ex. SLS-21 (Joint Site Permits Application Amendment (Application Amendment)).

<sup>3</sup> Ex. PUC-14 (Completeness Order).

<sup>4</sup> For readability, this report will refer exclusively to EIP.

Jeremy P. Duehr, Fredrikson & Byron P.A., and Alia Mohammad, Karsen Rumpf, Victoria Orchard, and Andrew Larson, Geronimo, appeared on behalf of the Applicants at the public hearings.

Sam Weaver, Environmental Review Manager, appeared on behalf of EIP at the public hearings.

Craig Janezich, Energy Facilities Planner, appeared on behalf of the Commission at the public hearings.

### **STATEMENT OF ISSUES**

1. Has Summit Lake Solar satisfied the criteria established in Minn. Stat. § 216E and Minn. R. 7850 for a Site Permit for the proposed up to 200 MW Solar Facility in Nobles County, Minnesota?

2. Has Summit Lake Storage satisfied the criteria established in Minn. Stat. § 216E and Minn. R. 7850 for a Site Permit for the proposed up to 200 MW BESS facility in Nobles County, Minnesota?

### **SUMMARY OF RECOMMENDATIONS**

Summit Lake Solar has not satisfied the applicable legal requirements, and the Commission should **DENY** a Site Permit for the Solar Facility, because the Applicant has not established there is no feasible and prudent alternative to siting the Solar Facility on prime farmland and because the cumulative impact of the Project has not been adequately considered.

Summit Lake Storage has not satisfied the applicable legal requirements, and the Commission should **DENY** a Site Permit for the BESS, because the cumulative impact of the Project has not been adequately considered.

Based on the Application, proceedings, and other evidence in the record, the Administrative Law Judge makes the following findings:

### **FINDINGS OF FACT**

#### **I. Applicants**

1. The Applicant for the Solar Facility is Summit Lake Solar, LLC and Applicant for the BESS is Summit Lake Storage, LLC. Summit Lake Solar and Summit Lake Storage are wholly owned subsidiaries of Geronimo Power, LLC, formerly known as National Grid Renewables Development, LLC.<sup>5</sup>

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<sup>5</sup> Exs. SLS-2, SLS-21.

2. Geronimo, through its affiliates, develops, constructs, and operates utility-scale solar and battery storage projects across the United States.<sup>6</sup>

## **II. Joint Site Permit Application and Related Procedural Background**

3. Summit Lake Solar filed a Notice of Intent to Submit Site Permit Application Under the Alternative Permitting Process on February 5, 2025. The Notice of Intent addressed both the Solar Facility and BESS.<sup>7</sup>

4. On February 21, 2025, the Summit Lake Solar filed a Joint Application for Site Permits for the Solar Facility and BESS (Joint Application or Application).<sup>8</sup>

5. On February 27, 2025, the Commission announced a Notice of Comment Period on the completeness of the Joint Application. The initial comment period closed March 13, 2025, and the reply and supplemental comment periods closed on March 20 and 25, 2025, respectively.<sup>9</sup>

6. From February 25 to March 15, the following members of the public submitted comments regarding the Project: Debra Rogers, Malory Fritz, Becky Baumhoefner, Russ Penning, Darla Fritz, and Darrel Ponto.<sup>10</sup> Following the close of the public comment period, Danielle Rogers submitted a public comment on April 4, 2025.<sup>11</sup>

7. On March 10, 2025, EIP staff submitted comments regarding Application completeness, environmental review, procedural requirements, and other issues. EIP staff recommended that the Commission accept the Application as substantially complete. Staff also recommended a full Administrative Law Judge report for the public hearing but concluded that an advisory task force was not warranted.<sup>12</sup>

8. On March 20, 2025, Summit Lake Solar submitted reply comments regarding the completeness of the Application, the need for an advisory task force, and the application review process.<sup>13</sup>

9. On April 3, 2025, the State Historic Preservation Office (SHPO) commented on the *Phase I Cultural Resource Survey, Summit Lake Solar and Battery Storage Project, Nobles County, Minnesota* prepared for Summit Lake Solar by Tetra Tech, Inc.<sup>14</sup> SHPO agreed with the Survey's conclusions that archaeological site 21NO0093 – located

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<sup>6</sup> Ex. SLS-2 (Joint Application).

<sup>7</sup> Ex. SLS-1 (Notice of Intent to File Joint Application).

<sup>8</sup> Ex. SLS-2 (Joint Application).

<sup>9</sup> Ex. PUC-1 (Notice of Comment Period on Application Completeness).

<sup>10</sup> Exs. EIP-2 at p. 8 (Written Comments on EA Scope); PUC-5 (Public Comment); PUC-6 (Public Comment); PUC-11 (Debra Rogers Comment); PUC-2 (Danielle Rogers Comment); PUC-3 (Public Comment); PUC-4 (Public Comment); PUC-7 (Russell Penning Comment); PUC-8 (Becky Baumhoefner Comment); PUC-9 (Darla Fritz Comment 1); PUC-10 (Darla Fritz Comment 2); PUC-12 (Public Comment).

<sup>11</sup> Ex. PUC-13 (Public Comment).

<sup>12</sup> Ex. EIP-1 (Comments on Application Completeness).

<sup>13</sup> Ex. SLS-14 (Completeness Reply Comments).

<sup>14</sup> Exs. SLS-27 at 5 (Application Amendment Appendix F – Agency Correspondence); SLS-2 at § 5.4.3-4 (Joint Application).

in the southern portion of the project site and characterized in the Survey as a “post-contact ‘cultural material scatter’” – should be avoided or evaluated to determine eligibility for listing on the National Register of Historic Places (NRHP).<sup>15</sup> Other than 21N9O0093, SHPO also concurred with the Survey that no NRHP or State Register of Historic Properties will be impacted by the Project.<sup>16</sup>

10. On April 08, 2025, the Commission accepted the Application as substantially complete and “[r]equested a full Administrative Law Judge report with recommendations for the project’s public hearing.”<sup>17</sup>

11. On May 07, 2025, the Commission issued a Notice of Public Information and Environmental Assessment (EA) Scoping Meetings for the Project, announcing that the in-person meeting was scheduled for May 22, 2025 in Worthington, Minnesota, and that the online meeting would be held via Webex on May 21, 2025. Public comments were accepted through June 5, 2025.<sup>18</sup>

12. On May 19, 2025, the Commission issued sample solar site and energy storage system site permits.<sup>19</sup>

13. Between May 21 and June 5, 2025, the Commission received sixteen written public comments on the Project.<sup>20</sup> EIP filed a compilation of additional written comments.<sup>21</sup>

14. On June 5, 2025, the Minnesota Department of Natural Resources (DNR) submitted written comments, in addition to a Natural Heritage Review Letter.<sup>22</sup>

15. On June 23, 2025, EIP filed a letter explaining that although no public comments proposed a specific alternative location for the Summit Lake Solar Facility, one suggested moving the BESS north of the existing Nobles Substation. EIP determined relocating the BESS to an alternative site north / northeast of the Joint Application site infeasible because Summit Lake Solar does not own or control that land and likewise found relocation to the area east of McCall Avenue and south of 190th Street infeasible due to hydrological factors. EIP further noted that relocation would require extending the electrical routing between the BESS and proposed substation, causing transmission losses and decreased efficiency, and would push the generation tie (gen-tie) line beyond 1,500 feet, triggering a route permit from the Commission. EIP therefore recommended

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<sup>15</sup> Exs. SLS-27 at p. 5 (Application Amendment Appendix F – Agency Correspondence); SLS-2 at § 5.4.3-4 (Joint Application).

<sup>16</sup> Ex. SLS-27 at p. 5 (Application Amendment Appendix F – Agency Correspondence).

<sup>17</sup> Ex. PUC-14 (Completeness Order).

<sup>18</sup> Ex. PUC-15 (Notice of Public Information and EA Scoping Meetings).

<sup>19</sup> Ex. PUC-16 (Sample Permits).

<sup>20</sup> Exs. EIP-2 at 4-12, 21-23 (Written Comments on Scope of the EA), PUC-18 (Loretta Halbur Comment); PUC-19 (Kathy Henderschiedt Comment), PUC-20 (Judy Christians Comment 1), PUC-21 (Judy Christians Comment 2), PUC-22 (Becky Baumhoefner Comment).

<sup>21</sup> Ex. EIP-2 (Written Comments on Scope of the EA).

<sup>22</sup> DNR Comments (June 5, 2025) (eDockets No. [20256-219615-01](#)); DNR Natural Heritage Review Letter (June 5, 2025) (eDockets No. [20256-219615-02](#)).

“the Commission authorize EERA to include solely the site for the project identified by Summit Lake Solar in its joint application in the scoping decision for the EA,” and noted it would “identify measures to mitigate the concerns of the public regarding noise, safety, and aesthetics” resulting from the BESS location in the EA, including, but not limited to, “noise barriers or berms, vegetative screening, and emergency response training and resources to assist local first responders.”<sup>23</sup>

16. On July 17, 2025, EIP staff issued a decision on scoping for the EA (Scoping Decision).<sup>24</sup>

17. On July 18, 2025, Summit Lake Solar provided notice that National Grid Renewables Development, LLC had been acquired by Brookfield Asset Management, and that as a result, National Grid Renewables Development, LLC changed its name to Geronimo Power, LLC. The notice further clarified that “[t]he applicant in this matter has not changed and will continue to be Summit Lake Solar, LLC.”<sup>25</sup>

18. This matter was assigned to Judge Kimberly Middendorf. On July 25, 2025, Judge Middendorf issued an Order for Prehearing Conference setting the conference date for August 15, 2025.<sup>26</sup>

19. On August 21, 2025, Judge Middendorf issued a First Prehearing Order, setting forth, among other things, the deadline to intervene, procedures for public participation, and the prehearing and hearing schedule.<sup>27</sup>

20. On October 14, 2025, Summit Lake Solar requested that proceedings on the Joint Application be paused. Specifically, Summit Lake Solar noted that in response to public comments, it was in the process of revising the design and layout of the Project. Summit Lake Solar further noted that additional time was needed for an amended application reflecting the changes to the Project and for the EA to reflect those changes as well. Summit Lake Solar requested, therefore, that the proceedings be paused and a new prehearing and hearing schedule be developed, in coordination with Commission staff, once an amended application has been submitted.<sup>28</sup>

21. On October 15, 2025, Judge Middendorf granted Summit Lake Solar’s request to stay proceedings on its Joint Application and cancelled the hearings and all other deadlines / milestone set forth in the August 15 First Prehearing Order.<sup>29</sup>

22. On December 3, 2025, the Commission issued an authorization to initiate consultation with the SHPO under Minn. Stat. § 138.665. The authorization required, *inter alia*, that Applicants, at the time that they submit their prehearing testimony, and prior to the public hearing on the Project, file a compliance filing informing the Commission of the

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<sup>23</sup> Ex. EIP-4 (Alternatives Identified During Scoping Comment Period).

<sup>24</sup> Ex. PUC-24 (EA Scoping Decision).

<sup>25</sup> Ex. SLS-17 (Notice of Ownership Filing).

<sup>26</sup> Order for Prehearing Conference (July 25, 2025) (eDockets No. [20257-221390-01](#)).

<sup>27</sup> First Prehearing Order (Aug. 21, 2025) (eDockets No. [20258-222286-01](#)).

<sup>28</sup> Ex. SLS-19 (Request to Pause).

<sup>29</sup> Order Staying Proceedings (Oct. 15, 2025) (eDockets No. [202510-223987-01](#)).

status of consultation with SHPO demonstrating that consultation has occurred, whether the proposed project will affect designated properties, and if so, identify any permit terms and conditions agreed upon by the applicant and SHPO to avoid or mitigate any adverse effects on the designated or listed properties.<sup>30</sup>

23. On December 18, 2025, Applicants submitted a Joint Site Permits Application Amendment to the Commission for the Summit Lake Solar Energy Generating System and Battery Energy Storage System (Application Amendment).<sup>31</sup>

24. As part of the Application Amendment, Summit Lake Solar requested that “the Commission change the name of the applicant for the BESS to Summit Lake Storage, LLC.”<sup>32</sup>

25. The Application Amendment details material changes to the Project including, *inter alia*: reducing the total Preliminary Development Area (the area needed to construct the Project) by 65.1 acres;<sup>33</sup> relocating the BESS to an area further away from the city of Reading and selecting quieter BESS technology for use at the Project;<sup>34</sup> increasing setbacks from residences, the County drain tile, and road centerlines;<sup>35</sup> revising the vegetation management plan and providing additional vegetative screening;<sup>36</sup> increasing the area and capacity of stormwater retention ponds;<sup>37</sup> and eliminating portions of the Project area coinciding with areas identified by the SHPO as eligible for listing in the NHRP.<sup>38</sup> These changes are discussed in more detail below.

26. The Application Amendment did not include any changes to the Solar Facility or BESS nameplate capacity, Point of Interconnection (POI) location, Project schedule, costs, or planned operations.<sup>39</sup>

27. On January 22, 2026, the Commission issued an Amended EA Scoping Decision for the Project (Amended Scoping Decision).<sup>40</sup>

28. On January 26, 2026, Judge Middendorf issued a Second Order for Prehearing Conference setting the conference date for February 6, 2026.<sup>41</sup>

29. On January 28, 2026, Applicants submitted a revised Draft Vegetation Management Plan (VMP) as Attachment E to the Application.<sup>42</sup>

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<sup>30</sup> Ex. PUC-25 (SHPO Consultation Authorization).

<sup>31</sup> Ex. SLS-21 (Application Amendment).

<sup>32</sup> Ex. SLS-21 at § 1 (Application Amendment).

<sup>33</sup> Ex. SLS-21 at §§ 1.0 & 2.0; Table 2.0-1 (Application Amendment).

<sup>34</sup> Ex. SLS-21 at §§ 2.0 & 2.1 (Application Amendment).

<sup>35</sup> Ex. SLS-21 at § 2.0 and Table 2.0-2 (Application Amendment).

<sup>36</sup> Ex. SLS-21 at § 2.1 (Application Amendment).

<sup>37</sup> Ex. SLS-21 at § 2.0 (Application Amendment).

<sup>38</sup> Ex. SLS-21 at § 2.1 (Application Amendment).

<sup>39</sup> Ex. SLS-21 at § 1.0 (Application Amendment).

<sup>40</sup> Ex. PUC-26 (Amended Scoping Decision).

<sup>41</sup> Second Order for Prehearing Conference (Jan. 26, 2026) (eDockets No. [20261-227386-01](#)).

<sup>42</sup> Ex. SLS-29 (Application Amendment – Revised Appendix E – VMP).



30. On January 29, 2026, the Commission issued a Notice of Amended Environmental Assessment Scoping Decision.<sup>43</sup>

31. On February 10, 2026, Judge Middendorf issued a Second Prehearing Order.<sup>44</sup>

32. On March 11, 2026, the Commission issued the Summit Lake Project EA.<sup>45</sup>

33. On March 13, 2026, the Commission issued the Notice of Public Hearings and Availability of EA for the Project. The notice set an in-person hearing for April 6, 2026, to be held in Worthington, Minnesota, and a virtual hearing set for April 7, 2026. The notice set the deadline for public comments as April 20, 2026.<sup>46</sup>

34. On March 20, 2026, Applicants submitted the Direct Testimony of Alia Mohammad on behalf of Summit Lake Solar and Summit Lake Storage, with accompanying Schedules A-C. The Direct Testimony addressed, among other things: the status of coordination with SHPO and Nobles County Drainage Authority; design changes resulting from the Application Amendment; additional measures to mitigate noise, aesthetic, and drain tile impacts; and comments on the Draft Energy Storage System Site Permit (BESS DSP) and Draft Solar Energy Generating System Site Permit (Solar DSP; collectively with the BESS DSP, the DSPs), included as an appendix to the EA.<sup>47</sup>

35. During the EA comment period, members of the public submitted 43 written comments on the Project and provided in person comments at the two public hearings held on the EA on April 6 and 7, 2026.<sup>48</sup>

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<sup>43</sup> Ex. PUC-27 (Notice of Amended Scoping Decision).

<sup>44</sup> Second Prehearing Order (Feb. 10, 2026) (eDockets No. [20262-227991-01](#)).

<sup>45</sup> Ex. PUC-28 (EA).

<sup>46</sup> Ex. PUC-29 (Notice of Public Hearings and Availability of EA).

<sup>47</sup> Ex. SLS-30 (Direct Testimony of Alia Mohammad); Affidavit of Publication and Tear Sheet for Notice of Public Hearings and Availability of EA (May 1, 2026) (eDockets No. [20265-231406-01](#)).

<sup>48</sup> Jake Cuperus Comments (Apr. 6, 2026) (eDockets No. [20264-230036-01](#)); Brenda Paulzine Comments (Apr. 7, 2026) (eDockets No. [20264-230106-01](#)); Darla Agard Comments (Apr. 8, 2026) (eDockets No. [20264-230155-01](#)); Eric Parrish Comments (Apr. 8, 2026) (eDockets No. [20264-230154-01](#)); Rodney Burkard Comments (Apr. 16, 2026) (eDockets No. [20264-230529-01](#)); Molly Vagle Comments (Apr. 9, 2026) (eDockets No. [20264-230203-01](#)); Yvonne Sieve Comments (Apr. 14, 2026) (eDockets No. [20264-230368-01](#)); Wendy and Wally Cooper Comments (Apr. 14, 2026) (eDockets No. [20264-230366-01](#)); IBEW Local 426 and LIUNA Comments (Apr. 21, 2026) (eDockets No. [20264-230712-01](#)); Jake Cuperus Comments (Apr. 14, 2026) (eDockets ID Nos. [20264-230364-01](#)); Deb Rogers Comments (Apr. 14, 2026) (eDockets No. [20264-230357-01](#)); Darrel Ponto Comments (Apr. 15, 2026) (eDockets No. [20264-230415-01](#)); Kevin and Shelly Onken Comments (Apr. 16, 2026) (eDockets No. [20264-230529-02](#)); Mallory Fritz Comments (Apr. 21, 2026) (eDockets No. [20264-230745-01](#)); Rodney Burkard Comments (Apr. 16, 2026) (eDockets No. [20264-230529-01](#)); Haley Slater Comments (Apr. 20, 2026) (eDockets No. [20264-230611-01](#)); PUC Batch Comments (Apr. 20, 2026) (eDockets No. [20264-230619-01](#)); PUC Batch Comments (Apr. 21, 2026) (eDockets No. [20264-230726-01](#)); In-Person Public Hearing Tr. (Apr. 6, 2026); Virtual Public Hearing Tr. (Apr. 7, 2026).

## **A. Description of the Proposed Project**

36. Applicants propose to construct and operate an up to 200 MW alternating current solar energy generating system (Solar Facility), stand-alone BESS with an up to 200 MW / 800-MWh name plate capacity, and ancillary facilities. Applicants also propose to construct a substation for the Project (the Project Substation) that will collect energy generated by the Solar Facility and move that energy to the POI for both the Solar Facility and BESS at the Nobles Substation.<sup>49</sup>

37. The Project would produce some of the energy to power Geronimo's proposed 400 MW data center, the Nobles County Powered Data Park (NCPDP).<sup>50</sup>

38. Applicants initially proposed to connect the Project Substation to the Nobles Substation via a 1,100-foot long 345 kilovolt (kV) gen-tie transmission line.<sup>51</sup> The Application Amendment reduces the length of gen-tie line by 108 feet for a final length of approximately 992 feet.<sup>52</sup>

39. The BESS will share the gen-tie transmission line and Project Substation with the Solar Facility but will operate independently of the Solar Facility. The BESS will charge its batteries using electricity from the grid, via the gen-tie transmission line and Project Substation, and feed electricity into the grid when needed using the same facilities.<sup>53</sup>

40. The expected service life of the Project is approximately 30 years after which the Applicants may extend the Project by application to and approval by the Commission.<sup>54</sup>

41. The Solar Facility is currently designed with a net generating capacity of up to 200 MW. It will transmit a maximum of 200 MW of solar energy generation to the grid, via the Nobles Substation in accordance with the Generator Interconnection Agreement (GIA) that Summit Lake Solar has executed with the Xcel Energy and Midcontinent Independent System Operator, Inc. (MISO).<sup>55</sup>

42. Summit Lake Storage is pursuing a separate GIA whereby the Project Substation would connect the BESS to the electrical grid via the Nobles Substation. The BESS is designed to accommodate up to 200 MW of surplus energy that can be injected back into the electrical grid in times of need; at no point would the BESS inject over 200 MW at the POI.<sup>56</sup>

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<sup>49</sup> Ex. SLS-2 at § 1.0 (Joint Application).

<sup>50</sup> Ex. PUC-28 at 102, fn 152 (EA) (citing <https://geronimopower.com/in-development/nobles-county-powered-data-park/>).

<sup>51</sup> Ex. SLS-2 at § 1.0 (Joint Application).

<sup>52</sup> Ex. SLS-21 at § 1.0 (Application Amendment).

<sup>53</sup> Ex. SLS-2 at § 1.0 (Joint Application).

<sup>54</sup> Ex. SLS-2 at § 4.5 (Joint Application).

<sup>55</sup> Ex. SLS-2 at § 2.4 (Joint Application).

<sup>56</sup> Ex. SLS-2 at § 2.4 (Joint Application).

43. The Solar Facility components will include solar modules mounted on a linear axis tracking rack system, inverters, a collection system, a Project Substation, a gen-tie line, an operations and maintenance (O&M) facility, a parking lot, stormwater retention ponds, fencing, and access roads.<sup>57</sup> The modules will be affixed to tracking mechanisms that will allow the modules to track the sun for maximum electricity production.<sup>58</sup> The Solar Facility will also include up to six weather stations that will each be up to 20 feet tall.<sup>59</sup>

44. The Project Substation will occupy approximately 5.1 acres in the southwestern portion of the Project Area, and will include the substation, transformer, and gen-tie transmission line.<sup>60</sup> The Project Substation facility will be surrounded by a six-foot-tall chain link fence topped with one foot of barbed wire. The Project Substation will include high voltage electrical structures, breakers, a 34.5 to 345 kV step-up transformer, metering, and switchgear. Underground collector lines from the solar and BESS inverters will deliver energy to the Substation.<sup>61</sup> Energy will then be transmitted to the Nobles Substation via an overhead gen-tie line.<sup>62</sup>

45. The electric collection system will include cables and accessories, inverters, step-up transformers, and a Supervisory Control and Data Acquisition (SCADA) system. Based on preliminary design, the inverters will convert approximately 1,500 volts of direct current (DC) power from the solar modules to between 650 to 950 volts of alternating current (AC) power depending on inverter specification.<sup>63</sup> Step-up transformers will convert the AC voltage to an intermediate voltage of 34.5 kV, and collection cables will carry the converted voltage to the Project Substation.<sup>64</sup>

46. Inverter skids will be installed at locations throughout the Preliminary Development Area. Each skid will provide the foundation for an inverter, transformer, and SCADA system. The Project's preliminary design proposes 44 inverter skids. The skids will be placed on concrete slab or pier foundations typically measuring 10 feet by 25 feet; each skid is approximately 8 to 12 feet above grade.<sup>65</sup>

47. The BESS will utilize a form of lithium-ion (i.e., lithium-iron phosphate) batteries with up to 200 MW of storage capacity.<sup>66</sup> The BESS will be able to charge its batteries with energy supplied by the grid during periods of low demand, and feed electricity into the grid when demand is high and when energy supplies are low.<sup>67</sup>

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<sup>57</sup> Ex. SLS-2 at § 4.1 (Joint Application).

<sup>58</sup> Ex. SLS-2 at § 4.1.1.1 (Joint Application).

<sup>59</sup> Ex. SLS-2 at § 4.1.5.5 (Joint Application).

<sup>60</sup> Ex. SLS-2 at § 2.2 (Joint Application).

<sup>61</sup> Ex. SLS-2 at § 4.1.1.2 (Joint Application).

<sup>62</sup> Ex. SLS-2 at § 1.0 (Joint Application).

<sup>63</sup> Ex. SLS-2 at § 4.0 (Joint Application).

<sup>64</sup> Ex. SLS-2 at § 4.1.1.2 (Joint Application).

<sup>65</sup> Ex. SLS-2 at § 4.1.1.2 (Joint Application).

<sup>66</sup> Ex. SLS-2 at § 4.1.2 (Joint Application).

<sup>67</sup> Ex. SLS-2 at § 4.1.2 (Joint Application).

48. Summit Lake Storage has incorporated all reasonable safety precautions into the design of the proposed BESS. The storage cells (lithium-ion batteries) will be arranged in a modular system encased in standalone enclosures.<sup>68</sup> The enclosures will be weatherproof and will include fully integrated heating, ventilation, and air conditioning systems for temperature control, sensors, and controls for remote monitoring; no off-gassing or air emissions are produced by the BESS.<sup>69</sup>

49. Automatic fire detection and suppression systems will be installed for each of the BESS standalone enclosures.<sup>70</sup>

50. The BESS facility will also include a complex monitoring system to monitor many different aspects within the system. Each battery will be equipped with cell level, module level, rack level, and system level monitoring points that produce real-time data that is fed into automatic control systems housed in the battery management system (BMS) and site controller. These systems ensure the BESS facility is operating within the original equipment manufacturer's operating parameters. If any operating limit is exceeded or an alarm is triggered, the batteries will disconnect from the system. In the event of a fire safety warning, the control system will automatically contact the local fire department.<sup>71</sup>

51. The Applicants will select equipment suppliers that manufacture to stringent quality standards, and equipment must be tested and certified by third party professionals. Standards, certifications, and code requirements from multiple nationally recognized organizations will be required for the engineering, design, manufacture, and testing of the enclosures and equipment included in the BESS. The BESS equipment will be tested for compliance with prominent safety standards, including International Electrotechnical Commission 62619, International Electrotechnical Commission 6244-1, Underwriters Laboratories 1973, and Underwriters Laboratories 9540A. BESS design shall comply with International Fire Code 2018, National Fire Protection Association (NFPA) 855, and NFPA 70.<sup>72</sup>

52. The BESS will include inverters and medium voltage transformers; low voltage cables will connect from the containers to pad-mounted switchgear, step-up transformers, and a power distribution system.<sup>73</sup> The BESS will also include access roads and fencing, and monitoring and hazard mitigation systems.<sup>74</sup>

53. The Project also includes the construction of an O&M building.<sup>75</sup> Initially proposed in the Joint Application to be located adjacent to the BESS, the Application Amendment proposes to locate the O&M building to an area adjacent to the Project

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<sup>68</sup> Ex. SLS-2 at § 4.1.2 (Joint Application).

<sup>69</sup> Ex. SLS-2 at § 4.1.2.1 (Joint Application).

<sup>70</sup> Ex. SLS-2 at § 5.2.5.1 (Joint Application).

<sup>71</sup> Ex. SLS-2 at § 4.1.2.3 (Joint Application).

<sup>72</sup> Ex. SLS-2 at § 4.1.2.2 (Joint Application).

<sup>73</sup> Ex. SLS-2 at §§ 4.1.2, 4.4.2 (Joint Application).

<sup>74</sup> Ex. SLS-2 at §§ 4.1.2.1, 4.1.2.3, 4.1.3, & 4.1.4 (Joint Application).

<sup>75</sup> Ex. SLS-2 at § 4.1.5.2 (Joint Application).

Substation.<sup>76</sup> The O&M building will include an office for the onsite plant manager, a technician room, a restroom, a SCADA cabinet, and an adjacent gravel parking area. The O&M building will house spare panels, spare parts for the Project Substation and BESS, and equipment to operate the Project Substation, in addition to safety equipment for working with live electricity.<sup>77</sup> As proposed by the Application Amendment, the total area used for the O&M building, including the associated parking lot, will decrease from 1.1 acres to 0.5 acres.<sup>78</sup>

54. The Project would contribute to the goals set forth in Minnesota's Clean Energy Law or the renewable energy standard requiring that 55 percent of energy sold to Minnesota customers come from renewable sources by 2035.<sup>79</sup> However, the Solar Facility would violate Minn. R. 7850.4400, subp. 4 (the Prime Farmland rule), as discussed below.<sup>80</sup>

## **B. Site Location and Characteristics**

55. Applicants obtained lease and purchase options for 1,989.6 acres of privately-owned land (the "Land Control Area" or "Project Area"). Of the Land Control Area, approximately 1,416.5 acres (the Preliminary Development Area) are needed for the construction and operation of the Project.<sup>81</sup> Applicants maintain site-control over the remaining 573 acres, but that land may ultimately be excluded from the area controlled by Applicants during the operation of the Project.<sup>82</sup>

56. The region in which the Project is located is predominantly agricultural. The Land Control Area is located in Summit Lake and Elk Townships, directly adjacent to the town of Reading and approximately five miles northwest of the City of Worthington in Nobles County, Minnesota.<sup>83</sup> Specifically, the Solar Facility will be located in Township 103N, Range 40W, Section 18 in Elk Township and Township 103N, Range 41W, Sections 10, and 12-15, and 22-24 in Summit Lake Township.<sup>84</sup> As proposed by the Application Amendment, the BESS will be located to the north-northeast of the City of Reading in Summit Lake Township, Township 103N, Range 41W, Section 18.<sup>85</sup>

57. The Land Control Area is generally bound by 170th Street to the north, Knauf Avenue to the west, 200th Street to the south, and Nystrom Avenue to the east.

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<sup>76</sup> Exs. SLS-2 at § 4.1.5.2 (Joint Application); SLS-21 at § 2.0 (Application Amendment).

<sup>77</sup> Ex. SLS-2 at § 4.1.5.2 (Joint Application).

<sup>78</sup> Ex. SLS-21 at § 2.0 & Table 2.0-1 (Application Amendment).

<sup>79</sup> Ex. SLS-2 at § 1.1 (Joint Application).

<sup>80</sup> See Ex. SLS-2 at §§ 3.1, 3.3, 3.4 (Joint Application).

<sup>81</sup> Ex. SLS-21 at § 2.0 & Table 2.1-1 (Application Amendment) (the original preliminary development area was 1,481.6 acres).

<sup>82</sup> Exs. SLS-2 at § 2.1 (Joint Application); SLS-21 at § 2.0 & Table 2.1-1 (Application Amendment).

<sup>83</sup> Ex. SLS-2 at § 5.1 (Joint Application).

<sup>84</sup> Ex. SLS-2 at § 2.1; Figure 2.1-1 (Application).

<sup>85</sup> Exs. SLS-21 at § 2.0 (Application Amendment); SLS-28 at Map 3 (Application Amendment Maps).

County State Aid Highway 25 cuts diagonally through the southwestern corner of the Land Control Area as it travels south of Reading in a southeast-northwest direction.<sup>86</sup>

58. The landscape in which the Land Control Area is located ranges in elevation from 1,656 to 1,747 feet above sea level and is comprised largely flat topography.<sup>87</sup> Land use within the Land Control Area focuses on row crop production, predominantly corn and forage crops.<sup>88</sup> Within the Preliminary Development Area, the predominant land use in is agricultural land, constituting approximately 99.8 percent of land used.<sup>89</sup>

59. A total of 23 wetlands comprising 9.54 acres of the Land Control Area were identified by the onsite wetland delineation, all of which were designated as having emergent (herbaceous) vegetation, such as marshes and flooded basins. A majority of the delineated wetlands were largely roadside ditches and drainage swales. One of the wetlands identified is a marsh complex with 0.59 acres of the complex located in the Land Control Area that extends for 18.547 acres outside the Land Control Area.<sup>90</sup>

60. As proposed by the Application Amendment, the total area of wetlands impacted within the Preliminary Development Area will increase from approximately 0.10 acres to 0.12 acres, when compared with the Joint Application.<sup>91</sup> The increase is due to changes to road access, as well as collection and communication line placement.<sup>92</sup>

61. The Land Control Area is sited on prime farmland. Given the 200 MW net generating capacity of the Project, the Rule would allow use of up to 100 acres of prime farmland; however, the Summit Lake Preliminary Development Area would occupy approximately 1,416.5 acres of prime farmland.<sup>93</sup>

62. Pursuant to Minn. R. 7850.3100 (2023), the Applicants are not required to analyze alternative sites but are required to identify rejected sites and the reasons for rejecting them. Applicants considered citing the Project in areas in the central portion of Minnesota; in those areas, the Project would be better situated to comply with the Prime Farmland Rule. Applicants “explored Nobles County for the Project based on the high solar resource in this portion of the state[.]” Applicants state “[t]his solar resource was foundational to the Project conception.”<sup>94</sup> However, Applicants assert no feasible and prudent alternative was identified to the Land Control Area, which benefits from proximity to existing transmission infrastructure, willing participants, and optimal solar resources. Relying on these economic considerations, Applicant conducted no alternatives analysis.<sup>95</sup>

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<sup>86</sup> Ex. SLS-2 at § 5.1 (Joint Application).

<sup>87</sup> Ex. SLS-2 at § 5.2.1 (Joint Application).

<sup>88</sup> Ex. SLS-2 at § 5.1 (Joint Application).

<sup>89</sup> Ex. SLS-2 at § 5.2.9.2 (Joint Application).

<sup>90</sup> Ex. PUC-28, § 4.7.4, at 87 (EA); see Ex. SLS-2 at § 5.5.5.5.

<sup>91</sup> Ex. SLS-21 at § 2.1 & Table 2.1-1 (Application Amendment).

<sup>92</sup> Ex. SLS-21 at § 2.1 & Table 2.1-1 (Application Amendment).

<sup>93</sup> Exs. SLS-2 at Appendix E § 3.0 (Joint Application); SLS-21 (Application Amendment).

<sup>94</sup> Ex. SLS-2 at § 3.1 (Joint Application).

<sup>95</sup> Ex. SLS-2 at § 3.4 (Joint Application).

### **C. Solar Resource Considerations**

63. According to data compiled by the Minnesota Solar Suitability Analysis program, southern Minnesota, including Nobles County, has some of the best locations for exposure to solar radiation in the state.<sup>96</sup> In addition to the available solar resources, Summit Lake selected the Land Control Area for development based, in part, on its perception of community support, the available capacity to interconnect the Project to the transmission system, the presence of adequate roads for access, and relatively flat, unobstructed terrain in the vicinity of the Nobles Substation to maximize the utilization of the solar resource.<sup>97</sup>

64. The Applicants maintain they considered finding a location for the Solar Facility that “would use fewer acres of prime farmland” but ultimately chose to prioritize high solar resource areas when selecting the location. According to Applicants, “there is relatively little opportunity to avoid impacts to prime farmland in the state of Minnesota where high solar potential exists.”<sup>98</sup> Summit Lake completed an evaluation of potential alternatives in central Minnesota but rejected them as less economical than the Nobles County location. Prime farmland will be significantly impacted.<sup>99</sup>

### **D. Project Schedule**

65. Applicants anticipate that construction on the Project will begin as early as the first quarter of 2027, with a targeted completion date, and commencement of commercial operation, in the fourth quarter of 2028.<sup>100</sup>

## **III. Summary of Public Comments**

### **A. State Agency Comments – Scoping Period**

66. On February 25, 2025, the Minnesota Department of Agriculture submitted a written comment indicating that it had reviewed and had no objections to Applicants’ Agricultural Impact Mitigation Plan (AIMP).<sup>101</sup>

67. On June 5, 2025, the DNR submitted comments on the Project.<sup>102</sup> The DNR provided comments recommending that Applicants: increase proposed fencing height from seven to ten feet in accordance with DNR’s guidance for commercial solar facilities; refrain from using of chloride products to control dust; utilize downward facing lighting to minimize blue hue; utilize lighting which has a nominal color temperature that does not exceed 4,000 kelvin; utilize ecofriendly erosion control materials, such as “bio-netting” or “natural netting” to minimize wildlife entanglement; limit the use of hydro-mulch, the synthetic fibers of which can migrate into waterways; and, utilize a VMP throughout the

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<sup>96</sup> Ex. SLS-2 at § 3.1; Figure 3.1-1 (Joint Application).

<sup>97</sup> Ex. SLS-2 at § 3.1; Figure 3.1-1 (Joint Application).

<sup>98</sup> Ex. SLS-2 at Appendix E (Joint Application).

<sup>99</sup> Ex. SLS-2 at § 3.3 (Joint Application).

<sup>100</sup> Ex. SLS-30 at 4 (Direct Testimony of Alia Mohammad).

<sup>101</sup> Minnesota Department of Agriculture Comments (Feb. 26, 2025 ) (eDockets No. [20252-215789-01](#)).

<sup>102</sup> DNR Comments (June 5, 2025) (eDockets No. [20256-219615-01](#)).

permitted sites that is consistent with DNR's *Prairie Establishment and Maintenance Technical Guidance for Solar Standards*.<sup>103</sup>

68. Previously, on November 14, 2024, DNR completed a Formal Natural Heritage Review for the Project.<sup>104</sup> That document reviewed the Project for “potential effects to rare features.” DNR concluded that “[n]o ecologically significant areas have been documented in the vicinity of the project[,]” and further that “[n]o state-listed endangered or threatened species have been documented in the vicinity of the project.” DNR did find that one state-listed species of special concern, the Regal Fritillary butterfly, had been documented in the vicinity of the Project. DNR recommended to the extent that suitable habitat of the Regal Fritillary would be impacted by the Project, that the Applicants modify the location and/or timing of Project activities and otherwise avoid or minimize those impacts consistent with the DNR Rare Species Guide. Finally, DNR found that “[t]he Natural Heritage Information System does not contain any records for federally listed species within one mile of the proposed project.”<sup>105</sup>

## **B. Local and Regional Government Comments – Scoping Period**

69. On June 3, 2025, Lorretta Halbur submitted comments on behalf of the Nobles County Drainage Authority (Drainage Authority), identifying concerns about how the Project could alter drainage benefits calculations after construction and affect the Authority's ability to maintain the drain tile system. The Drainage Authority also expressed concern about additional impervious surfaces increasing pressure on the system, particularly in light of recurring and significant flooding in the area since 2018. It recommended that, before any changes to tile construction or operation, Applicants conduct the same hydrological analysis required by DNR for drainage authorities, including evaluation of peak flows, velocities, elevations, and volumes. The Drainage Authority stated that proposed setbacks from drain tiles are insufficient for inspection, maintenance, and system protection, and that the proposed rerouting plan does not meet statutory requirements because it would cut off upstream drainage, incorporate 90-degree bends, reduce hydraulic capacity, and adversely affect downstream landowners. It further noted that rerouting tiles through hills would require larger maintenance setbacks. Finally, the Drainage Authority emphasized the need for an agreement with Applicants to protect and maintain the tile system and recommended extending repair and maintenance obligations to 1,000 feet downstream to address potential sediment or debris impacts from construction.<sup>106</sup>

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<sup>103</sup> DNR Comments (June 5, 2025) (eDockets No. [20256-219615-01](#)).

<sup>104</sup> DNR Natural Heritage Review Letter (June 5, 2025) (eDockets No. [20256-219615-02](#)).

<sup>105</sup> DNR Natural Heritage Review Letter (June 5, 2025) (eDockets No. [20256-219615-02](#)).

<sup>106</sup> Loretta Halbur, Nobles County Drainage Authority Comments (June 3, 2025) (eDockets No. [20256-219547-01](#)).



### C. Written Public Comments – Scoping Period

70. During the EA scoping comment period, 19 members of the public and two state agencies submitted written comments.<sup>107</sup>

71. Members of the public raised concerns regarding the aesthetic impacts of the Project, including glare, fencing, and alteration of the rural landscape; potential adverse effects on property values for both participating and non-participating landowners; and the conversion of farmland from agricultural to solar use, including economic impacts to agriculture-related industries. Commenters also requested that Applicants maintain vegetative screening to block views of the Project, expressed concerns that planned vegetation would take too long to establish, and raised concerns that Project infrastructure may exacerbate snow drifts.<sup>108</sup>

72. Members of the public raised concerns regarding potential adverse environmental impacts, including harm to wildlife, adverse effects to the drain tile system, and air and water pollution. Commenters expressed concern that fires at the BESS could release toxic air emissions, that pollutants may contaminate downstream waters and groundwater through floodwaters or other means, and raised concerns regarding disposal of panels and other potentially hazardous Project-associated waste. One commenter suggested that baseline groundwater testing be conducted in advance of the Project.<sup>109</sup>

73. Members of the public raised public health and safety concerns, including noise generated by the Project, possible fire and explosion risks at the BESS, and the siting of the Project and BESS in proximity to Reading; one commenter suggested an alternative location for the BESS to minimize noise impacts. Commenters also raised concerns regarding the funding for and feasibility of remediation following decommissioning, including requests that funds be set aside for drain tile repair, site restoration, and compensation for damage to property resulting from the Project.<sup>110</sup>

74. Members of the public expressed concerns regarding the adequacy of public outreach, communication, and involvement in the Project planning process; one commenter raised concerns of self-dealing and conflict of interest.<sup>111</sup>

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<sup>107</sup> Ex. PUC-26 (Amended Scoping Decision).

<sup>108</sup> Exs. PUC-2 (Danielle Rogers Comment), PUC-11 (Debra Rogers Comment), PUC-3 (PUC Batch Comments), PUC-4 (PUC Batch Comments), PUC-8 (Becky Baumhoefner Comment), PUC-7 (Russell Penning Comment), PUC-9 (Darla Fritz Comment), PUC-10 (Darla Fritz Comment), PUC-12 (PUC Batch Comments), EIP-2 at 6, 9, 21, 23 (Written Comments on Scope of the EA), PUC-19 (Kathy Henderschiedt Comment), PUC-22 (Becky Baumhoefner Comment), PUC-20 (Judy Christians Comment), PUC-21 (Judy Christians Comment).

<sup>109</sup> Exs. PUC-8 (Becky Baumhoefner Comment), PUC-12 (PUC Batch Comments), EIP-2 at 6-9, 11-12 (Written Comments on Scope of the EA), PUC-19 (Kathy Henderschiedt Comment), PUC-22 (Becky Baumhoefner Comment), PUC-21 (Judy Christians Comment).

<sup>110</sup> Exs. PUC-7 (Russell Penning Comment); PUC-12 (PUC Batch Comments); EIP-2 at 4-6, 8, 22 (Written Comments on Scope of the EA); PUC-19 (Kathy Henderschiedt Comment); PUC-22 (Becky Baumhoefner Comment); PUC-20 (Judy Christians Comment); PUC-21 (Judy Christians Comment).

<sup>111</sup> Exs. PUC-2 (Danielle Rogers Comment); PUC-4 (PUC Batch Comments); PUC-3 (PUC Batch Comments); PUC-11 (Debra Rogers Comment); PUC-9 (Darla Fritz Comment); PUC-10 (Darla Fritz

#### **D. Application Amendment**

75. Applicants submitted the Application Amendment on December 18, 2025.<sup>112</sup>

76. In response to comments received by SHPO on April 3, 2025, the Application Amendment presented revisions to the Project to entirely avoid Site 21NO0093.<sup>113</sup>

77. The Application Amendment proposed consolidation of the planned stormwater retention ponds into thirteen larger ponds, resulting in an 11.1-acre increase in total pond area, from 17.2 acres, as originally proposed in the Joint Application, to 28.3 acres.<sup>114</sup>

78. The Application Amendment proposes to consolidate the area allocated for construction laydown yards into 2.7 acres compared with the originally planned 5.4 acres as proposed in the Joint Application.<sup>115</sup>

79. The Joint Application proposed that the BESS be located on approximately 16 acres in the south-central portion of the Preliminary Development Area, adjacent to the east side of the Project Substation.<sup>116</sup> In the Application Amendment, Applicants proposed to relocate the BESS to the north-northeast to reduce noise impacts, increase the distance between the BESS and the City of Reading, and to avoid collection lines associated with the Nobles County Wind Farm.<sup>117</sup> The Application Amendment would also increase the total area allocated for the BESS to 20 acres.<sup>118</sup>

80. Relocating the BESS as proposed in the Application Amendment will increase the distance from the BESS and the nearest residence by 890 feet.<sup>119</sup>

81. The Application Amendment noted that the BESS model selected by Summit Lake Storage is 12 dBA (as defined herein) quieter than the model proposed in the Joint Application.<sup>120</sup>

82. The Application Amendment increases setbacks from those contemplated in the Joint Application. Specifically, the Application Amendment proposed to increase: solar array setbacks from all residences from 228 feet to at least 300 feet and at least 150 feet from non-participating residential property lines; BESS setbacks from the nearest

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Comment); EIP-2 at 4-5 (Written Comments on Scope of the EA); PUC-19 (Kathy Henderschiedt Comment).

<sup>112</sup> Ex. SLS-21 (Application Amendment).

<sup>113</sup> Ex. SLS-21 at § 2.0 (Application Amendment).

<sup>114</sup> Ex. SLS-21 at § 2.0 & Table 2.0-1 (Application Amendment).

<sup>115</sup> Ex. SLS-21 at § 2.0 & Table 2.0-1 (Application Amendment).

<sup>116</sup> Ex. SLS-2 at § 4.1.2 (Joint Application).

<sup>117</sup> Ex. SLS-21 at § 2.0 (Application Amendment).

<sup>118</sup> Ex. SLS-21 at § 2.0 & Table 2.0-1 (Application Amendment).

<sup>119</sup> Ex. SLS-21 at § 2.1 & Table 2.1-1 (Application Amendment).

<sup>120</sup> Ex. SLS-21 at § 2.1 & Table 2.1-1 (Application Amendment).

residence from 261 feet to 1,151 feet; solar array setbacks from all road centerlines from 85 feet to 122 feet; BESS setbacks from all road centerlines from 90 feet to 1,376 feet; solar array setbacks from the Nobles County drain tile from 42 feet to at least 75 feet; and BESS setbacks from drain tile from 35 feet to 84 feet.<sup>121</sup> In all cases, all Project facilities will maintain a minimum 75-foot setback on each side of the drain tile centerline.<sup>122</sup>

83. The Application Amendment also proposes a 50-foot setback between all Project fencing and the edge of the public right-of-way (ROW) to address concerns related to impediments to snow removal.<sup>123</sup> Applicants performed a snow drift analysis that confirmed the efficacy of the proposed setback and further proposed the installation of vegetative screening in specific areas to control drifting in locations in accordance with the results of the analysis.<sup>124</sup> The vegetative screening recommendations have been incorporated into the Project design and Landscape Plan provided in Attachment A to the Application Amendment.<sup>125</sup>

84. Through coordination with the Drainage Authority, Applicants have added measures to the Application Amendment design to mitigate potential impacts to the County drain tile system.<sup>126</sup> These efforts also included collecting data from potentially affected landowners on the locations of private drain tiles.<sup>127</sup>

85. Summit Lake Solar represented to the Drainage Authority that the updated site layout provided in the Application Amendment includes the maximum number of drain tile re-routes that will be needed as part of the Project.<sup>128</sup>

86. The Application Amendment proposed to relocate the solar arrays originally planned for the northwest corner of the intersection of McCall Avenue and 190th Street such that the existing Nobles County drain tile in this location will not be disturbed by the Project.<sup>129</sup>

87. In response to concerns expressed by the Drainage Authority, Summit Lake Solar has committed, to the extent practicable, to designing collection lines to avoid crossing over existing public drain tiles; where crossing is otherwise unavoidable, Summit Lake Solar might install collection lines below the existing public drain tile at those locations.<sup>130</sup>

88. In response to concerns of landowners regarding potential drainage impacts associated with the repair or relocation of private tile lines during construction, Summit Lake Solar maintains it has developed and offered landowners Drainage

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<sup>121</sup> Ex. SLS-21 at § 2.0 & Table 2.0-2 (Application Amendment).

<sup>122</sup> Ex. SLS-21 at § 2.0 (Application Amendment).

<sup>123</sup> Ex. SLS-21 at § 2.0 (Application Amendment).

<sup>124</sup> Ex. SLS-21 at § 2.0 (Application Amendment).

<sup>125</sup> Ex. SLS-21 at § 2.0 and Appendix A – Landscape Screening Plan (Application Amendment).

<sup>126</sup> Ex. SLS-21 at § 2.0 (Application Amendment).

<sup>127</sup> Ex. SLS-21 at § 2.0 (Application Amendment).

<sup>128</sup> Ex. SLS-21 at § 2.0 (Application Amendment).

<sup>129</sup> Ex. SLS-21 at § 2.0 (Application Amendment).

<sup>130</sup> Ex. SLS-21 at § 2.0 (Application Amendment).

Compensation Agreements that would provide compensation for Project construction-related drainage impacts.<sup>131</sup>

89. In response to public concerns over visual impacts, Summit Lake Solar has also developed and offered landowners Good Neighbor Agreements that include compensation for these residents to use as they wish, in lieu of Project-specific vegetative screening for their residence. These agreements are intended to supplement any other agreements related to vegetative screening.<sup>132</sup>

#### **E. Public Scoping Meetings, May 21 and May 22, 2025**

90. No members of the public offered comments at the May 21, 2025 Virtual Public Scoping Meeting.<sup>133</sup>

91. Members of the public attended the May 22, 2025 Public Scoping Meeting and provided comments on the Project.<sup>134</sup>

92. Representatives from the International Union of Operating Engineers, Local 49 (IUOE Local 49), and a regional council representing 27,000 carpenters, millwrights, and pile drivers expressed support for the Project.<sup>135</sup>

93. Commenters raised concerns about impacts to private and county-regulated drainage tile systems, including potential damage from construction, liability for repairs, and downstream water contamination. The Nobles County Coordinator recommended hydrological modeling and identified potential reductions to county drainage benefits and hydraulic capacity. Commenters also objected to locating the Project on prime farmland, citing the cumulative loss of agricultural land to solar development, and raised concerns about leaching and contamination from panels, changes to drainage patterns, and the potential for pollinator-friendly vegetation to harbor pest insects affecting adjacent cropland.<sup>136</sup>

94. Commenters shared concerns about fire risk associated with the BESS, potential leakage from battery enclosures, the proximity of the system to the village of Reading, and the risk of battery units being submerged during flooding events. Concerns were also raised about decommissioning and end-of-life management, including assurances that decommissioning will occur and the adequacy of the decommissioning fund in the early years of operation.<sup>137</sup>

95. Commenters raised concerns about the adequacy of proposed residential and roadway setbacks, aesthetic and noise impacts, property value impacts, and the

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<sup>131</sup> Ex. SLS-21 at § 2.0 (Application Amendment).

<sup>132</sup> Ex. SLS-21 at § 2.0 (Application Amendment).

<sup>133</sup> Virtual Scoping Hearing Transcript (Tr.) (May 21, 2025) (eDockets No. 20256-219916-01).

<sup>134</sup> In-Person Scoping Hearing Tr. (May 22, 2025) (eDockets No. 20256-219916-01).

<sup>135</sup> In-Person Scoping Hearing Tr. at pp. 17-18, 76-77 (May 22, 2025).

<sup>136</sup> In-Person Scoping Hearing Tr. at 18-19, 24-26, 28-34, 38-40, 48, 56-57, 62-65, 89-94, 97-103, 111-114 (May 22, 2025).

<sup>137</sup> In-Person Scoping Hearing Tr. at 18-19, 24-25, 57-58, 77-82, 125 (May 22, 2025).

effectiveness and maintenance of vegetative screening. The Project was described as effectively surrounding the village of Reading. Commenters expressed concern that it would discourage new residents, undermine community viability, and further questioned the benefits of the Project to the community.<sup>138</sup>

96. Commenters noted the presence of wildlife species of special concern in the Project area and raised concerns about construction-related disturbance and disruption to natural predator-prey dynamics from Project fencing. Members of the public questioned the suitability of the site, and why the Project is not located elsewhere, including closer to urban load centers or on less productive land. Commenters expressed concern about the quality of construction work, including soil compaction, and skepticism that permitting commitments and conditions would be honored during construction and operation.<sup>139</sup>

## **F. Comments received during the April 6 and 7, 2026 public hearings and associated comment period**

### **1. Public Written Comments**

97. Members of the public submitted 42 written comment letters during the comment period on the Environmental Assessment.

98. Several commenters, including the International Brotherhood of Electrical Workers Local 426 (IBEW Local 426) and LIUNA Minnesota and North Dakota (LIUNA), expressed support for the Project, noting the importance of clean, renewable energy sources.<sup>140</sup>

99. A February 24, 2026 resolution by Nobles County, declining to amend applicable zoning ordinances to permit the construction of data centers, was submitted as a written comment.<sup>141</sup>

100. Two comments expressed support for the Project, citing economic benefits locally and to participating landowners.<sup>142</sup>

101. Members of the public raised concerns about the risk of thermal runaway and catastrophic fires at the BESS, including the dangers such events pose to nearby residents, first responders, and the environment. Commenters questioned the adequacy of emergency response planning for local volunteer fire departments and urged the

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<sup>138</sup> In-Person Scoping Hearing Tr. at 19, 22-24, 26-28, 37-38, 40, 47, 54-59, 67-75, 85-89, 104-110, 113-119 (May 22, 2025).

<sup>139</sup> In-Person Scoping Hearing Tr. at 31, 38-44, 46-48, 54, 57, 89-95, 106, 111-115 (May 22, 2025).

<sup>140</sup> Molly Vagle Comments (Apr. 9, 2026) (eDockets No. [20264-230203-01](#)); Wendy and Wally Cooper Comments (Apr. 14, 2026) (eDockets No. [20264-230366-01](#)); IBEW Local 426 and LIUNA Comments (Apr. 21, 2026) (eDockets No. [20264-230712-01](#)).

<sup>141</sup> PUC Batch Comments at 3-8 (Apr. 20, 2026) (eDockets No. [20264-230619-01](#)).

<sup>142</sup> PUC Batch Comments at 7-8, 12 (Apr. 21, 2026) (eDockets No. [20264-230726-01](#)).

Commission to require the Applicants to fund specialized equipment, training, and infrastructure upgrades for local responders.<sup>143</sup>

102. Members of the public raised concerns about potential adverse environmental impacts of the Project, including the conversion of prime agricultural land to industrial use, alteration of existing drainage patterns and drain tile systems, increased stormwater runoff, contamination of nearby soils, surface waters, groundwater, residential water wells, and resulting health impacts; concerns were also raised regarding habitat fragmentation, adverse impacts to pollinators and local wildlife. Commenters urged the Applicants to conduct water quality testing before, during, and after construction and argued that the EA does not adequately address stormwater and runoff management.<sup>144</sup>

103. Members of the public raised concerns over impacts to real estate and farmland property values, the adequacy of setbacks, noise from construction and operation of the facility, heat island effects, and aesthetic impacts including industrial lighting, glare, and loss of open views. Other commenters described the emotional and psychological toll the proposed Project has imposed on nearby residents and raised questions regarding temporary worker housing during construction.<sup>145</sup>

104. Comments raised concerns over cascading impacts on the local agricultural economy as a result of the Project, including the loss of prime farmland, increasing pressure of urbanization of rural areas, and long-term economic harm.<sup>146</sup>

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<sup>143</sup> Kevin and Shelly Onken Comments (Apr. 16, 2026) (eDockets No. [20264-230529-02](#)); Darla Agard Comments (April 8, 2026) (eDockets No. [20264-230155-01](#)); Eric Parrish Comments (Apr. 8, 2026) (eDockets No. [20264-230154-01](#)); Jake Cuperus Comments (Apr. 6, 2026) (eDockets No. [20264-230036-01](#)); Yvonne Sieve Comments (Apr. 14, 2026) (eDockets No. [20264-230368-01](#)); PUC Batch Comments at 5, 13, 24-25 (Apr. 20, 2026) (eDockets No. [20264-230619-01](#)); PUC Batch Comments at 13 (Apr. 21, 2026) (eDockets No. [20264-230726-01](#)).

<sup>144</sup> Eric Parrish Comments (Apr. 8, 2026) (eDockets No. [20264-230154-01](#)); Kevin and Shelly Onken Comments (Apr. 16, 2026) (eDockets No. [20264-230529-02](#)); Brenda Paulzine Comments (Apr. 7, 2026) (eDockets No. [20264-230106-01](#)); Darla Agard Comments (Apr. 8, 2026) (eDockets No. [20264-230155-01](#)); Jake Cuperus Comments (April 6, 2026) (eDockets No. [20264-230036-01](#)); Jake Cuperus Comments (Apr. 14, 2026) (eDockets ID Nos. [20264-230364-01](#)); Deb Rogers Comments (Apr. 14, 2026) (eDockets No. [20264-230357-01](#)); Darrel Ponto Comments (Apr. 15, 2026) (eDockets No. [20264-230415-01](#)); Yvonne Sieve Comments (Apr. 14, 2026) (eDockets No. [20264-230368-01](#)); Mallory Fritz Comments (Apr. 21, 2026) (eDockets No. [20264-230745-01](#)); Rodney Burkard Comments (Apr. 16, 2026) (eDockets No. [20264-230529-01](#)); Haley Slater Comments (Apr. 20, 2026) (eDockets No. [20264-230611-01](#)); PUC Batch Comments at 3-8, 11-13, 15-18, 23-24, 27, 29, 31-32, 34-36 (Apr. 20, 2026) (eDockets No. [20264-230619-01](#)); PUC Batch Comments at 2, 5-6, 10-11, 13-21 (Apr. 21, 2026) (eDockets No. [20264-230726-01](#)).

<sup>145</sup> Rodney Burkard Comments (Apr. 8, 2026) (eDockets Nos. [20264-230148-01](#)); Rodney Burkard Comments (Apr. 16, 2026) (eDockets No. [20264-230529-01](#)); Yvonne Sieve Comments (Apr. 14, 2026) (eDockets No. [20264-230368-01](#)); Mallory Fritz Comments (Apr. 21, 2026) (eDockets No. [20264-230745-01](#)); Eric Parrish Comments (Apr. 8, 2026) (eDockets No. [20264-230154-01](#)); Kevin and Shelly Onken Comments (Apr. 16, 2026) (eDockets No. [20264-230529-02](#)); Jake Cuperus Comments (Apr. 6, 2026) (eDockets No. [20264-230036-01](#)); Darla Agard Comments (Apr. 8, 2026) (eDockets No. [20264-230155-01](#)); Darrel Ponto Comments (Apr. 15, 2026) (eDockets No. [20264-230415-01](#)); Haley Slater Comments (Apr. 20, 2026) (eDockets No. [20264-230611-01](#)); PUC Batch Comments at 3-8, 11-14, 17-18, 23-24, 27-29, 31-32, 34-36 (Apr. 20, 2026) (eDockets No. [20264-230619-01](#)); PUC Batch Comments at 4-6, 10-11, 13, 15-17, 19-21 (Apr. 21, 2026) (eDockets No. [20264-230726-01](#)).

<sup>146</sup> PUC Batch Comments at 15-17 (Apr. 21, 2026) (eDockets No. [20264-230726-01](#)).

105. Members of the public criticized the adequacy of the developer's community engagement, raised concerns about the proposed decommissioning framework, questioned the need for and local benefits of the Project, and argued that the EA improperly segments review and fails to evaluate cumulative impacts. Commenters called for independent third-party monitoring, enforceable decommissioning bonding requirements, and a transparent cost and tax impact analysis.<sup>147</sup>

106. Some commenters advanced larger policy arguments questioning the utility of solar power generally and the decision to site the Project in Minnesota.<sup>148</sup>

## **2. April 6, 2026, In-Person Hearing – Public Comments**

107. An in-person public hearing on the EA was held on April 6, 2026 in Worthington, Minnesota. Judge Middendorf presided over the hearing. Representatives for Applicants, the PUC, and members of the public spoke at the hearing.<sup>149</sup>

108. Representatives from the Mankato Minnesota Valley Building Construction Trades Council, LIUNA, and IUOE Local 49 each expressed support for the Project, generally citing economic benefits and job creation.<sup>150</sup>

109. Members of the public raised concerns about noise from the proposed solar facility, BESS, inverters, and associated substation infrastructure, including whether the Project would comply with the 50 dBA state noise standard and the effects of construction-phase noise such as pile driving. Potential recreational impacts (e.g. hunting) were noted. Commenters also raised concerns about aesthetic impacts, including lighting and visual impacts, extreme light trespass from existing and proposed substation lighting, the adequacy of proposed setbacks and vegetative screening, and the visual transformation of the rural landscape from open farmland to solar panels and infrastructure.<sup>151</sup>

110. Commenters expressed strong opposition to the conversion of productive agricultural land to solar energy use for 30 years and raised concerns about the resulting impacts to property values for nearby homes and acreages. Concerns were also raised about impacts to county drainage infrastructure, including damage to public and private

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<sup>147</sup> Darla Agard Comments (April 8, 2026) (eDockets No. [20264-230155-01](#)); Kevin and Shelly Onken Comments (Apr. 16, 2026) (eDockets No. [20264-230529-02](#)); Eric Parrish Comments (Apr. 8, 2026) (eDockets No. [20264-230154-01](#)); Yvonne Sieve Comments (Apr. 14, 2026) (eDockets No. [20264-230368-01](#)); Rodney Burkard Comments (Apr. 16, 2026) (eDockets No. [20264-230529-01](#)); Darrel Ponto Comments (Apr. 15, 2026) (eDockets No. [20264-230415-01](#)); Mallory Fritz Comments (Apr. 21, 2026) (eDockets No. [20264-230745-01](#)); Haley Slater Comments (Apr. 20, 2026) (eDockets No. [20264-230611-01](#)); PUC Batch Comments at 5-7, 13-14, 16-18, 24-25, 27-28, 31-33 (Apr. 20, 2026) (eDockets No. [20264-230619-01](#)); PUC Batch Comments at 2, 15-16, 20 (Apr. 21, 2026) (eDockets No. [20264-230726-01](#)).

<sup>148</sup> PUC Batch Comments at 2 (Apr. 21, 2026) (eDockets No. [20264-230726-01](#)).

<sup>149</sup> In-Person Public Hearing Tr. at 1-4 (Apr. 6, 2026).

<sup>150</sup> In-Person Public Hearing Tr. at 33-39 (Apr. 6, 2026).

<sup>151</sup> In-Person Public Hearing Tr. at 36-42, 44-48, 61, 84-85, 98-100, 115-118, & 121-123, 135-136, 143 (Apr. 6, 2026).

drain tile during construction and decommissioning, and the reduction in drainage benefits under Minnesota Statute 103E.<sup>152</sup>

111. Concerns were raised regarding the BESS, including the risk of thermal runaway, potential for toxic smoke and chemical release in the event of a fire, and the proximity of the BESS to residences and high-voltage transmission lines, and risks posed by electromagnetic fields. Commenters questioned whether local fire departments are trained and equipped to respond to a BESS fire. Commenters also noted potential traffic and public safety impacts resulting from Project construction.<sup>153</sup>

112. Members of the public raised concerns about stormwater management and water quality, including the potential for standing water in retention basins to increase mosquito populations and for panel materials to contaminate surface water, groundwater, and private wells. Concerns were also raised about heat island effects resulting from the solar panels affecting nearby crops and livestock fertility, wildlife habitat disruption from Project fencing and cumulative effects on wildlife movement corridors, and potential impacts to livestock health from mosquito-borne disease, heat stress, and battery and panel material contamination of groundwater.<sup>154</sup>

113. Commenters questioned the feasibility of restoring land to agricultural use following decommissioning, including concerns about soil degradation and potential contamination from panel materials over the Project's operational life. Additional concerns were raised regarding noxious weed control and the adequacy of the vegetation management plan.<sup>155</sup>

114. Multiple commenters criticized the Project development process, stating that nonparticipating landowners and area residents were not adequately notified or consulted during the leasing and land acquisition phase. Commenters questioned the need for additional energy generation in the area and expressed skepticism about projected economic benefits, including the adequacy and reliability of tax revenue, community benefit commitments, and whether the Project primarily benefits the developer rather than local residents.<sup>156</sup>

115. Local opposition to the Project is intensified by Geronimo's planned NCPDP, which is strongly opposed by area residents.<sup>157</sup>

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<sup>152</sup> In-Person Public Hearing Tr. at 59-65, 69-77, 80-81, 83, 111-114, 119, 131, & 134-135 (Apr. 6, 2026).

<sup>153</sup> In-Person Public Hearing Tr. at 53-58, 84, 115-117, 126-128, 133, 137, & 143-145 (Apr. 6, 2026).

<sup>154</sup> In-Person Public Hearing Tr. at 51, 68-69, 98, 104-109, 126-131, 133-136, 139-140, & 144 (Apr. 6, 2026).

<sup>155</sup> In-Person Public Hearing Tr. at 61-62, 72-75, 85-86, 101-102, 124-125, 133-134, & 137-142 (Apr. 6, 2026).

<sup>156</sup> In-Person Public Hearing Tr. at 59-60, 66, 75-76, 81-97, 110-111, 114-115, & 123-124 (Apr. 6, 2026).

<sup>157</sup> In-Person Public Hearing Tr. at 30, 87-88, 91, 104, 106, 119 (Apr. 6, 2026).



### **3. April 7, 2026, Virtual Hearing – Public Comments**

116. A virtual public hearing on the EA was held on April 7, 2026. Judge Middendorf presided over the hearing. Representatives for Applicants, the PUC, and members of the public spoke at the hearing.<sup>158</sup>

117. Members of the public raised concerns regarding the conversion of prime agricultural land to an industrial-scale solar facility, citing the irreversible nature of the land use change and potential effects on crop production and local agricultural processing operations.<sup>159</sup>

118. Commenters also expressed concern about recurring flooding in and around the Project area, including the potential for submersion of solar panels and inverters during flood events and the associated risk of groundwater contamination, particularly given the proximity of residential wells. Additional concerns were raised regarding potential impacts to local wildlife, including a bald eagle nest located near the Project, and the adequacy of wildlife studies conducted for the Project.<sup>160</sup>

119. Participants raised concerns about potential fire hazards associated with the BESS, noise and glare from the proposed facility, and impacts to residential property values for nonparticipating landowners near the facility.<sup>161</sup>

120. Multiple commenters described the loss of the area's agricultural identity and rural character attributable to the Project.<sup>162</sup> As one local individual noted:<sup>163</sup>

I am firmly against placing industrial-scale developments on prime agricultural land, farmland, particularly, land that is currently zoned heritage agriculture. My family has farmed in this area since the early 1900s. Our community is defined by its agricultural heritage, and converting thousands of acres of productive soil into an industrial site represents an irreversible change. I'm deeply concerned that once this land is developed, it can never truly be restored to its original state. Approving this project sets a dangerous precedence for further industrialization of our rural landscape.

121. One area resident noted that the Southwest Minnesota Economic Development Corp recently published a document forecasting renewable energy facilities and data centers to cover over 100,000 acres in the region.<sup>164</sup> This would represent approximately 1/3 of the farmland in Nobles County.<sup>165</sup>

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<sup>158</sup> Virtual Public Hearing Tr. at 1-3 (Apr. 7, 2026).

<sup>159</sup> Virtual Public Hearing Tr. at 37-46 (Apr. 7, 2026).

<sup>160</sup> Virtual Public Hearing Tr. at 37-46 (Apr. 7, 2026).

<sup>161</sup> Virtual Public Hearing Tr. at 42-45 (Apr. 7, 2026).

<sup>162</sup> Virtual Public Hearing Tr. at 42-45 (Apr. 7, 2026).

<sup>163</sup> Virtual Public Hearing Tr. at 43 (Apr. 7, 2026).

<sup>164</sup> Virtual Public Hearing Tr. at 46 (Apr. 7, 2026).

<sup>165</sup> See Ex. PUC-28 at § 4.5.1.

122. Concerns were raised about the adequacy of developer communication and outreach to nearby nonparticipating residents, and about the inconsistency between local agricultural preservation zoning and the state-level permitting process.<sup>166</sup>

123. A representative of the Northern Midwest Regional Counsel of Carpenters spoke in support of the Project, citing the economic benefits of construction jobs, family-sustaining wages, the Project's alignment with clean energy goals, and the developer's good-faith engagement throughout the permitting process.<sup>167</sup>

#### **4. State Agency Comments**

124. On April 15, 2026, the Minnesota Pollution Control Agency (MPCA) submitted a comment letter on the EA noting that the Project's Land Control Area is located in uplands along several streams, to the west of Elk Creek and Judicial Ditch 8, both of which contribute to downstream waters that were determined in 2016 to meet general use standards for both fish and macroinvertebrate communities. The MPCA recommended that stormwater and runoff management practices be installed to reduce the transport of sediment and nutrients to both the Elk Creek/Judicial Ditch 8 system and the Jack Creek and Little Rock River watersheds during the construction phase, and that stormwater catchments and other best management practices be considered to reduce runoff from impervious surfaces once construction is complete. The MPCA noted Project addresses how the proposed Project will mitigate impacts on downstream hydrology and aquatic biology, both during construction and after, including revegetation with perennial cover.<sup>168</sup>

125. On April 20, 2026, the DNR submitted comments on the Project.<sup>169</sup> DNR expressed concern that the proposed fence height could increase the risk of large wildlife entrapment and requested compliance with DNR fencing guidance, including a minimum fence height of 10 feet or demonstration of safe deer removal without DNR assistance. DNR also supported draft site permit condition 4.3.32 requiring coordination with DNR on final fence design.<sup>170</sup>

126. DNR also question whether the proposed solar facility and Geronimo's separately proposed, adjacent NCDPD will be considered phased or connected actions. The DNR stated the agency "looks forward to understanding more about the relationship between these projects and any other related projects via the environmental review and permitting process."<sup>171</sup>

127. DNR proposed the addition of a special condition to both site permits requiring compliance with Minnesota's Endangered Species Statute

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<sup>166</sup> Virtual Public Hearing Tr. at 37, 47-48 (Apr. 7, 2026).

<sup>167</sup> Virtual Public Hearing Tr. at 34-36 (Apr. 7, 2026).

<sup>168</sup> MPCA Comment (Apr. 15, 2026) (eDockets No. [20264-230428-01](#)).

<sup>169</sup> DNR Comment (Apr. 20, 2026) (eDockets No. [20264-230710-01](#)).

<sup>170</sup> DNR Comment (Apr. 20, 2026) (eDockets No. [20264-230710-01](#)).

<sup>171</sup> DNR Comment (Apr. 20, 2026) (eDockets No. [20264-230710-01](#)).

(Minn. Stat. § 84.0895) and associated rules, with recordkeeping requirements, consistent with the condition included in the permitted Benton Solar Project.<sup>172</sup>

128. Finally, DNR expressed support for the Applicants' VMP and the applicable standard conditions in the draft site permits for both the solar facility and the BESS. DNR also expressed support for special conditions 5.1, 5.2, and 5.3 included in both draft site permits.<sup>173</sup>

129. The Vegetation Management Planning Working Group (VMPWG) submitted comments on the Project's VMP on April 20, 2026. The VMPWG did not recommend any action by the Commission at that time but provided detailed recommendations to facilitate transparency in the record and to ensure the VMP meets pre-construction compliance filing requirements.<sup>174</sup>

130. The VMPWG noted that the plan for site restoration and implementation appears achievable to meet anticipated permit conditions and the Applicants' objectives, including establishing sustainable perennial grassland communities, managing invasive species, maintaining at least 95 percent vegetated cover with 90 percent native species, and establishing conditions suitable for haying or grazing during operations. The VMPWG provided specific recommendations addressing management areas and seed mixes tailored to soil type and hydrology, site preparation methods, seed installation techniques, mowing and haying timing to avoid wildlife impacts, grazing management, herbicide use, monitoring and annual reporting, and enrollment in the State's Habitat Friendly Solar Program.<sup>175</sup>

131. The VMPWG recommended that the Applicants continue to coordinate with EIP staff and other state agencies as the VMP is finalized prior to construction, including the development of native seed mixes and substitutions suitable for the site, refinement of installation, management, and monitoring plans, and further clarification of Project-specific details and management units.<sup>176</sup>

## **5. Regional Government Comments**

132. Nobles County Public Works requested that the setbacks established in the Nobles County Solar Energy Ordinance (a minimum of 150 feet from all property lines and 200 feet from road centerlines) be enforced for this Project.<sup>177</sup>

133. On April 20, 2026, Nobles County Commissioner Gene Metz submitted individual comments on the Project. Commissioner Metz noted the Project would provide additional production tax revenue to the County and questioned whether the Project would increase wind energy curtailment due to existing transmission constraints. He

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<sup>172</sup> DNR Comment (Apr. 20, 2026) (eDockets No. [20264-230710-01](#)).

<sup>173</sup> DNR Comment (Apr. 20, 2026) (eDockets No. [20264-230710-01](#)).

<sup>174</sup> VMPWG Comments (Apr. 20, 2026) (eDockets No. [20264-230701-01](#)).

<sup>175</sup> VMPWG Comments (Apr. 20, 2026) (eDockets No. [20264-230701-01](#)).

<sup>176</sup> VMPWG Comments (Apr. 20, 2026) (eDockets No. [20264-230701-01](#)).

<sup>177</sup> Nobles County Public Works Comment (Apr. 16, 2026) (eDocket No. [20264-230529-03](#)).

further stated that the Project is too large in scale, expressed concerns over aesthetic impacts, and recommended increased setbacks of 750 feet from residences and that future projects be required to evaluate agrivoltaics potential for livestock or robotic truck gardening.<sup>178</sup>

## **SITE PERMIT**

### **VIII. Site Permit Criteria**

134. Large electric power generating plants (LEPGP) are governed by Minn. Stat. § 216E (2022) and Minn. R. 7850.1000-.5600 (2023). Minn. Stat. § 216E.01, subd. 5, defines an LEPPG as “electric power generating equipment and associated facilities designed for or capable of operation at a capacity of 50,000 kilowatts or more.”

135. A LEPPG powered by solar energy is eligible for the alternative permitting process authorized by Minn. Stat. § 216E.04 (2022). Summit Lake Solar filed its Joint Application under the process established by the Commission in Minn. R. 7850.2800-.3900 (2023).

136. Under Minn. Stat. § 216E.04 (2022), for a LEPPG permitted under the alternative permitting process, EIP prepares an EA containing information on the human and environmental impacts of the proposed Project and addresses mitigating measures. The EA is the only state environmental review document required to be prepared on the Project.

137. The Power Plant Siting Act (PPSA), Minn. Stat. § 216E (2022), requires that site permit determinations “be guided by the state’s goals to conserve resources, minimize environmental impacts, minimize human settlement and other land use conflicts, and ensure the state’s electric energy security through efficient, cost-effective power supply and electric transmission infrastructure.”<sup>179</sup>

138. Under the PPSA, the Commission must be guided by the following responsibilities, procedures, and considerations:

- (1) evaluation of research and investigations relating to the effects on land, water and air resources of large electric power facilities and the effects of water and air discharges and electric and magnetic fields resulting from such facilities on public health and welfare, vegetation, animals, materials and aesthetic values, including baseline studies, predictive modeling, and evaluation of new or improved methods for minimizing adverse impacts of water and air discharges and other matters pertaining to the effects of power plants on the water and air environment;

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<sup>178</sup> Nobles County Commissioner Comment (Apr. 20, 2026) (eDockets No. [20264-230625-01](#)).

<sup>179</sup> Minn. Stat. § 216E.03, subd. 7.

- (2) environmental evaluation of sites and routes proposed for future development and expansion and their relationship to the land, water, air and human resources of the state;
- (3) evaluation of the effects of new electric power generation and transmission technologies and systems related to power plants designed to minimize adverse environmental effects;
- (4) evaluation of the potential for beneficial uses of waste energy from proposed large electric power generating plants;
- (5) analysis of the direct and indirect economic impact of proposed sites and routes including, but not limited to, productive agricultural land lost or impaired;
- (6) evaluation of adverse direct and indirect environmental effects that cannot be avoided should the proposed site and route be accepted;
- (7) evaluation of alternatives to the applicant's proposed site or route proposed pursuant to subdivisions 1 and 2;
- (8) evaluation of potential routes that would use or parallel existing railroad and highway rights-of-way;
- (9) evaluation of governmental survey lines and other natural division lines of agricultural land so as to minimize interference with agricultural operations;
- (10) evaluation of the future needs for additional high-voltage transmission lines in the same general area as any proposed route, and the advisability of ordering the construction of structures capable of expansion in transmission capacity through multiple circuiting or design modifications;
- (11) evaluation of irreversible and irretrievable commitments of resources should the proposed site or route be approved;
- (12) when appropriate, consideration of problems raised by other state and federal agencies and local entities;
- (13) evaluation of the benefits of the proposed facility with respect to (i) the protection and enhancement of environmental quality, and (ii) the reliability of state and regional energy supplies;
- (14) evaluation of the proposed facility's impact on socioeconomic factors; and
- (15) evaluation of the proposed facility's employment and economic impacts in the vicinity of the facility site and throughout Minnesota, including

the quantity and quality of construction and permanent jobs and their compensation levels. The commission must consider a facility's local employment and economic impacts and may reject or place conditions on a site or route permit based on the local employment and economic impacts.<sup>180</sup>

139. Minn. Stat. § 216E.04, subd. 9(a), provides that the Commission may not issue a site permit in violation of the site selection standards and criteria established in this section and in rules adopted by the commission.

140. In addition to the PPSA, the Commission is governed by Minn. R. 7850.4100 (2023), which mandates consideration of the following factors when determining whether to issue a permit for a large electric power generating plant:

- A. effects on human settlement, including, but not limited to, displacement, noise, aesthetics, cultural values, recreation, and public services;
- B. effects on public health and safety;
- C. effects on land-based economies, including, but not limited to, agriculture, forestry, tourism, and mining;
- D. effects on archaeological and historic resources;
- E. effects on the natural environment, including effects on air and water quality resources and flora and fauna;
- F. effects on rare and unique natural resources;
- G. application of design options that maximize energy efficiencies, mitigate adverse environmental effects, and could accommodate expansion of transmission or generating capacity;
- H. use or paralleling of existing rights-of-way, survey lines, natural division lines, and agricultural field boundaries;
- I. use of existing large electric power generating plant sites;
- J. use of existing transportation, pipeline, and electrical transmission systems or rights-of-way;
- K. electrical system reliability;
- L. costs of constructing, operating, and maintaining the facility which are dependent on design and route;

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<sup>180</sup> Minn. Stat. § 216E.03, subd. 7.

M. adverse human and natural environmental effects which cannot be avoided; and

N. irreversible and irretrievable commitments of resources.<sup>181</sup>

141. Minn. R. 7850.4400, subp. 4, limits the amount of prime farmland that may be used to site a LEPGP, including solar facilities, to no more than 0.5 acres per MW unless an applicant demonstrates there is no reasonable and prudent alternative site.

142. Minn. R. 7850.3700, subp. 3 requires consideration of the cumulative impacts or cumulative potential effects or any other matter included by the Commission in its scoping decision.

143. There is sufficient evidence on the record for the Commission to assess the Project on the record using the criteria and factors set out above.

## **IX. Application of the Siting Criteria to the Proposed Project**

### **A. Human Settlement**

144. Minn. R. 7850.4100(A) (2023) requires consideration of the Project's effects on human settlement, including displacement of residences and businesses, noise created during construction and by operation of the Project, and impacts to aesthetics, cultural values, recreation, and public services.

#### **1. Displacement**

145. The Project will have no significant impact on displacement. There are no residences, businesses, or structures such as barns or sheds located within the Land Control Area, and none will be displaced by the Project.<sup>182</sup>

#### **2. Noise**

146. Noise can be defined as any undesired sound. It is measured in units of decibels on a logarithmic scale. The A-weighted scale (dBA) is used to duplicate the sensitivity of the human ear. A three dBA change in sound is barely detectable to average human hearing, whereas a five dBA change is clearly noticeable. A 10 dBA change is perceived as a sound doubling in loudness.<sup>183</sup>

147. In Minnesota, noise standards are based on noise area classifications (NAC) corresponding to the location of the listener, referred to as a receptor. NACs are assigned to areas based on the type of land use activity occurring at that location.<sup>184</sup>

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<sup>181</sup> Minn. R. 7850.4100.

<sup>182</sup> Ex. PUC-28 at § 4.10.1, pp. 100-101 (EA).

<sup>183</sup> Ex. PUC-28 at § 4.3.2, pp. 46-47 (EA).

<sup>184</sup> Ex. PUC-28 at § 4.3.2, p. 47 (EA).

148. Household units, designated camping and picnicking areas, resorts and group camps are assigned to NAC 1; recreational activities (except designated camping and picnicking areas) and parks are assigned to NAC 2; agricultural and related activities are assigned to NAC 3.<sup>185</sup>

149. Noise standards are expressed as a range of permissible dBA over a one-hour period. L10 may be exceeded 10 percent of the time, or six minutes per hour, while L50 may be exceeded 50 percent of the time, or 30 minutes per hour. Standards vary between daytime and nighttime hours.<sup>186</sup>

150. Potential noise impacts from the Project are associated with construction noise and operational noise. The primary noise receptors are the local residences. Residences are in NAC 1, with daytime L10 and L50 with daytime limits of 65 dBA and 60 dBA, respectively, and nighttime limits of 55 dBA and 50 dBA, respectively.<sup>187</sup>

151. There are 87 residences within one mile of the Land Control Area, including 10 residences surrounded by the Project. The Project is in a rural, agriculturally dominated area. Rural residential areas are assumed to have an ambient noise level of 45 dBA.<sup>188</sup>

152. During construction, noise will be emitted by construction vehicles and equipment and will vary based on construction activities. Construction associated noise will likely be perceptible at adjacent residences. Large construction equipment is anticipated to emit noise between 76-85 dBA at 50 feet. Noise associated with this equipment will primarily occur during the initial site preparation, which will include grading and access road construction and is expected to last approximately six weeks. Summit Lake anticipates pile driving of the rack supports to create the most noise measured at 101 dBA at 50 feet. Typical sound pressure levels in dBA at 50 feet for various construction equipment range from 80 dBA to 101 dBA.<sup>189</sup>

153. Construction noise may exceed state noise standards at select times and locations. Exceedances are anticipated to be short-term and confined to daytime hours.<sup>190</sup>

154. The main source of noise from the Project during operation will be from the inverters, which include air conditioners housed in each inverter, and, to a lesser extent, from the transformers and rotation of the tracking system. For the BESS units, the main source of noise will be from the cooling fans.<sup>191</sup>

155. The results of noise modeling conducted by the Applicants for the BESS and solar arrays show that noise levels will be less than 50 dBA at residences closest to

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<sup>185</sup> Ex. PUC-28 at § 4.3.2, p. 47 (EA).

<sup>186</sup> Ex. PUC-28 at § 4.3.2, p. 47 (EA).

<sup>187</sup> Ex. PUC-28 at § 4.3.2, p. 48 (EA).

<sup>188</sup> Ex. PUC-28 at § 4.3.2, p. 48 (EA).

<sup>189</sup> Ex. PUC-28 at § 4.3.2, p. 48-49, Table 4.3.2-2 (EA).

<sup>190</sup> Ex. PUC-28 at § 4.3.2, p. 49 (EA).

<sup>191</sup> Ex. PUC-28 at § 4.3.2, p. 49 (EA).



the BESS. Inverters are the main source of noise for the Solar Facility, and because the inverters are located within the middle of the solar arrays, Applicants maintain the noise levels from the Solar Facility equipment are not likely to be discernible from background noise levels at noise receptors in the vicinity.<sup>192</sup>

156. Area residents dispute the validity of Applicants' noise modeling, reporting nighttime noise from existing energy infrastructure interferes with their ability to sleep, among other concerns.<sup>193</sup>

157. Potential BESS-specific noise mitigation measures that could be utilized for the BESS include, but are not limited to, adding baffle kits to BESS units to decrease operational noise, constructing earthen berms or acoustic barriers along the site perimeter, and adjusting operational settings to meet the Minnesota state noise standard.<sup>194</sup> Applicants also indicated that they will conduct modeling and a comprehensive noise study to ensure that operations of the BESS do not exceed noise standards once final design for the Project has been established.<sup>195</sup>

158. Sections 4.3.7 of the DSPs require Applicants to comply with noise standards established under Minnesota Minn. R. 7030.010 to 7030.0080, and to limit construction and maintenance activities to daytime hours to the extent practicable.<sup>196</sup>

159. Additional BESS DSP special conditions designed to mitigate BESS noise include sections 5.5, 5.6, and 5.7.<sup>197</sup>

160. BESS DSP Section 5.5 is a special condition requiring the permittee to submit a pre-construction noise modeling and impact assessment summarizing noise propagation results based on the selected equipment and final layout before construction. The condition also requires the permittee to submit an updated noise impact assessment before modifying the permitted facility.<sup>198</sup>

161. BESS DSP Section 5.6 is a special condition requiring the permittee to submit a proposed methodology for a post-construction noise study before construction and to complete the study within 18 months of operation. It also clarifies that the Project must comply with MPCA noise standards at all times and that the permittee may be required to modify the facility's design or operation to maintain compliance.<sup>199</sup>

162. Section 5.5 of the Solar DSP and Section 5.7 of the BESS DSP are special conditions that require the permittees to notify adjacent landowners detailing the timing

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<sup>192</sup> Ex. PUC-28 at § 4.3.2, p. 49 & Appendix F (EA).

<sup>193</sup> In-Person Public Hearing Tr. at 44-48, 118-120; Exs. PUC-20, PUC-22.

<sup>194</sup> Ex. PUC-28 at § 4.3.2, p. 50 (EA).

<sup>195</sup> Ex. PUC-28 at § 4.3.2, p. 50 (EA).

<sup>196</sup> Ex. PUC-28 at § 4.3.2, p. 50 and Appendix C (EA).

<sup>197</sup> Ex. PUC-28 at § 4.3.2, p. 50 and Appendix C (EA).

<sup>198</sup> Ex. PUC-28 at § 4.3.2, p. 50 and Appendix C (EA).

<sup>199</sup> Ex. PUC-28 at § 4.3.2, p. 50 and Appendix C (EA).

of any planned major noise-producing construction activities through written notice and a website that would be updated weekly.<sup>200</sup>

163. In addition to special conditions set forth in the BESS DSP, and following design changes in the Application Amendment, the BESS will be relocated to the north-northeast of the previously planned location to reduce noise impacts, specifically by increasing the distance between the BESS and the city of Reading. As a result of these changes the distance between the BESS and the nearest residence would be increased by 890 feet from the original design presented in the Joint Application.<sup>201</sup>

164. The record demonstrates that Applicants have taken steps to avoid and minimize noise impacts. While these steps are laudable, there remains a significant possibility that area residents will experience additional noise impact if the Project is approved, especially if the proposed noise modeling is undertaken before the anticipated data center.

### **3. Aesthetic Impacts**

165. The visible elements of the solar facility will consist of new photovoltaic (PV) panel arrays, transformers and inverters, a BESS, weather stations, an O&M facility, a new substation, a short transmission line, and security fencing surrounding the Project.<sup>202</sup>

166. The Project will be a noticeable change in the landscape, converting approximately 1,416.5 acres of agricultural fields into energy production. The Project will be immediately adjacent to existing transmission line and substation infrastructure. While aesthetic values are subjective, agricultural or botanical viewsheds are overwhelmingly preferred over industrial landscapes by individuals.<sup>203</sup>

167. For residents outside the Project vicinity and for others with low viewer sensitivity, such as travelers through the area, aesthetic impacts are anticipated to be minimal. For these viewers, the solar panels would be relatively difficult to see due to fencing and vegetation or would be visible for a very short period. For residents in the Project vicinity and for others with high viewer sensitivity living on or traveling on local roads in the Project vicinity, aesthetic impacts are anticipated to be moderate to significant, even with strategic vegetative screening.<sup>204</sup>

168. Down-lit security lighting will be installed at the locked entrance to the facility as well as outside the O&M facility and Project Substation. Lighting will be motion-activated and downlit to minimize impacts and effects to people and wildlife. It is

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<sup>200</sup> Ex. PUC-28 at § 4.3.2, p. 50 and Appendix C (EA).

<sup>201</sup> Ex. SLS-30 at 5 (Direct Testimony of Alia Mohammad).

<sup>202</sup> Ex. PUC-28 at § 4.3.1.1, p. 45 (EA).

<sup>203</sup> PUC-28 at § 4.3.1.1, p. 45 (EA).

<sup>204</sup> Ex. PUC-28 at § 4.3.1.1, p. 45 (EA).

unknown what contribution to the overall light pollution area residents already experience at night from existing energy infrastructure.<sup>205</sup>

169. The Applicants have included updated visual simulations of what the Project would look like from roadways with incorporated vegetative screening in a draft Visual Screening Plan (VSP) that was included with the Application Amendment.<sup>206</sup>

170. The Applicants propose several measures to mitigate aesthetic impacts of the Project. Vegetative screening will be installed between the Project and adjacent residences and supplemented by Good Neighbor Agreements offered to owners of adjacent residences. The Project layout has been revised to relocate the BESS farther from the city of Reading, remove certain solar arrays from areas near the city, and significantly increase setbacks from non-participating property lines and existing residences. The revised BESS location increases the nearest non-participating residence setback from 261 feet to 1,151 feet, and the solar array includes setbacks of at least 66 feet from non-participating, non-residential property lines, 150 feet from non-participating residential property lines, and 300 feet from all existing residences. These design modifications are anticipated to reduce overall aesthetic impacts on the surrounding community.<sup>207</sup>

171. The record demonstrates that Applicants have taken steps to avoid and minimize visual impacts. Further, Section 4.3.8 of the DSPs requires the permittee to consider landowner input with respect to visual impacts and to use care to preserve the natural landscape.<sup>208</sup>

172. In addition, Special Condition 5.4 of the DSPs provides a mechanism for mitigation of aesthetic impacts to properties that are adjacent to or surrounded by the Project through the development of a VSP. This condition requires that prior to construction, Applicants file with the Commission, the VSP, documentation of coordination with landowners within 500 feet of the site boundary regarding their preferences for the location of shrubs and trees used for screening and an affidavit confirming the distribution of the VSP to those landowners.<sup>209</sup>

173. Special Condition 5.1 of the DSPs Sections 5.1 of the DSPs requires the use of shielded and downward facing lighting and LED lighting that minimizes blue hue.<sup>210</sup> Despite this condition, there remains a significant possibility that area residents will experience additional light pollution if the Project is approved.

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<sup>205</sup> Ex. PUC-28 at § 4.3.1.1, p. 45 (EA); see In-Person Public Hearing Tr. at 38-41, 44, 84-85; Worthington Public Hearing Ex. 3 (eDockets No. 20264-230655-03).

<sup>206</sup> Ex. PUC-28 at § 4.3.1.1, p. 46 (EA).

<sup>207</sup> Ex. SLS-30 at pp. 6-7 (Direct Testimony of Alia Mohammad).

<sup>208</sup> Ex. PUC-28 at § 4.3.1.1, p. 46 (EA).

<sup>209</sup> Ex. PUC-28 at § 4.3.1.1, p. 46 (EA).

<sup>210</sup> Ex. PUC-28 at § 4.7.6.1, p. 93 (EA).

#### 4. Cultural Values

174. The Project contributes to the growth of renewable energy.<sup>211</sup>

175. The value residents put on the character of the landscape within which they live is subjective, meaning its relative value depends upon the perception and philosophical or psychological responses unique to individuals. Because of this, construction and operation of the Project will change the area's character and thus erode community members' sense of place.<sup>212</sup>

176. The Project is not anticipated to impact or alter the work and leisure pursuits of residents in such a way as to impact the underlying culture of the area. Differences between cultural values related to renewable energy and rural character create tradeoffs that cannot be addressed in the site permit.<sup>213</sup>

177. The Project will not have a disproportionate impact to low-income or minority populations.<sup>214</sup>

178. The Project will have various positive impacts for the community. The economic benefits of the Project are also anticipated to be positive; the use of local workers is expected to have some positive benefits not just through employment on this Project but also by increasing local spending activities and the payment of production tax and lease and easement payments. The Project is also expected to result in a long-term reduction in greenhouse gas emissions.<sup>215</sup>

179. The negative impacts of the Project, such as increasing the prices of prime farmland and removal of farmland from production, have not been closely examined. For example, the EA notes that the average farm size in Nobles County is 391 acres and the Project would remove up to 1,479.4 acres.<sup>216</sup> This represents a loss of nearly four average-sized farms in Nobles County. How this type of loss will affect the community and its agribusinesses is unclear.

180. Section 8.5 of the DSPs require quarterly reports concerning Applicants' efforts to hire Minnesota workers. Section 8.6 of the DSPs require the permittee, as well as its construction contractors and subcontractors, to pay no less than the prevailing wage rate.<sup>217</sup>

181. Section 5.8 of the Solar Facility DSP is a special condition that requires the permittee to enter into a Community Impact Mitigation Agreement with Nobles County that mitigates impacts to the community of Reading. While the Commission would not dictate how funds are to be used by Nobles County, Nobles County would be required to

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<sup>211</sup> Ex. PUC-28 at § 4.3.3, p. 51 (EA).

<sup>212</sup> Ex. PUC-28 at § 4.3.3, p. 51 (EA).

<sup>213</sup> Ex. PUC-28 at § 1.10.1, p. 12 (EA).

<sup>214</sup> Ex. PUC-28 at § 4.3.9, p. 64 (EA).

<sup>215</sup> Exs. PUC-28 at §§ 4.3.8, p. 62 & 4.3.9 (EA); SLS-30 at 14 (Direct Testimony of Alia Mohammad).

<sup>216</sup> See Ex. PUC-28 at § 4.5.1.

<sup>217</sup> Ex. PUC-28 at § 4.3.8, p. 62.

report how the funds are used in the community five years after the start of construction.<sup>218</sup> Summit Lake Solar opposed the inclusion of this special condition in the Solar Facility Site Permit.<sup>219</sup> In view of strong community opposition to the Project, no permit should be granted without this condition.

## **5. Transportation and Public Services**

182. Large energy projects can impact public services, such as buried utilities or roads. These impacts are usually temporary, for example, road congestion associated with material deliveries. Impacts can be long-term if they change the area in a way that precludes or limits public services.<sup>220</sup>

183. The Applicants do not anticipate impacts to water and wastewater systems. One domestic well will be located approximately 475 feet from the Preliminary Development Area. A single domestic-sized water well will be required for the O&M facility, and because of this a well construction permit will be required from the Minnesota Department of Health (MDH). Those underground utilities that are present in the Project Area will be marked prior to the start of construction.<sup>221</sup>

184. Access to the Preliminary Development Area will be via existing county and township roads. With the limited possible exception of minor field access or driveway changes depending on final design, no changes to existing roadways will occur. During the construction phase, temporary traffic impacts are anticipated on some public roads near the Preliminary Development Area, primarily from construction personnel traveling to and from the Project and slow-moving construction vehicles.<sup>222</sup>

185. Construction traffic will rely on the existing county roadway system to access the Preliminary Development Area and transport materials and personnel. For most of the construction period, average daily traffic is expected to include approximately 150 to 180 employee vehicles (e.g. cars & trucks) and 18 to 49 semi-trucks delivering facility components, with delivery volumes fluctuating based on construction phase and equipment scheduling. Overweight or oversized loads are not expected; however, if needed, the Applicants would secure all required approvals.<sup>223</sup>

186. Because the average daily traffic within the area is well below the design capacity of a rural two-lane highway, this increased traffic is not expected to affect traffic function. Once construction is complete, traffic impacts will be negligible.<sup>224</sup>

187. Changes or additions to driveways from county roads will require permits from and coordination with MnDOT and Nobles County. Sections 4.3.20 of the BESS DSP and 4.3.22 of the Solar DSP require permittees to inform road authorities of roads that

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<sup>218</sup> Ex. PUC-28 at § 4.3.3, p. 52; Appendix D, p.16 (EA).

<sup>219</sup> Ex. SLS-30 at 14 (Direct Testimony of Alia Mohammad).

<sup>220</sup> Ex. PUC-28 at § 4.3.7, p. 59 (EA).

<sup>221</sup> Ex. PUC-28 at § 4.3.7, p. 59-60 (EA).

<sup>222</sup> Ex. PUC-28 at § 4.3.7, p. 59 (EA).

<sup>223</sup> Ex. PUC-28 at § 4.3.7, p. 59 (EA).

<sup>224</sup> Ex. PUC-28 at § 4.3.7, p. 59 (EA).

will be used during construction and acquire necessary permits and approvals for oversize and overweight loads. Permitted fencing and vegetative screening cannot interfere with road maintenance activities, and the least number of access roads shall be constructed.<sup>225</sup>

188. The Project will interconnect into the Nobles Substation. The Project is not expected to affect existing transmission lines that interconnect to this substation. However, during the actual interconnection process, there is a slight possibility that customers may experience brief flickering or very short outages as the Nobles Substation is temporarily shut down and service is being restored. The timing and duration of any service interruptions would be determined and communicated to consumers by the interconnecting utility.<sup>226</sup>

189. Sections 4.3.5 of the DSPs are standard permit conditions that require the permittee to minimize disruptions to public utilities.<sup>227</sup>

190. No impacts to railroads are anticipated as there are no railroads within the Project Area.<sup>228</sup>

191. No impacts to pipelines are anticipated as there are no pipelines within the Project Area.<sup>229</sup>

192. There are no FAA-registered airports that will be affected by the Project, as the nearest airport is approximately 7 miles away.<sup>230</sup>

## **6. Socioeconomics**

193. Potential economic impacts associated with construction will be positive, but minimal and short-term. Significant positive effects might occur for individuals. Long-term impacts from operation will be positive and moderate for some but negative and moderate for others in Nobles County.<sup>231</sup>

194. Operational impacts are expected to be long-term, positive, and moderate for some individuals in Nobles County, though negative effects may occur for parts of the agribusiness sector. Construction would remove about 1,416 acres from agricultural production, potentially reducing demand for farm-related businesses such as equipment, seed, and input suppliers. The extent of any economic impacts to agribusiness is difficult to determine, but the removal of approximately 0.4 percent of the approximately

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<sup>225</sup> Ex. PUC-28 at § 4.3.7, p. 60 (EA).

<sup>226</sup> Ex. PUC-28 at § 4.3.7, p. 59-60 (EA).

<sup>227</sup> Ex. PUC-28 at § 4.3.7, p. 60 (EA).

<sup>228</sup> Ex. PUC-28 at § 4.3.7, p. 59 (EA).

<sup>229</sup> Ex. PUC-28 at § 4.3.7, p. 60 (EA).

<sup>230</sup> Ex. PUC-28 at § 4.3.7, p. 60 (EA).

<sup>231</sup> Ex. PUC-28 at § 4.3.8, p. 62 (EA).

366,330 acres of cropland in Nobles County represents a negative impact to agricultural-related businesses.<sup>232</sup>

195. The Project will not disproportionately impact low-income or minority populations, so adverse impacts to these communities are not anticipated.<sup>233</sup>

196. Construction of the Project would provide temporary increases in revenue locally through increased demand for lodging, food services, fuel, transportation and general supplies.<sup>234</sup>

197. Temporary construction jobs will generate indirect economic benefits - employees spend their income on local goods and services and pay local sales tax. During peak construction, an estimated 250 temporary jobs will be created, with an average of 175 jobs throughout the period of construction.<sup>235</sup>

198. To the greatest extent practicable, procurement of construction resources will give preference to local, union construction craft employees. The Applicants anticipate supporting an average of 130 union temporary construction and installation jobs for this Project.<sup>236</sup>

199. General skilled labor is expected to be available in Nobles County or Minnesota to serve the Project's basic infrastructure and site development needs. Specialized labor will be required for certain aspects of the Project.<sup>237</sup>

200. The Project will provide production tax payments to Nobles County of approximately \$400,500 annually over 30 years. Additionally, Summit Lake and Elk Townships, combined, will receive approximately \$100,100 annually over 30 years. In addition, lease payments paid to participating landowners will offset their potential financial losses associated with removing a portion of their land from agricultural production.<sup>238</sup>

201. Section 8.5 of the DSPs require quarterly reports concerning efforts to hire Minnesota workers. Section 8.6 of the DSPs require the permittee, as well as its construction contractors and subcontractors, to pay no less than the prevailing wage rate.<sup>239</sup>

## **7. Environmental Justice**

202. Environmental justice (EJ) is "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the

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<sup>232</sup> Ex. PUC-28 at § 4.3.8, p. 62 (EA).

<sup>233</sup> Ex. PUC-28 at §§ 4.3.8, p. 62; 4.3.9 (EA).

<sup>234</sup> Ex. PUC-28 at § 4.3.8, p. 62 (EA).

<sup>235</sup> Ex. PUC-28 at § 4.3.8, p. 62 (EA).

<sup>236</sup> Ex. PUC-28 at § 4.3.8, p. 62 (EA).

<sup>237</sup> Ex. PUC-28 at § 4.3.8, p. 62 (EA).

<sup>238</sup> Ex. PUC-28 at § 4.3.8, p. 62 (EA).

<sup>239</sup> Ex. PUC-28 at § 4.3.8, p. 62 (EA).

development, implementation, and enforcement of environmental laws, regulations, and policies.” The goal of this “fair treatment” is not to shift risks among populations, but to identify potential disproportionately high and adverse effects and identify alternatives that may mitigate these impacts.<sup>240</sup>

203. In Minnesota, environmental justice areas are defined as census tracts in which: at least 40 percent of the population is nonwhite, 35 percent of households have income at or below 200 percent of the federal poverty level, or which are located within Indian Country, as defined in United States Code, title 18, section 1151.<sup>241</sup>

204. While the Project is not within an EJ community, there are EJ communities in Nobles County. The Project would impact an area that is relatively less diverse, has greater English proficiency, and has fewer households in poverty when compared to the rest of Nobles County. No impacts to EJ communities are anticipated, and impacts to nearby EJ communities, which are centered in Worthington, may be positive, as Worthington would see financial benefits due to increased demand for commodities and lodging during Project construction.<sup>242</sup>

205. The Project will not create disproportionate or adverse impacts to low-income or minority populations because no environmental justice areas are present within the Project Area. No additional mitigation is proposed.<sup>243</sup>

## **8. Land Use and Zoning**

206. Development of a solar farm in this area will change the land use from predominantly agricultural uses to energy generation for the life of the Project. Approximately 1,416 acres of agricultural land will be converted to solar energy generation and energy storage use for the life of the Project. The conversion of agricultural land within the Preliminary Development Area (0.4% of farmland) will have an unknown impact on the availability of agricultural land in Nobles County.<sup>244</sup>

207. Of the 457,658 acres in Nobles County, approximately 80 percent (approximately 366,330 acres) are currently used for agricultural production. Conversion of 1,416 acres of agricultural land to operate the Project would reduce the amount of actively cultivated agricultural land in Nobles County by less than 0.4 percent.<sup>245</sup>

208. Summit Lake Solar has designed the solar array to include setbacks of at least: 66 feet from non-participating, non-residential property lines; 150 feet from non-participating residential property lines; 300 feet from all existing residences; 75 feet from the center line of public drain tile; and 122 feet from the centerline of all public roads. Fences will be set back at least 50 feet from the edge of public road right-of-way. Here,

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<sup>240</sup> Ex. PUC-28 at § 4.3.9, p. 63 (EA).

<sup>241</sup> Ex. PUC-28 at § 4.3.9, p. 63 (EA); Minn. Stat. § 216B.1691, subd. 1(e).

<sup>242</sup> Ex. PUC-28 at § 4.3.9, p. 64 (EA).

<sup>243</sup> Ex. PUC-28 at § 4.3.9, p. 64 (EA).

<sup>244</sup> See Ex. PUC-28 at § 4.3.4, p. 54 (EA).

<sup>245</sup> Ex. PUC-28 at § 4.3.4, p. 54 (EA).



all setbacks exceed Nobles County setback requirements except the Nobles County required setbacks for all non-participating property lines (150 feet) and road centerlines (200 feet).<sup>246</sup>

209. The cumulative impact of removing an additional 0.4% of farmland for solar production is unknown.<sup>247</sup>

## **9. Property Values**

210. There is limited sales information related to properties near large solar facilities in Minnesota. A study conducted by the Lawrence Berkeley National Laboratory found that, in Minnesota, homes within one-half mile of large solar energy facilities had a four percent reduction in home sales prices compared to homes two to four miles from such a facility. The study only found such an effect for large solar facilities. The study did not consider site design, local landscape features or setbacks, or the broader economic impacts of solar facilities.<sup>248</sup> Thus, according to this study, for every \$100,000 of property value, affected homeowners would lose \$4,000, a significant loss for most Minnesotans.<sup>249</sup>

211. Market studies involving smaller sample sizes, including one conducted by Chisago County Environmental Services and Zoning, did not consistently find negative impacts of solar facilities to real estate values.<sup>250</sup> Due to their smaller scale and the many variables that factor into the market value of real estate, these studies are less reliable than the Lawrence Berkeley National Laboratory study.

212. Based on analysis of other utility-scale solar projects sited on previously agricultural land, moderate negative property value impacts could occur for properties closest to the Project. These impacts are expected to be localized within one-half mile of the solar facility and to decrease with distance from the project and with time.<sup>251</sup>

213. Measures and permit conditions to mitigate aesthetic impacts and impacts to future land use, discussed previously, may mitigate some of the impacts to property values.<sup>252</sup>

## **B. Public Health and Safety**

214. Minn. R. 7850.4100(B) (2023) requires the Commission to consider the effects of the Project on public health and safety.

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<sup>246</sup> Ex. SLS-30 at pp. 6-7 (Direct Testimony of Alia Mohammad).

<sup>247</sup> See Ex. PUC-28 at § 4.11, pp. 101-106.

<sup>248</sup> Ex. PUC-28 at § 4.3.5, p. 56 (EA).

<sup>249</sup> See Ex. PUC-28 at § 4.3.5, p. 56 (EA).

<sup>250</sup> Ex. PUC-28 at § 4.3.5, p. 56 (EA).

<sup>251</sup> Ex. PUC-28 at § 4.3.5, p. 56 (EA).

<sup>252</sup> Ex. PUC-28 at § 4.3.5, p. 57 (EA).

215. Potential impacts stemming from Project operation and construction are anticipated to be minimal and are not expected to negatively affect human health based upon somewhat limited information available.<sup>253</sup>

216. Project facilities that would generate electric and magnetic fields (EMF) include the electrical collection lines and transformers installed at each inverter associated with the Solar Facility, BESS, and the gen-tie line. Electric and magnetic fields from electrical collection lines, regardless of whether they are below-ground or above-ground, transmission lines, and transformers dissipate rapidly with distance from the source.<sup>254</sup>

217. Approximately 50 residences, and the town of Reading, are within one mile of the BESS.<sup>255</sup> The nearest residence to the solar arrays is approximately 300 feet away; the nearest residence to an inverter, electrical collection line, and transformer is approximately 447 feet away; the nearest residence to the gen-tie line is 835 feet away; and the nearest residence to the BESS is approximately 1,151 feet away. At this distance, both electric and magnetic fields would have dissipated to background levels before reaching the residence. As such, these impacts are expected to be negligible and no mitigation measures are proposed.<sup>256</sup>

218. Worker safety issues are primarily associated with construction, and public safety concerns would be most associated with unauthorized entry to the Project. Like any construction project, there are risks for injuries from falls, equipment and vehicle use, electrical accidents, etc. To mitigate safety risks, electrical and construction work will follow established procedures and comply with local, state, and federal regulations.<sup>257</sup>

219. Public risks resulting from the Project include electrocution resulting from unauthorized entry into the fenced area. To minimize this risk, the Project will be fenced and locked to prevent unauthorized access, and signs will be posted to warn unauthorized persons not to enter fenced area due to the presence of electrical equipment.<sup>258</sup>

220. The main safety hazard of a BESS, relative to the Solar Facility and other electrical systems, is battery failure leading to thermal runaway which has the potential to spread to nearby batteries and containers.<sup>259</sup>

221. There are two major types of lithium-ion battery technology used in BESS facilities; Nickel Manganese Cobalt (NMC) batteries and Lithium Iron Phosphate (LFP) batteries. LFP batteries have a higher thermal runaway temperature, making them more stable and less prone to fire when compared to NMC batteries.<sup>260</sup>

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<sup>253</sup> Ex. PUC-28 at § 4.4.1, p. 67 (EA).

<sup>254</sup> Ex. PUC-28 at § 4.4.1, p. 67 (EA).

<sup>255</sup> Ex. SLS-21 at § 2.1, Table 2.1-1 (Application Amendment).

<sup>256</sup> Ex. PUC-28 at § 4.4.1, p. 67 (EA).

<sup>257</sup> Ex. PUC-28 at § 4.4.2, p. 67-68, & 70 (EA).

<sup>258</sup> Ex. PUC-28 at § 4.4.2, p. 67 & 70 (EA).

<sup>259</sup> Ex. PUC-28 at § 4.4.2, p. 69 (EA).

<sup>260</sup> Ex. PUC-28 at § 4.4.2, p. 69 (EA).

222. In addition to the use of the more stable LFP technology, the BESS design uses modular containers that are tested by the manufacturer to ensure fire resistance. Modern BESS containers include explosion prevention systems to remove flammable gases during a thermal runaway event and relieve pressure to limit gas levels within the containers from reaching levels that can be flammable or explosive. The containers are spaced to minimize the potential for fire to spread to other containers. The BESS equipment is monitored remotely, tracking cell voltage and temperature to identify and isolate potential issues before they occur.<sup>261</sup>

223. Summit Lake Storage conducted utility scale battery storage training for the Wilmont and Worthington Fire Departments. The training was hosted on November 6, 2025 by the Energy Safety Response Group (ESRG). ESRG is an independent firm made up of former and current fire fighters focused on the testing and safe development, installation and operations of utility scale battery energy storage systems. Approximately 7 volunteers attended the training. Summit Lake Storage will provide annual training on battery technology used in the BESS and associated facility technology for local firefighting crews and emergency services personnel as required by Section 5.13 of the BESS DSP.<sup>262</sup>

224. The Emergency Response Plan (ERP) to be developed by Summit Lake Storage will similarly require annual safety drills and/or safety training with local first responders. The ERP will cover possible incidents that could occur at the BESS and include corresponding emergency response procedures. Summit Lake Storage will coordinate with local emergency responders to develop the ERP prior to construction of the Project.<sup>263</sup> Whether this is a feasible plan to address the worst-case scenario of thermal runaway is unclear. Among other things, an emergency response to a thermal runaway event will require coordination with multiple local, typically volunteer, fire departments. The ERP should have been developed and made part of the materials for public comment.

225. In addition, the DSPs include several requirements to ensure adequate public safety protections, including requiring Applicants to: (1) provide landowner educational materials and appropriate signage (Sections 4.3.28 of BESS DSP and 4.3.30 of Solar DSP); (2) prepare an Emergency Response Plan in consultation with the emergency responders having jurisdiction over the Project, which will be filed with the Commission prior to operation (Sections 8.11 of BESS DSP and 8.12 of Solar DSP); (3) disclose any extraordinary events, such as fires etc. (Sections 8.12 of BESS DSP and 8.13 of Solar DSP); (4) require a decommissioning plan to be updated every five years (Section 9.1 of the DSPs); (5) file a Hazard Mitigation Analysis detailing testing results for selected equipment and associated technology risks, at least 30 days before the pre-construction meeting (Section 5.14 of the BESS DSP); and (6) provide regular training

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<sup>261</sup> Ex. PUC-28 at § 4.4.2, p. 69 (EA).

<sup>262</sup> Ex. SLS-30 at p. 12 (Direct Testimony of Alia Mohammad).

<sup>263</sup> Ex. SLS-30 at p. 12 (Direct Testimony of Alia Mohammad).

on lithium-iron batteries and associated facility technology for local firefighting crews (Section 5.14 of the BESS DSP).<sup>264</sup>

### **C. Land-based Economies**

226. Minnesota Rules Section 7850.4100© (2023) requires the Commission to consider the effects of the Project on land-based economies, including agriculture, forestry, tourism, and mining.

227. Solar facilities impact land-based economies by precluding land use for other purposes.<sup>265</sup>

#### **1. Agriculture & Prime Farmland**

228. Potential impacts to agricultural producers and businesses are anticipated to be minimal to moderate — lost farming revenues are expected to be at least partly offset by lease or easement agreements. A loss of farmland in Nobles County would occur for the life of the Project. Potential impacts are localized and unavoidable.<sup>266</sup>

229. Rural areas, with large parcels of relatively flat, open land, are ideal for solar development, which require six to eight acres of land to generate one MW of electricity. However, the Prime Farmland rule allows only 0.5 acres of prime farmland to be used to generate electricity, unless there is no feasible and prudent alternative. The Project will result in up to 1,479.4 acres of prime farmland being removed from agricultural production for the life of the Project. This change in land use would take productive farmland out of production for the life of the Project, representing approximately 0.4 percent of existing agricultural land in Nobles County.<sup>267</sup>

230. Pursuant to the Application Amendment, and in cooperation with the Drainage Authority, solar array setbacks from public drain tile will be at least 75 feet on each side of public drain tile centerlines.<sup>268</sup>

231. Additionally, Summit Lake Solar has also revised the Project to relocate the solar arrays originally planned for the northwest corner of the intersection of McCall Avenue and 190th Street such that the existing public drain tile in this location will not be disturbed by the Project.<sup>269</sup>

232. Summit Lake Solar has worked with participating landowners to map the locations of existing private drain tile and has also proposed Drainage Compensation Agreements to private landowners that would provide compensation for any construction-related drainage impacts. Applicants will use the private drain tile location information in

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<sup>264</sup> Ex. PUC-28 at § 4.4.2, p. 71 (EA).

<sup>265</sup> Ex. PUC-28 at § 4.5, p. 71 (EA).

<sup>266</sup> Ex. PUC-28 at § 4.5.1, p. 71 (EA).

<sup>267</sup> Ex. PUC-28 at § 4.5.1, p. 71 (EA).

<sup>268</sup> Ex. SLS-30 at pp.7-8 (Direct Testimony of Alia Mohammad).

<sup>269</sup> Ex. SLS-30 at p. 8 (Direct Testimony of Alia Mohammad).

the design of the Project. If private drain tile cannot be avoided, it will be repaired or replaced to ensure adequate drainage during construction and operation of the Project.<sup>270</sup>

233. The DSPs include a number of measures to mitigate agricultural and soil impacts, including, for example, the protection and segregation of topsoil (Section 4.3.9), minimization and rectification of soil compaction (Section 4.3.10), use of BMPs to prevent erosion and runoff including as required by the construction stormwater permit (Section 4.3.11), development of a VMP (Sections 5.8 of the BESS DSP and 4.3.17 of the Solar DSP), development of an AIMP (Sections 5.9 of the BESS DSP and 4.3.18 of the Solar DSP), preparation of a Drain Tile Reroute and Abandonment (Section 5.10 of the BESS DSP and 5.6 of the Solar DSP) and restoration or compensation for damages to crops and agricultural infrastructure, including drain tile (Section 4.3.27 of the BESS DSP and 4.3.29 of the Solar DSP).<sup>271</sup>

## **2. Tourism and Recreation**

234. Primary tourism activities in the vicinity of Project facilities are associated with visitors to local snowmobile trails, wildlife management areas, and other outdoor recreational resources. Visitors also attend local community festivals and events such as the International Festival and the Nobles County Fair, both hosted by the city of Worthington which is about 5.0 miles southeast of the Land Control Area.<sup>272</sup>

235. Impacts to tourism and recreation are anticipated to be minimal and temporary. Due to construction, there will be short-term increases in traffic and noise that could potentially impact recreational activities in close proximity to the Project Area; however, impacts will be temporary. No significant long-term impacts to recreational activities are anticipated. The snowmobile trail would not be impacted by Project operation, since no fencing will be present where the trail crosses the Land Control Area along County State Aid Highway 25.<sup>273</sup>

236. All Project facilities, moreover, will be located on privately-owned land, therefore impacts to tourism and recreation are anticipated to be minimal. Short-term impacts to outdoor recreational activities could occur during construction due to noise and traffic increase, however these impacts will be temporary and short-term in duration. Because significant impacts are not anticipated, no additional mitigation measures are proposed.<sup>274</sup>

## **3. Local Economy**

237. Potential economic impacts associated with construction will be positive, but minimal and short-term. Significant positive effects might occur for individuals.

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<sup>270</sup> Ex. SLS-30 at p. 8 (Direct Testimony of Alia Mohammad).

<sup>271</sup> Ex. PUC-28 at § 4.5.1, p. 73-74 (EA).

<sup>272</sup> Ex. PUC-28 at § 4.3.6, p. 57 (EA).

<sup>273</sup> Ex. PUC-28 at § 4.3.6, p. 57 (EA).

<sup>274</sup> Ex. PUC-28 at § 4.5.2, p. 75 (EA).

Impacts from operation will be long-term, positive, and moderate for some in Nobles County, but there is also potential for negative impacts to those in agribusiness.<sup>275</sup>

238. Construction of the Project would provide temporary increases to the revenue of the area through increased demand for lodging, food services, fuel, transportation and general supplies.<sup>276</sup>

239. Temporary construction jobs will generate indirect economic benefits for the area, as employees spend their income on local goods and services and pay local sales tax. During peak construction, an estimated 250 jobs will be created, with an average of 175 jobs throughout the period of construction.<sup>277</sup>

240. To the greatest extent practicable, procurement of construction resources will give preference to local, union construction employees. The Applicants anticipate supporting an average of 130 union temporary construction and installation jobs for this Project.<sup>278</sup>

241. Section 8.5 of the DSPs require quarterly reports concerning Applicants' efforts to hire Minnesota workers. Section 8.6 of the DSPs require the permittee, as well as its construction contractors and subcontractors, to pay no less than the prevailing wage rate.<sup>279</sup>

242. The Project is expected to provide production tax payments to Nobles County of approximately \$400,500 annually over 30 years. Additionally, Summit Lake and Elk Townships, combined, will receive approximately \$100,100 annually over 30 years. In addition, lease payments paid to participating landowners will offset potential financial losses associated with removing a portion of their land from agricultural production.<sup>280</sup>

#### **D. Archaeological and Historic Resources**

243. Minn. R. 7850.4100(D) (2023) requires the Commission consider the effects on archaeological and historic resources. Archaeological resources are locations where objects or other evidence of archaeological interest exist, and can include aboriginal mounds and earthworks, ancient burial grounds, prehistoric ruins, or historical remains. Historic resources are sites, buildings, structures, or other antiquities of state or national significance.<sup>281</sup>

244. Applicants retained Tetra Tech to conduct a Phase I investigation of the Land Control Area to identify archaeological sites and historic structures that could be affected by the Project. No previously documented archaeological sites were identified within the Land Control Area; however, one archaeological site was identified within a

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<sup>275</sup> Ex. PUC-28 at § 4.3.8, p. 62 (EA).

<sup>276</sup> Ex. PUC-28 at § 4.3.8, p. 62 (EA).

<sup>277</sup> Ex. PUC-28 at § 4.3.8, p. 62 (EA).

<sup>278</sup> Ex. PUC-28 at § 4.3.8, p. 62 (EA).

<sup>279</sup> Ex. PUC-28 at § 4.3.8, p. 62 (EA).

<sup>280</sup> Ex. PUC-28 at § 4.3.8, p. 62 (EA).

<sup>281</sup> Ex. PUC-28 at § 4.6, p. 75 (EA).

one-mile buffer of the Land Control Area. The site is a pre-contact isolated find and is recommended as not eligible for listing in the National Register of Historic Places.<sup>282</sup>

245. The Applicants submitted the Phase I inventory report to SHPO on February 12, 2025. The SHPO provided comment on the report on April 3, 2025, and agreed with the Applicants' recommendations regarding site eligibility for listing in the National Register of Historic Places. In particular, SHPO agreed that one resource, Site NO0093, should be avoided or evaluated for eligibility. The Applicants indicate that the Project design has been updated to avoid this site. SHPO agreed that if Site NO0093 is avoided, the Project will not affect properties listed in or eligible for the National or State Registers of Historic Places, or within the Historic Sites Network.<sup>283</sup>

246. Prudent siting to avoid impacts to archaeological and historic resources is the preferred mitigation. Sections 4.3.21 and 4.3.23 of the DSPs, address archeological resources and require Applicants to avoid impacts to archaeological and historic resources where possible and to mitigate impacts where avoidance is not possible. If previously unidentified archaeological sites are found during construction, the conditions require Applicants to stop construction and contact SHPO to determine how best to proceed. Ground disturbing activity will stop, and local law enforcement will be notified should human remains be discovered.<sup>284</sup>

247. The record demonstrates that the Project is unlikely to cause adverse impacts to archaeological and historic resources. Consistent with Sections 5.11 and 5.7 of the DSPs, Applicants will develop an Unanticipated Discoveries Plan that will be followed in the event human remains or other historic or cultural artifacts are located during construction. In the event of a discovery, work will stop, and the find will be examined by an archaeologist. The SHPO and State Archaeologist will be notified if necessary.<sup>285</sup>

## **E. Natural Environment**

248. Minn. R. 7850.4100(E) (2023) requires that the Commission consider the effects of the Project on the natural environment, including effects on air and water quality resources and flora and fauna.

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<sup>282</sup> Ex. PUC-28 at § 4.6, p. 75 (EA).

<sup>283</sup> Exs. PUC-28 at § 4.6, p. 75-76 (EA); SLS-27 at p. 5 (Application Amendment, Appendix F – Agency Correspondence).

<sup>284</sup> Ex. PUC-28 at § 4.6, p. 76 (EA).

<sup>285</sup> Ex. PUC-28 at § 4.6, p. 76 (EA).

## 1. Wildlife

249. The impact intensity level to wildlife is expected to be minimal. Impacts could be positive or negative and depend on species type. Potential impacts will be short- and long-term and can be mitigated.

250. The Project landscape is dominated by agriculture, also including roads, homes, and farmsteads. Landscape types and vegetation communities vary throughout the local vicinity. Fencerows and woodlots, as well as small pockets of wetlands and grassland, provide habitat for terrestrial and avian wildlife. Wildlife utilizing the land control area are common species associated with disturbed habitats and are accustomed to human activities (e.g., agricultural activities and road traffic) occurring in the area.<sup>286</sup>

251. Mammals, reptiles, and amphibians are present. These species include raccoon, coyote, red fox, striped skink, white tailed deer, woodchuck, American toad, common garter snake, and the northern leopard frog. There are no DNR Wildlife Management Areas (WMAs) in the Land Control Area.<sup>287</sup>

252. Avian species common to the site include the killdeer, red-winged blackbird, ring-necked pheasant, various small songbirds, and common raptors such as red-tail hawks.<sup>288</sup>

253. Non-avian species will be displaced, and some may be killed during construction. Population-level impacts are not anticipated. The largest impact to wildlife associated with solar facilities is fencing which can entangle wildlife. Gates will be strategically installed at corners for deer egress.<sup>289</sup>

254. Plastic erosion control netting is frequently used for erosion control during construction and landscape projects and can negatively impact wildlife populations. Wildlife entanglement and death from plastic netting and other plastic materials has been documented in birds, fish, mammals, and reptiles.<sup>290</sup>

255. Early studies identified risks to birds near concentrating solar facilities in the desert Southwest, hypothesizing that reflected light mimicked water and caused migrating birds to attempt landing—an explanation known as the “lake effect.” Subsequent research reanalyzing the underlying data found that most reported fatalities lacked a clear cause and that many observations were merely feather spots, undermining earlier conclusions. More recent studies indicate that newer technologies, such as tracker panels and anti-reflective coatings, are associated with substantial reductions in bird deaths, with most documented impacts limited to older concentrating or fixed-tilt PV facilities.<sup>291</sup>

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<sup>286</sup> Ex. PUC-28 at § 4.7.6, p. 90 (EA).

<sup>287</sup> Ex. PUC-28 at § 4.7.6, p. 90 (EA).

<sup>288</sup> Ex. PUC-28 at § 4.7.6, p. 91 (EA).

<sup>289</sup> Ex. PUC-28 at § 4.7.6, p. 91 (EA).

<sup>290</sup> Ex. PUC-28 at § 4.7.6, p. 91 (EA).

<sup>291</sup> Ex. PUC-28 at § 4.7.6, p. 91 (EA).



256. Studies of midwestern PV sites show that solar facilities supporting native vegetation can increase bird diversity, though some species may be negatively affected. Similar increases in activity and diversity have been observed in bats. Camera studies at Midwest solar sites found no bird collisions with solar panels and indicated that most fatalities result from natural predation, consistent with other research.<sup>292</sup>

257. The Project will benefit some wildlife through restoration of herbaceous cover and native habitat in areas that are currently row-cropped. This will provide small animals and insects with additional food, cover, and habitat.<sup>293</sup>

258. If Summit Lake Solar determines an active bald eagle nest is present near the Solar Facility prior to construction, Summit Lake Solar will comply with the U.S. Fish and Wildlife Service's (USFWS) Bald Eagle Management Guidelines (Guidelines) related to construction activities.<sup>294</sup>

259. The DSPs include measures to minimize and mitigate impacts to wildlife, including site restoration with native perennial vegetation (Section 4.3.16) to create beneficial habitat for Wildlife (Section 4.3.16), coordination with the DNR to minimize impacts from fencing Sections 4.3.30 and 4.3.32), quarterly reporting of any wildlife injuries or fatalities (Section 8.13), use of shielded and downward facing lighting and LED lighting the minimizes blue hue (Section 5.1), use of wildlife friendly erosion control materials (Section 5.2), and restrictions on the use of chloride-based dust control chemicals (Section 5.3). Additional mitigation measures include siting facilities away from wildlife corridors, removing wildlife caught in open trenches before backfilling, restricting mowing of established vegetation to avoid impacts to ground-nesting birds, reducing glare on panels, and using biodegradable erosion control materials.<sup>295</sup>

260. The record demonstrates that Applicants have taken steps to avoid and minimize impacts to wildlife. Further, the DSPs contains general conditions that adequately protect wildlife.

## **2. Vegetation**

261. Pre-European settlement vegetation in the Project Area consisted primarily of tallgrass prairie; wet prairies and forested areas were restricted to narrow stream margins and riparian areas. Agriculture has largely replaced the historic vegetation on the landscape.<sup>296</sup>

262. Construction activities at the Solar Facility could introduce or spread invasive species and noxious weeds and the early phases of site restoration and seeding of native species can result in populations of non-native and invasive species on site.<sup>297</sup>

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<sup>292</sup> Ex. PUC-28 at § 4.7.6, p. 92 (EA).

<sup>293</sup> Ex. PUC-28 at § 4.7.6, p. 92 (EA).

<sup>294</sup> Applicants Response to Hearing Comments (May 4, 2026) (eDockets No. 20265-231446-01).

<sup>295</sup> Ex. PUC-28 at § 4.7.6.1, p. 93 (EA).

<sup>296</sup> Ex. PUC-28 at § 4.7.5, p. 89 (EA).

<sup>297</sup> Ex. PUC-28 at § 4.7.5, p. 89 (EA).

263. Agricultural land within the Solar Facility would be converted to perennial, low growing vegetative cover for the life of the Project, resulting in a net increase in vegetative cover for the life of the Project.<sup>298</sup>

264. Summit Lake Solar will utilize a shorter prairie seed mix within the panel footprint, taller prairie plantings in the open spaces between the fence and array, and a wet seed mix for wet areas including wetlands. The mixes are designed to be native and are developed with prairie specialists in coordination with the Minnesota Interagency VMPWG to design a mix that will promote pollinator habitat, establish stable ground cover, reduce erosion, reduce runoff, and improve infiltration.<sup>299</sup>

265. Section 4.3.15 of DSPs governs vegetation removal. Sections 5.8 of the BESS DSP and Section 4.3.17 of the Solar DSP require the Applicants to develop and file a VMP in coordination with the appropriate state agencies. The VMP will include descriptions of management objectives, and planned restoration, management, and monitoring activities, including timing, techniques, and frequency of management and maintenance.<sup>300</sup>

266. The record demonstrates that the Applicants have taken steps to avoid and minimize impacts on vegetation. Further, the DSPs contains additional adequate conditions to monitor and mitigate the Project's potential impacts on vegetation. Sections 5.9 of the BESS DSP and 4.3.18 of the Solar DSP require the permittee to develop an AIMP which details methods to minimize soil compaction, preserve topsoil, and establish and maintain appropriate vegetation to ensure the Project is designed, constructed, operated, and ultimately restored in a manner that would preserve soils to allow for the land to be returned to agricultural use.<sup>301</sup>

267. Sections 4.3.15 of the DSPs also require the permittee to minimize the number of trees removed and to leave existing low growing species in the ROW undisturbed to the extent possible, or to replant to blend in with adjacent areas following construction.<sup>302</sup>

### **3. Soils, Geologic, and Groundwater Resources**

268. The Land Control Area is located in Province 5 (Western), which is characterized by fine-grained (e.g., clay and silt) glacial sediment. Limited extents of surficial and buried sand aquifers are located within the province. The fractured bedrock in the region is commonly buried deeply beneath the glacial sediment and is of limited use as an aquifer. The near surface materials are considered very low for pollution sensitivity.<sup>303</sup>

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<sup>298</sup> Ex. PUC-28 at § 4.7.5, p. 89 (EA).

<sup>299</sup> Ex. PUC-28 at § 4.7.5, p. 89 (EA).

<sup>300</sup> Ex. PUC-28 at § 4.7.5, p. 89-90 (EA).

<sup>301</sup> Ex. PUC-28 at § 4.7.5, p. 90 (EA).

<sup>302</sup> Ex. PUC-28 at § 4.7.5, p. 90 (EA).

<sup>303</sup> Ex. PUC-28 at § 4.7.2, p. 79 (EA).

269. There is one documented well within the Project Area and 25 wells within one mile of the Project Area.<sup>304</sup> A single domestic-sized water well will be required for the O&M facility which will require a permit from the MDH.<sup>305</sup>

270. The Applicants will conduct geotechnical soil borings as engineering advances and use that information to assess potential impacts to geologic resources. However, potential impacts to geology and groundwater can occur directly or indirectly. Impacts to geological resources are likely to be minimal due to the absence of karst features.<sup>306</sup>

271. The Project will require a construction stormwater permit and may also require a National Pollution Discharge Elimination System from the MPCA, which will include development of a stormwater pollution prevention plan (SWPPP). The SWPPP will include best management practices (BMPs) to limit erosion and sediment discharge during construction and describe permanent stormwater management controls during Project operation.<sup>307</sup>

272. The impact intensity level is expected to be low to moderate. Primary impacts to soils include compaction from construction equipment, soil profile mixing during grading and pole auguring, rutting from tire traffic, and soil erosion.<sup>308</sup>

273. Soil cover and management at the Solar Facility will change from cultivated cropland to a mixture of pervious areas with native groundcover plantings and semi-impervious surfaces. Once permanent vegetation is properly established, stormwater management, as well as general soil health, would improve due to use of native plants.<sup>309</sup>

274. To minimize and mitigate soil-related impacts, the DSPs will require protection and segregation of topsoil (Section 4.3.9), minimization and rectification of soil compaction (Section 4.3.10), use of BMPs to prevent erosion and runoff including as required by the construction stormwater permit (Section 4.3.11), development of a VMP (Sections 5.8 of the BESS DSP and 4.3.17 of the Solar DSP), and development of an AIMP (Sections 5.9 of the BESS DSP and 4.3.18 of the Solar DSP).<sup>310</sup>

#### **4. Surface Water and Wetlands**

275. The Project is located in the Des Moines River – Headwaters (HUC8: 07100001) and Rock River (HUC8: 10170204) watersheds (MDNR, 2023). Agricultural use is the dominant land use in both watersheds.<sup>311</sup>

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<sup>304</sup> Ex. PUC-28 at § 4.7.2, p. 79 (EA).

<sup>305</sup> Ex. PUC-28 at § 4.3.7, p. 59-60 (EA).

<sup>306</sup> Ex. PUC-28 at § 4.7.2, p. 80-81 (EA).

<sup>307</sup> Ex. PUC-28 at § 4.7.2, p. 82 (EA).

<sup>308</sup> Ex. PUC-28 at § 4.7.3, p. 84 (EA).

<sup>309</sup> Ex. PUC-28 at § 4.7.3, p. 84 (EA).

<sup>310</sup> Ex. PUC-28 at § 4.7.3, p. 84-85 (EA).

<sup>311</sup> Ex. PUC-28 at § 4.7.4, p. 85 (EA).

276. The Project area is mapped by the Federal Emergency Management Agency as Zone X, which is an area of minimal flood hazard.<sup>312</sup>

277. While no rivers or streams are present in the Land Control Area, a Public Waters Inventory (PWI) watercourse runs up to the eastern boundary of the Land Control Area. There are no lakes or ponds present in the Land Control Area.<sup>313</sup>

278. A total of 23 wetlands comprising 9.54 acres of the Land Control Area were identified by the wetland delineation, all of which were designated as having emergent (herbaceous) vegetation, such as marshes and flooded basins. A majority of the delineated wetlands were largely roadside ditches and drainage swales. One of the wetlands identified is a marsh complex that extends beyond the Land Control Area, with 0.59 acres of the complex located in the Land Control Area and 18.547 acres located outside the Land Control Area.<sup>314</sup>

279. The Project is designed to avoid direct impacts to surface waters by avoiding placement of Project components such as access roads, solar arrays, inverters, or transmission structures in surface waters.<sup>315</sup> Additionally, 300-foot buffer is planned around the PWI watercourse that abuts the eastern boundary of the Land Control Area. This buffer is consistent with the Nobles County Shoreland Zoning Ordinance and would occupy 2.4 acres of the Land Control Area.<sup>316</sup>

280. The Project site layout has been designed to avoid all wetlands and other surface waters delineated to date. If any wetland impacts are anticipated, the Applicants will coordinate with the appropriate state and federal agencies.<sup>317</sup>

281. Direct impacts to wetlands, such as dredging, filling, or staging of construction equipment, are not expected to occur.<sup>318</sup>

282. Section 4.3.13 of the DSPs governs Project activities in wetlands and water resources. BMPs and erosion control measures will be implemented as required by the construction stormwater permit and applicable SWPPP (See Section 4.3.11 of the DSPs).<sup>319</sup>

## **5. Air and Water Emissions**

283. The nearest air quality monitor to the Project is in Marshall, Minnesota, approximately 54 miles north of the Project Area. Air quality in the area was classified as good between 206 and 309 days per year between 2019 and 2023. Air quality was considered unhealthy for sensitive groups on ten days in 2023 and three days in two days

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<sup>312</sup> Ex. PUC-28 at § 4.7.4, p. 86 (EA).

<sup>313</sup> Ex. PUC-28 at § 4.7.4.7, p. 87 (EA).

<sup>314</sup> Ex. PUC-28 at § 4.7.4, p. 87 (EA).

<sup>315</sup> Ex. PUC-28 at § 4.7.4, p. 87 (EA).

<sup>316</sup> Ex. PUC-28 at § 4.7.4.8, p. 88 (EA).

<sup>317</sup> Ex. PUC-28 at § 4.7.4.8, p. 88 (EA).

<sup>318</sup> Ex. PUC-28 at § 4.7.4, p. 87 (EA).

<sup>319</sup> Ex. PUC-28 at § 4.7.4, p. 87 (EA).

in 2021. Finally, air quality was considered unhealthy for two days in both 2022 and 2021.<sup>320</sup>

284. Impacts on air quality from construction of the Project would be minimal and limited to the period of construction. When necessary, dust from construction traffic will be controlled using standard construction practices such as watering of exposed surfaces, covering of disturbed areas, and reduced speed limits.<sup>321</sup>

285. Overall, dust emissions currently experienced annually in the area through farming activities will be slightly reduced for the life of the Project through the establishment of perennial vegetative cover.<sup>322</sup>

286. In order to minimize air emissions, the Applicants will follow BMPs such as running vehicles and equipment only when necessary, watering exposed surfaces, and reducing speed limits. The Applicants will also follow BMPs included in the SWPPP and AIMP to minimize fugitive dust emissions.<sup>323</sup>

287. The Project is not expected to have water emissions outside of stormwater runoff, addressed as part of potential groundwater and surface water impacts.<sup>324</sup>

## **6. Solid and Hazardous Waste**

288. The Project is not expected to generate solid or hazardous waste except during construction and decommissioning activities.

289. Unless specifically designated otherwise, solar panels are assumed to be hazardous waste due to the probable presence of heavy metals. During decommissioning or if a panel is broken, the panels will be properly recycled or disposed of in a special facility.<sup>325</sup>

290. Additionally, Sections 4.3.26 of the BESS DSP and 4.3.28 of the Solar DSP require that Applicants be responsible for compliance with all laws applicable to the generation, storage, transportation, clean up and disposal of all waste generated during construction and restoration of the Project.<sup>326</sup>

## **7. Rare and Unique Natural Resources**

291. Minn. R. 7850.4100(F) (2023) requires that the Commission consider the effects of the Project on rare and unique natural resources.

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<sup>320</sup> Ex. PUC-28 at § 4.7.1, p. 77; Table 4.7.1-1 (EA).

<sup>321</sup> Ex. PUC-28 at § 4.7.1, p. 78 (EA).

<sup>322</sup> Ex. PUC-28 at § 4.7.1, p. 78 (EA).

<sup>323</sup> Ex. PUC-28 at § 4.7.1, p. 79 (EA).

<sup>324</sup> Ex. PUC-28 at §§ 4.7.2 & 4.7.3 (EA).

<sup>325</sup> Ex. PUC-28 at § 4.4.2, p. 70 (EA).

<sup>326</sup> Ex. PUC-28, Appendix C, p. 10-11 & Appendix D, p. 12 (EA, Appendices C and D).

292. Several federal special status species may be present in or near the Project Area, including the Topeka Shiner, Monarch Butterfly, Suckley's Cuckoo Bumble Bee. Field surveys conducted in 2024 indicate that streams which could provide habitat for the Topeka Shiner are not present within the Land Control Area. The Monarch butterfly is proposed to be listed as threatened under the Endangered Species Act (ESA) and is found in areas with native plants and milkweed. There is limited suitable habitat for the monarch in the Project Area. The Suckley's Cuckoo Bumble Bee is proposed to be listed as threatened under the ESA. Due to the agricultural landscape, suitable bumble bee habitat is generally limited in the land control area. Once native vegetation is established in the Project Area during operation of the Project, it will provide habitat for bumblebees and could support populations of the Suckley's Cuckoo Bumble Bee. While typical nesting habitat suitable for bald eagles is not present within or adjacent to the Land Control Area, a bald eagle nest may be present near the north central portion of the Land Control Area.<sup>327</sup>

293. There are no Minnesota Biodiversity Survey sites of moderate, high, or outstanding biodiversity significance within the Land Control Area. There are no native plant community sites within the Project Area. There are no Native Plant Communities, native prairies, calcareous fens, WMAs, large block habitats, or Reinvest in Minnesota (RIM) conservation easements within the Land Control Area. However, the Nobles RIM Easement, a wetland restoration project, is located adjacent to the northern boundary of the Land Control Area.<sup>328</sup>

294. The regal fritillary is listed as a species of special concern in the state of Minnesota. It is a non-migratory butterfly that is found in native tallgrass prairie habitats. Regal fritillaries can range widely, with females potentially traveling up to 100 miles searching. Habitat can only be considered suitable for all life stages if violet species are present to provide shelter and forage for larvae.<sup>329</sup>

295. Techniques for minimizing impacts to wildlife and vegetation also minimize impacts to rare species.<sup>330</sup>

296. The record shows that the DSPs and Project development plans will effectively mitigate the effects of the Project on rare and unique natural resources.

## **F. Energy Efficiency**

297. Minn. R. 7850.4100(G) (2023) requires the Commission to consider the application of design options that maximize energy efficiencies, mitigate adverse environmental effects, and could accommodate expansion of transmission or generating capacity.

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<sup>327</sup> Ex. PUC-28 at § 4.7.7, pp. 94-95 (EA).

<sup>328</sup> Ex. PUC-28 at § 4.7.7, pp. 95-96 (EA).

<sup>329</sup> Ex. PUC-28 at § 4.7.7, pp. 95-96 (EA).

<sup>330</sup> Ex. PUC-28 at § 4.7.7, pp. 95-96 (EA).

298. The final layouts for the Solar Facility and BESS will optimize electrical generation, efficiency, and storage while avoiding and minimizing some of the impacts on environmental and cultural resources and existing infrastructure.<sup>331</sup>

299. Applicants recognize that over the life of the certain Project components will lose some efficiency over the life of the Project. Applicants will plan for and maintain the facility as needed to maintain efficient operations. Summit Lake Storage, moreover, and has designed the Project layout to accorporate future augmentation BESS units within the fenced area as needed to maintain capacity.<sup>332</sup>

300. The record reflects that Applicants will maximize energy efficiency while some adverse environmental effects will not be mitigated.

### **G. Use of Existing Boundaries**

301. Minn. R. 7850.4100(H) (2023) requires the Commission to consider whether the Project uses or parallels existing ROWs, survey lines, natural division lines, and agricultural field boundaries.

302. Landowners involved in the Project have voluntarily agreed to lease their land to the Applicants for the Project.<sup>333</sup>

303. The record demonstrates that the Applicants have taken steps to make use of existing boundaries, and the Project generally follows existing agricultural field boundaries and roadway boundaries.<sup>334</sup>

### **H. Use of Existing Generating Sites**

304. Minn. R. 7850.4100(I) (2023) requires the Commission to consider whether the Project uses existing large electric power generating plant sites. The Project does not use existing large electric power generating plant sites, so this factor does not apply.

### **I. Use of Existing Electrical Transmission Systems**

305. Minn. R. 7850.4100(H) (2023) requires the Commission to consider whether the Project uses existing transportation, pipeline, and electrical transmission systems or ROWs.

306. The Project is close to existing transmission infrastructure, including the existing Nobles Substation. The Project will connect to the existing Nobles Substation via an approximately 902-foot, 345 kV generation tie transmission line.<sup>335</sup>

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<sup>331</sup> Ex. SLS-2 at § 4.2 (Joint Application).

<sup>332</sup> Ex. SLS-2 at § 4.1.2 & 4.5 (Joint Application).

<sup>333</sup> Ex. SLS-2 at § 3.1 (Joint Application).

<sup>334</sup> Ex. PUC-28, Appendix A, Figures 1 & 5 (EA).

<sup>335</sup> Exs. PUC-28, Appendix A, Figure 5 (EA, Appendix A); SLS-2 at § 1, p.1 (Joint Application).

307. The Project would be in close proximity to existing transmission infrastructure and will use existing infrastructure for transmission.<sup>336</sup>

308. The record demonstrates that the Project will effectively make use of existing electrical transmission systems.

#### **J. Electrical System Reliability**

309. Minn. R. 7850.4100(K) (2023) requires the Commission to consider impacts of the Project on electrical system reliability.

310. Under Minnesota's Clean Energy Law, climate legislation establishes a carbon-free energy standard and a renewable energy standard. The carbon-free energy standard requires electrical utilities to achieve 80 percent carbon-free energy by 2030, 90 percent by 2035, and 100 percent by 2040.<sup>337</sup>

311. The Project will help meet Minnesota's 100 percent carbon-free energy standard by 2040 and will contribute to meeting the Minnesota Renewable Energy Objectives and other clean energy requirements in Minnesota, neighboring states, and the country at large.<sup>338</sup>

312. The BESS will help to shape the solar output in a way that reduces curtailments, which have been prevalent at the Nobles Substation, and increases reliable output during times when the electrical grid requires supplemental energy or when market prices are high.<sup>339</sup>

313. The record shows that the Project would provide an additional reliable energy supply that is consistent with Minnesota's state-level energy goals.

#### **K. Costs of constructing, operating, and maintaining the facility**

314. Minn. R. 7850.4100(L) (2023) requires the Commission to consider the cost of constructing, operating, and maintain the facility which are dependent on design and route.

315. The Applicants estimate the cost to develop, design, and construct the Solar Facility at between \$339 to \$409 million.<sup>340</sup>

316. The cost to develop, design, and construct the BESS is estimated at between \$71 to \$84 million.<sup>341</sup>

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<sup>336</sup> Exs. PUC-28, Appendix A, Figure 5 (EA, Appendix A); SLS-2 at §§ 1, p.1 & 2.1, p. 9 (Joint Application).

<sup>337</sup> See Minn. Stat. § 216B.1691, subd. 2g (2024).

<sup>338</sup> Ex. SLS-2 at § 1, p.1 (Joint Application).

<sup>339</sup> Ex. SLS-2 at § 4.0, p.20 (Joint Application).

<sup>340</sup> Ex. SLS-2 at § 2.3, Table 2.3-1 (Joint Application).

<sup>341</sup> Ex. SLS-2 at § 2.3, Table 2.3-1 (Joint Application).



317. Interconnection, financing, and Project gen-tie line costs are estimated at between \$13,650,000 and \$17,300,000.<sup>342</sup>

318. The estimated installed capital costs for the entire Project total approximately \$510 million.<sup>343</sup>

319. The Applicants estimate that decommissioning will cost approximately \$23.5M in today's dollars.<sup>344</sup>

320. The record reflects that the Applicants selected the most cost-effective option for siting the Project by using prime farmland and has outlined estimated costs for construction, operation, and maintenance for the Solar Facility and BESS that are reasonable.<sup>345</sup>

## **L. Unavoidable Impacts**

321. Minn. R. 7850.4100(M) (2023) requires the Commission to consider unavoidable adverse human and natural environmental effects.

322. The primary unavoidable impacts that will resolve following construction include the following: fugitive dust, noise disturbance to nearby residents and recreationalists, visual disturbance to nearby residents and recreationalists, soil compaction and erosion, disturbance and temporary displacement of wildlife, as well as direct impacts to wildlife inadvertently struck or crushed, minor amounts of marginal habitat loss, possible traffic delays, and minor greenhouse gas emissions from construction equipment and workers commuting.<sup>346</sup>

323. Unavoidable adverse impacts associated with the operation would last for the life of the Project and include: visual impacts of the Project, cultural impacts due to a change in the sense of place for local residents, and injury or death of birds and mammals from fencing.<sup>347</sup>

324. The Applicants will mitigate these impacts to the extent possible. To the extent complete mitigation is not possible, the unavoidable impacts are consistent with other projects like the Project, and the Project will include permit conditions typical for projects like it.

325. Applicants maintain that loss of prime farmland to agricultural production is an unavoidable impact. The record does not support a conclusion that removing nearly 2,000 acres of prime farmland from production in violation of the Prime Farmland rule is an unavoidable impact.

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<sup>342</sup> Ex. SLS-2 at § 2.3, Table 2.3-1 (Joint Application).

<sup>343</sup> Ex. SLS-2 at § 2.3 (Joint Application).

<sup>344</sup> Ex. SLS-9 (Appendix G – Decommissioning Plan).

<sup>345</sup> Ex. SLS-2 at § §§ 1, 2.1, & 2.3 (Joint Application).

<sup>346</sup> Ex. PUC-28 at § 4.8, p.99-100 (EA).

<sup>347</sup> Ex. PUC-28 at § 4.8, p.99-100 (EA).

### **M. Irreversible and Irretrievable Commitments of Resources.**

326. Minn. R. 7850.4100(N) (2023) requires the Commission to consider irreversible and irretrievable commitments of resources.

327. Resource commitments are irreversible when it is impossible or very difficult to redirect that resource to a different future use; an irretrievable commitment of resources means the resource is not recoverable for later use by future generations.<sup>348</sup>

328. Irreversible and irretrievable resource commitments are primarily related to Project construction, including the use of water, aggregate, hydrocarbons, steel, concrete, wood, and other consumable resources. Some, like fossil fuel use, are irretrievable. Others, like water use, are irreversible. Still others might be recyclable in part, for example, the raw materials used to construct PV panels would be an irretrievable commitment of resources, excluding those materials that may be recycled at the end of the panels' useful life. The commitment of labor and fiscal resources to develop, construct, and operate the Project is widely considered irretrievable.<sup>349</sup>

329. Although the Applicants maintain that conversion of prime farmland is not considered irretrievable, the Judge remains unconvinced. At best, once this farmland is converted to industrial use, it will be extremely difficult to convert back to agricultural production so long as the Project remains profitable. Among other things, the Applicants specifically reserve the "right" to extend the life of the Project beyond 30 years. At best, the notion that the Land Control Area will only be taken out of agricultural production temporarily is speculative.

### **X. Cumulative Impacts and Cumulative Potential Effects**

330. The Commission must consider the cumulative impacts and cumulative potential effects of the Project, and before authorizing development of prime farmland, determine whether there is no feasible and prudent alternative.<sup>350</sup>

331. The Commission issued its Environmental Assessment Scoping Decision on July 17, 2025 (Scoping Decision) and its Amended Environmental Assessment Scoping Decision, addressing the Applicants' alterations to the Project, on January 22, 2026 (Amended Scoping Decision). In both decisions, the Commission ordered:<sup>351</sup>

332. The EA will include a discussion of the human and environmental resources potentially impacted by the project. Potential impacts of the project will be described and characterized. Based on the impacts identified, the EA will describe mitigation measures that could reasonably be implemented to reduce or eliminate the

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<sup>348</sup> Ex. PUC-28 at § 4.9, p. 100 (EA).

<sup>349</sup> Ex. PUC-28 at § 4.9, p. 100 (EA).

<sup>350</sup> See Minn. R. 4410.1000, Exs. PUC-24 (Scoping Decision), PUC-26 (Amended Scoping Decision).

<sup>351</sup> Exs. PUC-24 (Scoping Decision), PUC-26 (Amended Scoping Decision).

identified impacts. The EA will describe any unavoidable impacts resulting from implementation of the project.

333. The record establishes that residents of Reading, Minnesota experience light pollution from, at least in part, the Nobles Substation. More than one resident reported that the lights are on all night, and visible from a distance of 10 miles. If this Project, and Geronimo's NCPDP are approved, Reading will likely be surrounded by industrial infrastructure, potentially impacting its ability to grow and develop.<sup>352</sup>

334. Similarly, area residents report that existing noise is disruptive. One resident shared that her household experiences so much noise from the existing substation, wind turbines, and energy infrastructure it sometimes interferes with her family's ability to sleep. Multiple residents stated concerns about any additional amount of noise the Project will contribute to the current noise levels they perceive in Reading and the surrounding area.<sup>353</sup>

335. DNR also questioned whether the proposed solar facility and Geronimo's separately proposed, adjacent NCDPD will be considered phased or connected actions for the purpose of environmental review. The DNR stated the agency "looks forward to understanding more about the relationship between these projects and any other related projects via the environmental review and permitting process."<sup>354</sup>

336. Minn. R. 4410.0200, subp. 60, defines "phased action" means two or more projects to be undertaken by the same proposer that a RGU determines: (A) will have environmental effects on the same geographic area; and (B) are substantially certain to be undertaken sequentially over a limited period of time. The record establishes the Project and the NCPDP should be deemed phased actions for environmental review but is unclear as to whether the various RGUs have considered this issue. At a minimum, the cumulative impact of the Project cannot be properly evaluated without also considering the likely considerable impacts of the NCDPD in terms of noise, light, water and land use, among other concerns.

337. The piecemeal method by which industrial energy development occurs makes consideration of the cumulative impacts or cumulative potential effects particularly important. The EA does not consider how this Project, if approved, exacerbates current conditions in the area. For example, the record establishes that this Project will remove 0.4 percent of farmland from production but the EA does not consider how much farmland has already been taken out of production, how removing another 0.4 percent from production contributes to this loss, or how much farmland can be converted to industrial energy production and continue to maintain the rural character of the region. As another example, the record indicates that area residents experience considerable light pollution

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<sup>352</sup> See, e.g., In-Person Public Hearing Tr. at 38-41, 44, 84-85; Worthington Public Hearing Ex. 3 (eDockets No. 20264-230655-03).

<sup>353</sup> See, e.g., In-Person Public Hearing Tr. at 44-48, 118-120; Exs. PUC-20, PUC-22.

<sup>354</sup> DNR Comment (Apr. 20, 2026) (eDockets No. [20264-230710-01](#)).

from the Nobles Substation, but the EA does not evaluate how the Project's additional lighting will contribute to this existing environmental concern.

## **XI. Site Permit Conditions**

338. The DSPs include a number of proposed permit conditions, many of which, together with additional special permit conditions proposed by the Applicants, have been discussed above. The conditions apply to site preparation, construction, cleanup, restoration, operation, maintenance, decommissioning, and other aspects of the Project.<sup>355</sup>

339. The EA and DSPs prepared by EIP include various recommendations and potential site conditions specific to the Solar Facility and BESS.<sup>356</sup> Summit Lake Solar responded to EIPs recommendations and proposed permit conditions in the Direct Testimony of Alia Mohammed,<sup>357</sup> as well as in its written response to public comments.<sup>358</sup>

340. With the above-referenced responses to the DSPs, the record in this matter supports the inclusion of and/or revisions to the conditions identified in Summit Lake Solar's direct testimony and written response to public hearing comments, as detailed in the paragraphs that follow.

341. Summit Lake Solar requested that the Project location information in the Solar DSP be updated. Specifically, The Solar DSP lists the location of those portions of the Solar Facility within Summit Lake Township as: Township 103N, Range 40W, and Sections 10 and 12 through 15. Summit Lake Solar requested that Sections 22 through 24 be added to the location information in the Solar DSP.<sup>359</sup> Amending the DSP with updated Project location information is appropriate.

342. Summit Lake Solar requested that Solar DSP section 5.8 be removed from the Permit. Section 5.8 was proposed by EIP as mitigation for potential impacts to cultural values, and requires that Summit Lake Solar enter into a Community Impact Mitigation Agreement (CIMA) with Nobles County if Nobles County is willing.<sup>360</sup> The Project will not have a disproportionate impact to low-income or minority populations.<sup>361</sup> The Project is not anticipated to impact or alter the work and leisure pursuits of residents in such a way as to impact the underlying culture of the area.<sup>362</sup> In general, differences between cultural values related to renewable energy and rural character have the potential to create tradeoffs that cannot be addressed in a site permit.<sup>363</sup> However, community benefit agreements have been used in several states to address these tradeoffs.<sup>364</sup> Public

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<sup>355</sup> Ex. PUC-28, Appendices C and D (EA).

<sup>356</sup> Ex. PUC-28, Appendices C and D (EA).

<sup>357</sup> Ex. SLS-30 (Direct Testimony of Alia Mohammed).

<sup>358</sup> Applicants Response to Hearing Comments (May 4, 2026) (eDockets No. 20265-231446-01).

<sup>359</sup> Ex. SLS-30 at p. 15 (Direct Testimony of Alia Mohammed).

<sup>360</sup> Ex. PUC-28, Appendix D (EA, Appendix D).

<sup>361</sup> Ex. PUC-28 at § 4.3.9, p. 64 (EA).

<sup>362</sup> Ex. PUC-28 at § 4.3.9, p. 50 (EA).

<sup>363</sup> Ex. PUC-28 at § 1.10.1, p. 12 (EA).

<sup>364</sup> Ex. PUC-28 at § 4.3.9, p. 52 (EA).

comments regarding the project were primarily in opposition to the Project, although a few residents expressed support for the Project.<sup>365</sup> Summit Lake Solar suggested that the primary concerns raised by members of the public are addressed in other permit conditions, including those requiring visual screening to mitigate aesthetic impacts.<sup>366</sup> Summit Lake Solar argued that the condition itself lacks sufficient specificity as to the required provisions, terms, and goals of the CIMA; as a result, the condition creates uncertainty as to Summit Lake Solar's compliance obligations.<sup>367</sup> The Commission has declined to include a similar condition in a final permit in a recent permitting matter.<sup>368</sup> The Commission has also included a similar condition in a final permit in another recent permitting matter.<sup>369</sup> If the Commission approves the Applications over the Judge's recommendations, this permit condition should be included to attempt to address community opposition to hosting further energy development and minimize the Project's additional burden on the region.

343. Summit Lake Storage requested that Section 5.13 of the BESS DSP be revised to increase the required time period to obtain an offtake agreement or other enforceable mechanism to four years.<sup>370</sup> The revision will align the timing requirements with BESS DSP Section 6, which requires that Summit Lake Storage file a Failure to Construct Report with the Commission if construction or improvement of the site has not commenced within four years.<sup>371</sup> The Commission has recently granted site permits that similarly align these two permit conditions at four years.<sup>372</sup>

344. Finally, Summit Lake Storage noted that Sections 5.8, 5.9, and 5.10 of the BESS DSP require the preparation of a VMP, AIMP, and Drain Tile Reroute and Abandonment Plan.<sup>373</sup> Summit Lake Storage requested that because those plans have already been prepared pursuant to analogous permit conditions found in the Solar DSP, and to the extent that they apply to and include information relevant to the BESS, that Summit Lake Storage be permitted to utilize those same plans to comply with Sections 5.8, 5.9, and 5.10 rather than completing separate plan(s) for both the Solar Facility and BESS.<sup>374</sup>

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<sup>365</sup> Molly Vagle Comments (April 9, 2026) (eDockets No. [20264-230203-01](#)); Wendy and Wally Cooper Comments (April 14, 2026) (eDockets No. [20264-230366-01](#)); PUC Batch Comments at pp.7-8, 12 (Apr. 21, 2026) (eDockets No. [20264-230726-01](#)).

<sup>366</sup> Ex. SLS-30 at pp. 15-16 (Direct Testimony of Alia Mohammed).

<sup>367</sup> Ex. SLS-30 at p. 16 (Direct Testimony of Alia Mohammed).

<sup>368</sup> Ex. SLS-30 at p. 16 (Direct Testimony of Alia Mohammed). *See also In the Matter of the Application of Coneflower Energy, LLC for a Site Permit for the up to 235 MW Coneflower Solar Project in Lyon County, Minnesota*, eDockets No. IP-7132/GS-24-215, Findings of Fact, Conclusions of Law, and Recommendations (June 26, 2025); Order and Site Permit for Coneflower Solar Project (Aug. 25, 2025).

<sup>369</sup> *In the Matter of the Application of Northern States Power Co. d/b/a Xcel Energy for an Up to 135.5 MW Battery Energy Storage System Site Permit for the Blue Lake Battery Energy Storage Project in Scott County, Minnesota*, eDockets No. E-002/ESS-25-214, Order and Site Permit for the Blue Lake BESS Project (May 4, 2026).

<sup>370</sup> Ex. SLS-30 at pp. 16-17 (Direct Testimony of Alia Mohammed).

<sup>371</sup> Exs. SLS-30 (Direct Testimony of Alia Mohammed), PUC-28, Appendix C (EA, Appendix C).

<sup>372</sup> Ex. SLS-30 at 17 (Direct Testimony of Alia Mohammed).

<sup>373</sup> Exs. SLS-30 at 17 (Direct Testimony of Alia Mohammed); PUC-28, Appendix C (EA, Appendix C).

<sup>374</sup> Ex. SLS-30 at 17 (Direct Testimony of Alia Mohammed).

345. The DNR recommended a special condition be included in the site permits for the BESS and Solar Facility regarding State-listed special status species.<sup>375</sup> Applicants are amenable to inclusion of the DNR's proposed condition in the DSPs.<sup>376</sup> It is reasonable to include the DNR's proposed special condition in the DSPs.

346. No condition has been identified that could mitigate the loss of prime farmland proposed by Applicants.

## **XII. Notice**

347. Minnesota statutes and rules require Applicants to provide certain notice to the public and local governments before and during the Application process.<sup>377</sup>

348. Applicants provided notice to the public and local governments in satisfaction of Minnesota statutory and rule requirements.<sup>378</sup>

349. Minnesota statutes and rules also require the Commission and EIP to provide certain notice to the public throughout the Site Permit processes.<sup>379</sup>

350. The Commission and EIP provided the notice in satisfaction of Minnesota statutes and rules.<sup>380</sup>

## **XIII. Environmental Review**

351. The EA process is the alternative environmental review approved by the Minnesota Environmental Quality Board for solar energy generation facilities and energy storage systems. The Commission is required to determine the completeness of the EA. An EA is complete if it and the record address the issues and alternatives identified in the Scoping Decision.<sup>381</sup>

352. The Scoping Decisions require an evaluation of the Project's cumulative impacts.<sup>382</sup>

353. Minn. R. 4410.0200, subp. 11, defines "cumulative impact" as "the impact on the environment that results from incremental effects of the project in addition to other past, present, and reasonably foreseeable future projects regardless of what person undertakes the other projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time."

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<sup>375</sup> DNR Comment (April 20, 2026) (eDockets No. [20264-230710-01](#)).

<sup>376</sup> Applicants Response to Hearing Comments (May 4, 2026) (eDockets No. 20265-231446-01).

<sup>377</sup> Minn. Stat. § 216E.03, subds. 3a, 4; Minn. R. 7850.2100, subps. 2, 4.

<sup>378</sup> Exs. SLS-1 (Notice of Intent to File Joint Application; SLS-13 (Notice of Joint Application Filing).

<sup>379</sup> Minn. Stat. § 216E.03, subd. 6; Minn. R. 7850.2300, subp. 2; Minn. R. 7850.3700, subps. 2, 3, and 6.

<sup>380</sup> Exs. PUC-15 (Notice of Public Information and EA Scoping Meetings); PUC-29 (Notice of Public Hearings and Availability of EA); Notice of Public Hearings and EA Availability on EQB Monitor (May 4, 2026) (eDockets No. [20265-231429-01](#)).

<sup>381</sup> Minn. R. 4410.4400, subp. 6; Minn. R. 7850.3900, subp. 2.

<sup>382</sup> Exs. PUC-24, PUC-26.

354. Under Minn. R. 4410.0200, subp. 11a, “cumulative potential effects” are, in pertinent part:

[...] the effect on the environment that results from the incremental effects of a project in addition to other projects in the environmentally relevant area that might reasonably be expected to affect the same environmental resources, including future projects actually planned or for which a basis of expectation has been laid, regardless of what person undertakes the other projects or what jurisdictions have authority over the projects. Significant cumulative potential effects can result from individually minor projects taking place over a period of time. In analyzing the contributions of past projects to cumulative potential effects, it is sufficient to consider the current aggregate effects of past actions. It is not required to list or analyze the impacts of individual past actions, unless such information is necessary to describe the cumulative potential effects.

355. In *Citizens Advocating Responsible Development v. Kandiyohi County*, the Minnesota Supreme Court observed:<sup>383</sup>

[. . .] the point of the “cumulative potential effects” criterion is to put the proposed project into context. The criteria aim to determine whether the project, which may not individually have the potential to cause significant environmental effects, could have a significant effect when other local projects already in existence or planned for the future are considered. This purpose recognizes the fact that the environment is a dynamic system wherein one action may have an effect on another, or when considered in conjunction with another.

356. The cumulative impact analysis does not establish limits on the geographic area of the outside projects to be considered. A cumulative potential effects analysis, on the other hand, is limited geographically to projects in the surrounding area that might reasonably be expected to affect the same natural resources, for instance, prime farmland, as the proposed project. This type of geographically limited inquiry is consistent with the purpose of project-specific environmental review, which is to alert a governing body to any potential significant environmental effects of a proposed project before the governing body takes action to approve or disapprove the project.<sup>384</sup>

357. The evidence in the record demonstrates that the EA for the Project is inadequate because the EA does not address cumulative impacts or cumulative potential effects as required by law and by the Scoping Decisions. While the EA adequately evaluates the Project in isolation, it does not consider the Project’s cumulative impact on the region relative to past and present projects. The EA evaluates two reasonably foreseeable projects, including the NCPDP, but does not consider the collective significance of these projects on the environmentally relevant area. Furthermore, the

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<sup>383</sup> *Citizens Advocating Responsible Development v. Kandiyohi County*, 713 N.W.2d 817, 829 (Minn. 2006).

<sup>384</sup> *Id.* at 830-1.

record created at the public hearing and during the subsequent comment period reveals that existing environmental concerns in the region are likely to be exacerbated by the Project's incremental contributions.

358. Any of the foregoing Findings more properly designated Conclusions of Law are hereby adopted as such.

Based on the foregoing Findings of Fact and the record in this proceeding, the Judge recommends that the Commission make the following:

### **CONCLUSIONS OF LAW**

1. Any of the foregoing findings of fact more properly designated as conclusions of law are hereby adopted as such. Any of the conclusions of law which are more properly designated findings of fact are hereby adopted as such.

2. The Commission has jurisdiction over the Joint Application and Application Amendment pursuant to Minn. Stat. § 216B.243 (2022).

3. Applicants, EIP, and the Commission provided all required notices for the Site Permits proceedings.

4. The Commission has authority under Minn. Stat. § 216E.03 (2022) to place conditions on Site Permits.

5. The DSPs, with the permit conditions revised as set forth above, contain a number of important mitigation measures, other reasonable conditions, and sample special conditions, permissible under Minn. R. 7850.4000 (2023) and related laws.

6. The record in this proceeding demonstrates that Applicants have not satisfied the criteria for the issuance of Site Permit for a BESS or for the Solar Facility, as set forth in Minn. Stat. § 216E.03 (2022), Minn. R. 7850.4000 and .4400 (2023) and all other applicable legal requirements.

7. Applicants have not established there is no reasonable or prudent alternative to siting the Solar Facility on prime farmland or that siting the Solar Facility on prime farmland is supported by considerations other than economic ones, contrary to Minn. R. 7850.4400, subp. 4 (2023).

8. The record is insufficient to determine the Project does not present the potential for significant adverse environmental effects pursuant to the Minnesota Environmental Rights Act or the Minnesota Environmental Policy Act.

Based on the findings of fact and conclusions of law contained herein and the entire record of this proceeding, the Judge hereby makes the following:



## **RECOMMENDATIONS**

1. The Commission should require further environmental review, specifically focused on the cumulative impact or cumulative potential effects of the Project on agriculture and the region's cultural character. Further, the Commission should consider whether this Project and the NCDPD are "phased actions" for purposes of environmental review.
2. The Commission should **DENY** Summit Lake Solar a Site Permit for the Solar Facility because required legal criteria have not been met.
3. The Commission should **DENY** Summit Lake Storage a Site Permit for the BESS because required legal criteria have not been met.
4. The conditions in the DSPs, as addressed herein, should be incorporated into the final site permits if the Commission determines the permits should be granted.

Dated: June 12, 2026



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KIMBERLY MIDDENDORF  
Administrative Law Judge

## **NOTICE**

Notice is hereby given that exceptions to this Report, if any, by any party adversely affected must be filed under the time frames established in the Commission's rules of practice and procedure, Minn. R. 7829.1275, .2700 (2025), unless otherwise directed by the Commission. Exceptions should be specific and stated and numbered separately. Oral argument before a majority of the Commission will be permitted pursuant to Minn. R. 7829.2700, subp. 3. The Commission will make the final determination of the matter after the expiration of the period for filing exceptions, or after oral argument, if an oral argument is held.

The Commission may, at its own discretion, accept, modify, or reject the Administrative Law Judge's recommendations. The recommendations of the Administrative Law Judge have no legal effect unless expressly adopted by the Commission as its final order.

June 12, 2026

See Attached Service List

**Re: *In the Matter of the Joint Site Permit Application of Summit Lake Solar, LLC for a Solar Energy Generating System Site Permit and a Battery Energy Storage System Site Permit for the up to 200 MW Summit Lake Solar Facility and Battery Energy Storage System in Nobles County, Minnesota***

**CAH 21-2500-41031  
MPUC IP-7153/GS-25-89; IP-7153/ESS-25-88**

To All Persons on the Attached Service List:

Enclosed and served upon you is the Administrative Law Judge's **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATIONS** in the above-entitled matter. The Court of Administrative Hearings' file in this matter is now closed.

If you have any questions, please contact me at (651) 361-7857, [nichole.sletten@state.mn.us](mailto:nichole.sletten@state.mn.us), or via facsimile at (651) 539-0310.

Sincerely,



NICHOLE SLETTEN  
Legal Assistant

Enclosure

cc: Docket Coordinator

STATE OF MINNESOTA  
COURT OF ADMINISTRATIVE HEARINGS  
PO BOX 64620  
600 NORTH ROBERT STREET  
ST. PAUL, MINNESOTA 55164

**CERTIFICATE OF SERVICE**

|                                                                                                                                                                                                                                                                                             |                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| In the Matter of the Joint Site Permit Application of Summit Lake Solar, LLC for a Solar Energy Generating System Site Permit and a Battery Energy Storage System Site Permit for the up to 200 MW Summit Lake Solar Facility and Battery Energy Storage System in Nobles County, Minnesota | CAH Docket No.:<br>21-2500-41031<br>IP-7153/GS-25-89;<br>IP-7153/ESS-25-88 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|

On June 12, 2026, a true and correct copy of the **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATIONS** was served by eService, and United States mail, (in the manner indicated on the attached service list) to the following individuals:

| #  | First Name | Last Name          | Email                             | Organization               | Agency                                                  | Address                                                              | Delivery Method    | Alternate Delivery Method | View Trade Secret | Service List Name              |
|----|------------|--------------------|-----------------------------------|----------------------------|---------------------------------------------------------|----------------------------------------------------------------------|--------------------|---------------------------|-------------------|--------------------------------|
| 1  | Tom        | Brett              | tbrett@fredlaw.com                | Fredrikson and Byron, P.A. |                                                         | 60 South 6th St #1500 Minneapolis MN, 55108 United States            | Electronic Service |                           | No                | 25-89 Official CC Service List |
| 2  | Mike       | Bull               | mike.bull@state.mn.us             |                            | Public Utilities Commission                             | 121 7th Place East, Suite 350 St. Paul MN, 55101 United States       | Electronic Service |                           | Yes               | 25-89 Official CC Service List |
| 3  | Generic    | Commerce Attorneys | commerce.attorneys@ag.state.mn.us |                            | Office of the Attorney General - Department of Commerce | 445 Minnesota Street Suite 1400 St. Paul MN, 55101 United States     | Electronic Service |                           | Yes               | 25-89 Official CC Service List |
| 4  | Monika     | Davis              | monika.davis@merjent.com          |                            |                                                         | 1 Main Street Suite 300 Minneapolis MN, 55414 United States          | Electronic Service |                           | No                | 25-89 Official CC Service List |
| 5  | Martin     | Donovan            | martin.donovan@state.mn.us        |                            | Department of Natural Resources                         | 500 Lafayette Road St Paul MN, 55155 United States                   | Electronic Service |                           | No                | 25-89 Official CC Service List |
| 6  | Jeremy     | Duehr              | jduehr@fredlaw.com                | Fredrikson & Byron, P.A.   |                                                         | 60 S Sixth St Ste 1500 Minneapolis MN, 55402-4400 United States      | Electronic Service |                           | No                | 25-89 Official CC Service List |
| 7  | Sharon     | Ferguson           | sharon.ferguson@state.mn.us       |                            | Department of Commerce                                  | 85 7th Place E Ste 280 Saint Paul MN, 55101-2198 United States       | Electronic Service |                           | No                | 25-89 Official CC Service List |
| 8  | Craig      | Janezich           | craig.janezich@state.mn.us        |                            | Public Utilities Commission                             | 121 7th Pl E #350 St. Paul MN, 55101 United States                   | Electronic Service |                           | No                | 25-89 Official CC Service List |
| 9  | Breann     | Jurek              | bjurek@fredlaw.com                | Fredrikson & Byron PA      |                                                         | 60 S Sixth St Ste 1500 Minneapolis MN, 55402 United States           | Electronic Service |                           | No                | 25-89 Official CC Service List |
| 10 | Molly      | Leisen             | mleisen@fredlaw.com               | Fredrikson & Byron P.A.    |                                                         | 60 South Sixth Street Suite 1500 Minneapolis MN, 55402 United States | Electronic Service |                           | No                | 25-89 Official CC Service List |
| 11 | Kimberly   | Middendorf         | kimberly.middendorf@state.mn.us   |                            | Office of Administrative Hearings                       | PO Box 64620 600 Robert St N                                         | Electronic Service |                           | Yes               | 25-89 Official CC              |

| #  | First Name     | Last Name                      | Email                                | Organization           | Agency                                                          | Address                                                                                          | Delivery Method    | Alternate Delivery Method | View Trade Secret | Service List Name              |
|----|----------------|--------------------------------|--------------------------------------|------------------------|-----------------------------------------------------------------|--------------------------------------------------------------------------------------------------|--------------------|---------------------------|-------------------|--------------------------------|
|    |                |                                |                                      |                        |                                                                 | Saint Paul MN, 55164-0620 United States                                                          |                    |                           |                   | Service List                   |
| 12 | Alia           | Mohammad                       | amohammad@nationalgridrenewables.com | Summit Lake Solar, LLC |                                                                 | c/o National Grid Renewables 8400 Normandale Lk, Blvd, #1200 Bloomington MN, 55437 United States | Electronic Service |                           | No                | 25-89 Official CC Service List |
| 13 | Generic Notice | Residential Utilities Division | residential.utilities@ag.state.mn.us |                        | Office of the Attorney General - Residential Utilities Division | 1400 BRM Tower 445 Minnesota St St. Paul MN, 55101-2131 United States                            | Electronic Service |                           | Yes               | 25-89 Official CC Service List |
| 14 | Janet          | Shaddix Elling                 | jshaddix@janetshaddix.com            | Shaddix & Associates   |                                                                 | 7400 Lyndale Avenue South Suite 190 Richfield MN, 55423 United States                            | Electronic Service |                           | Yes               | 25-89 Official CC Service List |
| 15 | Sam            | Weaver                         | sam.weaver@state.mn.us               |                        | Public Utilities Commission                                     |                                                                                                  | Electronic Service |                           | No                | 25-89 Official CC Service List |

| #  | First Name | Last Name          | Email                                | Organization               | Agency                                                  | Address                                                              | Delivery Method    | Alternate Delivery Method | View Trade Secret | Service List Name              |
|----|------------|--------------------|--------------------------------------|----------------------------|---------------------------------------------------------|----------------------------------------------------------------------|--------------------|---------------------------|-------------------|--------------------------------|
| 1  | Tom        | Brett              | tbrett@fredlaw.com                   | Fredrikson and Byron, P.A. |                                                         | 60 South 6th St #1500 Minneapolis MN, 55108 United States            | Electronic Service |                           | No                | 25-88 Official CC Service List |
| 2  | Mike       | Bull               | mike.bull@state.mn.us                |                            | Public Utilities Commission                             | 121 7th Place East, Suite 350 St. Paul MN, 55101 United States       | Electronic Service |                           | Yes               | 25-88 Official CC Service List |
| 3  | Generic    | Commerce Attorneys | commerce.attorneys@ag.state.mn.us    |                            | Office of the Attorney General - Department of Commerce | 445 Minnesota Street Suite 1400 St. Paul MN, 55101 United States     | Electronic Service |                           | Yes               | 25-88 Official CC Service List |
| 4  | Monika     | Davis              | monika.davis@merjent.com             |                            |                                                         | 1 Main Street Suite 300 Minneapolis MN, 55414 United States          | Electronic Service |                           | No                | 25-88 Official CC Service List |
| 5  | Jeremy     | Duehr              | jduehr@fredlaw.com                   | Fredrikson & Byron, P.A.   |                                                         | 60 S Sixth St Ste 1500 Minneapolis MN, 55402-4400 United States      | Electronic Service |                           | No                | 25-88 Official CC Service List |
| 6  | Sharon     | Ferguson           | sharon.ferguson@state.mn.us          |                            | Department of Commerce                                  | 85 7th Place E Ste 280 Saint Paul MN, 55101-2198 United States       | Electronic Service |                           | No                | 25-88 Official CC Service List |
| 7  | Craig      | Janezich           | craig.janezich@state.mn.us           |                            | Public Utilities Commission                             | 121 7th Pl E #350 St. Paul MN, 55101 United States                   | Electronic Service |                           | No                | 25-88 Official CC Service List |
| 8  | Breann     | Jurek              | bjurek@fredlaw.com                   | Fredrikson & Byron PA      |                                                         | 60 S Sixth St Ste 1500 Minneapolis MN, 55402 United States           | Electronic Service |                           | No                | 25-88 Official CC Service List |
| 9  | Molly      | Leisen             | mleisen@fredlaw.com                  | Fredrikson & Byron P.A.    |                                                         | 60 South Sixth Street Suite 1500 Minneapolis MN, 55402 United States | Electronic Service |                           | No                | 25-88 Official CC Service List |
| 10 | Kimberly   | Middendorf         | kimberly.middendorf@state.mn.us      |                            | Office of Administrative Hearings                       | PO Box 64620 600 Robert St N Saint Paul MN, 55164-0620 United States | Electronic Service |                           | Yes               | 25-88 Official CC Service List |
| 11 | Alia       | Mohammad           | amohammad@nationalgridrenewables.com | Summit Lake Solar, LLC     |                                                         | c/o National Grid                                                    | Electronic Service |                           | No                | 25-88 Official                 |

| #  | First Name     | Last Name                      | Email                                | Organization           | Agency                                                          | Address                                                                                                | Delivery Method    | Alternate Delivery Method | View Trade Secret | Service List Name              |
|----|----------------|--------------------------------|--------------------------------------|------------------------|-----------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|--------------------|---------------------------|-------------------|--------------------------------|
|    |                |                                |                                      |                        |                                                                 | Renewables<br>8400<br>Normandale<br>Lk, Blvd,<br>#1200<br>Bloomington<br>MN, 55437<br>United<br>States |                    |                           |                   | CC<br>Service<br>List          |
| 12 | Generic Notice | Residential Utilities Division | residential.utilities@ag.state.mn.us |                        | Office of the Attorney General - Residential Utilities Division | 1400 BRM Tower<br>445<br>Minnesota St<br>St. Paul<br>MN, 55101-2131<br>United States                   | Electronic Service |                           | Yes               | 25-88 Official CC Service List |
| 13 | Janet          | Shaddix Elling                 | jshaddix@janetshaddix.com            | Shaddix And Associates |                                                                 | 7400<br>Lyndale Ave<br>S Ste 190<br>Richfield<br>MN, 55423<br>United States                            | Electronic Service |                           | Yes               | 25-88 Official CC Service List |
| 14 | Sam            | Weaver                         | sam.weaver@state.mn.us               |                        | Public Utilities Commission                                     |                                                                                                        | Electronic Service |                           | No                | 25-88 Official CC Service List |