

October 24, 2024

TO: Garrick Valverde
Coneflower Energy, LLC
8665 Hudson Boulevard North, Suite 200
Lake Elmo, MN 55042

Via Electronic Filing

Amy Spong
State Historic Preservation Office
Minnesota Department of Administration
203 Administration Building
50 Sherburne Avenue, Suite 203
Saint Paul, MN 55155

FROM: Will Seuffert, Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
Saint Paul, MN 55101

RE: Authorization to Initiate Consultation under Minn. Stat. § 138.665;
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; Docket No. IP-7132/GS-24-215

Interested Parties:

Through this authorization, the Minnesota Public Utilities Commission (Commission) intends to formalize the role of the Commission, the Department of Commerce—Energy Environmental Review and Analysis (DOC-EERA), and the above listed Applicant for a large electric power facility (as defined in Minn. Stat. § 216E.01, subd. 6) relative to the Commission's statutory responsibilities under Minn. Stat. § 138.665 to consult with the State Historic Preservation Office (SHPO).

In order to streamline the Commission's compliance with Minn. Stat. § 138.665, the Commission hereby authorizes the Applicant to initiate consultation with SHPO pursuant to Minn. Stat. § 138.665. Effective immediately, the Applicant and its authorized representatives may consult with SHPO to initiate review and consultation.

Specifically, the Applicant is authorized to gather information to identify, and reevaluate if warranted, designated historic properties, and to work in coordination with other interested entities, including Tribal Nations and DOC-EERA, to assess the effects of proposed projects on designated historic properties as described in Minn. Stat. § 138.665. As appropriate, as part of its environmental review, DOC-EERA will coordinate with SHPO in evaluating the potential effect of alternative sites and routes on historic properties as described in Minn. Stat. § 138.665.

The Commission sits in a quasi-judicial capacity and makes siting and routing decisions based solely on the administrative record developed and the comments and information submitted by the parties and participants to Commission proceedings. The Commission is also subject to Minnesota's Open Meeting Law, Minn. Stat. Ch. 13D, which requires that Commission meetings be open to the public and the record be publicly available. Ex parte communications with Commissioners are prohibited, and Commissioners hear from interested entities and people on-the-record, either through written filings or at agenda meetings that are open to the public.

Accordingly, at the time the Applicant submits its prehearing testimony prior to the public hearing on the project, the Applicant shall file a compliance filing informing the Commission of the status of consultation with SHPO. This compliance filing should demonstrate 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. The Applicant should attach to its compliance filing a letter obtained from SHPO confirming that consultation has occurred and detailing any comments, concerns, and/or recommendations regarding the project from SHPO. If SHPO objects to the proposed project, this letter should detail SHPO's objection and any proposed permit terms and conditions that, if adopted, would resolve its objection. If SHPO's objection cannot be addressed through appropriate permit terms and conditions, the SHPO may request mediation as provided for in Minn. Stat. § 138.665.

Notwithstanding this authorization, the Commission retains ultimate responsibility for consultation under Minn. Stat. § 138.665 and for determining whether to permit a large electric power facility.

If you have any questions, please direct them to Scott Ek at scott.ek@state.mn.us or 651-539-1070.

Sincerely,

A handwritten signature in black ink, appearing to read "Will Seuffert", with a stylized flourish at the end.

Will Seuffert