

June 26, 2026

VIA E-FILING

Sasha Bergman
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101

RE: 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.

**MPUC Docket Nos. IP-7153/GS-25-89 & IP-7153/ESS-25-88
CAH Docket No. 21-2500-41031**

Dear Ms. Bergman:

On behalf of Summit Lake Solar, LLC and Summit Lake Storage, LLC, enclosed please find the Exceptions to Findings of Fact, Conclusions of Law, and Recommendations for the above-referenced matters, which has been electronically filed today through www.edockets.state.mn.us.

A copy of this filing is also being served upon the persons on the Official Service Lists of record.

Please let me know if you have any questions regarding this filing.

Sincerely,

FREDRIKSON & BYRON, P.A.

/s/ Jeremy P. Duehr

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JPD

**STATE OF MINNESOTA
BEFORE THE
PUBLIC UTILITIES COMMISSION**

Katie Sieben
Hwikwon Ham
Audrey C. Partridge
Joseph K. Sullivan
John A. Tuma

Chair
Commissioner
Commissioner
Commissioner
Commissioner

**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
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System in Nobles County, Minnesota**

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INTRODUCTION

On June 12, 2026, Administrative Law Judge (ALJ) Kimberly Middendorf issued the Findings of Fact, Conclusions of Law, and Recommendations (Report) in the above captioned matter.¹ The ALJ ultimately recommended that the Minnesota Public Utilities Commission (MPUC or Commission) deny the joint application (MPUC Docket Nos. IP 7138/ESS-25-88 and GS-25-89) (Application) of Summit Lake Solar, LLC (Summit Lake Solar) and Summit Lake Storage, LLC (Summit Lake Storage) (collectively, “Applicants”) to construct and operate the up to 200 megawatt (MW) Summit Lake Solar Project (Solar Facility) and the up to 200 MW/800-megawatt hour (MWh) battery energy storage system (BESS) in Nobles County, Minnesota (the Project).²

The Report primarily takes issue with the adequacy of the cumulative effects analysis in the Environmental Assessment (EA) for the Project, asserting it fails to consider the cumulative effects of the Project combined with the effects of, *inter alia*, the existing Nobles Substation and the previously proposed Nobles County Powered Data Park (NCPDP). The Report further claims the Project will remove prime farmland from production without the Applicants having properly evaluated and rejected feasible and prudent alternatives as required by Minn. R. 7850.4400, subp. 4.

For the reasons described below, Applicants respectfully disagree with the Report’s conclusions regarding the adequacy of the EA, the prime farmland alternatives analysis, and the recommendation to deny site permits.

Applicants emphatically request the Commission approve the site permits for the Project to help Minnesota meet the goals set forth in Minnesota’s Clean Energy Law. The Project was recently notified it was short-listed by an electric utility’s Request for Proposal (RFP) process. Continued investment is required to achieve the in-service date and regulatory certainty is critical to deliver the Project.

STANDARD OF REVIEW

Pursuant to Minn. R. 7850.3900, subp. 2, the Commission is required to determine whether the EA prepared pursuant to the alternative permitting process is adequate. “An EA is adequate if the EA and the record created at the public hearing address the issues and alternatives identified in the Scoping Decision and includes the items required by Minnesota Rule[]...7850.3700, subp. 4.”³

¹ Findings of Fact, Conclusions of Law, and Recommendations (Report) (June 12, 2026) (eDockets No. 20266-232834-01).

² Report at 3 (June 12, 2026) (eDockets No. 20266-232834-01).

³ *In the Matter of the Application of Xcel Energy & Great River Energy for A Route Permit for the Sw. Twin Cities Chaska Area 115 Kv Transmission Line*, E-002/TL-12-401, 2013 WL 5671349, at *8 (Minn. P.U.C. Oct. 15, 2013). Accord. *In the Matter of the Application of Regal Solar, LLC for A Certificate of Need for the Up to 100 MW Regal Solar Project in Benton Cnty., Minnesota*, *In the Matter of the Application of Regal Solar, LLC for A Site Permit for the Up to 100 MW Regal Solar Project in Benton Cnty., Minnesota*, IP-7003/CN-19-223, 2021 WL 1661683, at *3 (Minn. P.U.C. Apr. 26, 2021).

EXCEPTIONS

The following analysis begins by addressing several overarching and repeated themes in the ALJ Report, and primarily the Report's conclusions as to the adequacy of the EA's analysis of cumulative potential effects, phased actions, and prime farmland impacts. The following will also address broadly Applicants' position on proposed conditions in the Solar Facility and BESS Draft Site Permits (DSP). Finally, the exceptions below will conclude by addressing specific findings of fact and conclusions of law set forth in the Report.

I. Cumulative Potential Effects

First and foremost, neither Minn. R. 7850 nor Minn. Stat. § 216E.04 require an EA to consider or analyze cumulative effects of a Project. However, the scoping decision issued for this Project indicates the EA would provide a cumulative impacts analysis in the EA.

Because neither Minn. R. 7850 nor 216E.04 include a requirement for, or guidance on, what is required in the EA for cumulative effects, project-specific cumulative effects, such as those analyzed in the EA, should be analyzed under the "cumulative potential effects" definition set forth in Minn. R. 4410.0200, subp. 11a. *See also Citizens Advocating Responsible Dev. v. Kandiyohi Cnty. Bd. of Com'rs*, 713 N.W.2d 817, 824, 27 (Minn. 2006) (cumulative potential effects analysis applies to "project-specific review, where a proposed project is reviewed to determine whether it has the potential to cause significant environmental effects."). Cumulative Potential Effects are defined in Minn. R. 4410.0200 to mean in relevant 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*... In determining if a basis of expectation has been laid for a project, an RGU must determine whether a project is reasonably likely to occur and, if so, whether sufficiently detailed information is available about the project to contribute to the understanding of cumulative potential effects.⁴

The question of whether a basis of expectation has been laid is informed by:

whether any applications for permits have been filed with any units of government; whether detailed plans and specifications have been prepared for the project; whether future development is indicated by adopted comprehensive plans or zoning or other ordinances; whether future development is indicated by historic or forecasted trends; and any other factors determined to be relevant by the RGU.⁵

First, Section 4.11 of the EA considers the cumulative effects of the Project together with the NCPDP, and the up to 300 MW BESS project, referred to as the Nobles BESS, that may be proposed by Xcel Energy. In fact, the EA evaluates cumulative effects with respect to the siting factors in Minnesota Rule 7850.4100. Regardless, no permit application has been submitted for either the NCPDP or, to Applicants' knowledge, the Nobles BESS.

⁴ Minn. R. 44100.0200, subp. 11a (emphasis added).

⁵ Minn. R. 44100.0200, subp. 11a.

As for the NCPDP, not only has no permit application been submitted, under the Nobles County zoning ordinance no permit application for a data center can be processed by the County. In fact, on April 21, 2026, the Nobles County Board of Commissioners voted to reject a County proposed amendment to its zoning ordinance that would have allowed data centers as a conditional use in the County's Agricultural Preservation District – where the NCPDP was planned to be located.⁶ The resolution and its effect to disallow the NCPDP and any other data center is reflected in the record in the Applicants' May 4, 2026 Response to Hearing Comments.⁷ As a result, therefore, the NCPDP is simply not reasonably likely to occur and there is otherwise no basis of expectation for the NCPDP as required by Minn. R. 4410.0200, subp.11a. As a result, any potential effects from the NCPDP are no longer properly included within the cumulative effects analysis.⁸

Next, the Report also raises potential cumulative effects of the Project combined with the Nobles Substation. Specifically, the Report cites to concerns raised after the close of scoping, and during the comment period on the EA over the existing Nobles Substation and further questioned how the Project might exacerbate the problems they have with the existing Nobles Substation.⁹ As an initial matter, these specific impacts from the Nobles Substation were not raised by members of the public during the scoping process, presumably because they did not exist at that time.¹⁰ Instead, the light impacts noted by commenters were the direct result of construction occurring at the substation following the scoping period.¹¹ To the extent that the construction of the Nobles Substation has or will conclude, there is no reasonable expectation that those impacts will continue, and are, therefore, properly excluded from the EA's cumulative effects analysis.¹²

In any event, and as described below, the record supports the conclusion that the incremental effects of the Project on light and noise pollution otherwise caused by the Nobles Substation or other nearby infrastructure will be minimal.

II. Phased Actions

The Report maintains that the NCPDP and the Project should be “deemed phased actions” for environmental review.¹³ Applicants respectfully disagree. Again, and as noted above, the Nobles County Board of Commissioners voted to reject a proposed amendment to the County zoning ordinance that would have allowed data centers as a conditional use in the County's Agricultural Preservation District. The absence of a path in the County's zoning ordinance for an applicant to submit a permit application for a data center or for data centers to otherwise be evaluated and approved, renders Geronimo's proposal for the NCPDP near Reading moot. As a result, there is

⁶ Response to Hearing Comments at 19-20 (May 4, 2026) (eDockets No. [20265-231446-0](#)).

⁷ Response to Hearing Comments at 19-20 (May 4, 2026) (eDockets No. [20265-231446-0](#)).

⁸ Minn. R. 44100.0200, subp. 11a.

⁹ See e.g. Report at ¶¶ 333 & 334 (June 12, 2026) (eDockets No. [20266-232834-01](#)).

¹⁰ Ex. PUC-24 (Scoping Decision); Response to Hearing Comments at 7 (May 4, 2026) (eDockets No. [20265-231446-0](#)).

¹¹ Response to Hearing Comments at 19-20 (May 4, 2026) (eDockets No. [20265-231446-0](#))

¹² Minn. R. 44100.0200, subp. 11a.

¹³ Report at ¶ 336 (June 12, 2026) (eDockets No. [20266-232834-01](#)).

no planned or proposed data center project to be evaluated as a phased action with the Summit Lake Project.

Indeed, to be phased actions there must be “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.”¹⁴ Applicants’ parent company, Geronimo Power, had proposed the NCPDP near Reading, Minnesota and the Project. However, Applicants are prohibited by county ordinance from constructing the previously proposed NCPDP. Therefore, the NCPDP will no longer occur in the previously proposed location near Reading, Minnesota – as it will at the very least be located outside of the area under the jurisdiction of Nobles County – and it is no longer “substantially certain to be undertaken sequentially” as required to constitute a phased action. This point is reflected in the record in Applicants’ responses to comments from the Department of Natural Resources.¹⁵

III. Prime Farmland

Summit Lake Solar takes exception to and respectfully disagrees with the Report’s Conclusion of Law 7, and associated findings regarding the Solar Facility’s impacts on Prime Farmland. Conclusion of Law 7 states that “Applicants have not established there is *no reasonable or prudent alternative*¹⁶ 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).”

Subject to certain exclusions and exceptions, Minnesota Rule 7850.4400, subp. 4 (Prime Farmland Rule) excludes large energy power generating plants, such as the Solar Facility, from being permitted where the developed portion of the site includes more than 0.5-acre of prime farmland per MW of net generating capacity unless there is no feasible and prudent alternative. The BESS is not subject to the Prime Farmland Rule. The Prime Farmland Rule does not require an evaluation of *reasonable* alternatives, as suggested is required by Conclusion of Law 7. And the Prime Farmland Rule does not describe a test for determining whether there is a feasible or prudent alternative.

In May 2020, the Minnesota Department of Commerce Energy Environmental Review Analysis unit (EERA), in coordination with the Minnesota Department of Agriculture (MDA), issued the *Solar Energy Production and Prime Farmland: Guidance for Evaluating Prudent and Feasible Alternatives* (Prime Farmland Rule Guidance). The Prime Farmland Rule Guidance is intended to assist solar developers in evaluating whether there is a feasible and prudent siting alternative to the proposed project location. The Commission has reviewed and determined there were no feasible and prudent alternatives for other utility scale solar projects in Minnesota.¹⁷ Many of

¹⁵ Response to Hearing Comments at 19-20 (May 4, 2026) (eDockets No. [20265-231446-0](#)).

¹⁶ Emphasis added.

¹⁷ *In the Matter of the Application for a Site Permit – Marshall Solar, LLC*, E-6941/GS-14-1052, Order Issuing Site Permit; *In the Matter of the Application of Lake Wilson Solar Energy LLC for*

those projects followed the Prime Farmland Rule Guidance to demonstrate there were no feasible and prudent alternatives.¹⁸ Summit Lake completed an evaluation of potential alternatives, in accordance with the Prime Farmland Rule Guidance, and consistent with other Commission approved solar projects¹⁹, in an attempt to find a location for the Solar Facility that would use fewer acres of prime farmland than the site chosen in Nobles County (Prime Farmland Assessment).²⁰

The Prime Farmland Rule Guidance asks the applicant to detail how it determined there was no feasible and prudent alternative to the selected site. Specifically, it requires applicants to explain

a Site Permit for the up to 150 MW Lake Wilson Solar and Associated Battery Storage Project in Murray County, Minnesota, IP-7070/GS-21-792, Order Granting Certificate of Need and Issuing Site Permit; In the Matter of the Application of Northern Crescent Solar LLC for a Site Permit for the up to 150 MW Northern Crescent Solar Project in Faribault County, Minnesota, IP-7135/GS-22-57, Order Granting Site Permit; In the Matter of the Application of Hayward Solar LLC for a Site Permit for the up to 150.0 MW Hayward Solar Project in Freeborn County, Minnesota, IP-7053/GS-21-113, Order Granting Certificate of Need and Site Permit; In the Matter of the Application of Coneflower Energy, LLC for a Site Permit for the up to 235 megawatt (MW) solar energy generating system in Lyon County, MN, IP-7132/GS-24-215, Order Granting Site Permit; In the Matter of the Application of Castle Rock Solar LLC for a Site Permit for the up to 150 MW Castle Rock Solar Project in Dakota County, Minnesota, IP-7137/GS-24-267, Order Granting Site Permit.

¹⁸ *In the Matter of the Application of Lake Wilson Solar Energy LLC for a Site Permit for the up to 150 MW Lake Wilson Solar and Associated Battery Storage Project in Murray County, Minnesota, IP-7070/GS-21-792, Site Permit Application Appendix B – Prime Farmland Assessment Memo; In the Matter of the Application of Northern Crescent Solar LLC for a Site Permit for the up to 150 MW Northern Crescent Solar Project in Faribault County, Minnesota, IP-7135/GS-22-57, Site Permit Application, Appendix D – Prime Farmland Assessment; In the Matter of the Application of Hayward Solar LLC for a Site Permit for the up to 150.0 MW Hayward Solar Project in Freeborn County, Minnesota, IP-7053/GS-21-113, Site Permit Application, Appendix C – Prime Farmland Assessment; In the Matter of the Application of Coneflower Energy, LLC for a Site Permit for the up to 235 megawatt (MW) solar energy generating system in Lyon County, MN, IP-7132/GS-24-215, Site Permit Application, Appendix D – Agriculture Impact Mitigation Plan at pp. 18-19.*

¹⁹ *In the Matter of the Application of Lake Wilson Solar Energy LLC for a Site Permit for the up to 150 MW Lake Wilson Solar and Associated Battery Storage Project in Murray County, Minnesota, IP-7070/GS-21-792, Site Permit Application Appendix B – Prime Farmland Assessment Memo; In the Matter of the Application of Northern Crescent Solar LLC for a Site Permit for the up to 150 MW Northern Crescent Solar Project in Faribault County, Minnesota, IP-7135/GS-22-57, Site Permit Application, Appendix D – Prime Farmland Assessment; In the Matter of the Application of Hayward Solar LLC for a Site Permit for the up to 150.0 MW Hayward Solar Project in Freeborn County, Minnesota, IP-7053/GS-21-113, Site Permit Application, Appendix C – Prime Farmland Assessment*

²⁰ See Ex. SLS-7 (SPA Appendix E -Prime Farmland Assessment),

the factors driving the choice of a project area; including, solar resource, interconnection and site factors because “[e]conomic considerations alone do not justify the use of more prime farmland”:

1. **Solar Resource:** Describe the solar resource in the proposed region vs. otherwise compliant areas reviewed;
2. **Interconnection:** Describe the process of determining available interconnection points;
3. **Site Suitability:** Describe efforts in investigating developable sites (sites with appropriate topography and willing participants) in otherwise compliant areas.

In other words, choosing a site based on solar resource, point of interconnection, and willing landowners to generate electricity from the sun are not economic considerations but are rather basic elements needed for a utility scale solar project; akin to a corn farmer needing the sun, soil, and water to raise a crop of corn. On the contrary, the Report appears to suggest such factors are merely economic. For example, finding 64 of the Report characterizes Summit Lake Solar’s Prime Farmland Assessment as merely considering economic factors because it “chose to prioritize high solar resource areas when selecting the location [and rejected potential alternatives in central Minnesota because they were] less economical than the Nobles County Location.” As demonstrated in the Prime Farmland Assessment, Summit Lake Solar rejected the alternative Royal site it evaluated in Morrison County due, in large part, to the Morrison County point of interconnection (Royal POI) not having adequate available capacity to interconnect the Solar Facility. More specific findings from the Prime Farmland Assessment and the alternatives analysis completed therein are detailed below.

As noted in the Prime Farmland Assessment, the Project requires adequate solar resource and a significant amount of land within proximity of an existing electric substation with sufficient capacity to serve as the point of interconnection (POI) for bringing power generated by the Project into the existing electrical grid. As an initial step, Summit Lake Solar evaluated the available solar resource in the State and identified two potential POIs in a portion of the state with high solar resource. Summit Lake then evaluated alternative sites within five miles of those two POIs: the proposed POI for the Project, the Nobles Substation, and the Royal POI in Morrison County, Minnesota.

The Royal POI was a hydropower dam. The total amount of prime farmland within a five-mile radius of the Royal POI was less than that in the five-mile radius of the Nobles Substation; however, the Royal site was not developed further because the Royal POI could not meet the megawatt capacity required for a utility-scale solar project of this size. Although no prime farmland was present within the Royal site, the Royal POI could not meet the needs of a utility-scale solar project.

Accordingly, Summit Lake Solar asserts it has met its burden, consistent with past Commission precedent and the Prime Farmland Rule Guidance to demonstrate there is no feasible and prudent alternative to its proposed site and requests the Commission revise Conclusion of Law 7 accordingly.

7. ~~Applicants have not~~ **Summit Lake Solar has** established there is no reasonable or prudent alternative to siting the Solar Facility on prime farmland **on the proposed site** ~~or that siting the Solar Facility on prime farmland is supported by considerations other than economic ones, contrary to~~ **in accordance with** Minn. R. 7850.4400, subp. 4 (2023).

IV. Community Impact Mitigation Agreement.

To address cultural impacts, the Report recommends inclusion of Section 5.8 of the Solar Facility DSP, which is “a special condition that requires Summit Lake Solar to enter into a Community Impact Mitigation Agreement with Nobles County that mitigates impacts to the community of Reading”.²¹ The Report opined, that “[i]n view of strong community opposition to the Project, no permit should be granted without this condition.”²² The Report provided no other justification for inclusion of this special condition other than noting that the subjective response of individuals to the Project will change the area’s character and thus erode community members’ sense of place.²³ Similarly, PUC-EIP staff justified the inclusion of Section 5.8 of the Solar Facility DSP as a potential mechanism to mitigate “[t]he loss of an agricultural landscape and lifestyle that is valued by many residents near the project.”

However, and to the contrary, Summit Lake Solar agrees with the EA that the Project is not anticipated to impact the underlying culture of the area, although the perceived rural landscape valued by much of the community may be altered by this industrial land use.²⁴ The EA further noted that differences between cultural values related to large industrial facilities and rural character has the potential to create tradeoffs that cannot be addressed in the site permits.²⁵ As stated in the EA, the Project is located outside of municipal areas, would not impact cultural or historic sites, and would not impact public participation in regional community events. Moreover, there are a number of positive impacts of the Project for the local community, including that the Project will not create disproportionate or adverse impacts to low-income or minority populations; the Project will not disrupt local communities or businesses; the economic benefits of the Project are anticipated to be positive; the use of local workers is expected to have significant 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.

It is not clear how a permit condition generally requiring a Community Impact Mitigation Agreement will address any specific issues related to potential cultural impacts to some individuals that have expressed concerns about the Project. In fact, comments from the public were mixed, with some supporting and some opposing the Project. Many commenters opposing the Project also expressed their displeasure with the previously-proposed NCPDP. The record does not contain a clear indication of community sentiment coalescing around an issue of significant impact, whether negative sentiment was focused more on the data center, the solar project, or some combination of

²¹ Report at ¶ 181 (June 12, 2026) (eDockets No. [20266-232834-01](#)).

²² Report at ¶ 181 (June 12, 2026) (eDockets No. [20266-232834-01](#)).

²³ Report at ¶ 181 (June 12, 2026) (eDockets No. [20266-232834-01](#)).

²⁴ Ex. PUC-28 at 6 (EA).

²⁵ Ex. PUC-28 at 6 (EA).

the two, and some of the issues raised by community members are addressed in other permit conditions, such as visual screening to mitigate visual and aesthetic impacts.

The proposed permit condition Section 5.8 would require Summit Lake Solar to enter into an agreement with the Nobles County, which is not a party in these dockets, and it has not participated to raise issues of concern regarding cultural impacts, so the record does not contain specific evidence relating to the issues that should be addressed in an agreement. The lack of specificity about what an agreement might cover creates uncertainty about Summit Lake Solar's obligations under the proposed permit condition and how non-compliance would be determined, particularly given that the Commission essentially would be requiring an independent local unit of government to enter into this agreement as well.

However, if the Commission decides Summit Lake Solar should be obligated to make additional monetary contributions to the local community, Summit Lake Solar believes a better mechanism for delivering contributions to the local community would be to memorialize Summit Lake's stated commitments for voluntary charitable giving in the local community for the first 20-years of the Solar Project's commercial operation. As suggested in the EA, the creation of partnerships between the project owner and community schools, charities and volunteer associations, religious groups, youth organizations, or other clubs or societies active in the host community provides an avenue to mitigate the impacts of renewable energy projects and demonstrates the project owner's commitment to being a good neighbor in the host community.

As part of its charitable giving campaign, Summit Lake Solar will commit \$250/MW/year of the installed nameplate capacity of the Solar Facility, beginning on the first anniversary of the commercial operation date and continuing through 20 years of commercial operation of the Solar Facility. Summit Lake Solar will provide the funds to a local foundation with a grant program. Local governments and non-profit organizations will then be able to apply for funding for a specific local initiative. The local foundation administering the fund will review the grant applications and then award and distribute the funds to the selected non-profit. A potential local foundation that could implement this grant is the Southwest Initiative Foundation (SWIF - <https://swifoundation.org/>). Geronimo has worked with SWIF to administer funds for other Minnesota projects. Having a local, well-established foundation create and implement a grant program is more likely to reach local community initiatives in need and avoids the need for Nobles County involvement in determining appropriate local causes or to otherwise negotiate and enter into an agreement with Summit Lake Solar.

The Commission has memorialized a similar commitment in the past for the Regal Solar project. For that project, the Commission declined to memorialize the charitable contribution commitment as a site permit condition because it did not address a specific impact that needed to be mitigated. Instead, the Commission memorialized the commitment via an order point related to issuance of the certificate of need for that project.²⁶

²⁶ *In the Matter of the Application of Regal Solar, LLC for A Certificate of Need for the Up to 100 MW Regal Solar Project in Benton Cnty., Minnesota, and In the Matter of the Application of Regal Solar, LLC for A Site Permit for the Up to 100 MW Regal Solar Project in Benton Cnty., Minnesota*, IP-7003/CN-19-223, IP-7003/GS-19-395, Order Granting Certificate of Need and Issuing Site Permit at Order Point 2e.

V. Permit Conditions

With the exception of Section 5.8 of the Solar Facility DSP, Applicants agree with both the ALJ and the PUC-EIP regarding all proposed permit conditions for both the BESS and Solar Facility. As noted above, however, Summit Lake Solar respectfully maintains that the record in this matter does not support the establishment of a Community Impact Mitigation Agreement as required by Section 5.8. Here, Applicants would request that Section 5.8 be eliminated from the Solar Facility DSP. Alternatively, and as noted above as well, Applicants are amenable to memorializing its existing plans for charitable contributions as an enforceable order condition. In that event, Applicants alternatively respectfully request that Solar Facility DSP Condition 5.8 be deleted and replaced with the following order point:

Summit Lake Solar shall provide annual charitable contributions equivalent to \$250/MW of the installed nameplate capacity of the Solar Facility, beginning on the first anniversary of the commercial operation date and continuing through 20 years of commercial operation of the Solar Facility. Such contributions shall be provided to a local foundation such as the Southwest Initiative Foundation (SWIF - <https://swifoundation.org/>) or a similar local organization with a community grant program to fund activities of local qualified applicants undertaken for the benefit of the community. The Permittee shall keep records regarding this permit condition and provide them upon request of Commission staff.

VI. ALJ Findings

A. Description of the Proposed Project

Paragraph 37 of the Report states, “[t]he Project would produce some of the energy to power Geronimo’s proposed 400 MW data center, the Nobles County Powered Data Park (NCPDP).”²⁷ However, because the NCPDP can no longer lawfully proceed following the April 21 County resolution and no offtake agreement has been executed, Applicants respectfully request that the Commission strike Paragraph 37 from the Report.

B. Site and Location Characteristics

Paragraph 61 of the Report states in part, “the Summit Lake Preliminary Development Area would occupy approximately 1,416.5 acres of prime farmland.”²⁸ The Application Amendment, however, indicates the Preliminary Development Area for the entire Project (inclusive of the BESS) will impact approximately 1,415.5 acres of agricultural land.²⁹ Of that impacted acreage, approximately 1,393 acres are prime farmland or prime farmland if drained.³⁰ Accordingly, Applicants respectfully request that The Commission modify Paragraph 61 as follows:

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

²⁷ Report at ¶ 37 (June 12, 2026) (eDockets No. [20266-232834-01](#)).

²⁸ Report at ¶ 61 (June 12, 2026) (eDockets No. [20266-232834-01](#)).

²⁹ Ex. SLS-21 at 12 (SPA Amendment).

³⁰ Ex. SLS-21 at 13 (SPA Amendment).

Lake Preliminary Development Area, **inclusive of the area to be occupied by the BESS which is not subject to the Rule**, would occupy approximately **1,393.1** ~~1,416.5~~ acres of prime farmland or prime farmland if drained.

Paragraph 62 of the Report maintains that Summit Lake Solar relied exclusively on “economic factors” – that is, proximity to existing transmission infrastructure, willing participants, and optimal solar resources – and otherwise failed to conduct a reasonable and prudent alternatives analysis to comply with the Prime Farmland Rule.³¹ As described in greater detail in Section III above, solar resource, point of interconnection, and willing landowners are not economic considerations, as suggested by the Report, but rather are basic elements needed for a utility scale solar project and are properly included within an alternatives analysis conducted in accordance with the Prime Farmland Rule Guidance. Similarly, that section also outlines Summit Lake Solar’s feasible and prudent alternative analysis of the selected site and the Royal site. Accordingly, Applicants respectfully request that the Commission modify paragraph 62 of the Report as follows:

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 **and Morrison 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.” However, ~~Applicants~~ **Summit Lake Solar did not identify** a ~~assert no~~ feasible and prudent alternative ~~was identified~~ to the Land Control Area, **due to a lack of available capacity at the studied point of interconnection in Morrison County.** ~~which benefits from proximity to existing transmission infrastructure, willing participants, and optimal solar resources. Relying on these economic considerations, Applicant conducted no alternatives analysis.~~

C. Solar Resource Considerations

Report Paragraph 64 again states that Summit Lake Solar rejected alternative sites because they were “less economical than the Nobles County location.”³² As explained more fully in Section III, however, the alternative Royal site was rejected primarily due to the lack of a feasible point of interconnection which, as described above, is not an economic factor but instead constitutes a basic element needed for a utility scale solar project. Accordingly, Applicants respectfully request that the Commission modify Paragraph 64 as follows:

64. ~~The Applicants maintain they considered finding~~ **Summit Lake Solar identified and analyzed** a location for the Solar Facility that “would use fewer acres of prime farmland” but ~~were~~ that site **was not selected due to a lack of available capacity at the studied point of interconnection.** ~~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.” Summit Lake completed an evaluation of potential alternatives in central Minnesota but rejected them as **not feasible and prudent** ~~less economical than the Nobles County location.~~ Prime farmland will be significantly impacted.

³¹ Report at ¶ 62 (June 12, 2026) (eDockets No. 20266-232834-01).

³² Report at ¶ 64 (June 12, 2026) (eDockets No. 20266-232834-01).

D. Public Comments

Report Paragraph 99 mischaracterizes a comment submitted to the record, which was a resolution adopted by Elk Township in support of the Nobles County Planning Commission's recommendation to not amend the text of the Nobles County zoning code to allow data centers as conditional uses in the agricultural preservation district. Elk Township does not have zoning authority.

99. A February 24, 2026 resolution by ~~Elk Township Nobles County~~, **in support of the no text amendment change to the Nobles County Ordinance, as recommended by the Zoning Commission on 2/4/2026, declining to amend applicable zoning ordinances to permit the construction of data centers**, was submitted as a written comment.

Report paragraph 115 reference states “[l]ocal opposition to the Project is intensified by Geronimo’s planned NCPDP, which is strongly opposed by area residents.”³³ As noted above in Section I, however, the NCPDP cannot proceed in light of the County’s April 21, 2026 resolution. As a result, Applicants respectfully request that the Commission modify paragraph 115 as follows:

115. Local opposition to the Project is **was** intensified by Geronimo’s **previously**-planned NCPDP, which is **was** strongly opposed by area residents.

Report Paragraph 121 states “[o]ne 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.”^{34, 35} The Report then editorializes this comment by stating “[t]his would represent approximately 1/3 of the farmland in Nobles County.”³⁶ Neither the Report nor the public comment, however, provides further detail on the document published by the Southwest Minnesota Economic Development Commission, the methodology used to arrive at the 100,000-acre figure, or the timeframe over which this development is supposed to occur. Additionally, it’s not clear from the comment or the Report whether the study was limited to anticipated effects in Nobles County, or the entire area within the Southwest Minnesota Economic Development Commissions’ geographic region, which covers nine counties, including Nobles County.³⁷ To the extent that the study forecasts development over the entire nine-county region, it represents far less than 1/3 of the farmland in Nobles County as estimated in the Report. At the very least, therefore, the one-third figure cited in the Report is speculative and unsupported by the Record. Accordingly, Applicant’s respectfully request that Paragraph 121 of the Report be modified as follows:

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

³³ Report at ¶ 115 (June 12, 2026) (eDockets No. 20266-232834-01).

³⁴ Report at ¶ 121 (June 12, 2026) (eDockets No. 20266-232834-01).

³⁵ Applicants also assume that the commenter was referring to the [Southwest Minnesota Economic Development Commission](#).

³⁶ Report at ¶ 121 (June 12, 2026) (eDockets No. 20266-232834-01). Applicants also assume that the commenter was referring to the Southwest Minnesota Economic Development Commission.

³⁷ <https://www.swrdc.org/>, accessed June 22, 2026.

100,000 acres in the region. ~~This would represent approximately 1/3 of the farmland in Nobles County.~~

E. Noise

Report Paragraph 156 states, “[a]rea residents dispute the validity of Applicants’ noise modeling, reporting nighttime noise from existing energy infrastructure interferes with their ability to sleep, among other concerns.”³⁸ Whether existing infrastructure generates noise, says nothing about the validity of the noise modeling conducted by Applicants for the Project. Notably, none of the record cites provided by the Report challenge the conclusions of Applicants’ noise modeling; specifically, those comments made at the public hearing, while noting concerns over potential noise impacts, do not challenge the noise modeling’s ultimate conclusions.³⁹ The Applicants’ noise modeling, moreover, indicates noise impacts to the nearest receptor would be only 42.2 dba -- equivalent to the sound generated by a quiet room and well under the 50 dBA regulatory threshold.⁴⁰ As a result, Applicants respectfully request that the Commission strike Paragraph 37 from the Report.

Next, Paragraph 164 of the Report questions the efficacy of noise modeling conducted by Applicants to the extent that it is conducted before the completion of the NCPDP.⁴¹ Because the NCPDP will not, and indeed cannot, proceed near Reading given the recent County resolution discussed in Section I above, Applicants respectfully request that the Commission revise Paragraph 164 as follows:

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.~~

F. Aesthetics

At paragraph 168, the Report maintains that it is unknown to what degree the Project will contribute to light pollution caused by existing infrastructure.⁴² The EA, however, adequately supports the conclusion that light impacts from the Project will be mitigated by project design providing for motion-activated and down-lit lighting, and applicable permit conditions, including Special Condition 5.1 of both the Solar Facility and BESS DSPs which require the use of shielded and downward facing light fixtures and using lights that minimizes blue hue.⁴³ Accordingly, Applicants respectfully request that the Commission revise Paragraph 168 as follows:

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

³⁸ Report at ¶ 156 (June 12, 2026) (eDockets No. 20266-232834-01).

³⁹ In-Person Public Hearing Tr. at 44-48, 118-120.

⁴⁰ Ex. SLS-24 at 11 (SPA Amendment - Appendix C); Ex. PUC-28 at 56 (EA).

⁴¹ Report at ¶ 164 (June 12, 2026) (eDockets No. 20266-232834-01).

⁴² Report at ¶ 168 (June 12, 2026) (eDockets No. 20266-232834-01).

⁴³ Ex. PUC-28 at 45-46, 154, 184 (EA).

minimize impacts and effects to people and wildlife. ~~It is unknown what contribution to the overall light pollution area residents already experience at night from existing energy infrastructure.~~

The Report states in Paragraph 173 that despite DSP Condition 5.1, “there remains a significant possibility that area residents will experience additional light pollution if the Project is approved.”⁴⁴ Respectfully, however, the Report’s statement on this point is conclusory. It does not describe whether or to what extent the EA’s analysis of lighting impacts, including the effect of proposed mitigation and permit conditions, is inadequate. The Report, moreover, focuses solely on DSP condition 5.1, and fails to discuss or analyze the mitigating impacts of Project design, including, as noted above, the use of motion-activated lighting. Accordingly, Applicants respectfully request that the Commission revise Paragraph 173 as follows:

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. ~~Despite this condition, there remains a significant possibility that area residents will experience additional light pollution if the Project is approved.~~

G. Cultural Values

Paragraph 179 of the Report maintains that “negative impacts of the Project, such as increasing the prices of prime farmland and removal of farmland from production, have not been closely examined.” Here, the Report specifically notes that the total area impacted by the Project is equivalent to four average sized family farms in Minnesota, and further that “how this type of loss will affect the community and agribusiness is unclear.”⁴⁵ Finally, the Report erroneously states that the Project would remove up to 1,479.4 acres of land from agricultural production; the Amended Application clarifies that the total area impacted by the Project will be 1,416.5.⁴⁶

First, the record supports the conclusion that impacts to the price of prime farmland will be negligible. In its response to hearing comments, Applicants respond to a study raised by a commenter indicating on average solar installations increased the sales price on nearby agricultural land by 19.4%.⁴⁷ That study, however, which looked at average impacts to land values across the entire United States, found those effects were limited to smaller scale solar installations; “sites of larger than-median scale have virtually zero effect on land value, while sites of smaller scale display a positive effect on land value....”⁴⁸ The average utility-scale solar project entering service is estimated at 74 MW, well below the 200 MW contemplated by the Summit Lake Project.⁴⁹ Because the Project is a larger than median site, the anticipated effect on nearby land values will be negligible to non-existent.

⁴⁴ Report at ¶ 173 (June 12, 2026) (eDockets No. [20266-232834-01](#)).

⁴⁵ Report at ¶ 173 (June 12, 2026) (eDockets No. [20266-232834-01](#)).

⁴⁶ Ex. SLS-21 at 7, Table 1 (SPA Amendment).

⁴⁷ Response to Hearing Comments at 3-4 (May 4, 2026) (eDockets No. [20265-231446-0](#)).

⁴⁸ Response to Hearing Comments at 3-4 (May 4, 2026) (eDockets No. [20265-231446-0](#)).

⁴⁹ Response to Hearing Comments at 3-4 (May 4, 2026) (eDockets No. [20265-231446-0](#)).

Second, and contrary to the Report’s assertion, the EA adequately supports the conclusion that removal of the projected average will have a minimal impact. At several points, the EA notes that the conversion of 1,416 acres of agricultural land represents less than 0.4 percent of all actively cultivated agricultural land in Nobles County.⁵⁰ Here, and in light of the manifestly small physical impact presented by the Project, the EA properly concludes that impacts to the availability of agricultural land and agriculture-associated business (e.g. farm dealerships, seed dealers, and dealers of agricultural inputs) in Nobles County will be minimal.⁵¹ Accordingly, Applicants respectfully request that the Commission strike Paragraph 179 from the Report.

H. Socioeconomics

Applicants respectfully request that Report paragraph 194 be revised to accurately reflect the findings of the EA regarding the potential effect of the Project on agribusiness. Specifically, the EA specifies that the Project “represents a marginal, negative impact” to agribusiness.⁵² Without any further analysis or substantiation in the Record, the Report repeats the findings of the EA nearly verbatim on this issue but omits language indicating that any negative effects will be “marginal.” Accordingly, Applicants respectfully request the Commission revise paragraph 194 as follows:

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 366,330 acres of cropland in Nobles County represents a **marginal**, negative impact to agricultural-related businesses.

I. Land Use and Zoning

Applicants respectfully request that Report paragraph 206 be revised to accurately reflect the findings of the EA regarding the potential effect of the Project on the availability of agricultural land in Nobles County. Specifically, the EA specifies “[t]he conversion of agricultural land within the Preliminary Development Area will have a minimal impact on the availability of agricultural land in Nobles County.”⁵³ Without any further analysis or substantiation in the Record, the Report repeats the findings of the EA nearly verbatim on this issue, but states that the impact on the availability of agricultural land in Nobles County is “unknown” rather than “minimal.” Applicants respectfully request that the Commission modify Paragraph 206 as follows:

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

⁵⁰ Ex. PUC-28 at 63, 71, 81 (EA).

⁵¹ Ex. PUC-28 at 63, 71, 81 (EA).

⁵² Ex. PUC-28 at 71 (EA)

⁵³ Ex. PUC-28 at 63 (EA)

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~~ a minimal impact on the availability of agricultural land in Nobles County.

Paragraph 209 the Report states “[t]he cumulative impact of removing an additional 0.4% of farmland for solar production is unknown.”

Respectfully, the effect of removing such a de minimis percentage of farmland from production is manifestly negligible. Indeed, and as the EA notes, whatever impacts occur are adequately mitigated by the development and implementation of the Agricultural Impact Mitigation Plan (AIMP) as required by Section 5.9 of the BESS DSP and 4.3.18 of the Solar Facility DSP.⁵⁴ The record, moreover, establishes that land occupied by the Project will not necessarily be wholly removed from agricultural production; specifically, comments by the Vegetation Management Plan Working Group during the EA comment period note that “the plan for site restoration and implementation appears to be achievable to meet the anticipated permit conditions and the applicant’s objectives to...Establish a site that is suitable for haying and/or grazing *during facility operations*, if determined to be a viable management strategy following construction.”⁵⁵

J. Property Values

Paragraph 210 of the Report references the analysis by the Lawrence Berkeley National Laboratory finding that homes within one-half mile of a solar facility may experience a four percent reduction in property value.⁵⁶ The Report maintains the potential four percent reduction represents “a significant loss for most Minnesotans.” The Report, however, provides no evidence supporting significance of that potential loss for any or most Minnesotans. Instead, the Report cites to Section 4.3.5 of the EA, which in fact supports the opposite conclusion, stating “[b]ased on analysis of other utility-scale solar projects, minimal to moderate property value impacts could occur for properties close to the project.”⁵⁷ Accordingly, Applicants respectfully request that the Commission revise Paragraph 210 as follows:

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. Thus, according to this study, for every \$100,000 of property value, affected homeowners would lose \$4,000, ~~a significant loss for most Minnesotans.~~

⁵⁴ Ex. PUC-28 at 64 & 73 (EA).

⁵⁵ Minnesota Interagency Vegetation Management Plan Working Group Comments at 1-2 (April 20, 2026) (eDockets No. [20264-230701-01](#)) (emphasis added).

⁵⁶ Report at ¶ 210 (June 12, 2026) (eDockets No. [20266-232834-01](#)).

⁵⁷ Ex. PUC-28 at 56 (EA).

Report paragraph 211 next discusses other “[m]arket studies involving smaller sample sizes, including one conducted by Chisago County Environmental Services and Zoning” and notes that those studies “did not consistently find negative impacts of solar facilities to real estate values.” Without support, however, the Report then notes, “[d]ue 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.”⁵⁸ Here, there is nothing in the record discussing whether or to what extent the Chisago County study, or other similar studies, are less reliable than the Lawrence Berkeley National Laboratory study. Accordingly, Applicants respectfully request that the Commission revise Paragraph 211 as follows:

211. Other market ~~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. ~~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.~~

K. Agriculture and Prime Farmland

The Report states at Paragraph 229 that 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.”⁵⁹ As noted previously, and pursuant to the revised Project design described in the Application Amendment, the Project will impact a total of 1,416.5 acres, of which 1,392.8 acres are prime farmland or prime farmland if drained.⁶⁰ Accordingly, Applicants respectfully request that the Commission modify Paragraph 229 as follows:

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 1,392.8 ~~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.

L. Cost of constructing, operating, and maintaining the facility

Paragraph 320 of the Report states “[t]he 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.”⁶¹ As explained more fully in Section III, the Project location was not selected primarily due to economic considerations, but rather to satisfy necessary elements and conditions precedent to the construction and operation of a large scale solar installation – specifically, a point of

⁵⁸ Report at ¶ 211 (June 12, 2026) (eDockets No. [20266-232834-01](#)).

⁵⁹ Report at ¶ 229 (June 12, 2026) (eDockets No. [20266-232834-01](#)).

⁶⁰ SLS-21 at 7 & 13 (SPA Amendment).

⁶¹ Report at ¶ 320 (June 12, 2026) (eDockets No. [20266-232834-01](#)).

interconnection, adequate solar resources and a suitable site with willing landowners. As a result, applicants respectfully request the Commission modify Paragraph 320 as follows:

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.

M. Unavoidable Impacts

Paragraph 325 of the Report state “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.”⁶²

As an initial matter, and as noted at several points above, the total area of prime farmland impacted by the Project is 1,392.8 acres,⁶³ rather than “nearly 2,000” stated in the Report. Furthermore, and for the reasons stated in Section III above, Applicants are not “in violation of the Prime Farmland rule.” As noted, Applicants have demonstrated the lack of feasible and prudent alternatives – including in accordance with past Commission precedent and the Prime Farmland Rule Guidance – such that the Prime Farmland Rule does not preclude citing the Project as proposed.⁶⁴ Accordingly, Applicants respectfully request that the Commission modify Paragraph 325 as follows:

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.~~

N. Irreversible and Irretrievable Commitments of Resources

At Paragraph 329, the Report expresses doubt that agricultural land used for the Project will be restored following the life of the Project.⁶⁵ The Report further maintains that reversion to agricultural land will be difficult to the extent that the Project remains profitable; here, and noting the opportunity of Applicants to request an extension to the term of the Project, the Report states “the notion that the Land Control Area will only be taken out of agricultural production temporarily is speculative.”⁶⁶

First, the Report fails to discuss or analyze the efficacy of mitigation and DSP conditions designed specifically to facilitate reversion of the land to agricultural uses – including the AIMP approved

⁶² Report at ¶ 325 (June 12, 2026) (eDockets No. [20266-232834-01](#)).

⁶³ SLS-21 at 7 & 13 (SPA Amendment).

⁶⁴ See Section III, *supra*.

⁶⁵ Report at ¶ 329 (June 12, 2026) (eDockets No. [20266-232834-01](#)).

⁶⁶ Report at ¶ 329 (June 12, 2026) (eDockets No. [20266-232834-01](#)).

by the MDA. The Report's statement that "it will be extremely difficult to convert back to agricultural production", therefore, is conclusory and unsupported by the Record.

Next, whether the Project is temporary or otherwise limited by the 30-year permit term is not speculative. Sections 14 of both the Solar Facility DSP and BESS DSP provide that the permits will expire in 30 years.⁶⁷ Any modifications to permit terms and conditions, including the expiration date, must be done in accordance with the Solar Facility DSP and BESS DSP which, among other things, affords "the Permittee and interested persons such process as is required under Minn. R. 7850.4900."⁶⁸ Here, the default result is the expiration of the permit; Applicants, furthermore, must follow the processes outlined in the DSPs for permit modification to proceed. As a result, applicability and effect of the 30-year expiration is not speculative. Accordingly, Applicants respectfully request that the Commission modify Paragraph 329 as follows:

~~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.~~

O. Cumulative Impacts and Cumulative Potential Effects

Report finding at paragraph 333 notes the potential cumulative effects of the light generated by the Project when combined with the Nobles Substation and the previously planned NCPDP.⁶⁹

As to the NCPDP, and for the reasons described in greater detail in Section I above, that project can no longer proceed and will have no impacts in or near the Project.

The Report then cites to public comments provided after scoping and during the comment period on the EA emphasizing lighting impacts from the Nobles Substation.⁷⁰ Applicants clarified in response to hearing comments, however, that the Nobles Substation was, at least at that time, under construction and further that the increased lighting at night was likely associated with those construction activities.⁷¹ Indeed, these specific lighting impacts from the Nobles Substation were not brought up during the scoping comment period, strongly suggesting they did not exist during the scoping comment period. Here, the record supports the conclusion that the noted lighting impacts are temporary and are not reasonably expected to continue after construction is completed. These impacts, therefore, are not properly included within the cumulative effects analysis.⁷² Even

⁶⁷ Ex. PUC-28 at 165 & 194 (EA).

⁶⁸ Ex. PUC-28 at 164 & 193-94 (EA).

⁶⁹ Report at ¶ 333 (June 12, 2026) (eDockets No. [20266-232834-01](#)).

⁷⁰ Report at ¶ 333 (June 12, 2026) (eDockets No. [20266-232834-01](#)).

⁷¹ Response to Hearing Comments at 7 (May 4, 2026) (eDockets No. [20265-231446-0](#)).

⁷² Minn. R. 44100.0200, subp. 11a.

assuming, moreover, that the Nobles Substation lighting impacts are properly included within a cumulative effects analysis, the record demonstrates the incremental increase in lighting impacts resulting from the Project will be minimal.

For these reasons, Applicants respectfully request the Commission strike Paragraph 333 from the Report.

In Paragraph 334, the Report also raises potential cumulative noise effects from the Project combined with the Nobles Substation and wind turbines.⁷³ To the extent that these other projects exceed applicable standards, the Record supports the conclusion that any incremental increase in noise resulting from the Project will be negligible. Specifically, the Noise Study at Exhibit C to the EA found that the impact on the closest receptor, and therefore the greatest anticipated impact, would be only 42.2 dBA. This is well under the 50 dBA regulatory threshold and is equivalent to the noise generated by a quiet room.⁷⁴

The Record supports the conclusion that the cumulative potential effects of the Project combined with other infrastructure in the area will be minimal. Applicants respectfully request that the Commission strike Paragraph 334 from the Report.

The Report at Paragraph 336 again states that the NCPDP should be considered a phased action with the Project or that the EA otherwise fails to adequately analyze the cumulative effects of the data center with the Project.⁷⁵ For the reasons stated at the outset of this section, and also in Sections I, II, and VI.A & D-E, *above*, the previously planned NCPDP was evaluated in the EA, is no longer possible near Reading, Minnesota, and is not a phased action with the Project. Accordingly, Applicants respectfully request that the Commission revise Paragraph 336 as follows:

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 **not** 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 NCPDP in terms of noise, light, water and land use, among other concerns.~~

Finally, Paragraph 337 again raises concerns that the cumulative effect of the Project on agricultural land use and lighting caused by the Project and the Nobles Substation will be significant.⁷⁶ The EA properly evaluates the impacts of the Project on agricultural land and also considers the cumulative impacts of the Project and other potentially proposed projects on existing agricultural land. It is unreasonable to require historic losses of agricultural land due to past

⁷³ Report at ¶ 334 (June 12, 2026) (eDockets No. [20266-232834-01](#)).

⁷⁴ Ex. SLS-24 at 11 (SPA Amendment - Appendix C); Ex. PUC-28 at 56 (EA).

⁷⁵ Report at ¶ 336 (June 12, 2026) (eDockets No. [20266-232834-01](#)).

⁷⁶ Report at ¶ 337 (June 12, 2026) (eDockets No. [20266-232834-01](#)).

industrial development and the Project's overall contribution to that historic loss of agricultural land. It is not clear whether such data exists or from what time period the baseline agricultural land data should be established, upon plowing of the native prairie or some point thereafter. For the same reasons described above in this section's discussion on Paragraph 333, lighting impacts at the Nobles Substation are the temporary result of construction activities, are not properly included in the cumulative effects analysis, and in any event the incremental effect of lighting from the Project will be mitigated by site permit conditions and will be minimal. Accordingly, Applicants respectfully request that the Commission strike Paragraph 337.

P. Site Permit Conditions

Paragraph 342 describes the ALJ's recommendation that a Solar DSP section 5.8 detailing the CIMA be included as a condition. For the reasons described above in Sections IV and V, Applicants are amendable to an order point memorializing Summit Lake Solar's charitable giving commitments to the community and proposed order language that could be adopted by the Commission as detailed in Section V above. Accordingly, and for the reasons stated previously, if the Commission determines it necessary to include Summit Lake Solar's local donations as an order point or permit condition, Applicants respectfully request that the Commission modify Report paragraph 342 as follows:

342. 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. The Project will not have a disproportionate impact to low-income or minority populations. 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. 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. However, community benefit agreements have been used in several states to address these tradeoffs. Public comments regarding the project were primarily in opposition to the Project, although a few residents expressed support for the Project. 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. 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. The Commission has declined to include a similar condition in a final permit in a recent permitting matter. The Commission has also included a similar condition in a final permit in another recent permitting matter. **Summit Lake Solar has committed to contributing \$250/MW of the installed nameplate capacity of the Solar Facility, beginning on the first anniversary of the commercial operation date and continuing through 20 years of commercial operation of the Solar Facility. Such contributions shall be provided to a local foundation such as the Southwest Initiative Foundation (SWIF - <https://swifoundation.org/>) or a similar local organization with a community grant program to fund activities of local qualified applicants undertaken for the benefit of the community.** ~~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.~~ **It is reasonable to adopt Summit Lake Solar's charitable giving commitment as an order point, in lieu of Section 5.8 of the Solar DSP, according to the following language:**

Summit Lake Solar shall provide annual charitable contributions equivalent to \$250/MW of the installed nameplate capacity of the Solar Facility, beginning on the first anniversary of the commercial operation date and continuing through 20 years of commercial operation of the Solar Facility. Such contributions shall be provided to a local foundation such as the Southwest Initiative Foundation (SWIF - <https://swifoundation.org/>) or a similar local organization with a community grant program to fund activities of local qualified applicants undertaken for the benefit of the community. The Permittee shall keep records regarding this permit condition and provide them upon request of Commission staff.

Paragraph 346 states “No condition has been identified that could mitigate the loss of prime farmland proposed by Applicants.”⁷⁷ On the contrary, as noted in the finding at Paragraph 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 Vegetation Management Plan (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). In fact, the AIMP was reviewed and approved by MDA.⁷⁸ Accordingly, Applicants request the deletion of the finding at Paragraph 346.

Q. Environmental Review

Paragraphs 353 and 356 cite to and describe the “cumulative impact” definition and standard at Minn. R. 44100.0200, subp. 11.⁷⁹ At the same time, however, Paragraphs 354 and 355 cite and describe the “cumulative potential effect” standard at Minn. R. 44100.0200, subp. 11a.⁸⁰

Only the “cumulative potential effect” standard should apply to the Project, if any. The Report’s discussion on these impacts relies on the Minnesota Supreme Court’s holding in *Citizens Advocating Responsible Development v. Kandiyohi County* 713 N.W.2d 817 (Minn. 2006). The Court there clarifies that the cumulative potential effects and cumulative impacts standards apply to separate situations. “Specifically, the term ‘cumulative impact’ appears in the criteria for generic EIS determinations, while the term ‘cumulative potential effects’ appears in the criteria for project-specific EIS determinations.”⁸¹ Here, the present matter implicates project-specific environmental

⁷⁷ Report at ¶ 346 (June 12, 2026) (eDockets No. [20266-232834-01](#)).

⁷⁸ Minnesota Department of Agriculture Comments (February 26, 2025) (eDockets No. [20252-215789-01](#)).

⁷⁹ Report at ¶¶ 353 & 356 (June 12, 2026) (eDockets No. [20266-232834-01](#)).

⁸⁰ Report at ¶¶ 354 & 355 (June 12, 2026) (eDockets No. [20266-232834-01](#)).

⁸¹ *Citizens Advocating Responsible Dev. v. Kandiyohi Cnty. Bd. of Com'rs*, 713 N.W.2d 817, 826 (Minn. 2006)

review and, therefore, the “cumulative potential effects” definition and standard applies, rather than “cumulative impacts.” Indeed, the EA itself correctly uses the cumulative potential effects standard at Minn. R. 4410.0200 subp. 11a.⁸² Accordingly, Applicants respectfully request the Commission strike paragraphs 353 and 356 from the Report.

The Report generally states at paragraph 357 that the EA’s cumulative impact or cumulative potential effects analysis is flawed, including for failing to account for the cumulative impacts of the NCPDP. These exceptions describe in detail why the EA’s cumulative effects analysis is adequate. Accordingly, Applicants respectfully request the Commission strike paragraphs 357 from the Report.

VII. Conclusions of Law

Paragraph 6 of the Report’s conclusions of law maintains that Applicants have failed to satisfy criteria for the issuance of a site permit for either the BESS or Solar Facility. As an initial matter, and to the extent that the Report takes issue with the EA’s prime farmland analysis and the Projects compliance with the prime farmland rule, those considerations are inapplicable to the BESS, which is not located on prime farmland. Regardless, the foregoing demonstrates that Applicants have otherwise satisfied the remaining criteria. Accordingly, Applicants respectfully request the Commission modify Paragraph 6 of the Report’s Conclusions of Law as follows:

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.

Paragraph 7 of the Report’s Conclusions of Law state that Applicants failed satisfy the Prime Farmland Rule by failing to establish the lack of a “reasonable or prudent” alternative and otherwise failing to justify the selected location based on non-economic bases. As described above in Sections III and VI.B-C, G, K-M, Applicants satisfied the Prime Farmland Rule including, *inter alia*, by appropriately and properly establishing the lack of a “feasible and prudent” alternative based on non-economic factors. Accordingly, Applicants respectfully request that the Commission modify Paragraph 7 of the Report’s Conclusions of Law as follows:

7. Applicants have ~~not~~ established there is no ~~reasonable or~~ **feasible and** prudent alternative to siting the Solar Facility on prime farmland ~~or~~ **and** that siting the Solar Facility on prime farmland is supported by considerations other than economic ones, **in accordance with** ~~contrary to~~ Minn. R. 7850.4400, subp. 4 (2023).

Finally, Paragraph 8 of the Report’s Conclusions of Law states that the record does not support the lack of significant environmental effects “pursuant to the Minnesota Environmental Rights Act and Minnesota Environmental Policy Act.” First, nothing in the Minnesota Environmental Rights Act (MERA) mentions or prescribes any requirements related to “significant environmental effects.” Rather, MERA permits individuals to “maintain a civil action ...against any person, for

⁸² Ex. PUC-28 at 101-02 (EA). While the he scooping decision uses the term “cumulative impact”, the EA itself applies the “cumulative potential effect” standard at Minn. R. 4410.0200 subp. 11a. It appears that the scooping decision simply conflated the two terms. This is especially so in light of *Citizens Advocating Responsible Development*, 713 N.W.2d 817, which, as noted, states cumulative potential effects standard is applicable to project-specific analyses.

the protection of the air, water, land, or other natural resources located within the state.”⁸³ It says nothing regarding the level of analysis required in environmental review conducted as part of an agency permitting process, nor does it prescribe specific environmental outcomes for permitted activities. Similarly, the Minnesota Environmental Policy Act (MEPA) does not mandate environmental outcomes – that is, it does not require that government actions avoid significant impacts as contemplated by Paragraph 8. Instead, MEPA prescribes requirements for environmental review when a proposed action will have significant effects on the environment.⁸⁴ In other words, neither MEPA nor MERA prohibit government actions from proceeding if they pose significant environmental effects. Environmental review prescribed by MEPA, moreover, is inapplicable to site permits issued under the alternative process, “[t]he environmental assessment shall be the only state environmental review document required to be prepared on the project.”⁸⁵

Regardless, the EA does not identify significant environmental effects that cannot be mitigated by permit conditions. Aside from the issues detailed in the Report, and which are addressed above in Sections I-III, and VI.E-K, M-O, & Q, the Report otherwise fails to describe, even in general terms, how the EA does not support its conclusions as to a lack of significant Project impacts. Accordingly, Applicants respectfully request that the Commission modify Paragraph 8 of the Report’s Conclusions of Law as follows:

8. The record is insufficient to determine the Project does not present the potential for significant adverse environmental effects **that are not otherwise mitigated by site permit conditions** pursuant to the Minnesota Environmental Rights Act or the Minnesota Environmental Policy Act.

VIII. Recommendations

For the reasons stated above, including, but not limited to, as set out in Sections I-III above, the EA’s analysis of cumulative effects and impacts of the Project on agriculture and the region’s cultural character are adequate and supported by the Record. Also as described full in Section II, the NCPDP and the Project are not “phased actions” for the purpose of environmental review. Accordingly, Applicants respectfully request that the Commission strike Paragraph 1 of the Report’s recommendations.⁸⁶

Additionally, and based on the foregoing, Applicants respectfully request that the Commission modify Recommendations 2 and 3 of the Report as follows:

2. The Commission should ~~DENY~~ **GRANT** Summit Lake Solar a Site Permit for the Solar Facility because required legal criteria have ~~not~~ been met.

3. The Commission should ~~DENY~~ **GRANT** Summit Lake Storage a Site Permit for the BESS because required legal criteria have ~~not~~ been met.

⁸³ Minn. Stat. 116B.03.

⁸⁴ Minn. Stat. 116D.04, subp. 2a.

⁸⁵ Minn. Stat. 216E.04, subp. 5.

⁸⁶ Report at p. 63, ¶ 1 (June 12, 2026) (eDockets No. 20266-232834-01)

CONCLUSION

As demonstrated above, the EA adequately and properly analyzes the site permitting criteria laid out in Minn. Stat. § 216E.03, subd. 7, including, *inter alia*, the cumulative effects of the Project and the impacts of the Project to agriculture in the region. Additionally, and also as set out above, Applicants otherwise complied with the prime farmland rule by demonstrating the lack of a feasible and prudent alternative as required by law and in accordance with applicable guidance. These EA's analyses on these issues is supported by the record before the Commission. The Applicants appreciate the Commission's consideration of these Exceptions. The Project is needed to serve local load and support ongoing and future development in Nobles County, and Summit Lake Solar and Summit Lake Storage respectfully request that the Commission grant a site permit for the Solar Facility and a site permit for the BESS.

Dated: June 26, 2026

Respectfully submitted,

s/ Jeremy P. Duehr

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Attorneys for Applicants

**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**

CERTIFICATE OF SERVICE

**MPUC Docket Nos. IP-7153/GS-25-89;
ESS-25-88
CAH Docket Number: 21-2500-41031**

Breann L. Jurek certifies that on the 26th day of June, 2026, she e-filed on behalf of Summit Lake Solar, LLC and Summit Lake Storage, LLC, a true and correct copy of the Exceptions to Findings of Fact, Conclusions of Law, and Recommendations with the Minnesota Public Utilities Commission via eDockets (www.edockets.state.mn.us). Said document was also served as designated on the Official Service Lists on file with the Minnesota Public Utilities Commission and as attached hereto.

Executed on: June 26, 2026

Signed: /s/ Breann L. Jurek

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Suite 1500
Minneapolis, MN 55402

#	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
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11	Kimberly	Middendorf	kimberly.middendorf@state.mn.us		Office of Administrative Hearings	PO Box 64620 600 Robert St N Saint Paul MN, 55164-0620	Electronic Service		Yes	25-89 Official CC Service List

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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

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12	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	25-88 Official CC Service List
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