

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

In the Matter of the Application of Birch  
Coulee Solar LLC for a Site Permit for the up  
to 125 MW Birch Coulee Solar Project in  
Renville County, Minnesota

**PREHEARING ORDER**

On November 19, 2024, Administrative Law Judge Jim Mortenson convened a telephone prehearing conference in this matter.

Haley Waller Pitts, Fredrickson & Byron, P.A., appeared on behalf of Birch Coulee Solar (Applicant), along with Lauren Colwell, of Applicant.

Richard Dornfeld, Assistant Attorney General, appeared on behalf of the Department of Commerce, Energy Environmental Analysis Review unit (EERA).

Craig Janezich, Public Utilities Commission (PUC) staff, appeared.

Kevin Pranis, Marketing Manager, Laborers' International Union of North America, District Council of Minnesota and North Dakota (LiUNA), appeared.

Interested persons are invited and encouraged to participate in this informal process and need not intervene as a party. They should subscribe to the case using the PUC Docket number in eDockets and monitor filings and attend one of the public hearings where they will be able to make comments and ask questions of the Applicant and the Department. Interested persons should address whether the proposed project meets criteria under Minn. Stat. ch. 216E (2024) and Minn. R. ch. 7850 (2023).

Based upon the record and the discussion among the participants at the prehearing conference,

**IT IS HEREBY ORDERED:**

1. The following schedule of events will be used in this process:

Event	Date/Deadline <sup>1</sup>
The EERA issues the Scoping Decision	Monday, November 25, 2024
The EERA issues Environmental Assessment (EA)	Tuesday, February 25, 2025
Applicant files Direct Testimony and Exhibits <sup>2</sup>	Tuesday, February 25, 2025
In-Person Public Hearing at the Franklin Community Center in Franklin, Minnesota <sup>3</sup>	6:00 p.m., Tuesday, March 11, 2025*
Remote-Access Public Hearing <sup>4</sup>	6:00 p.m., Wednesday, March 12, 2025*
Close of Public Comment Period	Monday, March 24, 2025*
Applicant Responses to Hearing Comments and Proposed Findings of Fact	Monday, April 7, 2025
EERA Responses to Comments on EA; Technical Analysis; and Reply to Applicant's Proposed Findings of Fact	Monday, April 14, 2025
Judge's Report	Friday, May 16, 2025
Exceptions to Report	Friday, May 30, 2025

2. All documents properly and timely filed in eDockets will become part of the administrative record in this matter.

3. Applicant is to provide an oral summary of the application at the hearings. The presentation may be supplemented with visuals.

4. At the first hearing, Applicant must provide the Judge a hard copy of its exhibits and any pre-filed testimony.<sup>5</sup> The hard copy must be in an indexed and tabbed three-ring binder, for ease of use during the hearings.

<sup>1</sup> Dates certain are marked with an asterisk (\*). All other dates are deadlines, except for the PUC meeting date, which is a goal and tentative.

<sup>2</sup> Testimony and exhibits may be supplemented until the close of the public comment period if new information prompts a revision of what has already been provided.

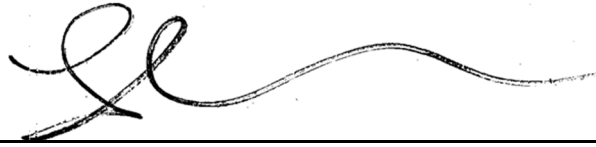
<sup>3</sup> PUC staff will make court reporting arrangements for both hearings.

<sup>4</sup> PUC staff will arrange virtual hearing with video and audio capability.

<sup>5</sup> Only if EERA has any pre-filed testimony or exhibits.

5. Members of the public will be afforded an opportunity at the public hearings to make oral presentations, present documentary evidence, and ask questions of Applicant, EERA, and PUC staff. Questions from the public will be entertained by the Applicant, EERA, and PUC staff, as appropriate. Questions which cannot be answered at the hearing must be answered in writing in accordance with the schedule above.

Dated: November 21, 2024

A handwritten signature in black ink, appearing to read 'Jm', followed by a long, wavy horizontal line that extends to the right.

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JIM MORTENSON  
Administrative Law Judge

November 21, 2024

See Attached Service List

**Re: *In the Matter of the Application of Birch Coulee Solar LLC for a Site Permit for the up to 125 MW Birch Coulee Solar Project in Renville County, Minnesota***  
**OAH 5-2500-40417**  
**MPUC IP-7119/GS-23-477**

To All Persons on the Attached Service List:

Enclosed and served upon you is the Administrative Law Judge's **PREHEARING ORDER** in the above-entitled matter.

If you have any questions, please contact me at (651) 361-7845, [samantha.cosgriff@state.mn.us](mailto:samantha.cosgriff@state.mn.us), or via facsimile at (651) 539-0310.

Sincerely,

  
SAMANTHA COSGRIFF  
Legal Assistant

Enclosure

cc: Docket Coordinator

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
PO BOX 64620  
600 NORTH ROBERT STREET  
ST. PAUL, MINNESOTA 55164

**CERTIFICATE OF SERVICE**

In the Matter of the Application of Birch Coulee Solar LLC for a Site Permit for the up to 125 MW Birch Coulee Solar Project in Renville County, Minnesota	OAH Docket No.: 5-2500-40417 MPUC IP-7119/GS-23-477
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On November 21, 2024, a true and correct copy of the **PREHEARING ORDER** was served by eService, and United States mail, (in the manner indicated below) to the following individuals:

First Name	Last Name	Email	Company Name
Lisa	Agrimonti	lagrimonti@fredlaw.com	Fredrikson & Byron, P.A.
Lauren	Colwell	lauren.colwell@aes.com	Birch Coulee Solar LLC
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce
Scott	Groux	scott.groux@aes.com	Birch Coulee Solar LLC
Stacy	Kotch Egstad	Stacy.Kotch@state.mn.us	MINNESOTA DEPARTMENT OF TRANSPORTATION
Jordan	Levin	jordan.levin@aes.com	Birch Coulee Solar LLC
James	Mortenson	james.mortenson@state.mn.us	Office of Administrative Hearings
Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD
Nathaniel	Runke	nrunke@local49.org	International Union of Operating Engineers Local 49
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission
Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates