

**BEFORE THE MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS**  
**600 North Robert Street**  
**St. Paul, MN 55101**

**FOR THE MINNESOTA PUBLIC UTILITIES COMMISSION**  
**121 Seventh Place East Suite 350**  
**St. Paul, MN 55101**

In the Matter of the Application of Flying Cow Wind, LLC for a Certificate of Need for the 152 MW Large Wind Energy Conversion System in Yellow Medicine County, Minnesota;

MPUC Docket No. IP-6984/CN-17-676  
MPUC Docket No. IP-6984/WS-17-749  
OAH Docket No. 60-2500-35035

In the Matter of the Application of Flying Cow Wind, LLC for a Site Permit for the up to 152 MW Large Wind Energy Conversion System in Yellow Medicine County, Minnesota;

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**Request for Contested Case Hearing**  
**Laborers District Council of Minnesota & North Dakota**

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1. The Laborers District Council of Minnesota & North Dakota (“Laborers Union”) hereby renews our organization’s request for a contested case hearing in the above-captioned dockets for a Certificate of Need and Site Permit for a 150 MW large wind energy conversion system proposed by Flying Cow Wind, LLC (“Applicant”) pursuant to Minn. Rules 7854.0900 and Minnesota Rules 1400.6200.
2. The Laborers Union seeks a contested case after having made a good-faith, but ultimately unsuccessful, effort to resolve material contested facts through means of the informal hearing and comment process, and after concluding the factual issues in question cannot be resolved fairly without a full contested case.

**Material Disputed Facts**

3. **Need:** The Applicant has failed during these proceedings to demonstrate that the project is needed or to provide any evidence of need beyond a general description

of the need for additional capacity to meet the state's renewable energy goals. Despite repeated suggestions that a Power Purchase Agreement ("PPA") is around the corner, no such agreement has been announced, and no further evidence has been provided to show that any regulated utility, ratepayer, or other party needs the power that would be generated by the project. Nor has the Applicant shown that the renewable power to be supplied by the project is needed to meet the state's renewable energy goals, especially in light of the rapid growth in renewable generation that has already taken place and the existence of more than a dozen other proposed wind energy projects in Southwest Minnesota alone.

The absence of a PPA or evidence of public need for the capacity the project represents does not exclude the project from consideration for a Certificate of Need and Site Permit. But it means that, while the applicant may have a private commercial interest in prompt approval of Bitter Root, no public interest has been demonstrated public interest has been demonstrated apart from local socioeconomic benefits which have been hotly contested.

(See Testimony and Attachments submitted by Katie Hatt; Letter from Ullico Investment Management Company, LLC)

- 4. Local Socioeconomic Impacts:** The local socioeconomic impacts of the project are relevant both to the Commission's determination that the consequences of approval are more favorable than the consequences of denial (Minn. Rules 7853.0130 Subp C); and to the Commission's determination that the project the proposal is consistent with the Commission's mandate to promote sustainable development and efficient use of resources under Minn. Statute 216 F. The creation of local jobs on wind projects is a particular concern of local residents with this and other wind energy projects. The applicant contends that the project will deliver benefits in the form of jobs, production taxes, and payments to landowners.

The Laborers Union, however, has disputed the applicant's claims by providing evidence that job-related benefits are be minimized by applicant's reliance on non-local construction labor. We have shown further that any benefits of the project in its current form could be outweighed by the potential negative impact of the project on the local hospitality industry, which is a key source of employment in Yellow Medicine County; and by the adverse impact of the project on area wind projects with which it will compete for customers, investors, and access transmission. Finally, we have shown that use of local skilled workforce is not only feasible, but has common on area wind farm projects.

Taken together, the evidence already in the record and attached here shows that the local communities and residents could be better served if the Commission were

to reject Bitter Root and instead approve one of many proposed wind projects that could be expected to produce similar tax and lease benefits, additional jobs and economic activity, and fewer negative impacts to the local economy and environment.

(See Testimony and Attachments submitted by Katie Hatt; Letter from Ullico Investment Management Company, LLC; Affidavit of Sheldon Steele; Transcripts from Pleasant Valley Wind Public Information Meetings)

5. **Feasible and prudent alternative:** There are clearly feasible and prudent alternatives to approval of the project as proposed. The Laborers Union has identified more than a dozen projects across Southwest Minnesota that could add more than 2,500 megawatts of generation to Minnesota's renewable energy portfolio. The Applicant has not demonstrated that one or more of these proposed wind farms could not provide an adequate, if not preferable, substitute for the project. Further, the Laborers Union has provided evidence that approval of the project could raise barriers to the development of one or more of these alternatives. The feasibility and relative merit of these alternatives should be considered before the Commission decides to "pick a winner" that looks like a loser to an overwhelming majority of local stakeholders, as evidenced by the comments made at the public hearing.

(See Testimony and Attachments submitted by Katie Hatt; Letter from Ullico Investment Management Company, LLC)

## CONCLUSION

6. The Laborers Union accordingly requests that a contested case be granted as described in this petition.

Dated: July 18, 2018

Kevin Pranis



On behalf of the Laborers District Council of  
Minnesota & North Dakota

Subscribed and sworn to before me this 18<sup>th</sup> day of July, 2018



Karen L. Hoppe  
Notary Public